



## Colombia

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Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. On March 10, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On May 26, voters elected independent Alvaro Uribe President. Both elections were generally free and fair, in spite of a concerted campaign by terrorist organizations such as the Revolutionary Armed Forces of Colombia (FARC) to disrupt them. A major internal armed conflict between the Government and leftist guerrillas, particularly the FARC and the terrorist organization National Liberation Army (ELN)--as well as right-wing paramilitaries, particularly the terrorist organization United Self-Defense Forces of Colombia (AUC), caused the deaths of between 5,000 and 6,000 civilians during the year, including combat casualties, political killings, and forced disappearances. Serious violations of human rights were commonplace. The civilian judiciary was largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors was common.

The civilian-led Ministry of Defense (MOD) is responsible for internal and external security and oversees both the National Police and the Armed Forces, including the army, air force, and navy, which includes the coast guard and the marines. In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities such as the Administrative Department of Security (DAS), which has broad intelligence gathering, law enforcement, and immigration control functions, and the Prosecutor General's Corps of Technical Investigators (CTI). The National Police are responsible for maintaining internal order and security in urban areas, although persistent guerrilla assaults on isolated detachments have compelled the thinly-staffed Police to leave 157 municipalities without a Police presence. The Armed Forces are responsible for order and security in rural areas and support the National Police in urban areas when called upon. Over the years, the public security forces have taken important steps to improve their human rights record; however, some members of the armed forces and the police continued to commit serious human rights abuses.

Despite decades of drug and politically related violence, the market-based economy is diverse and relatively advanced. The country's population is estimated at 44 million. Crude oil, coal, coffee, and cut flowers are the principal legal exports, although illegal drug trafficking has created a large illicit economy. Economic growth for the year was estimated at 1.6 percent, while inflation measured over 7 percent. Income distribution was highly skewed, with 67 percent of the population living in poverty.

The Government's human rights record remained poor; there were continued efforts to improve the legal framework and institutional mechanisms, but implementation lagged, and serious problems remained in many areas. A small percentage of total human rights abuses reported were attributed to state security forces; however, some members of the government security forces continued to commit serious abuses, including unlawful and extrajudicial killings. Some members of the security forces collaborated with paramilitary groups that committed serious abuses. Impunity remained at the core of the country's human rights problems. The civilian judiciary was inefficient, severely overburdened by a large case backlog, and undermined by corruption and intimidation. Despite some prosecutions and convictions, the authorities rarely brought high-ranking officers of the security forces charged with human rights offenses to trial.

Police, prison guards, and military forces mistreated detainees. Conditions in the overcrowded and underfunded prisons were harsh; however, renovation and new construction ameliorated some problems. There were allegations of arbitrary arrests and detentions, particularly in "Rehabilitation and Consolidation Zones," and prolonged pretrial detention remained a fundamental problem. The authorities sometimes infringed on citizens' privacy rights, and the security forces sometimes interfered with public demonstrations and marches. A number of journalists were killed, and journalists continued to work in an atmosphere of threats and intimidation, in some

instances from local officials, but primarily from paramilitary groups and guerrillas. Journalists practiced self-censorship to avoid reprisals. There were some restrictions on freedom of movement, generally because of security concerns and confined to narrowly defined geographic areas, particularly "Rehabilitation and Consolidation Zones." Violence and instability in rural areas displaced over 400,000 civilians from their homes. The total number of internally displaced persons (IDPs) may have exceeded 2.5 million. There were reports that security force members harassed members of human rights groups. Violence and extensive societal discrimination against women, child abuse, and child prostitution were serious problems. Extensive societal discrimination against indigenous people and minorities continued. Labor leaders and activists continued to be victims of high levels of violence. Child labor was a widespread problem. Trafficking in women and girls for the purpose of sexual exploitation was a problem. Colombia was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

Paramilitaries continued to commit numerous unlawful and political killings, particularly of labor leaders, often kidnaping and torturing suspected guerrilla sympathizers prior to executing them. Paramilitaries also conducted kidnappings for ransom. Paramilitaries committed "social cleansing" killings of homosexuals and other "undesirable" elements. However, paramilitaries appeared to commit far fewer large-scale massacres than in 2001. Paramilitaries often interfered with personal privacy in areas where they exercised de facto control, and regularly engaged in military operations in which they endangered civilian lives by fighting in urban areas and using civilian dwellings as combat shelter. Paramilitaries displaced thousands through both terror-induced forced displacements of suspect populations and military operations that drove peasants from their homes. Paramilitaries regularly threatened and attacked human rights workers and journalists who criticized their illegal activities. Paramilitaries also recruited child soldiers.

Guerrillas, particularly the FARC, were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. The rate of guerrilla abuses increased during the year, particularly as the FARC attempted to undermine the national elections and complicate the peaceful transfer of power between administrations. They engaged in a concerted campaign to destabilize municipal governments by killing 9 mayors and threatening to execute others, forcing nearly 400 mayors to submit their resignations. In addition to politicians, guerrillas killed journalists, labor union members, and numerous religious leaders. The FARC also continued to kidnap, torture, and kill off-duty members of the public security forces. Guerrillas, particularly the FARC and the ELN, kidnaped thousands of civilians to help finance subversion and put political pressure on the Government. Victims were held in deplorable conditions and often tortured both physically and psychologically. Guerrillas, particularly the FARC, caused mass displacements both intentionally and as byproducts of military offensives, and caused thousands of civilian deaths and injuries through indiscriminate attacks on small towns and random terrorist bombings throughout the country. Guerrillas, particularly the FARC, engaged in widespread recruitment of minors and used female conscripts as sex slaves.

In April the Executive Director of the Americas Division of Human Rights Watch (HRW) testified that both the FARC and the AUC committed similar abuses and crimes, although their motives and goals were different.

The Government operated a protection program for threatened human rights workers, union leaders, journalists, mayors, and several other groups. The program provided a range of protection options, ranging from vehicles and armoring of offices to relocation and economic assistance.

## RESPECT FOR HUMAN RIGHTS

### Section 1. Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary and Unlawful Deprivation of Life

Political, unlawful, and some extrajudicial killings remained an extremely serious problem. The Permanent Committee for the Defense of Human Rights (CPDDH), a prominent local human rights NGO (see Section 4), estimated that of the 28,230 homicides reported by the National Police, 4,416 were politically motivated. The DAS estimated that there were approximately 4,025 politically motivated homicides, the vast majority committed by nonstate actors. However, some members of the security forces continued to commit unlawful killings. The CPDDH reported that the security forces committed 59 political killings during the year, or 1.34 percent of the total. The Jesuit founded Center for Investigation and Popular Research (CINEP) reported that security forces were responsible for 92 intentional homicides of protected persons in the first 6 months of 2001. Most of the incidents cited by the CPDDH and CINEP were under investigation by military and/or civilian authorities at year's end. Civilian courts tried an increasing number of cases of military personnel accused of human rights violations (see Section 1.e.). Members of the security forces sometimes collaborated illegally with paramilitary forces, and the authorities continued to investigate past cases of alleged collaboration with or failure to prevent massacres by

paramilitaries. Investigations of past killings and massacres proceeded slowly. There were no published reports that police or members of the armed forces committed social cleansing killings.

On September 25, near the village of Brisas de Yanacue, in the municipality of Cantagallo, Bolivar department, army troops broke into a private residence before sunrise and killed Florentino Castellanos and his 9-year-old son. Castellanos's wife, Mongui Jerez, was seriously wounded, losing an arm and a leg. Army troops mistakenly suspected that FARC guerrillas were sheltered in the family's dwelling. At year's end, the Procuraduria General (the Procuraduria) and the military were investigating the incident to establish basic facts and determine if the military should transfer its investigation to the Prosecutor General's Office (Fiscalia).

On December 8, the Fiscalia indicted 8 members of the army's Ninth Brigade, including a colonel and a captain, for the August 24 killing of FARC deserter Robinson Castro. The suspects allegedly killed Castro to steal \$250,000 (728.1 million pesos) in cash he had intended to turn over to Government authorities.

Authorities continued to investigate the April 2001 killing of policeman Carlos Ceballos, who had testified in the investigation of illegal wiretapping by the Medellin GAULA anti-kidnaping force (see Section 1.f.).

The CPDDH reported that 2,452 persons were killed in massacres during the year. The CPDDH defines a "massacre" as the killing of 3 or more persons outside of combat in the same general location within a 24 period. The MOD reported a much smaller figure, with 361 persons killed in massacres during the year. The National Police registered 680 victims of massacres. Both the MOD and the National Police define a "massacre" as the killing outside of combat of 4 or more persons in a single incident. The CPDDH reported that state security forces killed 86 persons in massacres during the year, although it released no information on specific incidents. There continued to be reports of acts of negligence or deliberate omission by state security forces that facilitated massacres.

The Inspector General's Office (Procuraduria) received 217 complaints against members of the state security forces related to massacres and unlawful killings. The Procuraduria sanctioned three members of the army and eight members of the police on murder charges, and exonerated five members of the army, 2 members of the police, and one member of the air force. The office continued to refer all cases involving human rights violations to the Prosecutor General for criminal investigation.

The Human Rights Unit of the Fiscalia was investigating 173 members of the state security forces for human rights crimes at year's end. The unit arrested 57 members of the state security forces during the year and filed charges against 25 for a variety of crimes including murder, torture, kidnaping, and collaboration with paramilitary groups. However, for various reasons, including lack of resources for investigations, lack of protection for witnesses and investigators, lack of coordination between government organs, and, in some cases, obstruction of justice by individuals, impunity continued to be widespread.

In 2001 a military trial court exonerated the soldiers involved in the August 2000 killing of six children by an army unit in the town of Pueblo Rico, Antioquia department; however, the Superior Military Tribunal returned the case for reconsideration. No decision had been reached at year's end (see Section 1.g.).

There was no significant progress in investigations by the Fiscalia and the Procuraduria of a March 2001 paramilitary massacre in San Carlos, Antioquia department, which resulted in the deaths of 13 persons. CINEP and the Colombian Commission of Jurists (CCJ) charged that police and military troops withdrew from the area of the attack 3 days prior to the massacre, and permitted a truck carrying 15 paramilitary hostages to pass unchallenged through a military roadblock.

On November 28, prosecutors permanently closed their investigation of army Colonel Miguel Angel Sierra, army Captain Carlos Alirio Buitrago, and four enlisted men for their alleged participation in the January 2000 killings of Uberney Giraldo and Jose Evelio Gallo near the village of San Antonio, Montebello municipality, Antioquia department. Both Giraldo and Gallo were long-demobilized ELN guerrillas associated with the Socialist Renewal Current (CRS) political movement. The Fiscalia continued to investigate the suspected participation in the crimes of army noncommissioned officers Humberto de Jesus Blandon and Sandro Fernando Barrera. The Procuraduria continued its own investigation of the case at year's end.

On June 6, the Procuraduria ordered the dismissal of army Lieutenant Emilio Suarez and 28 enlisted personnel for participating in the 1997 kidnaping and killing of two suspected guerrillas near Santa Ana, Antioquia department, and for subsequently staging a mock combat intended to cover up the crimes.

On November 5, retired army Lieutenant Colonel Jorge Plazas, former director of intelligence for the army's 13th Brigade, was sentenced to 40 years in prison for his role in the 1998 kidnaping and killing of Jewish businessman Benjamin Khoudari. The Bogota Supreme Court had still not ruled on appeals by two other persons of their convictions for aggravated kidnaping and murder in the case.

Prosecutors continued to investigate the possible involvement of public security forces in the May 1998 Barrancabermeja massacre, as well as the July 2000 killing of Elizabeth Canas, a key eyewitness. The Procuraduria also was conducting an inquiry into Canas's death. No progress seemed likely in either investigation.

There was no ruling in the trial of retired army Colonel Bernardo Ruiz, former commander of a military intelligence brigade, for allegedly ordering the 1995 killing of Conservative Party leader Alvaro Gomez. Two civilians were convicted of the killing and sentenced to lengthy prison terms, while four other persons were acquitted.

The Supreme Court had not yet ruled on an appeal by five army officers and four suspected paramilitaries of their 1998 convictions for the 1988 Nuevo Segovia paramilitary massacre in which 43 persons were killed.

On May 23, the Council of State overturned on a technicality the Inspector General's 1994 order dismissing Brigadier General Alvaro Velandia from the armed forces for involvement in the 1987 kidnaping, torture, and killing of Nydia Erika Bautista, an M-19 guerrilla. The Procuraduria was appealing the decision at year's end. The Association of Families of Detained and Disappeared Persons (ASFADDES) and the Bogota office of the U.N. High Commission for Human Rights (UNHCHR) condemned the decision. ASFADDES and Bautista's relatives had already presented the case to the Inter-American Commission on Human Rights (IACHR). No progress seemed likely in an investigation of the case by the Fiscalia.

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

The military high command stated repeatedly that it would not tolerate collaboration between military personnel and paramilitaries, and that the armed forces would combat paramilitary groups. Although state security forces doubled operations against paramilitaries during the year and quadrupled the number of paramilitaries captured since 2000 (see Section 1.g.), security force actions in the field were not always consistent with the leadership's positions. In addition to active collaboration, the military often was accused of failing to respond in a timely manner to warnings of impending paramilitary massacres or selective killings. The military generally cited lack of credible information, available manpower, and adequate mobility to explain these failures. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

An investigation continued into the January 2001 paramilitary massacre of 27 civilians at the village of Chengue, near the town of Chalan in Sucre department. On November 12, a specialized criminal court in Sincelejo found army Sergeant Ruben Dario Rojas "not guilty" of facilitating the massacre. The Fiscalia appealed the decision. The same specialized court had yet to rule of the culpability of army Sergeant Euclides Rafael Bossa, although the evidence against the two suspects was similar. The Fiscalia formally linked paramilitary leader Nidia Esther Veilla to the crime. The Procuraduria filed formal disciplinary charges against nine members of the public security forces, including former Navy Admiral Rodrigo Quinones, for possible culpable omission in failing to prevent the massacre. Quinones resigned from the armed forces effective December 31.

In December the authorities released two gunmen arrested for the August 2001 killing of Yolanda Paternina, local lead prosecutor in the Chengue case, for lack of evidence. Two CTI investigators working undercover on the case already had disappeared in April 2001 near the town of Berrugas and were presumed dead.

On May 3, the Human Rights Unit of the Fiscalia formally charged 72 paramilitaries for killing 20 persons in the April 2001 massacre in the Alto Naya region, bordering the departments of Cauca and Valle del Cauca. Fifteen paramilitaries pled guilty to conspiracy to commit the crimes. Three others were convicted of killing and sentenced to 26 years in prison. The Procuraduria was conducting a disciplinary investigation into allegations that the army may have been negligent in preventing the massacre. According to prosecutors, no active duty service members were implicated in the commission of this crime.

The Procuraduria was investigating army Brigadier General Eduardo Herrera and Police Colonel Guillermo Aranda

for possible misconduct related to the July 2001 kidnaping by paramilitaries of 43 men near Peque, Antioquia department. Seven of these men, who the AUC forced to herd cattle, were later found dead. At year's end, it was still unclear whether their paramilitary kidnapers killed them or the FARC did on the assumption that they were paramilitary collaborators.

The Procuraduria found no evidence of misconduct by any member of the public security forces related to the October 2001 paramilitary massacre of 24 persons near the city of Buga, Valle del Cauca department. The Fiscalía continued its criminal investigation; however, the investigation's closure seemed likely.

Civilian authorities continued to investigate the February 2000 paramilitary massacre of 42 persons in the El Salado neighborhood of the town of Las Ovejas, Bolivar department. An earlier military investigation found complaints of complicity to be unsubstantiated. Authorities detained 16 suspected paramilitaries, who were standing trial at year's end. The Procuraduria continued its disciplinary investigation of nine members of the public security forces, including navy admiral Humberto Cubos and former admiral Rodrigo Quinones, for potential misconduct related to the incident.

The Fiscalía also was investigating allegations of army complicity in a series of paramilitary crimes in and around the "peace community" of San Jose de Apartado, in the Uraba region of Antioquia department in 2000 and 2001. In two separate incidents in 2000, paramilitaries massacred five residents of San Jose and six residents of the nearby community of La Union. In March 2001 paramilitaries again entered San Jose and threatened members of the community. In July 2001, paramilitaries entered La Union, killed one resident, and drove out hundreds of others. On March 30, presumed paramilitaries killed a member of the San Jose peace community on the road between San Jose and the regional capital of Apartado. On October 20, paramilitaries entered La Union, "disappeared" one resident, and drove out hundreds of others, who were displaced to San Jose. To prevent further terrorist attacks on the community, the military established a permanent presence in the mountains surrounding La Union. La Union's residents had not returned by year's end. Although peace community leaders accused the army's 17th Brigade of involvement or acquiescence in many of these incidents, prosecutors uncovered no evidence of military complicity.

An investigation continued of army Colonel Victor Matamorros and army Captain Juan Carlos Fernandez regarding allegations that the two actively collaborated with paramilitaries between 1997 and 1999 in the department of Norte de Santander. Matamorros and Fernandez were the commander and intelligence chief, respectively, of an army battalion based in the departmental capital of Cucuta. Over a period of 5 months in 1999, 15 major paramilitary massacres occurred near the Norte de Santander towns of La Gabarra and Tibu. On April 8, a court in Cucuta convicted Giovanni Velasquez, a paramilitary, of aggravated murder for his role in the massacre.

In March 2001, the Fiscalía charged former Tibu military base commander Major Mauricio Llorente, former Tibu police commander Major Harbey Fernando Ortega, and 13 policemen with murder and complicity with paramilitaries in one of the 1999 Tibu massacres. An investigation continued into a related massacre of six persons near the town of Los Cuervos. The Procuraduria continued its disciplinary investigation of a police official for possible involvement in the Los Cuervos massacre; however, it closed its investigation of the Tibu massacre after finding no evidence of negligence or complicity by any member of the public security forces.

The Fiscalía closed its investigation into allegations that Colonel Rafael Alfonso Hani collaborated with paramilitaries while commander of the army's Palace Battalion, based in Buga, Valle del Cauca department, from 1999 to 2000. Despite the fact that there was a significant increase in paramilitary activity in the region during Hani's tenure, prosecutors found insufficient evidence to charge him with a crime. The Procuraduria continued its own investigation of Hani.

The Fiscalía continued to investigate the 1998 paramilitary massacre of 19 persons in Puerto Alvira, near the town of Mapiiripan, Meta department. In March 2001, the Superior Military Tribunal confirmed a lower military court's decision to close the military's investigation of the case. The Procuraduria formally exonerated Major General Agustin Ardila, Major General Jaime Humberto Cortes, Brigadier General Freddy Padilla, Brigadier General Jaime Uscategui, and Lieutenant Colonel Gustavo Sanchez of any wrongdoing related to the massacre at Puerto Alvira. The Fiscalía continued its investigation of 21 members of the public security forces for alleged collusion with paramilitaries responsible for approximately 160 social cleansing killings in northeastern Antioquia between 1995 and 1998. The Procuraduria was investigating 26 officials on disciplinary charges related to the same events. The Fiscalía continued its investigation of General Jaime Humberto Uscategui for alleged collusion with paramilitaries related to the 1997 Mapiiripan massacre. In November 2001, the Constitutional Court overturned on jurisdictional grounds Uscategui's April 2001 military court conviction for dereliction of duty in failing to prevent the massacre (see Section 1.e.). The Fiscalía also was prosecuting 11 other defendants, including 3 members of the armed forces, for offenses related to events at Mapiiripan.

There was no reported progress in an investigation by the Fiscalía into allegations that retired Brigadier General Fernando Millan armed and equipped a paramilitary group in Santander department that was responsible for the killings of at least 11 persons in 1997. On March 8, the Procuraduria, which was conducting a disciplinary investigation of the allegations, exonerated Millan but found army Colonel Hernando Sanchez and police Lieutenant Oscar Esteban Hernandez guilty, ordering their immediate dismissal. The ruling was confirmed on appeal on July 9.

The Fiscalía continued its investigation into allegations that former General Rito Alejo del Rio collaborated with paramilitaries in the Uraba region of Antioquia department while he was commander of the army's 17th Brigade from 1995-97. Del Rio was arrested on these charges in July 2001, but subsequently was released based on a controversial ruling that there were jurisdictional flaws in the arrest warrant. On December 5, the Procuraduria closed its disciplinary investigation into similar allegations after finding insufficient evidence of the alleged crimes.

The trial continued of retired army Colonel Jose Ancizar Hincapie for alleged collaboration with paramilitaries who killed 11 persons between 1993 and 1994.

Former navy intelligence informant Jimmy Alberto Arenas was convicted of murdering 63 persons in Barrancabermeja between 1991 and 1993 and was sentenced to a lengthy prison term.

