

# **THE “SIXTH DIVISION”**

**Military-paramilitary Ties and U.S. Policy in Colombia**

**Human Rights Watch**

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## LIST OF ABBREVIATIONS

ASFADDES: Association of Relatives of Detainees and Missing Persons  
AUC: United Self-Defense Groups of Colombia  
CCJ: Colombian Commission of Jurists  
CINEP: Center for Research and Popular Education  
CNP: Colombian National Police  
CODHES: Advisory Office for Human Rights and Displacement  
COEMM: Middle Magdalena Special Operative Command of the Colombian National Police  
CREDHOS: Regional Corporation for the Defense of Human Rights  
CTI: Technical Investigation Unit of the Office of the Attorney General  
CUT: Trade Union Confederation  
DAS: Administrative Department of Security  
Defensoría del Pueblo: Public Advocate  
EUM: End-Use Monitoring report  
FARC-EP: Revolutionary Armed Forces of Colombia-People's Army  
Fiscalía General de la Nación: Attorney General's Office  
GRUDH-INSGE: Colombian National Police Human Rights Office  
IACHR: Inter-American Commission on Human Rights of the Organization of American States  
ICRC: International Committee of the Red Cross  
INL: U.S. State Department Bureau for International Narcotics and Law Enforcement Affairs  
INPEC: National Prison System Institute  
MAS: Death to Kidnappers  
MINGA: Association for the Promotion of Social Alternatives  
OFP: Popular Women's Organization  
ONDCP: White House Office of National Drug Control Policy  
PBI: Peace Brigades International  
Procuraduría General de la Nación: the government's Internal Affairs agency  
UNHCHR: United Nations High Commissioner for Human Rights  
UC-ELN: National Liberation Army-Camillist Union  
UNICEF: United Nations Children's Fund  
USAID: U.S. Agency for International Development 86

## I. SUMMARY AND RECOMMENDATIONS

The “Sixth Division” is a phrase used in Colombia to refer to paramilitary groups. Colombia’s Army has five divisions, but many Colombians told Human Rights Watch that paramilitaries are so fully integrated into the army’s battle strategy, coordinated with its soldiers in the field, and linked to government units via intelligence, supplies, radios, weapons, cash, and common purpose that they effectively constitute a sixth division of the army.

Clearly, Colombia is more complex than this perception implies. President Andrés Pastrana, his vice president, Colombian government ministers, diplomats, and top generals alike publicly denounce paramilitary groups. Increasingly, paramilitary fighters are arrested. This is a stark contrast to years past, when military commanders denied that paramilitaries even existed and government officials were largely silent about their activities. Today, Colombian officials routinely describe paramilitaries as criminals, an advance Human Rights Watch acknowledges.

Nevertheless, the reference to the “sixth division” reflects a reality that is in plain view. Human Rights Watch has documented abundant, detailed, and compelling evidence that certain Colombian army brigades and police detachments continue to promote, work with, support, profit from, and tolerate paramilitary groups, treating them as a force allied to and compatible with their own.

At their most brazen, the relationships described in this report involve active coordination during military operations between government and paramilitary units; communication via radios, cellular telephones, and beepers; the sharing of intelligence, including the names of suspected guerrilla collaborators; the sharing of fighters, including active-duty soldiers serving in paramilitary units and paramilitary commanders lodging on military bases; the sharing of vehicles, including army trucks used to transport paramilitary fighters; coordination of army roadblocks, which routinely let heavily-armed paramilitary fighters pass; and payments made from paramilitaries to military officers for their support.

In the words of one Colombian municipal official, the relationship between Colombian military units, particularly the army, and paramilitaries is a “marriage.”

Based on the evidence in this report, we contend that officers at the brigade and battalion level and in some police detachments routinely flout, ignore, or circumvent orders from above to break ties to paramilitaries. In violation of the law and the directives of their superiors, these officers continue close and regular relationships with the groups responsible for most human rights violations in Colombia.



Human Rights Watch holds the Pastrana administration responsible for its dramatic and costly failure to take prompt, effective action to establish control over the security forces, break their persistent ties to paramilitary groups, and ensure respect for human rights. To date, the government's efforts have been ineffective or, in some cases detailed in this report, wholly absent. Even as President Pastrana publicly deplores successive atrocities, each seemingly more gruesome than the last, the high-ranking officers he commands fail to take the critical steps necessary to prevent future killings by suspending security force members suspected of abuses, ensuring that their cases go before civilian judicial authorities, and pursuing and arresting paramilitaries.

For many Colombians, the existence of a "sixth division" translates into a daily terror that is impossible to evoke in these pages. Heavily armed paramilitaries move virtually unimpeded, captured paramilitary leaders elude detention with ease, and government forces make no more than token efforts to pursue or capture paramilitaries even when they are in major cities, footsteps away from military or police bases, and engaged in macabre caravans of death. Soldiers even tell civilians that paramilitaries will follow in their wake, prompting panic and forced displacement. Witnesses brave enough to testify about the "sixth division" and its links to the security forces are threatened or murdered with numbing precision.

Meanwhile, paramilitaries give exclusive interviews to dozens of journalists, address presidents, international academics, and European government ministers, meet with high-level government officials, and even claim responsibility for their crimes and promise more, methodically expanding a reign of fear town after town, street after street, home after home, heart after heart.

In this report, Human Rights Watch focuses on three Colombian Army brigades. We also include information linking some police detachments with support and tolerance for paramilitary groups:

**Twenty-Fourth Brigade:** Human Rights Watch has collected evidence that in 1999 and 2000, the Twenty-Fourth Brigade based in Putumayo department actively coordinated operations with paramilitaries and some officers in charge of troops received regular payment from paramilitaries for their cooperation. This relationship persisted even as the U.S. planned and implemented its "push into southern Colombia" in the region under Twenty-Fourth Brigade control. The Colombian counternarcotics battalions created by U.S. security assistance and funding and trained by the U.S. military actively coordinated with the Twenty-Fourth Brigade, using its facilities, intelligence, and logistical support, during the "push into southern Colombia."

**Third Brigade:** Building on evidence included in previous reports, Human Rights Watch has collected new information that the Third Brigade, based in Cali, Valle, has continued to promote, coordinate with, and assist paramilitaries in southwestern Colombia. According to testimony that Human Rights Watch collected, Third Brigade officers maintained constant communication with paramilitaries in the field using cellular phones and radios. Soldiers also reportedly “moonlighted” as paramilitaries, and paramilitaries stayed on military bases and used military transportation. Soldiers also regularly threatened civilians by telling them that paramilitary forces would follow Colombian Army troops and carry out atrocities in their wake.

**Fifth Brigade:** The area under the jurisdiction of the Fifth Brigade, based in Bucaramanga, Santander, was the scene of a recent and successful paramilitary offensive. Paramilitaries seized control of over a dozen towns along the Magdalena River, meeting virtually no resistance or even response from the Colombian security forces. Paramilitaries made their first-ever bid to conquer a major city, Barrancabermeja. Even as paramilitary fighters take over whole neighborhoods and issue threats, local military and police authorities remain largely passive, using excuses to elude responsibility for taking effective action.

Some government officials – the Attorney General (Fiscal), the members of his Human Rights Unit, investigators in the Attorney General’s Technical Investigation Unit (Cuerpo Técnico de Investigaciones, CTI), the Public Advocate (Defensoría), and the Colombian National Police (CNP) leadership -- have taken action against paramilitaries. They have chronicled their abuses, arrested paramilitary leaders, seized their weapons, and prevented some massacres. But their actions have been consistently and effectively undermined, canceled out, or in some cases wholly reversed by actions promoted by the military-paramilitary alliance.

Eyewitnesses, municipal officials, and even the government’s own investigators routinely delivered to the security forces detailed and current information about the exact location of paramilitary bases; license plates, colors and types of paramilitary vehicles; cellular telephone and beeper numbers used by paramilitaries; and the names of paramilitaries. Yet despite dozens of “early warnings” of planned atrocities, paramilitaries advanced, killed, mutilated, burned, destroyed, stole, and threatened with virtual impunity, often under the very noses of security force officers sworn to uphold public order.

In this report, Human Rights Watch describes several cases where the security forces, in particular the military, have not moved against paramilitaries or have engaged in actions that produced only delays and allowed paramilitaries to

continue their activities with impunity. Troops arrived at the sites of serious abuses committed by paramilitaries only to count bodies, photograph damages, and make excuses for their failure to protect civilians and capture the paramilitaries responsible for abuses. Meanwhile, hundreds of arrest warrants against paramilitary leaders remain unenforced because the military has chosen not to execute them.

Important Colombian government offices – the Vice Presidency, the Interior Ministry, the Defense Ministry, and especially the Armed Forces themselves – have failed to take the decisive action necessary to address this serious situation. Instead, they have dedicated a great deal of energy and time to a public relations effort purporting to show that the military has made progress against paramilitaries. Human Rights Watch has reviewed many of the hundreds of reports, graphs, statements, press releases, pamphlets, posters, alerts, and Colombian government statistical reviews that make up this effort. However, Human Rights Watch found that much of this information is misleading or partial and does not reflect an objective analysis or accurate reflection of what is happening on the ground. The gulf between words and effective action remains vast.

Human Rights Watch addresses part of this report to U.S. policy in Colombia. U.S. law, known as the Leahy Provision, prohibits military aid from going to security force units engaged in abusive behavior until effective steps are taken to bring perpetrators to justice. In addition, the U.S. Congress included human rights conditions specific to Colombia in an aid package that provided dramatically increased military aid to the country beginning in 2000. In repeated interviews with Human Rights Watch, U.S. officials in Colombia and Washington have shown that they are aware of the "sixth division" and its pernicious effect on human rights.

However, Human Rights Watch contends, the U.S. has violated the spirit of its own laws and in some cases downplayed or ignored evidence of continuing ties between the Colombian military and paramilitary groups in order to fund Colombia's military and lobby for more aid, including to a unit implicated in a serious abuse. On August 22, 2000, President Bill Clinton signed a waiver that lifted the human rights conditions imposed by the U.S. Congress, in essence allowing security assistance to be provided to the Colombian military even as the State Department reported that some of its units continued to be implicated in support for paramilitary groups.

With one signature, the White House sent a direct message to Colombia's military leaders that overshadowed any other related to human rights. Put simply, the message was that as long as the Colombian military cooperated with the U.S. antidrug strategy, American officials would waive human rights conditions and skirt their own human rights laws.

Judged by the Colombian military's behavior in the field – not by rhetoric or public relations pamphlets – its leaders understood this message clearly. Even as Colombia's high command has agreed to scrub some units for human rights problems, the rest of the military appears to have a virtual carte blanche for continued, active coordination with the paramilitary groups responsible for most human rights violations in Colombia.

As we document, despite credible evidence linking a Colombian Air Force unit to an attack that killed seven children and was never properly investigated or punished, the U.S. has not suspended aid to this unit, required by law. The law requiring suspension is not subject to any waiver. In addition, there is compelling evidence of ties between paramilitaries and Colombian military units deployed in an antinarcotics campaign in southern Colombia, allowing U.S.-funded and trained troops to freely mix with units that maintain close ties with paramilitaries.

The Colombian government's failure to effectively address the problem of continuing collaboration between its forces and abusive paramilitaries and military impunity has contributed to a continuing, serious deterioration in human rights guarantees. In 2000, political violence sharply increased in Colombia, the result of paramilitary attacks on civilians they claim are sympathetic to guerrillas and guerrilla attacks on civilians they claim are sympathetic to paramilitaries. According to the Colombian National Police annual review, the number of massacres they recorded in 2000 increased by 22 percent over the previous year, most the work of paramilitaries who continue to enjoy, at the very least, the tolerance of the Colombian Armed Forces. In 2000, an estimated 319,000 people were forced to flee their homes, the highest number of displaced persons recorded in the last five years. In the words of the Colombian Commission of Jurists, these increases are "a dramatic reflection of the barbarity that we are seeing every day in Colombia."

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**RECOMMENDATIONS****The Colombian government should:**

- < effectively combat paramilitaries and permanently dismantle paramilitary organizations by capturing leaders and prosecuting and punishing those responsible for forming, organizing, leading, belonging to, assisting, and financing paramilitary groups, including the security force members who take part in this activity;
- < ensure that impunity no longer protects those responsible, by action or tolerance, for human rights and international humanitarian law violations. The Colombian government should fortify efforts to effectively combat paramilitary groups and ensure that suspects, including government members, are prosecuted in civilian courts;
- < take urgent measures to strengthen the protection of judicial officials, victims, and witnesses to cases by dedicating the necessary resources to their protection;
- < order the military to cease asserting jurisdiction over cases that involve allegations of human rights and international humanitarian law violations, both of which belong before civilian courts. In this regard, the new Military Penal Code and Civilian Penal Code should be interpreted and enforced in a way that reflects Colombia's responsibilities under the international treaties to which Colombia is a party and the rulings of Colombia's Constitutional Court;
- < fully implement existing plans and laws designed to protect and assist the forcibly displaced;
- < strengthen the Interior Ministry's program for the protection of human rights defenders and trade unionists, providing it with the resources necessary to address demand. The Colombian government should commission an external evaluation of the program to review its results and the problems it faces, and implement recommendations to improve performance;
- < adopt urgent measures necessary to effectively protect indigenous, community, and ethnic leaders who have been threatened;

- < ensure that security force members and civilians arrested in connection with allegations of human rights or international humanitarian law violations are held in secure facilities within civilian prisons, with special measures taken to prevent escapes;
- < reform the rules governing investigations and disciplinary proceedings carried out by the Procuraduría, the government's Internal Affairs agency that oversees the conduct of government employees, including members of the military and police. Currently, delays in investigation mean that many Internal Affairs investigations into serious human rights crimes must be shelved due to excessively short statutes of limitations, further limited by the passage of Security Law 81. Also, the crime of murder is not included within the code of infractions as a reason for dismissal. The Internal Affairs agency's powers of dismissal should be expanded to permit it to dismiss members of the security forces found to have committed murder. Currently, the maximum punishment allowed is a "severe reprimand," simply a letter in the individual's employment file;
- < significantly increase funding for the Attorney General's Human Rights Unit, including its witness protection program, travel, communications equipment, security, and evidence-gathering capability. The work of the Attorney General's office has contributed significantly to the protection of human rights and accountability for serious crimes, including crimes committed by Colombia's guerrillas. Yet prosecutors and investigators find their budgets cut dramatically and lack the resources to fully investigate cases assigned to them;

**The United States Government Should:**

- < place country-specific human rights conditions on all security assistance to Colombia that must be met before aid is released. Among other conditions, the law should require that Colombia show tangible results in breaking ties between its security forces and paramilitary groups, purging and prosecuting officers who work with paramilitaries or tolerate their activity, and ensuring that civilian courts maintain jurisdiction over human rights and international humanitarian law crimes committed by members of the security forces. This last condition reflects an August 1997 Colombian Constitutional Court ruling, which required that all cases involving crimes against humanity and gross

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human rights violations, including the aiding and abetting of paramilitary groups, be heard in civilian courts;

- < consistently and strictly enforce the Leahy Provision. Security force units against whom there is credible evidence of human rights violations, including the aiding and abetting of paramilitary groups, should be disqualified for receipt of U.S. security assistance or training until effective measures are taken to investigate and punish violations. Effective measures must be more than the simple transfer out of a unit of the implicated individual. To satisfy the Leahy Provision, that individual must face an investigation and possible prosecution in civilian courts;
- < apply the Leahy Provision to all intelligence-sharing to ensure that intelligence is not shared with or received from Colombian security force units that abuse human rights or passed to paramilitary groups that violate human rights;
- < require a section on the monitoring of country-specific human rights conditions and the application of the Leahy Provision in the State Department's annual report on human rights;
- < increase financial support for programs that strengthen human rights, including the Attorney General's Human Rights Unit and protection for human rights defenders. Funds should not be subject to any conditions and should be disbursed in a prompt and effective fashion even if security assistance is halted because Colombia has failed to meet human rights conditions;
- < appoint a full-time, civilian official in the U.S. Embassy in Bogotá whose duties are to oversee, administer, and ensure the prompt delivery of human rights assistance;
- < increase civilian staff and resources assigned to the U.S. Embassy and State Department to vet Colombian security force units for compliance with human rights conditions. Staff should be required to meet frequently with not only Colombian military and government sources of information, but also independent human rights groups, the church, and aid organizations. The goal must be to gather as much reliable information as possible about reported human rights violations;

- < review all visas granted to Colombian security force personnel and ensure that individuals against whom there is credible evidence of human rights abuse or support for paramilitary groups have their visas revoked or are denied visas to enter the United States;
  
- < include in all U.S. military advice and training detailed instruction regarding the obligation of all members of the military and security forces to uphold Common Article 3 of the Geneva Conventions and Protocol II Additional to the Geneva Conventions, international agreements that provide rules for internal conflicts. Training should include hypothetical situations that reflect Colombian reality, including the presence of paramilitary groups. Students should be closely evaluated on their understanding and application of international humanitarian law. Specialists from the International Committee of the Red Cross (ICRC) should be invited to contribute to such training, and all existing training materials should be reviewed in coordination with ICRC representatives, the office of the Public Advocate, the office of the U.N. High Commissioner for Human Rights, the Colombian Attorney General, and a representative of independent human rights groups to ensure that they reflect the highest standards of protection for human rights and international humanitarian law.



## II. THE “SIXTH DIVISION”: A PATTERN OF SUPPORT

*The State does not exist as such. The only thing that is reality is the attack. You don't know if they are paramilitaries, the Army, the Navy, or the guerrillas. All of them are fearsome and arbitrary.*

- “Mirta,” a black activist from the Pacific coast

On January 17, 2001, an estimated fifty paramilitaries pulled dozens of residents from their homes in the village of Chengue, Sucre.

“They assembled them into two groups above the main square and across from the rudimentary health center,” the *Washington Post* later reported. “Then, one by one, they killed the men by crushing their heads with heavy stones and a sledgehammer. When it was over, twenty-four men lay dead in pools of blood. Two more were found later in shallow graves. As the troops left, they set fire to the village.”<sup>1</sup>

Among the reported dead was a sixteen-year-old boy, whose head was severed from his body.<sup>2</sup>

The *Washington Post* reporter interviewed more than two dozen residents who said that the Colombian military helped coordinate the massacre by providing safe passage to fighters who identified themselves as paramilitaries. They said that the military sealed off the area by conducting a mock daylong battle, allowing the paramilitaries to search out and kill the Colombians they had targeted for death.<sup>3</sup>

Months earlier, local authorities warned military, police, and government officials that paramilitaries planned to carry out a massacre. Yet their pleas for protection proved futile.<sup>4</sup> Even as paramilitaries moved toward Chengue to commit

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<sup>1</sup> Scott Wilson, “Chronicle of a Massacre Foretold,” *Washington Post*, January 28, 2001.

<sup>2</sup> “Masacradas 25 personas,” *El Tiempo*, January 18, 2001.

<sup>3</sup> A response circulated anonymously by the Colombian military accused Wilson of “dark interests plagued with bad intentions, whose objective is concentrated on manipulating the truth of events and damaging the Colombian Armed Forces and at the same time throwing mud at military officers,” a fairly typical reaction to reports of military-paramilitary collaboration that did not challenge a single fact or eyewitness testimony presented in the article. Scott Wilson, “Chronicle of a Massacre Foretold,” *Washington Post*, January 28, 2001.

<sup>4</sup> Letter from residents of Chengue, Don Gabriel, and Salitral, Sucre, Ovejas Personería, to President Andrés Pastrana, October 6, 2000.

the massacre, timely information from local police on their vehicles, whereabouts, and direction was ignored by military commanders responsible for the area.<sup>5</sup>

Months later, Navy soldier Rubén Darío Rojas was arrested and charged with supplying weapons to paramilitaries and helping coordinate the attack. In addition, Colombia's Internal Affairs agency filed disciplinary charges against Brig. Gen. Rodrigo Quiñones and five other security force officers for allegedly ignoring detailed information about paramilitary movements in the area and taking no measures to prevent paramilitaries from committing the massacre. At the time, Quiñones was the commander of the first Naval Brigade, responsible for the Chengue region.<sup>6</sup>

The Chengue case is far from unusual. Human Rights Watch received similar accounts of abuses from dozens of eyewitnesses, government investigators, human rights defenders, and journalists in 2000 and during a mission to Colombia in January 2001, when the Chengue massacre took place. Consistently, the accounts described Colombia's security forces, in particular the Colombian Army, as tolerating, supporting, and in some regions actively coordinating with paramilitaries. Even as Colombia's elected authorities and military high command claimed to promote human rights, Human Rights Watch found abundant, credible evidence of continued collaboration with and support for the paramilitary groups responsible for most human rights violations in Colombia.

"A relationship continues to exist between some parts of the armed forces and paramilitaries," a high level government investigator, who spoke frankly only under conditions of anonymity, told Human Rights Watch. "To the present day, the government still lacks a clear policy for how to combat them."<sup>7</sup>

This relationship is also reflected in increased complaints by citizens of direct government support for paramilitary groups. A recent report by the government's Internal Affairs agency, responsible for investigating and sanctioning

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<sup>5</sup> Human Rights Watch interview with government investigator, August 22, 2001.

<sup>6</sup> The Internal Affairs investigation also opened formal disciplinary proceedings for dereliction of duty against, among others, Navy Colonel Óscar Saavedra, commander of the Fusileros Nº 5 Infantry Battalion; Major Víctor Salcedo, commander of the Navy's Thirty-Third Counter guerrilla Battalion; and Colonel Miguel Yunis, commander of the Navy's Fusileros No. 3 Infantry Battalion. The investigation is on-going. Human Rights Watch interview with Colombian government investigator, Washington, D.C., August 22, 2001; "Tras las rejas," *Cambio*, May 22, 2001; and "Caso Chengue: investigan a un general," *El Espectador*, July 9, 2001.

<sup>7</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

administrative infractions by government officials, found that these complaints have risen over the past several years, led by 149 complaints against the Colombian Army.<sup>8</sup>

In addition, Human Rights Watch continued to register broad tolerance in the military for paramilitary atrocities. Again and again, civilian authorities advised military commanders well in advance of paramilitary massacres, or alerted them even as those massacres were unfolding. Just as reliably, the military failed to act effectively to prevent killings, protect civilians, or pursue perpetrators once massacres began. Instead they pled any number of excuses – weather, distance, danger, overwork, jurisdiction – for inaction. The result, however, was reliably macabre, as civilians found themselves at the mercy of killers who counted on this tolerance to execute, burn, and terrorize.

For civilian authorities struggling to prompt action from the military, the frustration was profound. The following story of a massacre in Llorente, Nariño, was told to Human Rights Watch by a Colombian government official who requested anonymity. According to an eyewitness who this official interviewed, approximately 200 paramilitaries entered Llorente and forced its residents to gather in the central park around one a.m. on March 24, 2001. With them was an indigenous man who appeared badly beaten. This informant began to point at people whom he accused of assisting guerrillas. After about forty people were separated from the crowd of 6,000, the witness said, the paramilitaries forced all forty onto a public bus that they had seized. The paramilitaries then stole several chainsaws from locals.<sup>9</sup>

That same night of the massacre, the governor of Nariño called the commander of the Navy in Tumaco to request his assistance in preventing the massacre. The Commander informed him that he had no knowledge of this matter and that he would investigate the next day. The governor told him that his duty was to go immediately to protect the civilian population. The commander then said that he lacked jurisdiction over the areas, and that the jurisdiction corresponded to the [Colombian Army] battalion in Ipiales [the General José María Cabal Mechanized Cavalry Battalion No. Three] (attention: this battalion is 155 miles away and the Navy base only eighteen miles away). Confronted by this situation, the governor called the Ipiales base commander and this commander told him that at that hour he could do nothing because

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<sup>8</sup> "Aumentan quejas por los 'paras'," *El Espectador*, March 19, 2001.

<sup>9</sup> Electronic mail communication between Human Rights Watch and Colombian government official, 2001.

of the danger to his troops because in this area there were a lot of guerrillas, and so he promised to do it within two days. Faced with this response, the governor called the Third Division commander in Cali, who is responsible for the department of Nariño. The governor warned this general that if there was a massacre, he would be responsible for it through failing to do his duty (omission). In the end, nothing was done. The day after the massacre, the Cali Third Division commander called the governor to tell him that the information that he had was that these were clashes between the paramilitaries and the FARC. This information was released to the press... What really happened is that there was combat [between guerrillas and paramilitaries] afterwards and on the outskirts of the town. The army press release said nothing about the forty people [who were taken away in the bus]. The governor has publicly contradicted the military's version of events. The Army battalion in Ipiales arrived only at 5 p.m. on March 30, that is, six days after the massacre. The Navy never came. For those six days, the paramilitaries remained in control of the town and did not allow anyone to come in, least of all the press. Like in other massacres, the omission or inaction of the military was clear. Also, they gave the paramilitaries plenty of time to leave.

Subsequently, Colombia's Public Advocate (Defensoría del Pueblo), a government office charged with defending the rights of citizens, formally asked the Internal Affairs agency to open a disciplinary investigation of the Third Division for failure to act, which in effect allowed the massacre to take place.<sup>10</sup>

Sources interviewed by Human Rights Watch who had recent, direct contact with the United Self-Defense Forces (Autodefensas Unidas de Colombia, AUC) in the field described them as a well organized, armed, and equipped force – hardly one that appeared to be pursued aggressively by government forces.

The persistent ties between many units of the Colombian military and the AUC have contributed to what the office of the United Nations High Commissioner for Human Rights (UNHCHR) has declared a "noticeable decline in respect for human rights and international humanitarian law in Colombia."<sup>11</sup> This bleak assessment is supported by the Colombian National Police (CNP) annual review for 2000. In it, the CNP concluded that the number of recorded massacres increased from 168 to 236, a rise of almost 40 percent over 1999. The total number of deaths recorded in

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<sup>10</sup> Ibid.

<sup>11</sup> Paragraph 16, "Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia," E/CN.4/2001/15, February 8, 2001. This document is available at <http://www.unhchr.ch/>.

these massacres increased even more, totaling 1,226 people, 297 more than in 1999 and representing an increase of 32 percent.<sup>12</sup>

Overall, the average number of victims of political violence and deaths in combat rose in 2000 from fourteen to twenty per day according to the Colombian Commission of Jurists (Comisión Colombiana de Juristas, CCJ), a respected human rights group. Also in 2000, an estimated 319,000 people were forcibly displaced from their homes by political violence, the highest number of displaced persons recorded in a single year in the last five years.<sup>13</sup> The CCJ termed the increase "alarming... it is a dramatic reflection of the barbarity that we are seeing every day in Colombia."<sup>14</sup> [ see appendix 1 ]

This trend appears to be worsening in 2001, with authorities recording twenty-six massacres in only the first eighteen days of January, provoking a death toll of 170 Colombians.<sup>15</sup> By the end of April, Colombia's social service agency announced that killings that were the result of political violence continued to run at roughly double the number registered the previous year.<sup>16</sup>

Most of the massacres were the work of paramilitary groups, whose growth has been explosive during President Pastrana's administration. The umbrella group that includes most paramilitaries is the AUC, led until June 2001 by Carlos Castaño, a former Colombian Army guide.<sup>17</sup> Castaño built the AUC from the remnants of a private army organized by his brother, Fidel, who terrorized the northern departments of Córdoba and Antioquia in the late 1980s.<sup>18</sup>

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<sup>12</sup> "Muertos en masacres aumentaron 32%," *El Tiempo*, April 28, 2001.

<sup>13</sup> Desplazamiento y derechos humanos, Consultoría para los Derechos Humanos y el Desplazamiento, CODHES, 2001. In 1999, 288,000 people were displaced. Codhes Informa, Boletín de Prensa N/ 26, November 18, 1999, p. 3 and Boletín de Prensa N/ 30, August 2000, p. 1.

<sup>14</sup> These figures include five combatants and civilians killed per day in combat situations, including by crossfire and indiscriminate attacks. "Panorama de Derechos Humanos y Derecho Humanitario," Colombian Commission of Jurists, Bogotá, February 26, 2001.

<sup>15</sup> "Rechazan masacres," *El Espectador*, January 23, 2001.

<sup>16</sup> "La cifra duplica la del año pasado," *El Tiempo*, April 22, 2001.

<sup>17</sup> In June, Castaño announced his resignation as the organization's commander-in-chief and said that he would take over the AUC's political wing. The meaning of this shift remained unclear as this report went to press.

<sup>18</sup> Germán Castro Caycedo, *En Secreto* (Santafé de Bogotá: Planeta, 1996), pp. 139-232.

In 1996, Castaño told Human Rights Watch that he commanded 2,000 armed and trained fighters, an affirmation that was confirmed by Colombian government analysts.<sup>19</sup> By 2000, he claimed 11,200 fighters, an increase of 460 percent in just four years.<sup>20</sup> Though official estimates of the number of paramilitaries who are armed and trained are significantly lower, it is clear that the AUC has achieved an alarming degree of strength, mobility, firepower, and technological capacity.<sup>21</sup>

Throughout Colombia, forces allied under the AUC's name maintain numerous and permanent bases and roadblocks and move with apparent ease. They employ faxes, the Internet, sport utility vehicles and pick up trucks, radios, helicopters, laptops, and cellular and satellite telephones to disseminate threats, identify targets, prepare death lists, and coordinate massacres. "There has been a significant advance by paramilitaries and it is very disturbing," commented a high level government investigator consulted by Human Rights Watch.<sup>22</sup>

The increasing strength of paramilitaries is not due to military support or government inaction alone, it should be noted. As insecurity throughout Colombia advances, some Colombians have come to see paramilitaries and their methods as a lamentable, but necessary evil. One Colombian recounted to Human Rights Watch how his mother-in-law, who had recently moved to the Middle Magdalena region, was visited immediately by AUC paramilitaries, who gave her the cellular telephone number of the local AUC commander to use in case of emergency, much like a police hot line. "They guarantee that they will react within fifteen minutes if she reports unusual activity," her son-in-law told Human Rights Watch.<sup>23</sup>

Castaño has taken advantage of this development by waging a media campaign to promote the paramilitary model as the only way to defeat guerrillas. In March 2000, Castaño gave the first of television interviews to Colombian channel Caracol. Since, interviews with him have been published by the *Washington Post*, *Le Monde*, the BBC, *Time* magazine, and Reuters news agency, as well as

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<sup>19</sup> Human Rights Watch interview with Carlos Castaño, July 9, 1996; and Colombian government intelligence analyst, Bogotá, December 2, 1997.

