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Current Class: UNCLASSIFIED
Current Handling: NOFORN
Document Number: 1997BOGOTA10585

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STATE FOR ARA/AND, ARA/PPCP, DRL/CRT

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E.O. 12958: N/A
TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT

REF: STATE 133677

1. SENSITIVE BUT UNCLASSIFIED - NOFORN -- ENTIRE TEXT.
2. FOLLOWING IS THE 1997 COUNTRY HUMAN RIGHTS REPORT FOR COLOMBIA.
3. (BEGIN TEXT:)

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COLOMBIA IS A CONSTITUTIONAL, MULTIPARTY DEMOCRACY OF 40 MILLION PERSONS, IN WHICH THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG DOMINATED POLITICS. SUBSTANTIAL, CREDIBLE PUBLIC EVIDENCE THAT LIBERAL PRESIDENT ERNESTO SAMPER PERSONALLY SOUGHT OUT AND ACCEPTED AN ILLEGAL \$6 MILLION DOLLAR CONTRIBUTION FROM THE CALI-BASED NARCOTICS TRAFFICKING CARTEL DURING HIS 1994 ELECTORAL CAMPAIGN SEVERELY WEAKENED HIS ADMINISTRATION. THE ENDURING CRISIS DRAMATICALLY DIMINISHED THE PRESIDENT'S MORAL AUTHORITY

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UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: DONALD A. JOHNSTON
DATE/CASE ID: 25 SEP 2001 200100684

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AND POLITICAL ABILITY TO GOVERN WHILE FURTHERING THE PUBLIC'S LACK OF FAITH IN THE NATION'S POLITICAL CLASSES AND GOVERNING INSTITUTIONS.

THE CIVIL JUDICIARY IS LARGELY INDEPENDENT OF GOVERNMENT INFLUENCE, ALTHOUGH THE SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES AND PROSECUTORS BY THOSE INDICTED OR INVOLVED IS COMMON. THE SEPARATE MILITARY JUDICIAL SYSTEM, LONG ACCOUNTABLE ONLY TO THE UNIFORMED MILITARY LEADERSHIP, WAS DIRECTED BY THE CONSTITUTIONAL COURT IN AUGUST TO RELINQUISH TO THE CIVILIAN JUDICIARY THE INVESTIGATION AND PROSECUTION OF ALLEGATIONS OF HUMAN RIGHTS ABUSES COMMITTED BY POLICE AND MILITARY PERSONNEL.

THE ABILITY OF THE CENTRAL STATE TO GOVERN THE NATION IS INCREASINGLY CHALLENGED. WIDESPREAD INTERNAL ARMED CONFLICT AND RAMPANT VIOLENCE -- BOTH CRIMINAL AND POLITICAL -- INCREASINGLY BESET BOTH THE GOVERNMENT AND SOCIETY. ALMOST TWICE AS MANY PEOPLE DIED IN POLITICAL VIOLENCE "OUTSIDE OF COMBAT" AS DIED IN FORMAL COMBAT BETWEEN THE PUBLIC SECURITY FORCES AND ARMED OPPOSITION GROUPS. THE NATIONAL POLICE PLACED THE NUMBER OF GUERRILLAS KILLED IN COMBAT IN 1996 AT 770, WITH 573 MILITARY AND POLICE KILLED. AN ESTIMATED 3500 PERSONS WERE KILLED IN

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POLITICAL VIOLENCE IN 1997 -- BARELY 11 PERCENT OF THE ESTIMATED 30,000 PERSONS MURDERED IN 1997 IN COLOMBIA, FOR A NATIONAL MURDER RATE EQUIVALENT TO TEN TIMES THE UNITED STATES' OWN ALARMINGLY HIGH MURDER RATE (WHERE 19,645 PERSONS WERE MURDERED IN 1996).

AN ESTIMATED 10-15,000 (NOTE: EXACT NUMBER UNKNOWN; TO BE UPDATED BY POST. END NOTE.) FULL-TIME GUERRILLAS, BELONGING TO THREE DISTINCT COMMUNIST REBEL ARMIES (THE FARC, THE ELN AND THE EPL) REPRESENTED A GROWING CHALLENGE TO GOVERNMENT SECURITY FORCES. THE GOVERNMENT FORCES, FACING MORE THAN 100 SEPARATE GUERRILLA FRONTS SPREAD ACROSS THE NATION THE SIZE OF TEXAS AND OKLAHOMA COMBINED AND DOMINATED BY INHOSPITABLE TERRAIN, HAVE BEEN FORCED INTO AN ESSENTIALLY DEFENSIVE POSTURE AND RARELY INITIATE MILITARY ACTIONS. ACCORDING TO GOVERNMENTAL FIGURES, THE GUERRILLAS EXERCISED A SIGNIFICANT DEGREE OF PERMANENT INFLUENCE IN AT LEAST 57 PERCENT OF THE COUNTRY'S 1071 MUNICIPALITIES. THE INCREASINGLY AGGRESSIVE GUERRILLA GROUPS DEMONSTRATED NO SERIOUS INTEREST IN -- INDEED, HAD NO INCENTIVE FOR PURSUING -- PEACE TALKS WITH THE DISCREDITED AND DEBILITATED GOVERNMENT. SOME GUERRILLA FRONTS CONTINUED TO COLLABORATE WITH NARCOTIC TRAFFICKERS, ESPECIALLY IN RURAL REGIONS IN THE SOUTHERN AND

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EASTERN PARTS OF THE COUNTRY. SUCH CRIMINAL ACTIVITIES PRODUCED REVENUES ESTIMATED IN THE HUNDREDS OF MILLIONS OF DOLLARS ANNUALLY FOR THE GUERRILLA GROUPS.

MEANWHILE, A DIVERSE COLLECTION OF REGIONAL-BASED PARAMILITARY FORCES (DEFINED THROUGHOUT THIS REPORT AS "DESIGNATING OR OF A PRIVATE, OFTEN SECRET, QUASI-MILITARY ORGANIZATION") ASSUMED A DOMINANT ROLE IN THE INTERNAL CONFLICT, GREATLY EXPANDING THEIR POLITICAL AND MILITARY INFLUENCE INTO A NUMBER OF GEOGRAPHIC

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AREAS PREVIOUSLY DOMINATED BY THE GUERRILLAS. SOME INDIVIDUALS AND ELEMENTS OF THE MILITARY HAVE PURSUED AN DE FACTO POLICY OF TACIT COLLABORATION, IF NOT ACTIVE COOPERATION, WITH ILLEGAL PARAMILITARY GROUPS IN CERTAIN PARTS OF THE COUNTRY. EVIDENCE OF SUCH PRACTICES INCLUDE THE RELATIVE ABSENCE OF SERIOUS CONFRONTATIONS BETWEEN THE MILITARY AND PARAMILITARY FORCES, CRIMINAL CONVICTIONS, AND THE TESTIMONIES PROVIDED BY MILITARY PERSONNEL OR PARAMILITARIES. THAT SAID, MANY PARAMILITARY GROUPS HAVE FAR STRONGER TIES TO REGIONAL OR LOCAL POLITICAL AND ECONOMIC ELITES -- INCLUDING NARCOTICS TRAFFICKING ORGANIZATIONS -- THAN THEY DO TO THE MILITARY. IT IS FURTHERMORE APPARENT THAT THE CIVILIAN GOVERNMENT OF PRESIDENT SAMPER IS NO MORE CAPABLE OF PREVENTING SUCH ACTIVITIES THAN IT IS ABLE TO NEGOTIATE PEACE WITH THE INSURGENCIAS OR OTHERWISE REDUCE THE NATION'S SPIRALING VIOLENCE.

THE CIVILIAN-LED MINISTRY OF DEFENSE IS RESPONSIBLE FOR INTERNAL SECURITY AND OVERSEES BOTH THE ARMED FORCES AND THE NATIONAL POLICE, ALTHOUGH CIVILIAN MANAGEMENT OF THE SECURITY FORCES IS LIMITED. THE SEPARATE DEPARTMENT OF ADMINISTRATIVE SECURITY (DAS), WITH BROAD INTELLIGENCE GATHERING, LAW ENFORCEMENT, AND INVESTIGATIVE AUTHORITY, REPORTS DIRECTLY TO THE PRESIDENT. THE

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ARMED FORCES AND THE POLICE COMMITTED NUMEROUS, SERIOUS VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, ALTHOUGH DRAMATICALLY FEWER THAN IN YEARS PAST. THE PARAMILITARY GROUPS HAVE INCREASINGLY TAKEN THE OFFENSIVE AND BORNE MOST OF THE BURDEN IN ROLLING BACK THE GUERRILLAS. OFTEN BY PERPETRATING TARGETED ASSASSINATIONS, MASSACRES AND FORCED DISPLACEMENTS OF THE GUERRILLAS' PERCEIVED OR ALLEGED CIVILIAN SUPPORT BASE.

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THE SAMPER ADMINISTRATION TOOK NO SIGNIFICANT ACTIONS TO RESTRAIN THE INCREASINGLY POWERFUL PARAMILITARY GROUPS, NOR TO CURB THE HEIGHTENED NUMBER OF ABUSES COMMITTED BY THEM. EVEN IN AREAS WHERE THEY HAD HEAVY INFLUENCE, THE ARMED FORCES SELDOM RESTRAINED PARAMILITARY ACTIVITY AND ABUSES. THE GOVERNMENT'S NATIONAL HUMAN RIGHTS OMBUDSMAN ARGUED THAT THE GOVERNMENT-SPONSORED, BUT ESSENTIALLY UNCONTROLLED, RURAL SELF-DEFENSE GROUPS KNOWN AS "CONVIVIR" DIRECTLY INVOLVED THE CITIZENS IN THE ARMED CONFLICT, THUS STRIPPING THEM OF THEIR PROTECTED STATUS UNDER INTERNATIONAL HUMANITARIAN LAW AND CONVERTING THEM INTO LEGITIMATE TARGETS OF GUERRILLA ATTACK. MANY OTHERS ARGUED JUST AS FORCEFULLY, HOWEVER, THAT THE CIVILIAN POPULACE COULD NOT BE DENIED THE FUNDAMENTAL RIGHT TO SELF-DEFENSE. (TO BE UPDATED: THE CONSTITUTIONAL COURT RULED DECEMBER X THAT THE CONVIVIR WERE A/N UN/CONSTITUTIONAL MECHANISM FOR CONFRONTING GUERRILLA VIOLENCE.)

COLOMBIA HAS A MIXED PRIVATE AND PUBLIC SECTOR ECONOMY. THE GOVERNMENT HAS CONTINUED TO PRIVATIZE INSTITUTIONS, ALTHOUGH AT A

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SLOWER RATE THAN THE PEAK IN 1995. CRUDE PETROLEUM REPLACED COFFEE AS THE NATION'S PRINCIPAL EXPORT IN 1996. IN A CONTINUING PRACTICE DATING TO THE MID-1980S IN CLEAR VIOLATION OF THE NORMS OF INTERNATIONAL HUMANITARIAN LAW, REBELS OF THE ELN AND FARC LAUNCHED SCORES OF DYNAMITE ATTACKS ON THE NATION'S MAIN OIL PIPELINES. WITH BOMBINGS AVERAGING ONE EVERY FIVE DAYS, THESE ATTACKS DUMPED NEARLY AS MUCH OIL INTO TROPICAL RAINFORESTS AND RIVER BASINS DURING 1997 ALONE AS WAS SPILLED IN ALASKA'S 1989 EXXON VALDEZ DISASTER -- 35,500 TONS OF OIL.

IN SPITE OF VAST IMPROVEMENTS IN ANTI-NARCOTICS LAWS (SUCH AS ASSET FORFEITURE, MONEY LAUNDERING AND THE STRENGTHENING OF
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PENALTIES), NARCOTICS TRAFFICKERS CONTINUE TO CONTROL LARGE TRACTS OF LAND AND OTHER ASSETS, AND EXERT UNDUE INFLUENCE THROUGHOUT SOCIETY AND POLITICAL LIFE. THE ANTI-CORRUPTION ORGANIZATION, TRANSPARENCY INTERNATIONAL, OPENED A BOGOTA OFFICE IN 1997, AS IT SCORED COLOMBIA AS THE THIRD-MOST CORRUPT NATION OUT OF 52 RANKED. COLOMBIA SUFFERS FROM A HIGHLY SKEWED DISTRIBUTION OF INCOME, WITH A PER CAPITA GDP OF \$2,225, APPROXIMATELY 7 PERCENT OF THAT OF THE UNITED STATES. OFFICIAL GOVERNMENT SOURCES ESTIMATE THAT ONE PERCENT OF THE COUNTRY'S GDP OF \$86 BILLION IS LOST TO ILLICIT INCOME FROM NARCO-TRAFFICKING, MONEY LAUNDERING AND CONTRABAND.

THE GOVERNMENT'S HUMAN RIGHTS RECORD CONTINUED TO BE POOR, AND THE GOVERNMENT FORCES CONTINUED TO COMMIT NUMEROUS SERIOUS ABUSES, INCLUDING INSTANCES OF TARGETED ASSASSINATIONS BY ELEMENTS OF THE ARMY. ACCORDING TO CREDIBLE COLOMBIAN SOURCES, DURING THE FIRST SIX MONTHS OF THE YEAR, MEMBERS OF PARAMILITARY GROUPS COMMITTED 67 PERCENT OF ALL POLITICALLY MOTIVATED EXTRAJUDICIAL KILLINGS; GUERRILLAS WERE RESPONSIBLE FOR 23.5 PERCENT; AND GOVERNMENT FORCES FOR 9.5 PERCENT. ALTHOUGH THE TOTAL NUMBER OF EXTRAJUDICIAL KILLINGS DIRECTLY ATTRIBUTABLE TO THE SECURITY FORCES APPEARED LIKELY TO INCREASE SLIGHTLY (FROM 126 IN ALL OF 1996 COMPARED TO 72 IN THE FIRST 6 MONTHS OF 1997), THE TOTAL NUMBER OF SUCH KILLINGS ATTRIBUTED TO PARAMILITARY FORCES INCREASED DRAMATICALLY (FROM 751 IN 1996 TO 509 DURING THE FIRST SIX MONTHS OF 1997). THE PUBLIC SECURITY FORCES' RELATIONS WITH PARAMILITARY GROUPS VARIED TREMENDOUSLY, RANGING FROM NON-COOPERATION TO TURNING A BLIND EYE TO PARAMILITARY ACTIVITIES TO SOME INSTANCES OF ACTIVE COLLABORATION. THERE WAS NO CREDIBLE EVIDENCE, HOWEVER, OF ANY SUSTAINED MILITARY ACTION TO CONSTRAIN THE PARAMILITARIES.

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THE RELATIVE PROPORTION OF ALL POLITICAL AND EXTRA-JUDICIAL KILLINGS HAS CONTINUED TO SHIFT INCREASINGLY FROM THE MILITARY (54 PERCENT IN 1993, TO 10.5 PERCENT IN 1996, TO 9.5 PERCENT IN THE FIRST HALF OF 1997) TO THE PARAMILITARIES (18 PERCENT IN 1996 TO 63 PERCENT IN 1996 TO 67 PERCENT IN THE FIRST HALF OF 1997). THE PROPORTION OF POLITICAL KILLINGS ATTRIBUTABLE TO THE VARIOUS GUERRILLA GROUPS FLUCTUATED DURING THE SAME PERIOD BETWEEN 23 AND 38 PERCENT. IT IS IMPORTANT TO NOTE, HOWEVER, THAT RESPONSIBILITY FOR AS MUCH AS 30 PERCENT OF ALL EXTRA-JUDICIAL KILLINGS CANNOT BE DETERMINED.

SECURITY FORCES WERE BELIEVED RESPONSIBLE FOR SEVERAL INSTANCES OF FORCED DISAPPEARANCE -- AN ACT STILL NOT RECOGNIZED AS A CRIME UNDER COLOMBIAN LAW. EIGHTY-ONE OF 87 FORCED DISAPPEARANCES CATALOGUED BY INDEPENDENT ANALYSTS DURING THE FIRST SIX MONTHS OF THE YEAR BY, HOWEVER, WERE ATTRIBUTED TO PARAMILITARY FORCES. BEATINGS OR TORTURE OF DETAINEES BY POLICE AND SOLDIERS IS COMMON. CONDITIONS IN THE NATION'S OVER-CROWDED PRISONS ARE TYPICALLY HARSH, EXCEPT FOR THOSE INMATES WHO CAN BUY OR INTIMIDATE THEIR WAY TO MORE FAVORABLE CONDITIONS.

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ARBITRARY ARREST AND DETENTION, AS WELL AS PROLONGED PRETRIAL DETENTION, ARE FUNDAMENTAL PROBLEMS. THE JUDICIARY IS SEVERELY OVERBURDENED, AND HAS A CASE BACKLOG ESTIMATED AT GREATER THAN ONE MILLION CASES. THE USE OF "FACELESS" PROSECUTORS, JUDGES, AND WITNESSES, UNDER COVER OF ANONYMITY FOR SECURITY REASONS, CONTINUED IN CASES INVOLVING KIDNAPING, EXTORTION, NARCOTICS TRAFFICKING, TERRORISM AND IN SEVERAL HUNDRED HIGH PROFILE CASES INVOLVING HUMAN RIGHTS VIOLATIONS. IT IS ESTIMATED, HOWEVER,
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THAT LESS THAN 3 PERCENT OF ALL CRIMES COMMITTED NATIONWIDE ARE EVER PROSECUTED; FAR FEWER EVER YIELD CONVICTIONS.

EVEN AS THE NUMBER OF HUMAN RIGHTS VIOLATIONS BY GOVERNMENT FORCES REMAINED AT LEVELS BELOW THOSE ENCOUNTERED IN EARLIER YEARS, THE EXECUTIVE BRANCH AND CONGRESS CONTINUED TO EVIDENCE NO POLITICAL WILL TO SANCTION THOSE ABUSES OF HUMAN RIGHTS THAT CONTINUE TO BE COMMITTED BY GOVERNMENT FORCES. THE WEAKENED CIVILIAN GOVERNMENT APPEARED CONTENT TO ALLOW THE MILITARY TO EXERCISE PRIMARY JURISDICTION OVER MILITARY PERSONNEL ACCUSED OF ABUSES, A SYSTEM WHICH HAS ESTABLISHED AN ALMOST UNBROKEN RECORD OF IMPUNITY. THE CONSTITUTIONAL COURT RULED AUGUST 5, HOWEVER, THAT MILITARY PERSONNEL ACCUSED OF HUMAN RIGHTS VIOLATIONS AND OTHER ABUSES SHALL BE TRIED IN THE CIVILIAN COURT SYSTEM. THE MILITARY COURT SYSTEM IS TO CONTINUE, THE COURT RULED, BUT RESTRICTED TO PROSECUTING THOSE CHARGES DIRECTLY RELATED TO LEGITIMATE ACTS OF SERVICE, AND WITH SENTENCING GUIDELINES CONSISTENT WITH THOSE OF THE CIVILIAN COURTS. PRESIDENT SAMPER SUBSEQUENTLY SPONSORED A PENDING BILL TO REFORM THE MILITARY JUSTICE SYSTEM, WHILE ALSO ENSURING PREFERENTIAL TREATMENT IS PROVIDED FOR THOSE MILITARY PERSONNEL TRIED IN CIVILIAN COURTS FOR HUMAN RIGHTS ABUSES.

INEFFICIENCY IN THE CIVILIAN COURTS, AND IMPUNITY IN THE MILITARY COURTS, REMAIN AT THE CORE OF THE COUNTRY'S HUMAN RIGHTS PROBLEMS. ACCORDING TO GOVERNMENT REPORTS, IN FROM 97 TO 99.5 PERCENT OF ALL CRIMES, THE LAWBREAKERS ARE NEVER BROUGHT TO JUSTICE. GIVEN THEIR LACK OF FAITH IN THE JUDICIAL SYSTEM, VICTIMS NEVER EVEN REPORT AN ESTIMATED 74 PERCENT OF ALL CRIMES TO THE AUTHORITIES. THE PROSECUTOR GENERAL'S OFFICE, HOWEVER, INCREASED EFFORTS TO PROSECUTE HIGH-PROFILE HUMAN RIGHTS CASES
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INVOLVING GRAVE VIOLATIONS SUCH AS HOMICIDES, MASSACRES, AND
KIDNAPINGS COMMITTED BY GOVERNMENT FORCES, PARAMILITARY GROUPS,
AND GUERRILLAS. WHILE THE NATIONAL HUMAN RIGHTS OMBUDSMAN
CONFIRMED THAT DOCUMENTED CASES OF SECURITY FORCE ABUSE HAD
CONTINUE TO DECLINE, HE CAUTIONED THAT THE SITUATION REMAINED
CRITICAL. FOLLOWING A 1996 AGREEMENT WITH THE GOVERNMENT, THE
UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS OPENED BOGOTA
FIELD OFFICES IN APRIL. IN JUNE, THE GOVERNMENT FORMALLY INVITED
THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES TO ESTABLISH A
DOMESTIC PRESENCE, AS WELL.

FOR 36 OF THE PAST 45 YEARS THE GOVERNMENT HAS OPERATED UNDER
DECLARED STATES OF EMERGENCY THAT ENABLED THE EXECUTIVE TO RULE
BY DECREE IN BROAD AREAS OF THE COUNTRY. THE LAST SUCH "STATE OF
COMMOTION" EXPIRED IN NOVEMBER 1996, AND WAS NOT RENEWED. THE
DECREES TYPICALLY LIMITED DUE PROCESS RIGHTS AND FREEDOM OF
MOVEMENT. A 1996 SAMPER ADMINISTRATION PROPOSAL TO EXPAND
PRESIDENTIAL EMERGENCY DECREE POWERS AND LIMIT THE CONSTITUTIONAL
COURT'S ABILITY TO OVERSEE THE DECLARATION AND IMPLEMENTATION OF
STATES OF EMERGENCY FOUNDERED IN CONGRESS IN 1997. NONETHELESS,
EVEN ABSENT THE DECREE AUTHORITY OF A STATE OF EMERGENCY, THE
GOVERNMENT IN SOME LOCATIONS PERMITTED THE CONTINUED EXISTENCE OF
SPECIAL "PUBLIC ORDER ZONES", IN WHICH MILITARY COMMANDERS IN
AREAS OF HIGH CONFLICT DIRECTED ALL GOVERNMENT SECURITY EFFORTS
-- INCLUDING THE IMPOSITION OF CURFEWS, CHECK-POINTS, AND
REQUIREMENTS FOR SAFE CONDUCT PASSES.

GUERRILLA FORCES CONTINUED TO BE RESPONSIBLE FOR NUMEROUS
KILLINGS AND DISAPPEARANCES, AS WELL AN ESTIMATED 40 PERCENT
(MORE THAN ONE THOUSAND) OF ALL REPORTED KIDNAPINGS. AS THE
OCTOBER 26 GUBERNATORIAL AND LOCAL ELECTIONS APPROACHED, FARC,

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ELN AND EPL GUERRILLAS INCREASINGLY TARGETED POLITICAL
OFFICEHOLDERS, CANDIDATES AND ELECTION WORKERS AS "MILITARY
OBJECTIVES" -- PART OF THEIR DECLARED CAMPAIGNS TO DESTABILIZE
THE COUNTRY AND DELEGITIMIZE THE GOVERNMENT. AN ELN
ASSASSINATION SQUAD MURDERED LIBERAL SENATOR JORGE CRISTO AND HIS
BODYGUARD ON AUGUST 8, IN CUCUTA, NORTE DE SANTANDER. IN ALL,
MORE THAN 200 CANDIDATES AND ELECTED OFFICIALS WERE KIDNAPED OR
MURDERED DURING THE YEAR, WITH MANY HUNDREDS MORE THREATENED,
ATTACKED OR RESIGNED. AS MASS KIDNAPINGS OF CANDIDATES BY THE
GUERRILLAS INCREASED, AND MORE THAN 2000 POLITICAL CANDIDATES

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RESIGNED FROM ELECTORAL CAMPAIGNS, THE GOVERNMENT WAS FORCED TO APPOINT MILITARY OFFICERS AS INTERIM MAYORS IN SOME MUNICIPALITIES OR POSTPONE THE HOLDING OF ELECTIONS IN OTHERS.

PAIS LIBRE FOUNDATION REPORTED 22 FOREIGNERS WERE KIDNAPED DURING THE FIRST TWO-THIRDS OF THE YEAR BY THE GUERRILLAS, 40 FEWER THAN THE 1996 RATE. NONETHELESS, CITIZENS OF AT LEAST SIX FOREIGN NATIONS WERE STILL BEING HELD FOR MONETARY RANSOM AT YEAR'S END. AMERICAN MISSIONARIES MARK RICH, DAVID MANKINS, AND RICK TENENOFF WERE KIDNAPED BY THE FARC (REVOLUTIONARY ARMED FORCES OF COLOMBIA) IN PANAMA ON JANUARY 31, 1993 AND LATER MOVED TO COLOMBIA. THERE HAS BEEN NO CONFIRMED PROOF OF LIFE FOR THE

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THREE MEN FOR NEARLY FOUR YEARS. THE FARC CONTINUED TO HOLD AN AMERICAN OIL COMPANY EXECUTIVE KIDNAPED FEBRUARY 14, 1997 IN VENEZUELA AND PRESUMED TO HAVE BEEN MOVED TO COLOMBIA, AND AN AMERICAN MINING MANAGER KIDNAPED, MARCH 7, 1997. GUERRILLAS OF THE ELN (ARMY OF NATIONAL LIBERATION) CONTINUED TO HOLD AN AMERICAN GEOLOGIST KIDNAPED FEBRUARY 24, 1997. THE MUTILATED BODY OF AMERICAN GEOLOGIST FRANK THOMAS PESCATORE, KIDNAPED

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DECEMBER 10, 1996, BY THE FARC, WAS FOUND FEBRUARY 23, 1997.
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THE BODY OF NASSILI LOJKINE, A RUSSIAN CYCLIST ENDEAVORING TO
CIRCUMNAVIGATE THE GLOBE, WAS FOUND MARCH 7 IN APARTADO,
ANTIOQUIA; HE HAD BEEN KIDNAPED, THEN EXECUTED, BY THE FARC.

ACCORDING TO UNICEF, 181,000 COLOMBIANS WERE FORCED FROM THEIR
HOMES BY POLITICAL VIOLENCE IN 1996 -- MORE THAN THOSE DISPLACED
IN RWANDA, BURUNDI OR ZAIRE. AN ADDITIONAL 120,000 WERE
DISPLACED DURING THE FIRST SEVEN MONTHS OF 1997. AN ACTIVE
POLICY OF DEPOPULATION, PURSUED BY SOME PARAMILITARY GROUPS
AGAINST COMMUNITIES SUSPECTED OF GUERRILLA SUPPORT, WAS THE
PRIMARY CAUSE FOR THE GROWING INTERNAL DISPLACEMENT PROBLEM. THE
BREAKDOWN OF PUBLIC ORDER IN MANY RURAL AREAS, SPARKED BY THE
CONTINUING CONFLICTS AMONG PARAMILITARY, GUERRILLA, AND NARCOTICS
TRAFFICKING ORGANIZATIONS, ECONOMIC INTERESTS, THE POLICE AND THE
ARMED FORCES, HAS PROMPTED THE INTERNAL DISPLACEMENT OF MORE THAN
450,000 COLOMBIANS DURING THE YEARS 1995-97.

THE GOVERNMENT AND ITS BACKERS IN CONGRESS INCREASED PRESSURE ON
THE MEDIA TO INFLUENCE REPORTING. THE CONSTITUTIONAL COURT
STRUCK DOWN JULY 29 A PATENTLY OFFENSIVE PROVISION OF A 1996
GOVERNMENT-BACKED LAW CLEARLY INTENDED TO PROVIDE FOR INTRUSIVE,
PARTISAN CENSORSHIP OF TELEVISION NEWSCASTS. THE COURT LEFT
INTACT, HOWEVER, ALL THE OTHER KEY ASPECTS OF THE LAW, LEAVING
THE SAMPER GOVERNMENT IN A POSITION TO REWARD LUCRATIVE
TELEVISION NEWS LICENSE TO ITS POLITICAL BACKERS, PUNISH THOSE
WHO HAD DEMONSTRATED EDITORIAL OR INVESTIGATIVE INDEPENDENCE AND
FUNDAMENTALLY INFLUENCE ELECTRONIC MEDIA COVERAGE OF THE 1997-98
ELECTIONS. TWO MINISTERS SUBSEQUENTLY RESIGNED AFTER BEING
IMPLICATED IN A CONSPIRACY TO GRANT FM RADIO LICENSES TO BIDDERS
IN EXCHANGE FOR POLITICAL BACKING OF PRESIDENT SAMPER.

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VIOLENCE AGAINST WOMEN AND CHILDREN IS ANOTHER SERIOUS PROBLEM.
UNOFFICIAL BUT EXTENSIVE DISCRIMINATION AGAINST WOMEN,
MINORITIES, AND THE INDIGENOUS CONTINUED. CHILD LABOR IS A
WIDESPREAD PROBLEM. VIGILANTE AND PARAMILITARY GROUPS THAT
ENGAGED IN "SOCIAL CLEANSING" -- THE KILLING OF STREET CHILDREN,
PROSTITUTES, HOMOSEXUALS, AND OTHERS DEEMED SOCIALLY UNDESIRABLE
-- CONTINUED TO BE A SERIOUS PROBLEM.

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EVEN AS THERE CONTINUED TO BE EVIDENCE OF MILITARY/PARAMILITARY COOPERATION IN SOME PARTS OF THE COUNTRY AND PARAMILITARY/ECONOMIC ELITE COOPERATION IN EVEN MORE AREAS, IT BECAME INCREASINGLY CLEAR THAT PARAMILITARISM -- AND ITS LEADERS -- WERE EVERMORE AUTONOMOUS AND LARGELY BEYOND THE CONTROL OF THE STATE WHICH HAD INITIALLY PROMOTED ITS DEVELOPMENT IN RESPONSE TO RISING GUERRILLA ACTIONS. THIS DEVELOPMENT SIGNIFICANTLY HEIGHTENED THE RISKS TO A SOCIETY WHOSE INCREASINGLY FRAGILE NATIONAL INSTITUTIONS WERE ALREADY REELING FROM REBEL ATTACKS, NARCOTICS-RELATED CORRUPTION, A JUDICIAL SYSTEM CRIPPLED BY IMPUNITY AND INEFFICIENCY, A DISGRACED ADMINISTRATION AND A DISCONNECTED, SELF-ABSORBED POLITICAL CLASS.