The majority of the approximately 80 cases from the country before the IACHR involved violations of the right to life. The IACHR continued its attempt to broker an amicable settlement of the former Patriotic Union (UP) Party's 1996 complaint charging the Government with "action or omission" in what the UP termed "political genocide" of UP and Communist Party members. Negotiations to amicably resolve the dispute, which began in 1999, continued. Despite ongoing implementation of a Ministry of Interior protection program for members of the UP and the Communist Party, little progress was achieved. The Government cited the large numbers of complainants as a complicating factor in resolving the dispute. Members of the UP continued to be targets of violence. On November 26, 10 armed men abducted Omar de Jesus Correa near a mass transit station in Medellin. His welfare and whereabouts remained unknown at year's end. In 2001 the IACHR presented a case to the Inter-American Court of Human Rights involving alleged military-paramilitary collaboration in the 1996 killings of 19 merchants near the town of Simacota, Santander department.

On July 29, the Government concluded an amicable settlement of claims related to the 1992 police killings of eight children and one adult in the Villatina neighborhood of Medellin. As part of the settlement, the Government agreed to construct and equip the community with a modern health center, fund the establishment of an employment-generating local small business, and indemnify the victims' families. Shortly after his inauguration, President Uribe instructed foreign ministry officials to reach friendly settlements in all pending cases in which state responsibility seemed clear. On October 17, the Government began serious negotiations on five cases.

Paramilitaries committed numerous political and unlawful killings, primarily in areas they disputed with guerrillas and generally in the absence of a strong government presence. The MOD reported that paramilitary forces were responsible for the deaths of 397 civilians as of November 30. The Human Rights Ombudsman's Office reported that it had received reports of 329 unlawful killings by paramilitaries as of October 31. According to the Colombian Commission of Jurists (CCJ), a well-known local NGO (see Section 4), paramilitaries were responsible for the deaths of at least 930 civilians in the first 6 months of the year. Paramilitaries targeted journalists (see Section 2.a.), human rights activists (see Section 4), labor leaders (see Section 6.a.), community activists, indigenous leaders (see Section 5), local politicians, and others they suspected of sympathizing with guerrillas.

The Fiscalía continued investigations into numerous killings committed by paramilitaries in the Magdalena River port city of Barrancabermeja, Santander department. During the year, army personnel concentrated on combating paramilitary influence in the region. Of the 54 confirmed members of illegal armed groups captured by the army battalion in Barrancabermeja, 48 were paramilitaries. The battalion also captured 66 persons involved in gasoline theft, a multi-million dollar criminal enterprise dominated by paramilitaries.

Four paramilitaries were on trial for the February 2001 killing of former Cucuta regional ombudsman Ivan Villamizar (see Section 4).

The Fiscalía was investigating the September 2001 killing by presumed paramilitaries of Congressman and House of Representatives Acting Peace Committee Chairman Jairo Hernando Rojas.

Paramilitaries also killed members of the armed forces and national police who attempted to hamper their illegal activities. For example, on June 14, paramilitary gunmen interrupted an English class at a night school in the town

of Pamplona, Norte de Santander department, and killed local police chief Major Sergio Gutierrez. Gutierrez had received death threats warning him to cease efforts to dismantle a local paramilitary organization. On November 19, 12 armed men killed 2 police investigators working on an operation to combat paramilitary extortionists in the town of La Ceja, Antioquia department. On December 3, 15 paramilitaries from the Central Bolivar Block stopped a bus 12 miles outside the town of Concepcion, Santander department, removed 3 unarmed police officers dressed in civilian clothes, and killed them. The three officers were traveling to the town of Malaga to testify in a criminal case against paramilitaries.

In November 2001, AUC leader Carlos Castano issued a public statement promising the cessation of large-scale paramilitary massacres. Based on the observations of diplomatic observers and the national press, many AUC-affiliated paramilitary groups appeared to change their operations accordingly, significantly reducing the number of massacres perpetrated by paramilitaries. For example, according to the MOD, paramilitaries had killed 54 persons in 11 massacres as of November 30, compared with 281 victims in 42 massacres in 2001. The National Police released a similar figure, reporting that 59 persons were killed by paramilitaries in massacres during the year. However, the CPDDH released a much larger figure, reporting that paramilitaries killed 1,549 persons in massacres.

For example, on August 22, members of the AUC's Calima Front, which is deeply involved in drug trafficking, kidnaped and killed eight men near the village of Barragan, in Valle del Cauca department. Two days later, army troops killed two paramilitaries believed to have been involved in the killings.

Prosecutors continued to investigate massacres committed by paramilitaries in 2001 in the municipalities of Penol, Antioquia department, Frias, Magdalena department, Sabaletas, Valle del Cauca department, and a remote region of Boyaca department. There was no significant progress in any of these investigations.

Prosecutors continued to investigate an April 2000 paramilitary massacre of 21 men at Tibu, Norte de Santander department.

The Fiscalia continued to investigate a series of attacks in November 2000 in which paramilitaries killed 27 fishermen in the La Ciénaga de Santa Marta area, Magdalena department.

The Fiscalia continued to investigate two different massacres near Trujillo, Valle del Cauca department, in 1989-90 and 1994. The authorities held one accused paramilitary in custody and had outstanding arrest warrants for three others. One paramilitary suspect was killed while in custody.

The Fiscalia reopened an investigation into the 1990 killing of presidential candidate and former M-19 guerrilla Carlos Pizarro after AUC leader Carlos Castano confessed to the killing in memoirs published in 2001. In June prosecutors requested that Castano be tried in absentia and sentenced to 60 years in prison.

Paramilitary "social cleansing" killings of homosexuals, prostitutes, drug users, vagrants, and persons with mental disabilities were reported in Barrancabermeja, Cucuta, and other cities. The CCJ reported that paramilitaries committed at least 212 "social cleansing" killings in the first 6 months of the year. For example, on June 14, paramilitaries executed two men on the outskirts of the town of Giron, Santander department; a note attached to one of the bodies attempted to justify the killings on the grounds that the men were common criminals. On September 14, paramilitaries in the town of Soledad, Atlantico department, killed 19-year-old Mario Paut as a presumed vagrant because he had broken a 9 p.m. curfew. Paut had left his home at 10 p.m. to buy diapers for his 1-month-old infant.

During the year, guerrillas, particularly the FARC, appeared to have committed a higher percentage of the nation's unlawful killings than they did the previous year, often targeting noncombatants. The MOD attributed 70 percent of civilian deaths, or 916 killings, to guerrillas between January and November. The MOD had attributed 51 percent of civilian deaths in 2001 to guerrillas. The Human Rights Ombudsman's Office reported that as of October 31, it had received complaints of 324 intentional killings by guerrillas, 193 by the FARC, 20 by the ELN, and 111 by unidentified guerrillas. However, the CPDDH reported that guerrillas were responsible for only 452 civilian deaths during the year, or 10 percent of the total. The CPDDH attributed 382 killings to the FARC and 53 to the ELN. The CPDDH attributed the deaths of 3,882 civilians to unidentified illegal armed groups.

Guerrilla targets included local elected officials and candidates for public office (see Section 3), civic leaders, business owners, peasants opposed to guerrilla activities, religious leaders (see Section 2.c.), indigenous people (see Section 5), labor leaders (see Section 6.a.), and teachers (see Section 2.a.). Some communities controlled by guerrillas also experienced social cleansing killings. Guerrilla offensives often caused significant civilian casualties

(see Section 1.g.) and prompted significant displacements (see Section 2.d.).

Many unlawful killings committed by guerrillas were politically-motivated. The security chief for ex-president Andres Pastrana claimed to have thwarted 92 attempts on Pastrana's life, the vast majority by guerrillas, during Pastrana's 4-year-term that ended on August 7. The FARC also attempted to assassinate candidate and current President Alvaro Uribe at least 12 times (see Section 3).

Smaller guerrilla groups also committed politically motivated unlawful killings. For example, on April 27, seven members of the Popular Liberation Army (EPL) killed a 16-year-old girl in the town of San Calixto, Norte de Santander department, for consorting with local military personnel.

The FARC committed more large-scale massacres than it did in 2001. The Ministry of Defense attributed 85 percent of civilian deaths in massacres during the year, or 307 total killings, to guerrillas. In 2001 the MOD attributed 36 percent of such deaths to guerrillas. The CPDDH reported that guerrillas killed 280 persons in massacres during the year, only 11 percent of its much larger estimate of massacre victims. According to the CPDDH, the FARC killed 241 persons in massacres and the ELN killed 31. The CPDDH blamed the deaths of an additional 691 persons on unidentified illegal armed groups.

On September 15, the FARC abducted 22 coca-leaf pickers near the town of Vista Hermosa, Meta department. After 4 days of torture, the guerrillas killed 11 coca-leaf pickers and buried them in a mass grave, apparently because the FARC suspected they were paramilitary collaborators. On August 10, near the town of La Gabarra, Norte de Santander department, the FARC shot and killed seven peasants who refused to be forcibly recruited. On August 31, near the town of Corralito in the Montes de Maria region of Bolivar department, the FARC killed eight farm workers whom it accused of being paramilitary collaborators.

Prosecutors continued to investigate the February 2001 killings by the FARC of seven ecotourists in Purace national park, bordering the departments of Huila and Cauca. Eight senior FARC leaders were identified as suspects in the case.

An investigation continued into the FARC's May 2001 killing of seven peasants near the village of Alto Sinu, Tierra Alta municipality, Cordoba department. Prosecutors ordered the arrest of Jhoverman Sanchez, leader of the FARC's 58th Front.

There was no progress in the investigation of the ELN's killing of nine peasants in the village of La Cristalina, located near the town of Puerto Wilches, Santander department, in retaliation for their vocal opposition to a Government proposal to create an ELN safe haven in the region in anticipation of potential peace negotiations.

The Fiscalia continued to investigate deaths, disappearances, and kidnappings of off-duty military and police personnel, often killed as part of the FARC's publicly announced "Pistol Plan." On May 12, the FARC kidnaped, tortured, and executed nine enlisted soldiers on a Mothers Day furlough in Caqueta department (see Section 1.b.). On September 14, in Cucuta, Norte de Santander department, a reported member of the FARC shot and killed an 18-year-old soldier at his mother's home.

Little progress was made or seemed likely on investigations into killings committed by the FARC in its former safe haven ("despeje"). For example, no arrests were anticipated for the FARC's killing of seven residents of the former despeje town of La Macarena, Meta department, in the week following the abolishment of the FARC safe haven. Five of the victims were killed reportedly for failing to fully cooperate with the FARC, and two others were killed for attempting to steal FARC commander Mono Jojoy's custom bed and prize pig following his departure.

The Fiscalia continued to investigate the killings of 20 persons, including 8 police officers and the mayor of Vigia del Fuerte, Antioquia department, during a March 2000 FARC attack on Vigia del Fuerte and Bellavista, Choco department, located on opposite sides of the Atrato River. On April 8, the authorities charged three members of the FARC with killing and terrorism. They were in custody and awaiting trial at year's end.

The Fiscalia continued to investigate the FARC's December 2000 killing of Congressional peace commission chairman Diego Turbay, his mother, and five other persons in Caqueta department. No progress was expected in arresting the senior FARC leaders accused of ordering the crime. However, on June 5, a court sentenced--in absentia--Manuel Marulanda, alias "Tirofijo;" Jorge Briceno, alias "Mono Jojoy;" and 3 other members of the FARC Secretariat to 396 years in prison for the 1997 kidnaping and killing of Turbay's older brother, then-Senator Rodrigo Turbay.



On November 5, the Fiscalía ordered the arrest of eight members of the FARC's 57th Front for the January 2001 killing of Henry Perea, mayor of the town of Jurardo, Choco department. Perea had been pulled from his office and shot in broad daylight. No arrests appeared imminent.

On July 30, prosecutors indicted nine senior FARC leaders for the September 2001 kidnaping and killing of former Minister of Culture Consuelo Araujo near Valledupar, Cesar department. The FARC apparently killed Araujo when it became clear she could not maintain the pace required for the FARC to outrun military efforts to rescue her. On November 18, the Fiscalía ordered the arrest of two other FARC leaders for their involvement in the crime.

Authorities failed to capture FARC Eastern Bloc commander German Briceno, known as "Grannobles;" who was indicted for the 1999 killings of U.S. citizen indigenous rights activists Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. On November 28, police arrested three FARC guerrillas suspected of involvement in the kidnaping. Confessed FARC member Nelson Vargas, who was suspected of participating directly in the killings, was serving a prison sentence for the separate crime of rebellion.

The FARC executed guerrilla soldiers who attempted to desert. For example, on June 3, near the town of Yondo, eastern Antioquia department, the FARC killed two female soldiers who planned to desert.

Guerrillas killed citizens using bombs, artillery, and antipersonnel landmines, and continued their practice of using gas canisters to attack small towns, killing civilians indiscriminately (see Section 1.g.).

#### b. Disappearance

The law specifically defines forced disappearance as a crime. More than 3,800 cases of forced disappearance have been formally reported since 1977. Very few have been resolved. The great majority of victims of forced disappearance have never been seen or heard from again.

The CPDDH reported that state security forces were responsible for 10 forced disappearances during the year. The CCJ reported four such cases in the first 6 months of the year. The Procuraduria investigated 105 members of the state security forces on disciplinary charges related to forced disappearances (see Section 1.a.). In 35 cases, the allegations were credible enough for the Procuraduria to open a formal investigation. One army captain was formally charged, two police agents were found guilty and sanctioned, and one police agent was exonerated.

The law prohibits kidnaping; however, it remained an extremely serious problem. According to the Free Country Foundation, an anti-kidnaping NGO (see Section 4), during the year there were a total of 2,986 kidnapings; 936 were attributed to the FARC, 776 to the ELN, 180 to paramilitaries, including the AUC, and the remaining to smaller groups such as the EPL (People's Liberation Army) and common criminals. Elite government anti-kidnaping units known as GAULAs and other elements of the security forces freed 693 hostages and forced the release of 190 others. However, despite government efforts, the Free Country Foundation reported that at least 62 persons died in captivity during the year, including 3 children. Thirty-eight of these persons were killed by their captors. On January 29, then-President Andres Pastrana signed a new anti-kidnaping law that provides for 40-year jail sentences. At the same time, Pastrana announced disbursements of approximately \$2 million (5 billion pesos) to strengthen the GAULAs.

Some members of the state security forces were involved in kidnaping for ransom. For example, on May 14, police arrested two members of the National Police and an official from the Fiscalía for participating in the kidnaping of shoe magnate Esteban Rangel. On September 20, the BBC reported that some kidnap victims alleged they were abducted by members of the police either at roadblocks or after having been flagged down by police cars. The report noted that victims were uncertain whether they had been kidnaped by corrupt police officers or guerrillas using stolen police uniforms.

Paramilitaries were responsible for the majority of forced disappearances. The CPDDH attributed 439 forced disappearances during the year to paramilitaries, or 60 percent of such violations. The CPDDH also reported that 277 persons were forcibly "disappeared" by unidentified armed groups. According to the Free Country Foundation, paramilitaries were responsible for 180 kidnapings, or 7 percent of all kidnapings during the year in which a perpetrator was identified. Paramilitaries generally abducted persons suspected of collaboration with guerrillas, whom they almost always killed (see Section 1.a.). In April and October, presumed paramilitaries abducted persons near the town of San Jose de Apartado, in the Uraba region of Antioquia department (see Section 1.a.).

An investigation continued into the June 2001 paramilitary abduction of Embera-Katio indigenous leader Kimi Domico in Tierralta, Cordoba department. Domico apparently was kidnaped in retaliation for cooperation with the

FARC. In December 2001, AUC military commander Salvatore Mancuso implied that Domico had been killed.

Authorities continued to investigate the October 2001 paramilitary kidnaping of 13 fishermen near the Ciénaga de Santa Marta, Magdalena department. Three of the victims escaped, and at least six were confirmed dead. The four victims still missing were presumed dead.

Paramilitaries sometimes abducted government employees investigating paramilitary crimes (see Section 1.a.). No further progress seemed likely in the April 2001 disappearances of two CTI investigators near Berrugas, Sucre department, who were working undercover on the January 2001 Chengue paramilitary massacre (see Section 1.a.). An investigation continued into the 2000 abduction of seven members of the CTI near Minguillo, Cesar department. The whereabouts of the CTI employees were unknown, and they were presumed dead.

Paramilitaries generally did not hold hostages for long periods of time to gain political concessions. However, they did commit kidnapings for ransom. For example, in 2000 paramilitaries kidnaped Venezuelan businessman Richard Bolton, who was only released on July 15 after his family paid a large ransom.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. The FARC continued to kidnap persons in accordance with its so-called "Law 002," announced in March 2000, which requires persons with more than \$1 million (2.95 billion pesos) in assets to volunteer payments to the FARC or risk detention. The Free Country Foundation reported that guerrillas committed 75 percent of the 2,986 kidnapings reported during the year in which a perpetrator was identified. The Foundation reported that the FARC kidnaped 936 persons and the ELN 776. In addition, the FARC often purchased victims kidnaped by common criminals and then negotiated ransom payments with the families. There were many reports that guerrillas tortured kidnap victims (see Sections 1.c. and 1.g.). Several released kidnap victims claimed that the FARC had been holding more than 200 persons in the former despeje before the zone's abolishment in February.

According to the Free Country Foundation, merchants, government employees, and cattle ranchers were among the guerrillas' preferred victims. However, the largest category of kidnaping victims was children, over 384 of whom were kidnaped during the year. In 2001, for example, the FARC kidnaped 11-year-old Laura Ulloa from her school bus in Cali, and did not release her until April 5. It was suspected that a ransom was paid for her return. In October 2001, the FARC kidnaped 18-month-old Mariana Ossa in a middle class neighborhood of Medellín. Although Ossa's parents paid a ransom for her release in July, she was not released until December 22. The FARC kidnaped several mayors' children to pressure the mayors into resigning (see Section 3).

According to the Free Country Foundation, 1,714 kidnapings during the year, or over 57 percent of the total, were economically motivated. During an April 2 newspaper interview, ELN Supreme Commander Nicolas Rodriguez, alias "Gabino," stated that the ELN expected to receive payment for the release of kidnap victims. Gabino added that kidnap victims "have a specific economic value" and that "the Government must understand that, if there are funds for a peace agreement, these funds must be applied to resolving the situation of these kidnap victims." The Government immediately rejected Gabino's demand.

On August 19, the ELN kidnaped 27 tourists from a resort near the town of Bahia Solano, Choco department. At year's end, all but three had been released, most in return for ransom payments or IOUs accompanied by death threats for noncompliance. Victims reported that the group, which included retired persons and children, was forced to hike 12 hours a day through jungle swamps on meager rations of bananas and rice. Many of the victims contracted malaria or other serious illnesses and one elderly victim died of a heart attack and was buried in an unmarked grave.

Guerrillas sometimes demanded ransom payments before returning the bodies of kidnap victims who died in captivity. For example, in April relatives of a merchant kidnaped near the town of Pensilvania, Caldas department, paid the FARC nearly \$2,000 (5.9 million pesos) to recover his body.

Guerrillas also kidnaped foreigners for ransom. According to the Free Country Foundation, 31 foreigners were kidnaped during the year. For example, on April 19, the FARC abducted two Canadian citizens and one French citizen whose helicopter made an emergency landing in a remote region of Narino department. They were released on July 30. Government authorities believe a ransom was paid. In October 2001, the FARC kidnaped Dutch student Roelant Jonker near the village of Santa Cecilia, Choco department. Jonker was released on June 12 in return for a ransom of approximately \$8,000 (23.6 million pesos). On May 22, a combined team of army, police, and DAS personnel rescued 64-year-old Maria Luisa Trevisan de Bachetti, an Italian citizen and owner of a Venezuelan steel plant, from a joint FARC/ELN team holding her hostage in the town of Maico, La Guajira department. Trevisan de Bachetti had been kidnaped on April 19 in Venezuela. The guerrillas were demanding

\$10 million (29.5 billion pesos) for her release.

The FARC committed numerous politically motivated kidnappings in an attempt to destabilize the Government and pressure it into a prisoner exchange. According to the Free Country Foundation, there were 208 politically motivated kidnappings during the year. On April 15, HRW published a letter to FARC leader Manuel Marulanda that called for an immediate end to targeting political leaders.

On February 20, FARC operatives hijacked an airliner on route from Neiva, capital of Huila department, to Bogota, forced it to land on the Bogota-Neiva highway, and kidnaped Senator Jorge Eduardo Gechem, Chairman of the Senate Peace Commission. The hijacking was apparently planned for the express purpose of kidnaping Senator Gechem. Gechem's cousin, Diego Turbay, former chairman of the House of Representatives Peace Commission, was killed by the FARC in 2000. Gechem's kidnaping led then-President Pastrana to declare a definitive end to stalled peace negotiations with the FARC and abolish the FARC's despeje in the south.

