

COLOMBIA

At least 64 judges, lawyers and prosecutors were victims of attacks between February 2000 and November 2001. Intimidation against other judicial officers and witnesses contributed to the widespread impunity enjoyed by a wide variety of criminal offenders. The criminal justice system failed to address adequately such endemic problems as corruption, armed opposition and paramilitary activities, organised crime, drug-trafficking, human rights violations, leading to widespread public distrust of the judiciary. The Constitutional Court overturned much of the Law of Specialised Jurisdiction. Three new codes on criminal justice entered into force. The military judiciary has generally refused to transfer cases of human rights violations involving high-ranking officers to civilian jurisdiction. A new law was approved in congress, which, if implemented, would undermine the independence of the judiciary and the separation of powers. The Constitutional Court ruled that judging a military officer allegedly responsible for humanitarian law and human rights violations within the military judiciary amounted to a grossly illegal proceeding. The armed opposition FARC-EP has continued to prevent the presence of an impartial judiciary in the demilitarised zone and has carried out grossly unfair trials.

BACKGROUND

Colombia is a democratic and pluralist republic. The 1991 Constitution provides for a unitary State and the separation of powers. The hierarchy of sources of law in the civil tradition, on which Colombian legal system is based, is a Constitution, legislation and regulations. The President, who is head of the Government and chief of state, exercises executive power. The President is elected by direct and universal suffrage for a four-year period and is barred for life from re-election. A bicameral Congress exercises legislative power. The 102-seat Senate is elected for a renewable four-year term. One hundred of the senators are elected from nation-wide lists and two from special national indigenous lists. The number of seats of the Chamber of Representatives changes according to the variation of the country's population. Its current 163 members are elected from regional lists for a renewable four-year term. The 32 departments (*departamentos*) and the Capital District hold at least two seats, and the rest are distributed according to population. The exercise of judicial power is reserved to an independent court system, as provided by the Constitution. However, subornation and intimidation by the various actors in the armed conflict and a highly active organised crime network impede its proper functioning.

President Andrés Pastrana, elected in 1998, continued to face political difficulties resulting from the minority status held by his Conservative Party in Congress. Political support for several initiatives has been obtained from some political forces, including permanent or occasional dissidents of the major opposition party. However, in June 2001 a constitutional amendment to strengthen the political parties and reform the electoral system was rejected by Congress. The opposition Liberal Party enjoys majority status in both legislative chambers. Candidates have started their campaigns for the 2002 national elections. The future of the peace process and the difficult economic situation, said to be the worst in 70 years, appeared to be the major issues for the coming presidential elections.

The internal conflict and peace negotiations

Paramilitary organisations, which collectively call themselves the United Self-Defence Groups of Colombia (*Autodefensas Unidas de Colombia-AUC*), have expanded rapidly. They maintain a presence in 40 per cent of the country and have some 8,000 members, representing an 81 per cent increase over the last two years.

The Revolutionary Armed Forces of Colombia-People's Army (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo-FARC-EP*), established in 1964, Colombia's largest rebel group (approximately 16,000 members) continued to operate throughout most of the country. The peace process between the Government and the FARC-EP, which started in January 1999, continued in the demilitarised zone (*zona de despeje*). The army withdrew from the mentioned zone following the agreement between the FARC-EP and the Government to facilitate an area for the carrying out of the negotiations. The demilitarised zone, which comprises five municipalities and a population of 90,000, is regularly prolonged by the Government by decree (by December 2001, the Government has prolonged the demilitarised zone nine times). In the most visible result of the peace talks, in June 2001, a Government-FARC-EP exchange of 73 ailing prisoners took place. Days later, the FARC-EP unilaterally freed 274 prisoners. Many of these prisoners had been held for more than one year. However, at least 41 soldiers remain in the FARC-EP's power. The peace process has continued without substantial progress. During the period under review, the process was suspended and resumed several times, but no significant breakthrough emerged. Public support for the peace process has decreased due to its shortcomings. A cease-fire has not been agreed, negotiations have not advanced, and FARC-EP's actions have worsened. It has been difficult for President Pastrana to continue the peace process and prolong the withdrawal of the military from the *zona de despeje*. Even the IACHR, while supporting the peace process, expressed its disappointment at the slowness of the already three-year old peace negotiations.

The National Liberation Army, (*Ejército de Liberación Nacional-ELN*), an insurgent group formed in 1965, continued to operate mostly in mountainous areas of North, Northeast, and Southwest Colombia. Peace talks with the Government and the ELN developed under uncertainty, but, by the end of 2001, positive signs emerged. The Government and the ELN had agreed on a reduced and internationally verified version of the FARC-EP's demilitarised zone (*zona de encuentro*) to facilitate the dialogue. This "encounter zone" was to be established in northeastern Colombia. However, violence erupted once the plans to establish the zone became public. The area fell under the control of paramilitary forces and thousands of civilians protested, fearing abuses by guerrillas and paramilitary reprisals. The Government described the protesters as being sponsored by paramilitary groups. On 9 March 2001, the ELN suspended dialogue and on 7 August 2001, President Pastrana decided to suspend talks. The ELN responded by escalating its military actions. However, peace-talks resumed on 12 December 2001, following a meeting in La Havana, Cuba. The Parties agreed on a six-month timetable for the negotiation with thematic forums to take place outside Colombia. On 17 December 2001, the ELN announced a Christmas cease-fire in order to gain trust for the resumed peace process.

Plan Colombia

The Government adopted a controversial programme known as Plan Colombia. The official objective of this initiative is the fulfilment of a number of the State's obligations. The Government maintains that seven and a half billion US dollars is needed for the implementation of Plan Colombia. Four billion US dollars would come from Colombia, with the remaining sum to be

delivered by the international community. In January 2000, then-President Clinton of the United States, addressed the American Congress and expressed his support for the Plan. In July 2000, the United States Congress approved Public Law 106-246, which included US\$ 1.3 billion in aid. Although this legislation includes resources for programmes on human rights, administration of justice, and alternative economic development, the bulk of the aid (approximately 70 per cent) has been earmarked for the Colombian army. The dismal human rights record of the Colombian military forced the American Congress to add specific human rights conditions to the aid package (Section 3201). In August 2000, the Clinton administration acknowledged that Colombia could not fulfil six of the seven human rights requirements included in Public Law 106-246 for the delivery of the military component of the aid and therefore decided to waive the human rights conditions (Section 4) on the grounds of "the United States' interests of national security". The United States maintained that it was necessary to preserve the counter-drug efforts in Colombia, which is the producer, processor and exporter of 90 per cent of the cocaine entering the United States. In January 2001, the United States Government said that it would not issue a new certification or waiver necessary for the release of the aid, in order to by-pass the law and continue the funding without the restraints imposed by the human rights conditions. Plan Colombia has become a matter of concern both in Colombia and abroad. The decision by the United States to waive the human rights requirements has sent the troubling message to the Colombian armed forces that human rights might be side-stepped in order to pursue a problematic war on drugs. Plan Colombia also includes aerial fumigation of illegal crops, the environmental and social effects of which may be grave. Plan Colombia's military component began to be implemented in 2001 and President Bush has expressed his support for Plan Colombia and promised efforts to continue funding it.

HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW ISSUES

During the period under review, representatives from several human rights mechanisms visited Colombia. In December 2001, the Inter-American Commission of Human Rights undertook an *in loco* visit to Colombia. On 13 December, the IACHR made public its preliminary observations on the human rights situation in the country. The IACHR considered it necessary to take into account the dynamics of the armed conflict, the generalised violence and the sometimes weak, or non-existent, presence of the State in certain areas of the country. The IACHR also noted that the situation had become more complicated due to the links between the armed factions and drug trafficking. In October 2001, the Special Representative of the Secretary General on Human Rights Defenders, Hina Jilani, undertook a fact-finding mission to Colombia at the invitation of the Government. On 1 November 2001, the UN Special Rapporteur on Violence against Women, Radhika Coomaraswamy, arrived in Colombia to carry out a one-week mission in the country.

An understaffed judiciary is required to deal with human rights violations and other criminal offences carried out by all armed actors involved in the Colombian conflict and heavily organised crime. In Colombia, some 26,000 homicides are committed every year. Although the violence related to politics is the most visible, it represents only 15 per cent of the killings in the country. Eighty-five per cent of the homicides result from many types of common crimes, including domestic violence, drug-trafficking and armed robbery. However, the violence produced by the civil conflict has also worsened. One of the most serious consequences of the conflict is the forced displacement of large numbers of Colombians. According to the CODHES (Advisory Office for Human Rights and Displacement), more than 300,000 people were displaced in 2000.

The Armed Forces and links with paramilitary organisations

The Colombian Armed Forces have continued to violate international humanitarian law and international human rights law, although direct participation of agents of the State in such violations has decreased significantly during recent years. The UNOHCHR in Colombia has received several complaints of forced disappearance, alleging direct involvement by the armed forces. Ethnic minorities suffered arbitrary detentions, killings, and disproportional use of force by members of the military. The army has generally failed to provide protection for civilians before widely expected paramilitary massacres took place.

The 2000 report of the UNOHCHR on the Human Rights Situation in Colombia included accounts of several actions directly attributed to paramilitary organisations, in the chapter dedicated to State responsibility. The theoretical justification for this approach was that "human rights violations committed by paramilitary groups entail State responsibility in a number of ways. First as regards the setting in which such violations take place, the State bears some general responsibility for the existence, development and expansion of the paramilitary phenomenon. Second, there are situations in which official support, acquiescence or connivance have been contributory factors in such violations. Acts perpetrated by paramilitary groups and facilitated by inaction on the part of the authorities must also be regarded as human rights violations. The Colombian State has positive obligations to protect human rights and prevent their violation". In December 2001, the IACHR, expressed its concern over co-operation between the paramilitary and State-agents, as indicated by prima facie evidence collected by the Commission. Although the Government does not accept these findings, allegations of such military-paramilitary ties continued to be reported. In February 2000 and September 2001, Human Rights Watch (HRW) publicised well-documented reports on the links between the Colombian army and paramilitary organisations (*The Ties that Bind: Colombia and Military-Paramilitary links*, and *The Sixth Division*). Together with evidence previously collected, human rights NGOs concluded that half of Colombia's eighteen brigade-level army units (excluding military schools) remained tied to paramilitary organisations. Most of the reports on paramilitary-Army collaboration allege sharing of intelligence information, transfer of prisoners, provision of ammunition, and joint patrols and military operations. Colombia's military high command has failed to take the necessary steps to cut these links.

Armed groups

The paramilitary groups have committed widespread and systematic atrocities during the period covered by this report. Contrary to their alleged purpose of combating guerrilla forces, paramilitary groups have continued to target civilians. According to the United Self-Defence Groups of Colombia (AUC), the rural civilian population constitutes potential collaborators or passive supporters of guerrillas. Paramilitary groups have committed most of the human rights and humanitarian law violations by carrying out massacres, torture, destruction of buildings and causing forced displacement of the population. In January 2001, paramilitary activities increased. Throughout eleven departments, 26 massacres were carried out, resulting in the death of 170 people. In April 2001, paramilitary members killed approximately 40 peasants living in several villages, located in El Naya (Valle del Cauca). The killings caused the forced displacement of hundreds of inhabitants. This massacre was widely predicted by locals, NGOs and the Inter-American Commission on Human Rights (IACHR). Finally, on 17 August 2001, twelve persons were killed in Yolombó (Antioquia) in another massacre carried out by paramilitary organisations. In October 2001, the paramilitary intensified its military actions by killing more than 140 people in 10 days. The AUC also carried out social cleansing and systematically persecuted human rights defenders, judiciary officials, trade unionists, religious ministers, university professors and students. In December 2001, the IACHR expressed its serious concern regarding paramilitary violence and the social support it was attracting.

The FARC-EP has systematically disrespected international humanitarian law. During the period covered by this report, the FARC-EP was held responsible for killing and abducting civilians, hostage taking, the use of child soldiers, grossly unfair trials, massive forced displacement of civilians, cruel and inhuman treatment, the use of prohibited weapons, and attacks on medical workers and facilities. In December 2001, the IACHR noted that much of the violence against civilians is attributable to the FARC-EP and the ELN. The ELN's approximately 4000 members have violated international humanitarian law standards by taking civilians as hostages for ransom or for political reasons, destroying the energy infrastructure by inflicting major damage on pipelines and the electric distribution network; threatening groups supporting humanitarian accords for protecting civilians (including children's organisations), using landmines, and blocking the transit on vital roads to convert travellers into human shields.

Impunity

In December 2001, the IACHR expressed its concern over the failure to bring to justice the perpetrators of many acts of violence against civilians and crimes against humanity and expressed its surprise over the freedom with which confessed perpetrators of crimes against humanity travelled throughout the territory and even gave interviews.

During the period under review, little progress was made to put an end to the impunity enjoyed by members of the security forces and the paramilitary groups. Although in October 2000 and March 2001 the Government discharged active duty military officers linked to human rights violations and support for paramilitary groups, no criminal investigation was started and such information was not passed to the Attorney General's Office (*Fiscalía General de la Nación*). At the same time army officers accused of serious abuses have remained in the army. Furthermore, military tribunals continued to maintain jurisdiction over key cases involving military officials accused of human rights violations, in contravention of a 1997 Constitutional Court decision (*see below*).