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 GRAVE PROBLEM. MORE THAN 3500 CITIZENS DIED IN SUCH ACTS, COMMITTED BY BOTH STATE AND NON-STATE ACTORS. MEMBERS OF THE SECURITY FORCES
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 CONTINUED TO COMMIT EXTRAJUDICIAL KILLINGS, ALBEIT AT A REDUCED RATE. ACCORDING TO MULTIPLE, CREDIBLE REPORTS, THE SECURITY FORCES WERE RESPONSIBLE FOR APPROXIMATELY 9.5 PERCENT OF POLITICAL MURDERS DURING THE FIRST HALF OF THE YEAR IN WHICH THE PERPETRATORS COULD BE IDENTIFIED. THIS REPRESENTED THE LATEST INDICATION OF THE STEADY DECLINE EVER SINCE THE MILITARY WAS DEEMED RESPONSIBLE FOR 54 PERCENT OF SUCH KILLINGS IN 1993, 16 PERCENT IN 1995, AND 10.5 PERCENT IN 1996.

THE STATE'S INDEPENDENT NATIONAL HUMAN RIGHTS OMBUDSMAN ("DEFENSORIA DEL PUEBLO") RECEIVED 253 COMPLAINTS IN 1996 AGAINST THE ARMY ALLEGING MURDER, FORCED DISAPPEARANCES, AND THREATS (COMPARED WITH 219 IN 1995). THE SAME 1997 REPORT CITED 226 COMPLAINTS AGAINST THE POLICE FOR MURDER, DISAPPEARANCES, AND THREATS (COMPARED TO 169 IN 1995). THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") REPORTED THAT OF THE 3,000 COMPLAINTS AGAINST PUBLIC OFFICIALS RECEIVED BETWEEN JUNE 1995 AND OCTOBER 1996, IT OPENED ADMINISTRATIVE PROCEEDINGS IN 1,338 CASES, INCLUDING 28 MASSACRES AND 202 HOMICIDES. SOME OF THE OTHER CASES DID NOT INVOLVE PUBLIC OFFICIALS AND WERE PASSED ON TO OTHER GOVERNMENT INVESTIGATIVE BODIES. IT IS UNCLEAR HOW MANY OF THE CASES HAVE

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SINCE RESULTED IN CONVICTIONS OR HAVE OTHERWISE BEEN CLOSED.

GOVERNMENT AND MILITARY OFFICIALS GIVE CREDENCE TO REPORTS OF ISOLATED ASSASSINATIONS CONDUCTED BY MEMBERS OF AT LEAST ONE ARMY UNIT, THE 20TH INTELLIGENCE BRIGADE. TWO INTELLIGENCE AGENTS, AN ARMY PRIVATE AND SEVERAL CIVILIANS -- ALL ASSOCIATED WITH THE 20TH INTELLIGENCE BRIGADE -- WERE ARRESTED IN MAY AND PLACED IN PREVENTIVE DETENTION FOR THEIR PRESUMED INVOLVEMENT IN THE

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NOVEMBER 2, 1995, ASSASSINATION OF OPPOSITION CONSERVATIVE SENATOR ALVARO GOMEZ HURTADO AND HIS ASSISTANT. BY LATE SEPTEMBER, CIVILIAN PROSECUTIONS AGAINST FOUR OF THEM WERE COMPLETE, AWAITING ONLY THE JUDGE'S RULING AND SENTENCING (WHICH COULD RUN FROM 40 TO 60 YEARS EACH).

WHILE KILLINGS DIRECTLY ATTRIBUTABLE TO THE SECURITY FORCES

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CONTINUED TO DECLINE, KILLINGS BY PARAMILITARY FORCES INCREASED FURTHER, NOW ACCOUNTING FOR MORE THAN TWO-THIRDS OF ALL SUCH KILLINGS. KILLINGS BY GUERRILLAS AND NARCOTICS TRAFFICKERS CONTINUED TO BE SERIOUS PROBLEMS NATIONWIDE. ACCORDING TO THE NATIONAL POLICE THERE WERE 26,642 MURDERS IN 1996, UP FROM 25,398 MURDERS IN 1995. THE NATIONAL POLICE ALSO REPORTED THAT 12,612 CITIZENS WERE VICTIMS OF HOMICIDE DURING THE FIRST 6 MONTHS OF 1997, SLIGHTLY FEWER THAN THE 12,824 KILLED DURING THE SAME PERIOD IN 1996. THE INSTITUTE FOR LEGAL MEDICINE FOR REPORTED AN AVERAGE OF 77.4 VIOLENT DEATHS PER 100,000 INHABITANTS.

THE POLICE AND THE JUDICIARY HAVE INSUFFICIENT RESOURCES TO INVESTIGATE MOST KILLINGS ADEQUATELY. IN 1996, THE SUPERIOR COUNCIL OF THE JUDICIARY REPORTED THAT 74 PERCENT OF ALL CRIMES GO UNREPORTED, AND BETWEEN 97 AND 98 PERCENT OF ALL CRIMES GO UNPUNISHED. THE GOVERNMENT COMMISSION ON PUBLIC SPENDING SIMILARLY PLACED THE IMPUNITY RATE FOR ALL CRIMES AT 99.5 PERCENT. THE IMPUNITY RATE FOR POLITICALLY-MOTIVATED CRIMES APPROACHES 100 PERCENT.

ACCORDING TO CREDIBLE COLOMBIAN SOURCES, DURING THE FIRST SIX MONTHS OF THE YEAR, MEMBERS OF PARAMILITARY GROUPS COMMITTED 67 PERCENT OF ALL POLITICALLY MOTIVATED EXTRAJUDICIAL KILLINGS; GUERRILLAS WERE RESPONSIBLE FOR 23.5 PERCENT; AND GOVERNMENT

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FORCES FOR 9.5 PERCENT. ALTHOUGH THE TOTAL NUMBER OF EXTRAJUDICIAL KILLINGS DIRECTLY ATTRIBUTABLE TO THE SECURITY FORCES APPEARED LIKELY TO INCREASE SLIGHTLY (FROM 126 IN ALL OF 1996 TO 72 IN THE FIRST 6 MONTHS OF 1997), THE NUMBER OF SUCH KILLINGS ATTRIBUTED TO PARAMILITARY FORCES, OFTEN ACTING IN WITH TACIT COOPERATION FROM ELEMENTS OF THE MILITARY, INCREASED DRAMATICALLY (FROM 751 IN 1996 TO 509 DURING THE FIRST SIX MONTHS OF 1997).

THIS CONTINUES THE TREND EVIDENT IN THE YEARS SINCE 1993, IN WHICH THE RELATIVE PROPORTION OF ALL SUCH KILLINGS HAS CONTINUED TO SHIFTED INCREASINGLY FROM THE MILITARY (54 PERCENT IN 1993, TO 10.5 PERCENT IN 1996, TO 9.5 PERCENT IN THE FIRST HALF OF 1997) TO THE PARAMILITARIES (18 PERCENT IN 1996 TO 63 PERCENT IN 1996 TO 67 PERCENT IN THE FIRST HALF OF 1997). THE PROPORTION OF POLITICAL KILLINGS ATTRIBUTABLE TO THE VARIOUS GUERRILLA GROUPS FLUCTUATED DURING THE SAME PERIOD BETWEEN 23 AND 38 PERCENT.

IT IS IMPORTANT TO NOTE, HOWEVER, THAT RESPONSIBILITY FOR AS MUCH AS 30 PERCENT OF ALL EXTRA-JUDICIAL KILLINGS CANNOT BE

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DETERMINED. FURTHERMORE, THE HEIGHTENED LEVELS OF GUERRILLA POLITICAL VIOLENCE AGAINST NON-COMBATANTS DURING THE SECOND HALF OF 1997 AS PART OF THEIR EFFORTS TO SABOTAGE THE OCTOBER ELECTIONS IS ALSO LIKELY TO AFFECT THESE STATISTICAL COMPARISONS, WHICH AT BEST REPRESENT ROUGH APPROXIMATIONS OF GENERAL TRENDS. (SEE SECTION 3.)

THERE CONTINUED TO BE INCIDENTS OF SOCIAL CLEANSING -- INCLUDING ATTACKS AND KILLINGS -- DIRECTED AGAINST INDIVIDUALS DEEMED SOCIALLY UNDESIRABLE, SUCH AS DRUG ADDICTS, PROSTITUTES, TRANSVESTITES, BEGGARS, AND STREET CHILDREN. MOST OF THESE
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INCIDENTS ARE ATTRIBUTED TO PARAMILITARY GROUPS AND CRIMINAL GANGS; ELEMENTS OF THE POLICE, HOWEVER, WERE BELIEVED RESPONSIBLE FOR A NUMBER OF SUCH INCIDENTS, AS WELL. CRIMINAL OR "ANTI-SOCIAL" ELEMENTS WERE SOMETIMES SIMILARLY "CLEANSED" FROM COMMUNITIES UNDER THE SWAY OF THE GUERRILLAS.

KILLINGS BY PARAMILITARY GROUPS (ALSO KNOWN AS "SELF-DEFENSE GROUPS") INCREASED SIGNIFICANTLY, MANY TIMES WITH THE COMPLICITY OF INDIVIDUAL SOLDIERS OR MILITARY UNITS OR WITH THE KNOWLEDGE AND TACIT APPROVAL OF SENIOR MILITARY OFFICIALS. THE OMBUDSMAN, THE PROSECUTOR GENERAL'S OFFICE AND THE PRESIDENTIAL EXPLORATORY PEACE COMMISSION ALL AGREED THAT SOME CASES INDICATED THAT SOME MEMBERS OF THE ARMED FORCES HAVE ACTIVELY COLLABORATED WITH PARAMILITARY GROUPS.

COLOMBIA'S LARGEST ILLEGAL PARAMILITARY GROUPS (CENTERED IN THE CORDOBA, URABA AND THE MIDDLE MAGDALENA REGIONS, PLUS THE EASTERN PLAINS) ANNOUNCED APRIL 19 THE ESTABLISHMENT OF A NATIONAL UMBRELLA ORGANIZATION, THE AUC (UNITED SELF-DEFENSE GROUPS OF COLOMBIA). THE GROWING PARTICIPATION IN THE CONFLICT BY CIVILIANS HAS BEEN PROMPTED IN PART BY THE GUERRILLAS' INCREASING STRENGTH AND PRESENCE IN AN EVER-GROWING NUMBER OF MUNICIPALITIES

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(173 IN 1985 VERSUS 622 IN 1995) AND IN PART BY THE GOVERNMENT'S FAILURE TO GUARANTEE SECURITY IN THE COUNTRY.

THE SEPTEMBER 9 REPORT TO THE PRESIDENT BY THE EXPLORATORY PEACE COMMISSION DECLARED THAT, GIVEN THE NATION'S HISTORICALLY AMBIVALENT POLICY TOWARDS SUCH GROUPS, "THE STATE IN ITS ENTIRETY BEARS AN IMPORTANT DEGREE OF RESPONSIBILITY FOR THE CREATION AND EXPANSION OF THE SELF-DEFENSE GROUPS."

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THE REPORT EXPLAINS THAT WHILE THE GROUPS HAD BEEN LEGAL SINCE 1968, THEY WERE OUTLAWED IN 1989 DUE TO THEIR EXCESSES AND TIES TO NARCOTICS TRAFFICKING ORGANIZATIONS. THE PARAMILITARIES OF THE MIDDLE MAGDALENA VALLEY, HOWEVER, WERE NEVER DISMANTLED AS AGREED. "NOR," THE REPORT ADDS, "WAS THEIR CLEAR DEMARCATION FROM THE STATE ACCOMPLISHED, AND THERE EXIST COMPLAINTS OF ACTIVE COLLABORATION BY MEMBERS OF THE SECURITY FORCES WITH THESE OUTLAWED GROUPS. IT IS ALSO EVIDENT THAT IN MANY SECTORS OF THE SOCIETY, THE STATE AND THE SECURITY FORCES, THERE EXISTS THE BELIEF THAT 'THE ENEMY OF MY ENEMY IS MY FRIEND,' WHICH IN SOME CASES HAS BEEN CONVERTED INTO CLEAR SUPPORT FOR THESE GROUPS. BEFORE THE PERCEIVED INCAPACITY OF THE SECURITY FORCES TO TAKE ON THE SUBVERSION, THE MYTH HAS BECOME GENERALIZED THAT THE PARAMILITARY GROUPS ARE INDEED AN EFFECTIVE COUNTER-INSURGENCY FORCE."

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ARTICLE 5 OF THE "GENERAL DISPOSITIONS" OF THE STATUTES (BELIEVED WRITTEN IN 1996) OF THE NATION'S MOST POWERFUL PARAMILITARY GROUP, THE ACCU (THE SELF-DEFENSE GROUPS OF CORDOBA AND URABA), EXPLICITLY CONDONED EXTRAJUDICIAL EXECUTIONS, STATING, "WE RESPECT ALL PERSONS WHO ARE OUTSIDE OF THE CONFLICT, BUT WE DO NOT SO CONSIDER GUERRILLAS CAMOUFLAGED AS PEASANTS ENGAGED IN ESPIONAGE." FAR FROM LIMITING THE PRACTICE, THIS HAS ENCOURAGED THE WIDESPREAD AND ARBITRARY APPLICATION OF EXTRAJUDICIAL EXECUTIONS BY ACCU FORCES.

OVERALL, PARAMILITARY KILLINGS ESCALATED NOT ONLY IN ALL OF THOSE AREAS WHICH HAVE LONG SUFFERED THE GREATEST CONCENTRATION OF VIOLENCE, SUCH AS META, URABA, CORDOBA AND CESAR, BUT IN OTHER REGIONS AS WELL, INCLUDING PARTS OF ANTIOQUIA BEYOND URABA, THE

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MAGDALENA MEDIO REGION, AND THE DEPARTMENTS OF SUCRE, GUAVIARE, CAQUETA AND PUTUMAYO. THE PARAMILITARIES OF ACCU, THE EASTERN PLAINS AND THE AUC ANNOUNCED THEIR ARRIVAL IN THE HISTORICALLY FARC-DOMINATED COCA-GROWING AREAS OF META DEPARTMENT WITH THEIR JULY 15-20 TAKEOVER OF THE TOWN OF MAPIRIPAN. AT LEAST SEVEN TOWNSPEOPLE WERE SINGLED OUT AND EXECUTED, REPORTEDLY FOR THEIR SUPPORT FOR THE GUERRILLAS. THOUSANDS OF TOWNSPEOPLE SUBSEQUENTLY FLED, CLAIMING THAT AS MANY AS TWO DOZEN OTHERS HAD ALSO BEEN KILLED, THEIR BODIES TOSSED IN THE FAST-MOVING WATERS OF THE GUAVIARE RIVER.

SUCH INSTANCES REFLECT THE INTENSIFIED COMPETITION BETWEEN PARAMILITARY AND GUERRILLA ORGANIZATIONS FOR CONTROL ACROSS A BROAD SWEEP OF TERRITORY (SEE SECTION 1.G.). THE VICTIMS OF PARAMILITARY KILLINGS, HOWEVER, WERE TYPICALLY UNARMED, NONCOMBATANT CIVILIANS WHOSE DEATH OR DISPLACEMENT THE PARAMILITARY FORCES SOUGHT AS PUNISHMENT FOR PERCEIVED TIES TO THE GUERRILLAS. THE PARAMILITARY GROUPS CENTERED THEIR ACTIONS IN SELECTIVE ASSASSINATION, INTIMIDATION AND THE FORCED DISPLACEMENT OF PERSONS NOT DIRECTLY INVOLVED IN THE HOSTILITIES. THEY TARGETED TEACHERS, LABOR LEADERS, COMMUNITY ACTIVISTS, MAYORS OF TOWNS AND VILLAGES, TOWN COUNCIL MEMBERS, AND, ABOVE ALL, PEASANTS WHOM THEY ACCUSED OF SUPPORTING THE LEFTIST GUERRILLAS. A NUMBER OF THESE VICTIMS INCLUDED MEMBERS OF INDIGENOUS COMMUNITIES. DESPITE THE CONTINUING, ALARMING RISE IN PARAMILITARY ACTIVITY SINCE 1992, THE COLOMBIAN MILITARY HAS FAILED TO GIVE PRIORITY TO CONFRONTING THESE ILLEGAL GROUPS.

CREDIBLE ALLEGATIONS OF COOPERATION BY MEMBERS OF THE ARMED FORCES WITH PARAMILITARY GROUPS, INCLUDING INSTANCES OF BOTH

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SILENT SUPPORT AND DIRECT COLLABORATION BY MEMBERS OF THE ARMED
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FORCES, IN PARTICULAR THE ARMY, CONTINUED TO GENERATE
CONTROVERSY. MAJOR GENERAL MANUEL JOSE BONETT, COMMANDING
GENERAL OF THE MILITARY FORCES, CATEGORICALLY DENIED THAT SUCH
COOPERATION EXISTED, BUT TACIT ARRANGEMENTS BETWEEN LOCAL
MILITARY COMMANDERS AND PARAMILITARY GROUPS DID OCCUR IN SOME
REGIONS. GOVERNMENT AUTHORITIES AND ACADEMIC ANALYSTS ASSERTED
THAT PARAMILITARY GROUPS FREELY OPERATED IN SOME AREAS THAT WERE
UNDER MILITARY CONTROL. ARMY COLONEL CARLOS ALFONSO VELASQUEZ,
THEN SERVING AS DEPUTY COMMANDER AND CHIEF OF STAFF OF THE ARMY'S
17TH BRIGADE OPERATING IN THE CONFLICTIVE CORDOBA AND URABA
REGION, WAS FORCED TO RETIRE IN JANUARY AFTER HE PRIVATELY
CRITICIZED IN ARMY CHANNELS THE BRIGADE'S REFUSAL TO CONFRONT THE
ACCU PARAMILITARY FORCES HEADQUARTERED THERE.

IN A MOST ILLUSTRATIVE CASE, GENERAL FAROUK YANINE DIAZ, FORMER
COMMANDER OF THE ARMY'S SECOND DIVISION BASED IN BUCARAMANGA,
SANTANDER DEPARTMENT, AND THREE OTHER MILITARY CODEFENDANTS HAD
THEIR TRIALS FOR THE 1987 MASSACRE OF 19 LOCAL MERCHANTS
TRANSFERRED BY THE SUPERIOR COUNCIL OF THE JUDICIARY TO THE
MILITARY JUSTICE SYSTEM IN NOVEMBER 1996. YANINE DIAZ HAS BEEN
ACCUSED OF ESTABLISHING AND EXPANDING PARAMILITARY DEATH SQUADS
IN THE MIDDLE MAGDALENA REGION, AS WELL AS THE ORDERING OF DOZENS

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OF DISAPPEARANCES, MULTIPLE LARGE-SCALE MASSACRES AND THE ASSASSINATION OF JUDGES AND COURT PERSONNEL SENT TO INVESTIGATE PREVIOUS CRIMES. THE TRANSFER OF THE CASE OCCURRED IN DIRECT CONTRAVENTION OF CONSTITUTIONAL REQUIREMENTS THAT TRIALS OF GENERAL OFFICERS (ARTICLE 235) AND CIVILIANS (ARTICLE 213 -- YANINE DIAZ WAS BY THEN RETIRED FROM ACTIVE DUTY) BE CONDUCTED EXCLUSIVELY BY CIVILIAN COURTS.

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THE RESULTS OF SUCH MANIPULATION WERE PREDICTABLE. ON JUNE 18, GENERAL YANINE DIAZ AND HIS MILITARY CODEFENDANTS WERE PERSONALLY CLEARED OF HOMICIDE AND KIDNAPING CHARGES BY GENERAL MANUEL JOSE BONETT, THEN-COMMANDING GENERAL OF THE ARMY (WHO HAD INITIALLY ATTEMPTED TO RECUSE HIMSELF FROM THE CASE). MEANWHILE, MARCELIO PANESO OCAMPO, CARLOS ALBERTO YEPES LONDONO AND NELSON LESMES LEGUIZAMON, THE THREE CIVILIAN CODEFENDANTS FROM THE MIDDLE MAGDALENA "AUTO-DEFENSAS" PARAMILITARY GROUP TRIED BY THE CIVILIAN REGIONAL ("FACELESS") COURT OF CUCUTA ON THE BASIS OF THE SAME EVIDENCE, WERE CONVICTED JUNE 25 AND SENTENCED TO 30 YEARS IN PRISON FOR THEIR ROLES IN THE MASSACRE OF THE 19 MERCHANTS. SUBSEQUENTLY, GENERAL BONETT WAS ELEVATED JULY 24 BY PRESIDENT SAMPER TO THE POSITION OF COMMANDING GENERAL OF THE MILITARY FORCES, FOLLOWING SAMPER'S SACKING OF GENERAL HAROLD BEDOYA, BONETT'S PREDECESSOR. THE CASE IS CURRENTLY BEING PROCESSED BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION.

GENERAL YANINE DIAZ AND FOUR OTHER RETIRED ARMY GENERALS ARE AMONG THOSE WHO REMAIN UNDER ACTIVE INVESTIGATION FOR TERRORISM BY THE PROSECUTOR GENERAL'S OFFICE, FOR THEIR ROLES IN THE DEVELOPMENT OF PARAMILITARY DEATH SQUADS IN THE MIDDLE MAGDALENA REGION.

"EASTERN PLAINS" PARAMILITARIES PROTECTING A COCAINE SHIPMENT BELONGING TO NARCO-TRAFFICKER "LUCIANO VARELA" WERE RESPONSIBLE FOR THE OCTOBER 3 AMBUSH OF JUDICIAL AUTHORITIES NEAR ALTAMIRA, META DEPARTMENT. ELEVEN MEMBERS OF THE TEAM -- INCLUDING A PROSECUTING ATTORNEY, TECHNICAL INVESTIGATIVE CORPS (CTI) STAFF,

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A DAS AGENT, THE COMMANDER OF AN ARMY ANTI-KIDNAPING UNIT, PLUS SEVERAL ARMY TROOPS -- WERE MASSACRED. THE JUDICIAL TEAM HAD INITIALLY GONE TO THE AREA TO ENFORCE A COURT ORDER EXPROPRIATING
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A PROPERTY OWNED BY GUSTAVO ADOLFO SOTO GARCIA, LEADER OF THE EASTERN PLAINS NARCOTICS CARTEL. THE ATTACK -- AND VARELA'S CLEAR INVOLVEMENT IN NARCOTICS TRAFFICKING -- PROVOKED THE EXPULSION OF VARELA AND THE LOCAL PARAMILITARY GROUP FROM THE NATIONAL PARAMILITARY MOVEMENT, THE "AUC". THE VERY NEXT DAY, FARC GUERRILLAS AMBUSHED A POLICE UNIT IN META'S SAN JUAN DE ARAMA, WHICH HAD BEEN LURED FROM ITS BASE UNDER THE FALSE IMPRESSION THAT A NEARBY ARMY UNIT WAS UNDER ATTACK. SEVENTEEN OF THE 21 MEMBERS OF THE UNIT DIED IN THE ATTACK; ALL FOUR SURVIVORS WERE WOUNDED.

WITH FEW NOTABLE EXCEPTIONS, KNOWN PARAMILITARY LEADERS REMAINED BEYOND THE REACH OF THE LAW. THE REGIONAL ("FACELESS") COURT OF MEDELLIN SENTENCED GERARDO ANTONIO PALACIO TO EIGHT AND ONE-THIRD YEARS IN PRISON FOR FORMING AN ILLEGAL PARAMILITARY GROUP. PALACIO AND OTHERS ARE STILL BEING INVESTIGATED FOR THE GROUP'S ROLE IN THE AUGUST 15, 1995, MASSACRE OF 18 PERSONS IN CHIGORODO, ANTIOQUIA.

LUIS ALFREDO RUBIO ROJAS, THE FORMER MAYOR OF THE MAGDALENA MEDIO TOWN OF PUERTO BOYACA AND LEADER OF A PARAMILITARY GROUP INITIALLY FOUNDED BY MEDELLIN CARTEL NARCO-TRAFFICKER GONZALO RODRIGUEZ GACHA, WAS ARRESTED BY THE POLICE APRIL 26 AFTER SEVEN YEARS IN HIDING. RUBIO HAD PREVIOUSLY BEEN SENTENCED TO TWELVE YEARS IN PRISON FOR HIS ROLE IN THE 1986-87 HONDURAS AND LA NEGRA MASSACRES; HE IS ALSO UNDER INVESTIGATION BY THE PROSECUTOR GENERAL'S OFFICE FOR HIS INVOLVEMENT IN THE MURDER OF 19 LOCAL MERCHANTS (SEE GENERAL YANINE CASE, ABOVE), THE MURDER OF 12 FISCALIA EMPLOYEES SENT TO INVESTIGATE THOSE KILLINGS, AS WELL AS THE CONTRACTING OF BRITISH AND ISRAELI MERCENARIES TO TRAIN PARAMILITARIES TO FIGHT THE FARC AND DEFEND NARCOTICS INTERESTS.

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ARMY CAPTAIN RODRIGO CANAS FLORES, WAS ARRESTED MAY 19, ALONG WITH A PARAMILITARY LEADER, FOR THE APRIL 22, 1996, MASSACRE OF 15 PERSONS IN THE TOWN OF SEGOVIA, ANTIOQUIA DEPARTMENT.

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FOR THE FIRST TIME SINCE THE DECEMBER 1994, ESTABLISHMENT OF THE GOVERNMENT-SPONSORED CIVILIAN RURAL DEFENSE COOPERATIVES KNOWN AS "CONVIVIR," A CONVIVIR LEADER WAS FOUND GUILTY OF FORMING AN ILLEGALLY ARMED GROUP. A MEDELLIN JUDGE OCTOBER 23 SENTENCE JOSE ALIRIO ARCILA VASQUEZ, DIRECTOR OF THE "LOS SABLES" CONVIVIR, AND OTHER LOS SABLES MEMBERS TO SEVEN YEARS IN PRISON FOR APRIL 1996 ASSASSINATION OF THREE MEN IN CIUDAD BOLIVAR, MEDELLIN. THE CASE AGAINST FORMER ARMY CAPTAIN CIRO ALFONSO VARGAS LANCHEROS FOR HIS POSSIBLE ROLE IN THE INCIDENT REMAINED ONGOING.

ACCUSED NARCO-TRAFFICKER FIDEL CASTANO, CO-FOUNDER OF THE ACCU, WAS SENTENCED IN ABSENTIA MAY 26 BY A "FACELESS" JUDGE TO 30 YEARS IN PRISON FOR THE JANUARY 1990, MASSACRE OF 43 PEASANTS AT PUEBLO BELLO, ANTIOQUIA, AND FOR THE 1988, KIDNAPING AND MURDER OF LEADING CONSERVATIVE SENATOR ALFONSO OSPINA OSPINA. (CASTANO'S CODEFENDANT AND FELLOW PARAMILITARY LEADER JOSE ANIBAL RODRIGUEZ URQUIJO WAS SENTENCED IN JANUARY TO SERVE FORTY YEARS

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
	PRM-10	PRME-01	DRL-04	G-00	MR-00	NFAT-00	/031W

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IN PRISON FOR HIS ROLE IN THE SAME TWO CRIMES.) AS LAUDABLE AS THE CONVICTION IS, HOWEVER, FIDEL CASTANO DIED IN 1995.

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MEANWHILE, HIS BROTHER CARLOS, THE CURRENT LEADER OF ACCU, CONTINUES TO LEAD A SEMI-CLANDESTINE EXISTENCE, EVEN AS HIS LOCATION IS KNOWN TO THE GOVERNMENT. IN OCTOBER, A BOGOTA REGIONAL ("FACELESS") JUDGE ABSOLVED THE CASTANO BROTHERS OF INVOLVEMENT IN THE NOVEMBER 27, 1989, MID-AIR BOMBING OF A CALI-

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BOUND AVIANCA AIRLINES DOMESTIC FLIGHT, IN WHICH 107 PERSONS WERE KILLED. THE BOMBING WAS ORDERED BY MEDELLIN CARTEL KINGPINS RODRIGUEZ GACHA AND PABLO ESCOBAR; DANDENYS MUNOZ MOSQUERA (AKA, "LA QUICA") IS SERVING A LIFE SENTENCE WITHOUT PAROLE IN THE UNITED STATES FOR HIS ROLE IN THE BOMBING.

STILL OTHER PRESUMED PARAMILITARY LEADERS, SUCH AS EMERALD MAGNATE VICTOR CARRANZA, WALKED THE STREETS OF BOGOTA, UNINDICTED AND UNHINDERED.

FORMER GUERRILLAS WHO HAVE LAID DOWN THEIR WEAPONS FOLLOWING PREVIOUS PEACE AGREEMENTS WITH THE GOVERNMENT WERE ALSO THE TARGETS OF ATTACKS -- FROM BOTH PARAMILITARY GROUPS AND THEIR ONE-TIME LEFTIST COMRADES-IN-ARMS. OF THE 5,897 GUERRILLAS FORMALLY DEMOBILIZED DURING 1990-1994 FROM AT LEAST SIX REBEL ARMIES, 258 HAD BEEN KILLED BY THE END OF 1996. AN ADDITIONAL 82 "REINSERTED" GUERRILLAS HAD BEEN KILLED AS OF AUGUST 15, SEVENTY PERCENT OF THEM IN ANTIOQUIA AND SUCRE DEPARTMENTS. AT LEAST 19 MEMBERS OF THE SOCIALIST RENOVATION CURRENT (CRS), WHICH BROKE WITH THE ELN AND DEMOBILIZED IN 1994, WERE KILLED DURING THE YEAR. THE JULY ASSASSINATIONS OF WILLIAM JARABA AND FREDY FUENTES PATERNIDAD, CORDOBA REGIONAL LEADERS OF THE CRS, PROMPTED A RARE JOINT STATEMENT BY THE MINISTERS OF DEFENSE AND INTERIOR, IN WHICH THEY CONDEMNED THE ATTACKS BY ILLEGAL ARMED GROUPS, NOTED THAT THE CRS WAS A LEGALLY CONSTITUTED POLITICAL MOVEMENT COMMITTED TO THE DEMOCRATIC LEGAL ORDER, AND ORDERED THE POLICE AND MILITARY TO PROVIDE THE CRS "WITH MAXIMUM COLLABORATION AND PROTECTION OF ITS SOCIAL AND POLITICAL ACTIVITIES."