<sup>20</sup> Carlos Castaño interview with Dario Arizmendi, "Cara a Cara," Caracol Television, March 1, 2000.

<sup>21</sup> Human Rights Watch interview with government investigators, Bogotá, January 9, 2001; and "Mindefensa reveló composición de grupos ilegales: 21 mil guerrilleros contra 8 mil paras," *El Colombiano*, February 8, 2001.

<sup>22</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>23</sup> This person requested anonymity. Human Rights Watch interview, Bogotá, January 18, 2001.

Colombia’s dailies *El Tiempo* and *El Colombiano*. The AUC regularly posts these interviews – as well as its own opinion pieces on Colombian and world events – on its web site.<sup>24</sup>

Guerrillas opposed to the Colombian government also continue to commit serious abuses, including massacres, extrajudicial executions, hostage-taking, and the use of indiscriminate weapons such as gas cylinder bombs. Human Rights Watch has repeatedly condemned these abuses and has called on Colombia’s guerrilla leaders to issue clear and strict instructions to their forces to cease immediately all activities that violate international humanitarian law. These instructions should not be subject to any negotiation, since they are obligatory and apply to all parties to the conflict equally and independent of the compliance of other parties.<sup>25</sup>

As violence increases, the distinction between combatants frays in the minds of many Colombians. “The State does not exist as such,” commented “Mirta,” a black activist from Colombia’s Pacific coast who asked Human Rights Watch for anonymity. “The only thing that is reality is the attack. You don’t know if they are paramilitaries, the Army, the Navy, or the guerrillas. All of them are fearsome and arbitrary.”<sup>26</sup>

#### **Putumayo (Twenty-Fourth Brigade)**

*Dario always knew in advance about Army raids, so he could make arrangements so that nothing was found. The paramilitaries had radios and cellular phones, and were in close communication with police agents and their military contacts.*

- “Pilar,” a bookkeeper who worked for the AUC

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<sup>24</sup> An editorial announcing Castaño’s resignation as commander-in-chief of the AUC is also available on the web site, which can be viewed at <http://www.colombialibre.org>.

<sup>25</sup> For more on the position of Human Rights Watch on international humanitarian law violations by guerrillas, see our letter to FARC-EP commander Manuel Marulanda at: <http://www.hrw.org/press/2001/07/farc-0709-ltr.htm>.

<sup>26</sup> Human Rights Watch interview with “Mirta,” Washington, D.C., October 23, 2000.

When the witness we call “Pilar” first met the man she knew as “Dario” in February 2000, she assumed he was a Colombian Army soldier. Dressed in camouflage, Dario was standing with a Colombian Army officer she knew as Major Cuéllar, Pilar told Human Rights Watch. The two met in Puerto Asís, Putumayo department’s largest urban center.<sup>27</sup>

Pilar said that Major Cuéllar introduced Dario to her as a personal friend.<sup>28</sup> According to Colombian government documents cited in this report, at the time a Major Cuéllar was the commander of the “Domingo Rico” Infantry Battalion No. Twenty-Five, based in nearby Villagarzón and part of the Twenty-Fourth Brigade.<sup>29</sup>

Later, Pilar said, Dario asked for help with bookkeeping tasks. But it was not until a month later that she says she realized that his real job was as the AUC’s financial chief in the Putumayo.<sup>30</sup>

“A friend who had seen us talking at the Metropolis discotheque pulled me aside and asked me if I realized that he was a paramilitary leader,” Pilar told Human Rights Watch during an interview in Puerto Asís. The Metropolis is the city’s largest dance hall. “By that time, I had begun to do some work for him, and feared that if I stopped suddenly, he would get suspicious. So I continued working for him until September.”<sup>31</sup>

That was Pilar’s introduction to the alliance that eyewitnesses, government investigators, and local authorities told Human Rights Watch existed between the Twenty-Fourth Brigade, some CNP officers, and paramilitaries from 1999 and throughout 2000. While in the Putumayo in January 2001, Human Rights Watch obtained extensive, detailed, and consistent evidence showing that the Twenty-Fourth Brigade maintained a close alliance with the paramilitaries, resulting in extrajudicial executions, forced disappearances, and death threats. The Twenty-Fourth Brigade regularly coordinated actions with paramilitaries and allowed them to operate openly, and even established one of their principal bases within a short walk of an army installation. At their base, paramilitaries held a training camp that

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<sup>27</sup> Fearful of reprisal, Pilar agreed to speak on condition of anonymity. Human Rights Watch interview with “Pilar,” January 15, 2001; and “Panorama Actual del Putumayo: Análisis Regional,” Observatorio de Derechos Humanos, Vicepresidencia de la República, May 2000.

<sup>28</sup> Human Rights Watch interview with “Pilar,” January 15, 2001.

<sup>29</sup> The documents do not include his first name. Pilar only knew him by his rank and last name. A list of Colombian Army units and their locations is available on the Colombian Army’s web site at <http://www.ejercito.mil.co/organiza/>.

<sup>30</sup> Human Rights Watch interview with Pilar, January 15, 2001.

<sup>31</sup> Ibid.



drew dozens of novice fighters from across Colombia. According to Pilar and confirmed by a local official, known as the *personero*, paramilitaries regularly paid military officers for their cooperation.

In one case confirmed by the *personero* and detailed in this report, evidence suggests that an army officer arranged to have a close relative killed by paramilitaries. In another that we described in these pages, Óscar Cardona, a grieving father whose son was murdered by paramilitaries, haggled over a reparations payment that was supervised by CNP officers.

To date, government authorities have done little to investigate this alliance or the Colombian Army officers who may have sponsored it. Some soldiers have been transferred out of the Putumayo, and one battalion was removed for “retraining.” However, the officer who led the Twenty-Fourth Brigade in 2000, Col. Gabriel Ramón Díaz Ortiz, is scheduled for promotion to general and appears to be facing no disciplinary action. As this report went to press, Human Rights Watch continued to receive information that the alliance between the Twenty-Fourth Brigade and paramilitaries continued.

### ***AUC Push into Putumayo***

Residents told Human Rights Watch that the AUC first announced its intention to send forces to the Putumayo in January 1998. For over a decade, the FARC-EP had exercised de facto control over the region, even acting as a local judicial and police force.<sup>32</sup> With the arrival of increased coca cultivation in the 1990s, much of it taxed by guerrillas, the Putumayo had become an important strategic and financial bulwark for the FARC-EP that paramilitaries sought to make their own.<sup>33</sup>

A year after its announcement, the AUC committed the largest massacre to date in the Putumayo, the January 9, 1999 killing of at least twenty-six people and

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<sup>32</sup> Human Rights Watch interviews in the Putumayo, June 1992; and “Situación de Derechos Humanos, Derecho Internacional Humanitario y Derechos Económicos, Sociales y Culturales en el Departamento del Putumayo,” CINEP, MINGA, CODHES, May 19, 2000.

<sup>33</sup> According to the U.S. State Department’s Bureau for International Narcotics and Law Enforcement Affairs, the Putumayo has Colombia’s largest registered number of plots dedicated to the cultivation of coca. Human Rights Watch interview with Puerto Asís residents, Puerto Asís, Putumayo, January 15, 2001; and “Panorama Actual del Putumayo: Análisis Regional,” Observatorio de Derechos Humanos, Vicepresidencia de la República, May 2000.

the forcible disappearance of fourteen more in the village of El Tigre, near Puerto Asís.<sup>34</sup>

Since that time, residents told Human Rights Watch, the paramilitary presence grew village by village, town by town. By the time another year had passed, the paramilitaries controlled the city of Puerto Asís and maintained regular roadblocks, which residents had to negotiate even when on mundane errands. On September 22, 2000, for instance, José Agustín Martínez escorted his mother across the main bridge over the Putumayo River, which divides Colombia from Ecuador. A unicyclist, Martínez was not from the Putumayo, but was performing with the Latin Brothers circus in Puerto Asís. According to his wife, who testified later to authorities, the paramilitaries who stopped him at an AUC roadblock on the Colombian side of the border had another José Martínez -- a common name in Colombia -- on a death list. Martínez's mother told his wife that the paramilitaries seized him, and Martínez remains "disappeared."<sup>35</sup>

So many people were murdered, the local priest told Human Rights Watch, that no one has kept accurate records. His own registry, filled with the names and causes of death of people who had received a Catholic burial, was one of the few ways to grasp the level of fear and grief that had seized the town. Most featured the word "murder" (*asesinato*) as the cause of death, and the priest surmised that most were carried out by paramilitaries or the FARC-EP.<sup>36</sup>

Germán Martínez (no relation) is the Puerto Asís *personero* who took the wife's testimony. The *personero* is the municipal official whose job it is to accept complaints from citizens and ensure that they reach the proper authorities. In 1999, 2000, and 2001, Martínez told Human Rights Watch, he collected dozens of similar testimonies about forced disappearances, murders, and threats at the hands of paramilitaries. He also collected evidence that the paramilitaries worked with the support and tolerance of the Colombian Army and the Puerto Asís police.<sup>37</sup>

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<sup>34</sup> Subsequently, the Attorney General's office arrested Luis Guillermo Millán, accused of leading the paramilitaries who committed the massacre. "Panorama Actual del Putumayo: Análisis Regional," Observatorio de Derechos Humanos, Vicepresidencia de la República, May 2000; and "Fiscalía responsabilizó a Millán Cardona de masacre," *El Colombiano*, October 29, 1999.

<sup>35</sup> Declaration of Diana Milena López Restrepo to Germán Martínez, *personero*, Puerto Asís, Putumayo, October 2, 2000.

<sup>36</sup> Human Rights Watch interview with priest, Puerto Asís, Putumayo, January 15, 2001.

<sup>37</sup> Human Rights Watch interview with Germán Martínez, Puerto Asís, Putumayo, January 15, 2001.

To Human Rights Watch as well as in official documents, Martínez described the relationship as a “marriage” (*matrimonio*).<sup>38</sup>

Martínez discussed his concerns frequently and publicly with military and police officers, hoping to stop the killings and prompt the arrests of those responsible. On February 4, 2000, for instance, the Puerto Asís mayor called a special meeting to discuss a wave of killings. Martínez publicly stated that part of the problem was that paramilitaries were “untouchable” even though he had personally informed the police about their role in at least four forced disappearances.<sup>39</sup>

The Colombian Army and Puerto Asís police, he said, reacted to his reports not by investigating and carrying out arrests, but by denying his information and threatening him:

Near the base that belongs to the Twenty-Fifth Battalion [part of the Twenty-Fourth Brigade], located at the road exiting Puerto Asís, toward Santana, there is a place occupied by the paramilitaries only 500 meters [a third of a mile] away, it is an abandoned house, on that same road they take people who have been disappeared from the town of Puerto Asís to the Hacienda Villa Sandra... Since Colonel Grabriel (sic) Díaz, commander of the Twenty-Fourth Brigade of the army said that he was not aware of the presence of paramilitary groups in this sector and had no information, I informed him as the *personero* that groups there acted with full liberty within the town of Puerto Asís and that they were located in the HACIENDA VILLA SANDRA, close to the Twenty-Fifth Battalion and the headquarters of the [Twenty-Fourth] Brigade. This information made it to the paramilitaries, who threatened me for what I had said during the Security Council meeting. Because of this Security Council meeting, I was later threatened by [Colombian National Police] Major Carlos Kenedy Veloza Lancheros, of the police, who personally told me that he was extremely upset and outraged because of what I had said and that my problem wasn't the result of my legal duties but my loose tongue, he was telling me at the end, 'We'll see who explodes first, you or me'..."<sup>40</sup>

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<sup>38</sup> Ibid.

<sup>39</sup> Minutes from the Security Meeting held on February 4, 2000, in Puerto Asís in the office of the mayor.

<sup>40</sup> Colombian mayor, governors, or the country's president can call special security meetings (*Consejo de seguridad*) that include security force officers, municipal officials, and others to develop coordinated strategies to address political violence. Martínez has since completed his term as *personero* and left Puerto Asís for his safety.

*The Testimony of CNP Agent Gilberto López*

Another Puerto Asís resident who testified formally about ties between the security forces and paramilitaries came from inside the police force. CNP agent Gilberto López first approached the *personero* on August 4, 2000 to complain about what he termed were "irregularities" committed by paramilitary groups.<sup>41</sup>

López returned a month later to expand his original statement. On August 13, 2000, he recounted, he received a phone call from the AUC's military commander in the Putumayo, known as "Camilo." While Dario handled the finances, the AUC's military commander, Camilo, was in charge of fighting. He was reputedly a former police lieutenant who had been discharged after being linked to paramilitaries and human rights violations while serving in the Urabá region.<sup>42</sup>

López said that Camilo informed him that paramilitaries would be visiting the police detachment in Orito, the town an hour's travel from Puerto Asís where López was working at the time. They wanted, he told the *personero*, to "talk some things over with me."

One of the emissaries was a paramilitary who called himself "Yaír":

[Yaír] had spoken with all of the town's authorities and I was the only one left... he told me that a high-ranking member of his organization had authorized a monthly salary for me, without anything required from me and that I should take it as a kind of collaboration and that it was a good sum of money... The companion of this man insisted that I accept this money two other times, that I take it and think it over very carefully.<sup>43</sup>

Agent López made a third and final declaration to the *personero* the next day, this time identifying a commanding officer and other agents who he said worked

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Declaration by Germán Martínez, *personero*, to Luis Carlos Domínguez Prada, Internal Affairs agency, September 19, 2000.

<sup>41</sup> López's three declarations corroborate Pilar's declaration and her interview with Human Rights Watch. Declaration of Agent Gilberto López to Germán Martínez, *personero*, Puerto Asís, Putumayo, August 4, 2000.

<sup>42</sup> Pilar told Human Rights Watch that Camilo was named Freddy Alexander Rivera and that the AUC executed him on November 19, 2000, after he disagreed with his commanders. Agent Gilberto López, cited earlier, also told authorities that Camilo had been a police lieutenant. Human Rights Watch interview with Pilar, January 18, 2001.

<sup>43</sup> Declaration of Agent Gilberto López to Germán Martínez, *personero*, Puerto Asís, Putumayo, September 18, 2000.

directly with paramilitaries. López described how he served as the bodyguard for CNP Major Carlos Kenedy Veloza, who in April had ordered López to meet him at a location in Puerto Asís. But Major Veloza, another police bodyguard, and the police driver were not there when López arrived, he claimed. Later, López testified, the bodyguard and driver told him that Major Veloza had missed the meeting because he had been with paramilitary leaders in Villa Sandra, the paramilitary base.<sup>44</sup>

### *The Killing of Óscar Cardona*

Information about Major Veloza’s visit to Villa Sandra came to the *personero* independently, from a local resident who said that he had witnessed it.

In his testimony, Óscar Cardona Aguirre explained that his son, also named Óscar, had been killed by paramilitaries in Puerto Asís on April 30, 2000. After taking his son’s body from the hospital to the family home for a wake, Cardona went to Villa Sandra to talk directly with AUC commander Camilo. Cardona was well known to the police, since he did repairs at the police station:

At about 2:30 pm, I left for the Villa Sandra Ranch where I found the paramilitaries meeting with Major Carlos Veloza and with Captain Sierra seated in a police car and I spoke directly with the commander known as alias “CAMILO,” so three of us went inside leaving the bodyguards on the first floor and we went to the second floor with Camilo, we greeted each other and Major Veloza said, “I never wanted to come here, but because of these circumstances that have occurred you people have offended us and you have offended me for the crap you pulled with the son of this respected craftsman, who is a person that we value very much in Puerto Asís, because he makes sure that everything in our station works well, so I want you to clarify what happened with this murder.”<sup>45</sup>

Cardona said that Camilo tried to explain by saying that the paramilitaries had information indicating that Cardona’s son had stolen a motorcycle. But the boy’s father explained that the motorcycle belonged to a friend, who had lent his son the vehicle. Accepting that his men had made an error, Camilo then opened a briefcase,

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<sup>44</sup> Declaration of Agent Gilberto López to Germán Martínez, *personero*, Puerto Asís, Putumayo, September 19, 2000

<sup>45</sup> Declaration of Óscar Cardona Aguirre to Germán Martínez, *personero*, Puerto Asís, Putumayo, September 15, 2000.

took out U.S. \$200, and handed it to Cardona, saying, “Take this, sir, it won’t return your son to you, but it will help with the expenses.”<sup>46</sup>

Later that evening, another paramilitary who called himself “Mario” came to Cardona’s home. Afraid that he would be killed for confronting Camilo, Cardona told his daughter to call Captain Sierra. Captain Sierra came immediately, saw Mario, but did nothing. When Cardona’s daughter asked Mario why he had come, he said it was to apologize. He gave the Cardona family another U.S. \$500.<sup>47</sup>

#### *AUC Finances in the Putumayo*

It was not unusual for paramilitaries to pay local residents for their “mistakes” – or pay police and military officers for their collaboration, as the AUC had offered to do with Agent López. Pilar told Human Rights Watch that she had direct knowledge of how the paramilitaries organized their finances in 2000 since she was responsible for recording their income and expenses on a computer diskette, delivering monthly reports to Dario, the AUC’s financial chief, and even hand-carrying some payments to officers’ families.

Among the regular expenses, she said, were monthly payments to police and military officers, some of whom would even visit Dario’s house to pick up cash. She told Human Rights Watch that these payments were based on rank. “Each captain received between U.S. \$2,000 and U.S. \$3,000 per month. Majors got U.S. \$2,500. A lieutenant receives U.S. \$1,500. The colonels also got paid, but not directly,” Pilar noted. “They would send intermediaries to pick up the cash.”<sup>48</sup>

Pilar said she personally sent money to the wife of one Twenty-Fourth Brigade major in August and October by using Servientrega, a local wire service.<sup>49</sup> The *personero* told Human Rights Watch that he was later able to confirm this transaction by consulting the Servientrega records.<sup>50</sup>

Pilar said she occasionally saw the same Twenty-Fourth Brigade major at Dario’s house in Puerto Asís and also a Colombian Army captain. Another eager CNP Anti-Narcotics agent also came to the house to collect his March payment, Pilar recalled, though she did not know his name. “I had dropped off the diskette

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<sup>46</sup> Ibid.

<sup>47</sup> Ibid.

<sup>48</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>49</sup> Ibid.

<sup>50</sup> Human Rights Watch interview with Germán Martínez, *personero*, Puerto Asís, Putumayo, January 15, 2001.

[of accounts] and saw his CNP pickup truck outside. He was inside counting his money.”<sup>51</sup>

Once, Pilar said, Dario told her that he had paid a different Twenty-Fourth Brigade major over U.S. \$12,500 to acquire military uniforms. “The major was tall and dark-skinned,” Pilar recalled. “He never delivered the uniforms, though, and Dario was angry at him.”<sup>52</sup>

In a formal declaration Pilar made to the *personero*, she explained that the requests for cash were constant. “Dario once told me that he was exhausted, completely sick, of all of these people from the army and police who thought he was the milkman (*lechero*), if it wasn’t asking for their U.S. \$100, \$150, then it would be for airline tickets. I never learned the name of this one officer, but I know he belonged to the police, and he was asking for U.S. \$20,000, so that he could buy some real estate in Bogotá.”<sup>53</sup>

Overall, this money appears to have been a wise investment for the AUC. Despite intense scrutiny and dozens of visits from international missions and foreign journalists, the Puerto Asís police and Twenty-Fourth Brigade consistently denied any link to paramilitary groups in the region, even as the relationship was obvious. One taxi driver told Human Rights Watch how he saw known paramilitaries regularly walk through the doors of the airport, a facility that is heavily guarded by police and the Twenty-Fourth Brigade.<sup>54</sup>

“Dario always knew in advance about army raids, so could make arrangements so that nothing was found,” Pilar explained. “They had radios and cellular phones, and were in close communication with police agents and their military contacts.”<sup>55</sup>

Pilar also took care of the AUC’s other expenses, including salaries for fighters and other expenses. In the Putumayo, she told Human Rights Watch, paramilitary fighters received a salary that depended on experience, rank, and location. “Fighters in rural areas got a minimum of U.S. \$275 per month, which included money for food. In urban areas, they got U.S. \$350 per month, increased if they were promoted.”<sup>56</sup>

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<sup>51</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>52</sup> *Ibid.*

<sup>53</sup> Declaration of Pilar to Germán Martínez, *personero*, Puerto Asís, Putumayo, January 13, 2001.

<sup>54</sup> Human Rights Watch interview with “Estefan,” Puerto Asís, Putumayo, January 15, 2001; and Declaration of “Estefan” to Germán Martínez, *personero*, Puerto Asís, Putumayo, October 23, 2000.

<sup>55</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>56</sup> *Ibid.*

She said fixed expenses included guns, munitions, provisions, and telephone bills. Extras could be anything from coffins for paramilitaries killed in combat to extras to pay informants. Overall, according to Pilar, she oversaw a budget of U.S. \$650,000 per month.<sup>57</sup>

According to Pilar, most of the income she registered each month came from cocaine taxes. Wholesalers paid paramilitaries a fee for every kilo of raw cocaine bought in villages that they controlled. Laboratories where raw cocaine was crystallized also paid a fee. For example, a small laboratory would pay the paramilitaries at least U.S. \$ 3,500 a month, she said.<sup>58</sup>

Once Pilar completed her monthly report, she would record it on a floppy disk and deliver the disk to Dario. "Dario would send the disk to a man he called Rafael, in Cali. He was Dario's commander, and had a direct link to one of Carlos Castaño's brothers, who is part of the AUC high command."<sup>59</sup>

Rafael often visited Puerto Asís, Pilar told Human Rights Watch. In July 2000, she said, he presided over a paramilitary training camp held at Villa Sandra. The camp drew novice fighters from all over Colombia, Pilar noted, including one woman who won a contest for overall combat excellence. To get there, paramilitaries regularly and even daily passed in front of the Twenty-Fourth Brigade. "Dario told me that paramilitaries from all over Colombia came for a two-week training session, so he needed to spend extra money on beds, food, and other supplies," Pilar told Human Rights Watch.<sup>60</sup>

### ***Puerto Vega Attack***

Pilar also said that Dario and other paramilitaries frequently told her that they coordinated military operations directly with the Twenty-Fourth Brigade, including a June 2000 attack on Puerto Vega, a port just across the Putumayo River from Puerto Asís. Dozens of journalists had chronicled how the FARC-EP controlled the town, both before and after the clash.<sup>61</sup>

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<sup>57</sup> Declaration of Pilar to Germán Martínez, *personero*, Puerto Asís, Putumayo, January 13, 2001.

<sup>58</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>59</sup> *Ibid.*

<sup>60</sup> *Ibid.*

<sup>61</sup> For instance, see Juan Tamayo, "Colombian coca-growing area shaken by a guerrilla blockade," *Miami Herald*, November 16, 2000.



The Colombian military announced its action in Puerto Vega, claiming that soldiers had killed a FARC-EP commander called "Rodolfo," rumored to be the brother of Raúl Reyes, a member of the FARC-EP's General Secretariat.<sup>62</sup>

According to Pilar, however, the attack was carried out jointly with the AUC:

The paramilitaries told me that their commanders had been transported in an army helicopter. An informant from the area was the one who offered to take them in. During combat, the paramilitaries killed two guerrillas, and as a reward, the paramilitaries got their belongings, including Rodolfo's portable CD player. I saw about ten of them at Dario's house when they came back from the combat, still with their faces painted and in uniform. Two of the paramilitaries, who called themselves Yaír and Coco, claimed they had killed Rodolfo, not the army.<sup>63</sup>

According to Pilar, Yaír was among the AUC fighters who was a former army soldier. Interviewed independently by *Reuters* in May 2000, Yaír claimed to have served in the Colombian Army's Special Forces and to have received training from U.S. Special Forces Rangers and Navy SEALs during his eight years in the Colombian military. "We have got military and operational capacity to clear these zones where the guerrillas are ... so that army troops can set up their bases for supply areas for vehicles and other modes of transport," Yaír told *Reuters*.<sup>64</sup>

### ***The Workplace Battleground***

Hoping to extricate herself from work with the AUC, Pilar accepted a job in a public institution in Puerto Asís in September 2000. To her surprise, she found it almost as dangerous as doing Dario's accounts, she told Human Rights Watch. The workplace, Pilar said, "was an inferno." To her dismay, she discovered that the battle between the FARC-EP, paramilitaries, and the security forces continued within its walls.<sup>65</sup>

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<sup>62</sup> "Dado de baja," *Cambio*, September 18-25, 2000.

<sup>63</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>64</sup> In the same interview, Yaír claimed that twenty senior paramilitary commanders in Putumayo previously held ranks in the police or army ranging from corporal to lieutenant. Karl Penhaul, "Colombia death squads support US-backed offensive," *Reuters*, May 15, 2000.

<sup>65</sup> Human Rights Watch interview with Pilar, January 18, 2001.

Pilar worked for a deputy administrator. After October, she said, she no longer did accounts for Dario, but continued to receive frequent calls from him, which she believed reflected a romantic interest that was not reciprocated. Yet she feared that if she did not accept his calls, he would endanger her and her family.<sup>66</sup>

“Dario told me that one of the [managers] had asked paramilitaries for help to get rid of the director, so that this [manager] could become the director,” Pilar recalled in her conversation with Human Rights Watch. Both the current director and the rival who wanted his position were summoned to Villa Sandra at least once, Pilar told Human Rights Watch. “Luckily, the director resigned, and [the aspiring rival] became the new director.” The alternative, Pilar noted, was for the incumbent director to risk being killed so that his rival, who had enlisted paramilitary support, could take his place.<sup>67</sup>

Similar tension was evident in the town’s only hospital, where guerrillas and paramilitaries vied for control and access to the doctors and medicine. On September 1, 2000, a local family brought their year-old son, Brayan Moreno Guamán, to the emergency room. Dissatisfied with the treatment, they took him home the following day, according to the pediatrician who monitored him. Late that afternoon, the pediatrician, Dr. María Fernanda Ramírez, received an urgent call to return to the hospital. In a declaration Dr. Ramírez later gave to the Puerto Asís *personero*, she described what happened:

The emergency room doctor who was on call called me to say that the family members of the patient were in the emergency room with the Paramilitaries calling for my immediate presence... I went immediately to the emergency room, and two minutes later two men arrived and one of them is the grandfather of the patient and the other told me that he needed to hear my version of what had happened with the patient, because he had information that I had not properly treated the boy.<sup>68</sup>

Dr. Ramírez later discovered that a nurse may have treated the family brusquely. Out of concern for their ailing son, they had appealed to the most powerful authorities in town – the AUC. In her declaration, Dr. Ramírez described

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<sup>66</sup> Ibid.

<sup>67</sup> Ibid.

<sup>68</sup> Declaration of Dr. María Fernanda Ramírez to Puerto Asís *personero*, September 4, 2000.

how armed paramilitaries regularly waited at the hospital while colleagues were undergoing treatment, even as police and army soldiers came and went normally.<sup>69</sup>

Word spread quickly that Dr. Ramírez had reported the incident to the *personero* and claimed that the paramilitaries had threatened her. While paramilitaries may have overlooked the incident itself, they did not tolerate making it public and drawing unwanted attention to their control over Puerto Asís.

According to Pilar, Dario called her and lamented that he had orders to kill Dr. Ramírez. “Dario called me to say that he was amazed that they were going to kill a doctor.”<sup>70</sup> However, Dr. Ramírez fled Puerto Asís before the week was out, and has since left Colombia.<sup>71</sup>

#### *The “Disappearance” of “Nancy”*

Pilar also helped the *personero* untangle a case that took place in 2000. It involved the “disappearance” of “Nancy,” a student who vanished in Puerto Asís.<sup>72</sup>

“[“Nancy’s”] father came to my office to report that she had vanished,” Martínez told Human Rights Watch. “Her father told me that [a close relative], a Colombian Army [officer] working at the Thirty-First Battalion in Orito, had called her asking her to come to Orito to help him solve a problem. She borrowed plane fare from her father and arrived on the regular Satena flight. Then she vanished. When her father called [the Army officer], he claimed that he had never asked her to come to Orito.”<sup>73</sup>

Martínez counseled the worried father to post flyers around Puerto Asís with Nancy’s photograph and a number to call, which he did. “Several days later, I was taking down information from Pilar, who mentioned something about one of the paramilitaries saying that after they had seen a flyer, they realized that they had mistakenly killed an innocent person.”<sup>74</sup>

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<sup>69</sup> Ibid.

<sup>70</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>71</sup> Human Rights Watch interview with international observer, Bogotá, January 8, 2001.

<sup>72</sup> Since the case is on-going, we have omitted details that would identify the victim or alleged perpetrators.

<sup>73</sup> Human Rights Watch interview with Germán Martínez, *personero*, Puerto Asís, Putumayo, January 15, 2001.

<sup>74</sup> Ibid.

