GENERATION UNDER FIRE

CHILDREN AND VIOLENCE IN COLOMBIA

Human Rights Watch/Americas
(formerly Americas Watch)

Human Rights Watch Children's Rights Project

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Cover photo: Two Colombian street children sniffing glue under a poster announcing an extermination campaign. Copyright © Timothy Ross - JB Pictures, Bogotá, Colombia.

Human Rights Watch/Americas, (formerly Americas Watch)

Human Rights Watch/Americas was established in 1978 to monitor human rights in Latin America and the Caribbean. José Miguel Vivanco is the executive director; Anne Manuel is deputy director; Sebastian Brett, Raphael de la De Hesa, Robin Kirk and Gretta Tovar Siebentritt are research associates; Joanne Mariner is the Orville Schell Fellow; Steven Crandall, Vanessa Jiménez and Tuhin Roy are associates. Peter D. Bell is the chair of the advisory committee and Stephen L. Kass and Marino Pinto Kaufman are vice chairs.

Human Rights Watch Children's Rights Project

The Children's Rights Project was established in 1994 to monitor and promote the human rights of children around the world. Lois Whitman is the director and Michelle Morris is counsel.

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Since much of our research was carried out in Medellín, we would like to dedicate this report to the memory of Dr. Héctor Abad Gómez, former president of Medellín's Permanent Committee on Human Rights. His murder in 1987 remains in shadows to this day, one of the thousands of political crimes that go without prosecution or punishment in Colombia.

"There is nothing those who embrace death hate more than those who love life," Dr. Abad once said. Dr. Abad's legacy is a new generation of human rights activists in Medellín, who continue to look to his example as an inspiration for their work, often dangerous, in support of human rights.

ACRONYMS

ACHR: American Convention on Human Rights

CAJ-SC: Comisión Andina de Juristas-Seccional Colombiana (Andean Commission of Jurists-Colombian Section)

CINEP: Centro de Investigación y Educación Popular (Popular Research and Education Center)

COOSERCOM: The community police agency set up for ex-militias in Medellín

DANE: Departamento Administrativo Nacional de Estadísticas (National Statistics Department)

DAS: Departamento de Seguridad Administrativo (Department of Administrative Security)

DECYPOL: Departamento de Estudios Criminológicos e Identificación (Department of Criminological Studies and Identificación); the Medellín coroner's office

ELN: Ejército Nacional de Liberación (National Liberation Army)

F-2: National Police intelligence

FARC: Fuerzas Armadas Revolucionarias de Colombia (Revolutionary Armed Forces of Colombia)

ICCPR: International Covenant on Civil and Political Rights

ICVA: International Council of Voluntary Agencies

MENCOLDES: Mennonite Development Foundation

NN: no name

PEPES: People Persecuted by Pablo Escobar

SIJIN: Section of Judicial and Investigative Police

UNASE: Unidad Anti-Secuestro y Anti-Extorsión (Anti-Kidnapping and Anti-Extorsion Unit), an elite anti-kidnapping police squad

UNCRC: United Nations Convention on the Rights of the Child

UNICEF: United Nations Children's Fund

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are not allowed to express ourselves
they find us on street corners
and want only to shoot us down...

— Social Danger, a rap group from Ciudad Bolívar ("Cuando los caminos se cierran," *El Tiempo*, December 31, 1993.)

The rights of children prevail over the rights of all others.

— Article 44, Constitution of Colombia (*Constitución Política de Colombia*, Santafé de Bogotá: Ediciones Emfasar, 1992, p. 22.)

SUMMARY

To be a poor child,[1] a runaway, a child prostitute, or a child in a war zone in Colombia is to live with the threat of murder in daily intimacy. At an average of six per day, 2,190 children were murdered in 1993 according to Colombia's national statistical bureau (DANE).[2] In some regions, the murder of children has reached epidemic proportions. In the city of Cali, for instance, the murder of children jumped over 70 percent between 1991 and 1992.[3]

Per capita killings of children in Colombia exceed those in Brazil, where the killing of black street youth has captured world headlines.[4] Like most poor countries, Colombia is a nation of youth, so to speak of children is to include close to half its population of thirty-five million.[5]

A significant number of murders of children are the direct responsibility of the state. This report is concerned with the human rights of children targeted by state agents for murder and torture; state-tolerated vigilante violence against children (called "social cleansing"); widespread state neglect of the rehabilitation and appropriate incarceration of abandoned and violent children,

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[1] The word "child" is used in this report to mean anyone under the age of eighteen. The United Nations Convention on the Rights of the Child (UNCRC) defines a child as "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier (Article 1)." The age of majority in Colombia is eighteen.

[2] Colombia has a per capita murder rate for children that is eight times that of the United States. Camilo Chaparro, "Impune, maltrato a menores de edad," *El Tiempo*, September 6, 1994; and telephone interview, U.S. National Criminal Justice Reference Service, July 7, 1994.

[3] "Cada 24 horas, un niño muere violentamente," *El País* (Cali), March 14, 1993.

[4] For more on violence against children in Brazil, see *Final Justice: Police and Death Squad Homicides of Adolescents in Brazil* (New York: Human Rights Watch, 1994).

[5] According to the most recent census released by DANE, 43 percent of Colombia's population is under eighteen.

which fuels "social cleansing"; and the generalized impunity enjoyed by the killers of children, beginning with agents of the state. We also include reports on the murder by armed insurgents or their clients of children in open violation of international humanitarian law.

Clearly, adults are also the victims of violations in Colombia. The extra-judicial executions, torture, and examples of impunity in the killings of adults far outnumber those involving children. Adults are also more often the victims of common crime. With an average of seventy-seven murders for every 100,000 people, Colombia leads the world in murder.[6] Most human rights abuses and common crimes, including murder, go uninvestigated and unpunished. Violations against children could be seen as simply symptomatic of the larger problem of violence and impunity in Colombia.

In view of this collapse of law and order, it is unusual for Human Rights Watch to focus on a particular group. Yet we believe this focus is merited. Children face special risks, since they lack the knowledge or skills to defend themselves. Often, they have been abandoned by their families and the state, which does little to protect them from violence. It is ironic that children face such threats in a country that purports to honor the rights of children "over the rights of all others" according to Article 44 of the constitution. On paper, they are the country's most protected citizens, while in practice, they are more prone to murder than children in any other country in the world.

Official investigations have repeatedly uncovered the link between government forces and the murder of children. The police in particular have participated in hundreds of killings of children since 1980, including the so-called "social cleansing" murders of street children and youth militia and gang members. Community leaders frequently charge that some police agents contribute to "social cleansing" by selling weapons on the illegal market to men who then kill children with police complicity.

The torture of children detained by the police and military continues to be the norm in Colombia. We received testimony about beatings, rape, electrical shocks, near-drownings in filthy water, and near-suffocation. Far from a practice of the past, torture remains a daily, ugly reality for children in detention in

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[6] "Colombia, entre la vida y la muerte," *El Espectador*, August 13, 1993; and "`La ONU debe constatar el verdadero caso de Colombia',' *El Espectador*, May 22, 1994.

Colombia.

Children are also murdered because the government forces pledged to maintaining order refuse to intervene when others break the law. Throughout Colombia, extra-legal forces — guerrillas, paramilitaries, "social cleansing" squads, militias, and gangs — have carved out territories that they rule with minimal government interference, whether because government agents fear intervening, are inefficient, or are corrupt. Within these territories, the law that reigns is *la ley del sapo*— literally, the law of the toad, or snitch. Those who report crimes die. Those who stay silent survive. Repeatedly, Human Rights Watch/Americas was told by witnesses to killings or by the family members of victims that it is better to suffer abuses than speak out, since the government tolerates abuses and those who stand up to violence suffer the consequences.

We believe this toleration on the government's part is a serious violation of human rights. To an alarming degree, the state has withdrawn, ignoring the threat to its citizens, including children. We consider this toleration a serious violation of the right to life, protected in numerous conventions signed and ratified by the Colombian government.[7]

Impunity is ubiquitous for the murderers of children. A recent study by the Procuraduría Delegate for Minors and Families found that only twelve cases involving child murders in 1993 had resulted in a trial.[8] It must be noted that

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[7] State signatories to the Convention on the Rights of the Child (UNCRC) are required to protect, among other things, a child's right to life (Article 6); to freedom from torture or other cruel, inhuman, or degrading treatment or punishment (Article 37 (a)); to freedom from arbitrary or unlawful detention (Article 37 (b)); while in confinement, to humane treatment, separation from adults, and contact with his or her family (Article 37 (c)); and if deprived of liberty, to prompt access to legal assistance, the right to challenge the deprivation of liberty before a court, and to a prompt decision on any such action (Article 37 (d)). Article 40 of the Convention spells out in detail the due process rights to which a child is entitled. The rights are also prescribed by the International Covenant on Civil and Political Rights (ICCPR) (1966) and the American Convention on Human Rights (ACHR) (1969).

Colombia has ratified the UNCRC, the ICCPR, and the ACHR.

[8] The Procuraduría is the state agency charged with investigating reports of abuses by state employees, including the police and military. However, the Procuraduría can only recommend dismissal of those found guilty and cannot

impunity is enjoyed by almost all murderers in Colombia, not just those who kill children and not just those in uniform.

Nevertheless, while many murders stem from common crime, a significant number were carried out by agents of the state, and were neither investigated properly nor prosecuted. Human Rights Watch/Americas found that the few investigations carried out of official involvement in the murders of children rarely resulted in more than dismissal for implicated officers. Despite numerous police purges, officers continue to be implicated in the murder of children. While we support the dismissals of officers who commit violations, we believe that they should also be prosecuted in civilian courts for these crimes. Promises to restrain the military have yet to bear tangible fruit.[9]

Measuring impunity presents some difficulties, since many children refuse to testify against their attackers out of fear or a conviction that state agents will not be punished. In addition, forensic investigations into murders are often incompetent. For instance, in one city, the authorities charged with collecting evidence in a series of "social cleansing" murders did not gather forensic evidence, but instead washed, shaved, and cut the hair of the victims, making identification nearly impossible.

This report would not be complete without a recognition of the fact that children are also among Colombia's most prominent killers. Children belong to the gangs that prowl urban centers, assaulting pedestrians and hijacking cars. Recruited and trained by drug traffickers, children make excellent assassins, since they learn quickly and according to law cannot be punished as severely as adults. After the 1990 assassination of presidential candidates Bernardo Jaramillo by a fifteen-year-old and Carlos Pizarro León-Gómez by a sixteen-year-old, the Colombian press dubbed these teenage males ***kamikazes***, since they seemed willing to sacrifice their own lives for fame and the fee paid to their

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impose stiffer punishment. Chaparro, "Impune...", *El Tiempo*.

[9] The annual report released by the Procuraduría in August revealed that allegations of human rights violations increased twenty percent between 1992 and 1993. Incidents involving attacks by the security forces against civilians doubled. "Attorney General's Office on Human Rights Abuses," Televisión Canal A Network, August 24, 1994, in the Foreign Broadcast Information Service (hereafter FBIS), August 30, 1994, p. 51.

families.[10] To expand their urban base, guerrillas have also turned to children to form militias. Human rights groups believe these militias have ordered children to carry out killings of other youths accused of theft or drug use in many of Colombia's *tugurios*, or slums, in order to impose a kind of deadly moral order in areas they seek to control.

Yet we believe the state shares some responsibility for these murders as well. To rectify an antiquated and ineffective juvenile justice system, in 1990 the state put into effect a new legal Code for Minors for child killers as well as abandoned and abused children and child vagrants, drug abusers, and prostitutes. In contrast to the old code, the new one stresses treatment over incarceration and contains many laudable provisions.

As Human Rights Watch/Americas discovered, however, the Colombian government has not fully implemented the Code for Minors, specifically failing to appoint or sufficiently empower the *defensores de menores* (child defenders) charged with protecting the rights of children. In addition, there are few facilities available to house criminal children, meaning that often judges are forced to release them with no penalty.

Because of this failure to act, children in need of protection from the state go unattended, the prey to vigilante squads; children continue to suffer illegal detention and torture at the hands of the police and military; and child killers go free to kill again. The failure to protect abandoned children as well as mete out justice to children who kill must be seen as a serious problem that contributes to vigilantism.

We believe there must be a meaningful penalty for both the murderers of children and murderers who are children. While we support judicial proceedings that take into account a child's age and the desirability of promoting rehabilitation in accordance with Article 40 of the Convention on the Rights of the Child, too often children in Colombia who commit murder and are arrested are released in a matter of days because there is a shortage of facilities to keep and treat them. Without a meaningful penalty, the impunity for both sides will

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[10] Jaramillo's accused killer, Andrés Arturo Gutiérrez, was murdered along with his father a year later during a weekend release from the juvenile detention center where he was held. Pizarro's killer was killed in the act. *Political Murder and Reform in Colombia: The Violence Continues* (New York: Human Rights Watch, 1992), pp. 4-5. See also Alonso Salazar, *Born to Die in Medellín* (*No Nacimos Pa' Semilla*) (New York: Monthly Review Press, 1993).

contribute not only to "social cleansing" murders but also other types of political violence.

At the conclusion of this report, we make recommendations to protect the rights of children to the Colombian government, armed insurgents, and the international community. We include a detailed list at the end of this report, in the chapter titled "The Necessary Reforms."

Among the most important recommendations is one urging an amendment of the constitutional provision granting military court jurisdiction in cases involving crimes by military personnel against civilians, and the extension of this exception to police. As we have maintained in previous reports, members of the security forces should be tried by civilian courts and punished according to civilian law when they violate the rights of civilians. Equally important is an end to support for the constitutional provision protecting "due obedience" to higher orders, allowing subordinates to claim innocence on the grounds that they were acting on orders of a superior officer.

In relation to private vigilante groups, we urge the Colombian government to renew its public rejection of paramilitary groups and "private justice" as a way to resolve social ills. This public rejection must be paired, however, with investigations of and sanctions against civilians and security force members who abet, deploy, or participate in paramilitary groups.

Because the acceptance of "social cleansing" murders appears widespread in Colombian society, we believe it would be important for the Public Ombudsman, in cooperation with children's groups and human rights groups, to mount a national educational campaign in defense of the lives of Colombians, including children, made prey to this abuse.

As we have done in the past, we call on the armed opposition to respect international humanitarian law. Specifically, we urge that guerrillas and their associates in urban militias should expressly prohibit the killing of prisoners or noncombatants, including the so-called "popular trials" of accused criminals or drug addicts. We also call for a total ban on the use of *quiebrapatas* mines, which we believe are inherently indiscriminate. We also call on guerrillas to cease recruiting children both for their regular forces and for the militias that operate in close coordination with them.

Finally, to the international community, we recommend speedy action to bring this epidemic to greater attention by tasking the U.N. and the Organization of American States with investigating human rights violations against children and issuing special reports. This could be done through the office of the U.N. Special Rapporteur on Summary or Arbitrary Executions and/or the Inter-American

Commission on Human Rights.

For the United States, long Colombia's most important political ally and trade partner, it is long past time to speak out strongly in support of human rights in Colombia. With the exception of a single speech delivered to military officers in July 1994, the U.S. Embassy in Colombia has made no public statement about human rights in Colombia. While the State Department's *Annual Country Reports on Human Rights Practices* contains important information on government human rights abuses, regular statements within Colombia would underscore the U.S. commitment to seeing an improvement in human rights in Colombia for all, including children.

I

BOGOTÁ

For Bogotanos, news of the hijacking of a public bus burst the boundaries of what had become high, but familiar levels of crime. On May 25, 1994, seven men and one woman boarded a public bus on Avenida Boyacá, a main artery. For the next several hours, the bus was driven through the darkening streets as the assailants robbed their hostages and raped two of the women. The speedy capture of the gang four days later did nothing to quench the thirst for vengeance expressed by the crowd that gathered at the police station where they were held, screaming for the use of the death penalty, illegal in Colombia.[11]

Crime, insecurity, fear — these are everyday themes in conversation, on the radio, in family gatherings. Along with being the capital of the country and, at eight million, by far the largest concentration of people in the country, Bogotá is the capital of Colombian crime. In 1992, police recorded 66,008 crimes within the city limits, from homicide to car theft, assault, armed robbery, and rape.[12] Medellín, Colombia's second-largest city and infamous for its connection to the cocaine trade, recorded less than one-third this number.[13] Bogotá homicides increased 21 percent in 1993 alone, a total of 5,912 murders, most committed with guns according to the Instituto Nacional de Medicina Legal y Ciencias Forenses, the coroner's office.[14]

Most individuals have few defenses against crime. Far from being seen as society's protectors, Colombian police are often viewed as hoodlums. Repeatedly, government investigators and human rights groups have found

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[11] "El bus del terror," *Semana*, June 7, 1994, pp. 32-36.