THE LEFTIST COALITION PARTY KNOWN AS THE PATRIOTIC UNION (UP) CONTINUED TO BE THE TARGET OF POLITICAL KILLING. IT HAS LOST

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APPROXIMATELY 3,500 (NOTE: NUMBER TO BE UPDATED. END NOTE.) MEMBERS IN A CAMPAIGN OF TARGETED KILLINGS WAGED AGAINST ITS LEADERSHIP -- A CAMPAIGN INITIALLY PRECIPITATED BY RODRIGUEZ

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GACHA AND THE MEDELLIN CARTEL AFTER THE UP WAS FORMED AS PART OF A 1985 PEACE ACCORD WHICH PERMITTED SEVERAL THOUSAND FARC GUERRILLAS TO TRADE-IN THEIR WEAPONS FOR POLITICAL SPACE WITHIN A LEGAL PARTY. THERE WERE 600 REPORTED MURDERS OF UP PARTY MEMBERS IN META DEPARTMENT ALONE SINCE THE CAMPAIGN BEGAN, INCLUDING THE HEAD OF THE META COMMITTEE FOR HUMAN RIGHTS, JOSUE GIRALDO, WHO WAS KILLED IN OCTOBER, 1996.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS (IACHR) SUBSEQUENTLY ADOPTED A RESOLUTION REQUESTING THE GOVERNMENT TO PROSECUTE ANYONE TARGETING HUMAN RIGHTS ADVOCATES FOR MURDER AND TO PROVIDE PROTECTION FOR GIRALDO'S FAMILY. THE INTER-AMERICAN HUMAN RIGHTS COURT IN PLENARY RATIFIED THAT DECISION IN FEBRUARY 1997, EMPHASIZING THE SPECIAL IMPORTANCE OF EFFECTIVELY INVESTIGATING GIRALDO'S MURDER AS A MEANS OF PROTECTION FOR OTHERS SO TARGETED. A MEMBER OF THE NATIONAL POLICE WAS SHOT AND KILLED EARLY JULY 26 BY UNKNOWN ASSAILANTS WHILE HE SUCCESSFULLY PREVENTED THE DETONATION OF A 50-KILO BOMB AIMED AT THE U.P.'S BOGOTA HEADQUARTERS.

(NOTE: PARAGRAPH TO BE UPDATED WITH DATA FROM OCT. 1997 SUBMISSION TO IAHR. END NOTE.) THE UP BROUGHT A COMPLAINT BEFORE THE IACHR THAT CHARGES THE GOVERNMENT WITH "ACTION OR OMISSION" IN WHAT THE UP TERMS "POLITICAL GENOCIDE" AGAINST THE UP AND THE COMMUNIST PARTY. IN ITS OCTOBER SUBMISSION TO THE IACHR, THE HUMAN RIGHTS ORGANIZATION FUNDACION REINICIAR REPORTED THAT, BETWEEN JANUARY 1 AND SEPTEMBER 20, UP ACTIVISTS WERE KILLED AT THE RATE OF ONE EVERY OTHER DAY. MANY MURDERED UP

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MEMBERS HELD OR HAD PREVIOUSLY HELD ELECTED OFFICE: 1 REGIONAL DEPUTY, 13 MUNICIPAL COUNCIL MEMBERS, 2 FORMER MAYORS, AND 3 FORMER COUNCIL MEMBERS.

UP LEADER HERNAN MOTTA IS THE PARTY'S MEMBER OF THE SENATE, REPLACING UP LEADER MANUEL VARGAS CEPEDA WHO WAS ASSASSINATED IN 1994. IN OCTOBER, 1997, THE PROSECUTING ATTORNEY'S HUMAN RIGHTS UNIT RESTED ITS CASE BEFORE A BOGOTA REGIONAL ("FACELESS") COURT JUDGE, AFTER FORMALLY CHARGING PARAMILITARY LEADER CARLOS CASTANO AND TWO ARMY SERGEANTS, HERNANDO MEDINA CAMACHO AND GUSTO GIL ZUNIGA LABRADOR, WITH THE MURDER OF SENATOR CEPEDA. THE TWO SERGEANTS REMAINED IN PREVENTIVE DETENTION, WHILE CASTANO WAS TRIED IN ABSENTIA.

THE IACHR CALLED IN AUGUST FOR THE GOVERNMENT TO "COMBAT, DISMANTLE AND DISARM ALL PARAMILITARY AND OTHER PROSCRIBED SELF-

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DEFENSE GROUPS."

THE SEPTEMBER 9 REPORT ISSUED BY THE PRESIDENTIAL EXPLORATORY
PEACE COMMISSION DECLARED THAT THE NATION'S PARAMILITARY GROUPS,
"HAD WORSENERED THE CONFLICT, GENERATED WAVES OF INTERNALLY
DISPLACED PERSONS, AND IN OTHER CASES FATTENED THE RANKS OF THE

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
	PRM-10	PRME-01	DRL-04	G-00	MR-00	NFAT-00	/031W
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GUERRILLAS. INSTEAD OF HELPING THE STATE, THEY CONTRIBUTE TO ITS
INCREASING DE-INSTITUTIONALIZATION, DISAVOWING THE STATE'S
LEGITIMATE AUTHORITY AND ITS CORRESPONDING MONOPOLY ON THE USE OF
FORCE."

THE REPORT ADDED THAT "THERE EXISTS A TROUBLING AND CLEARLY
EVIDENT SYMBIOSIS BETWEEN LOCAL POLITICAL AND ECONOMIC ELITES IN
SOME REGIONS OF THE COUNTRY WITH THE SELF-DEFENSE GROUPS, NOT

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JUST IN FINANCING THEM BUT IN THE DIRECTION OF THEIR ACTIVITIES." THE REPORT CONCLUDED THAT, "THE SELF-DEFENSE GROUPS HAVE BECOME PART OF THE CURRENT ARMED CONFLICT, AS A SEMI-AUTONOMOUS ACTOR WITH ITS OWN MILITARY CAPACITY, SIGNIFICANT TERRITORIAL CONSOLIDATION, A SOCIAL PROJECTS BUDGET, AND WITH A STRONG DEPENDENCE ON THE OPEN SUPPORT, IN SOME CASES, AND THE ACTIVE TOLERATION, IN OTHER CASES, OF PERSONS BELONGING TO BOTH THE PUBLIC AND PRIVATE SECTORS. IT SHOULD BE NOTED, HOWEVER, THAT THE ENTIRE STATE DOES NOT SPONSOR THEM AND SHOULD COMBAT THEM."

IN AN OCTOBER PRESS INTERVIEW, GENERAL MARIO HUGO GALAN, COMMANDING GENERAL OF THE ARMY, DECLARED THAT, "IN NO MOMENT HAS THE ARMY HAD OPERATIONAL CONTACT WITH (PARAMILITARY) GROUPS," BUT THAT, INSTEAD, THE ARMY COMBATS THEM. GALAN STATED THAT WHILE ONE COULD NOT DENY THERE HAD BEEN "INDIVIDUAL CASES" OF ARMY PERSONNEL COOPERATING WITH PARAMILITARIES, "THESE CONNECTIONS DO NOT HAVE ANY TYPE OF INSTITUTIONAL CHARACTER."

THE ATTORNEY GENERAL ("PROCURADURIA") OPENED FORMAL INVESTIGATIONS OCTOBER 14 INTO THE POSSIBLE ROLES PLAYED BY FOUR ARMY OFFICERS, INCLUDING THE COMMANDER OF THE 7TH BRIGADE, GENERAL JAIME HUMBERTO USCATEGUI, AND FIVE CIVILIAN OFFICIALS, INCLUDING THE MAYOR OF MAPIRIPAN IN THE JULY TAKEOVER OF MAPIRIPAN, META BY PARAMILITARY FORCES.

THE GUERRILLAS OF THE FARC, ELN AND EPL CONTINUED TO COMMIT EXTRAJUDICIAL EXECUTIONS, OFTEN TARGETING NON-COMBATANTS IN A MANNER NOT UNLIKE THE PARAMILITARIES. LOCAL ELECTED OFFICIALS OR CANDIDATES FOR PUBLIC OFFICE, TEACHERS, CIVIC LEADERS, BUSINESS OWNERS, TEACHERS AND PEASANTS OPPOSED TO THEIR POLITICAL OR MILITARY ACTIVITIES WERE COMMON TARGETS. POLICE AND MILITARY

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PERSONNEL WERE ALSO TARGETED FOR KILLINGS, BOTH IN AND OUT OF COMBAT, BUT TO A LESSER DEGREE.

A FARC CAR-BOMB PLACED IN FRONT OF THE EL PESCADOR HOTEL IN APARTADO, ANTIOQUIA, ON FEBRUARY 27 KILLED 11 PERSONS AND WOUNDED 53. THE BODY OF VASSILY LOJKIN, A RUSSIAN CYCLIST ENDEAVORING TO CIRCUMNAVIGATE THE GLOBE, WAS FOUND MARCH 7 IN APARTADO; HE HAD BEEN KIDNAPED, THEN EXECUTED, BY THE FARC. TWO ELN CAR-BOMBS MARCH 16 IN CUCUTA KILLED AN 18-MONTH-OLD CHILD AND INJURED FOUR OTHERS. ANOTHER ELN CAR-BOMB THE SAME DAY IN SARAVENA, ARAUCA, KILLED FOUR AND WOUNDED FIVE. AN ELN URBAN ASSASSINATION SQUAD CLAIMED RESPONSIBILITY FOR THE AUGUST 8 MURDER IN CUCUTA OF LIBERAL SENATOR JORGE CRISTO. (SEE ALSO SECTIONS 1.G. AND 3).

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IN A KILLING WHICH STUNNED MUCH OF BOGOTA, TWO WORKERS FOR THE JESUIT-RUN CINEP HUMAN RIGHTS GROUP, MARIO CALDERON AND ELSA ALVARADO, ALONG WITH ELSA'S FATHER CARLOS ALVARADO, WERE ASSASSINATED IN THEIR BOGOTA HOME DURING THE PRE-DAWN HOURS OF MAY 19 BY FIVE INDIVIDUALS MASQUERADING AS MEMBERS OF THE FISCALIA'S TECHNICAL INVESTIGATIVE CORPS (CTI). HIRED KILLERS FROM MEDELLIN WERE ARRESTED IN LATE SEPTEMBER AND CHARGED IN THE CASE (SEE SECTION 4).

THE MUTILATED BODY OF AMERICAN GEOLOGIST FRANK THOMAS PESCATORE, KIDNAPED DECEMBER 10, 1996, BY THE FARC, WAS FOUND FEBRUARY 23, 1997.

THERE HAS BEEN NO SIGNIFICANT PROGRESS IN THE CASE OF THE JUNE 1995, MURDERS OF AMERICAN MISSIONARIES TIMOTHY VAN DYKE AND STEVEN WELSH SINCE THE 1996 ISSUANCE OF ARREST WARRANTS FOR ELEVEN SENIOR FARC PERSONNEL RESPONSIBLE FOR THEIR KIDNAPINGS AND
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SUBSEQUENT MURDERS. (SEE SECTION 1.E.)

THE CONSTITUTIONAL COURT RULED MAY 20 THAT NO PERSON COULD BE HELD CRIMINALLY RESPONSIBLE FOR TAKING THE LIFE OF A TERMINALLY ILL PATIENT WHO HAS GIVEN CLEAR AUTHORIZATION TO DO SO. THE RULING EFFECTIVELY MADE COLOMBIA THE ONLY COUNTRY IN THE WESTERN HEMISPHERE TO ALLOW THE PRACTICE OF ACTIVE EUTHANASIA, OR ASSISTED SUICIDE.

B. DISAPPEARANCE

"FORCED DISAPPEARANCE", WHILE EXPLICITLY PROHIBITED BY THE 1991 CONSTITUTION, REMAINED AN ACT NOT EXPLICITLY OUTLAWED UNDER THE PENAL CODE, ALTHOUGH THE LAW CODIFIES KIDNAPING FOR EXTORTION AND "SIMPLE KIDNAPING" AS CRIMES. FOR THE FIRST TIME EVER, THE GOVERNMENT SUBMITTED LEGISLATION TO CONGRESS THIS YEAR TO CRIMINALIZE FORCED DISAPPEARANCE; THE BILL, HOWEVER, REMAINED UNAPPROVED AT YEAR'S END. THIS ONLY PARTLY EXPLAINS WHY COLOMBIA CONTINUED TO SUFFER FROM EXTREMELY HIGH OVERALL RATES OF DISAPPEARANCE AND KIDNAPING. AN ESTIMATED 3000 CASES OF FORCED DISAPPEARANCE HAVE BEEN FORMALLY DENOUNCED TO AUTHORITIES SINCE 1977, WITH VERY FEW OF THE CASES HAVING EVER BEEN POSITIVELY

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	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
	PRM-10	PRME-01	DRL-04	G-00	MR-00	NEAT-00	/031W

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RESOLVED. THE UN WORKING GROUP ON ENFORCED OR INVOLUNTARY
DISAPPEARANCES REPORTED HAVING RECEIVED 133 COMPLAINTS OF FORCED
DISAPPEARANCE IN COLOMBIA DURING THE PAST FOUR YEARS.

(NOTE: DATA FOR FOLLOWING SENTENCE TO BE PROVIDED BY POST. END
NOTE.) THE ATTORNEY GENERAL FOR HUMAN RIGHTS REPORTED X FORCED
DISAPPEARANCES ATTRIBUTED TO MEMBERS OF THE PUBLIC SECURITY
FORCES, VERSUS Y IN ALL OF 1996. ACCORDING TO DATA COLLECTED

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JOINTLY BY THE INTERCONGREGATIONAL COMMISSION FOR JUSTICE & PEACE
AND THE CENTER FOR INVESTIGATIONS AND POPULAR RESEARCH (CINEP),
87 PERSONS WERE FORCIBLY DISAPPEARED DURING THE FIRST HALF OF THE
YEAR. PARAMILITARY GROUPS WERE DEEMED TO BE RESPONSIBLE FOR 81
OF THE DISAPPEARANCES, WITH THE REMAINING 6 CASES ATTRIBUTED TO
THE ARMY.

IN SEPTEMBER THE DIRECTORATE FOR THE GOVERNMENT'S SPECIAL ANTI-
KIDNAPING TASK FORCES AND THE PAIS LIBRE FOUNDATION REPORTED 956
KIDNAPINGS DURING THE FIRST EIGHT MONTHS OF THE YEAR -- A 3
PERCENT DROP FROM THE 1996 FIGURE OF 987 FOR THE SAME PERIOD.

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GOVERNMENTAL OFFICIALS CONCEDED, HOWEVER, THAT THESE FIGURES REPRESENTED ONLY A VERY CONSERVATIVE ESTIMATION OF THE PROBLEM, AS MANY FAMILIES OF KIDNAPING VICTIMS CHOSE NOT TO REPORT KIDNAPINGS IN ORDER TO CONCEAL RANSOM NEGOTIATIONS OR AVOID AN ARMED RESCUE ATTEMPT. AN INTERNATIONAL SECURITY CONSULTING FIRM ESTIMATED AN ANNUAL TOTAL OF 3,500 KIDNAPINGS. A LARGE, BUT UNDETERMINED, NUMBER OF THEM WERE COMMITTED BY CRIMINAL KIDNAP-FOR-PROFIT GANGS.

GUERRILLAS WERE DEEMED RESPONSIBLE FOR 40 PERCENT (OR 583) OF THE 1436 KIDNAPING CASES FORMALLY DENOUNCED TO THE NATIONAL POLICE DURING 1996 (THE LAST YEAR FOR WHICH STATISTICS WERE AVAILABLE). ARRESTS OR PROSECUTIONS IN ANY OF THESE CASES WERE RARE. FOREIGNERS ACCOUNTED FOR APPROXIMATELY 5 PERCENT OF THOSE KIDNAPED, AND REPRESENTED ATTRACTIVE TARGETS FOR BOTH THE FARC AND THE ELN, WHICH GENERALLY DEMANDED EXORBITANT RANSOM PAYMENTS FOR THEIR RELEASE.

SEVENTY SOLDIERS AND MARINES WERE RELEASED BY THE FARC JUNE 15 VIA THE GOOD OFFICES OF THE INTERNATIONAL COMMITTEE OF THE RED
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CROSS (ICRC) AND THE CATHOLIC-CHURCH-BACKED NATIONAL CONCILIATION COMMISSION. THE SIXTY SOLDIERS HAD BEEN HELD SINCE AUGUST 31, 1996, WHEN THE GUERRILLAS OVERRAN THE MILITARY BASE AT LAS DELICIAS, PUTUMAYO DEPARTMENT. THE TEN MARINES WERE TAKEN JANUARY 17, 1997, IN CHOCO DEPARTMENT. THE RELEASE OF THE MILITARY PERSONNEL CAME ABOUT ONLY AFTER PRESIDENT SAMPER CONCEDED TO THE GUERRILLAS' DEMAND TO "DEMILITARIZE" FOR ONE MONTH AN ESTIMATED 13,161 SQ. KMS. OF PUTUMAYO AND CAQUETA DEPARTMENTS DOMINATED BY THE GUERRILLAS AND THE PRODUCTION OF COCA.

ANTI-KIDNAP CZAR ALBERTO VILLAMIZAR CALLED APRIL 23 FOR INVESTIGATION INTO ALLEGATIONS OF COOPERATION BETWEEN GAULA ELITE ANTI-KIDNAP SQUADS AND ILLEGAL PARAMILITARY GROUPS FOLLOWING THE APRIL 22 RESCUE BY PARAMILITARY FORCES OF AN OIL COMPANY EMPLOYEE KIDNAPED IN BOLIVAR DEPARTMENT BY THE ELN.

POLICE MAJOR MANUEL DE JESUS LOZADA PLAZAS, THE DEPUTY COMMANDER OF THE GAULA IN BOGOTA, WAS ARRESTED MARCH 10 AND CHARGED WITH THE MAY 19, 1995, KIDNAPING OF THREE FORMER EPL GUERRILLAS IN CALI, WHERE HE HAD PREVIOUSLY SERVED AS HEAD OF THE GAULA. IN ITS FIRST SUCH DECISION FOLLOWING THE LANDMARK AUGUST 5 CONSTITUTIONAL COURT DECISION REGARDING ALLEGED HUMAN RIGHTS VIOLATIONS BY SECURITY FORCES PERSONNEL, THE SUPERIOR JUDICIAL

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COUNCIL DETERMINED AUGUST 14 THAT LOZADA WOULD BE TRIED IN CIVILIAN COURTS.

FORMER LIBERAL CONGRESSMAN RODRIGO TURBAY WAS REPORTED MAY 5 BY HIS FARC KIDNAPPERS TO HAVE DROWNED IN A RIVER-CROSSING WHILE BEING MOVED TO A NEW HIDEOUT. TURBAY HAD BEEN HELD HOSTAGE SINCE JUNE OF 1995.

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A MEDELLIN JUDGE ON JUNE 3 SENTENCED ELN GUERRILLA MARIANO HUMBERTO ZEA TO 25 YEARS IN PRISON FOR HIS PARTICIPATION IN THE AUGUST 30, 1996, KIDNAPING OF GERMAN CITIZEN BRIGITTE SCHOENE.

EPL GUERRILLAS FREED CRS CONGRESSMEN ADOLFO BULA IN LATE JULY, AFTER FOUR MONTHS IN CAPTIVITY.

IN AUGUST, ELN FORCES IN RIVERA, HUILA DEPARTMENT, BEAT TO DEATH A 9 YEAR-OLD KIDNAP VICTIM, AFTER HE TRIED TO ESCAPE. THE BOY HAD BEEN HELD SINCE MARCH 25 BY THE ELN, WHICH WAS DEMANDING \$60,000 FROM HIS PARENTS FOR HIS RELEASE.

FROM AUGUST TO OCTOBER, FARC AND ELN GUERRILLAS WAGED A MASSIVE KIDNAPING CAMPAIGN AGAINST CANDIDATES FOR THE OCTOBER 26 DEPARTMENTAL AND LOCAL ELECTIONS. HUNDREDS WERE KIDNAPED (OR "INVITED" UNDER THE THREAT OF FORCE), HELD FOR SEVERAL DAYS OR WEEKS, LECTURED AND SUBSEQUENTLY RELEASED, TYPICALLY AFTER PROMISING TO WITHDRAW THEIR CANDIDACIES. SOME 2000 CANDIDATES NATIONWIDE SUBSEQUENTLY WITHDREW. (SEE ALSO SECTION 3.)

THE JUDICIAL COUNCIL OF STATE DETERMINED IN SEPTEMBER THAT THE

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GOVERNMENT SHOULD COMPENSATE THE FAMILIES OF M-19 GUERRILLA IRMA FRANCO PINEDA AND 11 CIVILIAN CAFETERIA WORKERS -- WHO HAD ALL "DISAPPEARED" AT THE HANDS OF THE "CHARRY SOLANO" INTELLIGENCE/COUNTER-INTELLIGENCE BATTALION AFTER THE ARMY RETOOK BOGOTA'S PALACE OF JUSTICE FOLLOWING THE M-19'S NOVEMBER 6, 1985, SIEGE. (SEE ALSO SECTION 4.)

THERE HAS BEEN NO PROGRESS SINCE THE DECEMBER 1996, DECISION OF UNCLASSIFIED

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THE SUPERIOR COUNCIL OF THE JUDICIARY TO TRANSFER THE CRIMINAL INVESTIGATION OF GENERAL ALVARO VELANDIA HURTADO -- ACCUSED OF THE 1987 FORCED DISAPPEARANCE, TORTURE, AND MURDER OF NYDIA ERIKA BAUTISTA, A MEMBER OF THE APRIL 19TH MOVEMENT, OR M-19 -- TO THE MILITARY JUDICIAL SYSTEM. THE PROSECUTOR GENERAL'S HUMAN RIGHTS UNIT WAS FORCED TO TERMINATE ITS OWN INVESTIGATION AFTER IT LOST JURISDICTION OVER THE CASE.

GUERRILLA CULPABILITY HAS BEEN DETERMINED IN THE VAST MAJORITY OF CASES INVOLVING AT LEAST 78 AMERICANS KIDNAPED SINCE 1980; 12 WERE KILLED OR DIED IN CAPTIVITY. SEVERAL DOZEN FOREIGNERS WERE KIDNAPED IN 1997 BY THE GUERRILLAS; CITIZENS OF AUSTRIA, BELGIUM, BRAZIL, DENMARK, FRANCE, GERMANY, GUATEMALA, ITALY, SPAIN, NORWAY, VENEZUELA, THE UNITED KINGDOM, THE UNITED STATES, AND VENEZUELA WERE AMONGST THOSE KIDNAPED, HELD OR STILL MISSING DURING 1997. BY THE END OF 1997, SIX AMERICANS (INCLUDING THE VICTIM KIDNAPPED THIS YEAR IN VENEZUELA) WERE STILL BEING HELD OR WERE UNACCOUNTED FOR. CITIZENS OF AT LEAST FIVE OTHER FOREIGN NATIONS WERE ALSO STILL BEING HELD FOR MONETARY RANSOM AT YEAR'S END.

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THERE HAS BEEN NO CONFIRMED PROOF OF LIFE FOR NEARLY FOUR YEARS FOR AMERICAN MISSIONARIES MARK RICH, DAVID MANKINS, AND RICK TENENOFF, WHO WERE KIDNAPED BY THE FARC IN PANAMA ON JANUARY 31, 1993, AND LATER MOVED TO COLOMBIA. THE FARC CONTINUED TO HOLD OTHER U.S. CITIZENS: AN AMERICAN OIL COMPANY EXECUTIVE KIDNAPED FEBRUARY 14, 1997 IN VENEZUELA AND PRESUMED TO HAVE BEEN MOVED INTO COLOMBIA, AND, A MINING MANAGER KIDNAPED MARCH 7, 1997. ELN GUERRILLAS CONTINUED TO HOLD AN AMERICAN GEOLOGIST KIDNAPED FEBRUARY 24, 1997.

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MEMBERS OF THE ARMY'S 17TH BRIGADE RESCUED APRIL 3 AN AUSTRIAN AND GERMAN CITIZEN BEING HELD BY FARC GUERRILLAS IN RIOSUCIO, CHOCO. TWO OTHER HOSTAGES, ALSO ONE GERMAN AND ONE AUSTRIAN, WERE KILLED DURING THE RESCUE ATTEMPT, HOWEVER. GUERRILLAS OF THE ELN KIDNAPED TWO INTERNATIONAL ELECTION OBSERVERS FROM THE ORGANIZATION OF AMERICAN STATES ON OCTOBER 23 (SEE ALSO SECTION 3).

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING TREATMENT OR PUNISHMENT

THE CONSTITUTION EXPLICITLY PROHIBITS TORTURE, AS WELL AS CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT. REPORTS OF INCIDENTS OF POLICE AND MILITARY MISTREATMENT OR TORTURE OF DETAINEES NEVERTHELESS CONTINUE. THE OFFICE OF THE ATTORNEY GENERAL ("PROCURADURIA") FOR HUMAN RIGHTS REPORTED INVESTIGATING 462 CASES OF TORTURE COMMITTED BY THE POLICE, DAS, ARMY, PRISON OFFICIALS, AND OTHER AGENTS OF THE STATE DURING THE PERIOD FROM JUNE 1995 TO OCTOBER 1996. THERE HAS BEEN NO APPRECIABLE SUBSEQUENT DECREASE IN CASES OF TORTURE COMMITTED BY INDIVIDUALS FROM VARIOUS GOVERNMENT SECURITY AGENCIES. THESE ABUSES OFTEN OCCURRED IN CONNECTION WITH ILLEGAL DETENTIONS IN THE CONTEXT OF COUNTER-INSURGENCY OR COUNTER-NARCOTICS OPERATIONS.

PARAMILITARY AND GUERRILLA GROUPS WERE ALSO RESPONSIBLE FOR MANY INSTANCES OF TORTURE; THE BODIES OF A GREAT MANY PERSONS DETAINED AND SUBSEQUENTLY KILLED BY THESE ILLEGAL GROUPS SHOWED SIGNS OF TORTURE AND DISFIGUREMENT.

PRISON CONDITIONS ARE GENERALLY HARSH, ESPECIALLY FOR THOSE PRISONERS WITHOUT SIGNIFICANT OUTSIDE SUPPORT. SEVERE

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OVERCROWDING, AND DANGEROUS SANITARY AND HEALTH CONDITIONS
REMAINED SERIOUS PROBLEMS. THE ATTORNEY GENERAL'S MARCH 1997,
ANNUAL HUMAN RIGHTS REPORT TERMED THE NATION'S ISOLATION CELLS
"THE SUPREME MONUMENT TO THE VIOLATION OF (THE) HUMAN RIGHTS" OF
DETAINEES.

IN 1990, THE NATION'S 168 PRISONS AND JAILS HELD 29,356 INMATES,
BARELY 3 PERCENT MORE THAN THE OFFICIAL TOTAL CAPACITY OF 28,332.
BY SEPTEMBER 1997, HOWEVER, THOSE SAME 168 FACILITIES WERE JAMMED
WITH 41,106 INMATES -- 45 PERCENT MORE THAN OFFICIAL CAPACITY.
IN A NUMBER OF THE NATION'S LARGEST PRISONS, HOWEVER, THE
OVERCROWDING HAD REACHED EVEN MORE ALARMING LEVELS. MEDELLIN'S
BELLAVISTA PRISON, THE NATION'S LARGEST, WAS BUILT TO HOUSE 1700
INMATES; IN SEPTEMBER 1997, IT HOUSED SOME 5,060 INMATES --
TRIPLE ITS OFFICIAL CAPACITY. BOGOTA'S LA MODELO AND CALI'S
PALMIRA PRISONS WERE BOTH AT 250 PERCENT OF OFFICIAL CAPACITY.

PRISON CONDITIONS PROMPTED AN UNPRECEDENTED 27 UPRISINGS AND
HOSTAGE-TAKINGS BY INMATES IN JUST THE FIRST THREE MONTHS OF THE
YEAR, A TOTAL OF 50 DURING THE FIRST SIX MONTHS. GUARDS ALSO
WENT ON STRIKE AT SEVERAL FACILITIES. INSTANCES OF ABUSE BY AND
CORRUPTION AMONG PRISON STAFFS, AS WELL AS ONGOING CRIMINAL

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ACTIVITIES BY INMATES, WERE SUCH THAT JUDICIAL AUTHORITIES ANNOUNCED APRIL 1 THE TRANSFER OF CONTROL OF THE MAXIMUM SECURITY WINGS OF BOGOTA'S LA PICOTA AND LA MODELO, CALI'S PALMIRA AND MEDELLIN'S ITAGUI PRISONS FROM THE CIVILIAN NATIONAL PRISONS INSTITUTE (INPEC) TO THE COLOMBIAN NATIONAL POLICE.

"POLITICAL" DETAINEES AND PRISONERS ARE TYPICALLY HOUSED WITH COMMON PRISONERS. KEY JAILED NARCOTICS TRAFFICKERS, AND SOME
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GUERRILLA LEADERS, HOWEVER, GET SPECIAL CELLS WITH MANY CREATURE COMFORTS, SOME OF WHICH -- SUCH AS ACCESS TO TWO-WAY RADIOS, CELL PHONES AND COMPUTERS -- ALLOWED THEM TO CONTINUE THEIR ILLEGAL ACTIVITIES FROM INSIDE JAIL.

