

Annex

REPRESENTATIVE CASES OF VIOLATIONS OF HUMAN RIGHTS AND BREACHES OF INTERNATIONAL HUMANITARIAN LAW

In addition to the cases referred to in the body of the report, the Office in Colombia of the High Commissioner for Human Rights has received information on several other representative cases of violations of human rights and breaches of international humanitarian law during the period corresponding to this report which are described below.

A. Extrajudicial executions

1. In the department of Antioquia, the Office continued to register a high number of alleged extrajudicial executions. For example, on 4 January in Montebello, members of the Combat Engineers Battalion No. 4 “General Pedro Nel Ospina” allegedly killed one person. In Yondó, two persons were presumably killed on 30 January by members of the “Calibío” Battalion. On 1 February in Segovia, members of the “Especial Energético y Vial No.8 Battalion” allegedly killed a 16 year old youth.
2. Other departments also registered possible cases of this disturbing practice. On 7 March, in Puerto Asís (Putumayo), two persons were murdered and presented as guerilla members killed in combat by members of the Counterinsurgency Battalion No. 87 of the 13th Mobile Brigade. In Sabana de Torres (Santander), four persons were allegedly murdered on 19 February by members of the V Brigade. On 23 February in Algeciras (Huila), one person was allegedly killed by members of the Ninth Brigade.
3. Alleged extrajudicial executions were registered by the Office after the persons had been victims of enforced disappearance. In Abrego (Norte de Santander), on 15 January, a person was found dead after he had been reported missing on 13 January in Soacha (Cundinamarca). The disappearance and murder of this person was allegedly committed by members of the 15th Battalion “General Santander”. Members of this same Battalion presented a minor, that may have been mentally disabled and that had disappeared the day before in Gamarra (Cesar), as killed in combat on 31 August in Abrego (Norte de Santander). In Ocaña (Norte de Santander) on 27 January, two persons that had disappeared from Soacha (Cundinamarca), one a minor, were presented as guerrillas killed in combat by members of the 15th Mobile Brigade.
4. The Office also received complaints about possible extra-judicial killings attributed to members of the National Police. In Bogotá D.C. on 22 April, National police agents allegedly killed the president of the public services union and member of the association of civil servants of the District Comptrollership. On 26 May, a complaint

was received about the possible extrajudicial execution of a person that had been previously detained by National Police agents in Pereira (Risaralda).

B. Illegal and arbitrary detentions

5. The Office received information on cases of both individual and collective illegal and arbitrary detentions in various departments in the country. Reports were received that members of the National Police and the Army conducted detentions apparently based on uncorroborated statements made by informants, with no valid *in flagranti delicto* or without the necessary judicial warrants.
6. On 23 February in Puerto Leguízamo (Putumayo), members of the Administrative Security Department (DAS) and the XXVII Jungle Brigade detained 16 persons and accused them of rebellion and drug trafficking. On 28 February, a judge in Puerto Asís (Putumayo) granted a writ of *habeas corpus* and liberated seven of the detainees due to irregularities in the detention process. In Arauca (Arauca), on 15 June, 16 peasant farmers were allegedly illegally detained by members of the Support Structure of the State Prosecutor's Office with headquarters in the XVIII Brigade in Arauca.
7. Five persons were detained by members of the "Luciano del Huyer" Battalion in the vicinity of the Triangulo in Simití (Bolívar) on 20 May. Days after, these persons were released without charge. In the village of Santa Ana en Granada (Antioquia) on 28 March, three persons were detained by members of the "Bajés" Battalion.
8. The Office was also informed of cases of illegal or arbitrary detention of human rights defenders and social leaders who had been accused of rebellion, apparently without sufficient cause. For example, on 12 January in Arauquita (Arauca) the municipal ombudsman was detained under these circumstances, together with 11 other persons. In the same village, on 4 November, the president of the Permanent Committee for the Defense of Human Rights (CPDH) and other social leaders were also detained without sufficient cause. On 15 November in San Onofre (Sucre), a leader of the Victims of State Crimes Movement, and Technical Secretary of the Sucre Chapter, was detained without apparent cause, in this case on charges of "conspiracy to commit a crime" with paramilitary organizations.

C. Torture and other cruel, inhuman or degrading treatment or sentences

9. The Office was informed of cases of public servants whose behavior constituted cruel, inhuman or degrading treatment or sentences and excessive use of force.
10. In Medellín (Antioquia), repeated complaints were received about the widespread abuse of force, cruel and inhuman treatment, and threats made by the National Police against

the population, particularly in 13 of the city's communes identified with numerals 1 through 13.