On February 23, 3 days after the despeje was abolished, the FARC kidnaped presidential candidate Ingrid Betancourt and her campaign manager, Clara Rojas, on the highway between Florencia and San Vicente del Caguan, Caqueta department. On July 23, the FARC released a videotape of a thin, tired Betancourt, apparently recorded on May 15. In early October, a Bogota television news station received a message from the FARC stating that Betancourt was in good condition.

On April 11, the FARC committed a daring daylight kidnaping of 16 members of the Valle del Cauca departmental assembly from the assembly's headquarters in downtown Cali. FARC operatives dressed in army uniforms announced that the building was being evacuated because of a bomb threat and hurried victims into a waiting bus painted in army colors. Although four victims were rescued by the military in the following week, 12 victims remained in captivity at year's end. On August 28 and December 27, the FARC released videos of the 12 remaining captives, who appeared to be in good health.

On April 21, the FARC kidnaped Guillermo Gaviria, governor of Antioquia, and Gilberto Echeverri, departmental peace commissioner and former national Minister of Defense, while the governor was leading a peace march through the eastern Antioquia town of El Vaho.

The FARC continued to hold captive former members of Congress Orlando Bernal, Luis Eladio Perez, and Consuelo Gonzalez, kidnaped in 2001, and Congressman Oscar Lizcano, kidnaped in 2000. All four former members' terms expired while they were in captivity. The FARC also held former Meta governor Alan Jara, who was kidnaped in July 2001 while riding in a U.N. vehicle with the U.N. Development Program (UNDP) director and other government officials.

The FARC continued to hold nine victims of a mass kidnaping carried out in July 2001 from a luxury apartment building in Neiva, Huila department. The captives included the wife and two children of a congressman.

Members of the public security forces were also among the preferred victims of politically-motivated kidnappings. According to the Free Country Foundation, 68 members of the public security forces were kidnaped during the year, all by guerrillas, particularly the FARC. The Ministry of Defense reported that the FARC and ELN continued to hold or had "disappeared" at least 102 members of the public security forces.

On April 5, the International Committee of the Red Cross (ICRC) recovered the bodies of two police officers, both killed by the FARC. One of the bodies was that of Corporal Jose Norberto Perez, the father of Andres Felipe Perez, a 13-year-old boy who died of cancer in December 2001 after having pleaded with the FARC to release his father so that the family could be reunited before the boy's death.

Guerrillas kidnaped journalists (see Section 2.a.).

The whereabouts of three American missionaries kidnaped from eastern Panama in 1993 remained unknown, and they were presumed dead.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution and criminal law explicitly prohibit torture, and cruel, inhuman, or degrading treatment or punishment; however, there were reports that the police, military, and prison guards mistreated and tortured detainees. The Military Penal Code directs that trials of members of the military and police accused of torture be

held in civilian, rather than military, courts (see Section 1.e.). The Procuraduria received 103 complaints of torture by state agents during the year. CINEP reported that state security forces tortured 16 persons during the first 6 months of the year; 14 of these cases were attributed to the army and 2 to the police.

The Fiscalía was investigating accusations publicized during the year by the Committee in Solidarity with Political Prisoners (CSPP) that members of the Cali GAULA collaborated with paramilitaries in abducting and torturing individuals suspected of involvement in kidnappings.

Colonel Jose Ancizar Molano, Captains Alvaro Hernando Moreno and Rafael Garcia, Lieutenant Carlos Eduardo Jaramillo, and four noncommissioned officers remained on trial at year's end for torturing 12 marines with asphyxiation and electric shock in 1995.

CINEP reported 42 cases of torture by paramilitaries during the first 6 months of the year. Victims of paramilitary killings often showed signs of torture.

Guerrilla groups also tortured and abused persons. CINEP reported only three cases of torture by guerrillas during the first 6 months of the year; however, the bodies of many persons kidnaped and subsequently killed by guerrillas showed signs of torture and disfigurement. Numerous former kidnap victims and hostages taken by the guerrillas during combat reported severe deprivation, denial of medical attention, and physical and psychological torture during captivity (see Section 1.b.). The MOD reported that guerrillas tortured or mutilated and killed soldiers and policemen after they surrendered (see Section 1.g.).

Prison conditions were harsh, particularly for prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. The National Prison and Penitentiary Institute (INPEC) reported that the nation's daily food allowance per prisoner was only \$1.25 (3,500 pesos). Private sources continued to provide the majority of most prisoners' food. In June 2001, based on a lawsuit filed by prisoners incarcerated in Valledupar, Cesar department, the Valledupar Supreme Court ordered INPEC to improve prison conditions in the department. Many of INPEC's 10,000 prison guards were poorly trained or corrupt. On March 6, prison guards at the Valledupar penitentiary beat an unruly prisoner in his cell so severely that he died 36 hours later. The Fiscalía placed the six guards under arrest on suspicion of murder. The Office reportedly was investigating allegations of prison guard brutality in other installations as well.

Only four prisons--Valledupar, Acacias, Popayan, and Combita--met international standards for acceptable conditions for prison facilities. Two more prisons designed to meet these standards were under construction in La Porada, Caldas department, and Palo Gordo, near Bucaramanga, Santander department. In other prisons, inmates paid to eat, drink, sleep on a mattress, wash clothes, or make telephone calls. Many inmates in such facilities also were forced to pay protection money to fellow inmates or corrupt prison guards.

According to INPEC, overcrowding remained a serious problem. In October the country's prisons and jails held approximately 52,900 inmates, 16 percent over their intended capacity of 45,500. The country's largest prisons had some of the highest occupancy levels. For example, Medellin's Bellavista prison, the country's largest, held over three times as many prisoners as it was designed to hold.

An estimated 17.8 percent of the country's prisons were between 40 and 80 years old, 3.5 percent between 80 and 201 years old, and 2.4 percent more than 201 years old. The Ministry of Justice made some progress in implementing a plan announced in 2000 to expand prison capacity by 18,000 beds by 2003. Since the announcement, the Government renovated 17 of the country's 151 penitentiaries, including some of its largest, expanding prison capacity by 6,400 beds.

The Government sometimes failed to prevent deadly violence among inmates. For example, on July 12, a routine cell search in Bucaramanga's La Modelo jail revealed plans for a mass escape led by ELN inmates and sparked a large riot that resulted in the death of one inmate and serious injuries to four others. INPEC reported 8 major prison riots, compared with 19 in 2001. However, unlike the previous year when 61 inmates died in such uprisings, only 3 lives were lost in these disturbances.

There were no large-scale prison escapes; however, a total of 223 prisoners did escape from the country's prisons during the year. These escapes were divided roughly evenly between classic escapes and abuses of administrative privileges such as 72-hour passes. Nevertheless, these numbers represented an improvement over 781 escapes registered in 2000. Enhanced external security, which prevented paramilitaries and guerrillas from breaking out imprisoned comrades, and the revocation during the year of the policy permitting the issuance of 72-hour passes to favored prisoners, accounted for the improvement. Several failed escapes were elaborately

planned, such as an effort by paramilitaries, discovered in October, to tunnel out of Bogota's La Picota prison.

During the year, the authorities moved high-level narcotics traffickers to the new high security prison at Combita, where they endured the same spartan conditions as other prisoners. The renovation of the high security wing of Bogota's La Picota prison also was completed, ending many inmates' relatively comfortable prison lifestyles.

There were separate prison facilities for women, and in some parts of the country there were separate women's prisons. Conditions at women's prisons were similar to those at men's prisons, but were far less violent. According to the Criminal Procedure Code, no one under the age of 18 may be held in a prison. Juveniles were held in separate facilities operated by the Colombian Family Welfare Institute (ICBF).

There were no separate facilities for pretrial detainees, who made up an estimated 43 percent of all prison inmates. According to INPEC, 981 pretrial detainees were held in overcrowded police jails, despite court orders that they be transferred to long-term detention facilities. Failure on the part of many local military commanders and jail supervisors to keep mandatory detention records or follow notification procedures made accounting precisely for all detainees impossible.

The ICRC continued to have routine access to most prisons and police and military detention centers. The ICRC continued to have ad hoc access to civilians held by paramilitaries and guerrillas. However, the FARC and ELN continued to deny the ICRC access to police and military hostages (see Sections 1.b. and 1.g.).

#### d. Arbitrary Arrest, Detention, or Exile

The Constitution includes several provisions designed to prevent illegal detention; however, there continued to be allegations that authorities arrested or detained citizens arbitrarily. Many such allegations originated in "Rehabilitation and Consolidation Zones" established by presidential decree, where security forces were granted expanded powers to establish public order.

President Uribe issued Decree 2002 on September 10 by authority of his August declaration of a "State of Internal Disturbance" (see Section 1.f.). In addition to authorizing the creation of "Rehabilitation and Consolidation Zones", the decree granted the police and armed forces the power to make arrests, intercept communications, and search private residences without written warrants, and to do so without judicial authorization in exigent circumstances. However, on November 26, the Constitutional Court struck down provisions of the decree that granted police powers to the military, emphasizing that prosecutorial officials must determine when personal liberty interests can be infringed upon in the interests of public safety.

The Constitutional Court's decision was consistent with its April 11 ruling striking down the National Defense and Security Act of 2001, which had threatened to infringe on the due process rights of persons detained or investigated by the military (see Section 1.e.). Among other things, the Act had not specified the maximum period detainees might be held by the military before being turned over to civilian authorities.

The law prohibits incommunicado detention. Even in Rehabilitation Zones, anyone detained by law enforcement authorities must be brought before a senior prosecutor within 36 hours of his or her detention. A senior prosecutor must then rule on the legality of the detention within an additional 36 hours. Despite these legal protections, there continued to be allegations of arbitrary detention.

Conditional pretrial release is available for minor offenses or after unduly long periods of investigative detention. In the case of most felonies, detention prior to the filing of formal charges cannot exceed 180 days, after which a suspect must be conditionally released. In the cases of crimes deemed particularly serious, such as murder or terrorism, authorities are allowed up to 360 days to file formal charges before a suspect must be conditionally released.

Paramilitaries in the city of Barrancabermeja, Santander department, exercised illegal "social controls," such as curfews for children, ad hoc punishments for domestic violence and petty crimes, and the issuance of paramilitary-produced identification cards to bona fide local residents.

The FARC pressed the Government to adopt a permanent prisoner exchange law; however, both the Pastrana and Uribe administrations rejected the idea. Families of kidnap victims, particularly relatives of 12 Valle del Cauca Assembly members kidnaped in April and still held by the FARC (see Section 1.b.), pressed the Government to participate in a one-time humanitarian prisoner exchange. During the year, guerrillas continued to hold at least 47,

and as many as 102, soldiers and police who either were captured in combat or kidnaped while off-duty. The ICRC was not permitted access to them (see Section 1.b.).

The Constitution prohibits forced exile, and the Government did not practice it. However, there were numerous instances of individuals pressured into self-exile for their personal safety. Such cases included persons from all walks of life, including politicians, journalists, human rights workers, slum-dwellers, business executives, farmers, and others (see Sections 2.a. and 4). The threats came from various quarters: some individual members of the security forces, paramilitary groups, guerrilla groups, narcotics traffickers, and other criminal elements.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the civilian justice system was independent of the executive and legislative branches in both theory and practice; however, the suborning or intimidation of judges, witnesses, and prosecutors was common. Impunity remained the single greatest problem threatening the credibility of the Government's commitment to human rights. The university-affiliated Corporation for Judicial Excellence, which was preparing a study on impunity, reported that the overall level of impunity cited by a variety of governmental and nongovernmental sources was between 80 and 95 percent.

Judges have long been subject to threats and intimidation, particularly when handling cases involving members of the public security forces or of paramilitary, guerrilla, and narcotics trafficking organizations. Violent attacks and threats against prosecutors, defense attorneys, and judges continued. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect them and thus were unwilling to testify, hindering chances for successful prosecutions. For example, in December two prosecution witnesses failed to appear at the trial of three members of the Irish Republican Army who were accused of training members of the FARC. One of the witnesses could not be found, and the other said that he feared for his life.

According to a statement issued by the Supreme Court, as of July 16, terrorist organizations such as the FARC and the AUC had threatened judicial officials working in at least 368 courts in 231 municipalities. As of August 30, 408 judges and 396 prosecutors from 248 municipalities felt obligated to work out of offices in departmental capitals for reasons of security.

In March 2001, Bogota judge Lester Gonzalez received threats that appeared related to important cases on her docket, including the 1995 assassination of Alvaro Gomez, the 1997 Mapiripan massacre, and the 1997 killings of three CINEP volunteers. Also in March 2001, Medellin judge Adalgisa Lopera fled the city with her family following a death threat. Judge Lopera heard paramilitarism, terrorism, and narcotics cases.

In April 2001, two undercover CTI employees investigating the January 2001 Chengue massacre disappeared in Sucre department. In December two gunmen arrested for the August 2001 killing of Yolanda Paternina, local lead prosecutor in the case, were released for lack of evidence (see Section 1.a.).

An investigation continued into the April 2000 killing of prosecutor Margarita Maria Pulgarin in Medellin. Paramilitaries were suspected of killing her. One suspect had been charged in absentia; however, no one had been detained by year's end.

The civilian justice system is a separate and independent branch of government that uses a Napoleonic legal system incorporating some accusatorial elements. The military justice system, which is part of the executive branch, also relies on a mixed system, although accusatorial aspects predominate.

On December 16, Congress approved constitutional changes designed to convert the current mixed judicial system into a purely accusatorial system. The reforms will go into effect in January 2005, prior to which major changes will have to be made to the penal, criminal procedure, and evidence codes. After that date, judges, rather than prosecutors, will issue arrest warrants and decide pretrial motions. Cases will be tried in open court and decided on the basis of oral trial proceedings, rather than an exhaustive written dossier. Prosecutor General Luis Camilo Osorio has predicted that the reforms will reduce the average investigatory phase of a case from 3 years to 6 months.

The judicial system was extremely overburdened. Based on information collected from 77 percent of the nation's courts, as of September the administrative chamber of the Supreme Council of the Judiciary (CSJ) reported that the civilian judiciary suffered from a backlog of at least 1,14 million cases, approximately 140,000 of them criminal. These backlogs had created large numbers of pretrial detainees (see Section 1.c.) In October, the President of the Council of State complained that the Council was facing a 6 to 8 year backlog. The Fiscalia reported that

approximately 220,000 arrest warrants were still outstanding.

The civilian justice system is composed of four functional jurisdictions: civil, administrative, constitutional, and special. The civil jurisdiction is the largest jurisdiction within the civilian justice system, and handles all criminal, civil, labor, agrarian, and domestic cases involving non-military personnel. The civil jurisdiction is divided into 31 judicial districts, each containing at least one judicial circuit encompassing one or more municipalities. A superior tribunal serves as each district's court of appeals. The civil jurisdiction's 436 magistrates are distributed according to the population of each district. The lower circuit and municipal courts, each staffed by a judge, a court clerk, and perhaps a few administrative personnel, are the basic cells of the civil jurisdiction. In the smallest towns, a single "all-purpose" judge rules on all cases.

Specialized circuit courts within the civil jurisdiction try cases involving crimes designated as grave threats to the administration of justice, such as narcotics trafficking, terrorism, paramilitarism, torture, and money laundering.

The Supreme Court is the highest court within the civil jurisdiction and serves as its final court of appeals. In addition to hearing appeals from lower courts, the Supreme Court has original jurisdiction in trials of the President, cabinet ministers, heads of independent government agencies, admirals and generals, and magistrates of the Supreme Court, Council of State, Constitutional Court, and CSJ.

The administrative jurisdiction of the civilian justice system is divided into 27 judicial districts with an equal number of tribunals. Each tribunal has from 1 to 23 magistrates, depending on the population of the district. Administrative actions such as decrees and resolutions may be challenged in the administrative jurisdiction on constitutional or other grounds. The Council of State is the highest court in the administrative jurisdiction and serves as the final court of appeals for complaints arising from administrative acts.

The Constitutional Court, which is charged with "safeguarding the integrity and supremacy" of the Constitution, is the sole judicial body comprising the constitutional jurisdiction of the civilian justice system. It rules on the constitutionality of laws, presidential decrees, and constitutional reforms. The Constitutional Court may also issue advisory opinions on the constitutionality of bills not yet signed into law, and randomly reviews the decisions of lower courts on "tutelas," or writs of protection of fundamental rights, which can be filed before any judge of any court at any stage of a judicial procedure as a legal defense of last resort. Courts must rule on the validity of a tutela within 10 days. Approximately 15,500 tutelas were before the Constitutional Court for possible review.

The final functional jurisdiction of the civilian justice system is the special jurisdiction. The special jurisdiction consists of the justice of the peace program, designed to encourage alternative dispute resolution at the municipal level, which has been implemented in less than 1 percent of the country's municipalities, and the indigenous jurisdiction, which grants indigenous leaders the right to exercise judicial functions on indigenous reservations in accordance with traditional laws (see Section 5.).

The CSJ is responsible for the administration and discipline of the civilian justice system. The CSJ is divided into two chambers: administrative and disciplinary. The administrative chamber supervises the civilian justice system's budget and determines its organization. The disciplinary chamber disciplines judicial officials and resolves jurisdictional clashes, such as those between the civilian and military justice systems.

The Supreme Court, the Council of State, the Constitutional Court, and the CSJ are four roughly coequal supreme judicial organs that often issue conflicting rulings and frequently disagree regarding jurisdictional responsibilities.

The Fiscalía is tasked with investigating criminal offenses and presenting evidence against the accused. The Supreme Court elects the Prosecutor General from a list of three candidates selected by the President. The Prosecutor General serves a 4-year term that overlaps two presidential administrations. The Office is independent of both the executive and judicial branches and is divided into national, regional, and local offices. The Office has its own corps of armed investigators known as the Corps of Technical Investigators (CTI). The Office has significant judicial functions; however, consistent with constitutional reforms passed in December, it will be converted by 2005 into a purely investigatory and prosecutorial agency.

The Prosecutor General created the Human Rights Unit in 1995. As of October, the Unit's 41 prosecutors had 1,369 open cases involving 1,618 suspects, including 173 members of the state security forces. The Human Rights Unit arrested 57 members of the state security forces during the year and filed charges against 25 for a variety of crimes including murder, torture, kidnaping, and collaboration with paramilitary groups. However, impunity continued to be very widespread.

In November HRW published "A Wrong Turn; the Record of the Colombian Attorney General's Office," a report that alleged that under the leadership of Prosecutor General Luis Camilo Osorio, the ability of the Fiscalía to investigate and prosecute human rights abuses had deteriorated. The report accused the Prosecutor General of failing to support prosecutors who worked on human rights cases by not providing adequate protection for justice officials whose lives were threatened and by the dismissal and forced resignation of veteran prosecutors and judicial investigators.

In its December response, the Human Rights Unit of the Fiscalía reported that for the first time in its history, Osorio had obtained a specific allotment in the national budget for the Unit. While it was true that 4 of the Unit's 41 prosecutors had been dismissed during the year, their replacements had equal or greater experience. Finally, the Unit was working hard to increase the protection available to prosecutors.

The Procuraduría investigates allegations of misconduct by public employees, including members of the state security forces. The Inspector General, whose term overlaps those of two presidents, is elected by the Senate to a 4-year term from a list of three candidates nominated by the President, Supreme Court, and Council of State. During the year, the Procuraduría received 395 complaints of alleged serious violations of human rights by state agents, compared with 502 complaints in 2001. A total of 235 of these complaints were lodged against the army, 3 against the navy, 8 against the air force, and 149 against the National Police. Of these complaints, 380 were still under preliminary investigation, 14 had reached the stage of a formal disciplinary investigation, and 1 had resulted in the filing of formal charges. The Procuraduría imposes administrative sanctions that range from letters of reprimand to dismissal and permanent bans from public office. It has no authority to impose criminal sanctions, but can refer cases to the Prosecutor General. The Procuraduría referred all cases of human rights violations received during the year to the Prosecutor General for investigation and reported that the majority of these cases were investigated by the Fiscalía.

The Office of the Human Rights Ombudsman, or Public Defender, employs 923 public defenders nationwide to provide the indigent with legal representation in criminal cases. However, as of December, these public defenders were required to manage over 70,000 cases. In addition, the Ombudsman's 34 departmental and regional offices throughout the country provide a legal channel for thousands of complaints and allegations of human rights violations (see Section 4). The Ombudsman, who reports to the Inspector General, is elected by the House of Representatives from a list of three candidates submitted by the President to serve a 4-year term that overlaps those of two presidents.

A criminal case begins with a preliminary investigation that can last up to 180 working days. If evidence is found linking a particular individual to a crime, the case moves into a formal investigative stage in which prosecutors have a maximum of 360 working days to file formal charges. Once formal charges are filed, the Government has 35 working days to bring a case to trial. Trials are open to the public. Judges question witnesses directly and determine the outcome of all trials. There are no juries.

