

And the shadows are coming that already have a name... And those who forgive are also coming

Alejandra Pizarnik

**Report on human rights violations
against Colombian unionists
in the year 2005**

Escuela Nacional Sindical
Human and Labor Rights Unit

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1. An overview of 2005

The information organized into the Human Rights Database of the Escuela Nacional Sindical (ENS) shows that, from January 1 to December 31, 2005, 70 union members were murdered in Colombia, 260 received death threats, 56 were arbitrarily detained, seven were attacked with explosive devices or firearms, 32 were harassed and persecuted for their union activity, eight were forcibly displaced, three were forcibly disappeared and one unionist was the victim of an illegal search.

In accordance with this information, 444 cases of violations to the life, liberty and physical integrity of unionized workers were registered throughout Colombia in 2005. Nevertheless, concerning the forced displacement of union members, it should be pointed

out that this violation is obviously under-reported. Due to fears of reprisal, these violations are not reported. In some cases (as with violations against unionized teachers), it is only reported as a threat and not as forced displacement. Additionally, the victims and labor organizations do not consider many situations of intra-urban forced displacement to be a violation because the displacement is normalized and considered to be a logical consequence of the threat, without it explicitly being considered a violation as well. Likewise, in some departments, denunciation can become even more dangerous than the union activity for which the violation was received. This is why a strong tendency towards silence predominates.¹

1. In the field work carried out by the research team, the refusal of some labor organizations to denounce the violations was found to be an ongoing constant due to the unions' degree of vulnerability and the fear of receiving more reprisals because of the denunciation.

Even if this data reveals that, in general terms, human rights violations against unionists have continued to decrease in Colombia in 2005, a fundamental turning point has not occurred which demonstrates a structural change of direction in the panorama of violations against unionists. The data and ways of violence occurring in 2005 continue to show that there is an ever selective and systematic violence with increasing levels of impunity.

Paradoxically, the decrease in total violations to the life, liberty and physical integrity of unionized workers in Colombia contrasts with the repeated implementation of more developed methods and strategies by irregular armed actors and senior government officials meant to discredit union activity, immobilize their organizations or intimidate and obstruct the creation of new unions. In particular, these situations are seen in the context of labor conflicts (in which the safety of the union leaders and their families is put in serious jeopardy), in the closing off of opportunities for reaching agreements, as well as in the gradual deterioration of relations with management from the public and private sector.

2. Statistics from 2005

Using the 2004 human rights report as a reference, as well as the sta-

tistical data provided by the ENS Human Rights Database, a comparative reading of the violations registered in 2004 and 2005 reveal the following characteristics and variations:

2.1 Variations according to type of violation

- A 35,5% decrease in total violations to life, liberty and physical integrity in relation to that registered in 2004 (from 688 to 444).
- A 25,5% decrease in the murders occurring in 2005 in relation to 2004, which means 24 less murders registered in 2005.
- A 41,5% decrease in death threats against unionized workers in relation to 2004, which means 185 less threats registered in 2005.
- A 57,1% decrease in forced disappearances in relation to 2004, which means four forced disappearances less than in 2004.
- A 27,3% decrease in arbitrary detentions against unionists in relation to 2004, which means 21 less detentions registered in 2005.
- An 88,2% increase in harassment and persecution against unionized workers in relation to 2004, which means 15 more cases registered in 2005.
- A 20% increase in kidnappings of unionists in relation to 2004, which

Comparative graph of the total violations to the life, liberty and physical integrity of Colombian unionists January 1 to December 31, 2004 and 2005

Type of violation	2004	2005
Illegal search	3	1
Threats	445	260
Attacks	6	7
Forced disappearance	7	3
Forced displacement	33	8
Arbitrary detention	77	56
Murders	94	70
Harassment	17	32
Kidnapping	5	6
Torture	1	1
Total	688	444

Source: Human Rights Database, Escuela Nacional Sindical.

means one more kidnapping than registered the previous year.

2.2 Variations according to gender and economic activity

- Men continue to be most affected by anti-union violence, representing 65,14% of all those affected by these violations. Nevertheless, the increasing tendency of violations against unionized women has continued. In 2005, women were 34,86% of those affected. This is similar to 2004, when violence against unionized women represented 34% of the total violations.

- The education sector continues to be the most seriously affected by anti-union violence. Acts against this sector represent 72% of the total violations against unionized workers. In 2005, unionists from the education sector were victims of 44 murders, 186 death threats, 44 arbitrary detentions, 28 cases of harassment, 3 kidnappings, 8 forced displacements, 1 attack and 1 forced disappearance. The unionists from the agricultural sector, belonging to the National Agricultural Workers Union Federation (Fensuagro), were victims of 8,49% of the violations, union leaders and workers from departmental federa-

tions to 6,42% and unionists from the health sector to 3,21%.

2.3 Violations according to geographic location

Continuing the tendency registered in 2004, the departments of Antioquia, Valle del Cauca and Santander were the most dangerous areas for union activity in 2005, representing 61% of the total anti-union violence in Colombia. In these three departments, 266 cases of violations to life, liberty and physical integrity were registered. Murders experienced the same tendency, of which eight were registered in Antioquia, six in both Valle de Cauca and Santander, five in Atlantico, as well as four murders being registered in each of the departments of Caqueta, Cesar and Cordoba.

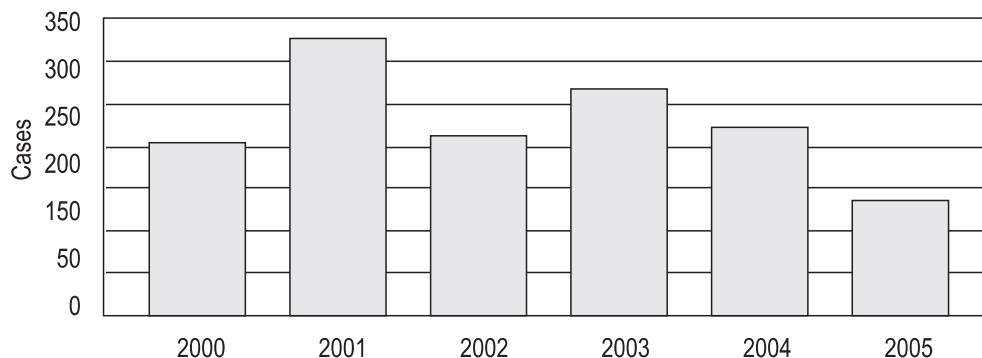
2.4 Violations according to type of unionist

In 2005, rank and file or unionized workers continued to be the most affected by violence, since they were victims of 69,72% of the total violations. The percentage of victims that are senior union leaders maintains its historical tendency. In 2005, it reached 30,2%, which is similar to the percentage registered in 2004, when violations against senior union leaders reached 31,4% of the total violations committed against unionists.

2.5 Considerations concerning the parties presumed responsible

In 2005, in terms of the responsible parties for the violations against unionists, the historical tendency of misin-

Total violations against union leaders from 2000 to 2006



Source: Human Rights Database, Escuela Nacional Sindical

formation and silence is maintained. In 65% of the total violations, statistics newly reveal that the authors are not identified or no data is known. The paramilitary groups are responsible for 20,18% of the total violations, which signifies an increase in relation to 2004, when these groups were responsible

for 15,4% of the human rights violations against unionists. The responsibility of State institutions also experienced an increase (from 12,35% in 2004 to 18% in 2005). Guerrilla groups were responsible for 0,85% of the cases in 2004, and in 2005 it increased to 0,90%.

Parties presumed responsible for total violations against unionists in 2005

Party presumed responsible	Number of cases	Percentage
State institution	80	18,00
Self-defense units and/or paramilitaries	91	20,50
Guerrilla	4	0,90
Common delinquency	9	2,03
Not identified	173	39,19
No data	86	19,30

Source: Human Rights Database, Escuela Nacional Sindical

3. Decrease in violence or a strategy to distort and conceal its dimension?

Without a doubt, the general decrease in the principle indices of violence against unionized workers constitutes one of the most positive factors in 2005. Likewise, the statistics concerning the total violations to the life, liberty and physical integrity indicate that 2005 has been the year with the least amount of anti-union violence in the last five years. For the Escuela Nacional Sindical, this fact constitutes

advancement in human rights and we are pleased to register the reduction in the amount of murders since 2003, as well as positively point out the decrease in the number of threats and forced disappearances. Nonetheless, despite the statistical reductions, ENS continues to be concerned about the elevated and disproportionate levels of anti-union violence that continue to exist in Colombia. The Escuela Nacional Sindical also warns against triumphalism and publicity campaigns adopted by the government and the mass media con-

**Violations to the life, liberty and physical integrity
of Colombian unionists
January 1 to December 31, 2000 to 2005**

Type of violation	2000	2001	2002	2003	2004	2005
Threats	180	234	190	296	445	260
Murders	135	198	184	91	94	70
Attacks	13	24	17	20	6	7
Forced disappearance	17	12	9	6	7	3
Search	1	1	-	12	3	1
Detention	37	8	11	49	77	56
Harassment	2	13	19	54	17	32
Kidnapping	24	41	27	7	5	6
Forced displacement	155	70	2	91	33	8
Torture	2	1	1	-	1	1
Total	566	602	460	626	688	444

Source: Human Rights Database, Escuela Nacional Sindical.

cerning the statistical changes (and in particular the light interpretations of these statistics) with which, intentionally or not, a dramatic panorama is trivialized, even though it continues to profoundly affect the labor movement and Colombian society.

Despite all of the contradictions presumed by the statistical variations and their interpretations, it must be noted that human rights protection is an obligation of the Colombian State and should never become a political slogan used during a re-election campaign. In this panorama of publicity ambiguities, confusions and distortions, a governmental obligation cannot be under-

stood as political achievements resulting from the questioned democratic security policy. As has been noted in previous reports, this policy has seriously harmed union activity in Colombia, and has broadly restricted individual and labor freedoms.

Now then, without trying to question the validity of these statistical variations (which we are pleased to register), some considerations regarding interpretation must be established that avoid the victorious and light mood (particularly characteristic of the mass media during this government) that tends to explain any transformation of the national reality as an outcome of

the democratic security policy, which is the universal answer for the media.

In 2005, without a doubt, the backdrop to Colombia's political panorama, in addition to the context in which the issue of violence against Colombian unionism must be interpreted, includes the passage of the Justice and Peace Law, the presidential re-election, the demobilization of several paramilitary blocs, as well as the sympathy the media professes for the national government.

4. Violence yet to be named

Human rights violations against unionized women

Since 2003, the Escuela Nacional Sindical has been insisting on and warning about the serious panorama of violations to life, liberty and physical integrity against unionized women in Colombia. This violence is particularly characterized by its invisibilization and trivialization. In 2005, unionized women were victims of fifteen murders, 102 death threats, ten arbitrary detentions, fifteen cases of harassment and persecution due to union activity, two attacks, seven forced displacements and one kidnapping.

