



Fellowship of Reconciliation

Task Force on Latin America and the Caribbean
2017 Mission St. #305, San Francisco, CA 94110 Tel: (415) 495-6334
E-mail: forcolombia@igc.org Web: <http://www.forusa.org>

Colombian Army and Intelligence Agency: Recent Problems

In the last six months, Colombia's armed forces and intelligence agency have evidenced a slew of major scandals, abuses and policy failures, largely unexplored in Administration and media reports. These include a massacre by the army of top anti-drug police; terrorist infiltration of the Colombian intelligence agency; documented torture of army cadets; extrajudicial killings; use of Blackhawk helicopters to attack unarmed indigenous protesters; and responding to expressions of concern by dozens of Members of Congress with public relations instead of action.

Taken together, these events demonstrate the urgent imperative to fundamentally reconsider the United States' relationship with the Colombian Armed Forces. Here is brief review.

1. ARMY MASSACRE OF AN ELITE US-TRAINED ANTI-DRUG POLICE UNIT

On May 22, soldiers of the Army's Third Brigade killed ten members of Colombia's most elite police unit against narco-trafficking, trained by the DEA, in what evidence shows was a premeditated ambush. The police unit members who were killed had captured 205 drug traffickers, 23 of whom had been sent to the United States for trial. Armed Forces chief Mario Montoya initially called the killings a case of friendly fire. On June 1, two officers and six soldiers were arrested for the massacre. Colombian Attorney General Mario Iguarán said in announcing the arrests: "It was not a mistake. It was an ambush planned as a favor to the drug traffickers." The army officers apparently were working for the mafia.

The army officer at the center of the operation, Alta Montaña Battalion chief Colonel Bayron Carvajal, had a history of abuses, according to the weekly *Semana*. Last June, men under his command killed 15 people said to be members of the guerrillas. They turned out to be peasant civilians. Three months later, his men attacked a police patrol that was investigating a gasoline theft ring. Two policemen died and three were wounded. On March 28 of this year, his battalion presented as supposed guerrillas four men who turned out, again, to be peasant civilians.

The Colombian army and civilian government had ample opportunity to remove Carvajal from his position. The cost of not doing so was the lives of the country's top anti-drug police.

2. TERRORIST INFILTRATION AT TOP OF COLOMBIAN INTELLIGENCE AGENCY

The Colombian equivalent to the FBI and immigration service, the Administrative Department of Security (DAS), faces charges that its chief and others collaborated for years with terrorist paramilitary groups operating in the Colombian Caribbean region.

The revelations originated from interviews with several former DAS officials published by the widely respected magazine *Semana* and *Herald Tribune*. According to one such official, Rafael García, former DAS chief Jorge Noguera maintained close links with paramilitary capos operating the Caribbean region, including a commander known as Jorge 40. Garcia said Noguera gave Jorge 40 a 10% commission of DAS contracts and lent him a bullet-proof SUV equipped with electronics that allowed him to pass through police and military checkpoints. Most chilling is the accusation that DAS gave paramilitary groups a list of labor leaders and leftist intellectuals, several of whom were later assassinated by paramilitary squads. Shortly after the killings, families of the victims accused DAS of participation in the murders.

Also prominent among the accusations is the charge that DAS facilitated a fraud in the 2002 elections that gave President Uribe 300,000 votes in the Caribbean region and secured the victory of Uribe supporters associated with paramilitaries into the Congress. DAS is also said to have been involved in a plot to assassinate several Venezuelan officials, in an attempt to destabilize the government there. Noguera was Uribe's campaign manager for the Caribbean province of Magdalena and was later appointed head of DAS.

President Uribe reacted angrily to media questions regarding the scandal, stating in a radio interview: "I'm not going to allow to stand accusations that the government assassinated labor leaders or was implicated in a conspiracy against Venezuela." After the initial revelations of DAS infiltration by paramilitaries last year, Uribe appointed Noguera to be Colombian Consul in Milan, Italy, instead of initiating a criminal investigation.

