

Fellowship of Reconciliation

Undoing The Damage Done: Colombian Army Killings and US Assistance

Despite legislative requirements to aid only 'clean' military units and reportedly extensive human rights training, the United States assisted nearly all the Colombian military units responsible for more than 400 civilian killings in 2007. How did that happen, and what can Congress and the Obama Administration do to change it?

"It's becoming increasingly clear that the hostage-takers are not the only murderous thugs on the loose. Colombia needs to turn its attention to the growing number of murders allegedly committed by its armed forces... The U.S. should not be the financial backer of army-sponsored domestic terrorism."

– *Los Angeles Times*, September 6, 2008

Colombian President Alvaro Uribe announced the dismissal of 27 military officers on October 29, including three generals and 11 colonels and lieutenant colonels, for human rights abuses.¹ The abuses include involvement in the killings of dozens of youths who were recruited in Bogotá slums and shortly after were reported as killed in combat by the army, hundreds of miles away. Colombian Army commander Mario Montoya resigned November 4, in the wake of the scandal.

The United Nations High Commissioner for Human Rights, Navi Pillay, called army killings of civilians "widespread and systematic."² Human rights organizations have documented 535 reported extrajudicial killings by the army from January 2007 to November 2008. A *New York Times* front-page story on October 30 also highlighted the problem, as has the *Los Angeles Times*.³ What detonated the issue was the revelation that poor Bogota youths, whose families said they had disappeared, had been recruited by the army or others, then reported as dead in combat. Defense Minister Juan Manuel Santos admitted that the army still harbors "'holdouts' who are demanding bodies for results."

But despite this purge, Colombia's military is still led by officers who have been in the thick of the problem. The officer named by President Uribe to replace Montoya as army chief, General Oscar Enrique González Peña, was commander of the Fourth Brigade, based in Medellín, from December 2003 to July 2005. During that time units under his command reportedly committed 45 extrajudicial executions in eastern Antioquia, according to a report last year by the Human Rights and Humanitarian Law Observatory, a coalition of human rights organizations.⁴ Asked about civilians killed by the Army, Gen. González Peña said in 2006: "The number of complaints is directly proportional to the success of the units. ... This is what some sympathizers of the subversives do to try to halt the military's operations."⁵ The day after his appointment as army chief, he referred to claims of army violations as a "judicial war" against the military.⁶

General González Peña also commanded the 11th Brigade in Córdoba in 2002-03, when paramilitary forces operated freely in the area and the Army apparently could do nothing about it. In 2005, he commanded the Seventh Division, with jurisdiction over the brigades with among the worst human rights records in the Army: the 11th, 17th, 4th and 14th Brigades. He attended the

¹ <http://web.presidencia.gov.co/sp/2008/octubre/29/01292008.html>

² UN accuses Colombia forces of killing civilians," *Financial Times*, 2 November 2008

³ <http://www.nytimes.com/2008/10/30/world/americas/30colombia.html> and

<http://www.latimes.com/news/nationworld/world/la-fg-fired30-2008oct30,0,5079718.story>

⁴ Observatorio de Derechos Humanos y Derecho Internacional Humanitario, *Ejecuciones extrajudiciales: el caso del oriente antioqueño*, 2007, available at <http://www.dhcolombia.info/spip.php?article362>

⁵ *El Tiempo*, 6 November 2008: http://www.eltiempo.com/colombia/justicia/desplome-de-sus-hombres-debilito-al-general-montoya-quien-se-va-tras-purga-por-los-falsos-positivos_4644888-1

⁶ "No soy un clon, tengo mi sello personal," *Semana*, at http://www.semana.com/wf_ImprimirArticulo.aspx?IdArt=117518

US Army School of the Americas in Panama in 1980.

The Colombian government presumably sought to replace General Montoya with an officer with a spotless record. But the reported executions of civilians and lack of interest under General González Peña's command in pursuing lawless paramilitaries suggests that such high-ranking officers in the Colombian army are far and few between.

The dismissal of the 27 officers also reveals extensive US complicity with the abuses. Most of these officers commanded units that had been 'vetted' by US officials for human rights abuses, required by the "Leahy Law," and approved to receive assistance in 2008, or received training for some officers, in spite of extensive reports that their units had murdered civilians.⁷ Ambassador William Brownfield has announced the suspension of assistance to these units, although he stated this will not affect overall levels of assistance to the Army.⁸

The United States gave military training directly or assisted the units of nearly all of the cashiered officers. At least eleven of the 20 higher-ranking officers, including Brigadier Generals Paulino Coronado Gamez and José Cortés Franco, were trained at the US Army School of the Americas, and Cortés even served as an instructor at the school in 1994.

