

United States Senate

WASHINGTON, DC 20510

July 1, 2005

The Honorable Condoleezza Rice
United States Secretary of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Rice:

We are writing to ask you to refrain from certifying that the Colombian government meets the human rights conditions included in the foreign operations appropriations act until further progress is demonstrated.

The U.S. law requiring certification is vital. In appropriating funds to the Colombian military, we have a responsibility to ensure that the Colombian government upholds the rule of law and will hold those accountable when abuses occur. By upholding the provisions in this law, the U.S. government promotes the rule of law and does not associate itself with these crimes.

We believe there has been insufficient progress in suspending from the armed forces, investigating and vigorously prosecuting security force members who have been credibly alleged to have committed gross violations of human rights, or who have aided or abetted paramilitary organizations. Even some of the highest-profile cases have not advanced, as can be seen by the Attorney General's March 2004 dismissal of the case against General Rito Alejo del Río, accused of forming paramilitary groups while in command of the 17th Brigade. Similarly, the Supreme Court in January 2005 dismissed a case against former Rear-Admiral Rodrigo Quiñónez regarding the 2001 Chengue massacre. In one of the few successful cases of prosecution of violence against trade unionists, a member of the military sentenced for the attempted murder of Congressman and union leader Wilson Borja was apparently permitted to escape from prison last November. To date, no member of the Air Force has been tried or sentenced to prison for the 1998 bombing in Santo Domingo which resulted in the deaths of 18 civilians, despite a 2002 ruling by the Procuraduría General that members of the Air Force were responsible.

The most recent report of the United Nations High Commissioner for Human Rights' office in Colombia notes that in 2004, "there was an increase in allegations regarding extrajudicial executions and violations of due process" by public servants, including the security forces. The report notes that allegations of sexual violence by members of the army increased and that the office "received allegations, attributed to members of the army, of massacres in Antioquia, Arauca and Boyacá." These cases are often assumed

directly by the military justice system, which frequently fails to bring members of the security forces implicated in cases of human rights violations to justice.

The human rights conditions require suspension of security force members credibly alleged to have committed gross human rights violations. Yet the UN notes that "The High Commissioner was not aware of any actions taken by the Minister of Defense to suspend personnel as a preventive measure in cases of grave human rights violations" although such suspensions were made for corruption and other offenses.

In addition, we are concerned about the case of San José de Apartadó. On February 21, eight residents of this community, including four minors ranging in ages from 2-17, were murdered in two separate incidents. Several of the victims' bodies were dismembered. Community members alleged that members of the Colombian Armed Forces were responsible. Vice President Santos made public statements implicating the FARC before any investigation had occurred, undermining public confidence in the government's will to objectively investigate the facts. We are troubled by statements by the Minister of Defense that troops were far from the area, while the Ministry's own website documents ground operations by army units in the area at the same time as the events, and residents report that army soldiers were nearby. We are also concerned about reports that members of the army inappropriately handled the murder weapons, and even cleaned one, at the crime scenes. While we are aware that key witnesses have not come forward, presumably on account of fear, the government's response has only made it less likely that these people will offer testimony to advance this investigation. We appreciate that U.S. Embassy personnel visited the community and recognize that the State Department has been concerned about this case, but we have yet to see sufficient progress in this investigation.

While the case of the killings of three trade unionists in Arauca by members of the 18th brigade of the army is among the few cases that have progressed, in part due to State Department efforts, to date no officials are being prosecuted for covering up the crime.

Another disturbing case is the discovery of a large-scale surveillance and information-gathering operation (Operación Dragón) against trade unionists, human rights defenders, and politicians, carried out by a high-ranking military officer in active service working for a private company. This is particularly troubling because some of those under surveillance have received repeated death threats. While the Attorney General's office searched the offices of this operation, the investigation and prosecution of this case have not appeared to advance.