The US equivalent would be if FBI director Mueller were publicly charged by other FBI officers with erasing the criminal investigative files of key members of Al Qaeda, of getting its sleeper cell members into flight school, and of delivering electoral fraud on behalf of terrorist groups.

3. USE OF US HELICOPTERS TO ATTACK UNARMED INDIGENOUS SUMMIT

Under the name "National Traveling Summit of Social Organizations," more than 15,000 indigenous men, woman and children gathered May 15 in the provinces of Cauca and Nariño. They urged the government to hold a referendum on whether Colombia should ratify the recently negotiated Free Trade Agreement with the US. They also demanded the government fulfill past agreements it has signed to transfer titles of indigenous ancestral lands.

During the summit's first day, army and police units tried to prevent an indigenous group from reaching a key venue for the summit. State forces responded with disproportionate force to indigenous people demonstrating on the Pan American highway, killing a member of the indigenous guard (a nonviolent group whose members carry a staff to denote their authority), an elderly woman and a girl. The indigenous health center and community room were burned to ashes, the community store looted, and the radio station destroyed. The Association of Indigenous Councils of Northern Cauca reported incidents of sexual assault on indigenous women by members of the public forces, including the use of tear gas in one reported assault.

Less than sixty miles to the south, also on the Pan American Highway, in the town of Remolinos (province of Nariño), peasants from several villages assembled to protest aerial herbicide spraying that is part of US-Colombia drug eradication policy. There, too, Colombian army and police met civilians by firing and deploying unknown gases from Blackhawk helicopters. These attacks left dozens wounded.

Indiscriminate use of force with Blackhawk helicopters also targeted Nariño Ombudsman Carlos Maya, who was leading a humanitarian commission to the protest site. Maya harshly criticized the army and police attack. In a radio interview, he denounced "the aggression [and] excessive use of police and military force against civilians. Certainly, the ombudsman's office and the commission were exceptional witnesses to the outrageous aggressions against poor farmers who were gathered in Remolinos from different towns." Blackhawk helicopters have been a key component of US military aid to Colombia.

4. OVER 100 EXTRAJUDICIAL KILLINGS BY MEDELLÍN ARMY BRIGADE

Earlier this year, the office of the United Nations High Commissioner for Human Rights issued a report on Colombia that cited summary executions by the army, particularly in Antioquia state, as among the most serious human rights violations occurring there. The lawyers organization

Judicial Liberty Corporation (CJL) on May 16 published a statement citing the involvement of members of the Colombian military's 4th Brigade in the extrajudicial execution of more than 100 people in eastern Antioquia, two hours from the city of Medellin.

CJL reports that members of the 4th Brigade took the victims from their homes or at checkpoints in the region, dressed them in fatigues, sometimes gave them "weapons" and then executed them. Their bodies were then moved to a different part of the region to prevent family members from claiming the body or questioning the military's version of events. These bodies were then presented by the military as members of the illegal guerrilla groups killed in combat.

Because the bodies were moved from the execution site and relocated, it has thwarted a proper forensic investigation and collection of vital technical evidence relating to how these killings took place. CJL claims that some of the state officials responsible for carrying out forensic work on these bodies have been pressured by the military not to uncover any information that might point to the existence of an extrajudicial killing.

5. TORTURE OF COLOMBIAN SOLDIERS BY THEIR SUPERIORS

In February, the weekly news magazine *Semana* carried graphic photographs and testimonies of 21 soldiers from the Army's 6th Brigade who were beaten with fists, sticks and machetes, branded on their faces and arms with red hot poker, forced to eat animal excrement, and raped by army officers during a January survival training exercise. The rookie soldiers were between 18 and 24 years old and from poor families. A doctor who examined the soldiers said, "In this profession you see many things that are hard, but I have never seen anything like this."

As former Bogotá mayor Antonas Mockus said, the question is what lesson the armed forces drew from the episode. Colonel Rubén Hernández Mosquera, then commander of the Patriot Battalion (and later dismissed), where the abuses took place, said "all our generals have gone through this. That's how we are trained." President Uribe dismissed the chief of the Armed Forces for not informing him directly of the events, but not – according to his public statements - for his responsibility in ensuring that Colombian soldiers are not tortured. The commander of the Division in which the torture took place remained in his post.