Yet the dismissal, which focused on officers operating in a northeastern region of Colombia where the disappeared youths were found, addressed only a small number of the army units responsible for civilian killings. In the oil-rich Casanare and Arauca departments, the US-trained 16th and 18th Brigades are reported to have committed 30 killings in 2007-08, while the US-supported 9th Brigade in the coffee-growing department of Huila, reportedly committed 32 civilian killings. In southeastern Valle and Cauca, the Third Brigade's Codazzi Battalion receives US support and reportedly committed at least nine killings of civilians in 2007, and may be implicated in firing on peaceful indigenous protesters in October 2008. In southern Meta department, the United States supports multiple mobile brigades in areas where the army has committed a large number of civilian killings.

In addition, most of the army's leadership – including 29 of the 34 top current commanders – received US military training at the US Army School of the Americas. This is in addition to US training provided to Colombian officers at dozens of other military schools and in Colombia. In other words, the US military training program in Colombia has worked extensively with the Army's military leadership, and the institution has few leaders who have not benefited from this assistance,

The training of officers who then command units that commit gross abuses points to a serious problem – the United States does not evaluate the human rights impacts of its military training in Colombia. Although the Leahy Law does not require this evaluation, it is a basic tenet of good government to evaluate spending programs for performance of policy objectives. And the Colombian military's long history of gross human rights abuses should have suggested long ago that State and DOD evaluate its military training for human rights.

Killing Metrics

⁷ These included particularly the 30th Brigade, the Calibío Battalion of the 14th Brigade, and the command staffs of the Second and Seventh Divisions, all of which were vetted and assisted in 2007-08. Individual officers of the 15th Mobile Brigade also have received US assistance. US advisors accompanied the 30th Brigade in early 2008, when army units killed the Bogotá youths in its area of operations. (Reuters, "U.S. soldiers help war against rebels in Colombia," 5 February 2008)

⁸ *El Mundo*, "EE.UU. sí le quitó ayuda militar a guarniciones colombianas: Brownfield," 8 Nov 2008.

The State Department is required to certify that the Colombian government is fulfilling several human rights conditions before approximately 25% of all military assistance is released.

Last July 29, State certified that the Colombian government “has undertaken profound changes to its justice system; military doctrine and practices; and government institutions,” and by certifying released more than \$180 million in military assistance to the Colombian armed forces.

The funds, to be used for helicopters, training and other aid, correspond to 18 months of funding that is subject to human rights conditions, including effective prosecution of soldiers for human rights abuses and cutting ties between military and paramilitary forces. During the same 18-month period, the Army reportedly murdered more than 500 Colombians outside of combat, according to data compiled by Colombian human rights groups.

Are Abusive Army Units Excluded?

In addition to certification, legislation known as the “Leahy Law” prohibits US assistance to foreign military units that have committed gross human rights abuses. So, could it be that those killings are being committed by parts of the Colombian army that don’t receive US aid?

That’s not the case. Where the responsible unit was identified, army units financed by the United States in 2006 and/or 2007 committed at least 47% of extrajudicial killings in 2007, according to an analysis we conducted, using data from the State Department⁹ and the Colombian Commission of Jurists.

The problem of US-assisted units reportedly killing civilians became even more serious in 2008. Of 52 cases in which the military unit responsible was identified, 34 – or nearly two thirds – were by units vetted and assisted by the United States in 2006 and/or 2007.

US Assistance to Units Not Vetted for Human Rights

In fact, the United States has assisted many more Colombian military units responsible for civilian killings – nearly all of those identified in 2007 killings. A review of the unvetted units from which individuals were trained shows that nearly all the unvetted units reportedly responsible for extrajudicial killings in 2007 received individual training. In fact, 97% of 275 extrajudicial killings by the armed forces for which units were identified either were vetted and assisted by the United States, or received US training for individual officers.

Killings Reportedly Committed by US-Assisted Units in 2007

Years units received US assistance	No. reported executions by units	Percentage
2000-2007	30	10.91%
2000-03, 06	3	1.09%
2000-03, 06-07	18	6.55%
2005-07	30	10.91%
2005-07 (also vetted in 04)	3	1.09%
2006-07	26	9.45%
2006	11	4.00%
2007	8	2.91%
Unit not vetted, but soldiers in unit received training during 2000-07	138	50.18%
No assistance to unit	8	2.91%
Total executions attributed to units	275	100%

⁹ In July 2008 the State Department made available to Amnesty International (AI) and the Fellowship of Reconciliation (FOR) a memo prepared for Senator Patrick Leahy in response to questions the Senator raised with the State Department on the vetting process for US assistance to Colombia under the “Leahy Law”. The July 2008 memo contains a list of “unvetted” units from which individuals were cleared to receive either US training or assistance between 2000-2007, and a brief statement that the State Department does not believe that it has provided assistance to security force units credibly alleged to have committed human rights violations.

Foreign Military Training reports published by the State Department and records obtained through FOIA indicate that most individual training for soldiers from unvetted units were leadership-oriented courses, such as “NCO Leadership Development”, “Command and General Staff Officer Preparation,” “Surface Warfare Officer Operations,” “Counterterrorism Fellowship Program,” etc.¹⁰ Such leadership training clearly assists the units to which these officers belong.

