



State Department Memorandum of Justification on Human Rights Conditions, July 8, 2003

MEMORANDUM OF JUSTIFICATION CONCERNING HUMAN RIGHTS CONDITIONS WITH RESPECT TO ASSISTANCE FOR COLOMBIAN ARMED FORCES

Section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Division E, Consolidated Appropriations Resolution, 2003, (P.L. 108-7) ("FOAA") lays out conditions under which assistance using funds appropriated under the FOAA may be made available for the Colombian Armed Forces. In particular, section 564(a)(1) provides that up to 75 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (2), which in turn provides that up to 12.5 percent of the remaining 25 percent may be obligated only after the Secretary of State has made a determination and certification with respect to certain human rights related conditions.

This memorandum lays out the justification for the Secretary of State's Determination that the factors in section 564(a)(2) have been met.

The Colombian Armed Forces are suspending military personnel credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary organizations; are cooperating with civilian prosecutors and judicial authorities; are severing links with paramilitary organizations; are executing orders for the capture of paramilitary leaders; and the Colombian Government is prosecuting and punishing those members of the Armed Forces credibly alleged to have committed gross violations of human rights or to have aided or abetted paramilitary organizations.

Although the Secretary has determined that the efforts of the Government of Colombia and the Colombian Armed Forces' justify certification at this time, the U.S. and Colombian governments recognize that the Colombian Government and Armed Forces need to do more to protect human rights and to sever military-paramilitary ties. President Alvaro Uribe and his Administration have stated repeatedly their commitment to improving the human rights situation in Colombia, both publicly and in discussions with USG officials.

On May 16, 2003 Uribe delivered a speech on the human rights situation to mark the 68th anniversary of the founding of Colombia's Police Academy. He publicly called for Colombia's security forces to act with "aggressiveness to defeat terrorism, determination to defend human rights, respect and tolerance for critics, respect and tolerance for NGOs (non-governmental organizations), whether or not we share their points of view." Colombia, he said, would "defeat terrorism with nothing that shames us," and he called respect for human rights and tolerance of critics "fundamental for the respectability of our use of force, so that we can speak forcefully" on terrorism both in Colombia and abroad.

Additionally, on June 11, 2003, President Uribe held a four and one half hour meeting

with members of various Colombian human rights non-governmental organizations to discuss the human rights and humanitarian situation in Colombia where he reiterated the importance of the work of human rights NGOs in Colombia.

The United States Government takes all human rights abuses seriously and we are committed to continue working with the Government of Colombia on concrete measures that it should take to make further progress in improving the human rights performance of its Armed Forces and in severing military ties with paramilitary groups.

Following is a detailed discussion of the Colombian government's and Armed Forces' compliance with the factors contained in section 564(a)(2).

Section 564(a)(2)(A) requires a determination that:

The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.

The Prosecutor General's Office (Fiscalia) is responsible for the criminal investigation and prosecution of military personnel alleged to have committed violations of human rights or to have aided or abetted paramilitaries. The Human Rights Unit of the Prosecutor General's Office is a special task force currently comprised of more than 160 prosecutors, investigators, and technicians responsible for the investigation and prosecution of human rights crimes. Formed in October 1999, this unit has received specialized training in the United States on conducting criminal investigations of cases involving multiple homicides, bombings, and kidnappings. The Human Rights Unit of the Prosecutor General's Office is committed to prosecuting all military personnel, regardless of rank, who have committed violations of human rights or have colluded with paramilitaries, but it is hampered by competing demands, security threats, and scarce resources.

According to a May 26, 2003 letter from the civilian director of the Human Rights Unit of the Prosecutor General's Office, the Colombian Armed Forces – in accordance with Colombian law and practice – are suspending, upon the receipt of an order for preventive detention and at the request of the Prosecutor General's Office, military personnel alleged to have committed gross violations of human rights or to have aided or abetted paramilitary groups.