The Constitution specifically provides for the right to due process. Nevertheless, as of November 30, the Human Rights Ombudsman's office had received 1,270 complaints of denial of due process. An accused is presumed innocent until proven guilty and has the right to timely consultation with counsel. Attorneys from the Ombudsman's Office are required to represent indigent defendants; however, representation for the indigent has historically been inadequate. During the year, an estimated 90 percent of indigent defendants received no assistance from a public defender. Defendants have the right to be present at proceedings against them, present witnesses and evidence on their own behalf, and confront and question prosecution witnesses. Defendants also have the right to review government evidence relevant to the case. Defendants have the right to appeal a conviction to a higher court. The Constitution extends these rights to all citizens.

The military justice system, as part of the Ministry of Defense, falls under the executive branch. To improve the accountability and independence of the military justice system, the military judicial code was amended in 2000 so that military prosecutors report directly to the director of the military justice system, rather than to their local unit commanders. The director of the military justice system reports directly to the civilian Minister of Defense. Nevertheless, impunity for members of the public security forces--particularly high-ranking officers--accused of human rights abuses or collaboration with paramilitaries remained a problem. Some military justice personnel investigating sensitive cases reported they were pressured to make particular rulings and threatened or harassed for not doing so.

The military justice system is composed of the Superior Military Tribunal, which serves as the court of appeals for all cases tried in the military justice system, and 40 military trial courts. The civilian Supreme Court serves as a second court of appeals for cases in which sentences of 6 years or more in prison are imposed. The military judiciary may investigate, prosecute, and try active duty military and police personnel for alleged crimes "related to



acts of military service." Civil courts must try retired personnel, even for service-related acts committed before their retirement. The military penal code specifically defines forced disappearance, torture, and genocide as crimes not related to military service. Moreover, a presidential directive issued in 2000 raised "to the category of law" a 1997 Constitutional Court ruling that defined all serious violations of human rights as being unrelated to military service. The military penal code also provides protections to members of the public security services who may feel pressure from commanders to violate human rights. For example, the code denies unit commanders the power to judge subordinates and extends legal protection to service members who refuse to obey illegal orders to commit human rights abuses.

Criminal investigations by the military justice system are designed to be completed rapidly. By law an investigation may last a maximum of 180 working days, after which a suspect must be brought to trial within 2 months. However, this rigorous timetable is suspended if a defendant appeals the court's jurisdiction or procedural rulings. This exception causes many cases in the military justice system to drag on for years. For example, jurisdictional appeals accounted for some of the delay in the military's investigation of the apparent air force bombing of the village of Santo Domingo, Arauca department in December 1998 (see Section 1.g.). The military justice system's formal investigation began in 2000, and was still in its investigatory phase when it was transferred to the civilian justice system in December.

Criminal procedure within the military justice system is similar to that within the civilian justice system, with the exception that the military justice system has already incorporated many accusatorial elements. Defendants are considered innocent until proven guilty and have the right to timely consultation with counsel. However, there is no military equivalent to the civilian public defender system; defendants generally must retain counsel at their own expense. Representatives of the civilian justice system--generally from the Procuraduria--have a right to be present at military trials.

The military judiciary demonstrated a willingness during the year to turn cases of military personnel accused of human rights violations or other criminal activities over to the civilian justice system. The Superior Military Tribunal reported that between August 1997 and December it voluntarily transferred 1,377 cases, 627 military and 750 police, to the civilian justice system. An independent review of the 627 cases involving military personnel revealed that 168 cases involved allegations of gross violations of human rights or collaboration with paramilitaries.

In September 2000, the President signed 12 decrees to reform and strengthen the military. The decrees sharpened the definitions, classifications, and punishments for crimes, required military officials to cooperate with civilian investigators who investigate such crimes, and mandated, with limited exceptions, the dismissal of service members convicted and imprisoned by either the civilian or military justice systems.

Presidential Decree 1790 of 2000 allows senior military commanders, at their discretion, to separate from service any uniformed members of the security services regardless of time of service. From October 2000 through the end of 2001, the military dismissed approximately 600 members; no figures were available on how many were discharged during the year under the authority of Decree 1790. No information was available from the MOD regarding the specific reasons for any of the dismissals, nor were the names of those dismissed made public. The MOD confirmed the claims of many human rights NGOs that a large number of those dismissed subsequently entered the ranks of illegal paramilitary groups.

When military officers were tried, convicted, and sentenced for human rights violations, they generally were not incarcerated in civilian prisons but were confined instead to their bases or military police detention centers, as permitted by law. Some performed administrative functions while incarcerated. The MOD reported, and the Fiscalía confirmed, that military and police prisoners charged by civilian prosecutors routinely were suspended from their duties and placed on half-pay. Officers and noncommissioned officers were removed from any command duties. Forty-one members of the military and 25 police officers reportedly were suspended at year's end.

To address concerns about escapes from improvised military detention facilities, in June a new high security military prison was inaugurated near Melgar, Tolima department. The civilian INPEC provided oversight of the military's management of the prison. Although the facility was designed to house up to 200 inmates, it was still not large enough to house all military prisoners, leaving some in facilities of questionable security.

The case of former General Jaime Humberto Uscategui, accused of failing to prevent a 1997 massacre in Mapiripan, Meta department, remained under investigation by the Fiscalía (see Section 1.a.). Although the Constitution dictates that generals accused of crimes related to acts of service must be tried by the Supreme Court, Uscategui would be tried by an ordinary criminal court because the crimes of which he was accused were unrelated to acts of service.

According to statistics provided by the CSJ, in cases of jurisdictional conflict between the military and civilian justice systems, the total number of cases assigned to military courts dropped from 50 percent in 1992 to 15 percent in 2000. Over the same period, cases assigned to civilian jurisdiction rose from 40 percent in 1992 to 60 percent. Between January and September, the CSJ ruled on 39 jurisdictional disputes between the civilian and military justice systems, assigning 16 cases to the civilian justice system, 5 cases to the military justice systems, and abstaining from ruling on 18 cases.

The Government stated that it did not hold political prisoners.

The ICRC had access to the approximately 3,000 prisoners accused of terrorism, rebellion, or aiding and abetting insurgency.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The law provides for the protection of these rights, and the Government generally respected them in practice; however, at times the authorities infringed upon them.

On August 8, President Uribe declared a "State of Internal Disturbance" --upheld by the Constitutional Court on October 2--that granted him expanded emergency powers with the potential to abridge individual rights. On September 10, President Uribe issued Decree 2002, which allowed members of the public security forces to perform arrests, searches, and wiretaps without a written warrant. Oral authorization from a judicial authority was still required, except in exigent circumstances. Arrests, searches, and wiretaps made without prior judicial authorization had to be fully justified within 24 hours. On November 26, the Constitutional Court struck down's Decree 2002's grant of police powers to the armed forces, ruling that only prosecutorial authorities may determine when privacy rights can be infringed in the interests of public safety. Decree 2002 also authorized the creation of special "Rehabilitation and Consolidation Zones" in which military authorities can exercise exceptional powers, including limiting civilian movements and temporarily commandeering private property and individual services. Two such zones were created during the year, one in the department of Arauca and another encompassing portions of Bolivar and Sucre departments. In its November 26 decision, the Constitutional Court overturned a provision granting the military authority to conduct censuses in these zones.

With the exception of exigent circumstances, the law generally requires a judicial order signed by a senior prosecutor for authorities to enter a private home without the owner's consent, even in Rehabilitation Zones. The MOD continued training public security forces in legal search procedures that comply with constitutional requirements and human rights standards.

Government authorities generally need a judicial order to intercept mail or monitor telephone conversations. This protection extends to prisoners. However, government authorities sometimes monitored telephone conversations without authorization.

An investigation by the Fiscalia continued into extensive illegal wiretapping of human rights NGOs by the Medellin GAULA (see Section 1.b.). Prosecutors also continued investigating the April 2001 killing of police officer Carlos Ceballos, who testified in the case (see Section 1.a.). The Procuraduria was conducting its own disciplinary investigation into Ceballos's killing.

The Government generally did not punish family members for alleged violations committed by their relatives. However, there were complaints that some family members of guerrilla leaders were falsely accused of crimes. For example, on July 16, DAS officials in Bogota arrested Javier Carvajalino, brother of FARC leader Jesus Emilio Carvajalino, alias Andres Paris. Javier Carvajalino, a respected attorney with the Bogota district office of the Human Rights Ombudsman's Office, was accused of conspiracy to commit terrorist attacks in the nation's capital. The arrest was criticized not only by human rights NGOs, but by government officials as well, and on November 20, Carvajalino was released from custody following a decision by a senior prosecutor to close the case for lack of evidence.

Paramilitaries illegally monitored private communications in attempts to identify guerrilla collaborators. They also forcibly entered private homes when searching for suspected guerrillas. Paramilitaries caused forced displacement. Paramilitaries harassed, threatened, and killed individuals because of their membership in leftist political organizations, and also threatened and killed family members of known guerrillas.

Guerrillas also arbitrarily interfered with privacy, home, and family rights. For example, guerrillas used wiretaps and accessed private bank accounts to select victims to extort and kidnap. Guerrillas also broke into private homes in

search of kidnap victims. The FARC caused mass displacements of peasants and engaged in forced conscription, particularly of minors (See Sections 1.g. and 5).

Children were also among the preferred kidnaping targets of guerrillas (see Section 1.b.).

Guerrillas continued a policy of killing, attacking, and threatening off-duty police and military personnel, their relatives, and citizens who cooperated with them.

Former female guerrillas reported forced abortions and forced implantation of intrauterine devices (see Section 1.g.).

#### g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The country's 40-year-old internal conflict--among government forces, several leftist insurgent groups, and a right-wing paramilitary movement nominally supportive of the State--intensified during the year. The internal armed conflict, and the narcotics trafficking that both fueled it and prospered from it, were the central causes of violations of human rights and international humanitarian law. In her 2001 report, U.N. High Commissioner for Human Rights Mary Robinson noted that all sides in the conflict failed to respect the principles of humanitarian law. She said that "the conflict has deteriorated to such an extent that combatants are disregarding the most basic humanitarian precept...the defenseless civilian population and children continue to be the principal victims of these actions." For example, in November 2001, the World Food Program reported that armed groups had been hijacking trucks carrying deliveries intended for displaced children.

The Human Rights Ombudsman's Office stated in its 2001 report that women, who by and large remain socially and economically disadvantaged, continued to be affected disproportionately by violence, particularly in war zones (see Section 5). The Ombudsman's Office also noted a lack of government programs to address their problems. Female leaders of political and peasant organizations in various regions were the targets of abuse, threats, torture, and executions. Intrafamilial violence, sexual assault, and killing of women remained serious problems throughout the country (see Section 5). More than 30 percent of FARC combatants were female. Several observers criticized the use of female combatants in guerrilla organizations as sex slaves (see Sections 1.f. and 5).

Government security forces generally abided by international humanitarian law and respected human rights; however, some members of the security forces violated these standards and committed serious violations of human rights. Data gathered by CINEP indicated that during the first 6 months of the year, state security forces were responsible for the deaths of 30 civilians during combat operations. Paramilitary groups and guerrillas committed the great majority of abuses.

In December Amnesty International (AI) published "Colombia: Security at What Cost?", a report that alleged that the Government contributed to impunity by weakening the role of civilian human rights institutions, restricting the rights of civilians through security measures authorized by the declaration of a "State of Internal Disturbance" and Presidential Decree 2002, and drawing the civilian population into the internal conflict through policies such as its civilian informant program. The Government insisted it was not undermining civilian institutions and that enhanced security measures were necessary to establish a secure environment in which illegal armed groups could not infringe on human rights.

There were no reports during the year that the Government militarized public hospitals in conflict areas, which had increased the risk that the hospitals would become targets of guerrilla attack. There were no reports that the Government refused medical treatment to guerrillas. In 2000 the Constitutional Court ruled that state security forces could not maintain installations such as police stations next to schools, to avoid endangering the lives of students in case of guerrilla attacks; however, this practice continued in some communities.

Forced displacement is a crime; however, military counterinsurgency operations sometimes forced peasants to flee their homes and farms, and there was a very large population of IDPs (see Section 2.d.). NGOs and international governmental organizations sometimes blamed government negligence for large-scale displacements, as occurred in May in the department of Choco, where combat between the FARC and AUC along the Atrato River displaced at least 3,000 persons from the town of Bojaya and surrounding communities. The UNHCHR held the Government partly responsible for events at Bojaya, where 119 civilians died, since the Government appeared to have ignored warnings from the Catholic Church about large groups of paramilitaries traveling past military installations along the Atrato. On June 18, the Procuraduria opened a formal investigation into the conduct of the security forces before, during, and immediately after the Bojaya tragedy.

The ICRC reported that the Government, including military authorities, followed an open-door policy toward the ICRC. For example, in the weeks following the abolition of the former FARC "despeje," the ICRC was the only international organization granted access to the region. The military readily incorporated Red Cross curriculums on international humanitarian law in standard military training. However, impunity remained a problem. According to military sources, local commanders often transferred or discharged soldiers accused of serious human rights violations, rather than initiate legal proceedings. It remained unclear how many suspected human rights violators were investigated or prosecuted after being dismissed (see Section 1.e.).

There was still no decision by an army judge regarding the responsibility of members of an army unit for the 2000 shooting deaths of six children in the town of Pueblo Rico, Antioquia department. The Superior Military Tribunal returned the case for reconsideration in April 2001 following an initial ruling of innocence based on findings that the children were caught in a crossfire between the army and ELN guerrillas. A decision by the Procuraduria was pending regarding a parallel disciplinary investigation of the case.

In October the Procuraduria ordered the dismissal of two air force pilots involved in the 1998 bombing of the town of Santo Domingo, Arauca department. The pilots, who at the time of the bombing were supporting army units engaged in combat with the FARC, were ruled to have acted negligently. On October 31, the Constitutional Court ruled that a parallel criminal case being handled by the military justice system should be transferred to civilian court. The air force refused to accept responsibility for the incident. On January 25, presumed paramilitaries shot and killed Angel Riveros, a witness in the Santo Domingo investigation and community leader in Arauca department.

Some members of the public security forces--principally enlisted personnel and noncommissioned officers--collaborated with or tolerated the activities of illegal paramilitaries. Reasons for collaboration or tolerance varied from ideological sympathy and perceived operational exigencies to corruption and participation in illegal paramilitary activities such as drug trafficking. On May 27, civilian law enforcement authorities arrested army Major Orlando Alberto Martinez for his alleged role in trafficking thousands of AK-47 assault rifles from Bulgaria to the AUC. On May 30, Martinez was dismissed from the armed forces based on the discretionary powers of Presidential Decree 1790 of 2000 (see Section 1.e.).

Civilian defense authorities and the military high command repeatedly emphasized official opposition to paramilitarism and the Government's commitment to combat paramilitaries and guerrillas with equal vigor. In the first 11 months of the year, public security forces killed 183 paramilitaries in combat and captured 1,214.

Paramilitaries were responsible for numerous violations of international humanitarian law and human rights. There were approximately 12,000 paramilitaries in the country, organized into several associations, the largest and most influential of which was the terrorist organization AUC. The AUC experienced a series of leadership crises during the year that led to its temporary breakup and a reduction in its membership. The largest of the paramilitary organizations that formally remained a part of the AUC was the United Self-Defense Forces of Cordoba and Uraba (ACCU), which operated in the northern part of the country and was led by the principal organizers of the AUC, Carlos Castano and Salvatore Mancuso.

Following a November 2001 statement by Castano promising an end to paramilitary massacres, the number of massacres committed by paramilitaries appeared to drop dramatically. However, paramilitaries still committed massacres and were responsible for many selective political killings (see Section 1.a.), which frequently involved kidnaping and torture (see Sections 1.b. and 1.c.). Paramilitary groups used terror as a tactic to take support away from guerrillas.

Paramilitaries forcibly displaced civilians residing along key drug and weapons transit corridors or suspected of harboring sympathies for guerrillas. For example, on August 18, approximately 400 armed paramilitaries arrived in the villages of San Francisco and Puerto Matilde, located in a FARC-dominated region along the Cimitarra river in the municipality of Yondo, Antioquia department. Approximately 600 persons were displaced. The Human Rights Ombudsman's Office reported receiving 1,528 complaints of forced displacement by paramilitaries as of October 31. Paramilitaries also prevented or limited the delivery of foodstuffs and medicines to towns and regions considered sympathetic to guerrillas, straining local economies and increasing forced displacement, particularly in the departments of Choco, Antioquia, Santander, Bolivar, Cesar, and La Guajira (see Section 2.d.). For example, in March, paramilitary violence and intimidation against persons transporting food and supplies to the town of San Jose de Apartado, in the Uraba region of Antioquia department, created a de facto blockade of the town.

Hundreds of civilians died during the year as a result of combat between paramilitaries and guerrillas. For example, the UNHCHR held the AUC partly responsible for the deaths of 119 civilians killed by a FARC cylinder bomb in

Bojaya, Choco department, based on the fact that AUC fighters exposed the civilian population to danger by taking shelter in the town. Throughout the year, civilians in poor urban areas and rural districts were killed and wounded during exchanges of gunfire between illegal armed groups. For example, on May 30, four civilians in the "Veinte de Julio" neighborhood of Medellin, Antioquia department, were killed by stray bullets during a firefight between paramilitaries and leftist urban militias.

Paramilitaries failed to respect the injured and medical personnel. Doctors and hospitals suspected of treating guerrillas were frequently declared military targets. For example, on August 16, paramilitaries posing as patients killed nurse Amparo Figueroa at the local hospital in the town of Miranda, Cauca department. Figueroa's name figured on a paramilitary hit list of health care personnel accused of providing medical care to guerrillas. The March 2001 paramilitary kidnaping and killing of a wounded ELN guerrilla being transported in a Red Cross ambulance led the ICRC to suspend the evacuation of wounded combatants. ICRC evacuations remained suspended throughout the year. On December 31, the AUC issued a written pledge that it would not attack ambulances, medical infrastructure, medical workers, and members of medical missions.

In anticipation of potential peace negotiations with the Government, the AUC declared a unilateral cease-fire beginning December 1. Several unaffiliated paramilitary groups agreed to abide by similar cease-fires. On December 16, Congress amended Public Order Law 418 of 1997, which authorizes the President to negotiate with "illegal armed groups", to allow negotiations with groups, such as paramilitaries, that had not been granted "political status" by the Government. On December 26, the Government named six individuals to a special "exploratory commission" that, in cooperation with Peace Commissioner Luis Carlos Restrepo, was to make contact with paramilitary groups that had expressed an interest in seeking peace with the Government. However, not all paramilitaries abided by the cease-fire, and some continued to commit serious violations of human rights.

Although paramilitaries continued to recruit minors throughout the year (see Section 5), in December the Central Bolivar Block released a total of 19 child soldiers into the custody of a humanitarian commission headed by the Colombian Family Welfare Institute (ICBF) (see Section 5).

The country's two largest left-wing guerrilla organizations are the 16,500 member terrorist organization Revolutionary Armed Forces of Colombia (FARC) and the 4,500 member terrorist organization National Liberation Army (ELN). While the FARC has grown larger and more prosperous in recent years, due to drug trafficking and the temporary security of the despeje, the ELN has been in steady decline. In many areas previously dominated by the ELN, the two guerrilla groups worked together to combat government forces and paramilitaries.

Both the FARC and the ELN systematically attacked noncombatants and violated citizens' rights through unlawful killings, kidnapings, and torture (see Sections 1.a., 1.b., and 1.c.). Guerrillas were responsible for a large percentage of civilian deaths related to the internal conflict. The Human Rights Ombudsman's Office reported that as of October 31, 63 percent of complaints it had received regarding violations of international humanitarian law related to abuses by guerrillas. The FARC alone accounted for at least 45 percent of these complaints. According to CINEP, guerrillas killed 1,243 civilians during the first 6 months of the year. CINEP attributed 1,115 of these deaths to the FARC, and 58 to the ELN. The Ministry of Defense attributed 916 civilian deaths, or 70 percent of total unlawful killings, to guerrillas (see Section 1.a.). The FARC continued to kidnap, torture, and killing off-duty soldiers and policemen as part of its openly acknowledged "Pistol Plan" (see Sections 1.a., 1.b., and 1.c.). Guerrillas also were responsible for attacks on religious and indigenous leaders and forcibly recruited minors (see Sections 1.g., 2.c., and 5).

Guerrillas failed to respect the injured and medical personnel. Both the FARC and ELN frequently executed wounded prisoners and threatened and killed doctors and nurses. On August 30, for example, a joint FARC/ELN unit attacked an ambulance outside the town of Morales, Bolivar department, seriously injuring three health care workers. On July 28, the ELN stopped an ambulance outside the town of Cravo Norte, Arauca department, killed the driver, and stole the medicine he was transporting. On December 31, the ELN issued a written communique in which it pledged not to attack ambulances, medical infrastructure, medical workers, and members of medical missions. According to the Free Country Foundation, guerrillas were responsible for the kidnapings of 29 doctors during the year, most for economic reasons (see Section 1.b.).

