

Reports on Human Rights in Colombia

1/96 -- Report on Social Cleansing in Colombia

NO HUMAN BEING IS DISPOSABLE:
Social Cleansing, Human Rights, and Sexual Orientation in Colombia
By Juan Pablo Ordoñez
Introduction by Noam Chomsky
A joint report of
the International Gay and Lesbian Human Rights Commission,
the Colombia Human Rights Committee (Washington, DC),
and Proyecto Dignidad



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"A new and sweeping utopia of life, where no one can decide for others even how to die, where love is real and happiness is possible, and where generations condemned to 100 years of solitude finally and forever have a second opportunity on the earth."

Gabriel Garc'a Marquez

Speech on receiving the Nobel Prize for Literature, 1982

The International gay and Lesbian Human Rights Commission (IGLHRC) is a San Francisco based non-governmental human rights organization. IGLHRC's primary work is to monitor, document and mobilize responses to human rights abuses against bisexuals, lesbians, gay men, transgendered people, people with Human Immunodeficiency Virus, and those oppressed due to their sexual identities or sexual conduct with consenting adults.

The Colombia Human Rights Committee (CHRC) is a non-governmental organization based in Washington, D.C. which coordinates a network of Colombian Human Rights organizations based in eight U.S. cities. The CHRC works to broaden the current narrow understanding of the human rights situation in Colombia by increasing contact between U.S. policy makers, opinion shapers, and intergovernmental bodies and non-governmental human rights activists based in Colombia.

Project Dignity for Human Rights in Colombia (Proyecto Dignidad por los Derechos Humanos en Colombia) was founded in 1994 to investigate, document and help to end the epidemic of "social cleansing" violence that afflicts Colombia's urban poor. Through international pressure, legal proceedings, and collaboration with other human rights groups, Project Dignity aims to force the Colombian government to take action against the perpetrators of "social cleansing" operations, to defend the basic human rights of all Colombians, and to stop the torture, disappearance, and murder of innocent citizens.

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PREFACE

In late 1990, shortly after graduating as a lawyer from the Universidad Externado de Colombia, I was employed as a law professor at the Training Academy of the Technical Corps of the Judicial Police (Cuerpo Tcnico de Policia Judicial). One day I had to go back to my office to get some documents I had left behind, and when approaching the building I heard cries of pain and desperation. I ran in to find out what was happening and was shocked to discover that five men were being mistreated by some of the instructors, in front of a large group of academy students. I saw someone throw water on one of the victims and then an instructor proceed to apply electrical shocks. Enraged, I asked what was happening. One of the instructors answered: "You needn't get upset, sir, they're just disposables." This was the first time I'd ever heard the term "disposable" used to refer to a human being; it was at that moment that I began to take an interest in the kind of violence known as "social cleansing."

Shortly afterwards I quit my job as a law professor to take on the challenge of serving as chief of a criminal investigation unit. In law school I'd dreamt of achieving justice for all, but that dream quickly turned into a nightmare, because justice in Colombia is a utopian idea for which one cannot fight without incurring major personal risk. It is impossible to work as an investigator in the government criminal investigative office (Instrucci-n Criminal, now known as the Fiscal'a General [Public Prosecutor's Office]) unless one compromises the most fundamental principles of honesty and respect for the human rights of others, unless one adopts an attitude of silent complicity toward what one sees every day. During the few months I worked with Instrucci-n Criminal the extent of corruption and abuse, coupled with my decision not to go along with it, led to several death threats. In April, 1991, I was physically attacked during an assassination attempt, and I was forced to flee the country.

In the very short time I held this investigative post, I initiated counter-intelligence operations and disciplinary proceedings against almost all the operative personnel of my own office. We found evidence of their involvement in a whole array of corrupt practices and abuses of innocent individuals. We also arrested members of the National Police engaged in an act of extortion. In addition, after coming upon clear evidence of the direct participation of members of the National Police, I initiated a preliminary inquiry into the killings of more than forty so-called "disposable" individuals in "social cleansing" operations that took place between July and October, 1990.

Just as I was preparing to flee the country, two investigators from my staff, both of whom I fully trusted, were arrested and charged with serious crimes. I delayed my departure to defend them in court; it turned out that the crimes they were being accused of had supposedly occurred in Medell'n at a time when they were in Bogot#, and the charges against them were thrown out twenty days after their arrest.

At the same time, the National Director of Instrucci-n Criminal began a campaign to discredit me based on my homosexuality, initiating a preliminary disciplinary investigation of "conduct that affects the good name of the Public Administration." The attorney he appointed to investigate concluded that if I were homosexual it was an entirely private matter and did not affect my job as a public servant. The National Director of Instrucci-n Criminal, in an exceptional decision, rejected the investigative attorney's findings and formally initiated the disciplinary process.

When I finally attempted to leave the country, the Administrative Security Department (Departamento Administrativo de Seguridad, or DAS) withheld my passport until the last moment, alleging that it had been falsified. Since then the DAS has posed similar obstacles to my entering and leaving Colombia.

During the three years I lived in exile I continued to work for human rights from abroad, with special emphasis on the form of violence known as "social cleansing" and on violations of the fundamental rights of sexual minorities in Colombia. In March 1994, several individuals concerned about the alarming human rights situation in Colombia decided to found Project Dignity for Human Rights in Colombia (Proyecto Dignidad Por Los Derechos Humanos en Colombia), a non-governmental organization whose objective is to promote and defend the human rights of "social cleansing" victims.

In April 1994, I returned to Colombia to do research and obtain documentation on "social cleansing" and the rights of sexual minorities. This report contains the results of my work, which I have been able to do thanks to the combined efforts of the International Gay and Lesbian Human Rights Commission, the Colombia Human Rights Network (United States), and Project Dignity for Human Rights in Colombia.

The first step in the research was to approach both government human rights related offices and non-governmental human rights organizations to collect whatever information they had on these issues. At the same time I fostered relations with groups of marginalized persons. I then approached another series of organizations working with victims of "social cleansing." I canvassed the files of several leading newspapers and magazines. And during the final months of research I spent several weeks with each of the various groups victimized by "social cleansing," interviewing people as well as learning a great deal from my own direct experience.

The major difficulty I came across in the course of this research involved collecting testimony pertaining to specific cases of "social cleansing" violence. Due to the panic felt by members of the victimized groups, many people who told me of their experiences asked that I not publish their names, fearing that somehow they might be identified and killed. In consideration of their requests, I have withheld their names and also avoided describing certain experiences in complete detail.

Juan Pablo Ordo-ez

INTRODUCTION

By Noam Chomsky

Two facts about Colombia are crucial to bear in mind. The first is that Colombia has a horrendous human rights record, the worst in the hemisphere—not an easy prize to win. Political killings are variously estimated at 5 to 10 a day, mostly by the state security forces or their paramilitary associates. The second fact is that Colombia receives about half of U.S. military aid for the hemisphere, increasing under President Clinton, who turned to emergency overdrawing facilities when the Pentagon budget did not allow the increase.

State terror in Colombia has been appalling through the '80s, becoming even worse under the most recent ex-president, César Gaviria. He has been a special favorite of the United States, so admired that the Clinton Administration rammed him through as Secretary General of the OAS, in a power play that was much resented in the hemisphere. Washington praised him particularly for his steps towards "building democratic institutions in a country where it was sometimes dangerous to do so."

That it is dangerous to enter the public arena in Colombia is not in doubt. Thousands of members of the one real opposition party—the two that share political power have been aptly designated by a former President as "two horses [with] the same owner"—could easily testify to the dangers, had they not been murdered, including presidential candidates, mayors, and many activists. President Gaviria helped substantially to maintain and expand these dangers.

No patterns are broken by the fact that the hemisphere's leading human rights violator is the prime recipient of military aid and other support, or that the fact passes without notice. That's par for the course. An important study of the topic was published in 1981 by the leading academic specialist on human rights in Latin America, Lars Schoultz. He investigated U.S. foreign aid and torture in Latin America, and found that they correlated closely. As he put it, U.S. aid "has tended to flow disproportionately to Latin American governments which torture their citizens, ...to the hemisphere's relatively egregious violators of fundamental human rights." This continued right through the Carter years, including military aid uncorrelated with need.

These facts might lead a superficial observer to conclude that the U.S. government just likes torture. But causal connection can't be deduced from a correlation; we have to look further. This was done in a broader study carried out at the same time by an economist at the Wharton School of the University of Pennsylvania, Edward Herman, published in a book we co-authored in 1979. Herman studied the relation between torture and foreign aid worldwide, finding that the same correlation held: states that engage in torture are more likely to receive U.S. aid. But Herman also did a second study which offers a plausible explanation for the correlation. He compared U.S. aid with the climate for business operations, finding that the two were closely correlated. That makes sense. Foreign aid, after all, is largely a device whereby the U.S. taxpayer subsidizes U.S. corporations via some other country, which may incidentally gain from the process. Resorting to this device increasingly as opportunities for profit improve is completely natural, given the sources of policy-making.

Why then should there be a correlation between U.S. aid and torture? That becomes clear when we ask how the climate for business operations is improved. The answer is straightforward and well known: by torturing union leaders and human rights activists, murdering priests who are trying to organize peasants, and so on. Putting all this together, we find a derivative correlation between U.S. aid and torture. The proper conclusion then, is not that U.S. leaders enjoy torture; rather, it is a matter of indifference. What they care about is profits for U.S. investors, which just happen to be correlated with torture. Hence torture is rewarded, indirectly. The phenomenon is global, and understandable.

The case of Colombia sharpens the conclusion. A fine way to maintain a favorable investment climate is to create a society with formal democracy, but equipped with devices to ensure that it doesn't function to impede what

really matters: enriching the wealthy. Under those conditions aid can flow freely and profits are not reduced by such interferences with the market as unions and human rights. The Latin American Bureau in Britain once described Colombia as a "democracy without people," which is pretty much accurate. Such a "democratorship," to borrow the term coined by Eduardo Galeano for Colombia, will naturally resort to torture, killing, "social cleansing," and other such procedures, so as to maintain an economic system in which half the children are hungry while the few live in luxury, along with foreign investors. That is what security forces are for. And it is the prime reason for military aid from the great power that has "assumed, out of self-interest, responsibility for the welfare of the world capitalist system," in the words of diplomatic historian Gerald Haines, senior historian of the CIA, discussing the U.S. takeover of Brazil in 1945.

The application of the general principles of world order to Colombia was explained lucidly by the president of the Colombian Permanent Committee on Human Rights, Alfredo Viquez Carrizosa. He observed that Colombia has been progressing towards democracy not only since President Gaviria took over but since 1886, when its Constitution granted a wide range of rights, also instituting a state of siege that has persisted with little change so that, "behind the facade of a constitutional regime we have a militarized society," with immense suffering and injustice.

It's not that Colombia is an impoverished society. It has enormous material resources, and might have undergone significant industrialization if the ruling business classes had not been so committed to free market policies. One of the small secrets about economic development, well known to economic historians, is that such policies impede development. Part of the reason why today's First and Third Worlds have diverged so radically since the 18th century is that the First World followed policies of protectionism and other state intervention, the U.S. often leading the way, while the Third World was subjected to market discipline, which was rammed down their throats. What possibilities there might have been for an industrial revolution in Colombia were aborted by its adherence to the rules taught by the IMF, the World Bank, and much of the academic profession.

The result is that Colombia is a rich country, but a very poor one for most of the population. Land is a big problem, not because it is in short supply, but because it's owned by a tiny number of people. Land reform legislation has been on the books since 1961, but it isn't implemented. The reason is that the country is run by the landowners and the army, which works for them and which is paid for by U.S. taxpayers. The current system was pretty well established by the Kennedy Administration, which in 1962 made a decision of immense significance for the hemisphere it controlled. It changed the mission of the Latin American military from hemispheric defense, a residue of World War II, to "internal security" — a code word that means: war against the population. The shift was implemented in planning, training, and material. It set off a plague of repression throughout the hemisphere beyond anything in its very bloody history. Some years later, the official in charge of counterinsurgency for the Kennedy and the early Johnson Administrations, Charles Maechling, described what happened clearly enough: the 1962 decision led to a change from toleration "of the rapacity and cruelty of the Latin American military" to "direct complicity" in "the methods of Heinrich Himmler's extermination squads."

The latter reference is appropriate. In his book *Instruments of Statecraft*, Michael McClintock describes how after World War II, Nazi specialists in counterinsurgency were brought to the United States to help develop the postwar manuals for training in counterinsurgency, modeled on the methods used by the Nazis to suppress the resistance. Maechling's reference to the neo-Nazi states, established throughout the hemisphere with the support of the Kennedy Administration and its successors, is more than metaphor.

The Kennedy intellectuals grasped the issues in their own ways. In internal communications in 1965, Defense Secretary Robert McNamara pointed out to National Security Advisor McGeorge Bundy that U.S. military training had provided Latin American officers with "the understanding of, and

orientation toward, U.S. objectives." That is important, he explained, because "in the Latin American cultural environment" it is recognized that the military must be prepared "to remove government leaders from office, whenever, in the judgment of the military, the conduct of these leaders is injurious to the welfare of the nation." He didn't say which nation he had in mind, but since they have the proper "understanding of and orientation toward U.S. objectives," I guess it really doesn't matter.

McNamara was doubtless thinking of the event described by Kennedy's Ambassador Lincoln Gordon as "the single most decisive victory of freedom in the mid-twentieth century," "a great victory for the free world" which should "create a greatly improved climate for private investment." Gordon was referring to the military coup in Brazil which overthrew the parliamentary regime and instituted the first of the neo-Nazi national security states of Latin America, with a domino effect that led to similar victories for "freedom" over much of the hemisphere.

Displaying their understanding of and orientation toward U.S. objectives, the Brazilian generals instituted an impressive wave of torture, murder, and other state terror. By these means, they created an "economic miracle." Brazil became "the Latin American darling of the business community," the business press exulted. Foreign investors did very nicely, as did a small sector of Brazilian society, some living in extraordinary luxury while much of the population was sinking to the conditions of Central Africa. That's virtually the definition of the technical term "economic miracle," as you discover if you look around the world, including Mexico, lauded as "an economic miracle" until December 19, 1994, when the bubble burst and the U.S. taxpayer was called on, as usual, to protect the rich from market discipline.

The effects of the new policy guidelines extended to Colombia. In the 1960s, V&#squez Carrizosa continues, violence was "exacerbated by external factors" as the Kennedy Administration "took great pains to transform [Latin American] regular armies into counterinsurgency brigades, accepting the new strategy of the death squads," and thus "ushered in what is known in Latin America as the National Security Doctrine, ...not defense against an external enemy, but a way to make the military establishment the masters of the game... [with] the right to combat the internal enemy, as set forth in the Brazilian doctrine, the Argentine doctrine, the Uruguayan doctrine, and the Colombian doctrine: it is the right to fight and to exterminate social workers, trade unionists, men and women who are not supportive of the establishment, and who are assumed to be communist extremists." The military is able to carry out these tasks once they have gained a proper "understanding of and orientation towards" U.S. objectives, thanks to the training paid for by U.S. tax dollars along with the arms to do the job.

The Colombian Minister of Defense explained that the official apparatus of terror is designed for "total war in the political, economic, and social arenas." Officially the targets are guerrilla organizations. But as a high military official explained in 1987, these are of minor importance: "the real danger" is "what the insurgents have called the political and psychological war," the war "to control the popular elements" and "to manipulate the masses." The "subversives" hope to influence unions, universities, media, and so on. Therefore, "every individual who in one or another manner supports the goals of the enemy must be considered a traitor and treated in that manner." The last is a quote from a 1963 military manual provided under the guidance of the Kennedy instructors and the Nazi advisors.

As I write this, the current edition of The New York Times [13 march 1995] provides a rare window on the official doctrine, referring to Argentina in the late 1970s. It reports the remorse of a naval officer over his participation in torture, drugging, and throwing people out of airplanesÑ the "Argentine doctrine" that proceeded with U.S. support, which is placed in the shadow in today's news item.

