

Losing Ground: Human Rights Advocates Under Attack in Colombia

*This is the executive summary of a 61 page investigative report entitled Losing Ground:
Human Rights Advocates Under Attack in Colombia (October 1997).*

On May 19, 1997, four men burst into the home of Mario Calderón and Elsa Alvarado and gunned them down. Elsa's father, Carlos Alvarado, was also killed in the attack. The couple had worked for many years as researchers at one of Bogotá's best known think-tanks and human rights organizations, the Jesuit-run Center for Research and Popular Education (CINEP). Both participated in an environmental project in a town neighboring Bogotá and taught in local universities. Their deaths have left many -- among them environmental activists, human rights defenders, community leaders, professors, and Jesuits -- in mourning, and deeply frightened. Most see this killing as a clear warning of things to come. Indeed, in the months following the murders, there was a wave of death threats against human rights activists in Bogotá, forcing several prominent human rights defenders into exile.

While international attention has focused on these murders, this incident was only the most recent of many attacks on human rights activists, ranging from threats and harassment to assassinations. Since October 1996, four nationally-known human rights defenders have been killed, as have 14 members of local human rights committees throughout Colombia and five local human rights ombudsmen. In statements to the press, military and government officials have repeatedly accused human rights activists of being involved with guerrilla movements. These accusations have helped to create a climate of fear and suspicion regarding human rights work in general, and encourage members of paramilitary groups and security forces to view human rights activists as military targets. In some cases, these accusations have led to charges being brought against human rights activists and to their detention and imprisonment.

Over the last decade, as attacks against human rights activists have mounted, human rights offices in many regions of the country have been forced to close their doors. Often operating in a virtual "no man's land," local human rights groups -- and the population at large -- are provided with no basic security or policing by the state, leaving them vulnerable and without the means to protect themselves. Paramilitary and military operations have successfully prevented human rights work from going forward in significant areas of the country, such as the Meta region, described in detail in this report. As a result, it is extremely difficult to obtain human rights-related information throughout key areas of Colombia. Colombian human rights activists fear that the paramilitary groups have now turned their sights on Bogotá. The murders of Mario Calderón and Elsa Alvarado, and the wave of death threats thereafter, indicate that even in the capital, human rights workers have reason to fear for their lives.

Government human rights advocates face death threats and attacks as well, forcing some to leave the country. Particularly at risk are investigators with the Human Rights Unit of the Attorney General's office, or Fiscalía, and those working with the Ministry of the Interior's social welfare programs for the internally displaced. On a local level, the most vulnerable government human rights agent is the personero, the official within local municipal governments responsible for human rights education and the registration of complaints of human rights abuses. Personeros also assist with criminal investigations. Since March 1996, five personeros have been killed. Most recently, on August 8, 1997, Gustavo Núñez, the personero of San Alberto, Cesar, was killed, only two weeks after publicly denouncing increasing paramilitary activity in his region and criticizing the government for failing to support and protect personeros. His predecessor was killed by alleged members of a paramilitary group in 1995. To date, neither the President nor members of the Cabinet have spoken out consistently or aggressively in support of their threatened functionaries, nor have they offered them adequate protection, reflecting the larger failure by the government to support and protect human rights work.

Colombia's two main guerrilla groups -- the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) -- are responsible for a litany of abuses as well, including the arbitrary or

selective killing of civilians. Those targeted for execution by the guerrillas include people resisting kidnap attempts, local government officials, electoral candidates, demobilized guerrillas, and others accused of collaborating with the military. Like the paramilitary groups, the guerrillas target civilians believed to be sympathetic to or in collaboration with the perceived enemy. This has led to widespread killings of civilians by guerrillas, particularly in areas of the country where paramilitary expansion is taking place.

Paramilitary organizations -- groups of armed civilians carrying out armed actions, often in partnership or working directly with members of the Colombian security forces -- appear to be behind most of the violence against human rights advocates. They have dramatically increased their activities in recent years. Benefitting from the political crisis and institutional inertia generated by the corruption scandal engulfing the Samper administration, these groups have expanded territorial control over vast sections of the country and, for the first time, appear to be operating with a unified national structure. In a marked departure from their previous tactic of developing locally-based groups of armed civilians, recently large paramilitary units have been carrying out offensive campaigns, including military operations in new areas of the country, and have established training camps.

