



## Colombia

### Country Reports on Human Rights Practices - [2001](#)

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Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. In 1998 citizens elected President Andres Pastrana of the Conservative Party and a bicameral legislature controlled by the Liberal Party in generally free, fair, and transparent elections, despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers. The Government continued to face serious challenges to its control over the national territory, as longstanding and widespread internal armed conflict and rampant violence--both political and criminal--persisted. The principal participants in the conflict were government security forces, paramilitary groups, guerrillas, and narcotics traffickers. The country's internal conflict caused the deaths of between 3,000 and 3,500 civilians during the year, including combat casualties, political murders, and forced disappearances. The civilian judiciary is largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors is common.

The civilian-led Ministry of Defense (MOD) is responsible for internal security and oversees both the armed forces (including the army, air force, navy, marines, and coast guard) and the National Police. In the past, civilian management of the armed forces has been limited; however, over the past few years, the professionalism of the armed forces has improved, and respect for civilian authority on the part of the military has increased. In addition to the armed forces and the National Police, the public security forces include armed state law enforcement and investigative authorities, including the Administrative Department of Security (DAS) and the Prosecutor General's Technical Corps of Investigators (CTI). The DAS, which has broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President but is directed by a law enforcement professional. The police are charged formally with maintaining internal order and security but in practice often share law enforcement responsibilities with the army in both rural and urban areas. There are approximately 192 municipalities that lack a state security presence. Many observers maintain that government action to combat paramilitarism has been inadequate, and in the past security forces regularly failed to confront paramilitary groups. However, the security forces confronted and detained significantly more members of paramilitary groups during the year compared with the previous year. Nevertheless, members of the security forces sometimes illegally collaborated with paramilitary forces. Members of the armed forces and the police committed serious violations of human rights.

The country's population is estimated at 41,713,000. Despite years of drug- and politically related violence, the economy is diverse and relatively advanced. Crude oil, coal, coffee, and cut flowers are the principal legal exports. In 1999 the country suffered its first recession in over 60 years, with a decrease in gross domestic product (GDP) of 4.3 percent and record unemployment of over 18 percent. The economy grew approximately 2 percent during the year, and unemployment stood at 16.8 percent at year's end. The inflation rate at year's end was 7.65 percent. Since 1999 the Government has adopted fiscally austere budgets and floated the peso. High levels of violence greatly inhibit business confidence. Narcotics traffickers continued to control large tracts of land and other assets and exerted influence throughout society, the economy, and political life. Income distribution is highly skewed; much of the population lives in poverty. Per capita GDP was approximately \$2,087.

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 right abuses reported are attributed to state security forces; however, government security forces continued to commit serious abuses, including extrajudicial killings. Impunity remained a problem. Despite some prosecutions and convictions, the authorities rarely brought higher-ranking officers of the security forces and the police charged with human rights offenses to justice. Members of the security forces collaborated with paramilitary groups that committed abuses, in some instances allowing such

groups to pass through roadblocks, sharing information, or providing them with supplies or ammunition. Despite increased government efforts to combat and capture members of paramilitary groups, security forces also often failed to take action to prevent paramilitary attacks. Paramilitary forces still find support among the military and police, as well as among local civilian populations in many areas.

The revised Military Penal Code, which took effect in August 2000, provides for an independent military judicial corps and for legal protection for troops if they refuse to carry out illegal orders to commit human rights abuses; the code also precludes unit commanders from judging subordinates. A series of military reform decrees, signed by the President in September 2000, provided greater facility for the military to remove human rights abusers or paramilitary collaborators from its ranks and provided for the further professionalization of the public security forces. The military judiciary continued to demonstrate an increased willingness to turn cases involving security force officers accused of serious human rights violations over to the civilian judiciary, as required by a 1997 Constitutional Court ruling, the new Military Penal Code, and an August 2000 presidential directive.

Police, prison guards, and military forces tortured and mistreated detainees. Conditions in the overcrowded and underfunded prisons are harsh; however, some inmates use bribes or intimidation to obtain more favorable treatment. Arbitrary arrest and detention, as well as prolonged pretrial detention, are fundamental problems. The civilian judiciary is inefficient, severely overburdened by a large case backlog, and undermined by intimidation and the prevailing climate of impunity. This situation remains at the core of the country's human rights problems. At year's end, the Superior Judicial Council (CSJ) reported that the judicial system was extremely overburdened; it received a total of 8.6 million suits in 1994-2000, of which 226,783 were criminal cases filed during 2000.

The authorities sometimes infringed on citizens' privacy rights. 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 practice self-censorship to avoid reprisals. The paramilitaries and guerrillas targeted religious leaders. There were some restrictions on freedom of movement, generally because of security concerns. Violence and instability in rural areas displaced between 275,000 and 347,000 civilians from their homes in during the year. Almost one-fourth of these movements occurred in massive displacements. Exact numbers of displaced persons are difficult to obtain because some persons were displaced more than once, and many displaced persons do not register with the Government or other entities. However, while no consensus exists regarding the exact number of internally displaced persons (IDP's), observers agreed that there has been a significant increase in displacements over the past 3 years. The total number of internally displaced citizens during the last 6 years may exceed 1 million. There were reports that security force members, paramilitaries, and guerrillas killed, threatened, and harassed members of human rights groups. Violence and extensive societal discrimination against women, abuse of children, and child prostitution are serious problems. Extensive societal discrimination against indigenous people and minorities continued. Labor leaders and activists continued to be targets of high levels of violence. Child labor is a widespread problem. Trafficking in women and girls for the purpose of sexual exploitation is a problem. "Social cleansing" killings of street children, prostitutes, homosexuals, and others deemed socially undesirable by paramilitary groups, guerrillas, and vigilante groups continued to be serious problems.

NGO's attributed a large majority of political killings, social cleansing killings, and forced disappearances to paramilitary groups. According to military estimates, the United Self-Defense Forces of Colombia (AUC) paramilitary umbrella organization has a membership of between 8,000 and 11,000 combatants. The AUC exercised increasing influence during the year and fought to extend its presence through violence and intimidation into areas previously under guerrilla control while conducting selective killings of civilians whom it alleged collaborated with guerrillas. Throughout the country, paramilitary groups killed, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, to deprive guerrillas of civilian support and allow paramilitary forces to challenge the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) for control of narcotic cultivations and strategically important territories. They also fought guerrillas for control of some lucrative coca-growing regions and engaged directly in narcotics production and trafficking. The AUC increasingly tried to depict itself as an autonomous organization with a political agenda, although in practice it remained a mercenary vigilante force, financed by criminal activities and sectors of society that are targeted by guerrillas. Although some paramilitary groups reflect rural residents' desire to organize solely for self-defense, most are vigilante organizations, and still others are actually the paid private armies of narcotics traffickers or large landowners. Popular support for these organizations grew as guerrilla violence increased in the face of a slowly evolving peace process.

The Government continued to insist that paramilitary groups, like guerrillas, were an illegal force and significantly increased efforts to apprehend paramilitary members. State security forces captured three times as many paramilitaries during the year as during the same period in 2000; however, the public security forces' record in dealing with paramilitary groups remained mixed, and in some locations elements of state security

forces tolerated or even collaborated with paramilitary groups.

In April the U.N. Human Rights Commissioner, Mary Robinson, presented a report that strongly criticized the rising number of massacres and disappearances, and the growth of paramilitary forces in the country. In her annual report to the U.N. Commission on Human Rights, Ms. Robinson criticized the Government for failing to fight the paramilitaries. In addition, she expressed alarm at apparent links between paramilitary groups and members of the armed forces.

The FARC and the ELN regularly attacked civilian populations, committed massacres and summary executions, and killed medical and religious personnel. The FARC continued its practice of using gas canisters as mortars to destroy small towns, indiscriminately wounding government officials and civilians in the process. Guerrillas were responsible for the majority of cases of forcible recruitment of indigenous people and of hundreds of children. Guerrillas also were responsible for the majority of kidnappings. Guerrillas were responsible for forced disappearances of soldiers and police and continued a policy of killing, attacking, and threatening off-duty police and military personnel, their relatives, and citizens who cooperated with them. In many places, guerrillas collected "war taxes," forced members of the citizenry into their ranks, forced small farmers to grow illicit crops, and regulated travel, commerce, and other activities. Business owners have been kidnaped or threatened for refusing to comply with the FARC's "Law 002," announced in March 2000, which demanded that anyone with assets of \$1 million pay taxes to the FARC or risk kidnaping. The FARC routinely committed abuses against citizens who resided in the demilitarized ("despeje") zone consisting of 5 southern municipalities, with a total population of approximately 120,000 persons. Numerous credible sources reported cases of murder, rape, kidnaping, extortion, robbery, threats, detention, and the forced recruitment of adults and children, as well as impediments to free speech and fair trial, and interference with religious practices.

## RESPECT FOR HUMAN RIGHTS

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

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

Political and extrajudicial killings continued to be a serious problem. During the year, NGO's estimated that over 3,700 citizens died in such acts, committed principally by nonstate agents. Members of the security forces continued to commit extrajudicial killings. An analysis of data from the Center for Investigations and Popular Research (CINEP), published by the Colombian Commission of Jurists (CCJ), a nongovernmental organization (NGO), claimed that from June 2000 to June 2001, state forces committed 100 reported extrajudicial killings, including deaths that resulted from police abuse of authority. CINEP reported that, from January through September, state security force members committed 92 "intentional homicides of protected persons," and caused the deaths of 25 civilians during combat. CINEP reported that security forces were responsible for 119 intentional homicides of protected persons during the same period in 2000. Most of the incidents cited by the CCJ and CINEP were under investigation by military and 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 illegally collaborated with paramilitary forces, and the authorities continued to investigate past cases of collaboration with or failure to prevent massacres by paramilitaries. There were some reports that police and former security force members committed social cleansing killings. Investigations of past killings and massacres proceeded slowly.

On December 31, 2000, a soldier tossed a grenade at a group of civilians, killing three and injuring three more. On January 29, the authorities dismissed him from the army, and he then pled guilty to aggravated homicide and illegal weapons possession.

The authorities continue to investigate the murder on April 4 of policeman Carlos Ceballos Gomez, who testified in the investigation of illegal wiretapping by the Medellin GAULA kidnaping force (see Section 1.f.).

There continued to be reports that an undetermined number of off-duty policemen committed "social cleansing" killings, or that the police deliberately failed to prevent such killings.

The CCJ reported 161 massacres (defined as the simultaneous or nearly simultaneous killing of 3 or more persons outside of combat at a single location or at several nearby locations), in which 1,021 victims died, during the period from January through September, and estimated that the total number of massacres during the year exceeded 200. The CCJ attributes four massacres to acts of negligence or deliberate omission by state security forces. According to the MOD, during the year, 493 persons were killed in massacres (defined as 4 or more persons killed in 1 incident). The MOD figure does not include persons killed in prison riots; NGO's include such incidents in their statistics. The CCJ analyzed CINEP data from June 2000 to June 2001 and

attributed 3 percent of civilian victims and persons killed outside of combat to state security forces.

A court of the first-instance ruling exonerated the soldiers involved in the August 2000 killing of six children by an army unit; however, the Superior Military Tribunal returned the case for reconsideration (see Section 1.g.).

The Procuraduria General (Inspector General), which conducts disciplinary investigations of all public sector employees, received 228 complaints against members of state security forces during the year, compared with 201 during 2000. The Inspector General's office investigated 183 members of state security forces on disciplinary charges related to massacres and forced disappearances. Of this number, the Inspector General sanctioned 20 members of the army, 14 members of the police, and 1 marine. The office exonerated 20 accused persons. As in the previous year, the office continued to refer all cases involving human rights violations to the Prosecutor General for criminal investigation. Five generals remained under investigation by the Inspector General during the year for failure to prevent paramilitary massacres in 1998 and 1999; one was convicted.

As of December, the human rights unit of the Prosecutor General's office reported that it had approximately 788 open investigations of human rights violations by 1,342 individuals, including 234 members of the military and police, 770 presumed members of paramilitary groups, 240 presumed guerrillas, and 98 other civilians. As of December, the unit had arrested 1,293 persons, and another 891 arrest warrants for persons remained outstanding, of which 39 are for members of the military, the police, and the DAS. Prosecutors placed under arrest 132 members of the army, 97 police, 9 members of the DAS, and 7 members of the CTI during the year.

The Institute for Forensic Medicine reported 25,351 homicides for the year, 792 fewer cases than in 2000. The police and the Prosecutor General's office have insufficient resources to investigate most killings adequately. The Superior Judicial Council estimated based on a 1997 survey that 63 percent of crimes go unreported, and that 40 percent of all reported crimes go unpunished.

According to a March 2000 report by the MOD, during the first half of 1999, the most recent year for which information was available, the military judiciary convicted and sentenced 206 members of the National Police, army, and navy for serious offenses that the Ministry identified as violations of human rights: Homicide, bodily injuries, rape, attempted murder, illegal detention, and abuse of authority. Of the total number of convictions, 66 were for homicide and 113 were for bodily injuries. The average sentences issued in 1998 were 58 months' imprisonment for homicide and 15 months' imprisonment for bodily injuries, although sentences ranged from 2 years to 64 years for homicide, and 2 months to 2 years for bodily injuries. The civilian Criminal Procedure Code authorizes restriction to a military base as an acceptable substitute for imprisonment when military jails or prisons are unavailable.

In 1997 the Constitutional Court more narrowly defined the constitutional provision that crimes by state agents unrelated to "acts of service" must be tried in civilian courts (see Section 1.e.). As of November, the military judiciary had turned 1,373 cases, of which an estimated 41 percent were possible human rights violations, over to the civilian judiciary for investigation and possible prosecution, including cases involving high-ranking officers. The new Military Penal Code reiterates that the crimes of genocide, forced disappearance, and torture must be tried in civilian courts. In August 2000, the President reaffirmed these new legal norms through a directive sent to the military high command and the commander of the National Police (see Section 1.e.).

During the year, the military judiciary turned 66 cases over to the civilian judiciary, compared with 496 cases during 2000. The decrease does not reflect a reduced willingness to transfer such cases; a large backlog of cases from previous years were transferred during 2000. The Supreme Council of the Judiciary ruled on 31 conflicts of jurisdiction involving cases against the military during the year. Of these, 11 cases were assigned to the military judiciary and 20 were assigned to civilian courts.

The CCJ in its analysis of data from CINEP and other sources attributed four massacres during the year to state security forces. In none of these cases were killings attributed directly to members of the state security services; CCJ and CINEP attributed three of these massacres to state negligence, while the fourth was attributed to deliberate failure to prevent paramilitary violence. Of these four incidents, three involved prison riots, in which guerrilla and paramilitary inmates killed one another (see Section 1.c.). CCJ and CINEP concluded that prison guards were at fault in failing to prevent these deaths.

The fourth incident was a March 17 paramilitary massacre in San Carlos, Antioquia, which resulted in the deaths of 13 persons. CCJ and CINEP charged that army and police troops deliberately withdrew from the area of the attack 3 days prior to the massacre. At year's end, the office of the Inspector General was conducting a disciplinary investigation of 10 members of the military and police, regarding allegations that they permitted a truck that was carrying 15 hostages being held by paramilitaries to pass unchallenged. A separate investigation by the Prosecutor General's office also was in progress at year's end.

In May the authorities detained two army Fourth Brigade corporals on suspicion of having participated in the January 2000 murder of Uberney Giraldo and Jose Evelio Gallo, both long-demobilized guerrillas of the Socialist Renewal Current (CRS) and two others, after abducting them from the village of San Antonio, Antioquia department. Although two other army officers and four other soldiers were not detained, they remained under investigation. The Inspector General's office and the Prosecutor General's office continue to investigate the case at year's end.

In June a Rionegro, Antioquia department, court convicted in absentia army major David Hernandez Rojas and army captain Diego Fino Rodriguez of aggravated homicide in the 1999 murder of Antioquia peace commissioner (and former Vice Minister for Youth) Alex Lopera and two other persons, and sentenced them to 50 years in prison. A former member of the army's Fourth Brigade, Raul Gallego, was absolved. Two other soldiers were convicted of committing the killings and were serving prison sentences at year's end. Captain Fino and Major Hernandez remained at large at year's end following their escapes from military detention in March 2000 and June 1999 respectively. Another soldier and a civilian were convicted and sentenced in absentia for obstruction of justice and for assisting in Fino's escape.

In November retired army Lieutenant Colonel Jorge Plazas Acevedo, former chief of intelligence of the army's 13th Brigade, stood trial for the 1998 kidnaping and 1999 murder of Jewish business leader Benjamin Khoudari. At year's end, the court had not yet issued a final ruling. Civilian Jhon Alexis Olarte Briceno and army sergeant Guillermo Lozano Guerrero also remained on trial at year's end. Two other suspects were appealing their convictions for aggravated kidnaping and homicide to the Bogota Supreme Court.

Prosecutors continued to investigate the May 1998 Barrancabermeja massacre, as well as the July 2000 murder of Elizabeth Canas Cano, a key eyewitness. The Inspector General's office also was conducting an inquiry into the death of Canas. In August 2000, the Inspector General had sanctioned eight service members in connection with the massacre, including members of the army, the police, and the DAS, of which three--army Captain Oswaldo Prada Escobar, Lieutenant Enrique Daza and Second Lieutenant Hector Guzman Santos--were discharged. A police lieutenant colonel, captain, and lieutenant, as well as two DAS agents were suspended.

At year's end, the civilian trial continued of retired Colonel Bernardo Ruiz Silva, former commander of the army's now disbanded 20th Brigade (military intelligence) for allegedly organizing the 1995 Bogota killing of Conservative Party opposition leader Alvaro Gomez Hurtado. In March the judge reported a death threat against her (see Section 1.e.). The trial continued at year's end. Also on trial are army intelligence agents Henry Berrio Loaiza and Carlos Gaona Ovalle, retired army warrant officers Omar Berrio Loaiza and Franklin Gaona Ovalle, and civilian accused killers Hector Paul Florez Martinez, Manuel Mariano Montero Perez, Gustavo Adolfo Jaramillo Giraldo, and Hermes Ortiz Duran.

At year's end, marine Colonel Jose Ancizar Molano Padilla (then-commander of the 2nd Marine Infantry Battalion) as well as marine Corporals Javier Fernando Guerrero, Eduardo Aristides Alvarez, and Jose Milton Caicedo were standing trial in a civilian court in Pasto for the 1995 social cleansing killings of alleged thieves Sifredy and Fredy Arboleda. The authorities continued to seek the capture of marine Sergeant Francisco Duarte Zuniga. A disciplinary investigation by the Inspector General continued at year's end.

The Supreme Court is expected to rule on the appeal of 5 army officers and 4 paramilitaries of their 1998 convictions in the case of the 1988 Nuevo Segovia paramilitary massacre, in which 43 persons were killed and 45 injured, and their sentence of 18 to 30 years' imprisonment for terrorism.

The Prosecutor General's office continued to investigate the 1987 kidnaping, torture, and death of Nydia Erika Bautista de Arellano, a member of the M-19 guerrilla group. The case was reassigned to civilian justice in July 2000. In 1994 the Inspector General had removed Brigadier General Alvaro Velandia Hurtado from the armed forces and sanctioned a sergeant in the case. In 1996 the Government had complied with a court order to pay compensation to Bautista's family for the involvement of MOD officials.

Credible allegations of cooperation with paramilitary groups, including instances of both passive support and direct collaboration by members of the public security forces, in particular the army, continued. Evidence suggests that there were tacit arrangements between local military commanders and paramilitary groups in some regions, and paramilitary forces operated freely in some areas despite a significant military presence. 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, under the leadership of Minister of Defense Gustavo Bell and General Fernando Tapias, stated repeatedly that it would not tolerate collaboration between military personnel and paramilitary

groups, and that the army would combat paramilitary groups. Although state security forces doubled operations against paramilitaries during the year and tripled 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, and members of the security forces sometimes illegally collaborated with paramilitary forces. Credible reports persisted of paramilitary installations and roadblocks near military bases; of contacts between paramilitary and military members; of paramilitary roadblocks unchallenged by military forces; and of military failure to respond to warnings of impending paramilitary massacres or selective killings. Military entities often cited lack of information, manpower, and mobility to explain this situation. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

In October Human Rights Watch issued "The Sixth Division," a report that stated that the army maintains close operational ties to paramilitary groups. The report highlighted reports from 1999-2001 of collaboration with paramilitary forces or acts of omission in preventing paramilitary crimes by officers of the army's 3rd, 5th, and 24th Brigades. Human Rights Watch sharply criticized the Government for failing to address effectively the problem of continued military-paramilitary cooperation and general impunity for human rights violators and also charged that the Government exaggerated the effectiveness of its actions against paramilitarism with "a sophisticated public relations campaign." Presidential Human Rights Program Director Reinaldo Botero vigorously denied that his office published distorted information and criticized the "immoderate tone" of the report. However, Botero welcomed the NGO's statement that high level Government officials clearly and publicly stated their policy to combat paramilitarism. Brigadier General Martin Orlando Carreno, commander of the Fifth Brigade, said that Human Rights Watch's allegations were based on erroneous information and noted that the Fifth Brigade had captured 147 members of paramilitary groups and killed 18 others in combat during the year.

In September 2000, the President signed military decrees that allowed for the dismissal of members of the public security forces who were complicit in paramilitary or other illegal activities; government agencies actively investigated allegations of collaboration or complicity with paramilitary groups by members of the security forces. From October 2000 through the end of 2001, the military dismissed approximately 600 members; however, it was not known how many discharges were for collaborating with paramilitary groups (see Section 1.e.).

On January 17, approximately 80 paramilitaries killed 27 civilians in Chengue, Sucre department. Early in the investigation, paramilitary Elkin Antonio Valdiris Tirado was captured and confessed to a role in the massacre. Valdiris also implicated two active duty marine sergeants; one was charged and was awaiting trial at year's end, while the other was detained pending formal charges. A civilian suspect also was awaiting trial at year's end. On August 29, in Sincelejo, Sucre department, presumed paramilitaries killed Yolanda Paternina, a prosecutor working on the case. Two CTI investigators on the case disappeared in mid-April near Berrugas, Sucre department and are presumed dead. The Inspector General's office opened a disciplinary investigation of then-Marine First Brigade commander Rodrigo Quinones, five other marine officers, the marine sergeants, and a police officer for possible acts of omission in failing to prevent the massacre.

