

The Wrong Road

Colombia's National Security Policy

The Latin America Working Group Education Fund conducts public education to encourage US policies that promote human rights, justice and peace in Latin America. The LAWGEF serves a coalition of nongovernmental, religious, humanitarian, and grassroots organizations.

Colombian President Álvaro Uribe was elected in May 2002 with an overwhelming popular mandate, the first Colombian president to reach a full majority in the first round of voting. His platform focused on promoting efficient government and security. The majority of Colombians, tired of living with violence, responded to campaign promises of a resolution of the long-running conflict and measures to address the faltering economy and growing poverty. Since taking office, however, President Uribe has implemented a series of security initiatives that risk escalating the conflict and increasing human rights violations. At the same time, his administration is undercutting the ability of civilian oversight agencies to ensure that human rights are respected, by slashing budgets and publicly questioning their role. Public confidence in the judicial system, a fundamental component in

strengthening the rule of law, has been eroded by the lack of independence demonstrated by the Attorney General.

President Uribe's security program focuses on expanding the force and powers of the military institutions. The President has issued legislative decrees granting extraordinary powers to the security forces and designating areas of the country as special administrative regions. Many of the extraordinary powers, including the special judicial powers for military forces, have been declared unconstitutional, yet the administration continues to attempt to implement them, most recently through anti-terrorism legislation currently before the Colombian Congress. Through the Informants Network and the Peasant Soldiers programs, the Colombian government is integrating armed civilians into the armed forces for intelligence and

military operations. Similar policies have been tried during previous administrations, and none have been successful in resolving Colombia's entrenched conflict. In some areas, these programs have been directly linked to the strengthening of illegal paramilitary groups and worsening violence. All set the stage for an increase in human rights violations, while providing none of the safeguards – respect for the rule of law, civilian oversight, ensuring that



July 2003

110 Maryland Ave., NE
Box 15
Washington, DC 20002
Tel: 202.546.7010
www.lawg.org

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military forces understand and embrace their duty to protect all citizens rather than a privileged few – that are the foundation of real security.

Insecurity in Colombia

Lack of security is a real concern in Colombia. Across the political and economic spectrum, Colombians live in daily fear for their lives. According to figures from human rights groups, forced displacement and politically-motivated deaths have been increasing over the past five years. According to the Colombian Commission of Jurists, an average of ten

country's economy has only minimally recovered from a historic low of negative 4% growth in 1999, and still registers record unemployment of almost 20%. The fiscal crisis and ballooning public deficit means that the government has fewer resources to devote to public spending.

Declaration of “Internal Disturbance”

Four days after taking office, President Uribe issued the first of a series of decrees and special legislation to grant extraordinary powers to the military as a keystone of his security policy. On August 11, Uribe declared a state of “internal

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people a day were killed in political violence in 1990; by 2000, that figure rose to almost twenty a day. The Colombian research institute CODHES reports that the number of people fleeing their homes has climbed dramatically, to an all-time high of 412,553 people in 2002, a 20% rise from the year before.¹ Kidnappings, the majority by guerrilla groups, have also increased. According to the Free Country Foundation, in 2002 there were 2,986 reported kidnappings; 936 were attributed to the FARC, 776 to the ELN, 180 to paramilitaries and the remainder to smaller guerrilla groups and criminals.² The FARC has also targeted local governments, killing at least nine mayors and issuing a blanket threat to officials who remained in office; at least 400 mayors submitted their resignations. Reports of combat have also been on the rise. Both guerrilla and paramilitary groups report increases in their troop strength, and extended their military operations into new areas of the country.

Further complicating the security situation are ongoing economic difficulties. The

disturbance” (*conmoción interior*), a class of “state of siege” allowed by the 1991 Constitution which grants the executive branch special powers. The Internal Disturbance was extended for the maximum amount allowed under Colombian law, an additional 90 days twice. On April 30, the Colombian Constitutional Court declared the state of emergency unconstitutional. The court also repealed measures requiring foreign journalists traveling to rehabilitation zones to first obtain permission from the Ministry of the Interior.³ How this ruling will affect the special decrees issued under the state of emergency remains unclear; because the extension of the state of emergency was declared unconstitutional, these decrees may be left without legal standing.

Colombia had spent much of the twentieth century under a state of siege, which granted extraordinary powers to the executive branch and the armed forces. Concern about the abuses of these powers led Colombian legislators to significantly restrict such measures under the 1991 Constitution. The head of the merged

interior and justice ministries, Fernando Londoño, raised the specter of past abuses when he told the Colombian Congress of the Uribe administration's intention to make the emergency measures "permanent." His statement prompted Human Rights Watch to write in its year-end report that Londoño "rais[ed] fears that Colombia would return to a pattern of decades past, when presidents maintained the country under a virtually unbroken state of siege and rights were routinely violated by state agents."⁴

Legislating Security

Under the special powers allowed during a state of Internal Disturbance, Uribe issued Decree 2002, which outlines special measures for the control of public order, allows for the creation of "rehabilitation and consolidation zones," and eliminates many safeguards for due process and freedom of movement and expression in these special zones. Among other provisions, this decree allows the security forces as well as the internal police and other judicial agencies to carry out searches, wiretapping and communications interception, capture and detention with only verbal "communication" from judicial authorities and without a warrant. A similar law presented by the previous administration, the National Security and Defense Law, which granted extraordinary powers to the military and created special "theaters of operation" in which rights and liberties were suspended, was declared unconstitutional in 2002. While the Colombian Constitutional Court declared many of the special powers unconstitutional in November, the Uribe administration has made reinstatement of these extraordinary powers a priority.