11. On 21 January in Buenaventura (Valle del Cauca), National Police agents allegedly assaulted a taxi driver who was under the effects of alcohol, causing his death.
12. In Caucasia (Antioquia), on 23 January, four youth were reportedly brutally kicked and beaten with fists and rifle butts inside a police station. Another case was reported on 21 April in Cimitarra (Santander), where a youth was allegedly subjected to cruel, inhuman or degrading treatment by National Police agents.
13. In Corinto (Cauca), on 9 April, members of the Army detained and allegedly assaulted three persons, who suffered multiple injuries. These same members of the Army allegedly threatened to kill these persons, accusing them of involvement with guerrilla groups.
14. The Office received information regarding sexual abuse committed by members of the Armed Forces. Members of the "Hilario López" Battalion allegedly sexually harassed girls of the Santa Cruz village (Cauca) on 14 May. Information was received that four girls from the Chanó indigenous community of Bojayá (Chocó) were sexually harassed by various soldiers on 11 February.
15. On 15 April in Medellín (Antioquia), students from the National University were reported to have been violently repressed in a disproportionate reaction by members of the Antiriot Mobile Squadron of the National Police (ESMAD) during a peaceful manifestation that had been previously authorized by the mayor's office.

D. International Humanitarian Law

(i) Guerrilla groups

16. The Office was informed of various massacres allegedly committed by guerrilla groups, such as the case of three persons in Pensilvania (Caldas) whose death on 14 February was attributed by the authorities to the FARC-EP. In Santa Cruz (Nariño), the FARC-EP allegedly killed four teachers, three of them women, who had been previously abducted between 11 and 24 June for being considered informants of the Army. On 25 December, alleged ELN militiamen killed four persons from one family and a neighbor who was a minor, and injured another four persons in the village of Mata Oscura in Arauquita (Arauca).
17. The Office also received information regarding selective homicides allegedly committed by guerrilla groups. In the Arauca department, authorities attributed most of the 143 homicides of civilians committed in the first nine months of the year to the ELN and the FARC-EP.

18. On 9 February in Algeciras (Huila), the FARC-EP reportedly killed a journalist and municipal council member, as part of an alleged plan against mayors and councilpersons in the region. In Ituango (Antioquia), on 30 April, the Office registered the death, reportedly at the hands of the FARC-EP, of a 14 year old girl that had previously been accused of having an intimate relationship with a member of the security forces. On 12 August in Yarumal (Antioquia), FARC-EP militiamen allegedly killed the director of the municipal Social Welfare office, while he was on official mission. On 17 October, the FARC-EP also allegedly killed the president of the Community Action Council of Tierra Alto (Córdoba), after accusing him of collaborating with the Army.
19. The ELN reportedly murdered the president of the Municipal Council of Saravena (Arauca) on 5 February. In Morales (Bolívar), on 1 May, members of the ELN allegedly killed a person accused of collaborating with the Army. Subsequently, this guerrilla group allegedly threatened other persons from the same village who had been similarly accused, causing the displacement of approximately 18 families. The ELN allegedly killed the leader of the Association of Displaced Persons of Arauquita (ASDENAR) on 28 November in Arauquita (Arauca).
20. The Office also registered death threats made by guerrilla groups. Various municipal ombudsmen have also received death threats from guerrilla groups, such as the case of the municipal ombudsperson of Villarica (Tolima) who was allegedly threatened by the FARC-EP on 23 January.
21. On 6 March, the FARC-EP set up a roadblock on the Samaná-Victoria (Caldas) road, where they allegedly killed the driver of a public bus, which was then incinerated. On 27 October, a municipal public transport boat on the Atrato River (Chocó) with 18 civilians aboard was shot at by alleged members of the FARC-EP, resulting in the death of one person and four injured.
22. The Office registered various cases of terrorism attributed by the authorities to the FARC-EP, such as the case that occurred in Buenaventura (Valle del Cauca) on 10 June, when an artifact located on a median strip exploded, leaving 12 persons injured.
23. The Office received information that, since January, in the village El Decio in Samaniego (Nariño), the ELN have allegedly increased the use of anti-personnel mines, causing various incidents and isolating the population. These events have also resulted in the isolation of various rural villages in the municipality and mass displacement in the area.
24. On 17 February in Yarumal (Antioquia), an anti-personnel mine allegedly planted by the FARC-EP caused the death of one person and injured three more, including a three

year old. In El Tarra (Norte de Santander), on 5 August, a 16 year old died when he accidentally activated an anti-personnel mine, allegedly planted by the ELN.