The Government is investigating a March 5 paramilitary incursion in the "peace community" of San Jose de Apartado, in Uraba region, Antioquia department, in which both residents and international observers were threatened, and a number of buildings were burned. Community members alleged that members of the army's 17th Brigade were involved in the raid. On July 30, 15 armed paramilitaries killed 1 man and displaced 64 families from the peace community of La Union, Uraba region, and announced a paramilitary takeover of the community, although they did not maintain control. Both FARC and paramilitaries are present in the mountains above this community. At the request of the peace community, 17th Brigade troops did not enter San Jose. Witnesses reported that the paramilitaries who entered San Jose in July 2001 identified themselves as the same persons who had committed the July 2000 massacre in the same community. The murder is under investigation. The authorities also are investigating the December 15 murder of a resident of San Jose de Apartado by three armed men in civilian clothing; the victim was not a member of the peace community. An NGO attributed the killing to paramilitaries; however, it remains unclear who was responsible.

Prosecutors also continue to investigate two paramilitary massacres in February 2000 in San Jose de Apartado and in July 2000 in neighboring La Union, in which 11 persons were killed. Members of the San Jose de Apartado peace community, as well as NGO's, accused the 17th Brigade of complicity in the attacks. On February 19, 2000, unidentified presumed ACCU paramilitaries killed five persons in San Jose de Apartado, and wounded three others; there were reports that the men wore the insignia of the 17th Brigade on their uniforms. On July 8, 2000, approximately 20 paramilitary assailants murdered 6 peasants in La Union, part of San Jose de Apartado. The attackers reportedly gave the citizens 20 days to leave the town. NGO's alleged that the 17th Brigade was complicit in both attacks, that army members were near La Union prior to the July 8 attack, and that a military helicopter hovered over La Union during the massacre. Government investigators continued to investigate complaints of military-paramilitary collusion in these massacres at year's end.

On February 19-20, 2000, a large group of AUC paramilitary attackers killed 42 persons, whom they accused of being guerrillas or guerrilla sympathizers at El Salado, Bolivar department. A military investigation did not find any substantiation for complaints that the military purposely failed to prevent the attack, or that the navy blocked relief groups from entering. An investigation by the Prosecutor General's office continued, and by year's end, 16 paramilitary suspects were detained and standing trial. (An arrest warrant remained outstanding for AUC leader Carlos Castano.) The Inspector General's office continued a disciplinary investigation of navy Rear Admiral Humberto Cubos Padilla and navy Rear Admiral Rodrigo Quinones, five other navy officers, and two police officers, but at year's end, had not yet charged any service member in the case.

In March 2000, the human rights unit of the Prosecutor General's office ordered the detention of army Captain Luis Fernando Campusano Vasquez and sought the capture of 15 other civilians, including Carlos Castano, who remained at large. They are suspected of being affiliated with area units that collaborated with a 300-person paramilitary group based at Vetás, Norte de Santander department, which committed 15 massacres in and around the towns of La Gabarra and Tibu between May and September, 1999. More than 145 persons whom the attackers claimed were guerrillas or guerrilla supporters were killed. Nearby elements of the army's 46th counterguerrilla battalion (Tibu) and 5th mechanized group (Cucuta), as well as police, did not intervene. In December the authorities arrested army Colonel Victor Matamoros and Captain Juan Carlos Fernandez, the former commander and the former intelligence director of the Fifth Mechanized Group, respectively. The two are charged with collaboration with and the formation of illegal paramilitary groups between 1997 and 1999.

The Prosecutor General's office has charged one army captain and two civilians for failing to prevent a paramilitary massacre of 22 persons in August 1999 in La Gabarra, Norte de Santander department. However, it did not file charges against retired army Brigadier General Alberto Bravo Silva, Colonel Roque Sanchez, and two other army officers. (Bravo retired in 1999 on orders from the President.) The Prosecutor General's office is trying in absentia AUC leader Carlos Castano and 14 others for homicide and subversion related to this massacre.

The May 29, 1999, paramilitary massacre in which six persons in Los Cuervos (near La Gabarra) were killed also remains under investigation; two former members of the military, two prison guards, and five civilians are under arrest and in detention. The Inspector General's office continued its investigation of (but had not charged) Bravo, Roque, army Colonel Victor Hugo Matamoros, army major Mauricio Llorente Chavez, and army lieutenant Luis Fernando Campuzano.

In March the Prosecutor General charged former Tibu military base commander Mauricio Llorente Chavez, former Tibu police commander Major Harbey Fernando Ortega Ruales, and 13 police agents with homicide and complicity in a July 17, 1999, paramilitary massacre in Tibu. The suspects remained under arrest at year's end.

In April the Prosecutor General's office ordered the detention of Colonel Rafael Alfonso Hani Jimeno, who was arrested later and charged with collusion with paramilitaries. Hani was the commander of the army's Palace de Buga Battalion, located in Tulua, Valle del Cauca department, during a period in 1999 when paramilitaries conducted a series of killings and displaced hundreds of peasant farmers. He also was alleged to have permitted a known paramilitary (whom Hani claimed was an informant) to live at battalion headquarters for months. At year's end, the charges against Hani had been overturned on appeal, but Hani remained under investigation. There were reports of threats against investigators and witnesses in this case. In February the Inspector General's office opened a separate disciplinary investigation of Hani.

On July 27, 2000, the Inspector General's office formally charged 5 army officers, including 4 generals, for failing to prevent the massacre of 19 persons in May 1998 in Puerto Alvira, Meta department. The five charged are former commanders of the army's Fourth Division, retired Major General Augustin Ardila Uribe and General Jaime Humberto Cortes Parada (the army's Inspector General); former commander of the 7th Brigade, retired Brigadier General Jaime Humberto Uscategui; commander of the 2nd Brigade, General Fredy Padilla de Leon (also the former head of the 7th Brigade); and the commander of the "Joaquin Paris" battalion, Colonel Gustavo Sanchez Gutierrez. Those involved denied the charges. The Inspector General's investigation was still in progress at year's end. In March the Superior Military Tribunal confirmed the June 2000 first instance military court's ruling to close the case. At year's end, the human rights unit of the Prosecutor General's office had under arrest one paramilitary, had released another suspect for lack of evidence, and had outstanding arrest warrants for AUC leader Carlos Castano and seven others.

In December 2000, the Inspector General's office charged 17 police and 9 army officials with collusion with paramilitary groups in approximately 160 social cleansing murders by members of paramilitary groups in northeastern Antioquia (including the communities of La Ceja, Guarne, and El Penon) during 1995-98. The Inspector General also charged two municipal officials with omission. The Prosecutor General's office also charged 21 of the 26 officials who faced disciplinary charges, as well as a suspected paramilitary. All of the individuals charged either were standing trial or awaiting court dates at year's end.

In April a military tribunal convicted Brigadier General Jaime Uscategui and sentenced him to 40 months' imprisonment for failing to prevent the July 1997 AUC paramilitary massacre of dozens of persons in Mapiripán, Meta department. The court also convicted Lieutenant Colonel Hernan Orozco (a primary witness against Uscategui) and sentenced him to 38 months in prison. Orozco was released in September, having served his entire sentence. Uscategui's sentence subsequently was reduced for time served and work performed, and he was released in July. In the view of many human rights groups, the term of Uscategui's sentence and early release, although legal, severely undercut the message sent by his conviction. In addition, human rights organizations criticized the sentence given to Colonel Orozco as punishment for his having come forward with the facts and the General's involvement in the massacre. A civilian judge hearing the case against other military and civilian defendants was threatened during the year (see Section 1.e.). In November the Constitutional Court announced that it would rule that Uscategui's case should be assigned to civilian jurisdiction. The court had not issued or implemented the ruling at year's end. The ruling is expected to nullify the military tribunal's conviction. The ruling is also an implied exoneration of Orozco because the Prosecutor General's office had decided in March 1999 not to press charges against Orozco.

In 1999 the CSJ had sent the cases of all other defendants in the Mapiripán case to the civilian courts for action, including charges against Lieutenant Colonel Lino Hernando Sanchez Prada for facilitating the massacre, which was determined not to be an act of service. At year's end, Lieutenant Colonel Sanchez and the five other defendants (two noncommissioned officers and three commercial pilots) remained on trial in the civilian judiciary. Two other civilian paramilitary defendants were indicted in December 2000 and remained on trial and in detention at year's end. In November 2000, the Prosecutor General indicted in a separate process Lieutenant Colonel Sanchez, two army sergeants, and eight members of paramilitary groups (including two civilian pilots).

The military judiciary announced no new developments during the year in its ongoing investigation of retired Brigadier General Fernando Millan Perez regarding allegations that he armed and equipped a paramilitary group in Lebrija, Santander department in 1997, which was believed to be responsible for at least 11 killings. In October 1998, the Superior Judicial Council had determined that Millan's alleged actions constituted an act of service and turned the case over to the military judiciary for prosecution. In July the Inspector General's office charged army General Fernando Millan Perez, army Colonel Hernando Sanchez Salamanca, and army lieutenant Oscar Esteban Hernandez Barragan.

In late July, the CTI detained General Rito Alejo del Rio, former commander of the 17th Brigade, on suspicion of illegal collaboration with paramilitaries in Uraba in 1995-97. Newly named Prosecutor General Luis Camilo Osorio publicly criticized the decision to arrest del Rio and complained that he had not been consulted. Human Rights Unit coordinator Pedro Diaz insisted that the Human Rights Unit prosecutor on the case had legal authority to issue the warrant. In early August, a Bogota judge freed del Rio under a habeas corpus ruling that claimed irregularities in the processing of the arrest warrant. The judge also ruled (under a highly controversial interpretation of Article 235 of the Constitution) that jurisdiction for the case rested exclusively with Osorio, not the Human Rights Unit prosecutor. Both Diaz and Deputy Prosecutor General Pablo Elias Gonzalez resigned shortly afterward. General Del Rio remained free; however, in November the office of the Prosecutor General summoned General del Rio to inquest. The investigation was still in progress at year's end. The office of the Inspector General continued a separate disciplinary investigation of del Rio.

An appeals court confirmed charges of collusion with paramilitaries in the 1996-97 social cleansing killings in La Ceja, Antioquia department, against army Lieutenant Colonel Jesus Maria Clavijo Clavijo, soldier Carlos Mario Escudero, and police agent William Mora; all three were awaiting trial in a civilian court at year's end. Clavijo remained detained at 5th Brigade headquarters. In two separate cases related to the same series of crimes in Antioquia, prosecutors also charged police agents Luis Alfredo Castillo Suarez, Juan Carlos Valencia Arbalaez, Carlos Maria Tejada, and Olimpo Rivera; and soldiers Javier Antonio Gomez Herran, and Osvaldo Leon Beltran, all of whom were awaiting trial at year's end. Prosecutors also arrested army Major Alvaro Cortes Murillo and army Lieutenant Colonel Alfonso Zapata Gaviria. Paramilitary Ricardo Lopez Lora was sentenced to 16 years in the La Ceja killings, another paramilitary is being tried in absentia, and a third has been absolved.

The case of retired army Colonel Jose Ancizar Hincapie Betancurt for collaboration in 1993-94 with a paramilitary group that killed 11 persons remained pending before civilian courts at year's end.

Paramilitary groups committed numerous extrajudicial killings, primarily in areas where they competed with guerrilla forces for control, and often in the absence of a strong government security force presence. Several major paramilitary campaigns during the year included massacres in Sucre, Norte de Santander, Magdalena, and Valle del Cauca departments. The office of the Human Rights Ombudsman received complaints regarding 125 massacres during the year. The MOD reported that paramilitary forces were responsible for the deaths of 1,015 civilians in the period from January to November. According to the MOD, during the year, the paramilitaries killed 281 persons during massacres. The CCJ reported 161 massacres during January-



September, of which 102 massacres (representing 671 victims) are attributed to paramilitaries. The CCJ attributes a total of 1,929 political killings and 319 social cleansing killings to paramilitary groups in the period from June 2000 to June 2001. Paramilitary activities also included kidnaping, intimidation, and the forced displacement of persons not directly involved in hostilities (see Sections 1.b., 1.c., 1.g., and 2.d.). Paramilitary groups targeted journalists and teachers (see Section 2.a.), human rights activists (see Section 4), labor leaders (see Section 6.a.), community activists, national and local politicians (including the President), peasants, and other persons whom they accused of supporting or failing to confront guerrillas. Paramilitary forces killed indigenous people (see Section 5).

AUC paramilitary groups were suspected of hundreds of selective killings throughout the country, especially in Valle del Cauca, Antioquia, Norte de Santander, Bolivar, and Sucre departments. The FARC, the ELN, or both had a strong presence in these areas as paramilitary forces vied with them for control of territory or resources, including coca cultivation. Paramilitary groups continued to kill political leaders and peace activists, including Ismael Valencia, the former mayor of Calima Darien, Valle del Cauca department; and nun and human rights activist Yolanda Ceron in Tumaco, Narino department. Six members of the CTI were killed during the year in various parts of the country; paramilitary forces were suspected of responsibility in two of these killings; in the others the responsible group had not been identified at year's end.

Paramilitary massacres and incursions continued in Antioquia, Sucre, and Bolivar departments as part of an ongoing paramilitary effort to wrest territorial control from the guerrillas. A similarly fierce struggle for control continued in Norte de Santander, Cauca, and Valle del Cauca departments.

On January 5, presumed paramilitaries killed 14 persons in the villages of Chiquinquirá and Mesetas, Penol municipality, Antioquia department.

On February 13, gunmen shot and killed Ivan Villamizar, a former regional ombudsman, in Cucuta, Santander department. One presumed paramilitary was captured and charged with the murder.

On March 21, a suspected paramilitary gunman shot and killed business owner and farmer Gonzalo Rodriguez, brother of ELN leader Nicolas Rodriguez, in Socorro. The victim reportedly had no involvement with guerrillas.

On March 24, paramilitaries reportedly kidnaped between 24 and 30 persons in La Llorente, Narino department. Three persons, not among those reported kidnaped, were killed in separate incidents and confirmed dead after this incursion. The identity and fate of the other persons reportedly kidnaped has never been confirmed.

From January through April, the AUC mounted a successful offensive to displace the ELN from the northeastern neighborhoods of Barrancabermeja, Santander department. By April, more than 180 civilians had been killed and another 4,000 displaced. The human rights NGO CREDHOS reported at year's end that 360 persons were killed in political violence in the period from January to November in Barrancabermeja and surrounding areas. The Prosecutor General's office and Inspector General's office are investigating numerous complaints of military and police collusion with paramilitaries in Barrancabermeja.

On April 14, in the Alto Naya region (on the border of Cauca and Valle del Cauca departments), paramilitaries murdered 20 persons with machetes and guns (reportedly raping at least 1 victim first), and displaced hundreds more. Responding to the massacre, the army and navy captured 70 paramilitaries, including a paramilitary bloc commander, in a joint operation. All of the suspects were under arrest and awaiting trial at year's end. The Prosecutor General's office and the Inspector General's office also are investigating allegations that army troops may have been guilty of failing to prevent the massacre. No charges have been filed against any service member.

On July 4, a large group of AUC paramilitaries kidnaped 43 young men in Peque, Antioquia department and forced them to herd stolen cattle. Seven of the men later were found dead and severely mutilated. As some of these victims were taken into an area where there was AUC-FARC combat, it remains unclear whether the paramilitaries or the FARC killed them. FARC guerrilla troops arrived in Peque following the incident and offered security to its residents. The guerrillas departed later on July 11, after which the army and police arrived. Vice President and Minister of Defense Bell also visited Peque on July 12. Most of the 3,500 persons displaced by this incident returned by late July. The army reported that limited manpower and mobility, as well as other demands on army resources at the time, prevented rapid reaction to the crisis in Peque. The Inspector General was investigating complaints of military omission or collusion, but has not identified individual suspects in the case.

On September 5, presumed AUC paramilitary gunmen killed Congressman and Lower House Peace

Committee Acting Chairman Jairo Hernando Rojas. The Prosecutor General's Human Rights Unit was investigating the case.

On September 15, approximately 20 AUC paramilitaries killed 9 persons in Frias, Magdalena department, accusing them of being guerrilla informants. Contrary to some press reports alleging slow military reaction, international organizations verified that the army arrived promptly at the scene. There had been no previous threats or warnings reported for that location.

In October presumed paramilitaries kidnaped 13 fishermen in Ciénaga de Santa Marta, Magdalena department; the bodies of 6 were found (see Section 1.b.).

On October 10, AUC paramilitaries shot and killed 24 persons in the communities of La Habana and Alaska, near the city of Buga in Valle del Cauca department. Human Rights Ombudsman Eduardo Cifuentes publicly accused the army's Palace de Buga battalion of omission in failing to reach the area until the following morning. According to the army, this area, contested between the FARC and paramilitaries, was difficult to reach quickly in combat conditions. In late October, army troops captured 10 civilian paramilitary suspects, and the case remained under investigation by the Prosecutor General's office at year's end.

On December 1, AUC paramilitaries shot and killed 15 persons on a remote country road in Boyaca department. According to press reports, local officials said that the mass slaying signals a possible push by the AUC into the mineral rich region that had been a bastion of guerrillas.

The Prosecutor General's office continues to investigate a series of attacks in November 2000, when paramilitary forces killed 15 fishermen in Nueva Venecia (La Ciénaga de Santa Marta), Magdalena department, and kidnaped another 22 persons, whose bodies later were discovered.

Prosecutors continue to investigate an April 2000 massacre of 21 men by approximately 50 paramilitary attackers at Tibu, Catatumbo region, Norte de Santander department.

Prosecutors continued to investigate the February 2000 ACCU massacres in five neighborhoods of Las Ovejas.

In May 2000, a paramilitary group that identified itself as the "Calima Front" claimed responsibility for the killings of 12 civilians in the village of Sabaletas, Valle del Cauca department. The group also claimed to have killed 14 other persons it suspected of being guerrillas in the same area. According to Human Rights Watch, the army's 3rd Brigade created and supports the Calima Front, which Human Rights Watch believes was responsible for at least 200 killings between July 1999 and July 2000, as well as the displacement of over 10,000 persons. The Prosecutor General's office and the Inspector General's office continue investigating claims of continued military collusion with the Calima Front.

At year's end, paramilitary and "La Terraza" gangster Juan Pablo Ortiz Agudelo (alias "Bochas"), already convicted and imprisoned for another murder, was appealing charges filed against him for the 1999 murder in Bogota of journalist, comedian, and human rights activist Jaime Garzon Forero. Under the law, a defendant has the right to appeal charges; if the charges are confirmed, the case proceeds to trial. AUC leader Carlos Castano has been charged with ordering the killing, but remains at large.

Paramilitary leader Mario James Mejia ("el Panadero") was convicted of eight murders and sentenced to 40 years' imprisonment for the February 1999 "Barrancabermeja II" massacre, which left nine persons dead. Pedro Mateo Hurtado Moreno and three other paramilitary suspects in the massacre remained at large at year's end.

In July a Bogota judge, citing lack of evidence, acquitted five suspects in the 1998 killing of Eduardo Umana Mendoza, perhaps the country's best-known and most controversial human rights lawyer. The five were released, after 3 years in detention.

In March a Medellin court sentenced two paramilitaries to 35 years' imprisonment for the 1998 killing of human rights activist Jesus Maria Valle, the president of the Antioquia Permanent Committee for the Defense of Human Rights. Seven other suspects were exonerated, and AUC leader Carlos Castano was convicted in absentia of the formation of paramilitary groups but absolved of the murder.

Accused paramilitary Ivan Urdinola Grajales remained in detention in connection with the 1989-90 "Trujillo I" massacres in Valle del Cauca department, and also is implicated in the 1994 "Trujillo II" massacre.

Prosecutors also have an outstanding warrant for the detention of one other paramilitary member in the Trujillo I case. In May 2000, a court upheld charges against paramilitary Norberto Morales Ledesma for involvement in the Trujillo II massacre. Two other members of paramilitary groups implicated in both Trujillo I and Trujillo II remain at large.

In November Carlos Castano admitted in his published memoirs that he was responsible for the 1990 murder of presidential candidate Carlos Pizarro, among other crimes.

Although authorities have captured several regional commanders, top paramilitary leaders largely remained beyond the reach of the law. MOD figures published in July indicated that 954 paramilitaries were captured between January and November (a 3-fold increase over the same period in 2000) and 109 were killed. The Ministry of Defense also reported in mid-October that 24 soldiers were killed and 31 wounded in clashes with the AUC.

In January police in Barrancabermeja arrested Franklin Eugenio Aguilar Rengifo in connection with a kidnaping. On January 12, police captured Danilo Cordoba Moya, presumed regional AUC commander for the northern part of the country, in Zambrano, Bolivar department. On January 28, the CNP arrested paramilitary leader Gustavo Adolfo Soto Garcia in San Carlos de Guaroa, Meta department. On March 22, Roberto Carlos Delgado, leader of the AUC's Southern Liberators bloc, was captured along with five others including retired army colonel Jesus Uruena Paz. In May the police captured Dumar de Jesus Gerrero, commander of the AUC's forces in the central regions of the country. On May 19, military units captured Francisco Javier Correa Gonzalez, leader of AUC forces in the northeastern neighborhoods of Barrancabermeja.

The guerrillas of the FARC, the ELN, and the People's Liberation Army (EPL) continued to commit killings, often targeting noncombatants in a manner similar to that of paramilitary groups. The MOD attributed a total of 1,075 civilian deaths to guerrillas between January and November. According to the MOD, during the year, guerrillas killed 158 persons during massacres. The CCJ reported that guerrillas were responsible for 458 political killings in the period from June 2000 to June 2001, the most recent period for which figures are available, compared with 236 political killings in the period from October 1999 through March 2000. The Ministry of Defense attributed 880 civilian deaths in massacres to guerrillas during 2000. The Human Rights Ombudsman attributed 22 massacres to the FARC during the first 6 months of 2000 and 9 massacres to the ELN. The Ombudsman also attributed 89 killings to the FARC and 31 killings to the ELN during the first 6 months of 2000.