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.

IN JULY, THE CORPORATION FOR EXCELLENCY IN JUSTICE RELEASED A REPORT CALLING UPON THE GOVERNMENT TO IMMEDIATELY ESTABLISH PRISONS REFORMS, SEARCH OUT THE PARTICIPATION OF PRIVATE INVESTORS, EXPLORE THE POSSIBILITY OF RURAL PENAL COLONIES, COMPLY WITH INTERNATIONAL TREATY OBLIGATIONS REGARDING PENAL CONDITIONS, AND ACTIVELY PURSUE ALTERNATIVES TO INCARCERATION, ESPECIALLY FOR NON-VIOLENT OFFENDERS.

THE SUPERIOR MILITARY TRIBUNAL ORDERED APRIL 4 THE ARREST IN CARTAGENA OF FIVE COLOMBIAN NATIONAL POLICE FOR THE SEPTEMBER 3, 1995, BEATING DEATH WHILE IN DETENTION OF ITALIAN TOURIST GIACOMO TURRA. THE MILITARY TRIAL OF POLICE SERGEANT RAYMUNDO LLANOS VASQUEZ AND FOUR SUBORDINATES ON THE CHARGE OF PREMEDITATED HOMICIDE BEGAN IN OCTOBER.

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO HAVE ROUTINE ACCESS TO MOST PRISONS AND POLICE AND MILITARY DETENTION CENTERS. THE ICRC WAS LESS FREQUENTLY PROVIDED ACCESS TO KIDNAP VICTIMS BEING HELD BY GUERRILLA OR PARAMILITARY FORCES AND VIRTUALLY NO ACCESS TO THE MANY HUNDREDS HELD BY THE NATION'S "KIDNAP-FOR-PROFIT" CRIMINAL GANGS.

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D. ARBITRARY ARREST, DETENTION, OR EXILE

THE CONSTITUTION INCLUDES SEVERAL PROVISIONS DESIGNED TO PREVENT ILLEGAL DETENTION; THERE CONTINUED TO BE INSTANCES, HOWEVER, IN WHICH THE AUTHORITIES ARRESTED OR DETAINED CITIZENS ARBITRARILY.

INCOMMUNICADO DETENTION IS PROHIBITED BY LAW. SUSPECTS HELD IN PREVENTIVE DETENTION HAVE THE RIGHT TO REQUEST A PROMPT JUDICIAL DETERMINATION OF THE LEGALITY OF THE DETENTION (HABEAS CORPUS) FROM ANY JUDGE. ANYONE HELD IN PREVENTIVE DETENTION MUST BE BROUGHT BEFORE A JUDGE WITHIN 36 HOURS TO DETERMINE THE LEGALITY OF THE DETENTION. THE JUDGE MUST THEN ACT UPON THAT PETITION WITHIN 36 HOURS OF ITS APPLICATION. DESPITE THESE LEGAL PROTECTIONS, INSTANCES OF ARBITRARY DETENTION CONTINUED; THE HUMAN RIGHTS OMBUDSMAN REPORTED 509 FORMAL COMPLAINTS OF ARBITRARY OR ILLEGAL DETENTION IN 1996, FAR MORE THAN THE 374 CASES SIMILARLY REPORTED IN 1995. CINEP AND JUSTICE AND PEACE, USING DIFFERENT REPORTING CRITERIA, RECEIVED 50 REPORTS OF ARBITRARY DETENTIONS DURING THE FIRST 6 MONTHS OF 1997.

AS OF APRIL 1, AN ESTIMATED FORTY-SIX PERCENT OF THE NATION'S PRISON INMATES WERE BEING HELD IN VARIOUS FORMS OF PRE-TRIAL DETENTION, AND HAD NOT BEEN CONVICTED OF A CRIME. AT THE TIME OF THE APRIL VALLEDUPAR PRISON UPRISING, THE FACILITY'S POPULATION APPROACHED FIVE TIMES ITS OFFICIAL CAPACITY; 341 OF THE 578 INMATES (OR 59 OF THE TOTAL) WERE BEING HELD IN PRE-TRIAL DETENTION.

CONDITIONAL PRETRIAL RELEASE IS AVAILABLE UNDER CERTAIN CIRCUMSTANCES, E.G., IN CONNECTION WITH MINOR OFFENSES OR AFTER
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UNDULY LENGTHY AMOUNTS OF TIME IN PREVENTIVE DETENTION. IT IS NOT AVAILABLE IN CASES OF SERIOUS CRIMES, SUCH AS HOMICIDE OR TERRORISM.

FORCED EXILE IS NOT FORMALLY PRACTICED, ALTHOUGH THERE WERE REPEATED INSTANCES OF INDIVIDUALS PRESSURED INTO SELF-EXILE FOR THEIR PERSONAL SAFETY. SUCH CASES INCLUDED PERSONS FROM ALL WALKS OF LIFE, FROM POLITICIANS TO HUMAN RIGHTS WORKERS TO SLUM-DWELLERS TO BUSINESS EXECUTIVES TO RURAL FARMERS. THE THREATS CAME FROM VARIOUS QUARTERS: ELEMENTS OF THE MILITARY, GUERRILLA

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GROUPS, PARAMILITARY GROUPS, NARCOTICS TRAFFICKERS AND OTHER
CRIMINAL ELEMENTS.

IN MORE THAN 150 CASES, THE OFFICE OF THE PRESIDENCY ACTIVELY
ASSISTED, INCLUDING THE FINANCIAL UNDERWRITING, THE INTERNATIONAL
RELOCATION OF THREATENED PERSONS WHEN IT WAS DECIDED THAT THE
GOVERNMENT WAS SIMPLY UNABLE TO GUARANTEE THEIR SECURITY ANYWHERE
WITHIN THE COUNTRY. RICHARD VELEZ, THE TELEVISION CAMERAMAN WHO
WAS BEATEN BY SEVERAL ARMY TROOPS WHILE FILMING A 1996 PEASANT
PROTEST BY COCA-LEAF PICKERS ("COCALEROS") IN CAQUETA DEPARTMENT
FLED THE COUNTRY ALONG WITH HIS FAMILY IN OCTOBER 1997. VELEZ
HAD RECEIVED A NUMBER OF THREATS, CULMINATING IN AN EARLY OCTOBER

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ARMED ASSAULT. (SEE ALSO SECTION 2.A.)

E. DENIAL OF FAIR PUBLIC TRIAL

THE CIVILIAN JUDICIAL SYSTEM, REORGANIZED UNDER THE 1991
CONSTITUTION, IS LARGELY INDEPENDENT OF THE EXECUTIVE AND
LEGISLATIVE BRANCHES, BOTH IN THEORY AND PRACTICE, ALTHOUGH THE

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SUBORNING OR INTIMIDATION OF JUDGES, WITNESSES AND PROSECUTORS BY
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THOSE INDICTED OR INVOLVED IS COMMON.

THE JUDICIARY HAS LONG BEEN SUBJECT TO THREATS AND INTIMIDATION WHEN DEALING WITH CASES INVOLVING MEMBERS OF ARMED FORCES OR OF PARAMILITARY, GUERRILLA, AND NARCOTICS ORGANIZATIONS. ALTHOUGH THE NUMBER OF INSTANCES OF VIOLENT ATTACKS AGAINST PROSECUTORS AND JUDGES DECLINED WITH THE ABATEMENT OF DRUG-RELATED TERRORISM IN THE LATE 1980S -- AND AS EXTRADITION OF COLOMBIAN CITIZENS WAS HALTED IN 1991 -- PROSECUTORS, JUDGES, AND DEFENSE ATTORNEYS CONTINUED TO BE SUBJECTED TO THREATS AND ACTS OF VIOLENCE. PROSECUTORS REPORTED, MOREOVER, 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.

CORRUPTION AND INTIMIDATION ARE BELIEVED RESPONSIBLE FOR THE RELATIVELY LIGHT PRISON TERMS THAT GILBERTO AND MIGUEL RODRIGUEZ OREJUELA, LONGTIME LEADERS OF THE MULTI-BILLION DOLLAR CALI-BASED NARCOTICS-TRAFFICKING CARTEL, WERE SENTENCED IN JANUARY TO SERVE (10 AND ONE-HALF YEARS AND NINE YEARS RESPECTIVELY). THE RODRIGUEZ OREJUELAS ARE CREDIBLY BELIEVED, HOWEVER, TO CONTINUE TO RUN SOME OF THEIR BUSINESS FROM BOGOTA'S LA PICOTA PRISON.

DOING WHAT NEITHER THE CONGRESS NOR THE ADMINISTRATION WOULD DO, THE CONSTITUTIONAL COURT STRUCK SEVERAL LANDMARK BLOWS AGAINST IMPUNITY DURING THE YEAR. THE SEPARATE MILITARY JUDICIAL SYSTEM, LONG ACCOUNTABLE ONLY TO THE UNIFORMED MILITARY LEADERSHIP, WAS DIRECTED BY THE CONSTITUTIONAL COURT AUGUST 5 TO RELINQUISH TO THE CIVILIAN JUDICIARY THE INVESTIGATION AND PROSECUTION OF HUMAN RIGHTS CASES AND OTHER ALLEGED CRIMES NOT DIRECTLY RELATED TO ACTS OF SERVICE. ON SEPTEMBER 23, THE CONSTITUTIONAL COURT

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DECLARED NULL AND VOID A STATUTE OF THE PENAL CODE (DATING FROM THE 1930S) WHICH PROHIBITED PUNISHMENT OF POLITICALLY-MOTIVATED REBELS FOR ANY CRIMINAL ACTS COMMITTED IN COMBAT, EXCEPT THOSE WHICH CONSTITUTED ACTS OF SAVAGERY, BARBARISM OR BARBARISM.

PRIOR TO THE AUGUST CONSTITUTIONAL COURT DECISION MOST -- BUT NOT ALL -- CASES INVOLVING HIGH-LEVEL MILITARY PERSONNEL WERE

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TRANSFERRED TO THE MILITARY COURTS, WHERE CONVICTIONS IN HUMAN RIGHTS-RELATED CASES HAVE BEEN TRULY THE RARE EXCEPTION (SEE ALSO SECTION 1.A.). ONE SIGNIFICANT EXCEPTION TO THE MILITARY'S ROUTINE EXERTION OF EXCLUSIVE JURISDICTION WAS THE JUNE 12 DECISION BY THE SUPERIOR JUDICIAL COUNCIL TO DENY THE MILITARY'S REQUEST AND REMAND TO THE CIVILIAN COURTS THE CRIMINAL CASE AGAINST ARMY COLONEL HERNANDO NAVAS RUBIO. NAVAS RUBIO, ONE-TIME DEPUTY COMMANDER OF THE 14TH BRIGADE AT PUERTO BERRIO, ANTIOQUIA, IN THE MAGDALENA MEDIO REGION, WAS CHARGED IN CONNECTION WITH THE NOVEMBER 11, 1988, MASSACRE AT SEGOVIA, ANTIOQUIA, WHICH LEFT 50 DEAD, AND 49 WOUNDED. MOST SIGNIFICANTLY, THE MILITARY COURTS HAD ALREADY OBTAINED JURISDICTION FOR THE TRIALS OF THREE OF NAVAS RUBIO'S OWN SUBORDINATES, WHO HAD BEEN CHARGED EARLIER IN CONNECTION WITH THE SAME CRIMES.

THE ATTORNEY GENERAL'S OFFICE ("PROCURADURIA") IS PART OF THE PUBLIC MINISTRY. IT INVESTIGATES MISCONDUCT BY PUBLIC OFFICIALS AND ORDERS ADMINISTRATIVE SANCTIONS AS APPLICABLE. THE ATTORNEY GENERAL FOR HUMAN RIGHTS INVESTIGATES SOME ALLEGATIONS OF HUMAN RIGHTS ABUSES BY MEMBERS OF THE STATE SECURITY APPARATUS, DRAWING UPON A NATIONWIDE NETWORK OF HUNDREDS OF GOVERNMENT HUMAN RIGHTS INVESTIGATORS ("PERSONEROS") COVERING THE NATION'S 1071 MUNICIPALITIES.

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THE PUBLIC MINISTRY'S NATIONAL OMBUDSMAN FOR HUMAN RIGHTS ("DEFENSOR DEL PUEBLO") IS ELECTED BY THE HOUSE OF REPRESENTATIVES TO A FOUR-YEAR TERM AND HAS THE CONSTITUTIONAL DUTY TO ENSURE THE PROMOTION AND EXERCISE OF HUMAN RIGHTS. IN ADDITION TO PROVIDING PUBLIC DEFENSE ATTORNEYS IN CRIMINAL CASES, THE OMBUDSMAN'S OFFICES THROUGHOUT THE COUNTRY PROVIDE A LEGAL CHANNEL FOR THOUSANDS OF COMPLAINTS AND ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS. IN PRACTICE, HOWEVER, THE OMBUDSMAN'S OPERATIONS ARE SEVERELY UNDER-FUNDED, AND THE GOVERNMENT CONTINUED TO LABOR UNDER SIGNIFICANT STAFFING AND FUNDING SHORTAGES IN AN EFFORT TO DEVELOP A CREDIBLE PUBLIC DEFENDER SYSTEM. THE 1996 BUDGET, FOR EXAMPLE, WAS SUFFICIENT TO STAFF 558 PUBLIC DEFENDERS (VERSUS THE OFFICIAL GOAL OF 2000), PROVIDING ONLY MINIMAL COVERAGE FOR JUST 70 PERCENT OF THE NATION'S MUNICIPALITIES. NONE OF THE PUBLIC DEFENDERS WERE PERMANENT MEMBERS OF THE CIVIL SERVICE, BUT WERE INSTEAD CONTRACT EMPLOYEES.

THE PROSECUTOR GENERAL ("FISCAL GENERAL") IS ELECTED BY THE SUPREME COURT OF JUSTICE FROM A LIST OF THREE CANDIDATES CHOSEN

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BY THE PRESIDENT AND IS TASKED WITH INVESTIGATING CRIMINAL
OFFENSES AND PRESENTING EVIDENCE AGAINST THE ACCUSED BEFORE THE

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COMPETENT JUDGES AND TRIBUNALS.

THE OCTOBER STRIKE BY 41,000 JUDICIAL BRANCH EMPLOYEES
INTERRUPTED THE PROSECUTION OF HUNDREDS OF CASES, AND LED TO THE
RELEASE OF SOME CRIMINAL DETAINEES WHOSE "HABEAS CORPUS" RIGHTS
WERE VIOLATED BECAUSE THEY WERE NOT BROUGHT BEFORE A JUDGE FOR
ARRAIGNMENT DURING THE REQUIRED PERIOD AFTER THEIR INITIAL
DETENTION.

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THE CONSTITUTION SPECIFICALLY PROVIDES FOR THE RIGHT TO DUE
PROCESS. THE OUTCOME OF ALL TRIALS IS DETERMINED BY JUDGES;
THERE ARE NO JURY TRIALS. THE ACCUSED, PRESUMED INNOCENT UNTIL

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PROVEN GUILTY, HAS THE RIGHT TO REPRESENTATION BY COUNSEL, ALTHOUGH REPRESENTATION FOR THE INDIGENOUS AND THE INDIGENT HISTORICALLY HAS BEEN INADEQUATE. AS IN PAST YEARS, THE JUDICIARY REMAINED OVERBURDENED AND OFTEN IN A STATE OF CHAOS, STAGGERING UNDER A BACKLOG ESTIMATED AT OVER ONE MILLION CASES. THE NEW PROSECUTOR GENERAL ("FISCAL GENERAL") ANNOUNCED IN MAY THE ESTABLISHMENT OF A COMMISSION TO ANALYZE THE BACKLOG AND MAKE RECOMMENDATIONS AS TO HOW TO REDUCE THE CASE LOAD AND STREAMLINE PROCEDURES.

TRIALS CONDUCTED BY THE REGULAR, OR "SECTIONAL" COURTS ARE PUBLIC. DEFENDANTS HAVE THE RIGHT TO BE PRESENT AND THE RIGHT TO TIMELY CONSULTATION WITH AN ATTORNEY. DEFENDANTS AND THEIR ATTORNEYS HAVE THE RIGHT TO QUESTION OR CONTRADICT (THOUGH NOT CONFRONT) WITNESSES AGAINST THEM, TO PRESENT WITNESSES ON THEIR OWN BEHALF, AND TO HAVE ACCESS TO GOVERNMENT EVIDENCE RELEVANT TO THE CASE. DEFENDANTS ALSO HAVE THE RIGHT TO APPEAL A CONVICTION TO A HIGHER COURT.

THE CIVILIAN JUSTICE SYSTEM ALSO CONTINUED TO INCORPORATE "REGIONAL" OR PUBLIC ORDER JURISDICTIONS TO PROSECUTE CASES INVOLVING THE CRIMES OF NARCOTICS-TRAFFICKING, TERRORISM, KIDNAPING, SUBVERSION, EXTORTION AND SOME CASES OF HUMAN RIGHTS VIOLATIONS. IN THESE COURTS, "FACELESS" PROSECUTORS, JUDGES, WITNESSES, AND ATTORNEYS ACT UNDER COVER OF ANONYMITY FOR SECURITY REASONS. GIVEN SECURITY CONCERNS, AND AS TESTIMONY AND EVIDENCE IS TYPICALLY PROVIDED TO THE JUDGE IN WRITTEN FORM,

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REGIONAL COURT TRIALS ARE NOT PUBLIC. WHILE A 1993 REFORM OF THE CRIMINAL PROCEDURES CODE ADDRESSED CERTAIN PROCEDURAL SHORTCOMINGS WITHIN THE SYSTEM, SIGNIFICANT PROBLEMS REMAINED. IT WAS STILL DIFFICULT FOR DEFENSE ATTORNEYS TO IMPEACH OR CROSS-EXAMINE ANONYMOUS WITNESSES, AND OFTEN THEY DID NOT HAVE UNIMPEDED ACCESS TO THE STATE'S EVIDENCE. AS A RESULT OF SUCH CONCERNS, JUDGES MAY NO LONGER BASE A CONVICTION SOLELY ON THE TESTIMONY OF AN ANONYMOUS WITNESS.

PROSECUTORS, JUDGES, AND WITNESSES GENERALLY MAINTAINED THAT THE PROTECTION OF ANONYMITY PROVIDED BY A FACELESS SYSTEM IS ESSENTIAL TO THE SUCCESSFUL INVESTIGATION AND PROSECUTION OF CASES IN A COUNTRY WHERE VIOLENCE IS ENDEMIC AND ACTS OF REVENGE AGAINST THOSE PROSECUTING VIOLENT CRIME MAY BE EXPECTED.

DOMESTIC AND INTERNATIONAL HUMAN RIGHTS GROUPS, PRESIDENT SAMPER, THE PROSECUTOR GENERAL AND ARMED FORCES COMMANDING GENERAL

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BONETT, HOWEVER, ALL PUBLICLY STATED DURING THE YEAR THAT THE REGIONAL COURT SYSTEM VIOLATES BASIC LEGAL NORMS AND PROCEDURAL RIGHTS AND IS IN NEED OF STRICTER CONTROLS AND LIMITS. SOME OF THE MOST VOCAL CONGRESSIONAL CRITICS OF THE REGIONAL COURTS, HOWEVER, HAVE THEMSELVES BEEN IMPLICATED IN THE REGIONAL COURT INVESTIGATIONS INTO THE "CASE 8000" AND OTHER INVESTIGATIONS INTO THE PURCHASE OF POLITICAL PROTECTION BY THE CALI NARCOTICS CARTEL.

THE UN COMMITTEE ON HUMAN RIGHTS IN MAY STRONGLY URGED THE GOVERNMENT TO ABOLISH THE REGIONAL JUDICIAL SYSTEM AND GUARANTEE THAT ALL TRIALS ADHERE TO DUE PROCESS AND THE SAFEGUARDS OF AN IMPARTIAL TRIAL AS GUARANTEED BY ARTICLE 14 OF THE INTERNATIONAL PACT ON CIVIL AND POLITICAL RIGHTS. THE CURRENT LEGAL STATUTE OF

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JUSTICE SETS A JUNE 1999 DEADLINE FOR THE DISBANDMENT OF THE REGIONAL COURT SYSTEM.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION CONCLUDED IN AUGUST THAT, "THE REGIONAL JUSTICE SYSTEM UTILIZES A STRUCTURE WHICH DOES NOT PROTECT THE DUE PROCESS RIGHTS OF THE DEFENDANTS BROUGHT BEFORE IT AND DOES NOT GUARANTEE ACCESS TO JUSTICE." THE COMMISSION ALSO CALLED ON PRESIDENT SAMPER TO TAKE CONCRETE STEPS TO REFORM THE SYSTEM. THE GOVERNMENT UNDERTOOK NO SUCH EFFORTS, HOWEVER -- EXCEPT TO ENSURE THAT THE SEPTEMBER DRAFT BILL TO REVISE THE MILITARY PENAL CODE EXPLICITLY PREVENTED THE REGIONAL COURTS FROM SITTING IN JUDGEMENT OF MILITARY PERSONNEL WHO WERE THEMSELVES ACCUSED OF HUMAN RIGHTS VIOLATIONS.

IN AN ATTEMPT TO DEAL WITH IMPUNITY, THE PROSECUTOR GENERAL IN OCTOBER 1995, CREATED A SPECIAL HUMAN RIGHTS UNIT AS PART OF THE REGIONAL COURTS SYSTEM. THE UNIT ACHIEVED SIGNIFICANT RESULTS IN 1997. UNDER THE DIRECTION OF A COORDINATING PROSECUTOR AND SUPPORTED BY A TEAM OF INVESTIGATORS, THIS GROUP OF 25 FACELESS PROSECUTORS ADDRESSED SEVERAL HUNDRED CASES INVOLVING MASSACRES, EXTRAJUDICIAL KILLINGS, KIDNAPINGS, AND TERRORISM. THEY ISSUED ARREST WARRANTS AGAINST MEMBERS OF THE PUBLIC SECURITY FORCES,

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PARAMILITARY, GUERRILLA, AND DRUG TRAFFICKING ORGANIZATIONS AND HAD SUCCESSFULLY ARRESTED DOZENS OF THOSE SUSPECTS BY YEAR'S END, INCLUDING THOSE CHARGED WITH THE MAY 19 CINEP MURDERS (SEE SECTIONS 1.A. AND 4).

MORE THAN 260 CASES WERE ASSIGNED TO THE HUMAN RIGHTS UNIT BETWEEN THE OCTOBER 1995, OPENING OF THE OFFICE AND OCTOBER 1997. EIGHTY-ONE OF THE CASES INVOLVED ACCUSATIONS AGAINST PRESUMED
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PARAMILITARIES, 70 CASES WERE AGAINST GUERRILLAS, 67 PROSECUTIONS WERE DIRECTED AT AGENTS OF THE STATE, AND 42 CASES WERE PURSUED AGAINST OTHERS, INCLUDING NARCOTICS TRAFFICKERS. MORE THAN ONE-THIRD OF THE CASES HAD ALREADY PROCEEDED BEYOND THE PRELIMINARY INVESTIGATIVE STAGE AND RESULTED IN FORMAL PROSECUTIONS BEFORE JUDGES OF THE REGIONAL COURTS.

THE INTER-AMERICAN HUMAN RIGHTS COMMISSION RECOMMENDED IN AUGUST THAT, "TO COMBAT IMPUNITY, FULL SUPPORT SHOULD BE PROVIDED FOR CIVIL DISCIPLINARY AND PROSECUTORIAL INSTITUTIONS IN COLOMBIA AND FOR THE OMBUDSMAN. BECAUSE THE UNIT FOR HUMAN RIGHTS OF THE PROSECUTOR GENERAL'S OFFICE HAS BEEN ABLE TO CARRY OUT EFFECTIVE WORK, IT SHOULD RECEIVE SPECIAL SUPPORT."

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JUDICIAL AND CRIMINAL INVESTIGATIVE EMPLOYEES CONTINUED TO BE TARGETED AND KILLED FOR THEIR EFFORTS TO ENFORCE THE RULE OF LAW. IN A COMMON TACTIC EMPLOYED THROUGHOUT THE YEAR, FARC GUERRILLAS AUGUST 12 AMBUSHED AND KILLED 3 MEMBERS OF A JOINT DAS-FISCALIA CRIMINAL INVESTIGATIVE TEAM WHICH HAD BEEN DISPATCHED TO INVESTIGATE EXTRAJUDICIAL KILLINGS IN THE AREA OF GUADUAS NEAR BOGOTA. A FOURTH TEAM MEMBER WAS KIDNAPPED. THE FARC HAD EXECUTED SEVERAL LOCAL PERSONS, AND THEN WAITED IN AMBUSH FOR THE INVESTIGATORS TO ARRIVE.

PARAMILITARIES ARE BELIEVED RESPONSIBLE FOR THE SEPTEMBER 5 ASSASSINATION OF MANUEL GUILLERMO LOPEZ UMANA, CHIEF INVESTIGATOR FOR THE FISCALIA'S TECHNICAL INVESTIGATIVE CORPS (CTI) IN ANTIOQUIA. INTERCEPTED BY HEAVILY-ARMED MEN AS HE ARRIVED AT WORK IN MEDELLIN, UMANA WAS SHOT THIRTEEN TIMES.

OTHER VICTIMS INCLUDED PROSECUTING ATTORNEYS, INVESTIGATORS
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WORKING ON THEIR CASES, AS WELL AS OTHER EMPLOYEES OF COURTS AND PROSECUTORS' OFFICES. JUSTICE AND PEACE RECEIVED REPORTS OF SEVEN ATTORNEYS MURDERED FOR POLITICAL REASONS DURING THE FIRST 6 MONTHS OF THE YEAR.

IN AUGUST, THE BOGOTA REGIONAL COURT INDICTED, IN ABSENTIA, 24 NATIONAL AND REGIONAL LEADERS OF THE FARC, ON CHARGES OF REBELLION, TERRORISM AND KIDNAPING. ALTHOUGH TOP MILITARY LEADERS HAILED THE CASES BROUGHT AGAINST GUERRILLA LEADERS, THEY STRONGLY OBJECTED, AND IN SOME CASES TRIED TO OBSTRUCT, PROSECUTION OF CASES AGAINST MEMBERS OF THE ARMED FORCES AND OF PARAMILITARY ORGANIZATIONS.

THE GOVERNMENT STATES THAT IT DOES NOT HOLD POLITICAL PRISONERS. THE ICRC REPORTED THAT IT MONITORED APPROXIMATELY 3,000 CASES OF IMPRISONED CITIZENS ACCUSED OF TERRORISM, REBELLION OR AIDING AND ABETTING THE INSURGENCY, WHICH ARE CRIMES LEGITIMATELY PUNISHABLE UNDER LAW. IT IS INDEED LIKELY, HOWEVER, THAT A NUMBER OF THOSE PERSONS WERE CONVICTED BY REGIONAL COURTS WITHOUT THE FULL DUE PROCESS BENEFITS OF A FAIR PUBLIC TRIAL, AND THUS MAY BE CONSIDERED POLITICAL PRISONERS.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY, HOME, OR CORRESPONDENCE

THE LAW GENERALLY REQUIRES A JUDICIAL ORDER FOR AUTHORITIES TO ENTER A PRIVATE HOME, EXCEPT IN CASES OF HOT PURSUIT. THE

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MINISTRY OF DEFENSE CONTINUED TRAINING PUBLIC SECURITY FORCES IN LEGAL SEARCH PROCEDURES THAT COMPLY WITH CONSTITUTIONAL AND HUMAN RIGHTS. DEFENSE MINISTRY OFFICIALS COMPLAINED, HOWEVER, THAT ABSENT EVIDENTIARY PROOF COLLECTED DIRECTLY BY PROSECUTORS,
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GUERRILLA SUSPECTS CAPTURED, IN OR OUT OF BATTLE, BY THE SECURITY FORCES AND TURNED OVER TO JUDICIAL AUTHORITIES ARE ROUTINELY FREED DUE TO A LACK OF JURIDICALLY ACCEPTABLE EVIDENCE.

A JUDICIAL ORDER OR THE APPROVAL OF A PROSECUTING ATTORNEY IS REQUIRED TO AUTHORIZE THE INTERCEPTION OF MAIL OR MONITORING OF EITHER "LANDLINE" OR CELLULAR TELEPHONES. THIS PROTECTION EXTENDS TO PRISONERS HELD IN JAILS. HOWEVER, VARIOUS STATE AUTHORITIES SOMETIMES MONITOR TELEPHONES WITHOUT OBTAINING PRIOR AUTHORIZATION.

ACCORDING DATA PUBLISHED BY THE UNITED NATION'S CHILDREN'S FUND (UNICEF), SOME 181,000 PERSONS WERE FORCIBLY DISPLACED FROM THEIR HOMES BY VIOLENCE IN COLOMBIA DURING 1996 -- MORE THAN IN RWANDA, BURUNDI OR ZAIRE. WITH A SIMILAR, IF NOT GREATER, NUMBER DISPLACED DURING 1997, THE NUMBER OF COLOMBIANS INTERNALLY DISPLACED DURING THE PAST THREE YEARS STANDS AT MORE THAN 450,000. FORCED DISPLACEMENT OF CIVILIAN POPULATIONS HAS BECOME AN INTEGRAL PART OF THE STRATEGY EMPLOYED BY SOME PARAMILITARY FORCES. TERROR CAMPAIGNS WERE EMPLOYED BY THE PARAMILITARY IN SOME CASES TO DEPOPULATE COMMUNITIES BELIEVED TO BE LOYAL TO LEFTIST GUERRILLAS; IN OTHER CASES, THE PARAMILITARY GROUPS LOYAL

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TO LARGE ECONOMIC INTERESTS (OFT-TIMES INCLUDING NARCOTICS TRAFFICKERS) DISPLACED POPULATIONS SO THAT VALUABLE LAND AND ECONOMIC ASSETS COULD THEN BE BOUGHT UP VERY CHEAPLY (SEE ALSO SECTION 1.G.).