In her declaration to the *personero*, Pilar recounted how Dario had told her that one of their cellular telephones had "gotten too hot... I remember that he called me very worried, isterical [sic], 'Ha, there are many flyers stuck on the walls of the hospital, what a mess, just because I lent some telephones to someone from the Army and he got them hot for us, because he, well, he gave us some information and in the end what they did was a personal favor and this was just a mess... because this soldier had said that it was a guerrilla arriving on the airplane.'"<sup>75</sup>

"Putting the two testimonies together," Martínez told Human Rights Watch, "I discovered that the paramilitaries were referring to Nancy." For personal reasons, Martínez learned, the army officer had wanted to get rid of her. "So he told the paramilitaries that a female guerrilla that looked like his relative was going to get off the Satena flight that day. What appears to have happened is that they took Nancy directly from the airport and killed her. I believe she may be one of the people buried at Villa Sandra. The Army officer used one of the paramilitary cellular telephones to make the call, as I later was able to document with telephone company records."<sup>76</sup>

### ***Official Investigations***

The insistent and detailed work of the Puerto Asís *personero* prompted several visits by the Bogotá-based office of the UNHCHR. After expressing its concern repeatedly to the government about the brazen alliance of the security forces and paramilitaries -- and receiving no effective response -- High Commissioner Mary Robinson included this description of the situation in her annual report, published in February 2001:

It is common knowledge that a paramilitary roadblock stands at the entrance to the settlement of "El Placer,:" only fifteen minutes away from La Hormiga (Putumayo), where a Twenty-Fourth Brigade army battalion is stationed. Eight months after the Office reported to the authorities that it had seen it, the roadblock was still there. The military authorities denied its existence in writing. This Office also observed that paramilitaries were still operating at the Villa Sandra estate between Puerto Asís and Santa Ana in the same department, a few minutes from the Twenty-Fourth Brigade base. [The Office]

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<sup>75</sup> Declaration of Pilar to Germán Martínez, *personero*, Puerto Asís, Putumayo, January 13, 2001.

<sup>76</sup> Human Rights Watch interview with Germán Martínez, *personero*, Puerto Asís, Putumayo, January 15, 2001.

was later informed that two raids had been made by the security forces, apparently without result; yet the existence and maintenance of this position are public knowledge -- so much so that it has been visited repeatedly by international journalists who have published interviews with the paramilitary commander. Reports received by the Office even speak of meetings between paramilitaries and members of the security forces at the Villa Sandra estate. In late July, the Office warned the authorities of an imminent paramilitary raid on the inner city area of La Dorada... which indeed took place on September 21. The paramilitaries remained in the area for several weeks despite the fact that it is only a few minutes away from the Army "La Hormiga" base.<sup>77</sup>

In September, investigators sent personally by Colombia's Internal Affairs chief as a result of the U.N. office's concerns arrived in Puerto Asís. It is unusual for Internal Affairs to send top investigators, reserved for cases that are particularly sensitive and that may involve crimes committed by high ranking officials. In his statement to Internal Affairs investigators, Martínez once again summarized the wave of killings and forced disappearances that had overwhelmed his office:

I can say that I have myself seen on several occasions members of the government security forces, the Army, conversing in public places with people who are known as Paramilitaries. I can say without doubt that there is not omission [on the part of the security forces], but that what exists here is a coordination between the legal forces that one supposes are legal and the illegal forces that one supposes to be illegal.<sup>78</sup>

A day later, Internal Affairs investigators noted that one paramilitary house could be viewed "perfectly" from a Twenty-Fourth Brigade base and was less than 500 feet from its heavily guarded entrance. Further along the road was Villa Sandra, where investigators noted that armed and uniformed AUC members were playing pool in full view of the heavy traffic.<sup>79</sup>

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<sup>77</sup> Paragraph 134, "Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia," E/CN.4/2001/15, February 8, 2001.

<sup>78</sup> Statement by Germán Martínez, *personero*, to the Internal Affairs agency, Puerto Asís, Putumayo, September 19, 2000.

<sup>79</sup> Acta de Inspección practicada en la Vía comprendida entre la Ciudad de Puerto Asís y la Inspección de Santana a los sitios distinguidos como: El Batallón No. 25 'Domingo Rico', la 'Casa Abandonada', Hacienda Villa Sandra y la Brigada No. 24 con

During its visit to Puerto Asís, Human Rights Watch was able to document the geography that Martínez, the U.N. office, and Internal Affairs describe to underscore the proximity between the security forces and paramilitaries. Beginning at the airport, a heavily militarized road leads west out of town. During the course of two days, Human Rights Watch observed several Colombian Army units patrolling the road in full battle gear. In quick succession, the road passes the Anti-Narcotics police, the paramilitary base at the Villa Sandra ranch, and the Twenty-Fourth Brigade. The entire trip from the airport to the Twenty-Fourth Brigade took Human Rights Watch twenty minutes. By the time Human Rights Watch visited Puerto Asís, Pilar and the *personero* told us, Dario and the group's new military commander, "Enrique," had moved their headquarters to the town of La Hormiga, and Villa Sandra appeared deserted.

While in Puerto Asís, *Reuters* noted how paramilitaries, whom locals called "Power Rangers" after the popular cartoon series, mounted patrols both day and night in town, "under the very nose of a sizable police detachment and the army's Twenty-Fourth Brigade. Despite three arrest warrants issued since he joined the AUC three years ago, Yaír, named after an Israeli mercenary who trained drug mob assassins in the 1980s, moves freely in and out of town, passing unhindered through military checkpoints."<sup>80</sup>

While traveling to the nearby village of La Hormiga on public transportation, Internal Affairs investigators were stopped by three armed AUC paramilitaries dressed in civilian clothes. This roadblock had been a permanent fixture for a year, since paramilitaries carried out the massacre of eleven people in the nearby hamlet of El Placer on November 7, 1999.<sup>81</sup> La Hormiga is under the control of the Twenty-Fourth Brigade and its "Sebastián de Belalcazar" Counter guerrilla Battalion No. 31.

During the stop, the paramilitaries demanded identification and an explanation of the purpose of the visit from each passenger. Once in town, the investigators were followed by another paramilitary wearing a camouflage uniform, AUC armband, and carrying a rifle. La Hormiga was heavily militarized, but Internal

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sede en Santana-Putumayo, Oficina de Derechos Humanos, Procuraduría General de la Nación, September 20, 2000.

<sup>80</sup> Karl Penhaul, "Colombia death squads support US-backed offensive," *Reuters*, May 15, 2000.

<sup>81</sup> "Situación de Derechos Humanos, Derecho Internacional Humanitario y Derechos Económicos, Sociales y Culturales en el Departamento del Putumayo," CINEP, MINGA, CODHES, May 19, 2000; and "Violence in Colombia drug zone claims 24 lives," *Reuters*, November 8, 1999.

Affairs investigators reported that it was impossible for the investigators to distinguish between Colombian Army and paramilitary fighters:

We say for the record stated here that during the time that we remained in the town, we observed constant patrolling by the members of self-defense groups, in pick up trucks and on foot, and we saw that they wore the uniforms reserved for the sole use of the military forces, and on their uniforms it was possible to see the patch saying ‘Army.’<sup>82</sup>

Five days after the Internal Affairs investigators took that statement, the FARC-EP enforced an armed strike in Putumayo department, prohibiting movement completely. At one roadblock, FARC-EP guerrillas lectured a correspondent from the *San Francisco Chronicle* about the reasons for the strike, which threatened to starve the region’s 350,000 residents and deprive them of basic services like health care. Two miles down the road, Colombian Army Sgt. Jairo López calmly explained to the same reporter that once his unit moved on, paramilitaries would take control. “They have a list [of people they intended to kill],” he told the *San Francisco Chronicle*. “There are lots – 20 or 30 on it.”<sup>83</sup>

On the basis of their investigation, Internal Affairs investigators invoked a special procedure that asks the Internal Affairs chief to interview implicated government officials immediately and recommend specific administrative disciplinary measures, including dismissal or fines. Although the measures were invoked on October 9, 2000, as of the time this report went to press, Internal Affairs had yet to take any measures, an omission that has not been explained.<sup>84</sup>

To our knowledge, all of the officers named in the Internal Affairs investigation for alleged failure to do their duty and take action against paramilitaries – Army Colonel Gabriel Díaz and CNP Captains Ohover de Jesús Cáceres Díaz, Jorge Raúl Sierra Suárez, Javier Alexander Parra Prada, and Major Carlos Veloza Lancheros -- remain on active duty. At the time this report was being

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<sup>82</sup> Acta de Visita Especial Practicada, en la Inspección de El Placer Municipio de La Hormiga (Putumayo), Oficina de Derechos Humanos, Procuraduría General de la Nación, September 19, 2000.

<sup>83</sup> Robert Collier, “Travelers Take Life in Their Hands in Rebel-Controlled Zone,” *San Francisco Chronicle*, January 17, 2001.

<sup>84</sup> Internal Affairs chief Jaime Bernal Cuéllar completed his term after the investigators filed this extraordinary procedure and was replaced by Edgardo José Maya Villazón. Letter to Procurador Jaime Bernal Cuéllar from investigators, October 9, 2000.

written, Colonel Díaz was completing course work for his promotion to the rank of general.<sup>85</sup>

“Col. Gabriel Díaz told us that information about paramilitaries were just stories, without proof,” one international observer who had interviewed the Twenty-Fourth Brigade commander told Human Rights Watch. “He even told us there was a search going on as we sat in his office, but that they had found nothing.”<sup>86</sup>

Human Rights Watch interviewed several observers who recounted how Colonel Díaz had informed them of on-going searches of Villa Sandra that resulted in no evidence of paramilitaries, despite the fact that these same observers had themselves seen paramilitaries at Villa Sandra that day. Colonel Díaz mounted a similar “show” that was later described in the news weekly *Cromos*. The magazine visited the Putumayo in October 2000, during the FARC-EP armed strike. As the journalists noted, “One doesn’t need much military intelligence to corroborate [the paramilitary presence]. On the four occasions that CROMOS passed by, a group of uniformed AUC fighters with their rifles played pool in full view of all travelers.”<sup>87</sup>

When the *Cromos* reporters commented on what they had seen to Colonel Díaz, he said, “This is a topic that NGOs use to blacken the name of the Army.” He then showed them a file containing several registries of searches done by the army that had not uncovered evidence of the presence of any armed group. Yet when the *Cromos* journalists left the Twenty-Fourth Brigade and again passed Villa Sandra that same day, the armed and uniformed paramilitaries they had seen earlier were still playing pool.<sup>88</sup>

To others interviewed by Human Rights Watch, the relationship between the Twenty-Fourth Brigade and paramilitaries was so clear – and apparently normal – that Colonel Díaz openly flaunted it. According to one observer, who spoke to Human Rights Watch on condition of anonymity, during a December 2000 visit to the Twenty-Fourth Brigade and to Colonel Díaz, this officer calmly pointed out to

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<sup>85</sup> As of September 2001, the case was stalled in the officer of the Procurador, almost a year after being submitted for urgent action. Letter to Procurador Jaime Bernal Cuéllar from investigators, October 9, 2000; Human Rights Watch telephone interview, February 22, 2001; and HRW electronic mail communication with Lt. Col. Luis Alfonso Novoa Díaz, coordinator, GRUDH-INSGE, February 27, 2001.

<sup>86</sup> Human Rights Watch interview with international observer, Bogotá, January 8, 2001.

<sup>87</sup> Martha Auiz, “La gente de Puerto Asís,” *Cromos*, November 6, 2000.

<sup>88</sup> *Ibid.*



him a known paramilitary who was walking by the military base, but made no effort to have the paramilitary detained and investigated, as is required by law.<sup>89</sup>

#### ***Attorney General Arrest***

On December 15, 2000, a special team sent by the Attorney General’s Human Rights Unit arrived to carry out arrests of alleged paramilitary members in Puerto Asís. But they met with little success, apprehending only a paramilitary known as “the Russian” (*El Russo*).<sup>90</sup>

Pilar told Human Rights Watch that Dario, whom she spoke to by telephone after the arrest, told her that “the Russian” was caught because he failed to understand the hand signals made by the police guarding the Puerto Asís airport entrance. “Some of the police were sitting in the ‘El Paisa’ restaurant in front of the airport, and they were trying to signal him to get lost, there was danger,” Pilar said. “He didn’t understand.”<sup>91</sup>

It could have been worse, Pilar said Dario told her. When prosecutors escorted “the Russian” on a commercial flight out of Puerto Asís, four other paramilitaries were traveling as regular passengers on the same flight, leaving the town until things cooled down and they could then return.<sup>92</sup>

A high ranking government official who helped coordinate the arrest told Human Rights Watch that the operation was considered a partial success even though it net only one paramilitary. “The only reason it had any success at all was because the military was not informed,” he said.<sup>93</sup> Investigators also exhumed two bodies from an unmarked gravesite at Villa Sandra. Efforts are being made to identify them.<sup>94</sup>

“We sent a team of CTI agents and Human Rights Unit prosecutors to the Putumayo to make arrests, but there is little we can do if the military is protecting them,” a high level government investigator acknowledged to Human Rights

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<sup>89</sup> Human Rights Watch interview, Bogotá, January 9, 2001.

<sup>90</sup> Human Rights Watch interview with government official, Bogotá, January 10, 2001.

<sup>91</sup> Human Rights Watch interview with Pilar, January 15, 2001.

<sup>92</sup> Ibid.

<sup>93</sup> Human Rights Watch interview with government official, Bogotá, January 10, 2001.

<sup>94</sup> Letter to Human Rights Watch from Colombian government investigator, May 16, 2001.

Watch. The Technical Investigations Unit (Cuerpo Técnico de Investigaciones, CTI) employs the Attorney General's investigators, and is not authorized to heavily arm them to carry out dangerous operations so must rely on the CNP or military.<sup>95</sup>

#### ***Attacks on Indigenous Groups***

Among the groups most affected by the paramilitary advance in the Putumayo have been Colombia's indigenous people, who live along the Colombia-Ecuador border. An estimated 35,000 people belonging to the Cofán, Inga, Quechua, and Emberá ethnic groups live in the Putumayo according to indigenous leaders interviewed by Human Rights Watch. Attacks on them have gone virtually unnoticed by the media.<sup>96</sup>

In December 26, 2000, suspected paramilitaries killed Henry Pascal, a Cofán leader. A week later, on January 3, paramilitaries reportedly killed Pablo Emilio Díaz, the director of a Cofán assistance organization known as the ZIO - AI Foundation. Paramilitaries reportedly forced Díaz from his boat and killed him, throwing his body into a river, and told his family that if they recovered the body, they would be killed. Dozens of other Cofans have been forced to flee the area.<sup>97</sup>

#### ***Death Threats***

The paramilitaries realized early in 2000 that the *personero's* diligence was causing them a major problem. In July, Martínez told Human Rights Watch, he and the town's mayor were summoned to a slaughterhouse outside town to meet with Rafael, the AUC commander from Cali. According to Pilar, Rafael worked directly with one of Carlos Castaño's brothers, so was relatively high up in the AUC hierarchy. Rafael ran the meeting wearing a hood, Martínez remembered.<sup>98</sup>

"Rafael wanted me to clarify my position on his group, and I replied that it was already quite clear," Martínez told Human Rights Watch. "He also offered me

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<sup>95</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>96</sup> Human Rights Watch interview with indigenous leaders, Mocoa, Putumayo, January 16, 2001.

<sup>97</sup> Human Rights Watch interview with Cofán representative, Mocoa, Putumayo, January 16, 2001.

<sup>98</sup> Human Rights Watch interview with Germán Martínez, Puerto Asís, Putumayo, January 15, 2001.

a stipend (*sobresueldo*). We had a very heated discussion, and he told me I should already be dead. A couple of days later, Camilo [the AUC military commander] sent me a bottle of whiskey to apologize for Rafael’s tone.”<sup>99</sup>

Months later, Martínez received another summons from Camilo, ordering him to present himself at Villa Sandra. He refused, so Camilo came to him, Martínez recalled. “He confirmed that Villa Sandra was their permanent base,” Martínez told Human Rights Watch “He asked me to ease off, to let them continue to operate there. As a sign of good faith, he delivered to me four people who paramilitaries had seized and planned to kill. I refused to work with him, so they left for La Hormiga, where they are now.”<sup>100</sup>

Pilar later testified to the *personero* that Dario had spoken to her of the first meeting in the slaughterhouse. “Dario told me that Rafael had threatened the *personero*,” Pilar told Human Rights Watch.<sup>101</sup> In her declaration to the *personero*, Pilar noted: “[Dario said] the person who was causing them so many problems was the son of a bitch *Personero*, that in any case his term was going to end, but it didn’t matter, they had to kill (*pelar*) him anyway because he was causing too much trouble... he didn’t know why the *personero* was still alive, but before he ended his term they were going to kill him.”<sup>102</sup>

Pilar also described how Dario had tried to threaten the town council members into choosing a new *personero* who would tolerate their activity. Whoever did not vote their way, Dario said, “would be declared a military target.”<sup>103</sup>

Martínez continued to accept testimonies despite great personal risk. “Through several sources, I was told that the paramilitaries would attempt to kill me before I completed my term on February 28, 2001. Even one of my police bodyguards received this information and documented it in a letter to the local police commander.”<sup>104</sup>

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<sup>99</sup> Ibid.

<sup>100</sup> Human Rights Watch interview with Germán Martínez, Puerto Asís, Putumayo, January 15, 2001.

<sup>101</sup> Human Rights Watch interview with Pilar, January 18, 2001.

<sup>102</sup> Declaration by Pilar to Germán Martínez, *personero*, Puerto Asís, Putumayo, January 13, 2001.

<sup>103</sup> Ibid.

<sup>104</sup> Letter from Patrol Agent (bodyguard) Edimer Camayo Vargas to Capt. Javier Alexander Parra Prada, commander, Second District, Puerto Asís, Putumayo, January 11, 2001.

Since the Human Rights Watch mission to the Putumayo in January 2001, both the *personero* and local priest have been forced to leave because of threats from paramilitaries.<sup>105</sup> However, we are not aware of any disciplinary action taken against the Puerto Asís police or the officers in charge of the Twenty-Fourth Brigade for their clear links to paramilitaries. This is despite unprecedented attention to the region because of the U.S.-backed "push into southern Colombia" to eradicate coca.

Far from moving to clean up the Twenty-Fourth Brigade, the United States and Colombia have made this unit a key part of the eradication efforts carried out in December 2000 and January 2001, described later in the U.S. Policy section of this report.

Residents told Human Rights Watch that on December 20, 2001, the day after U.S. fumigation planes began spraying the Putumayo, paramilitaries used three trucks to enter the village of Puerto Caicedo, about two hours west of Puerto Asís. They also announced their intention to move into the department capital of Mocoa by the end of 2001.

"In just one month, we registered at least fifteen murders in Puerto Caicedo, as a result of the paramilitary advance," said the local priest in Puerto Asís.<sup>106</sup>

One Puerto Caicedo resident told Human Rights Watch that paramilitaries had a chilling message. "The paramilitaries asked around to see who had applauded when guerrillas held a meeting and criticized Plan Colombia," the witness said. "They promised to make these same people applaud to the sound of bullets."<sup>107</sup>

In March 2001, Putumayo-based paramilitaries boasted to visiting journalists that they were spearheading the anti-coca offensive, taking control of areas ahead of the army to prevent guerrillas from shooting at spray planes. "Plan Colombia would be almost impossible without the help of the [paramilitary] self-defense forces," Commander "Wilson," an AUC member, told the *Boston Globe*.<sup>108</sup>

One paramilitary sentry "picked through a pack of US Army C-rations, hunting for chewing gum and pound cake" while the journalist watched. "He shrugged off

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<sup>105</sup> Juan O. Tamayo, "Priest involved in Colombia war, told to 'get out of town or die,'" *Mimi Herald*, February 27, 2001.

<sup>106</sup> Human Rights Watch interview with priest, Puerto Asís, Putumayo, January 15, 2001.

<sup>107</sup> Human Rights Watch interview with Puerto Caicedo resident, Mocoa, Putumayo, January 16, 2001.

<sup>108</sup> Karl Penhaul, "Outlaw role seen in Colombia effort," *Boston Globe*, March 28, 2001.

questions about where he got the supplies, issued to the three Colombian Army antidrug units that have been trained by US Special Forces advisers.”<sup>109</sup>

#### **Valle and Cauca (Third Brigade)**

*The paramilitaries walk around in the middle of the day with their armbands on, and the police and military just let them pass. When official commissions come, they just take off the armbands. For all strangers know, they are soldiers.*

#### **-Former Jamundí municipal official**

In “The Ties That Bind,” a report that Human Rights Watch published on February 23, 2000, we detailed the record of the Colombian Army’s Third Brigade, which government investigators had linked to the formation of paramilitary groups in the department of Valle.

Colombian government investigators provided us with detailed information showing that in 1999 the Colombian Army’s Third Brigade helped set up a paramilitary group, called the Calima Front. Investigators from the Attorney General’s office told Human Rights Watch that they had compiled compelling evidence linking the Calima Front to active duty, retired, and reserve military officers attached to the Third Brigade along with local landowners and hired paramilitaries taken from the ranks of AUC. According to these government investigators as well as eyewitness testimony obtained by Human Rights Watch, the Third Brigade provided the Calima Front with weapons, intelligence, and logistical support and coordinated actions with them.<sup>110</sup>

During its January 2001 mission to Valle, Human Rights Watch received further information linking the Third Brigade to the formation and deployment of the Calima Front. Moreover, far from moving decisively to cut these links, punish the officers responsible, and arrest paramilitary leaders, the Colombian government has done little to address this grave problem.

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<sup>109</sup> Ibid.

<sup>110</sup> *The Ties that Bind: Colombia and Military-Paramilitary Links* (New York: Human Rights Watch, 2000). The report is available at <http://www.hrw.org/reports/2000/colombia/>.

To the contrary, the relationship between the Third Brigade and the AUC, which includes the Calima Front as one of its principal forces, continued through 2000 and resulted in one of the most violent offensives registered in Colombia that year. During 2000, the AUC claimed to have established four more units in the region: the Farallones Front, the Pacific Front, the Páez Front, and the Southern Liberators Front. The AUC used these units to carry out its well-publicized plan to seize the departments of Valle, Cauca, and Nariño and to set up a permanent presence.<sup>111</sup>

“Again and again and again we send early warnings to the government about threats of massacres, but nothing is ever done,” one local human rights defender told Human Rights Watch. “Government commissions have come several times, but we never see any result. The massacres are carried out regardless.”<sup>112</sup>

### *The Calima Front*

During its January 2001 mission, Human Rights Watch interviewed “Felipe,” an adolescent who worked for Third Brigade intelligence when the Calima Front was formed. At the time of our interview, Felipe was in protective custody ordered by the Attorney General’s office because of threats to his life.

Felipe told Human Rights Watch that he began working for the Third Brigade when he was fourteen, collecting intelligence on guerrillas in return for money. He also worked for the Palacé Battalion, part of the Third Brigade, and accompanied army units on operations.<sup>113</sup>

“The first meeting I attended that was between paramilitaries and the army was about March of 1999, in the headquarters of the Third Brigade in Cali,” Felipe told Human Rights Watch. “They were gathering together all of the details about the

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<sup>111</sup> Human Rights Watch interviews with Valle and Cauca municipal authorities, Cali, Valle, January 12-14, 2001.

<sup>112</sup> Human Rights Watch interview with Cauca human rights defender, Bogotá, January 11, 2001.

<sup>113</sup> Felipe’s testimony is also part of the case prepared by the Attorney General against Palacé Battalion commander Rafael Hani Jimeno. The case is summarized in the decision ordering Hani’s arrest, filed under Case Number 835 and dated December 21, 2000. Human Rights Watch interviewed Felipe on January 19, 2001.

rich people in the area so that they could contribute money to bring the paramilitaries into the region."<sup>114</sup>

Felipe identified two high-ranking Third Brigade officers as among those who attended the meeting. A man calling himself "Marcos" represented the AUC, Felipe recalled. "Marcos called me a couple of months later and invited me to work with the paramilitaries," Felipe said.<sup>115</sup>

Felipe told Human Rights Watch that he worked with soldiers who spent their vacations moonlighting as paramilitaries to obtain extra cash. "They told me they were paid U.S. \$ 500 for one month of work," Felipe said.<sup>116</sup>

Soon after the initial meeting, Felipe said, army units lent support to the paramilitary advance that began in July 1999 near Buga and Tuluá. Officers, he said, coordinated constantly with paramilitaries in the field, using cellular phones and radios.<sup>117</sup>

The Palacé Battalion, part of the Third Brigade, has its headquarters in Buga and is responsible for the region. "I was there when the Palacé Battalion lent one of its pick up trucks to the paramilitaries, who used it on an operation. But the guerrillas burned it up," Felipe said.<sup>118</sup>

The attack in which the army pick up truck was destroyed took place near the villages of La Moralia and Monteloro. It is believed to have been among the first carried out by the AUC with Third Brigade coordination and support. At the time, an AUC leader calling himself "Román" told local journalists that paramilitaries had come "because many people have asked us to be in this area, since they are tired of the attacks by the guerrillas."<sup>119</sup>

In August, paramilitaries attacked the village of El Placer, near Buga. "Two paramilitary trucks filled with armed fighters passed right through an army roadblock on August 23," one social worker who spoke on condition of anonymity told Human Rights Watch. "Once they were in the village, the paramilitaries killed

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<sup>114</sup> Ibid.

<sup>115</sup> Ibid.

<sup>116</sup> Ibid.

<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Hans Vargas Pardo, "Habla Román, comandante de las AUC: 'Nos pidieron que viniéramos al Valle'" *El País*, August 3, 1999.

two people. Others told us that the trucks had actually left the Palacé Battalion right before the killings.”<sup>120</sup>

AUC fighters reportedly arrived in El Placer after midnight, forced residents out of their homes, and seized Anacarsis Morantes and Amadeo Valderrama.<sup>121</sup>

Four months earlier, Valderrama had been detained and photographed by Palacé Battalion soldiers, who accused him of helping guerrillas. According to local aid workers, in early August, both Morantes and Valderrama had fled to Buga after the first paramilitary incursion. After local authorities guaranteed their safety, they returned to their farms. Government investigators later confirmed that a census taken of the displaced was sent to the mayor’s office in order to obtain emergency assistance. The mayor’s office then delivered the list to the Palacé Battalion. The names of both Morantes and Valderrama appeared on the list.<sup>122</sup>

Among the paramilitaries residents accused of identifying Morantes and Valderrama was “Tatabro,” a former guerrilla-turned-army informant and paramilitary who regularly stayed at the Palacé Battalion and dressed in a camouflage uniform.

Before paramilitaries killed the men, Tatabro reportedly lifted his hood and was identified by residents.<sup>123</sup>

“Sometimes [soldiers] would put TATABRO at the battalion entrance for road blocks and to help search,” another witness told investigators. “He was the one who said who among them he knew who were passing in cars and who should be searched, they had him there to identify people.”<sup>124</sup>

Government witnesses and local residents interviewed by Human Rights Watch said that the army did nothing to pursue or capture paramilitaries.<sup>125</sup> Even as Palacé Battalion commander Col. Rafael Hani denied their presence, local police

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<sup>120</sup> Human Rights Watch interview with social workers, Cali, Valle, January 13, 2001.

<sup>121</sup> Case Number 835, December 21, 2000; Human Rights Watch interview with social workers, Cali, Valle, January 13, 2001; and *Noche y Niebla*, published by CINEP and Justice and Peace, July-August-September, 1999, No. 13, p. 95.

<sup>122</sup> *Ibid.*

<sup>123</sup> The Attorney General’s office later confirmed that Tatabro, who it identified as Duberney Vásquez Velásquez, appeared on the Palacé Battalion’s list of paid informants. At the time, Vásquez was an adolescent. Case Number 835, December 21, 2000.

<sup>124</sup> *Ibid.*

<sup>125</sup> Human Rights Watch interview with social workers, Cali, Valle, January 13, 2001.



were filing regular and detailed bulletins on the Calima Front’s advance. One witness to an emergency meeting hosted by the mayor of Buga and attended by Col. Rafael Hani, Palacé Battalion commander, told government investigators that the officer dismissed reports that there were paramilitaries in the area. People claiming to be “displaced” by violence were simply guerrillas, Colonel Hani reportedly said.<sup>126</sup>

Another government witness who worked as an army intelligence agent and had regular contact with paramilitaries told investigators that Colonel Hani was considered by paramilitaries to be among their best allies. “[Colonel Hani] was the one who helped paramilitaries the most by providing them with food, money, “tiger”-style camouflage uniforms, anything they needed.”<sup>127</sup>

For months afterwards, residents told us, paramilitaries were permanently based in the region. “In the center of Valle, a lot is known about the paramilitaries, but the operations aren’t carried out to capture them,” said a high level government investigator.<sup>128</sup>

Investigators identified several permanent paramilitary bases in the region, among them one located on the “La Iberia” farm near Tuluá. After a visit to the region, the Office of the UNHCHR reported that it had informed the government on March 24, 2000 of the existence of this base. Nevertheless, neither the army nor police took any action against it and the base remained in place throughout 2000.<sup>129</sup>

### *Road to Buenaventura*

After establishing itself in central Valle, the AUC began to push south and west, targeting the road connecting the city of Cali to Colombia’s main port of Buenaventura. Residents point to the May 11, 2000 massacre that took place near Sabaletas, Valle, as the starting point of a paramilitary offensive. There, residents told a government investigative mission, at least eighty heavily armed and uniformed men killed twelve residents and abducted five others.<sup>130</sup>

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<sup>126</sup> Case Number 835, December 21, 2000.

<sup>127</sup> Ibid.