It is not known whether the 6th Brigade receives direct US assistance. But like all Colombian army brigades, the brigade has benefited from the institutional support the Colombian military receives.

6. OFFICIAL US CONCERN ON ARMY KILLINGS IN PEACE COMMUNITY MET WITH PUBLIC RELATIONS, NOT ACTION

On February 28, 2006, the Colombian Ministry of Defense issued a directive that outlined a training program specifically for the Colombian Army's 17th Brigade, the subject of many and serious reports of violations of human rights and international humanitarian law, including massacres and killings of many members of the Peace Community of San José de Apartadó. On March 1, 59 Members of Congress wrote to Secretary of State Condoleezza Rice to urge that she refrain from certifying compliance by Colombia of human rights conditions required for the release of a portion of US military assistance, until the leadership of the 17th Brigade is replaced, investigations into massacres and other violations in the Peace Community of San José de Apartadó make substantial progress, and the Brigade's conduct changes. The State Department's response to the Dear Colleague letter cited centrally the February 28 Directive as part of a list of actions taken, presumably in response to expressions of concern by US officials.

However, the stated objectives of the Directive indicate that the plan is more of a public relations

strategy than a program for genuinely abiding by international law or respecting the civilian population living in the Peace Community. The very first item listed in the content of the training for 17th Brigade soldiers is to “guarantee the timely documentation on these issues [human rights] and counteract the harmful effects of disinformation that may be presented regarding the conduct of troops in the area.” In other words, the training focuses on propaganda as its first point, and implies that reports of abuses by soldiers are “disinformation.”

The military’s strategy explicitly aims to measure the political impact of reports of violations by 17th Brigade soldiers. The goal of the legal advisor to be assigned to the brigade is to “armor operations in the face of questioning in the legal and political spheres.” A liaison with non-governmental organizations working in the area will be a military intelligence officer who aims to “prevent manipulation of information and ensure feedback on information.”

The brigade’s Internal Discipline unit will seek to “rescue the image of internal disciplinary jurisdiction,” in other words, to restore military justice, apparently even in cases where military or police personnel abuse civilians in acts unrelated to their service, which should be tried in civilian courts. The directive reinforces the habit of the Colombian military of getting involved in human rights investigations. By urging the Army’s Inspector General and the military judicial system to study criminal and disciplinary investigations attributed to the 17th Brigade, the directive appears to urge the military to become more involved in criminal cases involving human rights violations. This is contrary to what Colombian law (and US human rights conditions) require.

Except for non-specific references to peace communities and the rights of minorities, nowhere does the document address the content of human rights or international humanitarian law training - for example, the importance of distinguishing between civilians and combatants.

There are other indicators of the military’s lack of political will, all the more remarkable, given that the directive was issued after considerable political pressure has been exerted. For example, in the very first implementation of training in April 2006, no officers or soldiers were present from the two battalions that are the most frequent reported purveyors of abuses in San José, though they were two of the three battalions slated to undergo the training at that time.

The training of 17th Brigade soldiers and officers in human rights, international humanitarian law, peace communities and the rights of displaced persons is being coordinated and for the most part carried out by the military itself, instead of by an independent civilian agency with a recognized track record in human rights.

DOESN’T US LEGISLATION ALREADY ADDRESS HUMAN RIGHTS ABUSES?

The Foreign Operations Appropriations bill each year since 2000 has contained provisions to withhold a portion – 25% - of assistance to the Colombian military until the Secretary of State has certified that the Colombian government has complied with several human rights conditions, including investigation of abuses by the Public Forces and severing ties with paramilitary organizations. And these provisions are maintained in the FY2007 appropriations bill at hand.

But in spite of all the events described here, the State Department announced its certification of human rights conditions on May 30, the first working day after President Uribe’s electoral victory. In short, events that should call into question the basic US relationship with the Colombian public forces are not causing even existing mechanisms to be put into effect. It is time for Congress to change that.

For a full list of sources of information in this brief, contact the Fellowship of Reconciliation.