



Latin America
Working Group
Education Fund

U.S. Office on Colombia
connecting civil society to policymakers



Colombian officers charged with killing innocent civilians freed from jail

Impunity in Colombia prevails as 31 more military officers accused of being involved in the 2008 killing of young men from Soacha are released from jail. This casts serious doubt over the chances of justice for thousands of extrajudicial executions victims throughout the country.

Last week 13 more Colombian military officers accused of killing innocent young men from the impoverished neighborhood of Soacha were freed from jail. This follows the recent release of 17 other officers allegedly involved in this high-profile case. Their release is due to delays in their trials that are reportedly the result of the military defense lawyers' delay tactics. There have been similar delays in the cases of the majority of the 47 military officers detained in relation to the Soacha extrajudicial executions and it is feared that more will be released shortly.

The U.S. government must urge the Colombian authorities to immediately investigate delays in extrajudicial execution cases and ensure that they move forward in a timely and effective manner.

The case of Soacha, in which 22 innocent young men were disappeared and later killed in October 2008, gained international attention. Following significant pressure from the U.S. government, Colombian authorities carried out an investigation into the crime and fired several dozen army officers for their alleged role in the case. Many of the actions taken by the Colombian government have focused primarily on Soacha. But, as UN special rapporteur on extrajudicial executions Philip Alston observed, "Soacha is only the tip of the iceberg." The Soacha cases involve 22 killings, while the Attorney General's extrajudicial execution unit is investigating over 1,000 similar cases. Thus, if the Soacha cases continue in impunity, there is little hope for the other, far less public cases. This concern was expressed by the United Nations High Commissioner for Human Rights Office on Colombia.

"I am extremely worried about the impact and the repercussions that this decision could have over the more than 1,200 cases of extrajudicial executions that the Prosecutor-General's Human Rights Unit is investigating, as well as on the mothers of the victims and the witnesses," said Christian Salazar Volkmann, representative in Colombia of the UN High Commissioner for Human Rights.

Indeed, there has been very little improvement in conviction rates for extrajudicial execution cases. The figures quoted in the State Department's memorandum certifying Colombia's compliance with human rights conditions clearly demonstrate this problem. They show that of the 1,056 cases (with 1708 victims) assigned to the Attorney General's office, only 21 (2%) were in the trial phase and only 16 (1.5%) cases had resulted in convictions as of May 2009.¹

¹ From the State Department's certification memo, p. 20: "As of May 15, 2009, the Extrajudicial Killings Sub-Unit of the Prosecutor General's Office had been assigned 1,056 cases (involving 1,708 victims), all of them extrajudicial killings allegedly committed by members of the Armed Forces between 1985 and 2009. Of these, 1,019 cases remained under investigation, 21 were in the trial phase, and convictions had been reached in the remaining 16 (83 people convicted)."

Colombian law establishes a 90-day period from when charges are made to when a trial must begin, if this time period is passed the accused can be released from jail, which is what has occurred in the case of the 31 military officers who have recently been freed. Judges, prosecutors and human rights defenders² allege that in the majority of cases these delays are due to the defense's delaying tactics, such as repeatedly missing trials due to alleged sickness, arriving late, confusing dates, requesting the case to be moved to the military justice system, or submitting inadmissible evidence. These lawyers are part of a special unit that was created in the Ombudsman's office in August 2009 to provide lawyers for the military personnel accused of extrajudicial execution.

While the cases continue despite the accused being set free, the victims' lawyers fear this will lead to further delays and will also put victims' families and witnesses at an even greater risk. Already, many of the families of the victims of the Soacha killings have been threatened. In response to these concerns, the Defense Ministry has ordered the seventeen officers released last week to be confined to the base of the Colombian Army's 13th Artillery Battalion.

Cases of alleged extrajudicial executions have also been delayed due to the extended time taken by the Supreme Judiciary Council to decide whether the case should be held in the military or the civilian justice system. While there has been some progress in the last two years in transferring extrajudicial execution cases from military to civilian courts, military judges often continue to block the transfer of clear human rights cases to the ordinary justice system.

It is also troubling that the parallel disciplinary investigation being carried out by the Inspector-General's Office into the Soacha cases has not advanced, thus effectively the officers remain incorporated in the army.³

Given this situation we would request that you:

Urge the State Department to press the Colombian government to ensure effective justice in the Soacha cases and other cases of extrajudicial executions allegedly committed by members of the Colombian armed forces. This should include establishing a working group including Colombian human rights lawyers, the Inspector General, the Attorney General and the UN High Commissioner for Human Rights to investigate the obstacles to progress in these cases. The final measure, however, must be increased numbers of cases reaching the trial stage and achieving convictions.

For further information contact:

- Kelly Nicholls, U.S. Office on Colombia, (202) 232 8090, kelly@usofficeoncolombia.org
- Gimena Sánchez Garzoli, Washington Office on Latin America, (202) 797-2171, GSanchez@wola.org
- Lisa Haugaard, Latin America Working Group, (202) 546 7010, lisah@lawg.org

² El Tiempo, "Qudan libres otros seis militares por 'falsos positivos': http://www.eltiempo.com/colombia/justicia/libertad-de-seis-militares-acusados-de-falsos-positivos_6934207-1

³ Semana. "Por qué liberan a los militares sindicados de matar de a jóvenes civiles?" <http://www.semana.com/noticias-justicia/liberan-militares-sindicados-matar-jovenes-civiles/133641.aspx>