<sup>128</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>129</sup> Paragraph 135, “Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

<sup>130</sup> Months later, the UC-ELN carried out its September 2000 mass kidnaping of forty-three Colombians near Kilometer 18, a popular dining retreat, on this road,

Previously, residents told the UNHCHR mission, members of the security forces had told them that they would send whoever did not help them catch guerrillas "to the paramilitaries."<sup>131</sup>

The UNHCHR mission noted that residents and local authorities repeatedly expressed outrage at the ease with which the AUC had moved through an area that had long had a pronounced, permanent military and police presence:

There is surprise at the ease with which the armed group that killed and forcibly disappeared so many people in the same trip could complete its entire criminal itinerary without being seen by the Army in any one of its roadblocks along the roads, particularly in the hamlet of Zacarías, located ten minutes outside Sabaletas and El Danubio where there is a permanent military base along with the guard station located along the highway at the entrance to the Alto Anchicayá Electrical Plant. There is also a great deal of surprise expressed by eyewitnesses by the sheer quantity of uniformed fighters who carried out the incursion (close to eighty well armed and uniformed fighters using uniforms reserved for the exclusive use of the military forces who traveled in two pick up trucks and two trucks -- some of them the red wine color that was recognized by some community residents as the same as vehicles belonging to the Army that passed here six months earlier -- when the region has only one entrance (Sabaletas) and one exit (Queremal), both guarded by the security forces).<sup>132</sup>

Especially hard hit were the region's African Colombian communities, who comprise an estimated 20 percent of Colombia's population and are concentrated along the Pacific Coast. Since Colombia's 1991 constitution recognized the right of ethnic communities in Colombia to organize, African Colombians have been mobilizing politically to press for land and other rights. "That means we are

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known as the "Road to the Sea" (*Vía al Mar*). Misión de Observación de la Situación Humanitaria en los Municipios de Buenaventura y Dagua del Departamento del Valle del Cauca, June 20-23, 2000. The mission was made up of representatives from the Bogotá office of the U.N. High Commissioner on Human Rights, the Interior Ministry's Human Rights office, the Attorney General's Human Rights Unit, the Procuraduría, the Central Workers Union, the government Social Solidarity Network, CINEP, CODHES, the CCJ, ILSA, MINGA, the Public Advocate's office, and the Valle governor's office.

<sup>131</sup> Ibid.

<sup>132</sup> Ibid.

considered obstacles by both guerrillas and paramilitaries, who want to control black communities," one organizer told Human Rights Watch. "The paramilitaries are the main threats now."<sup>133</sup>

The story Jorge Isaac Aramburo, an African Colombian teacher and organizer, told Human Rights Watch was especially dramatic. A resident of Buenaventura, Valle, Aramburo learned in September 2000 that his name was on a list of suspected guerrilla supporters being circulated by paramilitaries. Before leaving town for his safety on September 6, 2000, he stopped by a widowed sister's house to leave grocery money.<sup>134</sup>

Later, he realized paramilitaries had seen him enter the house, but failed to note that he left out the back door. After he departed, armed men broke into the house and murdered five of Aramburo's nephews. Also killed was a friend who had been visiting, the cousin of one of Colombia's leading soccer players.<sup>135</sup> Witnesses told local journalists the killers had lined the men up against the wall and executed them one by one.<sup>136</sup>

As European Parliament members noted in a letter to President Pastrana in May 2001, despite a series of massacres and alerts about other planned massacres, the paramilitary presence not only continued but grew at year's end, despite the permanent presence of the Navy in Buenaventura.<sup>137</sup>

### *The Cauca Offensive*

The AUC publicly announced a plan to push south into the department of Cauca in February 2000. In a letter to local mayors and copied to the governor, the AUC's leaders said they would move fighters from Valle and wrest control from guerrillas. "Any citizen or civil authority who gives any type of assistance to

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<sup>133</sup> Human Rights Watch interview with African Colombian leader, Bogotá, January 11, 2001.

<sup>134</sup> Human Rights Watch interview with Jorge Aramburo, Bogotá, January 11, 2001; and "Presuntos Miembros de las AUC asesinan a 7 personas," *El Tiempo*, September 8, 2000.

<sup>135</sup> Ibid.

<sup>136</sup> "Rezando los mataron," *El Caleño*, September 8, 2000.

<sup>137</sup> Letter from European Parliament members to President Pastrana, May 6, 2001.

subversives after our arrival in the department of Cauca will be declared a military target” the letter warned.<sup>138</sup>

In May 11, 2000, the AUC repeated its threats, this time to Cauca’s governor, César Negret Mosquera:

Just as we have publicly announced, the AUC has arrived in the department of Cauca with a fighting unit called the CALIMA front. Yesterday, we attacked several villages outside Buenaventura in the department of Valle, and in other hamlets that belong to Cauca, and we killed fourteen FARC guerrillas in combat and executed twelve guerrillas dressed in civilian clothes. You, governor, represent the department’s highest authority and you are shamelessly strengthening guerrillas in Cauca department.<sup>139</sup>

Repeatedly, Cauca residents told Human Rights Watch, Colombian Army troops carried out operations that were followed closely by the arrival of large numbers of paramilitaries. Outside Timba, Cauca, one witness told Human Rights Watch, a June 2000 army offensive was followed within hours by the arrival of AUC paramilitaries, who drove up even as military helicopters continued to overfly the area and the ruts of the army’s Cascabel armored vehicles were still fresh.<sup>140</sup>

“When guerrillas attack, the Army responds in less than two hours,” said one Cauca *personero* from the region, who asked that his name and town not be used. “But despite killings every three or four days, there was never a response by the Army against the paramilitaries. I can’t think of a single clash between them.”<sup>141</sup>

In another instance, this *personero* told Human Rights Watch, the AUC engaged in combat with a UC-ELN guerrilla unit, and within an hour the Army arrived to join the attack on guerrillas.<sup>142</sup>

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<sup>138</sup> Letter from the Joint Chief of Staff, AUC, to the mayors of Almaguer, Bolívar, Balboa, Caloto, and Rosas, Cauca, February 19, 2000.

<sup>139</sup> “Resolución Defensorial No. 009: sobre la situación de orden público en la región de río Naya,” Eduardo Cifuentes Muñoz, Defensor del Pueblo, Santafé de Bogotá, May 9, 2001.

<sup>140</sup> Human Rights Watch interview with Cauca human rights defender, Bogotá, January 11, 2001.

<sup>141</sup> Human Rights Watch interview with former Cauca *personero*, Bogotá, January 18, 2001.

<sup>142</sup> Ibid.

The *personero* also told Human Rights Watch that residents reported to him that they had seen the commander of the Pichincha Battalion conversing with "Pirri," an AUC commander, about where displaced families should be housed. "But people were too afraid to make formal declarations," he noted. After learning that his name was reportedly on a paramilitary death list, this *personero* resigned and fled to Bogotá.<sup>143</sup>

Other Timba residents told local social workers interviewed by Human Rights Watch that they had seen army soldiers and paramilitaries actually exchanging uniforms, so that soldiers appeared by day as army members and by night as paramilitaries.<sup>144</sup>

Christmas marked the arrival in La Esperanza, Cauca, of armed men identifying themselves as members of the AUC. Approximately 200 residents fled to nearby Timba, where they took shelter in the local school. The AUC reportedly ordered families to abandon their homes and, once massacres were carried out, return with their safety "guaranteed."<sup>145</sup>

In nearby Jamundí, one municipal official who has since fled the area, told Human Rights Watch that paramilitaries and the army regularly met in the Plazas, a local hotel. "The paramilitaries walk around in the middle of the day with their armbands on, and the police and military just let them pass. When official commissions come, they just take off the armbands. For all strangers know, they are soldiers."<sup>146</sup>

### *Enrique's Search*

When "Enrique," who asked that Human Rights Watch protect his anonymity, heard from family members that his aunt had vanished in Santander de Quilichao,

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<sup>143</sup> Ibid.

<sup>144</sup> Human Rights Watch interview with Cauca social worker, Cali, Valle, January 14, 2001.

<sup>145</sup> Iván Noguera, "La espera de los desplazados del Cauca," *El Tiempo*, January 9, 2001.

<sup>146</sup> Human Rights Watch with former Jamundí municipal official, Cali, Valle, January 14, 2001.

he took the first flight from Bogotá to Cali, then a bus to the town, to begin a search. His aunt had reportedly been seized by paramilitaries on a Sunday morning.<sup>147</sup>

Though the CNP maintains a post in town, locals warned Enrique that paramilitaries patrolled the streets at night with police permission.<sup>148</sup> "We have cases where the paramilitaries have murdered people within the town of Santander de Quilichao, and even then the police do nothing," one high level government investigator told Human Rights Watch.<sup>149</sup>

"The paramilitaries said they would let my aunt go, and that I should just wait," Enrique told Human Rights Watch. He found the paramilitary base just fifteen minutes from the town's center. Meanwhile, dozens of soldiers patrolled the streets. "Later they told us to go look in the Cauca River. We found her tortured and dead. We could identify the body because of a ring and a mole on her skin. Her fingers were broken completely back. They had shot her through one eye, and it was missing."<sup>150</sup>

Cali residents told Human Rights Watch that three to four bodies a week float by on the Cauca River, which separates central Cali from the international airport and is spanned by the bridge that most airline travelers use to enter or leave the facilities. Fishermen and Colombians who gather sand from the river bed to sell are often the ones to find cadavers and body parts.<sup>151</sup> Sometimes as many as ten bodies are found together, hands bound, and shot several times.<sup>152</sup>

### *Terror in Cajibío*

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<sup>147</sup> Human Rights Watch interview with "Enrique," Cali, Valle, January 13, 2001.

<sup>148</sup> Human Rights Watch interview with Cauca human rights defender, Bogotá, January 11, 2001.

<sup>149</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>150</sup> Human Rights Watch interview with "Enrique," Cali, Valle, January 13, 2001.

<sup>151</sup> Human Rights Watch interview with Cali students, Cali, Valle, January 14, 2001.

<sup>152</sup> "Cuatro personas han sido arrojados al río Cauca," *El País*, September 28, 2000.

The terror caused by the paramilitary advance on Cauca cannot be overstated. When the AUC arrived at dawn in a hamlet near Cajibío, Cauca, on November 22, 2000, Ana Zoraida Campo was in her house with her family. Paramilitaries demanded that her husband appear, but he was not home. Campo was too afraid to open the door. They beat it down and seized her brother, Arsenio, saying that he would remain a hostage until her brother appeared. Days later, she told the *personero* in Popayán, Cauca’s capital:

They forced us into the town square where most of the townspeople were, and when I arrived I saw my younger brother YONIR CAMPO who was also bound, then they divided us into two groups of men and women, and they made the men line up, and then they went down searching them and demanding their identification papers. Then they called the owners of the stores, among them my elder brother ALCIBIADEZ CAMAYO and my nephew JAMES CAMAYO, and they were bound as well... from there they said they wanted the woman who did not want to open her door, so I raised my hand and I said I was the one, and they grabbed me and bound me and they said that all of us there, were twelve in all, that they would kill us.

Eventually paramilitaries released eight of the hostages, including Campo and her brothers. Four villagers were then taken to the road leading to the cemetery and executed.<sup>153</sup>

The same paramilitary unit continued detaining people until November 24, residents later testified. That day, they arrived at the village of La Pedregosa leading five men tied together by the neck and with their hands bound. The paramilitaries severed the village’s telephone lines and set up a roadblock to prevent anyone from leaving and to search anyone arriving. After parading the five hostages through town, the paramilitaries reportedly executed them in the local church even as a Colombian military helicopter flew over its bell tower. At the time, a local priest was celebrating a first communion, and guests watched stunned as the execution took place as they left the church.<sup>154</sup>

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<sup>153</sup> Declaration of Ana Zoraida Campo to Popayán *personero*, November 29, 2000; and Derecho de Petición by the “José Alvear Restrepo” Lawyers Collective to the Attorney General’s office, November 28, 2000.

<sup>154</sup> Human Rights Watch interview with Cauca human rights defenders, Bogotá, January 29, 2001.

Residents also reported to the Internal Affairs agency that the paramilitaries spoke to the helicopter’s crew via radio and that the helicopter left the area without doing anything to attack the paramilitaries.<sup>155</sup>

Local authorities held an emergency security meeting in Popayán on November 22, and called on the security forces to take action to stop the killing. During the meeting, the mayor of Morales reported that the AUC had already threatened him and four other candidates for the mayor’s office.<sup>156</sup> A month earlier, the AUC had circulated a flyer announcing a “social cleansing” of the candidates and their supporters, who the AUC claimed favored guerrillas.<sup>157</sup>

But when government forces finally appeared, their arrival did not calm fears, but increased them. According to a Cauca-based association of human rights groups, troops belonging to the Third Brigade’s “José Hilario López” battalion, based in Popayán, arrived in villages outside Cajibío on December 12, 2000, less than a month after the AUC had carried out its first killings. But instead of pursuing paramilitaries, residents alleged that soldiers began detaining local people. Soldiers reportedly stripped three young men who were on their way to harvest coffee and beat them. Other soldiers fired shots into the ground by the feet of a local leader and near his ears, saying that they wanted to “make him talk.”

Before leaving, they reportedly threatened the villagers by saying, “Just wait, because for Christmas we are going to squeeze your balls and ruin the holidays.”<sup>158</sup>

Soldiers made a delayed payment on that threat on January 10, 2001, when they arrived at the home of Edelmira Montenegro Álvarez, a farmer near Cajibío. According to testimony Montenegro gave to the Cajibío *personero* two days later, a soldier began asking her for the location of her brother-in-law, Saulo Campo, and neighbors. When she replied that no one else was home, the soldier threatened her and said that she should tell her neighbor, “[this] little shet [sic], that we want to

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<sup>155</sup> Letter from Jaime Bernal Cuéllar, Procurador, to Alfonso Gómez, Attorney General, December 7, 2000.

<sup>156</sup> Letter from Silvio Villegas Sandoval, Mayor, Morales, Cauca, to Eduardo Cifuentes, Public Advocate, November 25, 2000.

<sup>157</sup> Letter from the Calima Front, AUC, to the people of Morales, Cauca, October 19, 2000.

<sup>158</sup> “S.O.S. a las organizaciones sociales hermanas y organismos de derechos humanos nacionales e internacionales,” Movimiento Suroccidente Colombiano (CIMA), ANUC-UR, ASOINCA, FENSUAGRO, ASOCOMUNAL La Vega, Movimiento Campesino y Popular Cajibiano), December 21, 2000.



say hello and to take care of himself, because his little tail is smelling like formaldehyde."<sup>159</sup>

At Campo's home, his wife later testified, soldiers searched the bedrooms and seized a pair of her husband's green pants, which they burned. After threatening and hitting her with a rifle, they left. The family later fled out of fear of further attacks.<sup>160</sup>

Less than a week later, presumed paramilitaries carried out their largest massacre to date in the region, executing ten men whom they pulled from a public bus only fifteen minutes outside Popayán. One of the victims, twenty-year-old José Luis Campo, had just finished his obligatory military service. He was killed as he rode his bicycle by the stopped bus, apparently because the paramilitaries did not want witnesses.<sup>161</sup>

Not only paramilitaries did the killing. In an apparent attempt to counter the paramilitary advance, the FARC-EP guerrillas attacked the village of Ortega, outside Cajibío, Cauca, on October 8, 2000. According to the Public Advocate, the guerrillas detained ten residents, among them a fifteen-year-old boy, bound them, forced them to the ground, and shot them dead. Guerrillas then decapitated three of the bodies. Before leaving, the FARC-EP destroyed forty-two buildings, the village's chapel, and a Protestant meeting space. The attack was apparently retaliation for the villagers' refusal to let guerrillas burn the local health post a month earlier.<sup>162</sup> In December 2000, the FARC-EP is believed to have killed four indigenous Colombians in Cauca who they suspected of supporting paramilitaries or because they refused to fight against them.<sup>163</sup>

The November attacks by paramilitaries around Cajibío prompted a commission of national and international nongovernmental organizations to visit

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<sup>159</sup> Declaration by Edelmira Montenegro Álvarez to the Cajibío *personero* and a representative of the Regional Public Advocate's office, Popayán, Cauca, January 12, 2001.

<sup>160</sup> Declaration by María Ines Chamorro Capote to the Cajibío *personero* and a representative of the Regional Public Advocate's office, Popayán, Cauca, January 12, 2001.

<sup>161</sup> "Masacre en La Rejoia," *El Liberal*, January 16, 2001; "Masacraron a diez campesinos en Cauca," *El Tiempo*, January 16, 2001.

<sup>162</sup> "Defensor repudia masacre de las FARC-EP contra campesinos de Ortega, Cauca," Public Advocate's office, October 12, 2000.

<sup>163</sup> "En 'jaque' resguardos de norte del Cauca," *El Occidente*, December 29, 2000; and "'Vía armada no es la mejor defensa'," *El Occidente*, December 27, 2000.

and prepare a special early-warning request that called on the government to take special measures to protect the civilian population, sent on December 1. The request singled out the exact places where new attacks were believed to be planned. Nevertheless, five months later, the Colombian government had yet to even formally acknowledge receipt of the early-warning request.<sup>164</sup>

Although the government sent a commission to investigate on January 11, 2001, there were no visible or effective measures taken after it departed to stem paramilitary violence. Subsequently, the Inter-American Commission on Human Rights of the Organization of American States (IACHR) issued precautionary measures meant to prompt the government to take emergency measures to protect local authorities and the members of social organizations operating in the area.<sup>165</sup> But as late as May 2001, Human Rights Watch was receiving reports indicating that paramilitaries continued to move freely around Cajibío, despite the permanent presence nearby of the Colombian Army.<sup>166</sup>

Even as humanitarian organizations, the church, municipal leaders, and victims testified about the reign of terror in the region, and hundreds of displaced families and their children crowded churches and schools, Colombian Army officers in charge of public order denied that anything out of the ordinary was happening. "At this moment, we have units along the upper reaches of the mountains and they have not reported anything strange," Pichincha Battalion commander Lt. Col. Tonny Vargas told Cali's *El País*. "In the same manner, not a single farmer has indicated to us who it was who ordered the houses to be abandoned."<sup>167</sup>

The paramilitary offensive in the region captured international attention over the 2001 Easter weekend, when residents began reporting a series of massacres carried out by the AUC along the Naya River, which separates Valle from Cauca. At the time, local army commanders told journalists that they had no evidence that paramilitaries were in the region.<sup>168</sup> A *Los Angeles Times* correspondent later visited the area and reconstructed what happened:

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<sup>164</sup> Annual Report of the IACHR 2000, Organization of American States, April 16, 2001.

<sup>165</sup> Ibid.

<sup>166</sup> Amnesty International Urgent Action 66 and 66/01, March 19 and May 21, 2001; and Cauca human rights groups urgent action, May 11, 2001.

<sup>167</sup> "Desplazados acosan al norte del Cauca," *El País*, December 27, 2000.

<sup>168</sup> Hans Vargas Pardo, "Autodefensas, otro actor que desestabiliza a los habitantes del Cauca: La zozobra de vivir junto a las AUC," *El País* (Cali), April 24, 2001.

[Paramilitaries] butchered 18-year-old Gladys Ipia first, slicing off her head and hands with a chain saw. Next, they killed six people at a restaurant just down the trail. They shot some, stabbed others. They hacked one man to death and then burned him. And so they traveled, 200 men and teens belonging to Colombia's largest ultra-right paramilitary group, the United Self-Defense Forces of Colombia. Holy Week became a procession of death as the forces hiked 60 miles from the Naya River's headwaters in the high Andes toward its outlet in the lowland jungles, stopping to slaughter at hamlets along the way. By the time they had crossed the Naya region, a remote and stunningly beautiful stretch of Colombia's Pacific coast, at least 27 people had been killed, with 20 more missing and presumed dead. Some were leftist guerrillas. Others were peasants. One was found splayed in a soccer field like a discarded doll. Almost all the victims were indigenous or black. The violence sent thousands fleeing.<sup>169</sup>

The Public Advocate's office later reported that the AUC had murdered as many as forty people in the Upper Naya region and prompted the forced displacement of at least 1,000 more people. In its summary of the events, the Public Advocate report concluded:

For the office of the Public Advocate, it is inexplicable how approximately 500 paramilitaries could carry out an operation of this type without being challenged in any way, especially since the area that these men entered is only twenty minutes from the village of Timba, where a base operated by the Colombian Army is located and has been staffed since March 30 of this year.<sup>170</sup>

### ***Official Accountability***

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<sup>169</sup> T. Christian Miller, "Paramilitaries Took No Prisoners on the Banks of the Naya River," *Los Angeles Times*, May 20, 2001.

<sup>170</sup> At the time the Public Advocate's office filed its report, they were able to confirm twenty-two bodies resulting from the paramilitary attack. Witnesses, the report noted, told representatives of the Public Advocate's office that paramilitaries threw other bodies into gorges and the rivers that feed the Cauca River. Some were reportedly dismembered with chainsaws. "Resolución Defensorial No. 009: sobre la situación de orden público en la región de río Naya," Eduardo Cifuentes Muñoz, Defensor del Pueblo, Santafé de Bogotá, May 9, 2001.

Until November 2000, the Third Brigade was under the command of Brig. Gen. Jaime Ernesto Canal Albán and covered the departments of Valle and Cauca. As far as Human Rights Watch is aware, there have been no investigations mounted against him.

General Canal resigned on November 3, 2000.<sup>171</sup> Subsequently, the defense minister made it clear that Canal's resignation had nothing to do with alleged links between the Third Brigade and paramilitaries, but rather resulted from Canal's disagreement with the government's decision to negotiate with the UC-ELN for the release of eighteen civilians remaining from a number abducted at Kilometer 18, a popular dining retreat on the road between Cali and Buenaventura.<sup>172</sup>

To date, the only action taken to break the link between the Third Brigade and paramilitaries has been made by the Attorney General's office. In December 2000, civilian prosecutors arrested Col. Rafael Hani, commander of the Palacé Battalion based in Buga, Valle. Prosecutors told Human Rights Watch that they have strong evidence showing that Hani set up paramilitary groups, supplied them with vehicles and supplies, and coordinated actions with them. They characterized the evidence as "extremely strong, and involving direct support for and participation in paramilitary crimes." Hani's support for paramilitaries, investigators told Human Rights Watch, "was flagrant."<sup>173</sup>

President Pastrana called a little noted emergency meeting between the Attorney General's office and the military high command in January 2001. One government official who attended told Human Rights Watch that the officers bitterly protested Colonel Hani's arrest. "They can't get the people who plan the crimes, so they are grabbing the soldiers for the crime of omission," Gen. Francisco René Pedraza, commander of the Third Brigade, told journalists.<sup>174</sup>

After the paramilitary sweep through the Upper Naya region, which joins Valle and Cauca, Colombia's defense minister announced on May 1, 2001 that the Navy

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<sup>171</sup> Decreto No.2252, November 4, 2000; and "Colombian General Quits Over Deal," *Associated Press*, November 3, 2000.

<sup>172</sup> "Primó la vida de los secuestrados: Mindefensa," *El Tiempo*, November 6, 2000; and "Colombian General Quits Over Deal," *Associated Press*, November 3, 2000.

<sup>173</sup> Colonel Hani has denied the charges against him. Human Rights Watch interview with government prosecutors, Bogotá, January 9, 2001; and "Detenido coronel del Ejército Nacional," *El Tiempo*, January 8, 2001.

<sup>174</sup> *Ibid*; and "Rechazan detención de coronel Hani Jimeno," *El Tiempo*, January 9, 2001.

had captured seventy-three suspected members of the AUC who were believed to have taken part.<sup>175</sup> Carlos Castaño publicly took responsibility for the killings even as authorities removed bodies from the region in slings attached beneath helicopters.<sup>176</sup>

#### **Middle Magdalena (Fifth Brigade)**

*Christmas weekend and the new year will be pain and blood.*

#### **-AUC message to Barrancabermeja residents**

In this city on the bank of Colombia’s Magdalena River, rumors circulated insistently that the AUC planned to make good on its commander’s word to “sip coffee” in a local café before the end of the year 2000. Over the previous eleven months, an AUC offensive had pushed UC-ELN guerrillas out of former strongholds in the mountains to the north. Even as Colombia’s government attempted to establish a special area in the region to hold peace talks with the UC-ELN, the AUC, firmly opposed to any negotiation, laid claim to the towns of Yondó, Cantagallo, Puerto Wilches, and San Pablo, creating the facts on the ground that would eventually drag the negotiations into 2001, with dwindling hopes of success.<sup>177</sup>

Though the AUC’s presence was ubiquitous, army and police forces had few if any confrontations with them. In case after case, human rights groups, peasant organizations, religious leaders, and residents described a policy of tolerance and,

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<sup>175</sup> “Colombia set on quashing paramilitaries - Pastrana,” *Reuters*, May 1, 2001; Juan O. Tamayo, “Colombia shows off 2 rightist guerrillas: Paramilitaries deny massacre,” *Miami Herald*, May 3, 2001; and Claudia Rocío Vásquez R., “La batalla secreta por el Naya,” *El Tiempo*, May 7, 2001.

<sup>176</sup> Carlos Castaño, “La Operación Antisubversiva del Naya,” Editorial Semanal de las AUC, April 23, 2001. This is available at <http://www.colombialibre.org/editori/crecenauc.htm>.

<sup>177</sup> “Hoy la zona es clave para financiar a las autodefensas: Los ‘atractivos’ del Sur de Bolívar,” *El Colombiano*, February 7, 2001.

in some cases, open collaboration between the AUC, local police, and units under the command of the Fifth Brigade, based in Bucaramanga.<sup>178</sup>

As one international observer commented to Human Rights Watch, “Paramilitaries could not be doing what they are doing without the support of the military and police.”<sup>179</sup>

During a Human Rights Watch mission to the Middle Magdalena in January 2001, eyewitnesses described how paramilitaries had been able to maintain their command center in San Blas, outside the town of San Pablo, throughout 2000. Equipped with communications equipment, barracks, and a vehicle pool, this base was used to summon local leaders, collect and distribute weaponry and vehicles, and train hundreds of paramilitary fighters. After a visit to the region, the Office of the UNHCHR informed the government about this base.<sup>180</sup> Yet it was not attacked a single time by the Colombian security forces in 2000, even after Colombians who had independently met with Carlos Castaño on its grounds informed Colombia’s highest authorities, including President Pastrana, of its existence.<sup>181</sup>

It was not until March 2001 that the Colombian security forces occupied the AUC command center at San Blas. At the time, Gen. Martín Carreño Sandoval, commander of the Fifth Brigade, announced that his troops had seized a paramilitary “fort,” AK-47 rifles, munitions, and communications equipment. Soldiers also reportedly found five cocaine laboratories, sixteen kilos of raw cocaine, and 22,000 gallons of the chemicals used to crystallize it into export-grade powder. However, not a single paramilitary was arrested, suggesting, as Castaño had previously told visitors, that he received clear advance warning of the raid.<sup>182</sup>

“When I traveled the Magdalena River recently with a humanitarian mission, it was completely controlled by paramilitaries,” one journalist who asked for anonymity told Human Rights Watch. The first paramilitary checkpoint, he said,

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<sup>178</sup> Human Rights Watch interviews with Middle Magdalena residents, Barrancabermeja, Santander.

<sup>179</sup> Human Rights Watch interview with international observer, Bogotá, January 8, 2001.

<sup>180</sup> Paragraph 135, “Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

<sup>181</sup> Human Rights Watch interviews with Middle Magdalena residents, Barrancabermeja, Santander, January 21-22, 2001.

<sup>182</sup> “Allanado San Blas, en el sur de Bolívar,” *Vanguardia Liberal*, February 17, 2001; and “48 días de reconquista en el Magdalena Medio,” *Vanguardia Liberal*, March 23, 2001.

was only fifteen minutes north of Barrancabermeja. On one occasion, he said, he recognized a Colombian Army soldier wearing an AUC armband. "The ties between the Colombian Army and the paramilitaries are clear."<sup>183</sup>

### *An Urban Assault*

As home to Colombia's largest oil refinery and a busy river port, the city of Barrancabermeja is crucial to the country's economic health. For almost three decades, the UC-ELN controlled the eastern slums, using them to recruit new militants, extort money, and supply rural units. But that dominion frayed when the AUC began in 2000 to concentrate on forcing guerrillas -- and anyone believed to support or sympathize with them -- out of the region and out of the city itself.

During the year, city authorities registered an unprecedented 567 homicides among its population of 250,000, twelve more than the total number recorded in the same period in the city of Los Angeles, with a population of almost ten million. Most victims in Barrancabermeja died of gunshot wounds and were believed to have been killed by paramilitaries.<sup>184</sup> In 2000, Barrancabermeja had a homicide rate of 227 per 100,000, among the world's highest.<sup>185</sup>

Bishop Jaime Prieto told Human Rights Watch that he believed most of the dead were not combatants, but were likely killed because of a perception that they had sympathies to guerrillas or paramilitaries. "For every one person who may have helped guerrillas, two are killed who had nothing to do with them," he said.<sup>186</sup>

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<sup>183</sup> Human Rights Watch interview with journalist, January 21, 2001.

<sup>184</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001; and Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001.

<sup>185</sup> According to the Los Angeles Police Department, the city registered 548 homicides in 2000, a 27 percent increase over 1999. That equals six homicides per 100,000 residents. Washington, D.C., with a population of 550,000, had 241 murders in 2000, equaling a rate of 44 per 100,000 according to the Washington, D.C. metropolitan police department.

<sup>186</sup> Human Rights Watch interview with Bishop Jaime Prieto, Barrancabermeja, Santander, January 20, 2001.