Comparing the statistics of violations occurring in 2005 with those from 2004, a 35% decrease can be observed in the total violations. Nevertheless, it

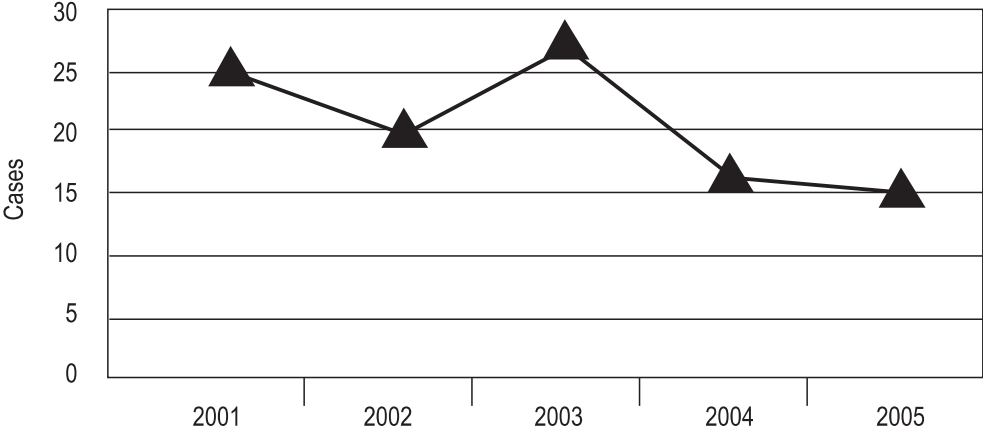
must be clearly stated that this decrease corresponds particularly to the reduction in the number of death threats, which descended 45,4%, which means 85 less cases registered in 2005. Additionally, the number of murders of unionized women remained constant, registering only one less in 2005. That means that there were sixteen registered in 2004, and fifteen in 2005. To the contrary of how it may appear, an overwhelming 650% increase was registered in cases of harassment and persecution to women's union activity. There were two cases registered in 2004, and 15 cases in 2005. Arbitrary detentions increased 25%, which meant registering ten cases in 2005. Kidnappings remained constant and, as a new method of violence, there were two murder attempts in 2005.

Far from yielding a positive balance from which one could assert that anti-union violence against women has been decreasing, this scenario forces us to insist on the alarming situation that unionized women presently live in Colombia, and without this yet being visibilized with the forcefulness it merits.

Beyond the statistics, the violations against unionized women must be understood in a more complex and diverse manner. Additionally, these violations must be understood in their symbolic,

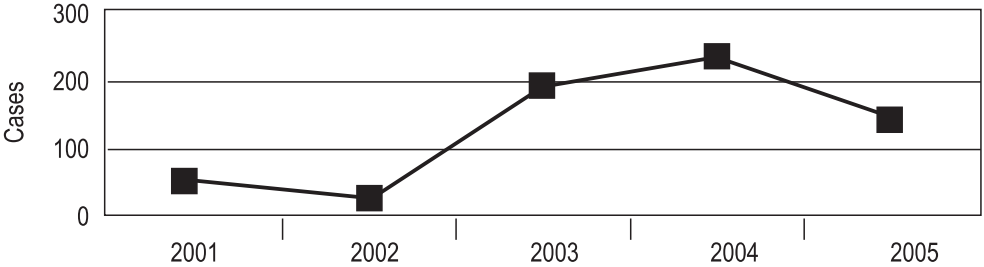
Variations in the violence against unionized women in Colombia 2001-2005

Murder of unionized women



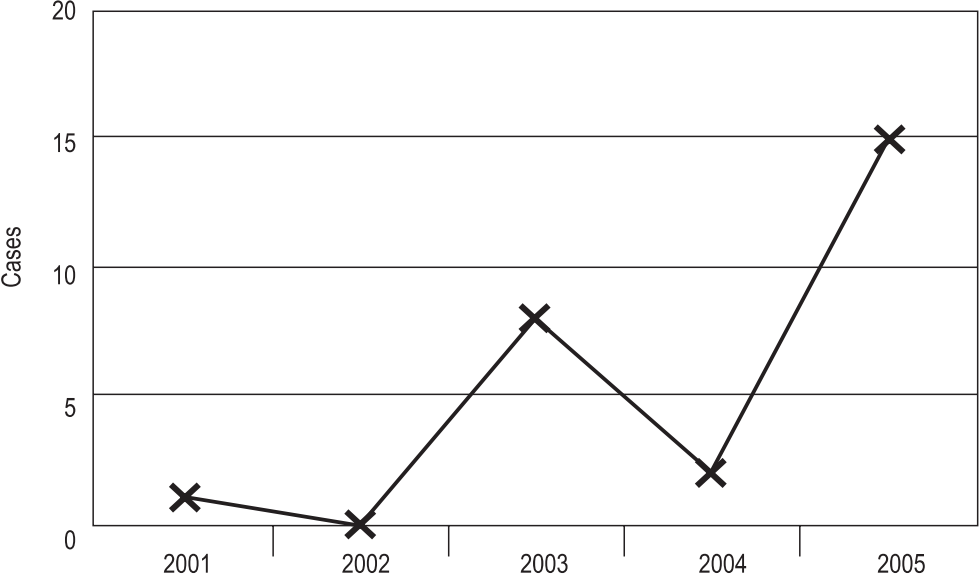
Source: Human Rights Database, Escuela Nacional Sindical.

Total violations against unionized women



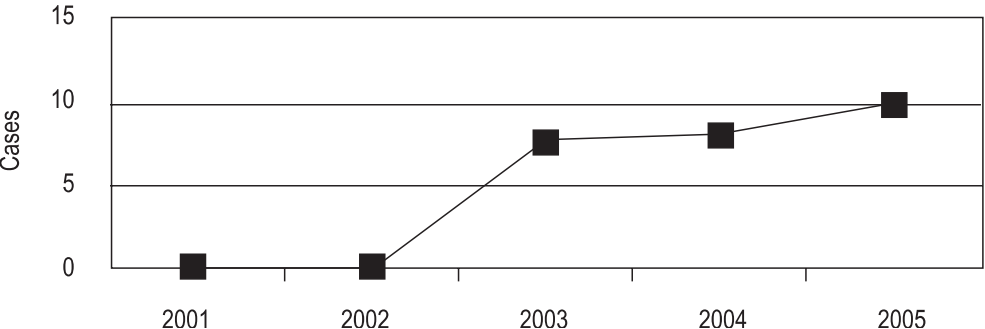
Source: Human Rights Database, Escuela Nacional Sindical.

Harassment and persecution against unionized women



Source: Human Rights Database, Escuela Nacional Sindical.

Arbitrary detentions against unionized women



Source: Human Rights Database, Escuela Nacional Sindical.

semantic, political and cultural dimensions. It is not enough to interpret violence against unionized women just within the broad panorama of violations and violence committed against women, which is gender-based discrimination. Interpreting it this way, human rights violations against unionized women are stripped of a particular interpretation related to the specific nature of anti-union violence. In this way, these violations are seen to be a part of the historic discrimination which women have been subjected to for gender-based reasons. Likewise, a violation resulting as a reprisal for union activity is assumed to be an issue of gender-based violence or discrimination.

In the broader panorama of violations to the rights of women, the category of anti-union violence ends up being joined, merged, made invisible and interpreted as a violation inflicted for gender-based reasons and not for being a unionized woman. In this way, unionized women end up being victims of two historic discriminations. On the one hand, owing to their reality as women and, on the other hand, for being unionists. In other words women are affected by a patriarchal and male chauvinist culture that is also strongly anti-union. This consideration implies placing each type of violence

and violation in their proper dimension in order to not forget any of their factors.

Another consideration brings us to understand and interpret violations against unionized women in their symbolic and semantic dimension. In the first place, and without trying to establish hierarchies in the forms of violence, it must be stated that violations against unionized women possess a form and content particular and different to violations against unionized men.

Observing the systematic violence that is brought against male unionists, in most cases, it can be seen that the victimizers have the clear intention to murder and silence the union leader. That being the case, the type of violence inflicted is of a functional and direct nature. An intricate, even symbolic, violence is not often seen committed against male unionists, except in those situations in which the victimizers, in search of information, inflict some kind of torture on their victim.

To the contrary, violence committed against unionized women is redressed with considerable semantic dimension. The victimizers resort to a series of symbolic and perverse practices meant to degrade the victim and to exploit all the symbolic content that has been culturally deposited in the female body. This is done to assure the

collective terror that this ruthless treatment causes.

The victimizer engraves all of his terror on the body of the unionized woman, assuring himself that this delivers a clear and convincing message to the collective. The degraded, destroyed, subjected and reduced body of the victim is a clear example of the victimizers' inhumanity and lack the conscience. It is about a body in which the absence of limits and ethics is engraved. It also announces the victimizer's capability to cause pain, the clear intention to obliterate the victim and scream to the four winds: "Look how far we will go! Behold our lack of mercy and contemplate the horror that awaits you! Our warnings should make you panic! We're not playing around!"

This is the case of the teachers murdered in 2005. It is only a question of observing some cases in order to discover the ways of the victimizers' perversity. For example, on October 29, 2005, Adriana Francisca Padilla, a teacher belonging to the Educators United from the Magdalena (Edumag), was murdered in the city of Santa Marta. Adriana, who was eight months pregnant at the time, received two fatal gunshots killing both her and her baby. Months previously, on April 1, Octavia Ramírez, a teacher belonging

to Educators United from Caldas (Educal), was murdered (with five gunshots) in front of her students. Eight more female teachers were murdered in 2005.

5. Widespread violence and the perversity of intricate violence

Follow-up on the situations of violence and human rights violations against unionists allows us to assert that, during this presidential administration, the variations and changes in direction in terms of the general panorama of human rights violations against unionized workers is particularly related to the victimizers' change of strategies in the forms of implementing violence, in the variation of its manifestations, as well as in the tendency to make invisible or to distort the reality of the violations. In this way, these variations and changes of direction must be read under the light of a series of tactical moves in which the violence against the workers is ensnared and diluted within the complex panorama of strategies, which have ambiguity and confusion as their principle characteristics.

These tactical moves have the goal of distorting the scenario of human rights violations, of generating an atmosphere of confusion, as well as of

suddenly making it seem that the situation of systematic and ongoing violence has been solved and that the government's initiatives (such as the democratic security policy) have demonstrated their effectiveness. All of the previously mentioned are also related to the fact that these strategies are supported by a broad publicity apparatus spreading these confusing achievements with the greatest speed possible, while additionally generating a favorable public opinion and a strong popular legitimacy.

In this sense, the reduction in murder statistics does not necessarily imply the improvement of conditions for carrying out union activity in Colombia or the implementation of more effective protection programs for union leaders. One must weigh in several considerations before reaching a conclusion.

In the first place, some paramilitary groups have entered into a cessation of hostilities (seriously questioned by national and international human rights organizations). In the second place, some paramilitary blocs have demobilized (an equally controversial situation). As has been noted in previous reports, self-defense groups are historically the most responsible for the murder of union leaders. Therefore, by committing themselves to a cessation

of hostilities and demobilization, they must also present results along this line. Nevertheless, what is observed is a tactical change of direction in the mode of operation of these groups. Now they seek to maintain their actions, but without a publicity scandal. This is why the paramilitary groups orient their actions towards other strategies that cause the same impact within the labor movement, but without these violations calling the government's or the media's attention. The decrease in the number of murders, followed by the increase in the cases of harassment, as well as the displacement of the threats and intimidations to the workers' nuclear family, corroborates this thesis.

The paramilitary groups must show results in order to confirm their will to negotiate and to generate credibility for their reincorporation to civilian life. In this sense, the murder of union leaders, which generates constant concern for the international community and massive publicity campaigns, seems to be a mistaken measure if they are trying to not call attention to themselves. That is why they have changed their tactics to violations that do not seem to possess the same forcefulness and gravity of a corpse. Instead, violations are chosen that have been trivialized and diluted precisely because of their everyday appearance. These violations

have been normalized and relativized in the heart of the culture because of their historical repetition.