Mounting evidence indicates that paramilitary groups operate with the complicity, and in some regions the direct support, of the Colombian armed forces. Numerous eyewitness accounts have reported joint patrols, as well as the planning and execution of military operations, by Colombian military and paramilitary forces. Throughout the country, few paramilitary leaders have been detained or prosecuted for their crimes. One of the most important paramilitary leaders, wanted for questioning in eight cases of murder, was interviewed in a June 2, 1997 article in Newsweek, yet authorities claim to have no information on his whereabouts. Security forces have also failed to combat paramilitary groups with the force with which they attack guerrilla movements. To date, there have been next to no reported instances of combat between paramilitary groups and the Colombian armed forces.

Particularly troubling is the Colombian government's creation of de facto paramilitary groups as Convivir, groups of civilians who are authorized to carry military weapons and collect military intelligence. WOLA has evidence that in at least one case, a person identified by the Colombian Judicial Police as a well-known paramilitary leader has been legally incorporated into these groups. Human rights groups have received growing numbers of complaints of abuses by members of the Convivir, including threats against local inhabitants and even murder. In mid-August, President Samper himself questioned the role that some Convivir are playing and ordered them to be evaluated. At best, by creating the structure for networks of armed civilians, these groups facilitate paramilitary actions. At worst, the Convivir are themselves an integral part of the paramilitary strategy, as is evident in some regions of the country where the Convivir act in coordination with paramilitary groups.

The creation of the Convivir is but one indication of the failure of the Samper administration to adequately address human rights concerns. Two key measures of the government's political will to confront human rights violations are: 1) investigations and sanctions of those responsible, and 2) the provision of protection and guarantees to human rights organizations such that they can effectively carry out their work -- a basic tenet of a democratic society. Not only does impunity reign for cases of human rights violations committed by state agents, but the Colombian armed forces systematically impede such investigations and, until now, have routinely absolved their own in sham military trials.

The Samper administration does deserve credit for a number of initiatives. The Colombian government has created an impressive human rights bureaucracy on paper, has arrested a handful of mid-level paramilitary leaders, and has accepted the office of the UN High Commissioner for Human Rights. Additionally, the Samper government formally adopted Protocol II to the Geneva Conventions and approved Law 288, legislating compensation for victims of human rights abuses in cases brought before international bodies.

Yet when presented with concrete recommendations for action by Colombian human rights groups, the Samper government has often responded with vague promises and limited measures, ensuring the continuing peril of engaging in human rights work in Colombia. The Colombian government's response to

the proposals of non-governmental organizations (NGOs) raises concerns about the government's political will to address human rights concerns in a timely and serious fashion and to implement adequate measures for the protection of human rights monitors. While a range of programs exist on paper for protecting human rights monitors, in practice they have been under-funded and poorly designed for the needs of the human rights community. The number of human rights advocates killed in Colombia over the last year provides sad testimony to the failure of these programs.

The Samper government, however, has the opportunity to modify its track record. First, in mid-September it presented a new military penal code to the Colombian Congress which excludes human rights violations -- such as extrajudicial executions, disappearances, torture, and rape -- from the military court system. If adopted and enforced, the new penal code could significantly scale back the present level of impunity for human rights violations committed by state agents in Colombia. Second, in June 1997 Colombian human rights groups presented the Samper government with concrete recommendations for reforms and initiatives to protect human rights monitors. Consequently, the Samper administration now has the opportunity to work with the Colombian human rights community to implement the proposed measures, which at the time of this writing are still under discussion.

The human rights crisis in Colombia has generated significant concern within the international community. Human rights organizations and international bodies have produced a myriad of reports on the human rights situation in Colombia, accompanied by long lists of recommendations for promoting improvements. The vast majority of these recommendations go unheeded. As a result of international concern, the UN High Commissioner for Human Rights has opened an office in Colombia -- one of only two such local offices in the world -- to monitor the human rights situation and promote reforms.

In contrast to many European governments, however, the response of the U.S. government to Colombia's human rights crisis has been less consistent. For many U.S. policy-makers, promoting human rights in Colombia is perceived as detrimental to Washington's top priority, fighting the war on drugs. Since the Andean Antinarcotics Initiative was launched in 1989, successive U.S. administrations have downplayed human rights concerns in Colombia so as not to jeopardize antinarcotics assistance and cooperation. All too often, the United States remains silent in the face of both individual atrocities and the continuing deterioration of the human rights situation. At times, though, the administration has spoken out more forcefully -- for example, over the first half of 1997 as a result of its efforts to implement stricter human rights conditionality on U.S. antinarcotics assistance laid out in fiscal year 1997's foreign aid bill.

