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U.S. Department of State Diplomacy in Action

Colombia

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Colombia is a constitutional, multiparty democracy in which the Liberal and Conservative parties have long dominated politics. 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 in 1998, despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers. Similar attempts at intimidation by illegal armed actors, including killings and kidnappings, threatened to impair local elections scheduled for October; however, the elections were generally peaceful. The civilian judiciary is largely independent of government influence; however, the suborning or intimidation of judges, witnesses, and prosecutors is common.

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 number of victims of paramilitary attacks during the year increased. In some areas government forces were engaged in combat with guerrillas or narcotics traffickers, while in others paramilitary groups fought guerrillas, and in still others guerrillas attacked demobilized members of rival guerrilla factions. The 2 major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), consist of an estimated 11,000 to 17,000 full-time combatants organized into more than 100 semiautonomous groups. The FARC and the ELN, along with other smaller groups, exercised a significant degree of territorial influence and initiated armed action in nearly 1,000 of the country's 1,085 municipalities during the year, which was approximately the same level as in 1999. Their popular support nationwide remained low, according to polls and numerous other reports. The major guerrilla organizations received a significant part of their revenues (in the hundreds of millions of dollars) from fees levied on narcotics production and trafficking, as well as kidnaping and extortion. Guerrillas and paramilitary groups supplanted absent state institutions in many sparsely populated areas. Peace talks initiated in 1999 between the Government and the FARC continued in a demilitarized zone ("despeje") consisting of 5 southern municipalities, with a total population of approximately 100,000 persons. In the absence of both a state presence and international verification, FARC human rights abuses inside the zone, as well as outside of it, continued. Peace talks were complicated by the September 8 hijacking of a commercial plane by a FARC guerrilla who obtained refuge in the demilitarized zone. On November 14, the FARC unilaterally suspended negotiations and demanded concrete government action against the

paramilitary groups. On December 6, President Pastrana extended the term of the demilitarized zone until January 31, 2001, as intense public debate continued over the value of the existing peace process. The killing of congressional peace commission chairman Diego Turbay Cote on December 29 cast further doubt on the future of peace negotiations, although government and FARC negotiators remained in contact.

In April the Government and the ELN agreed in principle on verification within a proposed "encounter zone" in southern Bolivar and northeastern Antioquia departments, in which the ELN's national convention could take place. However, progress stalled when local residents of the proposed zone protested its creation. Two groups--Asocipaz and the "No to the Despeje" Committee--demanded active consultation with the Government on the creation of an encounter zone and on occasion blocked access to the area. Paramilitary groups have attempted to influence these organizations. The Governments of Spain, France, Switzerland, Norway, and Cuba took a progressively more active role in the peace process during the year and committed to provide development assistance when the zone is implemented. However, the September 17 mass kidnaping of over 50 Cali residents by the ELN again slowed the peace process. After negotiation coupled with military pressure, the last of the hostages were released on November 3. ELN leaders participated in a mid-October conference in San Jose, Costa Rica, jointly sponsored by the Government and a group of nongovernmental organizations (NGO's), to explore solutions to the conflict. (The FARC, although invited, did not participate in the conference.) On December 15, five hired killers wounded public employees' union president Wilson Borja, a key member of the civil society facilitating commission in the Government-ELN peace process. Carlos Castano, the head of the United Self-Defense Groups of Colombia (AUC) paramilitary umbrella organization, admitted a role in the attack. The Christmas release of 42 police and military hostages by the ELN paved the way for continued negotiations on the encounter zone at year's end.

In open opposition to the Government, in November the AUC paramilitary group kidnaped seven members of Congress and demanded that the Government grant the AUC a role in the peace negotiations with the FARC. Interior Minister Humberto de la Calle negotiated the hostages' release with Castano, an action that angered the FARC. The Government refused to accord illegal self-defense (paramilitary) groups any political status.

The civilian-led Ministry of Defense 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 law enforcement responsibilities often were shared with the army in both rural and urban areas. 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 improved their efforts to confront and detain members of paramilitary groups during the year. Nevertheless, members of the security forces sometimes illegally collaborated with paramilitary forces. The armed forces and the police committed serious violations of human rights throughout the year.

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 4.5 percent and record unemployment of over 20 percent. Although the economy recovered with 3 percent growth during the year, the level of unemployment remained unchanged and was at 19.7 percent by year's end. The inflation rate at year's end was 8.75 percent. Since September 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 \$2,100.

The Government's human rights record remained poor; there were some improvements in the legal framework and in institutional mechanisms, but implementation lagged, and serious problems remain in many areas. Government security forces continued to commit serious abuses, including extrajudicial killings. 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, and impunity remains a problem. 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, often security forces failed to take action to prevent paramilitary attacks. Paramilitary forces find a ready support base within the military and police, as well as among local civilian elites in many areas.

On August 12, the revised Military Penal Code went into effect, which 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 on September 14 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 and the new Military Penal Code; in August a presidential directive reinforced these legal norms.

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. The Superior Judicial Council (CSJ) estimated, based on a 1997 survey, that 63 percent of crimes go unreported, and that 40 percent of all reported crimes go unpunished. On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous regional courts system on July 1, 1999).

The authorities sometimes infringed on citizens' privacy rights. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year; journalists practice self-censorship to avoid reprisals. There were some restrictions on freedom of movement, generally because of security concerns. Violence and instability in rural areas displaced between 125,000 and 317,000 civilians from their homes 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.) The total number of internally displaced citizens during the last 5 years may exceed 1 million. There were reports that security force members harassed or threatened human rights groups. Violence and extensive societal discrimination against women, abuse of children, and child prostitution are serious problems. Extensive societal discrimination against the indigenous and minorities continued. Child labor is a widespread problem. Trafficking in women and girls for the purpose of forced prostitution 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.

Paramilitary groups and guerrillas were responsible for the vast majority of political and other killings during the year. 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, thereby depriving guerrillas of civilian support and allowing paramilitary forces to challenge the FARC and the ELN for control of narcotics cultivations and strategically important territories. Paramilitary forces were responsible for an increasing number of massacres and other politically motivated killings. They also fought guerrillas for control of some lucrative coca-growing regions and engaged directly in narcotics production and trafficking. The AUC paramilitary umbrella organization, whose membership totaled approximately 8,150 armed combatants, 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 it alleged collaborated with guerrillas. 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 increased efforts to apprehend paramilitary members; however, the public security forces' record in dealing with paramilitary groups remained mixed. In some locations the public security forces increasingly attacked and captured members of such groups; in others elements of these entities tolerated or even collaborated with paramilitary groups.

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; they also were responsible for the majority of kidnappings. Guerrillas held more than 1,000 kidnaped civilians, with ransom payments serving as an important source of revenue. Other kidnap victims were killed. At year's end, the FARC and ELN reportedly held 527 soldiers and police. 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. In March the FARC announced "Law 002," 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 despeje zone. Numerous credible sources reported cases of murder, rape, extortion, kidnaping, 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. Political and Other Extrajudicial Killing

Political and extrajudicial killings continued to be a serious problem. An estimated 4,000 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 (an NGO), indicated that there were 20 reports of extrajudicial killings attributable to state forces in the period from October 1999 to March, including deaths that resulted from police abuse of authority. However, the military claimed that six of the deaths resulted from confrontations with guerrillas; four alleged deaths (of which only one was confirmed) resulted from a panic when the army tear-gassed an indigenous protest (see Sections 2.b. and 5); and five were attributed by other groups to paramilitary forces. CINEP calculated 37 similar cases in 1999, which also included deaths that resulted from police abuse of authority. Most of the incidents cited by the Commission were under investigation by military

and civilian authorities at year's end. The number of cases of military personnel accused of human rights violations who were tried in civilian courts increased. There were some reports that police and former security force members committed social cleansing killings.

According to the Human Rights Ombudsman's office, there were 235 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) during the first 6 months of the year. An estimated 1,073 persons were killed in these massacres; the Ministry of Defense attributed none of these deaths during this period to public security forces. The Central Directorate of the Judicial Police reported 1,286 persons killed in 216 massacres (defined as 4 or more persons killed in the same incident) during the year and attributed none of these massacres to security forces. The Ombudsman's office recorded 509 massacres in 1999, in which 2,262 persons were killed, and attributed 20 killings to public security forces.

On August 15, an army unit mistakenly killed 6 children; the Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system (see Section 1.g.).

The human rights delegate of the Attorney General's office, which oversees the performance of all public sector employees, received 201 complaints and cases during the first 6 months of the year and concluded 26 disciplinary investigations. Among the complaints were 20 complaints of massacres. The Attorney General's office received 78 complaints related to massacres and forced disappearances during the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia, and southern Bolivar departments); the other 25 percent implicated police or DAS officials. During the year, the Attorney General's office concluded 13 investigations of massacres and forced disappearances attributed to state agents and sanctioned 50 members of the security forces (including 10 members of the National Police, 35 members of the army, and 5 members of the DAS). The office exonerated 20 accused persons. Contrary to previous years, the office referred all cases involving human rights violations to the Prosecutor General for criminal investigation. Five generals were under investigation by the Attorney General during the year for failure to prevent paramilitary massacres in 1998 and 1999.

At year's end, the human rights unit of the Prosecutor General's office reported that it had approximately 918 open investigations of human rights violations, in which 1,379 individuals are under investigation. This number includes 286 members of the military and police, 573 presumed members of paramilitary groups, 353 presumed guerrillas, and 187 other civilians. The unit arrested 302 persons during the first 6 months of the year, and other state entities arrested a further 70 persons against whom the unit had cases. As of November, another 676 arrest warrants for persons against whom the unit had cases remained outstanding, of which 37 are for military personnel, 20 are for police, and 3 are for members of the DAS. The authorities detained 38 members of the army, 41 police, 5 members of the DAS, and 5 members of the CTI during the year.

The Central Directorate of the Judicial Police announced that 25,660 murders occurred during the year, compared with 24,358 murders in 1999. The press reported that on average one person was killed every 20 minutes. 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 report by the Ministry of Defense, during the first half of the year, 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 of 206 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 military judiciary convicted and sentenced 206 persons for serious crimes in 1999. 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 August 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.). Since then the military judiciary has turned 1,307 cases, of which an estimated 41 percent are for possible human rights violations, over to the civilian judiciary for investigation and possible prosecution, including cases involving high-ranking officers. During the year, the military judiciary turned 496 cases over to the civilian judiciary, compared with 79 cases in 1999 and 266 cases in 1998. The new Military Penal Code reiterates that the crimes of forced disappearance, torture, and genocide must be tried in civilian courts. President Pastrana reaffirmed these new legal norms in an August directive sent to the military high command and the commander of the National Police (see Section 1.e.).

Prosecution continued in civilian courts against army Major David Hernandez, Captain Diego Fino Rodriguez, Sergeant Edgardo Varon, and Privates Carlos Escudero, Ferney Cardona, and Raul Gallego, members of the Fourth counterinsurrection battalion (Fourth Brigade), for the March 1999 murder of Antioquia peace commissioner (and former Vice Minister for Youth) Alex Lopera and two other persons. However, in March Captain Fino escaped military detention; four soldiers are under investigation for complicity in his escape. Major Hernandez had escaped in June 1999 and was still at large at year's end. Following Fino's escape, the military announced that all military detainees would be transferred to the military stockade at Tolimaida to prevent further escapes; however, it was not clear that this was implemented in all cases.

On April 1, the Attorney General's office publicly stated that it had found insufficient evidence to bring charges against retired army Colonel Jorge Plazas Acevedo, former chief of intelligence of the army's 13th Brigade, for the October 1998 kidnaping and later murder of Jewish business leader Benjamin Khoudari. The Attorney General's office announced that it was dropping its administrative investigation and publicly asked the Prosecutor General's office to drop its criminal investigation. However, the Prosecutor General's office continued its prosecution of Colonel Plazas and civilians Jhon Alexis Olarte Briceno and Guillermo Lozano Guerrero, who were on trial at year's end. The Prosecutor General's office has 11 other arrest warrants pending in the case; 1 lieutenant was ruled out as a suspect.

During the year, the Attorney General sanctioned eight service members in connection with the May 1998 Barrancabermeja massacre, 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. On July 12, Elizabeth Canas Cano, a key eyewitness to the massacre, was killed by two unidentified gunmen. In May the Prosecutor General's office ordered the preventive detention of four paramilitary suspects in the case; the investigation was still in progress at year's end. The Attorney General's office also was conducting an inquiry into the death of Canas.

In December the Attorney 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 (near the communities of La Ceja, Guarne, and El Penon) during 1995-98. The Attorney General also charged two municipal officials with omission. The Prosecutor General's office pressed criminal charges against 3 of the 26 officials charged by the Attorney General; police Captain Luis Alfredo Castillo Suarez Juan Carlos Valencia Arbalaez and Carlos Mario Tejada Gallego were on trial in Medellin at year's end. Army Lieutenant Colonel Jesus Maria Clavijo Clavijo, Staff Sergeant Javier Gomez Herran, and soldier Carlos Mario Escudero are under investigation in the killings. Clavijo was arrested, suspended from duty, and placed in military detention on March 17. Although the army challenged jurisdiction, arguing Clavijo's actions were related to acts of service, the CSJ ruled that the case should be tried in civilian court.

On March 3, the ongoing civilian prosecution of retired Colonel Bernardo Ruiz Silva, former commander of the army's now disbanded 20th Brigade (military intelligence), for allegedly organizing the November 1995 Bogota killing of Conservative Party opposition leader Alvaro Gomez Hurtado suffered a major setback when key witness Luis Eduardo Rodriguez Cuadrado retracted his previous testimony before a Bogota judge. However, the testimony of another key witness helped the prosecution. 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.

In 1999 the human rights unit of the Prosecutor General's office formally indicted marine Colonel Jose Ancizar Molano Padilla, then-commander of the 2nd Marine Infantry Battalion, as well as marine Corporals Javier Fernando Guerra, Eduardo Aristides Alvarez, and Jose Milton Caicedo for the 1995 social cleansing killings of alleged thieves Sifredy and Fredy Arboleda. On May 25, the Prosecutor General ordered the detention of marine Sergeant Francisco Duarte Zuniga, who was still at large at year's end. A disciplinary investigation by the Attorney General was still underway at year's end.

In October 1998, the Attorney General's office severely reprimanded marine Lieutenant Colonel Rodrigo Alfonso Quinones, along with 4 others, for colluding with paramilitary groups in the murders of at least 50 persons in Barrancabermeja, Santander department, in 1992-94, although he was exonerated by a military tribunal in 1994. Quinones appealed the reprimand, but Attorney General Jaime Bernal recused himself from the case, and Congress never appointed anyone else to adjudicate the matter. The statute of limitations on the case expired during the year, leaving the reprimand standing. During the year, Quinones was promoted to brigadier general.

In July 1999, the Prosecutor General's office indicted paramilitary Nicolas Antonio Gomez Zapata for participation in the January 1994 "La Chinita" massacre, which resulted in the deaths of 35 persons. Among the 50 service members sanctioned by the Attorney General during the year were persons accused of involvement in this massacre. No progress has been reported in the Prosecutor General's case.

At year's end, three army noncommissioned officers sought in connection with the April 1991 massacre of bus passengers at Los Uvos remained at large.

In August a civilian court absolved retired army Colonel Hernando Navas of involvement in the November 1988 Nuevo Segovia massacre in which over 100 persons were killed or wounded. The authorities have charged 8 military officials, 1 police officer, and 10 civilians in the case. Among these, Lieutenant Colonel Alejandro Londono Tamayo and Lieutenant Colonel Marco Baez Garzon continued to appeal civilian court convictions related to the massacre. Londono remained in detention, but was still on active duty, although he has been deprived of command responsibilities. Baez Garzon also was deprived of command responsibility and remained in military custody in Bogota.

On June 29, the Constitutional Court instructed the CSJ to reconsider its 1996 decision referring the case of the 1987 forced disappearance, torture, and death of a member of the M-19 guerrilla group, Nydia Bautista, by accused retired General Alvaro Velandia Hurtado to military courts. Upon the stipulated review, the CSJ reversed itself and assigned jurisdiction to the civilian courts at the end of July, pointing out that the acts were not related directly to military service. The Prosecutor General's office continued its investigation.

There was no information available regarding the pending trial of Lieutenant Colonel Jose Vincente Perez Berrocal for the 1987 killing of a Liberal mayor.

No motives or suspects have been identified in the September 1998 killing of Congressman Jorge Humberto Gonzalez. The investigation remained open at year's end.

Credible allegations of cooperation with paramilitary groups, including instances of both silent 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 that were under military control or despite a significant military presence. Individual 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 Defense Minister Luis Fernando Ramirez 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; however, security force actions in the field were not always consistent with the leadership's positions. 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 or resources to explain this situation. Impunity for military personnel who collaborated with members of paramilitary groups remained common.

