

surrendering on the day of the coup. French-born doctor Georges Klein Pippier, an advisor to Allende, was among those who “disappeared” after being taken to the army base and tortured. In early November the government was still considering a request from the French government for Ramírez’s extradition.

Organization of American States

In March, the Inter-American Commission on Human Rights published details of two settlements awarding compensation to victims of discriminatory court decisions and miscarriages of justice. Under the terms of the settlement between Juan Manuel Contreras, Víctor Eduardo Osses, José Alfredo Soto, and Chile, the government provided a life-time pension and issued a public apology to the aforementioned young men, who had been wrongly convicted of a murder they did not commit, after confessing under duress and without legal representation. The Supreme Court had rejected their plea for compensation claiming that the trial court’s acceptance of their confessions was not “unreasonable,” the grounds required under the constitution for compensation to be awarded. As part of the settlement, the government agreed to carry out studies and propose a constitutional amendment to strengthen the right to compensation for miscarriages of justice.

United States

On October 1, the Bush administration notified the U.S. Congress that it hoped to complete negotiations with Chile on a free trade agreement by the end of the year. In August, Congress approved President George W. Bush’s request for fast-track trade promotion authority to conduct the negotiations, enabling the president to present proposals to Congress for approval or rejection without amendment. Chilean and U.S. negotiators continued to meet throughout the year, and by October had completed twelve rounds of talks. The agenda included agreements on labor rights and environmental issues.

COLOMBIA

HUMAN RIGHTS DEVELOPMENTS

Colombia’s internal war intensified in 2002 following the February 20 collapse of three years of formal talks between the government and Colombia’s largest guerrilla group. Paramilitary groups operating with the tolerance and often support of units within Colombia’s military were linked to massacres (defined in Colombia as the killing of three or more people at the same place and time), selective killings, and death threats. There were numerous and credible reports of joint military-paramilitary operations and the sharing of intelligence and propaganda, including

army-generated appeals to guerrillas to turn themselves in. Throughout Colombia, paramilitaries continued to move uniformed and heavily armed troops unhindered past military installations.

Compared to past years, the government reported more clashes between its troops and paramilitaries, and more arrests of suspected paramilitaries. Yet paramilitaries appeared more numerous and militarily stronger than ever. They claimed to have over ten thousand armed and trained members, a number that was not disputed by government or other sources.

In July, paramilitary leader Carlos Castaño announced the dissolution of the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia, AUC), the paramilitary alliance he headed. But by September, the AUC had reunited, though it continued to be prey to internal conflicts over profits reaped from drug trafficking. Mayors, municipal officials, governors, human rights groups, the public advocate's office, and even some police detachments regularly informed the appropriate authorities about credible threats by paramilitaries. Yet only rarely did military forces take effective action to stop paramilitary advances.

A tragic example was the case of Boyajá, Chocó, one of the worst slaughters of the entire Colombian conflict. In April, the Catholic Church and public advocate sent warnings to military and police commanders about large groups of paramilitaries traveling along the Atrato River past military installations maintained by the army's Seventeenth Brigade and the navy's River Battalion No. 50, a unit that has received U.S. training and weapons. The Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP), which also maintained a presence in the region, clashed with paramilitary forces at Boyajá on May 1. During the fighting, guerrillas launched at least one gas cylinder bomb that hit a church where displaced persons were gathered, killing 119, including at least forty-eight children.

The Bogotá office of the U.N. High Commissioner for Human Rights (UNHCHR) concluded that guerrillas were directly responsible for the displaced persons' deaths. U.N. investigators also criticized the military's failure to heed reports of paramilitary forces in the area and mount an operation to catch them. Investigators received credible information suggesting that, after the clash, soldiers met with a paramilitary commander whose forces remained in the area despite the military's presence. On July 9, the inspector general's office (Procuraduría) opened an investigation of the commanders of the security force units in the region, among them Maj. Gen. Leonel Gómez Estrada, commander of the Colombian army's First Division, and Fourth Brigade commander Brig. Gen. Mario Montoya. In a disturbing development apparently aimed at stifling human rights reporting, three of the generals targeted in the investigation filed slander charges in May against Father Jesús Albeiro Parra Solís, a priest who had helped raise the alarm about the paramilitary presence.

