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UNCLASSIFIED
TELEGRAM

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TAGS: ELAB, PHUM, PROP, PTER, CO
Captions: None
Subject: A CLOSER LOOK AT HUMAN RIGHTS STATISTICS
Ref: A. BOGOTA 8430 B. BOGOTA 447 C. BOGOTA 5768 D. BOGOTA
6596 E. BOGOTA 7310

Summary

1. President Uribe's recent criticism of NGOs laid bare a fundamental controversy over human rights statistics in Colombia. GOC and Colombian NGO statistics have often been at variance over the years. Some of these discrepancies can be explained by differences in terminology and methodology. Others result from some Colombian NGOs' confusing presentation of data and selective emphasis on negative indicators even in the face of more positive trends. NGO statistics themselves substantiate GOC claims that the numbers of murders, kidnappings, and other major human rights violations in Colombia have dropped significantly over the past year. Analysis of the conclusions of Colombian human rights NGOs reveals that many continue to focus on the distance to the goal, rather than the ground already covered. Although respect for human rights in Colombia is not yet what it should be, we believe real progress is being made.
End Summary.

The Roots of Uribe's Discontent

2. President Alvaro Uribe's well-publicized unhappiness over an NGO report critical of his government (ref A) was

triggered by the report's failure to acknowledge what the GOC regards as significant progress in the protection and promotion of human rights. Underlying the debate over Uribe's criticism of NGOs is a more fundamental controversy over the accuracy and nature of human rights statistics in Colombia.

 Dramatic Divergences

3. Over the years, GOC and Colombian NGO human rights statistics have often diverged dramatically, as seen in the Department's 2002 Report on Human Rights Practices in Colombia. For example, the Report contrasted GOC claims that guerrillas committed 70 percent of human rights violations during the year with NGO assertions that paramilitaries -- allegedly often in league with the security forces -- were responsible for a similar percentage of violations. Specific statistics were even more puzzling. The Colombian Ministry of Defense (MOD) reported that paramilitaries killed 59 persons in massacres in 2002, while the Permanent Committee for the Defense of Human Rights (CPDDH) asserted that 1,549 persons died in such atrocities.

 Definitions

4. Some discrepancies between GOC and NGO statistics can be explained by differing terminologies and definitions. For example, GOC entities define a massacre as the intentional killing of four or more persons at the same time and place, while NGOs define a massacre as the deaths of three or more persons. The Colombian Commission of Jurists (CCJ), an internationally respected but unapologetically left-leaning NGO that regularly interprets CINEP statistics, defines deaths of combatants in hostilities as human rights violations. Analysis of the CCJ's own published statistics reveals that this definition more than doubled the number of human rights violations the CCJ recorded between July 1, 2002 and June 30, 2003.

5. More broadly, the Jesuit-founded Center for Popular Research and Education (CINEP), which manages Colombia's largest and most influential database of human rights violations, strictly follows legal conventions that define "human rights violations" as crimes that can only be

committed by the state or state-sponsored actors, which it presumes paramilitaries to be. As a result, it attributes "human rights violations" only to the government, and any report on human rights violations reflects that distinction. Human rights crimes by guerrillas are categorized as violations of "international humanitarian law" (IHL) or common crimes, which government authorities and paramilitaries can also commit. The GOC uses a more common sense definition of human rights violations that encompasses crimes by illegal armed groups as well as state actors.

6. The strength of NGO assertions that the human rights situation in Colombia is deteriorating turns largely on particular definitions. For example, CINEP claims that state security forces committed nearly 2,000 "arbitrary" detentions during the first nine months of Uribe's presidency, an increase of over 400 percent from the previous year. A review of CINEP case studies reveals that it considers all of the following to be "arbitrary": legally-authorized arrests of protesters occupying state property, detentions of suspicious persons during urban combat operations, and warrant-based arrests of civic activists and union leaders suspected of supporting guerrillas (ref B). Colombian human rights NGOs considered nearly all detentions carried out by military forces in the former Rehabilitation and Consolidation Zones to be illegitimate, in spite of the fact that such detentions were authorized by law and, unless outstanding arrest warrants were discovered, usually lasted a maximum of 36 hours. Clearly, the GOC would differ strongly with Colombian NGOs' definition of what is "arbitrary," as it would with their emphasis on detentions and threats instead of murders and other more serious violations.

 Methodologies

7. Differences in methodology also account for variations in GOC and Colombian NGO human rights statistics. The GOC, for example, bases its data on information reported to government authorities. Press reports and confirmable NGO statistics supplement official sources. Colombia's most prominent NGOs, on the other hand, rely primarily on citizen complaints and press reports that satisfy the particular NGO's own standard of credibility. The GOC's reliance on official reports undoubtedly leads to an underreporting of violations. However, because high-profile violations such as murders and kidnappings generally come to the government's attention, the

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more serious the crime, the more likely it is to be included in GOC figures. NGO statistics, on the other hand, undoubtedly overreport violations, since they rely heavily on unsubstantiated claims that may be subject to manipulation. For example, in preparing the 2002 human rights report on Colombia, Embassy investigated a case widely circulated on the internet that accused Colombian soldiers of murdering an unarmed, mentally retarded man in a small Colombian village by nearly severing his head with a machete. Based on the testimony of civilian investigators and witnesses, however, we eventually concluded that the victim was mentally sound, was armed with a pistol at the time of his death, and was shot by a Colombian soldier during a struggle.