Death threats and harassment do not seem to have the same resonance as murders given that these violations generate a rather subjective and disinterested perception for international opinion and low credibility in the national perception. This is especially true when, before a violation can be interpreted as such, threatened or persecuted unionists are required to furnish a series of evidence and are subjected to entangling questions. This is why threats, persecution and intimidation are the most used methods of violence in this administration. Nonetheless, the victimizers have assured themselves that they have the same effect on their victims, since in the end their interest is focused on how to disappear union claims more than the actual person. This is why the violent action is directed against the nuclear family for it affects the worker in such a way that the worker must choose between his or her continuity in the labor movement or the life of his or her family.

Though it does not seem to have significant consequences in the field of human rights statistics, this situation has a transcendental impact on labor organizations because it forces the workers to lower their profile regarding the labor claims of the organization.

Additionally, paramilitary groups have blended into the social arena, incorporating concepts from social organizations² that justify their actions in the light of defending the interests of the community at large and private enterprise. By taking on such names as Cauca Defenders, Citizens Committed to Development or MASIN (Death to Unionists), they try to emphasize their independence as an organization in relation to self-defense groups. This is a means of distraction so as not to be suspected or questioned for their actions. Proof of this is the wave of threats against union leaders from the departments of Atlantico, Cauca and Nariño in the months of April and May, as well as against the workers from Colombia's public universities (Sintra-unicol), under the argument of defend-

2. On May 4, 2005, different union leaders in the department of Atlantico were threatened to death by a group called Death to Unionists (MAS) through a flyer which stated that "despite identifying ourselves with the struggle carried out by armed groups operating throughout Colombian territory, MAS is not related in any way with them. Instead, we act out of conviction and knowledge of the cause." With similar arguments, through flyers distributed in the departments of Cauca and Valle de Cauca, a group called "Northern Cauca Defenders" threatens union leaders representing sugar cane workers.

ing society's interests and contributing to unionized workers' loss of prestige.

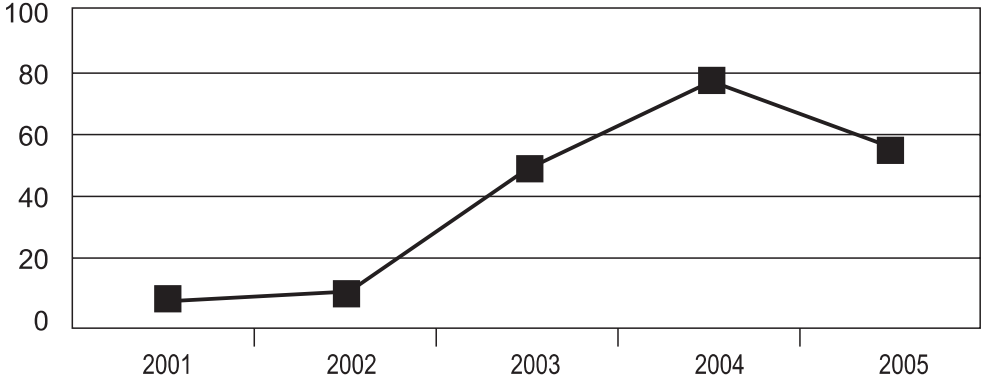
Since 2002, the number of detentions of union leaders has presented a systematic increase and appears to be a new variable in the panorama of violations. In the first place, this type of violation has increased considerably in statistical terms. Of the eight detentions registered in 2001, it increased to eleven in 2002 and 49 in 2003. It reached a peak of 77 in 2004 and then slightly decreased to 56 in 2005. In the second place, the way in which these detentions are carried out distorts the nature of the violation, making them seem to be ordinary processes of Colombian justice. It is noteworthy that most of these detentions have similar characteristics (prior surveillance by State agents, a criminal investigation for pertaining to the insurgency, presentation before the media as supposed guer-

rilla members and later an acquittal for lack of evidence). Additionally, re-inserted persons belonging to informant networks are used in each one of the criminal processes against the union leaders. As far as the use of re-inserted witnesses belonging to informant networks, it is important to point out the irregularities denounced in the case of Hernando Hernández Tapasco (union leader and human rights defender), as well as those denounced by the Arauca Human Rights Committee.³

On November 1, the Administrative Department of Security (DAS) detained Miguel Alberto Fernández Orozco, the president of the CUT chapter in Cauca and a recognized union, campesino and grass-roots leader. He was accused of claiming false threats and committing procedural fraud. This was done without having any convincing evidence and based on

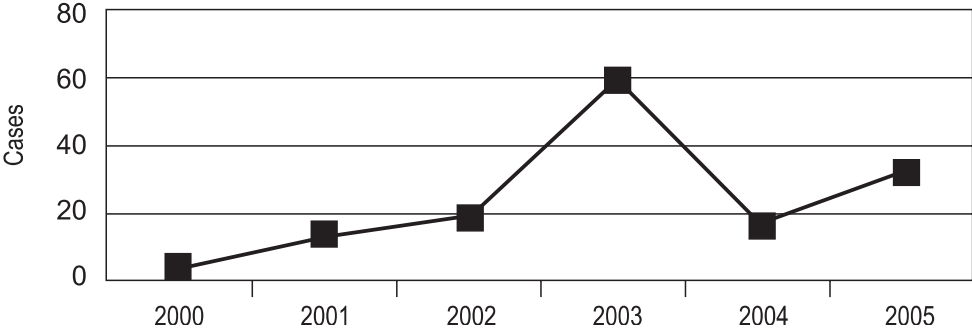
3. To cite some cases, we presently note the detentions of Hernando Hernández (on June 1, 2005, this Fensuagro national leader was criminally investigated, detained and presented before the media as an insurgent), the detention of Javier Dorado Rosero (this Simana national leader was also criminally investigated, detained and presented before the media as an insurgent), the detention of Ricardo Santrich Pernet (on May 26, he was also criminally investigated, detained and presented as a guerrilla member), the detention of Miguel Fernández (president of the CUT-Cauca accused of falsifying his condition of being threatened and later left in liberty). Equally, there are the denunciations carried out by several human rights organizations concerning the treatment of re-inserted witnesses in the trials against Alfredo Correa in the department of Atlántico and Raquel Castro in the department of Arauca in 2004. After determining the inexistence of proof for these detentions, professor Alfredo Correa was murdered. Agrarian leader Raquel Castro continues under house arrest, without being removed from the process, despite the previously mentioned lack of evidence.

Detenciones contra sindicalistas 2001-2005



Source: Human Rights Database, Escuela Nacional Sindical.

Harassment against union members 2001-2005



Source: Human Rights Database, Escuela Nacional Sindical.

anonymous testimony, thus violating his right to due process.

According to the denunciations carried out by different human rights organizations, these situations have been characterized by the use of anonymous witnesses, the violation to due

process and statements by functionaries through the mass media. In this way the due process is altered and the good image and reputation is affected of the persons involved as well as of the organizations to which they belong. In the case of Miguel Fernández, it is im-

portant to observe how a whole series of discrediting and bad press was generated against the union leader. The accusations were never proved, nor publicly rectified. Miguel was released the week following his public defamation and detention. Hernando Hernández, Fensuagro leader, or María Luisa Niño, teacher and union leader, faced similar situations. We have included their testimonies as an appendix to this report.

The change in the orientation of violent actions, as well as the strategy of action, towards detentions and frame-ups, along with frequent harassment and death threats, against workers and their families, has effectively ended up altering the scenario of violations against unionized workers without it meaning the situation has decreased or improved. To the contrary, the impact on the labor movement is ever greater and weighs even more on the organizations. If it is true that union leaders are not being murdered, they are being locked up in prison or submerged in the midst of the terror.

6. The danger of teaching and violence which disciplines

Violations against unionized educators in Colombia

Just as we have repeatedly noted in previous reports, over the last years

carrying out education work has become one of the most dangerous union activities in Colombia. From January 1, 1991, to December 31, 2005, unionists from the education sector have been victims of 52% of the total violations committed against the human rights of unionized workers in Colombia. In 2005, violations to unionized teachers belonging to the Colombian Federation of Educators (Fecode) have come to represent 71% of the total violations nationally. This alarming situation has brought different labor and human rights organizations to begin promoting the initiative to consider education to be a mission, which must be protected by international humanitarian law.

In 2005, this situation is seen in the 44 murders of unionized educators, 186 death threats, 28 cases of harassment and persecution, 44 arbitrary detentions, three kidnappings, one attack with a firearm, one forced disappearance, eight forced displacements and one case of torture.

The violations most implemented by the victimizers continue to be murders and death threats. Nonetheless, the noteworthy increase of harassment and persecution against teachers due to their union and education activity must be emphasized. In 2005, these violations increased 250% in relation to the

previous year. That means of the eight cases of harassment registered in 2004, 28 were registered in 2005. This change in the methods of violation clearly shows again the implementation of an intricate violence using “subtle” or ambiguous actions, in which no violation is apparently committed since the clarity of a corpse or an aggressive act does not exist. In most cases, the public opinion generally underestimates this situation, as much the mass media as even the victims themselves.

As we indicated at the beginning of this report, the overwhelming dimensions of violence against teachers has relativized and trivialized the violent actions outside of the logic of a murder or attack. The under-reporting of forced displacements and death threats, as well as the lack of records and denunciations concerning these kinds of violence, denote the inclusion and normalization of the violent actions in the everyday life of the labor organizations which brings them to be considered logical actions resulting from labor activity.

The following occurrences from 2005 forcefully reveal the assertions previously expressed (citing only a few of the cases concerning multiple violations perpetrated against educators in Colombia this last year):

- On May 27, 2005, members of the DAS detained **Jesús Dorado Rosero**, union leader and teacher, under the charge of rebellion through an arrest warrant issued by the department of Pasto District Attorney’s Office. Jesús is a board member of the Educators Union of Nariño Simana and the fiscal agent for the Permanent Committee for the Defense of Human Rights (Pasto chapter). In 2005, Simana union leaders were constantly threatened by paramilitaries from the Southern Liberators Bloc of the United Self-Defense Forces of Colombia (AUC). One of the written threats left at the residence of José Arturo Guerrero Santander, teacher and Simana president, read: “We pronounce our voice of protest and we demand you abstain from participating in protest activities,” declaring military objective the members of the Simana board of directors, union leaders and the members of the Permanent Committee for the Defense of Human Rights in Pasto.
- On May 9, 2005, **Jhon Smith Ruiz Córdoba**, teacher and union leader belonging to the Instructor’s Association from Cauca (Asoinca), was murdered. According to the union, Jhon had carried out an outstanding role in mobilizations lead by Fecode

in the department of Cauca. These actions were due to the educators' inconformity regarding the hiring of new teachers at the beginning of 2005. The union and social leader was kidnapped May 6 and, three days later, his body was found murdered with visible signs of torture and 27 gunshots in his back.

- On June 9, 2005, **Alfredo Mendoza Silva**, teacher affiliated to the Educators' Union of Cesar, Educesar, was murdered in front of his students in the city of Valledupar, department of Cesar. Alfredo worked at the New Horizons education institution.
- On the morning of September 21, **Omayra Morales** and **Gladys Morales**, teachers affiliated to the Educators' Association of Arauca (Asedar) were threatened and declared military objective by paramilitary groups. The teachers received a call at the Juan Jacob Rousseau School located in Arauquita, which was where they worked. The caller said: "Tell the teachers Gladys and Omayra that they have 72 hours to abandon the department and that members of Samuel Morales' family are our objective and must disappear from Arauca. Also, Samuel Morales still owes us... A.U.C.". On the same day, **Matilde Morales**, teacher and sister of Samuel Morales, was the victim of a threat at her place of work, the Gabriel García Márquez School in the municipality of Arauquita. In this threat, the paramilitaries repeated their intention to murder the union leader's entire family. As for Samuel Morales, president of the Unitary Workers Central (CUT), Arauca chapter, since August 5, 2004, he has been deprived of his liberty in the Modelo Prison in Bogota under the accusation of pertaining to subversive groups. Samuel was detained the day the army murdered the three union leaders from Arauca.
- In the first months of 2005, when educators mobilized to express their opposition to the irregularities of the merit promotion organized by the Ministry of Education to fill 50.000 teaching positions, a wave of violations, detentions and attacks against the physical integrity of educators was unleashed. Teachers throughout Colombia carried out protests and marches against the way in which the call for the promotion was carried out. Facing these mobilizations, the public force violently attacked with undue force resulting in 30 teachers being detained in the department of Valle de Cauca, as well as 30 persons wounded, some criti-

cally. Likewise, in the department of Antioquia, 17 persons were detained as a result of the mobilizations, including three board members from the Instructors' Association of Antioquia (ADIDA).

