



## **U.S. groups, alarmed by increase in extrajudicial executions in Colombia, urge stricter enforcement of U.S. human rights conditions**

Since 2000, the United States has provided over \$4 billion in military aid to Colombia, making it the largest recipient of U.S. aid outside the Middle East and Afghanistan. Due to long-standing concerns about Colombia's human rights record, the U.S. Congress made a portion of this military aid conditional upon formal certification, by the Secretary of State, that Colombia is meeting the human rights conditions laid out in U.S. legislation.

*U.S. and Colombian human rights groups that have been consulted by the State Department have regularly recommended that certification be withheld, citing numerous cases of human rights violations committed by Colombian security forces. Nevertheless, to date, the Secretary of State has consistently certified Colombia's human rights record.* Despite the valiant efforts of some State Department officials and members of the U.S. Congress to give consistent and rigorous attention to the concerns of internationally recognized human rights organizations, for the most part the documentation efforts of these groups have been ignored in official certification decisions issued by the Secretary of State.

In October 2006, a group of eleven Colombian human rights organizations that are members of the coalition *Coordinación Colombia-Europa-Estados Unidos*<sup>1</sup> presented information before the Inter-American Human Rights Commission detailing their preliminary investigations into hundreds of cases of alleged extrajudicial executions committed by the Colombian Armed Forces between July 2002 and June 2007.<sup>2</sup> These Colombian human rights groups have now compiled legal evidence for 152 of the total 955 cases of extrajudicial executions in their collective data base of complaints that have been filed. This year, the same Colombian human rights groups organized an international mission with the participation of 13 independent professionals from Europe and the United States, including jurists, human rights experts and a forensic expert, who conducted field visits to two regions and listened to more than 130 testimonies by witnesses and victims' family members from 18 of Colombia's 32 departments. Many of the cases presented occurred in the last three years, some as recently as in the last several months. The mission also met with high-level Colombian officials from the Ministry of Defense, Attorney General's office, and all levels of the civilian justice system; the nation's Inspector General and Ombudsman, and local military authorities. The mission's objective was to evaluate the allegations of extrajudicial executions in Colombia and to provide observations and recommendations to orient future actions.<sup>3</sup> The Colombian organizations also presented in October 2007 their updated evidence before the Inter-American Human Rights Commission. This document summarizes their findings and calls upon members of Congress and the Administration to take this information fully into account in future decisions regarding disbursement of U.S. military aid to Colombia.

<sup>1</sup> The *Coordinación Colombia-Europa-Estados Unidos* is a coalition of 187 Colombian human rights and social organizations.

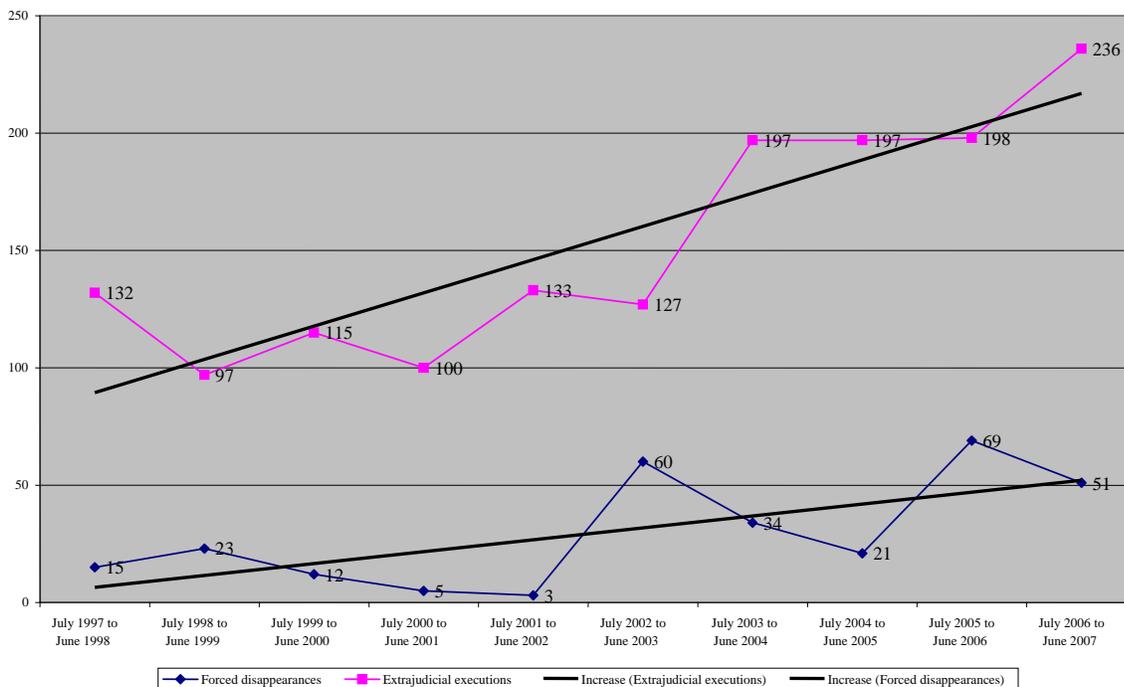
<sup>2</sup> The Human Rights and International Humanitarian Law Observatory of *Coordinación Colombia-Europa-Estados Unidos* coordinated the development of documentation efforts of the following Colombian groups involved in litigating many of these cases: *Asociación Minga, Colectivo de Abogados José Alvear Restrepo, Comisión Colombiana de Juristas, Comisión Intereclesial Justicia y Paz, Corporación Jurídica Libertad, Corporación Reiniciar, Corporación Sembrar, Corporación Yira Castro, Fundación Comité de Solidaridad con los Presos Políticos, Corporación Humanidad Vigente, and Grupo Interdisciplinario de Derechos Humanos.*