There is evidence that in some areas, the military continues to conduct operations as if empowered to act as judicial police, despite the court's ruling. During her presentation on a congressional delegation to Colombia, deputy director Kim Stanton of the Washington Office on Latin America said that, "We heard from many people in



The 1st Marine Infantry brigade in Sucre carries US-made M-16s.

many different areas of the country that the Constitutional Court ruling did not necessarily end these practices."⁵ A recent report produced by Colombia's Inspector General also concluded that much of the information collected through household registries was obtained illegally after the court ruling. In their study of the situation in Arauca, investigators found that "on many occasions, officials from the security forces did not react in a timely fashion to legal rulings and particularly to the most recent decision of the Court, and continued to apply illegal procedures."⁶

Through new anti-terrorism legislation currently being debated before the Colombian Congress, the Uribe administration is attempting to ensure that some of the most controversial extraordinary measures are permanent changes to the Colombian Constitution. The current bill would modify the Constitution to allow for the interception of mail and other forms of "personal communication" without a warrant; permit detentions and searches without judicial control or warrants; create a mandatory census of residences; and allow the Attorney General to create special units of judicial police with members of the Armed

Forces.⁷ According to critics of this legislation, these four provisions violate international human rights standards. The United Nations High Commissioner for Human Rights Office in Bogotá sent an open letter to members of the Colombian Congress and has posted on their website a detailed document outlining its objections. If this legislation is passed, the Uribe administration will have succeeded in legalizing the most controversial measure of his “extraordinary” powers provisions, the ability of the military to carry out searches, seizures and detentions with no oversight from the judiciary. Because this legislation alters the Constitution, passage requires eight rounds of congressional debate (approval in the appropriate House and Senate Commissions and then in the

*Peace, a large, well-regarded NGO umbrella organization. Justifying the search by reference to emergency powers granted under the State of Internal Disturbance, police officials failed to secure a prosecutor’s written approval before entering the building. The raid, which was widely condemned in the country and abroad, uncovered no evidence of illegal activity.*⁸

In its year-end report, presented to the UN Human Rights Commission in March, the United Nations qualified Decree 2002 and other legislation on security, public order, and the administration of justice as a “step backward.”⁹ Colombian critics of the legislation as well as the UN and international human rights groups have

True security requires respect for human rights.

full plenary of each; in the subsequent congressional session, this process must be repeated). As of May 2002, the legislation had passed through the House Commission and was scheduled for debate on the floor.

Fears that these extraordinary powers will be abused by government investigative and military institutions have already been proven well-founded. The Uribe administration has used these decrees in specific cases to target nongovernmental organizations for searches and accusations of misconduct, often with no apparent evidence. One of the most egregious examples was reported in detail in the U.S. State Department Human Rights Report.

Under the authority granted by the President’s declaration of a State of Internal Disturbance, law enforcement authorities searched the offices of a number of NGOs. Most searches focused on the headquarters of small, local NGOs; however, on October 25, police raided and searched the Bogotá office of the Permanent Assembly for

pointed out that the decree and subsequent legislation contain provisions that are unconstitutional and incompatible with international human rights standards. More importantly, such measures erode the very democratic institutions that officials have committed to protect.

Undermining Human Rights Agencies

True security requires respect for human rights; people who are afraid that their basic rights will be violated cannot feel secure. Yet, through drastic budget cuts, the Uribe administration has undermined the ability of governmental human rights agencies and judicial institutions to perform the basic tasks required to establish the rule of law. Officials working within human rights institutions report their programs do not receive priority. Public officials, particularly military officers, continue to make public remarks disparaging human rights work. According to the UN’s annual report, “the State still does not have an effective and coherent policy on human rights and

international humanitarian law. This deficiency is visible in the weakness of its preventative policies, which contributes to the worsening situation in both areas. This has significantly increased the number of displaced persons, and added to the vulnerability of human rights defenders, who suffer intimidation, threats, attacks and stigmatization, even from public servants.”¹⁰

The judicial system, which is critical to establishing public trust in government institutions, is experiencing severe challenges, in part because of Uribe’s policies. The Uribe administration is proposing budget cutbacks that will reduce already severely overburdened public defender programs, which are facing growing demand as a result of sweeping arrests and detentions following Decree 2002.¹¹ Existing courts and public prosecutors’ offices were inadequate to supervise military operations, as required by the new statutes.¹² The Inspector General reported that in the case of massive detentions in Arauca, intended safeguards remained “formalities,” and officials did not maintain proper records of detainees, increasing the possibility of abuses.¹³ The UN concluded that “the proposed cutbacks in the powers of the Constitutional Court, particularly its power to review the declaration of a state of emergency, could have the effect of weakening judicial supervision and making the principles of lawfulness and the rule of law dependent on political decisions or instruments.”¹⁴

Lack of judicial independence appears to be a growing problem. Human Rights Watch concluded that the Attorney General’s Office investigations of human rights cases “deteriorated significantly,” citing among other things “a lack of support for prosecutors working on difficult human rights cases; a failure to provide adequate and timely measures to protect justice officials whose lives are threatened; and the dismissal and forced resignation of veteran prosecutors and judicial investigators.”¹⁵ In its annual report, the UNHCHR Office in



A police station in Saravena, the target of attacks.

Colombia repeatedly voiced concern about growing lack of judicial independence.¹⁶ The Colombian Inspector General reported that in Arauca, judicial authorities have failed to comply with required safeguards during investigations and detentions, and are housed within military installations, seriously calling into question their ability to ensure judicial impartiality.¹⁷ Finally, the Uribe administration has proposed new legislation to eliminate certain legal protections and oversight institutions, such as the municipal ombudsmen (*personerías*).