Human rights defenders continued to face threats throughout the period under review. At least 28 attacks have been reported during the period under review and seventeen human rights defenders were killed and another four disappeared. The situation was particularly difficult in the city of Barrancabermeja (Santander). In June 2001, Kimy Perinea Domico, leader of the Embera-Katios ethnic group, was disappeared in the department of Córdoba, allegedly by paramilitary organisations. Days later, Alirio Domico and Alberto Sabugara, leaders of the same community, were killed in Quibdó (Chocó) reportedly by paramilitary groups. Responses of the different actors in the Colombian conflict to the well-documented HRW reports illustrate the manner in which they have approached criticism from human rights NGOs. Following respective HRW reports on FARC-EP's abuses and military-paramilitary links, the rebel group accused the international NGO of supporting "Yankee interests", and the Chief Commander of the Army said that HRW was being sponsored by drug traffickers.

JUDICIARY

The primary legal sources of the Colombian judiciary are contained in the Constitution (Title VIII), the General law of Administration of Justice Law 270 1996 (*Ley Estatutaria de la Administración de Justicia*) and the Law of Specialised Justice (Law 504 1999). During the last decade, the Colombian judiciary has undergone several legal and Constitutional reforms. However, the Colombian criminal law system has not dealt adequately with serious contemporary challenges,

such as, drug-trafficking, armed opposition, paramilitary groups, organised crime and human rights violations. The enormous judicial workload is a further cause of impunity in the country. On 17 October 2001, the President of the Criminal Chamber of the Supreme Court said that the judicial system in Colombia is "highly expensive and non-efficient". He also pointed out that the judiciary faces high levels of internal corruption as well as severe backlogs. One consequence of the general distrust towards the Colombian judiciary is that the State has been increasingly losing jurisdiction over disputes with international companies that sign contracts with State offices. There has been a proliferation of arbitration clauses designed to keep Colombian courts from maintaining jurisdiction in disputes with transnational corporations. During the period covered by this report, there were several cases in which the State was ordered by international arbitration tribunals to pay sums in the millions, although there were serious allegations of corrupt manoeuvres in such contracts.

Structure

The judicial branch of power in Colombia is composed of the organs that belong to the country's jurisdictions, the Office of the Attorney General and the Superior Council of the Judiciary. During the period under review, clashes within the High Courts of the judiciary continued because the Constitution does not clearly establish a hierarchy among them. The Constitutional Court's decisions in key human rights issues were among the subjects of discussion.

The ordinary jurisdiction is composed of the Supreme Court of Justice, the District Tribunals and lower courts specializing in several areas. The Supreme Court heads the ordinary jurisdiction and is constituted by 23 justices elected by the Supreme Court itself for a non-renewable eight-year period. They are elected from a list of at list six candidates per vacancy sent by the administrative chamber of the Supreme Council of the Judiciary. The Supreme Court may function both as a plenary and in chambers. The Law of the Administration of Justice (*Ley Estatutaria de la Administración de Justicia*) provides for four chambers besides the plenary, namely, Governmental, Labour, Civil and Agrarian, and Criminal. As a plenary, the Supreme Court decides on jurisdictional disputes that do not belong to any of its chambers. The Chambers of the Supreme Court exercise the judicial review of the decisions of lower courts related to their jurisdictions.

The organs of the jurisdiction on administrative disputes (*jurisdicción de lo contencioso administrativo*) are the Council of State, the Administrative Tribunals and the lower courts. The Council of State heads this jurisdiction and is composed of 27 justices. The Council elects the justices for a non-renewable eight-year period from lists of at least six candidates for any vacancy presented by the administrative chamber of the Superior Council of the Judiciary. The Council exercises its functions through three chambers, namely, the Plenary, the Chamber on Administrative Disputes, and the Chamber for Consultation and Civil Service. The Council of State exercises the ultimate jurisdiction over disputes on administrative matters and petitions of unconstitutionality of regulations issued by the national Government that are not within the Constitutional Court's jurisdiction. The Council of State is also the supreme advisory body to the Government in administrative matters.

Constitutional jurisdiction is exercised by the Constitutional Court as well as by any judge that decides on petitions seeking protection of constitutional rights. The Constitutional Court is composed of nine justices elected by the Senate for a non-renewable eight-year period. The justices are elected from lists of three candidates per vacancy that are presented, three each by the President, the Supreme Court, and the Council of State. The Constitutional Court guards the Constitution by ruling on petitions of unconstitutionality of laws presented by any citizen, verifying

the compliance of international treaties with the Constitution, and deciding on the constitutionality of decrees issued by the Government in cases of state of emergency. Decisions of the Constitutional Court have *erga omnes* effect in their resolution, but the substantive aspect of the sentence is considered to be only an auxiliary criterion for the interpretation of the law. In 2000, the Court took controversial decisions on economic issues, which led to accusations from the Government against the Court that it had become a "legislative body". The Government also considered economic matters not to be part of the Court's field of expertise. In September 2001, the Government accused the Constitutional Court of causing judicial instability. In 2001, eight new justices became members of the Constitutional Court.

The Constitution establishes that the justices of all high courts enjoy security of tenure while observing good conduct, satisfactory work and while they are below the age of retirement.

Specialised Courts

In July 1999, the heavily criticised system of regional courts or "faceless judges" was replaced by a new system of specialised courts (*See Attacks on Justice 2000*). Although the new law (Law 504 of 1999) presented a few positive changes from the old system, it still fell short of compliance with international human rights standards. This jurisdiction deals with serious criminal offences related to terrorism, drug-trafficking, paramilitary activities and kidnapping. The system is composed of 38 specialised one-judge tribunals.

The Constitutional Court analysed the compliance of the specialised jurisdiction with the Constitution and the General Law of Administration of Justice (C392/2000). In April 2000, the Constitutional Court declared constitutional the law on specialised courts. However, a number of elements of the law were invalidated. The Court held that defendants had the right to know the identity of their accusers and that such provisions that allowed for prosecutors and witnesses to remain anonymous in certain dangerous situations did not comply with the Constitution. The Court also ruled that persons detained for any of the crimes designated in the law could be confined to their homes instead of kept in detention and could request special permission to go to work, as would be the case under ordinary jurisdiction. The Court ruled that prosecutors and specialised jurisdiction judges could not transfer cases to other judicial officers if they believed their personal security to be in danger. Prosecutors would be allowed to carry out investigations for 12 months instead of six months, as is provided for ordinary criminal cases.

The reversal of the regime of specialised justice requires urgent reform of the programme for the protection of witnesses, prosecutors and lawyers. However, the Government in this regard has thus far adopted no effective measure.

Administration

In 2000, US\$ 347,631,979 were assigned to the judiciary. This sum represented 4,62 per cent of the State's budget. In mid-1999, the Superior Council of the Judiciary reported that the civilian judiciary was experiencing a backlog of approximately 3,069,000 cases, including 604,000 criminal cases, and that there were approximately 338,000 outstanding arrest warrants. In November 2001, the high courts met in order to seek a solution to this problem. According to the Supreme Council of the Judiciary, every year a judge should decide 3000 cases, but, currently, judges are only able to adjudicate some 600 cases.