As the year's final weeks approached, Barrancabermeja residents alerted human rights groups and the authorities that the AUC had promised that "Christmas weekend and the new year will be pain and blood."<sup>187</sup>

In preparation, paramilitaries reportedly recruited many local young people, offering status, weapons, a cellular telephone, and a regular salary that dwarfed those on offer for legal employment. Currently, Barrancabermeja registers an unemployment rate of over 30 percent. "They offered a monthly salary of U.S. \$250 per month," explained Francisco "Chico" Campos, a member of the Regional Corporation for the Defense of Human Rights (Corporación Regional para la Defensa de los Derechos Humanos, CREDHOS), a human rights group. "They paid store owners for supplies a month in advance and contracted with taxi drivers for a whole month of service."<sup>188</sup>

On November 4, the long-rumored offensive began. According to human rights groups, an estimated fifty armed and uniformed men wearing AUC armbands appeared in the neighborhoods of Maria Eugenia, El Paraiso, Campestre, and Altos de Campestre. Lists in hand, they pulled out seven people, killing them on the spot. When the men were told that one of the people on the list was not home, they took brothers Oswaldo and Rodrigo Buitrago instead. The two men remain "disappeared." Residents frantically called police and the local army base, but got no effective response.<sup>189</sup>

"Within fourteen hours of that assault, we had confirmed the information provided by CREDHOS," one high level government investigator told Human Rights Watch. "But there was virtually no response on the part of the police or military."<sup>190</sup>

#### ***Assault on Miraflores and Simón Bolívar***

Over a month later, on the night of December 22, residents told human rights groups that dozens of uniformed and heavily armed men wearing AUC armbands

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<sup>187</sup> Letter from CREDHOS to Col. José Miguel Villar Jiménez, commander, Middle Magdalena Special Operative Command (Comando Operativo Especial del Magdalena Medio, COEMM), December 21, 2000.

<sup>188</sup> Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001.

<sup>189</sup> "Barrancabermeja sitiada por los paramilitares," *Reiniciar*, January 13, 2001.

<sup>190</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.



made a second attempt to enter the city, in the eastern slums of Miraflores and Simón Bolívar. The men forced their way into people's homes, keeping residents virtual hostages. Families were obligated to feed and clothe paramilitaries under threat of death.<sup>191</sup>

"I watched the paramilitaries enter these neighborhoods on December 24, and it was clear to me that it was the result of coordination between the AUC and the police," one eyewitness, who asked for anonymity, told Human Rights Watch.<sup>192</sup>

Over the next twenty-four hours, the AUC asserted control street by street and house by house. On December 23, paramilitaries reportedly set up roadblocks in seven neighborhoods, requiring residents to show identification. That evening, an estimated 150 uniformed and heavily armed men circulated in the city's northeastern quarter. Gunmen reportedly killed Edwin Bayona Manosalva, a seventeen-year-old who had been entering his family home.<sup>193</sup>

Although police patrolled nearby, stationed armored vehicles in the vicinity, and even carried out house searches, residents reported that they did not approach locations where known paramilitaries were keeping hostages. To the contrary, Human Rights Watch received numerous reports that after approaching armed paramilitaries, police would allow them to proceed unmolested.<sup>194</sup>

"Residents felt abandoned by the authorities," said one international observer.<sup>195</sup>

After midnight on December 24, armed men identifying themselves as paramilitaries forced their way into the home and store of Pedro Ospina, a Primero de Mayo resident. According to a declaration he later made to CREDHOS, the men told him they were taking possession of the building and he had to help them. "They proceeded to detain people who were walking in front of my house, and they forced them into the house where they were, and once there they would interrogate them, asking them about the Guerrillas."

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<sup>191</sup> Letter to Col. Luis Alfonso Novoa Díaz, Coordinator, Colombian National Police Human Rights Group (GRUDH INSGE), from CREDHOS, January 11, 2001; and Letter to President Andrés Pastrana from thirteen religious, union, and human rights groups based in Barrancabermeja, December 28, 2000.

<sup>192</sup> Human Rights Watch interview with observer, January 21, 2001.

<sup>193</sup> "Barrancabermeja sitiada por los paramilitares," *Reiniciar*, January 13, 2001.

<sup>194</sup> Letter to Col. Luis Alfonso Novoa Díaz, Coordinator, GRUDH INSGE, from CREDHOS, January 11, 2001;

<sup>195</sup> Human Rights Watch interview with international observer, Bogotá, January 8, 2001.

That afternoon, Ospina told CREDHOS, a group of Colombian National Police arrived in armored tank No. 178, entered his store, and spoke with the men he assumed were paramilitaries. After inspecting their weapons, the agents apparently warned the men that they should leave for their safety.<sup>196</sup> Ospina later told a government investigator that in his view, the police had rescued the paramilitaries.<sup>197</sup>

Nearby, presumed paramilitaries forced Gustavo Adolfo Lobo from his home and into a van. His family found his body the next day.<sup>198</sup>

Col. Luis Novoa, the coordinator of the CNP Human Rights office, told Human Rights Watch that police had done an initial investigation of armored vehicle 178. The presumed paramilitaries, he claimed, were actually undercover police agents. “There was a clear error in not communicating this to the residents,” he told Human Rights Watch.<sup>199</sup>

Left unexplained, however, was why these so-called undercover agents were interrogating residents about guerrillas even as paramilitaries were sweeping the area, detaining residents, and killing them.

Subsequently, the AUC confirmed its intentions in a public statement signed by “Esteban,” who identified himself as the commander of a regional branch of the AUC that calls itself the United Self-Defense Forces of southern Bolívar and Santander (Autodefensas Unidas del sur de Bolívar y Santander). In a statement faxed to human rights groups and distributed by hand in the city, “Esteban” confirmed the presence of “our military units and intelligence operatives in the rural and urban areas of Barrancabermeja.”<sup>200</sup>

### *A Strategy of Inaction and Delay*

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<sup>196</sup> Declaration of Pedro Ospina to CREDHOS, December 27, 2000.

<sup>197</sup> Human Rights Watch interview with international observer, Barrancabermeja, Santander, January 20, 2001; and Human Rights Watch interview with CCJ, Bogotá, January 9, 2001.

<sup>198</sup> Letter to Col. Luis Alfonso Novoa Díaz, Coordinator, GRUDH INSGE, from CREDHOS, January 11, 2001.

<sup>199</sup> Human Rights Watch interview with Col. Hernán Darío Moreno, commander, BAGRA, Barrancabermeja, Santander, January 21, 2001; and Human Rights Watch interview with Col. Luis Alfonso Novoa Díaz, Coordinator, GRUDH INSGE, Bogotá, January 10, 2001.

<sup>200</sup> Statement, December 27, 2000.

What police later characterized as an “intensification” of their patrols proved no obstacle whatsoever to a paramilitary offensive that resulted in a dozen murders between December 22 and January 5, 2001.<sup>201</sup> Among the men believed to be directing the paramilitary offensive was Wolman Saír Sepúlveda. Like other AUC members, Sepúlveda had reputedly been a UC-ELN guerrilla who switched allegiance. A month before the offensive began, soldiers belonging to the “Nueva Granada” Antiaircraft Battalion No. 2 arrested Sepúlveda, who was believed responsible for circulating a death list containing the names of ten people. When detained, Sepúlveda reportedly was carrying weapons and identified himself as a member of the AUC.<sup>202</sup>

Nevertheless, Sepúlveda was not charged and was released. He returned to the city’s northwest slums to terrorize residents until he was arrested a second time in January 2000.<sup>203</sup>

On December 24, after literally dozens of telephone calls to police and army commanders from local, national, and international human rights groups, the Bogotá office of the UNHCHR, and the U.S. ambassador, the Colombian security forces finally took some action in the city. By the time their forces were deployed, however, paramilitaries had held the Miraflores and Simón Bolívar neighborhoods for almost twenty-four hours.<sup>204</sup>

“There is no interest and they let the conflict continue,” commented one high level Colombian government investigator who visited Barrancabermeja during the Christmas offensive. “The state forces can intervene, but they are not willing to.”<sup>205</sup>

Military and police authorities interviewed by Human Rights Watch denied that they ignored evidence of a paramilitary advance, and argued that they had established a “general presence” to prevent attacks and capture paramilitaries.

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<sup>201</sup> Letter from Col. José Miguel Villar Jiménez, commander, COEMM, to Lt. Col. Luis Alfonso Novoa Díaz, Coordinator, GRUDH-INSGE, January 6, 2001.

<sup>202</sup> “Capturados cuatro presuntos paramilitares en Barranca,” *Vanguardia Liberal*, November 19, 2000.

<sup>203</sup> After his second arrest, Sepúlveda was charged with paramilitary activity. Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001.

<sup>204</sup> Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001.

<sup>205</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

However, they acknowledged that despite this “presence,” political violence was virtually unaffected.<sup>206</sup>

During the Human Rights Watch visit to Barrancabermeja in January 2001, CREDHOS leaders spent most of their time using portable telephones, receiving detailed information about paramilitary movements and relaying that information immediately to the authorities. “We pass information constantly,” Francisco Campos said, “but the violence has not stopped.”<sup>207</sup>

The UC-ELN responded to the paramilitary offensive with its own violence. Human rights groups estimate that two thirds of the people murdered between December 22 and January 17 were killed by guerrillas, as suspected paramilitary collaborators.<sup>208</sup> Among the attacks was a January 6, 2001 attempt to activate a bomb next to a Colombian National Police armored vehicle. While four police agents were wounded, the bomb killed passers-by Mérida Contreras and her twelve-year-old son, Braulio. Another daughter lost her right arm. Thirteen other civilians were wounded, including a three-year-old boy.<sup>209</sup>

In January 2001, 200 people were murdered in Barrancabermeja according to government authorities, double the number of people murdered during the same time period in 2000.<sup>210</sup> “Here there is a state of absolute impunity,” commented Bishop Jaime Prieto.<sup>211</sup> This represents a shocking increase in a city already stunned by violence.

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<sup>206</sup> Human Rights Watch interview with Col. Hernán Darío Moreno, Commander, BAGRA; Major Agustín Rodríguez Torrenegra, commander, Puesto Fluvial Avanzado No. 61; and Col. José Miguel Villar, commander, COEMM, Barrancabermeja, Santander, January 21, 2001.

<sup>207</sup> Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001.

<sup>208</sup> Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001; and Letter to President Andrés Pastrana from CREDHOS, January 17, 2001.

<sup>209</sup> Human Rights Watch interview with Col. José Miguel Villar, commander, COEMM, January 21, 2001; “Horror en Barrancabermeja,” CREDHOS, January 7, 2001; and “Una bomba enlutó a la familia Contreras,” *El Tiempo*, January 8, 2001.

<sup>210</sup> Euclides Ardila R. and Janeth Montoya, “Balance de Medicina Legal durante los primeros 45 días del año: Cada 12 horas acribillan a una persona en Barranca,” *Vanguardia Liberal*, February 15, 2001.

<sup>211</sup> “Barranca, fósforo cerca de gasolina,” *El Tiempo*, January 10, 2001.

Responding to the AUC offensive, President Pastrana called an emergency security meeting on January 10, 2001, seventeen days after the AUC offensive began. Included were members of his cabinet along with Deputy Attorney General Jaime Córbova Triviño, Procurador Jaime Bernal Cuéllar, Peace Commissioner Camilo Gómez, and Colombian National Police commander Luis Gilibert. Afterwards, Interior minister Humberto de la Calle announced that the government was sending army special forces to the city to “stop the massacres, end terrorism and the type of territorial war that the city is living.”<sup>212</sup>

De La Calle claimed that over 150 troops were sent. However, Barrancabermeja military authorities told Human Rights Watch that the number deployed was actually forty-five Special Forces soldiers.<sup>213</sup>

Subsequently, the government announced the formation of a ministerial committee with the stated goal of pursuing and capturing paramilitary groups. In the past, similar steps have been announced but have come to nothing. Indeed, President Pastrana previously announced in February 2000 that he would organize such a committee after a similar series of massacres. However, this committee never even met.<sup>214</sup>

### ***Targeting Human Rights Defenders***

Human rights defenders have been among the main targets of the paramilitary advance in Barrancabermeja. Although threats have been a constant for several years, they took on new urgency at the end of 2000, when the AUC began its effort to take the city.

In September 2000, two members of CREDHOS, Mónica Madero and José Guillermo Larios, were forced to leave the city for their safety. On September 30, a flyer signed by the AUC declared that all of the board members of CREDHOS and the local chapter of Association of Relatives of Detainees and Missing Persons (Asociación de Familiares de los Detenidos-Desaparecidos, ASFADDES) were

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<sup>212</sup> “Medidas para Barranca,” *El Tiempo*, January 11, 2001.

<sup>213</sup> Human Rights Watch interview with Col. Hernán Darío Moreno, Commander, BAGRA; Major Agustín Rodríguez Torrenegra, commander, Puesto Fluvial Avanzado No. 61; and Col. José Miguel Villar, commander, COEMM, Barrancabermeja, Santander, January 21, 2001.

<sup>214</sup> Human Rights Watch interview with government investigator, January 9, 2001.

considered "military targets," effectively giving paramilitaries authorization to consider them guerrillas and murder them.<sup>215</sup>

CREDHOS board member Francisco Campos began receiving telephone threats on December 29. Presumed paramilitaries called Campos on the special telephone issued to him by the Ministry of the Interior, for his safety. Several days later, men known to belong to the AUC came to the homes of Larios and CREDHOS board member Iván Madero to threaten them and their colleagues.<sup>216</sup>

Women's organizations that undertake human rights work have also been attacked. The Popular Women's Organization (Organización Popular Femenina, OFP) has been the target of physical violence and threats. On January 19, Audrey Robayo, a CREDHOS member and employee of the Women, Family and Community Corporation, a nongovernmental group, received a telephone call from a neighbor in the Maria Eugenia neighborhood. The neighbor said that he worked for the AUC. According to testimony Robayo gave to CREDHOS, the neighbor told her, "If you want to save your skin, retire from all of this shit, close [the Corporation] there, work for yourself, for your personal benefit and that of your family, don't work for others and not at all for the left." Later, the neighbor invited her to resume social work "after we take over you can return and we'll talk about the social work you can do."<sup>217</sup>

For her safety, Robayo visited the house in the city maintained by Peace Brigades International (PBI). Members of CREDHOS, the OFP, and ASFADDES are accompanied virtually twenty-four hours a day by Barrancabermeja-based PBI volunteers, whose non-profit organization seeks to protect threatened defenders by maintaining a constant, physical presence.<sup>218</sup>

In the PBI house, Robayo described what had happened to her. Within thirty minutes of entering the PBI house, which is unmarked and in a distant

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<sup>215</sup> Since its creation in 1988, CREDHOS has had six members of its board murdered. Three organization presidents -- Jorge Gómez Lizarazo, Osiris Bayther, and Marco Tulio Torres -- have been forced to flee Colombia. Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001; Letter to President Andrés Pastrana from CREDHOS, January 17, 2000.

<sup>216</sup> Human Rights Watch interview with Francisco Campos, CREDHOS, Barrancabermeja, Santander, January 20, 2001; and Letter to President Andrés Pastrana from CREDHOS, January 17, 2000.

<sup>217</sup> Testimony of Audrey Robayo Sánchez to CREDHOS, January 20, 2001.

<sup>218</sup> Human Rights Watch interview with CREDHOS and PBI, Barrancabermeja, Santander, January 20, 2001.

neighborhood, an unidentified man called the Women, Family and Community Corporation house in María Eugenia and said, "Tell Audrey that because she is asking for help, that she should ask for help when we kill her for being a snitch."<sup>219</sup>

The persecution continued in March. On March 7, two OFP members were handing out leaflets to promote International Women's Day when a group of men approached them and identified themselves as AUC members. The men snatched the leaflets and burned them. They also threatened the women, and told them to leave the area.<sup>220</sup>

But PBI protection appears increasingly tenuous. On February 8, 2001, paramilitaries entered a house run by a social welfare group affiliated with the OFP and located in the city's El Campestre neighborhood. The men seized the cellular telephone of a PBI volunteer and told the volunteer and Jackie Rojas, an OFP member, that they were considered "military targets."<sup>221</sup>

"The paramilitaries are not just killing us physically, they are also killing our ability to organize, to be community leaders," said Yolanda Becerra, president of the OFP. "We have been forced to shut down projects outside the city, because the paramilitaries have banned us from traveling by river."<sup>222</sup>

The CNP has investigated allegations of police complicity in the paramilitary advance in Barrancabermeja, but has yet to make those results available. General Gilibert acknowledged in an interview with Human Rights Watch that "errors were made" when paramilitaries mounted their offensive and said he was committed to correcting them.<sup>223</sup>

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<sup>219</sup> Human Rights Watch interview with Audrey Robayo, Barrancabermeja, Santander, January 20, 2001; and Testimony of Audrey Robayo Sánchez to CREDHOS, January 20, 2001.

<sup>220</sup> Amnesty International Urgent Action, "Further information on UA 22/01, issued 29 January 2001 - Fear for Safety," March 8, 2001.

<sup>221</sup> Human Rights Watch telephone interview with OFP, 2001; and Resolución Defensorial No. 007, Defensoría del Pueblo, Santafé de Bogotá, March 6, 2001.

<sup>222</sup> Human Rights Watch interview with Yolanda Becerra, OFP, Barrancabermeja, Santander, January 20, 2001.

<sup>223</sup> Human Rights Watch interview with Gen. Luis Ernesto Gilibert Vargas, Bogotá, January 10, 2001.

Nevertheless, human rights groups concluded that overall, “Despite the expressions of good faith on the part of some government functionaries, the paramilitary offensive continues and the authorities do nothing to stop it.”<sup>224</sup>

Far from moving effectively to protect threatened defenders and arrest paramilitaries, the commander of the CNP’s Middle Magdalena Special Operative Command (Comando Operativo Especial del Magdalena Medio, COEMM), Col. José Miguel Villar Jiménez, attacked human rights groups. In reply to those groups’ letter detailing evidence of police complicity with paramilitaries, he wrote that the groups had “their origin in [guerrillas], which attempt to throw mud on the good work that is done constantly with reports and information that also has an echo in the different international Non-Governmental Organizations. It is possible to conclude that this is simply a trap to make the Police agents appear inoperative and possibly tied to self-defense [paramilitary] groups.”<sup>225</sup>

### III. THE PASTRANA ADMINISTRATION

*While the military aggressively pursues a public relations campaign to clean up its image, on the ground it continues to strongly support paramilitary groups.*

— **international observer**

The Pastrana administration has done far too little to address paramilitary atrocities and continued collaboration between its armed forces and abusive paramilitary groups. As the office of the U.N. High Commissioner for Human Rights

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<sup>224</sup> “Continúa la Emergencia en Barrancabermeja por la incursión paramilitar,” CREDHOS and nine other human rights groups, December 28, 2000.

<sup>225</sup> Letter to Lt. Col. Luis Alfonso Novoa Díaz, coordinator, GRUDH-INSGE, from Col. José Miguel Villar Jiménez, commander, COEMM, January 6, 2001.



described it in its report for 2000, the government's response to a worsening human rights situation has been "weak and inconsistent."<sup>226</sup>

There is a wealth of information available about who commits atrocities and why -- sometimes delivered in great detail and well in advance of any attack. Yet this results in feeble and at times wholly fictitious government attempts to identify and punish the perpetrators and little action to defuse planned violence before there are victims to mourn.

"We know that there are people with good intentions in the government, but official policy does not reflect these intentions," commented one trade unionist from Valle.<sup>227</sup>

With the notable exception of the Attorney General's office, the CTI, a core of ranking CNP officers, the office of the Public Advocate, and isolated government officials, the Pastrana administration has dedicated most of its time and energy to mounting a sophisticated public relations campaign that highlights its good intentions. But this campaign has yet to translate into effective action that addresses the sources of violence, particularly continuing ties between the military and paramilitary groups.

One high level government official put it this way: "There is a rupture between civilian authorities and military authorities. Political authorities give orders that paramilitaries be fought, and the military authorities hear [these orders] but do not obey them."<sup>228</sup>

"The military is playing a double game," commented one international observer to Human Rights Watch. "While it aggressively pursues a public relations campaign to clean up its image, on the ground it continues to strongly support paramilitary groups."<sup>229</sup>

### **Warrants Without Arrests**

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<sup>226</sup> Paragraph 254, "Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia," E/CN.4/2001/15, February 8, 2001.

<sup>227</sup> Human Rights Watch interview with trade unionist, Cali, Valle, January 15, 2001.

<sup>228</sup> Human Rights Watch interview with government official, Bogotá, January 9, 2001.

<sup>229</sup> This source requested anonymity. Human Rights Watch interview, Bogotá, January 8, 2001.

One way to measure the Pastrana administration's failure to compel action is through a review of what happens to arrest warrants issued by the Attorney General's office for alleged paramilitaries. According to the CTI, investigators attached to the Attorney General's office, they had over 300 arrest warrants against alleged paramilitary members pending in January 2001. Among them were at least twenty-two separate warrants against Carlos Castaño for massacres, killings, and the kidnaping of human rights defenders and a Colombian senator.<sup>230</sup>

The CTI, however, has faced increased difficulty in carrying out arrests. For instance, in 1998, the CTI made 120 arrests on these types of warrants. That number fell to eighty-eight in 1999 and just sixty-five in 2000.<sup>231</sup> [ see appendix 2]

Government investigators from four separate institutions consulted by Human Rights Watch agreed that the main cause for the fall in the number of arrests was the Colombian military. The military, according to these investigators, refused to send troops to make arrests or else leaks arrest plans to paramilitaries.

"There are cases where we cannot execute warrants against paramilitaries because we lack the military weaponry to confront them," explained one high level government investigator who asked for anonymity. And when the Colombian military is involved, "The information leaks and when we arrive, nobody is there. In many cases, the military knows exactly where the paramilitaries are, but does nothing."<sup>232</sup>

For its part, the military claimed that it has arrested paramilitaries, and often shows PowerPoint displays with colorful graphics to illustrate its claims. But civilian government investigators insisted to Human Rights Watch that most of those counted as detained in military tallies were merely low-ranking fighters, not leaders and key organizers. The Attorney General's office, sometimes acting in coordination with the CTI and CNP, has a significantly better record of arresting paramilitary leaders.<sup>233</sup>

For instance, on May 24, 2001, the Attorney General's office carried out unprecedented arrests and searches in the city of Montería, Córdoba, long considered a stronghold of Carlos Castaño. In the raid, which included a special Colombian Army unit brought from Bogotá, authorities reportedly carried out thirty-one searches and detained at least five people believed to have ties with

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<sup>230</sup> Annual Report by the Attorney General, 2000.

<sup>231</sup> Statistics provided by the CTI, January, 2001.

<sup>232</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>233</sup> Ibid.

paramilitaries. Among the houses searched was one belonging to Salvatore Mancuso, known as "El Mono," allegedly a high-ranking AUC member who is wanted in relation to several massacres.<sup>234</sup> It is significant that the Attorney General prosecutors had soldiers brought from the capital and not Montería, a paramilitary stronghold, where the local Eleventh Brigade has long been linked to support for paramilitaries

Yet even these arrests can prove illusory. Since 1998, at least fifteen alleged paramilitary leaders who have been arrested have later walked past prison guards, soldiers, and police to freedom.<sup>235</sup>

Omar Yesud López Alarcón: reputedly the head of the northern branch of the AUC, López escaped from the prison in Cúcuta, Norte de Santander, on May 17, 2001. He was detained at the end of 2000, accused of masterminding a number of massacres in north-east Colombia.<sup>236</sup>

Martín Villa Montoya: Villa allegedly took part in the El Salado massacre.<sup>237</sup> He fled the prison where he was kept in March 2001, only days after the Attorney General's Human Rights Unit filed formal charges against him and fourteen others believed to have killed thirty-six people.<sup>238</sup>

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<sup>234</sup> Among the crimes the Attorney General's offices links to Mancuso is the 1997 El Aro massacre, covered in "The Ties That Bind," a Human Rights Watch report available at <http://www.hrw.org/reports/2000/colombia/>. "Golpe a red de financistas de 'paras'," *El Espectador*, May 25, 2001.

<sup>235</sup> Escape from prison in Colombia is not difficult for people with money, connections, or powerful friends. According to a report published in *El Tiempo*, in 2000, more than 200 prisoners left Bogotá's maximum security prison, La Modelo, using illegal passes. Others benefitted from attacks on prisons, like the nineteen inmates who escaped a prison in Huila when the FARC-EP launched an attack on the facilities in February 2001. Statistical report from the office of the Attorney General's Human Rights Unit, 1998-2000; Sixto Alfredo Pinto Castro, "200 presos se han fugado de La Modelo permiso," *El Tiempo*, March 26, 2001; and "Colombia rebels free 19 inmates in jail attack," *Reuters*, February 19, 2001.

<sup>236</sup> "Colombian paramilitary escapes from jail," *BBC World Service*, May 18, 2001.

<sup>237</sup> "Misteriosa fuga de 'para' de La Modelo," *El Tiempo*, March 18, 2001.

<sup>238</sup> Villa was one of fifteen alleged paramilitaries captured by Colombian Navy troops after the three-day massacre concluded. "A juicio 15 paramilitares por masacre de

Jorge Ivan Laverde Zapata, alias “Sebastian” or “El Iguano”: on November 22, 2000, accused AUC member Laverde was reportedly undergoing a medical procedure in a hospital when a group of thirty AUC members arrived to escort him to freedom. Although Laverde was believed to be a paramilitary commander and confidant of Carlos Castaño’s, it appears that the security force members charged with guarding him took no special measures to prevent his escape or to detain the AUC gunmen.<sup>239</sup> Indeed, there was a clear indication that Laverde was a flight risk since he had escaped once before. On January 18, 2000, he had been arrested by the CNP near Turbo, Antioquia.<sup>240</sup> At the time of his second escape, Laverde reportedly had a total of three arrest warrants filed against him for homicide and paramilitary activities, and was believed to be a commander of the AUC in North Santander department.<sup>241</sup>

Salomon Feris Chadid: a retired military officer linked to killings in the department of Sucre, Feris left detention several weeks after his August 2000 arrest.<sup>242</sup>

Francisco Javier Piedrahita: Piedrahita was arrested and accused of financing paramilitaries along Colombia’s Caribbean Coast. Escorted to a Barranquilla clinic for a medical procedure, he left unmolested on December 31, 1999.<sup>243</sup>

Humberto Caicedo Grosso: a military-style hair cut was apparently all this alleged paramilitary, known as “H.K.,” needed to be able to walk out of the army’s Sixteenth Brigade, in Yopal, Casanare, two days after his arrest on

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El Salado,” *El Espectador*, March 12, 2001.

<sup>239</sup> “Hombre de confianza de Carlos Castaño: Por segunda vez, se fugó ‘Sebastián,’” *Vanguardia Liberal*, November 24, 2000; and “Fiscalía Había Capturado ‘Sebastián’ hace 8 días,” *El Tiempo*, November 24, 2000.

<sup>240</sup> Summary by the Dirección de Inteligencia, Policía Nacional, August 7, 1998-September 30, 2000.

<sup>241</sup> “Hombre de confianza de Carlos Castaño: Por segunda vez, se fugó ‘Sebastián,’” *Vanguardia Liberal*, November 24, 2000; and “Fiscalía Había Capturado ‘Sebastián’ hace 8 días,” *El Tiempo*, November 24, 2000.

<sup>242</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001; and “¿Ineficacia del Estado o Hipocresía de la Sociedad?” *El Tiempo*, September 10, 2000.

<sup>243</sup> *Ibid.*

February 18, 2000. Caicedo apparently walked out of the brigade’s main entrance. According to a report in *El Espectador*, the escape was not even registered by the Colombian Army until March 8. Subsequently, the Attorney General’s office opened an investigation of two army colonels and a captain for possibly arranging his escape.<sup>244</sup> Caicedo was later implicated in the largest hostage-taking ever recorded in Colombia, the May 16, 2001 seizure of 198 African palm workers in the department of Casanare. All of the workers were later reported released.<sup>245</sup>

Héctor Buitrago, alias “Tripas”: Buitrago was arrested in connection with an attack on a government judicial commission outside San Carlos de Guaroa, Meta, on October 3, 1997, that left eleven dead. The commission had intended to seize a ranch belonging to an alleged drug trafficker and financier of paramilitary groups. Buitrago escaped while being taken from a Villavicencio jail to a local hospital after complaining of symptoms of a heart attack. Armed men intercepted the vehicle conveying him and killed Carmen Rosa Burgos, the nurse attending him.<sup>246</sup>

Jacinto Soto Toro, alias “Lucas” or “Aníbal”: Soto, reputedly a top AUC accountant, walked out of Medellín’s Bellavista Prison on November 2, 1998.<sup>247</sup> Arrested on April 30, 1998, by the CTI, Soto was found in an office that authorities said did the paramilitaries’ accounting and contained many

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<sup>244</sup> “H.K.” is taken from the Heckler & Koch, Inc. weapons manufacturer, which builds some of the weapons preferred by paramilitaries. “‘HK’ duró dos días en poder del Ejército, en Yopal,” *El Tiempo*, April 22, 2000.

<sup>245</sup> Javier Arboleda García, “Retenidos cerca de 200 campesinos Casanare,” *El Colombiano*, May 16, 2001; and Gloria Castrillón, “‘Paras’ liberan a 201 trabajadores,” *El Espectador*, May 18, 2001.

<sup>246</sup> A month later, the Internal Affairs agency found that Gen. Jaime Uscátegui, at the time of the massacre the commander of the Seventh Brigade with jurisdiction over Meta, had failed to assist the commission in an opportune manner and ordered him cashiered. “Implicado en masacre en el Meta se fugó,” *El Tiempo*, October 31, 1999; and “Por la masacre de San Carlos de Guaroa (Meta): Destituido el general Uscátegui,” *El Tiempo*, November 23, 1999.