Common guerrilla targets included local elected officials and candidates for public office, teachers (see Section 2.a.), civic leaders, business owners, and peasants opposed to the guerrillas' political or military activities. Guerrilla groups also killed religious leaders (see Section 2.c.), members of indigenous groups (see Section 5), and labor leaders (see Section 6.a.). Some communities controlled by guerrillas also experienced social cleansing killings of criminal or other "undesirable" elements. The CCJ reported 10 such killings for the period of June 2000 to June 2001. Guerrilla campaigns around the demilitarized area, in the Norte de Santander, Antioquia, and southern departments often involved significant civilian casualties and prompted significant displacements (see Section 1.g. and 2.d.).

On January 18, guerrillas of the FARC's 57th front shot and killed Henry Perea Torres, the mayor of Jurado, Choco department. Perea, who had taken office on January 1, represented the Indigenous Social Alliance and had criticized the murder several days earlier of fellow indigenous leader Armando Achita.

On February 6, presumed ELN guerrillas killed nine farmers who actively opposed the creation of an ELN encounter zone, in La Cristalina community near Puerto Wilches, Santander department.

On February 13, FARC guerrillas killed nine young hikers in the Purace National Park in Huila department. The FARC stated that they had mistaken the hikers for paramilitaries and promised the victims' relatives that the culprits would stand revolutionary trial. The killers remained at large at year's end.

From May 22-29, FARC guerrillas kidnaped and killed approximately 23 peasants in Alto Sinu, Cordoba department. An estimated 110 families were displaced following these attacks. The attacks appeared to have been part of an AUC-FARC struggle to control territory and coca cultivation, and to terrorize the local population.

In August presumed ELN guerrillas set off a series of bombing attacks in Medellin, Marinilla, and San Francisco, Antioquia department. Two persons were killed and approximately 81 persons were injured.

On September 6-7, FARC guerrillas killed 10 coca leaf pickers. As many as 40 other persons were reported

dead, but the FARC prevented government authorities and the International Committee of the Red Cross (ICRC) from recovering the bodies. The attacks appeared to be an effort by the FARC to take back the area around La Gabarra, which had been seized by paramilitaries in a series of attacks in 1999 that included three large massacres. This area remains hotly contested between illegal armed groups, both for coca cultivation and for access to the Venezuelan border.

On September 24, the FARC kidnaped and later killed Consuelo Araujo, a former Minister of Culture and the wife of the Inspector General (see Section 1.b.). Other kidnap victims were released or rescued.

In October ELN guerrillas destroyed a building in El Penol, Antioquia department, killing a policeman, his wife and child, and two other civilians.

On November 16, FARC units at an illegal checkpoint at Santuario, Putumayo department executed an unarmed soldier from the 12th Brigade and a taxi driver.

The authorities blamed FARC guerrillas for the December massacre of 15 farmers in Samana, Caldas department.

The human rights unit of the Prosecutor General's office continues to investigate deaths, disappearances, and kidnappings of off-duty army and police personnel (see Section 1.b.). For example, in late July, the authorities discovered the bodies of army Sergeant Eliud Sarmiento Ruiz and soldiers Eduardo Barreto, Moise Murcia Robayo, and Carlos Coronado Lopez in a common grave in Cundinamarca department. The four men, whose hands were bound and whose bodies showed signs of torture, had been kidnaped by the FARC on July 1 while they were off-duty, out of uniform, and unarmed.

Investigations into reported killings by FARC members within and on the periphery of the despeje continued. The investigation continued of the December 2000 killing of congressional peace commission chairman Diego Turbay Cote, his mother councilwoman Ines Cote, and five other persons in Caqueta department (near the FARC demilitarized zone). In November three suspects in the Turbay killings were released for lack of evidence.

In early October 2000, the FARC attacked the remote village of Ortega and killed eight persons, including two women and two children. The guerrillas also burned 20 homes, a school, and a church. In June 2000, the FARC massacred at least 11 civilians at Nutibara, Antioquia department, and injured 15 other persons.

The ELN is suspected of involvement in the February 6 killing of nine farmers in the La Cristalina community, in Santander department (Magdalena Medio region). Some of the victims were members of a civil society organization opposed to a proposed demilitarized zone for the ELN in southern Bolivar and Antioquia departments. One of the victims was a young pregnant woman.

The authorities charged in absentia FARC 34th front member Fernando Zapata Hineostroza for the killing of 21 police officers and 8 civilians, including 2 children, during the March 2000 attack on the twin towns of Vigia del Fuerte, Antioquia department, and Bellavista, Choco department. The authorities also are seeking the arrest of three other FARC members in this case. Seven police officers captured in the assault were released individually during the year.

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

The authorities still have not captured FARC eastern bloc commander German Briceno Suarez ("Grannobles") and U'wa tribe member Gustavo Bocota, who have been indicted for involvement in the March 1999 killings of kidnaped foreign activists for indigenous rights Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. The investigation of the case continued at year's end.

At year's end, the authorities had not yet captured Arley Leal and Milton de Jesus Tonal Redondo ("Joaquin Gomez" or "Usurriaga") of the FARC's 32nd Front in connection with the 1998 murder of Father Alcides Jimenez in Putumayo. The Inspector General's office continued to investigate possible government negligence in failing to prevent the killing.

In July the MOD reported that, from January through November, security forces killed 979 and captured 1,623 guerrillas. The Prosecutor General's office reported that as of December it had 98 open investigations against 240 guerrillas, had 227 guerrillas in custody, and had 262 warrants outstanding for the capture of guerrillas.

Approximately 80 cases regarding the country were before the Inter-American Commission on Human Rights (IACHR) at year's end. The great majority involved violations of the right to life. At year's end, the IACHR was expected to make a decision about whether to move a case involving paramilitary and military involvement in the 1996 killing of 19 merchants to the Inter-American Court of Human Rights.

In response to the killings of thousands of members of the Patriotic Union (UP) leftist coalition (see Section 1.g.), a May 2000 law classified "political genocide" as a crime; however, it provided that political genocide could be committed only against members of legally constituted (i.e., nonguerrilla) groups.

The IACHR continued the process of trying to reach an amicable settlement of the UP's 1996 complaint charging the Government with "action or omission" in what the UP termed "political genocide" of the UP and the Communist Party. As part of the process, since June 2000, the Government has provided protection through the Interior Ministry to surviving UP and Communist Party members. Despite these efforts, NGO's reported to the IACHR that at least 20 persons associated with the UP were killed during the year.

There continued to be incidents of social cleansing--including attacks and killings--directed against individuals deemed socially undesirable, such as drug addicts, prostitutes, transvestites, homosexuals, beggars, and street children. The CCJ attributed one social cleansing killing to security forces during the period from June 2000 to June 2001; it attributed 319 killings to paramilitary groups, and 10 to the guerrillas. AUC social cleansing killings of homosexuals, prostitutes, drug users, and mentally ill persons were reported in Barrancabermeja, Cucuta, and numerous other municipalities. Barrancabermeja residents also have reported AUC attempts to impose "social controls" (such as curfews or dress codes) and the exercise of vigilante justice (see Section 1.e.).

#### b. Disappearance

The 1991 Constitution and the Criminal Code explicitly prohibit forced disappearance; however, it continued to be a problem. In May 2000, Congress passed legislation that criminalized forced disappearance, genocide, torture, and forced displacement by putting them into the Criminal Code. The law entered into effect in July 2000, allowing these crimes to be tried in civilian courts. Human rights activists noted that the final law did not require that military defendants be tried in civilian, rather than military, courts; however, the reformed Military Penal Code, which entered into effect in August 2000, did include such a requirement (see Section 1.e.). More than 3,700 cases of forced disappearance have been reported formally to the authorities since 1977. Very few have been resolved. Many of the victims disappeared in the course of confrontations between illegal armed groups and the State, or between paramilitaries and guerrillas. The great majority of victims of forced disappearance have never been seen or heard from again. The human rights NGO CREDHOS reported at year's end that 71 persons disappeared between January and November in Barrancabermeja and surrounding areas.

The CCJ attributed five forced disappearances to state security forces in the period from June 2000 to June 2001. The Inspector General's office investigated 183 members of state security forces on disciplinary charges related to massacres and forced disappearances (see Section 1.a.).

The CCJ attributed 296 forced disappearances to paramilitaries in the period from June 2000 to June 2001. In many instances persons kidnaped by paramilitary groups later were found dead (see Section 1.a.).

In mid-April two investigators working on the January massacre in Chengue, Sucre department, disappeared (see Section 1.a.).

The law prohibits kidnaping; however, it remained an extremely serious problem. According to the Free Country Foundation (Fundacion Pais Libre), 3,041 persons, or 8 persons per day, were kidnaped during the year, compared with 3,706 in 2000. Paramilitary groups kidnaped 9 percent of these persons. Guerrilla groups were responsible for 63 percent of the kidnapings. Criminals kidnaped 10 percent. An estimated 205 minors were in captivity as of October. Members of the Government's elite antikidnaping squads known as GAULA (a combined police and military unit) and other units of the security forces freed 697 persons during the year. The Free Country Foundation reported that 98 persons died in captivity during the year. Arrests or prosecutions in kidnaping cases were rare.

According to the MOD, 22 police hostages remain in captivity, and the FARC and ELN were responsible for the forced disappearances of 40 others. The army reports that the FARC kidnaped 24 soldiers and was responsible for the forced disappearances of 51 other soldiers outside combat; the ELN was responsible for the forced disappearances of 8 soldiers. During the year, the FARC released 189 captured soldiers and police (see Section 1.d.). However, the FARC captured 20 soldiers and police in combat. FARC and ELN guerrillas

kidnaped 22 police officers and were responsible for the forced disappearances of 40 others. At year's end, the FARC and ELN reportedly held 22 police and 44 soldiers captive.

On March 24, paramilitaries reportedly killed or kidnaped between 24 and 30 persons in La Llorente, Narino department; however, the identities of these persons, their number, and their fate was never confirmed (see Section 1.a.).

On May 16, AUC paramilitaries kidnaped 190 farm workers in southern Casanare department and stated they would begin forcible recruitment in the area. Under pressure from army troops, the AUC released the hostages unharmed after 36 hours.

On June 2, six unidentified assailants kidnaped Embera-Katio indigenous leader Kimi Domico Pernia in Tierralta, Cordoba department. Local Embera-Katio members believe that local paramilitary groups kidnaped Pernia as retaliation for Embera-Katio participation in FARC attacks (see Section 5). In December AUC military commander Salvatore Mancuso told the press that Pernia had been killed.

In October presumed paramilitaries kidnaped 13 fishermen in Ciénaga de Santa Marta, Magdalena department. By October 10, the bodies of 6 of the kidnap victims had been found (see Section 1.a.), while another 3 hostages had escaped.

On November 19, the AUC in a letter to the Governor of Antioquia department reported that on November 18, it had abducted six mayors from eastern Antioquia, as well as their human rights adviser. The kidnaping apparently was in retaliation for meetings that the mayors had held with representatives of the ELN to seek respect for the lives of the civilian population in their municipalities. The ELN unilaterally had committed to a truce until April 2002, demanding in turn that the mayors request that the Government withdraw police from their towns. The paramilitaries released the hostages on November 20.

In March 2000, a paramilitary group led by Jhon Jairo Esquivel Cuadrado kidnaped seven members of the CTI at Minguillo, Cesar department. Esquivel was captured in July 2000 and was awaiting trial at year's end. There were no indications that the abducted investigators were still alive.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. According to the Free Country Foundation, politicians, cattlemen, children, and businessmen were the guerrillas' preferred victims. The Foundation reported that guerrillas committed 63 percent of the 3,041 kidnappings reported during the year; ransom payments continued to serve as an important source of revenue for the FARC and the ELN. The FARC often purchased victims kidnaped by common criminals and then negotiated ransom payments with the family. In March 2000, the FARC announced "Law 002," which required persons with more than \$1 million in assets to volunteer payment to the FARC or risk detention. There were many reports that guerrillas tortured kidnap victims (see Sections 1.c. and 1.g.) Several released kidnap victims claim that the FARC are holding more than 200 persons in the despeje zone.

On March 14, ELN guerrillas attacked a wellhead belonging to Occidental Petroleum Colombia and kidnaped an unarmed guard, who was released uninjured a week later.

On April 16, the ELN kidnaped 130 employees of Occidental Petroleum. They released all hostages by April 19.

On July 15, the FARC kidnaped former Meta governor Alan Jara, as he was riding in a U.N. vehicle with the U.N. Development Program (UNDP) Director and government officials. In response to strong and widespread criticism, the FARC alleged falsely that Jara was collaborating with paramilitaries and said that he would be subjected to a "revolutionary trial." At year's end, Jara still was held by the FARC, reportedly in the despeje.

On July 28, the FARC kidnaped 15 persons, including the wife and two sons of a congressman, from a residential building in Neiva, the capital of Huila department (near the border of the despeje). The FARC released six of the captives; however, it reportedly took nine remaining hostages to the despeje.

On September 20, the FARC kidnaped 11-year-old Laura Ulloa from her school bus in Cali. She remained in captivity at year's end.

The FARC also kidnaped Consuelo Araujo, former Minister of Culture and wife of the Inspector General and at least 10 others on September 24 near Valledupar, Cesar department. The other victims were quickly released or rescued by the army, but a guerrilla killed Araujo on September 29 (see Section 1.a.). Within a few days of

the Araujo kidnaping, the FARC also took another 65 hostages near Valledupar, who were released quickly due to heavy pressure on the FARC by the army.

On July 26, approximately 70 guerrillas from the FARC's Teofilo Forero Front stormed an apartment complex in Neiva, Huila department and kidnaped 15 persons. Six hostages quickly were released, but the remaining nine reportedly were taken to the despeje.

On November 7, FARC guerrillas kidnaped Mireya Mejia Araujo, a peace counselor in Cesar department. The guerrillas released her on November 29 with a message to the governor that the FARC was concerned over the growth of paramilitary forces and about the need for more social spending.

Andres Felipe Navas, kidnaped at 21/2 years of age by the FARC in April 2000, was released in November. (The FARC continued to hold an adult member of the same family at year's end.)

Early in the year, the FARC released Juliana Villegas, daughter of the head of the National Association of Industrialists, whom they had kidnaped in November 2000.

The FARC refused repeated calls from relatives, humanitarian groups, and the public to release police Corporal Norberto Perez, whose 12-year-old son Andres Felipe Perez died of cancer in December.

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

Guerrillas continued to kidnap political leaders (see Section 3). During the year, the FARC kidnaped Liberal Congressman Orlando Bernal Cuellar in August, Liberal Congressman Luis Eladio Perez in June, and Huila department Congressman Consuelo Gonzalez in September. At year's end, all three remained in captivity, along with Conservative Party Congressman Oscar Lizcano, who was kidnaped in June 2000. In May the FARC kidnaped Jairo Antonio Correa, the mayor of Dabeiba. The Federation of Colombian Municipalities reported the kidnaping of at least 10 mayors, (3 by guerrilla groups, the rest by unidentified groups) during the year (see Section 3).

The FARC, the ELN, and other guerrilla groups regularly kidnaped foreign citizens throughout the year; some were released after weeks or months of captivity. On July 18, the FARC kidnaped three German nationals (a German government development official, his brother, and a friend). On September 23, the official's brother escaped and reported that the development official was in poor health due to long forced marches and lack of medical attention for a heart condition. The two remaining German hostages were released on October 12. A Slovak priest was kidnaped in September but quickly released. In July 2000, a representative of the NGO Doctors without Borders was kidnaped by a fringe guerrilla group. The victim was released in January and reportedly left the country.

Despite government search efforts and continued pressure by the Government on the FARC to account for three American missionaries kidnaped by FARC guerrillas in January 1993, their whereabouts and condition remained unknown.

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

The Constitution and criminal law explicitly prohibit torture, as well as cruel, inhuman, or degrading treatment or punishment; however, there were reports of police and military torture and mistreatment of detainees. In May 2000, Congress criminalized torture (see Section 1.b.), and the reformed Military Penal Code directed 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 Inspector General's office received 29 complaints of torture by state agents during the year, compared with 101 during 2000. CINEP reported that between January and September state security forces tortured six persons; five cases were attributed to the police, and one case was attributed to the army.

Colonel Jose Ancizar Molano Padilla (then-commander of the 2nd Marine infantry battalion), Captain Alvaro Hernando Moreno, Captain Rafael Garcia, Lieutenant Carlos Eduardo Jaramillo, and four noncommissioned officers were on trial at year's end for torturing 12 marines with asphyxiation and electric shocks in December 1995.

CINEP reported 158 cases of torture by paramilitaries in the period from January through September.

Paramilitary groups increasingly used threats both to intimidate opponents and to raise money. Letters demanding payment of a war tax and a threat to mark victims as a military target if they failed to pay were

typical. In 1999 CINEP reported that nearly half of those threatened were public school teachers and that approximately half of all threat recipients were residents of Antioquia department.

Guerrilla groups also tortured and abused persons. The bodies of many persons kidnaped and subsequently killed by guerrillas showed signs of torture and disfigurement. CINEP reported 40 cases of torture by guerrillas during the period from January through September. 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 also reported numerous cases of soldiers and policemen tortured or mutilated and killed after surrendering (see Section 1.g.).

Prison conditions are harsh, especially for those prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. In early June, the Supreme Court of Valledupar, Cesar department, ruled in favor of Valledupar prison inmates who had filed a writ of appeal complaining of lack of water, sanitation, natural light, and prolonged isolation from contact with relatives. The court ordered the Prison and Penitentiary Institute (INPEC) to resolve these problems. There are approximately 7,000 prison guards from the INPEC who report to the Ministry of Justice. Guards and prison staff frequently are untrained or corrupt.

Only three prisons--Valledupar, Bogota's La Picota prison, and Acacias--appear to meet international standards for treatment of prisoners. In the country's other prisons, inmates pay to eat, drink, sleep on a mattress, wash clothes, or make telephone calls, and also pay protection fees to fellow inmates or to corrupt prison guards. According to the Committee for Solidarity with Political Prisoners, outside, private sources continued to provide the majority of prisoners' food in most prisons. In 1999 INPEC reported that the daily food allowance for each prisoner was \$1.44 (2,700 pesos). In late November, the director of the office of the U.N. High Commissioner for Human Rights in the country, Anders Kompass, described the country's overcrowded prisons to a news conference as terrible.

According to INPEC, in September the country's prisons and jails held approximately 51,251 inmates, 24 percent over their capacity of 41,191; the occupancy rate was 37 percent over capacity at the end of 2000. According to INPEC figures, overcrowding has improved, but remains severe. Medellin's Bellavista prison, the country's largest, housed 6,219 inmates at year's end although it originally was built to house 1,800 inmates (a 245 percent occupancy rate). Bogota's La Modelo prison had a 160 percent occupancy rate, compared with 169 percent in 2000, and the Palmira prison outside Cali held 14 percent above its planned capacity, compared with a 192 percent occupancy rate in 2000.

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 Justice Ministry made significant progress in implementing its plan, announced in February 2000, to renovate prisons and build 11 new prisons and expand prison capacity by 18,000 persons by 2003. During the year, the Government renovated prisons in Valledupar, Acacias, Popayan, Barne, and the high security pavilion in Bogota's La Picota penitentiary. The Government already had completed, had under construction, or had contracted to add 10,600 beds at the end of the year.

An estimated 42 percent of all prison inmates (21,364 persons) are pretrial detainees. The remaining 58 percent (29,887 persons) are split roughly between those appealing their convictions, and those who have exhausted their appeals and are serving out their terms. There are no separate facilities for pretrial detainees and convicted prisoners. According to the MOD, in 2000 a total of 4,145 persons (8 percent of inmates) were in pretrial detention in police stations. Despite a 1999 Constitutional Court ruling that ordered the transfer of detainees from overcrowded police station holding cells to prisons, Bogota's 21 police stations still held 1,657 prisoners awaiting transfer to prisons at the end of 2000, the most recent estimate available.

Local or regional military and jail commanders did not always prepare mandatory detention registers or follow notification procedures; as a result, precise accounting for every detainee was not always possible.

The Government frequently failed to prevent deadly violence among inmates. In the period from January through September, INPEC reported 19 disturbances and 62 violent deaths in the penitentiary system. For example, in January two inmates were killed and one wounded during paramilitary-guerrilla fights at the prison in Bucaramanga, Santander department. In June the ELN kidnaped five paramilitaries from municipal prisons in El Bagre, Antioquia department. Also in June, three inmates died and four more were injured in fighting at the Palmira prison, Valle del Cauca department. On July 2-3, 10 persons were killed and 23 injured in an armed battle between paramilitary and guerrilla convicts in Bogota's La Modelo prison. State security forces were unable to reestablish control for 17 hours. Sixteen inmates reportedly remain unaccounted for following April 2000 fighting between paramilitaries and organized crime groups, which left 27 dead and 43 wounded in Bogota's La Modelo prison.



Escapes from prison continued to be a very serious problem; from January through September, INPEC reported 168 escapes. A total of 781 inmates escaped during 2000, most when granted 72-hour passes to leave the prisons. The Prosecutor General's office and the Inspector General's office continued to investigate abuse of these passes. Some of those who escaped during the year were highly dangerous criminals. On February 19, 20 prisoners escaped from the prison in Neiva, Huila department, when the FARC blew a hole in the wall with a rocket. In early May, Omar Yesud Lopez Alarcon, the head of the northern branch of the paramilitaries who is accused of masterminding a number of massacres, escaped from the Modelo de Cucuta prison. On May 7, the FARC released 65 prisoners from a prison in Caloto, Cauca department, during a FARC attack. On June 23, 98 inmates (including 19 guerrillas) escaped from La Picota prison by blowing a hole in a wall with a gas cylinder. FARC inmates said that FARC commanders had orchestrated the escape. The La Picota incident prompted the resignation of the director of INPEC. On July 22, 73 prisoners escaped from prison when 300 FARC troops attacked the town of Bolivar, Cauca department.

Key narcotics traffickers and some guerrilla leaders obtain cells with many comforts, some of which--such as access to two-way radios, cellular telephones, and computers--allowed them to continue their illegal activities from inside jail. However, the high security wing of La Picota prison in Bogota has undergone renovations that have altered considerably this comfortable lifestyle.