[12] 1993 figures are not yet available. "Delincuencia común," *Cambio 16*, No. 24, November 22-29, 1993, pp. 30-42.

[13] Ibid. However, Medellín continues to be Colombia's murder capital. See Luis Jaime Acosta, Reuter, "Medellín, la más violenta," *El Mundo*, March 23, 1993.

[14] "7 mil muertes violentas en Bogotá durante 1993," *El Espectador*, February 17, 1994.

evidence tying police to crimes and human rights violations.[15] In Bogotá, a study by the mayor's Oficina Permanente de Derechos Humanos (Permanent Human Rights Office) found that one quarter of the complaints they received between March 1993 and March 1994 involved police, implicated in attempted murders, beatings, and illegal searches.[16]

One newspaper editorialist made the following summary as 1993 closed:

[15] For more detailed report on police human rights violations, see Procuraduría General de la Nación, *Informe sobre derechos humanos* (Santafé de Bogotá: Procuraduría, 1994); and Washington Office on Latin America, *The Colombian National Police, Human Rights and U.S. Drug Policy* (Washington, D.C.: WOLA, 1993).

[16] "Policía, la que más viola derechos humanos," *El Espectador*, June 8, 1994.

> Along Avenida Circunvalar gangs of thugs put up roadblocks to commit their crimes. During peak traffic hours public busses are assaulted. Over the past two months at least six bank branches have been robbed while they were open and in the last general assembly the president of the National Association of Financial Institutions decried the fact that many of the assailants in these cases were police agents... All along the Northern Highway, bands of highwaymen scatter nails along different exits and entries all night long and put up barricades to stop vehicles and rob and kill their occupants.[17]

To foil criminals, the wealthy hire private guards and encase themselves behind bristling glass, bullet-proof cars, and barbed wire. But no precaution is foolproof. A trip to the store means running across a gang of gamines[18]. Business suffers when drug addicts lounge at the entrance, unmolested by police. Muggings at bus stops occur in broad daylight. In a crime-beset atmosphere and unable to count on the government or police for solutions, many Colombians feel overwhelmed.

The perception of out-of-control crime is one of the factors human rights groups say is behind the phenomenon of so-called "*limpieza social*," or "social cleansing" killings and their widespread acceptance in many communities. In Colombia, "social cleansing" is understood as the serial killing of members of a social group in order to "clean out" or "impose order" on a criminal or unsightly populace. Those who organize and carry out these killings have included local residents, merchants, and police.

Attacks are not levelled against individuals but groups identified as worthless or a danger to society, often referred to as *desechables*, or disposable people. A significant number of the victims are children. Of the 1,926 "social cleansing" killings registered by the Center for Research and Popular Education (CINEP) from 1988 through 1993, 124 were children, most *gamines*. CINEP believes more killings may have gone unregistered.[19]

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[17] Gonzalo Guillen, "A penas Suramericana," *La Prensa*, October 3, 1993.

[18] *Gamines* is the term used for street children.

[19] The difficulty inherent in gathering reliable statistics on "social cleansing" killings has meant pronounced variations in the numbers released by the

However, we believe that a factor more important than the frequency of crime in understanding why "social cleansing" killings occur are concrete and identifiable government actions. While "social cleansing" killings cannot be called a government policy approved at the highest levels, there is convincing evidence that they take place with the participation or approval of some local authorities and police and military commanders.[20] Bolstering this practice is the long-term trend in Colombian society, permitted or openly abetted by the authorities, of turning to "private justice" to hunt perceived enemies.[21]

Perhaps the most compelling reason why "social cleansing" killings persist is official impunity, which is systematic and pervasive.[22] Impunity encourages vigilante violence by crime victims who see no alternative in the justice system. Paired with inaction to protect the targets of "social cleansing"

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authorities and even human rights groups. In this report, we have chosen to cite only CINEP statistics since we draw heavily from their 1994 report on "social cleansing," cited later. Letter from Carlos Rojas, CINEP researcher, to HRW/Americas, July 1, 1994.

[20] The killing of children by police violates the UNCRC, the ICCPR, and the ACHR (see footnote 6 in the *Summary* section).

[21] A recent example is the government's open tolerance of paramilitary chieftain Fidel Castaño, implicated in the killings of peasants, trade unionists, and leftists during the 1980s. Castaño, who reportedly divides his time between ranches in northern Colombia and a Parisian home, also took responsibility for the creation of People Persecuted by Pablo Escobar (PEPES), the group credited with helping corner the cartel kingpin by murdering his allies and bombing his properties. Although Castaño has been declared guilty *in absentia* for publicly admitting having formed paramilitary groups in the state of Córdoba, he remains at large, accessible, apparently, only to intrepid journalists and not the Colombian security forces. "`Yo fui el creador de los Pepes'," *Semana*, May 31, 1994, pp. 38-45.

[22] The United Nations Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary, and Summary Executions (1989) requires a "thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions," as well as government action to bring to justice persons identified by the investigation as having taken part in such executions.

from organized extermination, impunity ensures that "social cleansing" squads continue their night rounds unimpeded.

Along with gamines, the targets for "social cleansing" squads include adult trash recyclers[23], prostitutes (heterosexual, homosexual, and transvestite), the mentally ill, thieves, and the indigent. But those who work with children say that the young are particularly vulnerable. Although there are no hard figures available, the United Nations Fund for Children (UNICEF) estimates that along with Mexico City, Bogotá is the Latin American city with the most gamines, about 1,500, most boys.[24] Some take to the streets as young as five because of abuse within the home, on the increase throughout Colombia.[25]

They are easily identified by their grime-stiffened clothing and matted hair. Often alone and lacking in experience, some have not yet developed the survival skills necessary to live on the street. Because children are often drugged, their reaction time can be fatally slow. Among the most frequent drugs used by gamines are *bazuco*, the highly addictive residue left from the fabrication of cocaine, and industrial glue, known by the brand names of "Boxer" and "Sacol."[26]

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[23] About 300,000 Colombians live from the money they make by collecting cardboard, paper, and other recyclable materials, much of which is then used to pack crates destined for the export market. HRW/Americas interview, Bogotá, June 14, 1994; and Leslie Wirpsa, "Neoliberal free trade raw deal for Colombian cooperative of impoverished trash collectors," *National Catholic Reporter*, December 17, 1993.

[24] "El caso Brasil," *El Universal*, July 30, 1993; and HRW/Americas interview, Carlos Rojas, Bogotá, June 2, 1994.

[25] A National Planning survey of the reasons why kids end up on the streets found that most cited abuse within the family. "Maltrato infantil: énfasis en la prevención," *El País* (Cali), September 24, 1993; and "Colombia no nos quiere" and "Cuando este niño crezca," *El Tiempo*, January 9, 1994.

[26] Industrial glue is a cheap and euphoric high, comparable in its effect to opiates. Used by shoemakers, it contains toluene, which dissolves brain cells, kidneys, and other organs. Reacting to the damage, the body releases soothing endorphins, numbing sensations of cold and hunger. As the glue's power dissipates, however, the user feels desperation and a craving for relief from more glue. Heavy users can end up paralyzed. Bonnie Hayskar, "Sticking with Addiction

Children buy glue from corner stores, street vendors, and each other. Kept in small bottles or plastic bags, it has the consistency and color of rubber cement. When Leonardo*[27], a tiny gamín interviewed by Human Rights Watch/Americas, drew his bottle from his sleeve to sniff, a look of dazed pleasure suffused his face. A lively, curious boy, Leonardo was transformed into a somnolent heap of rags, oblivious to the chatter of the other children around him.[28]

One social worker put it this way in an interview: "Sometimes, it's a question of knowing when to duck and to run. Often, the kids just don't know. So they're the ones who die."[29]

"SOCIAL CLEANSING" OF CHILDREN

Frankie has been on the street since he was eight years old.[30] Now a convicted murderer at twenty-three, he says his mother died of an illegal abortion and his father was killed in the service of a drug trafficker. Like most gamines, Frankie learned early to smoke the bazuco he buys with his nightly earnings as a mugger. Two bazuco cigarettes cost him 200 pesos, about twenty-five cents.

Frankie has survived three "social cleansing" attempts on his life. He says policemen dressed in civilian clothes shot at him from a motorcycle as he slept on the street three years ago. A year later, the same thing happened. Last November, he was smoking bazuco with his girlfriend, Elizabeth Corrales Suárez, known as "La Negra," when a black BMW sedan skidded to a stop near their *cambuche*, sleeping spot. In the ensuing gunfire, Corrales was killed. Frankie now

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in Latin America," *Multinational Monitor*, April 1994, pp. 26-29.

[27] An asterisk (*) denotes a name changed to protect the identity of the speaker at her or his request.

[28] HRW/Americas interview, Bogotá, June 3, 1994.

[29] Ibid.

[30] HRW/Americas interview, Bogotá, June 7, 1994.

has a plastic vent in his throat from the operation to extract a bullet.[31]

Later, a friend gathered the six bullet shells left from the attack and gave them to police to investigate, an effort that has yet to produce a suspect. When asked why he would be the target of attacks, Frankie shrugs. "It's because they hate indigents."

For Frankie, "they" means the police and the men he thinks pay them to kill street people. The first time he was tortured by police, he says, was when he was fifteen. In the station, they kicked him and forced his head underwater.[32] Kept naked in a cold basement cell, they beat him with a stick soaked in water. After dousing his body with water, they clipped wires attached to an electric cable to his testicles. They punched him in the stomach after putting a plastic bag over his head, forcing him to gulp in air.[33]

A study of the "social cleansing" phenomenon by CINEP researcher Carlos Rojas pinpoints its beginnings in the town of Pereira (Risaralda) in 1979.[34] There, members of the local Security Council (Consejo de Seguridad), which included the local police and military chiefs, the mayor, and other authorities, decided to begin marking the hands and faces of thieves with indelible red ink. After one thief seriously injured himself while attempting to remove the ink with muriatic acid, the measure was abolished.[35]

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[31] Frankie also told his story to *Miami Herald* reporter Mary Speck and *Los Angeles Times* reporter Tracy Wilkinson. His case is mentioned in Mary Speck, "Always dangerous, life on Bogotá streets is now often deadly," *Miami Herald*, April 16; and Tracy Wilkinson, "A Culture of Violence," *Los Angeles Times*, March 8, 1994.

[32] The UNCRC, the ICCPR, and the ACHR forbid torture or cruel, inhumane treatment or punishment (see footnote 6 in the *Summary* section). The United Nations Code of Conduct for Law Enforcement Officials states in Article 5 that "No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment of punishment."

[33] HRW/Americas interview, Bogotá, June 7, 1994.

[34] In this report, we identify the department (state) where towns are located by including the state in parentheses.

[35] Carlos Rojas, *La violencia llamada limpieza social* (Santafé de Bogotá: CINEP, July 1993), pp. 15-16.

Over the next several months, however, the bodies of sixty-two known thieves, former thieves, and others turned up at an isolated spot on the outskirts of town. All were killed execution-style, with hands tied and a bullet to the temple. Rapidly, the technique spread to other urban centers. In Calarcá (Quindío), indigents were hung from trees and tortured with knives.[36] Biblical revenge appeared to motivate the mutilation of one body in Medellín (Antioquia), left with eyes and tongue cut out.[37] Morning commuters in Barranquilla (Atlántico) would find the bodies of transvestites thrown to the side of the road, their faces scored with knife slashes. In Valle, a police patrol was put on the Cauca River to fish out the naked bodies that hung up on brush and sandbars.[38]

Rojas theorizes that the idea of "social cleansing" grew out of profound changes in Colombian society. Massive migration from the countryside to the city, economic recession, family break-up, persistent political conflict, and the growth of the cocaine trade — with its custom of settling disputes at gunpoint — are some of the factors he says contributed to an increase in crime, homelessness, and a perception that the state could no longer deal with threats to individual security.[39]

As serious, the judicial system, despite repeated reforms, has proved incapable of investigating and punishing crime. A Planeación Nacional (National Planning) investigation released in 1994 found that only 3 percent of the crimes committed in Colombia ever reach a judicial verdict, an astonishing two verdicts per month for the entire country. Although the number of homicides has more than tripled over the past decade, the number of accused murderers tried has steadily

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[36] Arturo Alape, "A quién le importa la muerte ajena?" *El Espectador*, August 25, 1991.

[37] Rojas, *La violencia llamada...*, p. 18.

[38] Some of these killings were probably related to a dispute between Valle drug gangs. Alape, "A quién le importa...", *El Espectador*.

[39] While crime has increased overall in Colombia, certain kinds of crimes actually decreased in the latter half of the 1980s, including robbery. The crime that showed the sharpest jump was homicide, most unrelated to political conflict — from 9,122 in 1980 to over 24,000 in 1993. Rojas, *La violencia llamada...*, pp. 34-43, 45-59.

dropped.[40]

To combat guerrilla insurgencies, the government itself has adopted strongly authoritarian measures that often result in human rights violations, sending the message that violence is an acceptable way to solve problems.[41]

"If society is unprotected and the State fails to act, the solution appears to be to take matters into your own hands and employ the only thorough and efficient method that will finish off these problematic individuals," Rojas told Human Rights Watch/Americas in explaining the motivation behind "social cleansing." "For several years, there was no response to these murders from the state, which characterized them as the result of vendettas between delinquents and denied the participation of police or the existence of death squads."[42]

By 1980, cases became so numerous in Medellín that a city council member was able to present evidence linking the approximately 300 such killings that year to the National Police, specifically the F-2, the DAS, and the Citizen Security Department (Departamento de Seguridad Ciudadana), the last since disbanded.[43] Among the groups identified as "social cleansing" squads in Cali were "Los Cobras." An F-2 investigation later identified its leaders as two private security guards who charged each household in their neighborhood a weekly quota to fund the kidnappings and executions of local juvenile delinquents.[44] Other groups have called themselves "Death to gamines," "Love for Medellín," "Sweet Dreams," "Death to Dangerous Homosexuals," "Black Hand," and "Toxicol-90" (after a commonly sold brand of vermin and insect poison).

Before launching a campaign, these groups typically carried out a public

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[40] Although Colombian human rights groups have attempted to further break down these figures by type of crime, such detail has proved nearly impossible to produce since some trials take as long as ten years to conclude. "Justicia: y los resultados?," *El Tiempo*, August 28, 1994.

[41] For more on these measures, see Human Rights Watch, *State of War: Political Violence and Counterinsurgency in Colombia* (New York: Human Rights Watch, 1993).

[42] HRW/Americas interview, Carlos Rojas, Bogotá, June 2, 1994.

[43] Rojas, *La violencia llamada...*, pp. 17-18.

[44] Ibid., p. 20.

relations effort aimed at stripping their intended victims of their humanity. No longer individuals, their targets become "human waste" or simply "filth." In repeated public statements, the organizers of "social cleansing" squads have positioned themselves as the guardians of "decent" society, while their targets are useless, unwanted, and beyond redemption. The existence of desechables is more than an embarrassment or an annoyance. To the "social cleansers," it is a stain on their very concept of community, and must be eradicated with energy.[45]

In 1986, the anonymous founders of Toxicol-90 announced their intentions to the press in the following manner:

> Faced with the reigning wave of insecurity unleashed recently in the city of Barrancabermeja, the undersigned have embraced with our hearts the radical position of eliminating and eradicating by any means all types of elements unworthy of living in society, for instance muggers, purse snatchers, marijuana smokers, bazuco smokers, etc... it's because of them that our anonymous "company" (*sociedad anónima*) has created the product Toxicol-90, whose objective is in accordance with its reason for being, that is to carry out humane acts of hygiene [on people]... We will also apply popular justice to lawyers who specialize in defending this human waste.[46]

CINEP began recording the victims of "social cleansing" killings by age in 1988, when nine boys and one girl were killed.[47] By the end of the decade, then-Minister of Government (and later President) César Gaviria was able to identify

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[45] Because the victims of "social cleansing" killings are usually chosen not because of who they are, but rather what group they belong to, human rights groups generally record such killings by group. However, children may be mixed into categories other than "street child," for instance "drug addict" or "prostitute". Rojas, *La violencia llamada...*, pp. 46-48; and letter from Carlos Rojas to HRW/Americas, September 15, 1994.