In September 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. A total of 388 members of the military were dismissed in October; however, it was not known how many of these were dismissed for collaborating with paramilitary groups in such abuses (see Section 1.e.).

Both the Peasant Self-Defense Groups of Cordoba and Uraba (ACCU), the largest of the seven major paramilitary organizations of the AUC umbrella group, and the army's Fourth Brigade claimed responsibility, but in different circumstances, for the January 23 killings of two long-demobilized guerrillas. The ACCU claimed that it killed Uberney Giraldo and Jose Evelio Gallo, both leaders of the Socialist Renewal Current (CRS), and two others after abducting them from the village of San Antonio, Antioquia department. On January 24, the army's Fourth Brigade announced that it had killed two "ELN guerrillas" in combat, but civilian autopsies identified them as the two missing CRS leaders. On January 26, gunmen stole the bodies from the morgue but left the autopsy reports behind. At year's end, investigations by the Attorney General's office and the Prosecutor General's office were underway.

On February 19-20, a large group of AUC paramilitary attackers killed an estimated 37 persons whom they suspected of being guerrillas or guerrilla sympathizers at El Salado, Bolivar department. The navy reportedly set up a roadblock shortly after the killings began, which prevented human rights and relief groups from entering; some groups accepted the navy's explanation that access was not possible due to fighting in the area. The Ministry of Defense denied charges that the navy blocked NGO's from entering or colluded with paramilitary forces, and an investigation by the Prosecutor General was underway at year's end. A military investigation did not find any substantiation for these charges.

The paramilitary group reportedly had been in the town since February 16, and had a list of names of persons they suspected of being guerrilla supporters. The victims included a 6-year-old girl and an elderly woman, and some victims were tortured or raped. The attackers also burned several homes. On February 19, the paramilitary group flew in a helicopter to rescue an injured member. According to Human Rights Watch, 30 minutes after the paramilitary forces withdrew, government forces entered the town.

On February 22, members of the 3rd Marine Infantry Battalion captured 11 members of the paramilitary group suspected of participating in the El Salado massacre, killed 2 of them, and downed a paramilitary helicopter. According to NGO's and press reports, the massacre at El Salado and a February 15-16 paramilitary massacre at nearby Las Ovejas, Sucre department,

displaced approximately 3,000 persons. By year's end, 16 paramilitary suspects were under arrest, and the Prosecutor General's investigation into the paramilitary group's responsibility for the massacre was concluded.

Members of the San Jose de Apartado "peace community" in Uraba region, Antioquia department, as well as NGO's, accused the 17th Brigade of involvement in 2 paramilitary massacres in February and July in which 11 persons were killed. On February 19, unidentified perpetrators widely believed to be members of the ACCU paramilitary group attacked San Jose de Apartado. They selectively killed five persons, and wounded three others. There were reports that the men wore the insignia of the 17th Brigade on their uniforms and that army troops were seen on the outskirts of the city several hours before the massacre. On July 8, 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 and that army members were near La Union prior to the July 8 attack. There were allegations that a military helicopter hovered over La Union during the massacre; however, these allegations were never confirmed. The military investigation rebutted the charges. The Prosecutor General was investigating both incidents at year's end. There were at least two visits during the year by joint commissions of inquiry including representatives from the Prosecutor General's office, the Human Rights Ombudsman's office, and international NGO's. Human rights NGO's and members of the peace community of San Jose de Apartado reported 11 additional deaths in separate incidents during the year, half of which they attributed to paramilitary forces. They also reported frequent paramilitary roadblocks, intimidation, theft, and the restriction of incoming food supplies.

In February Human Rights Watch issued a report that stated that the army maintains close operational ties to paramilitary groups. The report highlighted incidents of collaboration by officers of the army's Third, Fourth, and 13th Brigades. It stated that according to evidence from government investigators, the army's Third Brigade based in Cali provided weapons and intelligence to the paramilitary "Calima Front." The report also detailed ties between the army's Fourth Brigade and paramilitary groups and ties between the 13th Brigade (intelligence) and paramilitary groups. The report also detailed threats received by various government agents while they investigated these ties.

Vice President Gustavo Bell responded to the Human Rights Watch report and said that while the Government has never denied residual ties between individual members of the public security forces and paramilitary groups, it has moved to break those ties and punish those responsible. Bell said that the suggestion that there was a "deliberate, institutional will to help and support" paramilitary groups was untrue. Bell noted that much of the information in the report came from the Prosecutor General's office, demonstrating that the Government was investigating military crimes.

In March the Attorney General's office ordered that Vice First Sergeant Jose Maria Cifuentes Tovar, of the 45th Battalion, be removed from the army for having failed to obey orders to install a roadblock to prevent the escape of members of paramilitary groups from Barrancabermeja following a February 1999 massacre that left nine persons dead. On March 18, 1999, police arrested paramilitary leader Mario James Mejia ("el Panadero") for killing a taxi driver; he then was charged in Bogota with leading the February 1999 Barrancabermeja massacre and was still under investigation at year's end. Pedro Mateo Hurtado Moreno and three other paramilitary suspects in the massacre remained at large at year's end. Politically motivated killings and related unrest continued in Barrancabermeja at a very high rate throughout the year.

In March 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 Vetras, Norte de Santander department, which committed 15 massacres in and around the towns of La Gabarra and Tibu between May 29 and September 1, 1999. More than 145 persons whom the attackers claimed were guerrillas or guerrilla supporters were killed. Nearby elements of the army's 46th counterinsurgency battalion (Tibu) and Fifth mechanized group (Cucuta), as well as police, did not intervene.

In July the Attorney General announced an investigation into retired army Brigadier General Alberto Bravo Silva, Colonel Roque Sanchez, and three other army officers for failing to prevent a paramilitary massacre of 27 persons in August 1999 in La Gabarra. The investigation was still in progress at year's end. Bravo retired in August 1999 on the orders of President Pastrana. Two of the three army officers are still members of the public security forces. Colonel Sanchez, the regional police commander at the time of the killings, was on trial at year's end. In October the Attorney General's office also charged Colonel Sanchez. On May 3, the Prosecutor General's office formally charged AUC paramilitary chief Carlos Castano with masterminding the May 29 and August 21 La Gabarra massacres in 1999.

In March the Prosecutor General issued formal indictments against eight security force members, including Tibu military base Commander Mauricio Llorente Chavez, for complicity in a paramilitary massacre that took place in Tibu in July 1999. Five members of the police were charged in May and subsequently were arrested. On June 20, the Prosecutor General's office arrested six members of the National Police--Arturo Velandia, Luis Toloza, Miguel Hernandez, Alfonso Ortiz, Gustavo Lobo, and Jose Ordonez.

In April 1999, President Pastrana formally retired from service Brigadier Generals Fernando Millan Perez and Rito Alejo del Rio; both had links to paramilitary groups. The Government stated only that it "was no longer convenient" for them to continue their military service. The military judiciary announced no new developments during the year in its ongoing investigation of General Millan regarding allegations that he armed and equipped a paramilitary group in Lebrija, Santander department, in 1997. The group was believed 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, effectively cutting off the prosecutor's investigation. Millan had denied the charges. In June 1999, the Attorney General's office opened a disciplinary investigation of Millan, which still was in progress at year's end.

At year's end, General del Rio, former commander of the 13th Brigade, remained under preliminary investigation by the human rights unit of the Prosecutor General's office for allegedly establishing illegal paramilitary groups in Medellin in 1987, and in Uraba in 1996. General Del Rio is also under preliminary investigation by the Attorney General's office.

On July 27, the Attorney General's office formally charged five army officers, including four generals, for failing to protect the residents of Puerto Alvira, Meta department, when paramilitary forces killed 19 persons in May 1998, despite repeated requests by the Human Rights Ombudsman. The five charged are former commanders of the army's Fourth Division, retired 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 (former head of the Seventh Brigade); and commander of the "Joaquin Paris" battalion, Colonel Gustavo Sanchez Gutierrez. Those involved denied the charges. The Attorney General's investigation was still in progress at year's end. In June a first instance military court recommended closing the investigation of the case; the Superior Military Tribunal was considering this recommendation at year's end. At year's end, the human rights unit of the Prosecutor General's office had detained three members of paramilitary groups and had outstanding arrest warrants for five more, including brothers Carlos and Fidel Castano.

In August air force Commander Hector Fabio Velasco called for the renewed detention and a first instance hearing of Brigadier General Jaime Uscategui and Lieutenant Colonel Hernan Orozco in connection with the July 1997 AUC paramilitary massacre of dozens of persons at Mapiripan, Meta department. Army Commander General Jorge Mora had recused himself from Uscategui's case due to personal ties and was replaced by Velasco. A military tribunal was still considering the issue at year's end. In May 1999, Uscategui was arrested on civilian charges connected with the case, but in August 1999, the CSJ had ruled that the case should be tried in the military courts. Uscategui was released after 180 days when the military investigation produced no action, although the investigation continued. Early in 1999, Uscategui sought to retire from the military effective in January; however, his effort was thwarted by the Attorney General, who ordered Uscategui dismissed

from the military in November 1999 for dereliction of duty in the October 1997 judicial convoy massacre in San Juan de Arama, Meta department. A military trial of Brigadier General Uscategui and Lieutenant Colonel Orozco still was in progress at year's end.

In August 1999, the CSJ had sent the cases of all other defendants in the Mapiripan 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. As of February 29, the Prosecutor General's human rights unit had completed its investigations of Lieutenant Colonel Sanchez and the five other defendants (two noncommissioned officers and three commercial pilots) in the civilian judiciary. In November the Prosecutor General indicted in a separate process Lieutenant Colonel Sanchez, two army sergeants, and eight members of paramilitary groups (including two civilian pilots). All the cases were on trial by year's end. In addition to Sanchez, and the five other defendants, two more presumed paramilitary group members (who also were still in detention) were indicted in December.

In May the Attorney General's office, which in 1999 formally had accused five officers, three noncommissioned officers, and five civilian officials of possible complicity or participation in the July 1997 Mapiripan massacre, dropped the charges against and closed the investigation of Lieutenant Colonel Lino Sanchez Prada. The other cases remained under investigation at mid-year.

The case of retired army Colonel Jose Ancizar Hincapie Betancurt for collaboration in 1993-94 with a paramilitary group that killed 10 persons remained pending before civilian courts at year's end.

In July Ivan Cepeda, the son of murdered Senator Manuel Cepeda Vargas, was forced to flee the country due to death threats that he suspected were a reaction to his activism in pursuing justice for his father's 1994 death. In testimony before the Senate, the Attorney General had stated that the Senator had been killed as the result of a joint operation between some senior army officers and members of paramilitary groups. In 1999 the Attorney General's office severely reprimanded army First Sergeant Justo Gil Zuniga Labrador and Vice First Sergeant Hernando Medina Camacho, then members of the army's 20th Brigade, for the killing of Senator Cepeda, who was the leader of the Patriotic Union (UP) party. The army discharged both men from service, and in December 1999 they each were sentenced to 43 years' imprisonment for their roles in Cepeda's murder.

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. The frequency of paramilitary massacres continued to increase significantly. Several major paramilitary campaigns during the year involved a series of orchestrated massacres in Uraba, Norte de Santander, and Barrancabermeja. At mid-year the Human Rights Ombudsman attributed 93 massacres, which claimed 512 victims, to paramilitary groups. In 1999 the office received 1,467 complaints against members of paramilitary groups. The Ministry of Defense attributed 52 percent of the estimated 1,073 deaths that occurred in the 235 massacres reported by the Human Rights Ombudsman's office during the first 6 months of the year. In December the Ministry of Defense reported that paramilitary forces killed 983 civilians in massacres during the year. The Colombian Commission of Jurists attributed 657 killings and 118 social cleansing killings to paramilitary groups in the period from October 1999 through March. Paramilitary activities also included kidnaping, intimidation, and the forced displacement of persons not directly involved in hostilities (see Sections 1.b. and 1.g.). Paramilitary groups targeted teachers (see Section 2.a.), human rights activists (see Section 4), labor leaders (see Section 6.a.), community activists, national and local politicians (including President Pastrana), peasants, and other persons whom they accused of supporting or failing to confront guerrillas. Paramilitary forces killed members of indigenous groups (see Section 5).

AUC paramilitary groups were suspected of hundreds of selective killings throughout the country, especially in Choco, Santander, Valle del Cauca, and Antioquia 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 peace community leader Freddy Gallego, former Aguachica mayor and peace activist Luis Fernando Rincon, and former Cucuta mayor (and current mayoral candidate at the time of his death) Pauselino Camarga. Fourteen members of the CTI were killed during the year in various parts of the country. Both paramilitary forces and guerrillas were suspected of responsibility in these killings.

Paramilitary massacres at Las Ovejas, Sucre department, and El Salado, Bolivar department, were part of an ongoing paramilitary effort to wrest control of the Montes de Maria region from guerrillas. On February 15-16, approximately 150 ACCU members staged attacks in 5 neighborhoods of Las Ovejas. They killed at least 20 persons whom they suspected of being guerrillas or guerrilla sympathizers, burned dozens of homes, and displaced a large number of persons.

On April 6, approximately 50 paramilitary attackers massacred 21 men whom they suspected of being guerrillas or guerrilla collaborators at Tibu, Catatumbo region, Norte de Santander department, in a continuation of a series of 15 massacres in the region in 1999.

On May 11, a paramilitary group that identified itself as the "Calima Front" claimed responsibility for the killings of 12 civilians in the village of Sabaletas, just outside Buenaventura, 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 Third Brigade created and supports the Calima Front, which Human Rights Watch believes is responsible for at least 200 killings between July 1999 and July 2000, as well as the displacement of over 10,000 persons.

In August the AUC paramilitary movement claimed that it had killed the leader and six members of the "la Terraza" gang of hired killers based in Medellin. The AUC was known to have contracted the gang to conduct killings.

In a series of attacks on the night of November 22, paramilitary forces killed 15 fishermen in Nueva Venecia, in the region of La Ciénaga de Santa Marta, Magdalena department, and kidnaped another 22 persons whose bodies later were discovered. Human Rights Ombudsman Eduardo Cifuentes issued a December 14 resolution that reported that 45 persons were killed and that 25 had disappeared, criticized slow government action to assist those displaced as a result of the incident, and called for immediate investigation of reports of a paramilitary base in the area. The Prosecutor General's office was investigating the 37 confirmed deaths at year's end.

Other examples of paramilitary massacres included the killing of 7 persons in Estados Unidos in January, the November killings of 15 persons in Granada in the western part of the country, and the killing in November of 7 persons in Barrancabermeja.

Investigations of past killings and massacres proceeded slowly. In many cases there was no progress in ongoing investigations. Progress during the year included the issuance of warrants of arrest for five suspects involved in murder and extortion as members of the El Corral Convivir (self-defense group) in 1991 in Arauca department. Other members of paramilitary groups investigated and indicted included Luis Arnulfo Tuberquias, who was linked to kidnaping and theft on behalf of such groups; among those captured were Jose Luis Hernandez and Ruben Isaza, nephew and son respectively of paramilitary leader Ramon Isaza, and Dario Zapata Hernandez, allegedly the second in command of the AUC in the Puerto Boyaca area, Caldas department.

On May 3, the Prosecutor General's office formally charged AUC paramilitary leader Carlos Castano with the August 1999 killing of renowned journalist, political comedian, and peace and human rights activist Jaime Garzon Forero in Bogota. On January 13, members of the CTI captured La Terraza gang member Juan Pablo Ortiz Agudelo in Medellin on suspicion of having been the gunman in the attack against Garzon. Ortiz remained in detention in Bogota at year's end. In December a group of men claiming to represent the "La Terraza" criminal organization said publicly that they were hired by Castano to kill

Jaime Garzon and human rights activists Elsa Alvarado, Mario Calderon, Jesus Maria Valle, and Eduardo Umana Mendoza. They offered to turn themselves in and provide proof of Castano's involvement in return for security guarantees from the Government. There was no public response from the authorities by year's end.

In December 1999, Spain complied with a government request and extradited paramilitary Lubin de Jesus Morales Orozco, who was arrested in Madrid in June 1999 on unrelated charges, for the April 1998 killing of Eduardo Umana Mendoza, perhaps the country's best-known and most controversial human rights lawyer. Five persons, including Morales, remained in detention and were on trial in a civilian court at year's end.

On June 14, the trial of 10 persons suspected of the February 1998 killing of human rights activist Jesus Maria Valle began in Medellin. Valle was the president of the Antioquia Permanent Committee for the Defense of Human Rights. Charges were brought against suspected killers Jorge Eliecer Rodriguez Guzman, Alvaro Goez Meza, Gilma Patricia Gaviria Palacios, Elkin Dario Granada Lopez, Alexander Vallejo Echeverry, and Carlos Alberto Bedoya Marulanda for direct participation in the crime. In August 1999, the Prosecutor General's office issued arrest warrants for AUC paramilitary leader Carlos Castano and Juan Carlos Gonzalez Jaramillo for planning the crime. Castano was indicted in September 1998 for the killing. According to press reports, the first police agent on the case was killed soon afterward; the prosecutor fled the country; and another investigator was killed in September 1999.