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

The ICRC continued to have routine access to most prisons and police and military detention centers. The ICRC continues to have ad hoc access to civilians held by paramilitary groups and guerrilla forces. However, the FARC and ELN continue to deny the ICRC access to police or 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 instances in which the authorities arrested or detained citizens arbitrarily.

The law prohibits incommunicado detention. Anyone held in preventive detention must be brought before a prosecutor within 36 hours to determine the legality of the detention. The prosecutor must then act upon that petition within 36 hours of its submission. Despite these legal protections, instances of arbitrary detention continued.

In August the office of the Human Rights Ombudsman, a group of NGO's, and two private individuals filed four Constitutional Court challenges to the 2001 Law on Security and National Defense on the grounds that, among other things, it would infringe on the right to due process of persons detained or investigated by the military (See Section 1.e.). The law does not specify the maximum period detainees may be held before being turned over to civilian authorities.

Conditional pretrial release is available under certain circumstances, for example, in connection with minor offenses or after unduly lengthy amounts of time in preventive detention. It is not available in cases of serious crimes, such as homicide or terrorism.

AUC paramilitaries in the northeastern neighborhoods of Barrancabermeja, Magdalena department illegally exercised "social controls," such as curfews for young persons and punishing domestic violence. In May police had to rescue a man who was kidnaped by the militias and beaten for fighting with his wife in the street.

Guerrillas, particularly the FARC, pressed the Government and Congress to adopt a permanent prisoner exchange law. Initiating regular prisoner exchanges remained a top guerrilla priority and featured prominently in the FARC's negotiating points at the peace talks. Neither the Congress nor the Government attempted to pass such legislation, and there was minimal popular support for it during much of the year. In June the FARC released 42 captured soldiers and police in exchange for 15 imprisoned FARC members, then unilaterally released an additional 247 soldiers and policemen (see Section 1.d.). During the year, 145 soldiers and police either were captured in combat or kidnaped while off-duty are presumed to be held by the FARC or the ELN. The ICRC was not permitted access to them.

The Constitution prohibits exile, and forced exile is not practiced by the State. 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, other criminal elements, or combinations of the above.

#### e. Denial of Fair Public Trial

The civilian judicial system, reorganized under the 1991 Constitution, is independent of the executive and legislative branches both in theory and in practice; however, the suborning or intimidation of judges, witnesses, and prosecutors by those indicted or involved is common. The Human Rights Ombudsman's office reported receipt of 568 complaints of denial of the right to due process during 2000, the most recent year for which statistics were available. The office received 773 such complaints in 1999. Judges, prosecutors, and defense attorneys continued to be subjected to threats and acts of violence.

The judiciary includes the Constitutional Court, the Supreme Court of Justice, the Council of State (the appellate court for civil cases), the Superior Judicial Council, and lower courts. The CSJ, which oversees the administration of the judiciary, also has responsibility for determining whether cases involving members of the security forces are to be tried in civilian or military courts. The Prosecutor General's office is an independent prosecutorial body that brings criminal cases before the courts.

The Constitutional Court adjudicates cases of constitutionality, reviews all decisions regarding writs of protection of fundamental rights ("tutelas"), and reviews all decisions regarding motions for cessation of judicial proceedings. Jurisdictional clashes among the Constitutional Court, the Supreme Court of Justice, the Council of State, and the CSJ were common, due to the lack of a single supreme judicial authority capable of deciding issues of jurisdiction or constitutional interpretation.

In April 2000, the Constitutional Court overturned much of the 1999 law creating a specialized jurisdiction (which had replaced the anonymous ("faceless") regional courts system in July 1999). Arguing that defendants have the right to know the identity of their accusers, the Constitutional Court overturned elements of the law that permitted some prosecutors and witnesses to remain anonymous under exceptionally dangerous circumstances. The Court also ruled that specialized jurisdiction judges and prosecutors no longer could transfer cases to other colleagues when they believed their own security to be at risk.

The Constitutional Court's decision preserved first instance specialized jurisdiction courts created by the 1999 law, which try certain crimes, including kidnaping, hijacking, paramilitarism, guerrilla subversion, narcotics trafficking, money laundering, and human rights abuses. Specialized jurisdiction prosecutors still are permitted 12 months to investigate and develop cases, rather than the 6 months afforded to regular civilian judiciary prosecutors.

The Constitution specifically provides for the right to due process. Judges determine the outcome of all trials; jury trials are rare. The accused is presumed innocent until proven guilty and has the right to representation by counsel, although representation for indigenous people and the indigent historically has been inadequate. In mid-1999, the CSJ's administrative chamber reported that the civilian judiciary suffered from a backlog of approximately 3,069,000 cases (including approximately 604,000 criminal cases) and that there were approximately 338,000 outstanding arrest warrants. Approximately 223,000 writs for protection of fundamental rights ("tutelas") were before the Constitutional Court for its legally mandated review. At year's end, the CSJ reported that the judicial system was extremely overburdened; it received a total of 8.6 million suits in 1994-2000, of which 226,783 were criminal cases filed during 2000. These backlogs have created large numbers of pretrial detainees (see Section 1.c.)

Defendants in trials conducted by the regular courts have the right to be present and the right to timely consultation with an attorney. Regular court defendants and their attorneys have the right to question, contradict, and confront witnesses against them, to present witnesses on their own behalf, and to have access to government evidence relevant to the case. The country's judiciaries, including regular civilian, specialized jurisdiction, and military, continue to be overwhelmingly Napoleonic in character; everything is processed in writing. Public trials are still rare, and there are juries only in rare instances; however, cross-examination of witnesses does occur. Defendants also have the right to appeal a conviction to a higher court.

The Constitution provides for a special criminal and civil jurisdiction within indigenous territories based upon traditional community laws (see Section 5).

As part of the Ministry of Defense, the military judiciary falls under the executive branch, rather than under the judicial branch. The lack of transparency and accountability in the workings of the military judiciary contribute

to a general lack of confidence in the system's ability to bring human rights abusers to justice. The new Military Penal Code, which entered into effect in August 2000, denied unit commanders the power to judge subordinates; called for the creation of an independent military judicial corps; and provided legal protection for service members who refuse to obey illegal orders to commit human rights abuses. The reformed code does not allow torture, genocide, and forced disappearance to be related to acts of service--the constitutional standard for trying crimes in the military judiciary. Therefore, these crimes must be tried in the civilian judiciary (see Sections 1.a. and 1.b.). In August 2000, the President issued a directive to the armed forces and the police that excluded from military criminal jurisdiction the crimes of genocide, torture, forced disappearance, and acts against humanity.

The new military justice system is composed of magistrates of the Military Court of Appeals, lower military court judges, investigating judges, prosecutors, and judge advocates (auditor de guerra) at the General Inspector, division, and brigade levels. The Executive Director of the Military Penal Justice, Corps Brigadier General Jairo Pineda, reports directly to the Minister of Defense, a civilian. Military prosecutors report to Brigadier General Pineda, not to unit commanders as under the previous system. The new Military Penal Code provides for the right of representatives of the civilian judiciary to be present at military trials of military personnel.

A 1997 Constitutional Court decision transferred jurisdiction for the investigation and prosecution of serious human rights violations and other alleged crimes not related directly to acts of service from the military judicial system to the civilian judiciary. (Previously the CSJ assigned most cases involving high-level military personnel to the military courts, where convictions in human rights-related cases were rare.) The Constitutional Court ruled that, in the case of doubt, jurisdiction should be assigned to the civilian system. However, in 1998 the CSJ determined that it was not bound by the Constitutional Court's 1997 decision. In that instance the CSJ's decision ended a civilian investigation of the relationship between Brigadier General Fernando Millan and paramilitary groups in Santander department (see Section 1.a.).

The 1991 Constitution provides that general-rank officers be tried by the Supreme Court. The new Military Penal Code provides that the Supreme Court (not the Superior Military Tribunal) has first instance jurisdiction in cases that date from August 12, 1999, involving criminal acts by generals, admirals, major generals, vice-admirals, brigadier generals, rear admirals, and magistrates and prosecutors of the Superior Military Tribunal. Cases that already were in their trial phase before this date must continue under the old military penal code. The new code also makes the Supreme Court the court of second instance review of rulings by the Superior Military Tribunal, thereby giving the Supreme Court--a body composed entirely of civilian magistrates--effective authority over the military judiciary. An August 2000 presidential directive also "raises to the category of law" the 1997 Constitutional Court decision that serious human rights violations and other crimes not directly related to acts of service must be tried by civilian courts.

CSJ figures quoted at the end of 2000 by the Ministry of Defense indicated that when conflicts of jurisdiction arose, the total number of cases assigned to military courts dropped from 50 percent in 1992 to approximately 15 percent in 2000, while cases assigned to civilian jurisdiction rose from 40 percent in 1992 to 60 percent over the same period. During the year, the CSJ assigned 11 cases out of 31 conflicts of jurisdiction involving military or police suspects to the military penal system and 20 cases to civilian jurisdiction.

The military judiciary demonstrated an increased willingness during the year to turn cases of military officers accused of human rights violations or criminal activities over to the civilian judiciary; however, such officers generally were of lower rank. In November the Ministry of Defense released figures that indicated that since the 1997 Constitutional Court decision, the military judiciary has transferred 1,372 cases to the civilian judicial system; there was no information available as to how many of these cases dealt specifically with human rights abuses or violations of international humanitarian law, nor how many cases remained in the military judicial system. However, a March 2000 report by the Ministry of Defense stated that 41 percent of the cases transferred involved serious crimes such as homicide, torture, illegal detentions, and infliction of bodily injuries; the rest were common crimes. Out of the total of 1,314 police and military cases transferred, 58 cases were transferred during the year, 496 cases were transferred in 2000, 79 in 1999, 266 in 1998, 295 in 1997, and 171 cases were transferred on an unknown date.

During 2000 the military judiciary found 122 members guilty of violating "human or fundamental rights." The average prison sentence was 58 months for homicide and 15 months for inflicting bodily injury.

In a key ruling, the military judiciary convicted General Jaime Humberto Uscategui Ramirez of failing to stop the 1997 massacre in Mapiripan, Meta department (see Section 1.a.). Uscategui was sentenced to 40 months in prison and loss of salary. Uscategui served a reduced sentence, however, and many human rights activists claimed that the message sent by his conviction was undercut by his early release. Furthermore, the key witness against Uscategui, Lt. Col. Hernan Orozco, was sentenced to 38 months imprisonment. Orozco served the entire sentence and was released in November. However, the Constitutional Court announced in

November its ruling that the CSJ should transfer Uscategui's case to the civilian judiciary, arguing that Uscategui's alleged crimes were not service-related acts. This ruling, which had not yet been issued formally and implemented by year's end, in essence nullified the military judiciary's conviction, and means that Uscategui's case will fall to the Prosecutor General's office for investigation and prosecution. (Orozco is not expected to face investigation, as the Prosecutor General's office had declined in 1998 to press charges against him.)

In September 2000, the President signed 12 decrees to reform and strengthen the military. One decree provides for the separation from service of all uniformed members of the military regardless of their time in service, at the discretion of the top military commanders. Previously, the Minister of Defense could at his discretion separate from service only those who had served at least 15 years in the military. Other decrees establish three levels of misconduct and the crimes classified at each level. A total of 27 crimes are punishable with immediate dismissal; these include: torture, forced disappearance, genocide, facilitating by any means the knowledge of protected information or access to classified documents without authorization, failure to enter into combat or to pursue the enemy having the capacity to do so, and retreating before the enemy or abandoning post without having used elements of defense that might be available. A higher-ranking officer such as a unit commander is granted initial authority to issue disciplinary sanctions. Those under investigation may be suspended for up to 90 days with half pay; those suspended may perform administrative duties. The decrees also state that in the event that another authority should learn of crimes, the military must inform that authority and provide all relevant information to it. Another decree states that, with limited exceptions, any officer sentenced to prison by the military or the civilian justice system is to be separated from service.

From October 2000 through the end of 2001, the military dismissed a total of approximately 600 members; however, it was not known how many discharges were for collaborating with paramilitary groups. No information was available from the MOD regarding the specific reasons for any of the dismissals, nor were their names announced. It was not known how many were dismissed due to allegations that they were responsible for human rights abuses or for collaborating with paramilitary groups in such abuses. The MOD has confirmed the claims of many human rights NGO's that a large number of those dismissed have entered the ranks of illegal paramilitary groups.

When military officers were tried, convicted, and sentenced for human rights violations, they generally did not serve prison terms but were confined to their bases or military police detention centers, as permitted by law. The Ministry of Defense reports, and the Prosecutor General's office concurs, that military and police prisoners charged by civilian prosecutors routinely are suspended from their duties and placed on half-pay. Officers and noncommissioned officers are removed from any command duties. Some perform administrative functions while in detention. Armed Forces Commander General Tapias has cited a lack of adequate military prison facilities as a primary cause for escapes from military detention areas. To address these concerns, in September Minister of Defense Bell announced that a new high security prison would be opened at Tolemaida military base in October. Although the military is responsible for operating the facility, the civilian INPEC will provide oversight.

On August 13, the President signed the Law on Security and National Defense (Law 684 of 2001), which among other things, expanded the authority of the armed forces to detain suspects in the absence of civilian authorities. Various human rights groups protested the law's final version. Four different lawsuits (one by the Human Rights Ombudsman's office, one by a group of NGO's, and two by individuals) challenging the law have been filed before the Constitutional Court (see Section 1.d.). They contend that various aspects of the law violate the right to due process as provided for in the Constitution and the Criminal Code. Article 58 of the law does not limit specifically the time the military can detain a suspect before turning that person over to civilian law enforcement, although Article 70 mandates that suspects be turned over to civilian authorities as soon as time and distance permit, and that any delay must be justified appropriately. Article 60 gives civilian authorities up to 60 days from the receipt of a complaint of a human rights violation to decide whether to investigate formally alleged crimes by military or police during operations, significantly less than the year allowed for investigations of civilian authorities. Some legal experts also have complained that the provisions that allow the Government to declare a zone a military theater of operations, in effect, give military commanders authority over regional civilian authorities. While the law does not grant explicitly military commanders authority over regional civilian authorities, it permits the President to delegate to the military the authority to enforce presidential decrees and orders.

Judges have long been subject to threats and intimidation, particularly when handling cases involving members of the public security forces or of paramilitary, narcotics, and guerrilla organizations. Violent attacks against prosecutors and judges continued, and prosecutors, judges, and defense attorneys continued to be subjected to threats and acts of violence. Prosecutors reported that potential witnesses in major cases often lacked faith in the Government's ability to protect their anonymity and were thus unwilling to testify, ruining chances for successful prosecutions.

For example, in March Bogota judge Lester Gonzalez Romero received threats which appeared to be related to important cases she had tried or is trying, such as the three 1997 CINEP murders, the 1997 Mapiripan massacre, and the 1995 assassination of Alvaro Gomez. Also in March, Medellin judge Adalgisa Lopera Aristizabal and her family left the city following a death threat. Judge Lopera was trying terrorism, narcotics, and paramilitarism cases.

The investigation continues of the April 2000 murder of specialized jurisdiction prosecutor Margarita Maria Pulgarin Trujillo in Medellin; AUC members were the prime suspects in her killing. One suspect has been charged in absentia; no one has been detained in the case.

On August 29, presumed paramilitaries killed Yolanda Paternina, a prosecutor investigating the January Chengue massacre, in Sincelejo, Sucre department. Two other investigators working undercover on the case disappeared in mid-April near Berrugas, Sucre department. There have been no arrests in these cases.

In July the reformed Criminal Code and Criminal Procedure Code went into effect. The revised code created a number of new crimes such as genocide (see Section 1.a.), but reduced the sentences for a number of serious crimes, including kidnaping and extortion, and the amount of time served necessary for parole.

The Inspector General's office investigates misconduct by public officials, including members of the military and police. The Inspector General's office can draw upon a nationwide network of hundreds of government human rights investigators covering the country's 1,097 municipalities. The office received 228 complaints related to massacres and forced disappearances during the year, compared with 201 in 2000. Of complaints received during the year, 146 are under preliminary investigation, 23 resulted in formal disciplinary investigations, and 14 resulted in formal charges being filed. Of the 101 persons under investigation at year's end for complaints related to massacres and forced disappearances, 45 were army, 28 were police, 5 were air force, 22 were marines, and 1 was from the INPEC. The Inspector General's office can only impose administrative sanctions; it has no authority to bring criminal prosecutions or impose criminal sanctions but can refer all cases to the Prosecutor General's office for investigation. The Inspector General's office referred all cases of human rights violations received during the year to the Prosecutor General for investigation, and reported that that the majority of these cases are investigated by the Prosecutor General's office.

The Supreme Court elects the Prosecutor General for a 4-year term, which does not coincide with that of the President, from a list of three candidates chosen by the President. The Prosecutor General is tasked with investigating criminal offenses and presenting evidence against the accused before the various judges and tribunals. However, this office retains significant judicial functions and, like other elements of the civilian judiciary, it is struggling to make the transition from a Napoleonic to a mixed legal system that incorporates an adversarial aspect.

In an attempt to address impunity, the Prosecutor General in 1995 created a special human rights unit as part of the regional courts system. As of December, the group of 30 prosecutors had 788 open cases involving massacres, extrajudicial killings, kidnapings, and terrorism during the year, with 1,342 suspects under investigation, of which 234 were members of state security forces. The unit's prosecutors have issued arrest warrants against members of the security forces and of paramilitary, guerrilla, and drug trafficking organizations. As of December, the human rights unit had under arrest 275 members of state security forces, had charges filed against 214, and had 56 members of the state security services on trial for a variety of charges including homicide, torture, kidnaping, and sponsorship of paramilitary groups. The security forces demonstrated a greater willingness to follow up with instructions that those ordered arrested be removed from their duties, denied the right to wear a uniform, or turned over to civilian judicial authorities. The Ministry of Defense and the Fiscalía reported that all military and police charged with a human rights crimes are suspended from their duties and placed on half-pay. At year's end, 107 military and 74 police were suspended. However, for various reasons including lack of resources for investigation, 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 very widespread.

In addition to providing public defense attorneys in criminal cases, the Human Rights Ombudsman's 34 departmental and regional offices throughout the country provide a legal channel for thousands of complaints and allegations of human rights violations. However, in practice the Ombudsman's operations are underfunded and understaffed, slowing its development of a credible public defender system. Human Rights Ombudsman Eduardo Cifuentes was active during the year in criticizing and reporting human rights violations and in visiting the sites of massacres. His office has worked to improve training and support of its personnel and has begun to build a nationwide Early Warning System, now operational, to help prevent massacres.

Within the FARC-controlled despeje zone, local FARC leaders effectively supplanted judicial authorities and declared the establishment of an alternative, FARC-run "justice system." In the face of FARC intimidation, all

elements of the civilian judiciary fled the zone. Residents of the zone regularly were denied the right to a fair trial. Continuing concern about arbitrary FARC justice in the zone led the authorities to stress that governmental justice must be present.

The Government states that it does not hold political prisoners.

The Government granted the ICRC access to monitor approximately 3,900 cases of imprisoned citizens accused of terrorism, rebellion, or aiding and abetting the insurgency, which are crimes punishable under law.

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

The law provides for the protection of these rights; however, at times the authorities infringed upon them. The law generally requires a judicial order signed by a prosecutor for the authorities to enter a private home, except in cases of hot pursuit. The MOD continued training public security forces in legal search procedures that comply with constitutional and human rights. Due to intimidation, corruption, or the absence of evidentiary proof collected directly by prosecutors, judicial authorities routinely set free paramilitary and guerrilla suspects captured by the security forces in or out of combat.

The authorities may intercept mail or monitor telephones only with a judicial order. This protection extends to prisoners held in jails. However, various state authorities sometimes monitored telephones without obtaining prior authorization. There were unconfirmed reports by some human rights groups that members of the security forces subjected them to surveillance, harassment, or threats (see Section 4).

In April then-Prosecutor General Alfonso Gomez Mendez announced a formal investigation of extensive illegal wiretapping by the Medellin GAULA (a combined police and army antikidnapping unit)(see Section 1.b.). Investigators working on the October 2000 disappearance of ASFADDES workers Angel Quintero and Claudia Patricia Monsalve uncovered evidence that the GAULA tapped 2,500 telephone lines without proper authorization, including those of ASFADDES and other human rights organizations (see Section 4). Police captain Harvey Gerardo Grijalba Suarez was arrested but subsequently released for lack of evidence. Nine other persons, including two other police officers, were investigated but not charged in the case. Prosecutors are investigating the April 4 murder of police officer Carlos Ceballos Gomez, who testified in the case (see Section 1.a.). The Inspector General's office is conducting a separate disciplinary investigation.

In August the Prosecutor General's anticorruption unit cleared six members of the DAS who were suspected of illegal wiretapping in Bogota over the course of several years.

Guerrillas used wiretaps and accessed bank accounts of citizens at roadblocks to select kidnap victims.

In 1999 the Government announced that no one under the age of 18 could enter military service, even with the consent of a parent; previously, individuals over 16 years of age but below age 18 could volunteer to join the military with parental permission but were barred from serving in combat.

The Ministry of the Interior reported increased recruitment of minors by illegal armed groups during the year. The MOD reported that an increased number of minors deserted from illegal armed groups; 93 children under the age of 18 surrendered to state security forces during the year, compared with 72 in 2000 and 29 in 1999.

In August the Human Rights Ombudsman reported increased recruitment of minors by paramilitary groups. In late July, a previously unknown armed group kidnaped 10 youths, whom they first attempted to recruit, from a government youth center in Villavicencio, Meta department. It is suspected, but not established, that this group was paramilitary. In August paramilitary groups forcibly recruited 20 young men between the ages of 16 and 25 from 3 villages in Casanare department.

