

Andean Report by Javier Almario

Supranational 'justice' for Colombia

Samper opposes extradition of drug traffickers, but approves foreign assaults on the military.

In a move unprecedented in Colombian history, President Ernesto Samper Pizano on Jan. 31 accepted the findings of the Inter-American Court of the Organization of American States (OAS), as if it were a ruling of his nation's own judicial system, and pledged to punish members of the Colombian military for the alleged death or disappearance of 107 individuals. Samper's decision has caused a furor within the Armed Forces, which view his action as a flagrant violation of national sovereignty and of their nation's sovereign institutions.

The case of the so-called "Trujillo massacres" had been duly investigated and dismissed by Colombia's offices of the Prosecutor General and Attorney General, and by both civil and military courts. Nonetheless, the OAS Inter-American Court, determined to find Colombian military personnel responsible for human rights abuses, ignored the findings of these national judicial bodies and pursued its own investigation.

To give the aura of legality to this decision by a supranational organization, the OAS court decided to include as one of its investigators the pro-terrorist Jaime Córdoba Triviño, Colombia's human rights "ombudsman." Also nominally representing Colombia on the OAS's "Truth Commission" were several ministers, the inspectors of the Colombian Armed Forces and National Police, and representatives of five pro-terrorist non-governmental organizations (NGOs). Among its conclusions, the OAS court "ordered" the Samper government to financially compensate fami-

lies of the alleged victims and the population of Trujillo, in the state of Valle de Cauca, where the disappearances were said to have taken place. The court demanded that the government publish a book detailing the alleged atrocities (the better to heap scorn on the military), and to erect a monument in the name of human rights.

Upon receiving these official "conclusions" of the "Truth Commission," President Samper promised to fully honor the demands, and agreed to accept the blame "that belongs to the Colombian state for the action or omission of public servants in the violent events that occurred in Trujillo." Samper's acquiescence to this multinational imposition stands in striking contrast to his refusal only weeks earlier to reconsider using the weapon of extradition and trial in foreign courts against the country's increasingly powerful drug cartels.

On Feb. 1, civilian Defense Minister Fernando Botero Zea gathered together 30 Armed Forces and police generals to inform them of President Samper's decision to implement the OAS's orders and to discharge Lt. Col. Alirio Antonio Uruña Jaramillo, the targeted officer in the Trujillo case. The meeting was marked by sharp verbal confrontations between the minister and the generals, with several generals criticizing the government for permitting this blatant violation of national sovereignty and for setting an "ill-fated precedent" and "disincentive to the troops." According to press accounts, some even asked, "What if this becomes a habit and we have to respond now not only

to Colombian justice, but also to informal international commissions?"

Before the meeting, Gen. Harold Bedoya, commander general of the Army, publicly rejected the OAS's Truth Commission report: "Colonel Uruña was investigated by the Public Order Attorney, by the military criminal justice system, and by the human rights prosecutor; they did not find him responsible and the investigation was closed. He is innocent, according to Colombian law." Bedoya said that the OAS commission is nothing but "an extrajudicial body which has nothing to do with Colombian law."

Since the government's decision, every leftist and pro-terrorist columnist in the country has praised Samper for "finally listening to an NGO"; some are already demanding a total overhaul of the military justice system and criminal code. Only the daily *El Tiempo* editorialized the obvious: that this precedent of allowing judicial decisions to be imposed by "foreign unofficial bodies" is an explicit violation of national sovereignty. Further, warned *El Tiempo*, we must beware the tendency to "use the incident to open the door to undermining the military hierarchy and discrediting the high command, whether out of prejudice against the military institution or out of poorly disguised sympathy with subversion."

It was clearly no coincidence that during the week of the OAS court ruling, the same group of human rights NGOs which last year issued a 500-page "hit list" against Colombia's Armed Forces entitled "State Terrorism in Colombia," have issued a new book on the same subject, which concludes that human rights abuses in Colombia are not the work of "individual fanatics in the military," but are inherent in military doctrine and institutions.