Guerrillas forcibly displaced peasants to clear key drug and weapons transit routes and remove potential government or paramilitary collaborators from strategic zones. For example, in early August the FARC forced the departure of at least 1,600 peasants from the village of Puerto Alvira, Meta department, which is located along the Guaviare river, a key transit route. The Human Rights Ombudsman's Office reported receiving 2,202 complaints of forced displacement by guerrillas, including at least 1,500 instances of forced displacement by the FARC. Guerrillas also blockaded communities in areas in which they exerted control. For example, following a major landslide in the San Lucas mountain range of Bolivar department that destroyed several small communities, the ELN prevented government officials and rescue teams from reaching the area for nearly a week. On December 30,

near the town of San Lucas, eastern Antioquia department, the ELN declared that no vehicle would be allowed to enter or leave the town. The following day, less than a mile outside of town and despite the presence in San Lucas of significant numbers of police and army personnel, the ELN enforced its order by executing five truck drivers who ignored its edict. Later on December 31, the ELN destroyed a major bridge linking San Lucas with the Medellin-Bogota highway.

Guerrillas used landmines to defend static positions such as base camps and drug labs and as indiscriminate weapons of terror. According to the Vice President's Office, landmines killed an average of two persons each day. There were approximately 100,000 landmines in use in the country, spread throughout 40 percent of the national territory. There were 155 land mine incidents through September 15, involving 459 victims, 107 of whom died. Fifty-five percent of these casualties were members of the Armed Forces. Guerrillas were responsible for over 90 percent of landmine incidents. In September the International Campaign to Ban Landmines singled out the FARC for criticism as one of the world's foremost users of landmines. The FARC disguised landmines as everyday items such as soccer balls and paint cans, and increasingly used plastic mines that could not be detected by standard minesweeping technology. Thousands of IDPs were unable to return to their homes because of fear of landmines (see Section 2.d.).

Combat between guerrillas and state security forces or paramilitaries resulted in thousands of civilian casualties. For example, on May 2, FARC forces launched an inaccurate gas cylinder bomb at AUC forces taking cover in the small town of Bojaya, located along the Atrato river in central Choco department. The bomb struck the town church, where approximately 300 civilians had sought refuge from the fighting, leaving 119 civilians dead, including 45 children, and at least 105 wounded. On May 20, the UNHCHR's country office held the FARC responsible for having fired the gas cylinder. On June 8, FARC commander Alfonso Cano was reported to have described the Bojaya attack as a mistake caused by the nature of warfare. On November 8, AI published a letter to FARC Commander Manuel Marulanda rejecting Cano's excuse and calling on the FARC to issue a statement promising to respect the right of the civilian population not to be drawn into the armed conflict.

According to the Ministry of Defense, as of November 30, guerrillas, particularly the FARC, and, to a lesser extent, the ELN, committed nearly 1,000 terrorist bombings. In the early morning hours of April 7, for example, a large car bomb exploded in a congested nightclub area of Villavicencio, Meta Department. The car bomb, which killed 11 and wounded at least 70, was detonated as a secondary device that targeted onlookers who arrived to see the results of a smaller explosion 5 minutes earlier. On October 22, a FARC car bomb exploded outside Bogota's metropolitan police headquarters, killing 3 persons and injuring at least 39. A similar bomb exploded outside another Bogota police station on December 9, injuring 35. On December 10, Bogota police seized four additional FARC car bombs capable of even greater destruction. On December 13, a powerful FARC bomb disguised as a briefcase exploded in a crowded restaurant on the 30th floor of an upscale residential and commercial complex in Bogota, wounding at least 30 persons. On December 21, the ELN detonated a large car bomb next to police headquarters in Cucuta, Norte de Santander department, killing four civilians.

The FARC also targeted particular individuals for bombings. On December 13, for example, a FARC book bomb exploded in the hands of Senator German Vargas, a strong supporter of President Uribe. Vargas lost a finger in the explosion. On August 20, a similar book bomb addressed to Prosecutor General Luis Camilo Osorio was intercepted by CTI agents before it reached him. The FARC also used other, more creative methods of bomb delivery, such as attaching explosives to mules and dogs, rigging lost wallets, and booby-trapping dead bodies. For example, on April 22, members of the FARC's 61st Front forced two children to lead a horse loaded with explosives toward a military checkpoint near the town of Acevedo, Huila department. The charge exploded prematurely, killing one of the children. On May 3, FARC guerrillas killed a 14-year-old boy, attached explosives to his body, and forced a civilian to drive it to an army barracks in Vista Hermosa, Meta department, where it was deactivated by military anti-explosives experts. On December 30, near Cerro Azul, southern Bolivar department, an army soldier lost a leg when he accidentally activated a FARC-rigged bomb attached to the body of a dead paramilitary fighter killed in FARC-AUC combat 5 days earlier.

Following the abolition of the despeje in February, the FARC intensified its systematic campaign to attack and cripple the nation's infrastructure. According to government figures, the FARC destroyed 483 electrical towers, costing the nation approximately \$335 million (760.45 billion pesos) in repair costs and overall damage to the national economy. Large regions of the country were plunged into darkness for weeks at a time. The town of San Vicente del Caguan, former capital of the despeje, which depended on electrical pumps to draw water from underground wells, suffered particularly serious deprivation as threats of FARC violence discouraged private trucking companies from shipping in water, food, and other basic supplies. As of September 30, the National Transportation Association reported that at least 75 buses had been hijacked and destroyed by guerrillas, resulting in a loss of at least \$4 million (9.08 billion pesos).

The FARC, in conjunction with the ELN, also blew 74 holes in the nation's oil pipelines, resulting in a loss of approximately \$225 million (510.75 billion pesos) in government revenue. Attacks on the oil infrastructure also caused significant environmental damage. On August 12, prosecutors formally charged 9 members of the ELN, including senior leader Nicholas Rodriguez, alias "Gabino", with murder for a 1998 oil pipeline bombing in Antioquia department that killed 84 persons. The FARC also destroyed 62 telecommunications towers and 100 bridges. In addition, the FARC committed 12 attacks against dams and aqueducts, the most notorious of which was its attempt to blow a hole in Chingaza Dam, Bogota's principal source of drinking water. Had the attack on Chingaza succeeded, it would not only have risked the water supply of the country's largest city, but also flooded and destroyed Villavicencio, a city with an estimated population of 300,000 and capital of the department of Meta.

In its November 8 letter to FARC commander Manuel Marulanda, AI expressed concern over the FARC's July 23 killing of Embera indigenous leader Bertufflo Domico in Dabeiba, Antioquia department (see Section 5). The letter also described the killing of several evangelical pastors, including Abel Ruiz on July 31, by presumed FARC members in San Vicente del Caguan, Caqueta department (see Section 2.c.). Amnesty, as it has in the past, criticized the recruitment of minors and the violence committed against women in the FARC (see Section 5). The letter called on the FARC and all armed groups in the country to respect the rights of noncombatants.

## Section 2. Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press and the Government generally respected these rights in practice; however, journalists regularly practiced self-censorship to avoid retaliation and harassment by various groups. Individuals criticized the Government both publicly and in private without fear of reprisal. The privately owned print media published a wide spectrum of political viewpoints and often sharply criticized the Government without fear of reprisals. Media ownership remained highly concentrated. Wealthy families or groups associated with one of the two dominant political parties consolidated their holdings of news media, and regional firms continued to purchase local news media outlets. As a result of the general economic downturn, large press conglomerates closed radio stations and newspaper offices in certain provinces and reduced staff. In September financial problems forced *El Espectador*, the nation's oldest newspaper, to change from a daily to a weekly publication. Economic problems and concentration of media ownership limited the media's resources, causing it to rely heavily on a smaller pool of advertisers, including the Government. The National Television Commission continued to oversee television programming throughout the year.

The Government did not use libel laws to suppress criticism or engage in direct or indirect censorship of the media. However, the media's reliance on government advertising revenues may have reduced its criticism of Government actions and policies.

The Government did not assert "national security" to suppress views that were merely politically embarrassing or objectionable on other grounds. However, Reporters Without Borders criticized the presidential decree that created Special Rehabilitation and Consolidation Zones in highly conflictive areas that foreigners, including journalists, could enter only with special permission from government authorities. The organization stated that "the possibility of journalists being refused entry into the special zones is a flagrant violation of the Inter-American Human Rights Convention, whose article 13 guarantees freedom of movement for journalists." In accordance with a November 26 decision by the Constitutional Court, the Government announced that it would grant foreign press correspondents registered with the Government's international press office expedited authorization to visit Rehabilitation Zones. A ban on the publication of evidence pertaining to criminal investigations, based on secrecy provisions of the penal code and an anticorruption statute, also remained in effect.

Police or other public security forces generally did not subject journalists to harassment, intimidation, or violence. However, there were exceptions, as well as reports of threats against journalists from local officials accused of corruption. On January 30, unknown persons shot Orlando Sierra, deputy editor and columnist for *La Patria* newspaper in Manizales, Caldas department. He died on February 1. On May 9, Luis Fernando Soto was sentenced to 19 years in prison for the crime, but accepted a plea bargain that reduced his sentence by 10 years. Two other persons were under arrest and awaiting trial. A joint investigation by seven prominent newspapers and magazines revealed that local politicians, whom Sierra had frequently accused of corruption, may have ordered his killing.

During the year, both paramilitaries and guerrillas intimidated, threatened, kidnaped, and killed journalists. According to information gathered by the International Federation of Journalists (IFJ) and the Colombian Foundation for Press Freedom (FLIP), at least 10 media representatives were killed, 75 threatened, and 12

kidnaped. At least four of the media representatives killed during the year were killed as a direct consequence of their work. The number of reported threats was believed to be low, since many targeted individuals did not report threats to government authorities or NGOs. Domestic and international NGOs and other international organizations reported self-censorship by the media due to threats from illegal armed groups. In May the Committee to Protect Journalists included the country on a list of the 10 worst places to be a journalist, noting that 29 journalists had been killed in the country in the last 10 years.

Paramilitaries regularly threatened journalists. For example, in an interview published in the July 8 edition of Santander department's *Vanguardia Liberal* daily, a paramilitary commander from the Middle Magdalena region threatened to execute journalists who published sensationalistic stories about paramilitary atrocities. In a July 29 communique, paramilitaries in the department of Arauca stated that "journalists, anchormen, correspondents, and media owners and managers" would be declared "military targets" if they failed to "live up to the responsibilities of their profession."

On March 21, *El Espectador* columnist Fernando Garavito went into exile abroad because of death threats, allegedly from paramilitaries. In his columns, Garavito had harshly criticized paramilitary groups, as well as then-presidential candidate Alvaro Uribe.

Paramilitaries were suspected of killing journalists. For example, on June 28, outside the city of Arauca in the department of the same name, presumed paramilitaries intercepted a vehicle driven by Efrain Alberto Varela, director of local radio station *Meridiano 70*. Despite the pleas of Varela's sister and brother-in-law, he was removed from the vehicle and killed. Six days before his death, he had denounced on the air the arrival of over 100 paramilitaries in the city of Arauca.

No progress appeared likely in an investigation by the Fiscalia into the September 2000 paramilitary killing of Carlos Jose Restrepo, publisher of a small newspaper in the department of Tolima and a former member of the now demobilized M-19 guerrillas.

In November a specialized criminal court in Bogota began receiving evidence in the trial of two hired killers suspected of killing journalist, comedian, and human rights activist Jaime Garzon in 1999. AUC leader Carlos Castano was being tried in absentia for his role in organizing Garzon's death.

On July 26, a specialized criminal court in Bucaramanga, Santander department, sentenced two paramilitaries to 19 years in prison for the 1999 murders of cameraman Luis Alberto Rincon and photographer Alberto Sanchez in the town of Playon.

The offices of the Prosecutor General and Inspector General were awaiting a ruling on their appeals of "not guilty" verdicts issued in favor of two paramilitaries accused of murdering newspaper editor Guzman Quintero in Valledupar, Cesar department, in 1999.

There were no developments in the investigation of the 2000 kidnaping and rape of journalist Jinet Bedoya by men identifying themselves as paramilitaries. No progress in the case appeared likely.

Guerrillas frequently threatened journalists. For example, in July the FARC's urban front operating in Cali, capital of Valle del Cauca department, sent a statement to the local office of the RCN media group accusing eight journalists of being "enemies of the people and defending the interests of the ruling oligarchy." The eight were warned to leave the city within 3 days or be killed.

Guerrillas also kidnaped journalists or held them against their will. For example, on February 19 and 20 near the village of El Currillo on the border between the departments of Putumayo and Caqueta, members of the FARC's 49th Front held foreign correspondent T. Christian Miller captive while they verified his press credentials. They released Miller after 24 hours in captivity. On August 6, near the town of Mistrato in the department of Risaralda, members of the FARC's Aurelio Rodriguez Front kidnaped three media representatives from the local *El Tiempo Cafe* newspaper and released them the next day. Most guerrilla kidnapings of journalists were brief.

Guerrillas also killed media representatives. For example, on July 11, members of the FARC abducted and shot Elizabeth Obando at a roadblock near the town of Playa Rica, Tolima department. Obando died from her wounds on July 13. Obando, who was responsible for the distribution of regional newspaper *El Nuevo Dia* in the municipality of Roncevalles, had been involved in a public confrontation with a regional FARC leader who objected to a story in the paper criticizing FARC extortion, child soldier recruitment, and forced "agrarian reform" in the area.



Threats of violence drove at least 13 journalists into exile, joining five who had left the country in 2001. Former RCN journalist Claudia Gurisatti remained in exile because of FARC threats. Three suspects arrested for conspiring to kill her were released because of lack of evidence. Vice President Francisco Santos, former editor of the country's largest circulation newspaper, Bogota's *El Tiempo*, and founder of the Free Country Foundation, a prominent anti-kidnaping NGO, returned from exile to assume the responsibilities of the vice-presidency.

The authors of most threats and acts of violence against journalists remained undetermined. For example, no progress was made and little further progress seemed likely in investigations by the Fiscalia into the 2000 deaths of radio journalists Guillermo Leon and Alfredo Abad in Florencia, capital of Caqueta department.

In October the International Federation of Journalists opened an office in Bogota to monitor violence against the media and help provide assistance to local journalists. In 2000 the Inter-American Press Society had opened its own rapid action unit in Bogota to help the Fiscalia investigate crimes against journalists. The Ministry of Interior operated a program for the protection of journalists, established by an August 2000 presidential decree. During the year, the program provided protection to 41 journalists. The Ministry of the Interior also supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line. In October the Attorney General's office, in response to rising crimes against journalists, added 12 new prosecutors to its unit dedicated to investigating attacks against the press.

Domestic organizations that promoted freedom of the press included the Colombian Foundation for Press Freedom (FLIP) and Media for Peace.

The Government did not limit or block access to the Internet or censor websites.

The Government did not restrict academic freedom. However, paramilitary groups and guerrillas maintained a presence on many university campuses, aimed at generating political support for their respective campaigns and undermining support for their adversaries through both violent and nonviolent means. Paramilitaries threatened and killed university professors and students they suspected of leftist sympathies. For example, in 1999 the AUC took credit for killing a University of Antioquia student. Following the killing, the AUC released a list of other "subversive" students it demanded cease their "delinquent activities" or leave the university on pain of death. Several of these students withdrew. Paramilitaries have had their greatest influence in the north of the country, where in the last 7 years they are suspected of killing as many as 12 students and professors at the University of Atlantico, in Barranquilla, Atlantico department, and as many as 10 at the University of Cordoba, in Monteria, Cordoba department.

Leftist guerrillas used university campuses to plan, prepare for, and carry out terrorist attacks. On October 26, the Medellin metropolitan police discovered 332 explosive devices hidden on the campus of the University of Antioquia. The explosives were linked to an illegal student organization with ties to FARC urban militias. On November 20, a protest at the Industrial University of Santander (UIS), in Bucaramanga, turned violent, apparently after six members of the ELN infiltrated the demonstration against the university's new private security firm, which leftist students accused of participating in the Government's civilian informants program. One student was killed, and 10 students and 12 policemen were injured. On November 22, four mortar rounds launched from the campus of the National University landed on a grass field in front of the headquarters of the Fiscalia, wounding one passerby. At year's end, a government investigation had uncovered no evidence of student involvement in the attack.

Both paramilitary groups and guerrillas regularly threatened and killed public school teachers, particularly at the high school level. In November Minister of Education Cecilia Maria Velez reported that approximately 800 teachers, mostly in rural areas, were working under the shadow of death threats from illegal armed groups, particularly the FARC. According to the National Teacher's Union (FECODE), 83 teachers were killed during the year, most by paramilitaries. For example, on October 28, in the village of Media Luna, Pivijay municipality, Magdalena department, four alleged members of the AUC shot and killed Oscar David Polo at the entrance of the school where he taught. Four teachers were killed in this small municipality during the year, and 9 total in the department of Magdalena. A total of 14 teachers were killed in the department of Antioquia, more than in any other department.

Investigations continued into 1999 attacks against three prominent academics: Jesus Antonio Bejarano, a former government peace commissioner; Dario Betancur, head of the social sciences faculty of Bogota's Universidad Pedagogica; and Hernando Henao, an anthropologist who published on the subject of displaced persons. Prosecutors suspected the FARC of responsibility for Bejarano's death and the AUC of responsibility for killing Henao.

As a result of these and other incidents, many professors and students assumed a lower profile. Some universities banned extracurricular social activities that addressed controversial topics related to the internal armed conflict. Some academics went into voluntary exile.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, and the Government generally respected this right in practice. The authorities normally did not interfere with public meetings and demonstrations and granted the required permission except when they determined that there was imminent danger to public order.

There were large demonstrations on many occasions by citizens throughout the country, some to repudiate terrorist activities, and others to protest government budget cuts and social policies. The authorities generally did not interfere. For example, on September 16, approximately 800,000 public employees throughout the country went on strike and held large marches in major cities to protest government-sponsored pension, labor, and tax reform bills. The protest was generally peaceful. However, the following day, government officials announced that employees whose positions were considered essential, such as firefighters and judges, would be sanctioned for having participated in the strike. Also, throughout the week of September 16 there were clashes between members of the public security forces and peasants conducting parallel mobilizations in rural areas to protest government agricultural programs and related policies. The security forces temporarily detained hundreds of peasants to enforce a government decree that prohibited impeding transportation on public highways. The Government claimed, and some peasants confirmed, that the FARC pressured some peasants into participating in the protests. On September 17, the Government expelled three Spanish citizens it claimed were inciting peasant protests (see Section 4).

The Constitution provides for freedom of association, and the Government generally respected this right in practice. Legal organizations are free to associate with international groups in their field. However, membership in proscribed organizations such as the FARC, ELN, EPL, and AUC is a crime. Freedom of association was limited in practice by threats and acts of violence committed by illegal armed groups against labor unions and NGOs (see Sections 4 and 6.a.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Although there is no official state religion, most citizens were Roman Catholic and the Roman Catholic Church retained a de facto privileged status. Accession to a 1997 public law agreement with the State is required for non-Roman Catholic religions to minister to their adherents in public institutions, such as schools and hospitals. Although 12 Christian churches acceded to the agreement, the Government has not given a similar opportunity to hundreds of other mostly small, evangelical churches that received legal recognition after 1997. Protestant churches also complained that new zoning laws showed de facto favoritism toward Roman Catholicism, since most Roman Catholic cathedrals were constructed before zoning laws were instituted and were therefore exempt from the laws' requirements.

The Human Rights Unit of the Fiscalía reported that it was investigating 42 crimes believed to have been religiously motivated.

Paramilitaries sometimes harassed religious leaders and members, usually for political reasons.

On March 6, a court sentenced the convicted murderer of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigo Egiluz to 31 years in prison. Nine alleged members of a paramilitary group arrested in connection with this crime were released for lack of evidence. The case was closed at year's end.

The FARC and ELN threatened and committed acts of violence against religious leaders and members, usually for political reasons, and inhibited the right to free religious expression in areas they controlled.

The Bishop's Conference of the Roman Catholic Church reported that illegal armed groups killed 11 Catholic priests during the year. The FARC is suspected of most of these killings. On January 12, Guillermo Leon Corrales, a Roman Catholic priest resident overseas who was visiting family, was killed in the town of La Estrella, near Medellin, Antioquia department. Several years earlier, Corrales had been threatened by members of a radical leftist student organization at the Medellin high school where he taught. Another priest was confirmed killed by the FARC in the same region the following day. The Government was investigating the possibility that the killings were

related.

On March 16, Isaias Duarte, Roman Catholic Archbishop of Cali, was killed as he left a church in a poor Cali neighborhood. On November 29, the Fiscalia indicted FARC 30th Front commander John Fredy Jimenez and a hired gunman for carrying out the crime. A second gunman had been killed in prison in May. Prosecutors also opened a formal investigation of seven members of the FARC Secretariat, including Pedro Antonio Marin, alias "Tirofijo," and Jorge Briceno, alias "Mono Jojoy," who they suspected ordered Duarte's killing to silence his blunt criticism of their criminal activities and insincerity in peace negotiations.