On November 22, a Bogota judge convicted paramilitary Juan Carlos Gonzalez Jaramillo (alias "El Colorado") and Walter Jose Alvarez Rivera in the May 1997 murders of two CINEP workers, Mario Calderon and Elsa Alvarado, as well as Alvarado's father, Carlos Alvarado. Jaramillo was sentenced to 60 years in prison, and Alvarez Rivera was sentenced to 45 years. The judge determined that soccer magnate Gustavo Adolfo Upegui Lopez was not implicated in the murders but ordered a review of evidence presented during the CINEP trial that connected Upegui with paramilitary groups. Upegui remained under arrest in Medellin on separate charges at year's end. The judge also convicted two other men connected to the case for the illegal use of telecommunications equipment and exonerated two other men accused of organizing the murders. An arrest warrant for paramilitary leader Carlos Castano in connection with this case remains outstanding.

Accused paramilitary Ivan Urdinola Grajales remained detained in connection with the 1989-90 "Trujillo I" massacres in Valle 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 a court upheld charges against paramilitary Norberto Morales Ledesma for involvement in the Trujillo II massacre. Paramilitary member Reynel Gomez Correa, detained in 1999 in connection with Trujillo II, was murdered in prison in December, before he could be brought to trial. Two other members of paramilitary groups implicated in both Trujillo I and Trujillo II remain at large. One such person has been detained, and another is being sought in the Trujillo I massacre. One paramilitary member has been convicted and another detained for the 1994 Trujillo II massacre. Investigations continue in both cases.

In July the superior court of Cundinamarca department exonerated Jose Tellez and his wife Nancy Lozano, who were accused of participating in the 1989 killing of Liberal presidential candidate Luis Carlos Galan. Another suspect, Alberto Hubiz Hazbun, who was accused of planning the crime, was absolved in 1993. The only person to have been convicted of the crime is John Jairo Velazquez Vasquez, who was sentenced to 20 years in prison in 1997.

No suspects have been identified in the September 1999 killing of academic and peace activist Jesus Bejarano.

There was no information available on the investigation into the May 1998 killing of former Defense Minister General Fernando Landazabal Reyes.

While an estimated 507 members of paramilitary groups were believed to be in jail at year's end, known paramilitary leaders largely remained beyond the reach of the law. Government figures indicated that from 1997 through October 2000, 934 members of paramilitary groups have been captured, and 150 members have been killed. The Ministry of Defense reported that during the year the security forces killed 89 members of paramilitary groups and captured 315 members. In 1999 the army reported that it killed 26 members of paramilitary groups and captured 102 during that year.

Paramilitary forces killed members of indigenous groups (see Section 5) and members of trade unions (see Section 6.a.).

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 Colombian Commission of Jurists reported that guerrillas were responsible for 236 political killings in the period of October 1999 through March. The Ministry of Defense attributed 880 civilian deaths in massacres to guerrillas during the year. The Human Rights Ombudsman attributed 22 massacres to the FARC during the first 6 months of the year 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 the year. Local elected officials and candidates for public office, teachers, civic leaders, business owners, and peasants opposed to their political or military activities were common targets. The Federation of Colombian Municipalities reported that 17 mayors were killed during the year; guerrillas were the principal suspects (see Section 3). For example, in November unknown gunmen killed Carlos Julio Rosas, mayor of Orito, Putumayo department. In addition, in the run-up to the October municipal elections, 19 mayoral candidates were killed. Police and military personnel were targeted for selective and combat killings (see Section 1.g.). 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. 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.).

According to military statistics, FARC and ELN guerrillas killed as many as 200 children during the year (see Sections 1.g. and 5).

The human rights unit of the Prosecutor General's office reported in November that it is conducting ongoing investigations into the detention, disappearance, and deaths of 92 off-duty army personnel. Police suspected 22nd FARC front commander "Geovanni" of ordering the February 27 killing of retired army General Crispiniano Quinones (a former commander of the 13th Brigade) by unidentified gunmen at La Vega, Cundinamarca department. According to the press, Geovanni and two other FARC members were killed shortly thereafter in a confrontation with police.

On March 25 and 26, at least 21 police officers and 8 civilians (including the mayor of Vigía del Fuerte and 2 children) were killed when the FARC overran the twin towns of Vigía del Fuerte, Antioquia department, and Bellavista, Chocó department. The FARC held captive at least seven more police officers. The FARC tortured many of the policemen before killing them outside of combat. In April the authorities issued an arrest warrant for FARC member Luis Fernando Zapata Hinestroza.

In May six men who participated in roadblocks protesting a possible demilitarized zone for the ELN in southern Bolívar and Antioquia departments were killed in the Magdalena Medio region. The ELN was suspected of the killings.

On May 7, FARC guerrillas attacked a public bus in Gigante, Huila department, with an explosive device; the driver lost control and hit a tree. FARC members shot at the occupants of the bus and burned the vehicle; four occupants were still inside when the bus was set on fire and are presumed dead.

In June the FARC massacred at least 11 civilians at Nutibara, Antioquia department, and injured 15 other persons. The army's 14th Brigade responded to this and other FARC attacks, reportedly killing 14 guerrillas.

On July 10, in Huila department, two unidentified gunmen killed General Saulo Gil Ramirez, former Director of the National Police from 1958-65. The press speculated that guerrillas were responsible for the killing.

On July 1, 1 person was killed and approximately 40 were wounded when several explosive devices exploded at the El Valle police command in Cali. Authorities attributed the explosion to subversive groups. On the same day, ELN guerrillas attacked the police's Simon Bolivar Carabineer Academy in southwestern Cali.

On July 14, the FARC entered the town of Roncesvalles in Tolima department and killed 13 policemen (see Section 1.g.).

An August offensive by the FARC resulted in the deaths of more than 20 civilians and military personnel.

In August FARC guerrillas killed secretary general of Rio Blanco Milciades Luis Garabito after accusing him of paramilitary ties.

According to press reports, also in August an ELN guerrilla squad tortured and killed eight residents of Sardinia, including one child and one teacher.

In early October, 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.

On October 18, guerrillas attacked Bagado and Dabeiba in the Choco department, killing 1 police officer; 17 were missing. Much of Bagado was destroyed.

On November 23, suspected guerrillas killed 12 persons in Santander de Quilichao, Cauca department. At least some of the victims reportedly were linked to paramilitary groups. Two women were injured. Also on November 23, FARC guerrillas killed nine peasants suspected of collaborating with paramilitary groups in Antioquia department.

Investigations into reported killings by FARC members within and on the periphery of the demilitarized zone continued. On December 29, congressional peace commission chairman Diego Turbay Cote, his mother councilwoman Ines Cote, and five other persons were killed in Caqueta department (near the FARC demilitarized zone). The killings placed the future of the peace process in doubt as the Prosecutor General, army, and police alleged that the FARC were responsible. There was no reported progress in the Prosecutor General's investigation into the May 1999 killings in Vereda Perlas Altas, Puerto Rico, Caqueta department. According to press reports, the FARC have executed approximately 20 residents in the despeje zone.

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

On May 1, FARC spokesman Raul Reyes said that a FARC "revolutionary tribunal" exonerated FARC eastern bloc commander German Briceno Suarez ("Grannobles") of involvement in the March 1999 killings of kidnaped American citizen indigenous activists Terence Freitas, Lahe'ena'e Gay, and Ingrid Washinawatok near Saravena, Arauca department. In July 1999, the Prosecutor General's office ordered the arrest of Briceno; army efforts to apprehend him and other FARC members accused of the crime had not been successful at year's end. Reyes said that investigations of other FARC members suspected of the killings would continue. In September the Prosecutor General's office sought to question Nelson Vargas Ruedas, a FARC guerrilla imprisoned in Bogota, for information about the crime. U'wa tribe member Gustavo Bocota Aguablanca, who also was indicted for the crime in December 1999, was still at large at year's end. The investigation of the case continued at year's end.

In December a Medellin court ruled that Wilson Eusebio Garcia Ramirez, commander of the ELN's "Carlos Alirio Buitrago" front, should be tried in absentia for the September 1998 killings of CTI members Edilbrando Roa Lopez and John Morales Patino at Mesopotamia, Antioquia. The two had been investigating a 1998 massacre of nine persons at the nearby town of Sonson.

At year's end, the authorities had not yet captured two members of the FARC's 32nd Front, including Arley Leal and Milton de Jesus Tonal Redondo ("Joaquin Gomez" or "Usurriaga"), head of the FARC's southern bloc, in connection with the September 1998 murder of Father Alcides Jimenez in Putumayo.

The Ministry of Defense reported that security forces killed 970 guerrillas and captured 1,556 guerrillas during the year. The Prosecutor General's office reported that at year's end, it had open investigations of 353 guerrillas, had 53 guerrillas in custody, and had 252 warrants for the arrest of guerrilla leaders.

Approximately 80 cases regarding Colombia 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.

The IACHR continued the process of trying to reach an amicable settlement of the Patriotic Union'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 the Government has provided protection through the Interior Ministry to surviving UP and Communist Party members. Despite these efforts, at least two UP members reportedly 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 Colombian Commission of Jurists did not attribute any social cleansing killings to security forces during the period from October 1999 through March; it attributed 118 social cleansing killings to paramilitary groups and 2 such killings during this period to the guerrillas.

b. Disappearance

The 1991 Constitution and the law explicitly prohibit "forced disappearance;" however, it continued to be a problem. On May 30, Congress codified forced disappearance, genocide, torture, and forced displacement as crimes, permitting such cases to be tried in the civilian judiciary. On July 6, President Pastrana signed the law, and it entered into effect immediately. Human rights activists noted that the final law did not include a draft article stipulating that the four crimes, as serious human rights violations, must be tried in the civilian, rather than the military judiciary, when military defendants are involved, according to a 1997 Constitutional Court decision. However, advocates of the bill noted that the reformed Military Penal Code, which entered into effect August 12, did include such a stipulation. More than 3,000 cases of forced disappearance have been reported formally to the authorities since 1977; very few have ever been resolved. Many of the victims disappeared in the course of various confrontations between armed groups or with the State. The great majority of victims of forced disappearance were never seen or heard from again.

The Attorney General's office, which oversees the performance of all public sector employees, received 78 complaints related to massacres and forced disappearances during the year; approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. A report of three persons who allegedly disappeared due to actions by the army has not been confirmed.

There were no reported results from the trial in a civilian court of police Major Manuel de Jesus Lozada Plazas, the former deputy commander of the Government's elite antikidnaping squads known as the GAULA, at year's end. The authorities had suspended him from duty and placed him on half-pay following his arrest in March 1997. There also have been no results reported in the investigation into cooperation between these squads and illegal paramilitary groups.

In May the Prosecutor General indicted retired Colonel Gonzalo Gil Rojas, former commander of the 20th Brigade, for responsibility in the 1989 kidnaping of Amparo Tordecillo Trujillo, a former EPL member; in December the charges were dismissed. The Prosecutor General also indicted in absentia former 20th Brigade members retired Captain Mario Raul Rodriguez Reynoso and three noncommissioned officers; they remained at large at year's end.

The law prohibits kidnaping; however, it remained an extremely serious problem. Reforms to the Penal Code enacted in June increased the minimum sentence for simple kidnaping from 6 to 8 years; the maximum is 20 years. Police figures for the year, corroborated by Free Country Foundation (Fundacion Pais Libre), registered 3,706 kidnapings during the year, compared with 3,201 in 1999. Paramilitary groups kidnaped 280 persons, while criminals kidnaped 371 persons and another 944 persons were kidnaped by unknown persons or groups. Guerrilla groups were responsible for 2,104 cases. An estimated 164 minors were in captivity at year's end. GAULA members and other units of the security forces freed 507 persons during the year (including at least 48 children); 285 of the rescued victims were held by the ELN, 82 by the FARC, 44 by the EPL (Popular Liberation Army), and the remaining 96 by either paramilitary groups or common criminals. The GAULA reported that 173 people died in captivity during the year, a 33 percent increase over 1999. Arrests or prosecutions in any kidnaping cases were rare.

The Colombian Commission of Jurists attributed 145 forced disappearances to paramilitaries in the period from October 1999 through March. In many instances persons kidnaped by paramilitary groups later were found dead.

On March 9, a paramilitary group led by Jhon Jairo Esquivel Cuadrado kidnaped seven members of the CTI at Minguillo, Cesar department. Esquivel was captured in July and remained detained pending formal charges at year's end. There were no indications that the abducted investigators were still alive.

In May paramilitary forces kidnaped and raped journalist Jineth Bedoya (see Section 2.a.).

On June 19, Carlos Castano's AUC paramilitary group kidnaped Antioquia Deputy Guillermo Leon Valencia Cossio, brother of the Government's negotiator in the peace process with the FARC, Fabio Valencia Cossio, but released him on June 23.

In October the AUC paramilitary group kidnaped seven members of Congress, including former Senate President Miguel Pineda and Zulema Jattin, a member of a congressional peace commission, and demanded that the AUC be consulted in the peace process. The Government refused to open discussions with the AUC, but Interior Minister Humberto de la Calle negotiated the hostages' release with Castano.

Kidnaping continued to be an unambiguous, standing policy and major source of revenue for both the FARC and ELN. In April the FARC announced "Law 002," which required persons with more than \$1 million in assets to volunteer payment to the FARC or risk detention. According to Pais Libre, politicians, cattlemen, children, and businessmen were guerrillas' preferred victims. The FARC often purchased victims kidnaped by common criminals; the FARC then negotiated ransom payments with the family.

On March 22, the FARC kidnaped 9-year-old Clara Oliva Pantoja and did not release her until December 19. On April 7, the FARC kidnaped 3-year-old Andres Felipe Navas; he had not been released by year's end. Both children reportedly were held in the FARC demilitarized zone. Several released kidnaped victims claim that the FARC is holding more than 200 persons in the despeje zone.

In March the ELN kidnaped 25 electrical company workers at Guatapé, Antioquia. The kidnappings were part of the ELN's campaign against the country's civilian electrical infrastructure.

On September 17, the ELN kidnaped over 50 patrons of Cali restaurants. Roughly a dozen were released within a few days. After combined negotiation and military pressure, the remaining survivors were released by November, although three had died while in captivity due to illness after lengthy forced marches while the kidnapers attempted to evade the army. Over the objections of the army commander in charge of rescue, the Government allowed the captors to remain free in return for release of the remaining hostages. Brigadier General Jaime Canal Alban, commander of the 3rd Brigade, resigned to express his disagreement with the Government's decision.

On November 28, unknown assailants kidnaped 18-year-old Juliana Villegas, daughter of the head of the National Association of Industrialists, a strong supporter of the peace process; guerrillas were suspected.

Guerrillas continued to kidnap political leaders. For example, in October the FARC kidnaped a gubernatorial candidate in northern Chocó department, Senator Juan Mesa, and Antioquia assemblyman Alvaro Velásquez. The Federation of Colombian Municipalities reported that at least 20 mayors were kidnaped during the year, nearly all by guerrilla groups. Many more unreported kidnappings of short duration may have been carried out. In response to this situation, some rural mayors fled to major cities, where they continued to conduct municipal business via telephone and facsimile. Guerrillas also kidnaped journalists (see Section 2.a.).

The FARC, the ELN, and other guerrilla groups regularly kidnaped foreign citizens throughout the year; some were released after weeks or months of captivity. For example, in July a representative of Doctors without Borders was kidnaped by a fringe guerrilla group and had not been heard from at year's end. In August the ELN captured and held 26 university professors and students, including several foreigners, for several days before releasing the group.

On April 8, the DAS captured ELN leader Ovidio Antonio Parra Cortes, who had been sought for his role in directing the May 1999 kidnaping of 174 persons from Cali's La María Catholic Church. The army's Third Brigade also arrested seven men believed to have helped carry out the La María hostage-taking.

By year's end, all of the 41 occupants of an airplane hijacked by the ELN in April 1999 had been released; 1 died in captivity in 1999 due to a lack of needed medications.

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, police and military torture and mistreatment of detainees continued. On May 30, Congress codified torture as a crime (see Section 1.b.), and the reformed Military Penal Code directed that cases of torture involving military and police defendants be tried in the civilian, rather than the military, courts. The Attorney General's office, which only can sanction administratively or refer to the Prosecutor General's office those it finds guilty, did not sanction any security force members for torture during the year. Contrary to previous years, the Attorney General's office, which received 119 complaints of torture in 1998, did not receive any complaints of torture by state agents during the year. The Colombian Commission of Jurists reported one case in the period from October 1999 to March. During the first 9 months of the year, CINEP reported that 79 persons were injured by state forces. During the year, the Military High Court convicted 52 service members for causing injuries.