The use of child soldiers by guerrillas was common. NGO's and the Government strongly and repeatedly criticized guerrilla recruitment of children. The Government estimates that both paramilitary groups and guerrillas engage approximately 6,000 children as combatants. In 1999 the FARC promised visiting Special Representative of the U.N. Secretary General on Children in Armed Conflict Olara Otunnu that it would stop forcing children into its ranks; however, it continued the practice, and during the year, the number of children recruited appeared to increase. Once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem. Former child guerrillas have testified to rape, mandatory use of intrauterine devices, and forced abortions. Child soldiers, including girls, were seen in guerrilla ranks in the despeje, and reports from various sources indicate that the guerrillas recruited at least 120 minors, but possibly many more, in the despeje. According to press reports, at least one third of the guerrillas were under the age of 18. The Roman Catholic Church and teachers reported that the

FARC lured or forced hundreds of children from the despeje zone into its ranks. According to press reports, families from the demilitarized zone, as well as from Arauca, Valle del Cauca, and Antioquia departments have fled their homes because guerrilla groups have tried to impress their children. In February the FARC handed over 62 child guerrillas, ranging from 12 to 16 years of age, to the Government. The children had been serving in the FARC for up to 3 years. According to press reports, in August 2000, members of the FARC killed a school rector in Meta department for criticizing the recruitment of his students.

Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, it also regularly impressed children into its ranks.

Paramilitary groups and guerrilla forces also regularly forcibly recruited indigenous persons to serve as soldiers.

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 have 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 internal armed conflict and narcotics trafficking are the central causes of violations of human rights and international humanitarian law. Government security forces at times violated international humanitarian law and continued to commit serious human rights abuses; however, paramilitary groups and guerrillas committed the great majority of serious abuses. The CCJ analyzed CINEP data from June 2000 to June 2001 and attributed 3 percent of civilian victims and persons killed outside of combat to state security forces, compared with 3.5 percent in 1999-2000.

May 2000 legislation classified forced displacement as a crime; however, military counterinsurgency operations, forced conscription by paramilitary and guerrilla organizations, and guerrilla incursions often forced peasants to flee their homes and farms, and there was a very large population of IDP's (see Section 2.d.). Between 275,000 and 347,000 displacements of persons occurred during the year; the vast majority of IDP's are peasants who have been displaced to cities.

In response to the killings of thousands of members of the Patriotic Union leftist coalition, the May 2000 law classified "political genocide" as a crime (see Section 1.a.). However, it provided that political genocide could be committed only against members of legally constituted (i.e., nonguerrilla) groups.

In March the ICRC again suspended evacuations of wounded combatants following an incident near Aguachica, Cesar department, in which paramilitaries kidnaped a wounded ELN guerrilla who was being moved in a Colombian Red Cross vehicle. The wounded man later was found dead. The ICRC had resumed evacuations in December 2000, after a previous suspension occasioned by two similar murders (one by paramilitaries and another by FARC guerrillas) during October 2000. Evacuations of combatants remained suspended at year's end.

The ICRC reported that the Government, including military authorities, followed an open-door policy toward the ICRC and readily incorporated Red Cross curriculums on international humanitarian law in standard military training. However, impunity remains 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.).

A court ruling exonerated the soldiers involved in the August 2000 killing of six children by an army unit; however, the Superior Military Tribunal returned the case for reconsideration.

In June a military judge ordered the arrest of air force Captain Cesar Romero Pradilla, air force Lieutenant Johan Jimenez Valencia, and air force flight technician Hector Mario Hernandez for the December 1998 bombing of civilians in Santo Domingo, Arauca department by an air force helicopter; however, the three were freed on bail. In January the Inspector General's office charged Romero, Jimenez, Hernandez, and army major Juan Manuel Gonzalez with indiscriminate use of force.

Both the paramilitaries and the guerrillas continued blockades or illegal checkpoints in several areas around the country, in many cases causing severe shortages of food and medicine, straining local economies, and increasing forced displacement, particularly in Choco, Antioquia, Cauca, Magdalena Medio, Bolivar, Cesar, and La Guajira departments (see Section 2.d.). For example, by midyear the ELN had destroyed a bridge near Tibu three times, causing sharp increases in local food prices.

According to the army and independent monitors, there are an estimated 130,000 antipersonnel landmines in the country, with minefields in an estimated 140 municipalities around the country, and covering approximately 90,000 square miles of the country's territory. At year's end, the military maintained approximately 18,000 mines to defend static positions; the remaining mines were placed by illegal armed groups. According to the Ministry, antipersonnel mines killed 16 and wounded 75 military personnel during the year, and 14 civilians (9 of them children) were injured in minefields during the year.

The Human Rights Ombudsman's office stated in its 2000 report that women, who by and large remain socially and economically disadvantaged, continued to be affected disproportionately by violence, especially 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 are the targets of persecution, threats, torture, and executions. Intrafamilial violence, sexual assault, and murder of women remained serious problems throughout the country (see Section 5). More than 30 percent of FARC members are female. Several observers have criticized the use of female combatants in guerrilla organizations as sex slaves (see Sections 1.f. and 5).

U.N. High Commissioner for Human Rights Mary Robinson in her report 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." In November the World Food Program reported that armed groups had been hijacking trucks carrying deliveries intended for displaced children.

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. In March 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 continued to be the case in some communities. There were no reports that the State refused medical treatment to guerrillas.

The 1997 establishment of the AUC as a national paramilitary umbrella organization was designed both to provide a national structure, to coordinate logistics and offensive operations, and to develop a more coherent political movement. Although illegal, some early paramilitary groups reflected rural citizens' legitimate desire to defend themselves from the guerrilla threat. Other groups were actually the paid, private armies of drug traffickers or large landowners. Many members of paramilitary groups are former security force members or former guerrillas. The AUC umbrella group, according to military estimates, comprises between 8,000 and 11,000 combatants, who are members of 7 major blocs. (The AUC has claimed there are 15,000 paramilitary combatants.) The largest of these organizations is the ACCU, which is based in Cordoba department and the Uraba region of Antioquia department. On May 26, Carlos Castano formally stepped down as the military head of both the AUC and the ACCU and was replaced by a 9-member "military command"; however, he retained control of the AUC's political wing. Castano admitted publicly in 2000 that his group receives funding from both legitimate businesses and from narcotics trafficking, and that the group is financed by "dominant businesses" in the regions in which it operates. In November Castano announced at an AUC convention that the AUC would no longer commit massacres; however, it remained unclear at year's end what the effect of this announcement would be.

On May 24, units of the CTI and the army launched raids on homes and offices of suspected paramilitary financiers in the cities of Monteria, Cordoba department; Medellin, Antioquia department; and in Santander department. The seizure of financial documents revealed that legitimate businesses finance the right wing groups.

Some local army and police commanders tacitly tolerated--and sometimes aided and abetted--the activities of paramilitary groups, despite the public pronouncements of the Government and the public security forces' high command that they intended to combat paramilitary violence (see Sections 1.a. and 1.c.). The President, other government officials, the UNHCHR, and various NGO's noted increasing popular support for paramilitary groups during the year, spurred in part by continued human rights violations by the guerrillas.

Paramilitary groups used selective killings and systematic massacres to force displacements and punish



civilians for perceived ties to the guerrillas (see Section 1.a.). During the year, paramilitary groups continued to commit numerous massacres but also appeared to rely increasingly on selective killings and forced disappearances of civilians to establish territorial control and to advance their political goals. By the year's end, the CCJ attributed 2,545 deaths to paramilitaries from June 2000 to June 2001, compared with 2,199 in 1999-2000.

The Government increased its efforts to combat paramilitary groups. State security forces captured 992 paramilitaries during the year, compared with 312 in 2000, and killed in combat 116 paramilitaries during the year, compared with 92 in 2000. Law enforcement officials also have begun to investigate and prosecute more aggressively persons who finance the paramilitaries.

Paramilitary groups on occasion used landmines. In August the Human Rights Ombudsman reported increased recruitment of minors by the paramilitaries (see Section 1.f.). Paramilitary forces failed to respect the injured and medical personnel. On numerous occasions, medical personnel and hospitals were declared "military objectives."

The 2 main guerrilla armies, the FARC and the ELN, as well as the much smaller EPL and other groups, commanded an estimated total of 21,645 full-time guerrillas operating in more than 100 semiautonomous groups throughout the country. These groups undertook armed actions in nearly 1,000 of the country's 1,097 municipalities. Both the FARC and the ELN systematically attacked noncombatants and violated citizens' rights through the use of tactics such as killings, forced disappearances, the mutilation of bodies, attacks on churches, attacks on hospitals, attacks on ambulances, and executions of patients in hospitals (see Sections 1.a., 1.b., and 1.c.). Guerrilla groups also were responsible for multiple abuses of religious and medical personnel. For example, on January 10, the FARC stopped an ambulance carrying a woman in labor to a hospital in Antioquia. Despite the pleas of the attendants, the guerrillas burned the vehicle, and the woman endured a difficult breech delivery in a nearby house (although she and the baby reportedly survived). Indiscriminate attacks on police stations resulted in high numbers of civilian casualties. Guerrillas also killed religious leaders (see Section 2.c.) and indigenous people (see Section 5).

Guerrilla organizations continued to pursue strategies that routinely led them to commit abuses against citizens. Their tactics consistently included killings, kidnaping, torture, targeting of civilian populations and installations (including medical facilities), and the forced recruitment of children as young as 10 years old (see Sections 1.a., 1.b., 1.c., and 5). In July Human Rights Watch directed an open letter to FARC commander-in-chief Manuel Marulanda that cited various abuses and called on the FARC to respect human rights and international humanitarian law. The FARC failed to respond substantively to any of the letter's points; instead, it accused Human Rights Watch of being a tool of a foreign government.

Guerrillas also massacred civilians, and continued to be responsible for a significant percentage of massacre victims and other civilian deaths related to the conflict. According to CCJ, the guerrillas were responsible for 101 massacre victims (10 percent of the total number) during the year. CCJ estimates that the guerrillas are responsible 22 percent of total civilian deaths related to the conflict since 1995. The Ministry of Defense reported that 1,060 civilian deaths were attributed to guerrilla groups during the year (out of a total of 2,088 civilian deaths related to the conflict) (see Section 1.a.).

Guerrillas used landmines both to defend static positions (such as base camps, cocaine laboratories, and sites at which kidnap victims were held) and as indiscriminate weapons of terror. The Vice President's office reported in 2000 that the FARC and ELN have laid indiscriminately 50,000 mines in rural areas. Landmines planted by guerrillas or disguised as everyday items such as soccer balls or paint cans often resulted in the killing or maiming of civilian noncombatants; thousands of IDP's were unable to return to their homes due to the presence of antipersonnel mines (see Section 2.d.). According to press reports, landmines surround guerrilla bases in the despeje zone. The FARC used sulfuric acid in the gas canisters that it employed as artillery and continued its practice of using these canisters to attack small towns. Scores of soldiers, police, and civilians were burned indiscriminately as a result.

In April FARC rebels raided the village of Caucana, Antioquia department. Using guns and gas canisters packed with explosives to attack a gas station and other buildings, they killed an estimated 25 persons, including 7 children.

Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, both the ELN and the larger FARC regularly forced children into their ranks (see Section 5). According to various witnesses and to former child guerrillas, once recruited, child guerrillas are virtual prisoners of their commanders and subject to various forms of abuse. Sexual abuse of girls is a particular problem, and former child guerrillas have testified to rape, mandatory use of intrauterine devices, and forced abortions. Child soldiers, including girls, were seen in guerrilla ranks in the despeje, and reports from various

sources indicate that the guerrillas recruited at least 120 minors, but possibly many more, in the despeje. In addition, many families reportedly left the despeje (or have been displaced from other regions) to escape forcible recruitment of their children. According to press reports, in April 2000, FARC military commander Jorge Briceno Suarez ("Mono Jojoy") admitted that the FARC often had committed serious abuses against civilians, and that the FARC regularly used child combatants.

Paramilitary-guerrilla violence resulted in a number of civilian casualties in the wake of ongoing targeted or massive killings by both sides. According to Ministry of Defense figures, 2,088 civilians were killed in violence related to the internal conflict during the year. Of these, 1,028 were killed by paramilitaries, and 1,060 by guerrillas.

The FARC staged many attacks against municipalities outside of the despeje, possibly in an effort to expand its area of control beyond the demilitarized zone. For example, on February 24, the FARC's 21st front attacked San Antonio, Tolima department with gas cylinders loaded with grapeshot, killing two persons, injuring two more, and kidnaping one policeman. They destroyed the police station, the city hall, the bank, and 10 houses. On March 20, the FARC's 29th front killed 5 civilians and destroyed 35 houses in Bocas de Satinga. On April 1, the FARC's 13th front destroyed the police station, several public buildings, and houses in Almaguer, Cauca department and left several mines planted in the area.

On November 16, combined FARC and ELN columns attacked the town of Bolivar, Cauca department. The guerrilla forces ransacked and destroyed the local bank, mayor's office, police station, and most of the town plaza. Eventually they surrounded the town's 24 police officers. The unarmed townspeople organized themselves, marched toward the guerrillas, created a human shield to protect the policemen, and demanded that the guerrillas leave town, which they did. Earlier on November 13, the FARC had attacked the town of Caldonio in the same department. The population also had organized itself, confronted the FARC unarmed, and forced the guerrillas to leave the town. On December 31, FARC guerrillas shot to death indigenous law student Jimmy Guauna Chicangana, as he and fellow citizens in Purace, Cauca department, participated in unarmed civil resistance in the town square.

The FARC continued to kidnap, torture, and kill off-duty soldiers and policemen, as part of its openly announced "Plan Pistola" strategy (see Sections 1.a., 1.b., and 1.c.). For example, on July 1, in Cundinamarca department the FARC kidnaped an off-duty and unarmed army sergeant and three soldiers who later were found dead and whose bodies showed signs of torture (see Section 1.a.).

The FARC committed numerous abuses against civilians in the despeje. The FARC was responsible for killings; alleged cases of forced disappearance; rape; arbitrary detention infringement of the rights to free speech, freedom of religion (see Section 2.c.), and fair trial (see Section 1.e.); forced political indoctrination; and the forced recruitment of hundreds of children (see Section 1.f.). According to press reports, the FARC stated publicly in 2000 that all persons between the ages of 13 and 60 in the despeje zone are liable for military service with the guerrillas; families fleeing the zone reported that they were asked to surrender children to the FARC as of their 14th birthday.

Guerrillas, usually the ELN, caused massive damage to the country's power industry and increases in electricity rates for consumers. ELN sabotage in December 2000 and FARC attacks in March left several towns in the Uraba region without electricity for weeks at a time, causing economic and health problems. In October FARC and ELN attacks caused power outages in the departments of Cesar, Bolivar, and Cordoba. Guerrilla attacks on oil pipelines also caused considerable environmental damage. Press reports indicated that as of July, there had been more than 100 guerrilla attacks on the Occidental Petroleum Corporation pipeline in Arauca department.

In November prosecutors charged 1 suspected ELN guerrilla who was detained, and continued to seek the arrest of 7 others, for terrorism, homicide, and injury in connection with the 1998 pipeline explosion in Machuca, Antioquia department, which killed 73 persons (including 36 children), injured 32 more, left over 1,000 persons homeless, and caused extensive environmental damage. Prosecutors charged in absentia ELN commanders Nicolas Rodriguez (alias "Gabino") and Herlington Chamorro (alias "Antonio Garcia") and four others. In September 2000, the ELN reportedly held an internal trial. The ELN claimed to have expelled guerrillas from its ranks for involvement in the crime.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of the press; and the Government generally respected this right in

practice; however, journalists regularly practiced self-censorship to avoid retaliation and harassment by various groups. The privately owned print media published a wide spectrum of political viewpoints and often voiced harsh antigovernment opinions without fear of reprisals. A ban on the publication of evidence pertaining to criminal investigations, based on the secrecy provisions of the Penal Code and an anticorruption statute, remained in effect. During the year, journalists were intimidated, threatened, kidnaped, and in some cases killed, primarily by paramilitary groups and guerrillas. There were also reports of a significant number of threats from local officials accused of corruption. Fearing for their safety, journalists often refrain from publishing or broadcasting stories counter to the interests of paramilitary groups, guerrillas, or narcotics traffickers.

The NGO Reporters Without Frontiers reported that 12 journalists were killed during the year. Of these, 3 cases appeared related to the victim's work as a journalist, 4 victims were murdered for other reasons, and the motive for the other 5 cases was undetermined. The Colombian Press Freedom Foundation reported that 7 journalists were killed during the year, and that there were 51 cases in which journalists reported receiving threats. NGO's and international organizations reported obvious self-censorship by the press due to threats from illegal armed groups. In July Organization of American States (OAS) Rapporteur for Freedom of Expression Santiago Canton called for the effective investigation of continuing murders of journalists, and said that violence against journalists places at serious risk the right to freedom of expression and information of all citizens. In October Reporters without Frontiers noted that the paramilitaries were the main threat to press freedom, and in May the Committee to Protect Journalists released a list of the 10 worst enemies of press freedom that included Carlos Castano of the AUC. At least 19 journalists reported being threatened, and 6 had left the country at midyear. These figures are thought to be low, since many victims do not report threats to the authorities or to NGO's.

In June state police officers struck media workers from RCN and Caracol radio stations and destroyed a camera, as the journalists were recording the detainment of a student protester. Charges were filed against the two police officers.

In May AUC leader Carlos Castano reportedly acknowledged in an interview with Le Monde that the AUC had killed journalists Luis Fernando Velez Castano and Hector Dario Velez Castano, whom the AUC accused of being guerrillas. The two victims were the brothers of the deputy manager of television channel TeleMedellin.

On April 27, journalist Flavio Bedoya, who worked for the Communist Party weekly Voz, was killed in Tumaco, Narino department. According to the Inter-American Press Society, Bedoya had received threats from paramilitaries. On May 21, police bomb disposal experts defused a bomb packed into a pick-up truck outside of the offices of Voz.

Authorities are investigating the April 30 murder of Carlos Trespalacios, communications director for the municipal sports and recreations institute in Medellin, Antioquia department.

On May 3, Cali-based Telepacifico TV sports reporter Yesid Marulanda Romero was killed. On May 18, the FARC murdered Edgar Tavera Gaona, a local radio reporter in Santander department.

On June 27, the FARC kidnaped Pablo Emilio Parra Castaneda, a radio station owner, reporter, and Colombian Red Cross local official. The FARC had accused him of collaborating with paramilitaries. Parra later was found dead.

On July 4, unidentified men shot and killed radio station director Arquimedes Arias Henao in Fresno, Tolima department. Arias deliberately had focused his broadcasts on music and culture due to the dangers of reporting on more politically sensitive events.

On July 6, two unidentified men on a motorcycle shot and killed radio reporter Jose Duviel Vasquez in Florencia, Caqueta department. Vasquez had replaced Alfredo Abad Lopez, who was killed in a similar manner in December 2000, as the director of Voice of the Jungle radio station, a Caracol affiliate. In November 2000, unidentified assailants also had killed reporter Guillermo Leon Agudelo in Florencia. In December 2000, the authorities formed a special unit to investigate the murders of both Abad and Agudelo, and the Florencia mayor's office offered a \$10,000 reward for information leading to arrests in these cases. The murders remained under investigation at year's end.

On July 8, unidentified men shot and killed Jorge Enrique Urbano in the port city of Buenaventura, Valle del Cauca department. Urbano had been the director of Radio Buenaventura, had served as the press secretary of the Buenaventura mayor's office, and directed a NGO dedicated to building public parks. It was unclear whether Urbano's murder was related to his work as a journalist.

On July 16, unidentified gunmen shot and killed Eduardo Estrada Gutierrez in San Pablo, Bolivar department. Estrada was president of the Association for the Development of Communications and Culture in San Pablo and was working on the implementation of a community radio station in the municipality. Estrada was the second person involved with a community radio program to have been killed during the year.

In November hooded gunmen killed Heriberto Cardenas in Buenaventura. Cardenas worked as a radio reporter as well as a correspondent for El Tiempo and El Espectador; however, he had withdrawn from journalism in 2000 and only occasionally made any contributions.

The investigation continued into the November 2000 murder of local radio reporter Gustavo Rafael Ruiz Cantillo in Pivijay, Magdalena department.

The investigation continued into the September 2000 murder by paramilitary members of Carlos Jose Restrepo Rocha, the publisher of TanGente newspaper in Tolima, a municipal council candidate, and a former member of the now-inactive M-19 guerrilla group.

Two suspected paramilitaries were on trial for the 1999 murders of journalists Alberto Sanchez and Luis Alberto Rincon. A third suspect was charged but died before the trial.

Prosecutors are appealing the decision of a Valledupar judges to absolve suspected paramilitaries Rodolfo Nelson Rosado Hernandez (alias "El Pichi") and Jorge Eliecer Espinal Velasquez ("El Parce") for the 1999 murder of newspaper editor Guzman Quintero Torres in Valledupar, Cesar department.

At year's end, paramilitary and La Terraza gangster Juan Pablo Ortiz Agudelo (alias "Bochas") was appealing charges filed against him for the 1999 murder in Bogota of journalist, comedian, and human rights activist Jaime Garzon Forero (see Section 1.a.).

The Supreme Court upheld a Neiva judge's decision to exonerate three men charged with the 1998 murder of journalist Nelson Carvajal Carvajal. There were no other suspects detained in the case.

According to the Free Country Foundation, five journalists were kidnaped during the year.

On March 16, the FARC kidnaped journalist and international affairs commentator Guillermo Angulo and two other persons in Choachi, Cundinamarca department. Angulo was held for 5 months.

In June journalist Carlos Reina was kidnaped in Yopal, Casanare department. In July Telecaribe journalist Ramon Campo Gonzalez was kidnaped in Santa Marta, Magdalena department.

On June 23, armed men kidnaped journalist Carlos Alberto Reina Camargo, as he traveled with his family in Boyaca department. Reina was released on July 6.

On June 30, four armed men kidnaped cable television executive and journalist Ramon Ocampo Gonzalez in Magdalena department as he was driving to his family farm. Ocampo is a member of a politically influential family and was also a member of the regional coffee growers association. The authorities suspect that the FARC was responsible. Ocampo was released on July 4.

An investigation continued of the May 2000 kidnaping and rape of Jineth Bedoya Lima, a reporter for the El Espectador newspaper. Bedoya was kidnaped while on her way to interview a convicted paramilitary leader at the Modelo prison in Bogota, raped, and subsequently released in Meta. El Espectador had received threatening letters against her and other journalists. AUC leader Carlos Castano denied that the AUC was involved. There have been no arrests in this case.