Colombia's Criminal Procedure Code establishes the legal basis on which the Armed Forces suspends military personnel pursuant to a preventive detention order. Under Article 359 of Colombia's Code of Criminal Procedure, all government institutions, including the Armed Forces, are required to suspend from duty at the request of the Prosecutor General's Office any public servant against whom the Prosecutor General's Office has issued an order for preventive detention. When the Prosecutor General's Office orders an individual in the Armed Forces to be "preventively detained," the Armed Forces either holds that individual in custody at military facilities or turns him over to civilian authorities. As used in this memorandum, suspension refers to suspension under Colombian law, which means removal from active duty and a fifty percent reduction in pay.

The Prosecutor General's Office issues an order for preventive detention during its investigation of a case, prior to formally charging a suspect with a crime. Under Colombian criminal procedure, credible evidence warranting the issuance of a preventive detention order (*medida de aseguramiento*) is defined as "at least two reliable pieces of evidence developed in an investigation linking the suspect to a

crime.” The Prosecutor General’s Office will make a request for suspension of the suspect once a preventive detention order has been issued.

We understand that acts that would constitute gross violations of human rights are crimes under Colombian law, and that aiding and abetting paramilitary groups, including organizing, financing or participating in an illegal armed group, is considered a crime under Presidential Decree 1194, issued on June 8, 1989. Further, these crimes are considered sufficiently serious to lead the Prosecutor General’s Office to issue an order for preventive detention and to request the suspension from active duty of an individual credibly alleged to have committed such a crime.

The Human Rights Unit of the Prosecutor General's Office reports that between August 2002 and June 2003 it issued eleven individual orders for the preventive detention of military personnel credibly alleged to have committed gross human rights violations or to have collaborated with paramilitaries. These personnel are listed below.

These cases are in addition to the sixteen military personnel identified in the September 9, 2002 report as having been detained and suspended by the Armed Forces between January 2001 and August 2002; five of whom remained in preventive detention and were suspended as of June 2003 and five who had trial proceedings initiated against them. With respect to the six who are no longer detained or suspended, five (Army Major Jaime Esguerra Santos, Army Second Sergeant Sandro Fernando Barrero, Army Second Sergeant Humberto Blandon Vargas, Marine Sergeant Ruben Dario Rojas Bolivar and Marine Sergeant Euclides Bosa Mendoza) had their preventive detention orders overturned on appeal, and one (Army Lieutenant Oscar Yesid Cortes Martinez) escaped and has an arrest warrant issued against him.

According to the Prosecutor General's Office, the Armed Forces complied with the order for the preventive detention of each individual when notified, and suspended the military personnel involved when asked to do so by the Prosecutor General’s Office. Additionally, between August 2002 and June 2003, six military personnel were indicted and had trial proceedings initiated against them in civilian courts. These personnel are listed in section 564(a)(2)(B).

The following individuals were in preventive detention and suspended as of June 2003:

- 1) **Army Soldier Luis Salomon Puerto Acero.** Detained and suspended upon an order of preventive detention issued on August 21, 2002 on credible evidence of aggravated homicide and conspiracy.
- 2) **Army Major Orlando Hernando Pulido Rojas.** Detained and suspended upon an order of preventive detention issued on March 4, 2003 on credible evidence of aggravated multiple homicide and conspiracy to collaborate with paramilitaries during the 1998 La Cabuya massacre.
- 3) **Army Soldier Juan Carlos Vasquez.** Detained and suspended upon an order of preventive detention issued August 21, 2002 on credible evidence of aggravated homicide and conspiracy to collaborate with paramilitaries.
- 4) **Army Soldier Raul Lizcano Ortiz.** Detained and suspended upon an order of preventive detention issued February 21, 2003 on credible evidence of aggravated homicide and conspiracy to collaborate with paramilitaries.
- 5) **Army Second Corporal Juan Alberto Diaz Lince.** Detained and suspended upon an order of preventive detention issued February 27, 2003 on credible evidence of conspiracy to collaborate with paramilitaries.