Perhaps in 20 years we'll learn something about the "Colombian Doctrine" that is being implemented today. We can learn something right now if we

like, even from official sources, which recently provided a unique window into how they operate: the report of a commission set up by the Colombian Government to investigate the Trujillo massacre of March 1990. It gives a graphic account of the "Colombian Doctrine," which is to say, U.S. doctrine. This 186-page report documents one atrocity, which by miraculous accident was investigated. The commission included members of the Colombian government, army, and police. It was established under pressure from the OAS (Organization of American States) and others. Its account is very much like what everyone can read in shocking detail in the regular reports of Amnesty International, Human Rights Watch/Americas, and other inquiries that are constantly appearing but almost never reported.

After entering the region where the village is located, the Armed Forces and National Police compelled someone to state under torture that he had been associated with the guerrillas and to provide names. Then, the report says, "the horror began." People were "dragged out of their homes, tied up and taken to the luxurious hacienda" of a "well-known drug trafficker" and "shut into a fertilizer shed." Just after 7AM, the officer in charge, Major Urue-a, arrived with an associate. "First, they had breakfast. Then, the Major and several members of the armed group went into the shed and demanded each person's identification papers and belongings." The people were then taken blindfolded, one by one, for interrogation, beginning with a 59-year-old woman. "A coffee sack was tied over the head of each victim and he was thrown onto the ground. Then Major Urue-a took a water hose, turned it full force on the face of each victim—the mouth and nose—and began to interrogate them. When he finished, the victims were piled one on top of the other, and someone called for the blowtorch and the chain saw. Each victim was decapitated, cut into pieces with the chain saw and left to bleed. The heads and torsos were put into different sacks, and, later that night, loaded into a blue 1956 Ford truck, driven down to the Cauca river, and dumped into the water."

A month later, the headless body of Trujillo's parish priest was "fished out of the river," the 27th victim. By then, one of the participants, a civilian auxiliary to Major Urue-a, had fled and reported what had happened to the Colombian judicial authorities. He was later "disappeared," and has not been heard from since. The authorities dismissed his charges, acquitting everyone implicated. The atrocities continued.

The story was reported by the Jesuit-based human rights group Justice and Peace (Justicia y Paz). Its director, Father Javier Giraldo, was able to interest the Human Rights Commission of the OAS, leading finally to this report. It concludes that the Colombian Army and police officers were directly responsible for the massacre and that the government and justice system were to blame for covering it up, specifically implicating Major Urue-a. The Commission recommended criminal investigations, but expressed its "pessimism" that the pattern of impunity can be breached, and records the strong opposition of the Colombian government members to the "exploration" of international legal mechanisms, consistent with the norms of the "democratorship" that is successfully "building democratic institutions in a country where it was sometimes dangerous to do so."

Justice and Peace reports over 350 other massacres since Trujillo, none of them investigated. This one exception, they point out, "gives insight into the moral fiber of former Colombian President César Gaviria—now Secretary General of the O.A.S., who for four years turned a deaf ear" to requests for investigation of the massacre carried out during his term in office. And also into "the values and principles" of the army—but more important for us in the U.S., the values and principles of those who train and arm and instruct the army, along with others that follow similar doctrines.

To his credit, the new President, Ernesto Samper, on receiving the report accepted Colombian government responsibility—a historic first, I think. Urue-a, who had been rewarded by promotion to Colonel, was removed from active service; that's his punishment. The army "rallied around the Colonel," Justice and Peace reports, and its commander dismissed the Commission's findings as "a farce." The report was presented to the OAS on February 7th

with an agreement that in six months, Colombia must respond. The Justice and Peace report ends by saying: "The country is waiting." How long it waits depends in large measure on what we do in the United States.

That's the one case that the government officially concedes. Years after the events, the governments of Brazil and Argentina are conceding some of what happened after the historic 1962 change—not Chile, where the army is still granted impunity and substantial control. It's good to learn how U.S. tax money is spent in the "Latin American cultural environment." Possibly some day there'll be questions raised here about the "North American cultural environment," but we'll wait a long time for that unless we do something about it, while plenty of people continue to suffer.

Atrocities in the region reached their peak during the Reagan years. That's why the studies I mentioned about torture and aid have not been duplicated since 1980. No one bothers to prove that 2 and 2 is 4. And it's still going on, the worst human rights violator in the hemisphere being rewarded by the largest grant of U.S. military aid.

The 1980s saw "the consolidation of state terror in Colombia," a European-Latin American inquiry into State Terror concludes. Training of Colombian officers increased along with terror. In the 1980s Colombia benefited from the largest U.S. training program, with three times as many officers trained as El Salvador—which wasn't too pretty either. They have also had Israeli, German, and British instructors, who train not only the army but also assassins and paramilitary forces linked to the drug cartels. Colombian intelligence (DAS) reports further that "North American instructors"—that means U.S. instructors—have been "detected" at these training camps. This 1988 report has yet to be published here in the mainstream, as far as I know, and if it's been followed up, I haven't heard about it.

I won't say any more about the hideous record of state terror, easily accessible to anyone interested. The pretext for U.S. support for these atrocities is the drug war, which became a national obsession when it was launched by George Bush in September 1989; re-launched, one should say, since this is a regular event. A month before, the largest shipment of arms ever authorized under the emergency provisions of the Foreign Assistance Act was sent to the Colombian army, setting the stage, William Hartung reports, "for sending more U.S. weaponry to Colombia than it had received in the entire decade of the 1980s," which was plenty. They were sent to the army—helicopters, planes, and so on, useless for the drug war, as was pointed out at the time. About 90-95% of counter-narcotic operations are conducted by the National Police, but not with bombers and helicopters. These have other uses. Human rights groups soon reported bombings of villages, massacres, and other atrocities. The effects of the arms shipments might well have been to strengthen the links between the security forces and narcotraffickers, and the land owning classes associated with them.

Colombia gets arms from other countries too, though in part that is a cover for U.S. arms shipments. Israel, in particular, is one of the funnels through which the United States sends arms to favored clients. Recall that the U.S. alone provides half of all its military aid in Latin America to Colombia. When we add the indirect aid it provides through its clients, and the contributions of other members of Washington's international terror network (including Britain, Germany, Taiwan, Israel, and so on), the aid to Colombia is quite substantial. There's a lot of talk right now about the Omnibus Anti-Terrorism Bill, with an odd omission: the center of international terrorism, where the bill is being debated.

Apart from its role in maintaining the "democratorship" and favorable investment climate, sale of arms to Colombia serves other needs. One of the leading monitors of international arms sales, William Hartung, points out in a recent book that the addiction to arms sales to the Third World is considerably more serious than drug addiction. The U.S. now has close to three-quarters of this market, making the term "addiction" more than appropriate. This is one of the ways to keep the Pentagon at approximately

Cold War levels. True, the "Soviet threat" has substantially reduced, but without lessening the threat to our security, which the government now sees in "the technological sophistication of Third-World powers." For that threat to justify a big Pentagon budget, we have to make sure to send advanced armaments to the Third World. Otherwise, where will they obtain the technological sophistication that we have to find ways to protect ourselves from?

This is all explicit and frank in military journals and business propaganda. Thus you can read in Jane's Defense Weekly, the major international military journal, that U.S. tax dollars are now going to pay Lockheed-Martin to upgrade F-16s for sale to Third World countries with loans from the Export-Import Bank, a further gift from U.S. taxpayers. And plainly taxpayers now have to fund the corporation to produce F-22 advanced fighters to defend us from the upgraded F-16s that we're sending to potential enemies. The corporate headquarters happens to be in Cobb County Georgia, represented in Congress by a gentleman named Newt Gingrich, who has been able to bring home more federal subsidies than any suburban county in the country outside of Arlington Virginia (part of the federal government) and the Florida home of the Kennedy Space Center (another part).

The arms sale addiction is only a small piece of a much larger one, on which the economy heavily depends. Military spending has generally long served as a cover for distributing public funds to advanced industry, military or not. Sale of arms to Colombia helps marginally here too. Another factor that contributes to the correlation between military aid and torture.

Let's turn finally to the drug war, the pretext for all of this. Colombia became a major producer of cocaine in the late 1970s. Why? In fact, why do peasants in Latin America even bother to produce coca, apart from their own use, as they've done forever? The reasons are rooted in the social and economic policies imposed on the Third World. The rules dictate that they have to stop producing for their own needs, and turn export. And unlike the rich Western countries, they have to open their markets, specifically, to subsidized U.S. agricultural exports, which undermine domestic production. The local farmers are to become "rational producers" in accord with the precepts of modern economics, producing crops for export. And being rational, as they are, they turn to the crops that make the most money. Accordingly, coca production has just shot out of sight, helping to undergird "economic miracles." Jeffrey Sachs of Harvard, who has more recently been plying his trade in Poland and Russia, won his fame by setting things in order in Bolivia in 1985. Bolivia was in real trouble, but he instructed them in the proper free-market theory, and pretty soon all was fine, with good macro-economic statistics, and so on. There were also some side effects. One was that the "miracle" was relying very heavily on coca exports. Much the same is true in Peru.

Similar reasons lie behind Colombia's turn towards narcotrafficking. There were others as well. In 1988, the U.S. compelled coffee producers to break an agreement that had kept prices at some reasonable level. The price of coffee, Colombia's main export crop, fell 40%. When coffee prices collapse and half the children are already starving, people are likely to turn to where there are opportunities, thanks to the North American drug market. One major impetus for the huge increase in the flow of drugs is the free-market policies imposed on the Third World.

A second reason, somewhat narrower, has to do with U.S. drug policies. Their design has driven people from relatively harmless marijuana to hard drugs like cocaine, in ever more lethal form. Colombia shifted from producing marijuana to far more profitable and easily transportable cocaine.

Another question that arises about the drug traffic has to do with its scale. A recent study by the OECD—the organization of the rich countries—estimates profits from the international drug traffic at almost half a trillion dollars a year, of which over half circulates through the U.S.

financial system. That suggests a way to deal with the drug problem: look at the place that is handling more than half the profits, U.S. financial institutions. What about Colombia? According to the OECD report, it receives about six billion dollars, which is 2 to 3% of what remains in the United States. "The big business is therefore in that country," the United States. I'm quoting from a review of the study by a member of the Andean Commission of Jurists and the Latin American Association of Human Rights, published by the leading newspaper in Mexico, Excelsior, which published the report of the OECD study that tells us where the drug business is really going on.

What about the banks that are handling over 56% of the immense profits generated by narcotrafficking, according to the OECD? That's presumably illegal. In 1979 the government launched Operation Greenback, targeting banks that were handling drug money, which is apparently not too difficult to monitor. Huge sums of money were suddenly coming into Miami banks just as the cocaine racket was picking up steam, so the Justice Department went into action. But not for long. The operation was called off in 1982 by the drug czar of the Reagan Administration, vice-President George Bush. We therefore lack any further information about the estimated \$260 billion a year of drug money that flows through the U.S. financial system.

Other places are easier to investigate, like Panama. Recall that right after the drug war was announced again with huge fanfare by then-President Bush, the U.S. invaded Panama to protect us from the evil Hispanic narcotraffickers led by the arch-fiend Noriega. The invasion placed back in power the European elite of bankers and narcotraffickers. The new Attorney General and Treasury Minister, for example, had been directors of the First Inter-Americas Bank, which had been closed by Noriega because it was implicated in drug trafficking. President Endara, installed by the U.S. Army, along with his law firm, were also involved in the racket, it was reported. Since the invasion, Panama has grown as a narcotrafficking center, with perhaps twice as many narcotics flowing through as before.

One part of the drug racket is banking; another is the chemical industry. In 1989, in the six months preceding the announcement of the drug war the Colombian police found 1.5 million gallons of chemicals used for cocaine production, many of them with U.S. corporate logos on them. The CIA had reported that U.S. exports of such chemicals to Latin America far exceed any legal uses, while the Congressional Research Service concluded that more than 90% of the chemicals used for drug production come from the United States. So that suggests another way to deal with the narcotrafficking problem, if the war against drugs is a war against drugs, not something else.

Any discussion of substance abuse is seriously distorted if it avoids the leading killer, tobacco. The former head of the U.S. Office of Drug Abuse Policy, Dr. Peter Bourne, pointed out that the number of Colombians who die every year from substances produced in the United States far exceeds the number of North Americans who die from cocaine. The same is true here. Furthermore, unlike tobacco, cocaine is not subsidized by the U.S. government, except for the support we provide to the military who are involved in the racket, and isn't publicly advertised. There's no cocaine counterpart to the Marlboro Man. And Colombia does not strong-arm the U.S. into permitting aggressive advertising and distribution of cocaine, imitating Washington's behavior in Asia in support of its favored lethal substance. That is a major story in itself, which adds needed perspective to the narcotrafficking discussion, but I won't go into it here.

What about President Gaviria, Washington's good friend? Under his rule, the human rights record got even worse, but he did destroy one of the two big cartels, the Medellin cartel—handing its business over to its main competitor, the Cali cartel. The same Justice and Peace group published a report on this recently. According to their account, the two cartels were different in nature. The Medellin Cartel had lower class origins. Pablo Escobar, who ran it, was from the slums, and many of those involved were peasants or lower middle class, or workers who'd entered the rackets. And

apparently the Medell'n Cartel, though very brutal, had a populist character, like some city bosses and mafia elements. They had gained popular support by building sports fields, helping poor people in need, and so on. The Cali cartel, in contrast, is strictly business, like the banks and chemical corporations. With the elimination of its Medell'n rival, it now controls most of the drug trade in Colombia, according to the report.

The U.S. has tried to help now and then. In the 1980s, when the cocaine traffic was building up, the government of Colombia approached the United States for assistance in building a radar station to detect low-flying planes coming in from the main coca producing regions. The Reagan Administration was very enthusiastic about this idea, and did in fact construct a radar station for Colombia. The station was built on San Andres Island, which is as far as you can get on Colombian territory from the routes of the drug planes, but is off the coast of Nicaragua and therefore could be used to assist in Washington's terrorist war against Nicaragua.

In the same years, Costa Rica approached Washington with a similar request, and again help was offered. Costa Rica, however, turned to British experts for advice and analysis, and was informed that the station that the U.S. was planning to build would serve no drug purpose, but would be useful for aerial surveillance of Nicaragua. It could therefore help guide the U.S.-trained terrorists to attack "soft targets" like health clinics and agricultural cooperatives. Costa Rica didn't go along with the proposal, and this story too fell through the cracks.

The drug war serves several purposes. In part, it is a cover for counterinsurgency and sustaining the "democratorship." It also makes a small contribution to the arms production addiction. And it provides valuable mechanisms for locking up the superfluous population at home, an important matter as a major effort is underway to turn the United States itself into a society with striking Third World characteristics. Here, we don't (yet) carry out social cleansing by the security forces, so other means are needed for dealing with people lacking human rights because they do not contribute to profit-making. Locking them up makes sense, also providing a Keynesian stimulus to the economy. For that, the drug war is ideal, and it is used substantially for that purpose.

A large part of the jail population is there for victimless crimes, which are carefully crafted. Take cocaine. The drug of choice in the ghettos is crack, and penalties for possession are very harsh; the drug of choice in the rich white suburbs is powder, with much lower penalties. Typical class-based legislation.

All of this explains a good part of what the drug war is about, and also why the U.S. prison rate is zooming beyond any developed country, and expected to continue to rise.

The drug war is also useful for frightening the population. When social policies are designed to harm the large majority, the intended victims have to be kept from seeing what's happening to them. There are a few classic methods. One is to get them to fear one another. The drug war probably has that effect. It's hard to test the impact on the general population, but it is easier to see how it affects articulate intellectuals. For an example, a recent issue of the Harvard Magazine, the journal that goes to alumni, has a cover story on someone who has developed new leadership techniques that are considered quite sensational. They're teaching them in business schools, and so on. He gives examples of how these techniques work, and how they can improve leadership. The main example he gives is George Bush's announcement of the drug war. Bush made a mistake, he says, not following these new methods. He describes how Bush came into office at a time when great fear and concern about drugs was spreading all over the country, so he reacted by declaring the war on drugs and going after Noriega to try to stop narcotrafficking. But it didn't work, because those are not the right leadership techniques.