- We also emphasize the critical situation for teachers affiliated to United Educators from Caldas (Educal). It must be emphasized that the murder of **Octavia Ramírez Vargas**, teacher and union leader, murdered by five gunshots in front of her students in the municipality of Victoria, department of Caldas, on April 1, 2005. In addition to this act, according to denunciations by Educal, the teachers have been objected to systematic pressure and harassment due to their union activity or affiliation. They have also been relieved of their academic duties without any apparent justification and some educational centers have refused to hire them because of their union activity. Their salaries are retained arbitrarily and, when they are threatened, they are re-located to areas that are even more dangerous.

The human rights commission of the Colombian Federation of Educators (Fecode) has declared a state of alert due to the wave of violence against the education sector. Fecode has stressed that, despite being victim

to violent acts on a daily basis, this sector is the target of multiple government persecutions and administrative obstacles to carrying out their union activities. In its human rights report, Fecode points out that:

Cases concerning the political persecution of union activists and leaders continue to occur. Due to death threats and security issues related to their lives and physical integrity, they have been forced to flee to other municipalities and departments. In these places, their work situation and security is not resolved, which leads them to seek refuge in other countries, such as Canada, offering conditions to protect their lives (...).

In some departments, departmental federations have disappeared due to (...) the implementation of a paramilitarism in Arauca that has been gradually attacking departmental federations. In some municipalities, they disappeared in their entirety. A specific case is the municipality of Tame, where several union leaders were murdered by paramilitaries, who did not allow Asedar and Fecode to function.

In Cravo Norte and Puerto Rondon, municipalities from the department of Arauca, the departmental federation was also lost, because the rank and file members, as well as the leaders, were intimidated with the risk of losing their lives if they kept carrying out union activities.

Another serious situation concerning the violation of the free exercise of unionism occurred in the municipality of Saravena, by way of the activation of an explosive device in the installations of the departmental federation headquarters of Asedar. Fortunately, this attack only caused material damages”.⁴

In conclusion, the Fecode report conclusively reveals the humanitarian crisis affecting unionized teachers in Colombia, by indicating that since the 1980’s this federation has registered more than 600 murdered teachers, close to 2,900 persecutions, hundreds forcibly displaced, more than 70 forced to exile to other countries with their families, as well as 23 forcibly disappeared.

7. Persecution against senior union leaders

Just as we have indicated in all of our previous reports, violence against Colombian unionism is a selective, discriminate and calculated violence. The nature of this violence is re-confirmed with the rise of new plans to murder and intimidate the country’s senior union leadership. These threats and

murders occur precisely and because of the labor conflicts in which the leaders participate. In 2004, we gravely denounced the so-called “Plan Dragon” in which different Colombian social and union leaders were indicated to be military objective. In 2005, the threat of a new plan appears which also has as a strategy of making different union leaders military objectives.

At the beginning of April, the national human rights director of the CUT⁵, as well as diverse social organizations, denounced a sinister plan to murder union leaders throughout Colombia. According to the denunciation, this plan would be organized from the negotiation table in Santa fe de Ralito by some of the members of the AUC to counteract the differences the union leaders expressed concerning the form and method of the negotiations between the paramilitaries and national government, as well as the procedures in which the negotiations had been developing.

We are concerned to point out that, according to denunciations by labor organizations, the implementation of this plan has had such grave consequences as an attack with firearms against

4. Report on the human rights situation of Colombian teachers prepared by Amanda Rincón from Fecode’s Human Rights Commission and presented at the national seminar of human rights secretaries in Bogotá on November 22, 2005.

5. See the press release from the CUT on March 11, 2005.

Rafael Cabarcas Cabarcas, union leader, in the city of Cartagena on March 2. In this attack, the union leader and his bodyguard were injured. Additionally, there was a wave of persecutions and death threats against such leaders as Dubán Antonio Vélez (president of Sinaltraproal in the department of Antioquia), Jesús Tovar (vice-president of the CUT-Atlantico), Evelio Mancera (president of Sintraimagra in the department of Atlantico), Pedro Barón (president of the CUT-Tolima), the Sintraunicol leadership in the department of Valle, as well as the constant threats against Miguel Fernández (president of the CUT-Cauca) and the threats and persecutions against Edgar Mojica (national leader for the Petroleum Industry Workers Union, USO). Additionally, the denunciation points out that this plan's principle objective is Domingo Tovar Arrieta, union leader and CUT national human rights director, who has received multiple threats against his life and that of his family's.

Another alarming situation is the appearance of organized groups, which have the objective of exterminating the senior union leaders in Colombia (in particular, the union organizations from Atlantico, Nariño, Cauca and Valle), using such arguments as the defense of common interest and punishment for

the corrupt. This is the case of a group calling themselves Death to Unionists (MAS), which uses the slogan: "We're not just talk; we show results." On May 4, 2005, this group threatened the union leaders from Atlantico when they were in the funeral procession for Adán Alberto Pacheco, union leader murdered on May 2 in the city of Barranquilla. In the departments of Cauca and Valle de Cauca, the sugar cane workers experience a similar situation. They have been threatened and harassed constantly by a group calling themselves the Defenders of Northern Cauca.

In addition to this complex panorama, the finding of Gilberto Agudelo Martínez's body (president of the National Public University Workers Union of Colombia - Sintraunicol) must be included. Five years and 56 days after his disappearance, his body was found in a common grave in the rural area of Santana, a part of the municipality of Matanza, department of Santander. This fact was notified by the Technical Investigation Body (CTI) in Santander on June 2, 2005. The murder of Harvey Niño Villareal in the city of Cucuta, department of Northern Santander, on May 17, 2005, also must be considered. Harvey was the director of the Workers Association of the National Penitentiary and Prison Insti-

tute (Aseinpec), Cucuta departmental federation and affiliate association of the CGT.

8. The systematic persecution continues against the National Agricultural Workers Union Federation (Fensuagro)

The situation is critical for the campesino workers affiliated to agrarian union organizations belonging to Fensuagro. According to this organization, in 2005, there has been an increase of what they call “the political persecution and physical extermination of the federation.” As a reprisal to exercising their right to unionization, the agrarian leaders are subjected to constant surveillance, harassment, persecution, arbitrary detentions and death threats. In addition to the ongoing violations to which they are subjected, the campesino leaders must also confront the generalized suspicion of government officials concerning their participation or collaboration with the insurgency. Due to this situation, they are constantly accused of being terrorists. Along the same line, their union iden-

tity is not recognized, thus disregarding the forms of unionization by the campesino sector, as well as invisibilizing and distorting all of the violations committed against campesino unionists.

One of the gravest acts in 2005 is the detention, criminal prosecution, and later liberation of the agrarian union leader **Hernando Hernández Tabasco**. On June 1, he was detained by agents from the DAS in Bogota and transferred irregularly⁶ to the prison in the city of Manizales. Hernández was Fensuagro’s human rights secretary and, at the end of 2004, had received countless threats and harassment. Due to his complex situation, the Inter-American Commission on Human Rights (IACHR) had granted him precautionary measures of protection. According to Hernando: “someone from the DAS, who last year carried out a risk evaluation of me for the Ministry of Interior (due to the precautionary measures of protection granted by the Inter-American Commission on Human Rights, IACHR), by way of undue pressure, requested that I give him the names of the persons from my indigenous community, as well as their

6. According to Fensuagro, Hernando Hernández was not allowed to communicate with the federation concerning his detention. Likewise, the DAS agents told his organization he had not been detained. For this reason, the organization had to file a habeas corpus to receive a response.

involvement with the guerrilla. Additionally, he told me that if I pled guilty I would obtain more guarantees.

Following this detention, Hernando Hernández was presented as a member of the guerrilla belonging to the 45th FARC Front (Jacobo Arenas Bloc) in the national media on June 4. Despite obtaining his liberty after determining the absence of evidence, his public image has not been restored (see Hernández's testimony in the appendix).

Another serious case from 2005 is the murder of Efrén Ramírez and Orlando Ariza, campesino workers affiliated to the Independent Agricultural Workers Union of Meta (Sintragrim). On February 26, 2005, according to Fensuagro's denunciation, the bodies of the campesino unionists were dressed in camouflage in the municipality of Castillo and presented before the media as guerrilla members from 26th FARC Front killed by the national army.

It is also worth noting the ongoing persecution faced by Juan Efraín Mendoza Gamba, president of Sinpreagricun Cundinamarca and current general secretary of Fensuagro. He was arbitrarily detained on September 13, 2003, and later was the victim of a house search. On February 18, 2005, along with other persons from

the municipality of Quipile, department of Cundinamarca, he appeared as a military objective on a list of the paramilitary group operating in the region.

Equally serious is the harassment, persecution and death threats affecting Fernando Ramírez (agrarian leader and president of the Agricultural Workers Union -Sintrapaz- in Sumapaz), Huber Ballesteros (federation vice-president) and Eberto Díaz Montes (federation president). They, along with the president of Fenacoa and the leader of ANUC (Uraba), were recently threatened with their lives on a pamphlet signed by the Capital Bloc self-defense units.

On December 16, 2005, at 6:30 in the morning, Pablo Darío García Ibáñez (campesino member of the Independent Agricultural Workers Union of Meta – Sintragrim) left his house to go to his neighbor some fifteen minutes away. He never arrived. According to Fensuagro's denunciations, family members and human rights organizations claim the national army's 12th Mobile Brigade from Granada, Meta, detained García Ibáñez.

On December 19, the 21st Vargas Battalion based in the municipality of Granada, Meta, told Pablo's family members that he was not in the army's power, that they had not been in the area, and that they did not know the

whereabouts of this campesino. Despite these statements, the community asserts that the army was indeed in the area and that the army detained García.

On December 20, the body of an unidentified person, with characteristics corresponding to Pablo García, was found and raised by the CTI. Nevertheless, his identity has yet to be confirmed by government institutions.

These acts, along with many others we have not cited in this report, demonstrate the complex histories and the terrifying drama experienced by unionized campesinos in Colombia. Additionally, it allows us to confirm the total abandonment and invisibility affecting the federated agricultural workers from Fensuagro. This reaches such proportions that the Ministry of Social Protection (institution which validates violations against unionists who belong to unions that have official legal status) does not even consider them to be unionists, even though the organizations confirm that the campesinos do union work.

9. Violence against workers in the health sector

Throughout 2005, unionized workers from the health sector were victims of three murders, eight death threats and three attacks with the use

of firearms and explosives. It must be pointed out that this report only deals with the cases that are related to union activity and that directly affect health sector union leaders. This is why there are not any denunciations of the multiple violations committed against the medical profession in Colombia.