<sup>3</sup> The observers were: Alexandra Huck (Germany), Enrique Santiago y Romero (Spain), Francoise Escarpit (France), Ignacio Espinosa Casares (Spain), José Martín y Pérez de Nanclares (Spain), Juana María Balmaseda Ripero (Spain), Karen Ramey Burns (U.S.), Lisa Haugaard (U.S.), Mauricio Valiente Ots (Spain), Michael Peter David Ellman (Great Britain), Rainer Huhle (Germany), Rebecca Cox (Great Britain) and Stefan Ofteringer (Germany).

## Extrajudicial executions directly attributed to state agents in Colombia are increasing

In the five years between July 1997 and June 2002, according to the Colombian human rights groups' collective database, a total of 577 extrajudicial executions were perpetrated by state agents. During the five years from July 2002 through June 2007, the rate of extrajudicial executions by state agents increased by nearly 66%, with a total of 955 cases.

Extrajudicial executions and forced disappearances allegedly committed directly by the Armed Forces  
July 1997 to June 2007



Source: *Asesinatos (lo primero) sin justicia (lo demás): Ejecuciones extrajudiciales directamente atribuibles a la Fuerza Pública en Colombia, julio de 2006 a junio de 2007*. Hearing before the Inter American Human Rights Commission, Washington, DC, October 10, 2007.

During the international observation mission, participants were able to interview *personeros* – public officials at the local level who accept formal complaints from citizens – in a number of municipalities. From these interviews, it became evident that national counts of extrajudicial executions have omitted many cases. For example, in the department of Antioquia, 18 cases that had not previously appeared in national counts were discovered in the municipality of Ituango, six in San Vicente and four in San Francisco. There is no national system to compile complaints taken by *personeros* in all of Colombia's municipalities. While the Inspector General's office at the national level is supposed to have a registry of all these cases, in fact the local *personeros* often forward complaints about extrajudicial executions directly to local Inspector Generals' offices, which in many cases pass this information along to military authorities in charge of the units implicated without taking further action.

**The practice of extrajudicial executions is deliberate, systematic and has been reported throughout Colombia**

While some Colombian and U.S. authorities have acknowledged the existence of a particular problem of extrajudicial executions in Antioquia province, these most recent documentation efforts by Colombian human rights groups have uncovered extrajudicial executions in nearly all of Colombia's 32 departments during the period of July 2006 to June 2007, with the departments of Antioquia and Meta exhibiting the highest numbers.

Most of the documented cases exhibit similar patterns, which demonstrate the deliberate and systematic quality of these abuses. Most cases occur in areas with a high level of military presence or where military operations are frequent or constant. The majority of victims have been *campesinos* (rural residents employed in subsistence farming activities) who were named by informants – many of whom belong to a network of individuals paid by the government for providing information to security forces – as being supporters or members of guerrilla groups. Many of the victims were local community leaders. In the majority of these cases, victims are arbitrarily detained prior to their execution, and in some cases they are forcibly disappeared. In spite of family members' efforts to identify victims, they are often buried by authorities as unidentified bodies. After the events occur, state agents, particularly members of the army, engage in efforts to cover up their crimes. Those who are extrajudicially executed are regularly presented as guerrillas killed in combat, dressed in guerrilla clothing and with firearms presented with their corpse, despite eyewitness accounts sustaining that most of these individuals were forcibly removed from their homes or places of work and were last seen dressed in civilian clothing.

### **Over 99% of all cases of extrajudicial executions documented by human rights groups remain in impunity**

Of the 955 cases reported to Colombian human rights groups between July 2002 and June 2007, only two cases have reached a sentencing phase: the case of three assassinated trade unionists in Arauca and the case of four individuals, including a child, executed in Cajamarca. These two cases no doubt advanced because of the specific and sustained pressure of international and national human rights groups, as well as close attention from the U.S. government. However, *sentencing in two of the 955 recent cases of extrajudicial executions should not be construed as sufficient progress by the Colombian government.* This does not send a strong enough signal to members of the Colombian armed forces that such abuses should cease to take place. On the contrary, new cases are piling up every day.