The Colombian Commission of Jurists reported that from October 1999 through March, 136 corpses of persons presumed killed by paramilitary forces showed signs of torture; there were 14 similar cases attributed to guerrillas; one case attributed to an unidentified unarmed group; and none by the State. Of victims who survived torture, the Commission attributed one case to public security forces and four cases to paramilitary groups. In March the Ministry of Defense reported that the Superior Military Tribunal convicted 53 service members for inflicting bodily injuries.

On March 10, a Bogota prosecutor issued an arrest warrant for four policemen for allegedly beating detainees Jorge Amilkar Murcia, Juan Antonio Rodriguez Ochoa, and a third unnamed victim, taking them to a bridge, and forcing them to jump. Rodriguez survived and reported the crime to the authorities; Murcia's body was never found.

According to Human Rights Watch, on June 18, troops from the Rebeiz Pizarro Battalion fired upon a car carrying six adults and two children; all occupants were wounded.

In December the Prosecutor General's human rights office indicted 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 for torturing 12 marines with asphyxiation and electric shocks in December 1995. The victims were tortured to determine the whereabouts of two lost assault rifles. Colonel Molano and his accused subordinates remained in detention and are expected to be tried in a civilian court. In December the Attorney General's office concluded its investigation of the same incident and ordered a 3-month suspension from duty for Colonel Molano. It also suspended Captain Moreno, Lieutenant Jaramillo, seven noncommissioned officers, and one private.

Four Venezuelans arrested in May 1999 in the course of a military antiguerrilla operation who subsequently claimed that the 3rd army Special Forces Battalion tortured and inflicted other cruel, inhuman, and degrading punishment against them were remanded to the custody of the Venezuelan Embassy and finally allowed to return to Venezuela. The Venezuelan Government also asked for an investigation in relation to five other persons who were with these four men at the time of their capture. The bodies of two of these five persons subsequently were found in a river; the other three allegedly disappeared following the operation.

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 detained and subsequently killed by guerrillas showed signs of torture and disfigurement. For example, one soldier captured by the FARC was subjected to several machete blows to the head until the entire left side of his head was destroyed. While he was still alive, his genitalia were cut off and acid was poured on his face. The military reported that another soldier and his brother were captured by the FARC while on a bus, subsequently were tortured and decapitated, and their heads were sent to their father inside a box. The Colombian Commission of Jurists reported 17 cases of torture by guerrillas during the period from October 1999 to March.

Guerrillas also routinely used threats, both to intimidate opponents and to raise money, and--like the paramilitary groups--sent letters demanding payments of a war tax, along with threats to make persons military targets. Guerrillas also killed, kidnaped, and threatened mayoral candidates (see Section 3).

According to press reports, in July explosive devices damaged three businesses in downtown Barrancabermeja, Santander department. The authorities stated that the ELN demanded that local businessmen attend a mandatory meeting and that the bombs were punishment against those who failed to attend. In April the FARC announced "Law 002," which required persons

with more than \$1 million in assets to volunteer payment to the FARC or risk detention. In August the FARC bombed as many as 13 businesses in Medellin in retaliation for nonpayment of a FARC-imposed "war tax."

Prison conditions are harsh, especially for those prisoners without significant outside support. Severe overcrowding and dangerous sanitary and health conditions remained serious problems. In December 1997, a visiting IACHR mission declared that the living conditions in Bogota's La Picota prison constituted "cruel, inhuman, and degrading treatment of the inmates," and these problems continue. Prison guards from the INPEC report to the Ministry of Justice. There are approximately 7,000 prison guards. Guards and prison staff frequently are untrained or corrupt. In response to what was called a "disciplinary emergency," INPEC's disciplinary office reported in September that it had removed 159 prison guards and was investigating 651 INPEC officials for irregularities in performing their duties. Prisoners are suspected of killing or ordering the killing of 22 guards in 1999.

According to the Committee for Solidarity with Political Prisoners, a majority of prisoners' food was provided by outside, private sources. In 1999 INPEC reported that the daily food allowance for each prisoner was \$1.44 (2,700 pesos). According to INPEC, the country's prisons and jails held approximately 50,702 inmates at year's end, significantly more than their capacity of 31,000 persons. The addition of a new prison in Valledupar, Cesar department, and the renovation of other facilities added 3,000 spaces over the past 3 years but was offset by an increase of approximately 10,000 prisoners over the same period. According to the Ministry of Defense, 20 percent of the country's inmates are in the 10 most crowded prisons, which have an average occupancy rate of 200 percent. In a number of the largest prisons, overcrowding was severe. Medellin's Bellavista prison, the country's largest, was built to house 1,800 inmates; at year's end, it housed 6,575 inmates. Bogota's La Modelo prison had a 169 percent occupancy rate, and the Palmira prison outside Cali held 192 percent above its planned capacity.

In February the Justice Ministry announced a plan to renovate prisons and build 11 other new prisons over the next 3 years, expanding prison capacity by 18,000 persons. In July Congress approved the financing of the remaining announced facilities. Only 8,000 prisoner accommodations met international standards. A total of 17.8 percent of the country's prisons were between 40 and 80 years old, 3.5 percent were between 80 and 201 years old, and 2.4 percent were more than 201 years old.

In November approximately 12,000 women and children, who were visitors to the prisons, protested prison conditions by spending 72 hours inside 7 prisons, including Bogota's La Modelo. The Government negotiated with inmate representatives and human rights NGO's to ensure the peaceful exit of the protesters by agreeing to convoke the National Roundtable on Penitentiary Work, an intersectoral commission that includes inmate representatives, in December.

An estimated 42 percent of all prison inmates are pretrial detainees. The remaining 58 percent 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 Ministry of Defense, 4,145 persons (8 percent of inmates) are in pretrial detention in police stations. Despite an August 1999 Constitutional Court ruling which obligated the transfer of detainees from overcrowded police station holding cells to prisons, Bogota's 21 police stations still hold 1,657 prisoners awaiting transfer to prisons.

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.

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 reformed Penal Code requires sentences of 3 to 6 years for prison escapes. Escapes from prison continued to be a problem. There were six major riots in prisons. On February 3, six prisoners were killed and two were wounded during a confrontation between members of paramilitary groups and guerrillas at Bogota's La Picota Prison.

In April members of paramilitary groups and guerrillas engaged in a 12-hour battle inside Bogota's La Modelo prison, ending a 2-month truce, and employed a wide variety of firearms and other weapons. Thirty-two inmates were killed, and 35 were wounded. In response, 1,200 members of the National Police entered La Modelo prison to retake control. Among prohibited items found were cellular telephones, handguns, shotguns, assault rifles, hand grenades, explosives, dogs trained to attack, illicit drugs, and alcohol. Police found a sauna and gym in a FARC commander's cell and also discovered a working brothel. Authorities brought a variety of charges, including homicide and rape, against 20 prisoners. In July Jorge Ospina Trujillo, reportedly a member of a paramilitary group, escaped from the Bellavista prison in Medellin, Antioquia department. According to the authorities, Ospina was one of the prisoners responsible for the April massacre in La Modelo prison in Bogota.

Guerrillas launched several attacks against prisons holding guerrilla prisoners, facilitating numerous escapes. For example, during its April 2-3 offensive, the ELN attacked a prison at Cucuta, Norte de Santander department, initiating the attack with a car bomb. Some 75 prisoners, including approximately 50 ELN and FARC guerrillas, escaped. Four prisoners were killed and four prisoners were wounded in the fighting.

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. In July the authorities dismantled a sophisticated telecommunications center in the district and Picalena prisons in Ibague, Tolima, department. Forty-six prisoners between the 2 prisons used cellular telephones to extort money or negotiate ransom. To prevent this type of activity, on July 27, President Pastrana announced that he would issue a resolution making it mandatory for telephone companies to provide caller identification service to all customers.

The International Committee of the Red Cross (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, it has not been granted access to members of the police or military who are held by guerrilla groups.

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.

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.

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. On September 27, the Attorney General proposed the implementation

of an existing law that allows for the exchange of prisoners during armed conflict. In October the public debate on prisoner exchange revived when photographs emerged of 261 police and military hostages being held in outdoor fenced enclosures. The U.N. High Commissioner for Human Rights (UNHCHR) expressed deep concern for the well-being of the hostages and called on the FARC to permit ICRC access. At year's end, 527 soldiers and police are presumed held by the FARC and ELN, and the ICRC had not been permitted access to them.

The Constitution prohibits exile, and forced exile is not practiced by the State. However, there were repeated instances of individuals pressured into self-exile for their personal safety. Such cases included persons from all walks of life, including politicians, human rights workers, slum-dwellers, business executives, farmers, and others. 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 773 complaints of denial of the right to due legal process during 1999, the most recent year for which statistics were available. The office received 1,353 complaints in 1998.

The judiciary includes the Constitutional Court, Supreme Court of Justice, and the Council of State, the Superior Judicial Council, and lower courts. The Prosecutor General's office is an independent prosecutorial body that brings criminal cases before the courts. Article 234 of the new Military Penal Code states that the Supreme Court (not the Superior Military Tribunal) has first instance jurisdiction in cases 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 by August 12, 1999, must continue under the old military penal code; however, this article applies to all cases brought to trial after that date, regardless of when the crime was committed. Article 234 also states the Supreme Court is the court of second instance review of rulings by the Superior Military Tribunal, effectively asserting the authority of the Supreme Court--a body composed entirely of civilian magistrates--over the military judiciary. The Council of State is the appellate court for civil cases. 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, Supreme Court of Justice, the Council of State, and the Superior Judicial Council were common, due to the lack of a single supreme judicial authority capable of deciding issues of jurisdiction or constitutional interpretation.

The CSJ, which oversees the administration of the judiciary, also has the responsibility of determining whether individual cases involving members of the security forces are to be tried in civilian or military courts. On August 17, President Pastrana issued a directive to the armed forces and the police that stated that the new Military Penal Code "excludes from military criminal jurisdiction the crimes of genocide, torture, and forced disappearance" and that "acts against humanity do not fall under the jurisdiction of the military courts." The directive also "raises to the category of law" a 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.

On April 6, the Constitutional Court overturned much of the 1999 law that had created the specialized jurisdiction (which had replaced the anonymous ("faceless") regional courts system on July 1, 1999). The Constitutional Court found that defendants have the right to know the identity of their accusers and that elements of the law that permitted some prosecutors and witnesses to remain anonymous under exceptionally dangerous circumstances were unconstitutional. The Court 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 Court also ruled that persons detained for any of the crimes designated in the legislation may request to be confined in their homes and may request special permission to go to work, as is the case in the regular civilian judiciary. The Court permanently closed the appeals court for the specialized jurisdiction. The remaining first instance specialized jurisdiction courts continued to have responsibility for trying certain crimes, including crimes of kidnaping, hijacking, paramilitarism, 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.

As part of the Ministry of Defense, the military judiciary falls under the executive branch, rather than under the judicial branch. The armed forces commander is also the president of the military judiciary. The workings of the military judiciary lack transparency and accountability, contributing to a generalized lack of confidence in the system's ability to bring human rights abusers to justice. On August 12, a new Military Penal Code replaced the outdated one, which predated the 1991 Constitution and did not contemplate some contemporary crimes. (President Pastrana signed it into law in August 1999.) The Constitutional Court ruled that no implementing legislation was needed and instructed the Ministry of Defense to implement the new Military Penal Code. Provisions of the new code include the following: unit commanders no longer may judge their subordinates; an independent military judicial corps is to be created; and service members are to be protected legally if they refuse to carry out illegal orders to commit human rights abuses. The reformed code states that torture, genocide, and forced disappearance could never be related to "acts of service," which is the constitutional standard for trying crimes in the military judiciary, and stipulates that these crimes therefore always must be tried in the civilian judiciary (see Sections 1.a. and 1.b.). The reformed Military Penal Code also gives representatives of the civilian judiciary the right to be present at military trials of military personnel.

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. Brigadier General Jairo Pineda was appointed to head the Executive Directorate of the military penal justice system and is to report directly to the Minister of Defense, a civilian. Military prosecutors report to Brigadier General Pineda, not to unit commanders as under the previous system.

According to press reports, on August 16, the Military Penal Tribunal appointed its first three prosecutors as part of the new Military Penal Code. New prosecutors also were appointed for the military forces as a whole and one for each branch of the military and the police. On August 17, the prosecutors began to analyze and rule in military proceedings.

A 1997 Constitutional Court decision directed the military judicial system to relinquish to the civilian judiciary the investigation and prosecution of serious human rights violations and other alleged crimes not directly related to acts of service--the 1991 constitutional standard for determining whether a case should be tried by the military or civilian judiciary. The CSJ assigned most cases involving high-level military personnel to the military courts, where convictions in human rights-related cases were the rare exception. According to the 1991 Constitution, general-rank officers are to be tried by the Supreme Court; however, that provision was ignored in practice. No definitive court ruling has resolved various judicial interpretations of the provision; however, a majority of decisions appear to suggest that this provision applies only to full generals. The Court ruled that military justice was the exception to the general rule and that, in the case of doubt, jurisdiction should be assigned to the civilian system. In determining which alleged crimes were to be tried by military tribunals, the CSJ sometimes employed a broad definition of acts of service, thus ensuring that uniformed defendants of high rank, particularly the most senior, were tried in military tribunals. During the year, the CSJ assigned two key cases to civilian jurisdiction: the case against Major Clavijo and the Nydia Bautista case (see Section 1.a.). In addition, CSJ figures quoted by the Ministry of Defense indicated that, where 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.

According to figures released by the Ministry of Defense in December, since the 1997 Constitutional Court decision, the military judiciary has transferred 1,136 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 report by the Ministry of Defense reports 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 1,307 police and military cases transferred, 496 cases were transferred during the year, 79 in 1999, 266 in 1998, 295 in 1997, and 171 cases were transferred on an unknown date. According to year-end report of the Ministry of Defense, the military judiciary during the year 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.

The military judiciary demonstrated an increased willingness during the year to turn cases of military officers who were accused of human rights violations or criminal activities over to the civilian judiciary; however, such officers generally were of lower rank. A July CSJ ruling suggested that it considered itself bound by the Constitutional Court's 1997 decision that certain human rights violations could not be considered acts of service and therefore must be tried in civilian courts. Between January and November, 80 cases were transferred.

In October 1998, the CSJ had determined that Brigadier General Fernando Millan Perez's alleged organization of a paramilitary group constituted an act of service and therefore had turned General Millan's case over to the military judiciary for prosecution (see Section 1.a.). In reaching its decision, the CSJ had determined that it was not bound by the Constitutional Court's narrow 1997 interpretation of the 1991 constitutional standard of relation to acts of service. The CSJ's decision effectively ended the Prosecutor General's investigation into whether General Millan had provided weapons and intelligence to paramilitary groups in Santander department.

On September 14, President Pastrana 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 be informed 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.

On October 16, the military dismissed 388 members of the armed forces, including 89 officers. According to press reports, these included 2 lieutenant colonels and 15 majors. No information was available from the Ministry of Defense 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.

In cases in which 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. Military prisoners remain on active duty (and reduced pay) while in detention but are relieved from command responsibilities. In other cases members of the military can be suspended pending investigation, as occurred in the August Pueblo Rico killings (see Section

1.g.). Some perform administrative functions while in detention. Armed Forces Commander General Tapias cited a lack of adequate military prison facilities as a primary cause for escapes from military detention areas. For example, on March 14, suspected Casanare department paramilitary leader Humberto Caicedo Grosso escaped from military confinement at the 14th Brigade's headquarters. The authorities detained five brigade members for failing to stop Caicedo's escape.

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

Judges have long been subject to threats and intimidation, particularly when dealing with 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. On April 3, specialized jurisdiction prosecutor Margarita Maria Pulgarin Trujillo was killed in Medellin; AUC members were the prime suspects in her killing. 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. In June Congress approved Penal Code and Penal Procedural Code reforms that created a number of new crimes such as genocide (see Section 1.b.), but reduced the sentences for a number of serious crimes, including kidnaping and extortion, and the amount of time served necessary for parole. The new Penal Code and Procedural Code are scheduled to go into effect in 2001. It still was difficult for defense attorneys to impeach or cross-examine anonymous witnesses, and often the defense attorneys did not have unimpeded access to the State's evidence.

The Attorney General's office investigates misconduct by public officials, including members of the military and police. The Attorney General's office can draw upon a nationwide network of hundreds of government human rights investigators covering the country's 1,085 municipalities. The office received 78 complaints related to massacres and forced disappearances during the year. Approximately 75 percent of these complaints involved the army (particularly in Putumayo, Antioquia and southern Bolivar departments); the other 25 percent implicated police or DAS officials. Its constitutional mandate only provides for the imposition of 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. Contrary to previous years, the Attorney General's office referred all cases of human rights violations received during the year to the Prosecutor General for investigation. The Attorney General's office reported that the majority of these cases are investigated by the Prosecutor General's office.