G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

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COLOMBIA'S INTERNAL ARMED CONFLICT AND NARCOTICS TRAFFICKING ARE THE CENTRAL CAUSES OF VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW. PARAMILITARY AND GUERRILLA GROUPS, IN PARTICULAR, BUT ALSO GOVERNMENT SECURITY FORCES, VIOLATED INTERNATIONAL HUMANITARIAN LAW IN THE NATION'S INTERNAL CONFLICT. THE ICRC REPORTED THAT THE GOVERNMENT, INCLUDING MILITARY AUTHORITIES, FOLLOWED AN OPEN-DOOR POLICY TOWARD THE ICRC AND READILY INCORPORATED RED CROSS CURRICULA ON INTERNATIONAL HUMANITARIAN LAW IN STANDARD MILITARY TRAINING. A PERSISTENT EMPHASIS BY THE ARMY ON BODY COUNT AS A MEANS OF ASSESSING FIELD PERFORMANCE IS A MAIN CONTRIBUTING CAUSE OF GOVERNMENT VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW. WITH RARE EXCEPTIONS, ACCORDING TO MILITARY SOURCES, LOCAL COMMANDERS TYPICALLY PREFERRED TO DISCHARGE SOLDIERS ACCUSED OF RAPE AND OTHER SERIOUS HUMAN RIGHTS VIOLATIONS, RATHER THAN TO INITIATE COURT MARTIAL PROCEEDINGS.

THE UN COMMITTEE ON HUMAN RIGHTS NOTED IN MAY THAT, ALTHOUGH THE DECREE AUTHORIZING "PUBLIC ORDER ZONES" HAD ALREADY EXPIRED (IN NOVEMBER 1996), THE PUBLIC SECURITY FORCES IN SOME CASES CONTINUED TO EXERCISE SPECIAL POWERS OVER THE CIVILIAN POPULATION AND AUTHORITIES, INCLUDING JUDICIAL AUTHORITIES. THE COMMITTEE DECLARED ITS PARTICULAR CONCERN FOR "THE FACT THAT THE MILITARY EXERCISE THE FUNCTIONS OF INVESTIGATION, ARREST, DETENTION AND INTERROGATION."

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THE GOVERNMENT INITIATED A PROGRAM IN DECEMBER 1994, TO ORGANIZE AND REGISTER LEGAL CIVILIAN RURAL DEFENSE COOPERATIVES, KNOWN COLLECTIVELY AS "CONVIVIR," WHICH WERE TO PROVIDE COUNTER-INSURGENCY INTELLIGENCE TO LOCAL POLICE AND MILITARY COMMANDERS. THESE GROUPS TOTALED APPROXIMATELY 440 AND WERE FOUND IN 21 OF THE NATION'S 32 DEPARTMENTS BY MID-1997, ACCORDING TO THE

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GOVERNMENT'S OFFICIAL STATISTICS. CREDIBLE OUTSIDE OBSERVERS, HOWEVER, PLACED THE NUMBER AT MORE THAN 700. ALTHOUGH THE AUTHORITIES ORIGINALLY INTENDED THESE GROUPS TO BE UNARMED, AN UNDETERMINED NUMBER WERE SUBSEQUENTLY AUTHORIZED BY THE GOVERNMENT TO CARRY SMALL ARMS IN SELF-DEFENSE. EVEN MORE CONVIVIR GROUPS WERE CLEARLY OPERATING OUTSIDE OF THE TERMS OF THE LAW, HOWEVER, AS THEY WERE ARMED WITH RIFLES, SHOTGUNS, MACHINE GUNS AND OTHER WEAPONRY, MUCH OF IT AUTHORIZED, SOLD OR OTHERWISE PROVIDED TO THEM BY THE MILITARY.

ANTIOQUIA'S GOVERNOR ALVARO URIBE TESTIFIED BEFORE THE U.N. HUMAN RIGHTS COMMISSION IN JULY IN SUPPORT OF THE CONVIVIR GROUPS AS A LEGAL MANIFESTATION OF THE CIVILIAN POPULATION'S LEGITIMATE RIGHT TO SELF-DEFENSE IN THE FACE OF RISING GUERRILLA VIOLENCE. A NUMBER OF OBSERVERS AND OFFICIALS ALSO ARGUED THAT THE GOVERNMENT'S EFFORTS TO COMBAT THE GUERRILLAS WOULD INEVITABLY BE LESS DISCRIMINATE, AND RESULT IN GREATER HUMAN RIGHTS ABUSES; ABSENT THE ACTIVE PARTICIPATION OF MEMBERS OF THE PUBLIC, ESPECIALLY IN PROVIDING INTELLIGENCE INFORMATION TO THE POLICE AND MILITARY.

THE OMBUDSMAN'S 1997 REPORT TO CONGRESS, HOWEVER, REITERATED HIS OFFICE'S OPPOSITION TO THE CONVIVIR PROGRAM, DECLARING THAT THE CONVIVIR, "FOMENTED BY THE NATIONAL GOVERNMENT, CONTRIBUTE NOTHING TO THE IMMUNITY OF THE CIVILIAN POPULATION, BUT INSTEAD INVOLVE THE CITIZENS IN THE ARMED CONFLICT, STRIPPING THEM OF THEIR PROTECTED STATUS AND CONVERTING THEM INTO LEGITIMATE TARGETS OF ATTACK." WHILE RECOGNIZING THAT THE CONVIVIR COULD THEORETICALLY BE DEFENDED ON THE GROUNDS OF LEGITIMATE SELF-DEFENSE, THE OMBUDSMAN ARGUED THAT "EXPERIENCE INDICATES THAT THESE ORGANIZATIONS IN MANY CASES HAVE THE PROCLIVITY TO

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DEGENERATE INTO 'PRIVATE JUSTICE' GROUPS OR OTHER TYPES OF DELINQUENCY WHICH END UP USING ARMED FORCE TO OBTAIN SPECIFIC

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ECONOMIC BENEFITS AND TO PURSUE VENDETTAS."

THE BOGOTA REPRESENTATIVE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS, AMBASSADOR ALMUDENA MAZARRASA, TESTIFIED BEFORE THE COLOMBIAN CONGRESS IN AUGUST THAT THE CONVIVIR WERE A VIOLATION OF INTERNATIONAL HUMANITARIAN LAW, AS THEY BLURRED THE DISTINCTION BETWEEN THE CIVILIAN POPULACE AND ARMED COMBATANTS IN THE NATION'S INTERNAL CONFLICT. BOTH PRESIDENT SAMPER AND THE SUPERINTENDENT FOR VIGILANCE AND PRIVATE SECURITY (IN CHARGE OF REGISTERING AND OVERSEEING THE CONVIVIR) CONCEDED IN AUGUST THAT STATE OVERSIGHT OF THE CONVIVIR WAS BOTH NECESSARY AND LACKING. (NOTE FOLLOWING TO BE UPDATED BY POST. END NOTE:) THE CONSTITUTIONAL COURT DETERMINED DECEMBER X THAT THE CONVIVIR WERE A/N UN/CONSTITUTIONAL MEANS FOR COMBATING THE GUERRILLAS.

THREE MAIN COMMUNIST GUERRILLA ARMIES -- THE REVOLUTIONARY ARMED FORCES OF COLOMBIA (FARC), THE ARMY OF NATIONAL LIBERATION (ELN) AND THE POPULAR LIBERATION ARMY (EPL) -- COMMANDED AN ESTIMATED TOTAL 10,000 TO 15,000 FULL-TIME GUERRILLAS (NOTE: NUMBER TO BE UPDATED BY POST. END NOTE.) ORGANIZED IN MORE THAN 100 "FRONTS,"

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	PRM-10	PRME-01	DRL-04	G-00	MR-00	NFAT-00	/031W

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OPERATING IN AN ESTIMATED 30 OF THE NATION'S 32 DEPARTMENTS. TIED LOOSELY INTO THE SIMON BOLIVAR COORDINATING GROUP, THESE GROUPS EXERCISED A DEGREE OF PERMANENT INFLUENCE IN AN ESTIMATED 58 OF THE NATION'S 1071 LOCAL MUNICIPALITIES.

COLOMBIA'S MANY PARAMILITARY GROUPS ARE FAR MORE DIVERSE IN THEIR MOTIVATIONS, STRUCTURE, LEADERSHIP AND IDEOLOGY, ALTHOUGH THE APRIL ESTABLISHMENT OF THE "UNITED SELF-DEFENSE GROUPS OF

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COLOMBIA" (OR "AUC") AS A NATIONAL UMBRELLA ORGANIZATION WAS CLEARLY DESIGNED TO PROVIDE BOTH A NATIONAL STRUCTURE AND TO DEVELOP A MORE COHERENT POLITICAL CULTURE FOR THE NATION'S LOCAL AND REGIONAL PARAMILITARY GROUPS.

DESPITE OCCASIONAL PRONOUNCEMENTS OF SUPPORT FOR INTERNATIONAL HUMANITARIAN LAW, AND, IN PARTICULAR, PROTOCOL II OF THE GENEVA CONVENTION (WHICH ENTERED INTO FORCE IN COLOMBIA DURING 1996), THE THREE GUERRILLA ORGANIZATIONS AND THE NATION'S PRINCIPAL PARAMILITARY GROUPS ALL CONTINUED TO PURSUE STRATEGIES WHICH ROUTINELY VIOLATED THESE NORMS. IN PARTICULAR, THEIR TACTICS CONSISTENTLY INCLUDED EXTRA-JUDICIAL KILLINGS, KIDNAPING, TORTURE, TARGETING OF CIVILIAN POPULATIONS AND INSTALLATIONS, AND THE FORCED RECRUITMENT OF CHILDREN UNDER THE AGE OF FIFTEEN.

ONCE RECRUITED, THE CHILD-GUERRILLAS ARE VIRTUAL PRISONERS OF THEIR COMMANDERS AND SUBJECT TO VARIOUS FORMS OF ABUSE. SEXUAL ABUSE OF YOUNG GIRLS IS A PARTICULAR PROBLEM. THE GUERRILLAS WERE ALSO RESPONSIBLE FOR THE CONTINUING INDISCRIMINATE DEPLOYMENT OF NON-COMMAND-DETONATED LANDMINES, OFTEN RESULTING IN THE KILLING OR MAIMING OF CIVILIAN NON-COMBATANTS.

THE GUERRILLAS ALSO UNDERTOOK A SUSTAINED MILITARY AND TERRORIST CAMPAIGN TO SABOTAGE THE OCTOBER 26 DEPARTMENTAL AND LOCAL ELECTIONS, AS THE NATION PREPARED FOR THREE ROUNDS OF NATIONAL-LEVEL ELECTIONS IN FIRST HALF OF 1998 (SEE SECTION 3.).

PARAMILITARY FORCES WERE BELIEVED TO BE THE SINGLE-LARGEST SPONSOR OF THE FORCED DISPLACEMENTS OF CIVILIAN POPULATIONS, A FACT CONCEDED BY ACCU PARAMILITARY LEADER CARLOS CASTANO IN AN OCTOBER PRESS INTERVIEW. ACCORDING THE COLOMBIAN RED CROSS, SOME

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750F THE URBAN POPULATION OF RIOSUCIO, CHOCO DEPARTMENT AND VARIOUS NEARBY HAMLETS -- SOME 15,000 PERSONS IN ALL -- WERE FORCIBLY DISPLACED DURING MARCH AND APRIL. DURING 1995-1996, AS THE ACCU PARAMILITARY FORCES LAUNCHED THEIR DRIVE TO DISPLACE THE FARC, ELN AND EPL (AND THEIR RESPECTIVE SUPPORTIVE CIVILIAN POPULATIONS) FROM THE BANANA-PRODUCING REGIONS OF CHOCO AND ANTIOQUIA, THE HOMICIDE RATE ROSE TO AN ASTOUNDING 254 PER 100,000 RESIDENTS -- THE HIGHEST IN COLOMBIA, WHICH IN TURN, HAS ONE OF THE HIGHEST NATIONAL RATES IN THE WORLD (77 PER 100,000).

THE ARCHBISHOP OF SANTAFE DE ANTIOQUIA DENOUNCED JULY 2 THE PARAMILITARY ORDER NOT TO SELL FOODSTUFFS TO THE POPULATIONS OF FRONTINO, DABEIBA AND CANAS GORDAS, DECLARING THAT 120,00 PERSONS WERE BEING PUT AT RISK OF HAVING TO RELOCATE IN ORDER TO OBTAIN FOOD -- THE CLEAR INTENT OF THE PARAMILITARY EDICT.

THE SEPTEMBER 3 FARC ATTACK ON THE GUATAPE HYDRO-ELECTRIC FACILITY, ONE OF THE NATION'S LARGEST POWER PLANTS, WAS A CLEAR VIOLATION OF THE PROHIBITION AGAINST ATTACKS ON CIVILIAN INSTALLATIONS. FURTHERMORE, THE ATTACK INCLUDED A LARGE NUMBER OF CHILDREN GUERRILLAS. ACCORDING TO PLANT EMPLOYEES AND OTHER WITNESSES, SOME OF THE ATTACKERS WERE AS YOUNG AS 8 YEARS OF AGE. AS PART OF THEIR ATTEMPTS TO DISRUPT THE OCTOBER 26 ELECTIONS, GUERRILLAS OF THE ELN ATTEMPTED TO USE A NINE-YEAR-OLD CHILD TO DELIVER A 15-KILO BOMB TO A POLLING PLACE IN CUCUTA ON ELECTION DAY. (SEE ALSO SECTION 3.)

IN A CLEAR AND CONTINUING PRACTICE IN VIOLATION OF THE NORMS OF INTERNATIONAL HUMANITARIAN LAW, REBELS OF THE ELN AND FARC LAUNCHED SCORES OF DYNAMITE ATTACKS ON THE NATION'S MAIN OIL PIPELINES. THE CHIEF OFFENDER, THE ELN, ISSUED A COMMUNIQUE MAY
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21, DECLARING THAT ALL FOREIGN OIL OPERATIONS AND RELATED CONTRACTORS WOULD HENCEFORTH BE CONSIDERED "MILITARY TARGETS." WITH PIPELINE BOMBINGS AVERAGING ONE EVERY FIVE DAYS DURING 1997, ATTACKS THIS YEAR ALONE DUMPED NEARLY AS MUCH CRUDE OIL INTO TROPICAL RAINFORESTS AND WILDERNESS RIVER BASINS AS WAS SPILLED INTO PRINCE WILLIAM SOUND IN ALASKA'S 1989 EXXON VALDEZ DISASTER -- 35,500 TONS OF OIL. THE TOTAL AMOUNT OF PETROLEUM SPILLED SINCE THESE ATTACKS FIRST BEGAN IN 1986 NOW AMOUNTS TO THE EQUIVALENT OF MORE THAN SEVEN TIMES THAT OF THE EXXON VALDEZ DISASTER.

A FARC GUERRILLA SQUAD APRIL 21 RAIDED THE TOWN OF LIBORINA, ANTIOQUIA, HELD A PUBLIC "REVOLUTIONARY TRIAL" FOR A LOCAL

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MUNICIPAL OFFICIAL AND FOUR PEASANTS ACCUSED OF COLLABORATING WITH THE MILITARY, AND EXECUTED THEM.

A FARC LETTER-BOMB SENT APRIL 14 TO FORMER EPL LEADER MARIO AGUDELO VASQUEZ IN ANTIOQUIA KILLED HIS SON WHEN THE YOUTH OPENED THE PACKAGE. A SECOND LETTER-BOMB, SENT THE NEXT DAY TO A FORMER EPL MEMBER SINCE ELECTED TO THE APARTADO CITY COUNCIL, WAS DEFUSED BY POLICE. THE BOMBINGS WERE PART OF THE FARC'S CONTINUING REVENGE CAMPAIGN AGAINST FORMER GUERRILLAS WHO HAD

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	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
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SIGNED PEACE ACCORDS WITH THE GOVERNMENT.

IN BUCARAMANGA, SANTANDER DEPARTMENT, PARAMILITARIES APRIL 18 KIDNAPED THE SISTER AND BROTHER-IN-LAW OF NICOLAS RODRIGUEZ, THE REPUTED DEPUTY COMMANDER OF THE ELN. THIS KIDNAPING WAS PART OF A CAMPAIGN BEGUN IN 1996 BY PARAMILITARIES TO KIDNAP THE RELATIVES OF GUERRILLA LEADERS, IN ORDER TO GIVE THEM "A TASTE OF THEIR OWN MEDICINE."

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IN SEPTEMBER AND OCTOBER, THE MILITARY CONDUCTED ONE OF ITS MOST SUSTAINED JOINT AIR-LAND OPERATIONS IN YEARS AGAINST THE FARC, PRIMARILY IN THE YARI REGION OF META, GUAVIARE AND CAQUETA DEPARTMENTS. ESCOLASTICO DUCUARA, INDIGENOUS GOVERNOR OF THE PIJAO ETHNIC COMMUNITY DENOUNCED SEPTEMBER 5 THE AERIAL BOMBARDMENT OF AN INDIGENOUS COMMUNITY NEAR SAN VICENTE DEL CHAGRAN, CAQUETA DEPARTMENT. ALTHOUGH GENERAL GABRIEL EDUARDO CONTRERAS PUBLICLY REJECTED THE REPORTS AS "RUMORS", A SUBSEQUENT FIELD INVESTIGATION BY THE OFFICE OF THE NATIONAL HUMAN RIGHTS OMBUDSMAN CONFIRMED THAT THERE HAD BEEN INDISCRIMINATE BOMBINGS BY THE MILITARY WHICH HAD ADVERSELY AFFECTED PIJAO, PIRATAPUYO AND TUCANO INDIGENOUS COMMUNITIES IN THE AREA. A SIMULTANEOUS OMBUDSMAN'S COMMISSION INVESTIGATING INDISCRIMINATE ATTACKS IN LA URIBE, META DEPARTMENT, DENOUNCED THE SEPTEMBER 24, FARC ASSAULT ON A PUBLIC TELEPHONE OFFICE, IN WHICH A NINE-YEAR-OLD CHILD WAS KILLED, AND 15 OTHER CIVILIANS WERE INJURED.

BOTH GUERRILLAS AND PARAMILITARIES WERE RESPONSIBLE FOR MULTIPLE VIOLATIONS OF THE PROTECTED STATUS OF RELIGIOUS AND MEDICAL PERSONNEL, OF THE WOUNDED AND OF THE EMBLEM OF THE RED CROSS. ON SEVERAL OCCASIONS DURING THE YEAR, PARAMILITARY FORCES IN PUTUMAYO FORCIBLY ENTERED AMBULANCES AND HOSPITALS IN ORDER TO KILL WOUNDED PERSONS RECEIVING MEDICAL CARE. SEVERAL AMBULANCES WERE FIRED UPON, STOLEN AND SUBSEQUENTLY USED TO TRANSPORT ARMED PARAMILITARIES OR GUERRILLAS. THE POLICE DEACTIVATED OCTOBER 30 AN AMBULANCE LADEN WITH 100 KILOS OF EXPLOSIVES. THE FARC, WHICH HAD STOLEN THE VEHICLE EARLIER IN COLON, PUTUMAYO, HAD RIGGED THE EXPLOSIVES TO DETONATE WHEN THE IGNITION KEY WAS TURNED. CATHOLIC PRIEST ANTONIO BEDOYA WAS KILLED OCTOBER 25 IN THE DOORWAY TO HIS CHURCH IN SAN FRANCISCO, ANTIOQUIA, AFTER ELN

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 GUERRILLAS OPENED FIRE ON THE DEPARTING HELICOPTER OF THE DEPARTMENT'S GOVERNOR. THAT SAME DAY, FARC GUERRILLAS IN META DEPARTMENT ANNOUNCED THE KIDNAPPING OF CATHOLIC BISHOP HECTOR JULIO LOPEZ, THE CATHOLIC BISHOP OF ARIARI, META DEPARTMENT.

IN APRIL, THE PRESIDENT INSTALLED THE COMMISSION FOR HUMANIZATION OF THE ARMED CONFLICT AND EXERCISE OF INTERNATIONAL HUMANITARIAN LAW. THE COMMISSION IS TO PROMOTE THE APPLICABILITY OF THE GENEVA ACCORDS, ESPECIALLY THOSE REGARDING THE HUMANIZATION OF THE INTERNAL CONFLICT. BY YEAR'S END, HOWEVER, THE COMMISSION

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HAD ACCOMPLISHED LITTLE OF NOTE.

ACCORDING TO STATISTICS COMPILED BY CINEP AND JUSTICE AND PEACE, GUERRILLAS WERE RESPONSIBLE FOR KILLING AT LEAST 178 CIVILIANS OUTSIDE OF COMBAT DURING THE FIRST SIX MONTHS OF THE YEAR. IN THE CONTINUING STRUGGLE FOR CONTROL OF THE NARCOTICS AND ARMS SMUGGLING URABA CORRIDOR, GUERRILLA RETALIATION FOR PARAMILITARY SUCCESSES IN DRIVING THEM FROM A LONG-TIME POSITION OF UNRIVALED DOMINANCE REGULARLY VICTIMIZED INNOCENT CIVILIANS, ALTHOUGH SOME DIRECT CLASHES WITH PARAMILITARY UNITS DID OCCUR. TO JUSTIFY SUMMARY EXECUTIONS OF CIVILIANS, GUERRILLAS TYPICALLY CLAIMED THEIR VICTIMS WERE EITHER MILITARY INFORMANTS, OR THAT THEY SIMPLY REFUSED TO SUPPORT THE GUERRILLAS' OPERATIONS.

AFTER MONTHS OF BEING IN THE CROSS-FIRE OF THE MULTI-FACETED WAR BETWEEN ACCU PARAMILITARY FORCES, THE ARMY, AND FARC, ELN, AND EPL GUERRILLAS, THE INHABITANTS OF SAN JOSE DE APARTADO, URABA, AND 22 OUTLYING HAMLETS, WITH THE SUPPORT OF THE CATHOLIC CHURCH, DECLARED THEMSELVES MARCH 23 TO BE A NEUTRAL "PEACE COMMUNITY" -- OFF-LIMITS TO ALL THE ACTORS IN THE ARMED CONFLICT. THE THREATS FROM THE ARMY, THE GUERRILLAS AND THE PARAMILITARIES CAME ALMOST

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IMMEDIATELY; BY MARCH 31, TEN INHABITANTS HAD BEEN ASSASSINATED.

ON JULY 4, LOCALS IDENTIFIED SEVERAL PERSONS DEBARKING FROM ARMY HELICOPTERS AS FREQUENT WATCH-STANDERS AT THE PARAMILITARY ROADBLOCK ON THE EDGE OF TOWN, INCLUDING THE MAN RESPONSIBLE FOR THE MAY 17 DETENTION (AND SUBSEQUENT EXECUTION) OF FRANCISCO TABARQUINO, A MEMBER OF THE PEACE COMMUNITY'S ORGANIZING COMMITTEE.

ON OCTOBER 6, ARMED MEMBERS OF THE FARC'S 58TH FRONT CONFRONTED SOME TWENTY RESIDENTS OF SAN JOSE DE APARTADO, AND VERBALLY ABUSED THEM FOR REFUSING TO PROVIDE THE FARC WITH FOOD, LODGING, EQUIPMENT OR INTELLIGENCE. THE GUERRILLAS THEN ORDERED THE GROUP TO DEPART, BUT DETAINED RAMIRO CORREA, A MEMBER OF THE COMMUNITY COUNCIL, AS WELL AS LUIS FERNANDO ESPINOZA AND FERNANDO AGUIRRE. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) RECOVERED THE EXECUTED BODIES OF THE THREE LOCAL LEADERS THE NEXT MORNING -- THE 39TH, 40TH AND 41ST LOCALS TO BE ASSASSINATED SINCE MARCH 23. (SEE ALSO SECTION 4.)

THE FARC CONTINUED ITS CAMPAIGN OF ASSASSINATIONS AGAINST THE

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LEGAL HOPE, PEACE, AND FREEDOM (EPL) MOVEMENT, WHOSE MEMBERS HAD LEFT THE ARMY OF POPULAR LIBERATION (EPL) FOLLOWING THE 1991 PEACE ACCORD SIGNED WITH THE GOVERNMENT. AT LEAST 100 EPL MOVEMENT MEMBERS WERE KILLED DURING THE YEAR.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING:

A. FREEDOM OF SPEECH AND PRESS
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THE CONSTITUTION PROVIDES FOR FREEDOM OF THE PRESS, AND THE GOVERNMENT GENERALLY, BUT WITH SIGNIFICANT EXCEPTIONS, RESPECTS THIS RIGHT IN PRACTICE.

THE ADMINISTRATION WAS QUICK TO APPLY SUBTLE (AND SOMETIMES NOT SO SUBTLE) PRESSURE ON THE MEDIA WHEN ITS CORE INTERESTS WERE THREATENED. SELF-CENSORSHIP WAS COMMON, EITHER SO AS TO CURRY FAVOR WITH THE GOVERNMENT OF SO AS TO AVOID POLITICAL OR ECONOMIC

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RETALIATION. THE MINISTERS OF COMMUNICATIONS AND MINING WERE FORCED TO RESIGN AUGUST 19, AFTER THE LEAKING OF A TAPE-RECORDING OF THEIR CONSPIRING TO REWARD 40 OF 80 FM RADIO LICENSES TO POLITICAL SUPPORTERS OF PRESIDENT SAMPER. IN OCTOBER, THE DIRECTORATE OF PRISONS (A DIRECT DEPENDENCY OF THE OFFICE OF THE PRESIDENCY) FORCIBLY OBSTRUCTED A CBS TELEVISION INTERVIEW WITH THE RECENTLY FREED FROM PRISON SANTIAGO MEDINA, PRESIDENT SAMPER'S FORMER CAMPAIGN TREASURER AND CHIEF ACCUSER OF HAVING SOUGHT AND ACCEPTED \$6 MILLION FROM THE CALI DRUG COCAINE CARTEL. THE INTERVIEW WAS SUBSEQUENTLY CONDUCTED FROM THE OPEN WINDOW OF AN APARTMENT BUILDING ADJACENT TO MEDINA'S APARTMENT.

IN A 5-4 DECISION ON JULY 29, THE CONSTITUTIONAL COURT GAVE ITS APPROVAL OF THE DECEMBER 1996 SAMPER ADMINISTRATION LAW WHICH GRANTED THE GOVERNMENT AND CONGRESS UNPRECEDENTED POWERS OVER NATIONAL TELEVISION PROGRAMMING. ALTHOUGH THE COURT STRUCK DOWN THE MOST PATENTLY OFFENSIVE PROVISION OF THE LAW -- THAT WHICH DIRECTED THE GOVERNMENT'S NATIONAL TELEVISION COMMISSION (CNTV) TO EVALUATE AND SANCTION THE LICENSE HOLDERS OF TELEVISION NEWS PROGRAMS ON THE THREE NATIONAL (GOVERNMENT-OWNED) CHANNELS WHICH DID NOT MEET THE GOVERNMENT'S VAGUELY DEFINED STANDARDS OF "OBJECTIVITY" -- IT UPHELD THE REST OF THE LAW, INCLUDING A

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NUMBER OF ELEMENTS CLEARLY DESIGNED TO ELIMINATE TROUBLING TELEVISION NEWS COVERAGE OF A SCANDAL-RIDDEN ADMINISTRATION, TO REWARD ITS POWERFUL BACKERS FOR REMAINING LOYAL, AND TO INFLUENCE NEWS COVERAGE OF THE 1997-98 ELECTORAL SEASON.

THE NEW LAW TERMINATED THE CONTRACTS FOR TEN PRIVATE NEWS PROGRAMS BEFORE THE END OF 1997 AND REQUIRED THEM TO REBID FOR THE RIGHT TO CONTINUE BROADCASTING. IT ALSO OPENED THE DOOR TO THE CREATION OF TWO NEW PRIVATE TELEVISION CHANNELS THAT WILL FALL UNDER THE OWNERSHIP OF ECONOMIC CONGLOMERATES THAT HAVE HISTORICALLY BOUGHT AND PAID FOR A PRIVILEGED RELATIONSHIP WITH WHATEVER GOVERNMENT IS IN POWER.

THE DISSENTING JUDGES NOTED THAT THE ABRUPT TERMINATION OF THE EXISTING CONTRACTS FOR NEWS PROGRAMS, WHICH HAD BEEN ESTABLISHED WITH THE ASSUMPTION OF THEIR EVENTUAL EXTENSION FOR UP TO 12 YEARS, WOULD DISCOURAGE PRIVATE INVESTMENT IN TELEVISION AND PUNISH THOSE WHO HAD ALREADY MADE SUBSTANTIAL INVESTMENTS ON THE BASIS OF THEIR RENEWABLE, NOW ABROGATED, CONTRACT. THIS SUDDEN CHANGE OF RULES, THEY ARGUED, VIOLATED THE FUNDAMENTAL PRINCIPLE OF GOOD FAITH WHICH MUST GOVERN RELATIONSHIPS BETWEEN THE STATE AND THE CITIZENRY.

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THE NEW TELEVISION LAW -- ORIGINALLY LAUNCHED BY SAMPER SUPPORTERS IN CONGRESS WIDELY BELIEVED TO BE IN THE PAY OF THE CALI CARTEL -- IS REGARDED AS POLITICAL RETALIATION FOR TELEVISION INVESTIGATIONS INTO NARCOTICS CORRUPTION IN THE SAMPER ADMINISTRATION, PARTICULARLY PRESIDENT SAMPER'S TIES TO THE CALI CARTEL. THE CO-OWNER OF THE HARD-HITTING QAP NEWS, NOBEL LAUREATE GABRIEL GARCIA MARQUEZ, DECLARED THE TELEVISION LAW WAS FUNDAMENTALLY A SMOKESCREEN TO DESTROY OR EXPROPRIATE QAP. IN

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THE WAKE OF THE FM RADIO LICENSING SCANDAL, QAP NEWS ANNOUNCED ITS INTENT TO REFUSE TO PURSUE ITS PROPOSAL TO RENEW ITS TELEVISION BROADCAST LICENSE, CONVINCED THAT THE SAMPER ADMINISTRATION WOULD NEVER PERMIT IT.