- 6) **Army Second Sergeant Waldo Quintero Cuervo.** Detained and suspended upon an order of preventive detention issued February 27, 2003 on credible evidence of conspiracy to collaborate with paramilitaries.
- 7) **Army Lieutenant Mihaly Istvan Jurko Vasquez.** Detained and suspended upon an order of preventive detention issued February 27, 2003 on credible evidence of torture.
- 8) **Army Soldier Carlos Alberto Buila Bolaños.** Detained and suspended upon an order of preventive detention issued November 29, 2002 on credible evidence of conspiracy to collaborate with paramilitaries.
- 9) **Army Lieutenant Colonel Silvio Augusto Vallego Vargas.** Detained and suspended upon an order of preventive detention issued December 2, 2002 on credible evidence of aggravated homicide and theft.
- 10) **Army Captain Yoguín Pavón Martínez.** Detained and suspended upon an order of preventive detention issued December 2, 2002 on credible evidence of aggravated homicide and theft.
- 11) **Army First Sergeant Marciano Martínez Perdomo.** Detained and suspended upon an order of preventive detention issued December 2, 2002 on credible evidence of aggravated homicide and theft.

The following individuals remain suspended, as noted in the September 9, 2002 memorandum of justification:

- 12) **Army Sergeant Manuel Antonio Mirando Mejía**
- 13) **Army Sergeant Luis Reina Sánchez**
- 14) **Army Soldier Willinton Romana Tello**
- 15) **Army Major César Alonso Maldonado Vidales**
- 16) **Army Major Álvaro Cortés Murillo**

Section 564(a)(2)(B) requires a determination that:

The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.

The Human Rights Unit of the Prosecutor General's Office is committed to prosecuting military personnel who have committed violations of human rights or have colluded with paramilitaries.

On June 19, 2003, retired Army Colonel Lino Hernando Sánchez was sentenced to 40 years in prison for actively conspiring with paramilitaries in the massacre of dozens of peasants by AUC combatants in Mapiripán in 1997. Sánchez was the former operations commander of the 12th Brigade, headquartered in Florencia. This is one of the heaviest sentences for human rights abuses ever passed against a member of the Colombian armed forces. Judge Lester González also sentenced Sergeants Julio Enrique Florez, José Miller, and Juan Carlos Gamarra to 40, 32, and 22-year sentences respectively for their complicity in the massacre. AUC leader Carlos Castaño was sentenced in absentia

to 40 years in prison.

On March 10, 2003 the Prosecutor General's Office initiated trial proceedings against former General Jaime Humberto Uscategui for failing to prevent the same paramilitary massacre in Mapiripán in 1997. The Prosecutor General's Office issued an arrest warrant for Uscategui the same day for the crimes of omission regarding aggravated homicide and kidnapping and the crimes of terrorism and conspiracy. He remains in custody in Bogotá while a Colombian court hears his appeal of charges against him.

In addition to the military personnel placed under preventive detention as listed in section 564(a)(2)(A), between August 2002 and June 2003 six military personnel were indicted and had trial proceedings (resoluciones de acusación) initiated against them in civilian courts:

- 1) **Army (Unknown Rank) Garzon Edgar Garcia.** Indicted and suspended as a result of an order issued March 7, 2003 to initiate trial proceedings for charges of aggravated kidnapping and conspiracy.
- 2) **Army Lieutenant Gustavo Adolfo Gutierrez Barragan.** Indicted and suspended as a result of an order issued October 25, 2002 to initiate trial proceedings for a charge of aggravated homicide. He was detained and suspended on order of preventive detention issued April 19, 2002, as noted in the September 9, 2002 report.
- 3) **Army Soldier Orbien Giraldo Sanabria.** Indicted and suspended as a result of an order issued October 25, 2002 to initiate trial proceedings for a charge of aggravated homicide. He was detained and suspended on order of preventive detention issued April 19, 2002, as noted in the September 9, 2002 report.
- 4) **Army Soldier Juan de Jesus Garcia Walteros.** Indicted and suspended as a result of an order issued October 25, 2002 to initiate trial proceedings for a charge of aggravated homicide. He was detained and suspended on order of preventive detention issued April 19, 2002, as noted in the September 9, 2002 report.
- 5) **Army Soldier Sergio Fernandez Romero.** Indicted and suspended as a result of an order issued October 25, 2002 to initiate trial proceedings for a charge of aggravated homicide. He was detained and suspended on order of preventive detention issued April 19, 2002, as noted in the September 9, 2002 report.
- 6) **Retired General Jaime Humberto Uscategui.** Cited above.