On February 26, two bombs went off at the home of radio reporter Zoraida Ariza in Saravena, Arauca department. In August the ELN detonated a bomb targeting Caracol Radio's Medellin offices. No one was injured in the blast.

At least five journalists left the country during the year, and several well-known journalists remain in exile. In late January, RCN prime time journalist and host of RCN top-ranking opinion show La Noche Claudia Gurisatti left the country for 3 months, following an alert from the authorities of a plot to kill her. Three men were arrested for conspiracy to kill Gurisatti, which appears to have been organized by the same FARC front also thought to be responsible for the December 2000 murder of congressional peace commission president Diego

Turbay (see Section 1.a.). Gurisatti continued to host La Noche from abroad.

Journalist Hatem Dusaki, Cali television reporter Willy Maldonado Penaranda, television producer Jorge Rangel Rengifo, and Cali journalist Ricardo Varela all left the country during the year due to death threats or extortion attempts.

Francisco "Pancho" Santos, editor of the family-run El Tiempo, the country's largest newspaper, and founder of the Pais Libre antiskidnaping organization and the national "No More" antiviolence civic campaign, remained in exile at year's end. Santos fled the country in March 2000 after announcing that he was the target of a FARC guerrilla group plot to kill him. In May four journalists of El Tiempo were threatened, declared to be military targets, and warned that they must leave the county within 1 month.

In February seven broadcast journalists in Popayan announced that they had received threats from paramilitaries. In May an AUC press release declared five broadcast journalists in Cali to be military targets. On November 9, the AUC threatened three journalists and a cameraman and advised them to abandon their profession in less than 48 hours or face execution.

On September 28, FARC guerrillas manning a roadblock harassed and threatened seven journalists who were going to cover a rally by presidential candidate Horacio Serpa, whom the guerrillas also prevented from entering the demilitarized zone.

The FARC restricted the movement of journalists in the despeje through blockades and random identity checks.

In 2000 the Inter-American Press Society opened a rapid action unit office in Bogota to help the Prosecutor General's office investigate crimes against journalists. The Ministry of Interior operates a program for the protection of journalists, established by an August 2000 presidential decree. During the year, the Government continued to consult with journalism organizations to identify journalists at special risk but has not had sufficient resources to provide protection. 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, which began to function in February.

Media ownership remains highly concentrated. Wealthy families or groups associated with one of the two dominant political parties have 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 El Espectador, one of the two leading Bogota dailies, became a weekly newspaper due to financial difficulties. The press remained generally free; however, economic problems and the concentration of media ownership limited the media's resources, causing the media to rely heavily on a smaller pool of advertisers, including the Government, which the media often chose not to criticize.

The National Television Commission continued to oversee television programming throughout the year.

Domestic organizations which promote freedom of the press include the Foundation for Freedom of the Press, Media for Peace (which provides training for journalists), and the Free Country Foundation (an antiskidnaping NGO). However, on June 15, Free Press announced that it had shut down operations due to threats.

The Government does not restrict academic freedom, and there was a wide spectrum of political activity throughout the country's universities. However, paramilitary groups and guerrillas maintain a presence on many university campuses, aimed at generating political support for their respective campaigns. They use both violent and nonviolent means toward political ends. Both paramilitary groups and guerrillas also regularly targeted public school teachers at the elementary and secondary levels for politically motivated killings.

Investigations continued into four 1999 attacks against prominent academics. Jesus Antonio Bejarano, a former government peace commissioner; Doctor Dario Betancur, head of the social sciences faculty of Bogota's Universidad Pedagogica; and Doctor Hernando Henao, an anthropologist who published on the subject of displaced persons were killed in 1999.

As a result of these incidents, academic leaders have chosen to assume a lower profile; many have taken up residence outside the country.

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

The Constitution provides for freedom of peaceful assembly, and the Government generally respects this right in practice. The authorities normally do not interfere with public meetings and demonstrations and usually grant the required permission except when they determine that there is imminent danger to public order.

In June two police officers struck journalists who were recording the detainment of a student protester (see Section 2.a.).

There were large demonstrations on several occasions by citizens throughout the country; the authorities generally did not interfere. In February approximately 12,000 persons demonstrated peacefully in San Pablo, Bolivar department, to protest the creation of a guerrilla enclave for the ELN. Later in the same month, about 20,000 persons blocked major highways in Magdalena Medio in an attempt to stop the creation of the zone. They lifted their blockade after the army threatened to intervene. In August agricultural workers blocked 15 major highways throughout the country, and state security forces reportedly used tear gas to disperse the crowd. Also in August, 20 persons were injured in demonstrations by striking Bogota cab and bus drivers (see Section 6.a.). The Presidential Human Rights Program and state security forces cooperated with civil society organizations to provide security for major events in July in Antioquia and in September in the Barrancabermeja area. NGO's in Barrancabermeja reported harassment by paramilitaries during a September summit of women's and peace organizations.

The Constitution provides for freedom of association, and the Government generally respects this right in practice. Any legal organization is free to associate with international groups in its field. However, membership in proscribed organizations, such as the FARC, the ELN, the EPL, and the AUC is a crime. In practice, freedom of association is restricted by killings of and threats against labor union leaders and members of NGO's by illegal armed groups (see Sections 4 and 6.a.).

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Although the 1991 Constitution separated the Catholic Church from the State, the Church retains a de facto privileged status.

A 1994 Constitutional Court decision declared unconstitutional any official government reference to religious characterizations of the country. The law on freedom of religion provides a mechanism for religions to obtain status as recognized legal entities. Accession to the 1997 public law agreement between the State and non-Roman Catholic religious entities is required currently for any religion that wishes to minister to its adherents via any public institution. A total of 12 non-Roman Catholic churches have received this special status; however, these churches report that some local authorities have failed to comply with the accord. No non-Christian religion is a signatory to the 1997 public law agreement. Some prominent non-Christian religious groups, such as the Jewish community, have not requested state religious recognition. All legally recognized churches, seminaries, monasteries, and convents are exempt from national and local taxes. Local governments may exempt religiously affiliated organizations such as schools and libraries from taxes; however, in practice, local governments often exempt only organizations that are affiliated with the Roman Catholic Church. According to military regulations, only Roman Catholic priests may serve as chaplains. The Government permits proselytizing among the indigenous population, provided that it is welcome and does not induce members of indigenous communities to adopt changes that endanger their survival on traditional lands.

In August the human rights unit of the Prosecutor General's office reported that it had 37 open cases of religiously motivated crimes.

The AUC sometimes targeted representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons.

In May 2000, the authorities charged one suspect with the 1999 killings of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigo Eguiluz in Choco department. The suspect was on trial in Quibdo at year's end. Security forces had arrested nine suspected members of a paramilitary group in connection with this crime but were obliged to release them due to lack of evidence.

The FARC and ELN guerrilla movements regularly target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons, and committed acts of murder, kidnapping, and extortion, as well as inhibited the right to free religious expression. The FARC has placed religious restrictions on persons within the despeje zone. The FARC also levied "war taxes" on Roman Catholic and evangelical churches and schools in the despeje and elsewhere.

The Christian Union Movement (MUC) reported the December 29 killing of an evangelical pastor and the December 30 kidnaping of another in Caqueta department. A total of 61 pastors have been killed in the last 8 years. As of June 2000, the FARC had forced the closure of over 300 evangelical churches in Meta, Guajira, Tolima, Vaupes, Guainia, Guaviare, Vichada, Casanare, and Arauca departments, and as of May, 120 more churches had been closed in the southwestern part of the country. Additionally, the MUC claimed that the FARC extorted and, in many cases, forced the closure of rural evangelical schools. Threats by guerrillas or paramilitary forces forced many evangelical preachers to refrain from publicly addressing the country's internal conflict. The MUC also reported an overall increase in the number of kidnapings and extortions but said that these crimes tend to be for economic rather than religious reasons. For example, in February the FARC kidnaped evangelical pastor and radio network president Enrique Gomez in a small town southwest of Bogota and released him in August.

The Bishops' Conference of the Roman Catholic Church reported in 2000 that paramilitary forces, the ELN, and the FARC sometimes threatened rural priests with death for speaking out against them. It also reported that the indiscriminate use of force during guerrilla attacks on towns and police stations destroyed Roman Catholic churches in Huila, Tolima, Cauca, and Antioquia departments (see Section 1.g.).

Jewish community leaders estimated that as many as one-third of the country's Jewish community had fled the country as of July 1999. Among the principal causes was a string of kidnapings, assaults, and murders affecting Jewish business leaders.

In January representatives of various evangelical Christian churches reported that the FARC harassed congregation members for refusing to participate in coca cultivation in Meta and Cauca departments.

On March 11, unknown persons killed Protestant pastor Onofre Hernandez Benitez as he came out of the Pan-American Church of Arauca. It remains unclear to what extent, if any, the killing was related to religion.

In March 2000, unidentified perpetrators killed Roman Catholic priest Hugo Duque Hernandez at Supia, Caldas department. The case remained under investigation at year's end.

#### 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 respects this right in practice, with some exceptions. Outsiders who wish to enter Indian tribes' reserves must be invited. In areas where counterinsurgency operations were underway, police or military officials occasionally required civilians to obtain safe-conduct passes; paramilitary forces and guerrillas often used similar means to restrict travel in areas under their control. At times the Government implemented curfews.

Throughout the year, frequent road blockades erected by paramilitary groups, the FARC, ELN, and peasant farmers inhibited transportation, communication, and commerce throughout the country (see Sections 1.g. and 2.a.). Social organizations also resorted to road blockages, some of them prolonged, to protest government actions or policies (see Section 2.b.). Almost every major artery in the country 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 community without either paramilitary or FARC permission, and in which paramilitaries have blockaded communities.

According to the U.N. High Commission for Refugees (UNHCR), in the first three-quarters of the year, 9,412 Colombians requested asylum. UNHCR also reported that Colombians represent the 12th most numerous nationality requesting asylum, up from 21st during the first half of 2000.

A May 2000 law prohibits forced displacement; however, military counterinsurgency operations, forced conscription by paramilitary and guerrilla organizations, and guerrilla incursions often forced peasants to flee their homes and farms, resulting in a very large population of IDP's.

Both paramilitary groups and guerrillas used forced displacements to gain control over disputed territories and to weaken their opponents' base of support. An estimated 42 towns were abandoned after paramilitary or guerrilla attacks. The authorities sometimes encouraged civilian populations to move back to their homes before security situations had normalized, or civilians returned before it was advisable.

According to CODHES, 347,000 displacements of civilians from their homes occurred during the year, compared with 317,340 during 2000. Government sources estimated that 275,000 persons were displaced, compared with 125,000 in 2000. Exact numbers of IDP's are difficult to obtain because some persons were

displaced more than once, and many IDP's do not register with the Government or other entities. As many as 1.3 million citizens may have been displaced since 1996. An alliance of human rights, religious, and aid organizations stated in 2000 that an estimated 2 million persons had been displaced by political violence since 1985. CODHES states that some persons have been displaced for as long as 10 years, but it is unable to identify a typical timeframe for displacement. Some persons return to their homes within days or weeks, others within months, and some never return. Some displaced persons move several times after fleeing their original home, making tracking difficult. CODHES estimated that perhaps 65 percent of displacements became permanent, while the ICRC estimates that 50 percent of the displaced return home, although they may be displaced again. The Social Solidarity Network is working with the ICRC, CODHES, the UNHCR, and the Bishop's Conference of the Catholic Church on a system for providing better estimates of the number of IDP's, which they hope may yield more reliable figures by the middle of 2002. An estimated 525,000 persons are believed to be in need of assistance, including newly and longer term displaced. The U.N. Thematic Group, an intersectoral group composed of U.N. agencies, government agencies, and NGO's, reported that state agents are responsible for less than 1 percent of displacements, the paramilitaries are responsible for 46 to 63 percent, and guerrilla groups are responsible for 12 to 13 percent.

The vast majority of displaced persons are peasants who have been displaced to cities, which have had difficulty integrating large numbers of persons into their infrastructure. Many displaced persons settle on the outskirts of Bogota, Medellin, and Cartagena, where conditions are overcrowded and unsanitary, and smaller municipalities have been overwhelmed by the need for services. According to CODHES, between 1985 and the first quarter of the year, 66 percent of displaced persons came from rural areas, 22 percent of IDP's are female heads of household, 57 percent of the total number are female, and 70 percent of IDP's are under the age of 19. There are reports that some families flee to avoid forcible recruitment of their children by guerrillas (see Sections 1.f. and 5). Thousands of IDP's were unable to return to their homes due to the presence of antipersonnel mines (see Section 1.g.). Several observers noted that displaced women and girls are especially vulnerable to domestic violence, sexual abuse, and sexual exploitation (see Section 5). Many displaced persons lost access to health care, employment, and education (see Section 5). CODHES estimates that only 34 percent of displaced households have access to health services. The Human Rights Ombudsman's office reported in 2000 that only 15 percent of displaced children have access to schools. Malnutrition among displaced children is a problem, and displaced children are increasingly vulnerable to sexual exploitation and recruitment by criminal gangs. According to the UNHCR, approximately one-third of IDP's are indigenous or Afro-Colombian. (Afro-Colombian and indigenous groups make up approximately 16 percent and 2 percent of the population, respectively.) Numerous threats were made during the year against individuals and groups working with the displaced.

The Government does not make adequate provisions for humanitarian assistance to the displaced, although the law and court decisions require 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. The Government provides assistance through the Solidarity Network, the ICBF, the Health Ministry, and other state entities. Government officials continued to estimate that 70 to 80 percent of humanitarian assistance received by displaced persons is provided by the ICRC and NGO's. Most displaced citizens received emergency humanitarian assistance from the ICRC, Social Solidarity network, or NGO's for only 90 days, although some IDP's have received it for longer, and others never receive any aid at all. The ICRC provided emergency assistance to 125,000 displaced persons during the year, compared with 135,000 in 2000.

On August 31, Kofi Asomani, the U.N. Special Coordinator on Internal Displacement, stated that the country is facing an acute problem of displacement. He noted that in the first 8 months of the year there was a progressive increase in the numbers, geographical extension, and political complexities of the displacement phenomenon. He urged the Government and the international community to devote greater attention to addressing the longer-term needs of the displaced.

The UNHCR office in Bogota works to strengthen the Government's capacity to address the IDP problem and to work on regional refugee issues. The UNHCR office also has field offices in Barrancabermeja; Apartado, Uraba department; and in Puerto Asis, Putumayo department. The UNHCR plans to open an office in Sincelejo, Sucre department, in 2002.

Hundreds of displaced persons also fled to Panama, Ecuador, and Venezuela. There have been few or no reports of the forced return of refugees from Panama or Ecuador, although most refugees received little assistance. Colombians leaving the country to Ecuador used that country as a temporary escape from violence in Putumayo and returned to Colombia through another border crossing, such as Ipiales, Narino department. There continued to be reports of the forced return of refugees from Venezuela. In February church officials in Venezuela stated that they provided food and shelter to about 3,000 refugees who fled the country to escape paramilitary attacks. There were two reported group refugee incidents in Venezuela during the year. On January 25, an estimated 400 to 500 persons received food aid and medical assistance from local NGO's and



the Venezuelan military and returned to La Cooperativa in Northeast Colombia. The UNHCR and NGO's were denied access, and it is unclear whether the group return was voluntary. On October 7, a group of 164 persons, including 90 children, fled from Vichada into Venezuela's Amazonas province. They were given aid, and the UNHCR reported that their return was voluntary.

An organized group of IDP's continues to occupy the former headquarters of the ICRC in Bogota, despite a December 2000 Constitutional Court ruling that the Government was to assist and resettle the group. However, a number of persons both inside and outside of the Government have argued that it is not possible for the Government to comply with the ruling due to lack of resources, and because the law on displacement does not define a limit to reintegration assistance.

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 had a tradition of providing asylum since the 1920's. During the year, 3 refugees had been granted legal asylum status, and 17 applications for asylum were pending at year's end.

The Government cooperates with the offices of the UNHCR and other humanitarian organizations in assisting refugees and IDP's. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of the applicant's case. 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.

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

The Constitution provides for the right of citizens to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 1998 voters elected Conservative Party candidate Andres Pastrana President in elections that were free, fair, and transparent, despite some threats to the electoral process by paramilitary groups, narcotics traffickers, and guerrillas. The Liberal Party controls the legislature. In the Senate, the Liberal Party holds 19 of 72 seats, the Conservative Party holds 15, and small independent movements hold the remaining 38 seats. In the House of Representatives, Liberals holds 86 seats, Conservatives have 32, and independent movements hold the remaining 43 seats.

Presidential elections are held every 4 years, with the incumbent barred for life from reelection. The next election is scheduled for May 26, 2002. The Liberal and Conservative parties long have dominated the formal political process with one or the other winning the presidency. Public employees are not permitted to participate in partisan campaigns. Elections to renew the entire Senate and House of Representatives are scheduled for March 10, 2002. Congresspersons are elected to 4-year terms. Governors, mayors, assemblymen, and other local officials are elected to 3-year terms. The next elections for local officials are scheduled for October 2003.

Officially, all political parties operate freely without government interference. Those that fail to garner 50,000 votes in a general election lose the right to present candidates and may not receive funds from the Government. However, they may reincorporate at any time by presenting 50,000 signatures to the National Electoral Board. Voting is voluntary and universal for citizens age 18 and older, except for active-duty members of the police and armed forces, who may not vote.

Both paramilitary and guerrilla organizations sought to dissuade some potential candidates from running for office, restrict their ability to campaign, and threatened, kidnaped, and killed incumbent elected officials at various levels (see Sections 1.a, 1.b., and 1.c.).

In September FARC guerrillas prevented presidential candidate Horacio Serpa from leading a large campaign delegation into the demilitarized zone. Guerrillas are suspected in at least three plots to kill right wing, independent presidential candidate Alvaro Uribe. In December members of Congress held a candlelight vigil to remember their peers who had been kidnaped and killed. The FARC kidnaped Liberal Congressman Orlando Bernal Cuellar in August and Liberal Congressman Luis Eladio Perez in June. On September 10, Huila department Congressman Consuelo Gonzalez was kidnaped, presumably by the FARC. The FARC also are holding hostage Conservative Party congressman Oscar Lizcano, kidnaped in June 2000.

In September AUC leader Carlos Castano launched the National and Democratic Movement, a quasi-political party affiliated with the AUC that plans to run or support candidates in the March 2002 congressional elections. The group is expected to remain largely clandestine, as Castano continues to seek political recognition. There also are credible reports that the AUC plans to run congressional candidates in March 2002 under the Liberal and Conservative Party banners. There are credible reports that the paramilitaries are trying to coerce

congressional candidates they do not support from running for office, especially in the Middle Magdalena region. Numerous members of Congress have expressed concern about threats and violence against candidates and voters; in May Liberal Party presidential candidate Horacio Serpa said that there were candidates at all levels who could be elected by guns.

In April 2000, the FARC announced the formation of a political party--the Bolivarian Movement for a New Colombia--before a gathering of thousands of persons. FARC leader Manuel Marulanda announced that the party would operate secretly.

In the 192 municipalities which lack state security presence, and in urban neighborhoods, both guerrilla and paramilitary groups sought to impose control and garner political support with measures ranging from social cleansing killings to punishments for domestic violence (see Sections 1.a., 1.d., and 5) and by donating materials or labor to community projects. In May Governor Jorge Gomez Villamizar of Santander department strongly criticized numerous threats against mayors and councilmen in 26 Santander municipalities that lack permanent state security forces.

The Colombian Federation of Municipalities reported to the press in 2000 that armed groups threatened candidates in the October 2000 municipal elections in more than half of the country's 1,097 municipalities. By year's end, the Federation reported that 6 mayors had been killed, that displacements of mayors from their municipalities had increased, and that 10 mayors were kidnaped (see Section 1.b.). For example, on November 19, the AUC abducted six mayors from eastern Antioquia, as well as their human rights adviser, apparently in retaliation for meetings that the mayors had held with representatives of the ELN to seek respect for the lives of the civilian population in their municipalities. In response to these attacks and threats, some rural mayors fled to major cities, where they continued to conduct municipal business via telephone and facsimile. The Federation reported in 2000 that 19 mayoral candidates were killed, 20 were kidnaped, 12 reported threats, and as many as 53 candidates for mayoral and municipal council posts withdrew their candidacies. However, the October 2000 municipal elections were generally peaceful.

There are no legal restrictions, and few practical ones, on the participation of women or minorities in the political process; however, the percentage of women or minorities in government and politics does not correspond to their percentage of the population. In March 2000, a quota law to increase the number of women in high-level public positions went into effect. The quota law requires that a minimum goal of 30 percent of nominated positions, including seats on the high courts and ministerial positions, be allotted to women. The quota law does not apply to publicly elected positions, such as seats in Congress. In March the Constitutional Court decided that the statutory quota cannot be applied to candidates for local election or public enterprises. Before the end of each year, the Government must report to Congress the percentage of women in high-level governmental positions. The Government's year end report indicated that there are 13 female senators (out of 102 seats) and 19 female representatives (out of 161) in the Congress. There were 4 women in the 16-member cabinet (the Ministers of Health, Culture, Communications, and Foreign Trade) and 7 vice ministers. There is 1 female among the 23 Supreme Court justices, 1 woman among 9 Constitutional Court magistrates, and 2 among the 13 magistrates of the Superior Judicial Council. The report also stated that there is 1 female governor and 75 female mayors.

The percentage of indigenous people in government and politics does not correspond to their percentage of the population. Two Senate seats are reserved for indigenous representatives. In October 2000, voters in Cauca elected Floro Tunubala, the country's first indigenous governor. Paramilitaries repeatedly have threatened him since he took office in January. The percentage of Afro-Colombians also does not correspond to their percentage of the population. In 1996 the Constitutional Court declared unconstitutional a 1993 law that set aside two house seats for citizens of African heritage, although the ruling allowed the incumbents to complete their terms in office. There is one Afro-Colombian senator, but there are no Afro-Colombian members of the House of Representatives. Afro-Colombian organizations say that Afro-Colombians have almost no representation in the executive branch, judicial branch, and civil service positions, and in military hierarchies.