Many threatened human rights activists, journalists and union organizers have turned to the governmental protection programs for support. Most participants agree that these programs have provided much-needed assistance to many threatened individuals. However, they also note that the failure of the government to investigate and prosecute the source of the threats and attacks remains a fundamental hurdle to a genuine improvement in the security situation of threatened activists. These programs have also encountered significant operational problems. The Protection Program for Human Rights Defenders continues to face

serious “administrative, bureaucratic and operational difficulties,” according to the United Nations. In some cases, these difficulties have contributed to the program’s inability to protect threatened activists. To cite just one example, on January 12, presumed paramilitaries killed Enoc Samboni, a community leader from Cauca who was participating in the protection program.¹⁸ According to an assessment of the program conducted from May to July 2002, “no progress has yet been made in response to recommendations to back up these programs with effective preventive policies so as to diminish the risk to the populations concerned, especially those

Abuses during operations authorized through these extraordinary powers have already occurred. The UN reported a “policy of large-scale raids and mass arrests” at the end of the year, including “reports of abuses by the security forces and of procedures incompatible with international principles.”²¹

On September 21, 2002, President Uribe established two rehabilitation and consolidation zones, covering three municipalities in Arauca, and 16 municipalities in Sucre and 10 in Bolívar. While the Constitutional Court struck down the decree establishing these zones, the emergency measures still appear to be in

“We conclude that the Rehabilitation and Consolidation Zone in Arauca is a failed experiment, particularly from the human rights perspective.”

— *Colombian Inspector General’s Office*

arising from actions and statements made by public officials that endanger human rights defenders and civil leaders.”¹⁹

Rehabilitation and Consolidation Zones

The “rehabilitation and consolidation” zones are defined by the President, who designates a military commander with operational command of all the security forces in the zone. The right to free circulation and residence can be restricted through curfews, military roadblocks, requirement of special travel permits, and restrictions placed on individuals. The military commander of the zone can collect extensive intelligence files on people living and traveling through these zones. The mayor or governor in these areas can authorize temporary use of private property when the government does not have such property and needs it; and can force individuals to work for the government in these zones if they have professional and technical skills needed by the government. Foreigners face additional restrictions, and must receive prior authorization in order to visit these zones.²⁰

force. A close look at these zones reveals how the Uribe administration’s security policy to date has failed to provide citizens with security while introducing substantial costs to basic civil liberties. Indeed, to date citizens in these zones are at greater risk than before the zones were established.

The future of the “rehabilitation zones” is unclear. The Constitutional Court found that the declaration of the state of emergency, which permitted the special decrees creating the rehabilitation zones, was unconstitutional. This ruling could leave the rehabilitation zones without legal standing. Previous court rulings have already reduced the special powers allowed to authorities in the zone. However, the Uribe administration continues to press for the kinds of extraordinary powers granted to the zones in new anti-terrorism legislation.

Arauca

Bordering Venezuela on Colombia’s eastern flank, Arauca remains one of Colombia’s most conflictive areas. Long a stronghold of one of the National Liberation Army’s (ELN)

largest fronts, in the past two years both the FARC and paramilitaries have moved significant numbers of troops into the region. Despite being home to Colombia's largest oil drilling operations, the region is extremely poor. The Caño Limón pipeline originates here; the 490-mile pipeline was bombed more than 40 times in 2002, 170 times the year before.²² President Bush announced a new program of US military aid and troops in January 2002 to protect the oil pipeline. In January 2003, 70 US Special Forces troops were deployed to two military bases in Arauca. According to US officials, the troops will not be allowed into combat but will defend the pipeline and train Colombian military forces. According to the US officer in charge of US Special Forces in Arauca, Major William White, "Our mission is to train the Colombians to find, track down and kill the terrorists before they attack the pipeline."²³ The United States is also sponsoring aerial eradication programs in Arauca as coca cultivation has spread into the region.²⁴

One of the most notorious human rights cases occurred in Arauca on December 13, 1998, when a Colombian Air Force unit pursuing the FARC fired on the village of

Santo Domingo, killing 18 civilians, including nine children. The case has generated considerable international attention, in part because the plane, and possibly the munitions, used by the Colombian air force were donated by the United States as part of counternarcotics aid.²⁵ US human rights groups organized an "Opinion Tribunal" focusing on the case; one of the witnesses of the attack who participated in the tribunal, Angel Riveros Chaparro, was shot by twelve armed men on January 25. Because of the Colombian Air Force's refusal to cooperate with the investigation – they insist the damage was caused by a FARC car bomb – the US government announced that it is suspending aid to the Colombian Air Force unit involved with the case. US-based human rights groups recently announced they are suing Occidental Petroleum and a security contractor, Aircan, for their alleged participation in the bombing.²⁶

A new report by the Inspector General has sharply criticized the government's handling of the situation in Arauca.