This is in addition to the following individuals who remain in preventive detention as their trial proceedings progress, as noted in the September 9, 2002 memorandum:

- 7) **Army Major Jesus Mahecha Mahecha**
- 8) **Army Sub-Lieutenant Nelson Jose Granados Gonzalez**
- 9) **Army Sergeant Juan Bautista Uribe Figueroa**
- 10) **Army First Corporal Floriberto Amado Celis**
- 11) **Army First Corporal Julio Hernando Rios**

Section 564(a)(2)(C) requires a determination that:

The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases, (including providing requested information,

such as the identity of the persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information).

The Minister of Defense has designated the Coordinator of the Armed Forces' Group of Human Rights and International Humanitarian Law as the liaison between civilian authorities and the Armed Forces. Additionally, to ensure cooperation on the regional and local levels, the directors of the Human Rights offices of the Armed Forces liaise with the representatives of the Inspector General's (Procuraduria) and Prosecutor General's Offices in their respective jurisdictions.

Elba Beatriz Silva, director of the Human Rights Unit of the Prosecutor General's Office, in a letter dated May 26, 2003 to the Colombian Vice President, who is coordinating the Government of Colombia's human rights policy, stated: "The Chief Prosecutor of the Human Rights and International Humanitarian Law Unit in the Office of the Prosecutor General of the Republic of Colombia, hereby certifies:

That the Colombian Armed Forces have provided effective, efficient, and staunch support to this Unit, during nationwide investigations underway because of serious, massive, and systematic violations of human rights. Criteria evaluated:

1. When law enforcement officers are sought on the basis of arrest warrants, they search for them within Colombian territory and make them available for appropriate criminal prosecution;
2. They ensure custody of the accused by means of preventive detention;
3. Once the Office of the Prosecutor General reports its decision, they suspend the detained law enforcement officer from his duties;
4. They safeguard and protect the prosecutors engaged in these sensitive investigations while they are in conflict areas and whenever they travel, which facilitates evidence gathering activities;
5. They cooperate actively in the performance of judicial procedures such as arrests and searches, and they support the technical and scientific field work of laboratory personnel from the Office of the Prosecutor General;
6. In cases such as these, they bring witnesses or surrender former combat personnel who wish to assist in dismantling illegal organizations before the Unit or the Office of the Prosecutor General;
7. They provide institutional information or documents requested by Prosecutors."

Cooperation between the Armed Forces and the Prosecutor General's Office was seen in the investigation into the August 2000 homicide of Alexander Jose Larios in San Clavel de Puerto Wilches (Santander), which led to an order of preventive detention and the initiation of trial proceedings against Nelson Jose Granados Gonzalez (noted in Section 564(a)(2)(B)) and an order of preventive detention issued against Captain Oscar Yesid Cortes Martinez (noted in Section 564 (a)(2)(A)) for the crimes of aggravated homicide, conspiracy to collaborate with paramilitaries, and use of false documents.

During the investigation into Sub-Lieutenant Weiman Gonzalo Navarro's (Battalion "Patriotas" of Honda Tolima) participation in a homicide; collaboration between the Prosecutor General's Office and the Armed Forces led to the issuance of a preventive detention order against Gonzalo Navarro in 2001.