The only problem with this analysis of improper and proper leadership is

that concern about drugs was very low when Bush entered office, and remained so until the drug war was announced. There was plenty of concern about the budget, jobs, and other matters, but drugs were very low on the list. When Bush announced the drug war and the media went into operation with a really massive propaganda offensive, the polls showed a dramatic change. Drugs became a major concern as the result of highly effective propaganda, following the leader. At least among intellectuals, the right message may well have been established, one that's the opposite of the facts. Not an untypical feature of the intellectual culture, I should say.

One last comment: Colombia's tragedy, and that is what it is, has indigenous roots. For us in the U.S., the external causes are the ones of greatest importance, because these we can influence. But the sources are internal as well. This century opened with a civil war in Colombia in which perhaps a hundred thousand people were killed. A populist leader was murdered in 1948, and shortly after, power fell into the hands of the first formal fascist to take power after the Second World War, a supporter of Franco, who received U.S. backing. These events were followed by a huge upsurge of violence in which hundreds of thousands of people were killed. The U.S. role really begins in a major way with the Kennedy Administration as part of its general plans for Latin America, and has been highly significant since.

There also are complex links to our own society, which merit thought as well. The basic point was made more clearly and effectively than I can express it in a letter I received recently from a friend who is a leading Colombian human rights activist, Cecilia Zúrat-Laun. I'll just quote from her letter, hoping that she won't mind; this wasn't prepared for publication, just a casual letter.

She is discussing a meeting of the Women's International League for Peace and Freedom, one of the few groups in the world that actually does something for poor and suffering people. It has an American branch, which just came out with a document called "The Women's Peace and Justice Treaty of the Americas"Ñan excellent statement, in my opinion, well worth reading and implementing. I don't expect to see a front-page article about it soon, but you can obtain it, and I'd advise doing so. She writes: "I firmly believe that everything is interrelated, since the real culprit is the economic system, and it is very important that the American people start connecting issues abroad with their own reality, starting with its foreign policy, since things do not happen in a vacuum. I will use an example to make my point: the drug issue. The children of poor women, who in Colombia have no opportunities because the society has abandoned them, and are forced to be hitmen or to work in the cocaine laboratories to make cocaine, or that are recruited to be members of a death squad teamÑthey are in the same situation as the children of poor women in the United States who are forced to sell cocaine on the corners of the streets, or to be lookouts for the salesmen, and so on, and for the same reasons. The only difference is that the ones speak Spanish and the others speak English. The tragedy is the same."

I think she's right, and the tragedy is being heightened in both countries by deliberate and self-conscious social policy. Meanwhile we in the United States watch, and so far do nothing. If that is our choice, it's not hard to imagine the prospects.

PART I

GENERAL OVERVIEW OF VIOLENCE IN COLOMBIA

1. Introduction

The average annual homicide rate in Colombia is 77.5 for every 100,000 persons. This figure is three times that of Brazil, which ranks second in the world, with 24.6 homicides per 100,000 persons annually. The comparable number for the United States is about one-tenth that of Colombia, 8.0 per 100,000 persons per year.□ Though other parts of the

world may experience short-term eruptions of unimaginable violence, it is Colombia where, year after year, on average, a citizen has the greatest statistical likelihood of being murdered.

Thousands of innocent people are killed each year in Colombia. Some die because they are suspected of supporting the other side in the counterinsurgency war. Others are killed because they try to better the lives of their fellow Colombians through community or union organizing. Still others become targets of assassination because of who they are or how they live: homeless people, street children, prostitutes, drug users, transvestites, and homosexuals. Finally, there are those who are killed simply because of the high degree of lawlessness endemic to Colombia in robberies, drug-related violence, and other criminal activities.

Murder is not the only form of violence committed against Colombia's citizenry. Torture and "disappearance" are also commonplace, along with threats, beatings, arbitrary detention, and other violations of fundamental human rights.

This part of this report outlines two forms of violence common in Colombia: politically motivated killings, whether carried out by paramilitary groups, the Armed Forces, or guerrilla groups, and non-political violence carried out by state agents, such as the Police, Army, and other security forces.

2. Political Violence

The alarming facts about the extent of politically motivated violence in Colombia are known: five people assassinated daily, one person "disappeared" every other day, and one person tortured every other day for political reasons. In addition are the deaths brought about by the continuing war between the government and various guerrilla groups, which claims three lives daily.

The vast majority of political assassinations are committed by state agents, paramilitary groups, or death squads. Among those cases in which the culprits are known, the Andean Commission of Jurists (Comision Andina de Juristas) reports that nearly 70% are either employed by the state (34% of the cases) or affiliated with paramilitary groups (21%) or death squads (11%). A further 31% of political assassinations are the responsibility of guerrilla groups.

The crisis only escalates as time passes. During the 1980's, political violence increased dramatically throughout Colombia, resulting in an average of about 1,000 deaths per year. More recent figures are still more alarming, indicating an almost two-fold increase: nearly 2,000 deaths per year between 1990 and 1994, for a total of 9,412 politically motivated assassinations during the first five years of this decade.

The victims of this violence fall into several main categories: peasants and others caught between the sides in the counterinsurgency war, opposition political groups, trade unionists, community leaders, and human rights activists.

The counterinsurgency war is a source of a significant number of politically motivated, non-combat deaths and human rights violations. The war has brought about the constant victimization of the civilian population at the hands of both the guerrillas and the Armed Forces. Violations of basic human rights, as well as of international humanitarian law, are commonplace. Whenever one side or the other suspects peasant populations of supporting their enemy, even when any assistance may have been provided under duress, these defenseless peasants are made to pay the highest price for their involvement. They are the targets of selective assassinations, massacres, and even aerial bombardment aimed at terrifying entire communities.

Children are not spared this violence. They have lost legs or arms or have

been killed due to mines that were left behind, especially by the guerrillas. In many cases, innocent people assassinated by the army are depicted as guerrillas killed in combat.□

Members of political groups that seriously challenge the traditional Liberal and Conservative Parties have been frequent targets of political assassination. The Patriotic Union (Union Patriótica), a popular leftist party, was all but wiped out through such violence. More than 2000 elected officials who were members of the party have been killed since 1985. Any other party that presents itself as a true alternative to the status quo risks the same fate. Many of the members of Esperanza, Paz y Libertad, a political organization founded as a result of peace talks between the government and a guerrilla group, have also been assassinated.

The labor movement is another main target of politically motivated violence. The movement has been hard hit in recent years, with more than 1,500 members of the country's largest union federation assassinated since 1986. Union organizers are routinely arrested, tortured, threatened, and forced to change jobs. Trials are often held in the secret justice tribunals designed to prosecute drug lords, where fundamental legal rights, such as the right to confront one's accuser, are abandoned.□

Community leaders are also targets of political assassination. A case in point is the Trujillo Massacre, which occurred in the municipality of Trujillo, in the department of Valle del Cauca, in 1990. After several members of the Colombian armed forces were accused and later absolved of responsibility for the massacre, a case was brought before the Inter-American Commission on Human Rights. In an effort to reach an amicable settlement, the Samper administration created the Trujillo Commission in October, 1994. The Commission, which was presided over by the Human Rights Ombudsman (Defensor del Pueblo) and made up of representatives of the Samper administration, state institutions, and NGOs, released a report on January 31, 1995, which was accepted by the government. The report states that, from March to May, 1990, more than 60 people were massacred, mostly community leaders, among them the parish priest. In addition, 49 people were "disappeared." The Commission concluded that the massacre was committed by death squads organized under the orders of two narcotraffickers and Army Major Alirio Antonio Urue-a Jaramillo. According to the Commission report, 107 people are believed to have been killed over two years in Trujillo. The findings are proof of the existence of narco-military entities in Colombia.

Certain guerrilla groups are also accused in a significant number of human rights violations. Although the complex history of the various guerrilla factions is beyond the scope of this report, it is clear that certain groups, acting more out of economic than ideological motives, have used political aims as a front for various criminal activities. These groups routinely commit acts of extortion, kidnapping, and even massacres of innocent civilians. According to a report prepared by several non-governmental human rights organizations, the Fifth Front of the Revolutionary Armed Forces of Colombia (FARC) is responsible for what is known as the "La Chinita Massacre." This January 1994 massacre resulted in the deaths of 35 people in the city of Apartad-, in the Urab+ region.□

3. Non-Political Violence By State Agents

The Colombian National Police (Policía Nacional) have been widely accused of corruption and of grave abuses of authority. The Attorney General's office (Procuraduría General) tabulates complaints of human rights violations of various types. According to their published findings, the National Police commit the majority of all human rights violations reported throughout the country. The military is in second place, followed by other security and investigative units.

In 1990 and 1991, 54.87% of all complaints of human rights violations were lodged against the National Police, while the military was accused in

19.68% of the complaints. More specifically, the Police were accused of 46.25% of the homicides committed by state agencies; the military was accused of 31.60%. The Police were accused of 20.58% of the massacres and the military 38.23%. The Police were accused of 14.45% of the forced disappearances and the military 16.24%. Of total cases of torture reported, the Police were accused of 48.48% and the military 21%. The Police were accused of 79.2% of the personal injuries reported as having been inflicted by state agents, and the military 14.08%. Police and military were accused of 71.37% and 21.55%, respectively, of arbitrary detentions, 49.89% and 40.54% of the cases of illegal searches, and 55.73% and 24.91% of threats. Finally, the Police were accused of 72.26% of the harassment, death threats, abuse, including sexual abuse; the military was accused of 17.96% of such cases.□

In 1993 the Gaviria administration responded to strong national and international pressure to reform the National Police. A Commissioner was named, and a series of plans was announced, but the situation has not changed in any real terms. Rather than an institution with the power to change the way things are, the Commissioner serves as a decorative figure to show that something is being done. The reforms have been nothing more than a palliative, allowing the continuation of abuses with the impunity with which the members of the force operate. The Attorney General's office continues to receive a steady stream of complaints of human rights violations, at a rate of about 4 per day, in a country in which it is estimated that more than 80% of crimes go unreported.□

The Attorney General is not the only state institution that keeps human rights statistics. The Human Rights Ombudsman's Office (Defensor'a del Pueblo) received 2,164 complaints of human rights violations from December 1992 to December 1993. Among these were 169 homicides, 59 cases of torture, and 14 massacres. The accused were 302 members of the National Police, 84 members of the Public Prosecutor's Office (Fiscal'a), 33 members of the DAS, 16 members of guerrilla organizations, 10 members of paramilitary groups, and 354 members of the military.□

Specialized groups such as the "Bloque de Busqueda," in charge of finding members of drug cartels, and "UNASE," whose mission is to combat extortion and kidnappings, have been responsible for ongoing abuses of authority, including illegal searches, arbitrary arrests, and even assassinations.□

Sometimes the national press reports criminal actions by official forces, such as extortion, armed robbery, sexual abuse, and beatings carried out by members of the DAS and the Public Prosecutor's Office (Fiscal'a). The human rights violations are almost never officially reported, due to lack of faith in the justice system, fear, misinformation, or ignorance.

As a former chief of a Judicial Police unit (1990 and 1991) and professor at the Judicial Police Academy (1988 to 1990), the author of this report can assert that most of the members, especially the operative personnel, are corrupt and criminal. Investigators often negotiated and argued over arrest and search warrants, but they did so out of an ambition to get rich, rather than their official mission, especially when persons from the higher economic levels are involved. Their goal is to forgo executing the order in exchange for a sum of money. It is common for articles of value, such as jewels and money, to be lost during searches. Stolen articles go to the highest bidder; even when many lives are lost in an accident or natural disaster, they take advantage of the opportunity provided by the tragedy of another and loot the corpses.

The very poor are especially victimized by violence and human rights abuses, which are very often committed by state agents. This particularly horrendous phenomenon, often inappropriately called "social cleansing," is the subject of the second part of this report.

4. Recommendations

Non-Governmental Organizations Concerned with Development and Human Rights :

- 1) Increase pressure upon the Colombian state so that it respects the fundamental rights of Colombians.
- 2) Suspend all military and economic cooperation except that which is earmarked to direct community services or humanitarian aid, and resume aid only on the condition that the Colombian state respect human rights.
- 3) Establish effective fiscal mechanisms to monitor and control the end use of military and/or economic aid.
- 4) Suspend all training courses and promotions for members of the Colombian Armed Forces engaged in human rights abuses.

PART II

"SOCIAL CLEANSING"

1. Introduction

In September, 1993, a homeless man calling himself "Comanche" made an emotional plea before the Bogot# City Council. Here is what he said:

"I come in the name of all indigents to make our people see what is done to us. Whether we have anything or not, we are as human as any one of you. This body has something of God in it, and if we do have something of God in us, please do not exterminate us.

"If we are on a sidewalk, they scream at us, and if we are under a bridge they kill us, because our only weapon is our filth.

"We are willing to participate in the peace process because we want a beautiful and kind Colombia. We recognize that we are a stain but there are other people who have more things that make them bigger stains.

"We want to touch the hearts of Colombians because there are many capable people covered in filth who they do not value."

Comanche spoke in the name of Colombia's urban underclass, an assortment of groups that have found themselves increasingly targets of physical violence, assassination, and other human rights abuse. In a country where fully half of the population is poor, and an estimated 12 million people live in conditions of critical poverty, this marginalized, indigent population represents the lowest rung on the social ladder.

Throughout the Spanish-speaking world, people use the word 'desechable' (disposable) to refer to items that are used once and then disposed of, thrown in the trash; something that is of no use and consequently that no one will miss, such as a used diaper or a plastic cup. In Colombia the term has other, special connotations. It is used to refer not only to objects without feelings or consciousness, but also human beings, people who are considered disposable from the day of their birth.

In the late 1970's, members of the Colombian National Police coined the term 'desechable' to refer to people they considered disposable. Since then it has been used to describe members of a group who, for economic, social, aesthetic or moral reasons, are considered the "leftovers" of society. Not only do many sectors of the Colombian population not consider the elimination of this group a loss to society, but in fact people are confident that eliminating them benefits society. What is worse, the Police often justify their acts of violence as a means of "social cleansing."

One of the first "social cleansing" groups to appear in the late 1970s was Mano Negra (Black Hand), which operated in the city of Barranquilla. Mano Negra picked up suspected criminals, murdered them, and cut off their hands, placing the hands in small cardboard boxes which they left in places that would be visible to criminals, as a means of intimidation.

In the early 1980s another death squad appeared in the city of Pereira. The group was made up of police who executed presumed thieves and muggers, for the most part, with a shot to the head, and then cast the bodies into the surroundings of the Villa Olímpica, the municipal stadium. Actions such as these are increasingly common nationwide, as more and more groups become victims of these death squads.

Until a few years ago, "social cleansing" directed against the "disposables" existed exclusively in the larger cities; however, now the genocide has spread to towns as small as Puerto López in the department of Meta. According to information we collected, there is at least one killing per week in Puerto López. The victims of these crimes are assassinated by members of the well-known paramilitary group Victor Carranza, with the complicity, and often protection, of the National Police.

The following groups of people are considered "disposable" by broad sectors of Colombian society: beggars, street children, presumed criminals who are poor, poor people with mental health problems, poor sex workers, poor transvestites, poor drug addicts, scavengers who live on the street, and openly homosexual people living in poverty.

The common denominator of these groups is their poverty and their homelessness or destitute living conditions. In societies like Colombia's, their vulnerability is further accentuated not only by the major gap between rich and poor but also by cultural, historical, and political factors that have led to the continuation of semi-servitude, where the power of money is still the power to decide over the life of another. This is largely due to the absolute impunity enjoyed by those who have power and money, with respect to those who have less power or privilege.

The reason for the abuse and attempted extermination of these groups varies depending on both the group attacked and the attacker. The groups of attackers justify their actions based on security, aesthetics, economic well-being, morals, and religion. They may be businessmen, industrialists, guerrillas, soldiers, or police.