The attack that took place on November 25, 2005, against the unionists belonging to Anthoc, is one the acts that most affected this sector last year. At two in the afternoon, an explosive device violently interrupted a meeting that was taking place in the conference room at the María Inmaculada de Florencia Hospital, department of Caqueta. With a considerable number of persons in attendance, this meeting had been convoked by Anthoc's regional and national board and was presided over by the union leaders Wilson Pérez Méndez, Alfredo Castro and Yezid Camacho. At the time, the assembly was being carried out with political leaders, council members, social leaders, members of the State Assembly and mayors in order to explore alternatives to the controversial process of merging and creating the state industries being promoted in the department of Caqueta by way of the departmental Secretary of Health. In this attack, 15 persons were seriously wounded (seven of whom critically),

in addition to the death of the well-respected social leader Jairo Antonio Fajardo, president of the Association of Community Boards from Cartagena del Chaira.

Another serious act committed against health sector unionism occurred on February 3, 2005, when Lilia Ramírez Ortiz was murdered in the municipality of Sabana de Torres (department of Santander). She had been an Anthoc union leader from the department of Cundinamarca.

On December 9, 2005, Derly Cecilia Goyeneche García, a nurse affiliated to Anthoc, was murdered in the rural area of Puerto Gaitán in the municipality of Tame. Ten other civilians were injured in this attack.

10. Visit by the high-level ILO tripartite mission in Colombia

In October 2005, a mission from the ILO (International Organization of Labor) visited Colombia to verify the implementation of agreements 87 and 98 relating to union freedom in the country. Upon completing the visit and listening to the central labor bodies, the mission recommended a permanent ILO presence in the country to help in combating the high levels of impunity towards the violations of unionists' human rights, as well as in defending

union freedom in the country. According to the mission, this presence could guarantee that the ILO Special Program of Technical Cooperation for Colombia (PECTC) fulfills its objectives, which are far from being realized and tend to become applied increasingly less in Colombia.

The mission was headed by Paul van der Heijden, chair of the ILO Committee for Union Freedom, as well as by Edward E. Potter and Luc Cortebeeck, employer and worker vice-chairpersons of this body's regulations commission. The three carried out the high-level tripartite visit to Colombia, which finished the trip by presenting a document to Jorge León Sánchez, vice-minister of Labor Relations.

In the report presented by Carlos Rodríguez, president of the CUT, some contradictions in national legislation were pointed out that, in short, can be catalogued as violations to union freedoms in the country.

Among the current provisions contrary to agreement 87 are the following:

- Article 55 of law 50/90 impedes unions from creating departmental federations and labor committees bringing together workers that labor in several localities.
- The constitution recognizes that

unions can obtain their legal registration simply as a result of their creation. Nevertheless, article 6 of law 584 of 2000 prohibits unions from engaging in union activity until they have published the registration in a national daily newspaper.

- Article 5 from law 584 of 2000 impedes the immediate application of statutory reforms autonomously approved by the union's proper authority.

Other legal concepts denature labor relations and impede the right of association:

- Law 79 of 1989 created associated work cooperatives meant to evade the support to social security and impede union affiliation, by arguing that their members are associates and not workers. This is why businesses lay off their employees and then hire them under this method.
- State institutions keep parallel payrolls of workers, who are contracted as “administrative contract workers”, without a labor contract, which excludes them from unionizing.
- Private enterprises hire workers through civil and mercantile consultant contracts not considered labor contracts, even though they carry out duties inherent to the nature of the business, thus making union affiliation impossible for these workers.

Additionally, there are the following violations to union freedoms (agreement 98):

- The plans for compensated retirement especially fall on unionized workers, which affect the existence of unions.
- The government restricts union permission, refusing to reach agreements with workers and, in this way, obstructing the unionists' free exercise.
- When a re-structuring or collective lay-off has been announced, the government denies union registration. Additionally, the government has made a career out of disregarding the re-integration of workers' union privileges.
- In terms of the right to strike, the government and judges continue to prohibit strikes for non-essential services. In this way, oil industry workers, health administrative workers, as well as others, are not allowed to strike and, when they attempt to, the Ministry of Social Protection declares the strike illegal.
- Even though it is guaranteed constitutionally, the right to strike continues to be subjected to restrictive regulations. Likewise, the Ministry of Social Protection is authorized to order the end of a strike and, after 60 days, convoke an obligatory ar-

bitration tribunal. It is also given the authority to declare a strike illegal.

- In practice, exercising the right to strike has disappeared due to diverse maneuvers the business sector and government employ to impede it from taking place.

11. Final considerations

This panorama of violations justifies and demands that the Colombian State, along with all of its authorities, prioritize the protection of the life, physical integrity and freedom of unionized workers, as well as reject all acts violating these rights. The State should act preventively and avoid carrying out any action limiting union rights. It should also legitimize the right to association as a fundamental right and essential for all democratic society. In the same sense, the Escuela Nacional Sindical expresses its particular concern for the ongoing detentions and criminal prosecutions of union leaders without presenting sufficient evidence to charge them with an offense, which is a clear violation by the State to due process. Regarding this point, the tragic outcome of the detention of professor Alfredo Correa must be remembered. He was murdered in the city of Barranquilla following the false accusations and frame-ups made against him.

In this sense, for the Escuela Nacional Sindical, the approval of the controversial law 975 of 2005, also known as the Justice and Peace Law, constitutes strong motives for concern regarding the possibility that this law, far from making possible the re-establishment of peace based on truth, justice and reparation, instead becomes an instrument useful in perpetuating impunity. Aware that the demands for peace need to make the considerations of justice more flexible with the victimizers and, even, limit the reach of reparation, nevertheless, it is concerning that this law does not establish adequate procedural means to reach and guarantee the truth. For the Escuela Nacional Sindical, it is in no way possible to concede on this point. The truth must become the foundation for a process that truly means to bring about a national reconciliation and dismantle the armed structures that have dominated in the violence in Colombia. Without fully recognizing the truth, the restoration of memory is unlikely, as well as is clarifying the facts concerning what has happened to avoid its repetition or to adopt preventative measures. Without the truth, there is no possibility for guaranteeing the right of the victims, and there is little chance for re-establishing the social fabric and achieving a national reconciliation.

Appendix

Testimony by Hernando Hernández Tapasco*

ENS colleagues, in terms of my detention, I was arrested here in the city of Bogota on June 1 of last year [2005]. More specifically, it was on 17th Street #10-16 at the entrance of building where the Fensuagro office is located. I remember it was about 1:35 p.m. and I had gone to have lunch in a nearby restaurant.

I had left the building and I was able to see that something wasn't right. There were several strange pick-ups and suspicious-looking people. I stopped in the doorway for a minute and was thinking about what to do, but I decided to have lunch because at two in the afternoon I had to do some errands. I had crossed 7th and I saw that some of those guys were following me. I switched to the other sidewalk, turned

back, and didn't see them anymore. Then I went in that restaurant that's four and a half blocks from the office and sat down.

When I sat down at the table, three guys came up and asked me if I was Mr. Hernando Hernández. I thought about it, and I told them I was. They immediately showed me an arrest warrant, told me they were from the DAS [Administrative Department of Security] and that I had to go with them. They quickly showed me a piece of paper, but I only saw it for a second. I got up and went out to the street with them because "they had to take me; I had to go with them." I told them I wouldn't. I said I had to let somebody know, my office, some friend. I said I just needed to make a call and I didn't

* Testimony by Hernando Hernández Tabasco, union and indigenous leader, as well as person responsible for human rights at Fensuagro. In February 2006, Jana Silverman from the research unit at ENS carried out this interview in Bogota.

have any kind of problem with them. They told that I couldn't. They said that if we had to, we could go to one of the local police posts. I asked them why I would want to go there. I told them we should go to my office, since they knew I worked there. But they told me we couldn't. They said we wouldn't go to that office because we did human rights works there. They said we'd start causing problems, create a big scandal and not let them take me away. In the end, they forced me a bit, had me walk a block and then made me get in a pick-up.

So they made me get in one of the pick-ups and I remember it was dark blue. And, since I didn't have time to let anybody know, all I could do was shout. So I shouted to the man who had a cafe right there. I told him they were arresting me and that they were DAS agents. I shouted to everybody in the street and said I worked in such and such building. I asked if someone could let the people know from that building, the doorman and the bodyguards that were at the entrance, that they were from the DAS and that it was the DAS who had taken me away.

They took me in the pick-up. Then they turned the truck around and went up 19th. Along the way, they told me to stay calm. They said they knew I was an important person and that noth-

ing was going to happen to me. They said I should stay calm and that I shouldn't be afraid. They said they we're not like we thought. They asked if I knew where they were taking me, but I told them: "What should I know about where you're taking me?" I don't know, it was just the moment and so they laughed. They said we were going to the DAS and that a district attorney from the city of Manizales had issued a warrant for my arrest. Then they asked if I knew why. So I asked them how I should know, since they were the ones taking me in. I told them I didn't have a problem with them, nor with the Attorney General's Office. I remember we turned the corner at the DAS in Paloquemao.

At some point along the way, they told me I couldn't enter the DAS right away. They said I had to wait and they had to get in touch with someone to make a decision or to figure out what they were going to do with me. So then I started to get a little nervous. They took me to an empty lot in the area around San Andresito. They told me we had to wait. Some of them got out of the vehicle (the other pick-ups had taken off and so there was just one vehicle). So they left me with just one of them, while the others went across the street to a cafe. The three DAS agents sat down to eat something and

one stayed with me. After a while, the guy got out of the car and went to the cafe (they left me there for about 45 minutes). Later they came back and said the order had been given to bring me in. They started up the vehicle and took me to an office in the DAS.

I sat down and they told me to wait. All the while different agents would come and ask me how I was and what had happened to me. And I'd tell them it was nothing. They'd say: 'Why are you here?' And I'd say: 'Like you all don't know!' And they would ask me what my name was and I would tell them. I would ask everybody who came up to talk to me to let me make a phone call, but they'd tell me I couldn't and that I had to wait. They'd say they would find out about a call, but that I couldn't call anybody yet. I believe it was already 3 p.m. by then.

Then a DAS agent appeared and said: 'Brother, what happened to you?' I recognized this DAS agent. He was the guy who had come to my office the previous October, saying he was from the Ministry of the Interior and that he was going to carry out my risk evaluation for the government protection program. So he asked what had happened to me and I told him that I didn't know why they had me there. He said: "No, brother. Wait here and I'll find out."

After a little while, like some fifteen minutes, he came back and told me to come over to him. He took me into an office and asked me if I really didn't know why they had arrested me. I told him I didn't. He asked how it was I didn't know and then told me: "You know what? I'm going to tell you why, but the deal is that I can't tell you much because I could get in trouble." He told me a district attorney from Manizales had issued a warrant for my arrest and that, as far as he knew, I had been accused of rebellion. He said I was a member of the guerrilla and was one of the key people or had been one of the key people for the FARC in the department of Caldas, more specifically in Manizales. From what he understood, that was why there was the criminal investigation. Then he told me that, as far as he knew, (but that he couldn't tell me much), there was some very serious technical evidence incriminating me. He said this process was going to be messed up for awhile and it was going to screw up my life. He said I might as well consider it lost.

Then he said that there were now some ways to fix things quickly. He said that if I was willing to collaborate, if I would collaborate with them, I could enter in a reinsertion program or something like that. In the end, he said he could help me fix the problem in

not time. So I got pretty mad. I told him I could see what was up and that he was behind it all. So he told me it wasn't that, but that he wanted to help me, because he knew me and remembered all the problems I had told him about for being a leader. And he said he knew the people from my town. So I told him that this has to do with the persecution they had been carrying out for years against the indigenous leaders from the Emberá Nation, from the Emberá Community from the department of Caldas, more specifically from [...]. I told him he knew this and that they were all involved as State agents. I told him that the army, the DAS and the police were responsible for the persecution and crimes against of me and my people.