High-level Colombian government officials reported to the international mission that Colombian jurisprudence is clear—whenever there is any possibility of extrajudicial executions, i.e. a civilian killed by members of the security forces, the case should go directly to the civilian justice system. Yet the mission found that such cases regularly remain in the military justice system. The mission observed that it is not just a question of the military justice system's refusal to transfer cases, but also the reluctance of civilian justice officials to assert their authority over such cases. In many cases, the review of the crime scene and removal of the corpse were carried out by members of the military. The fact that the cases remained in the military justice system also meant that witnesses and family members had to present their testimony within the very military bases where the alleged perpetrators worked.

### **Rather than attacking the practice of extrajudicial executions, the Colombian Government attacks those who are investigating cases**

Instead of assisting human rights defenders in their important efforts to document and make progress on these cases, officials in the Colombian government have publicly criticized and stigmatized the work of national and international human rights experts engaged in drawing attention to these cases. For example, On July 25, 2007, President Álvaro Uribe, in a public speech, proclaimed that those who denounce extrajudicial executions

are at the service of guerrilla groups and wish to discredit the Armed Forces.<sup>4</sup> Likewise, on August 29, 2007, Colombian Minister of Defense Juan Manuel Santos, who was called to a hearing in the Colombian Congress, said that complaints about extrajudicial executions are part of the “political and legal war” being waged by guerrilla groups.<sup>5</sup> Such public statements reflect a lack of respect for the rule of law and endanger the lives of human rights defenders in Colombia.

### **Steps taken by the Defense Ministry to address this issue to date are not adequate**

The Defense Ministry issued on June 6, 2007 a special directive, “Underscoring the obligations for authorities charged with fulfilling the law and avoiding homicides of protected persons,” Directive No. 10-2007. This directive, which reminds military authorities of the need to respect civilians, identify military objectives properly, and use only proportionally necessary force, also calls on military authorities to allow civilian authorities to conduct investigations where there are possible cases of extrajudicial executions. This directive is a positive step. But it is unclear whether the directive is reaching all levels of the armed forces or, if so, how it is being put into practice.

This directive also establishes a commission to look into extrajudicial executions. While the establishment of this commission is encouraging, offering the possibility that Armed Forces practices that lead to extrajudicial executions could be identified, it must be noted that the commission will review cases only in Antioquia and that the composition of this commission is quite limited. The commission includes only the Defense Ministry, Armed Forces, and military justice system, with the occasional participation of the national police and the director of the presidential human rights program. Members of the civilian justice system, Ombudsman’s office, and Inspector General’s office, not to mention independent human rights groups, are not included.

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<sup>4</sup> “*Ahora la estrategia guerrillera es otra: cada que se le da una baja a la guerrilla, ahí mismo moviliza a sus corifeos en el país y en el extranjero para decir que fue una ejecución extrajudicial. Pero las Fuerzas Armadas han puesto todo el cuidado para no dar lugar a que se señale a miembros de las Fuerzas Armadas de estar en colusión con grupos paramilitares*” --Palabras del presidente Uribe al conmemorar segundo año de la ley de justicia y paz”, Bogotá, SNE, 25 de julio de 2007, [www.presidencia.gov.co/prensa\\_new/sne/2007/julio/25/09252007.htm](http://www.presidencia.gov.co/prensa_new/sne/2007/julio/25/09252007.htm)

<sup>5</sup> Speech by Defense Minister Juan Manuel Santos, during debate in the House of Representatives of the Colombian Congress, Bogotá, 29 de agosto de 2007.

## Recommendations

1. The U.S. Congress should condition U.S. military assistance on evidence of an end to systematic impunity in cases involving extrajudicial executions and evidence that the military are effectively implementing June 6, 2007 directives condemning extrajudicial executions and providing for civilian investigation and prosecution of those responsible for them.
2. The U.S. government should urge the Government of Colombia to establish an independent commission to examine extrajudicial executions, headed by the Inspector General, with participation of the Ministry of Defense, the Chief of the Colombian Armed Forces, the Head of Military Justice, the Attorney General's Office and the Human Rights Ombudsman's Office, with observation by the UN High Commission on Human Rights and independent human rights groups.
3. The State Department and U.S. Embassy in Colombia should make use of all diplomatic means at their disposal to insist on improvements in the future handling of past, current and future cases, including that a) such cases are immediately transferred to the civilian justice system; b) the crime scene investigation and removal of the body is carried out by the Attorney General's Technical Investigation Unit (CTI) and the chain of custody for evidence is properly maintained; c) all cases in which witnesses, lawyers and/or family members are at risk be transferred to the Attorney General's human rights unit in Bogotá; d) members of the security forces implicated in such cases are suspended from active duty while investigations are pending.
4. The U.S. Southern Command, working with the State Department and utilizing materials provided by U.S. and Colombian human rights groups, should help to identify practices that may be leading to extrajudicial executions of civilians, raise these issues with Colombian counterparts, and incorporate relevant changes into human rights and international humanitarian law training for the Colombian armed forces.
5. The U.S. Justice Department officials leading efforts to promote legal reforms in Colombia should conduct a formal consultation with Colombian human rights groups and effectively follow up on recommendations made to address the problem of extrajudicial executions. All reforms promoted by the Justice Department should be compatible with the recommendations of the UN High Commissioner for Human Rights, the Inter-American Human Rights Court, and the Inter-American Human Rights Commission.

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