The Superior Council of the Judiciary

The Superior Council of the Judiciary (*Consejo Superior de la Judicatura*) exercises the administration of the judicial branch, including disciplinary control. The Superior Council of the Judiciary is divided in two units, the administrative chamber and the jurisdictional chamber.

The Administrative Chamber is composed of six justices, elected for a non-renewable eight-year period. One is elected by the Constitutional Court, two by the Supreme Court, and three by the Council of State. This chamber regulates the judicial career, draws up lists of candidates for the designation of justices (except the military justice), designates the budget of the judicial branch of power to be submitted to the Government and approved by the Congress, and sets up the division of the territory for judicial purposes (districts, circuits and municipalities). It also has the power to create, eliminate, merge and transfer positions in the administration of justice, as long as the exercise of this faculty does not exceed the year's budget.

According to article 156 of the Law of the Judiciary, the judicial career is based on the professional performance of the judicial officers, their efficiency, the guarantee of equal opportunities for all citizens with the necessary qualifications, and consideration of merit as the main ground for entering, remaining and being promoted within the judiciary. However, the Superior Council of the Judiciary has failed to establish a coherent judicial career system and therefore many of the judicial officers do not enjoy security of tenure. The Council frequently has been accused of being subject to political influence.

The Jurisdictional Chamber is composed of seven justices elected for a non-renewable eight-year period by the Congress from lists of three candidates presented by the President per each vacancy. It examines the conduct of the members of the judiciary and lawyers and rules on disputes between the different jurisdictions, including those between the ordinary and the military jurisdictions (see below). The Superior Council of the Judiciary sanctioned 6,438 lawyers for irregular conduct between March 1992 and February 2001. There were 232 reprimands, 21 rehabilitation orders for good behaviour, 419 exclusions from professional exercise, 3,073 suspensions, and 2,714 cases of censorship (*Censura*). These disciplinary measures are based on Decree 196 of 1971, and were imposed for reasons such as, retention of money from clients, failure to carry out professional duties properly, abandonment of cases, disproportionate fees to clients, threats against authorities, and defamation. There also exist Sectional Councils of the Judiciary, the number and location of which is established by the Administrative Chamber of the Supreme Council of the Judiciary. They are divided into administrative and jurisdictional chambers. The corresponding chamber at the Superior Council of the Judiciary elects the members of each chamber of the Sectional Councils of the Judiciary

Ombudsman's Office

More than half of the defendants in court proceedings in Colombia depend upon the services of public defenders. At the moment the Ombudsman's Office (*La Defensoría Pública*) employs approximately 1,000 public defenders in charge of criminal processes, covering 85 per cent of the municipalities. There are no objective, transparent criteria for the hiring of personnel. On a positive note, provisions allowing non-graduate law students to carry out legal defence services for defendants without resources were abolished.

Attorney General's Office

The Attorney General's Office (*Fiscalía General de la Nación*) was created under the 1991 Constitution and is still in the process of transition from a purely civil law system to a mixed

regime that includes elements of an adversarial structure. The Attorney General's Office has the duty to exercise penal action. The Office investigates crimes and prosecutes those presumed responsible before courts and tribunals, except for crimes committed by members of the armed forces on active duty and related to the exercise of such duty. In order to fulfil these obligations, the Attorney General's Office 1) ensures the attendance of the accused in court; 2) decides whether an indictment should be passed to a judge; 3) directs and coordinates the judicial police; and 4) provides for the protection of victims, witnesses and other parties to the process. The Office of the Attorney General operates throughout the country and has the duty to respect procedural guarantees and fundamental rights of the accused. The Office of the Attorney General has administrative and economic autonomy.

The Attorney General is elected by the Supreme Court for a non-renewable four-year term, not to coincide with that of the President, from a list of three candidates presented by the President. The Attorney General has the power to administrate the Office according to the general principles established by law by providing the number of personnel in each department and establishing the requirements and functions for every position. A new Attorney General was elected and took office in July 2001

There are no career appointments for members of the Attorney General's Office. The new Attorney General, has dismissed several prosecutors. Prosecutors in Colombia, lacking security of tenure, find it difficult to maintain independence from their superiors. The consequence is that once there is a new administration in the Office of the Attorney General, dismissals and arbitrary appointments are inevitable. On 17 October 2001, the Council of State asked the Attorney General's Office to take the measures necessary to ensure that its 20,000 officers enter a career system which provides stability to them, and to finance the career system with its own funds.

Agents of the Office of the Attorney General have continued to abuse systematically their preventive detention powers, thereby violating the right of an accused to be presumed innocent. Prosecutors typically operate under the assumption that a suspect is a criminal during the investigation, and often unjustifiably order preventive detention or delay taking decisions regarding *habeas corpus* petitions. Finally, The programme of protection for judicial officers, victims, witnesses and other parties to criminal proceedings has been inadequate and lacking in necessary resources. Dozens of prosecutors have been forced to flee the country, abandon their cases, or quit their posts, allegedly due to threats from paramilitary organisations and State officers. On 12 July 2001, evidence about the possible infiltration of paramilitary organisations in the programme forced the retirement of seven officers, including its director.

National Human Rights Unit

In 1995, the Attorney General created a special National Human Rights Unit (*Unidad Nacional de Derechos Humanos*) to investigate human rights abuses. The Unit has carried out its work despite continuous threats and intimidation. In 2000, the Unit investigated over 918 cases of human rights and international humanitarian law violations in which 1,379 individuals were under investigation. The number includes 286 members of the military and police, 573 members of the paramilitary forces, 353 members of the rebel forces, and 187 civilians, including drug-traffickers. Although significant progress was made in these cases, most of the arrest warrants were not executed. While 507 paramilitary members were in jail, their leaders remained unaccountable.

Although the Human Rights Unit is only competent to handle cases of human rights violations, many cases that the Unit has in fact been investigating are not related to this primary objective.

This situation causes excessive workloads for the Unit, which affects its efficiency when dealing with the cases for which it was created. The military has not demonstrated any willingness to cooperate with the Unit nor with other civilian judicial officers. Instead, military officers sometimes prevent civilian investigators from gaining access to information on cases involving military personnel. It has been reported that police or military officers often protect paramilitary members by informing them in advance about the plans of the Attorney General's Office to carry out arrests in areas with paramilitary presence. Prosecutors have thus been obliged not to inform the army about its plans on several occasions. However, in order to capture members of armed groups, it is clear that such dangerous operations need the participation of the National Police or the army, as prosecutors and the Technical Judicial Police (CTI) are not allowed to carry heavy arms.