25. Minefields planted by the FARC-EP are one of the principal causes of the displacement of various families from the village of Canelos in Santa Rosa (Bolívar) on 14 January.
26. On 11 June, the FARC-EP allegedly planted mines around the coca cultivations that surround the village of Santa Rosa in Puerto Asís (Putumayo), isolating the population and creating shortages of food and medicine.
27. The Office also received complaints that guerrilla groups were recruiting boys and girls in various departments, such as Antioquia, Arauca, Caquetá, Norte de Santander, Putumayo, and Valle del Cauca. In various villages in Caicedo (Putumayo), the FARC-EP had been threatening to recruit minors in the area since late February. On 27 March, in the department of Caquetá, alleged threats from the FARC-EP to recruit a minor forced the displacement of that family. In the same month, in the department of Norte de Santander, a family was forced to leave after receiving threats, reportedly from the ELN, that they were going to recruit one of their underage children. In April, the FARC-EP allegedly recruited three minors in Palmira (Valle del Cauca), one of which, a 14 year old girl, was presumably subjected to sexual violence by the recruiters.
28. The Office received complaints on the recruitment and use of boys and girls in combat, logistics, and intelligence activities by the FARC-EP, such as the case in May in Ituango (Antioquia) where a minor was apparently used to transport arms and explosives.

(ii) *Security Forces*

29. The Office has observed the practice of locating police stations and army battalions in populated areas, very close to homes and other protected infrastructure, such as schools. For example, on 10 May, members of the Ayacucho Battalion occupied a school in the village of Guayaquil in Pueblo Nuevo (Caldas). On 14 May, the Office confirmed that members of the Army established a military camp in the school of the village of Santa Cruz (Cauca).
30. On 5 October, members of the 59th Counterinsurgency Battalion of the 27th Jungle Brigade arrived at the Nasa indigenous community of San Luis Alto Picudito in Villagarzón (Putumayo) and began interrogating and taking photographs of the inhabitants. After this incident, the FARC-EP threatened the population, accusing them of being Army informants.
31. The Office was informed of arbitrary restrictions imposed by members of the Army on the transportation of persons and goods, such as food, medicine, and fuel. For example,

since January, troops from the 20th Mobile Brigade have limited the passage of food to various villages in the municipality of El Dovio (Valle del Cauca), as part of a strategy to combat illegal armed groups.

32. The Office registered injuries to the civilian population, including boys and girls, caused by clashes between the Army and the FARC-EP in rural areas of the department of Arauca. This was the case, for example, of the 18-month old girl that was injured by gunfire on 15 September, resulting in the loss of one eye.

(iii) Kidnapping

33. The guerrilla groups continued to kidnap persons, as was the case of four students, one a minor, who were presumably kidnapped by the FARC-EP on 5 October in the village of San José de Purré in Quibdó (Chocó). On 22 March, a doctor was presumably kidnapped by the FARC-EP in Ocaña (Norte de Santander).
34. On 31 July, five workers of an Ecopetrol contractor were kidnapped in the urban center of the village of Orú in Tibú (Norte de Santander), allegedly by ELN militiamen.

E. Illegal armed groups that emerged from the demobilization process of paramilitary organizations

35. The Office observed that crimes allegedly committed by the illegal armed groups that emerged from the demobilization process of the paramilitary organizations produced high levels of violence against the civilian population.
36. While some of the killings allegedly committed by these groups have characteristics of “social cleansing”, in some municipalities and departments the increase in the murder rate may suggest disputes between these groups for the control of territory and illegal activities. For example, for the period being reported, the clashes between the group apparently led by alias “Don Mario” and the group called “*Los Paisas*” may have caused the death of at least 70 persons in the department of Córdoba alone.
37. In January, just in the cities of Barrancabermeja, Bucaramanga, and Cúcuta the Office registered over 50 selective killings.
38. The execution of nine persons in the month of May in the community of Pizarro in Bajo Baudó (Chocó) was allegedly committed by members of the group called “*Los Rastrojos*”. Members of this group allegedly killed a prostitute in Orito (Putumayo) on 26 March. On 14 October, a community leader from Curvaradó (Chocó) was killed, the same day that he was going to testify against various paramilitaries in a Medellín courtroom.