On July 13, two unknown assailants killed Sister Marta Ines Velez, director of the Marcelino Mothers Shelter in the town of Mogotes, Santander department. Sister Velez was the religious community delegate to the Mogotes community assembly, an organization whose efforts to promote peace won the town the country's 1998 National Peace Prize.

On October 20, the army foiled a plot by the FARC to kidnap Francisco Javier Munera, the Roman Catholic Bishop of Florencia, Caqueta department. After the army learned of the plot, Bishop Munera was moved to a different location.

On November 11, FARC guerrillas kidnaped Jorge Enrique Jimenez, president of the Latin American Bishops Conference and Bishop of Zipaquirá, Cundinamarca department, along with parish priest Desiderio Orjuela. On November 15, members of the armed forces rescued the two churchmen.

According to the Christian Union Movement (MUC), an association of evangelical Christian churches, 32 Protestant pastors had been killed as of November 30. According to the MUC, 93 pastors had been killed since 1994. The FARC was believed responsible for 90 percent of the killings of Protestant pastors. FARC threats and violence forced the closure of hundreds of evangelical churches, particularly in the southwestern part of the country. According to the MUC, the FARC targeted Protestant pastors and church members for political, rather than religious, reasons.

In August FARC guerrillas shot and killed Pentecostal clergyman Abel Ruiz in San Vicente del Caguan, Caqueta department, capital of the FARC's former despeje. On July 14, FARC guerrillas shot and killed Jose Vicente Flores, another United Pentecostal Church minister, in the same church.

On October 17, near the town of Anserma, Caldas department, ELN guerrillas executed Bishop Gabriel Arias, Vicar of Armenia, Quindio department, while Arias was on a humanitarian mission to plead for the release of former Quindio governor Ancizar Lopez, the victim of an ELN kidnaping.

Authorities failed to capture the FARC's Arley Leal and Milton de Jesus Tonal, who were suspected of the 1998 killing of Roman Catholic priest Alcides Jimenez in Putumayo. The Procuraduria continued to investigate possible government negligence in failing to prevent the killing.

Investigations continued into the March 2000 killing of Roman Catholic priest Hugo Duque in Supia, Caldas department, and the March 2001 killing of Protestant pastor Onofre Hernandez in Arauca City, Arauca department. There appeared to be little likelihood of progress in either case.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides citizens with the right to travel domestically and abroad, and the Government generally respected this right in practice; however, there were exceptions. For example, in areas where counterinsurgency operations were underway, police and military officials often required civilians to obtain safe-conduct passes. In special Rehabilitation and Consolidation Zones established by presidential decree, travel was restricted and persons were sometimes detained for up to 24 hours so that officials could conduct identification checks as provided by law. Paramilitaries and guerrillas used similar means to restrict travel in areas they controlled. The Government implemented curfews in conflict zones. Outsiders who wished to enter indigenous reservations had to be invited.

Throughout the year, roadblocks erected by paramilitaries guerrillas, and peasant farmers inhibited transportation, communication, and commerce (see Sections 1.g. and 2.a.). Social organizations also resorted to blocking roads

to protest government actions or policies (see Section 2.b.). Almost every major artery was closed at some point during the year. There were numerous reports of members of indigenous communities, particularly in Putumayo, being forbidden to leave their communities without either paramilitary or FARC permission, and in which paramilitaries and guerrillas blockaded communities.

The U.N. High Commissioner for Refugees (UNHCR) reported that 5,086 Colombians registered as refugees in Ecuador, Panama, and Venezuela. An additional 3,995 Colombians requested asylum in Ecuador, the neighboring country with the most liberal asylum policy. Hundreds of Colombians also fled to Costa Rica. There were few reports of the forced return of refugees from Panama, Ecuador, or Costa Rica, although most refugees received little assistance. There continued to be reports that refugees were forcibly repatriated from Venezuela.

In April the Constitutional Court upheld a May 2000 law that criminalized forced displacement; however, there was a large population of IDPs caused by forced conscription and incursions by paramilitaries and guerrillas, battles between illegal armed groups, and military counterinsurgency operations that displaced peasants from their homes and farms.

Both paramilitaries and guerrillas used forced displacement to gain control over disputed territories and to weaken their opponents' base of support. Authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalized, or civilians returned before it was advisable.

In August 2001, the U.N. Special Coordinator on Internal Displacement characterized the country's internal displacement problem as "acute." According to the UNHCR, the country ranks second among countries with the largest IDP populations. The Government estimated that there were 350,000 new displaced persons during the year, a significant increase from 2001. According to the Consultancy for Human Rights and Displacement (CODHES), a human rights NGO specializing in displacement issues (see Section 4), 353,000 civilians were displaced during the first 9 months of the year. If CODHES's statistics were accurate, and displacements continued at the same rate during the last 3 months of the year, over 400,000 persons were displaced during the year, an increase of at least 50,000 over 2001. Precise numbers of IDPs were difficult to obtain, since some were displaced more than once and many did not register with the Government or NGOs. The FARC and the ELN discouraged IDPs from registering with the Government through force, intimidation, and disinformation. Guerrilla agents masqueraded as IDPs to sow doubt and discontent among the displaced population. The Government's IDP service agency, the Social Solidarity Network (RSS), reported a significant increase in the number of municipalities affected by displaced populations. According to government figures, since 1996 over 927,000 citizens had registered as IDPs. CODHES estimated that over 2 million persons were displaced over the same period. The RSS worked with the UNHCR, CODHES, and the Bishop's Conference of the Roman Catholic Church to develop a system for providing more accurate estimates of IDPs; however, they had yet to reach agreement on such a mechanism.

CODHES stated that some persons have been displaced for as long as 10 years, but it could not define a typical timeframe. CODHES estimated that 65 percent of displacements became permanent, while the ICRC placed the figure at 50 percent. The U.N. Thematic Group, an intersectoral working group composed of U.N. agencies, government agencies, and NGOs, reported that state agents were responsible for less than five percent of displacements during the year. Paramilitaries, on the other hand, were responsible for 55 percent, and guerrillas for 40 percent.

The vast majority of IDPs were rural peasants displaced to cities, where many had difficulty integrating into society. Many displaced persons settled on the outskirts of large cities such as Bogota, Bucaramanga, Medellin, and Cartagena, where conditions were overcrowded and unsanitary. Poor neighborhoods were overwhelmed by a need for basic public services. According to CODHES, 57 percent of IDPs were women, 22 percent were female heads of household, and 70 percent were under the age of 19. In July UNHCR reported that 72 percent of all IDPs were women and children. Some families fled or remained displaced to avoid the forced recruitment of their children by guerrillas (see Sections 1.f. and 5). Thousands of IDPs were unable to return to their homes because of the presence of antipersonnel mines (see Section 1.g.). Displaced women and girls were particularly vulnerable to domestic violence and sexual abuse and exploitation (see Section 5). PAHO reported that only 65 percent of displaced households had access to health services through the general social security system, and that many could not afford the required co-payment, despite the fact that it was as low as 15 percent of a person's total medical expenses. UNICEF estimated that only 68 percent of displaced children attended school. Malnutrition among displaced children was common. According to the UNHCR, more than one-third of IDPs were indigenous or Afro-Colombian.

The Government was unable to provide sufficient humanitarian assistance to the displaced, despite statutes and court rulings requiring it to do so. Although conditions for IDP communities varied in different regions, conditions for

displaced persons in many locations were poor and unhygienic, with little access to health care, and few educational or employment opportunities. Government assistance for the displaced was provided principally through the RSS, the Colombian Family Welfare Institute (ICBF), and the Ministry of Health. However, the Government itself acknowledged that the ICRC and various NGOs provided 70 to 80 percent of humanitarian assistance received by the displaced. Most displaced persons received emergency humanitarian assistance from the ICRC, the RSS, or NGOs for only 90 days, although some IDPs received it for longer, and others never received any aid. The ICRC provided emergency assistance to 200,000 displaced persons during the year. The local office of the UNHCR, which is headquartered in Bogota and has four field offices throughout the country, worked to strengthen the Government's ability to address the IDP crisis. In June the UNHCR expanded to Antioquia department a project begun in 1999 to provide identification documents to IDPs. More than 52,000 persons had received documents under the project since its inception.

On December 21, the police removed an organized group of 106 IDPs from the former headquarters of the ICRC in Bogota. It appeared that the squatters departed voluntarily after having been warned that if they did otherwise, they would be forcibly evicted. Many of the IDPs already owned homes through a government-sponsored subsidy program. Those who did not own homes were lodged in a local hotel at government expense until other accommodations were found. Prior to the IDPs' expulsion, at least 200 others had either moved to their subsidized homes or found other long-term solutions that allowed them to leave the ICRC's former headquarters.

The Constitution provides for the right to asylum under terms established by law in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The country has a tradition of providing asylum dating from 1920s. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of an applicant's claim. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution. According to the U.S. Committee for Refugees, 207 recognized refugees resided in the country. During the year, 9 persons applied for asylum. Three applications were rejected, and six were pending at year's end.

### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. Presidential elections are held every 4 years, with the incumbent barred from reelection. Members of Congress are also elected to 4-year terms. Governors, mayors, and other local officials are elected to 3-year terms. Congressional and presidential elections were held in March and May, respectively. The last elections for local officials took place in October 2000.

On March 10, voters elected a bicameral legislature with a mix of Liberal, Conservative, and independent members. On May 26, voters elected independent Alvaro Uribe President. Both elections were generally free and fair, in spite of a concerted campaign by terrorist organizations such as the FARC to disrupt them. The Liberal and Conservative parties often negotiated with members of smaller, independent parties to form working coalitions. In the House, the Liberal Party held on to 58 seats, while the Conservative Party held 21. The remaining 87 seats were filled by candidates from some 40 different "independent" political movements, some loosely affiliated with the Liberal and Conservative parties. In the Senate, Liberals took 31 seats, Conservatives took 13, indigenous candidates took 2 constitutionally mandated seats, and independents filled the remaining 56 seats.

Political parties generally operated freely without government interference. Parties that fail to garner 50,000 votes in a general election lose the right to present candidates and receive government funds. However, they may reincorporate at any time by presenting 50,000 signatures to the National Electoral Board. Suffrage is universal and voluntary for citizens age 18 and over, except for active duty members of the police and armed forces, who are prohibited from voting. Civilian public employees, although eligible to vote, are not allowed to participate in partisan politics.

The congressional and presidential elections, conducted under unprecedented levels of state security, were generally free and fair, despite attempts by paramilitaries and guerrillas to interfere in the political process. However, the National Electoral Commission invalidated 17,000 votes based on evidence of fraud, annulling the victories of five Senators-elect. In areas dominated by paramilitaries, such as the department of Cordoba and urban areas of the Middle Magdalena region, paramilitaries gathered community leaders--sometimes by force--to instruct them on acceptable candidates. However, despite paramilitary boasting that they elected 35 percent of the legislature, election results revealed that candidates reportedly endorsed by paramilitaries consistently lost in regions dominated by these groups. For example, in the city of Barracabermeja, where paramilitary influence was widely acknowledged, all candidates reportedly endorsed by paramilitaries lost the elections by wide margins.

Guerrillas conducted a systematic campaign of violence designed to disrupt and discredit the national elections. The FARC attempted to assassinate Alvaro Uribe when he was a candidate more than 12 times, including a major bomb attack on April 14 in the coastal city of Barranquilla that left 3 dead and 13 injured, including 10 civilians. The FARC threatened to kill civic leaders and residents of towns in which most voters cast their ballots for Uribe, and successfully prevented thousands of peasants in rural areas from going to the polls. Nevertheless, in FARC influenced regions, such as the department of Caqueta, Uribe won by a large margin. In retaliation for Uribe's first round election victory, on June 5 the FARC killed Luis Carlos Caro, the mayor of Solita, a town in Caqueta department that voted overwhelmingly for Uribe. In an attempt to destabilize the country prior to Uribe's inauguration, the FARC extended its threats to all local elected officials throughout the country, resulting in the submission of resignations by 399 mayors nationwide. Another 300 mayors were obligated to carry out their responsibilities by telephone and messenger from relatively secure department capitals. Many city council members and municipal workers also resigned, halting the provision of public services in many municipalities. In total, the FARC killed 9 mayors and 70 city councilmen during the year. On inauguration day, the FARC launched a rocket attack on the presidential palace; however, most of the 15 rockets missed their target and fell in a slum near the palace, killing 23 persons, including 3 children.

The FARC also committed aggressions against threatened mayors' families. In July the FARC killed Omar Castano, the son of Jose Leonel Castano, mayor of the town of Vista Hermosa, Meta department, formerly part of the FARC despeje. Omar Castano had been kidnaped June 28. His body was not returned. The FARC kidnaped several mayors' children to pressure the mayors into resigning. For example, on July 17, members of the FARC kidnaped the 3-year-old daughter of Libardo Herazo, mayor of Colon, Putumayo department. The girl and her nanny were released on July 31, after Herazo publicly announced his resignation.

The AUC initially threatened to retaliate against mayors who resigned in the face of FARC intimidation, but stepped back from this policy in June as announced in a letter to the Colombian Federation of Municipalities.

The FARC kidnaped politicians in an attempt to force the Government into a prisoner exchange. For example, on February 23, the FARC kidnaped independent presidential candidate Ingrid Betancourt (see Section 1.b.). Three days earlier, the FARC had kidnaped Senator Jorge Eduardo Gechem (see Section 1.b.), Chairman of the Senate Peace Commission, during an airplane hijacking. The FARC continued to hold captive an additional four members of Congress (see Section 1.b.).

Both the AUC and the FARC claimed to operate clandestine political movements: the AUC's National and Democratic Movement, launched in September 2001, and the FARC's Bolivarian Movement for a New Colombia, announced in April 2000. The status of these movements was uncertain, although their influence appeared minimal.

In municipalities that lacked a state security presence and in poor urban neighborhoods both guerrillas and paramilitaries sought to impose control and garner political support using measures along a spectrum from social cleansing killings (see Sections 1.a., 1.d., and 5) to donations of labor and materiel for community projects.

There are no legal and few practical restrictions on the participation of women and minorities in the political process. In March 2000, a quota law went into effect requiring that a minimum goal of 30 percent of nominated positions be allocated to women. The quota law does not apply to publicly elected positions or managers of parastatal corporations. The Government must report to Congress each year on the percentage of women in high-level governmental positions. The new Uribe administration increased the number of women in significant executive branch posts. There were 8 women in the 18-member cabinet, including the Ministers of Defense and Foreign Relations and the High Commissioner for Plan Colombia. There were also 7 female vice ministers. Women occupied 11 seats in the 102-member Senate and 20 seats in the 161-member House of Representatives. There was 1 woman on the 23-member Supreme Court and another on the 9-member Constitutional Court. Two of the 13 magistrates on the CSJ were women. According to the Government's 2001 end-of-year report, 75 women served as city mayors and 1 as a departmental governor.

Indigenous persons made up less than two percent of the population. There were three indigenous Senators, two of whom occupied seats reserved for indigenous persons, and one indigenous member of the House of Representatives. In 2000 citizens of the department of Cauca elected the nation's first indigenous governor. There were no indigenous ministers or vice-ministers and no indigenous person served on any of the nation's high courts.

Approximately 21 percent of the population was of Afro-Colombian descent. There were two Afro-Colombian Senators and five Afro-Colombian members of the House of Representatives. However, there was no Afro-Colombian minister or vice minister and no Afro-Colombian on any of the nation's high courts. There were 70 Afro-Colombian mayors. A disproportionate percentage of the country's displaced persons were Afro-Colombians who

had difficulty participating in the political process.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases; however, many prominent human rights monitors worked under constant fear for their physical safety. Government officials were generally cooperative and responsive to their views; however, lingering suspicions on both sides sometimes made cooperation difficult. Over 60,000 human rights and civil society NGOs were registered in the country. Most existed only on paper. Approximately 1,000 small to medium-sized NGOs were members of the Colombian Federation of NGOs. The Truth for Colombia ("Verdad Colombia") group was a relatively new association of small, right wing human rights NGOs. The most significant domestic human rights NGOs included: the Colombian Commission of Jurists (CCJ) and Lawyers' Collective Jose Alvear Restrepo, both of which focused on defending human rights through legal analysis and case work; the Jesuit-founded Center for Popular Research and Education (CINEP), which managed the country's largest and most influential database of human rights violations; the Permanent Committee for the Defense of Human Rights (CPDDH), which provided support and assistance to victims of human rights violations and worked to organize civil society to defend human rights and promote a peaceful resolution to the country's armed conflict; the Committee in Solidarity with Political Prisoners (CSPP), which focused on the rights and treatment of persons detained for politically motivated crimes, particularly left-wing subversion; the Association of Families of Detained and Disappeared Persons (ASFADDES), the country's leading voice in demanding justice for the disappeared, many of whom were active in the legitimate left-wing Patriotic Union (UP) political party; the Consultancy for Human Rights and Displacement (CODHES) which advocated policies designed to prevent displacement and defended the rights of the displaced; the Association for Alternative Social Promotion (MINGA), which sought to promote respect for human rights through education, research, lobbying, and legal assistance (MINGA received the French Republic's Liberty, Equality, Fraternity Prize for Human Rights during the year); the Peace Network (Redepaz), a civil society organization dedicated to the promotion of peace at the national, regional, and local level; and the Free Country Foundation, which provided psychological, legal, and public relations assistance to kidnap victims and their families and lobbied the Government for better anti-kidnaping efforts.

On October 23, President Uribe sent various foreign ambassadors a letter in which he promised to guarantee the rights of NGOs to work in the country and argued that his policy to retake the national territory would ensure freedom of speech and human rights in the long term. He stressed that the active participation of civilians was necessary to reestablish public order. Uribe said the judicial powers decreed in the State of Internal Disturbance were needed to tackle impunity and were legitimate, having been upheld by the Constitutional Court. He said he had stressed to the armed forces that they must respect human rights and operate within the norms of international treaties.

Although the Government generally did not interfere with the work of domestic human rights NGOs, there were unconfirmed reports that government security forces harassed or threatened human rights workers, particularly in highly conflictive areas. Vice President Francisco Santos, whose office directs the Presidential Program for the Protection of Human Rights, told the press that NGOs would not be harassed. Prominent local NGOs made an effort to be fair and objective in their analysis of a serious and complex human rights situation. However, their coverage of human rights abuses tended to focus on the Government and right-wing paramilitaries, rather than leftist guerrillas. For example, the Colombian embassy in Canada, noted that only 3 of 5,000 letters generated in 2001 by alerts disseminated by Colombian human rights groups specifically condemned the FARC.

Local human rights NGOs had an influence that far exceeded their membership or resources. By sharing information among themselves and disseminating it to international human rights organizations and the media they raised the country's human rights profile and contributed to significant levels of international attention. They were also effective at changing laws and policies through lawsuits, such as the CCJ's participation in a successful challenge to the National Defense and Security Act of 2001, or the Free Country Foundation's effective lobbying for stronger, more cohesive government anti-kidnaping efforts. Representatives of a wide variety of government agencies found it useful or politically necessary to meet with local human rights groups and study their proposals.

The Government has occasionally filed criminal charges against human rights advocates, generally for subversive activities. For example, on December 6, CTI agents in Bucaramanga, Santander department, arrested Julio Avella and Alvaro Tapias, President and Treasurer, respectively, of the National Association of Solidarity Assistance (ANDAS), an NGO arm of the Colombian Communist Party, for allegedly providing financial assistance to the FARC. Arrest warrants were still outstanding for Carlos Mejia and Gladys Rojas, former directors of a small NGO in Barrancabermeja that in August 2001 organized a major international human rights event. Mejia and Rojas, who

remained in hiding, were charged with rebellion for acts prior to their NGO organizing activities. Government officials sometimes have accused human rights NGOs of being guerrilla front organizations without providing evidence to back up their charges.

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 Bogota office of the Permanent Assembly for 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.

In December the Fiscalía, finding that there was insufficient evidence to bring formal charges, closed its investigation into accusations that retired army Generals Fernando Millan and Rito Alejo Del Rio bribed a witness to testify falsely against two leading NGO organizers and a labor leader (see Section 1.a.).

The Fiscalía continued to investigate the illegal wiretapping of NGO and labor unions offices by the Medellín GAULA (see Section 1.f.).

Paramilitaries subjected human rights groups to intense pressure in the form of obvious surveillance, harassing telephone calls, graffiti campaigns, and death threats.

For example, in August the "Cacique Calarca" bloc of the AUC, which operated in the country's coffee belt, circulated a statement in the departments of Quindío and Risaralda that accused 13 human rights and labor leaders by name of being guerrilla agents. In addition, the statement declared the 13 persons military targets and gave them 15 days to leave the region. On September 15, Augustin Jimenez of the CSPP received an anonymous call that told him that a coworker had been killed and that he would be next. The AUC repeatedly and explicitly threatened the CSPP.