The threat to local officials continues and now has expanded to municipal



Oil pipeline, the target of bombing.

public officials, the investment intended for the security forces has been questioned by the Comptroller General and the respect for rights, especially the right to life, has not improved in the Rehabilitation Zone. For these and other reasons, we conclude that the Rehabilitation and Consolidation Zone in Arauca is a failed experiment in both qualitative and quantitative terms, particularly from the human rights perspective. None of initiatives — not the increase in troops numbers, not the strategy of informants, not the “peasant soldiers” program — have achieved the promised results. Instead, they have generated additional problems ranging from [exceeded] budgets to the exposure of the civilian population to an increased risk than previously.²⁷

Since the region was declared a rehabilitation and consolidation zone, violence in the region has escalated. According to Colombian daily *El Tiempo*, the murder rate in Saravena (a municipality in Arauca) has increased from 3.58 a month in 2002 (a total of 43) to 12.5 in 2003 (25 homicides in the first two months alone).²⁸ Even internationally-recognized human rights activists have not been safe: during a July 2002 visit, the Inter-American Commission for Human Rights issued

activities into new areas of Arauca.”²⁹ The UN went on to report that “Paramilitary control is more marked in urban areas, where paradoxically the security forces and the authorities are also more active; this is constantly an element in complaints of collusion between public officials and the paramilitaries. Statements by civilian and military authorities denying the presence of paramilitary groups in their areas, even though that presence is common knowledge as in Cravo Norte and Tame (Arauca) are worrying.”³⁰ The UN also mentioned Arauca as an example of “coordination” between security forces and paramilitary groups because of “the fact that paramilitary incursions have occurred either immediately before or after major military operations.”³¹

Despite increased presence of the security forces, the guerrillas have escalated their attacks. FARC and ELN guerrillas have set off bombs, assassinated community leaders and government employees, and threatened public figures. On January 7, alleged ELN guerrillas killed the head of the local Civil Defense Committee in Tame, Arauca; two days later, presumed guerrillas detonated a car bomb at a military checkpoint near where US troops are based, killing four and wounded 15. On February 4, alleged guerrillas shot the governor’s chief of staff as she left her mother’s home.³²

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precautionary measures requesting Colombian authorities protect members of the “Joel Sierra” Human Rights Committee, based in Tame (Arauca). On November 7, committee member José Rusbel Lara was killed by two armed men on motorbikes.

Even while the Uribe administration was focusing public attention on political violence in the region and increasing troop levels, the UN reported that in 2002, paramilitary groups have “extended their

The military used the special powers afforded under Decree 2002 to carry out massive operations in Arauca. The UN received reports of “grave abuses” by the army, including executions. The UN went on to report:

In many of the operations, the security forces made use of the powers they had been given under the decree (which were subsequently declared

unconstitutional by the Constitutional Court), authorizing them to perform arrests, raids and searches without a warrant; this led to the detention of many individuals, of whom only a minority were ever brought before the courts. In several cases, the use of

by security forces, only to be stamped with black ink as they were released. Eighty-five people were imprisoned. The human rights ombudsman described the situation as “like a concentration camp.”³⁴ Over 1300 searches and “voluntary registrations” have been carried out in Arauca, and 49,000

“Paramilitary control is more marked in urban areas, where paradoxically the security forces and the authorities are also more active.”

—United Nations Report

*hooded informers damaged the reputations of the individuals they singled out. The arrests of some 2,000 people in Saravena (Arauca), on 12 and 13 November, led to the prosecution of 49 of them, of whom almost 20 belonged to social or trade union organizations.*³³

people entered into the police database, according to the Colombian daily *El Tiempo*.³⁵ These operations, and the increased restrictions on free travel within the region, have forced more people to flee to neighboring Venezuela, worsening the existing humanitarian crisis of refugees along the border.³⁶

Newspaper accounts described more than 500 people held for hours in a sports stadium in Saravena, after being rounded up

Media Restrictions

International journalists report that the restrictions imposed by Decree 2002 had a



A banner displayed during a civic protest depicts damage done by US military aid.



The mayor of Saravena looks at the city council buildings after a bombing by the FARC.

“chilling effect” on their ability to cover events in the rehabilitation zones. “It took a great deal of time to get the clearance, so breaking stories in those regions was out,” according to T. Christian Miller, a reporter for the *Los Angeles Times*. “The rules were never too clear about who, exactly, provided the permission. I found military officers more reluctant to speak because they knew that there were rules governing reports’ movements and they were confused about whether they could speak freely.”³⁷ International journalists have also risked violent reprisals from guerrilla groups; a reporter and a photographer were kidnapped by the ELN for 11 days.

Colombian journalists have come under particular attack in Arauca. Even participation in the Colombian government’s program to protect threatened journalists has been unable to safeguard the lives of journalists reporting in this area. On March 18, Luis Eduardo Alfonso Parada was killed outside his office by presumed paramilitaries while under governmental protection measures. Alfonso had replaced Efraín Varela, killed by presumed paramilitaries on June 28, 2002. Following a fact-finding mission to

Arauca, five press freedom organizations published a report, “Arauca: News in Danger,” which found that news coverage of events in Arauca had been profoundly changed by these attacks. They concluded that local residents do not enjoy freedom of the press, and that basic information about current events in the region is almost impossible to report. According to the report:

To avoid problems, many journalists in Arauca just carry the official communiques issued by the police and XVIII Army Brigade. “The army doesn’t like us to interview the guerrillas. At times, they let us know that they do not like certain things we run,” one journalist said. Most of the journalists are afraid to go out of the towns and do not do investigative reporting. Many news media decided not to run any of the releases put out by civil society organizations for fear of reprisals from the authorities. “There is no more news in Arauca,” some of the civil society organizations said. Without a doubt, the army’s constant monitoring of the content of the news carried by the local media, the many complaints it has filed, and its comments to journalists about its satisfaction or dissatisfaction with their news reporting have the effect of veiled or direct pressure on the news media. Nowadays in Arauca almost all the news that is published comes from just one source, the armed forces.”³⁸

Sucre and Bolivar

The area declared a rehabilitation zone along the northern coast, including 16 municipalities of Sucre and 10 of Bolívar, has not received as much press coverage as Arauca. However, the situation there is remarkably similar. Instead of violence declining, the conflict has escalated. According to National Police homicide statistics, the murder rate in the area included in the rehabilitation zone from Sucre increased 29% in the first three months of 2003 compared to the year before.³⁹