Greater progress in breaking links between the army and paramilitary forces is imperative. The United Nations notes "continued reports... of cases in which coordinated operations have been carried out by members of the security forces and paramilitary groups, and cases in which the victims had been detained by members of the

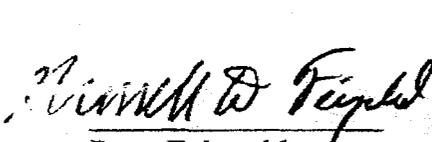
paramilitary forces and subsequently reported by the army as having been killed in combat." Amnesty International alleges that paramilitary forces have been seen operating with 17th Brigade troops, threatening communities in the Jiguiamandó River basin, while in Chocó Department, covered by Riverine Brigade No. 20, paramilitaries have maintained a base despite repeated efforts to bring this to the attention of authorities. In a May 2005 letter to President Uribe, three bishops of the Chocó region questioned why the paramilitaries moved with such freedom in the area despite a massive army presence. "We ask ourselves with more and more discomfort whom the Armed Forces protect and whom they fight..., because we continue to suffer on a daily basis completely unacceptable situations for a country with the rule of law."

Amnesty also points to the May 2004 killing of eleven peasant farmers in Tame, reportedly by paramilitaries, despite the presence of a large-scale military operation by the 17th Brigade and Mobile Brigade 5 at the same time and location. No member of the military has been investigated in this case. In April 2004, at least 12 people from the indigenous Wayúu community in La Guajira were killed, reportedly by paramilitaries. Despite an alert to security forces, no reported attempt appeared to have been taken to intervene, and there were reports that some of the victims were handed over to the paramilitaries by army soldiers. In April 2005, paramilitaries entered the Cacarica River basin after members of the 17th Brigade withdrew. According to Amnesty, before the troops withdrew, one soldier reportedly told inhabitants that paramilitaries would be arriving in the area.

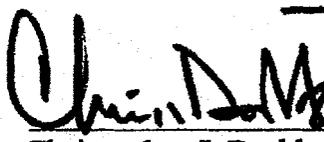
We also recognize and condemn the particular brutality of Colombia's guerrilla forces, who have continued their abhorrent practices of kidnapping for profit, extrajudicial executions, use of gas cylinder bombs and other actions showing blatant disregard for international humanitarian law. However, we are sure you would agree that it is important to hold our partners to a higher standard.

We believe that it is time for the State Department to make clear to the Colombian government that further progress regarding its own security forces is necessary prior to certification. Thank you for your attention to this important matter.

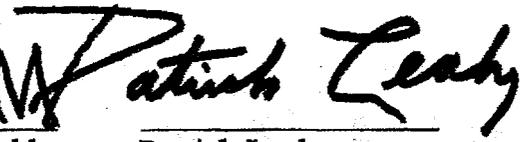
Sincerely,



Russ Feingold
United States Senator

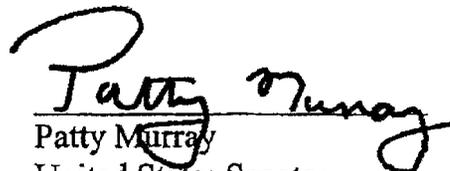


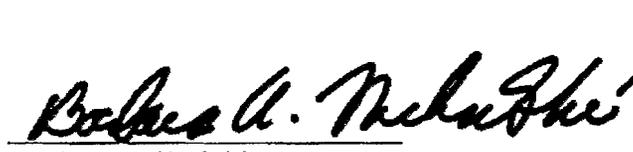
Christopher J. Dodd
United States Senator