In August a judge convicted of "corrupt practice" for her 1999 exoneration of billionaire emerald magnate Victor Carranza on charges of paramilitarism was released after serving less than half of her 46-month term. Carranza remained in prison due to his prior convictions for homicide and kidnaping.

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 legal system to a mixed one that incorporates an adversarial aspect.

In an attempt to deal with impunity, the Prosecutor General in 1995 created a special human rights unit as part of the regional courts system. The unit has achieved significant results; as of November, its group of 30 anonymous prosecutors had handled 918 cases involving massacres, extrajudicial killings, kidnapings, and terrorism during the year. These prosecutors have issued arrest warrants against members of the security forces and of paramilitary, guerrilla, and drug trafficking organizations. The unit arrested 192 suspects during the year.

During the year, the human rights unit of the Prosecutor General's office investigated, indicted, or prosecuted 286 security force members, including at least 11 officers, on a variety of charges including homicide, torture, kidnaping, and sponsorship of paramilitary groups. The Attorney General's office and 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. However, impunity continued to be very widespread.

The Constitution specifically provides for the right to due process. Judges determine the outcome of all trials; there are no jury trials. The accused is presumed innocent until proven guilty and has the right to representation by counsel, although representation for the indigenous 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 penal 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.

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 no juries; however, cross-examination of witnesses does occur. Defendants also have the right to appeal a conviction to a higher court.

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.

Within the FARC-controlled despeje zone, local FARC leaders effectively supplanted judicial authorities and declared the establishment of an alternative, FARC-run "justice system." Residents of the zone regularly were denied the right to a fair trial. In the face of FARC intimidation, all elements of the civilian judiciary fled the zone. In 1999 Prosecutor General Alfonso Gomez Mendez publicly said that they would return only "when accompanied by the security forces." In September the FARC gave haven to a FARC guerrilla who had hijacked an airplane and refused to release him to government authorities. 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 ICRC reported that it monitored 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 Ministry of Defense 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, guerrilla suspects captured by the security forces in or out of combat and turned over to the judicial authorities routinely were set free.

A judicial order or the approval of a prosecuting attorney is required to authorize the interception of mail or the monitoring of either landline or cellular telephones. 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.

A preliminary investigation begun by the Prosecutor General's anticorruption unit in December 1999 determined that elements of the Administrative Department of Security had engaged in illegal wiretapping in Bogota over the course of several years. As of April, eight DAS officers were in custody, and another officer was sought. Having found sufficient evidence, on June 20, the Prosecutor General opened a formal investigation. This was the first instance in which the Prosecutor General pressed charges against a state entity for interference with privacy. The investigation continued at year's end.

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

There are some child soldiers among the paramilitary groups, who were recruited forcibly (see Sections 1.g. and 5).

Guerrillas regularly forcibly recruited children and indigenous people to serve as soldiers (see Sections 1.g and 5).

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, although the great majority of serious abuses were committed by paramilitary groups and guerrillas.

In October the ICRC suspended evacuations of wounded combatants after the murder of a wounded guerrilla by paramilitary forces near Apartado, Uraba region, Antioquia department, and of a wounded member of a paramilitary group by guerrillas in Putumayo. In both cases the victims forcibly were taken from ICRC vehicles. The ICRC resumed medical evacuations of combatants in December.

On February 24, the Government announced the creation of an interagency intelligence committee, chaired by the Minister of Defense and including members of the police, the Prosecutor General's office, the Attorney General's office, and the DAS, to improve the State's ability to track down and engage or capture members of paramilitary groups. However, at year's end there was little tangible evidence that the committee was functioning.

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 typically preferred to transfer or discharge soldiers accused of serious human rights violations, rather than initiate legal proceedings. On May 30, Congress passed legislation that codified forced displacement as a crime and provided for sentences of between 15 and 40 years' imprisonment; the legislation also codified genocide and forced disappearance as crimes (see Section 1.b). Departing from the historical, internationally accepted definition of genocide, and in response to the killings of thousands of members of the Patriotic Union leftist coalition (see Section 1.a.), the law codified "political genocide" as a crime. However, it stipulated that political genocide could be committed only against members of legally constituted (i.e., nonguerrilla) groups.

On August 15, an army unit of 30 soldiers operating near Pueblo Rico, Antioquia, mistook a party of schoolchildren for a guerrilla unit and opened fire, killing 6 children between the ages of 6 and 10, and wounding 6 others. According to press interviews, the soldiers did not realize at the time that the persons that they were shooting were children. On September 28, a military justice panel provisionally disassociated 14 of the soldiers and allowed them to return to duty. The remaining 16 soldiers, including patrol commander Sergeant Jorge Enrique Mina Gonzalez, remained under investigation at year's end. On December 22, the Attorney General charged Sergeant Mina, and corporals Avilio Pena Tovar and Ancizar Lopez, stating that the three confused a 15-year-old girl in the group with a guerrilla but that they willfully used indiscriminate force. The Attorney General's office exonerated the other 27 soldiers involved in the incident. The Prosecutor General's office determined that the act was unintentional harm caused in the course of duty and referred the case to the military justice system, where it remained at year's end.

In May the human rights unit of the Prosecutor General's office recommended that the air force reopen its investigation into the December 1998 Santo Domingo, Arauca department, incident in which an air force helicopter was accused of bombing civilians in the course of combat with the FARC. A total of 19 civilians were killed, and 25 others were wounded. The Prosecutor General's office based its recommendation on new evidence after the office subpoenaed three helicopter crew members and obtained an analysis of metal shards. An air force commander reportedly charged the FARC with planting shards at the scene. In December the air force revisited the zone prior to making a decision on whether to open formally an investigation. In November the Attorney General's office charged air force lieutenants Johan Jimenez Valencia and Cesar Romero Pradilla (the pilot and copilot of the helicopter) and flight technician Hector Mario Hernandez Acosta with indiscriminate use of force.

According to the Independent Advisory Committee for Human Rights and Displacements (CODHES), 317,340 displacements of civilians from their homes occurred during the year; government sources estimate that 125,000 persons were displaced. (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.) According to CODHES, approximately 288,000 displacements occurred during 1999. As many as 1 million citizens may have been displaced since 1996. The ICRC provided emergency assistance to 135,000 displaced persons during the year. An alliance of human rights, religious, and aid organizations stated 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. The Government does not consider persons to be displaced after 2 years. CODHES estimated that perhaps 65 percent of displacements became permanent. In an attempt to determine the true scope of the problem, the Government, in cooperation with the U.N. High Commissioner for Refugees (UNHCR), developed a computerized system for collecting data on the displaced and estimating total numbers.

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. According to CODHES, in 1999 approximately 53 percent of displaced persons were women and girls, 32 percent of displaced households were headed by women, and 70 percent of the displaced population were children. The Human Rights Ombudsman's office reported that only 15 percent of displaced children have access to schools. 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. Malnutrition among displaced children is a problem. 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. According to the UNHCR, approximately one-third of displaced persons are indigenous people or blacks; these groups represent only 11 percent of the population. In 1999 the office of the U.N. Commission on Human Rights received reports of threats and attacks against displaced communities and their leaders; threats against individuals and groups working with the displaced increased in 1999, especially in the regions of Magdalena Medio and Uraba.

Both paramilitary groups and guerrillas used forced displacements to gain control over disputed territories and to weaken their opponents' base of support. In some cases, entire 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.

The Government's response to the needs of the displaced population continued to be inadequate. The Government has no systematic program or budget to make adequate provisions for humanitarian assistance to the displaced, although it is required by law and court decisions to do so. Conditions at the Government's two camps for displaced persons in Uraba, at Pavarando and Turbo, were poor and unhygienic; health care remained poor, and there were few educational or employment opportunities. However, conditions at a temporary government shelter for displaced persons at the stadium at Cucuta, Norte de Santander department, were much better. The Government provides assistance through the Solidarity Network, the ICBF, the Health Ministry, and other state entities. The Solidarity Network was neither designed nor prepared for emergency humanitarian assistance work, and it usually provided such assistance only to refugees returning to the country. In March 1999, the Government estimated that the ICRC provided 70 percent of humanitarian assistance received by displaced persons. Private estimates were higher. Most displaced citizens receiving ICRC emergency humanitarian assistance received it for only 90 days. The Government also tries to limit assistance to 90 days; however, some displaced persons in the camps at Turbo and Pavarando, and in a stadium in Cucuta, received aid for a longer period. During the year, ICRC provided emergency assistance to 130,000 internally displaced persons.

Hundreds of displaced persons also fled to Panama, Ecuador, and Venezuela, where they often were denied refugee status, treated as illegal immigrants, and denied protection or assistance, and often were returned to Colombia. The UNHCR has an office in Bogota to address the problem and opened field offices in Barrancabermeja in 1999 and in San Jose de Apartado, Uraba and in Puerto Asis, Putumayo during the year.

On January 4, a group of internally displaced persons violently took over the ICRC's Bogota offices; they injured 3 local ICRC employees and detained 37 ICRC workers for 13 hours, then allowed most staff to leave the building. On February 22, such a group again forcibly detained members of the ICRC staff, a representative from the Attorney General's office, and two journalists for 9 hours. Also on that day, members of the same group tried to occupy the Bogota headquarters of the Social Solidarity Network; the police arrested them. In April the ICRC abandoned offices in Bogota that had been occupied by approximately 60 internally displaced persons since December 1999. Despite a December Constitutional Court ruling that the Government should assist the group, at year's end, the group still occupied the old ICRC premises.

According to the Vice President's office, there are more than 70,000 antipersonnel landmines in the country, located throughout 135 municipalities in 23 departments. Some 20,000 mines are maintained by the military to defend static positions. According to the International Campaign Against Mines, 63 persons were killed by mines in 1999. The Ministry of Defense reported that 10 military personnel were killed or wounded by antipersonnel mines during the first 7 months of the year. There is no generalized mine clearance program. However, in January the army deactivated 20 guerrilla landmines in southern Bolivar. Four civilians had been injured recently by landmines in the area. In August the military cleared two mine fields in Cundinamarca department. From 1998 to mid-2000, the Ministry of Defense reported that the military had cleared 120 FARC minefields and 39 ELN minefields.

The Human Rights Ombudsman's office reported continued violence against women, especially in war zones. It noted that most female victims in zones of conflict chose not to report the abuses they had suffered, in part due to a lack of confidence in the efficacy of governmental institutions to address their problems. The Ombudsman noted that female leaders of political and peasant organizations in the Uraba-Antioquia region were increasingly the targets of persecution, threats, torture, and executions. According to the Ombudsman's 1999-2000 report, 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.

Contrary to previous years, there were no reports during the year that the Government militarized public hospitals in conflict areas, which increased the risk that the hospitals would become targets of guerrilla attack. In March the Constitutional Court ruled that state security forces could not maintain installations (such as police stations) next to schools, so as to not endanger the lives of students in case of guerrilla attack. The Ministry of Defense later announced a proposal to relocate police stations outside of city centers; however, this had not been implemented by year's end. In contrast to the previous year, there were no reports that the State refused medical treatment to guerrillas.

The many paramilitary groups are diverse in their motivations, structure, leadership, and ideology. The 1997 establishment of the United Self-Defense Groups of Colombia as a national umbrella organization was designed both to provide a national structure and to develop a more coherent political culture for the country's local and regional paramilitary groups. The AUC paramilitary umbrella group comprises an estimated 8,000 combatants, who are members of 7 major organizations. The largest of these organizations is the ACCU, which is based in Cordoba department and the Uraba region of Antioquia department. The AUC also has as many as 4,000 of its own combatants. Carlos Castano heads both the AUC and the ACCU. Although illegal, some 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. 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. Elements of political and economic elites in these areas also supported paramilitary groups. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups during the year. AUC leader Carlos Castano admitted publicly 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.

Paramilitary groups used selective killings and systemic massacres to force displacements and punish civilians for perceived ties to the guerrillas (see Section 1.a.). Paramilitary groups also launched several offensive campaigns characterized by a series of massacres linked by time or location.

The Fifth Brigade reported that in March troops of its 13th and 56th Battalions captured 25 suspected AUC members at San Rafael de Lebrija, Santander department. During the operation, the troops captured a significant amount of war material. Also in March, elements of the army's 46th Battalion, based at Tibu, Norte de Santander department, captured another three suspected members of paramilitary groups and killed one. One soldier was killed in the action. In February the National Police and the DAS captured north coast paramilitary chief Adan Rojas Ospino in Barranquilla, Atlantico department. Rojas, a key aid to AUC paramilitary chief Carlos Castano, was sought in connection with a series of massacres dating back to the 1980's, as well as to the 1994 killing of a congressman. On February 24, the DAS also announced the capture of Arnoldo Segundo Meza de la Rosa, the alleged chief of intelligence and finance operations for the paramilitary fronts operating in Sucre and Bolivar departments. Additionally, the DAS announced the capture in Monteria, Cordoba department, of an ACCU paramilitary leader.

Paramilitary groups on occasion used landmines and sometimes forced underage combatants into their ranks. Paramilitary forces failed to respect the injured and medical personnel. For example, in November members of a paramilitary group reportedly killed a patient on an ambulance driving from Tibu to Cucuta, Norte de Santander department, and declared the Tibu hospital a "military objective," causing several support staff to flee. In late October, presumed members of a paramilitary group kidnaped the same hospital's director, who later was found dead. In late September, paramilitary forces in the Uraba region dragged a wounded FARC member from a Red Cross ambulance and shot and killed her. In early October, the FARC stopped a Red Cross ambulance carrying a wounded paramilitary member and killed him. In response, on October 4, the ICRC suspended all assistance to wounded combatants. The ICRC resumed evacuation of wounded combatants in late December.

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. In response to President Pastrana's August 1999 call to all armed groups to obey international humanitarian law (the rules of war), the FARC responded that it would not abide by, and was not bound by, international humanitarian law.

Two main guerrilla armies, the FARC and the ELN, as well as the much smaller EPL and other groups, commanded an estimated total of between 11,000 and 17,000 full-time guerrillas operating in more than 100 semiautonomous groups throughout the country. These groups undertook armed actions in nearly 1,000 of the 1,085 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. Guerrilla groups also were responsible for multiple abuses of religious and medical personnel with protected status and of the wounded. 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).

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. According to the Vice President's office, 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 displaced persons were unable to return to their homes due to the presence of antipersonnel mines. According to press reports, guerrilla bases in the despeje zone are surrounded by landmines. 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. For example, on August 19, two girls aged 13 and 14 years old, were killed when FARC guerrillas threw an explosive device into a hardware store in El Carmen de Bolívar, Bolívar department. In mid-December, a 9-year-old girl died buried in rubble when a gas canister destroyed her home in San Alfonso, Huila department, during a FARC attack. A 15-year-old female guerrilla also was killed in combat during the same attack.

Although the ELN agreed to halt recruitment of children under the terms of the June 1998 Mainz "Heaven's Gate" agreement, both it and the larger FARC regularly forced children into their ranks (see Section 5). 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 this in the press. According to one press report, the Roman Catholic Church documented one case of a 13-year-old girl who was recruited by the guerrillas and used for sex before a nun persuaded them to release her. 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 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 FARC military commander Jorge Briceno Suarez ("Mono Jojoy") admitted that the FARC often had committed serious abuses against civilians and that the FARC made regular use of child combatants.

Guerrilla-paramilitary violence left a string of civilian casualties in the wake of ongoing targeted or massive killings by both sides. For example, in Barrancabermeja paramilitary and guerrilla elements killed 160 persons during the first 6 months of the year, the highest total in 5 years for this area. On December 11, the army's Human Rights Office posted on placards in Bogotá's central square the names of 3,289 civilians, of whom 11,596 persons were killed by paramilitary groups, and 693 persons by guerrillas. The names of more than 200 children were listed.

The FARC staged many attacks against municipalities outside of the despeje, possibly in a de facto effort to expand the demilitarized zone. According to the Ministry of Defense, between January and October, 74 guerrilla attacks on towns left 3,515 civilians dead. On July 12, the FARC attacked four towns in Huila and Tolima departments, destroying police stations, churches, schools, businesses, and homes. Four FARC groups attacked Alpujarra in southern Tolima department, and

Colombia, Timana, and Vegalarga in Huila department. The attacks left 4 civilians dead and more than 15 persons wounded. The FARC attacked Vegalarga again 8 days later. As a result, more than 2,000 persons from Vegalarga, Colombia, Algeciras, and other towns fled to Neiva, capital of Huila department. On July 14, the FARC entered the town of Roncesvalles, Tolima department, and killed 13 policemen. According to press reports, the FARC attacked the mayor's office, various commercial buildings, a dozen homes, and the police station. After the police ran out of ammunition defending the station, they were killed upon surrendering.