Even when the authorities were under orders to arrest paramilitary leaders, they rarely did so. As of this writing, for example, the attorney general's office had at least twenty-six outstanding arrest warrants against Castaño. In addition, Colombian courts had returned guilty verdicts against him *in absentia* in three cases, including the murder of presidential candidate Bernardo Jaramillo in 1990.

Massacres, traditionally used by paramilitaries to spread terror, were less numerous than in 2001, but the decrease appears to have reflected a change in paramilitary tactics rather than a decrease in overall violence. Witnesses, church officials, and municipal observers, among others, described to Human Rights Watch how paramilitaries seized large groups of people, then killed individuals separately, to avoid the publicity that results when incidents are recorded as massacres. As the Bogotá office of the UNHCHR noted in March, "Although these [tactics] had less drastic effects than the massacres, [paramilitaries] committed numerous individual executions. The Office was informed of cases in which the paramilitaries, after choosing their victims from a large group of people they had abducted, killed them individually or in small groups, leaving the bodies scattered in different locations."

Elected in May with 53 percent of the vote, an unprecedented majority, President Álvaro Uribe Vélez immediately imposed several emergency measures to address political violence. Some weakened the ability of state institutions to monitor and investigate human rights violations, and gave the security forces power to arrest and tap telephones without warrants in certain circumstances. Another measure allowed the executive branch to place large areas under military control and restrict the movement of civilians and the entry of foreigners, including journalists working for international media. In September, the Uribe administration announced that twenty-seven municipalities containing over one million people in the departments of Bolívar, Sucre, and Arauca had been designated "rehabilitation and consolidation" zones where rights were curtailed.

Fernando Londoño, who headed the newly combined interior and justice ministries, told the Colombian Congress that he intended to make emergency measures "permanent," raising fears that Colombia would return to a pattern of decades past, when presidents maintained the country under a virtually unbroken state of siege and rights were routinely violated by state agents.

President Uribe began recruiting a planned one million civilian informants to provide information in exchange for cash. By mid-September, the army reported having paid over U.S.\$340,000 for information that led to the capture of members of illegal armed groups. In addition, President Uribe authorized the army to recruit a force of fifteen thousand peasants to fight in their home regions with regular troops. Both strategies raised serious questions about the government's ability to ensure that informants and new recruits were not drawn from paramilitary groups, whose forces were already working with some military troops but were seeking to "legalize" the relationship. It also threatened to repeat the tragic history of the 1980s, when similar laws combined with a lack of oversight led to egregious human rights violations.

The criminal prosecution of the perpetrators of human rights crimes deteriorated markedly as Attorney General Luis Camilo Osorio, who took office in mid-2001, undermined or derailed key cases. His hostility to human rights investigations was evidenced, most notably, by his purge of prosecutors and investigators willing to pursue such cases.

In April 2002, seven prosecutors with the attorney general's Human Rights Unit and one member of the Technical Investigation Unit (Cuerpo Técnico de Investi-

gaciones, CTI) received credible and serious threats related to their work investigating high-profile cases of human rights violations. Attorney General Osorio failed to take any measures to protect the officials. Subsequently, they requested protective measures from the Inter-American Commission on Human Rights (IACHR). Dozens of other prosecutors and investigators resigned or fled Colombia. After the Spanish government extradited former Colombian ambassador to the European Union Carlos Arturo Marulanda to Colombia to face charges of supporting illegal paramilitary groups, the attorney general's office dropped the most serious charges against him and ordered his release on November 1. In its annual report, the UNHCHR office said that Osorio's record raised "serious concerns about the prospects for strengthening the institution and its commitment to combating impunity [and] ...the independence and autonomy of prosecutors in their investigations into human rights violations, particularly those involving paramilitary groups and public officials."

According to Colombia's national planning department, illegal armed groups increased in number again in 2002. In addition to paramilitaries, there were over twenty-one thousand guerrillas, most of whom belonged to the FARC-EP. The FARC-EP, the National Liberation Army (Ejército de Liberación Nacional, ELN), and the AUC all actively incorporated children into their ranks, severely punishing or even killing them if they attempted to leave.