As in Arauca, pledged government support for increased armed forces has not resulted in greater security on the ground. According to the UN annual report, the military has not acted on repeated warnings of paramilitary activity in the region. “Few of the emergency or security measures taken by the Government are aimed at direct confrontation with the paramilitary groups. For instance, the presence - reported by the Office since the year 2000 - of a paramilitary base in the municipality of El Guamo, in the Montes de María, which is situated within the current rehabilitation and consolidation zone, has never given rise to military operations and the paramilitaries have even been able to consolidate their presence in nearby municipalities.”⁴⁰ According to Congressman Jim McGovern, who traveled to part of the rehabilitation zone, “we met with military officers who keep track of transgressions committed by the guerrillas, but not by the paramilitaries,

delivers on those promises.”⁴² The Inspector General report on the situation in Arauca noted that despite a press release from the President announcing approximately US\$4.5 million in social investment for the region, none of that money has arrived as promised.⁴³

Bringing Civilians into the Conflict

The Uribe administration is expanding troop levels in order to strengthen the military forces, which have made little headway to date in the long-standing conflict, by deputizing civilians to work in support of the security forces. Uribe’s keystone programs are a paid informants network, intended to improve the military’s intelligence capabilities and run by military intelligence with minimal oversight, and the system of “peasant soldiers,” in which local military battalions train and arm peasants who then work part-time as

“Few of the emergency or security measures taken by the Government are aimed at direct confrontation with the paramilitary groups.”

— *United Nations Report*

who do not engage the guerrillas, but respond only after the fact, but who remain strongly barracked in the towns, keeping watch on the civilian population.”⁴¹

Poverty is growing in the region as greater numbers of internally displaced arrive in towns without adequate resources, and promised resources from the national government have failed to arrive. Despite two visits to Sucre and repeated promises, the Uribe administration has yet to deliver development aid, even though the region is supposed to be a priority for government funding for social programs. In his trip report, Congressman McGovern noted, “President Uribe travels all around the country making promises to provide development resources – he just never

soldiers. Both these programs have been criticized for involving the civilian population in the conflict. Then-High Commissioner for Human Rights Mary Robinson wrote in an open letter to the Uribe administration dated August 26, 2002, that such measures “can contribute, within the context of generalized violence and a degradation of the conflict, to the civilian population becoming involved in military operations or exposed to risk situations.” Lacking civilian oversight, and given the historical legacy of similar previous efforts, both programs present could result in the strengthening of existing illegal paramilitary groups.⁴⁴

Peasant Soldiers

The Peasant Soldier program establishes a local militia of armed and trained young

men who work as part-time soldiers while living at home. The peasant soldiers receive three months of training, which includes use of weapons, patrolling and urban combat techniques “ranging from how to cross the street under fire to how to enter houses where enemies are hiding.” The strategic advantage offered by such troops is their knowledge of local terrain and inhabitants. This program also saves the government money. While peasant soldiers receive a camouflage uniform, rifle, and the same pay as regular conscripts, they do not receive room and board, but return to sleep in their homes and are free to carry out their regular agricultural work on days they are not

of dollars have been distributed throughout the country in payments of up to US\$2,500. Regular televised appearances of hooded informants receiving stacks of cash, known as “Reward Mondays,” were suspended because of criticism of the program. However, military payment of informants has expanded into new areas of the country.

Lack of clarity and transparency remain serious problems with the informants program. Basic rules, including how informants are selected and their information is evaluated, are unclear. Colombian officials offer contradictory accounts. According to

The informants program “offers the worst model of citizenship and authority that one can imagine in the most hair-raising of nightmares.”

— *Colombian Government Ombudsman*

serving on patrol.⁴⁵ Each platoon of approximately 36 peasant soldiers will be under the command of career army officers, and will only patrol within village limits.

The peasant soldier program is a critical component of government plans to increase the number of police and soldiers by 55,000 to 315,000.⁴⁶ The Uribe administration announced that at least 15,000 peasant soldiers will be operating in 423 villages.⁴⁷ By mid-March, more than 6,000 peasant soldiers had been trained in 133 isolated municipalities, and the Colombian press has reported peasant soldiers being activated in areas throughout the country. Many operate in the more than 180 municipalities that currently lack police presence, the majority because guerrilla attacks forced the police to flee.

Informants Network

In an effort to strengthen military intelligence operations, the Uribe administration has developed the Informants Network, in which participants are paid for information. Tens of thousands

Defense Minister Marta Lucía Ramírez, a “very rigorous” selection process will be used and participants will remain “absolutely confidential.”⁴⁸ But Vice President Francisco Santos told representatives of US nongovernmental organizations that no background checks on participants had been planned.⁴⁹ This lack of oversight and control raises serious concerns, particularly because human rights groups have documented numerous cases involving abuse of military intelligence.⁵⁰ In one of the best documented cases, an intelligence network set up under then-Colonel Rodrigo Quiñonez was allegedly responsible for the assassination of more than 57 people in the early 1990s.⁵¹ Quiñonez was promoted and reached the rank of admiral. He was appointed by the Uribe administration as military attaché to Israel, but resigned after he was indicted for drug trafficking by the US.

Many public figures have voiced similar concerns with the program. According to the Human Rights Ombudsman, Eduardo Cifuentes, the informants program “offers the worst model of citizenship and

authority that one can imagine in the most hair-raising of nightmares. The lack of transparency of the system allows it to be colonized by every source of evil and organized crime. The cure is worse than the disease.”⁵² Bogotá mayor Antanas Mockus has refused to allow the military to establish informant networks in the capital for fear of abuse of the system and corruption of civic duty.