ON OCTOBER 27, CNTV FINED QAP 100 MILLION PESOS (\$80,000) FOR HAVING WITHDRAWN ITS APPLICATION. THAT SAME DAY CNTV NOT ONLY AWARDED 5 OF THE TEN NEWS LICENSES -- INCLUDING THE MOST LUCRATIVE SLOTS -- TO FAMILIES OF FORMER PRESIDENTS OF THE REPUBLIC, BUT ALSO GAVE THREE OF THE LICENSE TO CLOSE PERSONAL FRIENDS OF PRESIDENT SAMPER. A JUBILANT SENATOR MARTHA CATALINA DANIELS, LEADER OF THE SAMPER SUPPORTERS IN THE CONGRESS, THEN PUBLICLY BOASTED THAT, "THE NEWSCASTS AND OTHER TELEVISION CONTRACTORS ARE NOT FREE... THUS THE INTERVENTION OF THE STATE IN THIS FIELD ENSURES TRUTHFUL AND IMPARTIAL NEWS REPORTING."

OTHER GOVERNMENT EFFORTS TO INFLUENCE THE MEDIA INCLUDED OCCASIONAL CALLS ON PATRIOTIC GROUNDS TO LIMIT NEGATIVE REPORTING THAT MIGHT HURT THE COUNTRY'S IMAGE IN THE WORLD. THE GOVERNMENT IMPOSED SOME RESTRICTIONS ON ELECTRONIC MEDIA COVERAGE OF INCIDENTS OF PUBLIC DISORDER AND OF DRUG TERRORIST ACTIVITY AND RESERVED THE RIGHT TO PROHIBIT COVERAGE OF CERTAIN NEWS EVENTS

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THAT COULD AFFECT STATE SECURITY.

THE PRIVATELY-OWNED PRINT MEDIA PUBLISHED A WIDE SPECTRUM OF
POLITICAL VIEWPOINTS AND OFTEN VOICED HARSH ANTIGOVERNMENT
OPINIONS WITHOUT ADMINISTRATIVE REPRISALS.

ALL CITIZENS HAVE THE RIGHT TO SEEK A JUDICIAL INJUNCTION OR
MOTION ("TUTELA") IN CASES INVOLVING VIOLATIONS OF CONSTITUTIONAL
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RIGHTS. THIS PROVIDES ALL PERSONS AND ORGANIZATIONS, INCLUDING
THE MEDIA, WITH A MECHANISM TO DENOUNCE BOTH GOVERNMENTAL OR
PRIVATE VIOLATIONS OF FUNDAMENTAL RIGHTS.

MAJOR GENERAL MANUEL JOSE BONETT, THEN COMMANDING GENERAL OF THE
ARMY, FILED A LAWSUIT FOR SLANDER AGAINST REPORTER NELSON FREDDY
PADILLA, AFTER THE NEWSMAGAZINE "CAMBIO 16" PUBLISHED IN JANUARY
A PHOTO OF BONETT WITH A SUBORDINATE ACCUSED OF HUMAN RIGHTS
ABUSES. THE LAWSUIT WAS DISMISSED IN APRIL.

BOTH COLOMBIAN AND INTERNATIONAL JOURNALISTS TYPICALLY WORK IN AN
ATMOSPHERE OF THREATS AND INTIMIDATION. THE NEW YORK-BASED
COMMITTEE TO PROTECT JOURNALISTS REPORTED IN 1997 THAT 42
JOURNALISTS HAD BEEN MURDERED IN COLOMBIA SINCE 1987 -- OFTEN
VICTIMS OF PARAMILITARY ORGANIZATIONS, GUERRILLA GROUPS, AND
NARCOTICS TRAFFICKERS. THE NATIONAL OMBUDSMAN ANNOUNCED APRIL 1
THAT AN ESTIMATED 107 JOURNALISTS HAD BEEN KILLED IN COLOMBIA
SINCE 1977. THE INTER-AMERICAN PRESS FOUNDATION REPORTED IN
NOVEMBER THAT FIVE OF THE TEN JOURNALISTS KILLED IN THE
HEMISPHERE THUS FAR IN 1997 HAD BEEN KILLED IN COLOMBIA.

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THE BODY OF FREDDY ELLES, A PHOTOGRAPHER FOR BOGOTA'S "EL ESPECTADOR", WAS FOUND MARCH 19 IN CARTAGENA; HE HAD BEEN HANDCUFFED, TORTURED AND STABBED TO DEATH. GERARDO BEDOYA BORRERO, EDITORIAL DIRECTOR OF CALI'S "EL PAIS" NEWSPAPER WAS SHOT AND KILLED MARCH 20. BEDOYA, A FORMER CONGRESSMAN AND THE COUSIN OF GENERAL HAROLD BEDOYA, THEN ACTING DEFENSE MINISTER, HAD CAMPAIGNED AGAINST THE GOVERNMENT OF PRESIDENT SAMPER FOR ITS ACCEPTANCE OF CALI DRUG CARTEL MONEY AND WAS A VOCAL CRITIC OF THE CORROSIVE INFLUENCE OF THE DRUG TRADE ON ALL FACETS OF COLOMBIAN LIFE.

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THAT SAME DAY, AN ANONYMOUS CALLER TO FRANCISCO SANTOS, AN EDITOR OF BOGOTA'S EL "TIEMPO" NEWSPAPER, THREATENED TO KILL HIM AND BLOW UP THE NEWSPAPER'S OFFICE. SANTOS, WHO HAD BEEN KIDNAPPED AND HELD FOR SEVERAL MONTHS IN 1990 BY THE MEDELLIN DRUG CARTEL, ATTRIBUTED THE THREATS TO DRUG TRAFFICKERS ANGRY WITH THE PAPER'S COVERAGE. A CAR-BOMB CONTAINING APPROXIMATELY 250 KILOGRAMS OF DYNAMITE WAS DEACTIVATED SEPTEMBER 3 IN FRONT OF MEDELLIN'S "EL MUNDO" NEWSPAPER. THE NARCO-TRAFFICKERS COLLECTIVELY KNOWN AS "THE EXTRADITABLES" CLAIMED RESPONSIBILITY AND THREATENED TO CONDUCT MORE SUCH ATTACKS IF EXTRADITION -- THEN UNDER CONSIDERATION BY THE CONGRESS -- WERE REINSTATED.

THE GOVERNMENT GENERALLY RESPECTED ACADEMIC FREEDOM, AND THERE EXISTS A WIDE SPECTRUM OF POLITICAL ACTIVITY THROUGHOUT THE COUNTRY'S UNIVERSITIES. PARAMILITARY GROUPS AND GUERRILLAS, HOWEVER, OFTEN TARGETED TEACHERS AT THE ELEMENTARY AND SECONDARY LEVELS IN AREAS OF CONFLICT. THE NATIONAL FEDERATION OF EDUCATORS REPORTED THAT 23 TEACHERS HAD BEEN KILLED AND ANOTHER 6 DISAPPEARED IN THE FIRST HALF OF 1997, PRIMARILY IN ANTIOQUIA AND CORDOBA DEPARTMENTS. UNIVERSITY-LEVEL ACADEMICS ENGAGED IN STUDY OF EITHER THE INTERNAL CONFLICT OR HUMAN RIGHTS WERE ALSO SIMILARLY TARGETED.

B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION, AND THE GOVERNMENT RESPECTS THESE RIGHTS IN PRACTICE. THE AUTHORITIES DO NOT NORMALLY INTERFERE WITH PUBLIC MEETINGS AND DEMONSTRATIONS AND USUALLY GRANT THE REQUIRED PERMISSION EXCEPT WHEN THEY DETERMINE THAT THERE IS IMMINENT

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DANGER TO PUBLIC ORDER. ANY LEGAL ORGANIZATION IS FREE TO
ASSOCIATE WITH INTERNATIONAL GROUPS IN ITS FIELD. MEMBERSHIP IN
PROSCRIBED ORGANIZATIONS, SUCH AS THE FARC, ELN AND EPL, IS A
CRIME.

C. FREEDOM OF RELIGION

THE CONSTITUTION PROVIDES FOR COMPLETE RELIGIOUS FREEDOM, AND THE
GOVERNMENT RESPECTS THIS RIGHT IN PRACTICE. THERE IS LITTLE
RELIGIOUS DISCRIMINATION. ROMAN CATHOLIC RELIGIOUS INSTRUCTION
IS NO LONGER MANDATORY IN STATE SCHOOLS, AND A 1994
CONSTITUTIONAL COURT DECISION DECLARED UNCONSTITUTIONAL ANY
OFFICIAL GOVERNMENT REFERENCE TO RELIGIOUS CHARACTERIZATIONS OF
THE COUNTRY. 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. THE LAW ON THE
FREEDOM OF CULTS PROVIDES A MECHANISM FOR RELIGIONS TO OBTAIN THE
STATUS OF RECOGNIZED LEGAL ENTITIES.

BOTH JEHOVAH'S WITNESSES AND THE MENNONITE CHURCH ENCOUNTERED
PROBLEMS BECAUSE OF THE PACIFIST NATURE OF THEIR CHURCHES.

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JEHOVA'S WITNESSES COMPLAINED OF INABILITY TO PERFORM ALTERNATIVE SERVICE TO MILITARY CONSCRIPTION, DESPITE THE MILITARY'S OWN LEGAL PROCEDURES PROVIDING FOR IT. IN APRIL, THE MINISTRY OF EDUCATION TEMPORARILY SUSPENDED A DECEMBER 1996, ORDER TO CLOSE THE MENNONITE BIBLICAL SEMINARY AND JUSTAPAZ, A CHURCH-SPONSORED HUMAN RIGHTS GROUP. BY YEAR'S END, HOWEVER, MENNONITE SEMINARIANS WERE STILL BEING FORCED INTO MILITARY CONSCRIPTION.

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D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

THE CONSTITUTION PROVIDES CITIZENS WITH THE RIGHT TO TRAVEL DOMESTICALLY AND ABROAD. OUTSIDERS WISHING TO ENTER INDIAN TRIBES' RESERVES MUST BE INVITED. IN AREAS WHERE COUNTER-INSURGENCY OPERATIONS WERE UNDERWAY, POLICE OR MILITARY OFFICIALS OCCASIONALLY REQUIRED CIVILIANS TO OBTAIN SAFE-CONDUCT PASSES; GUERRILLAS AND PARAMILITARIES SOMETIMES USED SIMILAR MEANS TO RESTRICT TRAVEL IN AREAS UNDER THEIR CONTROL. GUERRILLA INCURSIONS, MILITARY COUNTER-INSURGENCY OPERATIONS, FORCED CONSCRIPTION BY GUERRILLA AND PARAMILITARY ORGANIZATIONS, AND LAND SEIZURES INSTIGATED BY WEALTHY INDIVIDUALS OR NARCOTICS TRAFFICKERS OFTEN FORCED PEASANTS TO FLEE THEIR HOMES AND FARMS. IN MARCH, UNICEF ESTIMATED THAT APPROXIMATELY ONE MILLION (OR 1 IN 40) COLOMBIANS HAD BEEN INTERNALLY DISPLACED SINCE 1985.

ACCORDING TO 1996 DATA OF THE SYSTEM OF INFORMATION ON HOUSEHOLDS DISPLACED BY VIOLENCE (SISDES), PARAMILITARY ORGANIZATIONS WERE RESPONSIBLE FOR 32 PERCENT OF FORCED DISPLACEMENTS, GUERRILLA ORGANIZATIONS WERE RESPONSIBLE FOR 26 PERCENT, AND THE PUBLIC SECURITY FORCES 16 PERCENT. SISDES ATTRIBUTED THE REMAINING 26 PERCENT TO THE INFLUENCE OF THE POLICE, URBAN MILITIAS, AND DRUG TRAFFICKERS.

THE URABA REGION OF ANTIOQUIA AND CHOCO DEPARTMENTS SUFFERED THE GREATEST DISPLACEMENTS ON A PER CAPITA BASIS. ACCORDING TO THE INDEPENDENT ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENT (CODHES), MASS DISPLACEMENTS OCCURRED IN 208 MUNICIPALITIES IN 27 DEPARTMENTS, WITH RESIDENTS OF ANTIOQUIA CONSTITUTING 31 PERCENT OF ALL DISPLACED PERSONS. MORE THAN 120,000 COLOMBIANS WERE

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INTERNALLY DISPLACED DURING THE FIRST SEVEN MONTHS OF 1997. (SEE
ALSO SECTION 1.G. AND SECTION 4.)

COLOMBIA HAS HAD A TRADITION OF PROVIDING POLITICAL ASYLUM SINCE
THE 1920'S. DURING THE 1970'S, COLOMBIA GRANTED ASYLUM TO
ARGENTINE, CHILEAN, URUGUAYAN, AND PARAGUAYAN CITIZENS SEEKING
REFUGE FROM DICTATORIAL REGIMES IN THEIR OWN COUNTRIES. THE
RIGHT TO ASYLUM, UNDER TERMS ESTABLISHED BY LAW, IS GUARANTEED BY
THE 1991 CONSTITUTION.

THE GOVERNMENT COOPERATES WITH THE OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR REFUGEES (UNHCR) AND OTHER HUMANITARIAN
ORGANIZATIONS IN ASSISTING REFUGEES AND INTERNALLY DISPLACED
PERSONS. ON JUNE 6, THE FOREIGN MINISTRY FORMALLY INVITED THE
UNHCR TO ESTABLISH AN ONGOING PRESENCE WITHIN COLOMBIA; THE
INVITATION WAS STILL UNDER STUDY AT YEAR'S END. (NOTE: UPDATE
PREVIOUS SENTENCE IF NECESSARY BY YEAR'S END. END NOTE.) THE
GOVERNMENT RESERVES THE RIGHT TO DETERMINE ELIGIBILITY FOR
ASYLUM, BASED UPON ITS OWN ASSESSMENT OF THE POLITICAL NATURE OF
THE PERSECUTION AN APPLICANT MAY HAVE SUFFERED. THE GOVERNMENT
HAS ALSO SUPPORTED THE EFFORTS OF THE INTERNATIONAL COMMITTEE OF
THE RED CROSS (ICRC) TO OPEN SUB-DELEGATIONS ADDITIONAL TO THE 12
ALREADY ESTABLISHED THROUGHOUT THE COUNTRY'S CONFLICT ZONES.

SOME 58 INDIVIDUALS FROM 13 NATIONS APPLIED FOR REFUGEE STATUS IN
COLOMBIA DURING THE FIRST HALF OF 1997. THE ISSUE OF THE
PROVISION OF FIRST ASYLUM DID NOT ARISE. THERE WERE NO REPORTS
OF THE FORCED EXPULSION OF PERSONS IN COLOMBIA HAVING A VALID
CLAIM TO REFUGEE STATUS TO A COUNTRY WHERE THEY FEARED
PERSECUTION. WITH THE ASSISTANCE OF THE COLOMBIAN GOVERNMENT,
HOWEVER, SOME 325 COLOMBIANS WERE FORCEFULLY RETURNED IN APRIL

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FROM PANAMA, WHERE THEY HAD FLED TO ESCAPE PARAMILITARY AND
GUERRILLA ACTIVITIES IN THE NEIGHBORING COLOMBIAN DEPARTMENTS OF
CHOCO AND ANTIOQUIA.

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 VIA DIRECT, SECRET BALLOT IN REGULARLY SCHEDULED
ELECTIONS. VOTING IS VOLUNTARY AND UNIVERSAL FOR CITIZENS AGED

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18 AND OLDER, EXCEPT FOR ACTIVE-DUTY MEMBERS OF THE POLICE AND ARMED FORCES.

SOME 9.3 MILLION COLOMBIANS (REPRESENTING 45% OF THE 20.5 MILLION ELIGIBLE CITIZENS) EXERCISED THESE RIGHTS OCTOBER 26 AS THEY GATHERED AT MORE THAN 53,000 POLLING STATIONS AND VOTED FOR 32 DEPARTMENTAL GOVERNORS, 502 DEPARTMENTAL DEPUTIES, 1004 MUNICIPAL MAYORS, 11,815 MEMBERS OF TOWN COUNCILS AND 5,927 LOCAL ADMINISTRATIVE BOARDS. MORE THAN 19,000 OFFICIALS WERE THUS ELECTED FROM AMONG SOME 42,500 CANDIDATES NATIONWIDE. DUE TO SECURITY CONSTRAINTS, HOWEVER, ELECTIONS COULD NOT BE HELD AT ALL IN AT LEAST 13 OF THE NATION'S 1071 MUNICIPALITIES, INCLUDING THE

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RURAL SUMAPAZ DISTRICT OF THE CAPITAL DISTRICT, SANTAFE DE BOGOTA. FURTHERMORE, ELECTORAL RESULTS WERE DISTORTED IN AT LEAST 15 PERCENT OF THE NATION'S MUNICIPALITIES, AS THE GUERRILLAS THREATENED, KIDNAPPED, MURDERED OR FORCED THE RESIGNATIONS OF SOME 2,000 CANDIDATES FOR PUBLIC OFFICE.

THE CAMPAIGN PERIOD WAS MARRED BY HIGH LEVELS OF GUERRILLA AND

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PARAMILITARY VIOLENCE DESIGNED TO INTIMIDATE BOTH VOTERS AND
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CANDIDATES, DESPITE THE GOVERNMENT'S ALL-OUT EFFORTS TO PROVIDE
ELECTORAL SECURITY. VOTE-BUYING AND BALLOT-BOX STUFFING, COMMON
FEATURES OF ELECTIONS IN SOME REGIONS, CONTINUED. INDEED,
ORLANDO ABELLO, THE NATIONAL ELECTIONS REGISTRAR, PUBLICLY
DECRIED OCTOBER 1 THE FACT THAT VOTE "MANIPULATION," IN AND OF
ITSELF, WAS NOT PUNISHABLE AS A CRIME.

MORE THAN 30 MAYORS WERE ASSASSINATED DURING THE YEAR, COMPARED
TO 14 IN 1996, ACCORDING TO THE COLOMBIAN FEDERATION OF
MUNICIPALITIES. MORE THAN 200 CANDIDATES FOR PUBLIC OFFICE OR
INCUMBENTS, OF ALL POLITICAL ORIENTATIONS, WERE KILLED IN
POLITICAL VIOLENCE DURING THE YEAR, AS THE FARC, ELN AND EPL
GUERRILLA GROUPS ALL PUBLICLY DECLARED THEIR ARMED OPPOSITION TO
ELECTIONEERING IN AREAS THEY CONTROLLED -- OR ATTEMPTED TO
CONTROL. HUNDREDS MORE WERE KIDNAPPED. THE FARC, IN PARTICULAR,
ORCHESTRATED A MASSIVE MILITARY AND TERRORIST CAMPAIGN AGAINST
POLITICAL CANDIDATES AND THE ELECTORAL PROCESS. IN ADDITION TO
ITS TRADITIONAL OBJECTIVE OF UNDERMINING THE STATE'S PRESENCE AND
AUTHORITY IN CONTESTED AREAS, THE FARC IN SOME CASES ALSO SOUGHT
TO WIN CONTROL OF A NUMBER OF MAYORALTIES (AND MUNICIPAL COFFERS)
BY ELIMINATING COMPETITION TO PUBLIC CANDIDATES WHO WERE ACTUALLY
MEMBERS OF THE FARC'S CLANDESTINE POLITICAL PARTY, THE BOLIVARIAN
MOVEMENT FOR A NEW COLOMBIA, FORMED IN 1995.

THE GUERRILLA GROUPS LAUNCHED ARMED STRIKES, BURNED PUBLIC
TRANSPORT, TARGETED POLITICAL CANDIDATES, INCUMBENTS, PARTY
HEADQUARTERS, ELECTORAL WORKERS AND INSTITUTIONS. GUERRILLAS
BOMBED VARIOUS PARTY HEADQUARTER IN THE CITIES OF BOGOTA,
MEDELLIN, CUCUTA AND PUERTO LLERAS ON SEPTEMBER 8. MORE THAN 25
OFFICES OF THE NATIONAL ELECTORAL COUNCIL WERE ALSO ATTACKED OR
BOMBED BY THE GUERRILLAS DURING AUGUST, SEPTEMBER AND OCTOBER.

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GUERRILLAS ALSO TARGETED CIVILIANS WHO HAD BEEN ASSIGNED TO SERVE
AS OFFICIALS AT VOTING STATIONS.

A TOTAL OF 125 PERSONS DECLARED THEIR CANDIDACIES FOR THE 32
GOVERNORSHIPS. ANOTHER 3,416 PERSONS ENROLLED AS CANDIDATES FOR
THE 1004 MAYORALTIES UP FOR ELECTION, AND 28,643 PRESENTED
THEMSELVES AS CANDIDATES FOR TOWN COUNCILORS. GUERRILLA THREATS

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FORCED MORE THAN 2000 OF THEM TO RESIGN, INCLUDING ALL 4 CANDIDATES FOR THE GOVERNORSHIP OF PUTUMAYO. THE GOVERNMENT REFUSED TO ACCEPT MOST OF THE RESIGNATIONS, HOWEVER, SAYING THEY CAME AFTER THE AUGUST 24 DEADLINE FOR WITHDRAWING CANDIDACIES. ACCORDING TO FEDERATION OF COLOMBIAN MUNICIPALITIES, AT LEAST 75 MUNICIPALITIES WERE LEFT WITHOUT ANY CANDIDATES FOR MAYOR. AT LEAST TWENTY MUNICIPALITIES WERE LEFT WITHOUT CANDIDATES FOR TOWN COUNCIL; 18 OF THESE 20 WERE ALSO WITHOUT MAYORAL CANDIDATES.

FOR ITS PART, THE AUC ("UNITED SELF-DEFENSE GROUPS OF COLOMBIA") PARAMILITARY MOVEMENT DECLARED A BAN ON ELECTIONEERING BY THOSE CANDIDATES IT DETERMINED WERE IN LEAGUE WITH THE GUERRILLAS, BUT URGED THE CITIZENRY TO VOTE, SAYING IT INTERPRETED ABSTENTION AS A VOTE FOR THE GUERRILLAS AND THREATENING REPRISALS.

THE DEMOBILIZED GUERRILLAS OF THE REVOLUTIONARY WORKERS PARTY (PRT) WERE UNABLE TO FORMALLY FILE A LIST OF CANDIDATES IN SUCRE DEPARTMENT, AS SEVEN OF THE PARTY'S CANDIDATES HAD BEEN ASSASSINATED. DESPITE A REVENGE CAMPAIGN WAGED BY THE FARC AGAINST THEIR FORMER REVOLUTIONARY ALLIES, "REINSERTED" GUERRILLAS OF THE EPL WON THE MAYORALTIES OF APARTADO, CAREPA AND TURBO -- THE THREE KEY MUNICIPALITIES OF URABA'S BANANA-GROWING REGION, AN AREA NOW CONSIDERED FORCIBLY "CLEANED" OF THE FARC'S LONG-TIME PRESENCE BY A SUSTAINED OFFENSIVE BY ACCU PARAMILITARY

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FORCES.

THE ELN KIDNAPED AUGUST 15 THE MAYOR OF SAN PABLO, BOLIVAR DEPARTMENT, ALONG WITH THREE MAYORAL CANDIDATES AND EIGHT CITY COUNCIL MEMBERS. THE SAME DAY IN SIMITI, BOLIVAR, THE FARC AND ELN JOINTLY KIDNAPED EIGHT OF NINE CITY COUNCIL-MEMBERS, A MAYORAL CANDIDATE, A CANDIDATE FOR CITY COUNCIL, AND THE TOWN'S TREASURER. THE SIMITI COUNCIL-MEMBERS PLUS 23 CANDIDATES WERE FREED ON AUGUST 26 AFTER BEING TOLD TO CHOOSE: WITHDRAW FROM POLITICS OR DIE. THEY RESIGNED.

THE MAYOR OF SIMITI, UBALDO DE JESUS LOPEZ HAD PREVIOUSLY FLED THE TOWN IN JULY, FOLLOWING THE JUNE 30 JOINT ASSAULT ON THE TOWN BY FARC AND ELN GUERRILLAS, WHICH RESULTED IN THE DEATHS OF THREE POLICEMEN AND THE ABANDONMENT OF THE TOWN BY THE POLICE AND ARMY. LOPEZ, AS WELL AS THE MAYORS OF TIQUISITO, RIO VIEJO AND MORALES, ALL RELOCATED TO CARTAGENA, FOLLOWING THREATS FROM THE GUERRILLAS -- AND FROM PARAMILITARIES, WHO THREATENED TO DEPOPULATE THE TOWNS, WHICH THEY CONSIDERED GUERRILLA SUPPORT BASES. AT LEAST 10 MAYORAL CANDIDATES AND 68 COUNCILOR CANDIDATES RESIGNED IN

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BOLIVAR, PRIMARILY IN THE SOUTHERN PART OF THE DEPARTMENT.

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FOLLOWING SIMILAR FARC KIDNAPINGS AND THREATS, CANDIDATES FOR MAYOR AND COUNCILORS IN TEN OF CAQUETA'S 16 MUNICIPALITIES RESIGNED EN MASSE ON AUGUST 29, AND APPEALED FOR THE NATIONAL GOVERNMENT TO POSTPONE THE ELECTIONS UNTIL SECURITY COULD BE GUARANTEED. A TOTAL OF 298 COUNCIL MEMBERS IN CESAR DEPARTMENT RESIGNED EN MASSE THE SAME WEEK. IN A MOVE OPPOSED BY GENERAL BONETT, THE COMMANDING GENERAL OF THE MILITARY FORCES, ANTIOQUIA'S GOVERNOR, ALVARO URIBE, TEMPORARILY APPOINTED FOUR

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MILITARY OFFICERS AS MAYORS ON SEPTEMBER 2, FOLLOWING THE FARC KIDNAPING OF THE ELECTED MAYORS, WHO WERE RELEASED SEVERAL DAYS LATER.

EASTERN ANTIOQUIA WAS ALSO PARTICULARLY AFFECTED. THE ROMAN

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CATHOLIC DIOCESE OF SONSON-RIO NEGRO ANNOUNCED IN SEPTEMBER THAT OF THE 21 MUNICIPALITIES IN THE DIOCESE, ALL OF THE CANDIDATES HAD BEEN FORCED BY GUERRILLA THREATS TO RESIGN IN 13 OF THE MUNICIPALITIES: SAN CARLOS, GUATAPE, EL PENOL, SAN LUIS, SAN FRANCISCO, COCORNA, GRANADA, SANTUARIO, MARINILLA, CARMEN DE VIBORAL, LA UNION, ABEJORRAL AND ARGELIA.

ELN ASSASSINATED LIBERAL PARTY SENATOR JORGE CRISTO AND HIS BODYGUARD IN CUCUTA, NORTE DE SANTANDER ON AUGUST 8.

FOLLOWING THE PARAMILITARY TAKEOVER OF MAPIRIPAN, META DEPARTMENT, IN JULY, ALL CANDIDATES FOR LOCAL ELECTIONS WITHDREW THEIR NAMES (SEE ALSO 1.A. AND 1.G.).

ON AUGUST 28, RALPH ZACKLIN, UN HIGH COMMISSIONER FOR HUMAN RIGHTS CONDEMNED "ALL CRIMES, ATTACKS AND THREATS WHICH PUT IN DANGER THE RIGHT OF CANDIDATES AND CITIZENS TO PARTICIPATE IN THE ELECTORAL PROCESS," REITERATED THE IMPORTANCE OF RESPECTING HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW, AND EXHORTED ALL PARTIES TO THE CONFLICT TO SUPPORT THE PEACE INITIATIVES OF THE GOVERNMENT AND THE CITIZENRY.

ON SEPTEMBER 25, THE EUROPEAN UNION RELEASED A STATEMENT DENOUNCING THE THREATS MADE BY BOTH GUERRILLA AND PARAMILITARY GROUPS TOWARDS CANDIDATES AND THE ASSASSINATION OF CANDIDATES. REITERATING THE BELIEF THAT THE FREE AND FAIR ELECTIONS ON
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OCTOBER 26 WILL CONTRIBUTE TO THE CONSOLIDATION OF THE PEACE PROCESS, THE EU CALLED ON ALL CONCERNED PARTIES TO RESPECT THE DIRECTIVES OF INTERNATIONAL HUMANITARIAN LAW AND CALLED ON COLOMBIAN AUTHORITIES TO RESPECT HUMAN RIGHTS IN ORDER TO AVOID FURTHER AGGRAVATING THE PROBLEM OF INTERNALLY DISPLACED PERSONS.

FOR THE FIRST TIME IN COLOMBIAN HISTORY, THE GOVERNMENT INVITED THE ORGANIZATION OF AMERICAN STATES AND THE EUROPEAN UNION TO SEND AN INTERNATIONAL OBSERVER DELEGATION TO HELP ENSURE THE ELECTIONS. ELN GUERRILLAS, HOWEVER, KIDNAPED TWO OF THE OAS OBSERVERS AND A COLOMBIAN COLLEAGUE OCTOBER 23 IN ANTIOQUIA, ONLY RELEASING THEM ON NOVEMBER 1. (NOTE: INSERT ONE-SENTENCE QUOTE OAS STATEMENT ON ELECTORAL PROCESS AND RESULTS. END NOTE.) DESPITE THE SECURITY LIMITATIONS, THE RESULTS WERE WIDELY ACCEPTED BY MOST COLOMBIANS, LONG-ACCUSTOMED TO VIOLENCE AS AN INTEGRAL PART OF THE ELECTORAL SCENE. THE WINNING CANDIDATES WERE SCHEDULED TO BE INAUGURATED ON JANUARY 1, 1998.

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THE LIBERAL AND CONSERVATIVE PARTIES HAVE LONG MONOPOLIZED THE FORMAL POLITICAL PROCESS WITH ONE OR THE OTHER CUSTOMARILY 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 MAY LOSE THE RIGHT TO PRESENT CANDIDATES AND MAY NOT RECEIVE FUNDS FROM THE GOVERNMENT. THEY MAY REINCORPORATE AT ANY TIME, HOWEVER, BY PRESENTING 50,000 SIGNATURES TO THE NATIONAL ELECTORAL BOARD.