<sup>247</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001; and “¿Ineficacia del Estado o Hipocresía de la Sociedad?” *El Tiempo*, September 10, 2000.

documents relating to checking accounts, sham businesses, and the names of Colombians who had donated money or other goods.<sup>248</sup> According to the prison director, Soto was able to leave the prison because he had a false document signed by a local prosecutor that authorized guards to release him.<sup>249</sup>

Other paramilitary leaders who remain in jail reportedly continue to organize military actions from their cells.<sup>250</sup>

Military officers who are accused or convicted of murder and supporting paramilitaries also easily elude detention. According to the Attorney General's office, since 1996 at least forty-four soldiers implicated in serious crimes left the military installations where they were supposedly being held. Seventeen escapees left facilities under the command of the Medellín-based Fourth Brigade, by far the brigade with the worst record. One officer – Lt. Carlos Alberto Acosta Tarazona – even escaped twice, the last time from the military's special facilities at Tolemaida.<sup>251</sup>

Major Diego Fino: Fino was arrested and charged with complicity in the 1999 murder of Álex Lopera, the former peace counselor for the department of Antioquia, and two others. At the time commander, he commanded the Juan del Corral Battalion, part of the Fourth Brigade. Fino left the Fourth Brigade, where he was reportedly detained, in March 2000.<sup>252</sup> A civilian judge found Fino guilty in absentia of the triple murder in June 2001.<sup>253</sup>

Major David Hernández: the commander of the Fourth Brigade's Granaderos Battalion, Hernández was arrested in connection with the 1999 murder of Álex Lopera, the former peace counselor for the department of Antioquia, and two

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<sup>248</sup> Informe Especial No. 395, "Aseguramientos y capturas de presuntos miembros de las ACCU en Antioquia," Fiscalía General de la Nación, June 10, 1998

<sup>249</sup> "Hay versiones encontradas por fuga de 'para'," *El Tiempo*, October 3, 1998.

<sup>250</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>251</sup> "Militares Fugados," Variable de paramilitarismo, Sección de Información y Analisis, 1996-2000.

<sup>252</sup> "General Tapias anuncia proyecto: Los militares irán a cárceles especiales," *Vanguardia Liberal*, March 16, 2000.

<sup>253</sup> "Condenados un mayor y un capitán," *El Espectador*, June 28, 2001.

others. During his deposition to the Attorney General's prosecutors, Hernández reportedly vowed that if they charged him with Lopera's murder, he would escape and join the paramilitaries, a statement that soldiers who had been under his command also reported hearing him make. Although Hernández was detained in the Medellín-based Fourth Brigade, he was able to walk away in late June 1999.<sup>254</sup> The press has reported that he now leads an AUC unit in the department of Valle.<sup>255</sup> A civilian judge found Hernández guilty in absentia of the triple murder in June 2001.<sup>256</sup> According to the U.S. government's School of the Americas, Hernández trained twice at its Fort Benning, Georgia, facility, in 1985 and 1991.

Lt. Carlos Alberto Acosta Tarazona: in October 1995, Acosta and three subordinates assigned to the Fifth Brigade were convicted of murder and support for paramilitary groups in the Chucurí region of Santander. On June 22, 1994, the judge determined, Acosta had detained a government prosecutor sent to arrest a paramilitary leader. Investigators later proved that Acosta and his men had tied up the investigator, his driver, and a guide, shot them, and dumped their bodies into a river. After receiving a fifty-six year sentence, Acosta began serving at a Colombian detention facility near his home town. Within a month, he was allowed to visit his parents' home accompanied by military police. He went out ostensibly for cigarettes and did not return. Acosta was recaptured in Bogotá a few days later and sent to a different facility, the military's main detention center at Tolemaida. In July 1999, he left again. Acosta joined the AUC and announced his decision publicly in a June 2000 televised interview. At the time, he reportedly led a unit in the department of Cesar.<sup>257</sup> Within a month, however, the AUC apparently ordered him killed over a dispute.<sup>258</sup>

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<sup>254</sup> Human Rights Watch interview, October 2, 1999; and "El mayor David Hernández está sindicado de la muerte de Álex Lopera: Militar fugado buscaría refugio con 'paras'," *El Tiempo*, July 1, 1999.

<sup>255</sup> Acosta was a graduate of the School of the Americas. Jared Kotler, "A Soldier's Story: Soldier's story raises concerns about U.S. training role in Colombia," *Associated Press*, December 18, 2000.

<sup>256</sup> "Condenados un mayor y un capitán," *El Espectador*, June 28, 2001.

<sup>257</sup> Jared Kotler, "A Soldier's Story: Soldier's story raises concerns about U.S. training role in Colombia," *Associated Press*, December 18, 2000.

<sup>258</sup> "Ajustician 'jefe' de Autodefensas," *El Tiempo*, July 15, 2000.

Other soldiers convicted of serious crimes such as murder have also reportedly been able to come and go from their cells at will, and to have been able to participate in further crimes while supposedly in prison. For example, Sergeants Justo Gil Zúñiga Labrador and Hernando Medina Camacho were detained in Bogotá's Thirteenth Artillery Battalion after their conviction for their role as gunmen in the 1994 murder of Senator Manuel Cepeda. However, government investigators told Human Rights Watch that the men continued to work as military intelligence agents as late as July 14, 1999. That day, investigators discovered, Zúñiga and Medina were among the soldiers who took part in an operation carried out by the army that ended with the killing of another escaped soldier, Lt. José Simon Talero.<sup>259</sup>

After Major Fino vanished in March 2000, General Tapias announced that the armed forces would establish a new and more secure detention facility on the army base at Tolemaida.<sup>260</sup> However, since Lt. Acosta escaped from facilities at Tolemaida, the proposal promised little improvement. As far as Human Rights Watch is aware, the armed forces have taken no steps to establish this facility and to ensure that military officers accused of human rights violations or support for paramilitary groups are held in fully secure facilities.

### **Lack of Support**

Far from strengthening key government institutions that investigate human rights cases, the Pastrana administration has significantly weakened them by cutting their budgets, failing to adequately protect prosecutors and investigators, and failing to provide adequate funds to protect threatened witnesses.

According to Attorney General Alfonso Gómez, decreases have been so extreme that they threaten the Human Rights Unit with "paralysis... Particularly the specialized Units, including the Human Rights Unit, has to make constant trips in

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<sup>259</sup> Human Rights Watch interview with government investigator, August 22, 2001; and "El silencio de las armas," *Cambio*, August 14, 2000.

<sup>260</sup> "General Tapias anuncia proyecto: Los militares irán a cárceles especiales," *Vanguardia Liberal*, March 16, 2000.



order to do the work it is meant to do, yet we are on the verge of suspending these trips because we lack the budget to pay for them."<sup>261</sup>

This was made dramatically clear to Human Rights Watch during a visit to the Human Rights Unit prosecutors in January 2001. During the interview, one prosecutor was frantically calling various officials to get a seat on an interior ministry helicopter for a colleague to investigate massacres in the department of Valle. Such incidents, he said, were commonplace. "The government has cut the Attorney General's budget so every time we have to travel we have to go to the office of the president with the request, which is time consuming and often fruitless," the prosecutor, who asked for anonymity, told Human Rights Watch. "There are not enough cars for us to use to do our investigations and no gasoline for the few that we have."<sup>262</sup>

In another incident, displaced families from the Pacific Coast who desperately wanted government help found that when an interior ministry helicopter arrived with authorities aboard, they were expected to pay for its fuel. "The soldiers wouldn't honor the voucher they had brought, so we had to scrape together the money," one of the displaced people told Human Rights Watch. "Mission after mission comes, and sometimes they do reports, but it doesn't change anything."<sup>263</sup>

The Attorney General's Witness Protection Program continues to be seriously short of funds, leading it to limit drastically the amount of time that witnesses can receive protection. One witness Human Rights Watch interviewed gave valuable testimony to the Attorney General about collaboration between the Colombian Army's Third Brigade and paramilitaries. In return, he was promised protection, but he received it for only three months, then was told that he was responsible for protecting his own life. He told Human Rights Watch that nine others with similar eyewitness testimony were also told that the protection was limited to three months.<sup>264</sup>

Another witness to the same links between paramilitaries and the Third Brigade was murdered outside the Public Advocate's office in Cali during a lunch

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<sup>261</sup> "Sin Presupuesto Unidad de Derechos Humanos," *El Tiempo*, November 18, 2000.

<sup>262</sup> Human Rights Watch interview with government prosecutor, Bogotá, January 9, 2001.

<sup>263</sup> Human Rights Watch interview with Valle displaced person, Bogotá, January 11, 2001.

<sup>264</sup> Human Rights Watch interview with government witness, Bogotá, January 18, 2001.

break while he was testifying to authorities inside.<sup>265</sup> “You get a couple of months’ protection, then tough luck,” one government official told Human Rights Watch.<sup>266</sup>

Some threatened Colombians have resorted to their own measures to protect themselves. One trade unionist traveled several departments away to acquire a license for his revolver, which he keeps loaded at all times and tucked in his pants.<sup>267</sup>

Government officials and investigators agree that low funding prevents them from collecting evidence about military-paramilitary ties. Many people refuse to testify out of fear. “I asked [a government official] if he could guarantee the safety of witnesses if they signed a complaint, but he answered honestly that he couldn’t,” said one Cauca human rights defender. “So the witnesses just vanished, out of fear.”<sup>268</sup>

Government investigators agree that their work continues to be highly dangerous, in part because they continue to face harassment and threats, including from the armed forces. Repeatedly, high-ranking army officers have characterized these investigations as politically-motivated and a “persecution that affects troop morale,” in the words of Colombian Army commander Jorge Mora.<sup>269</sup>

According to the Judicial Workers’ Victims’ Solidarity Fund, between January and September of 2000, eleven judicial workers were killed, eleven others vanished, twenty-one received death threats, and three were the targets of attacks and survived. Most of those targeted belong to the CTI.<sup>270</sup>

The Pastrana administration’s evident disinterest in following through with human rights reform is reflected in an increasingly problematic relationship with the Bogotá office of the U.N. High Commissioner for Human Rights. As the High

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<sup>265</sup> The office of the Public Advocate has kept the name of this witness secret in order to protect the family, which remains in Colombia. Human Rights Watch interview with government witness, Bogotá, January 18, 2001; and Human Rights Watch interview with Cali Defensoría, Cali, Valle, January 12, 2001.

<sup>266</sup> Human Rights Watch interview with Cali personería, Cali, Valle, January 12, 2001.

<sup>267</sup> Human Rights Watch trade unionist, Cali, Valle, January 15, 2001.

<sup>268</sup> Human Rights Watch interview with Cauca human rights defender, Bogotá, January 11, 2001.

<sup>269</sup> “Debate / Pliego de Cargos contra 4 Generales por Masacre de Puerto Alvira,” *El Tiempo*, July 29, 2000.

<sup>270</sup> Paragraph 154, “Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

Commissioner noted in her report for 2000, "the overwhelming majority of Governmental responses to Office communications about specific cases and situations (such as early warnings) have been unsatisfactory, inoperative and purely bureaucratic. Even though President Pastrana himself has taken serious note of these situations, the poor Governmental response to dialogue with the Office has not been substantially corrected and the potential of the Office has been greatly underutilized by the Government."<sup>271</sup>

### **Deniable Accountability**

The Pastrana administration has repeatedly discharged active duty military officers linked to human rights abuses and support for paramilitary groups without ensuring that the information against them is fully investigated and, if appropriate, made available to the Attorney General's office for prosecution. Instead, officers are simply discharged, with no criminal investigations against them.

Far from promoting human rights, these dismissals reinforce lawlessness and impunity and strengthen paramilitaries, who welcome former officers with generous salaries, cars, cellular telephones, and even land. According to Carlos Castaño, the AUC currently employs at least thirty-five former high-ranking officers, more than one hundred former lower rank officers, and at least one thousand former professional soldiers or policemen.<sup>272</sup>

The practice of discharging large numbers of security force personnel began after Colombia implemented a military penal code reform that allowed commanders to summarily dismiss officers and soldiers without explanation. The Colombian government made first use of this power on October 16, 2000, when it announced that 388 members of the armed forces had been discharged. The government did not release information on the reasons for the discharges. However, government investigators told Human Rights Watch that they believed that none of the 388 faced any prosecution as a result of the information that led to their discharges.<sup>273</sup>

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<sup>271</sup> "Informe de la Alta Comisionada de las Naciones Unidas para los Derechos Humanos sobre la situación de los derechos humanos en Colombia," E/CN.4/2001/15, March 20, 2001.

<sup>272</sup> Scott Wilson, "Interview with Carlos Castano, Head of the United Self-Defense Forces of Colombia," *Washington Post*, March 11, 2001.

<sup>273</sup> According to a government official consulted by Human Rights Watch, most were discharged due to incompetence and failure to carry out assigned duties. Human

Subsequently, Colombia's daily *El Espectador* newspaper reported that an internal government investigation had found that nineteen of the 388 had joined the AUC following their discharge. Several were reportedly using the skills learned in the military to train paramilitary fighters.<sup>274</sup> Carlos Castaño lent credence to these reports in an interview with the *Washington Post*. He contended that thirty of the 388 had ties to the AUC.<sup>275</sup> Indeed, several of the dismissed officers announced later on Colombian television that they planned to join the AUC.<sup>276</sup>

In December 2000, defense minister Luis Ramírez acknowledged that some former soldiers dismissed by the military had found new employment in the AUC. "It's very sad, but it's a reality of the country," he told journalists.<sup>277</sup>

Nevertheless, defense minister Ramírez authorized more dismissals without criminal investigations. In March 2001, the Defense Ministry announced another purge, this time including twenty officers and fifty enlisted men, most from the Colombian Army. Again, no explanation was given for the dismissals, and there was no evidence that any of these individuals faced investigations for human rights violations.<sup>278</sup>

Also in March, Twenty-Fourth Brigade commander Gen. Antonio Ladrón de Guevara told journalists that the entire "Sebastián de Belalcázar" Counterguerrilla Battalion No. 31, under his command, had been moved from Putumayo department, where it was based, to Bogotá, after at least thirty soldiers deserted to join the paramilitaries. Military officials admitted that there was a problem with soldiers-turned-paramilitaries maintaining contacts with their active-duty colleagues.<sup>279</sup>

Meanwhile, officers with well-documented ties to paramilitary groups -- and allegedly responsible for murder -- not only remain on active duty, but are

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Rights Watch interview with government official, Bogotá, January 10, 2001.

<sup>274</sup> "16 oficiales de FM expulsados en octubre se unieron a las Auc," *El Espectador*, April 3, 2001.

<sup>275</sup> Scott Wilson, "Interview with Carlos Castano, Head of the United Self-Defense Forces of Colombia," *Washington Post*, March 11, 2001.

<sup>276</sup> Human Rights Watch interview with government official, Bogotá, January 10, 2001.

<sup>277</sup> Ramírez resigned from his post on May 24, 2001. Jared Kotler, "A Soldier's Story: Soldier's story raises concerns about U.S. training role in Colombia," *Associated Press*, December 18, 2000.

<sup>278</sup> "Separados 70 militares," *El Tiempo*, March 22, 2001.

<sup>279</sup> Karl Penhaul, "Outlaw role seen in Colombia Effort," *Boston Globe*, March 28, 2001.

promoted. Perhaps the most well-known case involves Navy Gen. Rodrigo Quiñones, who government investigators linked to at least fifty-seven murders of trade unionists, human rights workers, and community leaders in 1991 and 1992, when he was a colonel. At the time, Colonel Quiñones was head of Navy Intelligence and ran Navy Intelligence Network 7, based in Barrancabermeja, Santander.<sup>280</sup>

The only punishment meted out so far to Quiñones has been a “severe reprimand” ordered by the Internal Affairs agency, the government agency that oversees the conduct of government employees, including the military and police. The Internal Affairs agency concluded that Quiñones set up the networks of assassins responsible for the killings. Yet the Internal Affairs agency determined that murder was not classified as an administrative infraction under existing regulations, so that the maximum punishment it could impose for murder was a “severe reprimand” (*reprehensión severa*) -- essentially a letter of reprimand in an employment file.<sup>281</sup>

Later, Quiñones was assigned the command of the Navy’s First Brigade and was in charge of the region where the El Salado massacre took place in February 2000. In this Bolívar hamlet, an estimated 300 paramilitaries killed, raped, and tortured for three days, leaving thirty-six dead. Similar to the Chengue massacre, in El Salado, witnesses to events told journalists that military and police units a few miles away had made no effort to stop the slaughter. Instead, witnesses said, they set up a roadblock shortly after the killing began to prevent human rights and relief groups from entering the area. “Some people were shot, but a lot of them were beaten with clubs and then stabbed with knives or sliced up with machetes,” one witness told the *New York Times*. “A few people were beheaded, or strangled with metal wires, while others had their throats cut.”<sup>282</sup>

In its annual report, the Office of the U.N. High Commissioner for Human Rights also recorded receiving testimony about the direct participation of members of the military in the El Salado massacre.<sup>283</sup>

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<sup>280</sup> See *Colombia’s Killer Networks: The Military-Paramilitary Partnership and the United States* (New York: Human Rights Watch, 1995).

<sup>281</sup> A military tribunal acquitted Quiñones of involvement. Decision by the Internal Affairs agency delegate for human rights, September 30, 1998.

<sup>282</sup> Larry Rohter, “Colombians Tell of Massacre, as Army Stood By,” *New York Times*, July 14, 2000.

<sup>283</sup> Paragraph 136, “Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

Quiñónes was promoted to general three months after the El Salado massacre. Although high-level Colombian authorities have repeatedly told U.S. officials that Quiñónes will be retired because of human rights concerns, he remains on active duty and is regularly promoted to influential posts.<sup>284</sup> Quiñónes is currently the Navy's Chief of Staff, the service's second highest-ranking officer.<sup>285</sup>

### Statistical Games

The Pastrana administration has spent a great deal of energy, money, and time on a public relations campaign designed to show that it has made significant progress in improving human rights protections. That campaign generates a blizzard of reports, statements, graphs, tables, press releases, and pamphlets asserting that notable gains have been achieved. Yet after a review of many of these materials, Human Rights Watch concluded that they are notoriously unreliable, occasionally contradictory, often fictitious, sloppy, and frequently plain wrong.

"For the past several years, the presence and activity of paramilitary groups has increased by at least a factor of three, in the ability to mount offensives, logistics, weapons, and the number of victims," commented one high ranking government official, who requested anonymity. "They have grown in terms of territory they control and influence, in large part through the use of threats. Meanwhile, the only thing that has changed in terms of government strategy are the speeches. Before, the government denied that paramilitaries even existed. Today, they recognize their existence, but take no effective action against them."<sup>286</sup>

Perhaps the most glaring example is the contention by the Colombian government, made repeatedly in 2000, that guerrillas were responsible for 80 percent

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<sup>284</sup> During Quiñónes' tenure as commander of the Navy's First Brigade, the Colombian government was cleared to receive U.S. counternarcotics aid. In repeated interviews with Human Rights Watch, neither the U.S. Embassy nor State Department officials could confirm whether or not the Navy's First Brigade had in fact received U.S. aid. Human Rights Watch interview with U.S. State Department officials, Washington, D.C., October 10 and 17, 2000.

<sup>285</sup> Human Rights Watch interview with U.S. Embassy official, Bogotá, January 19, 2001.

<sup>286</sup> Human Rights Watch interview with government official, Bogotá, January 9, 2001.

of the human rights violations registered in Colombia between January of 1995 and October of 2000. Colombian officials clearly intended the figure to shift blame away from the security forces and paramilitaries and put the onus on guerrilla groups.

Yet this figure includes all acts of war and violence counted together, and fails to distinguish between human rights or international humanitarian law violations or even provide enough evidence to demonstrate why certain acts, like ambushes, are counted as violations. The result is that hostage-takings are mixed in with massacres and threats weighed equally with attacks on towns. Perhaps to obscure a less than rigorous methodology, the government has failed to provide any detailed explanation for how this figure was calculated, calling into serious question its accuracy.<sup>287</sup>

In contrast, the Data Bank sponsored by a consortium of independent and respected human rights groups publishes a quarterly compendium of cases used to calculate their statistics, open to public review and rigorously documented.<sup>288</sup> According to the most recent analysis by the CCJ of this data, paramilitaries acting with the tolerance or support of the security forces were considered responsible for 79 percent of the political killings and forced disappearances registered in Colombia between April and September, 2000. Guerrillas were believed directly responsible for 16 percent of the recorded killings and abductions considered international humanitarian law violations. The security forces were believed directly responsible for 5 percent of the political killings and forced disappearances recorded in the same time period.<sup>289</sup>

Human Rights Watch has also discovered cases where the Colombian government's public relations efforts directly contradict affirmations that they have taken strong steps to address impunity for human rights violations. For example, in 2000, Gen. Fernando Tapias, commander of the Colombian Armed Forces, announced in a public conference that the security forces are tough on allegations of human rights violations by their own members. As proof, Tapias said that in 1999 and 2000, the Superior Military Tribunal prosecuted eighty-five cases of

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<sup>287</sup> "Los Grupos Ilegales de Autodefensa en Colombia," Defense Ministry, December 2000.

<sup>288</sup> The Data Bank is sponsored by the Intercongregational Commission on Justice and Peace and CINEP. It publishes a quarterly review called *Noche y Niebla* that includes an explanation of each case included in its statistical summaries.

<sup>289</sup> "Violación de derechos humanos y violencia política en Colombia," Cuadro 1, CCJ, February 23, 2001.

possible human rights violations that concluded with guilty sentences, twenty-five for murder, forty for battery (*lesiones personales*), and twelve for arbitrary arrest.<sup>290</sup>

However, this is not evidence of progress, but of the military's continuing refusal to fully embrace a ruling of the Constitutional Court, which ordered that all cases of alleged human rights cases under military jurisdiction be transferred to civilian courts. This statistic acknowledges that the military -- and its highest-ranking officer -- continues to flout the law and wrongly assert jurisdiction over cases that should be adjudicated in the civilian court system.

Other official statistical summaries that purport to show progress in fact do nothing of the sort. In 2000, defense minister Luis Ramírez contended that military tribunals had transferred 533 cases to civilian jurisdiction since August of 1997, when the Constitutional Court ruling requiring this took effect. The statistics, he argued in a letter to Colombian human rights groups, "are significant enough to show that the military jurisdiction is complying with great diligence with the limits of military jurisdiction."<sup>291</sup>

However, when Human Rights Watch reviewed the material provided to support this claim, a very different picture emerged. The Defense Ministry provided documentation on only 103 cases, not 533. Of those 103, only fifty-one related to members of the military (the rest were police officers). Of that number, twelve had been accused of common crimes like allowing prisoners to escape, theft, and drug trafficking. Only thirty-nine related in some way to crimes that could be construed as human rights violations, like murder. Most of these cases involved low-ranking personnel, including sergeants and lieutenants.<sup>292</sup>

In other words, fewer than ten cases per year are being transferred from military to civilian jurisdiction, and these rarely involve senior officers who may have ordered or orchestrated gross violations. Despite repeated requests to the Colombian government, including by U.S. Congressional offices, it has never provided details of the remaining 430 cases they claim were transferred. Human Rights Watch has not found a single instance where the military has voluntarily transferred a human rights case involving an officer with the rank of colonel or higher from a military tribunal to a civilian court.

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<sup>290</sup> "No hay favorecimiento ni encubrimiento de delitos atroces," *El Colombiano*, October 2, 2000.

<sup>291</sup> Letter from defense minister Luis Fernando Ramírez to CCJ, ASFADDES, and Corporación Viva la Ciudadanía, July 26, 2000.

<sup>292</sup> "Procesos Enviados Justicia Ordinaria," Tribunal Superior Militar, Fuerzas Militares de Colombia, August 1997-December 1999.



In its Annual Report on Human Rights and International Humanitarian Law, the Ministry of Defense claimed that since the Constitutional Court ruling, 1,307 cases have been transferred to the regular justice system and that “fewer than half concern possible violations of human rights.” However, they have not provided a detailed list of these cases. In fact, during 2000, key cases – including the Pueblo Rico killings of six children and the Santo Domingo case, of seven children, reviewed later in this report -- were transferred to military tribunals, not the civilian courts that should have jurisdiction.<sup>293</sup>

Other elements of the Colombian government’s public relations campaign proved themselves wholly fictitious, like the “Coordination Center for the Fight against Self-Defense Groups.” Formed by presidential decree and with much fanfare on February 25, 2000, this center was supposed to spearhead a campaign against paramilitaries. Over one year later, however, the center had yet to meet a single time.<sup>294</sup>

Even so, that did not prevent interior minister Humberto de la Calle from announcing yet another anti-paramilitary group on January 15, 2001, called the “Anti-Assassin Committee.”<sup>295</sup>

Finally, other assertions made in the public relations campaign are simply wrong. In December 2000, the Defense Ministry distributed a booklet that it purported was a history of paramilitary groups in Colombia. Published in English and Spanish, it was designed for an international audience unfamiliar with Colombian history, particularly U.S. policy makers who would soon be considering additional military aid. Nowhere in the document does the Defense Ministry acknowledge a basic historical fact that is unchallenged in Colombia: contemporary paramilitary groups can be traced directly back to a Colombian Army effort to recruit, train, and arm civilians to fight guerrillas.<sup>296</sup>

Instead, the document describes these groups as “arising” (*surgir*) from private armies created by drug traffickers. While it is true that drug traffickers funded and manipulated early paramilitary groups, these groups maintained intimate

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<sup>293</sup> Paragraph 59, “Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.

<sup>294</sup> Human Rights Watch interview with government official, Bogotá, January 9, 2001.

<sup>295</sup> “Medidas para Barranca,” *El Tiempo*, January 11, 2001.

<sup>296</sup> “Los Grupos Ilegales de Autodefensa en Colombia,” Defense Ministry, December 2000.

ties to the Colombian Army, which continued to train, equip, and deploy them even as drug traffickers used them for their own purposes.<sup>297</sup>

A companion document circulated by the office of the Vice President, called “Panorama of Self-Defense Groups,” went a step further, stating unequivocally -- and mistakenly -- that “it is clear that self defense groups did not get their start from the State.”<sup>298</sup>

In the year 2000, the Vice President’s office received U.S. \$97,000 from the United States Agency for International Development to support its human rights efforts.<sup>299</sup> However, in this case, the Vice-president’s work served to obscure and misrepresent the human rights situation, not to improve it.

As the CCJ noted in February 2001, “government authorities are more dedicated to carrying out huge propaganda efforts than achieving tangible results in the defense and promotion of human rights. Numerous statements and publications have been distributed by the Government over the last several months to give the impression that they are combating violence. In the best of cases, the crudity of these documents indicates a complete incompetence in confronting violent groups directly; in the worst, it displays a tolerance or complicity with them.”<sup>300</sup>

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<sup>297</sup> The best history of the Colombian Army’s relationship with paramilitaries in the early eighties can be found in Carlos Medina Gallego, *Autodefensas, Paramilitares y Narcotráfico en Colombia* (Santafé de Bogotá: Editorial Documentos Periodísticos, 1990).

<sup>298</sup> “Panorama de los GRUPOS DE AUTODEFENSA,” Observatorio de los Derechos Humanos y Derecho Internacional Humanitario, Vicepresidencia de la República de Colombia, December 2000.

<sup>299</sup> Electronic mail communication with the office of U.S. Agency for International Development (USAID)-Bogotá, April 24, 2001.

<sup>300</sup> “Panorama de Derechos Humanos y Derecho Humanitario,” Colombian Commission of Jurists, Santafé de Bogotá, February 26, 2001.

#### IV. U.S. POLICY

*I think we will waive human rights conditions indefinitely.*

**- Senior U.S. Embassy official**

U.S. officials in charge of supplying security assistance to Colombia are aware of this abundant and persuasive evidence of continued military-paramilitary links and the role these links play in egregious human rights violations. Repeatedly, President Bill Clinton and top cabinet members said publicly that breaking these ties and ensuring accountability for human rights crimes were among the most important goals of U.S. policy. As of this writing, this policy continues largely unchanged under President George W. Bush.

The U.S. Congress also expressed concern about connections between U.S. security assistance and human right violations by foreign security forces receiving that aid by passing, in 1996, the Leahy Provision. This provision is meant to prevent security assistance from going to human rights abusers and is not subject to a waiver.

Yet on August 22, 2000, President Clinton waived the human rights conditions that were an integral part of U.S. security assistance to Colombia. His signature meant that lethal weaponry, intelligence support, and counterinsurgency training supplied by the United States would flow to Colombia's military even as many of its units worked with the paramilitary groups responsible for massacres and widespread terror.

President Clinton said that the waiver was in the national security interest of the United States. Behind closed doors, administration officials added that strict enforcement of human rights law was impractical given the need to fight drug trafficking. At the same time, key officials engaged in a subtle, yet influential effort

to minimize, avoid, or discount credible evidence of egregious human rights abuses by units receiving U.S. aid and training – evidence that, if acknowledged, would have obligated a cutoff of aid even with a presidential waiver in force.

Human Rights Watch disputes that the national security interest of the United States would be jeopardized by the enforcement of human rights conditions on U.S. security assistance to Colombia. The fight against criminals and human rights abusers depends on the rule of law. Ensuring that the law applies to all, including the individuals in uniform who foment human rights abuses, should be the shared goal of both the Colombian government and the United States.

Human Rights Watch acknowledges that the United States has sent some positive messages on human rights in Colombia. For instance, the annual country reports on human rights issued by the State Department continue to reflect a detailed and grim picture of the worsening human rights situation. As importantly, U.S. Amb. Anne Patterson has begun a long-overdue policy of speaking out on the human rights situation and expressing concern over specific cases. As this report notes, her timely telephone call to the army commander of a Barrancabermeja battalion over the Christmas holiday was a critical factor in spurring the Colombian authorities to act to address the paramilitary advance. She has also supported the UNHCHR in Colombia, speaking out on the importance of their work at critical moments.

Nevertheless, it remains clear that diplomatic expressions of support for human rights from U.S. officials have yet to translate into a policy that delivers real consequences for the Colombian government's failure to address its most pressing human rights problems.