In April 2001, agents of the technical Investigation Body (*Cuerpo Técnico de Investigación-CTI*), a body responsible to the Attorney General's Office, undertook searches throughout Montería (Córdoba)- a region under heavy paramilitary presence. The search concluded with the arrest of four persons allegedly involved in financing paramilitary organisations. The investigation was reportedly based on the uncovering of 200 cassettes containing conversations between known paramilitary leaders and some landowners from the region. The operation was carried out with a Colombian Special Army Unit brought from the capital.

The Office of the Attorney General has created eleven new satellite units of the Human Rights Unit, four of which began to function in December 2000. However, in September 2000, the Attorney General described as "dramatic" and "paralysing" the budgets cuts implemented by President Pastrana for the Unit.

The new Attorney General and the General (Ret.) del Río Case.

A new Attorney General was elected and took office on July 31, 2001. Although the Supreme Court eventually elected one of the candidates from the Presidential list, it expressed concern that none of the candidates was an expert in criminal law and that the criteria for the President's selection had not been objective. Shortly after assuming office, Luis Camilo Osorio Isaza, a long-term ally of President Pastrana, changed the course of several high-profile corruption cases involving persons close to the President. Attorney General Osorio Isaza also dismissed prosecutors in charge of key corruption cases. This course of action has raised serious concerns over the politicisation of the Office. The Internal Affairs Office has been uneasy over the changes imposed by newcomer prosecutors in several cases.

Among the most controversial cases was that involving General (ret) Rito Alejo del Río. In April 1999, The Human Rights Unit opened an investigation for the crimes of "Conspiracy to commit crimes" (*concierto para delinquir*) and "formation of armed illegal groups" against General del Río. The charges are related to General del Río's alleged involvement in the creation of paramilitary groups during his work as Commandant of the XVII Army's brigade in Urabá (Antioquia) between 1995 and 1997. On 23 July 2001, General del Río was detained following a warrant of arrest ordered by the prosecutor in charge of the case to interrogate him. After the interrogation, the prosecutors found merits to put General Del Río in preventive detention. Following the arrest, the Minister of Defence, Mr. Gustavo Bell Lemus, described as exaggerated and unnecessary the operation to capture the retired General. The acting Attorney General responded that it was regrettable that high-ranking State officials were challenging judicial decisions and thereby jeopardising the autonomy of the Attorney General's Office and the separation of powers. On 29 July 2001, General del Río, denied all charges against him and

levelled accusations that the Colombian judiciary had been infiltrated by supporters of the FARC-EP and the Colombian Communist party.

On 31 July 2001, Attorney General Isaza took office. On 1 August 2001, he publicly expressed his disagreement over the preventive detention imposed on General del Río and said that such a decision should have been made with his consultation. On 2 August 2001, the Attorney General reiterated his disagreement with the concerned decision to the Sub-Attorney General and the Co-ordinator of the Human Rights Unit. Both officers responded that each prosecutor is autonomous in his decisions and rejected the idea that prosecutors should consult their decisions with their superiors. The Attorney General asked the Co-ordinator of the Human Rights Unit to resign. The Sub-Attorney General also quit, although he was already scheduled to leave some weeks later. Article 12 of the Criminal Procedural Code establishes that "judicial officers are independent and autonomous. No administrative or judicial superior may insinuate, request or advise judicial officers in order to impose decisions or the criteria to adopt in his/her rulings". Article 249 of the Constitution includes the Attorney General's Office within the judicial branch. Therefore, the actions of the Attorney General were illegal and unconstitutional and a clear attack against the independence of the concerned prosecutor. The Inter-American Commission expressed its concern over this situation on 9 August 2001 and ordered the Government to take precautionary measures to guarantee the protection of eight members of the Attorney General's Office.

Some days later, General del Río was released after filing a habeas corpus petition submitted to another judge. The petition was based on questions of jurisdiction, as the defence stated that the Attorney General himself should have instructed the case because it was an act related to official service (Article 235 of the Constitution). However, the Constitutional Court had already ruled that acts such as those allegedly committed by General del Río should not be considered as related to military functions. Furthermore, a habeas corpus petition is not the appropriate means by which to challenge the jurisdiction of a judge or prosecutor. The judge that ruled in favour of the habeas corpus petition was accused of exceeding his powers (*prevaricato*). General del Río continued to be under investigation, and currently his case is being investigated by the Attorney General himself. Concluding her visit to Colombia, the UN Special Representative of the Secretary-General on Human Rights Defenders, said that she had "serious doubts about the very important role that should be played by the Attorney General. It is possible that this will be diminished". She announced to reporters: "I am frankly worried about the ability of the human rights Unit in the Attorney General's Office to continue investigations of human rights violations with the independence of the previous administration." On 8 September 2001, the main witness in the case was murdered.

Military Justice

The inappropriate use of military justice is a principal cause of impunity in Colombia with regard to members of the military. The primacy of the principle of military hierarchy and the dependency of the military justice render this system incompatible with international standards regarding impartiality and independence of the judiciary.

The military judiciary is part of the Ministry of Defence and therefore belongs to the executive branch. The Armed Forces commander is also the president of the military judiciary. In July 2000, a new Military Penal Code entered into force (*See attacks on Justice 2000*). Some positive aspects of the military justice are that unit commanders may not judge their subordinates, the military judicial corps is independent, and service members are protected legally if they refuse to obey illegal orders to commit human rights abuses. Article 234 provides that the Supreme Court, not the

Superior Military Tribunal, has first instance jurisdiction in cases involving criminal acts by generals, admirals, major generals, vice-admirals, brigadier generals and other high ranking military officers. Only cases that had been in trial phase before August 1999 continue under the old military penal code. The same article states that the Supreme Court is the court of second instance review of rulings by the Superior Military Tribunal. The system is composed of magistrates of the Military Court of Appeals, lower military court judges, investigating judges, prosecutors and judge advocates at the General Inspector, Division and Brigade levels. Military Prosecutors report to the Directorate of the Military Penal Justice System and not to unit commanders, as in the former system.

In the new penal military code, only torture, genocide and forced disappearance have been explicitly excluded from military jurisdiction. This article conflicts to some extent with the 1997 Constitutional Court ruling that only those cases involving allegations of crimes against humanity and cases of unusual gravity should come under the jurisdiction of civilian courts. The decision excluded those crimes mentioned by the new military Penal Code, as well as other serious human rights violations, such as extrajudicial killings and collaboration with paramilitary organisations. Furthermore, the new military penal code defines crimes related to military service as those "deriving from exercising military or police function proper to them". This definition omits the expression "deriving closely and directly from..." as expressed in the Constitutional Court's judgement. The Constitutional Court also ruled that in borderline cases, the decision should favour civilian courts, because military justice is an exception to the general rule.

The difference in wordings is important because most of crimes allegedly committed by members of the military are not included in the military penal code, including extrajudicial execution, rape and the aiding and abetting of atrocities carried out by paramilitary organisations. Furthermore, the Superior Council of the Judiciary, which is responsible for the resolution of jurisdictional disputes, has used a broad definition of acts of service, thus allowing members of the armed forces to be judged in military courts. The Council has assigned most of the cases involving high-ranking military officers to military courts and has not considered itself bound by the Constitutional Court's decision (C.358/97).