The man didn't like what I said very much and told me he couldn't tell me anything else, but that since there were things that directly implicated me it would be better for me collaborate. He also told me that if I told them about my activities with the guerrilla in the city of Manizales, as well as about what indigenous leaders collaborated with the guerrilla, he could definitely help me resolve this quickly, but, to the contrary: "Brother, you only have one choice: defend yourself."

I told him that I would obviously defend myself and was certain that

what I did was legal and related to the agrarian, social and political struggle in defense of campesino and indigenous rights. I also told him that I wasn't involved in anything 'irregular', and that all that I did, I did directly before the State (and that they knew this perfectly well).

He got really mad and said: "Well, defend yourself then." And so I told him that, of course, I was going to defend myself with all the resources at my disposal. And then he asked me if I had already gotten in touch with my lawyer and I told him that I hadn't. And so he asked me who was going to be my lawyer. So I told him I imagined that by this time many people should have known that I was there and that many lawyers would be willing to defend me. Then he said: "Of course, since you're always with those motherfucking NGO's and all those human rights defenders, I imagine they'll defend you." So I told him that, of course, they would all stand up for me: human rights defenders, indigenous people, diverse international organizations and even governments from other countries.

Then the guy told me that he couldn't help me out and started to leave. So I told him that I needed to make a call and he told me that he'd ask to see, but that I should go back to

where I was before. So I went back and sat down where I had been before. Then another DAS agent came up and told me they had sent me some lunch, but I didn't want to eat that lunch. Then I saw they were passing out the same lunch to other people in the DAS office, and, since I saw other people eating the lunches, I ate mine as well. Then yet another agent came up and told me to come with him to a computer. He began to ask me for my personal information: my name, telephone numbers, identification number, what I did and where I lived. So after all of that, I asked him to please let me make a call. And he told me I could only make one phone call. I remember I called the office and the secretary answered. I told her to tell the other Federation board members, as well as my friends and family, that agents from the DAS had arrested me, and that I was in their installations.

Right after that, I remember that I got a call on my cell phone and that it was the Federation treasurer. He asked about where I was and what had happened to me. So I told him that I had gotten arrested at such and such time leaving the office and that they had me in the DAS installations.

When the office discovered I was talking on the phone, a guy came up and asked what was going on with this

prisoner, why they were letting me make calls, and why I had a cell phone. So an agent came up real mad, and asked how the hell I had gotten that phone. So I told him it was mine and he asked me why I had it. So I said: "Well, why wouldn't I have it, it's my cell phone." Then he told me that they weren't allowed and that I was under arrest. So I told him that no one at any time had told me that, that I had my cell phone on my belt and that they had even checked me. And so I said: "If my phone rings, I answer it."

The guy got mad, made me turn off the cell phone and took everything I had: what had been in my pockets, a bag with some documents of mine, my cell phone, everything. It was getting into the afternoon by then. It was like 5 p.m. So they told me I would be locked up and that they were going to take me to the DAS detention center. Then they took me.

But it has to be said that throughout the day, because of this alarm I had set off with the neighbors of my building's office and because of the call from Parmenio, from the time I had been taken away, people immediately began to get in touch with the DAS asking about my detention and the DAS totally denied that I had been detained. They said that it was a lie.

So I remember that it was Dr. Alirio

Uribe who called and said they were lying because they had me, they had taken me away in such and such vehicle, with such and such license plate, so many agents, and even more, that they knew the DAS had me in their offices. And so he told them that they had to fix this (he called at like 2:30pm), or that he would immediately file a *habeas corpus* and they would have to answer for the forced disappearance of a person.

In about five or ten minutes, the director of the DAS got in touch with Dr. Alirio Uribe and told him that indeed they did have me, but that they had me detained because of an arrest warrant. Immediately, Alirio requested for a lawyer from the Jose Alvear Lawyer's Collective to go and talk with me. So they sent a lawyer from the Collective, but she spent the whole afternoon at the DAS trying to talk to me, without ever being let in. Now in the afternoon, like around 6 p.m., the lawyer went back with some things, but they still didn't let her talk to me. She was only able to leave a package for me with some clothes and things for hygiene. But they never let me talk with any lawyer.

I was in the DAS detention center until Thursday at noon, and then some DAS agents came for me telling me I was needed. A man, a boss from an-

other office, told me to get everything ready. He asked me if I had everything with me, and I told him I did. He told me that we were going to take me to Manizales, because the district attorney from there requested a preliminary investigation of me. So they took me to the airport at like two in the afternoon and we got on a flight to Manizales. From the airport, they took me to the DAS offices in Manizales, where the preliminary investigation was to begin, but they didn't file a report. They had me locked up from Thursday to the next Friday at five in the afternoon, when they took me out to do the preliminary investigation with the district attorney.

I went before the district attorney from the 7th District Attorney's Office from Manizales. The district attorney initiated the preliminary investigation, which went from 5 in the afternoon to 8 o'clock that night. Specifically, the district attorney told me that I would be detained under the charge of rebellion along with two other persons who had also been detained the same day and were already in the prison in Manizales. One was Mr. Carlos Arturo Correo, who was on the board of directors of the Committee for Solidarity with Political Prisoners (Caldas chapter). And the other was Mr. Sergio Forero Ríos, ex-president of the

Telecom Workers Union.

In the preliminary investigation, the district attorney also told me that those who were accusing me or implicating me were three men who had deserted from the FARC-EP [*Revolutionary Armed Forces of Colombia – Popular Army*]. They were saying I was a member of the guerrilla and that I was active with the FARC. They also said that a specialized technical intelligence unit (supposedly against the FARC-EP in the coffee area of Antioquia and Medellín), the DAS, as well as other security agencies, the police, the army and the district attorney's office, had done this whole criminal investigation, which had gone on for like seven years, since 1997. And in this investigation, DAS agents, and more specifically the boss of this specialized unit, detective Mauricio Jiménez Ávila, charged me with being an active member of the FARC-EP from José María Córdoba Bloc, 9th and 47th Aurelio Rodríguez Fronts.

Specifically they were charging me with being the ideological and political leader for this bloc and front. Additionally, they were saying that I was the ideological and political leader for the indigenous movement in Caldas and the student movement at the University of Caldas. They also said that I was the head of the FARC's urban and

rural militias and that I was main contact between the urban and rural militias. They were also saying that I was the one who provided the material provisions for this subversive group, who provided the weapons and who recruited the young people for the war. And they said that I was the one responsible for carrying out several strikes and protests in the department of Caldas. They also said that I was the one responsible for the campesino and indigenous takeovers of the Pan-American highway in the municipality of [...], as well as for blocking the Pan-American three times during different campesino protests, in conjunction with the FARC or by order of the FARC. Lastly, they said I was the person this subversive organization trusted for all kinds of activities.

It was really ridiculous to say that I was the person this organization most respected and admired in the area as far as social leaders. One of the indications and pieces of evidence that I had been with this group was that I had been on trips abroad, including one trip to Havana, Cuba, in 1997 and another in 1999. They said that on these trips I had received Cuban political and military instruction with which I returned prepared and was able to consolidate [this organization's] and the urban militias' presence in the city of Manizales.

They said that another of the trips abroad that implicated me was a trip I had taken to Madrid, Spain, where I had supposedly met with members of the FARC's secretariat. They said I had gone to make a political trip for the FARC and that these trips had been totally financed, as well as sponsored, by the FARC.

These are all, well let's say, arguments and accusations that I personally consider ridiculous. I remember the year I was in Cuba during the 140 World Youth Festival in 1997. We shared ideas with different youth from all over the world and, of course, partied and drank rum, which is why one goes to Cuba.

In Spain, it is totally false that I was in Madrid. I remember that I went to the Autonomous Community of Asturias in Spain, invited by the Community's government and a NGO through a protection program. Another thing is that the Asturian Government provided me with the opportunity to go to other parts of the country and, from there, to other parts of Europe.

So it is really ridiculous they gathered documents and reports from the district attorney's office, where all of this was asserted. Let's say that these were the charges or the arguments that the DAS presented or that the supposed intelligence reports presented to impli-

cate me in the crime of rebellion.

According to the district attorney, the other men who accused me were people that had deserted from the FARC. Implicating me in the investigation was a re-inserted guerrilla member and two who had been convicted. Specifically, what the three guerrilla members said backed up the Technical Investigation Unit (CTI) and the DAS. Now if the criminal investigation supposedly lasted 7 years, and the deserted guerrilla members had been detained in around 2001, it is clear and obvious that the DAS had more than enough time to prepare them to serve as witnesses against us, accuse us and say the same things. In my case in particular, they said that I was, or possibly was, an indigenous leader from Río Sucio, who was the main ideological leaders for the indigenous movement. They also said that I was a student who participated in strikes, was from this guerrilla group, as well as provided logistics and weapons.

In one of the first sessions, the men said similar things, but in a following session done by the district attorney, they committed a countless number of contradictions and the re-inserted guerrilla member wasn't present at the session. Since he was the one who committed the most contradictions, he didn't go to that session. They said

they couldn't find him. They said that he wouldn't go and that he didn't want to get in any trouble.

When another of the guerrilla members was asked if he knew me in the organization, he said that he didn't. He said that he couldn't really state anything for the record. He also said that when he was a guerrilla member, he never was in Manizales or in my indigenous area of Río Sucio. All of his accusations collapsed, so he ends up saying he wouldn't state anything for the record, and that he didn't know me.

The other guy, the third deserted member of the guerrilla who had accused us, and in my case in particular, said for example that he operated in the area of Río Sucio and in some of the reservation's rural areas where I am from. He also said he wouldn't state anything for the record and that he hadn't seen me in the ranks of the guerrilla. He did state that he had indeed known many of the indigenous leaders because they knew the people working in the area. He said that he had been there many times, but he had never been involved in military activities, and therefore it would be difficult for him to swear under oath that I was from this group.

So it was revealed that everything was a frame-up perpetrated and set up by State intelligence agencies, and

more specifically by the DAS, and well this is confirmed. I told you previously that, in the DAS offices, I met the agent that supposedly knew me. This DAS agent was the same Mauricio Jiménez Ávila, who accused me during the court proceedings. This man, who accused me in court, on the one hand in the month of October 2004 presented himself to [...] as being sent from the Ministry of the Interior and the DAS to carry out a risk evaluation of me and he says he's in charge of the human rights protection program. Of course, I ingenuously sat down with him on this date in October and I gave him all of my personal information. He asks me for all of my personal information, information on my family, on my finances, on how I make my living, on my social and political life, as well as on my case in particular.

So all of the information I gave him is used against me because he didn't know about the trips abroad. When he asks me if I have traveled to other parts of the world, I tell him all about it and later he uses it to say I am involved in subversive activities. Additionally, he is the same agent directing this supposedly huge operation to detain me they showed the whole world on television. So he is the boss, in charge of the case to both capture and detain me. He is the one who carries out the risk evalu-

ation, the one who arrests me, as well as the one who accuses and charges me.

This is the process, these are the accusations and there is a whole frame-up by the State, which includes an ongoing political persecution. Because precisely in 2001, I left the region due to threats and the fact I knew of an organization planning to kill me, me and several indigenous leaders from the region, and we knew that these plans involved several security agencies (DAS and the army in collaboration with paramilitarism).

And so I came to Bogota to find refuge and the protection of the state, which has yet to be provided. And what has been shown is that the State has persecuted me instead. For a time I found refuge outside of the country. From that time until 2004, I was not bothered any further.