Ending its unilaterally declared Christmas truce, on January 12, the FARC attacked four towns in Narino department. The attackers destroyed police stations, town halls, and a water plant. The FARC killed three policemen and one civilian and kidnaped three other civilians. During the course of the attacks, FARC members also stole an ambulance and bombed the Trans-Andean oil pipeline near Ipiales, causing an oil spill. On January 15, approximately 500 guerrillas attacked four different points along the Bogota-Villavicencio highway. In confrontations among the army, the National Police, and the FARC, at least five civilians and five security force members were killed. The army reported that it killed 44 FARC combatants in action. Also on January 15, four National Police stations in southern Bogota were destroyed; one 11-year-old girl was killed by a grenade, and seven other civilians were reported wounded. The National Police suspected that the FARC was responsible for the attacks. According to press reports, in January the ELN kidnaped 15 persons southwest of Cartagena and then reportedly used 8 of its victims as human shields in confrontations with the police and the marines. One 19-year-old woman was killed in the crossfire.

During a January attack on the town of El Castillo, Meta department, indiscriminate FARC use of homemade artillery resulted in the destruction of the town church, hospital, school, town hall, and at least 20 homes. Eight FARC guerrillas, all estimated to be between the ages of 13 and 15, were killed during the attack. Nine civilians were killed, and four civilians were wounded.

On February 4, a car bomb in Puerto Asis, Putumayo department, killed 2 persons and wounded 10 other persons. On March 3, the FARC detonated a car bomb in the town square at Cachipay, Cundinamarca department; 3 civilians were killed and 19 were wounded. On March 30, the FARC detonated another bomb in front of the mayor's office in Cachipay, which killed 3 persons and wounded 20 others. On March 26, the FARC detonated another car bomb in the town square at Girardot, Cundinamarca department, killing 1 policeman and wounding 10 civilians. Many believed that the Girardot bombing was a FARC admonishment to local merchants who were late in making extortion payments. Other FARC car bombings in Cundinamarca department at Soacha (a southern neighborhood of Bogota) on February 24 and at Anapoima on January 16 caused property damage but did not result in any deaths.

During a March FARC artillery attack on the Medellin base of the army's Fourth Brigade, 2 civilians were killed and 18 injured when the FARC's gas cylinder-bombs exploded prematurely in a civilian neighborhood. A total of 45 homes and 2 civilian buildings were destroyed.

On July 29, approximately 400 members of the FARC guerrilla group attacked the town of Arboleda, Caldas department, killing 12 policemen and 4 civilians. The attack lasted for 2 days. Guerrillas detonated explosives in front of town buildings, including the police station and a church. Most of the village was damaged or destroyed.

On August 2, the FARC 14th front killed five hostages with shots to the head and left a sixth person for dead. The survivor, a farmer named Fernando Jimenez Hurtado, had been kidnaped in June in Caqueta department, south of the FARC demilitarized zone, and had been chained for 2 months to another hostage. He was forced to drag the victim's body almost 1 kilometer to the nearest police station. Jimenez Hurtado reported being held with 50 other kidnaped persons under poor conditions.

Antioquia police reported that, on November 18, the FARC killed 6 farmers who were former EPL guerrillas, burned 20 houses, and displaced 30 persons in a rural area of Frontino, west of Medellin. Unconfirmed reports indicated that another five persons may have disappeared.

From late September to early December, the FARC banned all road traffic in the southern department of Putumayo, following an offensive by paramilitary forces in the area of La Hormuga. The guerrillas' ban on road traffic, which was criticized by NGO's and local officials, led to severe shortages in food and medicine despite government efforts to fly in supplies and to secure key roads. The FARC also reportedly restricted the movement of ambulances.

According to the Federation of Colombian Municipalities, paramilitary and guerrilla attacks damaged or destroyed the installations of 64 municipal governments during the year, and paramilitary groups and guerrillas kidnaped 20 mayors and 18 mayoral candidates (see Sections 1.b. and 3).

The FARC committed numerous abuses against civilians in the despeje zone. 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. According to press reports, the FARC has stated publicly 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, destroyed 434 electrical pylons in the period from January 1999 to September 2000, causing massive damage to the country's power industry and increases in electricity rates for consumers. Guerrilla attacks on oil pipelines caused considerable environmental damage.

According to press reports in September, the ELN had held an internal trial of participants in the 1998 Machuca fireball incident in which over 80 persons were killed and 17 were injured as a result of an ELN pipeline bombing. According to the reports, 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. Journalists typically work in an atmosphere of threats and intimidation, primarily from paramilitary groups and guerrillas, which appeared to worsen during the year. Fearing for their safety, journalists often refrain from publishing or broadcasting stories counter to the interest of paramilitary groups, guerrillas, or narcotics traffickers.

In October 1999, the Organization of American States (OAS) Special Rapporteur for Freedom of Expression stated that the "press freedom situation in Colombia is a serious source of concern" and that, in addition to the killings of journalists, "Colombian journalists endure constant threats and intimidation."

The human rights unit of the Prosecutor General's office reported in November that it had 32 open cases involving murders, kidnappings, and threats against journalists. Twelve journalists were killed during the year, although not all of the killings could be attributed directly to the journalists' work.

On September 9, members of a paramilitary group murdered 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 terrorist group. Ten men who identified themselves as members of a paramilitary group seized Restrepo during a community meeting in San Luis de Ibague, Tolima department, and Restrepo was found dead hours later, with paramilitary pamphlets placed on his body.

On November 15, unidentified assailants shot and killed local radio reporter Gustavo Rafael Ruiz Cantillo in the Pivijay municipality marketplace, Magdalena department. Many observers believe that he was killed by paramilitary forces, who reportedly have a strong presence in Pivijay; however, the FARC also are known to operate in the region. An investigation continued at year's end.

On November 30, unidentified assailants killed reporter Guillermo Leon Agudelo in his home in Florencia, Caqueta department. On December 13, two persons on a motorcycle shot and killed Alfredo Abad Lopez, director of the Voice of the Jungle radio station, a Caracol affiliate, as he left his home in Florencia, Caqueta department. The authorities formed a special investigative unit to establish whether the two murders are connected, and the Florencia mayor's office offered a \$10,000 reward for information leading to arrests in these cases.

In May 1999, the Prosecutor General's office created a new subdivision to handle investigations of crimes that targeted journalists. On May 3, investigations also produced arrest warrants against AUC leader Carlos Castano and three other persons who allegedly killed journalists Alberto Sanchez and Luis Alberto Rincon.

In July the Prosecutor General's Human Rights Unit indicted Rodolfo Nelson Rosado Hernandez (alias "El Pichi") and Jorge Eliecer Espinal Velasquez ("El Parce") in the September 1999 murder of newspaper editor Guzman Quintero Torres in Valledupar, Cesar department. The two have been in police custody since September 1999 and are thought to be members of a group of killers working for area paramilitary forces. Quintero's editorials had criticized state forces in the area, and he reportedly had been threatened before his death.

There was also progress in the investigation of murdered journalist Jaime Garzon (see Section 1.a.).

Guerrillas, primarily the ELN, were responsible for the kidnaping of 15 journalists during the year. Guerrillas abducted many of them to bear witness to crimes committed by paramilitary forces or to deliver messages to local authorities. Eleven journalists reported death threats during the year.

In January the FARC kidnaped journalist Guillermo "la Chiva" Cortes; in August security forces rescued him, along with six other hostages.

On May 25, Jineth Bedoya Lima, a reporter for the El Espectador newspaper, was kidnaped and raped over a period of 10 hours while on her way to interview a convicted paramilitary leader at the Modelo prison in Bogota. Two days prior to her kidnaping, El Espectador received threatening letters against her and other journalists. Carlos Castano, leader of the AUC paramilitary organization, denied that the AUC was involved in the kidnaping.

On December 16, the ELN reportedly kidnaped Caracol television journalist Winston Viracacha in Tumaco, Narino department. Viracacha had traveled with his cameraman and an assistant to meet members of the ELN's "Comuneros del Sur" front, who retained Viracacha but released his companions.

Thirteen journalists left the country during the year. In March 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, fled the country after announcing that he was the target of a FARC guerrilla group plot to kill him.

Santos remained in exile at year's end. Also in March, television personality Fernando Gonzalez Pacheco fled the country after receiving threats from the FARC. In June Ignacio Gomez Gomez, a journalist for El Espectador, fled the country after receiving threats against his life.

The Inter-American Press Society opened a rapid action unit office in Bogota to help the Prosecutor General's office investigate crimes against journalists. On August 18, President Pastrana issued a decree establishing a program for the protection of journalists. In October the Minister of Interior announced the inauguration of the program, which is to provide armor for cars, escorts, and transportation. The Government consulted with journalism organizations to identify journalists at special risk but has not had the resources to provide protection. The Ministry of the Interior supported an alerts network organized for journalists by providing a small number of radios and an emergency telephone hot line.

On December 20, a specialized court judge in Neiva, Huila department, absolved contractor Fernando Bermudez Ardila and two other defendants accused of the April 1998 murder of journalist Nelson Carvajal Carvajal; the judge cited weak evidence in the case. Bermudez had been accused of hiring the two other men to kill Carvajal, because Carvajal would not agree to stop negative reporting about a development project built by Bermudez's firm. Prosecutors appealed the decision, and the Supreme Court is expected to rule on the case.

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. Although the press remained generally free, 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.

The FARC restricted the movement of journalists in the despeje through blockades and random identity checks and on at least three occasions stopped El Tiempo trucks and burned all of the newspapers that they carried.

The Government generally respected 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 towards political ends. Both paramilitary groups and guerrillas also regularly targeted public school teachers at the elementary and secondary levels for politically motivated killings.

In August the National University was closed, and its premises were searched after a policeman was killed during a protest. Students held a referendum against violent groups operating on the university campus.

In April schools in Chalan and Ovejas, in Sucre department, were suspended due to death threats against 50 teachers. More than 3,000 students were affected. Threats also were made against teachers in Coloso, Morroa, Tolviejo, San Onofre, Los Palmitos, and San Antonio de Palmito in Sucre department. All of the major guerrilla organizations and the paramilitary groups maintain a presence in the region.

On October 5, Universidad del Atlantico professors Luis Meza Almanza Alfredo Martin Castro Hayder were killed in Barranquilla on October 5 and August 26, respectively. Both were known for leftist views and had been under consideration for rector positions at the University. Castro was reportedly on a death threat list.

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, all were killed in 1999. In December 1999, Professor Eduardo Pizarro Leongomez, director of the political studies and international affairs institute at the National University, was shot twice by unknown attackers; he survived but fled the country. 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 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.

There were large demonstrations on several occasions by citizens throughout the country; the authorities generally did not interfere.

In February police sought to remove an U'wa road block by using tear gas to disperse the crowd; the U'wa claimed that four children were killed in the ensuing panic (see Sections 1.a. and 5). Press reports indicated that only one body was recovered. In April numerous indigenous groups blocked routes, freeways, and city streets throughout the country to demand respect for their life and territory and to support the Embera-Katio and U'wa tribes in their disputes against the Urrea hydroelectric project and Occidental Petroleum respectively (see Section 5). On September 10, thousands of persons across the country, including business leaders, union activists, and ordinary citizens, marched in support of peace and respect for human rights.

The Constitution provides for freedom of association, and the Government respects this right in practice. Any legal organization is free to associate with international groups in its field. Membership in proscribed organizations, such as the FARC, the ELN, the EPL, and the AUC, is a crime.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice. Roman Catholic religious instruction is no longer mandatory in public schools, and a 1994 Constitutional Court decision declared unconstitutional any official government reference to religious characterizations of the country. Although the Catholic Church was separated from the State by the 1991 Constitution, it retains a de facto privileged status. The law on the freedom of religion provides a mechanism for religions to obtain the status of recognized legal entities. Accession to the 1997 public law agreement between the State and non-Roman Catholic religious entities currently is required for any religion that wishes to minister to its adherents via any public institution. Local governments may exempt from taxes religiously affiliated organizations such as schools and libraries; however, in practice, local governments often exempt only organizations that are affiliated with the Roman Catholic Church. 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.

Paramilitary groups sometimes target representatives and members of the Roman Catholic Church and evangelical Christian churches, generally for political reasons.

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 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, kidnaping, and extortion, as well as inhibited the right to free religious expression. For example, according to one evangelical movement, guerrillas regularly attacked rural evangelical Christians and their churches.

According to the Christian Union Movement, the FARC murdered 46 of the movement's affiliated preachers between January 1999 and June 2000. As of June, the FARC had forced the closure of over 300 evangelical churches in Meta, Guajira, Tolima, Vaupes, Guainia, Guaviare, Vichada, Casanare, and Arauca departments. Additionally, the movement claimed that the FARC extorted and, in many cases, forced the closure of rural evangelical schools. Faced with threats by guerrillas or paramilitary forces, many evangelical preachers were forced to refrain from publicly addressing the country's internal conflict.

Guerrillas were suspected of the April massacre of 2 evangelical preachers and 12 church members at Hato Nuevo, Carmen de Bolivar, Bolivar department.

On March 27, unidentified perpetrators killed Roman Catholic priest Hugo Duque Hernandez at Supia, Caldas department.

There were no new developments in the November 1999 killings of Roman Catholic priest Jorge Luis Maza and Spanish aid worker Inigu Egiluz in Choco department; security forces had arrested nine members of a paramilitary group in conjunction with the crime.

The human rights unit of the Prosecutor General's Office reported in November that it had 34 open cases of killings of members of evangelical groups.

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

On April 11, at least three Mormon temples in Cali were bombed. No one was injured in the attacks, which damaged buildings. No one claimed responsibility for the attacks.

Jewish community leaders estimated that as many as 20 percent 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.

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. 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 internally displaced persons. According to CODHES, approximately 317,000 displacements of persons occurred during the year; the vast majority of displaced persons are peasants who have been displaced to cities (see Section 1.g.).

Throughout the year, frequent road blockades erected by paramilitary groups, the FARC, ELN, and peasant farmers inhibited transportation, communication, and commerce throughout the country. Social organizations also resorted to road blockages, some of them prolonged, to protest government actions or policies. Almost every major artery in the country was closed at some point during the year. From late September to early December, the FARC banned all road traffic in the southern state of Putumayo, following an offensive by paramilitary forces in the area of La Hormiga (see Section 1.g.).

Press reports indicate that more than 300,000 citizens emigrated during the last 2 years, due principally to the deteriorating security situation and economic recession.

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. At year's end, 239 refugees had legal asylum status, and 12 applications for asylum were pending.

The Government cooperates with the offices of the UNHCR and other humanitarian organizations in assisting refugees and internally displaced persons. The Government reserves the right to determine eligibility for asylum, based upon its own assessment of the nature of the applicant's suffering. 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, and citizens exercise this right in regularly scheduled elections by secret ballot. 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.

Presidential elections are held every 4 years, with the incumbent barred for life from reelection. 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. 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.

Prior to local elections in October, both paramilitary and guerrilla organizations sought to dissuade some potential candidates from running for office or restrict their ability to campaign. The Colombian Federation of Municipalities reported to the press that armed groups threatened candidates in more than half of the country's 1,085 municipalities. By year's end, the Federation reported 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. For example, on September 23, guerrillas kidnaped the mayor of Samaniego, a Liberal Party candidate for that office, and six other mayoral candidates from this southern town in Narino. On September 9, members of a paramilitary group forced Carlos Restrepo, a leftist activist and publisher who was planning to run for a local office, from a community meeting; his body later was found outside San Luis. However, the October 29 elections were generally peaceful.

In April 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.

There are no legal restrictions, and few practical ones, on the participation of women or minorities in the political process; however, both are underrepresented in official and party positions. In March 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. Before the end of each year, the Government must report to Congress the percentage of women in high-level governmental positions. Voters elected 14 women to the 102-seat Senate and 19 women to the 161-seat House of Representatives in March 1998. At year's end, there were 4 women in the 16-member cabinet--they serve as the Ministers of Health, Culture, Communications, and Foreign Trade. There were no women among the 23 Supreme Court justices, 1 woman among 9 Constitutional Court magistrates, and 3 women out of 13 magistrates of the Superior Judicial Council.

Indigenous people are underrepresented in government and politics. Two Senate seats are reserved for indigenous representatives. In October voters in Cauca elected Floro Tunubala, the country's first indigenous governor. Blacks also are underrepresented in government and politics. In 1996 the Constitutional Court declared unconstitutional a 1993 law that set aside two house seats for citizens of African heritage, although the ruling nonetheless allowed the incumbents to complete their terms in office. There is one black senator, but there are no black members of the Chamber of Representatives.

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. Among the many groups are: The Colombian Catholic Bishops Conference; the Colombian Commission of Jurists; the Intercongregational Commission for Justice and Peace; the Permanent Committee for the Defense of Human Rights; the Center for Investigations and Popular Research; the Advisory Committee for Human Rights and Displacements; the Latin American Institute for Alternative Legal Services; 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 Pais Libre Foundation (focused on the rights of kidnap victims); and the Vida Foundation (focused on the rights of victims of guerrilla violence). Other international humanitarian and human rights organizations in the country that were active include the ICRC (with 16 offices across the country) and Peace Brigades International.