Cooperation between the Armed Forces and the Prosecutor General's Office was also

Cooperation between the Armed Forces and the Prosecutor General's Office was also seen in the investigation and prosecution of military personnel involved in the November 1998 massacre at La Cabuya. The 16th Brigade and the 25th Counter guerrilla Battalion supplied the Prosecutor General's Office with the documents they requested for the investigation and also provided helicopter transport for the investigators between the municipalities of El Yopal and Paz de Ariporo. Additionally, the Armed Forces arrested Captain Martinez de la Ossa, Lieutenant Quintero Carreno, Corporal Barrera Sipagauta, and Soldiers Juan Carlos Vasquez and Luis Salomon Puerto Acero and turned them over to the Prosecutor General's Office.

Similarly, Eduardo Jose Maya Villazón, Inspector General of the Republic of Colombia, in a letter dated May 8, 2003 to the Colombian Vice President stated: "I hereby certify that Armed Forces personnel have made themselves available for, and have cooperated with, disciplinary proceedings regarding human rights violations pursued by the Office of the Inspector General."

The civilian Inspector General's Office (Procuraduria) conducts disciplinary investigations and can impose administrative sanctions, including suspension or dismissal, on military personnel. Although seldom used, the Inspector General has the authority to order the provisional suspension of personnel during the investigation of offenses involving gross misconduct. Under Colombia's Military Criminal Justice Code, the Inspector General's Office is required to exercise oversight of the military legal system. Colombian military investigators immediately notify the Inspector General's Office of the opening of any criminal investigation by military legal authorities of military personnel and provide the Inspector General with regular updates throughout the investigation.

From August 1, 2002 - April 30, 2003 the Inspector General's Office charged 27 members of the Armed Forces with human rights offenses. Of these individuals, 5 were soldiers, 2 were non-commissioned officers (NCOs), 7 were lieutenants, 12 were captains, and 1 was a colonel.

The Superior Military Tribunal reports that between September 2002 and May 2003 the military courts voluntarily transferred 57 cases involving military personnel over to the civilian judiciary for investigation and possible prosecution. The 57 cases break down as follows: 54 Army, 2 Navy, and 1 Air Force. A review by the U.S. Embassy in Bogotá of case summaries prepared by the Superior Military Tribunal in May 2003 revealed that 26 of these cases were crimes related to "grave" violations of human rights and/or for aiding or abetting paramilitaries and that all these cases were transferred to civilian courts.

The Supreme Council of the Judiciary (CSJ) resolves jurisdictional disputes between military and civilian prosecutors. Military personnel charged with a crime by civilian authorities may also challenge the jurisdiction of the civilian court. The Ministry of Defense and civilian judicial officials agree that military courts respect the decisions of the CSJ.

From August 2002 through April 2003, the CSJ ruled on eight jurisdictional disputes related to cases of human rights violations or aiding and abetting paramilitaries. Of these, five cases were transferred to the civilian judiciary and three were transferred to the military judiciary. Two of the cases transferred to the civilian judiciary involved members of the Air Force implicated in the December 1998 Santo Domingo massacre and three involved cases of homicide. The three cases transferred to the military judiciary were cases of homicide that were determined to be related to acts of service.

Section 564(a)(2)(D) requires a determination that:

The Colombian Armed Forces are covering links (including denying access to

The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary organizations.

The Colombian Armed Forces are taking effective action to sever links between military personnel and paramilitary units at the command, battalion and brigade levels. In addition, President Alvaro Uribe and Defense Minister Marta Lucia Ramirez have stated repeatedly, both publicly and in discussions with USG officials, that they will not tolerate collaboration between military personnel and paramilitary groups.

The Colombian military leadership has issued guidance to the Colombian military to address the problem of former service members who join the AUC while maintaining their connections with active duty soldiers. The Colombian military is seeking to identify former career soldiers with ties to illegal armed groups and their active duty contacts, and has expressly restricted the access of such individuals to military facilities. The Armed Forces has increased base security and force protection measures to deter unauthorized contacts between active duty personnel and criminal elements such as paramilitaries.

The Colombian Armed Forces are taking action against senior officials suspected of having links to paramilitaries. In June 2003, the Colombian Armed Forces removed General Gabriel Diaz, head of the Second Brigade in Barranquilla, from the military under its discretionary authority. Diaz has links to narcotraffickers and paramilitaries.