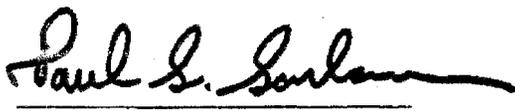
Patrick Leahy
United States Senator

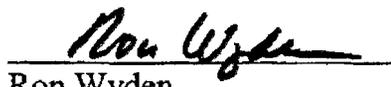

Tim Johnson
United States Senator

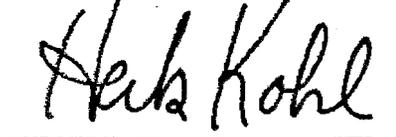

Patty Murray
United States Senator


Barbara Mikulski
United States Senator

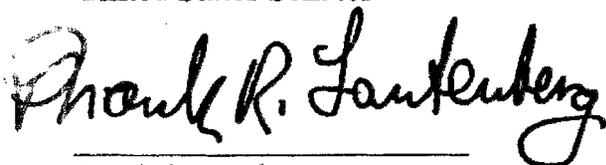

Mark Dayton
United States Senator

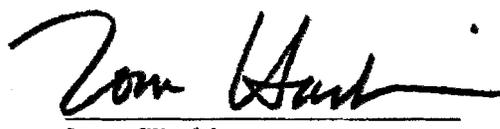

Paul Sarbanes
United States Senator

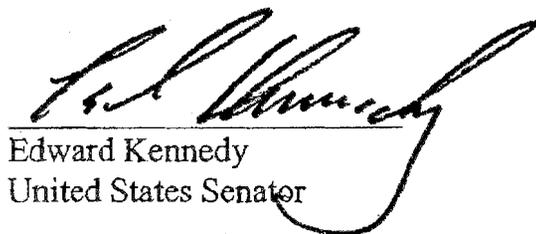

Ron Wyden
United States Senator

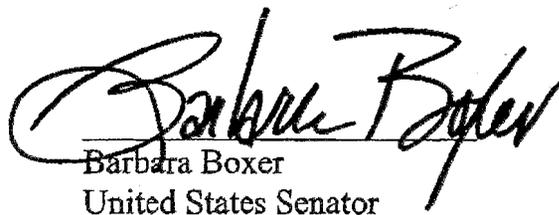

Herb Kohl
United States Senator


Dick Durbin
United States Senator

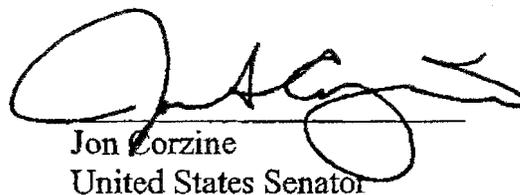

Frank Lautenberg
United States Senator

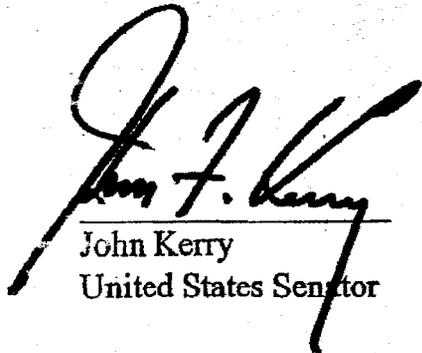

Tom Harkin
United States Senator


Edward Kennedy
United States Senator

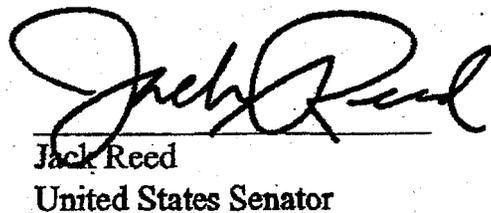

Barbara Boxer
United States Senator


Jim Jeffords
United States Senator

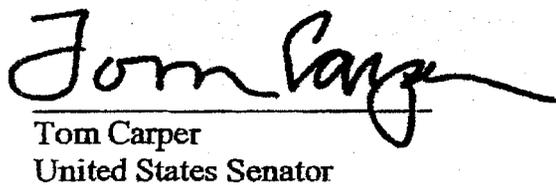

Jon Corzine
United States Senator



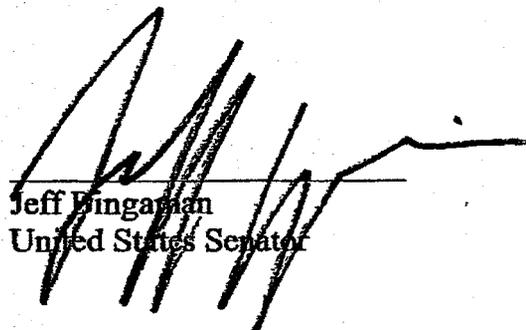
John Kerry
United States Senator



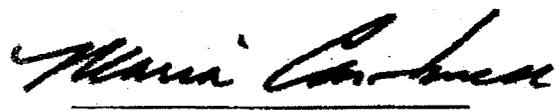
Jack Reed
United States Senator



Tom Carper
United States Senator



Jeff Bingaman
United States Senator



Maria Cantwell
United States Senator