The analysis of this problem is closely linked to one of the most frequent and grave causes of human rights violations committed in Colombia: the almost absolute impunity that drives individuals to take justice into their own hands. The most heinous crimes are committed under the protection of the state's terrifying inefficiency and unwillingness to hold people accountable for their acts. The individual assailants act with the complicity of a defenseless state and an unprotected and hypocritical society.

Hardly anyone cares about the victims, whom society considers "disposable." They have to suffer both the disgrace of being poor and the sting of the country's injustices and inequalities. These victimized people are generally considered the cause of the country's problems, rather than a consequence of them. They belong to groups with no economic, political or social power, and are considered and treated as social trash.

Notwithstanding the Government's express commitment to respect human rights, the situation has not improved at all for these groups. They have not even been taken into account as victims of the genocide committed against them on a daily basis. These people are continually considered trash and are only officially discussed in connection with lack of public safety in the cities and the repressive measures to control street crime.

During my research, thanks to having developed close ties with many street

people, the author was able to take note of the levels of aggression in their day-to-day lives, and their belief that "life is worthless," even though they cling to it. Much of the aggression is directed toward women and small children, who are frequently abused physically and sexually, and are among those who suffer the most violence. In some groups of street people a regular practice is the redobl-n, in which the males gang-rape new members of the group, generally young and defenseless females or young males.

On the street, you die or kill for a place to live, for a piece of bread or for a bottle of a glue, known by its trade name "Boxer," which is inhaled to quell hunger or to induce intoxication.

The government has made no serious attempts to protect these groups of people. The reform of the National Police begun in 1993 has changed nothing, as far as the "disposable" population is concerned. The constitution of 1991 created a new bureaucracy, the Human Rights Ombudsman's Office (Defensor'a del Pueblo), which has been ineffective in guarding the fundamental rights of these groups, in large measure because of their unwillingness to recognize the problem.

A case in point is that of Santa Marta, the capital of the Department of Magdalena, where in September, 1994, several indigents were removed from the city against their will and returned to their cities of origin. The Human Rights Ombudsperson (Defensor del Pueblo) of Santa Marta can't comprehend why expelling people, like unwanted animals, is not only a flagrant violation of human rights, but also an unacceptable discriminatory action which can be considered kidnapping. I heard her say in a radio interview that since these people had been well-treated their human rights had indeed not been violated.

Some non-governmental organizations have done praiseworthy studies of the human rights of the groups known as "disposables." These include CINEP (Centro de Investigaci-n y Educacion Popular), Intercongregational Commission for Justice and Peace (Justicia y Paz), and the National Recycling School (Escuela Nacional de Reciclaje). These organizations base their statistics on complaints made directly to them and on press reports. Only a small fraction of the actual abuses are ever reported, and the information in the press is often biased and limited; consequently the statistics are a far cry from reality. Although it has often been reported that an average of 1.8 persons are assassinated daily by these groups in Colombia, there have been no studies that accurately reflect the true situation. Therefore, it is not possible to estimate the full extent of "social cleansing" killings, which is surely much worse than the quoted figure.

It is important to note that although people who are considered disposable comprise the majority of the victims of the "social cleansing" groups, there are also other victims of these groups who are not considered "disposables," such as Jews, ethnic minorities, and criminals who don't live on the street. All of these groups are frequently and subtly victims of a variety of attacks.

In late 1994, at its headquarters in Bogot#, the Colombian Institute of Legal Medicine (Instituto Colombiano de Medicina Legal, the forensic arm of the Ministry of Justice) began an ambitious program for the identification and classification of indigents who have been killed. Initial results show an average of four indigent deaths per week in the city of Bogot# alone. However, when attempting to classify individuals according to social group, they use a subjective method that relies primarily on the observations made of the victim's hygiene and dress. Their categories are therefore arbitrary, and cannot accurately characterize the victims of "social cleansing."

For example, death certificates (actas de levantamientos de cad#ver) of murdered men list them as homosexuals only if they were dressed in women's clothing at the time they were killed. All government and non-governmental statistics of homosexual murders are based on these

identifications. However, transvestites are a minority within the homosexual community, and many homosexuals whose rights are violated are not transvestites. Thus, the statistics are far from realistic and many human rights violations against homosexuals go unnoticed.

In the third part of this report, we will have an opportunity to analyze the situation of sexual minorities in Colombia in depth. These individuals are victims of large-scale "social cleansing" when they are among the "disposables," and to a lesser and more subtle extent when they are from a wealthier social class.

2. Who is considered disposable?

The victims of "social cleansing" killings vary according to the killers. When security-related factors determine their victimization, criminals or those who seem to be criminals—those who appear to represent an "actual or potential danger" to the middle and upper classes—are considered "disposables." If the reasons are aesthetic or economic, people with mental disorders, beggars, and transvestites may also be considered "disposables."

We can divide this population into several identifiable groups:

a. Street Children

The Colombian press has traditionally been reticent on the subject of the human rights of the country's urban underclass, but recently several periodicals have finally begun to take note of certain aspects of this phenomenon. Some recent exposés have focused significant attention on the plight of street children. The magazine Cambio 16 Colombia, for example, published the following account of the ritualized rape of street children known as el redoblón:

"All the male members of the parche [group of homeless youth] gang-raped the girl. It was a cold and rainy night. A week had not yet gone by since the eleven-year-old girl decided to escape the daily beatings by her parents. She arrived at her new home with the illusion of finding the lost affection, but she found another type of violence festering.

"That night the boys of the gallada [group] passed one-by-one on top of her in a ritual whose purpose is to immunize her forever against the risks of the streets. When the collective rape ended, a boy whom she remembers for his cat-like stare, told her, 'All right. Now you can go out on the street. When a tombo [cop] or any other man tries to rape you, it won't hurt for even five seconds.' "

Various statistics have been published concerning children in Colombia. The aforementioned Cambio 16, for example, quoted statistics that indicate that 800,000 youths under age 18 make a living on the streets. The Colombian Institute of Family Welfare (Instituto Colombiano de Bienestar Familiar) reported that 31,818 minors had been abandoned or were in danger in 1992.

Utopías magazine reported that six children die violently every day in the Colombia, while a more recent estimate in El Tiempo reported a still more alarming figure: nearly 8 per day killed on the street, plus a further 15 at home. The government-run Colombian Institute of Legal Medicine (Instituto Colombiano de Medicina Legal) reported that in 1992, 1,529 youths under age 18 were shot or stabbed to death in Colombia, of whom 876 were under 14. Even the youngest are not exempt: in that same year, 222 children under age 4 were murdered. The office of the Deputy Attorney General (Procuraduría Delegada) for Minors and the Family reported that on average 122 minors were killed each month during the first half of 1993.

In the city of Bogotá alone, four children die each day in social cleansing operations, generally shot while they sleep, according to Jesús Manuel Hernández of the Corporación Aldea Niños Colombia. Bogotá city council

member A'da Abella presented an analysis in August 1994 stating that, from July 1992 to July 1993, 67 children were murdered in that city each month under unknown circumstances, with 31 of them 5 years of age or under.□

Violence against children is endemic to Colombian society. It begins at home, in particular among destitute families with little food and little or no schooling. It is reinforced in schools and on the street. Families must send their children to work beginning at a very early age in order to survive, and they live in conditions of intolerable overcrowding and poverty. Many children suffer physical, mental, and sexual abuse by adult members of their own families. Some street children have been forced to abandon their homes because of this kind of abuse. Others live on the streets, in conditions of abject poverty, because of forced displacement and/or the violent deaths of their parents. Some children live on the streets from a very early age, facing many sources of aggression and danger.

On February 28, 1993, a nine-year-old girl was raped and strangled in a detention room of a Bogot# police station. The case was reported in all the newspapers, drawing significant attention to problems with the police. As a result, the government was forced to legally reform the police: internal disciplinary procedures were changed, and the office of a Commissioner (Comisionado) was established, without any real power. The reforms have been completely ineffective, and the police continue to be the principal violators of human rights.

Street children who live in critical poverty are known as "gamines." Some beg, while others find jobs in the informal sector, for example, as street vendors of cigarettes. Still others work in prostitution. Others work in related occupations, or dedicate themselves exclusively to robbery as a means of survival. It is primarily an urban phenomenon, concentrated in the large cities, but is also found in small towns, albeit on a smaller scale.

"Gamines" are considered potentially dangerous by society. They are deemed "disposable," independent of whether they steal. Most use addictive substances, especially bazuco (a cocaine-based drug) and "Boxer" glue, an inhalant, to ward off hunger and ease their suffering.

Due to their vulnerability, "gamines" are one of the groups most frequently mistreated by the National Police. They are constantly harassed by passers-by and merchants. They are driven out of the makeshift residences they establish in sewers and bridges along the busy thoroughfares of cities like Bogot#. Given the inability and inefficiency of the state in addressing the problem, merchants have contracted the services of guards with vicious dogs to scare away "disposables," not even allowing them to live on the filthy streets.

Although programs exist to get "gamines" off the streets, most of these governmental plans, carried out by the Colombian Institute of Family Welfare, are based on a philosophy of life which is different from and often counterposed to the children's views and real needs. Regimentation and strict discipline drive the children from these state-run homes. And so these programs have failed. In addition, the problems that give rise to this situation persist, including domestic conflicts, often caused by economic difficulties, and the war in the rural areas that drives the families to flee to urban centers. As a result, more and more children are constantly driven from their homes.

Many of these children do not survive to adulthood. According to statistics from CINEP covering 1988 to 1993, street children made up 8.2% of the victims of murders committed in "social cleansing" operations.

b. Presumed Poor Criminals, Drug Addicts and Drug Dealers

While researching this report, the author got to know quite a few inhabitants of the streets of Bogot#. One of them, Miguel Oliveros, better known as Jefferson, spoke to the author about his life one morning in

January, 1995. Here is what he said at the end of our conversation:

"If a rose withers and a seed ceases to exist, why not a person? For this reason, I have no illusions about life.... Each morning I thank God for the miracle of surviving one more day."

"Social cleansing" violence is frequently directed against each of the three groups discussed in this section: presumed criminals, drug addicts, and drug dealers, all living on the streets of Colombia's cities. According to CINEP statistics, from 1988 to 1993, presumed criminals made up 35% of "social cleansing" victims, drug addicts 21.3%, and bazuco dealers 2.7%.□

Because they tend to overlap, it is difficult to speak about these groups separately. As for the supposed criminals, I refer to people who engage in or are presumed to engage in theft or street hold-ups as their principal means of survival. Many of them use street drugs, especially bazuco and marijuana. Little has been done in the way of studies about drug addicts and drug dealers, who, along with transvestites (see below), are the populations hardest hit by "social cleansing" operations. It is as if no one would dare speak of them out of fear of appearing to defend criminal conduct. They prefer to maintain a complicit silence in the face of the horrendous crimes committed against these persons, forgetting that they are more victims than causes of the problem, and that they have inherent value as human beings.

Over several months, the author had an opportunity to meet close-up with different groups of people engaged in these activities. In order to protect their safety, I cannot provide details as to their identities. Some stole in order to sustain their habit, others did so because it was the only way they knew to survive, and still others because they could not find another source of work.

Several impressions remain with me from the time I spent with these people: their devout religiosity, love for life, and constant fear of encountering death; the deeply troubling way many of them assume the role of being "disposable" and treat themselves as such; the high level of aggressiveness towards one another and a great resentment toward society; and especially, the extent of their misery. Whenever they speak of their way of life, over and over again the same basic facts are repeated:

1. Those who dedicate themselves to theft as their primary source of income state that members of the police are often their accomplices. Several told me that sometimes when they steal and the police arrest them they have to give the police part of their loot, under the threat of jailing them after a beating. The Police try to keep abreast of the robberies these people commit, so as to later go after them for what they have stolen. If they have not stolen anything, the police demand a payment anyway, and if they don't have it when approached they have to get it however they can (usually by going back to the street to steal).

Those who deal bazuco and/or marijuana periodically have to pay a "fee" to the Police as a de facto permit to operate their businesses, under the threat of beatings, seizure of property, destruction of their residences or businesses, and incarceration. Some say the only thing that differentiates the Police from the drug dealers is the uniform.

2. Those who are taken to police detention centers can almost always get out if they obtain some money, sometimes as little as 5,000 pesos (US\$6.25). If they do not have money and/or come across police who do not take bribes, they are imprisoned.

3. These groups have been constant victims of physical and sexual abuse (toward women in particular) by the police and others, including private security companies. These private security guards, known as "comas," are blamed for most of the "social cleansing" killings in Bogotá at this time, not only of presumed criminals, drug addicts, and drug dealers, but of other "disposable" groups as well. The people I spoke to state that on several

occasions the "comas," especially the guards located on Calles 19 and 24, have murdered and "disappeared" their friends. According to the testimony of several of these guards, they are paid by the owners of commercial establishments and undertake to "clean the area."

4. The method used to kill such "disposables" is called the vuelta a Choach', or Choach' run: They are taken to a desolate mountain highway leading east from Bogot# to the town of Choach'. At the top they are executed and their bodies thrown down deep precipices and cliffs after being beaten; in some cases the killers give them a chance to run down the mountain. When the victims run, the assassins begin to shoot at them. Those who are not shot often die falling down the steep mountainside. Another site where such murders take place is above the highway surrounding Bogot# near the district of La Perseverancia.

Because they fear reprisals, groups targeted for "social cleansing" do not come forth to report any of these criminal acts. Their silence became understandable when the author interviewed the Human Rights Ombudsman (Defensor del Pueblo) of Barranquilla. When asked if there were serious "social cleansing" problems in the city, he told me there were not; that, contrary to statistics, it was only sporadic. He added that when such cases did occur, the victims were known criminals who were first warned by the police of what might happen if they continued their criminal activity.□

c. Indigents and Recyclers

Indigents and recyclers include desperate adults who beg and those who, exclusively or combined with begging, collect garbage for further recycling as their principal source of income. Like the "gamines," some also commit crimes, such as petty theft, to supplement their incomes in order to ensure they have enough to survive on the streets.

As part of this research project, I had an opportunity to interview people who belong to these groups. Their general complaint is that they suffer constant abuse and victimization, in particular by members of the National Police. For example, we interviewed an indigent beggar and sporadic garbage collector or recycler known as "El Mono," who told me that he sleeps in his rusted-out car near a marketplace in a plaza; he lives there in the company of friends who approach the area at night. In January 1994, at approximately one o'clock in the morning, when he was sleeping in the company of a 12-year-old boy and an older woman, who were occupying two other rusty cars, two policemen in uniform and on motorcycles approached them. The policemen threw gasoline on them and set them on fire. The child burned to death, the woman was completely deformed, and El Mono has had difficulty walking. El Mono also says that while the police performed these acts they laughed out loud, and then left.□

Early in 1992, security guards at the Universidad Libre of Barranquilla invited a recycler into the building and then attacked him and left him for dead. The man survived and managed to escape. He then reported the event, which led to an investigation. The conclusions are now well-known in Colombia: at least 14 indigents had been killed by people who sold their corpses to the University. Their bodies were used by students in the Medical School of the Universidad Libre.

In an interview, the human rights delegate of the Municipal Ombudsman (Personer'a Municipal) of Barranquilla told me that evidence exists to implicate directors of the Universidad Libre and members of the Police, and that no one has yet been arrested or put in jail for these events.□

I also interviewed the Human Rights Ombudsman (Defensor del Pueblo) of Barranquilla, who told me that the universities of the country have been urged to comply with a series of requirements in order to obtain cadavers for instructional use. Not a single university meets these requirements, and so it is not always clear where such corpses come from. The law requires that all cadavers must be donated by the Colombian Institute of Legal Medicine (Instituto Colombiano de Medicina Legal); no other agency or

individual may supply them. But in the case in point, it was shown that there were line-items in the medical school budget for cash payments for the purchase of corpses. All indications are that the guards felt motivated to carry out these acts because they realized that members of the National Police were receiving from university employees 120,000 pesos (approximately US\$150), on average, for each body that they obtained. The guards themselves began to provide the bodies, "harvesting" them from the indigent population. Responsibility lies not only with members of the National Police, who have been identified (and no one knows how long they have been carrying out such macabre work), but also with the directors of the University, who are responsible for ensuring that cadavers are obtained from appropriate sources.□

According to other people who followed the case closely, in reality there were more than 50 corpses, or parts thereof, in the amphitheater of the Universidad Libre at the time the investigation began. It is not known how many of them had been victims of these acts.