Paramilitaries were implicated in the deaths of human rights and development workers. For example, on November 8, Jose Rusbell, a member of the Joel Sierra Human Rights Committee, was killed by presumed paramilitaries in the city of Tame, Arauca department. The IACHR specifically condemned Rusbell's killing and asked the Government to undertake an exhaustive investigation. According to the CCJ, 17 human rights advocates were killed during the year, although only two such deaths could be definitively attributed to paramilitaries.

An investigation continued into the August 2000 killing of peace activist and former mayor Luis Fernando Rincon in Aguachica, Cesar department. Human rights groups publicly accused alleged paramilitary leader Libardo Humberto Prada of the crime. On January 16, the criminal chamber of the Valledupar Supreme Court overturned a 2001 trial court ruling exonerating Prada for the 1998 killing of local Redepaz coordinator Amparo Leonor Jimenez, and sentenced him to 37 years in prison.

There was no information on the whereabouts of Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES who were kidnaped in 2000 by presumed paramilitaries. Authorities continued to investigate the kidnaping, although the victims were presumed dead.

Prosecutors issued arrest warrants for AUC leader Carlos Castano and suspected paramilitary Yesid Fernando Lemus for the 1999 kidnapings and murders of southern Bolívar department peasant leaders Edgar Quiroga and Gildardo Fuentes.

Arrest warrants remained outstanding for Carlos Castano and four other paramilitaries for the 1997 murders of two CINEP workers (see Section 1.a.). Imminent arrests appeared unlikely.

The Government, through the Ministry of the Interior and the DAS, allocated approximately \$11.4 million (28.5 billion pesos) to its program for the protection of human rights and labor activists associated with 88 different human rights NGOs and unions. As of August 30, the Ministry, bolstered by a budget increase of 690 percent over 2000, had provided protection measures to 890 human rights activists and bulletproofed 54 NGO offices and residences. Nevertheless, legitimate requests for protection far outpaced the increase in the protection program's budget. Human rights groups continued to state that the protection programs were inadequate to address the crisis, and called for increased efforts to combat impunity.

The Government generally did not interfere with the work of international human rights and humanitarian NGOs.



Representatives of international human rights groups visited the country and held meetings with local human rights groups and individuals in various regions of the country without government interference. The larger international NGOs, such as AI, HRW, and the Washington Office on Latin America (WOLA), devoted equal attention to government forces, guerrillas, and paramilitaries; however, they held the Government to a higher standard and criticized it not only for direct violations of human rights, but also for its failure to completely sever links between the military and paramilitaries and prevent high levels of political violence.

The Government deported several representatives of smaller international human rights groups for violations of immigration law. For example, in August and October, the DAS ordered five members of Christian Peacemaker Teams, a small group that provided humanitarian accompaniment in the highly conflicted Middle Magdalena region, to depart the country for carrying out activities inconsistent with their tourist visa status. On September 17, the DAS ordered one Spanish citizen to depart the country and formally deported two others for allegedly inciting peasants to participate in a national labor strike (see Section 2.b.).

The Government cooperated with international governmental organizations. The UNHCR, the International Organization for Migration (IOM), the International Labor Organization (ILO), the United Nations High Commission for Human Rights (UNHCHR), and the ICRC had an active presence in the country and were allowed to carry out their work without government interference.

UNHCHR's Bogota office opened at Government invitation in 1997; it has since added field offices in Cali and Medellin. The office monitored and analyzed the national human rights situation and provided advice and assistance on human rights protection. President Uribe extended UNHCHR's mandate in the country through the end of his administration in 2006.

The Government has an extensive human rights apparatus coordinated by the Office of the President's Advisor for Human Rights. The Office conducted regular dialog with local human rights groups and established a Special "Momentum" Committee to advance judicial resolutions of 100 key human rights cases. Executive branch offices specializing in promoting and protecting human rights include the human rights office of the Ministry of Interior and the human rights offices of the Ministry of Defense and its constituent services, including the National Police.

The MOD reported that over 290,000 members of the security forces had received human rights training since 1996, conducted by the ICRC, the Colombian Red Cross, the Roman Catholic Church, foreign governments, and other government offices and agencies. In September 2001, the MOD signed an agreement with two national universities and the Inter-American Institute of Human Rights to conduct research and training on human rights issues and to organize seminars designed to foster dialog with NGOs and academics.

Offices of independent government agencies that protect and promote human rights include the Procuraduria's Disciplinary Delegate for the Defense of Human Rights, the Human Rights Unit of the Fiscalia, and the Office of the National Human Rights Ombudsman. The House of Representatives elects the National Human Rights Ombudsman for a 4-year term, which does not coincide with that of the President. The office has the constitutional duty to ensure the promotion and exercise of human rights. The Ombudsman's 34 regional offices provided public defenders to the indigent and a channel for complaints of human rights violations (see Section 1.e.). The Ombudsman's Bogota office served as the headquarters of a national Early Warning System designed to alert public security forces to impending human rights violations, particularly large-scale massacres. The Ombudsman's office was an important party to the lawsuit that successfully challenged the National Defense and Security Act of 2001 that was ruled unconstitutional in April. In August 2000, the House of Representatives confirmed former Constitutional Court Justice Eduardo Cifuentes as Human Rights Ombudsman. Cifuentes was active in his role, publicly criticizing a wide variety of human rights violations, visiting massacre sites, and pressing for increased security and humanitarian assistance for affected communities. His office, with international assistance, provided training for its regional ombudsmen and conducted public education on human rights. Despite the Ombudsman's successes, resource constraints meant the office was generally underfunded and understaffed, limiting its ability to effectively monitor human rights violations or prevent their occurrence.

As of October 31, the Human Rights Ombudsman's office had processed 6,781 complaints of violations of human rights and international humanitarian law, of which 3,747 involved forced displacements, 1,743 involved threats, 411 involved unlawful killings, and 191 involved kidnappings.

Illegal armed groups sometimes targeted regional human rights ombudsmen. Four paramilitaries were on trial for the January 2001 murder of regional human rights ombudsman Ivan Villamizar in Cucuta, Norte de Santander department (see Section 1.a). The Fiscalia was investigating the FARC's July 2000 kidnapping and killing of Jose Manuel Bello, municipal human rights ombudsman in Vigia del Fuerte, in the Atrato region of western Antioquia

department. The office also was investigating the July 2000 killing of Yemil Fernando Hurtado, human rights ombudsman in Narino municipality in southeastern Antioquia.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution specifically prohibits discrimination based on race, sex, disability, language, or social status; however, in practice, many of these provisions were not enforced. The killing of homosexuals as part of so-called social cleansing campaigns, particularly by paramilitaries, was a problem (see Section 1.a.).

#### Women

Rape and other acts of violence against women were pervasive in society, and like other crimes, seldom were prosecuted successfully. According to the Ombudsman's 2001 report, intrafamilial violence, sexual assault, and the killing of women were increasing problems. The ICBF and the Presidential Adviser's Office for Youth, Women, and Family Affairs continued to report high levels of spousal and partner abuse throughout the country. The Institute for Forensic Medicine reported 28,738 cases of spousal abuse for the year. There were 6,519 cases of domestic violence against women by other family members. The Institute reported 10,062 cases of suspected sex crimes, including rape. The Institute commented that the crimes of domestic violence and rape were greatly underreported, citing its 1995 survey that indicated that as few as 5 percent of these crimes were reported, and that only 2 percent of victims received a medical evaluation. The ICBF conducted programs and provided refuge and counseling for victims of spousal abuse; however, the level and amount of these services were dwarfed by the magnitude of the problem. For example, each of the ICBF's 527 family ombudsmen handled approximately 1,230 cases per year.

The 1996 Law on Family Violence criminalized violent acts committed within families, including spousal rape. The law also provides legal recourse for victims of family violence, immediate protection from physical or psychological abuse, and judicial authority to remove the abuser from the household. It allows a judge to oblige an abuser to seek therapy or reeducation. For acts of spousal sexual violence, the law mandates sentences of 6 months to 2 years and denies probation or bail to offenders who disobey restraining orders issued by the courts.

A 1997 law also made additional, substantial modifications to the Penal Code and introduced sentences of between 4 and 40 years for crimes against sexual freedom or human dignity, including rape, sex with a minor, sexual abuse, induction into prostitution, and child pornography. The June 2000 reforms to the Penal Code reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. The ICBF's "Make Peace" program provided support to women and children who were victims of domestic violence. Under the auspices of the same program, the Human Rights Ombudsman's office conducted regional training workshops in various cities to promote application of domestic violence statutes.

Women faced an increased threat of sexual assault in the context of the internal conflict (see Section 1.g.). The UNHCHR, CODHES, and the Human Rights Ombudsman all noted that internally displaced women and girls were particularly vulnerable to domestic violence, sexual abuse, and sexual exploitation (see Section 2.d.). In August 2001, the Colombian Pro-Family Institute published a study of sexual health and reproduction in displaced women and adolescents that found that 20 percent of displaced women had been raped and that 30 percent of displaced teenage girls had children or were pregnant. International organizations and NGOs noted that sexual violence was largely unreported and that no long-term assistance was available to female IDPs. In addition, they criticized the use of female combatants in guerrilla organizations as sex slaves. Former female guerrillas also reported forced abortions and forced implantation of intrauterine devices (see Section 1.g.).

Prostitution, which is legal in designated "tolerance zones," was widespread and remained a serious problem exacerbated by a poor economy and internal displacement. Sex tourism existed to a limited extent, particularly in coastal cities such as Cartagena and Barranquilla. It was likely that some marriage and dating services were covers for sexual tourism.

Trafficking in women for sexual exploitation continued to be a problem (see Section 6.f.).

The law prohibits sexual harassment; however, it was a pervasive problem.

The Constitution prohibits discrimination against women, and specifically requires that authorities ensure "adequate and effective participation by women at decision making levels of public administration." However, discrimination against women persisted. A 2000 study by the University of Rosario concluded that women faced hiring discrimination, were disproportionately affected by unemployment, and had salaries that were generally

incompatible with their education and experience. Government unemployment statistics indicated that the unemployment rate for women was 20.5 percent, 6 points higher than the rate for men. According to the U.N., women earned an average of 28 percent less than men during 2001. Female workers in rural areas were most affected by wage discrimination and unemployment.

Despite an explicit constitutional provision promising additional resources for single mothers and government efforts to provide them with training in parenting skills, women's groups reported that the social and economic problems of single mothers remained great. According to a 1997 Constitutional Court decision, pregnant women and mothers of newborn children less than 3 months of age may not be fired from their jobs without "just cause." The court ruled that bearing children was not just cause. There were no published reports of such firings during the year.

#### Children

Constitutional and legislative commitments to the protection of children's rights were implemented only to a minimal degree. The Constitution imposes an obligation on the family, society, and the state to protect children, foster their development, and ensure the full exercise of their rights. The Children's Code describes these rights and establishes services and programs designed to enforce the protection of minors. Children's advocates reported the need to educate citizens regarding the code as well as the 1996 and 1997 laws on family violence, which increased legal protection for women and children. The ICBF oversees all government child protection and welfare programs and also funds nongovernmental programs that benefit children. Despite these legal protections and programs, government commitments to the protection of children's rights were not fully implemented.

The Constitution provides for free public education, which is compulsory between the ages of 6 and 15; however, a study by the National Department of Statistics (DANE) estimated 14 percent of children ages 5 to 17 did not attend school because of lax enforcement of truancy laws, inadequate classroom space, and economic pressures for children to provide additional family income. Although the Government covered the basic costs of primary education, many families faced additional expenses such as matriculation fees, books, school supplies, and transportation costs, which were significant in rural areas where many children lived far from school. These costs were often prohibitive, particularly for the rural poor.

The law requires the Government to provide medical care for children. However, medical facilities were not universally available, particularly in rural areas.

Child abuse was a serious problem. The National Institute for Forensic Medicine reported 8,125 cases of child abuse during the year. According to the Association Against Child Abuse, only 5 percent of child sex abuse cases were reported. Based on figures from the Government's Institute for Legal Medicine, which reported 11,000 cases of child sexual abuse during the year, the Association estimated that at least 220,000 children were sexually abused during the year.

According to UNICEF, an estimated 35,000 adolescents worked as prostitutes, in spite of legislation prohibiting sex with minors or the employment of minors for prostitution.

Children were trafficked for sexual exploitation (see Section 6.f.).

In conflict zones, children often were caught in the crossfire between public security forces, paramilitaries, and guerrillas. For example, on June 16, a crossfire between paramilitaries and a mixed contingent of FARC and ELN fighters killed a 9-year-old boy outside his home near the rural village of Aguas Lindas, southern Bolivar department. Landmines and abandoned munitions killed and maimed scores of children. According to the Presidential Program for Human Rights, landmines injured at least 20 children during the year. For example, on June 9, a 15-year-old boy was killed after stepping on a landmine outside the town of Cajibío, Cauca department. On September 19, three children in a lower class section of Bogotá were killed when the fragmentation grenade with which they were playing exploded. The grenade apparently had been discarded by members of a FARC urban militia that operated in the neighborhood.

Children suffered disproportionately from the internal conflict, often forfeiting opportunities to study as they were displaced by conflict and suffered psychological traumas. According to UNICEF, over 1 million children have been displaced from their homes over the past decade (see Section 2.d.). The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attended school. Displaced children were particularly vulnerable to mistreatment, sexual exploitation, and recruitment by criminals.

Since 1999, persons under the age of 18 are not allowed to serve in the public security forces. However, both paramilitaries and guerrillas employed child soldiers. The ICBF estimated that 12,000 to 15,000 children were members of illegal armed groups. Sixty percent of these children were members of the FARC. The Roman Catholic Church stated that the FARC used its freedom of action in its former despeje, or safe haven, to lure or force hundreds of children into its ranks. Thousands of families from FARC-prevalent zones throughout the country chose to be displaced rather than risk the forcible recruitment of their children. For example, many former-displaced residents of Bojaya, Choco department chose to leave their teenage children in Quibdo, the departmental capital, to avoid their forced recruitment by the FARC. The FARC was believed responsible for the January 11 killing in Caldas department of a Roman Catholic priest who had complained to authorities in the departmental capital of Manizales about FARC recruitment at a local high school. On August 2, the Fiscalía filed charges against senior FARC leaders for the recruitment of minors. As a good will gesture in anticipation of possible peace negotiations with the Government (see section 1.g.), in December paramilitaries from the Central Bolivar Bloc, formerly members of the AUC, handed over 19 child soldiers to representatives of the ICBF and the Colombian Red Cross.

Although many minors were forcibly recruited, a UNICEF study found that 83 percent of child soldiers volunteered. Limited educational and economic opportunities and a desire for acceptance and camaraderie increased the appeal of service in armed groups. Nevertheless, many children found membership in guerrilla and paramilitary organizations difficult, and the MOD reported an increase in the number of minors deserting illegal armed groups. As of July, at least 230 children had surrendered to state security forces during the year. FARC child deserters reported that local guerrilla commanders threatened to kill their families should they desert or attempt to do so. A reinsertion program for former child soldiers administered by the ICBF provided assistance to 332 children during the year.

Children were among the preferred kidnaping targets of guerrillas (see Section 1.b.). The Free Country Foundation reported 384 kidnapings of children during the year (see Section 1.b.).

#### Persons with Disabilities

The Constitution enumerates the fundamental social, economic, and cultural rights of persons with physical disabilities. However, serious practical impediments prevented the full participation of these persons in society. No legislation mandates that buildings provide special access for persons with disabilities. Consequently, the disabled could not access most public buildings and transportation systems; however, the Constitutional Court ruled that persons with physical disabilities must have access to voting stations and receive assistance if they so request. The Court also ruled that the social security fund for public employees cannot refuse to provide services for children with disabilities, regardless of the cost involved.

#### Indigenous People

There are 82 distinct ethnic groups among the country's 716,400 indigenous inhabitants, who constitute approximately 2 percent of the population. Indigenous communities are concentrated in the Colombian Massif of the Andes Mountains, in southern Cauca department, along the lowlands of the Pacific Coast, on the Guajira peninsula, and in the Amazon region. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous persons live in rural areas, and approximately 115,000 indigenous persons are without land.

The Constitution gives special recognition to the fundamental rights of indigenous persons. The Ministry of Interior, through the Office of Indigenous Affairs, is responsible for protecting the territorial, cultural, and traditional rights of indigenous persons. Ministry representatives were located in all regions of the country with indigenous populations and worked with other governmental human rights organizations and NGOs to promote indigenous interests and investigate violations of indigenous rights. Despite legal protections, indigenous persons continued to suffer discrimination and were often relegated to the margins of society. UNHCHR's March 2001 report noted that an estimated 80 percent of the indigenous population lived in conditions of extreme poverty. In addition, indigenous communities suffered disproportionately from the internal armed conflict (see Section 1.g.). Members of indigenous communities often fled together in mass displacements to relocate to other indigenous communities (see Section 2.d.).

By law, indigenous groups have perpetual rights to their ancestral lands. According to the National Agrarian Reform Institute (INCORA), 28 percent of the national territory has been legally recognized as indigenous land, and approximately 80 percent of these lands have been demarcated. The Institute was involved in a program to buy back lands declared to belong to indigenous communities. Approximately 200 indigenous communities had no legal title to lands that they claimed. Armed groups often violently contested indigenous land ownership. Traditional Indian authority boards operated approximately 545 reservations as municipal entities, with officials selected

according to indigenous traditions. The boards controlled reservation finances and were subject to fiscal oversight by the national Comptroller General. Sixty percent of the indigenous population lived on these designated reservations.

In July Occidental Petroleum turned over oil exploration rights to areas near the U'wa reservation in Arauca department to national parastatal corporation Ecopetrol. Although the U'wa tribe had strenuously opposed exploration near its reservation, the courts consistently overruled U'wa legal efforts to prevent it. Occidental's decision was economic, but Ecopetrol stated that it planned to continue exploration in the area. In December the U'wa stated that they would not oppose exploration by Ecopetrol.

The Constitution provides for special criminal and civil jurisdictions within indigenous territories based on traditional community laws (see Section 1.e.). However, these jurisdictions were subject to manipulation and often rendered punishments that were much more lenient than those imposed by regular civilian courts.

The law permits indigenous communities to educate their children in traditional dialects and in the observance of cultural and religious customs. Indigenous men are not subject to the national military draft.

Members of indigenous communities continued to be victims of all sides in the internal conflict. According to the MOD, 73 indigenous persons were killed during the year as a result of the internal armed conflict, 29 in massacres. The UNHCHR strongly criticized both paramilitary and FARC threats against indigenous communities and characterized government investigations of human rights violations against indigenous groups as insufficient. ONIC reported widespread cases in which members of indigenous communities, particularly in Putumayo, were forbidden to leave their communities without either paramilitary or guerrilla permission, in which paramilitaries or guerrillas blockaded communities, or in which indigenous persons returning from urban areas were accused by guerrillas of being paramilitary collaborators.

Paramilitaries and guerrillas forced indigenous persons, including children, into their ranks (see Section 1.f.).

Paramilitaries killed indigenous persons (see Section 1.a.). For example, in June, the Cauca Regional Indigenous Council condemned the paramilitary killings of 10 indigenous persons near the towns of Corinto and Pradera, northern Cauca department, and Florida, southern Valle del Cauca department. In August paramilitaries ordered the killing of three indigenous leaders near La Hormiga, Putumayo department.

Guerrillas also killed indigenous persons. For example, on July 27, the FARC killed Embera leader Bertulfo Domico in the town of Dabeiba, western Antioquia department. Domico was apparently killed for leaving the city without the local FARC commander's permission. On October 4, FARC guerrillas killed Embera Katio tribe member Adolfo Cundama in front of his family on a designated indigenous reservation near Tierralta municipality, Cordoba department. The FARC accused Cundama of collaborating with paramilitaries.

#### National/Racial/Ethnic Minorities

According to the National Planning Department, the country had approximately 10.6 million citizens of African heritage. The departments with the largest number of Afro-Colombians were Valle, Antioquia, Bolivar, Atlantico, Magdalena, and Cordoba. However, the department of Choco had the highest percentage of Afro-Colombian residents, at 85 percent. Although estimates vary, government figures indicated that Afro-Colombians represented approximately 21 percent of total population.

Afro-Colombians are entitled to all constitutional rights and protections; however, they faced significant societal discrimination. Afro-Colombian organizations reported that Afro-Colombians had almost no representation in the executive branch, judicial branch, civil service positions, or in military hierarchies (see Section 3). The March 2001 report of the UNHCHR noted that an estimated 80 percent of Afro-Colombians lived in conditions of extreme poverty, that 74 percent received wages below the legal minimum, and that their municipalities had the highest rates of poverty. Choco had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. Although a special law designed to benefit Afro-Colombians was passed in 1993, little concrete progress had been made on the law's commitments to expand public services and private investment in Choco and other predominantly Afro-Colombian regions along the country's coastline.