[46] Rojas, *La violencia llamada...*, p. 46.

[47] Letter from Carlos Rojas to HRW/Americas, July 1, 1994.

forty "social cleansing" groups among the 140 paramilitary groups active throughout Colombia.[48] By 1990, the number of children who fell victim to "social cleansing had doubled, to eighteen.[49]

Rojas emphasizes, however, that "social cleansing" groups tend to be fluid and impermanent, operating under various names when a rise in crime and insecurity seems to demand a violent response. Although over time, "social cleansing" killings have tended to increase, their numbers vary widely from month to month, marking the beginning and end of definite "campaigns," often tied to changes in public perception of crime. Rojas has noted a definite correlation between media reports on a perceived increase in crime or judicial inefficiency and "social cleansing" campaigns.[50]

It was during such a campaign that one team of "social cleansers" attacked Rafael David Rivera Galvis, a thirteen-year-old recycler living in the capital. In 1991, he told reporters, city sanitation workers, who wear distinctive yellow uniforms, doused him with gasoline as he slept across the street from the central police station in Bogotá. "*El Quemadito*" (The Little Burned One), as he is known, managed to put out the flames, although he was left blind in one eye and severely scarred.[51]

For Rojas, the clear beginning and end of campaigns suggests that rather than a means to eliminate desechables, "social cleansing" is used to exert periodic control over a unruly society that seems to threaten the boundaries set by "*gente decente*," good people. If the desechables are perceived as under control, campaigns cease. The all-time high in recorded "social cleansing"

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[48] Rojas, *La violencia llamada...*, p. 74.

[49] Letter from Carlos Rojas to HRW/Americas, July 1, 1994.

[50] HRW/Americas interview with Carlos Rojas, Bogotá, June 2, 1994.

[51] The burning of gamines is not unusual. We received reports of a similar case during our stay in Medellín. John Mario Osorio Avedaño, twelve, was burned as he slept by men he identified as the police. Later, John Mario was partially blinded in a shooting incident in which five of his companions were killed. "`Se burlaban de mi vestido de fuego'," *La Opinión*, January 20, 1993; and HRW/Americas interview, Medellín, June 9, 1994.

killings was reached in 1992, at 436.[52] In forty-one of these deaths, a record 9 percent, children were the victims.[53]. By 1993, CINEP had recorded "social cleansing" killings in twenty-six of Colombia's thirty-two departments, including Bogotá.[54]

In Bogotá, most "social cleansing" killings take place in the boroughs of Santa Fe and Los Mártires, on some of the roughest streets in Colombia.[55] In areas known as "El Bronx," "Cinco Huecos," "La Ratonera," and Calle del Cartucho,[56] a rubble-strewn warren of bars, brothels, lottery stands, and *ollas* (literally pots), where drugs are sold, street children wander among the adult prostitutes, pimps, and drug addicts, sometimes begging from passersby, sometimes mugging them with the gleaming knife that shoots out from beneath a sleeve.[57]

Professionally type-set posters printed in red and black ink announced a new "social cleansing" campaign in Los Mártires in August 1993 (the poster appears in our cover photo).

FUNERALS

[52] This increase was partly due to a macabre incident at the Medical School of the Free University of Barranquilla, where private security guards lured scores of recyclers into the university, only to murder them and sell their cadavers for use in the classroom. Rojas, *La violencia llamada...*," p. 22; and Víctor de Currea Lugo, "Sobreviviendo entre las basuras," *Utopias*, No. 6, July 1993, pp. 37-38.

[53] Letter from Carlos Rojas to HRW/Americas, July 1, 1994.

[54] The leader was Valle, with 585 killings, followed by Antioquia, with 549. Rojas, *La violencia llamada...*, p. 22.

[55] Ibid., p. 28.

[56] The Bronx takes its name from the New York borough portrayed in Hollywood films as especially violent. The other neighborhood names translate as Five Holes, The Rat Nest, and Bullet Shell Street.

[57] HRW/Americas interviews, Los Mártires, June 3, 1994.

The industrialists, businessmen, civic groups, and community at large in the Los Mártires area

INVITE ALL

to the funerals for the delinquents who work in this part of the capital, which will begin as of today and continue until they are exterminated.[58]

Several weeks before, the Bogotá Personería[59] told us they had received a visit of about ten local merchants, state employees, and lawyers who threatened to "take justice into their own hands" if nothing was done about crime.[60] Local child activists suspected that the posters were paid for by local business people allied with police who were fed up with street crime.[61] After the posters appeared, residents reported seeing unknown men in "troopers"[62] without license plates and with smoked-glass windows cruising the streets, apparently unnoticed by police. Although the posters were quickly removed, the bits of paper and glue left behind were sinister reminders of the threat.

Despite an increased police presence in the area, Bogotá's gamines didn't have to wait long for the threat to be carried out.[63] One week later, American

[58] Leslie Wirpsa, "Deadly `social cleansing' hits Latino poor," *National Catholic Reporter*, December 17, 1993, pp. 11-14.

[59] The Personería is the municipal office charged with defending the rights of citizens. Each personería is run by a *personero*, who files formal complaints made by citizens.

[60] HRW/Americas interview, Personería, Bogotá, June 7, 1994.

[61] Marc Cooper, "REALITY CHECK: Politics," *Spin*, November, 1993.

[62] "Troopers" are vehicles resembling Isuzu's popular all-terrain vehicle, often used in assassination attempts and "social cleansing" killings; also known as "jeeps" and "Nissanes."

[63] "Nadie tiembla en Los Mártires," *El Tiempo*, August 14, 1993.

journalist Marc Cooper learned that Caleño, a gamín he had interviewed the day before, had been shot only fifty yards from RENACER, a nongovernmental organization that works with child prostitutes. Witnesses told Cooper that armed men in a car had pulled up beside Caleño, rolled down a darkened window, and shot the boy twice in the head.[64]

According to the Inter-American Commission on Human Rights, three teen-age boys believed to be prostitutes were reportedly forced into cars by heavily-armed men in different parts of the city in October.[65] One of them was Andrés, fifteen, who worked a downtown mall. According to his friends, Andrés was forced from the mall by armed men wearing police uniforms. Just before his death, Andrés had been interviewed by reporters from Colombia's leading newspaper, who learned from his friends that his body had been found on the highway to Choachí, in a well-known *botadero de cadáveres*, body-dumping spot.[66]

Children told Human Rights Watch/Americas that police often threaten them with the *paseo*, a euphemism for a drive to Choachí in a car without license plates and certain death on one of the deserted curves.[67] Andrés' friends told reporters that three other companions, known by the nicknames of "Gasolino," "Tambor," and "Viruta," had been killed and left in botaderos in similar circumstances.[68]

Jenny, Adolfo, Pacho, Hernán, and Carlota form a *gallada*, or gang, that considers Los Mártires its turf. Among their members are children who have been beaten, shot at, and raped. Last year, Jenny and Carlota say they were almost run over by a white car they think was driven by police. On another occasion, masked men approached them and began threatening them with violence.

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[64] Marc Cooper, "Reality Check...", *Spin*.

[65] Inter-American Commission on Human Rights, *Second Report on the Situation of Human Rights in Colombia* (Washington, D.C.: Organization of American States, 1993), p. 164.

[66] "Se venden y mueren," *El Tiempo*, October 10, 1993.

[67] HRW/Americas interviews, Bogotá, June 3, 1994.

[68] Literally Gasoline, Drum, and Sawdust, the latter commonly used to refer to people with curly hair.

"They called me a fag, a whore, because we spend so much time in the street," Jenny says.[69]

Over five days in December, the Bogotá Personería recorded eighteen "social cleansing" murders of indigents who worked in Calle del Cartucho. According to witnesses, on the night of December 18, 1993, armed men travelling in a blue pick-up truck killed twelve street people in less than one hour.[70]

Two months later, a "trooper" stopped at Bogotá's Plazoleta de la Macarena long enough for passengers to fire on five boys sleeping under a pile of rags next to the church. Three were killed; the youngest, known as "Asprilla" after a Colombian soccer star, was ten years old. All were enrolled in a program aimed at rescuing children from the street.[71] That same night, Javier Castaño, a seventeen-year-old gamín, was killed nearby with a shot through the mouth.[72]

Fidel was once a frequent visitor to Los Mártires, where he bought bazuco. An addict and thief, he has been confined to the Casa de El Redentor, a Bogotá juvenile detention facility, three times. Now seventeen, he says broadcasts of the 700 Club dubbed into Spanish have shown him the way out of crime.[73]

He says his arrival at El Redentor saved his life. Two days after his arrival, his mother discovered that his name was on list made by the "social cleansing" squad operating in Villeta, the town near Bogotá where he lived. That night, the squad hunted down several of his former buddies. He estimated that twenty-five children have been killed by the squad in Villeta this year alone. Fidel described to Human Rights Watch/Americas how drug dealers sometimes protect their best clients from "social cleansing" squads:

Several times when I went to the olla to buy bazuco, they pulled

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[69] HRW/Americas interviews, Bogotá, June 3, 1994.

[70] HRW/Americas interview, Personería, Bogotá, June 7, 1994; and their "Informe," December 30, 1993.

[71] Personería de Bogotá, "Informe por homicidio de tres indigentes," June 1, 1994.

[72] Comisión Intercongregacional de Justicia y Paz, *Boletín Informativo*, Vol. 7, No. 1, January-March, 1994, p. 64.

[73] HRW/Americas interview, El Redentor, Bogotá, June 5, 1994.

> me inside quickly while forcing the desechables to stay outside. The "trooper" with its smoked windows would come by and I would hear the machine guns go "traki-traki-traki." Everyone screams. Once it was a red "trooper" and another time a black Toyota Land Cruiser, always without license plates or with them covered. There would be about six or eight men inside. This happened to me three times. The desechables are the ones who really carry the load. No one believes their lives are worth anything. Sometimes the police would even tell me, `Hey, there's going to be a limpieza (cleansing) on such and such day, so don't come around."[74]

Fidel's relationship with other police agents was less friendly. On repeated occasions, he says, he was beaten and tortured while in detention in Villeta. Police forced him to disrobe, then doused him in water and took him to an open patio, raked by the frigid *sabana*[75] wind. If he refused to talk, they would beat him and force a plastic bag over his head until he neared suffocation. He never made a formal report about the torture, however.

"You don't complain or report them, because it will be worse the next time," he explains.[76]

CIUDAD BOLÍVAR

To the southeast of Bogotá's commercial center is Ciudad Bolívar, where roughly one quarter of the capital's population lives. Founded in 1956 by families fleeing "*La Violencia*" and rural poverty, it is now home to the poor.[77] At its upper

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[74] Ibid.

[75] Literally plain, the flat mountain valley where Bogotá lies.

[76] Ibid.

[77] "La Violencia" is the term used to described the undeclared civil war that raged in Colombia between 1948-1966, costing over 200,000 lives and forcing over two million to flee their homes. Armando Neira, "Ciudad Bolívar: Nuestra `Franja de Gaza,'" *Cambio 16*, October 18, 1993, pp. 26-29.

reaches, shacks perch on the barren moor that overlooks the Bogotá plain. After a rain, the unpaved streets become mud-filled gullies occasionally crusted with ice.[78]

Lower down, families have managed to put up concrete walls, bring in electricity, and glass in the windows. At night, bedrooms crowd with sleeping bodies, as adult children move in with their families and visiting relatives decide to stay. Although most work, few have salaried jobs. Often, extended families survive on one salary augmented with the occasional windfall.

Here, children are both prime targets and agents of violence. For youth and community activists, central to why children occupy these dual roles in Ciudad Bolívar are poverty, a severe shortage in schools, and unemployment, leaving kids with nothing to do but hang out on the street.[79] Here, the effects of the economic ills that plague Colombia lie exposed. Family violence, child abuse, and

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[78] This section is based on a visit to Ciudad Bolívar and HRW/Americas interviews with Ciudad Bolívar officials and residents, Bogotá, June 4, 1994.

[79] In 1993, the largest single block of *acciones de tutela* submitted to Colombian courts, 18 percent, had to do with the violation of the right to an education because of bureaucratic chaos and a lack of facilities and teachers according to the Defensoría. This measure allows citizens to file for an immediate judicial injunction against actions or omissions of any public authority that they claim limit their constitutional rights. Defensoría del Pueblo, *Primer Informe Anual del Defensor del Pueblo al Congreso de Colombia: 1994* (Santafé de Bogotá: Defensoría del Pueblo, 1994), p. 108.

Ciudad Bolívar needs a minimum of 40,000 additional places in high school (*secundaria*) to accommodate children. At the national level, more than 600,000 children cannot attend elementary school (*primaria*) for lack of space or access according to National Planning. MENCOLDES, "18 años ...", p. 13; and Defensa de los Niños Internacional (DNI), *Aplicación de la Convención de los Derechos del Niño en Colombia*, p. 2.

One school visited by Human Rights Watch was built entirely with funds raised by parents, and has desks, a black board, and a bathroom. As yet, however, there are no official teachers. A neighbor who is a retired teacher volunteered to hold classes for the sixty elementary school students who show up each morning. HRW/Americas interviews, Ciudad Bolívar, June 4, 1994.

alcohol and drug addiction are commonplace and on the rise.[80]

Many Bogotanos assume Ciudad Bolívar is nothing more than a breeding ground for thieves. Ironically, as is true in the United States, the most frequent victims of crime in Colombian cities are not the rich but people like the ones living in Ciudad Bolívar, on the front lines of these street clashes.

Nevertheless, residents told us that police rarely patrol. Only when there is a murder, we were told, will a squad car appear. Although we were unable to confirm the many reports of police corruption we received, it is clear that residents deeply mistrust the police, so report few crimes. Here, la ley del sapo reigns.[81]

"We cannot report an olla to the police, because the next day the owners of the olla will attack us," one community leader, who preferred anonymity, explained to Human Rights Watch/Americas. "We just stop seeing or hearing what goes on in the neighborhood. Here, the police are the problem, not the solution."[82]

Between 1989 and 1993, over 500 children were murdered here according to local leaders and government officials. Most were teen-age males. The majority of murders remain unsolved.[83]

A significant number were probably the result of common crime or turf

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[80] The statistics on child abuse are particularly terrifying. Colombia's coroner's office recorded four deaths a day in 1993 as a result of child abuse. In the capital, reports of child abuse rose 80 percent in comparison to 1992 according to the Procuraduría Delegate for Minors and Families. As with other crime in Colombia, a low proportion of child abuse murders are reported and make it to trial. "Piden erigir en delito el maltrato a los niños," *El Espectador*, September 24, 1993.

[81] This refrain — that police participate in drug-trafficking and other crimes — was repeated to Human Rights Watch repeatedly during our visit. It has also been the subject of many newspaper articles. See, for instance, "Bolívar se avergüenza," *El Espectador*, 1991; and "Atropellos policivos," *La Prensa*, October 3, 1993.

[82] HRW/Americas interviews, Ciudad Bolívar official, Bogotá, June 4, 1994.

[83] HRW/Americas interviews, Ciudad Bolívar officials and residents, Bogotá, June 4, 1994; and The Mennonite Development Foundation (MENCOLDES), "18 años de Apoyo al Trabajo Popular," August, 1993, p. 13.

wars between youth gangs.[84] In January 1994, for instance, authorities say they arrested on murder charges twenty-three members of a Ciudad Bolívar gang known as "*El Parche*" (literally, The Turf), including thirteen children, among them one of the gang leaders.[85]

While Ciudad Bolívar residents admit that violence against youth comes from several directions, they charge that many youths have been murdered with the participation or approval of police. Some police agents sell weapons on the illegal market to men who then kill children with police complicity. Others, residents charge, participate directly in "social cleansing" campaigns.