The FARC-EP escalated attacks on civilians, among them hundreds of mayors and other local officials. "Our orders are to prevent all representatives of the state from functioning in every part of Colombia," guerrillas announced in June. On June 5, FARC-EP gunmen killed the mayor of Solita in the southern department of Caquetá. When President Uribe was sworn in on August 7, guerrillas launched an attack with mortars and explosives in Colombia's capital, Bogotá, killing at least nineteen bystanders.

In several regions, paramilitaries were in control of towns while guerrillas controlled the countryside, making travel across these areas highly risky. At roadblocks, armed fighters demanded to see identification cards from all travelers, and the possession of identification from an area deemed to be under the influence of the enemy could be a death sentence.

Armed groups extrajudicially executed perceived opponents and, on some occasions, those who simply broke their rules. For example, the FARC-EP reportedly executed a leader of a community of Emberá indigenous people, Bertulfo Domicó Domicó, near Dabeiba, Antioquia, in July, for violating local rules on travel. Paramilitaries also targeted indigenous leaders, reputedly ordering three of them killed near the town of La Hormiga, Putumayo, in August.

In some areas, guerrillas imposed rules regarding hair length and clothing, including prohibiting girls and women from Medellín's poor neighborhoods from wearing midriff-baring shirts. In Barrancabermeja, Santander, paramilitaries reportedly punished young people who violated similar rules by whipping them, binding them to posts in public places for up to twenty-four hours, and shaving their heads and facial hair.

Guerrillas sought to influence politics and raise money via kidnapping. As of this writing, presidential candidate Ingrid Betancourt, seized in February 2002,

remained in FARC-EP custody along with the governor of Antioquia; the former governor of Meta; a former defense minister; Msgr. Jorge Enrique Jiménez Carvajal, a Colombian bishop who heads the Latin American Episcopal Council (CELAM); and hundreds of Colombians kept for ransom. Victims included children as young as three years old, such as a girl kidnapped on July 18 in an effort to force her father, a mayor, to resign. (The mayor had submitted his resignation before the child was taken, but the government had refused to accept it.) According to País Libre, a nongovernmental organization that collected information on kidnapping, guerrillas were responsible for 58 percent of the 2,253 kidnappings recorded in the first nine months of 2002, roughly comparable to the previous year's rate. Paramilitaries were linked to 6 percent.

In the first ten months of 2002, the FARC-EP used gas cylinder bombs in over forty attacks on cities and towns, causing mainly civilian casualties. The FARC-EP's use of these weapons in civilian areas was a blatant breach of international law and demonstrated a disregard for the most basic standards of respect for human life.

According to the Consultancy for Human Rights and Internal Displacement (Consultoría para los Derechos Humanos y el Desplazamiento, CODHES), over two hundred thousand Colombians were forcibly displaced in the first eight months of 2002, most by paramilitaries. In addition, at least 1.2 million Colombians permanently left the country over the past five years, according to the International Organization on Migration. In 2001 alone, twenty-three thousand Colombians sought asylum as refugees across international borders according to the U.S. Committee for Refugees.

CODHES noted a dramatic increase in forced displacement provoked by the FARC-EP. In one dramatic case, the office of the public advocate reported that FARC-EP guerrillas forced over one thousand residents of the river hamlet of Puerto Alvira, Meta, to abandon their homes in July, then used them as human shields to block government forces, in violation of humanitarian law. Calling it an "unprecedented event," Public Advocate Eduardo Cifuentes said that investigators also found that guerrillas had looted homes and stores.

On August 5, Colombia ratified the Rome Statute for the International Criminal Court, bringing the number of ratifications to seventy-seven. However, before leaving office and in coordination with incoming President Uribe, President Pastrana invoked article 124 of the statute, which allows a state party to decline the ICC's competence for up to seven years for war crimes committed by one of its nationals or on its territory. Such crimes were committed routinely by both rebel and paramilitary forces in Colombia, as well as by the military officers who worked with paramilitary groups. The article 124 declaration was not made public at the time of Colombia's ratification nor was it discussed in the Colombian Congress.