These and other incidents reflect the low value placed on the lives of indigents by public and private security forces. In all, according to statistics from CINEP, 17.5% of the victims of so-called "social cleansing" are indigents.□

d. Poor Female Sex Workers

Throughout much of Colombian history, prostitution and inducing prostitution have been punished in various ways. Today, the simple act of prostitution is not a punishable one, but inducing prostitution continues to be a crime, and houses of prostitution are prohibited.

According to studies conducted in 1991 by the Chamber of Commerce of Bogotá, 14,211 prostitutes worked in downtown Bogotá. Yet other agencies, such as the District Health Secretariat (Secretaria de Salud) stated in 1976 that there were 200,000 prostitutes in the city. Also in 1976, the Police spoke of only 4,451. This tremendous disparity reflects the lack of reliable information on the women engaged in this occupation.□

According to the 1991 study by the Chamber of Commerce of Bogotá, the leading inducement to prostitution is lack of income (36.3%), followed by lack of skills training (27.4%), domestic violence (22.3%), unemployment (10.2%), and other reasons (3.8%). According to the Chamber of Commerce: "From these causes, one can deduce that 73.8% of this phenomenon is fundamentally due to economic factors. Breaking down the causes that induce prostitution by age range, the lack of income has the greatest percentage weight at 21 years of age. Next the lack of skills training, for the same age brackets. These two aspects are intimately correlated and indicate that the more mature a woman is, the more conscious she is of the situation. Among those under 21 years, the principal cause for practicing prostitution is violence in the home. Significantly, among the population 9 and 10 years old, no other factor appears to be a cause for practicing prostitution." This report adds that 82.4% of prostitutes are ages 15 to 40 years; 37.7% are 21 to 30 years old; 24.7% are from 31 to 40 years old; and 20% are 15 to 20 years old. Most worrisome is that 8.4% of the prostitutes in downtown Bogotá are girls ages 9 to 14 years. In all 1,200 girls or adolescent young women. Yet the report acknowledges that this figure has probably been under-reported, since younger sex workers are often hidden away due to fear of prosecution under laws prohibiting corruption of minors.□

e. Male Sex Workers and Poor Transvestites

No studies have been done of either male sex workers or poor transvestites. Either because of their profession or sexual orientation, none of the analyses of "street people" has taken these groups into account. What follows is based on direct contact with various individuals in different cities of Colombia.

Most of the male sex workers I came to know were between 10 to 18 years of age and reported having been forced to leave their homes at a young age because of abuse by their families. Many are not homosexuals, but by necessity engage in sexual relations with men, just as some who are homosexuals are sporadically picked up by women and out of necessity engage in sexual relations with them. Most reported not taking precautions against HIV transmission, and so the risk of AIDS is very high among this group.

Male sex workers are constantly harassed by the authorities and have been the victims of attempts to exterminate them, as in the case of the group based at Carrera S[Optima and Calle 24 in Bogot#, where witnesses reported to me that 10 to 15 children were disappeared or assassinated. Their biggest problem is the Police, who demand a "tax"; failure to pay results in beatings or imprisonment. Another form of interaction with the police involves an arrangement between male sex workers and the police: the sex worker brings an older client to a motel and engages in sexual activity, during which the police enter and extort the client in exchange for silence regarding the client's crime of "abusive carnal access." It is worse when the police are not seeking a bribe because the "cleansing" begins. As a result, the police who can be bought off are respected more than those believed to be honest and not susceptible to bribes, because the "honest" ones may resort to violent means to remove them from the streets. These "honest" police officers participate in "social cleansing" because they receive payments from local merchants to "keep the streets clean."

This group is not even officially classified among the victims of social cleansing, due to the difficulty in identifying its members, who are mixed in with other groups and/or within the 12.6% of the "unknown" population, according to data from CINEP.□

The situation of poor transvestites is similar. They are rejected by local business people, the authorities, and society at large. In addition, they are victims of skinheads, nationalist groups that are found in Bogot#, Medell'n, Cali, and Pereira, with plans to extend their organizations nationwide. The skinheads attack poor transvestites, beating them, sometimes to death.

In the death statistics, transvestites are categorized as 'homosexuals,' a classification limited to those who, when their corpse was collected, were assuming their female identity (it was not possible to obtain any information on transvestites who, physiologically women, assume a male identity). According to CINEP statistics, from 1988 to 1993, 5% of "social cleansing" victims belonged to this group.□ The organizations publishing this report believe the actual percentage is much higher, though because of the restrictions of their classification system, it is difficult to determine.

Through direct observation and in dialogues with several transvestites who let me accompany them, sometimes all night long while they worked, I was able to observe and appreciate the strong bonds of support that exist within this group. For example, they take up a collection among themselves to cover funeral costs for one of their own who dies or is assassinated, and so give them a dignified burial. But the experience also enabled me to see the daily abuses and discrimination they face at the hands of passers-by and merchants.

In 1992 a delegation from the Colombia Human Rights Committee of Washington, D.C. and the Lawyers Committee for Human Rights interviewed a group of transvestite sex workers. One of their complaints was that the police would round up people like them and take them to a site known as the "road to Choach'," a winding road with sharp precipices, from which they were thrown to their death. It appears that this practice has diminished considerably, replaced by assassinations in the work place, often near police stations. In early 1994 in Bogot#, for example, I heard reports of a transvestite who had been assassinated in the presence of uniformed police officers, who did nothing. In addition to the continuous round-ups, harassment, abuse, and forceful confiscation of their belongings, their human rights are also violated when they are taken to police stations where

they perform cleaning work and, if the troops are interested, they become the sex object of as many as twelve policemen in one night. On other occasions they are taken to places where indigents live, where they are raped by the indigents in the presence of the police.

At the outset of my research I had the opportunity to interview, among others, a psychologist who works with a non-governmental organization (NGO) concerned with AIDS. To my great surprise, among other things he justified the acts of violence against transvestites as a logical response to their aggressiveness, and he assured me that both transvestites and effeminate homosexuals have a mental disorder that requires treatment. This type of attitude shows clearly how certain NGOs are not immune to class discrimination against these populations.

I have become familiar with the work of two NGOs that work with marginalized transvestites and male sex workers in Bogotá. These are the Fundación EUDES and Fundación La Bergery. EUDES serves poor people with HIV and AIDS, including a large number of former sex industry workers. It is run by Father Bernardo Vergara, a Catholic priest.

In late 1993 and early 1994 one of the organization's shelters was targeted by harassment, theft, and even an explosive device, although it is located very close to the Military Cadets School in Bogotá. And in October 1994, the organization had to abandon a house donated to it by the city of Cali in response to threats, abusive treatment, and the imminent danger of death. The civilian and military authorities did nothing to protect them, and the Catholic hierarchy remained silent, even though EUDES is an organization run by a Catholic order.

"La Bergery" is an NGO that has been providing assistance to the street people of Bogotá with no discrimination and in a non-judgmental manner. In La Bergery, sex workers (both male and female) and transvestites have found shelter, support, and protection. Even so, the director of Fundación La Bergery decided to discontinue assistance to adult men, which it had provided for a long time. This was done without any clear justification.

Dr. Diana Pe-arete, director of the medical center, finds her superior's orders incomprehensible and disobeys them, continuing to serve this population whenever she can.

3. Why this Population Exists

Half of all Colombians are poor. Of those 18 million people, 12 million live in what is termed "critical poverty." It is from these ranks that the vast majority of so-called "disposables" emerge, people so desperate that they cannot afford, or cannot otherwise obtain, decent shelter or adequate nourishment.

People end up living and/or working on the streets, or in otherwise marginal lives, out of a variety of causes, which can be divided into two main categories. Socio-economic factors are responsible for a large increase in the country's poor population in recent years, while internal displacement has forced people to abandon the livelihoods that have sustained their families for generations.

a. Socio-Economic Causes

In recent years, economic conditions have brought more and more Colombians to the brink of poverty and beyond. Though "El Revolucion," the economic and social program instituted during the administration of former President Gaviria, who was in office from 1990 to 1994, promised to improve living conditions for all Colombians, especially the underprivileged, it achieved the opposite: a widening of the gap between rich and poor in the country, worsening the economic plight of most of the population. Though the number of Colombians living in poverty began to increase in 1991, social programs for the poor did not expand significantly;

on the other hand, expenditures on the Police and other security forces, aimed at protecting the haves from the have-nots, increased as much as three-fold.□

The increasingly inequitable distribution of wealth is to blame for much of the growth of the marginalized population. In recent years, inflation has hit the poor hardest, with estimates as high as 25% for the annual increase in the cost of living for a poor family in Bogotá.□ It is not as if the majority of Colombians can afford a little extra each month: 20% of the work force earns less than the legal "minimum salary," while fully 70% of the population earn less than twice the minimum salary. Since a typical family requires two and a half times the minimum salary just to feed, clothe, and house themselves, it is clear that many Colombians who are not already in poverty are nevertheless on the verge of it.□

The living conditions of the majority of Colombians reflect the inadequacy of their economic means: 75% consume water that is not fit to drink, while half have no indoor plumbing. Many families have insufficient food to feed their children, with 21% of those under 7 suffering from malnutrition.□

Impoverished Colombians have little hope of climbing the economic ladder. Getting a better job, for example, is not an easy prospect. Though the official unemployment rate is about 10%, the figure does not tell the full story. An additional 18% of people are employed only part-time, a fraction that nearly doubled between 1989 and 1993, and 15.5% are underemployed.□

Neither can educational opportunities provide a means of advancement for most Colombians. Two million are illiterate, while only half have satisfactorily completed primary schooling.□

It is not only for these reasons that the future seems bleak. The current administration of President Samper has launched a program known as "Salto Social," which is considered by many to be a paternalistic welfare plan that might provide for the short-term needs of the poor, but will do nothing to stop the downward spiral of poverty, or to address its causes. This appears to be a demagogic measure, rather than the substantive reform that would signal a serious attempt to remedy the situation.

b. Internal Displacement

Each year thousands of people are forced to leave their homes in the countryside due to conditions of violence and lack of state services. When they come to the cities they encounter ways of life to which they have a hard time adapting and where violence does not cease, but only takes on new forms and is perpetrated by different actors. Many of the displaced, out of desperation, turn to prostitution, crime, or begging. Their dreams of a dignified life in the city are cut short by the bullets of death squads.

The counterinsurgency war is one of the principal causes of internal displacement. When they are suspected by one side or the other of "collaboration with the enemy," peasants are intimidated, sometimes by the force of bullets or a bombing raid, into abandoning their villages and land. The responsible army unit or guerrilla group is then free to confiscate the land and put it to its own purposes. Paramilitary groups often operate in a similar manner—scaring peasants out of the countryside, from where they have nowhere to run but to the cities.

At a national forum organized by several human rights groups in 1991, Javier Giraldo, S.J., reported on some of the methods employed by such groups: "Military and paramilitary operatives in the countryside have several modes of operation and cause several types of forced displacement. There are transitory operatives, as in the case of the Mobile Brigades: they spend three to five weeks at a given location. They often announce their presence by setting off a bomb to drive out or divide the population. This produces a mass exodus; later they set up camp and begin visiting residents house-by-house. Sometimes they even destroy all the tools and utensils in the houses they find empty, after the occupants have fled in the wake of the

bombing. This results in temporary exoduses in which the population is nearby, waiting for the military operation to conclude before returning to their homes."□

These displacements become permanent, Father Giraldo explains, after the military or paramilitary group leaves the area. Intelligence information gathered during their stay—the names of community leaders, union organizers, and the members of peasant organizations—is then made available to paramilitary groups. People whose names are on the list now have a legitimate fear of returning to their homes, and so they flee.□ In this way, the peasant population of Colombia is kept under tight control in the name of "National Security," with grass-roots organizations obliterated and the climate for development and foreign investment improved.□

A 1991 delegation, sponsored by the International Council of Voluntary Agencies (ICVA), visited Colombia to investigate the phenomenon of forced displacement. The delegation's report describes a "reign of terror" perpetrated by paramilitary groups, including "the most atrocious forms of torture, inflicted upon children, the elderly, and other innocent victims." These acts, they asserted, were in no way justifiable as efforts to control narcotraffickers or "subversives."□

Another delegation visited Colombia in 1993, this time at the invitation of the Colombian Presidential Advisor on Human Rights (Consejería Presidencial de Derechos Humanos). This group, organized by the Permanent Consultation on Internal Displacement in the Americas (Consulta Permanente sobre Desplazamiento Interno en las Americas) and coordinated by the Inter-American Institute for Human Rights (Instituto Interamericano de Derechos Humanos), placed the primary blame for the large number of displacements in recent years on paramilitary groups and on the armed forces, "acting in coordination with some Colombian Army officers, or thanks to their complacency, negligence, or passivity." Guerrilla forces also contribute to the problem, their report stated.□

At this time there are approximately 600,000 Colombians who have been forcibly displaced.□ This migration from the countryside into the cities, coupled with other causes of migration, has resulted in a recent shift of population in Colombia from rural to urban settings. Bogotá, Medellín, and Cali together now account for 30% of the Colombian population.□

Migration of a peasant population to overcrowded ghettos in the cities results in still more poverty, unemployment, misery, and violence. The 1991 ICVA delegation observed the end result of this population shift and described it in their report: "Groups apparently related to the police, who have the support of local merchants, have begun a 'social cleansing' campaign in the shantytowns where persons displaced by the violence are forced to live, as they have no alternative. The 'social cleansing' has been characterized by assassinations of youth and children who live in the streets, and of prostitutes, drug addicts, homosexuals, and other people considered 'socially undesirable.'"□

4. Some Causes of "Social Cleansing"

I asked a prominent Bogotá attorney, who asked not to be identified in this report, what he thought of "social cleansing" operations. He replied: "It is the only way to get rid of rats and deal with the lack of public safety in the city; you can't walk safely down the streets of Bogotá at any time of the day because one of those 'disposables' is likely to rob you or mug you if you refuse to give them money. Last week I witnessed two of them approach a cab and ask the passenger for money; when he refused they scratched him all over and beat him to a pulp, that poor man screamed desperately and no one did anything. If I had a gun, I would have blasted them; killing them is what should be done with those people because there is no hope for them."□

This sentiment is all too common. A large segment of Colombian society sees "social cleansing" violence not as a scourge that must be stopped, but

as a legitimate way of dealing with a seemingly intractable social problem. Because they have no faith that arrests and criminal prosecutions can do anything to improve the perceived lack of public safety, they see extrajudicial means as a justified response, regardless of its terrible impact on people less privileged than themselves.

A high-ranking officer in the Public Prosecutor's Office (Fiscal'a) told me: "No one has the right to take someone else's life. However, they no longer have the possibility of rehabilitation. I know cases of people who have given them work and two days later have had to fire them. They should all be picked up and sent to a farm in the countryside where they are put to work, so that they can do something productive and cannot harm society."□

A police officer, in an interview that he would not allow me to tape, said more or less the following: These people cannot be re-integrated into society, and we must protect society by any means necessary. There are special cases, like recidivist criminals who are tried by a judge who lets them go a few days later. Therefore, we must do something with them because they are hurting law-abiding citizens.□

A wealthy Bogot# housewife commented that "The lack of public safety is horrible; there is no one to defend law-abiding people; one cannot go out on the streets safely because they mug you or steal your car or knock you out with drugs."□

Reflecting these attitudes, inscriptions carved on the bodies of many of the "social cleansing" victims say things like "for a thief and mugger." The ferocity of sentiment against those living on the streets is truly alarming, and it will be necessary to change societal attitudes before the phenomenon of "social cleansing" can be fully eradicated. Here I examine some of the factors that contribute to the epidemic of violence against Colombia's marginalized groups.

a. Public Safety

A common thread in the excerpts of the interviews I conducted is that the lack of public safety has reached such extremes that society justifies the annihilation, by any means, of "criminals" or anyone who looks like one. Therefore, the solution sought is to respond to the grave problem of public safety with violence, thereby increasing the levels of violence. The perpetrators of "acceptable" violence, in turn, are never brought to justice, which is one of the factors that has contributed to deterioration of public safety. The State bears most of the responsibility for this cycle of crime, lack of public safety, violent response, and impunity.