Sixteen percent of the "social cleansing" murders registered in the city by CINEP between 1988 and 1993 took place in Ciudad Bolívar.[86] While in Santa Fe and Los Mártires, victims tend to be indigents, including gamines, here they are teenage boys and young men. Ciudad Bolívar youth say they are targets for harassment and attacks because they have a certain appearance, associated with guerrillas, drug users, or thieves, whether they actually are or not.[87]

Julio told us that youths are frequent targets of police harassment, typified by this incident:

> Some friends and I had left a boring party... It was about two A.M. when four men dressed in civilian clothes came up and said, `Stop!' and `Against the wall!' like the police always do. They said they were DAS and asked for identification papers. One of

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[84] Typical of the death toll between gangs was the July 1992 drive-by shooting at a birthday party that took twelve lives, most children. The Attorney General's office estimates that there are over eighty gangs in Bogotá. "Twelve die in Colombian Vendetta Between Teenage Gangs," Reuters, July 26, 1992; "Alternativa única, la muerte," *El Tiempo*, December 31, 1993; and "Entre el desarme y las pandillas," *La Prensa*, January 9, 1994.

[85] "La Fiscalía detuvo a 23 pandilleros," *El Tiempo*, January 6, 1994; and "La Fiscalía identifica 107 pandillas juveniles," *El Espectador*, December 28, 1993.

[86] Rojas, *La violencia llamada...*, p. 28.

[87] HRW/Americas interviews in Ciudad Bolívar and with Ciudad Bolívar youth, June and 16, 1994; and Rojas, *La violencia llamada...*, p. 29-32.

> the boys asked them for ID and then one of the men just pulled out a gun and shot him in the neck. We went to the local police station and asked the person on duty to take our injured friend to the hospital. The agent refused and said, `This is your problem.' So we got a taxi and took him to the hospital.[88]

When an International Council of Voluntary Agencies (ICVA) mission visited Ciudad Bolívar in 1991, they were given this chilling testimony:

> The Nissan is a kind of car, carrying several armed individuals. Sometimes they have Mini-Ingrams[89], or perhaps revolvers. Even the police... are scared of them. Because when they come, they are going a hundred miles an hour, and they spray with gunfire whoever's around. I also knew eight boys, innocent, they were picked up from a street corner at six in the afternoon, and appeared dead somewhere else. No one knows who did it. The only thing, two cars came, grabbed them, and good-bye, nothing more.[90]

ICVA received reports of sixty-nine "social cleansing" murders in Ciudad Bolívar in the first two months of 1991, more than one a day. Local human rights organizations believe there may have been as many as 300 such killings in 1990. Although the the number of children killed was not specified, they received testimony that children were frequent targets.[91]

One of the most well-known massacres in Ciudad Bolívar took place in the neighborhood known as Juan Pablo II in 1992. Twelve youths were gunned

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[88] HRW/Americas interview, Ciudad Bolívar youth, Bogotá, June 16, 1994.

[89] This is a type of automatic weapon.

[90] "Bolívar se avergüenza," *El Espectador*, 1991.

[91] CINEP recorded only thirty-five "social cleansing" killings in the capital in 1990 and twenty-four in 1991, underscoring the difficulty in gathering reliable statistics. International Council of Voluntary Agencies, "Misión de ICVA a Colombia: 11-19 de abril de 1991" (Geneva: ICVA, 1991), p. 22.

down on July 26 in circumstances that suggest the work of a "social cleansing" squad. Four men stand accused of the murder, and the trial is proceeding.[92]

Another controversial murder was that of sixteen-year-old Roison Mora, shot by soldiers on May 22, 1993. According to witnesses, Roison, his brother, and a friend were throwing rocks onto cars passing beneath a bridge when one rock hit a military bus. The bus stopped, and two armed soldiers got off and began chasing them. After firing shots at the boys, they reboarded and the bus disappeared. Roison died later at a hospital, shot in the head.[93]

After the shooting, his family received telephone death threats. Although a protest by Ciudad Bolívar youth later resulted in promises from the government, mayor's office, and police to investigate Roison's murder and the Juan Pablo II massacre, no results have been made public and families fear that the murders will remain unpunished.[94]

In part to protect neighborhoods from crime, police harassment, and gang violence, some youth have organized militias. Several, including the "milicias bolivarianas," have ties to guerrilla groups, in this case the Revolutionary Armed Forces of Colombia (FARC). Others, however, formed independently, at the initiative of young people tired of rampant crime, police harassment, and gang threats.

A statement from one Ciudad Bolívar militia described its members' motivation:

> We are a handful of men and women who, by taking up arms, found an answer to the oblivion into which the state plunged us, to the daily hunger, and to the lack of public services to reaffirm our condition as decent human beings. On other occasions, we resorted to arms in self-defense against the criminal behavior of police authorities who are killing the future of Ciudad Bolívar:

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[92] Letter to Eduardo Díaz Uribe, Consejero para Asuntos Sociales y Participación Ciudadana, Alcaldía Mayor de Bogotá, from José Haxel de la Pava Marulanda, Director Seccional de Fiscalías Santafé de Bogotá, October, 1993. The case is currently before the Juzgado 15 Penal del Circuito.

[93] Amnesty International Urgent Action 226/93, July 12, 1993.

[94] HRW/Americas interview, Leonor Solano, Bogotá, June 15, 1994.

its youth.[95]

While the number of militias in Bogotá has never been as high as that in Medellín, where the phenomenon started, the police claimed that by 1993 militias operated in fifteen Bogotá boroughs, including Ciudad Bolívar.[96]

Whether guerrilla-linked or independent, however, militias operate in a black-and-white world. Youth in areas where militias are active are reportedly given a choice: join, leave, or be considered an enemy. Suspected drug dealers, prostitutes, or thieves are given warnings which, if unheeded, can end with their murders, a kind of deadly moral order. Residents treat militias with much the same caution as gangs: speak against them and risk retribution.[97]

The government has accused some of the guerrilla-linked militias of coordinating with guerrilla offensives by attacking public buses and urban police outposts, called Centers of Immediate Attention (CAI).[98] Some Bogotá militias have proposed talks to the government and, like their counterparts in Medellín, say they are willing to lay down their weapons in return for government investment in roads, education, and health care.[99]

To protest government neglect and the failure to investigate the murders of youth or punish murderers, Ciudad Bolívar residents have frequently resorted to civic strikes. There have been three strikes since July 1992, when young people protested after the Juan Pablo II massacre.[100] Among the demands put forward

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[95] "People's Militia Proposes Peace Negotiations," *El Tiempo*, March 8, in FBIS, March 15, 1994, p. 43.

[96] Ibid.

[97] HRW/Americas interview, Personería, Bogotá, June 7; and with local authorities of Ciudad Bolívar, June 4, 1994.

[98] "Llegaron las milicias," *La Prensa*, October 3, 1993.

[99] "People's Militia ...", FBIS, 43-44.

[100] The protests took place in July 1992, July 1993, October 1993, and June 1994. "Ciudad Bolívar en medio...", *El Tiempo*; and "Hoy, paro en Ciudad Bolívar," *El Tiempo*, October 11, 1993.

during a strike a year later were serious investigations into the Juan Pablo II massacre and the murder of Roison Mora, and an update on cases involving the murders of forty-three children over a five-year period.[101]

Although local leaders agree that the police sent to supervise the July 1993 strike committed no abuses, Héctor William López Agudelo, a youth activist, was repeatedly threatened by one police agent, who called him a "fag... rat, thief, and bazuco smoker," and promised to "see him later that night," a reference to a "social cleansing" attack. López, who reported the police agent to the personero, was a member of the team that negotiated an end to the strike.[102]

As part of the negotiated settlement, authorities agreed to convoke a forum on July 14 to talk about reform. Present were the police, judicial authorities, officials representing the executive and the Public Ministry, and community activists. Far from informing residents about the progress of investigations, however, the *fiscal* (district attorney) present simply read the original list of cases. When the assembled residents of Ciudad Bolívar protested, he walked out.[103] No further progress has been reported.

A subsequent strike on October 11 was put down when the security forces launched tear gas into a group of protestors, dispersed crowds with water and paint cannons, and shot live ammunition.[104] Tanks attached to the XIII Brigade

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[101] "Ciudad Bolívar en medio de la guerra sucia," *El Espectador*, July 7; and "Desmovilizado el paro de Ciudad Bolívar," *El Tiempo*, October 12, 1993.

[102] Declaration before Dr. Pedro Jaime Rojas Perico, personero, by Héctor William López Agudelo, July 6, 1993.

[103] HRW/Americas interview, Ciudad Bolívar activists, Bogotá, June 4, 1994. The document read was the letter to Eduardo Díaz Uribe, Consejero para Asuntos Sociales y Participación Ciudadana, Alcaldía Mayor de Bogotá, from José Haxel de la Pava Marulanda, Director Seccional de Fiscalías Santafé de Bogotá, October, 1993.

[104] The use of live ammunition as a method of crowd control may violate the Code of Conduct for Law Enforcement Officials adopted by the United Nations General Assembly in 1979, which states in Article 3 that "law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."

were stationed at crossroads around the city.[105] Two months later, Marco Tulio Farigua, a strike leader and president of a neighborhood group, was murdered as he returned home on a local bus. Before the strike, Bogotá Mayor Jaime Castro had accused strikers of collaborating with guerrillas, a statement human rights groups believe may have led to Farigua's murder.[106]

IMPUNITY

Collecting information on killings of children in Bogotá in order to measure impunity presents numerous obstacles. Children are often unable to identify their aggressors or are reluctant to report abuses for fear of reprisals. Attacks often occur at night, carried out by hooded men who aim their guns from behind smoked-glass windows in cars that have their license plates covered or removed.

On repeated occasions, children have managed to identify their aggressors only to find that the officers are not dismissed from the police force and return to threaten them. In addition, mistreatment at the hands of the police is common. Few children trust government authorities, so do not report abuses. A survey of 104 street people twenty-five years of age and under carried out by the Bogotá Personería in 1993 found that over half reported being mistreated. Of those fifty-three individuals, 76 percent said it was at the hands of police.[107]

"They accept as natural and inevitable that they will be killed," journalist Timothy Ross, who has befriended hundreds of street children, told Human Rights Watch/Americas.[108]

Despite a fierce "social cleansing" campaign as 1994 began, the Bogotá

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[105] "Desmovilizado el paro de Ciudad Bolívar," *El Tiempo*, October 12, 1993.

[106] Amnesty International UA 431/93, December 10, 1993.

[107] Bogotá Personería, "Informe sobre población indigente," October 24, 1993.

[108] HRW/Americas interview, Bogotá, June 2, 1994.

Personería had not received a single formal report of such a killing when we visited in June 1994.[109] By that time, CINEP had recorded ten "social cleansing" killings in the first three months of 1994, including the murders of the three boys in the Plazoleta de la Macarena.

Victims of "social cleansing" murders frequently are discovered without identifying documents, and are registered at the morgue as "NN" (no name). No one appears to claim their bodies or protest their deaths. Often, the authorities charged with collecting evidence fail to investigate properly. For instance, after the rash of "social cleansing" killings in December 1993, the Bogotá Personería discovered that the coroner had not gathered forensic evidence from bodies in the morgue, but instead had washed, shaved, and cut their hair, making identification nearly impossible.[110] For these reasons, human rights groups say, many murders of gamines go unrecorded.[111]

Despite the fact that they travel in expensive cars without license plates, often at high speed and with their weapons prominently displayed, and in densely populated cities, not a single member of a "social cleansing" squad has ever been arrested in the act, even when killings occur near CAI stations. The only "social cleansing" group known to have been dismantled was Cali's Los Cobras, in 1982.[112]

"The numbers of murders, especially those of street people, must not be allowed to continue to increase with absolutely no one caring anything," one Bogotá official told the press in early 1994 after announcing that not a single one of the eighty-one murders of street people that occurred in Bogotá in 1993 had been solved. "This puts into serious question the seriousness of the Colombian government in meeting its clear obligations laid out in international pacts and treaties on human rights."[113]

Nevertheless, human rights groups and some government officials in Colombia have documented clear and continuing links between state agents and

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[109] HRW/Americas interview, Personería, Bogotá, June 7, 1994.

[110] Ibid.

[111] HRW/Americas interview, Carlos Rojas, Bogotá, June 2, 1994.

[112] Rojas, *La violencia llamada...*, p. 74.

[113] "Piden acciones contra la `limpieza social'," *El Tiempo*, February 22, 1994.

"social cleansing" squads. A CINEP survey of witnesses to "social cleansing" killings in Bogotá made between 1988 and 1993 found that 19 percent were able to name members of the police as responsible. Nine percent of the killings were blamed on "Death to gamines," a squad with links to police. Most of the perpetrators — 64 percent — were not identified.[114]

Bogotá personero Antonio Bustos Esguerra went so far as to call on the metropolitan police chief to require officers to turn in their privately-owned weapons, since these have repeatedly been linked to "social cleansing" killings. "(It's necessary) not only to disarm criminals but also, for example, to disarm the police," he told the press. "Not of their weapons while on duty but of the weapons some members carry without the proper license or that they sell."[115]

One journalist attempted to follow up on official investigations of police working at the city's V Station, which covers central Bogotá. Ignacio Gómez of *El Espectador* discovered that, far from being suspended from their duties, the five officers and eleven policemen linked to "Death to gamines," implicated in a rash of killings of indigents in May and June of 1989, had all been transferred.[116] Some of the killings were especially brutal. The cadaver of one child was discovered with its hands completely destroyed, a grisly warning to child thieves.[117]

When the Procurador Delegate for the Police Forces began to circulate his investigation to the stations where implicated officers were working, some separated by hundreds of miles, they were told that the men named had been transferred yet again, causing months of delay. Three times, the Procuraduría was given erroneous information by the police about the whereabouts of a major accused of leading the "social cleansing" campaign.[118]

One of the men was Second Lieutenant Cristian Kreklow Rojas, whom the Procuraduría accused of badly beating several indigents and allowing officers

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[114] Rojas, *La violencia llamada...*, p. 74.

[115] "A penas Suramericana," *La Prensa*, October 3, 1993.

[116] Ignacio Gómez, "El holocausto de los indigentes," *El Espectador*, September 1, 1991.

[117] Rojas, "Limpiando la...", pp. 33-36.

[118] Gómez, "El holocausto..." *El Espectador*.

under his command to do the same. Among those implicated were Civil Defense members, whose official duties are to help the population during natural disasters.[119] However, in Bogotá, street children told Human Rights Watch/Americas that a distinctive orange jeep belonging to Civil Defense has carried armed men who have killed street people.[120]

John Jairo, one of the indigents beaten, was later allegedly murdered by another policeman, Rafael Antonio Barreto Navarro, in an incident Second Lieutenant Kreklow failed to report.[121] John Jairo's body was dumped in a spot known as La Cuneta on the road to Choachí.

The Procuraduría accused police agents José Hernán Urrego Benavides and Carlos Cano Ramírez, alias "Coloreto," of participating in murders:

> ... patrolling along Carrera 19 at Calle 13 in this city, in an unjustified manner and exceeding their official duties, they fired their weapons thus killing a street person by the name of Tamayo, who was handicapped...[122]

One joint investigation by the police and Public Ministry of thirty-eight police officers charged with the "social cleansing" killings of over sixty indigents and recyclers over a twenty-day period in Pereira concluded in July 1991 with the dismissal of thirteen agents and two officials and the punishment of thirty-four other police agents. Apparently, however, no legal action was subsequently taken against dismissed officers.[123]

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[119] Ibid.

[120] HRW/Americas interviews, Bogotá, June 3, 1994.

[121] Reporter Timothy Ross, who has befriended many of Bogotá's street children, was able to capture on film an incident between a street child and Agent Barreto, who was threatening him with a gun. Agent Barreto later resigned from the police force. The photograph was published in the *National Catholic Reporter* on December 17, 1993, p. 11.

[122] Gómez, "El holocausto...", *El Espectador*.

[123] Rojas, *La violencia llamada...*, p. 75.