THE NATION'S LAST COMPLETE ROUND OF PRESIDENTIAL, CONGRESSIONAL GUBERNATORIAL AND LOCAL ELECTIONS WAS HELD IN 1994, WHEN THE COUNTRY ALSO ELECTED FOR THE FIRST TIME A VICE PRESIDENT, AN
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ESSENTIALLY CEREMONIAL POSITION. LIBERAL PARTY REPRESENTATIVES MADE A STRONG SHOWING IN THE CONGRESSIONAL ELECTIONS, PROVIDING A LIBERAL MAJORITY IN BOTH HOUSES. HOWEVER, CROSS-PARTY COALITIONS WERE STILL OFTEN NECESSARY TO ENACT LEGISLATION. THE CORRUPTING INFLUENCE OF NARCOTICS TRAFFICKING ORGANIZATIONS ON THE CONGRESS IS EXTENSIVE. VICE PRESIDENT HUMBERTO DE LA CALLE RESIGNED IN SEPTEMBER 1996, IN PROTEST OVER THE EXTENT OF NARCOTICS CORRUPTION IN THE ADMINISTRATION AND THE CONGRESS, AND WAS REPLACED BY CARLOS LEMOS SIMMONDS, WHO HAS SINCE SERVED ALSO AS COLOMBIA'S AMBASSADOR TO THE UNITED KINGDOM.

THE GOVERNMENT ANNOUNCED THAT ELECTIONS FOR THE NATION'S SENATE AND HOUSE OF REPRESENTATIVES HAVE BEEN SCHEDULED FOR MARCH 8, 1998, WITH THE WINNERS TO BEGIN THEIR FOUR-YEAR TERMS ON JULY 20, 1998. TWO OF THE SENATE'S 102 SEATS ARE RESERVED FOR REPRESENTATIVES OF THE NATION'S INDIGENOUS COMMUNITIES, WHILE THE 100 OTHER SENATORS ARE ELECTED ON THE BASIS OF NATIONAL "AT LARGE" BALLOTING. TWO SEATS IN THE 165-MEMBER HOUSE OF REPRESENTATIVES ARE RESERVED FOR EACH DEPARTMENT AND THE CAPITAL DISTRICT. ADDITIONAL REPRESENTATION IS APPORTIONED THROUGH THE USE OF A COMPLEX POPULATION-BASED FORMULA. A 1993 LAW WHICH SET ASIDE 2 HOUSE SEATS FOR CITIZENS OF AFRICAN HERITAGE WAS DECLARED

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UNCONSTITUTIONAL IN SEPTEMBER 1996, BY THE CONSTITUTIONAL COURT, WHICH NONETHELESS ALLOWED THE INCUMBENTS TO COMPLETE THEIR TERM IN OFFICE.

PRESIDENTIAL ELECTIONS ARE HELD EVERY 4 YEARS, WITH THE INCUMBENT BARRED FOR LIFE FROM RE-ELECTION. THE NEXT ELECTION FOR PRESIDENT AND VICE PRESIDENT HAS BEEN SCHEDULED FOR MAY 31, 1998, WITH A SUBSEQUENT RUN-OFF ELECTION PLANNED FOR JUNE 21. THE

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WINNING TICKET IS TO BE INAUGURATED FORMALLY ON AUGUST 7, 1998.

THERE ARE NO LEGAL RESTRICTIONS, AND FEW PRACTICAL ONES, ON THE PARTICIPATION OF WOMEN OR MINORITIES IN THE POLITICAL PROCESS. SEVEN FEMALE SENATORS AND 19 FEMALE REPRESENTATIVES SERVED AMONG THE 267 MEMBERS OF THE TWO CHAMBERS OF CONGRESS, INCLUDING THE SECOND VICE PRESIDENT OF THE SENATE. WOMEN SERVED IN A NUMBER OF KEY CABINET POSTS DURING THE YEAR, INCLUDING AS MINISTERS OF FOREIGN AFFAIRS, JUSTICE, AGRICULTURE, EDUCATION AND HEALTH. THE PRESIDENT'S ADVISERS FOR HUMAN RIGHTS, FOR JURIDICAL AFFAIRS, FOR BOGOTA, FOR ANTIOQUIA DEPARTMENT, AND FOR PUBLIC ADMINISTRATION AFFAIRS WERE ALSO WOMEN, AS WAS THE DIRECTOR OF THE NATIONAL PRISONS INSTITUTE (INPEC).

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN

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RIGHTS

A LARGE AND VARIED NON-GOVERNMENTAL (NGO) HUMAN RIGHTS COMMUNITY IS ACTIVE, PROVIDING A WIDE RANGE OF VIEWS. AMONG THE MANY GROUPS ARE: THE CATHOLIC BISHOPS CONFERENCE, THE COLOMBIAN COMMISSION OF JURISTS (CCJ); THE INTERCONGREGATIONAL COMMISSION FOR JUSTICE AND PEACE; THE PERMANENT COMMITTEE FOR THE DEFENSE OF HUMAN RIGHTS; THE CENTER FOR INVESTIGATIONS AND POPULAR RESEARCH (CINEP); THE ADVISORY COMMITTEE FOR HUMAN RIGHTS AND DISPLACEMENTS (CODHES); THE LATIN AMERICAN INSTITUTE FOR ALTERNATIVE LEGAL SERVICES (ILSA); THE COMMITTEE IN SOLIDARITY WITH POLITICAL PRISONERS; THE ASSOCIATION OF FAMILIES OF DETAINED AND DISAPPEARED PERSONS (ASFADDES); THE "REINSERCIÓN" FOUNDATION (FOCUSED ON DEMOBILIZED GUERRILLAS); THE "PAIS LIBRE" FOUNDATION (FOCUSED ON THE RIGHTS OF KIDNAP VICTIMS); AND, THE "VIDA"

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FOUNDATION (FOCUSED ON THE RIGHTS OF VICTIMS OF GUERRILLA VIOLENCE). INTERNATIONAL HUMAN RIGHTS ORGANIZATIONS PRESENT INCLUDE THE PEACE BRIGADES INTERNATIONAL AND THE NEWLY-OPENED BOGOTA OFFICE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS.

NGOS INVESTIGATED AND REPORTED ON HUMAN RIGHTS ABUSES COMMITTED BY GOVERNMENT FORCES, VARIOUS PARAMILITARY GROUPS, AND THE GUERRILLA ARMIES. AS WITH MUCH OF CIVIL SOCIETY, MANY NGOS EXPRESSED SERIOUS CONCERN OVER THE GROWING GUERRILLA AND PARAMILITARY VIOLENCE -- AND THE GOVERNMENT'S INCREASINGLY APPARENT INABILITY TO STOP EITHER OF THEM. IN PARTICULAR, A NUMBER OF NGO, AS WELL AS GOVERNMENTAL, HUMAN RIGHTS OFFICIALS WERE ALARMED BY THE RAPID GROWTH OF PARAMILITARISM, BOTH IN TERMS OF ITS RESPONSIBILITY FOR AN EVER-INCREASING PROPORTION OF HUMAN RIGHTS VIOLATIONS AND ITS INCREASING POLITICAL AND MILITARY POWER. SOME OBSERVERS ALSO WARNED OF ITS INCREASING INDEPENDENCE FROM, AND ANTAGONISM TOWARDS, THE STATE, WHILE OTHERS INSISTED THAT PARAMILITARISM WAS NOTHING MORE THAN AN INSTRUMENT OF "STATE TERROR" WHICH, THEY ARGUED, COULD EASILY BE SHUT DOWN BY THE GOVERNMENT IF ONLY IT CHOSE TO DO SO.

A NUMBER OF HUMAN RIGHTS-RELATED NGOS, HOWEVER, WENT FAR BEYOND REPORTING, ANALYSIS AND CRITICISM. SOME ACTIVELY ENGAGED IN HUMANITARIAN RELIEF AND INNOVATIVE DEVELOPMENT ASSISTANCE PROGRAMS IN THE NATION'S MOST CONFLICTIVE ZONES, OFTEN WORKING JOINTLY WITH GOVERNMENT MINISTRIES, INTERNATIONAL FINANCIAL INSTITUTIONS, AND DOMESTIC AND MULTINATIONAL CORPORATIONS.

FOLLOWING FORMAL AGREEMENT WITH THE GOVERNMENT, THE UNITED

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NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS (UNHCHR) OPENED ITS
THIRD FIELD OFFICE EVER (NOTE: CONFIRM. END NOTE.) IN BOGOTA IN
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APRIL WITH A 17-MONTH MANDATE. THE OFFICE -- TASKED WITH
MONITORING AND ANALYZING THE HUMAN RIGHTS SITUATION THROUGHOUT
THE COUNTRY AND WITH THE PROVISION OF ASSISTANCE TO THE
GOVERNMENT, CIVIL SOCIETY AND NGOS IN THE FIELD OF HUMAN RIGHTS
PROTECTION -- SUBMITTED PRIVATE REPORTS TO THE GOVERNMENT AND TO
THE UN, AS WELL OCCASIONALLY SPOKE OUT PUBLICLY ON PARTICULARLY
EGREGIOUS ABUSES COMMITTED BY GOVERNMENT, PARAMILITARY OR
GUERRILLA FORCES.

THE HUMAN RIGHTS COMMUNITY CAME UNDER INTENSE PRESSURES DURING
1997. ALTHOUGH THE CIVILIAN ADMINISTRATION, AS A MATTER OF
PUBLIC POLICY, 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. HUMAN
RIGHTS GROUPS WERE SUBJECTED TO SURVEILLANCE, HARASSING PHONE
CALLS, GRAFFITI CAMPAIGNS AND THREATS BY MILITARY, INTELLIGENCE,
POLICE, PARAMILITARY AND GUERRILLA FORCES. SENIOR MILITARY
OFFICIALS, INCLUDING GENERAL HAROLD BEDOYA, THEN-COMMANDING
GENERAL OF THE MILITARY FORCES, SOMETIMES PUBLICLY VOICED
FEELINGS OF FRUSTRATION AND OUTRIGHT HOSTILITY TOWARD THE NGO
COMMUNITY, OR PUBLICLY ACCUSED PARTICULAR GROUPS OR INDIVIDUALS
OF WORKING ON BEHALF OF THE GUERRILLAS. AT LEAST A DOZEN HUMAN

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	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
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RIGHTS WORKERS FOR FORCED TO RELOCATE WITHIN COLOMBIA, OR FLEE ABROAD, FOLLOWING THREATS. MANY OTHERS WERE FORCED TO GREATLY RESTRICT THEIR TRAVEL, PARTICULARLY IN THE COUNTRYSIDE.

TWO CINEP WORKERS, MARIO CALDERON AND ELSA ALVARADO, ALONG WITH ELSA'S FATHER CARLOS ALVARADO, WERE ASSASSINATED IN THEIR BOGOTA HOME DURING THE PRE-DAWN HOURS OF MAY 19. FIVE ARMED INDIVIDUALS, DRESSED IN THE UNIFORMS OF THE FISCALIA'S CRIMINAL

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INVESTIGATIVE TEAM, STORMED THEIR APARTMENT AND EXECUTED THEM. ELSA'S MOTHER, SERIOUSLY WOUNDED, SURVIVED THE ATTACK, AS DID THE COUPLE'S 18-MONTH OLD CHILD. NO GROUP CLAIMED RESPONSIBILITY FOR THE KILLINGS. MAJOR GENERAL MANUEL JOSE BONETT, THEN-COMMANDING GENERAL OF THE ARMY, STRENUOUSLY DENIED PUBLIC SUGGESTIONS THE ARMY MIGHT HAVE BEEN INVOLVED.

THE BOGOTA-BASED REPRESENTATIVE OF THE UN HIGH COMMISSIONER FOR HUMAN RIGHTS REQUESTED SPECIAL PROTECTION FOR NON-GOVERNMENTAL HUMAN RIGHTS WORKERS AND ORGANIZATIONS. THE CINEP CASE WAS ASSIGNED TO THE PROSECUTOR GENERAL'S HUMAN RIGHTS UNIT, WHICH LAUNCHED AN INVESTIGATION; IN LATE SEPTEMBER, THE UNIT, WORKING CLOSELY WITH THE NATIONAL POLICE AND THE DAS, ARRESTED FIVE MEDELLIN-BASED HIRED KILLERS ("SICARIOS") AND CHARGED THEM WITH THE CRIMES. CHARGES AGAINST ONE OF THE DETAINEES WAS DROPPED IN OCTOBER AND THE OTHER FOUR WERE BOUND OVER FOR TRIAL. THE INVESTIGATION INTO WHO ORDERED THE KILLINGS CONTINUED.

SOME HUMAN RIGHTS GROUPS HAD THEIR OFFICES STORMED OR OTHERWISE ATTACKED BY PARAMILITARIES. VICTOR JULIO GARZON, FOUNDER OF THE META DEPARTMENT CIVIC COMMITTEE FOR HUMAN RIGHTS, AND AN ACTIVE DEFENDER OF META COCA-GROWING PEASANTS, WAS ASSASSINATED BY TWO PRESUMED PARAMILITARIES MARCH 7 IN THE BOGOTA OFFICES OF THE FEDERATION OF AGRICULTURAL WORKERS. A SMALL BOMB EXPLODED JUNE 4 AT THE MEDELLIN OFFICE OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS, AS THE ICRC WAS IN THE FINAL STAGES OF COORDINATING THE

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JUNE 15 RELEASE OF 70 GOVERNMENT TROOPS HELD BY THE FARC. THE MEDELLIN OFFICES OF THE ASFADDES WERE THE TARGET OF A JUNE 24 DYNAMITE ATTACK. FOLLOWING INCREASING THREATS, YANETTE BAUTISTA, JUDICIAL COORDINATOR OF ASFADDES, FLED THE COUNTRY WITH HER FAMILY ON SEPTEMBER 9. BAUTISTA IS THE SISTER OF DISAPPEARED M-
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19 GUERRILLA NYDIA ERIKA BAUTISTA; THE PROSECUTION OF THOSE RESPONSIBLE FOR HER 1987 DISAPPEARANCE, TORTURE AND MURDER HAS BEEN STYMIED BY THE MILITARY COURTS (SEE SECTION 1.B). AT LEAST ONE OTHER ORGANIZATION INVOLVED IN HUMAN RIGHTS ISSUES WAS FORCED TO CLOSE ITS BOGOTA OFFICE AFTER RECEIVING DIRECT THREATS FROM PRESUMED PARAMILITARIES.

TWO UNHCHR INVESTIGATORS CUT SHORT AN AUGUST FACT-FINDING TRIP IN ANTIOQUIA AFTER RECEIVING THREATS FROM ACCU PARAMILITARY FORCES.

PRESIDENT SAMPER PERSONALLY AWARDED AUGUST 19 THE \$100,000 LUIS CARLOS GALAN PRIZE FOR DEMOCRACY, PEACE AND HUMAN RIGHTS TO THE ROMAN CATHOLIC DIOCESE OF APARTADO, URABA. THE GOVERNMENT-FINANCED, BUT INDEPENDENTLY JUDGED, AWARD RECOGNIZED THE INSTRUMENTAL ROLE THE ROMAN CATHOLIC CHURCH HAS PLAYED THERE IN ESTABLISHING "PEACE COMMUNITIES", NEUTRAL AREAS WHERE THE DISPLACED MEMBERS OF THE CIVILIAN POPULATION SEEK REFUGE FROM ALL SIDES -- PARAMILITARY, GUERRILLA AND GOVERNMENT FORCES -- IN THE MILITARY STRUGGLE FOR CONTROL OF THE HIGHLY-CONFLICTIVE, STRATEGIC REGION. (SEE ALSO SECTION 1.G.)

IN LATE SEPTEMBER, AMNESTY INTERNATIONAL (AI) RELEASED A REPORT ON COLOMBIA'S ONGOING CRISIS OF THE FORCED INTERNAL DISPLACEMENT OF CIVILIAN POPULATIONS. THE ANALYSIS NOTED THAT WHILE THE ARMED CONFLICT WAS THE PRINCIPAL CAUSE OF DISPLACEMENT, "A GENERIC DESCRIPTION OF THE CAUSES OF INTERNAL DISPLACEMENT IN COLOMBIA IS NOT POSSIBLE." IT CITED INDEPENDENT STUDIES INDICATING THAT PARAMILITARY ORGANIZATIONS WERE RESPONSIBLE FOR 35 OF INTERNAL DISPLACEMENTS, GUERRILLA GROUPS WERE RESPONSIBLE FOR 24, AND THE PUBLIC SECURITY FORCES WERE RESPONSIBLE FOR 17. THE STUDY ALSO ACCUSED THE MILITARY OF ONGOING LINKS TO PARAMILITARY GROUPS, AND
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PROVIDED CREDIBLE EVIDENCE OF THIS IN THE URABA REGION.

THE GOVERNMENT'S FORMAL RESPONSE CLAIMED THE AI REPORT "LACKED

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COMPLETE AND CURRENT INFORMATION", LAMENTED THE PRESENTATION OF WHAT IT TERMED "INEXACT INFORMATION" AND INVITED AI TO VISIT COLOMBIA "URGENTLY, SO AS TO KNOW FIRST-HAND" THE GOVERNMENT'S EFFORTS. THE COMMUNIQUE REVIEWED THE APRIL CREATION OF THE PRESIDENTIAL ADVISORY COUNCIL ON DISPLACEMENTS, THE ESTABLISHMENT OF THE NATIONAL SYSTEM FOR THE COORDINATED ASSISTANCE TO DISPLACED POPULATIONS, AND THE JULY PASSAGE OF LAW 387, WHICH ESTABLISHED A NATIONAL FUND FOR POPULATIONS AT RISK AND A NATIONAL INFORMATION NETWORK.

THE GOVERNMENT HAS AN EXTENSIVE HUMAN RIGHTS APPARATUS, WHICH INCLUDES THE OFFICE OF THE PRESIDENT'S ADVISER FOR HUMAN RIGHTS, THE NATIONAL HUMAN RIGHTS OMBUDSMAN AND ITS REGIONAL REPRESENTATIVES, THE ATTORNEY GENERAL'S OFFICE FOR HUMAN RIGHTS AND REGIONAL REPRESENTATIVES, AND A HUMAN RIGHTS UNIT WITHIN THE PROSECUTOR GENERAL'S OFFICE. NEVERTHELESS, THE CORPS OF GOVERNMENT HUMAN RIGHTS ADVISERS AND MONITORS WAS OFTEN UNSUCCESSFUL IN GETTING ITS RECOMMENDATIONS ADOPTED ON GOVERNMENT POLICY ISSUES.

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ACCORDING TO SEPTEMBER CONGRESSIONAL TESTIMONY BY THE MINISTER OF DEFENSE, DURING THE FIRST EIGHT MONTHS OF THE YEAR, THE ATTORNEY GENERAL'S OFFICE OF HUMAN RIGHTS FILED ONLY ONE HUMAN RIGHTS CASE AGAINST A MEMBER OF THE MILITARY, DOWN FROM 34 CASES IN ALL OF 1996, AND THE 1993 PEAK OF 138 CASES. OF THE 15 CASES CLOSED BY THE MILITARY JUSTICE SYSTEM OR THE ATTORNEY GENERAL'S OFFICE BETWEEN JANUARY AND AUGUST, 8 OF THE ACCUSED WERE ABSOLVED, 4

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RECEIVED TEMPORARY SUSPENSIONS, 2 RECEIVED MONETARY FINES AND 1 CASE WAS CLOSED DUE TO THE DEATH OF THE ACCUSED. NONE WERE PERMANENTLY SEPARATED FROM SERVICE, COMPARED WITH 12 IN 1996. THE ATTORNEY GENERAL LEGALLY HAS JURISDICTION TO CARRY OUT DISCIPLINARY INVESTIGATIONS AND ADMINISTRATION PUNISHMENT OF MILITARY OFFICIALS WHO IMPROPERLY CONDUCT CRIMINAL PROCEEDINGS; IT IS NOT KNOWN, HOWEVER, IF THIS POWER HAS EVER BEEN SUCCESSFULLY EMPLOYED.

AS PART OF THE DEFENSE MINISTRY'S EFFORTS TO PROTECT THE RIGHTS OF THE CITIZENRY, THE MILITARY SERVICES AND POLICE HAVE ESTABLISHED SINCE 1994 MORE THAN 225 HUMAN RIGHTS OFFICES THROUGHOUT THE NATION. AS OF JUNE, THE ARMY HAD ESTABLISHED 140 SUCH OFFICES, THE POLICE 61, THE AIR FORCE 14 AND THE NAVY 11. THESE OFFICES WERE TASKED WITH ACCEPTING AND INVESTIGATING PUBLIC COMPLAINTS OF ABUSE AS WELL AS COORDINATING HUMAN RIGHTS TRAINING PROGRAMS FOR PUBLIC SECURITY PERSONNEL.

THE UN COMMITTEE ON HUMAN RIGHTS DECLARED IN MAY ITS "GREAT CONCERN" FOR THE LARGE GULF WHICH EXISTS BETWEEN THE JURIDICAL FRAMEWORK AND ACTUAL PRACTICE WITH RESPECT TO HUMAN RIGHTS. IT NOTED THAT "ALTHOUGH A NUMBER OF LAWS AND RULES HAVE RECENTLY BEEN APPROVED TO PROTECT HUMAN RIGHTS AND TO PROVIDE RESOURCES IN CASES OF ABUSE, IN PRACTICE THERE HAS BEEN FEW PALPABLE IMPROVEMENTS IN THE HUMAN RIGHTS SITUATION." THE COMMITTEE RECOMMENDED THAT, IN ORDER TO COMBAT IMPUNITY, THE GOVERNMENT ADOPT STRICT MEASURES SO AS TO GUARANTEE THAT ALL ALLEGATIONS OF HUMAN RIGHTS VIOLATIONS BE INVESTIGATED PROMPTLY AND IMPARTIALLY, THAT THE OFFENDERS BE PROCESSED, THAT ADEQUATE PENALTIES BE IMPOSED ON THOSE CONVICTED AND THAT APPROPRIATE COMPENSATION BE PROVIDED TO THE VICTIMS."

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ON JANUARY 29, THE INTER-AMERICAN HUMAN RIGHTS COURT FOUND THAT THE GOVERNMENT SHOULD PAY \$89,500 TO THE FAMILIES OF ISIDRO CABALLERO DELGADO AND MARIA DEL CARMEN SANTIAGO, FOLLOWING AN EARLIER COURT RULING THAT THE STATE WAS RESPONSIBLE FOR THEIR FORCED DISAPPEARANCES. AN INTER-AMERICAN COMMISSION ON HUMAN RIGHTS DELEGATION TRAVELED TO COLOMBIA WITH THE "FULL COOPERATION" OF THE GOVERNMENT IN FEBRUARY TO STUDY THE STATUS OF FRIENDLY SETTLEMENT PROCEEDINGS IN A NUMBER OF OTHER CASES BROUGHT BEFORE THE COMMISSION.

IN LATE JUNE, THE GOVERNMENT APPROVED COMPENSATION FOR THE RELATIVES OF MEMBERS OF THE M-19 GUERRILLA GROUP WHO DIED DURING AN OPERATION IN THE SOUTHEAST AREA OF BOGOTA ON SEPTEMBER 30, 1985. THIS DECISION FOLLOWS A RECOMMENDATION BY THE INTER-AMERICAN HUMAN RIGHTS COMMISSION. IN EARLY SEPTEMBER, THE COUNCIL OF STATE DETERMINED THE MINISTRY OF DEFENSE WAS RESPONSIBLE FOR THE DISAPPEARANCE OF M-19 GUERRILLA IRMA FRANCO PINEDA, FOLLOWING THE M-19'S VIOLENT TAKEOVER OF BOGOTA'S PALACE OF JUSTICE IN NOVEMBER 1985. THE COUNCIL, WHICH PREVIOUSLY HAD FOUND THE STATE RESPONSIBLE FOR THE DISAPPEARANCE OF 11 CIVILIAN WORKERS IN THE PALACE'S CAFETERIA, ORDERED THE GOVERNMENT TO PAY THE EQUIVALENT OF 2000 GRAMS OF GOLD TO FRANCO'S FAMILY.

ON SEPTEMBER 9, PRESIDENT SAMPER ANNOUNCED THAT THE GOVERNMENT HAD COMPENSATED THE FAMILIES OF 89 VICTIMS OF HUMAN RIGHTS VIOLATIONS, UNDER THE TERMS OF THE COMPENSATION LAW APPROVED IN 1996. EVEN AS THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS APPLAUDED SUCH STEPS, IT CALLED ON THE GOVERNMENT TO "CREATE EFFECTIVE MECHANISMS FOR ENSURING COMPLIANCE WITH ALL THE RECOMMENDATIONS OF THE COMMISSION AND OTHER INTERNATIONAL HUMAN

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RIGHTS BODIES, NOT ONLY THOSE WHICH RECOMMEND FINANCIAL
COMPENSATION."

THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO EXPAND OPERATIONS IN COLOMBIA, NOW ITS LARGEST OPERATION IN LATIN AMERICA, WITH A DELEGATION ON BOGOTA PLUS ELEVEN SUB-DELEGATIONS IN VARIOUS CONFLICTIVE ZONES; THE GOVERNMENT ACTIVELY SUPPORTED EFFORTS TO OPEN ADDITIONAL ICRC SUB-DELEGATIONS. THE ICRC, WORKING WITH THE PRESIDENTIAL HUMAN RIGHTS ADVISER AND THE PUBLIC SECURITY FORCES, CONTINUED THEIR LONG-STANDING TRAINING PROGRAMS IN HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW. THESE PROGRAMS WERE DIRECTED NOT ONLY AT AFFECTED CIVILIAN POPULATIONS BUT WERE ALSO WELL-INTEGRATED INTO THE MILITARY TRAINING CURRICULUM. MANY OBSERVERS CREDITED THESE PROGRAMS WITH HAVING

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DONE MUCH TO FOSTER A CLIMATE OF INCREASED RESPECT FOR HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW BY THE MILITARY FORCES IN RECENT YEARS.

ON SEPTEMBER 9, NATIONAL HUMAN RIGHTS DAY, PRESIDENT SAMPER PUBLICLY ANNOUNCED A SERIOUS OF HUMAN RIGHTS REFORMS AND PROPOSALS, INCLUDING A BILL TO CRIMINALIZE "CRIMES AGAINST HUMANITY" SUCH AS FORCED DISAPPEARANCE; A NEW POLICE CODE; A NEW

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	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
	PRM-10	PRME-01	DRL-04	G-00	MR-00	NEAT-00	/031W

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MILITARY PENAL CODE; AND, SUPPORT FOR CONGRESSIONAL APPROVAL OF THE INTER-AMERICAN CONVENTION AGAINST TORTURE. NONE OF THE PRESIDENT'S PROPOSALS HAD BEEN ENACTED INTO LAW, HOWEVER, BY YEAR'S END.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS

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THE CONSTITUTION SPECIFICALLY PROHIBITS DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE, OR SOCIAL STATUS. IN PRACTICE, HOWEVER, MANY OF THESE PROVISIONS ARE NOT ENFORCED. THE UN COMMITTEE ON HUMAN RIGHTS DENOUNCED IN MAY THE CONTINUING PRACTICE OF "SOCIAL CLEANSING", DIRECTED AGAINST STREET CHILDREN, HOMOSEXUALS, PROSTITUTES AND CRIMINALS, ADDING THAT THE GOVERNMENT HAD "STILL NOT INSTITUTED ADEQUATE AND EFFECTIVE MEASURES TO GUARANTEE THE FULL PROTECTION OF THE RIGHTS OF THESE GROUPS, ABOVE ALL THE RIGHT TO LIFE."

WOMEN

RAPE AND OTHER ACTS OF VIOLENCE AGAINST WOMEN ARE PERVASIVE IN SOCIETY, AND LIKE OTHER CRIMES, ARE SELDOM PROSECUTED SUCCESSFULLY. THE QUASI-GOVERNMENTAL INSTITUTE FOR FAMILY WELFARE (ICBF) 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. THE ICBF CONDUCTED PROGRAMS AND PROVIDED REFUGE AND COUNSELING FOR VICTIMS OF SPOUSE ABUSE, BUT THE LEVEL AND AMOUNT OF THESE SERVICES WERE DWARFED BY THE MAGNITUDE OF THE PROBLEM.

THE INSTITUTE FOR LEGAL MEDICINE ESTIMATED THAT 239,400 PERSONS ARE THE VICTIMS OF SEXUAL ABUSE ANNUALLY, 88 OF THEM WOMEN. THE INSTITUTE ALSO ESTIMATED THAT 95 OF ALL ABUSE CASES ARE NEVER REPORTED TO AUTHORITIES.

THE LAW HAS HISTORICALLY PROVIDED RELATIVELY MILD SENTENCES, RANGING FROM 6 MONTHS TO 8 YEARS, FOR CRIMES OF SEXUAL ABUSE AND FOR SIGNIFICANT SENTENCE REDUCTIONS BASED ON THE CONDUCT OF THE CONVICTED PERPETRATOR. IN CASES OF SEXUAL ABUSE, POLICE COULD

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NOT LEGALLY DETAIN THE PERPETRATORS UNLESS THE ABUSE WAS COMMITTED IN CONJUNCTION WITH OTHER CRIMES; SPOUSAL ABUSE IN ITSELF IS NOT CONSIDERED A CRIME. IN MOST CASES, THE ASSAILANT WAS RELEASED BECAUSE THE LAW PERMITS THE PROBATIONARY RELEASE OF CRIMINALS CONVICTED OF CRIMES CARRYING MINIMUM SENTENCES OF LESS THAN 2 YEARS. FURTHERMORE, THE PENAL CODE FULLY EXONERATED A RAPIST IF HE SUBSEQUENTLY OFFERS TO MARRY THE VICTIM AND SHE ACCEPTS.