Ensuring the safety of peasant soldiers, informants and their families is extremely difficult. In a statement on its website, ELN declares that peasant soldiers will be “military targets,” claiming they have been infiltrated by paramilitaries. The FARC made a similar declaration, claiming that Uribe intends to include paramilitaries in the peasant soldier and informant network programs.⁵³ The UNHCHR’s Office revealed at least five relatives of informers were killed by guerrilla groups in Arauca.⁵⁴ Some newly trained participants in the peasant soldier program feared their families would face reprisals, becoming “cannon fodder.”⁵⁵

A recent report by the Inspector General concludes that “as a new experiment, the efficacy of [the peasant soldier program] has yet to be demonstrated. What is certain is that it has made one sector of the civilian population more visible as a ‘military target’ of the insurgency: the family members of the peasant soldiers.”⁵⁶ Precisely because they are operating in their home communities, confidentiality will be almost impossible to maintain.

Equally troubling is the likelihood that such programs will strengthen existing paramilitary forces. Similar past efforts incorporating civilians into the military in order to expand military reach into remote communities have resulted in known paramilitaries working directly with the armed forces. Some of the military commanders currently leading peasant soldier battalions have been under investigation for collusion with paramilitary activity in the past; this trend is particularly worrisome given the historic inability of the Colombian judicial system to adequately process human rights cases.⁵⁷

A Paramilitary History

Paramilitary organizations have evolved considerably since the 1960s, when US military advisors first recommended the organization of “indigenous irregulars” as a fundamental component of Colombian counterinsurgency strategy aimed at defeating leftist guerrilla movements that became active during that period.⁵⁸ During the 1980s “dirty war” in Colombia, paramilitary groups linked to drug cartels (particularly the Medellín Cartel) worked closely with Colombian military officers to eliminate suspected guerrilla sympathizers, while at the same time they attacked Colombian authorities investigating drug trafficking and paramilitary activity.⁵⁹ Paramilitary groups grew in part because of the nexus of illegal narcotics money and the counterinsurgency strategy of the armed forces. The family-based empires centered in the Medellín and Cali cartels invested millions of dollars to purchase more than 2.5 million acres of land in Colombia between 1983 and 1985, amounting to more than one-twelfth of Colombia’s productive farmland. Political leaders, many cattle ranchers, and even some peasants tired of guerrilla abuse helped organize paramilitary groups.⁶⁰ Throughout the 1980s, paramilitary groups were implicated in the assassinations of high-ranking government officials (including the murders of Minister of Justice Rodrigo Lara Bonilla in 1984 and hundreds of police officers and judges). International pressure and increasing attacks against government officials led President Virgilio Barco to declare the creation of paramilitary groups illegal in April 1989. Despite this, during the early 1990s paramilitary violence continued in many regions.

In 1994, President Cesar Gaviria once again effectively legalized paramilitary organizations through Decree 356, which established “special services for surveillance

A Paramilitary History (continued)

and public security.” This decree was the basis for the creation of the Convivir, which were officially launched through Resolution 368 in 1995. Government officials maintained that the Convivir were designed simply to provide improved intelligence and security in remote rural areas. However, this characterization was inaccurate, both in their legal definition and their conformation. Members of Convivir were authorized to carry sophisticated, offensive combat weapons, including mini-uzi machine guns, repeating rifles and revolvers. Convivir members have been involved in human rights violations including murder and threats leading to the forced displacement of numerous families. In at least one case, the secretary of a Convivir in Cesar province was granted permission to purchase a submachine gun, despite being named in a Colombian Judicial Police report as a well-known paramilitary leader.⁶¹ In its March 2000 report, the UN High Commissioner for Human Rights’ Office noted that “well-known members of paramilitary groups became leaders of some [Convivir] associations.”⁶² Then-governor of Antioquia Álvaro Uribe, today Colombia’s President, was one of the most enthusiastic promoters of the Convivir, and several hundred were established in his department. Human rights groups challenged the constitutionality of the Convivir before the Colombian Constitutional Court, arguing that such groups involve the civilian population in the armed conflict. In 1997, the court ruled that the Convivir were legal, but prohibited them from collecting intelligence for the security forces and from receiving military-issued weapons.⁶³

In the mid-1990s, paramilitary activity in Colombia expanded qualitatively with the creation of a national coordinating body, the United Self-Defense Forces of Colombia (AUC). According to AUC internal documents, as well as articles posted on their webpage, the organization has developed a highly regimented military command structure which incorporates the regional organizations. The paramilitary’s new strategy includes a reduction in large-scale massacres and an increase in selective assassinations and threats in many areas, in an effort to avoid international scrutiny and improve community relations. “Massacres, traditionally used by paramilitaries to spread terror, were less numerous than in 2001, but the decrease appears to have reflected a change in paramilitary tactics rather than a decrease in overall violence. Witnesses, church officials, and municipal observers, among others, described to Human Rights Watch how paramilitaries seized large

Paramilitary graffiti in Saravena.



groups of people, then killed individuals separately, to avoid the publicity that results when incidents are recorded as massacres.”⁶⁴ Paramilitary groups maintain extensive websites, conduct interviews with the press, and the most prominent paramilitary group, the AUC, has entered into discussions with the Uribe administration.⁶⁵