The Colombian Government has continued to contravene decision C-358-97 by allowing military courts to judge cases of gross human rights violations. In August 2000, President Pastrana signed Directive 01 in order to fulfil one of the human rights conditions that the United States had established for reception of military aid under Plan Colombia. The condition asked the Government to issue a directive based on the Constitutional Court's decision. However, Directive 01 was not based on the Court's decision, but on the new military Penal Code, which only excludes genocide, torture and forced disappearance.

Military officers claim that military courts carry out serious investigation and sanction violators of human rights and "fundamental rights". The expression "fundamental rights", has been used by Colombian armed forces incorrectly to classify military infractions, such as slapping a subordinate, as human rights violations. The effect is an artificial increase in the numbers of human rights violations reportedly prosecuted and punished. Many cases the military claimed to have been transferred to civilian jurisdiction do not concern human rights violations, but rather drug-trafficking and theft. Finally, since 1997, military courts have not transferred a single case involving an officer with the rank of colonel or higher from a military tribunal to a civilian court.

The Uscátegui Case

In February 2001, General Jaime Uscátegui was sentenced to 40 months in prison by a military court. General Uscátegui was found guilty of failing to prevent paramilitary organisations from massacring dozens of civilians in Mapiripán (Meta) in July 1997. Also sentenced to 40 months in prison was Lt. Colonel Hernán Orozco. The case marked the first time Colombian courts convicted a General for allowing paramilitary groups to kill civilians. However, General Uscátegui's sentence was light and the trial inappropriately was carried out by military tribunals. Considering that Colonel Orozco had testified against General Uscátegui and presented evidence that he had warned the General about the coming massacre, the sentence against him was perceived as a message to the rest of the military that accusations against superiors were not welcome.

On 14 November 2001, the Constitutional Court ruled that General Uscátegui should have been judged under civil jurisdiction, not by the military judiciary. The ruling reiterated arguments expressed in a prior ruling of the Court (C.358/97) that human rights and international humanitarian law violations could not be considered as acts of duty. According to the Court, the fact that the case was judged within the military judiciary amounted to a *via de hecho* (a grossly illegal proceeding), so the decision could be overturned. The Court gave a 10-day term to the Supreme Council of the judiciary to decide whether the Supreme Court or the Attorney General's Office had jurisdiction over the case.

LAW OF SECURITY AND NATIONAL DEFENCE

In August 2001, President Pastrana signed the "Law of Security and National Defence" (Law 684 of 2001), commonly known as "The Law of War". The members of the Chamber of Representatives that sponsored the bill argued that it was not a "law of war", but a permanent statute for the organisation of the State's agencies in charge of national defence. The sponsors also contended that the bill was respectful of international human and humanitarian law obligations and the Constitution. On 3 May 2001, The International Commission of Jurists (ICJ), Human Rights Watch (HRW), Amnesty International (AI), the Colombian Commission of Jurists (CCJ) and various other Colombian human rights NGOs sent a letter to the sponsors of the bill urging its rejection because it did not comply with human rights standards. On 10 May, the CCJ reiterated its concerns in an address to the Congress. However, in June 2001, Congress approved the bill with some positive but insufficient amendments. In September 2001, the ICJ, HRW and AI submitted an *amicus curiae* (friend of the court) to the Constitutional Court on the incompatibility of Law 684 of 2001 with international human rights obligations of Colombia as well with the Constitution. In December 2001, the IACHR expressed concern over the provisions of Law 848 in relation to Colombia's obligation under the Inter-American Convention on Human Rights. The IACHR said that if implemented, the law would undermine the independence of the judiciary and the division of powers and would sanction the primacy of the military over the civilian power.

The Law is based on the concept of "national power", defined as the capacity of the State to take all the necessary steps to respond to situations that endanger the exercise of freedom and liberties, and to maintain the independence, integrity, autonomy and national sovereignty. The definition adds that this power should be exercised in conjunction with articles 2 and 95 of the Constitution. The reference to article 95 of the Constitution, which enumerates the duties of citizens, is incompatible with the notion that such functions as defence of sovereignty, integrity and autonomy must be exclusively State responsibilities, devoid of participation of private actors. Private actors have the constitutional duty to act in conformity with principles of social solidarity and to respect and support democratic authorities, but this constitutional provision (art.95) does not imply that private

actors could respond to situations that compromise the mentioned threats at any time and place. This is exclusively a State function. The new notion of "national power" confuses the responsibilities of the State and those of private actors, and could lead to the legitimisation of paramilitary organisations, which might argue for the necessity to respond to threats against national sovereignty or their fundamental rights. The Law also establishes *de facto* states of emergency by allowing the President to declare such state in several regions (*teatros de operaciones*) without the judicial and political control proper to a democratic State. The *teatros de operaciones* provide for subordination of civilian authorities to army officers once the President has declared it necessary.

Another concern is that the Law of Security and National Defence gives judicial police powers to the Armed Forces (art 59). The bill establishes that in cases in which the prosecutors cannot permanently accompany the armed forces in their operations because of "well-founded reasons" (*motivos fundados*), the Attorney General must grant transitory precise judicial police powers to members of the armed forces. The article is unconstitutional and disrespectful of international standards and may be used by the armed forces as a means to veto the presence of the Attorney General's Office during military operations. The article imposes the obligation on the Attorney General Office's to permanently accompany the army in its operations, which threatens the independence of the office. Furthermore, due to economic constraints, this permanent accompaniment is impossible. These "transitory" judicial police functions of the army could, in reality, become permanent.

The Law makes it difficult to conduct disciplinary investigations against members of armed forces accused of abuses, by limiting the action of the Office of Internal Affairs Delegate for Human Rights (*Procuraduría Delegada para Derechos Humanos*). Article 60 establishes that only the Office of the Internal Affairs Delegate for the Armed Forces (*Procuraduría Delegada para las Fuerzas armadas*) is allowed to carry out disciplinary investigations against Military officers for "acts related to service". This notion has been interpreted very broadly in Colombia, and the same may happen in the disciplinary control system. The law establishes that the term to collect evidence in disciplinary investigations against military officers is two months. The new term establishes an unjustified difference vis-à-vis the ordinary six-month term. Under the above legislation, the Armed Forces are not required to physically place any person captured in flagrancy immediately at the disposition of a judicial authority, but to "communicate" to such authority the fact of the capture. Finally, transitory article 1 orders the President to issue a general strategy to fight terrorism within the two months proceeding the entry into force of the law.