Like members of the security forces implicated in human rights violations against adult civilians, police and military officers accused of violating the rights of children are not tried in civilian courts. A provision in the 1991 Constitution grants military court jurisdiction in cases involving military personnel, and extends this jurisdiction to police. Moreover, the constitution sanctifies the concept of "due obedience" to higher orders, allowing subordinates to claim innocence on the grounds that they were acting on orders of a superior officer. The few cases against members of the security forces pursued by the Fiscal General (Attorney General) have languished.[124]

However, perhaps the most disturbing thing about the "social cleansing" of children is its level of acceptance in society. Some voices of protest are raised over assassinations of political leaders, attacks on indigenous peoples, and the torture of peasants. But a surprising number of Colombians — among them the targets of "social cleansing" campaigns, including street children — accept "social cleansing" as a necessary or unavoidable evil, like bad weather. Few indeed are those who protest these killings or see in them a reprehensible violation of human rights.

During our mission, we noted that many Colombians view street children as lost causes, beyond saving. It has become habit for Bogotanos to go out of their way to avoid crossing paths with them. A program sponsored by the mayor's office and local merchants to sell *bonos* (vouchers) to people who prefer not to give street children the money they beg for, met with an initial swell of popularity. The vouchers, selling for about thirteen cents apiece, raised funds for municipal self-help programs, whose addresses appeared on them. But by the time we arrived in the city, less than a year after the program started, vouchers were hard to find for sale.[125]

While the "social cleansing" of children is clearly not a policy of the Colombian government, the tolerance of such killings, both by the government and many communities, is an unmistakable reality. For example, in one unusual 1992 decision, Colombia's Consejo de Estado (State Council) reviewed a court decision condemning two police agents for the murder of a petty thief named

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[124] For a detailed discussion of the impunity preserved by the military court jurisdiction, see Human Rights Watch/Americas, *State of War*, pp. 16-20.

[125] Mary Speck, "Give street kids a hand, not a handout, group asks," *Miami Herald*, July 26, 1993.

Javier de Jesús Londoño Arango while in custody in Liborna, Antioquia, in 1986.[126] In a striking condemnation of "social cleansing," the State Council called those state authorities who believe they have the right to kill desechables "the monstrous owners of life, honor and belongings... `Cleaning' a country... begins with those called, by these new righteous ones, human waste (homosexuals, vagrants, thieves, drug addicts, prostitutes) but later includes peasant leaders, community activists, unionists, or those who profess an ideology that goes against the system and make [the righteous ones] uncomfortable."

Nevertheless, in its refusal to pay the reparation of 500 grams of gold ordered by the State Council, the Defense Ministry argued that there was no cause, since "[the] individual... was not useful or productive to society or his family, but instead was a vagrant who no one in the municipality wanted."[127]

Other measures that Bogotá authorities have taken to stop murders include a general disarmament, first tested in the city of Cali. On December 29, 1993, police mounted roadblocks to search car passengers for unlicensed firearms. During the New Year celebration, thirty-four people were murdered with firearms, a decrease of 40 percent compared to the previous year.[128]

While this measure has clearly contributed to a decrease in murders that result from common crime, yet to be addressed are the murders committed by police using police guns, their own weapons, or guns seized in raids.

In an unprecedented gathering, street people marched on September 28, 1993, to protest the murder of Miguel Angel Martínez, known as "The Ñero Poet."[129]

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[126] Cases involving reparations for damages caused by the State are heard by the State Council, made up of selected members of the president's cabinet. It is the highest appeals court in civil law (*contencioso administrativo*). According to the Procuraduría, the Colombian government has paid millions of dollars, measured in grams of gold, over the past three years for human rights violations that have resulted in loss of life. Procuraduría, *Informe...*, August, 1994.

[127] Amnesty International, *Violencia política en Colombia: mito y realidad* (Madrid: Amnesty International, 1994), pp. 24-25.

[128] "Entre el desarme...", *La Prensa*.

[129] Ñero comes from *compañero*, the Spanish for companion. While young people and guerrillas have adopted the term *compa* as a familiar form of address, street people have "recycled" the remainder, *ñero*, to refer to themselves.

Martínez, fifty-eight, had gained fame for his spontaneous recitations of poetry. On September 16, 1993, witnesses told investigators from the Attorney General's office, Martínez and several other indigents were beaten by police agent Israel Zorro Martínez (no relation) while police agent William Enrique Aldana Pacanchique watched. Zorro Martínez burned their blankets and scattered their food. The "Ñero Poet" had suffered a similar beating by police a week earlier, and his injuries made it impossible for him to escape. He died seven days later.[130]

Later, Martínez's companions identified the two policemen from photographs. The case against the two men ran into difficulties, however, after the witnesses say they saw one of the implicated agents on active duty, and refused to testify further out of fear.[131]

The murder prompted the first-ever ñero protest in Bogotá, composed of several hundred indigents, recyclers, and gamines who marched through the city center.[132] The protest prompted media attention, including an "open mike" program by one radio station to collect opinions about ñeros. However, some listeners were shocked to hear that opinions ran largely in favor of the killing of

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[130] Armando Neira, "El Reino de los Invisibles," *Cambio 16*, October 4, 1993.

[131] "Puede quedar impune el crimen del poeta `ñero'," *El Espectador*, January 20, 1994; and "En libertad policía acusado de muerte del `poeta ñero'," *El Espectador*, February 18, 1994.

[132] Wirpsa, "Deadly `social cleansing'...", *National Catholic Reporter*.

ñeros.[133] Two days after the march, a non-profit health clinic for gamines told a journalist that children continued to arrive at their door wounded from police beatings.[134]

[133] "A penas Suramericana," *La Prensa*.

[134] "Más de 3.700 ñeros sobreviven en 45 parches," *El Espectador*, October 11, 1993.

II

MEDELLÍN

As home to one of the world's most powerful and ruthless drug syndicates, Medellín became synonymous with murder in the 1980s. In 1993, the year Colombian police killed Medellín Cartel leader Pablo Escobar, this city of two million had the highest per capita murder rate in Colombia — and the world.[135]

Medellín also leads Colombia in child murders. According to the Departamento de Estudios Criminológicos e Identificación (Department of Criminological Studies and Identification-DECYPOL), the municipal coroner's office, 14 percent of the murders that took place between 1986 and May of 1993 were of children, a total of 4,766.[136] Although firm statistics are not yet available for 1993, according to some government officials the number of murdered children for that year alone could be as high as 1,200.[137]

"Here, grandparents bury their grandchildren," a human rights activist told us.[138]

The drug business plays a central role in murder. Children are recruited as *traqueteros*,[139] bodyguards, mules, lookouts, and the dreaded *sicarios*, who shoot their victims from motorcycles that speed away. Between 1986 and 1991, as business boomed, Medellín's homicide rate increased 311 percent. More dramatic

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[135] "Medellín, la más violenta," by Luis Jaime Acosta, *Reuters, El Mundo*, March 23, 1994; and Population Crisis Committee, "The World's Cities," poster, 1990.

[136] Carlos Mario Restrepo Restrepo et. al, "Perfíl de las victimas de homicidio en la ciudad de Medellín durante el período de enero de 1986 y mayo de 1993," trabajo de grado presentado para optar al título de abogado, Universidad de Antioquia, Facultad de Derecho, Medellín, 1993, p. 33.

[137] HRW/Americas interview, Consejería para Medellín, Medellín, June 9, 1994.

[138] HRW/Americas interview, Medellín, June 9, 1994.

[139] A young person who takes part in the initial buying and selling of *pasta básica*, raw cocaine, and the finished product; taken from the sound of machinegun fire (traki-traki).

was the homicide rate for children, which leaped 566 percent, from 171 children in 1986 to 1,021 in 1991, the largest increase for any age group. Most were male, poor, and died on a weekend night downtown and in the poor boroughs, called *comunas*, that overlook the Aburrá Valley, where Medellín lies.[140]

[140] Most murder victims — 28 percent — are between nineteen and twenty-four. Restrepo, "Perfil...", pp. 26, 102-110; and letter from the Medellín coroner's office to Medellín personero Sergio Estarita Herrera, May 20, 1994.

For the authors of a study on Medellín violence, the conclusion was clear. "Homicidal violence became more selective with a trend toward involving victims who are increasingly youths."[141]

Yet even after Escobar's death, murder remains an everyday occurrence.[142] Although there was an initial decrease in overall homicides as 1994 began, the rate soon jumped, surpassing the same period in 1993.[143] During a June three-day weekend, for instance, two people an hour were murdered, including a fifteen-year-old girl whose bullet-ridden body was found at the Curva del Diablo (Devil's Curve), one of Medellín's twelve recognized botaderos de cadáveres.[144] While the murder of soccer star and city native Andrés Escobar (no relation) made world headlines, in this city only his fame distinguished him from most of the others killed in 1994.[145]

Community leaders and local human rights groups told Human Rights Watch/Americas that elements apart from the drug trade that contribute to the high murder rate for children are poverty, drug addiction, family break-up, and a lack of opportunity. While malls, fashionable boutiques, cineplexes, and discotheques cater to the very rich, more than half the population struggles to feed, clothe, and house their families.[146]

Yet especially among the young, the yearning to have things — a motorcycle, imported basketball shoes, a gold chain — is tantalized by the

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[141] Restrepo, "Perfíl...," p. 35.

[142] While the drug trade continues in Medellín, observers believe it is in the hands of smaller groups without the Cartel's ability to mount nation wide havoc.

[143] HRW/Americas interview, Corporación Región (an NGO), Medellín, June 8, 1994; and Letter from the Medellín coroner's office to Medellín personero Sergio Estarita Herrera, May 20, 1994. See also Juan Gonzalo Betancur B., "Violencia e impunidad, males que persisten," *El Colombiano* (Medellín), May 25, 1994.

[144] "Dos víctimas por hora en la ciudad," *El Mundo* (Medellín), June 11, 1994; and Restrepo, "Perfíl...", pp. 134-135.

[145] "Pelota caliente," *Semana*, July 12, 1994, pp. 26-35.

[146] HRW/Americas interview, Corporación Región, Medellín, June 8, 1994.

proliferation of sumptuous goods spawned by the drug trade. In Medellín, symptomatic of the premium placed on looking wealthy are the street vendors who sell fancy labels cut from stolen clothing, which can be resewn into cheaper brands. For those desperate to acquire status and money, crime offers quick access.[147]

While Medellín has a long history as an intellectual and artistic center, its culture also values entrepreneurship and the ideal of the "self-made" man who beats the odds. Although many *paisas*, as those from Antioquia are known, may have disapproved of Pablo Escobar's use of terror and murder, others admired his business acumen and philanthropic largesse, and may agree with Escobar's own assessment that he was "the most decisive, most energetic, most audacious Antioquian leader of the 80s."[148]

"El Patrón" ("The Boss"), as he was known, is gone. But the houses, parks, and soccer fields he built remain. As a role model, Escobar has left an impression on Medellín's youth that will take years to fade.[149]

But the picture would be incomplete without a final element that provides not only another murderous force, but also part of the context in which murders occur: the role of state agents as murderers who go unpunished, observers who let murders occur without stepping in to stop them, and authorities who fail to ensure that the rights of children are protected.

Human Rights Watch favors appropriate law enforcement activity to control and eradicate criminal activity and protect law-abiding citizens from harm. The Colombian government has an obligation to search out criminal groups, and punish appropriately those individuals judged responsible by a court of law. While we support judicial proceedings that take into account a child's age and the

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[147] For an examination of what leads children into Medellín's dangerous drug trade, see Alonso Salazar, *To Live and Die in Medellín* (Nottingham: Latin America Bureau, 1990). Also depicting violence and youth in Medellín is the film *Rodrigo D.: No Futuro*, directed by Victor Gaviria, who used
gang members as actors (Santafé de Bogotá: Focine, 1989).

[148] The quote comes from his unpublished autobiography. Luis Cañón M., *El Patrón: Vida y muerte de Pablo Escobar* (Santafé de Bogotá: Planeta, 1994), p. 16.

[149] Alonzo Salazar, "Young Assassins of the Drug Trade," *NACLA: Report on the Americas*, Volume XXVII, No. 6, May/June, 1994, pp. 24-28.

desirability of promoting rehabilitation in accordance with Article 40 of the Convention on the Rights of the Child, too often children in Colombia who commit murder and are arrested are released in a matter of days because there is a shortage of facilities to keep and treat them. Despite the constant talk in official circles of the importance of "public order," in Medellín it remains in the hands of those with guns, whether they carry an official identification or act on their own.[150]

"When the State gives up its responsibility to provide security, we enter into barbarism," commented one human rights activist.[151]

As with other murders in Colombia, most murders in Medellín go unpunished. According to Iván Velásquez Gómez, the Regional Procurador, 98 percent of the city's homicides go uninvestigated and unprosecuted. Understaffed and underfunded, his office fares little better in investigations against members of the security forces implicated in human rights abuses.[152]

"We could affirm that, in Medellín, criminal investigation does not exist," he told us. "It is now more violent in Medellín than it was three years ago, with Pablo Escobar. There are no measures to slow down this reality whether deaths occur at the hands of the security forces or private individuals."[153]

In the following pages, we will examine violence and youth and the relationship to government human rights violations. Although violence is complex, it is by no means beyond understanding — or change. We close this section with a review of the effort by many Medellín residents — including gang members, the Church, human rights groups, NGOs, militias and some government agencies — to stop violence and obligate the government to live up to its duty to protect life.

GANGS

[150] Seventy-one percent of all 1993 murders were committed with guns. Fiscalía General de la Nación Seccional CTI Medellín, "Causa de Muertes Violentas en Medellín 1.993," Cuadro Estadístico No. 18.

[151] HRW/Americas interview, Corporación Región, Medellín, June 8, 1994.

[152] HRW/Americas interview, Medellín, June 11, 1994.

[153] Ibid.

Although Teófilo is unusual, his story is not. Born in Medellín to a single mother, he began experimenting with marijuana, bazuco, and cocaine at nine. At eleven, he committed his first theft. Two years later, he bought his first pistol. Although he declines to specify, he admits he is a murderer.[154]

The gang he still leads worked for a man known as "El Gordo" ("The Fat Man"), a local drug kingpin who employed Teófilo as a *mula*, to transport drugs. With Teófilo's siblings smuggling cocaine into the United States, the family prospered, buying clothes, motorcycles, and the matched living room set that still sits in his mother's house.[155]

The family paid a high price for their success. A sister was killed in a gang war. Two other siblings are in jail. Paralyzed and confined to a wheelchair by a police bullet at eighteen, Teófilo is the last one left alive from his original gang.[156]

While the children who belong to gangs are often victimizers, murdering with little apparent remorse, they are also victims: tortured by police, murdered in paseos, shot down by police-led "social cleansing" squads. Most murders of children in which members of the security forces are implicated take place in two ways: individually, as the culmination of a paseo, or in groups, machine-gunned from passing cars as youths gather on street corners in poor neighborhoods.[157]

Police, Teófilo told us, played a dual role with his gang:

> Sometimes they would sell us pistols. Other times, it was threats of a paseo to Santa Elena (a botadero de cadáveres). If they thought I was involved in a crime, they would take me to the station. There, they called me `gonorrhea.' They would force a plastic bag over my head until I told them things. Other times,

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[154] HRW/Americas interview, Medellín, June 12, 1994.

[155] Teófilo's neighborhood was declared a "tolerance zone" for the sale of alcohol in 1957, an act which many residents say contributed to the initial increase in violence. Ibid.

[156] Ibid.

[157] HRW/Americas interviews, Medellín, June 8-13, 1994.

> they threatened to put needles under my fingernails or give me electric shocks. Once, I was in the F-2 thirteen days for a murder. The police kill you alive with torture. Rival gangs just shoot you, and that's better.[158]

Hundreds of gangs operate in Medellín, dedicated to drug-trafficking, robbery, car theft, and extortion.[159] In some neighborhoods, they protect their neighbors, committing crimes elsewhere. In others, they prey on their neighbors, creating a no-man's land of fear.[160]

Gang members told Human Rights Watch/Americas they had no choice but to join a gang, then do what they were told. Teenagers from Bello, a town bordering Medellín, recited the following verse to explain:

> ***Fumar para matar***
> ***Matar para comer***
> ***Comer para vivir***
>
> ***Smoke dope to kill***
> ***Kill to eat***
> ***Eat to live***[161]

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[158] Ibid.