DEFENDING HUMAN RIGHTS

Especially in rural areas and small towns, attacks against rights defenders remained common. In the first eleven months of 2002, sixteen defenders were reported killed, most by groups that were not clearly identified at the time of this

writing. In addition, the individuals responsible for over a decade's worth of previous attacks remained largely unpunished. A two-year government effort to resolve outstanding cases, including the murders of human rights defenders, through a special interministerial committee had yet to deliver results.

Among the year's victims was José Rusbell Lara, a member of the "Joel Sierra" Human Rights Committee in the department of Arauca, one of the most violent areas of Colombia. After visiting Colombia in July, the IACHR issued precautionary measures asking the Colombian authorities to protect the members of the Arauca-based committee. However, effective protection measures were not taken. Rusbell was shot and killed by presumed paramilitaries on November 8.

In a new and disturbing development, church leaders who spoke out in favor of peace and human rights or who protested abuses were targeted by both sides, often during mass or prayer services. For instance, guerrillas were believed responsible for the murders of two Protestant pastors as they were preaching in a hall near San Vicente del Caguán, Caquetá, the unofficial capital of the zone previously ceded to guerrillas for peace talks. José Vicente Flórez, a member of the United Pentecostal Church, was shot and killed on July 14; Abel Ruiz, also a Pentecostal minister, was shot and killed in the same spot two weeks later. On March 16, a gunman killed Cali Archbishop Isaias Duarte Cancino, who frequently spoke out against corruption. In the first eleven months of 2002, eleven other priests, one nun, and eighteen Protestant pastors were killed in Colombia, more church leaders killed in any comparable period in the country's recent history.

Threats against human rights defenders were serious and included threatening telephone calls, fake invitations to the defender's funeral, and obvious surveillance by armed men. A frequent target was the "José Alvear Restrepo" Lawyers Collective, which represented victims of human rights abuses, among them trade unionist and congressional representative Wilson Borja. Prior to his election to Colombia's lower house, Borja survived an assassination attempt in 2000. Evidence collected since points to the involvement of several active-duty and retired security force officers working with paramilitaries. In May, the collective was named on posters distributed at Bogotá's National University, Colombia's largest, alleging that it was engaged in a campaign of "open persecution" against the army and represented a "narcoterrorist organization" run by guerrillas.

There were continuing indicators that military intelligence, which kept the names of rights defenders on file, viewed human rights work as evidence of guerrilla sympathies. On August 16, troops from the Cali-based Third Brigade searched the home of Jesús Antonio González Luna, the human rights director of the United Workers Federation (Central Unificado de Trabajadores, CUT), Colombia's main labor federation, allegedly in search of guerrilla propaganda. Using the new powers included in President Uribe's emergency measures, the security forces forcibly entered the Bogotá office of the Permanent Assembly by Civil Society for Peace, a non-profit group dedicated to promoting peace efforts, on October 25 without the presence of any oversight agencies.

The year 2002 was especially devastating for trade unionists. According to the National Trade Unionist School (Escuela Nacional Sindical, ENS), 146 trade unionists were murdered in the first ten months of the year, more than in the same period

in 2001. The ENS believed that most of the killings were committed by paramilitaries, but it noted an alarming increase in attacks by the FARC-EP, thought to be responsible for at least nineteen of the killings. Of that number, guerrillas killed seven in a massacre that took place on April 26 at a farm near Apartadó, Antioquia, by far the most dangerous state for trade union activity.

The Association of Family Members of the Detained and Disappeared (Asociación de Familiares de los Detenidos y Desaparecidos, ASFADDES) also reported continuing threats. On July 10, men identifying themselves as police investigators tried unsuccessfully to argue their way into an ASFADDES office in Bogotá. This incident followed several others in which ASFADDES members received threatening telephone calls or noted that they were being followed. Yolanda Becerra, the director of a women's group in Barrancabermeja, Santander, also reported threats, most apparently made by paramilitary groups. Both groups were issued precautionary measures by the IACHR.

Witnesses to alleged crimes remained extremely vulnerable, and government programs to protect them remained dramatically underfunded and poorly managed. On January 25, for example, twelve heavily armed men shot and killed Angel Riveros Chaparro, the leader of a local peasant association. Chaparro was a witness to the 1998 Santo Domingo incident, in which a Colombian air force helicopter allegedly shot a rocket at civilians, killing nineteen, among them seven children. The case remained stalled in Colombia's military courts.