The problem is immense. According to data from the Municipal Ombudsman's office (Personer'a Distrital) in Bogot#, from January to August 1993 the number of violent deaths in the city was almost five times greater than the nationwide number of casualties in combat between the guerrillas and the armed forces during the same period. According to the records, 5,607 people were killed during those months; this number is greater than the casualties during the United States war against Iraq. There was no significant increase in the overall figures in 1994; however, there was an increase in violent deaths among children.□

The lack of public safety is a largely urban phenomenon. The three largest cities—Bogot#, Cali, and Medell'n—accounted for more than seventy percent of the crimes against human life and physical integrity, and more than seventy percent of crimes against property (excluding car theft, which accounts for sixty percent of crimes against property nationwide).□

But "social cleansing" occurs in small towns as well, places much less affected by public safety concerns. One reason may be that, given the lack of any real state intervention to prevent it, groups in small towns follow the example of the big cities: addressing any perceived public safety problem with violence. A second reason is that perceptions of "public safety" are not the only motivation claimed by "social cleansing" groups;

additional factors will be discussed below.

b. Impunity

A 1994 report from the National Planning Department (Departamento Nacional de Planeación) contained the following facts:□

¥ Because of a public perception of the inefficacy of the legal system, only twenty out of every one hundred crimes are reported.

¥ The judicial system in Colombia proceeds at a glacial pace, with a typical criminal case taking ten years. In 1992, there were two million criminal cases pending resolution.

¥ Fourteen of the twenty crimes in one hundred that are reported result in charges being dismissed due to the the statute of limitations. Of the remaining six, only three sentencing and convictions.

Thus, ninety-seven percent of suspected criminals in Colombia are never convicted. Most are never even arrested or charged. Thus, those with violent intent feel free to do as they please, with the assurance that they will almost certainly never be punished. The perpetrators of "social cleansing" also point to the ineffectual legal system, claiming that it is necessary for them to take the law into their own hands in order to protect society from crime.

c. Other Factors

The perpetrators of "social cleansing" operations justify their actions based on aesthetics coupled with economics, and on morality. The aesthetic/economic rationale goes something like this: the rabble must be removed because, even if they are not criminals, they look like criminals, or because they are crazies and may scare away the customers with their looks, or simply because they are dirty and annoy customers with their panhandling, or because they are hookers or unsightly faggots. The moral rationale is based on the supposed need to protect society from the prostitutes and homosexuals. People apply either statement to individuals they consider "disposable."

The range of people victimized by "social cleansing" continues to expand, well beyond its original target of presumed street criminals. Today, any group that some death squad, skinhead group, or paramilitary organization sees as a danger may be subject to victimization.

5. Case Law

On September 30, 1994 the indigent population received a boost when the 16th municipal criminal court of Bogotá ruled in favor of the rights of two indigents named Inés Fernández and Darío Reyes.□ The two people had been living in a small dwelling which they themselves had constructed on land alongside a major highway in the city of Bogotá. Members of the Monserrate rapid response unit (CAI) of the National Police, under the Third Police District, frequently harassed and abused the residents of these dwellings, and without any order from a responsible authority, demanded that they abandon their homes. The residents appealed to German Rincón, a volunteer attorney working with Project Dignity, who brought an acción de tutela on their behalf, a special writ to protect citizens against imminent violations of their Constitutional rights.

The judge issued an order that the Police not bother the indigents again, ruling that the Police had to pay for the damages they had caused. The following stands out in the decision:

"The mere suspicion that one of the residents of these dwellings is part of a 'gang of robbers,' or the fear that other people will build houses on the same location as the homes of Fernandez and Reyes, does not justify the violation

of that fundamental constitutional right (Article 28)."

Later in the decision, the judge adds: "It can be well observed that this principal or fundamental right--EQUALITY [Judge's emphasis]--is also diminished in this event. Before the state abandons indigents, or 'persons lacking the minimum economic resources necessary to subsist with dignity,' the state has the responsibility to give these people protection. In□s Fern#ndez and Dar'o Reyes are not demanding all of this, but they are asking for equal treatment; that they be treated like their fellow citizens and be permitted to live with their families in peace, in the modest dwellings they have built, albeit haphazardly, in order to survive. And that if anyone were to claim the land where the houses are built, at least competent authorities should carry out the process, and they should have a right to mount their defense."□

Regrettably, the decision was not fully enforced. A few days later, as a threat, a dog belonging to these indigents was shot and killed, forcing them to hurriedly abandon their humble dwellings.

6. Statistics and Specific Cases

The organizations publishing this report present the following statistics gathered from the records at CINEP and Justicia y Paz, to provide a general overview of the problem. It is difficult to obtain accurate information, and sample figures must be multiplied to approximate actual figures. Moreover, what is important is not only the number of innocent victims, but also the qualitative aspects of this dismal reality of Colombian society.

On the first line for each month is the number of reported "social cleansing" killings and other casualties throughout Colombia for that month. Below that figure, are descriptions of some cases excerpted from newspapers, as a posthumous tribute to the many victims, in which a large share of the perpetrators have never been punished and enjoy full freedom.

January 1992: 41 murdered, 6 wounded

February 1992: 38 murdered, 13 wounded
February 24, Cali, Valle: Yuri Magnolia, homosexual.

March 1992: 39 murdered, 2 wounded
March 22, Pereira, Risaralda: Gustavo Casta-eda-Hern#ndez, 21 years old, homosexual.

April 1992: 13 murdered, 2 wounded
April 30, Cali, Valle: Andr#s Fernando Duque, 18 years old, homosexual.

May 1992: 34 murdered, 2 wounded

June 1992: 44 murdered, 14 wounded
June 6, Envigado, Antioquia, El Carriel tavern: H#ctor Mario Narv#ez, Carlos Arturo L#pez, Luis Javier Hurtado, Oscar Monroy, Alberto Valencia, presumed homosexuals murdered by a group of men who fired 9-millimeter Uzi submachine guns.
June 14, Ci#naga, Magdalena: Alberto de Jes#s Barrera, a.k.a. Catherine, homosexual.

July 1992: 39 murdered, 4 wounded.

August 1992: 47 murdered.

September 1992: 43 murdered, 4 wounded
September 19, Cali, Valle: John Emilio Pe-a, a.k.a. Wendy, homosexual.

October 1992: 28 murdered.
October 9, Cali, Valle: NN (name unknown), homosexual.
October 10, Cali, Valle: NN, homosexual.

November 1992: 18 murdered.
November 9, Cali, Valle: NN, a.k.a. Vanessa, homosexual.

December 1992: 42 murdered.
December 12, Barranquilla, Atlántico: NN, homosexual, previously tortured, right index finger partially missing.
December 12, Barranquilla, Atlántico: NN homosexual, tortured and murdered.
December 13, Montería, Córdoba: Te-filo Ramos, homosexual.
December 24, Barranquilla, Atlántico: Miguel Enrique Rios, homosexual.

January 1993: 18 murdered, 5 wounded.

February 1993: 26 murdered.

March 1993: 22 murdered.

April 1993: 10 murdered.

May 1993: 6 murdered.
May 7, Medellín, Antioquia: NN, a.k.a. Mónica, homosexual.

June 1993: 21 murdered.

July 1993: 10 murdered.

August 1993: 4 murdered.
August 12, Bogotá: obituary announcements appear in which owners of commerce and industry and "gentlemen" (hombres de Bien) extend invitations to the funerals of prostitutes, thieves, and criminals. Resumption of violent attacks against society's marginalized sectors is announced. Dwellers of the Los Mártires neighborhood state that in addition to groups of business owners, the campaign also involves military and security force personnel.

September 1993: 4 murdered.
September 16, Bogotá, Puente de las Américas and Avenida 30: two police officers, with identification numbers 2003 and 2013, picked up and beat eight homeless people. On September 24, Miguel Angel Martínez, "Miguel the Poet," a well-known and popular homeless man, died as a result of the beating.

October 1993: 9 murdered.

November 1993: 19 murdered.
November 21, Tulúa, Valle: Ferney Garc'a-Villanueva, homosexual.

December 1993: 24 murdered.
December 14, Bogotá: with the intention of intimidating its residents into leaving the place, a bomb was detonated at the EUDES shelter for people with AIDS. Panic and substantial material damages were caused.
December 22, Barranquilla, Atlántico: José Rafael Zapata Rodríguez and Galo Dávila, homosexuals, murdered in the house where they lived together.

January 1994: 64 murdered, 24 wounded.
January 4, Bogotá: 18 heavily armed men attacked the EUDES shelter for people with AIDS; they stole a few things and threatened to kill the residents if they did not leave the place.

February 1994: 26 murdered.
February 27, Bogotá: NN and NN, homosexuals. First, a transvestite was killed; his friends gathered around the body and a half hour later several individuals accompanied by members of the Police drove by shooting, and killed another.

March 1994: 26 murdered.

April 1994: 36 murdered.

May 1994: 36 murdered, 5 wounded.

June 1994: 27 murdered, 5 wounded.

July 1994: 8 murdered.

July 3, Luis Fernando Ocampo-Vallejo, a.k.a. Tatiana.

July 4, Medell'n, Antioquia: male NN, approximately 30 years old.

July 9, Cali, Valle: NN, homosexual, killed with a gunshot to his head, he wore an auburn wig, black leotard with long sleeves, a black miniskirt, one black shoe, and a black brassiere.

July 21, Tuluá, Valle: Francisco Javier Martínez, 11 years old, a homeless child, was killed by several unidentified individuals while he slept on the street next to a 10-year-old child, who was severely wounded. Sources state that seven children have been assassinated in this city in recent months.

August 1994: 7 murdered.

August 4, Cúcuta, Norte de Santander: Oscar Quintero, drug addict, shot five times.

August 13, Cali, Valle: NN, a.k.a. Andrea, homosexual.

September 1994: 28 murdered, 5 wounded.

September 4, Planadas, Tolima: Luis Gentil Cuñillar-Ramírez, 17 years old, a peasant killed by ten unidentified men who intercepted the ambulance in which he was being transported after being wounded by the same men. The killers forced the victim's father and the driver out of the vehicle, and shot the wounded youth nine more times. Sources attributed the murder to the FARC guerrillas who "mistook him for a thief and decided to kill him in an act of cleansing." However, according to the DAS, the paramilitary group Rojo Ata operates in the region.

October 1994: 35 murdered.

7. "Social Cleansing" Squads

This list of groups that carry out "social cleansing" operations in different regions of the country was compiled from data provided by CINEP, Justicia y Paz, and newspaper articles:

The Anonymous Avenger (El Vengador Anónimo)

Army of the Poor (Ejército de los Pobres)

Association for the Defense of Medellín (Asociación Pro-Defensa de Medellín)

Black Flag (Bandera Negra)

Black Hand (Mano Negra)

Citizens Against Kidnapping, Extortion, and Blackmail (Ciudadanos Enemigos del Secuestro, la Extorsión y el Chantaje)

The Cobras (Los Cobras)

Committee for Cleansing the Middle Magdalena (Comité de Limpieza del Magdalena Medio)

The Crickets (Los Grillos)

Death Squad (Escuadrón de la Muerte)

Death to Bazuco Dealers (Muerte a Expendedores de Bazuco ÑMEB)

Death to Car Thieves (Muerte a Jaladores de Carro ÑMAJACA)

Death to Dangerous Homosexuals (Muerte a Homosexuales Peligrosos ÑMAHOPE)

Death to Homosexuals (Muerte a Homosexuales)

Death to Kidnappers (Muerte a Secuestradores ÑMAS)

Death to Muggers of Manizales (Muerte a Atracadores de Manizales)

Death to Street Children (Muerte a Gaminos ÑMAG)

Death to Thieves (Muerte a Ladrones ÑMAL)

Death to Thieves (Muerte a Jaladores)

Death to Thieves (Muerte a J'baros ÑMAJI)

Death to Thieves (Muerte A RaterosÑMAR)
Embryo (Embri-n)
Green Commandos (Comandos Verdes)
The Group (El Grupo)
Kankil
The Macabre (Los Macabros)
Menudo
People's Popular Defense (Defensa Popular del Pueblo)
People's Popular Service (Servicio Popular del Pueblo)
Popular Defense (Defensa Popular)
The Relentless Imparter of Justice (El Justiciero Implacable)
Scorpion (Escorpi-n)
Skinheads Against Animal Exploitation (Rapados Anti Explotaci-n AnimalÑ
REA)
Skinheads Against Foreigners (Grupo de Rapados anti ExtranjerosÑGRAE)
Sweet Dream
The Stained (Los Tiznados)
Terminator
Toxicol 90
Young Colombian Non-conformists (Juventudes Inconformes de ColombiaÑ
JIC)

8. Recommendations

"Social cleansing" must be stopped, and the fundamental rights of Colombia's marginalized populations must be protected. We urge the government, the guerrilla groups, and the international community to join us in asserting that no human life is disposable.

a. To the National Government

1. Immediately reform the National Police, investing real power in the Commissioner (Comisionado), who must be able to make autonomous decisions in discharging his responsibilities for oversight of Police behavior.
2. Promote legal reforms to end once and for all the high levels of impunity enjoyed by those who take part in "social cleansing" actions. In particular, end the fuero militar, a special jurisdiction for members of the National Police and the military that has played a key role in perpetuating impunity, so that members of these institution may be punished for their acts or omissions in connection with the above-mentioned criminal actions.
3. Pass legislation to classify acts of "social cleansing" as genocide, with harsher penalties than for common crimes.
4. Take the measures necessary to enforce real and efficient justice, so that citizens can regain confidence in the administration of justice. The slow pace of criminal trials in Colombia, coupled with lack of vigorous prosecution, results in far too high a percentage of criminals going free. This system must be reformed.
5. Shut down all vigilante and paramilitary groups who have tried to enforce their own kind of justice. Increase state presence, where necessary, to ensure that real justice is administered fairly and under the law. Limit availability of guns to law enforcement officials and the army.

b. To the Guerrilla Groups Involved in "Social Cleansing"

1. Immediately stop all "social cleansing" operations.
2. Demonstrate a commitment to a just society in which the right to life, to self-defense, and to a fair trial are all respected.
3. Publicly denounce groups that cloak their actions under the banner of the "common good," while carrying out ruthless violence in "social cleansing"

operations.

c) To Foreign Governments, International Bodies, and International Human Rights Organizations

1. Ensure the problem of the so-called "social cleansing" killings is raised whenever pressure is brought to bear on the Colombian government regarding human rights violations.

2. Cut all forms of non-humanitarian aid to Colombia until such time as "social cleansing" operations at the hands of state authorities are brought to a halt, and until the state demonstrates in practice that it is acting to end "para-police" groups.

3. Suspend all foreign-based training programs for members of the National Police and any other institution involved in "social cleansing" acts.

Part III

HUMAN RIGHTS AND SEXUAL ORIENTATION IN COLOMBIA

1. Introduction

In Colombia, as in other countries, members of sexual minority groups come from all socio-economic classes and all walks of life. When they are very poor, they are lumped in with other so-called "disposable" groups, making them targets of the kinds of "social cleansing" violence and abuse described in the previous part of this report; see in particular the discussions of male sex workers and poor transvestites. But violations of the human rights of sexual minorities are not limited to groups considered "disposable." Gay men and lesbians who do not live in poverty also face significant discrimination, though perhaps more subtle than that faced by those who are explicit targets of death squads. Because sexual minorities, regardless of class, experience routine violations of their basic human rights, this part of the report has been devoted to the status of gay men and lesbians in Colombia.