But the administration often backs down when faced with criticism on Capitol Hill, where key committee and subcommittee chairmen are prone to lavishing praise on the Colombian police and armed forces for their antinarcotics efforts. The Clinton administration, fearful of being viewed as "soft on drugs," has responded to such criticisms by dramatically increasing financial support for those institutions. The Colombian security forces are slated to receive approximately \$100 million in U.S. antinarcotics support for fiscal year 1997 alone. The nature and extent of U.S. security assistance to Colombia is extremely troubling in light of Colombia's abysmal human rights record.

Policy Recommendations

WOLA urges the Clinton administration and the U.S. Congress to place higher priority on human rights concerns in Colombia. We believe the following are the initial steps that should be taken by the Colombian government -- and encouraged by the U.S. government -- to reverse the deteriorating human rights situation in that country.

1. Legislation allowing for the formation of the Convivir should be abolished and those Convivir in existence should be demobilized. With regards to paramilitary groups:

a) the Colombian government should actively pursue, detain, and try paramilitary leaders for whom arrest warrants have been issued and should actively move to disband existing paramilitary groups; and

b) military and police personnel implicated in paramilitary activity should be investigated, sanctioned appropriately if found guilty, and removed from active service.

2. Measures should be taken to strengthen the investigation of human rights abuses by all sides in the Colombian conflict. These include:

a) making the Human Rights Unit of the Fiscalía (Attorney General's office) a permanent body constituted by law; and

b) expanding the investigative capability of the Unit by allocating more investigators and a larger budget, to allow it to increase its technical capacity and undertake investigations in remote regions.

3. Military and police personnel found to be responsible for human rights violations should be removed from active service and receive punishments commensurate with the gravity of the crimes committed. Toward that end:

a) the Colombian Congress should approve the new military penal code presented by the Samper government, which should strongly advocate its adoption; and

b) the Colombian government should ensure that the new military penal code, if passed, is effectively enforced.

4. Civilian oversight of the police should be strengthened through the placement of the National Police under the Ministry of the Interior, rather than under the Ministry of Defense as is currently the case.

5. Given the gravity of the situation of internally displaced persons in Colombia, guarantees should be provided to communities under threat that further displacement will be prevented. Those who are displaced should be provided with special protection and adequate economic resources.

To provide for the protection of human rights advocates and to ensure that they are effectively able to carry out their work, the Colombian government should:

1. Adopt in full the proposals presented by the Colombian NGO community to the Colombian government on June 16, 1997 to prevent and investigate attacks on human rights monitors, to provide effective protection to people at risk, and to educate the public and government employees about human rights work.

2. Issue public statements repudiating unfounded accusations by government officials or members of the security forces linking human rights workers with guerrilla movements. Should evidence of any such links exist, it should be presented to the appropriate judicial authorities and investigated accordingly. The Colombian government should also take actions to prevent intelligence agencies from targeting legitimate human rights work.

3. Increase the resources allocated to government human rights offices so that they have the budgetary capacity to fulfill their functions, particularly with regards to developing and implementing effective protection programs for human rights defenders.

With regards to U.S. policy toward Colombia, WOLA makes the following specific policy recommendations:

1. The U.S. government should speak out forcefully and consistently on human rights concerns in Colombia, maintaining the pressure exerted during the first half of 1997.

2. The U.S. government should also actively encourage the Colombian government to adopt the NGO proposals for protecting human rights advocates, should speak out in defense of Colombian human rights activists under threat, and should include a specific section on the situation of human rights monitors in Colombia in the State Department's annual human rights report.
3. No U.S. assistance should be provided to the Colombian army or units of other branches of the armed forces or police implicated in human rights abuses until the above recommendations have been adopted and adequate sanctions have begun to be imposed on members of the security forces -- military and police -- responsible for committing human rights violations.
4. The Clinton administration should not approve further sales of helicopters or lethal equipment to the Colombian army, currently provided for counternarcotics purposes, until the above conditions are met.
5. The U.S. government should provide political and financial assistance to the Human Rights Unit of the Fiscalía and the Office of the UN High Commissioner for Human Rights.
6. The U.S. State Department should provide the U.S. Congress and Colombian and U.S. NGOs timely information on which units of the Colombian armed forces are receiving U.S. assistance, should share the results of end-use monitoring efforts, and should allow the GAO to comply with its congressional functions without interference.
7. The Clinton administration should continue to apply the "spirit" of the Leahy amendment to all forms of U.S. antinarcotics-related security assistance and to counternarcotics assistance provided through the Department of Defense.
8. The provisions laid out in the Leahy amendment should be expanded to include all forms of military and police assistance and should be adopted into permanent law.

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