The government invested more than in years past on protection measures. A range of officials, including the Colombian National Police and Interior Ministry, took steps to protect defenders, providing bodyguards, police escorts, and other measures. Nevertheless, these efforts remained dramatically underfunded and were concentrated in large cities, meaning that defenders in outlying areas remained vulnerable.

The UNHCHR office expressed concern over the lack of resources to critical institutions, among them the public advocate's office and the witness protection programs administered by the attorney general. It was also clear that prosecutors and investigators working on human rights cases were extremely vulnerable. At the new Human Rights Unit satellite office in Medellín, for example, prosecutors suffered under crushing case loads, insufficient resources, poor equipment, no travel funds, and constant tension related to the investigations themselves, which often targeted Colombia's most ruthless and dangerous people.

THE ROLE OF THE INTERNATIONAL COMMUNITY

Members of the international community, acting separately, in country alliances, and through the European Union and the United Nations, continued to play a critical and sometimes highly controversial role in Colombia. One of the most high-profile contributions came during the Colombian government's attempt, in January and February, to salvage its ultimately unsuccessful peace talks with the FARC-EP. Along with U.N. representative James LeMoyné, the ambassadors of Canada, Cuba, Spain, France, Italy, Mexico, Norway, Sweden, and Switzer-

land spent many days in the zone designated for talks, trying to facilitate the negotiating efforts of government and guerrilla representatives.

European Union

After peace talks failed, the European Union adopted a significantly harder stance toward the FARC-EP. In June, after sustained debate, the European Union added the FARC-EP to its blacklist of “terrorist” organizations, in part motivated by evidence that guerrillas had been using the zone ceded to them for talks to train fighters and make weapons and explosives.

Three members of the Irish Republican Army, captured in 2001, remained detained in Colombia on charges of training the FARC-EP to make sophisticated explosives.

United Nations

The office of the UNHCHR maintained a high profile and continued to play a critical role in documenting abuses committed by all sides. It also provided the Colombian government with technical and other assistance related to improving human rights protection, and training prosecutors, Internal Affairs investigators, and members of the security forces in human rights and international humanitarian law.

Anders Kompass, the head of the UNHCHR office in Bogotá, completed a three-year term and was replaced in October by Swedish diplomat Michael Fruhling. There were moments of high tension between the office and the government. In May, after U.N. investigators invited by the government to visit Boyajá raised questions about the role of the security forces there, Colombian General Mario Montoya accused the U.N. of promoting “baseless” reports and failing to help restore stability to the area.

The U.N. special rapporteur on violence against women, Radhika Coomaraswamy, visited Colombia in November 2001. Coomaraswamy emphasized her concerns about sexual violence against women by illegal armed groups and the plight of the internally displaced, the majority of whom are women and children.

United States

The United States continued to play a pivotal role in Colombia because of its status both as the primary purchaser of the illegal narcotics produced in Colombia and used by armed groups to finance war, and as the main supplier of military aid to the Colombian government. In 2002, the U.S. government provided Colombia with \$374 million in military aid and, in a new development, lifted restrictions preventing the Colombian security forces from using the funding to combat illegal armed groups. The change revoked a long-standing requirement that funds only be spent on antinarcotics activities. As of September 13, according to government reports, there were 138 temporary and permanent U.S. military personnel and 250 U.S. civilians retained as individual contractors in Colombia.

The aid legislation included human rights conditions that required the Colombian military to take effective steps to break ties with paramilitary groups, suspend from duty officers implicated in gross human rights violations, and cooperate with civilian authorities in prosecuting alleged human rights abusers. In the biannual reviews required by law, Human Rights Watch and two other human rights groups showed that Colombia had failed to meet these conditions. The State Department pressed Colombia to make progress, and the United States suspended military assistance for several weeks to reinforce the message. Nonetheless, Secretary of State Colin Powell ultimately certified Colombia’s compliance with the conditions on May 1, thereby releasing 60 percent of the funds available. The certification decision sent a harmful message to the Colombian authorities, and particularly the armed forces, that human rights were less important than the ability to wage war freely.