Although the Government generally did not interfere directly with the work of human rights NGO's, many prominent human rights monitors worked under constant fear for their physical safety. There were unconfirmed reports that security forces harassed or threatened human rights groups. In August the Prosecutor General's office opened an investigation against retired Brigadier Generals Millan and Del Rio for bribing witnesses to testify falsely against a leading NGO organizer and a labor leader. Human rights groups were subjected to surveillance, harassing phone calls, graffiti campaigns, and threats by paramilitary, guerrilla, and other unidentified groups. At least four human rights activists had been killed as of October; there were three forced disappearances of human rights activists.

In October Angel Quintero and Claudia Patricia Monsalve, members of ASFADDES (an association for relatives of the disappeared) were kidnaped in Medellin by persons claiming political motives. There has been no news of the victims since October, and no arrests have been made. The authorities continued their investigation at year's end.

In August the Government launched an effort to improve its dialog with NGO's on human rights, the peace process, the Government's comprehensive strategy known as "Plan Colombia," and other issues. In October the Government jointly hosted with an NGO umbrella group an international gathering on these issues which included the participation of the ELN.

NGO's investigated and reported on human rights abuses committed by government forces, various paramilitary groups, and the guerrillas. Many NGO's expressed serious concern over the growing paramilitary and guerrilla violence and the Government's apparent inability to stop either group. In particular, a number of NGO's, as well as governmental human rights officials, were alarmed by the rapid growth of popular support for paramilitary groups, and their increasing political and military power.

The human rights community remained under intense pressure during the year. Human rights monitors were subjected to a systematic campaign of intimidation, harassment, and violence. According to the Colombian Commission of Jurists, five human rights advocates were killed during the year; three human rights workers disappeared. A total of 49 human rights workers have been killed or have disappeared in the past 5 years. 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.

In addition, approximately 35 human rights workers left the country, either temporarily or permanently, for their own safety. For example, in July human rights activists Ivan Cepeda and his wife Claudia Giron left the country after receiving threats against their lives.

The Government, through the Ministry of the Interior and the DAS, allocated approximately \$4.3 million (8 billion pesos) to its 2-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 stated that the protection programs are inadequate to address the crisis, and called for increased efforts to combat impunity.

The new forced disappearance law provides for a maximum penalty of 60 years for cases involving human rights activists (see Section 1.b.).

Armed groups targeted regional ombudsmen. Fourteen regional ombudsmen have been killed since 1998. In July Jose Manuel Bello, the municipal human rights ombudsman in Vigia del Fuerte, Atrato, Antioquia department, reportedly was kidnaped, killed, and dragged into the Atrato River by members of the FARC guerrilla group. In July unidentified, armed men killed Yemil Fernando Hurtado Castano, the human rights ombudsman in Narino municipality, southeastern Antioquia department. The regional ombudsman of Lourdes municipality, Norte de Santander department, was kidnaped and held for 3 days by paramilitary forces. Garcia and two other municipal human rights officials were forced to leave Norte de Santander department due to continued paramilitary threats.

The criminal organization La Terraza publicly admitted to killing at least five human rights advocates and stated that the killings had been ordered by Carlos Castano (see Section 1.a.).

There was no reported progress in the investigation of the September 1999 killing of the Human Rights Ombudsman's representative for San Juan Nepomuceno, Carlos Arturo Pareja, and his assistant.

A preliminary investigation by the Prosecutor's national human rights unit indicated common criminals were responsible for the January 1999 killings of Everardo de Jesus Puerta and Julio Ernesto Gonzalez, both members of the Committee for Solidarity with Political Prisoners (CSPP). The case was referred to the Medellin prosecutor's office for further investigation.

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

On November 22, a Bogota judge convicted two members of a paramilitary group for the 1997 murders of two CINEP workers and one other person. Arrest warrants remained outstanding for Carlos Castano and four other members of paramilitary groups (see Section 1.a.).

Suspected paramilitary leader Libardo Humberto Prada was linked by NGO's to the August 15 murder of peace activist and former mayor Luis Fernando Rincon Lopez in Aguachica, Cesar department. The case remained under investigation at year's end. In April 1999, the human rights unit of the Prosecutor General's office formally indicted Prada and paramilitary Cielo Lobo Ascano in the August 1998 killing in Valledupar of local Redepaz coordinator Amparo Leonor Jiminez.

In February a lower civilian court convicted four Colombian human rights activists arrested by the army in 1997 for allegedly funneling international human rights assistance intended for displaced persons to the ELN guerrilla movement. The court sentenced them each to 5 years' imprisonment.

The Ministry of Defense reported that in the past 5 years, 97,894 security force members received human rights training during the year, including 1,994 human rights trainers. Such training is provided by the ICRC, the Colombian Red Cross, the Roman Catholic Church, elements of the Government and security forces, and foreign governments. 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.

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. Human rights expert Reinaldo Botero was named Director of the presidential program for human rights and international humanitarian law in September. The executive branch's efforts on human rights are supported by the Ministry of Interior, the human rights office of the Ministry of Defense, 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 Attorney 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 the House of Representatives named former Constitutional Court Judge Eduardo Cifuentes Munoz as Human Rights Ombudsman.

The Human Rights Ombudsman's office processed 13,951 complaints in 1999 (the latest year for which figures were available); 8,562 cases (61 percent) were against government entities. Of the 7,272 cases concluded in 1999, the Ombudsman's office obtained favorable or partially favorable conclusions in 2,867, or forty percent. Another 1,436 were referred to the competent authority. The office also provided 40,656 free legal consultations through its corps of more than 1,000 public defenders, many of whom work only part-time.

Early in the year, the Government established a high-level commission to coordinate policy on human rights and international humanitarian law, which is headed by Vice President Gustavo Bell.

In August 1999, the Vice President enunciated the Government's human rights policy; however, some aspects of implementation have been slow to materialize. 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 President Pastrana 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 (see Section 1.e.).

The U.N. High Commissioner for Human Rights and the UNHCR have offices in Bogota. In 1997 the UNHCHR opened a field office in Bogota to observe human rights practices and advise the Government; 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. In March the UNHCR report, which covered 1999, noted that "the continued existence of direct links between some members of the security forces and paramilitary groups, revealed by disciplinary and judicial investigations, is a cause of great concern." The report also noted that in 1999 "in some regions of the country, these links were strengthened and the authorities responsible for penalizing them failed to take decisive action." In April UNHCHR Mary Robinson noted "reports indicating that members of the military forces participate directly in organizing new paramilitary groups and in disseminating threats. The President, other government officials, the UNHCHR, and various NGO's noted increased popular support for paramilitary groups and a polarization of political opinion with concern.

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.

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 1999-2000 report, intrafamilial violence, sexual assault, and 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 spouse and partner abuse throughout the country. In 1999 the Institute for Forensic Medicine reported 62,123 cases of domestic violence, of which 41,528 were conjugal violence, 9,896 were child abuse, and 10,699 were cases of abuse by other family members. 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, ICBF's 530 family ombudsmen handle approximately 1,160 cases per year.

The Institute estimated that 95 percent of all abuse cases are never reported to the authorities and reported 13,703 cases of probable rape during the 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 law also repealed an old law that fully exonerated a rapist if he subsequently offered to marry the victim and she accepted. However, there was little evidence that this legislation was enforced systematically. The reforms to the Penal Code approved in June reduced the maximum sentence for violent sexual assault from 20 to 15 years; the minimum sentence is 8 years. The National Institute for Forensic

Medicine reported 19,859 cases of spousal abuse during the first half of 1999. The overwhelming majority of victims were women. First Lady Nohra Pullana 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.

Sexual harassment is a problem.

Women also faced an increased threat of torture and sexual assault due to the internal conflict (see Section 1.g.).

The forced disappearance law provides for a maximum penalty of 60 years for cases involving pregnant women (see Section 1.b.).

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

The Constitution prohibits any form of discrimination against women and specifically requires the authorities to ensure "adequate and effective participation by women at decisionmaking 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 study by the University of Rosario released during the year 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 in the last decade, 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 the year indicated that the unemployment rate for men was 16.9 percent, while the rate for women was 24.5 percent. According to the March report of the U.N. High Commissioner for Human Rights, women earn 28 percent less than men. 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. In September 1997, the Constitutional Court ruled that pregnant women and mothers of newborn children under 3 months of age could not be fired from their jobs without "just cause." The court ruled that bearing children was not just cause.

On October 25, the Constitutional Court struck down a law that had prohibited pregnant women who are divorced or separated from their partners from remarrying before giving birth. The law also had imposed a 270-day "waiting period" for women who wanted to remarry.

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 related to education, 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.

Despite significant constitutional and legislative commitments for the protection of children's rights, these were implemented only to a minimal degree. The Constitution imposes the obligation on family, society, and the State to assist and protect children, to foster their development, and to assure the full exercise of these rights. The Children's Code sets forth 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 with regard to the code as well as the 1996 and 1997 laws on family violence, which had been drafted particularly to increase legal protection for women and children.

Abuse of children is a problem. The National Institute for Forensic Medicine reported 9,896 cases of child abuse during the year; there were 9,713 reported cases in 1999. According to the March report of the U.N. Commission on Human Rights, 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.

An estimated 25,000 boys and girls under age 18 work in the sex trade. In 1996 legislators passed a law prohibiting sex with minors or the employment of minors for prostitution, and they amended that law in 1997 to provide that conviction for nonviolent sexual abuse of a child under age 14 carries a prison sentence of 4 to 10 years. Conviction for rape of anyone under the age of 12 carries a mandatory sentence of 20 to 40 years in prison. Enforcement of such laws is lax. The ICBF oversees all government child protection and welfare programs and funds nongovernmental and church programs for children.

Trafficking in girls is a problem (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 the public security forces, paramilitary groups, and guerrilla organizations. For example, on August 15, six children were killed and several others injured by members of the army's Fourth Brigade who mistook the children for a guerrilla unit (see Section 1.g.). Ministry of Defense figures indicated that approximately 200 children were killed due to the conflict during the year. At mid-year, UNICEF reported that 460 children had been killed over the past 4 years by various armed groups and that 789 had been kidnaped. 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. The Human Rights Ombudsman's office estimated that only 15 percent of displaced children attend school. In July 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.

Paramilitary groups sometimes impressed children into their ranks, and the use of child soldiers by guerrillas was common. According to press reports, in August members of the FARC killed a school rector in Meta department for criticizing the recruitment of his students. The Government estimates that approximately 6,000 children are engaged as combatants by both paramilitary groups and guerrillas. In May 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. The Roman Catholic Church reported that the FARC lured or forced hundreds of children from the despeje zone into its ranks. It engaged in similar practices in other areas under its control. For example, according to press reports, in June the FARC recruited at least 37 youths, including minors, in the municipality of Puerto Rico in southern Meta department. According to one NGO, in Putumayo the FARC instigated compulsory service of males between the ages of 13 and 15 and was recruiting in high schools. 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. 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. Some 57 child guerrillas were captured or deserted during the year, and 27 children were killed during FARC-military clashes.

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 recruit their children forcibly. On May 4, a woman from Norte de Santander department, with the help of the Colombian military, delivered her 12-year-old son to the ICBF to protect him from the FARC, which was trying to recruit him forcibly.

Children were also among the preferred kidnaping targets of guerrillas (see Section 1.b.). Pais Libre reports that the number of children kidnaped annually has increased in recent years, from 131 in 1998 to 206 in 1999, and as of November 12, 265 children had been kidnaped in 2000. According to one press report, more than 200 children were kidnaped during the year. For example, the FARC kidnaped 9-year-old Clara Oliva Pantoja on March 22 and 3-year-old Andres Felipe Navas on April 7 and held both in the despeje zone. Clara Olivia Pantoja was released in December(see Section 1.b.). In April three armed men kidnaped 9-year-old Dagberto Ospina Ospina from his school bus in southern Cali. No group has been identified or claimed responsibility.

People with Disabilities

The Constitution enumerates the fundamental social, economic, and cultural rights of the physically disabled; however, serious practical impediments exist that prevent the full participation of disabled persons in society. There is no legislation that specifically mandates access for the disabled. According to the Constitutional Court, physically disabled individuals 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 disabled children of its members, regardless of the cost involved.

Indigenous People

There are approximately 80 distinct ethnic groups among the country's more than 800,000 indigenous inhabitants. 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; 25 percent are on reservations, 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 Indians. 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 Indian interests and investigate violations of indigenous rights. Nonetheless, members of indigenous groups suffer discrimination in the sense that 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 report of the U.N. Commission on Human Rights 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 another indigenous community.

According to the National Agrarian Reform Institute (INCORA), 68,245 indigenous families live on designated Indian 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 resources are found on indigenous reservations and claimed territories. Traditional Indian authority boards operate some 519 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 Indian tradition.

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.

INCORA estimated that some 200 indigenous communities had no legal title to land that they claimed as their own. INCORA reported that at mid-year some 488 requests by indigenous communities to establish new reserves remained outstanding. According to INCORA, more than 75 million acres have been recognized legally as Indian lands. It is buying back much of this land, which has been settled by mestizo peasants, and returning it to indigenous groups.

The Constitution provides for a special criminal and civil jurisdiction within Indian 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.

Members of indigenous communities continued to be victims of all sides in the internal conflict, and a number of them were killed. The national Human Rights Ombudsman stated in its 1999-2000 annual report that among the indigenous communities most affected by extrajudicial killings, threats, and regional combat were the Corebaju in Caqueta, the Puinave in Guaviare, the Embera-Katio of Alto Sinu, the Embera-dobida of Choco, the Paez in Cauca, the Emaer-katio in Antioquia, the Guayabero on the Guaviare-Meta border, the Tule in Choco, and the U'wa in Boyaca and Casanare. The Human Rights Ombudsman's office reported 33 killings in indigenous communities in 1999; 22 of these victims were community leaders.

According to press reports, in June members of a paramilitary organization killed Joselito Bailarin, Embera-Katio governor of the community of Canaverales in Murri de Frontino in Antioquia department. On December 25, Embera leader Armando Achito reportedly was killed by paramilitary forces in Jurado municipality, Choco department.

There were no new developments in the 1996 murder of Indians Dagoberto Santero Bacilio, Carlos Arturo Solano Bernal, and Sergio (Manue) in San Antonio de Palmito in Sucre department, allegedly by paramilitary groups.

According to press reports, in early May, the FARC announced that it would execute seven Embera-Katio indigenous leaders in the town square at Frontino in Murri, Antioquia department, as retribution for the May 26 deaths of two indigenous brothers at the hands of paramilitary forces. The FARC believed that the indigenous leaders had laid a trap for the brothers by identifying them as guerrilla collaborators. The FARC stated that the indigenous leaders took too long (8 days) to report the crime. The Indigenous Organization of Antioquia (OIA) attributed the delay to difficulties in communicating from a rural zone to Medellin. The OIA called for a humanitarian commission to protect the leaders; however, on May 24, the FARC killed one of the leaders, a 30-year-old teacher named Hernando de Jesus Bailarin.

Paramilitary and guerrilla groups have been known to force indigenous people, including children, into their ranks. Some guerrilla groups reportedly favored indigenous people as guides and communicators, due to their knowledge of the geography of their historical lands and knowledge of generally unfamiliar languages.

On May 10, approximately 3,000 Kankuama tribe members from the Sierra Nevada of Santa Marta region in Magdalena department were pressured to leave their community by the AUC paramilitary organization. The AUC was fighting the FARC, ELN, and EPL guerrilla organizations in the region. On March 2, indigenous leader Jairo Bedoya Hoyos disappeared. The OIA held the AUC responsible. In an open letter, the AUC stated that it did not have Bedoya in its custody.

U'wa protests against initial drilling by Occidental Petroleum in an area near but not on their reserve continued. The U'wa 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. U'wa repeatedly sought to block road access to the drilling site; in one instance in February, police sought to remove an U'wa road block by using tear gas to disperse the crowd; in an ensuing panic the U'wa claimed that four children were killed (see Sections 1.a. and 2.b.). Press reports indicated that only one body was recovered. Indigenous Senator Jesus Pinacue announced a hunger strike to pressure Occidental Petroleum to leave U'wa land. Indigenous Senator Francisco Rojas Birri and Representatives Leonardo Caicedo and Jhonny Aparicio supported the hunger strike. A 1997 OAS joint study with a university recommended the immediate and unconditional suspension of oil exploration or exploitation activities; clarification of the status of U'wa territories and protected reserves; and the development of a formal process of consultation under the auspices of the Government. The U'wa also had threatened to commit collective suicide if their wishes were not respected. In August 1999, the Government increased the U'wa reserve, from 100,000 acres to 1.25 million acres. The area has estimated oil reserves of up to 1 billion barrels. In August a technical working group including the Ministries of Interior and Environment, as well as an advisor to the U'wa, reported that the Government and Occidental Petroleum are complying with all applicable regulations. The U'wa broke off talks in September, 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. Talks remained suspended at the end of the year.