In December 2001, the Government submitted to Congress "the Counter-terrorist statute". This statute enhances the army's powers to arrest persons without judicial order for a 36-hour term. However, the bill would not oblige the army to physically place the concerned individual before a judge, but only to "communicate" the arrest to the judge. The bill would also impose as compulsory the preventive detention of presumed terrorists. Finally, the bill would allow judges and prosecutors to limit and abolish visits and written correspondence of detained terrorism suspects; limit, control and verify communications between the suspect and his lawyer; and, if necessary, exclude the defence counsel from the investigation. In the latter case, the Ombudsman Office would provide another lawyer to carry out the defence.

NEW PENAL AND CRIMINAL PROCEDURE CODES

On 24 July 2001, two new legal reforms entered into force (See *Attacks on Justice 2000*). The new Penal Code (Law 599/2000) includes such new crimes as genocide, forced displacement, child

pornography, irregular adoptions, sexual tourism, forced military support and forced disappearance. Article 56 provides that those who committed a crime "under deep circumstances of marginalization, ignorance or extreme poverty" will not serve more than half of the maximal punishment.

The new Criminal Procedure Code (Law 589/2000) includes some changes designed to expedite trials and to bring preventive detention measures into compliance with international standards on presumption of innocence. The Code introduces preparatory hearings (*audiencias preparatorias*) to allow judges to rule on oral petitions of the parties. Under the previous system, petitions to ask for new evidence or make a petition for bail, were processed in writing and took from six to eight months to be decided. The new Code provides that these petitions will be processed orally and that judges have 30 working days to rule. Another positive aspect is the limitation on the application of the preventive detention measures. Under the previous system, prosecutors could subvert the presumption of innocence by preventively detaining those allegedly involved in a wide number of crimes. The new code establishes that preventive detention must only be applied in order to ensure the attendance of the defendant at the judicial hearings or when the community is endangered. Preventive detention is applicable in respect of serious crimes, such as homicides, genocide, rape and kidnapping.

The new Criminal Procedure Code also provides that general preventive measures must only be used when there are two sources of evidence, not only one, as prescribed in the former system. Judges will execute greater judicial control over the prosecutors' rulings by deciding on petitions filed by the defendants. Finally, the new Code allows judges to change the type of criminal offence for which the defendant is being prosecuted at the judgement stage, without having to annul the whole process. The entry into force of these new codes produced the greatest judicial workload in years in Colombia. The reduction of penalties and the procedural benefits the new laws have led many defendants to ask for parole, bail or preclusion of criminal judicial proceedings against them.

VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW STANDARDS ON TRIALS BY THE FARC-EP AND THE SITUATION OF THE JUDICIARY IN THE DEMILITARISED ZONE.

The demilitarised zone, which comprises five municipalities and a population of 90,000, has come under the FARC-EP's *de facto* control. Mechanisms of control were not agreed and the population was not consulted. The Attorney General's Office is unable to operate in the demilitarised zone, as its staff was forced to leave the zone following orders and threats from the FARC-EP. To date, no independent judiciary has been allowed in the zone and only the office of the Ombudsman has been able to receive complaints of FARC-EP's abuses in the zone. However, this office has neither the legal power nor resources to intervene.

In July 2001, members of the FARC-EP attacked a UN car in order to kidnap a former governor riding in it. The FARC-EP had accused the former governor of Meta of having links with paramilitary groups and announced that they were going to carry out a revolutionary trial against him. UN Secretary-General, Kofi Anan declared that FARC-EP's actions were jeopardising the UN's presence in the country.

FARC-EP has continued to violate international humanitarian law standards (Art 6 Protocol II to Four Geneva Conventions) regarding the carrying out of fair and impartial trials for prisoners. The

FARC-EP announced trials, including some carrying a potential death sentence, that grossly violate international guarantees. The FARC-EP usually does not inform those accused of the charges against them or the procedures that it intends to carry out, and the right to defence is commonly violated. The accused is presumed guilty and may not even be allowed to attend the trial. Furthermore, these "trials" do not accept legal remedies. By contrast, sentences of the FARC-EP involving its own personnel accused of serious violations may be extremely light. Only in a few cases, following international pressure, has the FARC-EP publicly announced that it would sanction perpetrators. On 5 March 1999, FARC-EP members killed three American indigenous activists. The trial carried out by the insurgents found two FARC-EP members guilty of the killings and sentenced them to dig and clear 55 yards of land.

CASES

During the period covered by this report (February 2000 - October 2001), at least 50 judges, lawyers and prosecutors were victims of attacks or harassment as a consequence of discharging their professional functions. The State is legally responsible both for the attacks carried out directly by Colombian Armed Forces and for those committed by paramilitary organisations, because official support, acquiescence or connivance have been contributory factors in such violations. Moreover, violations perpetrated by paramilitary groups and condoned by inaction on the part of the authorities must also be regarded as human rights violations.

During the past two and half years, 12 courts and 62 judicial officers had to be transferred due to threats by the guerrillas and paramilitary organisations. On 10 May 2001, the Ombudsman urged the Government to prevent the forced displacement of prosecutors and judges as a consequence of threats by armed groups. On 18 September 2001, the presidents of the high courts asked the President to take urgent measures to protect judicial officers. They said that the threats against the members of the judiciary were "affecting the unity of the State". The CTI, Body of Technical Investigation, (*Cuerpo Técnico de Investigación CTI*) is a State institution that depends on the Attorney General's Office and carries out judicial police functions. In 2000, at least 17 members of the CTI suffered attacks as a result of their judicial activities, including a car bomb that exploded next to the CTI's offices in Medellín (Antioquia) on 19 February 2000.

Name	Position	Date of Attack	Place of attack	Kind of Attack	Alleged Responsible
Jesus Leyva Cortez	Prosecutor	1-Feb-00	Balboa (Cauca)	Killed	unknown
Carlos González Quintero	Lawyer and ex-Prosecutor	24-Feb-00	Aguachica (Cesar)	Disappeared	unknown
Argenis de la Fuente	Specialized judge	8-Mar-00	Cali (Valle)	Death threats	FARC-EP
Bayardo León Sossa	Ombudsman	9-Mar-00	Dabeiba (Antioquia)	Murder Attempt	Paramilitary
Jorge Eliecer Matías	Specialized judge	12-Mar-00	Ibagué (Tolima)	Death threats	unknown
Nancy Escalante	Judge	12-Mar-00	Buga (Valle)	Death threats	Paramilitary
Ranulfo Guerrero	Judge	12-Mar-00	Buga (Valle)	Death threats	Paramilitary
Juan Tello	Judge	12-Mar-00	Buga (Valle)	Death threats	Paramilitary
Hernando Duarte	Judge	23-Mar-00	Barranquilla (Atlántico)	Death threats	unknown
Eduardo Cerra	Judge	23-Mar-00	Barranquilla (Atlántico)	Death threats	unknown
Margarita Pulgarín T.	Prosecutor	3-Apr-00	Medellín (Antioquia)	Killed	unknown
Jorge Vidal Diaz	Lawyer	10-Apr-00	Ciénaga de Oro	Killed	unknown