On November 26, 2002, Minister of Defense Marta Lucia Ramirez announced the resignation of Rear Admiral Rodrigo Quinones from the Colombian Navy. She said Quinones' resignation was accepted because the government needed to "preserve the military" and to assure the people that the members of the armed forces were "above any blemishes." Ramirez told the press that the GOC's decision in this case was also related to ongoing criminal investigations by civilian authorities into his conduct.

According to Colombian authorities, in the period of September 1, 2002 to May 27, 2003, the Armed Forces captured or detained 511 paramilitaries and handed them over to the appropriate authorities. They also killed in combat 125 paramilitaries. Since January 2003, the Colombian military has seized 389 weapons (including grenades and rocket launchers), 111 radios, 62 cellular phones, explosive material, 198 vehicles, and three airplanes.

The AUC announced, in a November 29 open letter, a unilateral ceasefire starting December 1. In December 2002, the Colombian Congress extended for four years Law 418 of 1997, which grants the President authority to negotiate with illegal armed groups. The GOC is currently involved in "exploratory talks" with some paramilitary groups to determine if formal peace negotiations would be possible. Still, the Colombian Armed Forces continue to take military action against paramilitary units.

The Colombian Armed Forces' progress in combating the paramilitaries can be seen in the following operations:

- On May 14, 2003 the Colombian Army detained 37 paramilitaries in Tame, Arauca Department. Soldiers from the Army's 5th Mobile Brigade captured the paramilitaries after a struggle that left one dead and several injured. The Prosecutor General's Office is working with the Army to identify the captured combatants. Once identified, they will be investigated by civilian authorities for determination of possible charges.
- On March 20, 2003, six paramilitaries were captured by the 24th Counter guerrilla Battalion ("Hercules de Dique") at a roadblock in Vereda Bogotó (municipality of

battalion (heroes de risda) at a roadblock in vereda bogota (municipality of Arauca) while they were moving a vehicle full of weapons and ammunition. On April 25, 2003 the Prosecutor General's Office reported the six (found to be members of the AUC "Vencedores" Bloc) were placed under preventive detention for the crimes of conspiracy, forced disappearance, torture, homicide and other crimes. The Prosecutor General's Office has opened an investigation against the six.

- On March 8, 2003, the Colombian Army's First Division and the Prosecutor General's Office launched a joint operation against the AUC's Caribbean Bloc in Santa Marta. The Prosecutor General's Office has identified 67 combatants and charged them with kidnapping, extortion, and other crimes. This joint effort was the largest anti-paramilitary collaboration between the Prosecutor General's Office and the Army to date.
- On March 1, 2003 soldiers from the 5th Energy and Road Plan Battalion confiscated a cache containing 150 7.62 caliber cartridges, two hand grenades, four mortar grenades, and various other supplies in Remolina.
- On March 1, 2003 two paramilitaries were killed in a clash with soldiers from the Maza Group, part of the army's 5th Brigade in Campo Zulia, Norte de Santander. Soldiers confiscated a 7.62 caliber rifle, a Colt 45 pistol, fifty-eight 7.62 caliber cartridges for an AK-47 rifle, a rifle grenade, and a M-26 hand grenade.

The Armed Forces have also provided support to civilian prosecutors and judicial authorities investigating and prosecuting alleged paramilitaries. Examples of this cooperation include:

- During three visits by a commission of officials of the Prosecutor General's Office (December 3-22, 2002; April 5-16, 2003 and May 5-9, 2003) to San Jose del Apartado and Cacarica to investigate violations of human rights and international humanitarian law by members of paramilitary organizations, the 17th Brigade in Carepa provided security in San Jose de Apartado and the 50th Marine Battalion provided security and logistical support in Cacarica. The Prosecutor General's Office acknowledged they would not have been able to enter these areas without the support of the Armed Forces due to the continuous presence of both the FARC and AUC.
- During an investigation in late March 2003 in Guapi and Puerto Saija to investigate cases of homicide and conspiracy by paramilitary members, the Prosecutor General's Office reported that 40 Marines from the base in Guapi accompanied the commission and provided transportation and security for the investigators.
- From October – December 2002 with logistical and transportation support provided by the Army's Third Brigade a commission from the Prosecutor General's Office entered the Department of Cauca and captured 35 alleged members of the AUC, 8 of them commanders and 1 chief of finance. They also confiscated vehicles, weapons, and ammunition. These individuals were arrested and are currently being detained by the Prosecutor General's Office pending an investigation and determination of charges.
- As a result of an October 16-30, 2002 investigation led by the Prosecutor General's Office to Puerto Torres, and supported by the Armed Forces, arrest warrants were issued and later executed against AUC member Efrain Martinez Sarmiento who was placed in preventive detention on November 8, 2002; Nevarado Antonio Millan Sánchez, 1st Commander of the "Sur" Bloc of the AUC; and Everado Bolaños Galindo, 2nd Commander of the "Sur" Bloc. Bolaños Galindo was arrested and placed in preventive detention on December 16, 2002.

was arrested and placed in preventive detention on December 16, 2002.

Section 564(a)(2)(E) requires a determination that:

The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

The Armed Forces have provided support to civilian prosecutors and judicial authorities investigating and prosecuting alleged paramilitaries. The Colombian National Police are responsible for executing arrest warrants in urban areas, but the Armed Forces frequently execute arrests in rural areas or areas where there is no police presence.

The Human Rights Unit of the Prosecutor General's Office reports from August 1, 2002 to May 7, 2003 they have 225 arrest warrants open against members of paramilitary organizations. During this same timeframe, an additional 360 arrest warrants were executed by the Human Rights Unit with the help of the Armed Forces.

Examples of paramilitary leaders arrested with the help of the Armed Forces of Colombia and handed over to the appropriate authorities include:

- Said Sepúlveda Rios ("Wolman" or "Oscar"), leader of the AUC's Fidel Castano Gil urban front of the Central Bolivar Bloc, captured on June 21, 2003. Under Sepúlveda's command, roughly 200 men perpetrated dozens of massacres and selective killings in Barrancabermeja.
- Eliécer Antonio Sepúlveda Urbina ("Byron"); Leader of Finances in Popayán, Cauca Department, captured on September 7, 2002.
- William de Jesús Granda David ("Jimmy"); Second Commander in Cauca Department, Calima Bloc, captured on November 14, 2002.
- Armando Lugo ("Oscar" or "El Cabezón"); Commander in Cauca, captured September 7, 2002.
- Miguel Angel Paez Hernández ("Michael"); Urban commander of Tambo, Cauca Department, Calima Bloc, captured November 14, 2002.
- Franklin Salazar Argel ("El Costeño"); Urban commander of Popayán, Cauca Department, Calima Bloc, captured November 14, 2002.
- Juan Carlos Aragon Vidal ("Juan Carlos"); Municipal commander of Puerto Tejada, Cauca Department, Calima Bloc, captured November 27, 2002.
- Carlos Fabio Viscunda ("Pedro"); Urban commander of Puerto Tejada, Cauca Department, Calima Bloc, captured November 20, 2002.
- Never Sadoc Hernández Charraquiél ("Felipe"); Urban Commander of Bordo, Cauca Department, Calima Bloc, captured August 21, 2002.
- Felix Manuel Sandon Ramírez ("El Flaco" or "David"); Urban commander in Mercaderes, Cauca Department captured January 15, 2003.
- Jose Ruben Peña Tobon ("Lucho"); Commander of the "Compania Centauros" Vencedores Bloc, Arauca Department captured March 20, 2003.



Google Search



Search WWW



Search cponline.org

[Asia](#) | [Colombia](#) | [Cuba](#) | [Financial Flows](#) | [National Security](#) | [Joint Projects](#)

[Center for International Policy](#)
1717 Massachusetts Avenue NW

Suite 801
Washington, DC 20036
[\(202\) 232-3317](tel:(202)232-3317) / fax (202) 232-3440
cip@ciponline.org