Selections from the United Nations March 2003 Report

“The paramilitaries have continued with their strategy of usurping functions that properly belong to the State, taking advantage of the tolerance or passive attitude of the authorities and of some sectors of society. The expansion and consolidation of paramilitary forces in several areas under their control have enabled them to infiltrate the State system as part of their strategy, going so far in several regions as to set up a kind of parallel State, at great implicit risk to the continued enforcement of the rule of law. Perhaps the most blatant public sign of this de facto assumption of State functions, though by no means the only one, is the way they have imposed codes of conduct on the whole population. The Office in Colombia has received complaints of municipal or departmental decisions having to be approved by paramilitary chiefs, and of pressure being brought to bear on the choice of recipients of funds, with indications of where and how funds should be invested, or requiring public resources to be channeled through organizations under the paramilitaries’ control.” (page 20)

“They extended their activities to new areas of Arauca, the former ‘demilitarized zone,’ Guaviare, Cundinamarca, Valle del Cauca, Sucre and Putumayo, among others. At the same time, they consolidated their activities in both rural and urban areas where they were already present. Such activities go beyond purely military aspects and include extortion and tighter control over the civilian population, plus control over access routes, State institutions and illegal trafficking (coca crops and contraband gasoline) and even agricultural, stockbreeding and commercial activities. In this way, paramilitarism has succeeded in permeating the social fabric by dominating its public and private sectors.” (page 14)

“Paramilitary control is more marked in urban areas, where paradoxically the security forces and the authorities are also more active; this is constantly an element in complaints of collusion between public officials and the paramilitaries. Statements by civilian and military authorities denying the presence of paramilitary groups in their areas, even though that presence is common knowledge as in Cravo Norte and Tame (Arauca) and in Vigía del Fuerte (Antioquia), are worrying.”

“Concerns are partly due to the frequent failure to act in response to reiterated complaints and public awareness of the existence of permanent paramilitary bases, checkpoints and operations. The Office in Colombia has received reports of the security forces themselves announcing the impending arrival of paramilitary groups, and even of cases where local inhabitants recognized members of the military forces among paramilitary contingents. This coordination between the two is also indicated by the fact that paramilitary incursions have occurred either immediately before or after major military operations, such as in Arauca, the former ‘demilitarized zone,’ Valle del Cauca, Guaviare and El Catatumbo. Further doubts are raised by the fact that soldiers sometimes wear no kind of identification to distinguish them from other armed groups. One reported example of failure to act concerns the events in Bojayá, which were preceded by paramilitary boats coming along the river Atrato from Turbo, thus having to pass several security force control posts. In some cases, the reports were not only of the security forces tolerating or failing to respond to paramilitary activities, but also of complicity or direct involvement by the security forces in such activities, such as the massacre in El Limón (Guajira) on 31 August, the theft of World Food Programme (WFP) food supplies in July in Cesar (blamed on paramilitaries but recovered by the Army, which said that it had confiscated the supplies from the guerrilla forces), and the meetings between commandos or members of AUC and the Armed Forces in Vigía el Fuerte (Antioquia) on 9 & 10 May.”

“Few of the emergency or security measures taken by the Government are aimed at direct confrontation with the paramilitary groups. For instance, the presence - reported by the Office since the year 2000 - of a paramilitary base in the municipality of El Guamo, in the Montes de María, which is situated within the current rehabilitation and consolidation zone, has never given rise to military operations and the paramilitaries have even been able to consolidate their presence in nearby municipalities. Similar situations have arisen in other parts of the country, as in the case of Medellín following operation Orión in October, when paramilitary groups settled in different parts of Comuna 13, committing abuses and serious violations against civilians.” (p. 23)

The Colombian Military's Perspectives on Human Rights

The Colombian military accepts that respect for human rights is a critical component of national security policy. Beginning in the mid-1990s, the Colombian military established a growing human rights infrastructure of its own. The military now produces reports, hosts conferences, has built a network of battalion-level human rights offices, and developed human rights training programs with their own curriculum. Human rights offices have been established in battalions throughout the country.

However, the Colombian military's human rights institutions do not accept several core traditional human rights standards: civilian oversight for military institutions, accountability and impartial investigation of allegations of abuse. The military continues to reject human rights advocacy against impunity, often characterizing it as a politically motivated campaign against them in support of the guerrillas. The

rights groups “friends of subversives” and accused them of waging a “judicial war” against the military. In his remarks, intended to demonstrate the human rights reforms of the Colombian military, he claimed that Colombian human rights NGOs were part of a larger guerrilla strategy.⁶⁶

Similarly, in a January 2003 speech at the Pentagon, the head of the Colombian armed forces General Ospina told the public that most allegations of human rights abuses by the Colombian military are false and politically motivated. “The FARC has political friends outside Colombia and they try to show us as abusers,” Ospina said. “Honest people around the world know that we are serving our people well.”⁶⁷

This view was developed more completely in a book published by the Association of Retired Generals and Admirals in 2001, *Shearing the Wolf: The Unknown Dimensions of the Colombian Internal Conflict* (“Esquilando el Lobo”). According

The military continues to reject human rights advocacy against impunity, often characterizing it as a politically motivated campaign against them.

military forces' human rights spokesmen, and their civilian supporters, claim that accused officers are the victims, of the guerrillas who attack them physically and the human rights organizations that slander their honor, limit their ability to act and undermine their legitimacy.