FUNDAMENTAL CHANGES IN THE LAW WERE ADOPTED DURING 1996 AND 1997. IN 1996, PRESIDENT SAMPER SIGNED LAW 294 ON FAMILY VIOLENCE, WHICH CRIMINALIZED VIOLENT ACTS COMMITTED WITHIN FAMILIES,

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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. FURTHERMORE, THE LAW ALLOWS A JUDGE TO OBLIGE AN ABUSER TO SEEK THERAPY OR REEDUCATION. FOR ACTS OF SPOUSAL SEXUAL VIOLENCE, THE LAW MANDATED SENTENCES OF 6 MONTHS TO 2 YEARS AND DENIED PROBATION OR BAIL TO OFFENDERS WHO DISOBEY COURT RESTRAINING ORDERS.

LAW 360 OF 1997 MADE ADDITIONAL, SUBSTANTIAL MODIFICATIONS TO THE PENAL CODE, INCLUDING INTRODUCING 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 CONSTITUTION PROHIBITS ANY FORM OF DISCRIMINATION AGAINST WOMEN AND SPECIFICALLY REQUIRES THE AUTHORITIES TO "GUARANTEE ADEQUATE AND EFFECTIVE PARTICIPATION BY WOMEN AT DECISION MAKING LEVELS OF PUBLIC ADMINISTRATION." EVEN PRIOR TO IMPLEMENTATION
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OF THE 1991 CONSTITUTION, THE LAW HAD PROVIDED WOMEN WITH EXTENSIVE CIVIL RIGHTS. DESPITE THESE CONSTITUTIONAL PROVISIONS, HOWEVER, DISCRIMINATION AGAINST WOMEN PERSISTS. ACCORDING TO FIGURES PUBLISHED BY THE UNITED NATIONS, 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.

ICBF DATA RELEASED IN 1997 INDICATED THAT ALTHOUGH WORKING WOMEN SUFFERED FROM A HIGHER RATE OF UNEMPLOYMENT THAN MEN (15.6 VERSUS 9.6 IN 1996), THE ECONOMICALLY ACTIVE FEMALE POPULATION HAD A HIGHER LEVEL OF EDUCATION THAN DID MEN. SOME 39 OF WORKING WOMEN WERE EMPLOYED IN MINIMUM WAGE JOBS, HOWEVER, COMPARED TO 31 OF MEN.

DESPITE AN EXPLICIT CONSTITUTIONAL GUARANTEE PROMISING ADDITIONAL RESOURCES FOR SINGLE MOTHERS, WOMEN'S GROUPS REPORTED THAT THE SOCIAL AND ECONOMIC PROBLEMS OF SINGLE MOTHERS REMAINED GREAT THROUGHOUT THE YEAR, DESPITE GOVERNMENT EFFORTS TO PROVIDE THEM

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WITH TRAINING IN PARENTING SKILLS.

THE CONSTITUTIONAL COURT RULED SEPTEMBER 25 THAT PREGNANT WOMEN AND MOTHERS OF NEW-BORN CHILDREN UNDER THREE MONTHS OF AGE COULD NOT BE FIRED FROM THEIR JOBS WITHOUT "JUST CAUSE." BEARING CHILDREN, THE COURT RULED, WAS NOT JUST CAUSE.

CHILDREN

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THE CONSTITUTION FORMALLY GUARANTEES FREE PUBLIC EDUCATION, WHICH IS COMPULSORY BETWEEN THE AGES OF 6 AND 14, INCLUSIVE. NEVERTHELESS, 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.

DESPITE SIGNIFICANT CONSTITUTIONAL AND LEGISLATIVE COMMITMENTS TO

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THE PROTECTION OF THE RIGHTS OF CHILDREN, THESE WERE ONLY MINIMALLY IMPLEMENTED. 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. A SPECIAL 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 LAW ON FAMILY VIOLENCE, WHICH HAD BEEN DRAFTED PARTICULARLY TO INCREASE LEGAL PROTECTION FOR WOMEN AND CHILDREN. THE ICBF OVERSEES ALL GOVERNMENT CHILD PROTECTION AND WELFARE PROGRAMS AND FUNDS NONGOVERNMENTAL AND CHURCH PROGRAMS FOR CHILDREN.

ACCORDING TO THE INSTITUTE FOR LEGAL MEDICINE, 82 OF SEXUAL ABUSE VICTIMS ARE MINORS: 55 OF ALL VICTIMS WERE BETWEEN AGES 5 AND 14, 19 WERE BETWEEN 15 AND 17, AND 8 WERE UNDER 5 YEARS OF AGE.

IN CONFLICT ZONES, CHILDREN WERE ALSO OFTEN CAUGHT IN THE CROSSFIRE BETWEEN THE PUBLIC SECURITY FORCES, PARAMILITARY GROUPS, AND GUERRILLA ORGANIZATIONS. GUERRILLA GROUPS, IN PARTICULAR, CONTINUED TO RECRUIT CHILDREN, INCLUDING SOME WELL
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UNDER THE AGE OF AGE OF 15, IN VIOLATION OF INTERNATIONAL HUMANITARIAN LAW. THERE WERE ALSO CREDIBLE REPORTS THAT SEXUAL ABUSE OF TEENAGE FEMALE RECRUITS. GOVERNMENT FIGURES ESTIMATED THAT SOME 2,000 CHILDREN PARTICIPATED IN SOME FASHION IN GUERRILLA COMBAT ACTIONS. CODHES ESTIMATED THAT 55 OF THOSE PERSONS INTERNALLY DISPLACED BY POLITICAL VIOLENCE BETWEEN THE YEARS 1985-1995 WERE CHILDREN. (SEE ALSO SECTION 1.G.).

ACCORDING TO STATISTICS COMPILED BY THE PRESIDENT'S ANTI-KIDNAPING CZAR AND THE "PAIS LIBRE" FOUNDATION, CHILDREN WERE ALSO CONSIDERED TO BE PRIME KIDNAPING TARGETS FOR BOTH GUERRILLA GROUPS AND CRIMINAL "KIDNAP-FOR-PROFIT" GANGS.

THE UN COMMITTEE ON HUMAN RIGHTS EXPRESSED IN MAY ITS "PROFOUND CONCERN" FOR THE SITUATION OF COLOMBIAN CHILDREN. "THERE IS MUCH TO DO TO PROTECT CHILDREN FROM VIOLENCE WITHIN THE FAMILY, FROM FORCED RECRUITMENT BY THE GUERRILLAS AND PARAMILITARY GROUPS, FROM EMPLOYMENT BEFORE THE LEGAL MINIMUM AGE, AND ESPECIALLY TO PREVENT STREET CHILDREN FROM BEING KILLED OR BECOMING THE VICTIMS OF ABUSE BY VIGILANTE GROUPS OR THE SECURITY FORCES."

PEOPLE WITH DISABILITIES

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THE CONSTITUTION ENUMERATES THE FUNDAMENTAL SOCIAL, ECONOMIC, AND CULTURAL RIGHTS OF THE PHYSICALLY DISABLED, BUT SERIOUS PRACTICAL IMPEDIMENTS EXIST WHICH PREVENT DISABLED PERSONS' FULL PARTICIPATION IN SOCIETY. THERE IS NO LEGISLATION THAT SPECIFICALLY MANDATES ACCESS FOR PEOPLE WITH DISABILITIES. ACCORDING TO THE CONSTITUTIONAL COURT, PHYSICALLY DISABLED INDIVIDUALS MUST HAVE ACCESS TO OR, IF THEY SO REQUEST, RECEIVE ASSISTANCE AT VOTING STATIONS. THE COURT HAS ALSO RULED THAT THE

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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 82 DISTINCT ETHNIC GROUPS AMONG THE 800,000 INDIGENOUS INHABITANTS. THE CONSTITUTION GIVES SPECIAL RECOGNITION TO THE FUNDAMENTAL RIGHTS OF INDIGENOUS PEOPLE. IT PROVIDES FOR A SPECIAL CRIMINAL AND CIVIL JURISDICTION, BASED UPON TRADITIONAL COMMUNITY LAWS, WITHIN INDIAN TERRITORIES. 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 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 HAVE TRADITIONALLY BEEN RELEGATED TO THE MARGINS OF SOCIETY. FEW OPPORTUNITIES EXIST FOR THOSE WHO MIGHT WISH TO PARTICIPATE MORE FULLY IN MODERN LIFE.

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TRADITIONAL INDIAN AUTHORITY BOARDS OPERATE SOME 334 DESIGNATED INDIAN 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
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CULTURAL AND RELIGIOUS CUSTOMS. INDIGENOUS MEN ARE NOT SUBJECT TO THE NATIONAL MILITARY DRAFT.

INDIGENOUS COMMUNITIES SUFFER DISPROPORTIONATELY FROM THE INTERNAL ARMED CONFLICT. ON JULY 27, PAECE INDIANS, TOGETHER WITH FARC GUERRILLAS AND LOCAL PARAMILITARY LEADERS, SIGNED A TREATY IN PLANADAS, TOLIMA DEPARTMENT REAFFIRMING A 1996 NON-AGGRESSION PACT.

THE CAQUETA DEPARTMENTAL OMBUDSMAN ANNOUNCED SEPTEMBER 12 THAT 9 MEMBERS OF THE KOREGUAJE TRIBE FROM THE SAN JOSE DEL CUERAZO INDIGENOUS PRESERVE HAD BEEN ASSASSINATED BY THE FARC. AMONG THOSE KILLED IN TWO SEPARATE ATTACKS WAS ALEJANDRO PIRANGA, GOVERNOR OF THE SAN JOSE DEL CUERAZO PRESERVE. THE SOUTHERN BLOC OF THE FARC HAD PREVIOUSLY THREATENED 64 KOREGUAJE WITH DEATH FOR THEIR SUPPOSED SUPPORT FOR THE ARMY. IN AUGUST, THE FARC KILLED 13 KOREGUAJE LEADERS FROM THE NEARBY SAN LUIS AND AGUAS NEGRAS PRESERVES. OMBUDSMAN JOSE FERNANDO CASTRO, WHO NOTED THAT THE REMAINING SURVIVORS OF THE SAN LUIS PRESERVE NOW ONLY CONSISTED OF TWO ADULT MEN, 19 WOMEN, AND SOME 100 CHILDREN, REITERATED HIS APPEAL TO THE GUERRILLAS THAT THEY RESPECT THE NEUTRALITY OF THE

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INDIGENOUS COMMUNITIES AND NOT INVOLVE THEM IN THE ARMED
CONFLICT.

IN ZONES WHERE THE GUERRILLAS WERE ACTIVE, SUCH AS THE SIERRA
NEVADA AND VALLE DE CAUCA, THE PUBLIC SECURITY FORCES OFTEN
SUSPECTED THE INDIGENOUS POPULATION OF COMPLICITY WITH NARCOTICS
TRAFFICKERS AND GUERRILLAS. PARAMILITARY FORCES WERE RESPONSIBLE
FOR THE JULY MASSACRE OF 15 INDIGENOUS. (SEE ALSO SECTION 1.G.)

MOST THREATS OR ATTACKS ON MEMBERS OF INDIGENOUS COMMUNITIES,
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HOWEVER, STEMMED FROM LAND OWNERSHIP DISPUTES CONCERNING THE
DESIGNATED INDIAN RESERVES. THE NATIONAL LAND REFORM INSTITUTE
ESTIMATED THAT SOME 40 INDIGENOUS COMMUNITIES HAD LOST LEGAL
TITLE TO LAND THEY CLAIMED AS THEIR OWN AND THAT AN ESTIMATED 100
ADDITIONAL GROUPS HAD TITLE CLAIMS THAT WERE NOT RECOGNIZED OR
RECONCILED.

IN AN UNPRECEDENTED DECISION, THE NATIONAL PUBLIC ORDER TRIBUNAL
OVERRULED THE OCTOBER 1995, DECISION OF AN ANTIOQUIA REGIONAL
("FACELESS") JUDGE AND FOUND WILLIAM ALBERTO TULENA TULENA GUILTY
OF ORDERING THE MAY 27, 1994, MASSACRE OF THREE ZENU INDIAN
LEADERS AND THEIR DRIVER, AFTER THEY HAD FILED A LAWSUIT
REGARDING A LAND DISPUTE IN SAN ANDRES DE SOTAVENTO, CORDOBA.
THE TRIBUNAL RULED IN OCTOBER 1997, THAT TULENA HAD THE MEN
KILLED TO PREVENT THE VALID PURSUIT OF ZENU CLAIMS TO THE LANDS,
WHICH DATED BACK MORE THAN TWO CENTURIES IN FAVOR OF THE ZENUS.
THE TRIBUNAL ORDERED TULENA -- OWNER OF EXTENSIVE LAND HOLDINGS
IN CORDOBA, IMPLICATED IN THE ACTIVITIES OF SOME LOCAL
PARAMILITARY FORCES, AND THE NEPHEW OF A FORMER PRESIDENT OF THE
COLOMBIAN SENATE -- TO SERVE 55 YEARS IN PRISON AND PAY 2000
GRAMS OF GOLD TO THE FAMILY OF EACH OF HIS VICTIMS.

(NOTE: EMBASSY TO UPDATE FOLLOWING PARA. END NOTE.) A CONTRACT
THAT ECOPEPETROL, THE NATIONAL OIL COMPANY, AWARDED TO OCCIDENTAL
PETROLEUM CAUSED A DIRECT CONFLICT WITH THE U'WA INDIGENOUS
COMMUNITY. DESPITE A PROVISION OF THE 1991 CONSTITUTION OBLIGING
THE GOVERNMENT TO CONSULT INDIGENOUS POPULATIONS BEFORE ALLOWING
ANY DEVELOPMENT OR CHANGE ON INDIGENOUS TERRITORY, THE CONTRACT
CALLED FOR OCCIDENTAL PETROLEUM TO CONDUCT A GEOLOGICAL SURVEY
FOR PETROLEUM SOURCES. IN RESPONSE TO A FORMAL REQUEST BY THE
OMBUDSMAN, A BOGOTA TRIBUNAL ISSUED AN INJUNCTION ORDERING THE
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GOVERNMENT TO RESPECT THE U'WA COMMUNITY'S RIGHTS IN THIS MATTER.
THE SUPREME COURT SUBSEQUENTLY GRANTED AN APPEAL FILED BY
ECOPETROL AND OCCIDENTAL. THAT DECISION IN TURN THREW THE CASE
TO THE CONSTITUTIONAL COURT FOR A FINAL RULING WHICH WAS STILL
PENDING AT YEAR'S END.

NATIONAL/RACIAL/ETHNIC MINORITIES

APPROXIMATELY 2 MILLION CITIZENS OF AFRICAN HERITAGE LIVE
PRIMARILY IN THE PACIFIC DEPARTMENTS OF CHOCO, VALLE DEL CAUCA,
AND NARINO, AND ALONG THE CARIBBEAN COAST. THEY REPRESENT
ROUGHLY 5 PERCENT OF THE TOTAL POPULATION, WHILE THE FIGURES OF
THE NATIONAL ADMINISTRATIVE DEPARTMENT OF STATISTICS (DANE) PLACE
THE NATIONAL BLACK POPULATION AT 16OF THE TOTAL, OR 6.4
MILLION.

BLACKS ARE ENTITLED TO ALL CONSTITUTIONAL RIGHTS AND PROTECTIONS
BUT HAVE TRADITIONALLY SUFFERED FROM ECONOMIC DISCRIMINATION.
DESPITE THE PASSAGE OF THE AFRICAN-COLOMBIAN LAW IN 1993, LITTLE
CONCRETE PROGRESS WAS MADE IN EXPANDING PUBLIC SERVICES AND
PRIVATE INVESTMENT IN THE CHOCO OR OTHER PREDOMINANTLY BLACK
REGIONS. UNEMPLOYMENT, FOR INSTANCE, AMONG AFRICAN-COLOMBIANS

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RAN AS HIGH AS 76IN SOME COMMUNITIES. CHOCO DEPARTMENT REMAINS NOT ONLY THE DEPARTMENT WITH THE LOWEST PER CAPITA LEVEL OF SOCIAL INVESTMENT, AND LAST IN TERMS OF EDUCATION, HEALTH AND INFRASTRUCTURE, BUT IT ALSO HAS BEEN THE SCENE OF SOME OF THE NATION'S MOST UNREMITTING POLITICAL VIOLENCE, AS GUERRILLAS AND PARAMILITARY FORCES STRUGGLED FOR CONTROL OF THE URABA REGION.

ALLEGATIONS OF DISCRIMINATION AND HAZING BY THE MILITARY AGAINST
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AFRICAN-COLOMBIANS CONTINUED. THE NAVY MAKES LITTLE EFFORT TO RECRUIT AFRICAN-COLOMBIANS, DESPITE THEIR TRADITIONAL TIES TO THE SEA AND MARITIME COMMERCE. AS THE UN SPECIAL RAPPORTEUR ON RACIAL DISCRIMINATION NOTED IN HIS 1996 REPORT, "THE RESPONSES RECEIVED WERE CONFUSED OR AN UNCOMFORTABLE SILENCE WHEN ONE ASKED QUESTIONS REGARDING THE NUMBER OR PERCENTAGE OF AFRO-COLOMBIANS WHO SERVE IN THE ARMY, THE NAVY, THE DIPLOMATIC CORPS, OR IN THE CATHOLIC CHURCH HIERARCHY, AS IF THESE WERE UNUSUAL OR INAPPROPRIATE QUESTIONS."

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

THE 1991 CONSTITUTION RECOGNIZES THE RIGHTS OF WORKERS TO ORGANIZE UNIONS AND STRIKE, EXCEPT FOR MEMBERS OF THE ARMED FORCES AND POLICE, AND THOSE "ESSENTIAL PUBLIC SERVICES" AS DEFINED BY LAW, BUT LEGISLATION THAT PROHIBITS PUBLIC EMPLOYEES FROM STRIKING IS STILL IN EFFECT, EVEN IF OFTEN OVERLOOKED. THE LABOR CODE 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. THE LAW PENALIZES INTERFERENCE WITH FREEDOM OF ASSOCIATION. IT ALLOWS UNIONS TO DETERMINE FREELY INTERNAL RULES, ELECT OFFICIALS, AND MANAGE ACTIVITIES, AND FORBIDS THE DISSOLUTION OF TRADE UNIONS BY ADMINISTRATIVE FIAT. ACCORDING TO LABOR MINISTRY ESTIMATES, APPROXIMATELY 7 PERCENT OF THE WORK FORCE IS ORGANIZED IN 2,235 UNIONS.

BEFORE STAGING A LEGAL STRIKE, UNIONS MUST NEGOTIATE DIRECTLY WITH MANAGEMENT AND, IF NO AGREEMENT RESULTS, ACCEPT MEDIATION.
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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 1993 THE INTERNATIONAL LABOR ORGANIZATION (ILO) CRITICIZED 10
PROVISIONS OF THE LAW, INCLUDING: THE SUPERVISION OF THE
INTERNAL MANAGEMENT AND MEETINGS OF UNIONS BY GOVERNMENT
OFFICIALS; THE PRESENCE OF OFFICIALS 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.

LABOR LEADERS THROUGHOUT THE COUNTRY CONTINUED TO BE THE TARGET
OF ATTACKS BY THE MILITARY, POLICE, PARAMILITARY GROUPS,
GUERRILLAS, NARCOTICS TRAFFICKERS, AND THEIR OWN UNION RIVALS.
IN JUNE, THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS
ANNOUNCED IN GENEVA THAT OF 264 UNIONISTS REPORTED HAVING BEEN
KILLED BECAUSE OF THEIR UNION ACTIVITIES WORLDWIDE DURING THE
PREVIOUS YEAR, 98 OF THEM WERE KILLED IN COLOMBIA, MANY OF THEM
EMPLOYED IN THE BANANA INDUSTRY OF THE URABA REGION. MEMBERS OF
THE ACCU PARAMILITARY GROUP AND OF THE FARC GUERRILLAS BOTH
CARRIED OUT A NUMBER OF MASSACRES IN URABA DURING THE YEAR, OFTEN
TARGETING THE SAME GROUPS OF ORGANIZED WORKERS. MANY OF THE

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VICTIMS OF THE FARC MASSACRES WERE FORMER GUERRILLAS OF THE
POPULAR LIBERATION ARMY ("EPL"), TARGETED FOR THEIR PARTICIPATION
IN OR SYMPATHY WITH THE NATIONAL SYNDICATE OF AGRO-INDUSTRY
WORKERS, A LABOR UNION CLOSELY ASSOCIATED WITH THE HOPE, PEACE,
AND FREEDOM MOVEMENT (ALSO "EPL") OF DEMOBILIZED EPL GUERRILLAS.

A COLLECTIVE WORK CONVENTION SIGNED IN 1995 BETWEEN ECOPETROL AND
THE UNION OF SYNDICATED LABOR (USO) REMAINED IN EFFECT. THAT
ACCORD WAS THE RESULT OF THE GOVERNMENT'S RESTRUCTURING, RATHER
THAN PRIVATIZING, ECOPETROL TO AVOID MASSIVE LAYOFFS. THE USO

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LEADERSHIP REMAINED IN OPEN CONFLICT WITH THE GOVERNMENT ON MANY ISSUES. USO LEADERS REPORTED FURTHER 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 NATION'S OIL PIPELINES.

RAFAEL ANTONIO GUARDIA CASTRILLON, SECRETARY GENERAL OF THE WORKERS UNION OF THE FRONTINO GOLD MINES WAS SHOT TO DEATH JUNE 12 BY UNKNOWN ASSASSINS IN SEGOVIA, ANTIOQUIA ALONG WITH MINER LUIS CARLOS FONNEGRA CARDONA.

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STATE FOR ARA/AND, ARA/PPCP, DRL/CRT

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TAGS: PHUM, ELAB, KSEP, CO
SUBJECT: DRAFT SUBMISSION: 1997 COLOMBIA HUMAN RIGHTS REPORT

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

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THESE UNIONIZED WORKERS REPRESENT ONLY A SMALL PORTION OF THE ECONOMICALLY ACTIVE POPULATION. HIGH UNEMPLOYMENT (ABOUT 14 PERCENT), TRADITIONAL ANTIUNION ATTITUDES, AND WEAK UNION ORGANIZATION AND LEADERSHIP LIMIT WORKERS' BARGAINING POWER IN ALL SECTORS.

THE LAW FORBIDS ANTIUNION DISCRIMINATION AND THE OBSTRUCTION OF FREE ASSOCIATION. GOVERNMENT LABOR INSPECTORS THEORETICALLY ENFORCE THESE PROVISIONS, BUT BECAUSE OF THE SMALL NUMBER OF INSPECTORS AND WORKERS' FEARS OF LOSING THEIR JOBS, THE INSPECTION APPARATUS IS WEAK. 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 ARE TYPICALLY 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 SEVEN FREE TRADE ZONES (FTZ'S), BUT ITS STANDARDS ARE DIFFICULT TO ENFORCE. PUBLIC EMPLOYEE UNIONS HAVE WON COLLECTIVE BARGAINING AGREEMENTS IN THE FTZ'S OF BARRANQUILLA, BUENAVENTURA, CARTAGENA, AND SANTA MARTA,
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BUT THE GARMENT MANUFACTURING ENTERPRISES IN MEDELLIN AND RISARALDA, WHICH HAVE THE LARGEST NUMBER OF EMPLOYEES, ARE NOT ORGANIZED. NATIONAL LABOR LEADERS CLAIM THAT IN THESE FTZ'S THE PROVISIONS OF THE LABOR CODE DEALING WITH WAGES, HOURS, HEALTH, AND SAFETY ARE NOT HONORED.

C. PROHIBITION OF FORCED OR COMPULSORY LABOR

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THE CONSTITUTION FORBIDS SLAVERY AND ANY FORM OF FORCED OR COMPULSORY LABOR, AND THIS PROHIBITION IS GENERALLY RESPECTED IN PRACTICE. THE LAW PROHIBITS FORCED OR BONDED LABOR BY CHILDREN BUT THE GOVERNMENT DOES NOT HAVE THE RESOURCES TO EFFECTIVELY ENFORCE THIS PROHIBITION (SEE SECTION 6.D.).

D. STATUS OF CHILD LABOR PRACTICES AND MINIMUM AGE FOR EMPLOYMENT

THE GOVERNMENT PROHIBITS FORCED AND BONDED LABOR BY CHILDREN BUT IS UNABLE TO ENFORCE THIS PROHIBITION EFFECTIVELY.

THE CONSTITUTION BANS 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. A 1989 DECREE ESTABLISHING THE "MINORS CODE" PROHIBITS THE EMPLOYMENT OF CHILDREN UNDER AGE 12 AND DEMANDS EXCEPTIONAL CONDITIONS AND THE EXPRESS AUTHORIZATION OF LABOR MINISTRY INSPECTORS FOR THE EMPLOYMENT OF CHILDREN BETWEEN THE AGES OF 12 AND 17 (INCLUSIVE). THESE REQUIREMENTS ARE LARGELY RESPECTED IN THE BREACH, HOWEVER, WITH ONLY 50% OF THOSE WORKING HAVING FILED FOR THE REQUIRED WORK PERMITS.

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A 1996 LABOR MINISTRY STUDY DETERMINED THAT 28 PERCENT OF ALL COLOMBIANS AGED 12 TO 17 (OR 1.8 MILLION CHILDREN) WORKED. SOME 15 PERCENT OF URBAN 12 TO 17 YEAR-OLDS WORKED, AS DID FULLY ONE-THIRD OF THOSE IN RURAL AREAS. MORE THAN 50 PERCENT OF ALL CHILD WORKERS DID NOT ATTEND SCHOOL AT ALL. THE STUDY ALSO DETERMINED THAT CHILD WORKERS AVERAGED 50 HOURS OF WORK PER WEEK, DOUBLE THE LEGAL LIMIT OF 26 HOURS PER WEEK. IN RURAL AREAS, THE STUDY DETERMINED THAT 75% OF CHILD WORKERS RECEIVED, ON AVERAGE, ONE-FOURTH OF THE MINIMUM WAGE, WHILE 25% RECEIVED NO PAY AT ALL. ONLY 10% OF CHILD LABORERS WERE FOUND TO BE COVERED BY THE HEALTH SERVICES OF THE SOCIAL SECURITY SYSTEM. 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 PERCENTAGE REACHED 70 PERCENT.

CHILD WORKERS ARE EXPOSED TO THE SAME RISKS THAT AFFECT ADULT WORKERS, INCLUDING EXPOSURE TO TOXIC SUBSTANCES AND ACCIDENTAL INJURIES, ALL OF WHICH CONTRIBUTE TO IMPAIRED PHYSICAL DEVELOPMENT. THE ICBF CONTINUED ITS OUTREACH CAMPAIGN TO INFORM CHILD LABORERS OF THEIR RIGHTS AND WHERE TO TURN FOR HELP. NO

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FIGURES WERE AVAILABLE TO MEASURE THE IMPACT OF THIS EFFORT.

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ACTION ARA-01

INFO	LOG-00	ACDA-08	ACDE-00	AID-00	AMAD-01	CIAE-00	OASY-00
	DODE-00	SRPP-00	EB-00	UTED-00	H-01	TEDE-00	INR-00
	IO-00	LAB-01	L-01	ADS-00	NSAE-00	NSCE-00	OIC-02
	OPIC-01	PRS-00	P-00	SP-00	STR-00	TRSE-00	USIE-00
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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 MINIMUM WAGE WAS 172,682 PESOS PER MONTH (OR \$139.25 IN NOVEMBER 1997). THE MINIMUM WAGE DOES NOT PROVIDE A DECENT STANDARD OF LIVING FOR A WORKER AND FAMILY. BECAUSE THE MINIMUM WAGE IS BASED ON THE
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GOVERNMENT'S TARGET INFLATION RATE, THE MINIMUM WAGE HAS NOT KEPT UP WITH INFLATION IN RECENT YEARS. BY GOVERNMENT ESTIMATES, THE PRICE OF THE FAMILY SHOPPING BASKET IS 2.4 TIMES THE MINIMUM WAGE. HOWEVER, 60 PERCENT OF ALL WORKERS EARN NO MORE THAN, AND OFTEN MUCH LESS THAN, TWICE THE MINIMUM WAGE.

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THE LAW PROVIDES FOR A STANDARD WORKDAY OF 8 HOURS AND A 48-HOUR WORKWEEK, BUT IT DOES NOT SPECIFICALLY REQUIRE A WEEKLY REST PERIOD OF AT LEAST 24 HOURS, A FAILING CRITICIZED BY THE ILO. LEGISLATION PROVIDES COMPREHENSIVE PROTECTION FOR WORKERS' OCCUPATIONAL SAFETY AND HEALTH, BUT THESE STANDARDS ARE DIFFICULT TO ENFORCE, IN PART DUE TO THE SMALL NUMBER OF LABOR MINISTRY INSPECTORS. IN ADDITION, UNORGANIZED WORKERS IN THE INFORMAL SECTOR FEAR THAT THEY WILL LOSE THEIR JOBS IF THEY EXERCISE THEIR RIGHT TO DENOUNCE ABUSES, PARTICULARLY IN THE AGRICULTURAL SECTOR. ACCORDING TO THE LABOR CODE, WORKERS HAVE THE RIGHT TO WITHDRAW FROM A HAZARDOUS WORK SITUATION WITHOUT JEOPARDIZING CONTINUED EMPLOYMENT. IN GENERAL, A LACK OF PUBLIC SAFETY AWARENESS, INADEQUATE ATTENTION BY UNIONS, AND LAX ENFORCEMENT BY THE LABOR MINISTRY RESULT IN AN ALARMINGLY HIGH LEVEL OF INDUSTRIAL ACCIDENTS AND UNHEALTHY WORKING CONDITIONS. OVER 80 PERCENT OF INDUSTRIES LACK INDUSTRIAL SECURITY PLANS. THE SOCIAL SECURITY INSTITUTE REPORTED 115,000 WORK-RELATED ACCIDENTS FOR 1995, 17,000 OF WHICH RESULTED IN DEATHS. INFORMED OBSERVERS REPORTED THAT THE LEVEL OF WORK-RELATED ACCIDENTS WAS EXPECTED TO REMAIN AT COMPARABLY HIGH LEVELS IN 1996.

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