Choco was also the scene of some of the country's worst political violence, as paramilitaries and guerrillas struggled for control of the department's key drug and weapons smuggling corridors. All 119 civilians killed in a FARC cylinder bomb attack on the town of Bojaya, in Choco, were Afro-Colombians (see Section 1.g.).

A 1993 law authorizes Afro-Colombian communities to receive collective titles to some Pacific coastal regions. Afro-Colombian leaders complained that the Government was slow to issue land titles, and that access to such lands was often inhibited by the presence of paramilitaries or guerrillas. Afro-Colombians were disproportionately represented among the nation's IDPs.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution provides for the right to organize unions, except for members of the armed forces, police, and persons executing "essential public services" as defined by law. In practice, violence against union members and antiunion discrimination were obstacles to joining unions and engaging in trade union activities. Labor leaders around the country continued to be targets of attacks by paramilitary groups, guerrillas, and narcotics traffickers. Union leaders contended that perpetrators of violence against workers operated with virtual impunity.

The heavily amended 1948 Labor Code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a simple registration process. However, the ILO has received reports that this process is slow and sometimes takes years. The law penalizes interference with freedom of association and allows unions to determine freely their internal rules, elect officials, and manage activities. The law also forbids the dissolution of trade unions by administrative fiat. Law 584 limits government interference in a union's right to free association. However, the law includes a provision authorizing Ministry of Labor officials to compel trade unions to provide interested third parties with relevant information on their work, including books, registers, plans, and other documents. The ILO Committee of Experts considers this amendment to be inconsistent with freedom of association, since it believes an administrative authority only should conduct investigations when there are reasonable grounds to believe that an offense has been committed.

Labor leaders nationwide continued to be attacked by paramilitaries, guerrillas, and narcotics traffickers. According to the National Labor College (ENS), a Medellin-based NGO that collects, studies, and consolidates information on organized labor, 178 labor activists were killed during the year and 1,875 since 1991. The ENS attributed a majority of these crimes to paramilitaries. Paramilitaries were particularly aggressive in targeting members of the United Workers Central (CUT), the country's largest and most left-leaning labor federation. For example, authorities suspected paramilitaries of killing Hernan de Jesus Ortiz and Jose Pineda in the municipality of Aranzazu, Caldas department on April 12. Ortiz, a local teacher's union (FECODE) leader, was also a member of the CUT's national board and an active participant in its human rights office, which regularly condemned paramilitary abuses. Pineda was a member of the CUT-affiliated Colombian Electricity Workers Union (SINTRAELECOL). Paramilitaries also continued their attacks on members of the Oil Workers Trade Union (USO), which they accused of ties to the ELN. For example, paramilitaries were suspected of the June 17 killing of USO national board member Cesar Blanco in Bucaramanga. In June AI testified to the ILO that paramilitaries also targeted public sector unions, particularly health workers.

The Fiscalía continued investigating crimes perpetrated against union leaders in previous years for which paramilitaries were believed responsible. For example, investigations continued into the killings of labor activists Valmore Locarno, Victor Hugo Orcasita, Gustavo Soler, Ricardo Orozco, and Oscar Dario Soto. On the whole, government identification of perpetrators of crimes against trade union members was slow, a situation which the ILO Special Representative's June report noted was aggravated by the difficulties faced by the Procuraduria and the Fiscalía in carrying out their inquiries and offering adequate assurances of protection so that witnesses would be willing to come forward. Of the 116 killings of labor union members documented as of September, there were no arrests, prosecutions, or convictions at year's end. The Human Rights Unit of the Fiscalía reported that from August 1986 to April, there were 376 criminal investigations into violations of the right to life of unionists. Of these, 321 were in the preliminary stage, 24 were at the investigative stage, 3 were at the trial state, 7 had been sent to military criminal courts, and 13 were awaiting assignment. Guilty verdicts were issued in only five cases.

Progress was made in several high profile investigations. For example, on December 17, a specialized criminal court in Bogota sentenced former army Captain Jorge Rojas and former army Sergeant Evangelista Basto to 18 years in prison for the attempted killing of public employee union (FENALTRASE) president Wilson Borja in December 2000. Rojas and Basto had been in active service when the crime occurred, but were dismissed from the military during the course of the criminal investigation. The court also convicted army Corporal Jhon Fredy Pena of conspiracy and sentenced him to 42 months in prison. On November 19, the Fiscalía reconfirmed its August 16 decision to permanently close its investigation into the alleged involvement in the crime of Police Lieutenant Carlos Fredy Gomez. A separate trial continued of army Major Cesar Alonso Maldonado and civilian Regulo Rueda for their alleged involvement in the plot to murder Borja. On July 31, the DAS arrested AUC leader Sergio Manuel Cordoba, a suspect in the 2001 killing of USO leader Aury Sara. On September 21, the army

arrested AUC leader Didimo Rodriguez, wanted for the October 2001 killing of labor leader Luis Manuel Anaya. On October 19, prosecutors indicted Edgar Armando Daza for alleged involvement in the 1998 murder of CUT Vice President Jorge Luis Ortega. On May 4, a Bogota judge sentenced Rafael Cespedes to 27 years in prison for Ortega's murder. Prosecutors also indicted a paramilitary suspect for the 2001 murder of labor leader Jose Luis Guete.

In its evaluation of antiunion violence, the ENS also noted a significant increase in crimes against union activists committed by guerrillas. For example, on April 26, the FARC massacred nine members of the Agricultural Workers Union (SINTRIANAGRO) near Apartado, in the Uraba region of Antioquia department. Uraba was hotly contested between guerrillas and paramilitaries. The ENS attributed the deaths of at least 19 union activists to the FARC.

In addition to the many union activists who were killed, the ENS also reported that 17 union members survived attempts on their lives, 189 were threatened with death, 26 were kidnaped, and 8 disappeared.

The most prominent release of a kidnaped union leader occurred on April 7, when the AUC freed USO leader Gilberto Torres after 40 days in captivity.

In an attempt to ameliorate the security risks confronting union leaders, the Government significantly increased the resources it devoted to the Program for the Protection of Human Rights Defenders and Trade Union Leaders. Between 2000 and the year the Program's budget increased nearly 700 percent, to nearly \$11.5 million (28.5 billion pesos). However, the UNHCHR has expressed concern over delays in transferring and making available funds allocated to the program, affecting the timely and effective implementation of security measures. As of August, the program had assisted 1,195 union leaders and activists, who, depending on a threat evaluation, received bulletproof vests, bodyguards, and, in some cases, vehicles. Trade unionists and human rights groups criticized the protection program because these increased measures were insufficient to protect adequately the large number of trade unionists who were threatened. For example, in March 2001 Valmore Locarno and Victor Orcasita, employees of Drummond Coal Company and local president and vice-president of mine workers union SINTRAMIENERGETICA, were killed by presumed paramilitaries after having been assessed as "medium to low" risk. Six months later the new president of the same union, Gustavo Soler, also was killed.

At the November ILO Governing Body meeting, the ILO's Committee on Freedom of Association reported that measures adopted by the Government had been insufficient to reduce the violence directed against trade union officials. The Government had not reported any convictions of individuals for the killing of trade unionists. The ILO Governing Body decided by consensus to postpone to its March 2003 meeting any consideration of appointing a "Fact-Finding and Conciliation Commission." The workers proposed a Commission of Inquiry in 1998, and that proposal was pending.

The law forbids antiunion discrimination and the obstruction of free association. However, according to union leaders, both discrimination and obstruction of free association occurred frequently. There were only 271 government labor inspectors to cover 1,098 municipalities and more than 300,000 companies. The inspection apparatus was therefore weak. Furthermore, labor inspectors often lacked basic equipment, including vehicles. Guerrillas sometimes deterred labor inspectors from performing their duties by declaring them military targets. In some cases, paramilitaries threatened and killed union members who failed to renounce collective bargaining agreements.

The Labor Code calls for fines to be levied for restricting freedom of association.

Unions are free to join international confederations without government restrictions and did so in practice.

#### b. The Right to Organize and Bargain Collectively

The Constitution protects the rights of workers to organize and engage in collective bargaining. Workers in large firms and public services have been most successful in organizing, but these employees represented only a small percentage of the workforce. High unemployment, a large informal economic sector, traditional antiunion attitudes, and weak union organization and leadership limited workers' bargaining power in all sectors. A requirement that trade unions must represent a majority of workers in each company as a condition for representing them in sectoral agreements also weakened workers' bargaining power.

According to the ENS, there were 2,482 registered unions, with a total of 860,281 members. The number of unions and union members continued to decline during the year, as it had in previous years. Approximately 5 percent of the labor force was unionized. The CUT encouraged unions to merge along industry lines to increase their

efficiency and bargaining power.

The number of workers covered by collective bargaining agreements has been gradually declining. According to the ENS, 223,670 workers were employed under collective bargaining agreements during the period 2000-2001, compared with 409,918 during the period 1994-95.

Collective pacts between individual workers and their employers are not subject to collective bargaining and typically were used by employers to obstruct labor organization. Although employers must register collective pacts with the Ministry of Labor, the Ministry does not exercise any oversight or control over them.

The Labor Code eliminated mandatory mediation in private labor-management disputes and extended the grace period before the Government can intervene in a conflict. Federations may assist affiliate unions in collective bargaining.

The Constitution provides for the right to strike, except for members of the Armed Forces, Police, and persons executing essential public services as defined by law.

Before staging a legal strike, unions must first negotiate directly with management and, if no agreement results, accept mediation. The Labor Code prohibits the use of strikebreakers. Legislation that prohibits public employees from striking is still in effect, although it often is overlooked. By law public employees must accept binding arbitration if mediation fails; however, in practice public service unions decide by membership vote whether or not to seek arbitration.

The ILO had a number of long-standing criticisms of the Labor Code: the requirement that government officials be present at assemblies convened to vote on a strike call; the legality of firing union organizers from jobs in their trades once 6 months have passed following a strike or dispute; the requirement that candidates for trade union offices must belong to the occupation that their union represents; the prohibition of strikes in a wide range of public services that are not necessarily essential; various restrictions on the right to strike; the power of the Ministry of Labor and the President to intervene in disputes through compulsory arbitration when a strike is declared illegal; and the power to dismiss trade union officers involved in an unlawful strike.

On September 16, the three main labor federations called a national work stoppage to protest the Government's proposed labor and pension reforms. In March USO conducted a strike to protest the killing of one USO member and the kidnaping of Gilberto Torres. In May and June, 7,000 employees at Telecom, the leading telecommunications company, went on strike over wage levels and work rules.

Labor law applies in the country's 15 free trade zones (FTZs), and its standards are enforced.

#### c. Prohibition of Forced or Bonded Labor

The Constitution forbids slavery and any form of forced or bonded labor, and there were no reports of such practices in the formal sector.

Paramilitaries and guerrillas practiced forced conscription (see Section 5). There were some reports that guerrillas used forced labor.

The law prohibits forced or bonded labor by children; however, the Government does not have the resources to enforce this prohibition effectively (see Section 6.d.). Although there were no known instances of forced child labor in the formal economy, several thousand children were forced to serve as paramilitary or guerrilla combatants (see Sections 1.f. and 5), to work as prostitutes (see Section 5), or as coca pickers.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Constitution prohibits the employment of children under the age of 14 in most jobs, and the Labor Code prohibits the granting of work permits to children under 18; however, child labor remained a significant problem, particularly in the informal sector. According to the National Department of Statistics (DANE), nearly 15 percent of children were employed, over half of whom received no remuneration. DANE reported that only 1 percent of child workers received the minimum wage.



A 1989 decree established the Minors Code and prohibited the employment of children under age 12. It also required exceptional conditions and the express authorization of the Labor Ministry to employ children between the ages of 12 and 17. Children under age 14 are prohibited from working, with the exception that those ages 12 and 13 may perform light work with the permission of their parents and appropriate labor authorities. Children ages 12 and 13 may work a maximum of 4 hours a day, children ages 14 and 15 may work a maximum of 6 hours a day, and children ages 16 and 17 may work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work where there is a risk of bodily harm or exposure to excessive heat, cold, or noise. Children are prohibited from working in a number of specific occupations, including mining and construction; however, these requirements largely were ignored in practice, and only 5 percent of working children possessed the required work permits. By allowing children ages 12 and 13 to work, even under restricted conditions, the law contravenes international standards on child labor, which set the minimum legal age for employment in developing countries at 14 years. In addition, the legal minimum employment age of 14 was inconsistent with completing a basic education.

In the formal sector, the Ministry of Labor enforced child labor laws through periodic inspections. However, in the informal labor sector and rural areas, child labor continued to be a problem, particularly in agriculture and mining. Children as young as 11 worked full time in almost every aspect of the cut flower industry. Even children enrolled in school or, in some cases, those too young for school, accompanied their parents to work at flower plantations at night and on weekends. In 2001 the ILO reported that children were employed in gold and emerald mining. However, in the mining sector, coal mining presented the most difficult child labor problem. Many marginal, usually family-run, mining operations employed young children as a way to boost production and income. It is estimated that between 1,200 and 2,000 children were involved. The work was dangerous and the hours were long. Younger children carried water and packaged coal, while those ages 14 and up engaged in more physically demanding labor such as carrying bags of coal. These informal mining operations were illegal. The Ministry of Labor reported that by the end of 1999 an interagency governmental committee had removed approximately 80 percent of child laborers from the informal mines and returned them to school.

A Catholic Church study conducted in 1999 reported that approximately 2.7 million children worked, including approximately 700,000 children who worked as coca pickers. Observers noted that the economic downturn might increase the number of children working, particularly in rural areas. Child participation in agricultural work soared at harvest time. All child workers must receive the national minimum wage for the hours that they work. However, according to the Ministry of Labor, working children between the ages of 7 and 15 earned between 13 and 47 percent of the minimum wage. An estimated 26 percent of working children had regular access to health care; the health services of the social security system cover only 10 percent of child laborers. Approximately 25 percent were employed in potentially dangerous activities. School attendance by working children was significantly lower than for nonworking children, particularly in rural areas.

The Labor Ministry had an inspector in each of the country's 32 departments and the national capital district, responsible for certifying and conducting repeat inspections of workplaces that employed children; however, the system lacked resources and covered only 20 percent of the child labor force employed in the formal sector of the economy. The Labor Ministry was designing an oversight and inspection model to be implemented in early 2003. Under its Action Plan to Eradicate Child Labor, the Government allocated \$2 million (5.9 billion pesos) to the National Committee for the Eradication of Child Labor, which includes representatives from the Ministries of Labor, Health, Education, and Communications, as well as officials from various other government offices, unions, employer associations, and NGOs.

The Minors Code provides for fines ranging from 1 to 40 minimum monthly salaries for violations. If a violation is deemed to have endangered a child's life or threatened a child's moral values, sanctions can also include the temporary or permanent closure of the establishment in question.

The National Committee for the Eradication of Child Labor has conducted training on legislation and enforcement for approximately 600 public officials in the departments of Antioquia, Bolivar, Cauca, Cordoba, Cundinamarca, Santander, and Valle del Cauca. The Committee also created an information system on child labor to measure and understand the problem better. The Government, the main labor federations, and media representatives published articles, broadcasted documentaries, and launched various programs to delegitimize child labor.

The Ministry of Education expanded the school day in 134 municipalities to prevent children from dropping out and entering the labor force. In 2001 UNICEF launched a program to withdraw children from the labor force and return them to school. Over 200 children in Santander de Quilichao, Cauca department, 140 children in Medellin, capital of Antioquia department, and 350 children in Armenia, capital of Quindio department, benefited from this program.

The legal definitions of "worst forms of child labor" and "hazardous work" are consistent with ILO convention 182

and do not exempt specific sectors.

The law prohibits forced and bonded labor by children; however, the Government was unable to enforce this prohibition effectively. Paramilitaries and guerrillas abducted children for use as combatants (see Section 5).

#### e. Acceptable Conditions of Work

The Government sets a uniform minimum wage for workers every January to serve as a benchmark for wage bargaining. The monthly minimum wage, set by tripartite negotiations among representatives of business, organized labor, and the Government, was about \$114 (309,000 pesos). The national minimum wage did not provide a decent standard of living for a worker and family.

Because the minimum wage is based on the Government's target inflation rate, the minimum wage has not kept up with real inflation in the past several years. An estimated 70 percent of all workers earned wages that were insufficient to cover the costs of the Government's estimated low-income family shopping basket. An estimated 76 percent of all workers earned no more than twice the minimum wage.

On December 20, Congress approved President Uribe's proposed labor reform bill. The bill lengthened the regular working day by 4 hours and reduced the amount of overtime pay. It also gave employers more flexibility in devising work schedules. The "indemnity" paid to workers who are unjustly fired will be reduced. However, for the first time unemployed workers can receive an unemployment benefit for 6 months. Under the new system, apprentices no longer will be considered employees, but they will be able to contribute to the social security fund. The bill also establishes several subsidies for employers who create new jobs.

Legislation provides comprehensive protection for workers' occupational safety and health; however, these standards were poorly enforced, in part because of the small number of Labor Ministry inspectors. In general a lack of public safety awareness, inadequate attention by unions, and lax enforcement by the Labor Ministry resulted in a high level of industrial accidents and unhealthy working conditions. Over 80 percent of industrial companies lacked safety plans. The Social Security Institute reported over 56,000 work-related accidents during the year, resulting in 356 deaths. The industries most prone to worker accidents were mining, construction, and transportation. According to insurance company association FASECOLDA, approximately 12 million persons--many of them children--had no insurance against work-related injuries.

According to the Labor Code, workers have the right to withdraw from a hazardous work situation without jeopardizing continued employment. However, unorganized workers, particularly those in the agricultural sector, feared losing their jobs if they exercised their right to criticize abuses.

#### f. Trafficking in Persons

The Criminal Code defines trafficking in persons as a crime; however, trafficking in persons, primarily women and girls, remained a problem.

Law 747, passed in a special session of Congress in June, broadened the definition of trafficking in persons and provided for prison sentences of between 10 and 15 years and fines of up to 1,000 times the monthly minimum wage. These penalties, which are even more severe than those for rape (see Section 5), can be increased by up to one-third if there are aggravating circumstances, such as trafficking of children under the age of 14. Additional charges of illegal detention, violation of the right to work in dignified conditions, and violation of personal freedom also may be brought against traffickers. Police actively investigated trafficking offenses and some traffickers were prosecuted. However, inadequate resources for witness protection hindered prosecutions.

A government advisory committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Procuraduria, the Fiscalia, and the Presidency met every 2 months to discuss trafficking in persons. The committee prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol.

The Government cooperated with foreign counterparts on investigations and successfully freed victims in solo and joint operations. To protect citizens who were trafficked to other countries, government foreign missions provided legal aid and social welfare assistance.

Colombia was a source country for trafficking in women and girls to Europe, the United States, Asia, and other Latin American countries. The DAS reported in 2000 that the country was one of the three most common countries of origin of trafficking victims in the Western Hemisphere; in 2000 an estimated 35,000 to 50,000 Colombian trafficking victims were overseas. The majority of women trafficked for prostitution reportedly went to the Netherlands, Spain, Japan, and Hong Kong. A study carried out in Spain in 1999 by the Roman Catholic religious order the "Adoratrices" found that Colombian women constituted nearly half of all trafficking victims in that country. According to press reports, more than 50 percent of women from Colombia who entered Japan were trafficking victims forced to work as prostitutes. Law enforcement authorities reported that most trafficking victims were from the departments of Valle de Cauca, Antioquia, Santander, Cundinamarca, and the coffee-growing regions of Risaralda, Caldas, Quindio, and Tolima.

Police reported that most traffickers were linked to narcotics or other criminal organizations. Traffickers disguised their intent by running media ads offering jobs, portraying themselves as modeling agents, offering marriage brokerage services, or operating lottery or bingo scams with free trips as prizes. Recruiters reportedly loitered outside high schools, shopping malls, and parks to lure adolescents into accepting phantom jobs abroad.

The country's overall situation of economic downturn, high unemployment, internal conflict between three major illegal armed groups, and social exclusion contributed to the availability of victims. While young women were the primary targets of traffickers, children and men also were affected. According to officials at the Colombian Family Welfare Institute (ICBF), a high rate of unwanted pregnancy in unwed teenage girls contributed to trafficking in children.

Additional efforts addressed the problem of trafficking within the country's own borders. The Association Against Child Abuse estimated that 220,000 children were victims of sexual exploitation. The ICBF estimated that in Bogota alone there were over 10,000 girls and nearly 1,000 boys exploited as child prostitutes. During the year, the ICBF provided assistance, either directly or through other specialized agencies, to over 14,000 sexually exploited children.

The Hope Foundation, which assisted 26 trafficking victims through October, provided educational information, social support, and counseling to victims of trafficking who returned to the country. Services provided by the Hope Foundation in coordination with government social service agencies included psychological counseling, social assistance, placement, and follow-up care.