[159] A new Medellín "social cleansing" squad began killing individuals believed to profit from the trade in stolen cars. Calling itself "*Muerte a Jaladores de Carros*" ("Death to Car Thieves-MAJACA), the squad announced itself to the press by making reference to the PEPES, the paramilitary group credited with helping hunt down Pablo Escobar: "Just as the `PEPES' finished off the Medellín Cartel, MAJACA will put an end to car thieves." By May, nineteen people had fallen victim to MAJACA, including several youths. "Majaca, los `Pepes' de los jaladores," *El Tiempo*, May 2, 1994.

[160] HRW/Americas interview, Northwest comuna Communal Center, Medellín, June 12, 1994. For a history of Medellín gangs, see Diego Alejandro Bedoya Marín and Julio Jaramillo Martínez, *De la barra a la banda* (Medellín: Editorial El Propio Bolsillo, 1991).

[161] HRW/Americas interview, Medellín, June 11, 1994.

Medellín's multiple graveyards are filled with above-ground niches dedicated to children shot, knifed, and beaten to death. Often, the gang decorates the meter-square concrete face of the niche with flowers in the color of a favorite soccer team.[162]

For community activists in the Northwest comuna, gangs can be divided into two groups: large gangs, often with direct ties to the drug trade, and small gangs, whose members they call *chichipatos*: small-time criminals. Children start as chichipatos. If they survive, they may graduate to better-known gangs like "Los Magníficos," part of the Medellín Cartel.[163]

Sometimes, big gangs, as a way to win support from their neighbors, will kill the chichipatos stealing stereos or smoking marijuana. At Christmas, they also buy the roast suckling pig eaten during traditional street parties and give presents to children.[164]

"The small gangs are the ones who affect daily life by stealing or killing in their own neighborhood," community activists told us. "When the big gangs kill them, people are happy, since it improves the quality of life."[165]

Fausto, a gang member at thirteen, began a three-year prison sentence for killing a man with a knife at sixteen.[166] After his release, he told us, "I was famous because of the killing... After I got out of jail, I was in charge of a gang."[167]

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[162] HRW/Americas visit, Medellín, June 13, 1994.

[163] HRW/Americas interview, Northwest comuna Communal Center, Medellín, June 12, 1994.

[164] Ibid.

[165] Ibid.

[166] He was convicted before the new Code for Minors was implemented, so was treated as an adult. Although there are some excellent juvenile detention facilities in Medellín, as in the capital, demand far outweighs supply and even child murderers can now be released within a matter of days because of a lack of space to hold them. HRW/Americas interview, ICBF-Medellín, Medellín, June 10, 1994.

[167] HRW/Americas interview, Medellín, June 11, 1994.

During those two years, he was arrested four times by police, who he says beat and tortured him with near-suffocation. Between 1991 and 1993, he estimates that over 200 youths, including children, were killed by police and rival gangs in his neighborhood.[168]

Other "social cleansing" in the Northwest comuna is carried out by merchants acting in concert with both active and retired members of the security forces living in the area. "Cleansings" are sporadic, but wide-ranging. Sometimes, shooting lasts all night, residents told us. On those nights, it's best to stay indoors, since anyone on the street is at risk.[169]

In the Northwest comuna there are two military bases, four police bases, ten CAI, and six *inspecciones de policía*, civil authorities charged with doing the initial investigation into crimes. Nevertheless, activists told us, neither the police nor the military prevent "cleansing" campaigns or dismantle large gangs. Even when gangs operate at the gates to bases, they are left alone. Some gangs, they suspect, are actually run by a corrupt police agent or military officer.[170]

One connection is the sale or rental of weapons seized by police to gangs, which they say is an everyday occurrence.[171] Despite the presence of gangs in some areas, like a bustling market nearby, police rarely move against well-known leaders.[172]

In the absence of police protection, some neighbors formed "self-defense" groups that carry out their own "social cleansing" campaigns, usually against chichipatos.[173]

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[168] Ibid.

[169] HRW/Americas interview, Northwest comuna Communal Center, Medellín, June 12, 1994.

[170] Ibid.

[171] This is also true in the Northeastern comuna, where police corruption is said to be widespread. HRW/Americas interview, Medellín, June 12, 1994.

[172] HRW/Americas interview, Northwestern comuna Communal Center, Medellín, June 12, 1994.

[173] Ibid.

"These vigilantes felt a lot of power and committed many arbitrary killings," one activist commented. "Just eight days ago, masked men came to a neighborhood, killed some drug addicts, then ran. One of the victims was a child. People don't get upset, though. When they hear the name of the victim, and realize he was a bad one, they relax. They only get upset if the victim was innocent (*sano*, literally healthy). It's as if a weight is taken off our shoulders."[174]

MILITIAS

In 1993, for the first time, the local militia bought the pig for the Christmas feast in one Northwest comuna neighborhood. Formed by young people, the militia replaced the "self-defense" group that had been operating for the past several years. With some training and a sense of *esprit de corps*, the youths and children who make up militias have formalized private justice throughout Medellín.[175]

The first Medellín militias were formed in the early 1980s. While some were independent, others received training and weapons from guerrilla groups like the FARC and Ejército Nacional de Liberación (National Liberation Army-ELN).[176] By 1994, municipal authorities estimated that at least 3,000 youths, including children, belonged to militias in Medellín.[177]

In Moravia, a settlement begun in 1977 north of downtown, a militia with ties to a faction of the ELN has been operating since 1991. Built on the trash dump that once served the city, Moravia is now a rambling neighborhood of brick and

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[174] Ibid.

[175] Ibid.

[176] There are three groups of militias in Medellín. By far the largest are the Milicias del pueblo, y para el pueblo (Pro-People Militias), which claim they are independent. The Milicias del Valle de Aburrá (Valle de Aburrá militias) have ties to an ELN faction calling itself the Corriente de Renovación Socialista (Socialist Renewal Current-CRS). The milicias bolivarianas (Bolivarian militias) have ties to the FARC. HRW/Americas interviews, Medellín, June 11-12, 1994.

[177] "Redada anti-milicias," *la Prensa*, February 9, 1994.

concrete houses, fringed by cardboard shacks. When it rains, odorless methane gas from the compacted trash below seeps into the air. A soccer field, covered in green sod and lit by tower lights, was donated by Pablo Escobar. Bordered by the Medellín River and the soon-to-be-inaugurated metro station on its opposite bank, the peak of Moravia's trash mountain overlooks the Curva del Diablo, a popular botadero de cadáveres.[178]

Dario is the twenty-six-year-old leader of the Moravia militia. He grew up as a gamín recycling trash excavated from the Moravia dump.[179] Before the militia, nine gangs divided Moravia into fiefdoms, always feuding. After a fierce conflict, the militia finally gained control, telling the remaining gang members to leave or be killed.[180]

Dario says the militia provides an essential service. Local merchants pay between 1,000 and 2,000 pesos ($1.50-$3.00 U.S.) a week for protection. According to Dario, all payments are voluntary, though we received reports that businesses that refuse to pay are forced to close.[181] The Moravia militia got their weapons from the CRS, which also taught them to shoot.[182] Other militias have been tied to the kidnappings of wealthy businessmen or bank robberies, which fund their operations.[183]

The Moravia militia first warns petty criminals, drug addicts, thieves, and gang members to stop committing crimes. If they persist, they are killed during the militia's nightly rounds.[184] Warnings are sometimes given in the context of so-called *consejos de guerra*, war trials, which can end with an execution. In the first three months of 1991, militias were implicated in the killings of 126 youths in the

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[178] HRW/Americas interviews, Moravia, June 13, 1994.

[179] Ibid.

[180] HRW/Americas interview, Medellín, June 11, 1994.

[181] "Los vigilantes," *Semana*, April 9, 1991, p. 36.

[182] HRW/Americas interview, Moravia, June 13, 1994.

[183] "Los vigilantes," *Semana*.

[184] Ibid.

Northeast comuna according to municipal authorities. Human rights groups said this was a decrease in comparison to 1990, when the militias were still battling gangs for control of many areas.[185]

While initially militias dealt only with crime, some began to mediate in family disputes and resolve disputes between neighbors, functioning as a kind of court. Other accepted specific contracts, for instance to guard businesses, gasoline pumps, and delivery trucks.[186]

Young children are encouraged to join as errand-runners, lookouts, and bodyguards. Some joined the Moravia militia as a measure of self-protection, like Patricio*:

> It was dangerous for young boys not to be in the militia because those from outside Moravia would suspect you were a militia anyway.[187]

In Moravia, many residents view militias as more effective and dependable than the police. One woman told us that even though her house has been robbed twice, the police have never come to investigate. By the time she can report crime, she says, the thieves have already made off with the stolen goods. The last time thieves tried to break in, though, local militia members scared them off.[188]

Militias have even won a grudging acceptance from community activists and government officials pledged to maintaining order despite reports that they engage in intimidation and often murder suspected thieves and drug addicts.[189]

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[185] We reported that militias committed the highest number of executions within the city of any single force in 1990. "Los vigilantes," *Semana*; and Americas Watch, *Political Murder and Reform in Colombia: The Violence Continues* (New York: Human Rights Watch, 1992), p. 84.

[186] "Desarme Paisa," by Patricia Nieto, *Cambio 16*, February 14, 1994, p. 26.

[187] HRW/Americas interview, Medellín, June 13, 1994.

[188] HRW/Americas interview, Moravia, June 13, 1994.

[189] HRW/Americas interview, Corporación Región, Medellín, June 8, 1994.

However, problems with the militias have been many. Dario admits that the militia used to accept former gang members, who ended up committing crimes in the name of the militia. One group stole the militia's sawed-off shotguns, provided by guerrillas, and set up a new gang. Others began extorting money from local businesses.[190] Militias have also been accused of forcing young people to join or abandon the area. In some parts of Medellín, neutrality is impossible.

Unlike gangs, some militias have been targeted by the police and military because of their political connections. In one section of the Northwest comuna, we were told, the Colombian Army has sent out patrols with well-known gang members, so that the youths can identify others associated with the militias.[191]

"When this happens, the ones who pay the price are the neighbors, who see crime increase when the militias are chased out," one activist commented.[192]

As militias began expanding, fierce battles broke out with gangs, who defended their territories. Dario, for instance, cannot leave Moravia without a security detail for fear of being killed by local gangs.[193]

THE VILLATINA MASSACRE

The involvement of many youths in gangs and militias has meant, children told us, that all youth have become identified as criminals, whether or not they are involved in crime.[194] At the end of the 1980s and into the 1990s, community activists reported numerous attacks by the police against groups of youths, evidently revenge for the killings of police.[195]

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[190] HRW/Americas interview, Moravia, June 13, 1994.

[191] HRW/Americas interview, Northwest comuna Communal Center, Medellín, June 12, 1994.

[192] Ibid.

[193] HRW/Americas interview, Moravia, June 13, 1994.

[194] HRW/Americas interview, Bello Youth Network, Medellín, June 9, 1994.

[195] For instance, residents of the Northeastern comuna claimed police were

At various times, the cartel has declared war on police, promising, as it did in 1990, to pay large sums for dead police agents. Since police identify poor youths as criminal, they are natural targets for counterattack.[196]

The most brazen attack occurred on November 15, 1992, when eight children and one adult were shot down in Villatina, in east Medellín. The youngest victim, Johanna Mazo, was eight. The rest, all boys, were members of a Christian group called "Caminantes Constructores del Futuro" ("Walking Builders of the Future").[197]

According to witnesses, the young people were talking on a street corner at about 9:00 P.M. when three vehicles stopped nearby. Twelve individuals, including one who was masked and another who was dressed as a woman, approached, carrying weapons associated with the police. Thinking that the men were police, some of the youth took out their identification cards. However, the men began screaming at them to fall to the ground, and started shooting.[198]

At one point, the men apparently considered sparing the life of Johanna Mazo, who several children attempted to defend. Reportedly, however, one of the killers disagreed, saying: "How can we leave this bunch of sons of bitches alive if they are the ones killing us?" He killed her.[199]

Before dying, one of the victims told his mother that he had recognized one of the killers as a member of the F-2, police intelligence. Suspicion centered

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behind the killing of five people on November 7, 1992. The next day, three more died several blocks away. One other shooting, taking three lives, took place before November 15, when the massacre of youths took place in Villatina. Comisión Intercongregacional de Justicia y Paz, *Boletín*, Vol 5, No. 4, October-December, 1992, pp. 50-51.

[196] In 1992, the killing of police reached a record high in Medellín: 620. WOLA, "The Colombian National Police...", pp. 14, 17.

[197] Ibid., p. 51.

[198] Letter to Edith Márquez Rodríguez, Interamerican Commission on Human Rights, from the "Héctor Abad Gómez" Committee for the Defense of Human Rights, March 11, 1993.

[199] Ibid.

around some police who lived in Villatina and knew the youths. During the mass funeral, witnesses say these agents touched some of the caskets as if to mark a victory over the dead youths.[200]

Since the victims were either activists or young children, it was clear that the massacre did not stem from intra-gang violence or the drug trade. One human rights report linked the Villatina massacre to the killings earlier that day of two police agents, suggesting that the men sought revenge for the two agents' deaths.[201] Another theory holds that a band of sicarios used to meet on the same corner, and the massacre was a tragic case of mistaken identity. Finally, some of the victims were well-known youth activists who protested police abuses, provoking the ire of police living nearby.[202]

After family members and supporters protested what they saw as an emerging cover-up of police involvement, they were called to the city morgue and interrogated by police who asked them why they believed the F-2 and SIJIN, the judicial police, were involved. Harassment and veiled threats followed.[203] In early December, neighbors reported that strange cars were again cruising the neighborhood, and they feared attack.[204]

On December 31, two police vehicles carrying masked men entered Villatina in the late afternoon. The well-armed men broke into several houses, forced the inhabitants to the floor, and demanded to know where several adults were. Already prepared for a new attack, neighbors had called a nearby Army base, which sent soldiers.[205] Soldiers traded fire with the masked men. Two were

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[200] HRW/Americas interview, Msgr. Héctor Fabio Henao, Medellín, June 8, 1994.

[201] Amnesty International, "Colombia Children and minors: victims of political violence," June 1994, p. 9.

[202] HRW/Americas interview, Msgr. Héctor Fabio Henao, Medellín, June 8, 1994.

[203] Ibid.

[204] Letter to Márquez.

[205] In a strange twist, television journalists, also alerted by Villatina residents, were able to capture footage of the fleeing police.

wounded and later identified as members of the SIJIN.[206]

The SIJIN had apparently falsified a search warrant from the signed pieces of paper they routinely get from lax fiscales. That day, police had learned that the Procuraduría investigation into the Villatina massacre had named them as responsible and had been sent to the civilian courts for trial.[207]

As with other investigations involving the police, men implicated in the killing were quickly transferred, delaying the inquiry. The investigation has been transferred to the capital, to protect the investigators from frequent death threats.[208] The man accused of giving the order to kill the children, Colonel Hernández, continues to be the head of the Medellín F-2 and is appealing a Procuraduría order that he be dismissed.[209]

"As long as there is no exemplary punishment against members of the high command who participate in such acts, people will not believe there is justice," we were told by Medellín personero Sergio Estarita.[210]

Witnesses continue to be harassed. Some gave their depositions secretly; others refused out of fear. Despite the wealth of evidence linking police to the massacre, there has been no verdict in the trial.[211]

Since the massacre, gangs, not youth groups, have taken over Villatina. "Los Porkys," "Los Mejicanos," and "Los Barbados"[212] have made it dangerous for

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[206] Ibid.

[207] HRW/Americas interview, Msgr. Héctor Fabio Henao, Medellín, June 8, 1994.

[208] Ibid.

[209] HRW/Americas interview, Sergio Estarita, Medellín personero, Medellín, June 9, 1994.

[210] Ibid.

[211] Ibid. The case is currently before the Inter-American Commission on Human Rights.

[212] The name "Los Porkys" comes from a Hollywood movie. The other names translate as "The Mexicans" and "The Bearded Ones."

strangers to visit, even if they are known to the neighbors.[213] Villatina residents say the average age of gang members is fourteen.[214]

EFFORTS TO RESOLVE CONFLICT

Although tragic, the Villatina massacre provided the impetus for a city-wide protest against the murders of youth. Today, that protest has matured into a broad-based series of talks that shows signs of leading the city out of its murderous passage.