### **The Leahy Provision**

The U.S. Congress expressed its concern about U.S. security assistance and its impact on human rights worldwide by including a special amendment in the FY 1997 Foreign Operations Appropriations Act. Named the "Leahy Provision" after its author, Sen. Patrick Leahy (D-VT), the language was meant to prevent international anti-narcotics funds from going to members of foreign security forces who violate human rights. Specifically, the provision prohibits funds from being sent to any unit of a foreign security force if the U.S. Secretary of State has determined that there is credible evidence of gross human rights abuse by that unit

and that no “effective measures” are being taken to bring those responsible to justice.<sup>301</sup> [see appendix 3]]

In practice, it is often impossible to know the names of the individual security force members who are alleged to have committed violations. Therefore, U.S. officials apply the law by identifying the unit to which the individuals are assigned. When the Leahy Provision became law, the State Department interpreted the concept of unit to mean the smallest operational group that committed the offense.<sup>302</sup> Applying this law to Colombia, the State Department has defined unit as a brigade, which consists of approximately 3,000 troops.<sup>303</sup>

Passed with bipartisan support, the Leahy Provision was later expanded to include other security assistance to foreign forces, including International Military Education and Training monies, Foreign Military Financing, and Export-Import Bank funds.<sup>304</sup>

In 1998, the U.S. Congress included a similar restriction in Section 8130 of the Defense Appropriations Act. This version of the Leahy Provision applied solely to training and modified the phrase “effective measures” to “necessary corrective steps.” The Defense Department version also included a waiver for “extraordinary circumstances.”<sup>305</sup> Neither Leahy Provision covers Colombia-specific resources under the control of the Central Intelligence Agency (CIA). [see appendix 4 ]

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<sup>301</sup> P.L. 104-208.

<sup>302</sup> Human Rights Watch telephone conversation with Tim Reiser, aide, Senate Committee on Appropriations, April 12, 2001.

<sup>303</sup> Human Rights Watch interview with U.S. Embassy, Bogotá, January 9, 2001.

<sup>304</sup> Nina M. Serafino, “Colombia: Conditions and U.S. Policy Options,” Congressional Research Service, October 7, 1999.

<sup>305</sup> The National Defense Authorization Act (NDAA) is a yearly bill that the U.S. Congress uses to establish, continue, or modify programs carried out by the Defense Department. The NDAA describes these programs’ purpose, often adding limitations on their use, notification and reporting requirements, or maximum spending limits. Once the NDAA “authorizes” a program’s existence, a separate piece of legislation - the Defense Appropriations Act - determines how much money the program will be able to spend in the upcoming year. This act was registered as P.L. 105-262. For more, see the web site maintained by the Center for International Policy at <http://www.ciponline.org/colombia/>. Nina Serafino, “Colombia: Conditions and U.S. Policy Options,” Congressional Research Service, RL30330, October 7, 1999.

The Leahy Provision applies to funds no matter which country is destined to receive them. So far, however, one country where this law has had broad impact is Colombia. In a decision praised by Human Rights Watch, Secretary of State Madeleine Albright said that she would instruct the State Department to apply the Leahy Provision as broadly as possible, and include munitions, weapons, and other equipment that was sent to Colombia before the Leahy Provision took effect.<sup>306</sup>

#### **U.S. Aid to Colombia**

For over four decades, the United States has trained, advised, and equipped Colombia's soldiers and police. Before the Leahy Provision became law, the United States routinely provided training and equipment to abusive Colombian Army units. In 1996 -- the year before the Leahy Provision became law -- an End-Use Monitoring report (EUM) filed by the State Department's Bureau for International Narcotics and Law Enforcement Affairs (INL) noted that two of the Colombian Army units that received American weapons and munitions were the Fourth Brigade in Medellín, Antioquia, and the Seventh Brigade in Villavicencio, Meta. Both have notorious and extensive records of human rights abuses and collaboration with paramilitary groups.<sup>307</sup>

Among the materiel these units received from the United States were 700 M16A2 rifles, M60E3 machine guns, M9 pistols, shotguns, M79 grenade launchers, and 60 mm mortars.<sup>308</sup> The following year, the EUM report acknowledged that, at

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<sup>306</sup> Human Rights Watch interviews with senior U.S. Embassy officials, Bogotá, September 29, 1999.

<sup>307</sup> For more on these units, see *The Ties That Bind: Colombia and Military-Paramilitary Links* (New York: Human Rights Watch, February 2000).

<sup>308</sup> Aid was sent through a "draw down," a special power belonging to the executive to distribute materials from existing military supplies. Previously, the Colombian military had also received extensive training through the Joint Combined Exchange Training Program, administered by the Defense Department. This program was not governed by human rights conditions until 1998. "End-Use Monitoring Report," INL, U.S. Department of State, February 1997; U.S. State Department Press guidance, January 7, 1998; Douglas Farah, "U.S. Aid in Limbo as Colombian Army Fails to Provide Evidence on Rights Abuses," *Washington Post*, January 10, 1998; and Dana Priest and Douglas Farah, "U.S. Force Training Troops in Colombia," *Washington Post*, May 25, 1998.

best, the Colombian Army used this equipment for counterdrug operations only "50 percent of the time... with the remainder of the time performing security and public order missions."<sup>309</sup>

But aid levels remained relatively modest until 1998, when the Clinton Administration and the Colombian Defense Ministry began planning an entirely new battalion within the Colombian Army to fight drugs. To create it, U.S. officials deployed the bureaucracy in a way that allowed them to create the battalion without first gaining the approval of the U.S. Congress or risking a congressional suspension. Indeed, only a few aides and attentive members were briefed on plans for the proposed 950-troop battalion and the plan to deploy it to "push" into southern Colombia until the unit was fully trained and equipped at a cost of over \$3 million.<sup>310</sup>

The United States began training the battalion in April 1999, using section 1004 funding provided by the Defense Department.<sup>311</sup> Section 1004 does not require a consultation with the U.S. Congress, though the Pentagon briefed staff on the House and Senate authorizing committees in March 1999. By the following June, one company of the battalion was operational.<sup>312</sup> The U.S. government supplied the battalion with lethal and non-lethal equipment through a Section 506 drawdown.<sup>313</sup>

Although this law requires the White House to give the U.S. Congress fifteen days' notice of a transfer, Congress cannot halt it. In late 1999, the U.S. Defense Department issued a "no-cost lease" that provided the battalion with eighteen Huey

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<sup>309</sup> "End-Use Monitoring Report," Bureau for International Narcotics Matters, U.S. Department of State, 1998.

<sup>310</sup> Electronic mail communication with Adam Isaacson, Center for International Policy, September 19, 2000; and Department of Defense briefing with William S. Cohen, U.S. secretary of defense, and Rodrigo Lloreda, Colombian minister of defense, Cartagena, Bolívar, December 1, 1998.

<sup>311</sup> Electronic mail communication with Clyde Howard, Country Director for Colombia and Panama, Defense Department, April 24, 2001.

<sup>312</sup> Ibid; and "Drug Control: Narcotics Threat From Colombia Continues to Grow," U.S. General Accounting Office, GAO/NSIAD-99-136, June 1999.

<sup>313</sup> Section 1004 had a one-time only reporting requirement attached in 2000. Section 506 allows the president to give up to \$75 million annually in spare supplies to a foreign country to fight drugs. Section 1022 of the 2001 National Defense Authorization Act; and United States, White House, "Draft Working Document: FY99 506(a)(2) Drawdown List -- Requested Items," Memorandum, September 30, 1999.

helicopters recently re-purchased from Canada, also a procedure that does not require consultation with the U.S. Congress.<sup>314</sup>

The first counternarcotics battalion was formally inaugurated on December 19, 1999, and deployed to Tres Esquinas shortly afterward.<sup>315</sup> On May 24, 2001, the third of three counternarcotics battalions was formally inaugurated, and the three together compose the Colombian Army's first counternarcotics brigade.<sup>316</sup>

### *Intelligence-sharing*

Also in 1999, the State Department began sharing sensitive, real-time intelligence on the guerrillas with the Colombian military -- again without consulting the U.S. Congress. At the time, officials told the *Washington Post* that they feared that the Colombian government might be "losing its war against Marxist-led insurgents." This represented a shift away from a long-standing policy that only limited intelligence could be shared with the Colombian Army and only when the information was directly related to counter-drug activities, reflecting a U.S. desire to avoid getting involved in counterinsurgency operations and concern over the possibility that the intelligence might be used to commit crimes or human rights abuses.<sup>317</sup>

A 1999 General Accounting Office report underscored the way that intelligence can be used for other purposes, including the kind of

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<sup>314</sup> Section 1004 allows the defense budget to be used for counter-drug training and several other types of equipment, base construction, and upgrades. The cost of this training is buried in the "counter-narcotics" line item in the defense budget, which is over \$700 million, most of it for the cost of U.S. detection and monitoring. Electronic mail communication with Adam Isaacson, Center for International Policy, September 19, 2000.

<sup>315</sup> Electronic mail communication with Clyde Howard, Country Director for Colombia and Panama, Defense Department, April 24, 2001.

<sup>316</sup> T. Christian Miller, "Anti-Drug Crusade Marks Successes, New Graduates," *Los Angeles Times*, May 25, 2001.

<sup>317</sup> The debate over the use of U.S. intelligence by the Peruvian and Colombian security forces on counternarcotics operations has gone on since the early 1990s. For more, see documents obtained by the National Security Archive through the Freedom of Information Act at <http://www.gwu.edu/~nsarchiv/NSAEBB/NSAEBB44>. Douglas Farah, "U.S. Widens Colombia Counter-Drug Efforts Restrictions Loosened on Data Sharing," *Washington Post*, July 10, 1999.



counterinsurgency operations that have been consistently linked to human rights violations and paramilitary groups. The U.S. Embassy, the report noted, “[does] not have a system to ensure that it is not being used for other than counternarcotics purposes.”<sup>318</sup>

Intelligence-sharing is not covered by the Leahy Provision, even though its consequences for human rights are real. During the hunt for drug trafficker Pablo Escobar in 1992 and 1993, U.S. intelligence on the fugitive was shared with the Colombian security forces, which in turn coordinated its efforts with rival traffickers belonging to the Cali Cartel. In return, traffickers also provided intelligence on Escobar’s whereabouts and habits to Colombian authorities. Government investigators told Human Rights Watch that several of the traffickers who took part in this exchange – members of the group calling itself People Persecuted by Pablo Escobar (Personas Perseguidas por Pablo Escobar, PEPES) -- now lead and fund the AUC, among them Carlos Castaño and Diego Fernando Murillo Bejarano, known as “Don Berna.”<sup>319</sup>

### *Emergency Supplemental*

The U.S. Congress did not even debate the changed U.S. policy toward Colombia until a year after the first counternarcotics battalion was created and military intelligence was being provided directly to the Colombian security forces. In July 1999, Gen. (ret.) Barry McCaffrey, head of the White House Office of National Drug Control Policy (ONDCP), called for measures to save Colombia from what he termed a “near-emergency” situation created by the nexus between illegal narcotics and leftist insurgency.<sup>320</sup>

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<sup>318</sup> “Drug Control: Narcotics Threat From Colombia Continues to Grow,” U.S. General Accounting Office, GAO/NSIAD-99-136, June 1999, p. 21.

<sup>319</sup> Human Rights Watch interview with senior government investigator, Bogotá, January 9, 2001; and “Ajuste de cuentas,” *Semana*, Agosto 14, 2000. For more on U.S. intelligence, Escobar, and the PEPES, see Mark Bowden, *Killing Pablo* (New York: Atlantic Monthly Press, 2001).

<sup>320</sup> David LaGesse, “\$1 billion sought for drug war Colombian democracy at risk, U.S. official says,” *Dallas Morning News*, July 7, 1999.

While some members of Congress had proposed new aid for Colombia, it was not until General McCaffrey's call of alarm that the House of Representatives began considering an Administration proposal for U.S. \$1.3 billion in "emergency supplemental" aid. It continued the course that was already well established, to create new units within the Colombian Army to fight drugs, train existing units, and equip them with weapons, munitions, and vehicles, including Black Hawk helicopters.<sup>321</sup>

Despite the desperate human rights situation in Colombia, the White House's proposal for Colombia paid only lip service to promoting greater protection. It took concerned members of the U.S. Congress to introduce human rights conditions that required Colombia's military to break long-standing ties to paramilitary groups, prosecute those responsible, and actively pursue paramilitaries in the field. [ see appendix 5]

In contrast to the Leahy Provision, these conditions were specific to Colombia and were drafted to be consistent with existing Colombian law that was either ignored or routinely flouted by the Colombian military. On August 5, 1997, Colombia's Constitutional Court, the highest constitutional authority in the country, ruled that all cases involving alleged human rights violations, including those that involve security force personnel, must be heard by civilian courts.<sup>322</sup>

Both the White House and the Colombian government lobbied heavily against the conditions. As the House of Representatives prepared to vote on the bill, supporters of military aid managed to insert an amendment that allowed the president to waive the conditions by arguing that the provision of military aid was in "the national security interest."<sup>323</sup> "You don't hold up the major objective to achieve the minor," Brad Hittle, spokesperson for ONDCP drug czar McCaffrey, said by way of explanation.<sup>324</sup>

On July 13, 2000, President Bill Clinton signed the emergency supplemental, known as Public Law (P.L.) 106-246, that included \$1.3 billion in aid to fight drugs in the Andes. Of that, \$642 million was intended to train and equip two additional Colombian army battalions and provide the Colombian army and police with

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<sup>321</sup> Larry Rohter, "With U.S. Training, Colombia Melds War on Rebels and Drugs," *New York Times*, July 28, 1999.

<sup>322</sup> Sentence No. C-358/97.

<sup>323</sup> "Colombia: U.S. Assistance and Current Legislation," Congressional Research Service, Library of Congress, June 16, 2000.

<sup>324</sup> Ken Guggenheim, "U.S. May Make Colombia Concessions," *Associated Press*, July 21, 2000

helicopters, communications equipment, infrastructure, weapons and other equipment.<sup>325</sup>

Of that total, \$109 million was earmarked for human rights programs, judicial reform, and law enforcement and rule of law programs that could improve human rights protections.<sup>326</sup> Yet as Human Rights Watch discovered on its January 2001 mission, even as millions in U.S. security assistance flow quickly to the Colombian military, funding for human rights remained stalled and, when it did arrive, inadequate given the emergency nature of abuses.

In 2000 and the first three months of 2001 -- a period of fifteen months -- the Attorney General's Human Rights Unit and advisers from the Internal Affairs agency received a measly U.S. \$65,763 from the U.S. Agency for International Development (USAID), half spent on flying prosecutors to the United States to learn about the American judicial system, a dubious pursuit given the unit's desperate need for vehicles, travel funds, and resources to protect threatened witnesses.<sup>327</sup> That works out to less than the amount of U.S. military assistance spent in Colombia in only two hours of a single day.<sup>328</sup>

### **Waiving Human Rights**

Lamentably, President Clinton wasted little time in waiving the human rights conditions placed there by a concerned U.S. Congress. On August 22, 2000, he signed a waiver allowing security assistance to be sent. The waiver applied to six of the seven conditions included in the Emergency Supplemental.

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<sup>325</sup> Testimony of Rand Beers, Assistant Secretary of State for INL, before the United States House of Representatives Committee on Government Reform, Subcommittee on Criminal Justice, Drug Policy, and Human Resources, March 2, 2001.

<sup>326</sup> For a breakdown of aid, see the website maintained by the Center for International Policy at <http://www.ciponline.org/colombia/>.

<sup>327</sup> Electronic mail communications with the office of USAID-Bogotá, April 24-27, 2001; and Human Rights Watch interview with government prosecutor, Bogotá, January 9, 2001.

<sup>328</sup> In 2000 and 2001, a total of US\$ 695.8 million in U.S. security assistance was spent in Colombia. Over two years -- 720 days -- that works out to just under US\$ 1 million a day or US\$ 40,000 an hour. For a breakdown of aid, see the website maintained by the Center for International Policy at <http://www.ciponline.org/colombia/>.

Earlier, the State Department had certified that President Pastrana satisfied the first condition by signing on August 17, 2000, Directive 01, which addressed civilian jurisdiction over human rights crimes.<sup>329</sup>

Human Rights Watch opposed both the waiver and the single condition certification, which we argued was based on a faulty reading of the directive language.<sup>330</sup> In a joint submission to the State Department, Human Rights Watch, Amnesty International, and the Washington Office on Latin America argued that Directive 01 was intended to comply only partially with Sec. 3201(1) (A) (I). That condition did not call for any directive, but one which directly addressed one of the foundations of impunity in Colombia. Therefore, anything short of full compliance should have resulted in a denial of certification.<sup>331</sup>

With one signature, the White House sent a direct message to Colombia's military leaders that overshadowed any other related to human rights. Put simply, the message was that as long as the Colombian military cooperated with the U.S. antidrug strategy, American officials would seek to waive human rights conditions.

Judged by the Colombian military's behavior in the field – not by rhetoric or public relations pamphlets – its leaders had no trouble understanding the U.S. government's message. Even as Colombia's military high command has set up new Colombian counternarcotics battalions that are scrubbed for human rights problems, military units in other areas where paramilitaries are present continue to actively coordinate with them.

The message that the United States does not take human rights seriously was underscored on January 18, 2001, when the White House announced that it would not issue a new certification or waiver required for the release of aid scheduled for

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<sup>329</sup> “Report On U.S. Policy And Strategy Regarding Counterdrug Assistance To Colombia And Neighboring Countries,” in accordance with Section 3202 of the Military Construction Appropriations Act, 2001 (Public Law 106-246), President William J. Clinton, October 26, 2000.

<sup>330</sup> On September 26, 2000, U.S. Senators Patrick Leahy and Edward M. Kennedy wrote Secretary of State Madeleine Albright to dispute the single certification.

<sup>331</sup> Instead of basing himself on the Constitutional Court decision, President Pastrana used the new Military Penal Code, which specifically cites only three crimes as belonging before civilian courts, not military tribunals. These crimes are genocide, torture, and forced disappearance. This falls far short of the crimes considered “gross violations of human rights” required by the text of U.S. law. For more, see the joint submission at <http://www.hrw.org/campaigns/colombia/certification.htm>.

disbursement in FY 2001.<sup>332</sup> The argument made was convoluted, but added up essentially to a legal loophole, a way to skirt the law and continue to fund an abusive military while minimizing the political cost of publicly ignoring a worsening human rights situation.<sup>333</sup>

In interviews with Human Rights Watch, U.S. Embassy officials in charge of Plan Colombia agreed with our assessment that the Colombian government had not met the human rights conditions. At the same time, however, these officials said that they could not envision any human rights violation that would prompt them to recommend suspending U.S. military aid. "I think we will waive human rights conditions indefinitely," one U.S. Embassy official told Human Rights Watch.<sup>334</sup>

U.S. Embassy officials did express concern to Human Rights Watch over paramilitary violence and continued links between the military and paramilitary groups. "A break between the two has not happened yet," they conceded. "It's a long term process."<sup>335</sup>

There is little indication that the strategy established by the Clinton Administration will fundamentally change under President George W. Bush. Expressing his support for the Clinton Administration plan, Secretary of State Colin Powell announced to the U.S. Congress that he would seek another \$400 million for Colombia for FY 2002, roughly equivalent to the amount Colombia received in 2000 and in 2001.<sup>336</sup> In a hearing before the Senate subcommittee on foreign appropriations, Powell declined to say whether or not he would support continuing to waive human rights conditions.<sup>337</sup>

### *A Strategy of Evasion*

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<sup>332</sup> State Department Daily Briefing, January 18, 2001.

<sup>333</sup> For a detailed analysis of this decision, see the website maintained by the Center for International Policy, a nongovernmental organization that monitors security assistance, at <http://www.ciponline.org/colombia/aid/aidprop.htm>.

<sup>334</sup> Human Rights Watch interview with U.S. Embassy officials, Bogotá, January 9, 2001.

<sup>335</sup> Ibid.

<sup>336</sup> The plan includes \$156 million for Bolivia and \$101 million for Peru. Eli J. Lake, "Bush changing plan to fight drugs in Colombia," *United Press International*, March 15, 2001.

<sup>337</sup> Transcript of the hearing before the Senate subcommittee on foreign appropriations, May, 2001.

The strategy of evasion began in 1998, when the United States first began vetting Colombian military units to receive training and funds to fight drugs. Predictably, the Colombian Army had the most difficulty clearing the Leahy Provision. In a letter to Senator Patrick Leahy, U.S. Ambassador to Colombia Curtis W. Kamman said that the first list of army units proposed by the Colombian Defense Ministry in September 1997 “was judged to be severely deficient.”<sup>338</sup>

Unidentified U.S. officials later told the *Washington Post* that the Colombian Army had difficulty finding any units without a record of serious human rights violations. “The question is, is there anyone we can deal with out there?” the official told the reporter.<sup>339</sup>

In January and February 1998, the Colombian Defense Ministry resubmitted a list that was judged improved. After personnel for the first counternarcotics battalion were chosen, the next unit certified to receive U.S. training and assistance was the Eastern Specific Command (*Comando Especifico del Sur*), based in Puerto Carreño, Vichada, approved on March 17, 1998. The Twenty-Fourth Brigade, based outside Puerto Asís, Putumayo, was certified the following June.<sup>340</sup>

The delay, Ambassador Kamman noted, was due to the brigade’s need to transfer out the second of two officers accused of links to human rights abuses while assigned to other units. By November 1998, Ambassador Kamman noted in his letter to Senator Leahy, both the CES and the Twenty-Fourth Brigade had been provided with M-60 machine guns, first aid kits, and body armor.<sup>341</sup>

At the time, Human Rights Watch and other human rights organizations protested the use of transfers to satisfy the Leahy Provision’s requirement that “effective measures” be taken to promote justice. Far from promoting accountability and the rule of law, the practice simply allows the Colombian government to feature supposedly “clean” units eligible for U.S. aid while “dirty units” continued to operate normally. When the U.S. Congress approved the Leahy Provision as part of the FY 2000 Foreign Operations Act, it specified that “effective measures” means

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<sup>338</sup> Letter to Sen. Patrick Leahy from Amb. Curtis W. Kamman, November 17, 1998.

<sup>339</sup> Douglas Farah, “U.S. Aid in Limbo as Colombian Army Fails to Provide Evidence on Rights Abuses,” *Washington Post*, January 10, 1998.

<sup>340</sup> Letter to Sen. Patrick Leahy from Amb. Curtis W. Kamman, November 17, 1998.

<sup>341</sup> *Ibid.*

that individuals "face appropriate and timely disciplinary action or impartial criminal prosecution in accordance with local law," a rule that continues to be ignored.<sup>342</sup>

Between 1998 and 2001, eleven Colombian Army units were approved under the Leahy Provision, including the CES, the Twenty-Fourth Brigade, the Twelfth Brigade, the Colombian Army's Special Forces and School, the Army Aviation Brigade, the Forty-Ninth Jungle Battalion, the Joint Intelligence Center at Tres Esquinas in Caquetá, and the three counternarcotics battalions. In addition, all CNP counternarcotics units, the Colombian Air Force, the Colombian Navy, and the Colombian Marines were cleared to receive U.S. assistance.<sup>343</sup>

As Human Rights Watch discovered, the application of the Leahy Provision can be highly subjective if it threatens a unit considered key to U.S. strategy. U.S. Embassy officials openly acknowledge that the Leahy Provision is not applied in a consistent manner. "It is not an entirely consistent process," admitted one of the officials in charge of vetting. "We use different procedures for different units."<sup>344</sup>

In fact, if a unit is considered important enough to drug war objectives, Human Rights Watch discovered, the U.S. will violate the Leahy Provision in order to continue funding and training it.

An example is **Combat Air Command No. 1** (Comando Aéreo de Combate No. 1), part of the Colombian Air Force. The State Department has never suspended this unit despite credible evidence that one of its helicopter crews committed a serious violation in the village of Santo Domingo, near Arauca, in 1998, by bombing a house where civilians had taken shelter.

The reason appears to be that Combat Air Command No. 1 has long been considered crucial to the war on drugs. In 1991, Air Command No. 1 received U.S. \$4.7 million in aid from the United States. In September 1997, it was approved under the Leahy Provision to receive U.S. counternarcotics assistance. The UH-1H

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<sup>342</sup> This clarification is contained in the report language prepared by the Senate Appropriations Committee. Human Rights Watch interview with Tim Reiser, aide, Senate Committee on Appropriations, May 6, 1998.

<sup>343</sup> Human Rights Watch interview with senior State Department official, Washington, D.C., December 22, 1998; and "Drug Control: Narcotics Threat From Colombia Continues to Grow," U.S. General Accounting Office, GAO/NSIAD-99-136, June 1999, p. 20.

<sup>344</sup> Human Rights Watch interview with U.S. embassy official, Bogotá, January 19, 2001.

helicopter believed to have fired the fatal rocket was provided to the Colombian Air Force in 1989 as Foreign Military Sales assistance.<sup>345</sup>

Human Rights Watch has followed this case closely. To our knowledge, the Colombian Air Force never conducted an impartial, in-depth investigation either of the incident itself or the role and responsibility of senior officers before, during, and immediately following the alleged bombing, or into any possible cover-up or obstruction of justice. The military's reaction to the incident was to disseminate false or contradictory information and to deliberately mislead investigators. In addition, the Air Force commander, Gen. Héctor Velasco, strongly criticized the human rights groups demanding justice for the victims, openly equating them with guerrillas and drug traffickers.

The incident occurred on the morning of December 13, 1998, after over a day of combat around the village between the military and the FARC-EP's Tenth Front. At about 9:45 a.m., an explosion in Santo Domingo killed seven children. Twenty-eight eyewitnesses told local authorities that the explosion was the result of a rocket fired from a Colombian military helicopter. They said that the Colombian military dropped at least two other explosives in Santo Domingo. Eleven adults were also reported killed.<sup>346</sup>

In an internal Air Force report four days after the incident, the Air Force liaison officer reported to the Chief of Air Operations that a helicopter had carried and dropped bombs during the operation.<sup>347</sup>

During combat, the Colombian military acknowledged using American airplanes and munitions. The U.S. Embassy later clarified that all seven aircraft used by the Colombian Air Force in the operation were obtained from the U.S. Six came

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<sup>345</sup> Letter from U.S. Amb. Curtis Kamman to Sen. Patrick Leahy, December 30, 1998.

<sup>346</sup> Human Rights Watch telephone interview with Ruth Estela Barbosa, *personera*, Tame, Arauca, December 17, 1998; and Human Rights Watch telephone interview with international observer, December 17, 1998.

<sup>347</sup> Subsequent reports were apparently modified to omit mention of bombs or even the presence of the UH-1H helicopter believed to be responsible for the rocket launch. Testimonies of some of the eyewitnesses as well as a complete summary of the available forensic evidence were included in the Tribunal de Opinión held at Northwestern University School of Law's Center for International Human Rights on September 22-23, 2000.



from the U.S. government under military assistance and sales programs, and one by commercial purchase from a private manufacturer.<sup>348</sup>

Colombian military spokespersons alleged that guerrillas had used civilians as human shields and had detonated a car bomb that killed civilians, a charge that the evidence simply does not support. Nevertheless, in a letter to Senator Leahy, Ambassador Kamman appeared to embrace this version by focusing exclusively on the military’s own investigation into the incident but contrary to abundant eyewitness and forensic evidence.<sup>349</sup>

The Colombian Army closed its preliminary investigation (*archivado*, literally, “archived”) on December 28, 1998. The U.S. Embassy nevertheless accepted this as constituting the “effective measures” required by the Leahy Provision, even though the State Department itself has consistently criticized the Colombian military for its well-known failure to fully investigate allegations, its cover up of incriminating evidence, and its dismissal of corroborated evidence when it contradicts the military’s account.<sup>350</sup>

In a later communication with Human Rights Watch, a Pentagon official said that the Defense Department had decided not to suspend Combat Air Command No. 1 “because it is not USG policy to suspend assistance on the basis of allegations while awaiting investigation of the credibility of those allegations.”<sup>351</sup>

Meanwhile, the Attorney General’s Human Rights Unit collected forensic evidence that was reviewed by Colombian experts and the Federal Bureau of Investigation (FBI). Both agreed that the remains of an American-made rocket were present in the samples. On May 1, 2000, the FBI confirmed that they had identified remains of a U.S.-made AN-M47 fragmentation bomb and fuze.<sup>352</sup> Rockets of this type are routinely installed in launchers on Colombian Air Force helicopters and have been among the munitions sent to Colombia by the United States.<sup>353</sup>

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<sup>348</sup> Letter from Amb. Curtis Kamman to Sen. Patrick Leahy, December 30, 1998.

<sup>349</sup> *Ibid.*

<sup>350</sup> Human Rights Watch interview with U.S. embassy official, Bogotá, January 19, 2001; and “Justicia a dos fuegos,” *Cambio*, May 6, 2000.

<sup>351</sup> Electronic communication with Clyde Howard, Country Director for Colombia and Panama, Department of Defense, October 13, 2000.

<sup>352</sup> Report of Examination, Case ID 163G-BG-1059, FBI, May 1, 2000.