2. The Emergence of a Gay and Lesbian Movement in Colombia

a. Historical Overview

The first gay liberation group in Colombia emerged in the 1940s. It was made up entirely of men and was called Los Felipitos. It was clandestine and limited to a small group of individuals from the upper classes. Its purpose was simply to creating a space for socializing. The first gay bars also appeared during this period. They were also underground, and only for men. Los Felipitos was only in existence a few years, and we are not aware of any other groups that followed it immediately, nor do we know very much about the experiences of this organization.

It was not until 1970 that a new group, founded by Le-n Zuleta, appeared in the city of Medell'n. It expanded to Bogot# when Zuleta met Manuel Velandia, at the time a sociology and philosophy student. A group called Movement for Homosexual Liberation was then formed. It organized various activities, such as the first gay march and the first gay publication in the country, Ventana Gay. After several years, and for a variety of reasons, the movement broke up in the mid-1980s. In 1993, Mr. Zuleta was murdered in Medell'n under suspicious circumstances which have not been officially investigated.

I interviewed Dr. Manuel Velandia, who described some details of that period:

"During that time, the police never bothered us when we went dancing. It is my sense that what we have come to realize about what was going on then is that internalized homophobia can indeed bring out imaginary forces of

repression which don't really exist. That is, it began to be very clear to us that the police were extorting money from the owners of the various establishments, because the owners assumed that the police would harass their clients, so one way to avoid the harassment was by paying a fee in cash or in liquor. And that simply became customary.

"In 1977 a friend of mine who worked for a television news program thought it newsworthy that the Movement for Homosexual Liberation existed in Colombia. We gave him the impression that there was a national movement, but in reality it was just Le-n Zuleta in Medell'n with a few people, and us here in Bogot#. And there were a few women with us. Very few women. And the group was called GEL, or Grupo de Estudio y Liberaci-n Gay (Group for Gay Study and Liberation). So that friend invited us to a live news broadcast one night at 6:00 p.m. From that point on many people began to seek us out. It also brought my family some problems. My mother was concerned about me going on television and saying that I was homosexual. At one point my sister said that I had a right to say I was homosexual, but that if I wanted she would pay my way to Europe where I could be cured. My response to her was that homosexuality is not a sickness but homophobia is, so that she would do better to spend her money on a treatment for herself.

"The magazine Semana also wrote an extensive cover story entitled 'Colombia Gay,' which resulted in several phone calls from people interested in learning about our group. From that we got the idea of creating our own publication, and Ventana Gay, a twenty page magazine published every month and a half, was born. We published twenty issues. We ended up accumulating many copies of several issues because nobody would buy it. That was in 1979; there were seven of us involved in the magazine. When people asked where our headquarters were, we began meeting in the Parque Nacional. A lot of people used to come to our meetings because we would pass out flyers in the gay bars.

"We kept on meeting and in 1982 decided to organize the first gay march in Colombia. We set it up as a Latin American gathering of homosexuals. We wrote to people from gay organizations in several Latin American countries with whom we had contact. But we didn't receive a single letter in reply, nor any other communication from people who might want to attend. But we had made contacts with the press, informing them that we were planning a Latin American gathering, and the District Association of Educators [Asociaci-n Distrital de Educadores] loaned us their building in order to hold a Latin American Gathering on Homosexuality. Then the television cameras showed up, and the radio reporters. And as a media strategy the participants, the same seventy who always showed up, put scarves over our faces. When the reporters interviewed us we said we couldn't show our faces because we had entered Colombia illegally or had left our countries illegally and that if we were recognized it would cause problems.

"On June 28, 1982, we organized the first and only gay march ever in Colombia. There were only 32 of us in the march. And extraordinary though it may seem, more than 100 police were sent. The march was from the Plaza de Toros to the Parque Nieves, on Carrera S-optima [a major Bogot# thoroughfare]. Groups from Medell'n and Cali participated. Each of us marched with a pink triangle on our cheeks, with the number of our identity card written on it. This was to recall what had happened to some homosexuals in the concentration camps in Germany. We didn't experience a single act of aggression against us from anyone who watched the march, or from the police. The press covered the event. For example, a newspaper from the Atlantic Coast region said that a group of 'faggots' had staged a march, and it was obvious that they had rehearsed because you couldn't even tell by their gait that they were homosexuals.

"At that time those of us who had always been at the forefront of the movement decided that we were going to step back a bit from this type of activity, and that we would allow the younger ones to take charge of the magazine. This meant that the magazine was to fold two or three issues later, because it was very difficult for them to take charge of it; there were very few of them. Over the next three years the younger members of

the group would march on May 1, Workers' Day, as a contingent of homosexual workers. Most of the people who participated at that time have since died of AIDS. Le-n Zuleta used to do a lot of human rights advocacy work, and we would constantly receive death threats."□

Since the demise of this group there have been several organizing efforts with different aims, focusing on cultural and religious approaches, but the main focus has been on groups dealing with prevention, treatment and, self-help in relation to AIDS. In most of these groups, the issue of homosexuality has been kept under wraps.

b. Current situation

Groups and publications focusing on the rights of sexual minorities began to reappear publicly in 1994, signaling a re-emergence of the gay and lesbian movement in Colombia. There were now at least five gay and/or lesbian groups in the country, and four publications. At this very key point in time the Colombian Association of Lesbians and Homosexuals was formed; it is an umbrella organization seeking to bring together all types of lesbian and gay organizations, and serving as the only group to organize and coordinate the lesbian and gay movement in Colombia. This organization, which is in the process of attaining official non-profit status, seeks to establish links not only with groups made up of gay and lesbian people, but also with human rights organizations actively defending the fundamental rights of all people and with heterosexuals who are committed to the cause of equality, dignity, pluralism and true democracy.

The city of Bogotá now has more than 60 establishments that serve an exclusively gay clientele. In almost all of the medium-sized cities of Colombia, there are at least three exclusively gay establishments, which are the only places where gay men and/or lesbians can socialize and express affection more or less freely, albeit within the confines of these establishments. Yet this minority group is subject to constant harassment by members of the Police and Army, who often raid bars demanding identity cards and routinely extort money from people discovered to be homosexual.

The emerging Colombian gay and lesbian movement has a long way to go before full equality is achieved. Homophobia is rampant throughout the society (see the section on human rights, below), resulting in widespread discrimination against lesbians and gay men, who are rejected by friends and family, and who are feared and treated with revulsion by the population at large. Deeply rooted prejudices, fostered by various civilian, military, and church-related institutions, are allowed to flourish in the absence of reliable, objective information about sexual orientation.

3. Legal Aspects

a. Constitutional and Statutory Framework

Engaging in homosexual acts has not been prohibited by law in Colombia since Decree 100 went into effect in 1980. Formerly, such conduct was punishable under the Criminal Code of 1936.

The age of consent for engaging in sexual acts is the same for men and women, 14 years. Whoever engages in sexual acts with a person under 14 years of age is subject to punishment under the code section titled "Abusive Carnal Act or Access"; the punishment is one to six years imprisonment. If the two persons involved in sexual acts are both under 14 years of age, their conduct is not punishable because persons of this age are not considered subject to the criminal code.

The Constitution in effect since 1991 includes a series of provisions that are of special interest with respect to the rights of the lesbian and gay community in Colombia. Without a doubt, these provisions have represented a major advance, on paper, in the freedoms and rights of Colombians, which is to be applauded. This Constitution creates an unprecedented basis for

legislation, the goal of which is to bring constitutional rights into effect. These fundamental rights include the newly established acci-n de tutela, a special writ designed to protect citizens against imminent violations of their Constitutional rights. They represent a step forward that deserves recognition.

Aside from the acci-n de tutela (Article 86), the most significant human rights provisions of the new Constitution, many of which still exist only on paper, include the following: prohibition of the death penalty (Article 11); a prohibition against forced disappearances, torture, and cruel, inhuman, and degrading punishment (12); equal protection under the law for all persons, regardless of minority status (13); the rights to "personal and family intimacy", to respect (15), and to honor (21); the right to "free development of one's personality" (16); the rights to free expression (20), free assembly (37), and free association (38); and the establishment of the family as the fundamental unit of society, including those created "through the responsible decision to form a home" (42). Of special interest to the gay and lesbian movement is the right to develop one's personality, which some have suggested implicitly guarantees freedom of sexual orientation. Appendix A of this report contains the text of the relevant Articles.

b. Case Law

In implementing the Constitution and in reaction to the acci-n de tutela, the Constitutional Court has made a series of pronouncements on the rights of gay and lesbian people.

Two important judicial decisions are worth citing. Before that, it should be explained that when decisions are made by Colombian judicial bodies (Tribunals, the Supreme Court, and the Constitutional Court), one judge drafts a proposed opinion for the court, and the two remaining judges on the case may respond in two ways. First, they may "clarify" their position (Aclarar el Voto). This happens when the other judges concur with the course of action proposed by the first judge, but are not in agreement with the grounds for the decision adopted. Second, they may dissent from the proposed opinion (Salvamento de Voto). If a majority dissents from the proposed opinion, then a new judge is named to write another one.

1. On March 7, 1994, in response to an acci-n de tutela, the Third Appellate Chamber of the Constitutional Court, with Judge Eduardo Cifuentes Mu-oz writing the opinion and with a "clarification of the vote" by Judge Jos□ Gregorio Hernandez Galindo, extended judicial protection for fundamental rights of due process, the right to one's reputation, and the right to education of Jos□ Mois□s Mora G-mez. Mora G-mez had been expelled from the Police Academy of the National Police on the grounds of "infractions involving misconduct, reported by Oscar Sandoval, a student, who claims to have seen Mora G-mez in the company of Hemelberg Godoy Arteaga, engaged in mutual caresses, embraces, and immoral and abnormal acts among men, in violation of Article 121, Decree 100 of 1989." The article referred to is part of an internal disciplinary code of the Armed Forces.

Mora G-mez brought the acci-n de tutela in early July, 1993. The Sixth Criminal Judge of the Villavicencio Circuit, who was the first to hear the complaint, rejected it, arguing among other things that under Article 121(46) of Decree 100 of 1989, "engaging in homosexual acts" is a form of misconduct.

For its part, the Constitutional Court's judgment states that, "Based on a person's homosexuality, one cannot conclude that there is either a personal or institutional indignity. The negative nature of the usual representation of homosexuality should not be a reason for implying that the dignity of the armed forces has been affected. The prohibition on all types of sexual practices within the armed forces is justified by reasons of discipline.... The condition of homosexuality should not be declared or manifested. The institution has the right to require of its members discretion and silence in matters of sexual preference.... The act of sanctioning a person because of that person's homosexuality cannot be based on a moral judgment, nor on the

merely hypothetical probability that the institution would be harmed, but rather on the clear, objective show that the normal development and objectives of the armed forces have been affected."

Further on the court adds, "In the reports of student Mora Gmez's 'affected mannerisms,' the underlying idea is that the dignity of the institution and its members has been affected, which is in conflict with the constitutional requirements of tolerance, equality, intimacy, and free development of the personality, which all social institutions should respect."

The unfortunate "Clarification of Vote" (Aclaraci-n de Voto) by Judge Jos Gregorio Hernndez states: "I do not consider such a due process claim as opposed to the inalienable right of institutions—particularly the armed forces and the police, given their function—to prevent any homosexuals from joining their ranks."

Nonetheless, the decision does interpret the Constitutional as forbidding the National Police, and presumably the Armed Forces as well, from excluding homosexuals from their ranks, based merely on the presumption that sexual activity will occur or on a general moral opposition to homosexuality. It further prohibits these groups from using stereotypes, such as Mora Gmez's "affected mannerisms," to weed out suspected homosexuals, requiring them instead to show tolerance and respect for "free development of the personality." In theory at least, this decision could have important repercussions for all government institutions in Colombia.

2. Far less positive was a judgment dated November 30, 1994 from the Ninth Chamber of the Constitutional Court, under the leadership of Judge Vladimiro Naranjo Mesa. The court declined an acci-n de tutela petition brought by a group of citizens who considered their rights violated by the National Television Council, which disallowed the broadcast of a TV commercial about AIDS showing two men kissing in the Plaza Bol'var. The tutela petition was turned down because it was deemed not to be "the proper means" for protecting the rights that were claimed to have been violated. Nevertheless, the judge who delivered the court's opinion included an unnecessary analysis rejecting the rights of gay men and lesbians, thus attempting to deny Constitutional protection to the lesbian and gay community. The decision of Judge Naranjo will be considered in the chapter on the human rights of gay men and lesbians.

The results of this case are not entirely negative, however. The "Clarification of Votes" (Aclaraciones de Voto) of the other two judges who made up the Ninth Chamber, Jorge Arango Mej'a and Antonio Barrera, contained the following statement:

"The condition of homosexuality does not diminish one's status as a human being, gifted with dignity. All fundamental rights that are established in the Constitution are applicable to human beings, regardless of their sexual conduct. Consequently, all consideration based on sexual conduct as a factor of inequality has within it the seeds of discrimination. For this reason, the Court should not develop analyses based on the supposition that homosexuals should be treated as somehow being different from the rest of humankind. Therefore, all motivations other than that the acci-n de tutela was not the appropriate mechanism are irrelevant to the decision, since it is an administrative act which may be challenged in an alternative judicial forum. This was sufficient to deny the tutela. The rest was irrelevant."

Even when the case is lost, then, it is possible to gain hope from the fairness of these two judges, who acknowledge the basic Constitutional rights of lesbians and gay men. This "Clarification of the Vote", coupled with the previous decision, gives us reason to believe that the extensive guarantees of basic human rights provided by the 1991 Constitution can be enforced to assure that members of sexual minority groups receive fair and equal treatment from public institutions in Colombia. Whether these court decisions will eventually translate to overall respect for the human rights of gay and lesbian Colombians is another matter. We do not yet know the

full impact of these decisions.

4. Human Rights Situation

On September 26, 1994, the author sat in the office of Oswaldo Henr'quez Linero, the Human Rights Ombudsman (Defensor del Pueblo) of Barranquilla, and spoke with him for two hours about the general human rights situation in his district. As the person charged with defending the basic rights of everyone in the Atlantic Coast region, he is responsible for ensuring that the rights of all people, including gay men and lesbians, are protected. Only when the topic turned to homosexuality did he allow the conversation to be recorded, and the following excerpts from the interview have since been transcribed:

"What are your views on the human rights of gays and lesbians?"

"Two faggots could be married for one hundred years and they'll never have a child; from that standpoint they'll never guarantee survival of the species. Their rights as persons should be respected; that they should be tolerated within a realm of tolerance of human beings is proper, but they are abnormal."

"So they should keep their distance from society?"

"Not distance, but social control should be exercised over them to ensure that they not become harmful, because it would not be good for others to follow their example; as I see it they're not an example of anything."

"What were you saying, that they should keep their distance from your house?"

"Oh yes! As far as possible, because the moment a faggot begins hanging around my house human rights are over. I won't accept that, no way, I radically oppose that sort of thing. Woman was made for man and man for woman. That is, I'd rather have a daughter who's a whore than a faggot son."

"What would happen if one of your children were homosexual?"

"He should get out of my sight. He would be sick. I'd treat him as if he were sick, he'd be a patient his whole life.... I would treat him like the family dog, just like any other case from my office. I believe I love my dog more than I'd love a faggot."

And later in the interview: "If a frightfully horrible virus is spreading internationally, which is what homosexuality is, at the same time that this community should be respected as regards the development of their personality, measures should be taken to ensure that they not continue reproducing. ...You don't want your children born with mental paralysis, or AIDS."

The rabid homophobia of this high official, the person legally responsible for defending the Constitutional rights of all segments of the population, is abundantly clear. The gay and lesbian community of Barranquilla therefore have no recourse when their rights are threatened or abused, no government agency they can trust to fight on their behalf. Unfortunately, these attitudes are not unique to that particular region of the country, but are fairly common among government officials throughout Colombia. In November, 1994, a tape of the above interview was given to the National Human Rights Ombudsman (Defensor del Pueblo de Colombia), Jaime C-rdoba Trivi-o, but he took no action to discipline his underling in Barranquilla, and Henr'quez Linero remains in office to this day.