39. On 24 May, members of a group called “*Autodefensas Campesinas Nueva Generación AC-NG*” (New Generation Self-Defense Peasant Farmers) allegedly forced over 200 displaced persons that had arrived at the village of Sánchez in Policarpa (Nariño) that month, to return to their homes. The AC-NG is allegedly responsible for the death threats made against human rights organizations in the department of Nariño, such as those made on 12 February against the *Unidad Indígena del Pueblo Awá* – UNIPA (People’s Indigenous Unit), the CPDH or the *Pastoral Social*, among others.
40. On 15 June, an estimated 100 families were displaced from the village of San José La Turbia (Nariño), reportedly by a group called “*Águilas Negras*” (Black Eagles).

F. Vulnerable Groups

(i) Human Rights Defenders and Union Members¹

41. The Office was informed of various murders of union and social leaders as well as of human rights defenders. For example, on 10 December 2008 in San Vicente de Caguán (Caquetá) the body of a renowned local human rights defender and social leader was found incinerated, decapitated and with signs of torture. On 9 February in Balboa (Cauca), a union leader was stabbed to death. On 9 March in San Vicente del Caguán (Caquetá), a union leader was disappeared and was found dead three days later with 11 knife wounds. On 16 May, a member of the Amor por Cartago Civil Committee (Valle del Cauca) was killed and other members of the committee received death threats, and on 28 October, the FARC-EP allegedly killed a community leader in Puerto Leguízamo (Putumayo).
42. The Office received information on death threats, attacks, and thefts against non-governmental organizations, and unions and their members. Since January, the Ombudsman from San Miguel (Putumayo) has been receiving death threats. In Medellín (Antioquia), between 4 February and 18 September, various unions and social and political organizations were being followed, intimidated and received anonymous death threats. On 29 February, a member of the CPDH in the department of Risaralda suffered an attempt against his life. On 20 April, information related to cases of human rights violations, victims and perpetrators was stolen from the *Red Juvenzar* organization of Valledupar (Cesar). In Saravena (Arauca), on 19 November, an explosive artifact was detonated in a building that housed the following social organizations: the *Asociación Juvenil y Estudiantil Regional – ASOJER* (Regional Youth and Student Association), the *Asociación Departamental de Usuarios Campesinos – ADUC* (Departmental Association of Peasant Farmer Users), the *Asociación Amanecer de Mujeres por Arauca – AMAR* (Dawn for Women of Arauca

¹ Representative cases of illegal and arbitrary detentions of human rights defenders and social leaders are described in section B above.

Association), the *Asociación de Desplazados* (Association of Displaced Persons), the *Central Unitaria de Trabajadores (CUT) Subdirectiva Arauca* (Workers Unitary Head Office, Arauca Subdirectorate), and the *Fundación Comité Regional de Derechos Humanos Joel Sierra* (Regional Human Rights Committee Foundation Joel Sierra).

43. The Office received information regarding attacks on the honor, reputation, or dignity of human rights defenders. On 2 September, in Bogotá D.C., governmental authorities accused members of the human rights organization MINGA of having links to the FARC-EP and ELN.

(ii) *Indigenous communities and peoples and Afro-Colombian groups*

44. The Office received information on the execution of members of indigenous communities and peoples. On 22 May, three members of the Chingu Chinguza reservation in Ricaurte (Nariño) were killed. On 22 May, an indigenous ex-governor was found dead in the El Tigre River on the Sirilio indigenous reservation in the Litoral de San Juan (Chocó). On 14 October, an indigenous person participating in a manifestation near the La María reservation in the village of Piendamó (Cauca) was killed, allegedly by gunshots fired by the National Police.

45. On 22 January, after clashes between the FARC-EP and the Army, the guerrilla group allegedly made death threats against the population of the Siona Bajo Santa Helena indigenous assembly in Puerto Asís (Putumayo), accusing the inhabitants of collaborating with the security forces.

46. On 18 June, members of the FARC-EP allegedly launched explosives into a school in the Siona de Buenavista indigenous reservation in Puerto Asís (Putumayo). The attack caused such fear that it resulted in the mass displacement of the population. On 16 March, in the Tacuevo indigenous reservation in Toribio (Cauca), clashes between the security forces and the FARC-EP caused the displacement of over 600 others.

47. The Office was also informed of the killing of and threats against Afro-Colombian leaders, such as the death of a member of the Community Council Board of Bajo Mira and Frontera de Tumaco (Nariño) on 25 June. Since February, the FARC-EP have also reportedly threatened the representative of the Pacific Afro-Colombian Corporation to the Municipal Council of Guacarí (Valle del Cauca). An Afro-Colombian leader was also killed on 29 June in Buenaventura (Valle del Cauca).