Leading the effort is the Mesa de trabajo por la paz en Medellín (Working Table for Peace in Medellín), chaired by Msgr. Héctor Fabio Henao, who heads the Social Outreach office of the Catholic Archdiocese. Represented by Msgr. Henao, the Working Table, which includes representatives from gangs and militias as well as the church, human rights groups, government representatives, and community activists, has provided a forum for gangs and militias to negotiate with the government.

For the government, the lead agency has been the Consejería para Medellín, a presidential office whose responsibilities include addressing violence and its root causes. Along with the mayor's office, the Consejería has funded the building of new schools, youth programs, job training, and pacts with militias and gangs.[215] Also influential have been the offices of the capital-based Consejería para asuntos de Paz and the Government Ministry.

Negotiations have borne fruit. Among the first to voluntarily turn in their weapons were seven gangs in Barrio Antioquia, including the one led by Teófilo. In fact, "El Gordo," who once taught them the drug trade, was the one who ordered a cease-fire.[216] At the Christmas feast in 1993, "El Gordo" sealed a cease-fire over

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[213] HRW/Americas interview, "Héctor Abad Gómez" Committee for the Defense of Human Rights, Medellín, June 9, 1994.

[214] HRW/Americas interview, Medellín, June 11, 1994.

[215] In 1994, the Consejería had a budget of over three billion pesos, about $375,000. HRW/Americas interview, Consejería para Medellín, Medellín, June 9, 1994.

[216] HRW/Americas interview, Sister Trinidad Zapata, Medellín, June 12, 1994.

roast pig, beer, and a vow to kill anyone who opposed it.[217]

After a government parley, twenty-five gang members were hired to sweep streets, paid by local merchants happy to see an end to violence. Teófilo runs a food warehouse.[218] Another one hundred youths began work for the municipality.[219] Other youths receive half of a minimum-wage salary to learn construction techniques and other trades.[220]

Other gangs in Santa Cruz, Las Granjas, Santa Inés, Bello, and Itagüi, the latter two both towns bordering Medellín, have also declared cease-fires and have entered into government negotiations.[221]

On February 15, 1994, two groups of militias signed a pact with the government, promising to turn in their weapons on March 8 in exchange for concessions. The Milicias del pueblo, para el pueblo, with 300 members, and the CRS-backed Milicias independientes del Valle de Aburrá, with one hundred members, had begun negotiations almost two years earlier. Despite the failure of other government negotiations with guerrillas, held in Mexico, talk with militias continued.[222] Later pacts with militias included groups based in Moravia and Manrique, an estimated 85 percent of the militias in Medellín.[223]

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[217] HRW/Americas interview, Barrio Antioquia, June 12, 1994; and "Tregua entre pandillas en Medellín," *El Tiempo*, February 4, 1994.

[218] Ibid.

[219] HRW/Americas interview, Sister Trinidad Zapata, Medellín, June 12, 1994.

[220] HRW/Americas interview, Juan Guillermo Sepúlveda, Medellín, June 9, 1994.

[221] "Despertar en la convivencia," *El Mundo* (Medellín), May 9, 1993; "`Hay que apoyar a los pacíficos'," *El Tiempo*, August 22, 1993; and "Bandas pactan acuerdo de no agresión en Itagüi," *El Tiempo*, April 1, 1994.

[222] Bibiana Mercado and Orlando León Restrepo, "400 milicianos negocian la paz," *El Tiempo*, February 15, 1994; and by Bibiana Mercado and Orlando León Restrepo, "Desmovilización se cumpliría el 8 de marzo," *El Tiempo*, February 16, 1994.

[223] Claudia Bedoya Madrid, "Los diálogos, a la recta final," *El Tiempo*, May 15,

In exchange, the government agreed to set up a security cooperative that would employ 300 former militia members as community police (called COOSERCOM); pay community police salaries and benefits over a two-year period; provide equipment, including vehicles and guns; invest over $500,000 in health care, schools, and job training; and investigate additional ways to have former militias participate in the electoral process as legal political groups. In addition, former militia members were pardoned for all crimes.[224]

While many remain optimistic about an easing of tensions, problems remain. Prime among them is the almost complete lack of action to investigate and prosecute official involvement in human rights violations or to show progress on investigations that implicate members of the security forces. Villatina provides the best example. Not only has the case yet to conclude, but the alleged mastermind of the massacre continues in his job.

"There is a clear lack of willingness on the part of the State to strengthen control over the security forces," we were told by one government official.[225]

This official believes the Colombian government continues to foment the creation of "private justice" groups like the PEPEs, supported by important financial interests. As an example, he cited his repeated suggestions to the city Security Council, made up of the mayor, the police chief, and the general in charge of the Fourth Brigade, that they sponsor a general collection of legal and illegal weapons.[226]

"I have been told this is impossible," he told us. "How would the owners of large warehouses then arm their security guards or their personal bodyguards?"[227]

The government has yet to respond fully to doubts about this latest

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1994; and Bibiana Mercado and Orlando León Restrepo, "Milicianos escogen la paz," *El Tiempo*, May 26, 1994.

[224] Community police were legalized in 1994 by Decree 356. HRW/Americas interview, Juan Guillermo Sepúlveda, Medellín, June 9, 1994.

[225] HRW/Americas interview, Medellín, June 9, 1994.

[226] Ibid.

[227] Ibid.

attempt to "privatize" justice, this time in the guise of COOSERCOM. Some worry that it could turn into another corrupt force. At a time when the government cannot control its regular security forces, it is adding new ones that are neither properly trained nor operating with adequate oversight.[228]

Both militia members and gangs worry about security for themselves. Militias have heard that some gangs are just waiting for them to don their COOSERCOM uniforms before they counterattack; gang members fear that going public has left them with a death sentence from local militias.[229] In the days after the murder of soccer star Andrés Escobar, when the mayor's office had suspended permissions to carry arms, sicarios prowling the Northeast comuna shot down two COOSERCOM militia members in an attack that was later vindicated by a group calling itself Muerte a Milicianos Desmovilizados, Death to Demobilized Militia Members.[230]

Finally, out of all the youths involved in violence, only a small percentage are negotiating for reconciliation, leading some observers to doubt that individual pacts or treaties will lead to a solution for overall violence in Medellín. The Medellín press reported in August that a new "self-defense" group calling itself "Los Autodefensas del Norte," in the Northwest comuna, had formed, replacing the local militia that had turned in their weapons after government negotiations.[231] Despite a pact between some gangs, militias, and the authorities in Itagüi, ten youths, including eight children, were shot down in October in what some locals charged was a "social cleansing" attack.[232]

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[228] HRW/Americas interview, Iván Velásquez, Procurador, Medellín, June 9, 1994.

[229] HRW/Americas interviews, Medellín, June 9-13, 1994.

[230] *Actualidad Colombiana* (a publication of CINEP, the Instituto Latinoamericano de Servicios Legales Alternativos [ILSA], Colombia Hoy Informa), No. 157, July 7-22, 1994, p. 3.

[231] "New Militia Group Operating in Medellín," *Santafé de Bogotá Inravisión,* August 18, 1994, in FBIS, August 22, 1994, p. 57.

[232] "Asesinados diez jóvenes en Itagüi," *El Tiempo*, October 24, 1994; and "Cuatro retenidos por matanza en Itagüi," *El Tiempo*, October 25, 1994.

Certainly, there is support for the peace effort; but no one is claiming victory yet.

"The process is very fragile, and could collapse at any moment," one human rights activist told us. "But if we don't try, what is the alternative?"[233]

[233] HRW/Americas interview, Instituto Popular de Capacitación, Medellín, June 11, 1994.

III

CODE FOR MINORS

Within Colombia, the newly-revised Constitution of 1991 is often referred as to a beautifully-conceived and written document that has little to do with the way rights are actually treated. Much the same can be said of the Code for Minors.

Made law in 1990, the Code for Minors is a model of progressive thinking on children's rights, stressing rehabilitation rather than punishment for juvenile delinquents, support for struggling families, and education for parents and children alike. Among its most important advances is Article 165, which holds that minors are "*inimputable*," not responsible for their actions or the consequences, and therefore not punishable by law.[234] Instead, children — abandoned, abused, or delinquent — are considered eligible for special support, placement with new families, and treatment. In contrast to the previous penal code, which sent child infractors to prisons annexed to adult facilities, the new code holds that no child can be incarcerated under any circumstances. Instead, children can be remanded to treatment centers for terms fixed by the social workers who supervise them, not a judge.[235]

However, Colombia's leaders have provided neither the facilities or the funding to translate the laudable concepts of the Code for Minors into action. Problems begin with the government's failure to apply the code vigorously — for instance, to hire the child defensores necessary to halt the practice of torture in detention centers — and extend to a lack of funding for facilities needed to treat child offenders.[236]

Although it is beyond our mandate to comment on welfare policies or the Colombian government's fulfillment of its own laws, a review of the new code is

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[234] Presidencia de la República, *Código del Menor* (Santafé de Bogotá: Instituto Colombiano de Bienestar Familiar, 1992), p. 39.

[235] Children between twelve and eighteen can be held in so-called "treatment centers" for juveniles, but the term of stay is not fixed and depends on the evaluations of social workers who try to encourage their charges to abandon crime or drugs. HRW/Americas interview, Dr. Francisco Ayala Buitrago, Bogotá, June 7, 1994; and "Vida después de la muerte ajena," *El Tiempo*, May 23, 1993.

[236] The government's capacity to raise funds for projects it deems important was clearly demonstrated by the huge increase in defense spending over the last decade. For an analysis, see Human Rights Watch, *State of War*, pp. 12-13.

necessary here to illustrate the degree to which the state has abandoned the defense of children's fundamental rights and tolerates abuses. The vacuum created by the failure to enact the Code for Minors is an important impetus behind the perception, shared by some members of the security forces and the "social cleansing" groups that act with their assistance or approval, that children perceived as problems must be eliminated.

A panoply of institutions are charged with protecting children. Foremost is the Colombian Institute for Family Welfare (ICBF), a government agency.[237] A combination of family welfare agency and juvenile justice system, the ICBF employs, among others, child defensores, who can order children taken into custody, investigate reports of abuse or negligence, determine the state's response to arrested child offenders under twelve, and occasionally act with police to search locations where children are reported to be in danger.[238]

Juvenile offenders twelve years and older are seen by a children's judge (*juez de menores* or *juez promíscuo de familia*) and a defensor. Their path through the juvenile justice system is otherwise similar to children under twelve with one exception: Article 201 allows judges to require juveniles to be kept full-time in a ICBF treatment facility for a maximum of three years.[239]

According to Article 170 of the Code, children cannot be kept in police detention centers, and must be transferred to special facilities supervised by the defensor or a children's judge immediately.[240] The child can remain in the custody

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[237] There is also a Procurador for children within the Procuraduría, Defensoría, and Personería offices, special children's offices within many municipalities (*comisarías de familia*), and a unit within the National Police called the Policía de Menores (Police for Minors).

[238] The right of defensores to search private dwellings without a court order was challenged in 1993 by the office of the Defensoría, which argued that it violated constitutional guarantees to the right of intimacy, tranquility, physical liberty, and personal security. Defensoría del Pueblo, *Primer Informe*, p. 62.

[239] ICBF teams are supposed to include a doctor, a psychologist, and a social worker. HRW/Americas interview, Dra. Olga Granados, ICBF Regional Director for Bogotá, June 3, 1994; and *Código del Menor*, pp. 39, 46.

[240] There is an important contradiction in the Code in terms of the time children older than twelve can be kept in police detention. While Article 170 stipulates that

of the defensor for a maximum of five days, at which time the child must be released or transferred to an observation center for further evaluation.[241] During the sixty-day observation period, ICBF officials determine whether to send the child back to the family, a substitute home, or a treatment center.[242]

Yet four years after the code became law, the number of troubled children far exceeds state resources made available to them. Of its 5,000 staff members, the ICBF employs only 350 child defensores. Divided among them, that means each has a case load of over 20,000 children.[243] Cali, a city of over one million, relies on four child defensores.[244] This constitutes a serious threat to the defense of children's rights, since in many areas the defensor is either overburdened or does not exist.

ICBF inaction that threatens the lives of children is commonplace. In January, the personero for Cartagena (Bolívar) initiated an acción de tutela[245]

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the child must be put at the disposition of the children's judge immediately, Article 184 holds that the child should be put at the judge's disposition on "the first working day" after their arrest. Human rights groups told us that weekends and holidays are particularly dangerous times for torture, since police feel assured that the some signs of abuse — bruises, cuts, and burns — can fade by the time Monday dawns. Código del Menor, pp. 40, 43; and HRW/Americas interviews with human rights groups, Bogotá and Medellín, July 2-14.

[241] Código del Menor, p. 43.

[242] A 1993 decision by the Constitutional Court stipulated that the state has an obligation to remove children from abusive families. The decision was in response to an acción de tutela filed by a mother in the state of Guajira, who charged that her daughter had been kidnapped by the regional office of the ICBF. ICBF authorities defended themselves by arguing that the mother had voluntarily given the child away on previous occasions because of family conflict, and failed to attend any hearings on the matter. "Ni un golpe más, usted puede perder a su hijo," *El Universal* (Cartagena), March 23, 1993; and Código del Menor, Article 188, p. 43.

[243] "Hay que aplicar el Código," *El Colombiano* (Medellín), March 18, 1994.

[244] "Drama infantil en la calle," *El País* (Cali), July 18, 1993.

[245] An acción de tutela allows citizens to file for an immediate judicial injunction

against the police, the ICBF, and the municipal health director for failing to address the problem of the more than one hundred street children in the city.[246] A private citizen in the department of Meta filed an acción de tutela to force the ICBF to act to take custody of thirty minors scavenging in the central plaza of Villavicencio, the department capital.[247] The only rehabilitation center for girls in Bogotá has been under construction for two years.[248]

All blame cannot be laid at the door of the ICBF, however. Often, ICBF authorities who act in good faith have nowhere to put children. The number of children older than twelve brought to trial has tripled over the past decade, most charged with robbery or theft.[249] Foster homes are filled to capacity; so are the few treatment centers currently in operation.[250] The government has failed to pay for the institutional framework laid out in the new Code for Minors, meaning that child welfare workers often have no choice but to send children to substandard or overcrowded facilities or return them to the streets.[251]

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against actions or omissions of any public authority that they claim limit their constitutional rights. Courts must hand down a ruling within ten days of receiving a petition.

[246] "Personería Distrital interpuso acción de tutela por desatención a gamines," *La Libertad* (Cartagena), January 13, 1994.

[247] "Ordenan a ICBF proteger a 30 niños abandonados," *Nuevo Siglo*, February 1, 1994.

[248] "Vida después de la muerte ajena," *El Tiempo*, May 23, 1993.

[249] ICBF, *Boletín Estadístico* (Santafé de Bogotá: ICBF, 1991), p. 42.

[250] "A budget of 300,000,000 pesos ($375,000) was just approved by the National Government for the treatment of the problem (of juvenile offenders), an amount that was qualified by those who are familiar with the problem as `an insult and a joke compared to the enormous amount of work before us,'" wrote an editorialist for the Medellín daily *El Colombiano* recently. "Hay que aplicar ...", *El Colombiano*.

[251] In recent months, the ICBF has lost several acciones de tutela arguing that the institution violated the rights of children by putting their lives, health, and physical integrity in danger with substandard living conditions. "Denuncian anomalías en el

The release of juvenile delinquents who have committed serious or repeated crimes is explicitly prohibited by Article 209 of the code. However, defensores and child advocates told Human Rights Watch/Americas that these releases are everyday occurrences because there are no facilities to accommodate children.[252]

In the department (state) of Atlántico, for instance, there is no residential treatment center for juveniles, meaning that the judges there must release offenders even when they have committed serious crimes. In an interview with a reporter from the leading newspaper in Barranquilla, capital of Atlántico, Amanda Viáfara Molina, a penal judge for minors (*Juez Unica Penal de Menores*), commented on the repercussions of having no treatment center:

> **When a minor breaks the law, it becomes a notorious event in the community, above all with the group of friends or gang that the minor belongs to. These children are the ones waiting most anxiously to see what consequences will fall upon their friend. But since there is no place to send an culprit, the judge is forced to free him and this young person is seen by his friends as a hero, which serves as the classic justification of the crime.[253]**

ICBF officials in Medellín told us that the release of juvenile offenders because there is no place to put them is common. Although new centers are currently under construction, it will be years before there are enough spaces.[254] One human rights group told us that many of these kids are murdered soon after their release, in revenge killings or because they are seen as snitches.[255]

Human Rights Watch/Americas was able to visit two ICBF-sponsored

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ICBF," *Nuevo Siglo*, February 1, 1994.