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

A large and varied nongovernmental human rights community is active and provides a wide range of views; however, many prominent human rights monitors worked under constant fear for their physical safety. Among the many groups are: The Colombian Catholic Bishops Conference; the CCJ; the Intercongregational Commission for Justice and Peace; CINEP; the Advisory Committee for Human Rights and Displacement; the Committee in Solidarity with Political Prisoners (dedicated to defending accused guerrillas); the Association of Families of Detained and Disappeared Persons; the Reinsertion Foundation (focused on demobilized guerrillas); the Free Country Foundation (focused on the rights of kidnap victims); several associations which promote the rights of victims of guerrilla violence; groups which provide legal assistance to victims of human rights violations; and groups which provide humanitarian assistance to the displaced. Other international

humanitarian and human rights organizations include the office of the U.N. High Commissioner for Human Rights in Colombia, several other U.N. agencies, the ICRC (with 16 offices across the country), and Peace Brigades International. NGO's investigated and reported on human rights abuses committed by government forces, various paramilitary groups, and the guerrillas.

Although the Government generally did not interfere with the work of human rights NGO's, there were unconfirmed reports that security forces harassed or threatened human rights groups. Citing changes in the revised Criminal Code, in August the Prosecutor General's office revoked charges filed against retired Brigadier Generals Millan and Del Rio for bribing witnesses to testify falsely against a leading NGO organizer and a labor leader, although the two men remain under investigation (see Section 1.a.).

Paramilitary, guerrilla, and other unidentified groups subjected human rights groups to intense pressure during the year, in the form of surveillance, harassing telephone calls, graffiti campaigns, and death threats. Paramilitary and guerrilla groups also have been implicated in the deaths of human rights and development workers. According to the CCJ, nine human rights advocates were killed during the year; four human rights workers disappeared. A total of 48 human rights workers have been killed or have disappeared in the past 5 years.

For example, paramilitaries are thought to be responsible for the June torture and murder of Alma Rosa Jaramillo Lafourie, a lawyer and development worker for the Program for Peace and Development in Magdalena Medio, in Morales, Bolivar department. In July another employee of the program, Eduardo Estrada, was murdered in San Pablo, Bolivar department.

On September 9, armed men shot and killed Sister Yolanda Ceron, a human rights worker for the Catholic Church, in Tumaco, Narino department.

Leading domestic NGO's and international organizations strongly and unanimously condemned the December 27 and 28 killings by FARC guerrillas of peace community activists Petrona Sanchez and Edwin Ortega in Choco department. Sanchez and Ortega were coordinating an education project in the self-declared neutral peace community of San Francisco de Asis (Uraba region, Choco department), which is accompanied by the Catholic Church and by CINEP.

There is no information on the whereabouts of Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES (an association for relatives of the disappeared) who were kidnaped in October 2000. No arrests had been made in the kidnaping at year's end, but investigators in this case subsequently uncovered evidence of extensive illegal wiretapping by the Medellin GAULA (see Section 1.f.). The authorities continued to investigate the kidnaping. In June Astrid Manrique Varvajal of ASFADDES and her family were threatened.

On numerous occasions during the year, paramilitary groups in several municipalities circulated lists of the names of persons they considered "military targets," which included the names of local human rights activists, labor organizers, and politicians (see Sections 3 and 6.a.).

On January 3, AUC paramilitaries threatened Jose Guillermo Larios and Ivan Madero Vergel, members of CREDHOS. On numerous occasions during the year, AUC members threatened members of the Popular Women's Organization in Barrancabermeja.

In addition, approximately 60 human rights workers left the country, either temporarily or permanently, for their own safety. Many more activists leave without coming to the Ministry of Interior or leading NGO's for assistance. CINEP reported at year's end that requests for protection received by the Ministry of Interior and the Ad Hoc Committee of Human Rights Defenders rose 130 percent.

The Government, through the Ministry of the Interior and the DAS, allocated approximately \$11.3 million (25 billion pesos) to its 3-year-old program to protect human rights advocates and labor activists associated with 88 different human rights NGO's and unions. The funds were designated for security measures for individuals as well as for the headquarters of the NGO's, an emergency radio network, and funding for travel abroad for individuals who faced a particular threat; however, human rights groups continued to state that the protection programs are inadequate to address the crisis, and called for increased efforts to combat impunity. During the year, the Ministry of Interior fought successfully to quadruple its budget and extended protection measures to 2,344 union leaders, NGO members, witnesses, community leaders, members of the Patriotic Union, and journalists; 880 persons were provided with protection in 2000. This protection included bulletproofing for 65 residences and offices.

On February 16, Hina Jilani, the Special Representative of the Secretary General of the U.N. on Human Rights

Defenders, expressed deep concern over the violation of the rights of human rights workers. She stated that she had received information that human rights defenders had been subject to numerous forced disappearances, internal and external displacement, and death threats. She revisited the country in October. At a press conference at the conclusion of her visit, she again expressed concern over the attacks upon human rights defenders. In November the U.N. Special Rapporteur on violence against women, Radhika Coomaraswamy, investigated violence against women in the country's armed conflict (see Sections 1.g. and 5).

Armed groups also targeted regional human rights ombudsmen. A paramilitary was charged in the January murder of regional human rights ombudsman Ivan Villamizar in Cucuta, Norte de Santander department. He remained in detention at year's end. In July 2000, the FARC reportedly kidnaped and killed Jose Manuel Bello, the municipal human rights ombudsman in Vigia del Fuerte, Atrato, Antioquia department. In July 2000, unidentified armed men killed Yemil Fernando Hurtado Castano, the human rights ombudsman in Narino municipality, southeastern Antioquia department. The murders of Bello and Hurtado remained under investigation at year's end. There was no reported progress in the investigation of the 1999 killing of the Human Rights Ombudsman's representative for San Juan Nepomuceno, Carlos Arturo Pareja, and his assistant.

NGO's linked suspected paramilitary leader Libardo Humberto Prada Bayona to the August 2000 murder of peace activist and former mayor Luis Fernando Rincon Lopez in Aguachica, Cesar department; however, prosecutors have not linked Prada to the Rincon murder, which remains unsolved. The case remained under investigation at year's end. Prada was absolved by a Valledupar court for the 1998 killing of local Redepaz coordinator Amparo Leonor Jimenez Pallares; prosecutors were appealing the decision at year's end.

Prosecutors continued to investigate the 1999 AUC killings of southern Bolivar department peasant leaders Edgar Quiroga and Gildardo Fuentes.

Arrest warrants remained outstanding for Carlos Castano and four other members of paramilitary groups for the 1997 murders of two CINEP workers and one other person (see Section 1.a.).

In 1997 the UNHCHR opened a field office in Bogota to observe human rights practices and advise the Government; in April its mandate was extended through April 2002. The office is tasked with monitoring and analyzing the human rights situation throughout the country and with the provision of assistance to the Government, civil society, and NGO's in the field of human rights protection. It submitted reports to the Government and to the U.N. during the year. In March the UNHCHR report, which covered 2000, criticized a lack of state effort to prevent and prosecute crimes by paramilitary groups, and broadly criticized the continuing systemic problems of impunity, lack of due process, and growing violence against women and children (see Sections 1.e. and 5). UNHCHR's report also criticized guerrilla abuses such as killings, kidnaping, child recruitment, forced displacement, and interference with medical missions (see Sections 1.a., 1.b., 1.g., 2.d., and 5). The Government publicly criticized the UNHCHR's report for failing to acknowledge government efforts.

The Government has an extensive human rights apparatus, which includes the office of the President's Adviser for Human Rights, headed by Vice President Gustavo Bell. In September 2000, human rights expert Reinaldo Botero was named director of the presidential program for human rights and international humanitarian law. The executive branch's efforts on human rights are supported by the Ministry of Interior, the human rights office of the MOD, and dependent offices for each of the public security forces. The office of the National Human Rights Ombudsman, its regional representatives and corps of public defenders, the Inspector General's office and its delegate for human rights and regional representatives, and the Prosecutor General's office and its human rights unit are all independent institutions, not subject to executive branch direction.

The House of Representatives elects the Public Ministry's National Ombudsman for Human Rights 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 provides public defense attorneys and a channel for complaints of human rights violations (see Section 1.e.). However, the Ombudsman lacks sufficient funding and staff. In August 2000, the House of Representatives confirmed former Constitutional Court Judge Eduardo Cifuentes Munoz as Human Rights Ombudsman. Cifuentes has been 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, is providing training for its regional ombudsmen and conducting public education on human rights. The Ombudsman's office also is developing an early warning system, which would allow the Ombudsman's office to track threat information and subsequent government action to investigate threats and protect the civilian population.

The Human Rights Ombudsman's office processed 14,149 complaints in 2000 (the latest year for which figures were available). Of these, 300 complaints concerned extrajudicial killings, 125 concerned massacres, and 699

concerned threats. The office also provided 32,295 free legal consultations through its corps of more than 1,000 public defenders, many of whom work only part-time.

In 1999 the Vice President enunciated the Government's human rights policy; however, despite improvements, some aspects of implementation have been slow to materialize, and there has been an overall increase in human rights violations by illegal armed groups since 1999. The Government's national human rights plan called for the respect, promotion, and assurance of human rights. It promised increased government attention to the consequences of human rights abuses and called on all armed factions to respect international humanitarian law. The plan asserted that security forces would combat both guerrilla and paramilitary forces. One of the plan's most important provisions permitted the armed forces commander to remove from service summarily any military member whose performance in combating paramilitary forces he deemed "unsatisfactory or insufficient." In September 2000, the President signed 12 decrees to reform and strengthen the military (see Section 1.e.).

The Presidential Program for Human Rights established six regional intersectoral commissions, which include NGO's, government officials, and state security forces, to address human rights, development, and security concerns in vulnerable areas. During the year, presidential staff and leading NGO's met to discuss how best to structure cooperation on the national human rights plan. The Presidential Program for Human Rights, the Ministry of the Interior, and state security forces also coordinated to provide security for several large civil society events such as the Plenary of the National Assembly for Peace in Rionegro, the Caravan of Peace in Medio Magdalena, and a major women's march to Barrancabermeja.

The MOD reported in September that in the past 5 years, 119,349 security force members received human rights training, including 2,269 human rights trainers. The ICRC, the Colombian Red Cross, the Roman Catholic Church, elements of the Government and security forces, and foreign governments provide such training. Many observers credited these programs with having done much to foster a climate of increased respect for human rights and international humanitarian law within the military forces in recent years. In September the MOD signed an agreement with two national universities and the Inter-American Institute for Human Rights to conduct research and training on human rights and organized several seminars intended to foster dialog with NGO's and academics on human rights.

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

The Constitution specifically prohibits discrimination based on race, sex, religion, disability, language, or social status; however, in practice, many of these provisions are not enforced. The killing of homosexuals as part of the practice of social cleansing continued, especially by the AUC (see Section 1.a.).

#### Women

Rape and other acts of violence against women are pervasive in society, and like other crimes, seldom are prosecuted successfully. According to the Ombudsman's 2000 report, intrafamilial violence, sexual assault, and the murder of women were increasing problems. The governmental Institute for Family Welfare 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. Between January and August, the Institute for Forensic Medicine reported 19,066 cases of spousal abuse. There were 8,757 cases of domestic violence by other family members. The Institute reported 2,834 cases of sex crimes (excluding figures for Bogota) including rape, the rape of minors, and other forms of sexual abuse. The Institute commented that the crimes of domestic violence and rape are grossly underreported, citing its 1995 survey that indicated that as few as 5 percent of these crimes are reported, and that only 2 percent of victims receive 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 530 family ombudsmen handle approximately 1,160 cases per year.

The 1996 Law on Family Violence criminalizes 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 approved reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum

sentence is 8 years. The Institute of Forensic Medicine reported 13,703 cases of probable rape during 2000. First Lady Nohra Puyana de Pastrana is on the board of directors of the ICBF and works with the "Make Peace" program, which provides 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 also faced an increased threat of torture and sexual assault due to the internal conflict (see Section 1.g.). In November the U.N. Special Rapporteur on violence against women, Radhika Coomaraswamy, investigated violence against women in the country's armed conflict. The UNHCHR, CODHES, and the Human Rights Ombudsman all noted that internally displaced women and girls are especially vulnerable to domestic violence, sexual abuse, and sexual exploitation (see Section 2.d.). In August the Colombian Pro-Family Institute published a Study of Sexual Health and Reproduction in Displaced Women and Adolescents. One of the greatest problems facing displaced women is adolescent pregnancy; 3 out of 10 girls between the ages of 13 and 19 have a child or are pregnant. According to the study, one out of five displaced women have been raped, a significant percentage by their husbands or companions. International organizations and NGO's have noted with deep concern that sexual violence is largely unreported and that no long-term assistance is available to female IDP's. In addition, they criticized the use of female combatants in guerrilla organizations as sex slaves. Former female guerrillas also have reported forced abortions and forced implantation of intrauterine devices (see Section 1.g.).

Prostitution, which is not legal, is a problem, which has been aggravated by a poor economy and internal displacement. Sex tourism exists to a limited extent, especially in coastal cities like Cartagena and Barranquilla. It is likely that some number of marriage and dating services are covers for sex tourism activities.

Trafficking in women for sexual exploitation is a problem (see Section 6.f.).

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

The Constitution prohibits any form of discrimination against women and specifically requires the authorities to ensure "adequate and effective participation by women at decision making levels of public administration." Even prior to implementation of the 1991 Constitution, the law had provided women with extensive civil rights. However, despite these constitutional provisions, discrimination against women persists. A 2000 study by the University of Rosario concluded that women faced hiring discrimination, and that women's salaries were generally incompatible with their education and experience. The salary gap between men and women widened from 1990 through 2000, reaching a high point in 1999 as the country's economy declined. The study also noted that women were affected disproportionately by unemployment. Government unemployment statistics for 2000 indicated that the unemployment rate for men was 16.9 percent, while the rate for women was 24.5 percent. According to the March 2000 report of the UNHCHR, women earn 28 percent less than men do. The National Statistics Institute reported that a higher percentage of women were employed in minimum wage jobs. According to U.N. statistics, women's earnings for formal sector, nonagricultural work correspond to approximately 85 percent of men's earnings for comparable work, and women must demonstrate higher qualifications than men when applying for jobs. Moreover, women constitute a disproportionately high percentage of the subsistence labor work force, especially in rural areas. Female rural workers are affected most 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.

#### 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 assist and protect children, to foster their development, and to ensure the full exercise of these rights. The Children's Code describes many of 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 increase legal protection for women and children. The ICBF oversees all government child protection and welfare programs and funds nongovernmental and church programs for children.

The Constitution formally provides for free public education, which is compulsory between the ages of 6 and 15. An estimated 25 percent of children in this age group do not attend school, due to lax enforcement of

truancy laws, inadequate classroom space, and economic pressures to provide income for the family. The Government provides for the cost of primary education, but many families face additional expenses such as matriculation fees, books, school items, and transportation costs (which are significant in rural areas where children may live far from school). These costs can be prohibitive, especially for the rural poor.

The law obliges the Government to provide medical care for children; however, medical facilities are not universally available, especially in rural areas.

Child abuse is a problem. The National Institute for Forensic Medicine reported 5,471 cases of child abuse between January and August; there were 9,896 reported cases in 2000. According to the March 2000 report of the UNHCHR, sexual abuse is prevalent, particularly of children between the ages of 5 and 14 years of age. In 70 to 80 percent of cases, children know their abusers.

According to UNICEF, an estimated 35,000 boys and girls under age 18 work as prostitutes. A 1996 law prohibits sex with minors or the employment of minors for prostitution. In August 2000, the Prosecutor General's Specialized Sex Crimes and Human Dignity Unit reported that from August 1999 to August 2000 it opened 41 cases in which a child under 14 was induced or lured into prostitution.

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

Child labor is a significant problem (see Section 6.d.).

In conflict zones, children often were caught in the crossfire between public security forces, paramilitary groups, and guerrilla organizations. For example, on March 9, seven children were injured near Popayan, Cauca department, by a grenade left behind by the ELN. MOD figures indicated that approximately 200 children were killed due to the conflict during 2000. 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 attend school. Both female and male children who have been displaced are especially vulnerable to abuse, sexual exploitation, or recruitment by criminals.

Paramilitaries and guerrillas forcibly recruited children, and the use of child soldiers was common (see Section 1.f.) Sexual abuse of girls is a particular problem (see Sections 1.f. and 1.g.).

In 2000 UNICEF reported that various armed groups had killed 460 children over the previous 4 years and kidnaped another 789 children (see Section 1.b.). Children were among the preferred kidnaping targets of guerrillas (see Section 1.b.). Pais Libre reported that the number of children kidnaped annually increased from 206 in 1999, to 265 in 2000, and to 205 as of October. According to the MOD, 213 minors were kidnaped between January and August. Among the 213 were 29 babies less than 2 years of age, and 57 of these children still were in captivity as of August. For example, the FARC kidnaped 3-year-old Andres Felipe Navas in April 2000 and did not release him until November 2001. In April 2000, the FARC also kidnaped 9-year-old Dagoberto Ospina Ospina from his school bus in southern Cali and did not release him until early in the year (see Section 1.f.).

#### Persons with Disabilities

The Constitution enumerates the fundamental social, economic, and cultural rights of the persons with physical disabilities; however, serious practical impediments exist that prevent the full participation of persons with disabilities in society. There is no legislation that specifically mandates access for persons with disabilities. (Most public buildings and public transport are not accessible to persons with disabilities.) According to the Constitutional Court, persons with physical disabilities must have access to, or if they so request, receive assistance at, voting stations. The Court also has ruled that the social security fund for public employees cannot refuse to provide services for the children of its members who have disabilities, regardless of the cost involved.

#### Indigenous People

There are 82 distinct ethnic groups among the country's 716,400 indigenous inhabitants, who constitute about 2 percent of the country's population. These groups are concentrated in the Andes mountains, Pacific Coast lowlands, the Guajira Peninsula, and Amazonas department. According to the National Organization of Colombia's Indigenous (ONIC), 93 percent of indigenous people live in rural areas; and approximately 115,000 indigenous people are without land.

The Constitution gives special recognition to the fundamental rights of indigenous people. The Ministry of Interior, through the office of indigenous affairs, is responsible for protecting the territorial, cultural, and self-determination rights of indigenous people. Ministry representatives are located in all regions of the country with indigenous populations and work with other governmental human rights organizations, as well as with NGO human rights groups and civil rights organizations, to promote indigenous interests and investigate violations of indigenous rights. Nonetheless, members of indigenous groups suffer discrimination because they traditionally have been relegated to the margins of society. Few opportunities exist for those who might wish to participate more fully in modern life. The March 2000 report of the UNHCHR noted that an estimated 80 percent of the indigenous population live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. In addition, indigenous communities suffer disproportionately from the internal armed conflict (see Section 1.g.). Members of indigenous communities often flee together in mass displacements, relocating to other indigenous communities (see Section 2.d.).

According to the National Agrarian Reform Institute (INCORA), 70,049 indigenous families (377,085 persons, or 60 percent of the country's total indigenous population) live on designated reserves. Indigenous groups' rights to their ancestral lands are by law permanent. INCORA reports that approximately 80 percent of these lands have been demarcated. However, armed groups often violently contested indigenous land ownership. According to ONIC, roughly 95 percent of the country's natural resources are found on indigenous reservations and claimed territories. Traditional Indian authority boards operate some 545 reserves; the boards handle national or local funds and are subject to fiscal oversight by the national Comptroller General. These boards administer their territories as municipal entities, with officials elected or otherwise chosen according to tradition.

INCORA estimated that some 200 indigenous communities had no legal title to land that they claimed as their own. According to INCORA, more than 12,603,496 acres (approximately 28 percent of the national territory) have been recognized legally as indigenous lands. It is buying back much of this land, which was settled by mestizo peasants, and returning it to indigenous groups.

The Constitution provides for a special criminal and civil jurisdiction within indigenous territories based upon traditional community laws. However, some observers asserted that these special jurisdictions were subject to manipulation, and that punishments rendered by such community courts were often much more lenient than those imposed by regular civilian courts.

Indigenous communities are free 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, and a number of them were killed. The UNHCHR's office reported that 10 indigenous leaders were killed between January and August. 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 in July that 35 members of indigenous groups were killed between January and July. ONIC reported widespread cases in which members of indigenous communities, particularly in Putumayo, are forbidden to leave their community without either paramilitary or FARC permission, in which paramilitaries have blockaded communities, or in which indigenous people returning from urban areas are accused by guerrillas of being paramilitary collaborators.

For example, in May leaders of the Arhuacos people told the press that they fear that the civil war could destroy their tribe as they become caught in the crossfire between the FARC and the AUC. On November 24, AUC gunmen attacked an indigenous reservation near Rio Sucio Cauca department; they killed five persons and threatened others. In December attacks by the AUC killed seven persons, while a subsequent attack by the FARC killed a 14-year-old girl in the village of San Lorenzo. The attacks wounded 3 other persons and destroyed 35 homes.

In June in Cordoba department, presumed paramilitaries kidnaped and reportedly killed Embera leader Kimy Pernia Domico, well-known for his opposition to the Urrea reservoir project (see Section 1.b.).

Paez leader Cristobal Secue Tombe was killed in June. The Regional Indigenous Council of Cauca (CRIC) attributed Secue's murder to the FARC and said the killing may have been retribution for Secue's investigations of crimes by the FARC. Also in June, unknown persons shot and killed Alberto Sabugara Velasquez, spokesman for the Tascicogucho community of Alto Baudo, in Quibdo, Choco department. Following these crimes, in July ONIC announced that it would suspend its participation in working groups with the Government for at least 30 days and demanded that the Administration clarify its policy toward indigenous people. ONIC maintained its suspension of dialog with the Government at year's end.



In August unidentified men killed Masael Cheta Cety, the indigenous governor of the Cristal Paez reservation in Florida municipality, Valle del Cauca department, and his wife.