8. NGO statistics can be difficult to interpret. Properly understanding CINEP statistics, for example, is nearly impossible without first studying 8 dense pages of legal explanations found at the beginning of CINEP publications. Only by reading these explanations does it become clear that CINEP places crimes committed by state actors or paramilitaries in two statistical categories because it considers these crimes to be violations of both

"international humanitarian law" and "human rights." Reported violations by the state and paramilitaries are therefore counted twice, while violations by guerrillas, who can only commit IHL violations, are not.

9. In some instances, CINEP publishes numbers that are already double-counted. For example, a CINEP report for April through June, 2002, under the category "Human Rights Violations based on Political Persecution," recorded 57 arbitrary detentions by the Department of Administrative Security (DAS), Colombian State, and Public Forces, 60 by the Prosecutor General's Corps of Technical Investigators (CTI), 86 by the National Police, and 85 by the Judicial and Investigative Police (SIJIN). The violations were then added to total over 420 arbitrary detentions during that three-month period. An examination of the specific cases revealed that 57 violations reportedly committed separately by the DAS, Colombian State, Public Forces, and CTI referred to the same 57 detentions. Likewise, 85 violations reportedly committed by the Police and separately by the SIJIN, a branch of the Police itself, also referred to the same 85 detentions. Through double-counting a total of 137 purported arbitrary detentions became 398 violations in CINEP's published report.

10. Colombia's most prominent human rights NGOs consistently focus on the negative. For example, in its contribution to "The Authoritarian Spell," the NGO report that sparked Uribe's recent ire, CINEP emphasized alleged increases in arbitrary detentions and death threats, rather than decreases in murders and other violations. In addition to a reported 400 percent increase in arbitrary detentions, CINEP claimed that death threats against protected persons -- most of which were allegedly made verbally and are therefore unconfirmable -- had increased by 75 percent during Uribe's presidency. CINEP added the allegedly large numbers of arbitrary detentions and threats to its figures for murders and other violations to produce an overall number of violations 34 percent higher than the year before, half of which were allegedly committed by state actors. CINEP commented that the data "clearly indicate that the strategies of war and repression have been directed against the civilian population."

11. Other Colombian NGO statistics and their presentation are even more questionable. The Permanent Committee for the Defense of Human Rights' 2002 figure on victims of paramilitary massacres was 26 times greater than the MOD's figure and over twice as large as the Colombian Commission of Jurists' figure for 2001, a year that nearly all international observers and major Colombian media considered the zenith of paramilitary abuses. Under the category of "Socio-Political Violence based on Political Persecution," CINEP blames the FARC and ELN only for kidnappings and consistently claims to have "no information" on murders, attempted murders, injuries, threats, disappearances, and incidents of torture.

Statistical Evidence of GOC Success

12. Colombian human rights NGOs' selective emphasis on bad news frustrates GOC officials who cite their own statistics demonstrating that the human rights situation in Colombia is actually improving. According to the GOC's National Police Center for Criminological Investigations (NPCCI), for example, the national homicide rate fell 16 percent during the first ten months of Uribe's presidency. Several categories of politically motivated homicides registered even greater declines. For example, the NPCCI reported that the number of massacres fell from 120 to 86, a 28 percent

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decline, while the number of massacre victims fell by 40 percent. The GOC's Ministry of Social Protection reported that during Uribe's first 8 months in office murders of teachers and union activists, two particularly vulnerable

groups in Colombia, fell by 60 and 70 percent, respectively (refs C and D). According to the Government's displaced persons service agency, the Social Solidarity Network (RSS), forced displacements fell by 66 percent in the first 6 months of 2003. The GOC also reported a 32 percent decline in kidnappings, an 83 percent decline in attacks on population centers, a 50 percent reduction in terrorist bombings, and a 55 percent decline in attacks on vital infrastructure.

13. Statistics in NGO reports substantiate many of the GOC's claims. For example, CINEP statistics for the country's principal human rights indicators between July 1, 2002 and June 30, 2003 show politically motivated homicides declined by 36 percent, violations of international humanitarian law fell by 32 percent, and, despite an increase in offensive operations by the Colombian armed forces, deaths of military, paramilitary, and guerrilla combatants fell by six percent (ref E). Statistics prepared by Colombia's premier labor rights NGO, the National Labor College (ENS), indicate that murders and kidnappings of trade union activists are down by 65 and 80 percent, respectively, in 2003.

Comment: Partiality and Progress

14. President Uribe struck an exposed nerve when he publicly questioned the objectivity of some Colombian NGOs, whose international credibility depends primarily on their impartiality. Few contributors to "The Authoritarian Spell", for example, made any reference to GOC successes in the field of human rights, and none emphasized them. Of the book's 17 chapters, only five addressed issues covered in the Department's annual human rights report, and several of these apparently relevant chapters concentrated on criticizing proposed legal and institutional reforms that are only tangentially related to human rights.

15. That said, respect for human rights in Colombia is still not what it should be. Tolerance of, and in some cases complicity by the Public Security Forces with, paramilitary groups remains a serious concern. We are convinced, however, that such practices are contrary not only to the stated

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policy of President Uribe and his Government, but to the GOC's true policy as well. President Uribe and his ministers have updated us on their efforts to close the gap between the Government and the people, end abuses, and move toward full respect for human rights. The GOC is not there yet, but real progress is being made.
WOOD

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