But there's something strange, and it coincides with when the agent carries out the risk evaluation in October 2004, for I begin to be persecuted again in Bogota from that date on. I began to be constantly watched around the Fensuagro offices, downtown and the places where I tended to be. We observed this several times, we denounced it through different organizations and I think the most serious time occurred on December 9, 2004. When

I left the office building that day, several persons in cars and pick-ups, including a woman, attempted to disappear me in this sector at around 7:30 p.m. There is a judicial denunciation regarding this with the Attorney General's Office, which lets one present the idea that all of this is connected to State security agencies.

Specifically, this legal frame-up has been carried out by State agencies that had me locked up for 133 days, from June 1 to November 28, 2005, which was the day in which the 17th District Attorney's Office from Bogota from the terrorism unit signed for my release and for the release of Carlos Arturo Correa, from the Committee for Solidarity with Political Prisoners from Manizales. This was because sufficient evidence wasn't found that implicated us in the crime, and instead an infinite amount of contradictions were found.

But I forgot about something else. The investigation, as well as the charges, were signed by another DAS agent, who is also a part of the same specialized unit against the FARC in Manizales. When the district attorney interviews him, and asks him if he would state all of these things against me for the record (because he had signed his name as one of the persons who constantly followed and watched me), he says that he cannot. He says

he can't assure this because the evidence supposedly begins in 1997, and he says that he is a new agent that just began in 2004. He says he can't assure things from 1997 to 2003, when he wasn't even a DAS agent (he had been in the Attorney General's Technical Body of Investigation. So the district attorney asked him why he signed all of these things and then he said he couldn't state anything for the record. And he replied that he signed it because his boss told him to sign it, but he wouldn't state anything for the record and he couldn't swear under oath that these things were certain.

ENS. So at this time there is no valid evidence, but is there still any warrant for your arrest?

In specific terms, by way of the lawyer Pedro Mahecha, the charges were dropped and I regained my liberty. And well of course I can't be criminally investigated for these charges again. And, regarding the justice system, the Colombian people and the world, it's been shown that I am innocent and that all of this is a part of the political persecution that exists in Colombia against social and political leaders, as well as human rights defenders as much from labor organizations as from grass-roots, agrarian and indigenous organizations.

ENS. And are you thinking about

suing the State for this?

Yes, I think that is what is going to come next and that's what was decided by the indigenous cabildo, the regional indigenous council from the department of Caldas, Fensuagro and the José Alvear Restrepo Lawyer's Collective. It was decided to sue the State to make reparations for the moral damages, as well as for all the damages caused against us.

ENS. Is this whole experience going to affect your social and labor activity?

Yes, I think that this situation in particular affects my personal life, as well as my social, political, work and family life. What they did with this process is try to ridicule persons, dirty our names, as well as social and grass roots work in general. They tried to discredit the work we do in social organizations and as human rights defenders. Likewise, we are also concerned since we know they do this because we think differently. Because we question the government, and we question the State's bad administration. Because we propose democratic, social and political transformations for a country that is so unjust. And one ends up thinking that surely things won't stop there. One thinks they will continue to persecute and that one will be in danger with the paramilitaries, which are the organiza-

tions carrying out the State's dirty work. One's life will be at the same risk, if one doesn't renounce his or her

principles, ideas or humanistic sense for the need to transform this country and construct a new society.

Testimony by María Luisa Niño, unionized teacher

The search, or entering someone else's house by way of force

So, how did it go?

It was the dawn of Thursday on April 21, 2005. Suddenly, I heard some pounding on the door that ended my dozing. I sharpened my thought and jumped up. As I wondered if it was for us, the pounding on the metal door began again, and reached up to me on the third floor. It was about 4:30 a.m. Without thinking about it, I looked out the window to see what the noise was all about. I immediately felt a strong yellow light on my eyes (I believe it was the first, or second, sign of violence) and then a man's voice, military-like:

Open the door!

After seeing the weapons they had pointing at me, I shouted out to them:

What's going on? What do you want? And again the order and the pounding on the door:

Open up!

I yelled to them that I was coming down. I closed the window, I took a breath of air, directed myself to my daughter's room since she had woken up (my son was still sleeping in my bed) and said: 'Don't worry. Take it easy. It's just the police. I'm going to see what they want. Get yourself up.' And I raced down the stairs.

I opened the door and a male voice read from a document of which I only remember being a search and arrest warrant for one María Luisa Niño, alias 'La Profe.'

I told them that I wasn't alias 'La Profe', rather I was a teacher and it was my profession.

They immediately asked me where

* María Luisa Niño, TD 62533, 'Buen Pastor' National Woman's Prison.

my room was and who else lived in the house with me.

I started to go up the stairs and I was telling them:

‘I live here with my son. He is just a child, so please don’t scare him. He’s in my room.’

A voice said: ‘Go on up!’

Some of them stayed in my daughter’s room, some continued up with me and another group stayed on the first floor.

When we got up to the third floor, my favorite part of the house, several of them started to look for I-don’t-know-what. What they did do though was make me sit on the edge of my bed.

My son woke and sat up. He looked at the man was about to cry. He was afraid and tried to hold onto me. I caressed him and said in a very calm voice: ‘Don’t be afraid, my darling. They’re just here to look for something. I don’t know what it is, but either way we’ll let them look. Go wash yourself up and get ready for school.’

I did this in front of these detectives.

He wasn’t able to calm down and asked me:

‘What are they going to do? Are they going to kill us?’

‘No, they going to look for something and then they’ll take me to some

offices. Don’t worry. Go get ready.’

My boy got off the bed. The agents just looked at him, without saying anything.

To the one who looked like the boss, I said:

‘Can I tell my daughter to make breakfast for my son? The truth is I don’t want him to witness this spectacle.’

And the man replied: ‘Well, of course, we’ll tell her. You stay here and don’t move.’

When my son returned, he had bathed and asked me to comb his hair, while I fixed his shirt. So I combed his hair. He didn’t say anything and I didn’t either. We just stared (he was looking around the room and I was looking at him). I tried to smile at him, and did my best effort at giving off a calm, firm and strong appearance towards this situation. It was a violent reality for him. But, because of my effort, I think that I was able to pull it off for a moment.

He went downstairs, had breakfast and came back up. He said good-bye, I gave him a kiss and said: ‘Make sure you behave.’

And he left.

Meanwhile, they kept digging around. I saw how they opened up my boxes, how they went into my ledgers, books, writing and my chests. It was

horrible to see all of this. They went in my photo albums and in my nightstand. How they looked under the mattress and under the bed. They rummaged through the wastebasket and in the bathroom. They searched the beams and played around with the curtain. Every now and then, while they looked at the photos, they would make some sort of comment and ask me: ‘How one changes. Who’d believe? Who’s this?’

‘He’s a friend of the boy’s father.’

‘What’s his name?’

‘I don’t know.’

And with another photo: ‘Who’s in this one?’

‘Let’s see.’ And I looked at it. ‘Oh, yes, it’s the monument of Che in Santa Clara.’

‘No, this one.’ ‘Oh, I don’t know. Some one stepped in right when I took it.’ While this was happening, (in my study) they were unzipping cushions and digging through my clothes in the closet. They were going through each book, each disquette, each CD and all of my students’ documents (their written work). They took everything, including my personal computer. They also took some maps of Ciudad Bolivar drawn by my students as a part of their social cartography assignments (which is a research tool) and another one that had been given to me by an

engineer who had working on the installation of a gas network in the hillside neighborhoods of Ciudad Bolívar, which I explained to them.

(Note: Ciudad Bolívar is an extensive urban population located in the south of the city of Bogota with extremely high levels of poverty. It is my territory in all senses of the word. It’s where I sleep, lead diverse educational and research processes, debate, move around, etc.)

It didn’t matter and they took it anyway. They dug through my handbag, and they became interested in a list of students.

It told them it was a list of students that participated in the launching of the educational forum on public policies. ‘I should be turning it in to the school’s academic coordination.’

‘Who participated in this meeting?’

I told them: ‘The director of CADEL (Local Education Administrative Center), teachers, the local mayor, students and school principals.’ Nevertheless, another one of the detectives took it, which not only disgusted me, but also made me nervous. Then they told me to get ready. I asked them if I could shower.

They told me I could and called over a woman to go in with me.

I went in the bathroom and I asked my 21-year-old daughter Anaya to get

me some clothes. She looked like she was about to break down and asked me:

‘Mom, now what are we going to do?’

‘Nothing, don’t cry in front of these men. We have to be strong. We don’t have anything to be afraid of. Take it easy. Don’t worry. Everything will come out okay. You’ll see. I need you to be relaxed and calm, so you can go with Tsamani (my 10-year-old son)’. I said this all real quickly, but with strength and conviction. She calmed down and even smiled a little bit.

I ‘enjoyed’ watching all of this (and perhaps for the last time, I thought). I felt the pleasant cold water over my body and I let it fall on my face. Meanwhile I took deep breaths, trying to reach for all the energy within me. I didn’t think; I just felt.

They said: ‘Hurry up, lady.’

‘Yeah, I’m coming’. I got out, I combed my hair and they told me to bring some clothes and personal belongings. My daughter helped me out.

We went downstairs. They had me sit in the living room and sign a document regarding ‘proper treatment.’ I looked like I was sleepwalking. They were watching television and finished packing up the books, cd’s, cassettes, computer, everything.

The front door was open.

Suddenly, my son Tsamani came running in. ‘What happened to you? Don’t you have class?’ Yes, he came in completely drenched in sweat and his head was all hot. I put him on my lap and calmed him down. He said there was class but that he wanted to go with his teacher friend (sobbing).

I asked where she was and he told me she was outside. I stood right up and looked out the street (forgetting about the detectives). I saw her when she got to the door, hugged her and said: ‘Go make a call and tell the union. Tell all of our colleagues. Don’t worry. I’ll be fine. Take my boy and pick him up when he gets out. He’ll be waiting for you there.’ She told me not to worry. Then she told the agents: ‘But, please don’t mistreat her. Please treat her well.’

And she left with my boy, holding his hand.

When the two of them left, two gorillas dressed in black and armed to the teeth took me away. They put in a pick-up with tinted windows, and made me sit in the middle, with who seemed to be the boss and the female detective. The two gorillas in black, equipped with helmets and bulletproof vests, sat in the back. I couldn’t see how many followed us. Nobody said a word. I was thinking about what would have been the grounds for all of this, why

and how had they come this way to my house.

After awhile, the man said to me: 'It's obvious you like to read a lot.' 'Yes, that's true.' 'But, why don't you collaborate?' I just looked at him.

'Collaborate? With whom? With you? Perhaps you don't understand the prefix 'co' and the word 'elaborate.' Elaborate something in the company of someone else. Isn't that right? So, tell me, with whom should I elaborate what? I spoke indignantly and looked at him in the eyes. He looked down and asked me: 'You don't have any enemies?'

'No, my enemies are only found north of the Rio Grande in Mexico.' He just shut up. I looked right at him. He asked me how I felt and if they treated me poorly. So I said: 'Well, look, do you think what you did was good by entering my house in such a way, scaring my children, armed, digging through everything and taking my books, cassettes, cd's and computer? All you had left to do was pile them up and burn them. I am a public employee. Why didn't you send me a notice and you could have saved yourself this whole spectacle? All you found in my house were critical texts of all sorts. Well, I'm left wing, what did you expect to find?' 'Oh, nothing. You must have an enemy.' 'I already

told you I didn't.' We didn't speak any more, until we got to the DAS headquarters in Paloquemao. They sat me down in an office and I saw how they brought in all the boxes with my stuff. How I wished I could have run out of there! From there, they locked me up. Steel-rod beds, separated by cold, horribly cold, grey, iron bars. My world had been totally turned around. Once I was alone, I was flooded with all the conscientious repression and I cried with anger and impotence. They won't subject me. They won't hear me beg, and much less cry. Oh, I forgot to say that when they took me from my house, I grabbed a book by Borges (The Aleph) and another by Cortázar (The Meeting). They are beautiful stories and were perfect company for these horrible times.