<sup>353</sup> Efraín Varela and Julio César Niño, “La FAC dice que no hubo bombardeos,” *El Espectador*, December 15, 1998; and Letter from Lorne W. Craner, Acting Assistant Secretary, Legislative Affairs, to James L. Whitten, Chairman,

As a result, the Attorney General's Human Rights unit recommended that the Colombian Air Force reopen its investigation and named the three members of the crew of Colombian Air Force helicopter UH-1H FAC 4407, Lieutenants Johan Jiménez Valencia and Cesar Romero Pradilla, the pilot and copilot, and flight technician Héctor Mario Hernández Acosta. However, the air force declared that ruling null the following September. The case continues to be heard before a military tribunal.<sup>354</sup>

Almost two years after the incident, Colombian Air Force Gen. Héctor Fabio Velasco filed a complaint of "calumny" (*calumnia*) against members of Humanidad Vigente, a local human rights group, and the Arauca-based "Joel Sierra" Regional Human Rights Committee, which is on-going. The charge is based on a poster that the groups sponsored that called for justice for the attack, which the groups attributed to the Colombian Air Force. The poster features a child's drawing of the attack, with black helicopters and yellow airplanes loosing bombs over the figures of Santo Domingo villagers.<sup>355</sup>

General Velasco also publicly attacked the Colombian human rights groups pressing for justice by equating them to guerrillas, a common tactic by military officers to discredit and threaten human rights defenders. In a letter, General Velasco accused the "Joel Sierra" Human Rights Regional Committee of acting in a "false, irresponsible, and capicious [sic]" manner by publishing a poster featuring the drawings of children who had survived the attack. "The defense of human rights," General Velasco added, "cannot be, and isn't, the legitimization of unjust and groundless accusations that only manage to awaken confusion and favor organized crime organizations that are also called the FARC-EP, UC-ELN, EPL, etc."<sup>356</sup>

Human Rights Watch does not consider in this case that the actions taken by the Colombian government to investigate the alleged abuse can possibly constitute the "effective measures" called for by U.S. law.

Nevertheless, this travesty of justice is considered, in the words of one U.S. Embassy official, "supplemental" and irrelevant to the status of Combat Air

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Committee on Appropriations, U.S. House of Representatives, August 25, 1989.

<sup>354</sup> U.S. State Department Country Reports on Human Rights, February 26, 2001.

<sup>355</sup> Paragraph 173, "Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia," E/CN.4/2001/15, February 8, 2001.

<sup>356</sup> The EPL is a reference to the Popular Liberation Army (Ejército Popular de Liberación, EPL), which is believed to be extremely small. Letter from Gen. Héctor Fabio Velasco to Corporación "Humanidad Vigente," June 27, 2000.

Command No. 1. By the end of 2000 -- twenty-four months after the incident -- no military personnel had been effectively investigated or disciplined for an incident that ended with seven children and eleven adults dead. Throughout that time, Combat Air Command No. 1 continued to be authorized to receive U.S. security assistance and training.<sup>357</sup>

Another way that the intent of the Leahy Provision is subverted is by allowing vetted units to mix, coordinate logistics with, and share the facilities of suspended units. When the suspended unit has a history of support for paramilitary groups, this is a recipe for disaster. Inevitably, relationships are forged and decisions made that directly link U.S. aid to human rights violations, precisely the reason why the Leahy Provision was made law.

This occurred in the case of the First and Second Counternarcotics Battalions. On their first joint deployment in December 2000, these battalions depended heavily on the Twenty-Fourth Brigade for support and logistical assistance. As this report details, there is abundant and credible evidence that the Twenty-Fourth Brigade has regularly worked with and supported paramilitary groups in the Putumayo.

As noted above, the Twenty-Fourth Brigade was among the first units approved by the United States to receive U.S. aid and training. The reason why U.S. officials picked it is obvious. Located in the Putumayo, where most of Colombia's coca is grown, the brigade is ideally located to support anti-drug efforts. As the U.S. engagement in Colombia's war was being designed, the Twenty-Fourth Brigade was meant to be a key component of the Joint Task Force South (Fuerza de Tarea del Sur, FTS), the elite drug fighting force based at Tres Esquinas and created by U.S. advisers, funds, and political will.<sup>358</sup>

The newly-created counternarcotics battalions use regular army brigade bases for training, logistical support, and intelligence coordination. Once vetted, these brigades send their soldiers on FTS operations and in FTS vehicles, including in U.S.-supplied helicopters.<sup>359</sup>

After the Twenty-Fourth Brigade was vetted and cleared by the United States, however, evidence emerged that a 1998 accusation against the Twenty-Fourth Brigade was pending in Colombia's courts. Six months before the Twenty-Fourth

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<sup>357</sup> Human Rights Watch interview with U.S. embassy official, Bogotá, January 19, 2001.

<sup>358</sup> Human Rights Watch interview with Col. Kevin Higgins and Lt. Col. Ehrich Rose, MilGroup, Bogotá, January 10, 2001.

<sup>359</sup> Human Rights Watch interview with Col. Blas Ortiz, chief of staff, Counternarcotics Brigade, Larandia, Caquetá, January 23, 2001.

Brigade was cleared to receive U.S. aid and training, the unit had been implicated in the extrajudicial execution of three Putumayo residents near San Miguel, Putumayo. On January 17, 1998, troops assigned to the Twenty-Fourth Brigade allegedly detained eight Colombians at a roadblock outside San Miguel, Putumayo. Five were allowed to continue, but soldiers detained Pablo Emilio Maya, Jorge Florencio Portilla, and Aldemar Velasco Ruiz. Locals heard gunshots, and the army later transported three bodies to the Puerto Asís hospital and presented them to the press as guerrillas killed in combat.<sup>360</sup>

The three were well known in the region, and family members quickly reported them as “disappeared.” A later exhumation confirmed that the three supposed guerrillas were Maya, Portillo, and Velasco, and their bodies showed signs of torture.<sup>361</sup>

The Twenty-Fourth Brigade was suspended from receiving U.S. aid and training in October 1999 pending the results of this investigation. Although the case clearly involved allegations of a serious human rights violation, the military successfully fought for jurisdiction, in contravention of a Constitutional Court ruling.<sup>362</sup> A Colombian military tribunal reportedly found no evidence of wrongdoing, and a final determination is pending.<sup>363</sup>

As a Human Rights Watch mission to Larandia, one of the FTS bases, revealed, however, the suspension proved no impediment to housing the First and Second counternarcotics battalions on facilities occupied and maintained by the Twenty-Fourth Brigade. Housing was only part of the support the Twenty-Fourth Brigade provided, according to Col. Blas Ortiz, the chief of staff of the Counternarcotics Brigade, which includes both battalions.

“During the December fumigations, both counternarcotics battalions were based at the Twenty-Fourth Brigade facilities in Santana, outside Puerto Asís,”

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<sup>360</sup> *Noche y Niebla*, Nros. 7 and 8, January-June 1998, Banco de Datos, p. 27.

<sup>361</sup> Solicitud de Exhumación signed by Luz Angela Mulcue Benavides, Segundo Efrain Solarte Maya and Lus Mary Muñoz to Germán Martínez, *personero*, January 19, 1998.

<sup>362</sup> The ruling is the August 1997 decision that determined that crimes of unusual seriousness allegedly committed by the security forces, like this one, should be heard by civilian courts.

<sup>363</sup> Human Rights Watch telephone interview with Human Rights Unit, Attorney General’s office, April 27, 2001; and Human Rights Watch telephone interview with Bureau of Democracy, Human Rights, and Labor (DRL), U.S. State Department, March 15, 2001.

Colonel Ortiz told Human Rights Watch. "They also assisted us with intelligence, civic-military outreach, and psychological operations during the fumigation."<sup>364</sup>

Col. Ortiz noted that the Twenty-Fourth Brigade had also hosted counternarcotics battalion troops at facilities in La Hormiga – towns where paramilitaries and Colombian Army troops were indistinguishable according to witnesses. As the colonel himself noted, the paramilitary presence around La Hormiga was notorious.<sup>365</sup>

Another way that the Leahy Provision is skirted is by differences in how individuals and units are vetted. An individual is vetted according to his or her record. Each time that individual is proposed for a U.S. program, the vetting is repeated and new information can be included in the review. However, once a unit is vetted, new personnel transferred into the unit are not screened.<sup>366</sup>

This has already caused serious problems and potential links between U.S. aid and training and soldiers implicated in human rights violations. For instance, in August 2000, the Colombian Defense Ministry submitted to the United States its periodic EUM report for human rights, a document that they claim contains updated information on Colombian security force personnel receiving U.S. military aid or training. According to the U.S. officials who saw this report, it noted that three non-commissioned officers transferred into the Twelfth Brigade – previously vetted and cleared to receive U.S. aid – were implicated in two pending cases of alleged human rights violations against them arising from their service in other units.<sup>367</sup>

As a result, the aid to the Twelfth Brigade was suspended in August 2000 because of the transfer in of officers with questionable records on human rights.<sup>368</sup>

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<sup>364</sup> Human Rights Watch interview with Col. Blas Ortiz, Larandia, Caquetá, January 23, 2001.

<sup>365</sup> Ibid.

<sup>366</sup> Human Rights Watch interview with Col. Kevin Higgins and Lt. Col. Ehrich Rose, U.S. Embassy, Military Group, Bogotá, January 10, 2001.

<sup>367</sup> Human Rights Watch has not been able to obtain copies of the EUM documents submitted by the Colombian Defense Ministry. The State Department claims that these documents are "privileged government-to-government communications" and are therefore confidential. Human Rights Watch and WOLA interview with U.S. Embassy officials, Bogotá, January 19, 2001; and Letter from Peter F. Romero, Acting Assistant Secretary of State, Bureau of Western Hemisphere Affairs, December 18, 2000.

<sup>368</sup> Human Rights Watch telephone interview, March 15, 2001.

Although there is no evidence that any “effective measures” were taken against these officers, aid to the Twelfth Brigade resumed on December 22, 2000. On January 22, 2001, U.S. Special Forces trainers began course work for Twelfth Brigade and Third Counternarcotics Battalion members at the brigade’s headquarters at Larandia, Caquetá.

To our knowledge, the United States has implemented no measures to prevent a similar occurrence in the future. What appears likely, therefore, is that the Colombian military will continue to transfer personnel with questionable human rights records into vetted units, defeating the purpose of the Leahy Provision. “To catch these cases, we rely on the Ministry of Defense to give us a six-month report,” Col. Kevin Higgins noted.<sup>369</sup>

### State Department Spin

Finally, in its attempt to extract positive news out of an increasingly chaotic and bleak situation, the U.S. has begun to “spin” some news to create the appearance of progress on human rights when, in reality, there is none. One example is the State Department’s reaction to a military tribunal’s verdict in the Mapiripán case.

In July 1997, paramilitaries working with the Colombian Army killed more than thirty residents of Mapiripán, Meta. Leonardo Iván Cortés, a local judge and resident who witnessed the attack, tried to alert authorities, including the military, with urgent messages describing the macabre events that lasted a full five days. Over thirty people were reported killed.<sup>370</sup> “Each night they kill groups of five to six

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<sup>369</sup> Human Rights Watch interview with Col. Kevin Higgins, U.S. Embassy, Military Group, Bogotá, January 10, 2001.

<sup>370</sup> In a particularly gruesome press tactic, Colombian Army commander General Jorge Mora challenged the Attorney General’s count of the victims by asserting that reports of over thirty killed in Mapiripán “are not correct.” [*no son ciertas*] General Mora argued that since only four bodies were located, reports of over thirty victims were spurious. However, General Mora ignored the fact that abundant and credible information showed that paramilitaries systematically chopped up the bodies of their victims and threw them in the river, precisely to eliminate evidence. Only the Colombian Army, apparently, was fooled. Human Rights Watch interview with the Attorney General’s Human Rights Unit, Bogotá, December 4, 1997; “Nadie quiso evitar masacre,” *Cambio*,

defenseless people, who are cruelly and monstrosly massacred after being tortured," Judge Cortés told the news weekly *Cambio 16*. "The screams of humble people are audible, begging for mercy and asking for help."<sup>371</sup>

Judge Cortés was later forced to leave Colombia with his family because of threats to his life. Dozens of others fled the village, joining Colombia's massive population of internally displaced.<sup>372</sup>

Subsequent investigations by civilian prosecutors showed that troops under Gen. Jaime Uscátegui's command welcomed paramilitaries who arrived by airplane at the San José del Guaviare airport, helped them load their trucks, and ensured that local troops who could have fought the paramilitaries were engaged elsewhere.<sup>373</sup>

The Attorney General's Human Rights Unit investigated the case, and concluded that troops under the command of Gen. Jaime Uscátegui maintained "a close relationship and communication" with the paramilitaries who carried out the massacre. "That communication could not just have been through low-ranking soldiers or junior officers without command control, but had to include high-ranking officers with the ability to order the movement of troops and the control of territory," the investigators noted in their bid to keep jurisdiction of the case.<sup>374</sup>

One of his subordinates later testified to the Attorney General's Office that General Uscátegui had ordered him to falsify documents to cover up his complicity.<sup>375</sup> In August 1999, the Attorney General's office also charged Lt. Col. Lino Sánchez Prado, at the time commander of Mobile Brigade Two, of actually coordinating the massacre directly with paramilitaries.<sup>376</sup>

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November 3, 1997; and "Comunicado de prensa en relación con el fallo contra Señor BG (R) JAIME HUMBERTO USCÁTEGUI RAMIREZ," Fuerzas Militares de Colombia, Ejército Nacional, February 16, 2001.

<sup>371</sup> "Nadie quiso evitar la masacre," *Cambio 16*, November 3, 1997.

<sup>372</sup> Human Rights Watch interview with the Attorney General's Human Rights, Bogotá, December 4, 1997; and "Nadie quiso evitar masacre," *Cambio*, November 3, 1997.

<sup>373</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>374</sup> Memorandum de la Unidad Nacional de Derechos Humanos sobre caso Mapiripán, June 21, 1999.

<sup>375</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>376</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001; "Colombia army officer arrested over massacre," *Reuters*, March 31,

Nevertheless, Colombia's Superior Judicial Council sent the case to a military tribunal. These tribunals have a dense record of shielding high-ranking officers from accountability. On February 12, 2001, the military tribunal found the general guilty only of "erring by omission," or failing to act when informed of the massacre. The same tribunal acquitted Uscátegui of the much more serious charges of crimes against humanity, terrorism, lying and conspiracy. He was sentenced to forty months in prison, a little more than a month for each Colombian murdered in Mapiripán.

The subordinate who had testified against General Uscátegui, Col. Hernán Orozco, was sentenced to thirty-eight months in prison for "failing to insist" that a superior officer act. Orozco had petitioned to transfer his case to a civilian court, since he believed that he would not receive a fair trial before the military. "The desire to help the paramilitaries expand led my fellow officers to betray me and for the high command to give me the cold shoulder," he told the *New York Times*.<sup>377</sup>

The verdict demonstrated that high ranking officers who arrange and assist atrocities continue to be shielded by Colombia's military tribunals. In addition, Orozco's conviction sent a clear message to mid-ranking officers that they imperil their careers and face retaliation if they inform on their superiors. Colonel Orozco protested his sentence, arguing that he had spoken out about abuses as few other officers had and provided hard evidence and risked his life and his family's welfare to tell the truth. "They convicted me for informing on a general, and by extension, offending all generals."<sup>378</sup>

Curiously, the U.S. State Department "welcomed" the verdicts, which it described as "further progress in holding security force personnel accountable for violations of human rights."<sup>379</sup> [ see appendix 6 ]

The State Department was required by law to file reports on Colombia's progress on improving human rights protections, including one submitted to the U.S. Congress's Appropriations Committees sixty days after P.L. 106-246 was signed into law. In the report, the State Department asserted that Colombia had "demonstrated an increased willingness" to dismiss from duty security force officers credibly alleged to have committed abuses or worked with paramilitary

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1999; and "La clave," *Semana*, August 30, 1999.

<sup>377</sup> Juan Forero, "Colombia Massacre's Strange Fallout," *New York Times*, February 23, 2001.

<sup>378</sup> *Ibid*; and "¿Inocente?" *Semana*, March 4, 2001.

<sup>379</sup> "Colombian Military Cooperation with Paramilitary Forces," Press Statement by Richard Boucher, Spokesman, Department of State, February 13, 2001.



groups. Yet the report provided no evidence whatsoever to support that claim. Instead, the report cited dismissals that took place months before the law was even signed.<sup>380</sup>

Since President Clinton signed P.L. 106-246, Human Rights Watch is not aware of a single dismissal of a military officer or soldier on exclusively human rights grounds. To the contrary, as noted earlier in this report, hundreds of police and soldiers have been dismissed for reasons that remain unexplained. None have faced investigation or trial, and a significant number of those who were discharged have moved on to swell the ranks of the paramilitaries.

Nevertheless, the U.S. State Department has lauded these discharges as "a major step forward in promoting greater professionalism and accountability within the Colombian Armed Forces."<sup>381</sup>

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<sup>380</sup> "Colombia 60-day Human Rights Report," Conference Report accompanying the Emergency Supplemental Act, 2000, as enacted in the military construction appropriations act, 2001 (P.L. 106-246), October 2000.

<sup>381</sup> "Progress Report on Human Rights in Colombia," U.S. State Department, January 2001.

## APPENDIX 1. INTERNATIONAL VOICES

Diverse reports have underscored evidence on continuing ties between the Colombian military and paramilitary groups:

“Despite some prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice, and impunity remains a problem. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.” -- *Colombia chapter, U.S. State Department Country Report on Human Rights, February 26, 2001*

“In its constant visits to rural areas the Office kept being told of and witnessing many signs of negligent attitudes and persistent close ties between some members of the security forces and paramilitary groups... Paramilitary operations against the civilian population have been stepped up in intensity and frequency; far from diminishing, they have increased; but they have not encountered any governmental action aimed at stopping them. By contrast with the large military offensives against the guerrillas, deploying huge human and logistic resources in campaigns that last for weeks, the results of the Government’s anti-paramilitary policy and Decree 324 (2000) are patchy. Generally, attacks on paramilitaries follow a pattern of minor skirmishes, sporadic search operations and individual arrests (in many cases, thanks to efforts by the Office of the [Attorney General]). The strategic impact of these actions in the struggle against the paramilitaries is questionable. Since the minister of defense was designated to lead the Center coordinating the campaign against the self-defense and other illegal groups that was established under Decree 324, the Office, as mentioned above, has supplied information on the location of paramilitary bases and the movements of the different blocs. It has generally received unsatisfactory, pro forma responses giving no information on what authorities have done.” – *“Report of the U.N. High Commissioner for Human Rights on the human rights situation in Colombia,” E/CN.4/2001/15, February 8, 2001.*

“The impunity with which paramilitary groups continue to operate throughout much of the country, despite the Army’s presence, and the ever escalating violence that continues to cause forced displacement of the civilian population, suggest that these groups continue to operate with the collaboration and acquiescence of agents of the State.” – *Annual Report of the Inter-American Commission on Human Rights 2000, Organization of American States, April 16, 2001.*

## APPENDIX 2. THE AUC AND LA TERRAZA

The paramilitary groups' own members may end up revealing most about them. In 2000, a group of hired killers known as La Terraza had a falling out with Carlos Castaño, who government investigators say paid them to carry out killings in urban areas such as Bogotá and Medellín beginning in 1997. In August 2000, Castaño apparently lured seven members of La Terraza to a meeting and had them killed, allegedly for committing crimes against some of his financial backers.<sup>1</sup>

In response, men identifying themselves as La Terraza members sent a public letter to Colombia's leaders and the media alleging that Castaño and the AUC "are nothing more than a gang."<sup>2</sup> In the letter, a video, and in direct statements to television journalists, the men acknowledged a series of killings linked to them by the Attorney General's office, including the 1997 murders of CINEP worker Mario Calderón, his wife, Elsa Alvarado, and her father, Carlos Alvarado; and the 1998 murders of human rights lawyers Eduardo Umaña and Jesús Valle.<sup>3</sup>

Beginning in January 2001, unknown persons began placing car bombs in wealthy areas in Medellín, leading government investigators to suspect that the attacks were part of the struggle between Castaño and La Terraza.<sup>4</sup> Another La Terraza leader, Ronald de Jesús Arroyave, was murdered on May 16 in Medellín, causing a panic throughout the city as residents prepared for a retaliation bombing.<sup>5</sup> Their concerns may have been justified. The next day, a powerful car bomb exploded in a wealthy Medellín neighborhood, killing six.<sup>6</sup>

The split between Castaño and La Terraza did not prevent Castaño from paying others to murder. On December 15, gunmen believed to be in Castaño's pay attacked union leader Wilson Borja, wounding him, and killed a street vendor who

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<sup>1</sup> "Bandas / La Organización Delincuencial Sigue Viva," *El Tiempo*, September 6, 2000.

<sup>2</sup> Letter from La Terraza to President Pastrana and others, November, 2000.

<sup>3</sup> La Terraza is also linked to the murders of Mario Calderón and Elsa Alvarado of CINEP; Hernán Henao, an Antioquia academic; and the comedian Jaime Garzón. In the letter, the writers take responsibility for all of these murders. Letter from La Terraza to President Pastrana and others, November, 2000; and Caracol broadcast, December 13, 2000.

<sup>4</sup> Human Rights Watch interview with government investigator, Bogotá, January 9, 2001.

<sup>5</sup> "Asesinado jefe de sicarios de 'La Terraza'," *El Tiempo*, May 17, 2001.

<sup>6</sup> "Car bomb kills six in Colombia's second-largest city," *Associated Press*, May 17, 2001.

was a witness. Borja was president of the National Federation of State Workers (Federación Nacional de Trabajadores al Servicio del Estado, FENALTRASE). One gunman wounded by Borja's bodyguards was killed four blocks away immediately after the failed attack, apparently by other assassins who sought a quick getaway. Among those suspected by the Attorney General's office of planning and carrying out the attack were CNP captain Carlos Freddy Gómez Ordóñez and three army soldiers: army Major César Maldonado Vidales, retired Captain Jorge Ernesto Rojas, and non-commissioned officers Johnson Gamboa Sotelo and Juan Evangelista Basto Bernal.<sup>7</sup>

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<sup>7</sup> "Vinculan a un mayor a caso Borja," *El Espectador*, March 5, 2001; and "Capitán estaba en Bogotá ese día": Policía," *El Tiempo*, February 9, 2001.

### **APPENDIX 3. THE LEAHY PROVISION**

“None of the funds made available by this Act may be provided to any unit of the security forces of a foreign country if the Secretary of State has credible evidence that such unit has committed gross violations of human rights, unless the Secretary determines and reports to the Committees on Appropriations that the government of such country is taking effective measures to bring the responsible members of the security forces unit to justice: Provided, That nothing in this section shall be construed to withhold funds made available by this Act from any unit of the security forces of a foreign country not credibly alleged to be involved in gross violations of human rights: Provided further, That in the event that funds are withheld from any unit pursuant to this section, the Secretary of State shall promptly inform the foreign government of the basis for such action and shall, to the maximum extent practicable, assist the foreign government in taking effective measures to bring the responsible members of the security forces to justice so funds to the unit may be resumed.”

#### APPENDIX 4. U.S. HUMAN RIGHTS VETTING

The U.S. begins its vetting procedure by soliciting from the Colombian Defense Ministry a list of Colombian security force members “certified” to be free of human rights problems. To prepare the list, the Defense Ministry checks to see if candidates have formal charges against them in Colombia’s courts or filed by the Internal Affairs agency. This initial review ignores cases where “credible evidence,” according to the language of the Leahy Provision, exists but has yet to result in formal charges, which can take years to be filed in the Colombian judicial system, which remains overburdened and underfunded.<sup>1</sup>

The final list is submitted to the U.S. Military Group (MilGroup), the office within the U.S. Embassy in Bogotá that includes Pentagon and Armed Force personnel responsible for administering military aid and training. The MilGroup does an initial review as does the Political Section, which checks names against information gathered from official sources in the Attorney General and Internal Affairs agency offices. Officials responsible for the vetting process told Human Rights Watch that they also review other sources on a periodic basis, including reports published by human rights and other nongovernmental organizations, press clips, and information gathered by the CIA.<sup>2</sup>

Typically, U.S. officials told Human Rights Watch, four to five names on the Defense Ministry’s list come up as potential problems. In these cases, the Political Section includes this information in material submitted with the list to the State Department in Washington. There, an intra-agency committee reviews the list, compares it with other information they have gathered, and makes a final determination. A full vetting takes between forty-five and sixty days.<sup>3</sup>

Once a unit is vetted, its officers and soldiers are not fixed. Like all units in the Colombian military, vetted units regularly transfer personnel to other units and receive personnel. To keep track, the Colombian Defense Ministry submits biannual EUM reports including information on the new soldiers transferred into vetted units.<sup>4</sup>

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<sup>1</sup> Human Rights Watch interview with Col. Kevin Higgins, U.S. Embassy, Military Group, Bogotá, January 10, 2001.

<sup>2</sup> Human Rights Watch interview at U.S. Embassy, Bogotá, January 10, 2001.

<sup>3</sup> Human Rights Watch interview with Col. Kevin Higgins, U.S. Embassy, Military Group, Bogotá, January 10, 2001.

<sup>4</sup> Ibid.

In the past, the United States has had difficulties accurately monitoring the use of its security assistance. According to a General Accounting Office report published in August 2000, the Defense Department had failed to implement the requirement that its field personnel observe and report on foreign government use of U.S. defense articles and services, raising the possibility that these articles and services might have been misused. The report only addressed normal end-use monitoring, not human rights monitoring. However, it underscored that even normal monitoring is not perfect, and that without aggressive enforcement, it can fail to accurately record the use of U.S. aid.<sup>5</sup>

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<sup>5</sup> "Foreign Military Sales: Changes needed to Correct Weaknesses in End-Use Monitoring Program," Government Accounting Office, GAO/NSIAD-00-208, August 2000.



## **APPENDIX 5. HUMAN RIGHTS CONDITIONS**

The following are the conditions contained in Public Law 106-246, June 29, 2000.<sup>1</sup>

Sec. 3201. Conditions on Assistance for Colombia. (a) Conditions:

(1) Certification required: Assistance provided under this heading may be made available for Colombia in fiscal years 2000 and 2001 only if the Secretary of State certifies to the appropriate congressional committees prior to the initial obligation of such assistance in each such fiscal year, that--

(A)(i) the President of Colombia has directed in writing that Colombian Armed personnel who are credibly alleged to have committed gross violations of human rights will be brought to justice in Colombia's civilian courts, in accordance with the 1997 ruling of Colombia's Constitutional court regarding civilian court jurisdiction in human rights cases; and

(ii) the Commander General of the Colombian Armed Forces is promptly suspending from duty any Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups; and

(iii) the Colombian Armed Forces and its Commander General are fully complying with (A)(i) and (ii); and

(B) the Colombian Armed Forces are cooperating fully with civilian authorities in investigating, prosecuting, and punishing in the civilian courts Colombian Armed Forces personnel who are credibly alleged to have committed gross violations of human rights; and

(C) the Government of Colombia is vigorously prosecuting` in the civilian courts the leaders and members of paramilitary groups and Colombian Armed Forces personnel who are aiding or abetting these groups.

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<sup>1</sup> The text of the law that is related to Colombia is available at:  
<http://www.ciponline.org/colombia/062901.htm>

(D) the Government of Colombia has agreed to and is implementing a strategy to eliminate Colombia's total coca and opium poppy production by 2005 through a mix of alternative development programs; manual eradication; aerial spraying of chemical herbicides; tested, environmentally safe mycoherbicides; and the destruction of illicit narcotics laboratories on Colombian territory;

(E) the Colombian Armed Forces are developing and deploying in their field units a Judge Advocate General Corps to investigate Colombian Armed Forces personnel for misconduct.

(2) Consultative process: The Secretary of State shall consult with internationally recognized human rights organizations regarding the Government of Colombia's progress in meeting the conditions contained in paragraph (1), prior to issuing the certification required under paragraph (1).

(3) Application of existing laws: The same restrictions contained in section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2000 (Public Law 106-113) and section 8098 of the Department of Defense Appropriations Act, 2000 (Public Law 106-79) shall apply to the availability of funds under this heading.

(4) Waiver: Assistance may be furnished without regard to this section if the President determines and certifies to the appropriate Committees that to do so is in the national security interest.

(b) Definitions: In this section:

(1) Aiding or abetting: The term 'aiding or abetting' means direct and indirect support to paramilitary groups, including conspiracy to allow, facilitate, or promote the activities of paramilitary groups.

(2) Appropriate congressional committees: The term 'appropriate congressional committees' means the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(3) Paramilitary groups: The term 'paramilitary groups' means illegal self-defense groups and illegal security cooperatives.

(4) Assistance: The term 'assistance' means assistance appropriated under this heading for fiscal years 2000 and 2001, and provided under the following provisions of law:

(A) Section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; relating to counter-drug assistance).

(B) Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105-85; relating to counter-drug assistance to Colombia and Peru).

(C) Section 23 of the Arms Export Control Act (Public Law 90-629); relating to credit sales.

(D) Section 481 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to international narcotics control).

(E) Section 506 of the Foreign Assistance Act of 1961 (Public Law 87-195; relating to emergency drawdown authority).

## **APPENDIX 6. THE CIA ON MILITARY-PARAMILITARY LINKS**

For over a decade, leading Colombian newspapers, magazines, and the nightly news -- not to mention the UNHCHR, Amnesty International, and Human Rights Watch -- have published hundreds of reports and articles about continuing ties between the Colombian military and paramilitary groups. Yet these reports have apparently failed to make an impression on the CIA. In this excerpt from a U.S. Senate hearing, CIA director George Tenet is questioned by Sen. Carl Levin (D-MI):

SEN. LEVIN: Just on Colombia first. Do we believe that the army, or elements of the army have, in effect, quietly, behind-the-scenes, allied themselves with the private forces of the cartels to combat the growing strength of that insurgency? Are they still doing it?

MR. TENET: Well, we know historically there have been linkages between the army and paramilitaries.

SEN. LEVIN: Do they exist now?

MR. TENET: You know, I'll have to get you an answer. I mean, we still look at that very carefully but I don't know. I can't -- off the top of my head, Senator, it is something that we are concerned with.<sup>1</sup>

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<sup>1</sup> Hearing of the Senate Select Intelligence Committee on Worldwide Threats to National Security, U.S. Senate Select Intelligence Committee, February 7, 2001.