[252] Código del Menor, p. 49; and HRW/Americas interviews with child advocates, Bogotá and Medellín, July 2-14, 1994.

[253] "La necesidad los lleva a delinquir," *El Heraldo* (Barranquilla), March 27, 1993.

[254] HRW/Americas interview, ICBF-Medellín, Medellín, June 9, 1994.

[255] HRW/Americas interview, Corporación Región, Medellín, June 8, 1994.

centers that treat troubled children: Casa de El Redentor in Bogotá, for male juvenile delinquents, and Ciudad Don Bosco in Medellín, which treats male and female street children. Both provide excellent services, and are highly praised by child advocates and human rights groups.

The Casa de El Redentor is the only institution in the capital where juveniles twelve and older must live on the site during treatment. In the language of child welfare groups, it is referred to as a "closed" facility. Although El Redentor is an ICBF institution, it is run by Capuchin brothers under a special state contract. On the southern outskirts of the capital, El Redentor looks much like a small college, with ample and well-kept grounds and long dormitories filled with boys.[256]

Initially, children are sent to El Redentor for a sixty-day observation period. Some are gamines; others have been implicated in crimes from theft to murder. Social workers and other professionals evaluate their behavior, then determine if the child should be released to another facility or transferred to the treatment center at El Redentor. Other Bogotá institutions for children include Cajicá, a "semi-closed" facility (where children can go home over the weekends), and "substitute homes," akin to foster care.

In the treatment facility, which accepts up to 160 youths, the schedule is divided between classes, treatment sessions, sports, vocational workshops, meals and the occasional family visit. Youths are not sentenced to a fixed term, according to El Redentor director Salvador Morales, but stay as long as the staff feels it is necessary. For youths who have murdered or are addicted to drugs, that can mean up to three years.

"I have to turn away kids sent to me by judges all the time," Fray Morales told us. Although he declined to specify how many children he is forced to turn away, he told Human Rights Watch/Americas that it is an everyday occurrence. "If I accepted everyone, the grounds would be filled with children sleeping in the open."[257]

As serious as the lack of facilities is continuing abuse of the code itself by the authorities, in particular the police. Although Article 170 of the Code for Minors stipulates that children can only be held in police stations under rare and exceptional circumstances, and must be put at the disposition of the defensor or

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[256] HRW/Americas interview, Fray Salvador Morales, Bogotá, June 5, 1994.

[257] Ibid.

children's judge immediately, many children told us that they continue to be detained for extended periods in police cells, where they are tortured.[258]

Norbel, a former gang member, described in detail one torture session he endured when he was seventeen, detained by the Medellín F-2, police intelligence:

> I was in the cell for three days, beaten constantly. They kept calling me `gonorrhea,' as if I was some kind of disease. In one of the rooms, I saw a metal bunk bed attached to a thick electrical cord that branched off to the light in the ceiling. I think they put me there to threaten me, to say that if I didn't talk they would strap me to the bed and flip the switch. They told me that if I gave them money they would let me go. Finally, the officer who beat me the most gave me a piece of paper to sign saying that I hadn't been abused.[259]

Human Rights Watch/Americas received numerous similar testimonies about a kind of abuse that appears to be commonplace for children in police stations throughout Colombia: slaps, kicks, beatings, near-suffocations, insults, and threats. Several of these incidents have been detailed in this report.[260]

Numerous incidents reported to Police High Commissioner Adolfo Salamanca prompted him to send a letter to National Police Chief Octavio Vargas Silva in March 1994, emphasizing that children have a right to special protection under the law.[261] Salamanca, a civilian appointed as a result of a 1993 police

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[258] Código del Menor, p. 40.

[259] HRW/Americas interview, Medellín, June 12, 1994.

[260] Such torture is not only a violation of internationally recognized standards of human rights, but also Colombia's Constitution and Article 16 of the Penal Code for Minors, which explicitly prohibits "torture, cruel and degrading treatment and arbitrary detention (*...no podrá ser sometido a tortura, a tratos crueles o degradantes ni a detención arbitraria*)." Código del Menor, p. 4.

[261] "Los menores no deben ser retenidos en estaciones," *El Tiempo*, March 29, 1994.

reform, is the titular head of the police Inspectoría (Internal Affairs), charged with investigating reports of abuses and recommending sanctions.

However, like the ICBF, he has neither the budget, staff, nor political backing to do his job. With a staff of ten, including himself, he is supposed to supervise the work of Colombia's more than 100,000 police officers. Far from offering a new and more powerful way to oversee police, the office of the High Commissioner currently triplicates duties already assumed, and ineffectively, by the Procuraduría and Inspectoría.[262] Although human rights groups praise the personal commitment of Commissioner Salamanca, they say that the impunity enjoyed by police continues to be "extremely serious."[263]

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[262] HRW/Americas, interview, Dr. Adolfo Salamanca, High Commissioner for the Police, Bogotá, June 3, 1994.

[263] In June, the National Police Commissioner acknowledged that police violate human rights. He asked that police file formal charges against three officers implicated in the torture of union leader Luis Antonio Tellez during a Workers' Day march in May. Agence France-Presse, "Commissioner Admits Police Violate Human Rights," June 3, in FBIS, June 7, 1994, p. 26; and HRW/Americas interview, CAJ-SC, Bogotá, June 7, 1994.

IV

THE NECESSARY REFORMS

In several respects, Colombia can be described as a success story for children. Over the past decade, Colombia did more to improve its mortality rate for children under five than any other South American country.[264] It is among the ninety-three countries that have finalized a National Program for Action on children, developed by the United Nations and mirroring the provisions on legal, social, and cultural rights contained in the Convention on the Rights of the Child.

And many Colombians reject violence against children as an answer to the country's ills, like the writer of this letter, addressed to the National Police chief, about a police beating of a child witnessed in Bogotá:

> **On September 22, on the way to my office as a trial lawyer at about 7:50 A.M., I was walking without paying much attention at the corner of Avenida 19 and Carrera 12, when my eyes beheld the horrendous spectacle of four young police officers giving tremendous blows to a defenseless human being, one of those that society calls a `gamín', about sixteen or seventeen years old. Armed with thick truncheons that are nothing less than serious weapons that can kill, the agents took out their mortal fury on the humanity of this brother Colombian. The name of the gamín is not important, General. I can only tell you that he was prone on the sidewalk with a lost gaze and blood flowing in bubbles from the huge wounds caused by the blows. The names of these `brave' police agents are equally unimportant, General. They were four inexperienced boys who believed that they were carrying out their duties to the motherland.[265]**

Violence against children is neither so ingrained nor so complex as to be beyond the reach of those who, like slain human rights activist Dr. Héctor Abad Gómez, choose life. We believe that if the government takes the following steps,

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[264] According to UNICEF, Colombia's infant mortality rate dropped from fifty-nine per thousand in 1980 to twenty per thousand in 1990, equal to Chile and to the United States in the 1960s. UNICEF, *Progress of Nations* (London: United Nations, 1993); and "Un chino con los niños," *El País*, March 6, 1994.

[265] "Niño golpeado," *El Tiempo*, October 1, 1993.

the lives of children will be saved.

We therefore recommend to the Colombian government:

♦ Immediate efforts must be made to investigate the murders of children. Anyone found guilty of ordering, tolerating, or participating in murder should be punished.

♦ It is not enough to dismiss members of the security forces proven to have participated in human rights violations, including those against children. We urge the Colombian government to seek amendment of the constitutional provision granting military court jurisdiction in cases involving crimes by military personnel against civilians, and the extension of this exception to police. As we have maintained in previous reports, members of the security forces should be tried by civilian courts and punished according to civilian law when they violate the rights of civilians. Reforms within the military justice system, proposed recently by the Procuraduría, are not enough. It is by now abundantly clear that military courts, with their secrecy, lack of due process, and pronounced bias toward men in uniform, only reinforce impunity. Although imperfect, the regular courts have a far better record on impunity.

♦ Equally important would be an abolition of the constitutional provision of "due obedience" to higher orders, allowing subordinates to claim innocence on the grounds that they were acting on orders of a superior officer. This concept in the military code should be replaced with one that makes clear that subordinates are responsible for all actions, whether acting under orders or not, that violate Colombian law or the constitution.

♦ The Procuraduría and civilian courts should be given the authority to compel military and police personnel, from the lowest cadet to the highest general, to cooperate with investigations and trials.

♦ The security of witnesses and their family members merits the special protection of the government.

♦ It is once again necessary for the government to renew its public rejection of paramilitary groups and "private justice" as a way to resolve

social ills. This public rejection must be paired, however, with investigations of and sanctions against civilians and security force members who abet, deploy, or participate in paramilitary groups.

♦ Members of the security forces who assist paramilitary groups, particularly "social cleansing" squads, to commit crimes should be prosecuted in civilian courts as accomplices.

♦ While the creation of new security agencies like COOSERCOM in Medellín serves the immediate purpose of giving former militia members jobs and a role in their communities, it is a dangerous measure if not accompanied by efforts to train COOSERCOM personnel, regulate their activities, and exercise control over their actions. Without these measures, groups like COOSERCOM threaten to repeat Colombia's disastrous experience with "private justice" groups.

♦ Practices that help child murderers, including members of the security forces, hide their identities and escape prosecution must be outlawed or put under more strict and public control. New controls should include:

- strong sanctions against the owners of vehicles operated without license plates;

- experiments with the seizure of illegal weapons have proved effective against crime perpetrated by civilians, but not crime associated with members of the security forces. We urge the Colombian government to exert stricter control over official weapons and weapons seized by the security forces. This could be done by establishing a public register where the distribution of weapons, noted by type, registration number, officer, time, and date, is closely monitored. In a similar manner, weapons seized by police should be registered immediately and kept in a depository under the control of the commanding officer, who should be held responsible if access to these weapons is abused;

- all on-duty police and military officers except those working undercover should clearly display identification, and those

working undercover should supply a frequent and detailed record of their activities that is regularly confirmed by a commanding officer;

- vehicles used in police and military undercover work should be strictly registered, supervised, and controlled;

- any agent or officer being investigated for alleged human rights violations should be banned from transferring to a post distant from the location where an investigation is being carried out. These officers should be relieved of regular duty and limited to administrative work until the investigation has concluded;

- established procedures should include immediate dismissal and criminal charges against implicated security force officers who threaten the witnesses against them.

♦ The state should provide more funding, staff, and power for the Police High Commissioner to carry out investigations and punish police responsible for abuses.

♦ In coordination with the office of the Police High Commissioner and the Procuraduría for the Police Forces, the Procuraduría for Minors should initiate an immediate investigation into the treatment of children in police detention facilities.

♦ We call on the government to invite the U.N. Special Rapporteur on Summary or Arbitrary Executions to return to Colombia to prepare a report on the killings of children.

♦ We urge the Colombian government to appoint and give the necessary support to the child defensores necessary to protect children from violence and ensure that their rights are protected.

♦ We urge Colombia's legislators to revise the Code for Minors so that children older than twelve must be put at the disposition of the children's judge immediately, whether it be a weekend or holiday. This is necessary

to minimize the time that children may be subject to "disappearance," torture, or ill-treatment in police detention facilities.

♦ There must be a meaningful penalty for both child murderers and murderers who are children. Otherwise, the impunity currently enjoyed by children who commit acts of violence will continue to contribute to vigilantism.

♦ Because the acceptance of "social cleansing" murders appears widespread in Colombian society, we believe it would be important for the Public Ombusdman, in cooperation with children's groups and human rights groups, to mount a national educational campaign in defense of the victims, including children.

♦ Initial results from talks between the government, militias, and gangs have been promising. We urge the government to continue this process, fulfilling its commitments to those who have agreed to turn in their weapons.

We recommend to Colombia's armed opposition groups:

As we have done in the past, we call on the armed opposition to respect international humanitarian law. To protect children, we make the following specific recommendations:

♦ Guerrillas and their associates in urban militias should expressly prohibit the killing of prisoners or noncombatants, including the so-called "popular trials" of accused criminals or drug addicts.

♦ Guerrillas should carry out immediate investigations into allegations of abuses committed by their forces. Those militants who murder should be suspended from their positions immediately.

♦ We do not believe that guerrillas can provide the conditions necessary to carry out fair and impartial trials so should refrain in all cases from executing accused criminals or drug addicts.

♦ The use of land mines, especially the quiebrapatas mines, should be

banned entirely. Human Rights Watch believes that land mines are inherently indiscriminate, and that there should be an international ban on the production, stockpiling, transfer and use of all anti-personnel land mines.

♦ We call on guerrillas to stop recruiting children, both for their regular forces and for the militias that operate in coordination with them. We recommend that the minimum age at which people can take part in armed conflict be eighteen.

We recommend to the international community:

♦ Because child murders have become epidemic in Colombia, it is time for international bodies like the U.N. and the Organization of American States to investigate and issue special reports on the rights of children in Colombia. This could be done through the office of the U.N. Special Rapporteur on Summary or Arbitrary Executions and/or the Inter-American Commission on Human Rights.

♦ It is long past time for the United States to speak out strongly in support of human rights in Colombia. With the exception of a single speech delivered to military officers in July 1994 and the State Department's *Annual Country Reports on Human Rights Practices*, the U.S. Embassy in Colombia has made no public statement about human rights within Colombia. Regular statements would underscore the U.S. commitment to seeing an improvement in human rights in Colombia for all, including children.

APPENDICES

GLOSSARY

bazuco: the residue left from the fabrication of cocaine from *coca* leaf and sold as a highly addictive drug

bono: a voucher listing services for street children, bought and given away in lieu of money

botadero de cadáveres: body-dumping spot

Boxer: a brand of industrial glue sold in Colombia and used by street children as a drug

CAI: Centro de Atención Inmediata (Immediate Attention Center); urban police outposts

cambuche: a street person's sleeping spot

chichipatos: small-time criminals, often children

chino(a): child

combo: gang

comuna: a metropolitan area of Medellín, akin to a New York borough

desechable: literally disposable, used to refer to street people, prostitutes, recyclers, and the mentally ill

galladas: gangs of street children

gamines: street children

inimputable: in Colombia, minors are considered "*inimputable*," not responsible for their actions or the consequences, and are therefore not punishable by law

jíbaro: drug-seller

kamikazes: a hired killer who knows he or she must die in an attack

ley del sapo: literally law of the toad, or snitch; he who talks, dies

"***limpieza social***": see "social cleansing"

mulas: individuals, often children, who transport drugs

NN: ***no nombre***, no name; unidentified cadavers

ñero(a): derives from ***compañero***, a street person

ollas: literally, pots; a place where drugs are sold

paisas: people from Antioquia

parches: literally, patches or turf

paseo: literally a walk, but used to describe when police take detainees to the outskirts of a city and execute them

quiebrapatas: literally foot-breaker, land mines set off by the pressure of a footfall that can kill or destroy a foot or leg

sabana: plain, the flat mountain valley where Bogotá lies

Sacol: a brand of industrial glue sold in Colombia and used by street children as a drug

sicario: hired killer

"social cleansing": the serial killing of members of a social group in order to "clean out" or "impose order" on a criminal or unsightly populace.

traqueteo(a): a young person who takes part in the initial buying and selling of

pasta básica, raw cocaine, and the finished product; taken from the sound of machine-gun fire (traki-traki)

troopers: vehicles like Isuzu's popular four-wheel-drive Trooper, often used in assassination attempts and "social cleansing" killings; also known as "jeeps" and "Nissanes"

tugurio: slum

CONVENTION ON THE RIGHTS OF THE CHILD