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U.S. Department of State

Colombia Country Report on Human Rights Practices for 1998

Released by the Bureau of Democracy, Human Rights, and Labor, February 26, 1999.

COLOMBIA

Colombia is a constitutional, multiparty democracy, in which the Liberal and Conservative parties have long dominated politics. In May and June elections, citizens chose Conservative Party candidate Andres Pastrana as President, and he took office on August 7. The Liberal Party maintained control of the national bicameral legislature following elections on March 8. Despite attempts at intimidation and fraud by paramilitary groups, guerrillas, and narcotics traffickers, all three elections were generally free, fair, and transparent, with high voter turnout. The civil judiciary is largely independent of government influence, although the suborning or intimidation of judges, witnesses, and prosecutors by those indicted is common.

The Government continued to face a serious challenge to its control over the national territory, as longstanding and widespread internal armed conflict and rampant violence--both criminal and political--persisted. The principal participants were government security forces, paramilitary groups, guerrillas, and narcotics traffickers. In some areas government forces were engaged in combat with guerrillas or narcotics traffickers, while in others paramilitary groups fought guerrillas, and in still others guerrillas battled demobilized members of rival guerrilla factions. Paramilitary groups and--to a lesser extent--guerrillas attacked unarmed civilians suspected of loyalty to an opposing party in the conflict. The two major guerrilla groups, the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN), consist of an estimated 11,000 to 17,000 full-time combatants organized into more than 100 semiautonomous groups. The FARC and the ELN, along with other smaller groups, exercised a significant degree of influence and initiated armed action in nearly 700 of the country's 1,073 municipalities during the year, roughly comparable to their level of activity in 1997. The major

guerrilla organizations received a significant part of their revenues (in the hundreds of millions of dollars) from fees levied on narcotics production and trafficking. Guerrillas supplanted absent state institutions in many sparsely populated areas of the national territory. On July 9, President-elect undertook peace efforts in a meeting with FARC leader "Manuel Marulanda Velez", which followed a meeting between civil society groups and the ELN in Mainz, Germany, on June 28. A second round of ELN-civil society talks held in Colombia on October 12 yielded plans for a national convention in 1999 to discuss political solutions to the conflict. In a prenegotiation concession to the FARC, the Government committed to withdraw its military forces from five southern municipalities on November 7 for a 90-day period. At year's end, the Government and the FARC had agreed to begin holding peace talks in January 1999.

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 armed forces is limited. The Administrative Department of Security (DAS), with broad intelligence gathering, law enforcement, and investigative authority, reports directly to the President, but is directed by a law enforcement professional. The police are charged formally with maintaining internal order and security, but in practice law enforcement responsibilities often were shared with the army, especially in rural areas. In some locations on a few occasions the army attacked and captured members of illegal paramilitary groups; in others members of the security forces collaborated with such groups, and several general officers were under investigation during the year for arming and sharing intelligence with such groups. Although their record showed some improvement, the armed forces and the police committed numerous, serious violations of human rights throughout the year.

Despite years of drug- and politically related violence, the economy is diverse and developed. Trade and financial activity have been liberalized, and many public-sector entities privatized, since 1991. Crude oil, coffee, coal, and cut flowers are the principal legal exports. Narcotics traffickers continued to control large tracts of land and other assets and exerted influence throughout society and political life. Gross domestic product (GDP) growth has slowed in recent years, and the 1998 growth rate of 2 percent was one of the lowest ever. To defend the peso, the Central Bank raised interest rates drastically early in the year. The result was a recessionary climate and record unemployment rates (nearly 16 percent) in the last half of the year. Inflation ended the year below 17 percent, a 15-year low. The balance of payments and fiscal deficits both rose to critical levels. Income distribution is highly skewed; much of the population lives in poverty. Per capita GDP was about \$2,500. Some academic observers estimated that the various armed conflicts cost the country as much as 3 percent in GDP growth annually.

The Government's human rights record remained poor; there was some improvement in several areas, but serious problems remain. Government forces continued to commit numerous, serious abuses, including extrajudicial killings, but at a level below that of previous years. The authorities rarely brought officers of the security forces and the police charged with human rights offenses to justice. In May the army formally disbanded the 20th Brigade (military intelligence), which had an egregious human rights record, including targeted killings of civilians, and prohibited its successor organization from directly undertaking armed operations. Security forces were responsible for one known instance of forced disappearance and several instances of torture; police and soldiers continued to beat detainees. At times the security forces collaborated with paramilitary groups that committed abuses. Conditions in the overcrowded prisons are generally harsh; however, some inmates use bribes or intimidation to obtain more favorable treatment. Arbitrary arrest and detention, as well as prolonged pretrial detention, are fundamental problems. The civilian judiciary is inefficient, severely overburdened by a large case backlog, and undermined by intimidation and the prevailing climate of impunity. This situation remains at the core of the country's human rights problems. Less than 3 percent of all crimes committed nationwide are prosecuted successfully. 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. Human rights groups accuse these courts of violating fundamental rights of due process, including the right to a public trial. The authorities sometimes infringed on citizens' privacy rights. Journalists practiced self-censorship. Elements of the security forces harassed and threatened human rights groups. Violence against women and children is a serious problem, as is child prostitution. Extensive societal discrimination against women, minorities, and the indigenous continued. Child labor is a widespread problem. Vigilante and paramilitary groups that engaged in "social cleansing"--the killing of street children, prostitutes, homosexuals, and others deemed socially undesirable--continued to be a serious problem.

Throughout the country, paramilitary groups murdered, tortured, and threatened civilians suspected of sympathizing with guerrillas in an orchestrated campaign to terrorize them into fleeing their homes, thereby depriving guerrillas of civilian support. A paramilitary umbrella organization, whose membership totaled approximately 5,000 to 7,000 armed combatants, exercised increasing influence during the year, extending its presence into areas previously under guerrilla control. Although some paramilitary groups reflect rural residents' desire to organize solely for self-defense, others are vigilante organizations, and still others are actually the paid private armies of narcotics traffickers or large landowners. The army's record in dealing with paramilitary groups remained mixed. In some locations the army attacked and captured members of such groups; in others it tolerated or even collaborated with paramilitary groups.

The FARC and the ELN regularly attacked civilian populations, committed massacres, and held more than 1,000 kidnaped civilians, with ransom payments serving as an important source of revenue. In places, guerrillas collected "war taxes," pressed the citizenry into their ranks, forced small farmers to sow illicit crops, and regulated travel, commerce, and other activities.

The cycle of violence involving government forces, paramilitary groups, and guerrillas resulted in the deaths of 2,000 to 3,000 persons; according to one nongovernmental organization, during the first 9 months of the year in cases in which the perpetrator was identified credibly, government forces committed at least 21 extrajudicial killings in the context of the internal conflict and in other actions, paramilitary groups committed at least 573, and guerrillas at least 160. Violence and instability in rural areas displaced 300,000 civilians from their homes during the year, more than any other similar period during the past decade. The total number of internally displaced citizens during 1995-98 probably exceeded 750,000.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

Political and extrajudicial killings continued to be a serious problem. An estimated 2,000 to 3,000 citizens died in such acts, committed principally