Some of the “unvetted” units from which the State Department selected individuals for training are among those with the worst history and current problems of abuses. These include:

- **15th Mobile Brigade, (as well as its components Counter-guerrilla Battalions 95 and 96).** The 15th Mobile Brigade committed 45 extrajudicial executions in 2007, by far the highest number of any army brigade, according to a study by a consortium of Colombian human rights groups. A¹¹
- **“La Popa” Battalion** in Cesar Department. The former commander of “La Popa,” Colonel Hernán Mejía, a decorated army officer, is under investigation for collaboration with paramilitary forces commanded by Jorge 40. Fifteen other soldiers from “La Popa” were arrested in April 2008 for killing two men in 2005, whom they passed off as guerrillas.¹²
- **Velez, Voltigeros and 33rd Counter-guerrilla battalions and command staff of the 17th Brigade** involved in the massacre of 8 people in the Peace Community of San José de Apartadó in 2005 and implicated in previous massacres and violations in the same community. Several officers from the brigade, including a captain who has confessed, have been arrested and charged with participation in the 2005 massacre.
- **The 7th Brigade, including its combat battalions and command staff. The 7th Brigade** was involved in the Mapiripan massacre, and has been implicated in many extrajudicial executions during this period.
- **29th Brigade**, a brigade in whose jurisdiction 19 extrajudicial executions registered by the Colombian Commission of Jurists occurred in 2006. The brigade’s 4th High Mountain Battalion also continued to be vetted and deemed eligible for US assistance in 2007-08.

Impunity for Civilian Killings

The State Department’s July 2008 certification document¹³ reports progress in investigations and preventive detentions of soldiers for many human rights crimes committed in the last decade. The pace of investigations has been quickened by the addition of 900 prosecutors and investigators, which augurs well for the struggle against impunity, and more soldiers have been prosecuted for crimes since the July certification.

The question is: Given the nearly total impunity with which soldiers have committed their crimes, what level of effective prosecution for those crimes justifies sending hundreds of millions of dollars worth of lethal assistance? Is impunity for every other killing acceptable? Impunity for three out of four killings? For nine out of ten killings?

For the five-year period ending in mid-2007, human rights groups documented 955 alleged extrajudicial killings by Colombia’s armed forces (nearly all by the army) – for which only two cases involving seven victims had resulted in a criminal conviction and sentence, as of October 2007.¹⁴ There has indeed been progress: the State Department documents criminal convictions and sentences in an additional seven cases of army killings of civilians that occurred during the same period, involving 10 victims. Although soldiers have been detained or suspended in many

¹⁰ <http://www.amnesty.org/en/library/asset/AMR23/016/2008/en/116d47ce-236b-11dd-89c0-51e35dab761d/amr230162008eng.html>

¹¹ Observatorio de Derechos Humanos y Derecho Internacional Humanitario, “Ejecuciones Extrajudiciales: Realidad Inocultable,” October 2008.

¹² “Por falsos positivos, capturan 15 militares de batallón La Popa,” *El Tiempo*, 29 April 2008.

¹³ <http://www.cipcol.org/?p=646>

¹⁴ <http://www.lawg.org/docs/eejointmemo.pdf>

other cases, and administrative action has been taken against hundreds of soldiers, the total sum of *criminal prosecutions and sentences* accounts for 17 out of 955 Colombians killed by the army. In other words, the rate of impunity – defined by completed criminal judicial processes - has been reduced from 99.2% to 98.2%.

Conclusions

The dismissal of officers and General Montoya's resignation because of human rights concerns are positive actions. Officers responsible for killing civilians must face consequences, including prosecution in civilian courts, or the killing will continue.

But the problem of extrajudicial killings by army units and impunity for those crimes is systematic, and the new Army commander's history reflects the institution's systematic practice. President Uribe's choice to appoint General González Peña also reflects on his administration's lack of commitment to go beyond an attention-grabbing purge of a few officers.

The United States continues to fund the training and operations of a large number of officers and units implicated in the commission of extrajudicial killings. The Departments of State and Defense have not evaluated the reasons why so many US-assisted units have been implicated in a large percentage of these crimes, or what that fact says about US training of Colombian forces.

Recommendations

- *Most broadly*, we urge Members to initiate or support a fundamental re-casting of US policy in Colombia, that supports negotiations for an end to that nation's armed conflict, puts human rights at the center of policy considerations, and re-aligns spending to drug treatment programs that have been demonstrated to be more effective than supply-side military programs in addressing drug addiction.
- *Specifically*, we urge Congressional appropriators and Members of the Armed Services Committees to include legislation requiring an independent evaluation of the human rights performance of Colombian military units that have received US assistance, particularly training.
- In light of the widespread and systematic practice by the Colombian Army of extrajudicial executions, and of the extensive US assistance given to units and commanders responsible for this practice, the United States should suspend all training assistance to the Colombian Army.

February 2009

For further information, contact:
John Lindsay-Poland
Fellowship of Reconciliation
436 14th St. #409, Oakland, CA 94612
Tel: 510-763-1403
Email: johnlp@igc.org