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U.S. Department of State

Colombia Country Report on Human Rights Practices for 1997

Released by the Bureau of Democracy, Human Rights, and Labor, January 30, 1998.

COLOMBIA

Colombia is a constitutional, multiparty democracy, in which the Liberal and Conservative parties have long dominated politics. The presidency was weakened throughout the year by continued controversy arising from substantial, credible public evidence that President Ernesto Samper personally sought and accepted an illegal \$6 million contribution from the Cali-based narcotics trafficking cartel during his 1994 electoral campaign. This enduring controversy significantly diminished the President's moral authority and political ability to govern. The civil judiciary is largely independent of government influence, although the suborning or intimidation of judges, witnesses, and prosecutors by those indicted is common. The separate military judicial system has been long accountable only to the uniformed military leadership, but in August the Constitutional Court directed it to relinquish to the civilian judiciary the investigation and prosecution of allegations of human rights abuses committed by police and military personnel.

The control of the central Government over the national territory has been increasingly challenged by longstanding and widespread internal armed conflict and rampant violence--both criminal and political. An estimated 10,000 to 15,000 full-time guerrillas, belonging to three distinct communist rebel armies operating in more than 100 separate guerrilla fronts spread across the nation, represented a growing threat to government security forces. The Government has been forced into an essentially defensive posture and its forces rarely initiate military action. The guerrillas exercised a significant degree of influence in about 57 percent of the country's 1,071 municipalities. Some guerrilla groups, especially in rural regions in the southern and eastern parts of the country, continued to collaborate with narcotic traffickers. Such criminal activities produced revenues estimated in the hundreds of millions of dollars

annually for the guerrilla groups. A diverse collection of regional-based paramilitary forces assumed a dominant role in the internal conflict, greatly expanding their political and military influence into a number of geographic areas previously dominated by the guerrillas.

The civilian-led Ministry of Defense is responsible for internal security and oversees both the armed forces and the national police, although civilian management of the security forces is limited. The Department of Administrative Security (DAS), with broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President. The armed forces and the police committed numerous, serious violations of human rights, although significantly fewer than in 1996.

Colombia has a mixed private and public sector economy. The Government continued to privatize institutions, although at a slower rate than the peak in 1995. Crude petroleum replaced coffee as the nation's principal legitimate export in 1996. Narcotics traffickers continued to control large tracts of land and other assets and exerted undue influence throughout society and political life. The country suffers from a highly skewed distribution of income, with a per capita gross domestic product of \$2,225.

The Government's human rights record continued to be poor, although there were some improvements in certain areas. Government forces continued to commit numerous serious abuses, including extrajudicial killings; however, they were responsible for fewer such killings than in the previous year. During the first 9 months of the year, government forces committed 7.5 percent of all politically motivated extrajudicial killings. There were targeted killings by elements of the Army, notably the 20th Intelligence Brigade. Security forces were responsible for several instances of forced disappearance, and police and soldiers continued to torture and beat some detainees. At times the security forces collaborated with paramilitary groups that committed abuses. Conditions in the overcrowded prisons are generally harsh; however, some inmates use bribes or intimidation to obtain more favorable conditions. Arbitrary arrest and detention, as well as prolonged pretrial detention, are fundamental problems. The judiciary is severely overburdened and has a case backlog estimated at greater than 1 million cases. Less than 3 percent of all crimes committed nationwide are successfully prosecuted. The use of "faceless" prosecutors, judges, and witnesses, under cover of anonymity for security reasons, continued in cases involving kidnaping, extortion, narcotics trafficking, terrorism, and in several hundred high-profile cases involving human rights violations.

Although the number of human rights violations by government forces declined somewhat from the previous year, the executive branch and Congress continued to be unable to eliminate those abuses. At year's end, the military exercised jurisdiction over many cases of military personnel accused of abuses, a system that has established an almost unbroken record of impunity.

Inefficiency, intimidation, and impunity in both the civilian and military courts remain at the core of the country's human rights problems. The Prosecutor General's office, however, increased efforts to prosecute high-profile human rights cases involving serious violations such as killings, massacres, and kidnapings committed by government forces, paramilitary groups, and guerrillas. The Government permitted the continued existence of special "public order zones" in some locations, in which military commanders in areas of high conflict directed all government security efforts--including the imposition of curfews, check-points, and requirements for safe conduct passes.

The Government and its backers in Congress increased pressure on the media to influence reporting. Although the Constitutional Court struck down portions of a 1996 government-backed media law, which permitted censorship, it left intact other key aspects of the law. This action left the Government in a position to reward its political backers, punish its opponents, and fundamentally influence the electronic media. Journalists practiced self-censorship. Violence against women and children is a serious problem, as is child prostitution. Extensive societal discrimination against women, minorities, and the indigenous

continued. Child labor is a widespread problem. Vigilante and paramilitary groups that engaged in "social cleansing"--the killing of street children, prostitutes, homosexuals, and others deemed socially undesirable--continued to be a serious problem.

The many paramilitary groups increasingly took the offensive against the guerrillas, often by perpetrating targeted killings, massacres, and forced displacements of the guerrillas' perceived or alleged civilian support base. During the first 9 months of the year, members of paramilitary groups committed 69 percent of all politically motivated extrajudicial killings. The Government took no significant action to restrain these powerful paramilitary groups. The public security forces' relations with paramilitary groups varied considerably, ranging from noncooperation, to turning a blind eye to paramilitary activities, to some instances of active collaboration. There was no credible evidence of any sustained military action to constrain the paramilitary groups. While the President announced on December 1 a series of measures to combat paramilitary forces, including a task force to hunt down their leaders, these measures had not been implemented by year's end.

The Government's National Human Rights Ombudsman argued that the government-sponsored, rural self-defense groups known as "Convivir" directly involved citizens in the armed conflict, converting them into targets of guerrilla attack. It became increasingly clear that paramilitary groups and their leaders were largely beyond the control of the State, which had initially promoted the development of such groups in response to rising guerrilla actions. Many paramilitary groups have far stronger ties to regional or local political and economic elites--including narcotics traffickers--than they do to the military. This development significantly heightened the risks to a society in which fragile national institutions were already reeling from rebel attacks, narcotics-related corruption, a judicial system crippled by impunity and inefficiency, a disgraced administration and a disconnected, self-absorbed political class.

An active policy of depopulation, pursued by some paramilitary groups against communities suspected of guerrilla support, was the primary cause of the growing internal displacement problem. The breakdown of public order in many rural areas, sparked by the continuing conflicts among paramilitary, guerrilla, and narcotics trafficking organizations; economic interests; and the police and the armed forces, has prompted the internal displacement of more than 525,000 citizens during the years 1995 to 1997. It remained unclear, however, how many of these were temporary rather than permanent displacements.

Guerrilla forces continued to be responsible for numerous killings; during the first 9 months of the year, they committed 23.5 percent of all politically motivated extrajudicial killings. Guerrilla forces also were responsible for disappearances, as well as more than 50 percent (867) of all formally reported kidnappings. As the October 26 gubernatorial and local elections approached, guerrillas targeted political officeholders, candidates, and election workers as "military objectives"--part of their declared to destabilize the country and delegitimize the Government. They killed or kidnaped more than 200 candidates and elected officials during the year and forced more than 2,000 political candidates to withdraw from electoral campaigns. Despite the widespread violence generated by guerrilla forces, the Government carried out elections in the vast majority of municipalities and citizens turned out in sizable numbers and voted overwhelmingly in favor of national peace talks in a nonbinding plebescite.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Political and extrajudicial killings continued to be