Name	Position	Date of Attack	Place of attack	Kind of Attack	Alleged Responsible
			(Cordoba)		
Harold Zapata	Procurator	12-Apr-00	Buenaventura (Valle)	Death threats	unknown
María Rondón Rodríguez	Prosecutor	11-May-00	San Martín (Meta)	Killed	FARC-EP
Hugo Carbone	Specialized judge	14-Jun-00	Santafé de Bogotá	Death threats	Paramilitary
Alvaro Vargas	Lawyer	5-Jul-00	Cali (Valle)	Killed	unknown
Carlos Julio Pinzón Aragón	Lawyer	1-Jul-00	Barranquilla (Atlántico)	Killed	unknown
José Hernández Córdoba	Lawyer	21-Jul-00	Barrancabermeja (Santander)	Killed	Paramilitary
Nestor Garza Cárdenas	Ombudsman	23-Jul-00	Lourdes (Norte de Santander)	Kidnapped	EPL
Yamil Hurtado Castaño	Ombudsman	24-Jul-00	Nariño (Antioquia)	Killed	FARC-EP
Balbina Villamizar	Ombudsman	25-Jul-00	Chitagá (Norte de Santander)	Death threats	Paramilitary
Wilson Arias Rojas	Ombudsman	26-Jul-00	Cali (Valle)	Surveillance	Colombian Army
Gustavo Gallón Giraldo	Lawyer	4-Aug-00	Santafé de Bogotá	Defamation	Colombian Army
Rafael Navarro Carrasco	Ombudsman	7-Aug-00	San Calixto (N. de Santander)	Death threats	Paramilitary
Alejandro Vélez Jaramillo	Judge	30-Aug-00	Argelia (Antioquia)	Killed	FARC-EP
Victor Silva	Ombudsman	15-Sep-00	Jagua de Ibirico (Cesar)	Disappeared	unknown
Carlos Ramírez Ramírez	Judge	21-Sep-00	San Rafael (Antioquia)	Death threats	unknown
Alicia Romero Escobar	Lawyer	20-Oct-00	Soledad (Atlántico)	Illegal detention	National Police
Miltón Rodríguez	Prosecutor	4-Nov-00	Frontino (Antioquia)	Kidnapped	FARC-EP
Dora Elena Muñoz Pérez	Judge	27-Nov-00	Yolombó (Antioquia)	Kidnapped	ELN
Jorge Betancur Echeverri	Prosecutor	27-Nov-00	Yolombó (Antioquia)	Kidnapped	ELN
Fernando Cruz Peña	Lawyer	13-Dec-00	Cali (Valle)	Disappeared	National Police
Carlos Henao Cadavid	Prosecutor	2-Jan-01	San Carlos (Antioquia)	Death threats	FARC-EP
Joaquin Cubides López	Lawyer	3-Jan-01	Rionegro (Antioquia)	Killed	unknown
Gustavo Santafé A.	Prosecutor	4-Jan-01	Barranquilla (Atlántico)	Murder Attempt	unknown
Oscar Rodas Villegas	Lawyer	24-Jan-01	Medellín (Antioquia)	Death threats	Paramilitary
Evelio Hoyos Zapata	Judge and President of National Judges's labour Union	24-Feb-01	Medellín (Antioquia)	Disappeared	unknown
Carlos Efraín Guerra	Judge	5-Mar-01	Leiva (Nariño)	Death threats	FARC-EP
Edgar Robles Chamorro	Judge	5-Mar-01	Leiva (Nariño)	Death threats	FARC-EP
Jesus Betancourth	Judge	5-Mar-01	Leiva (Nariño)	Death threats	FARC-EP
Fernando Arias Tabora	Lawyer and dean of a law faculty	5-Mar-01	Chinchina (Caldas)	Tortured and Killed	National Police
Edgardo de Santís	Lawyer	9-Mar-01	Montería (Córdoba)	Death threats	unknown
Lesther González Romero	Judge	2-Apr-01	Santafé de Bogotá	Death threats	unknown
Rodrigo Valencia Restrepo	Judge	15-Apr-01	Frontino (Antioquia)	Kidnapping	FARC-EP
Luis Saldarriaga	Lawyer	23-Apr-01	Betulia (Antioquia)	Kidnapping	Paramilitary
Misael Palma Jiménez	Lawyer	24-Apr-01	Palmira (Valle)	Disappeared	unknown
Eduardo Camacho Rojas	Judge	25-Apr-01	San Gil (Santander)	Death threats	unknown
Zenaida Suárez	Prosecutor	7-May-01	El Carmén (Norte de	Kidnapping	ELN

Name	Position	Date of Attack	Place of attack	Kind of Attack	Alleged Responsible
			Santander)		
Adalgisa Lopera	Judge	21-May-01	Medellín (Antioquia)	Death threats	unknown
Carlos Beltrán Herrera	Lawyer	22-May-01	Florencia (Caquetá)	Murder Attempt	unknown
Armando Vizcaino Terreros	Controller	31-May-01	Santafé de Bogotá	Killed	unknown
Alma Rosa Jaramillo L.	Lawyer	29-Jun-01	Rural area in Bolívar	Killed	Paramilitary
María Silva Ríos	Prosecutor	28-Jul-01	Cúcuta (Norte de Santander)	Killed	Paramilitary
Alirio Uribe Muñoz	Lawyer	15-Jul-01	Medellín (Antioquia)	Death threats	Paramilitary
Luis Guillermo Pérez Casas	Lawyer	15-Jul-01	Medellín (Antioquia)	Death threats	unknown
Maret Cecilia García	Lawyer	15-Jul-01	Medellín (Antioquia)	Death threats	unknown
Virgilio Hernández	Prosecutor	8-Aug-01	Santafé de Bogotá	Dismissed	Attorney General's O.
Pedro Díaz Romeo	Prosecutor	8-Aug-01	Santafé de Bogotá	Dismissed	Attorney General's O.
Diana Yolima Niño	Prosecutor	8-Aug-01	Santafé de Bogotá	Dismissed	Attorney General's O.
Yolanda Paternina	Prosecutor	29-Aug-01	Chengue (Sucre)	Killed	unknown
Edgar Fernando Rondón	Lawyer	20-Sep-01	Cali (Valle)	Killed	unknown
Ismael Mancera Lozano	Lawyer	3-Oct-01	Sabaneta (Antioquia)	Killed	unknown
Carlos Arturo Pinto	Prosecutor	1-Nov-01	Cúcuta (Norte de Santander)	Killed	unknown
José Fernando Duarte	Prosecutor	29-Nov-01	Santafé de Bogotá	Dismissed	Attorney General's O.
Johny Withman Ibarra	Prosecutor	30-Nov-01	Santafé de Bogotá	Dismissed	Attorney General's O.