The view that any human rights investigations are part of political war against the Colombian them extends throughout the Colombian military today. On April 10, 2003, during a conference held in the Russell Senate Building sponsored by the US Army, Brigadier General José Arturo Camelo, Executive Director of the Defense Ministry's Judge Advocate General's office, called human

to the authors, among them General (ret) Adolfo Clavijo, president of the Association of Retired Generals and Admirals, the real problem in Colombia is the political war waged “as part of the subversive process that suffocates us, camouflaged as an instrument of democracy.”⁶⁸ The central argument of the book is that this political war, exemplified by human rights claims, is much more damaging to Colombia than the physical violence committed during attacks. According to this vision, the ability of the state to defend itself from attack by armed subversion has been eroded by “excessive” democracy that allowed the penetration and infiltration by subversives of state agencies, primarily the judicial

branch and the oversight agencies such as the Human Rights Ombudsman's Office. According to this view, Marxist Communist ideology is the basis the human rights reporting of Colombian and international nongovernmental groups, the United Nations, the Organization of American States and US State Department. The authors accuse Colombian human rights nongovernmental organizations, the peace movement, and international nongovernmental organizations of being linked to and supporting the FARC's agenda. Most disturbing was the statement by Fernando Londoño, soon to become Uribe's Minister of Justice and the Interior, regarding the book's launch. According to an environmental news service, he stated, "Colombia is the victim of an international conspiracy in which environmentalists and communists participate... This diabolical conspiracy is also carried out when members of the armed forces are brought to court without any proof or evidence..."⁶⁹

Retired military officers who publicly disparage human rights work, including the authors of *Shearing the Wolf*, continue to play an active role as government advisors, public speakers, and authors frequently published on the editorial pages of major newspapers. Many remain apparently well-respected public figures despite well-documented evidence of their own participation in human rights abuses. According to *TIME* magazine, Hurtado was at the time of his dismissal in 1995 the highest-ranking officer removed from the Colombian military for alleged human-rights abuses. He was removed for "approving the 'disappearance' and murder of a member of the M-19 guerrilla group in 1987," according to *TIME*, after a four-year investigation by the attorney general's office.⁷⁰ Despite this record, General Velandia was the president of the Colombian Lanzeros, or Rangers (called Lanzeros in Colombia, the US established a ranger school in Colombia in the mid-1950s), until October 2002. The



18th Brigade of the Colombian military in Arauca.

Lanzeros association includes among its membership active-duty ranger officers, and its leadership participates in public events with current military leaders.

Conclusions and Recommendations

During his December 2002 visit to Bogotá, Secretary of State Colin Powell praised President Alvaro Uribe's national security strategy, call it a "comprehensive plan to build a healthy democracy." Secretary Powell stressed common goals; "Together, we renewed our commitment to work toward our common goals of strengthening democracy, increasing respect for human rights, combating drugs and terrorism, and especially, and perhaps most importantly, widening the circle of economic prosperity to include all Colombians within that circle."⁷¹ He did not comment on the November 2002 Colombian Constitutional Court decision declaring many of Uribe's special security measures unconstitutional. Nor did he reference the worsening political violence extensively documented in the 2002 State Department Human Rights Report.

The United Nations and the InterAmerican Human Rights Commission (IAHR) of the Organization of American States have also stressed the need for strengthening democracy and improving human rights. However, they have also been clear that while acts of terrorism must be prevented, and if carried out, those responsible punished, governments must respect fundamental rights while doing so. In their report *Terrorism and Human Rights*, the IAHR noted that “unconditional respect for human rights must be a fundamental part of all counterinsurgency strategies when they are implemented. This commitment is not only founded on principles including the respect for the intrinsic values of democracy and the rule of law that the counterinsurgency efforts are attempting to preserve, but also are imposed by international [human rights] instruments.”⁷² Similarly, in their objections to the current anti-terrorism legislation, the UN concluded that “fear of terrorism, and response to such acts, must not lead to the criminalization of thoughts or opinions, rather to the adoption of legal instruments and procedures that allow, through the framework established by international law, for the investigation, detention, accusation, trial and sentencing of those individuals responsible.”⁷³

The security challenges currently faced by Colombia should not be underestimated. Finding lasting solutions to the myriad problems confronting Colombians will not be easy. However, the current Colombian administration is going down the wrong road in relying on military programs that have been tried in the past, and have failed to deliver promised results while often escalating existing violence. The Uribe administration would do well to heed the conclusions of its own Inspector General, who noted in the recent report on the rehabilitation zone: “Given the persistent problems with public order even in highly militarized zones like the rehabilitation and consolidation zone of Arauca, the government should explore other policies

besides military options in order to generate greater trust between the population and state institutions, and especially guarantee peaceful coexistence and the economic, political and civil rights of all citizens.”⁷⁴

Recommendations

- ▶ The US State Department should urge the Colombian government to refrain from curtailing democratic rights and civil liberties, including through emergency legislation.
- ▶ The US government should provide public support and financial assistance to Colombian governmental human rights agencies, including the Public Ombudsman’s Office and the Inspector General’s office, as well as the Colombia office of the United Nations High Commissioner for Human Rights.
- ▶ The Colombian government should ensure all anti-terrorism and security legislation fully complies with international human rights standards.
- ▶ The Colombian government should adequately fund governmental human rights agencies, including the Public Ombudsman’s Office and the Inspector General’s office.
- ▶ The Colombian government should end the National Informants Network and Peasant Soldiers Program and other initiatives that risk increased civilian involvement in the conflict.
- ▶ The Colombian government should ensure that military and police personnel against whom there are credible allegations of aiding and abetting paramilitary activity are investigated, removed from active duty, prosecuted and sanctioned appropriately if found guilty.
- ▶ The Colombian government should actively pursue, detain and try paramilitary leaders for whom arrest warrants have been issued and should actively move to dismantle existing paramilitary groups.

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Many thanks to the Ford Foundation for its support.

Photos provided by Witness for Peace. Design by Freehand Press.