Beginning in early January, 167 indigenous members of the Embera-Katio tribe occupied the grounds of the Ministry of the Environment in Bogota for 4 months to protest the flooding of their lands by the Urra hydroelectric project. In 1998 the Constitutional Court ruled that the human rights of the Embera had been violated by Urra because it had not consulted the Embera on the project.

Religious Minorities

There is little religious discrimination. The Roman Catholic Church and some evangelical churches reported that some indigenous leaders were intolerant of nontraditional forms of worship.

Three Mormon temples were bombed in April, and members of the Jewish community were victims of abuse (see Section 2.c.).

National/Racial/Ethnic Minorities

According to the Ministry of the Interior, citizens of African heritage live primarily in the Pacific departments of Choco (370,000), Valle del Cauca (1,720,257), Cauca (462,638), and Narino (261,180), as well as along the Caribbean coast. Although estimates vary widely, blacks represent approximately 10 percent of the total population.

Blacks are entitled to all constitutional rights and protections; however, they traditionally have suffered from discrimination. Blacks are underrepresented in the executive branch, judicial branch, and civil service positions, and in military hierarchies. Despite the passage of the African-Colombian law in 1993, little concrete progress was made in expanding public services and private investment in Choco department or other predominantly black regions. The same law also authorized black communities to receive collective titles to some Pacific coast lands. However, black 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 African-Colombians ran as high as 76 percent in some communities. The March report of the U.N. Commission on Human Rights noted that an estimated 80 percent of African-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 recognizes the rights of workers to organize unions and to strike, except for members of the armed forces, police, and those "essential public services" as defined by law. However, legislation that prohibits all public employees from striking is still in effect, although it often is overlooked. In practice violence towards trade unionists and antiunion discrimination are obstacles to joining and engaging in trade union activities. Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Union leaders contend that perpetrators of violence against workers, particularly members of paramilitary groups, operate with virtual impunity.

The 1948 Labor Code (which has been amended repeatedly) provides for automatic recognition of unions that obtain at least 25 signatures from potential members and comply with a simple registration process at the Labor Ministry; however, the International Labor Organization (ILO) has received reports that this process was slow and sometimes took years. The law penalizes interference with freedom of association. It allows unions to determine internal rules freely, elect officials and manage activities, and forbids the dissolution of trade unions by administrative fiat. In 1999 President Pastrana approved Law 584, which limits government interference in a union's right to free association. The law reflects recommendations made by the ILO Direct Contacts Mission and corresponds to international labor legislation. Previous requirements that were repealed under this law include the requirement that in order for a trade union to be registered, the labor inspector must certify that there is no other union. The law also amends the requirement that labor authorities must be present at general assemblies convened to vote on calling a strike (the trade unions now have the choice of having labor authorities present or not). However, the law added the requirement that when there is a request for information from an interested party, Ministry of Labor officials can require trade union leaders or members to provide relevant information on their work, including books, registers, plans, and other documents. The ILO Committee of Experts considers that this amendment is not in conformity with the freedom of association convention since control by an administrative authority should be used only for carrying out investigations when there are reasonable grounds that an offense has been committed.

According to estimates by the Ministry of Labor and various unions, 6 to 7 percent of the work force is organized. According to the Colombian Commission of Jurists, 89 percent of those organized are public sector workers. There are approximately 2,500 registered unions, 87 to 95 percent of which are organized in one of three confederations: The center-left United Workers' Central, with which 45 to 50 percent of unions are affiliated; the Maoist/Social Christian Colombian Democratic Workers' Confederation, 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. Unions and Ministry of Labor officials report that union membership has declined in recent years.

Before staging a legal strike, unions must negotiate directly with management and, if no agreement results, accept mediation. By law, public employees must accept binding arbitration if mediation fails; in practice, public service unions decide by membership vote whether or not to seek arbitration. In early August leaders of some unions called for a 24-hour strike by an estimated 700,000 state workers, including the Syndicated Union of Workers (USO) oil workers, the main public sector employees' union, telecommunications workers, teachers, and health workers, to protest government austerity workers and high unemployment.

Unions, indigenous groups, debtors, students, and others continued to both protest and negotiate with the Government over the latter's inability to confront the country's economic downturn, soaring unemployment, and a Labor Code reform bill which may eliminate several popular worker benefits. On August 3, a general strike organized by various unions, including the

United Workers' Central (CUT) and the General Confederation of Democratic Workers (CGTD), protested economic policies, privatizations, unemployment, new taxes, and social security reforms in Bogota and other cities throughout the country. Union strikers were joined by bank employees and state workers, such as teachers and health employees.

Labor leaders throughout the country continued to be targets of attacks by paramilitary groups, guerrillas, narcotics traffickers, and their own union rivals. Labor leaders and NGO's reported that 105 union members were killed during the year; U.N. officials reported 54 murders of labor leaders during the first 10 months of the year. According to the National Labor School (ENS), approximately 1,500 union members have been murdered since 1991, and unions face widespread societal hostility because they are seen by some observers as "subversive." Trade union leaders allege that 90 percent of victims were killed by paramilitary groups. Other victims were targeted by the FARC for their membership in, or sympathy with, the National Syndicate of Agricultural Industry Workers (Sintrainagro), a union largely composed of demobilized EPL members. Many of the murdered Sintrainagro members had worked in the banana industry in the Uraba region. The ILO Direct Contact Mission preliminary report in March noted that "cases where the instigators and perpetrators of the murders of trade union leaders are identified are practically nonexistent, as is the handing down of guilty verdicts." The ENS also reported that in the last 5 years, 47 unionists have been the victims of forced disappearances, 60 unionists were kidnaped, and 1,573 unionists received death threats. The USO reported that at least 600 trade union leaders were displaced during the first 10 months of the year.

In May 1998, the ILO expressed serious concern over allegations of murders, forced disappearances, death threats, and other acts of violence against trade union officials and members. The ILO documented more than 300 murders of trade union members during 1995-98. The ILO criticized the Government for failing, since November 1996, to provide it with information on a single case of detention, trial, and conviction of anyone responsible for the murder of union officials and members.

In February an ILO Direct Contacts Mission, which had been approved by the ILO Governing Body and accepted by the Government in November 1999, visited the country to examine alleged abuses of workers' rights to life, free association, and collective bargaining. In March the Direct Contacts Mission presented a preliminary report to the Governing Body's committee on freedom of association, which noted that the Government was "making sincere efforts" to address these problems. The report expressed concern over the number of killings, kidnappings, death threats, and other violent assaults on trade union leaders and unionized workers and stated that killings of trade union leaders and unionized workers were a "regular" occurrence.

Government efforts to overcome impunity include the establishment of 25 special human rights investigative subunits, one of which is responsible for cases of human rights violations of trade unionists, and a 49 percent increase in the legal budget for judicial employees. To protect trade unionists from violence, in 1999 the Government developed the Program for the Protection of Human Rights Defenders and Trade Union Leaders. As of November, the program provided protection for 41 trade union premises and protection for 116 leaders and activists. These individuals are provided with bulletproof vests, bodyguards, and in some cases vehicles. Trade unionists complain that these measures are insufficient to protect adequately the large number of trade unionists who are threatened, and continue to press for more efforts to break the impunity with which most of these acts are committed.

The ILO's recommendations included an urgent and global 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. After a contentious debate at the June International Labor Conference, the Government and worker delegations agreed to a compromise offered by the ILO Director General Juan Somavia: the establishment of an ILO office in Bogota to be headed by his personal representative. Rafael Albuquerque was appointed ILO Special Representative to Colombia and began work in October. In November Albuquerque reported to the ILO Governing Body that the situation continues to be grave; the Special Representative's next report is expected in March 2001.

On May 4, Javier Suarez, the leader of a truck drivers' union, was shot and killed near his home in Buenaventura. Union leaders suspected that paramilitary groups were responsible.

In early August, Carmen Emilio Sanchez Coronel, a trade unionist with the teacher's union in Norte de Santander department, was killed along with seven other trade unionists at a paramilitary roadblock. The CUT also blamed paramilitary forces for the August 2 death of Antioquia union worker Luis Rodrigo Restrepo. The CUT alleged that paramilitary groups were targeting its rank and file members as well as union leaders.

On December 15, five men seriously wounded Wilson Borja, president of public employees' union FENALTRASE, when they fired on his car at a stoplight in an apparent attempt to kill him. The attackers killed a 30-year-old female street vendor and wounded one of Borja's two bodyguards. Paramilitary leader Carlos Castano publicly admitted ordering the attack and claimed that he meant to "detain" Borja. Most observers connected the attempt, which followed press reports of progress toward establishing an ELN "encounter zone," with Borja's role in facilitating the ELN peace process. Police detained one suspected gunman and a possible paramilitary accomplice within days of the attack.

Prosecutors have outstanding warrants for the arrest of paramilitary members Temilda Rosa Martinez and Eduardo Manrique Morales in the February 1999 killing of 72-year-old Julio Alfonso Poveda, a CUT founder.

In December the Prosecutor General's office arraigned three hired killers alleged to have murdered CUT vice president Jorge Ortega in 1998.

There were no leads in the August 1999 bomb incidents at both the Sincelejo, Sucre department offices of the Association of Rural Land Users (which was destroyed by a bomb) and at 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 3 years.

The Government still has not addressed a number of ILO criticisms of the Labor Code. In 1993 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 office must belong to the occupation 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 expired 1995 collective work convention between Ecopetrol and the USO was replaced by a new agreement in May 1999. USO leadership remained in open conflict with the Government on many issues. USO leaders reported that its members in the oil-producing Magdalena Medio region continued to receive death threats from presumed paramilitary groups, who have accused USO officials of working with the ELN guerrillas waging a sabotage campaign against the country's oil pipelines.

Unions are free to join international confederations without government restrictions.

b. The Right to Organize and Bargain Collectively

The Constitution protects the right of workers to organize and engage in collective bargaining. Workers in larger firms and public services have been most successful in organizing, but these unionized workers represent only a small portion of the economically active population. High unemployment, traditional antiunion attitudes, a large informal economic sector, and

weak union organization and leadership limit workers' bargaining power in all sectors. The requirement that trade unions must cover the 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 occurred frequently. Government labor inspectors theoretically enforce these provisions, but because there are 271 labor inspectors to cover 1,085 municipalities and more than 300,000 companies, the inspection apparatus is weak. Furthermore, labor inspectors often lacked basic equipment, such as vehicles. Guerrillas sometimes deterred labor inspectors from performing their duties by declaring them military targets.

The Labor Code calls for fines to be levied for restricting freedom of association and prohibits the use of strike breakers.

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 to the country's 15 free trade zones (FTZ's), but its standards often were not enforced in the 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. Labor unions do not exist in any of the zones.

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 were trafficked for the purpose of forced prostitution (see Section 6.f.).

Paramilitary forces and guerrilla groups forcibly conscripted indigenous people (see Section 5). There were some reports that the guerrillas used forced labor to build clandestine roads.

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 Section 1.g.), to work as prostitutes (see Section 5), or in some instances as coca pickers.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

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 youths under the age of 18; however, child labor is 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 stipulated exceptional conditions and the express authorization of Labor Ministry inspectors for the employment of children between the ages of 12 and 17 years. Children under age 14 are prohibited from working, with the exception that those between the ages of 12 and 14 may perform very light work with the permission of their parents and appropriate labor

authorities. All child workers (anyone under the age of 18) must receive the national minimum wage for the hours they work. Children between the ages of 12 and 14 can work a maximum of 4 hours a day; children between the ages of 14 and 16 can work a maximum of 6 hours a day; and children between the ages of 16 and 18 can work a maximum of 8 hours a day. All child workers are prohibited from working at night, or performing work in which there is a risk of bodily harm or exposure to excessive heat, cold, or noise. A number of specific occupations are prohibited for children as well, such as mining and construction. However, these requirements largely are ignored in practice, and only 5 percent of those children who work have filed for the required work permits. By allowing children between the ages of 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 by the military, which ensures compliance with mandatory service requirements. However, in the informal labor sector and in rural areas, child labor continues to be a problem, particularly in agriculture and mining. Children as young as 11 years of age work full-time in almost every aspect of the cut flower industry as a way to supplement family income. 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 their 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. In August 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 age 14 was induced or lured into prostitution.

A Catholic Church study conducted in May 1999 reported that approximately 2.7 million children work, including approximately 700,000 who worked as coca pickers. This represented a sharp increase from 1992, when according to a 1997 study by Los Andes University, approximately 1.6 million children (between the ages of 12 and 17) worked. One observer noted that the recent economic downturn might increase the number of children working, especially in rural areas. Child participation in agricultural work soared at harvest times. According to the Ministry of Labor, working children between the ages of 7 and 15 earned on average between 13 and 47 percent of the minimum wage. An estimated 26 percent of working children had regular access to health care; approximately 25 percent were employed in potentially dangerous activities. The ICBF estimated that paramilitary and guerrilla groups employed 6,000 children as combatants (see Section 5). School attendance by working children was significantly lower than for nonworking children, especially in rural areas. The health services of the social security system cover only 10 percent of child laborers. A 1996 study by the national Human Rights Ombudsman of child labor in Putumayo department found that 22 percent of the 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 33 departments responsible for certifying and conducting repeat inspections of workplaces that employ children; however, this system has few resources and covered only the 20 percent of the child work force employed in the formal sector of the economy. In 1995 the Government established a National Committee for the Eradication of Child Labor, made up of 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. Under the Action Plan, the Government distributed funds during the year to member organizations of the committee for child labor eradication projects. The Government also obtained commitments from the country's leading trade associations and unions to implement child labor eradication programs with the jointly ILO's IPEC program, these programs were in the preparatory stages at year's end. During the year, 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. It has also designed a project, for which it is seeking funding, to collect more reliable national data on child labor.

The Government is taking steps to incorporate into national law, ILO Convention 182 concerning the prohibition of and immediate action for the elimination of the worst forms of child labor.

The Government prohibits forced and bonded labor by children; however, it is unable to enforce this prohibition effectively, and trafficking in girls for the purpose of forced prostitution and the forced recruitment of child soldiers are problems (see Sections 1.f., 1.g., 6.c., 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 \$150 (322,500 pesos) throughout the year. 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 recent years. A total of 70 percent of all workers earn wages that are insufficient to cover the costs of the Government's estimated low-income family shopping basket. However, 77 percent of all workers earn no more than, and often much less 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 specifically 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 difficult to enforce, in part due to 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 53,408 work-related accidents during the year, which resulted in 417 deaths. There were 243 cases of work-related illness. The industries most prone to worker accidents were mining, construction, and transportation.

According to the Labor Code, workers have the right to withdraw from a hazardous work situation without jeopardizing continued employment. However, unorganized workers in the informal sector fear the loss of their jobs if they exercise their right to criticize abuses, particularly in the agricultural sector.

f. Trafficking in Persons

There are no laws that specifically address trafficking in persons, and the country is a source for trafficking in women and girls to Europe, the United States, and Asia. In June Congress approved a new Criminal Code, which provides for a prison term of 6 to 8 years and a fine up to the equivalent of 100 times the minimum legal monthly salary for any person who "promotes, induces, compels, facilitates, collaborates, or in any other way participates in the entry or exit of people into or from the country without complying with all legal requisites." While intended to combat alien smuggling in general, the law could be used to prosecute traffickers as well. The law is scheduled to enter into effect in January 2001.

A government committee composed of representatives of the Ministry of Foreign Affairs, Interpol, the DAS, the Ministry of Justice, the Attorney General's office, the Prosecutor General's office, and the presidency meets once every 2 months to discuss trafficking in persons. In November the Ministry of Justice, the Organization for International Migration, and NGO Hope Foundation held the first national conference on trafficking in persons.

The DAS reported at that conference that Colombia is the third most common country of origin of trafficking victims, and that the majority of Colombian women trafficked for prostitution go to the Netherlands, Spain, Japan, Singapore, and Hong Kong. The Organization for Security and Cooperation in Europe issued a report on trafficking in persons in September 1999, which 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. According to the DAS, 126 Colombian trafficking victims have been rescued abroad by Interpol during 1998-2000, and 115 victims were rescued by the National Police during 1999-2000. According to police, the majority of international trafficking operations are managed by Colombians and have ties to narcotics trafficking.

First Lady Nohra Pastrana, in conjunction with the Foreign Affairs Ministry and Interpol, participated in a public relations campaign to alert citizens, in particular women, to the risks of immigrating illegally to other countries.

On June 23, a Colombian woman trafficked to Denmark was granted asylum in Denmark after testifying against Colombian and Danish traffickers. In August police in Andalucia, Spain, detained 51 persons and broke up a ring that trafficked women from Brazil, Colombia, and Ecuador for purposes of prostitution.

[End.]

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