These experiences give cause for pessimism with respect to the will of the state to uphold democracy, equality, and human rights for all. The attitudes of these officials stand in sharp contrast to the Constitution itself, which, as discussed above, includes guarantees to a broad variety of rights,

including equality, freedom, intimacy, and free development of one's personality, as well as specific protection of minorities against discrimination. Despite these guarantees, these and other rights of sexual minorities—including the right to life and to freedom of expression, such as the expression of affection in public—are routinely violated with impunity.

Very few prominent gay men and lesbians in Colombia are open about their sexuality, out of fear that they might lose their status if the truth were known. Unfortunately, some people widely believed to be gay who do hold positions of power go overboard in attempting to demonstrate that they are not homosexual, using their power to attack other gay men and lesbians.

A case in point is that of a court decision mentioned in the previous section: On December 20, 1993, the National Television Council refused to air a public service announcement on AIDS which showed two men kissing. A group of persons brought an *acción de tutela* which was denied in the first instance and on first appeal. The Constitutional Court reviewed the decisions of the Civil and Criminal Chambers of the Superior Court of Bogotá, which had denied the *tutela*. Judge Vladimiro Naranjo Mesa delivered the opinion accepting denial of the *tutela*, because it was not the appropriate legal tool for attacking the decision of the National Television Council. But in doing so, he went beyond the issue at hand to analyze the rights of homosexuals, just in case there might be any question as to his sexuality. This opinion includes statements such as the following: "The National Television Council could not very well depict on an equal footing sexual conduct commonly recognized as natural and sexual conduct as practiced by one specific group.... The mass media have a social responsibility, especially because they, and television in particular, largely shape the conduct and values of children and adolescents. Hence the educational mission of the mass media, which cannot invert society's values under the pretext of a misconstrued notion of equality."□ He went on to state that the case file included the opinion of a psychiatrist, which warrants consideration. Below we will analyze the opinion of this psychiatrist paid by the state, which was a basis for decisions on the fundamental rights of gays and lesbians in Colombia.

The proposed opinion was not a surprise, for in a personal interview with the judge prior to the judgment, he said among other things that the rights of homosexuals and lesbians are not violated, but that there are forms of conduct such as the expression of love by two men who hold hands, that should be considered scandalous if done in front of a school, and which therefore cannot be protected since it would be tantamount to violating the children's rights by exposing them to bad examples.□

As mentioned above, the other two judges who were part of the appellate chamber, while concurring in the denial of the *tutela*, wisely wrote separate opinions, repudiating Judge Naranjo's diatribe. They noted: "All motives other than that the *acción de tutela* was not the appropriate mechanism are irrelevant to the decision, since it is an administrative act which may be challenged in an alternative judicial forum. This was sufficient to deny the *tutela*. The rest was irrelevant."

Finally, as another illustration of the depth of homophobia in official ranks, the following is taken from the Expert Opinion given by forensic psychiatrist Lisandro Durán Robles, of the National Institute of Legal Medicine and Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses, a government agency), and which was given consideration by Judge Vladimiro Naranjo in his decision: "For children under 5 years old, a commercial message is the absolute truth: it is good and acceptable for two men to kiss, like on TV. Because for a child under 5, what he or she sees on TV is true.... So it is not possible to convey to this child under 5 the idea that all human beings are homosexuals, because homosexuality is a deviant personality trait."

After citing Freud, he continues: "So the message in the *tutela* poses a danger to an adolescent whose psycho-sexual development has its dark spots, and who doesn't know if he likes men or women. That adolescent

with an identity problem may let himself be influenced by the message and assume homosexual conduct."□

The rights of sexual minorities which are most often violated in Colombia can be summarized as follows:

1. Attacks against persons—attacks that threaten physical integrity and the right to life itself—are as common as the blanket of impunity that covers up these crimes. In part this is due to the lack of interest on the part of certain state employees, who cover up crimes directed against gay men and lesbians. These attacks are carried out by ultra right-wing groups, such as the skinheads (cabezas rapadas), or by death squads. The case list at the end of Part II of this report includes particulars of several murders and massacres committed by such groups. Often, these killings are committed by men who meet their victims in gay bars, and after murdering them, they rob them of their belongings. Witnesses have implicated members of the security forces in many of these crimes.

These types of attacks most commonly target transvestites and persons engaged in the business of sex for money, in other words human beings whom others see as "disposable" people. According to reliable sources, including the manager of a gay bar, owners of gay bars have been involved in these murders; they say they "don't want these kind of people bothering the clients." See Part II for more information about the problems faced by these groups.

2. There is a complete failure to recognize the right to intimacy and privacy. The few spaces available for expressing love or just for socializing are continually subject to interference by law enforcement agencies. It is not uncommon for gay bars to be closed, and patrons are continually harassed by the Police and the Army. Police raids are not unusual, especially in establishments located in poor neighborhoods, and from time to time, tear gas and firebombs have been used to disrupt gatherings and frighten the clientele. There have even been mass killings, such as a massacre in a town called Envigado in the outskirts of Medellin on June 6, 1992. Five gay men were taken from a gay bar, El Carriel, and killed by a group of men firing 9-millimeter Uzi submachine guns.

3. Discrimination in the workplace and educational institutions is a worsening problem for those who acknowledge their homosexual orientation. In an interview, an Admissions Director of a prestigious university told the author that the people who interview students for admission attempt to weed out anyone who "has mannerisms," as well as men wearing earrings or having certain hair styles. This practice seeks to avoid admitting "faggots."

In late 1994, the Constitutional Court refused to step in and confer protection against an imminent violation of a fundamental right in the case of a young student who sought redress for having been expelled for having "effeminate attitudes." The decision makes it clear that the young man had indeed violated more than one norm of conduct, and that the verdict was justified.

But the problem was that a series of mistakes were made in the way the expulsion was carried out, which should have been analyzed by the Court. Yet the Court overlooked them. For example, a female professor grossly violated a young man's right to intimacy, as well as confidentiality, when she made public the young man's "confession" of homosexuality that he had shared with her.

The author learned of at least a dozen cases of men and women who were fired from their jobs for being gay or lesbian. One man was even fired from his job after an anonymous accusation of homosexuality, since the only people who telephoned him at the office were men. And people never take these cases to court because they don't want to attract publicity to their sexual orientation.

4. Several rights stipulated in the Colombian Constitution are routinely denied to lesbians and gays. Among these are the rights to "personal and family intimacy", to respect (15), and to honor (21); the right to "free development of one's personality" (16); and the rights to free expression (20); a spectrum of rights that taken together might popularly be translated into the rights of adults to love and be loved by whom they chose.

If two gay people dare to express physical affection in a public place and are caught doing so, they receive not only social sanctions, but also police reprisals. The police extort money from the persons who are caught in the act, demanding a sum in exchange for not reporting the person's sexual orientation at their place of employment or work or study, or to their family. This author is aware of at least ten such cases.

5. The communications media and religious groups constantly attack the lesbian and gay population, yet are never called to task for doing so. Homosexuality is routinely associated with crime, prostitution, or perversion in the mass media; they may do this out of ignorance or they may do it on purpose. Although there is still a great deal to be done, the mass media have displayed quite a turnaround in the way they portray lesbians and gay men, and that is admirable. For example, one television soap opera includes an openly gay couple as recurring characters.

6. There are no meaningful educational programs in the high schools that would permit gay and lesbian youths to freely discover who they are. Such programs should encourage heterosexual students to see male homosexuality and lesbianism as variations that are as respectable as their own sexual orientation.

7. If the sexual identity of gays and lesbians in prison is discovered, they become subject to attacks by the other prisoners; this is often made possible through the collaboration of the guards. In some men's prisons there are special cellblocks for transvestites, transsexuals, and persons who openly declare their homosexual orientation, which provide a certain modicum of protection to the inmates imprisoned there. But sometimes the jail keepers decide to "scatter them throughout the cellblocks," as I was told by "Mariela," a transvestite who was in one such cellblock in the Modelo Prison for several years. These special cellblocks have gradually been disappearing to make room for "Maximum Security Cellblocks," which are specially designed for drug traffickers and terrorists.

Even though conjugal visits are a legal right for prison inmates, the author is aware of at least six cases in which this right has been denied to gay and lesbian inmates who request such visits. This is a flagrant violation of their right to equal treatment. In an interview with the General Director of the INPEC (National Institute of Penitentiaries and Jails), Colonel Humberto Peltez Carmona, first stated that the jails and prisons of the country did not violate the rights of gay men and lesbians. But when asked about conjugal visits, he said that the law doesn't specify the right solely for heterosexuals, but that it has been inferred for reasons of morality and discipline. He went on to claim that the norms that regulate conjugal visits are being amended. His proposal is very clear: to avoid any further confusion, it should be specifically established that conjugal visits are only for persons of the opposite sex. When it was pointed out that his position may contradict the Constitution, he responded very courteously that his Catholic beliefs and his moral values have convinced him that this is the correct position, and that if the Courts order him to act differently he will carry out the changes that they require, but that in the meantime he expects to follow his conscience.

5. Recommendations

Colombia's Federal Constitution, adopted in 1991, is an impressive document, setting out an extensive series of rights guaranteed to all Colombians, including sexual minorities. It is clear that those guarantees include the rights of lesbians and gay men to live in peace and without fear

of violent attack because of their sexual orientation, to form relationships with whomever they choose, to lead full lives, taking advantage of the same opportunities available to others. The rampant discrimination experienced by gay men and lesbians in Colombia at the hands of the Police, the Armed Forces, other state institutions, and society in general, is a direct violation of these rights. These abuses of basic human rights must stop, and Colombian society must in reality approach the ideal outlined in its Constitution.

a. To the National Government

The intolerably high degree of homophobia in Colombian society can only result in widespread acceptance of crimes committed against lesbian and gay people, leading to impunity for those who commit such crimes. Only through education that counteracts that homophobia can the rights of the gay and lesbian population of Colombia be fully protected. Without such steps to lessen homophobia, we fear that heterosexuals, such as the members of skinhead groups, will take advantage of this situation to use attacks against lesbians and gay men as a way of defining their own sexuality.

1. For the well-being of sexual minorities and of the society in general, the Colombian government should fund community based, community controlled educational programs to foster greater awareness of the problems of faced by sexual minorities. One consequence of such programs is to make sexual minorities aware of their rights, and to train gay and lesbian community leaders, so as to support the work of organizing the community and defending its fundamental rights. The armed forces should have programs that transform the military from being violators of the rights of sexual minorities into protectors of their rights, as provided for in the Constitution and the laws of Colombia. Colombian society in general needs programs to diminish the level of homophobia, which is principally due to the lack of objective information, and which results in violent actions against, disrespect for, and intolerance toward sexual minorities.

2. Legal reforms must be promoted to guarantee equal rights for lesbians, gay men, transvestites, transsexuals, and other sexual minorities in Colombia.

3. Legal reforms should be adopted to impose drastic or special penalties for actions taken against persons because of their sexual orientation, sex, race, ethnic or national origin, religion, and economic or social status. Discrimination on these grounds needs to be defined as criminal conduct.

b. To the International Community

1. Whenever pressure is brought to bear on Colombia because of human rights violations, the issue of sexual minorities should be taken into consideration.

2. All non-humanitarian foreign aid should be offered conditionally, based on the human rights situation in Colombia, without overlooking the rights of the lesbian and gay community in Colombia.

APPENDIX A

Major Human Rights Provisions of the Colombian Constitution

Article 11. The right to life is inviolable. There shall be no death penalty.

Article 12. No one shall be subjected to forced disappearance, nor to torture, nor to cruel, inhuman or degrading treatment or punishment.

Article 13. All persons are born free and equal under the law. They shall

receive the same protection and treatment from the authorities, and they shall enjoy the same rights, liberties and opportunities, without any discrimination based on sex, race, national or family origin, language, religion, public opinion or philosophy. The State shall create the conditions so that equality may be real and effective, and will adopt measures in favor of groups that have been discriminated against or marginalized.

Article 15. All persons have the right to personal and family intimacy, and to their good name, and the State should respect them and make them respected.

Article 16. All persons are entitled to the free development of their personality, without any limitations other than those imposed by the rights of others and by law.

Article 20. All persons are guaranteed the right to express and disseminate their thoughts and opinions, the right to give and receive truthful and impartial information, and the right to establish means of mass communication.

Article 21. The right to honor is guaranteed. The Law will establish how it will be protected.

Article 27. The State shall guarantee the freedom to teach, learn, and perform research.

Article 37. All segments of the population may assemble and demonstrate publicly and peacefully. Only the law can expressly determine the circumstances in which this right may be limited.

Article 38. The right of free association is guaranteed for the development of the various activities that people carry out in society.

Article 42. The family is the fundamental unit of society. It may be constituted through blood or lawful relations, through the free decision of a man and a woman to contract marriage, or through the responsible decision to form a home.

Article 86. All persons shall have the right to bring an acción de tutela to demand their rights before a judge, at any time and place, by means of a preferential and summary procedure, either acting on their own or through someone acting on their behalf, in order to immediately claim their fundamental constitutional rights, whenever these are violated or threatened through the action or omission of any public authority.

APPENDIX B

COLOMBIA AND THE INTERNATIONAL HUMAN RIGHTS WORK OF THE UNITED NATIONS

Colombia is one of the countries with the best records in terms of approving international conventions on human rights. This is a tactic consistently used by successive administrations in Colombia as part of a campaign dating to the mid-1980s to attempt to present an image of Colombia as a country that respects human rights. It is also a response to domestic and international pressure.

In late 1994, after extensive discussion, and due to growing pressure, the Colombian state finally approved the Second Additional Protocol to the four 1949 Geneva Conventions on the humanization of war.

The following are international human rights instruments of the UN which have been signed and ratified by Colombia:

International Covenant for Economic, Social, and Cultural Rights
International Covenant for Civil and Political Rights
Optional Protocols to the International Covenant on Civil and Political Rights
International Convention for the Elimination of all Forms of Racial Discrimination
International Convention for the Suppression and Punishment of the Crime of Apartheid
Convention on the Prevention and Punishment of the Crime of Genocide
Convention on the Rights of the Child
Convention on the Elimination of all Forms of Discrimination against Women
Convention against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment
Convention on the Status of Refugees
Protocol on the Status of Refugees

In addition, Colombia has signed but not yet ratified (as of June 30, 1994):

International Convention against Segregation in Sports
Convention on the Nationality of Married Women
Convention on Slavery of 1926
Convention relative to the Status of Persons without State

Among the Conventions that have not been signed by Colombia are the following:

The Second Optional Protocol to the International Covenant on Civil and Political Rights, whose purpose is abolishment of the death penalty
Convention for the Non-Applying of the Laws that Limit War Crimes and Crimes Against Humanity
Convention on the Free Consent to Matrimony, Minimum Age for Matrimony, and the Registration of Marriages
The Additional Protocol to the 1926 Convention on Slavery, and the two subsequent Conventions on Slavery
The Convention on the Suppression of Traffic in Persons, and on the Exploitation by others of Prostitution
The Convention on the Rights of the Migrant Worker and His or Her Family Members.□

Address delivered in Cambridge, Massachusetts on 13 March 1995.

□ Armando Montenegro-Trujillo, "Justicia y Desarrollo." National Planning Department (Departamento Nacional de Planeación), 1994

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□ Consejo Gremial Nacional. Hacia una política de desarrollo colombiano. pg 35

□ Carlos Eduardo Rojas. La Violencia Llamada Limpieza Social. CINEP, 1994

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- Comision Andina de Juristas. Entre El Dicho Y El Hecho, 1994, pg 22
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International Covenant for Civil and Political Rights
Optional Protocols to the International Covenant on Civil and Political Rights
International Convention for the Elimination of all Forms of Racial Discrimination
International Convention for the Suppression and Punishment of the Crime of Apartheid
Convention on the Prevention and Punishment of the Crime of Genocide
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