In July the Special Representative of the U.N. Secretary General on human rights defenders, Hina Jilani, and the Special Rapporteur of the Commission on Human Rights on extrajudicial, summary, or arbitrary execution, Asma Jahangir, expressed their deep concern over the murder and disappearance of indigenous leaders in the country. They drew the attention of the Government in particular to the paramilitary killing in June of Embera-Katio leader Pedro Alirio Domico, governor of Esmeralda River Indigenous Reserve, Cordoba department, and Alberto Sabugara Velasquez, leader of the Gengaro Indigenous Reserve, Choco department.

The authorities are seeking the detention of two suspects in the December 2000 murder of Embera leader Armando Achito in Jurado municipality, Choco department. The authorities continued to investigate the June 2000 murder of Joselito Bailarin, the Embera-Katio governor of the community of Canaverales, in Murri de Frontino in Antioquia department, by presumed paramilitaries. The authorities also continued to investigate the March 2000 disappearance of indigenous leader Jairo Bedoya Hoyos. The Indigenous Organization of Antioquia (OIA) held the AUC responsible. In an open letter, the AUC stated that it did not have Bedoya in its custody.

Paramilitary and guerrilla groups have forced indigenous people, including children, into their ranks (see Section 1.f.).

U'wa objection to initial drilling by Occidental Petroleum in an area near, but not on, their reserve continued. There was little exploration activity during the year due to security problems unrelated to the dispute with the U'wa, and no large demonstrations against the project were reported. The U'wa had filed several court challenges to drilling, and succeeded in winning brief delays before appeal courts ruled in favor of the Government's arrangement with Occidental. The U'wa reserve measures 1.25 million acres and has estimated oil reserves of up to 1 billion barrels. In August 2000, a technical working group including the Ministries of Interior and Environment, as well as an advisor to the U'wa, had reported that the Government and Occidental Petroleum were complying with all applicable regulations. The U'wa broke off talks with the Government in September 2000, in response to a ruling by the Government's agrarian reform agency authorizing the state oil company to purchase lands to create a buffer zone around the drilling area, and talks remained suspended during the year.

#### National/Racial/Ethnic Minorities

According to the National Planning Department, the country has approximately 10.6 million citizens of African heritage. The departments with the largest number of Afro-Colombians are Valle, Antioquia, Bolívar, Atlántico, Magdalena, and Córdoba. However, the Pacific department of Choco has the highest percentage of Afro-Colombian residents, at 85 percent. There are also significant numbers of Afro-Colombians along the Caribbean coast. Although estimates vary, government figures indicate that Afro-Colombians represent approximately 26 percent of the total population.

Afro-Colombians are entitled to all constitutional rights and protections; however, they traditionally have suffered from discrimination. Afro-Colombian organizations report that Afro-Colombians have almost no representation in the executive branch, judicial branch, and civil service positions, and in military hierarchies (see Section 3). In addition, Afro-Colombian communities report that they have been disproportionately affected by violence related to the conflict. For example, according to the UNHCHR, approximately one-third of IDP's are indigenous or Afro-Colombian (see Section 2.d.).

Despite the passage of the Afro-Colombian law in 1993, little concrete progress has been made in expanding public services and private investment in Choco department or other predominantly Afro-Colombian regions. The same law also authorized Afro-Colombian communities to receive collective titles to some Pacific coastlands; however, Afro-Colombian leaders complained that the Government was slow to issue titles, and that their access to such lands often was inhibited by the presence of armed groups or individuals. Unemployment among Afro-Colombians ran as high as 76 percent in some communities. The March 2000 report of the UNHCHR noted that an estimated 80 percent of Afro-Colombians live in conditions of extreme poverty, that 74 percent receive wages below the legal minimum, and that their municipalities have the highest rates of poverty. Choco remains the department with the lowest per capita level of social investment and is last in terms of education, health, and infrastructure. It also has been the scene of some of the country's most enduring political violence, as paramilitary forces and guerrillas struggled for control of the Uraba region.

#### 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 are obstacles to joining unions and engaging in trade union activities. Labor leaders around the country continue to be targets of attacks by paramilitary groups, guerrillas, and narcotics traffickers. Union leaders contend that perpetrators of violence against workers, particularly members of paramilitary groups, operate 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 International Labor Organization (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, which the President approved in 1999, limits government interference in a union's right to free association in accordance with recommendations made by the ILO Direct Contacts Mission. 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.

According to the National Labor College ("Escuela Nacional Sindical", or ENS), a Medellin-based NGO which collects, studies, and consolidates information on organized labor in the country, as of October, there were 2,482 registered unions with 860,281 affiliates. These figures are significantly lower than the 5,470 unions and 1,054,400 affiliates reported by the Ministry of Labor in 1997. Although specific statistics for the year are not available, a continuing downward trend is discernable. Only 4.5 percent of the work force of approximately 19 million is unionized. According to the CCJ, 89 percent of these workers are in the public sector. Government and labor sources estimate that between 87 and 95 percent of unions are affiliated with 1 of 3 confederations: The center-left United Workers' Central (CUT), with which 45 to 50 percent of unions are affiliated; the Social Christian Colombian Democratic Workers' Confederation (CGTD), with which approximately 30 percent of unions are affiliated; and the Liberal Party-affiliated Confederation of Colombian Workers (CTC), with which 12 to 15 percent of unions are affiliated.

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.

Labor leaders nationwide continue to be targeted for attacks by paramilitaries, guerrillas, and narcotics traffickers. According to the U.N., the ILO, and trade union leaders, the vast majority of killings and attacks on labor leaders are committed by paramilitaries. According to the ENS, a total of 184 union activists were killed during the year. The ENS also reported that 23 unionists survived attempts on their lives, 203 were threatened with death, 37 were kidnaped, 12 disappeared, and 56 were forcibly displaced. Nearly 1,600 union members have been murdered since 1991, and unions face widespread societal hostility because some observers see them as "subversive."

On January 22, an alleged paramilitary murdered Jose Luis Guete Montero, president of the National Union of Industrial and Agricultural Workers (SINALTRAINAGRO). An investigation was opened but had not made any significant progress by year's end. In March Valmore Locarno Rodriguez and Victor Hugo Orcasita, local president and vice president of miners' union SINTRAMINERGETICA at Drummond Corporation's La Loma coal mine in the northeastern department of Cesar, were abducted from their company bus and killed. In October presumed paramilitaries abducted Locarno's replacement as union president, Gustavo Soler, and then tortured and killed him.

In April Ricardo Orozco, vice president of the Hospital Workers Union was shot and killed near Barranquilla. Orozco's name had appeared on a list of union activists targeted by paramilitaries.

On June 21, Oscar Dario Soto Polo, chairman of the National Beverage Workers Union (SINALTRAINBEC) and a member of the CUT national committee, was killed in broad daylight while walking his 8-year-old daughter home from school. Soto's death and other murders, kidnappings, and incidents of harassment of beverage industry workers led the United Steelworkers of America and the International Labor Rights Fund to file suit in July in a U.S. district court on behalf of SINALTRAINAL, the Colombian National Food Industry Workers Union, against Coca-Cola and two affiliated Colombian bottlers. The suit alleges that the company has colluded with paramilitaries to harass, intimidate, kidnap, and kill union leaders over the past 10 years. Coca-Cola and its affiliated bottlers strongly deny the accusations.

On July 6, Hernando Hernandez Pardo, president of the Oil Workers Trade Union (USO), was reported barely to have escaped an attempt on his life by alleged paramilitaries in Barrancabermeja.

On November 30, the AUC kidnaped Aury Sara Marrugo, president of the Cartagena chapter of the USO, and his bodyguard. On December 5, their bodies were found near Cartagena. AUC political head Carlos Castano acknowledged kidnaping and executing Sara, who, Castano claimed, had confessed to being the commander of a local ELN front.

As of March, the Government had detained eight persons in connection with the December 2000 attempt to kill public employee union president Wilson Borja, an outspoken critic of paramilitary leader Carlos Castano and prominent advocate of the Government's negotiations with the ELN. In February the authorities arrested active duty police captain Carlos Gomez. The Inspector General's office alleged that Gomez had links to paramilitaries. Other detainees include an active duty army major, two retired members of the military, and four suspected paramilitaries. In December in response to new, credible death threats, Borja left the country.

Prosecutors have outstanding warrants for the arrest of paramilitary members Temilda Rosa Martinez and Eduardo Manrique Morales for the 1999 killing of Julio Alfonso Poveda, a CUT founder. In December 2000, the Prosecutor General's office arraigned three hired killers alleged to have killed CUT vice president Jorge Ortega in 1998.

There is still no information in the 1999 bombings of both the Association of Rural Land Users in Sincelejo, Sucre Department, and the Medellin office of the USO, where a bomb was defused. According to the ENS, there have been 14 bombing attempts against union offices in the last 4 years.

One of the 25 special human rights investigative subunits of the Prosecutor General's office is responsible for investigating cases of human rights violations against trade unionists, and there was a significant increase in the legal budget for judicial employees in 2000 that was maintained during the year. On the whole, government identification of perpetrators of crimes against trade union members has been slow, a situation which the ILO Special Representative's June report noted is aggravated by the difficulties faced by the office of the Inspector General and the judiciary in carrying out their inquiries and offering adequate assurances of protection so that witnesses are willing to come forward.

In February 2000, an ILO Direct Contacts Mission visited the country to examine alleged abuses of workers' rights to life, free association, and collective bargaining. In June 2000, the Mission presented a report to the Governing Body's Committee on Freedom of Association (CFA) which noted that the Government was "making sincere efforts" to address these problems. However, the report expressed concern over the number of murders, kidnapings, death threats, and other violent assaults on trade union leaders and unionized workers and stated that murders of trade union leaders and unionized workers were a "regular" occurrence. In response, the ILO committee on free association recommended an urgent inquiry into the participation of public officials in the creation of self-defense or paramilitary groups, an increase in government budgetary allocations to protect trade union officials, and an increase in efforts to combat impunity.

To monitor compliance with its recommendations, the ILO appointed Rafael Albuquerque, former Minister of Labor of the Dominican Republic, as ILO Special Representative to the country. Albuquerque began his work in October 2000 and presented a report to the ILO Administrative Committee in June. His report noted apparent government progress in combating paramilitarism; however, he also noted that the Government had been unable to stem effectively the violence affecting the trade union movement. Albuquerque also commented that in many departments of the country where there was little or no presence of the security forces, paramilitary groups continue to dismantle trade unions by threatening the members of their executive committees.

In 1999 the Government developed the Program for the Protection of Human Rights Defenders and Trade Union Leaders to protect trade unionists from violence. As of December, the program had provided protection for 158 trade union premises and 1,033 leaders and activists. These individuals are provided with bulletproof vests, bodyguards, and in some cases vehicles. To pay for these expanded measures, the Government increased its budget for protective measures by over 400 percent. In May Claudia Caceres, director of the protection program, stated that her office was overwhelmed by the increase in its caseload. The number of cases has grown from 300 in 1999 to over 2,300 cases in December. Trade unionists complain that even these increased measures are insufficient to protect adequately the large number of trade unionists who are threatened, and they continued to press for more efforts to break the impunity with which most of these acts are committed.

Based on government commitments to combat paramilitarism, protect union members, and overcome impunity, the ILO decided in June not to send a formal Commission of Inquiry to the country. Instead, the ILO

decided that its satellite office in the country should remain open and that a technical commission should be formed to assist the country in complying with recommendations made in the Special Representative's June report. The recommendations found in the June report focus on improving protective measures for union members, combating impunity, and encouraging freedom of association.

Before staging a legal strike, unions first must negotiate directly with management and, if no agreement results, accept mediation. The Labor Code prohibits the use of strike breakers. Legislation that prohibits all 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.

In March state workers from the national, departmental, and municipal governments staged a 24-hour general strike to protest state sector layoffs and proposed reforms to the national pension system. In May teachers and health care workers, fearing reductions in their respective budgets, went on strike to protest proposed legislation that would have changed how public money is distributed to departments and municipalities. In June public sector workers staged a 48-hour strike to protest the Government's program of structural reforms. Workers at the Red Cross and the Social Security Institute also went on strike to protest proposed changes in their respective institutions. On November 1, members of the CUT, the CGTD, and the CTC staged a 24-hour strike to protest the Government's economic and social policies, high unemployment, and violence against labor leaders and human rights activists. Strike organizers stated that some 500,000 government workers took part in the action. The longest strike of the year took place from December 18, 2000, to February 28, at the factories of beverage manufacturer Bavaria, where over 6,300 employees walked out to protest stalled contract negotiations.

In August thousands of Bogota cab and bus drivers went on strike to protest restrictions on the circulation of public transportation vehicles; 20 persons were injured in the demonstrations. The strike paralyzed the capital for several days before the mayor and transportation unions negotiated a solution.

The Government still has not addressed a number of ILO criticisms of the Labor Code. The ILO had complained about the following provisions of the law: 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 contenders 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 Minister 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. The ILO's June report noted the Government's continuing failure to address these criticisms.

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

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

The Constitution protects the right 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 represent only a small percentage of the workforce. High unemployment, a large informal economic sector, traditional antiunion attitudes, and weak union organization and leadership limit 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 further weakens workers' bargaining power.

The law forbids antiunion discrimination and the obstruction of free association. However, according to union leaders, both discrimination and obstruction of free association occur frequently. Government labor inspectors theoretically enforce these provisions; however, there are only 271 labor inspectors to cover 1,097 municipalities and more than 300,000 companies. The inspection apparatus is therefore weak. Furthermore, labor inspectors often lack basic equipment, including vehicles. Guerrillas sometimes deter labor inspectors from performing their duties by declaring them military targets. In some cases paramilitaries have threatened unionists with killing if they do not renounce their collective bargaining agreements and carried out those threats.

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

Collective pacts--agreements between individual workers and their employers--are not subject to collective bargaining and typically are 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 also eliminates mandatory mediation in private labor-management disputes and extends the grace period before the Government can intervene in a conflict. Federations and confederations may assist affiliate unions in collective bargaining.

Labor law applies in the country's 15 free trade zones (FTZ's), but its standards often are not enforced in these zones. Public employee unions have won collective bargaining agreements in the FTZ's of Barranquilla, Buenaventura, Cartagena, and Santa Marta, but the garment manufacturing enterprises in Medellin and Risaralda, which have the largest number of employees, are not organized.

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

The Constitution forbids slavery and any form of forced or compulsory labor, and this prohibition generally is respected in practice in the formal sector; however, women and girls are trafficked for the purpose of sexual exploitation (see Section 6.f.).

Paramilitaries and guerrillas forcibly conscripted indigenous people (see Section 5). There were some reports that guerrillas use 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) or to work as prostitutes (see Section 5) or coca pickers, and trafficking in girls is a problem (see Section 6.f.). According to Save the Children, nearly 325,000 children working as domestic servants are fed poorly, are paid little or nothing, and are not free to seek other employment.

#### 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 remains a significant problem, particularly in the informal sector. 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 are ignored in practice, and only 5 percent of working children possess 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 the formal sector, child labor laws are enforced through periodic review by the Ministry of Labor and the military, which ensure compliance with mandatory service requirements. However, in the informal labor sector and rural areas, child labor continues to be a problem, particularly in agriculture and mining. Children as young as 11 work 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, accompany their parents to work at flower plantations at night and on weekends. In the mining sector, coal mining presents the most difficult child labor problem. Many marginal, usually family-run, mining operations employ young children as a way to boost production and income. It is estimated that between 1,200 and 2,000 children are involved. The work is dangerous and the hours are long. Younger children carry water and package coal, while those age 14 and up engage in more physically demanding labor such as carrying bags of coal. These informal mining operations are 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.

The law prohibits the employment of minors for prostitution; however, child prostitution is a problem (see Section 5).

A Catholic Church study conducted in 1999 reported that approximately 2.7 million children work, including approximately 700,000 children who work as coca pickers. Observers note that the economic downturn might increase the number of children working, especially in rural areas. Child participation in agricultural work soars

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 have regular access to health care; the health services of the social security system cover only 10 percent of child laborers. Approximately 25 percent are employed in potentially dangerous activities. School attendance by working children is significantly lower than for nonworking children, especially in rural areas. A 1996 study by the national Human Rights Ombudsman of child labor in Putumayo department found that 22 percent of children between the ages of 5 and 18 were full-time coca pickers. In the municipality of Orito, the figure reached 70 percent.

The Labor Ministry has 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 employ children; however, the system lacks resources and covers only 20 percent of the child labor force employed in the formal sector of the economy. The National Committee for the Eradication of Child Labor includes representatives from the Ministries of Labor, Health, Education, and Communications, as well as officials from various other government offices, unions, employer associations, and NGO's. The Government also has obtained commitments from the country's leading trade associations and unions to implement child labor eradication programs, some of which were underway at year's end. In 2000 the Government formulated a 2000-02 Action Plan which gives priority to direct intervention on behalf of domestic child workers, child miners, sexually exploited children, children in trade activities, and children in the agricultural sector. Under the Action Plan, the Government distributes funds to member organizations for child labor eradication projects. It has also designed a project to collect more reliable national data on child labor; results are expected in Spring 2002.

The law prohibits forced and bonded labor by children; however, the Government is unable to enforce this prohibition effectively. The ICBF estimates that paramilitary and guerrilla groups employ 6,000 children as combatants (see Section 1.f.). Trafficking in girls for the purpose of sexual exploitation and child prostitution are problems (see Sections 5 and 6.f.).

#### 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 \$125 (286,000 pesos). The minimum wage does 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 earn wages that are insufficient to cover the costs of the Government's estimated low-income family shopping basket. An estimated 76 percent of all workers earn no more than twice the minimum wage.

The law provides for a standard workday of 8 hours and a 48-hour workweek, but it does not require a weekly rest period of at least 24 hours, a failing criticized by the ILO.

Legislation provides comprehensive protection for workers' occupational safety and health; however, these standards are 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 result in a high level of industrial accidents and unhealthy working conditions. Over 80 percent of industrial companies lack safety plans. The Social Security Institute reported over 220,000 work-related accidents during the year, resulting in 1,277 deaths. The industries most prone to worker accidents were mining, construction, and transportation. According to private professional risk management company SURATEP, work-related accidents in the country cost \$3.3 billion (7.25 trillion pesos) each year, or approximately 3.7 percent of GNP. According to government statistics, over 5 million persons--many of them children--work in the informal sector and have 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, fear losing their jobs if they exercise their right to criticize abuses.

#### f. Trafficking in Persons

In July a new Criminal Code went into effect which defines trafficking in persons as a crime; however, trafficking in persons, primarily women and girls, remains a problem. Colombia is 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 is 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 go to the Netherlands, Spain, Japan, Singapore, 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. The Organization for Security and Cooperation in Europe issued a report on trafficking in persons in 1999 that stated that women and girls from Colombia also are trafficked to North America. According to press reports, more than 50 percent of women from Colombia who enter Japan are trafficking victims forced to work as prostitutes. Law enforcement authorities report that most trafficked persons come from the departments of Valle de Cauca, Antioquia, Santander, Cundinamarca, and the coffee-growing regions of Risaralda, Caldas, Quindio, and Tolima.

Police report that most traffickers are linked to narcotics or other criminal organizations. Traffickers disguise 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 loiter 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 contributes to the availability of victims. While young women are the primary targets of traffickers, children and men also are affected. According to officials at the ICBF, a high rate of unwanted pregnancy in unwed teenage girls contributes to trafficking in children.

Law 599 of 2000, which became effective in July, made penalties for trafficking for purposes of prostitution equivalent to those for rape and sexual assault, carrying penalties of 6 to 8 years in prison and fines of up to 100 times the monthly minimum wage, currently equivalent to \$14,000 (39 million pesos). Trafficking of children under the age of 14 carries a more severe sentence of 5 to 9 years in prison. 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. The Minister of Justice is lobbying for passage of even stricter antitrafficking legislation that would increase the penalty for trafficking for purposes of prostitution to 10 to 15 years, with heavier penalties for aggravating factors. The Prosecutor General's office reported investigating 110 cases of trafficking between 1998-2001, resulting in 18 convictions to date.

According to the DAS, Interpol rescued 140 Colombian trafficking victims abroad during 1998-2001, and the National Police rescued an additional 147 victims during 1999-2001.

In May authorities captured four members of a criminal gang that kidnaped children and sold them abroad.

Additional efforts have addressed the problem of trafficking within the country's own borders. According to UNICEF, approximately 25,000 children--16,000 of them between 8 and 12 years of age--are victims of sexual exploitation (see Section 5). The ICBF estimates that in Bogota alone there are over 10,000 girls and nearly 1,000 boys exploited as child prostitutes. In 2000 the Prosecutor General's office created the Center for Attention to Victims of Sexual Crimes, which as of December had provided legal assistance in 2,200 cases of sexual aggression against women and children. During the year, the ICBF provided assistance, either directly or through other specialized agencies, to over 14,000 sexually exploited children.

A government advisory committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Inspector General's office, the Prosecutor General's office, and the Presidency meets every 2 months to discuss trafficking in persons. Since 1997 the committee has prepared information campaigns, promoted information exchange between government entities, created trafficking hot lines for victims, and encouraged closer cooperation between the Government and Interpol. Mayoral and gubernatorial staffs taking office following the October 2000 elections were given training by the Ministry of Justice and "Fundacion Esperanza" or the Hope Foundation (a Colombian NGO) on the problems of trafficking and the importance of expanding social services to populations vulnerable to trafficking. In November 2000, the Ministry of Justice, the Ministry of Foreign Affairs, the International Organization for Migration (IOM), and the Hope Foundation held the first national conference on trafficking in persons. A second conference sponsored by the IOM, the Catholic Church, several local NGO's, and the city of Medellin took place in Medellin in November.

Victims do have access to generally limited government social services. In addition, the Government has instructed its consulates in foreign countries to provide legal and social assistance to victims of trafficking and has contracted 46 legal advisors and 16 social workers to help victims abroad. Government officials work with NGO representatives to arrange to meet returning victims at the airport.

The Hope Foundation, which assisted 57 trafficking victims in 2000, provides educational information, social support, and counseling to victims of trafficking who return to the country. It does not receive money from, but cooperates with the Government. Services provided by the Hope Foundation in coordination with government

social service agencies include psychological counseling, social assistance, placement, and follow-up care.