Human rights groups took part in a second round of State Department meetings in late August, linked to the certification of the remaining 40 percent of military aid. Human Rights Watch again demonstrated that Colombia had failed to meet a single one of the statutory conditions and described disturbing setbacks since the May 1 certification. Nevertheless, Deputy Secretary of State Richard Armitage certified Colombia a second time on September 9.

As the second certification was pending, paramilitaries charged that the Colombian army attempted to demonstrate compliance by killing twenty-four AUC fighters on August 9 near Segovia, Antioquia, in a purported ambush. Calling it a “war crime,” AUC leader Castaño contended that soldiers had detained, disarmed, and then executed the men. The army denied the accusation, but investigators from the inspector general’s office found that soldiers had significantly altered the scene of the incident before civilian investigators arrived, raising questions about the ambush scenario.

In a more positive development, U.S. officials more consistently stressed the need for Colombia to pursue paramilitaries and guerrillas with equal vigor. On September 24, U.S. Attorney General John Ashcroft announced that the Justice Department had filed an extradition request for Castaño and fellow AUC leader Salvatore Mancuso on charges of drug trafficking, a decision that promised to provoke further tumult before year’s end. The U.S. State Department suspended the U.S. visa of Admiral Rodrigo Quiñones, implicated in a series of serious human rights violations dating from 1991. In addition, the U.S. Congress authorized the use of U.S. military assistance for the creation of a special unit of the Colombian military dedicated to bringing paramilitary leaders to justice.

Department of Justice officials administered a \$25 million program to strengthen the capacity of the attorney general’s Human Rights Unit. A key element of the program was the establishment of eleven satellite offices outside of Bogotá. As of June 2002, all eleven offices were functioning, including prosecutorial teams in Medellín, Cali, Bucaramanga, Villavicencio, Neiva, Barranquilla, and Cúcuta.

The program also funded training for prosecutors and investigators, travel expenses, and equipment such as computers, desks, fax machines, and radios. U.S.-funded mobile exhumation equipment was, for example, used to document the Boyajá massacre. The state department proposed an additional \$10 million for the Human Rights Unit in the fiscal year 2003 budget, pending at this writing.

In its 2002 conference report, however, the U.S. Congress rebuked U.S. Justice Department officials for failing to conduct appropriate consultations before buying highly sophisticated forensics equipment for the attorney general's office. Not only was this equipment not compatible with other equipment already in use; as of June 2002, two years after aid was first sent, it was still not in operation. While arguably useful, the equipment failed to "address [the Human Rights Unit's] priority needs of security, mobility and communications equipment for prosecutors, in particular for those prosecutors based in secondary cities and outlying regions," the U.S. Congress noted.

U.S. marshals also worked with the attorney general's office to improve the security provided for employees and threatened witnesses. During a June visit to Colombia, Human Rights Watch was informed that Colombia was due to receive sixty armored vehicles destined for threatened prosecutors and investigators, particularly those assigned to the new satellite offices.

The United States also pressed Colombia to sign a "non-extradition" agreement that would prohibit the extradition of U.S. and Colombian servicemen to stand trial before the ICC. Colombia complied, in large part because the U.S. threatened to prevent countries that were signatories to the Rome Statute and who had not signed the immunity pledge from receiving U.S. military aid. Colombia was receiving more military aid than any country except Israel and Egypt.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

A Wrong Turn: The Record of the Colombian Attorney General's Office, 11/02

CUBA

With the visit of former U.S. President Jimmy Carter to Cuba in May, Cubans were exposed to unprecedented public discussion of democracy and human rights. But as no legal or institutional reforms were made, the country's lack of democracy and intolerance of domestic dissent remained unique in the region.

HUMAN RIGHTS DEVELOPMENTS

The highlight of former President Carter's five-day visit to Cuba was his address on May 14 at the University of Havana, which was broadcast live on Cuban television. Speaking in Spanish, Carter urged the Cuban authorities to allow democratic changes and to grant basic political freedoms. He specifically criticized the Cuban government's ban on opposition movements and made direct reference to the