So days went by like this. The one I felt most was May 1st. I listened closely and I thought I could hear the masses in the distance. I looked out the little windows and all I saw were patches of clouds. On Sunday, visitors' day, my daughter and my niece brought me some clothes for the cold, a letter and some notes with warm words, which gave me strength and filled me with solidarity. One of the notes by an ex-student told me how May 1st went. He told me about the clubbing and how the police beat a fif-

teen-year-old kid to death. He was a high school student, who went along with a group. And how he was in a coma for month, since they had bludgeoned him with their billy clubs. I tried to keep my composure and continue without the pain or fear stopping me, since I was thinking about the kid. What a paradox! and with me locked up in here, so impotent. I had ice and fire inside me.

Before the district attorney

I was certain I shouldn't talk without my lawyer from the Committee for Solidarity with Political Prisoners. They took me out of the cell. I went down some stairs and a long hallway. It smelled damp. The light was dim. The place was labyrinth-like. I came to a hallway with offices and they set me in a chair. Then the district attorney came out (but my lawyer still hadn't arrived). He came up to me, offered me a cigarette, sat next to me and said: 'It obvious you know a lot. You read tons.' 'Yes, of course, that's how it has to be. It's a part of my job.'

'Look, I'm just curious, who is Martha Elena Varón?' I repeat to myself: 'Martha Elena Varón?' Then I say: 'No, I don't know. Where did you get that name? Give me a reference point and maybe I can help you find out,

because, coming from you, it must be somebody important. The district attorney stood up and went in his office. He didn't come out again. This name became even more strange and intriguing to me. How I wished to know and ask about that name.

I thought about how the man noted my displeasure.

Then my lawyer arrived.

He told me: 'All we have to do is listen. Don't speak.' So we went into the district attorney's office.

The district attorney told me to say what I had to say. I said I would remain silent, because I had to know why they had me there, since I still didn't know the grounds.

He said I was accused of terrorism, conspiracy, extortion and rebellion.

My ears couldn't believe what they were hearing. I was dumbstruck. I asked him to explain, to tell me how they understood, these accusations against me. He explained the following: 'terrorism is causing panic by way of explosive devices.' Never, I said. He went on: 'presumed co-author of the crime of extortion, which is demanding money from someone through threats.' Never! 'Conspiracy is when several persons meet to commit a crime.' Even less!

'Rebellion is when you rise in arms against the State or collaborate with

this conduct.' Neither one, nor the other.

He didn't stop speaking and I didn't speak. Then the interview finished.

I said good-bye to my lawyer and they took me back to my cell again.

The detective insisted on telling me that my colleagues had already talked. So I said: 'My colleagues? Sir, at exactly this time, they are working at the school. I don't know what colleagues you are talking about.'

He insisted: 'But, there's one who's really in a tight spot. It's serious. You know who he is; it's El Argentino.' 'Listen. Don't keep saying whatever comes to mind or whatever you imagine. I already told you I don't know anybody.' At that moment, a handcuffed kid went by with two of the detectives and we crossed in the hallway. I was really bothered. When we passed him, they said: 'That's El Argentino'. 'I don't care.' And so we reached my cell. The next day, from within the cell, through the bars, I could see when they took the men out into the yard. And then I made out Diego, a kid from Manizales who I met in 2003 at a forum against the FTAA and the Bi-Lateral Free Trade Agreement. We had been introduced and became friends. I even asked him to please take a notebook to a nursing friend that lived

there. He was friendly and did me the favor. When he saw me, he greeted me. But I was then worried about what had happened to him as well.

Transfer to the prison

I would go to the sixth high-security patio block of the Buen Pastor Woman's Prison. I had no idea how any of this was, nevertheless it was something better than that cold, barred, grey DAS installation. They put me in a community cell with eleven bunk beds. In the suffocating hot night, each of us would be chained to our bed by 8 p.m. I was dying from rage and indignation. I argued with the guards. I told them to open up. I asked how it was possible we were locked up and not allowed to go to the bathroom freely. They took me out of there and put me in a cell with another girl. I slept on the floor with my mattress and blankets. In any case, this chance to fraternize cheered me up.

Fortunately I had a lot of work, since we had to continue with the research we were doing on autonomous learning in the educational experience in Ciudad Bolívar. So, I kept studying, without getting frustrated about how hard it was to carry out the research. I just maintained my inventive and reflective capabilities. I write. I read. I paint. And I share what I know with the other women in the prison. I have

lived my life intensely, as a woman, mother and teacher. In adverse situations, such as now, I feel that energy and strength of will has acquired a higher degree of force.

The process and providence

The evidence presented by the Attorney General's Office to demonstrate their false thesis was fundamentally based on intelligence reports (and it has to be mentioned that they are not considered evidence) and several items they invented like supposed calls I couldn't have made, and wouldn't even have wanted to make. They spoke of ongoing contact with a man (alias El Argentino) that never would have crossed my mind. In conclusion, they sustain some non-existent evidence through other non-existent evidence. Or, better yet, evidence that only exists in the district attorney's imagination. The district attorney's analysis is so mistaken and perverse that he tries to justify as evidence calls which he clearly didn't know about or who had made. So, irresponsibly and lightly, he attributed them to me, without any real backing to prove that these assertions weren't false or lies. The only thing that is certain is that the Attorney General's Office didn't have one piece of evidence against me. I am a single-mother head of household, a cultural

worker in the city of Bogota, and I am accused of crimes with persons living in the city of Manizales.

There isn't any logic to this and it disrespects common sense. All of this would be impossible for me to do just in terms of time and space. I work all day long. I get up at five in the morning. I leave my home by 5:40 a.m. and go to school, where I stay till 12:30 noon. Then I go to my afternoon activities: education meetings, preparing university classes (I do some adjunct teaching) and working out some of my research. In other words, time is the one thing I don't have.

Regarding the accusation of rebellion

I am accused of rebellion because some publications regarding the insurgency, as well as the country's political and social situation, were found in my home. Nevertheless, publications or information is not prohibited in Colombia. In effect, as an intellectual, unionist and humanist, I read and write about Colombia's political and social context. The Attorney General's Office also adds that I am this organization's ideological leader, which is why I work as an educator. How uncertain! That is so insolent, barbaric and treacherous. Those assertions belong to an anti-democratic regime refusing to guaran-

tee human rights. On top of that, they said they knew of my existence under the alias of María Luisa by way of a human source. In this way, they are trying to validate the existence of the reprehensible practice of secret witnesses from right out of the inquisition. I have never read of another analysis so wrapped in perverse, arbitrary and anti-legal interests than the one against me. These assertions are just as fantastic as the ones made against Rafael Pardo,

the ex-Minister of Justice, concerning his supposed plot with the Revolutionary Armed Forces of Colombia to defeat president Uribe's re-election. What a laugh! Or, better yet: How sad!

Final request

For all of the previously stated, I ask for all of those who read this to help me by way of any legal means possible to demand my freedom until it is achieved.

List of unionized workers assassinated in 2005

Nelson Jiménez Osorio, afiliado al Sindicato de Conductores y Taxis de Cartagena, **Sincontaxcar**, fue asesinado el 6 de enero de 2005 en el municipio de Cartagena.

Faiber Antonio Álvarez, afiliado a la Asociación de Maestros de Córdoba, **Ademacor**, fue asesinado el 25 de enero de 2005 en el municipio de Montería.

Francisco Luis Montaña, afiliado al Sindicato Único de Trabajadores de la Educación del Valle, **SUTEV**, fue asesinado el 27 de enero de 2005 en el municipio de Cali.

Lilia Ramírez Ortiz, de la Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y Entidades Dedicadas a Procurar la Salud de la Comunidad, **Anthoc**, fue asesinada el 3 de febrero de 2005 en el municipio de Sabana de Torres, departamento de Santander.

Luis Alberto Melo Palacios, de la Asociación de Institutores Huilenses, **ADIH**, fue asesinado el 14 de febrero de 2005 en el municipio de San Agustín, departamento del Huila.

Rigoberto Arias Ospina, afiliado al sindicato de Educadores Unidos de Caldas, **Educual**, fue asesinado el 18 de febrero de 2005 en el municipio de Manizales, departamento de Caldas.

Benjamín Ramos Rangel, afiliado al Sindicato de Educadores del Magdalena, **Edumag**, fue asesinado el 19 de febrero de 2005 en el departamento del Magdalena.

Luis Gonzaga Sánchez Bedoya, afiliado al Sindicato de Educadores Unidos de Caldas, **Educual**, fue asesinado el 21 de febrero de 2005 en el municipio de la Dorada, departamento de Caldas.

Ángela María Rodelo, afiliada al Sindicato Único de Educadores de Bo-

lívar, **SUDEB**, fue asesinada el 22 de febrero de 2005 en la ciudad de Cartagena, departamento de Bolívar.

Jhon Henry Aguilar Pino, afiliado al Sindicato de Maestros del Casanare, **Simac**, fue asesinado el 23 de febrero de 2005 en el municipio de Yopal, departamento de Casanare.

Orlando Ariza, afiliado al Sindicato de Trabajadores Independientes del Meta, **Sintragrim**, Filial de Fensuagro, fue asesinado el 26 de febrero de 2005 en el municipio del Castillo, departamento del Meta.

Efrén Ramírez, afiliado al Sindicato de Trabajadores Independientes del Meta, **Sintragrim**, filial Fensuagro, fue asesinado el 26 de febrero de 2005 en el municipio del Castillo, departamento del Meta.

Mauricio Burbano, afiliado al Sindicato de Trabajadores de la Electricidad de Colombia, **Sintraelec**, fue asesinado el 3 de marzo de 2005 en el municipio de Acevedo, departamento del Huila.

Arly de Jesús Toro Bedoya, afiliado al Sindicato de Educadores de Risaralda, **SER**, fue asesinado el 13 de marzo de 2005 en el municipio de Pereira, departamento de Risaralda.

Albeiro de Jesús Tabares Parra, de la Asociación de Institutores de Antioquia, **ADIDA**, fue asesinado el

17 de marzo de 2005 en el municipio de Urrao, departamento de Antioquia.

Alonso José Diomédez Subiera, de la Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y Entidades Dedicadas a Procurar la Salud de la Comunidad, **Anthoc**, fue asesinado el 25 de marzo en el municipio de Arauca, departamento de Arauca.

Susana Nazareth, de la Asociación Nacional de Funcionarios y Empleados de la Rama Jurisdiccional, **Asonal Judicial**, fue asesinada el 1 de abril de 2005 en el municipio de la Hormiga, departamento de Putumayo.

Octavia Ramírez Vargas, afiliada a Educadores Unidos de Caldas, **Educal**, fue asesinada el 1 de abril de 2005 en la ciudad de Manizales, departamento de Caldas.

Maicol Steven Alberico, afiliado al Sindicato de Trabajadores de la Educación del Valle, **SUTEV**, fue asesinado el 16 de abril de 2005 en la ciudad de Cali, departamento del Valle.

Claudia Bedoya, de la Asociación Nacional de Funcionarios y Empleados de la Rama Jurisdiccional, **Asonal Judicial**, fue asesinada el 6 de abril de 2005 en el municipio de Copacabana, departamento de Antioquia.

Iris del Carmen Benítez, de la Asociación de Maestros de Córdoba, **Ademacor**, fue asesinada el 10 de abril

de 2005 en el municipio de Montería, departamento de Córdoba.

Fanny Robles, afiliada al Sindicato Nacional de Trabajadores de la Industria de Alimentos, **Sintrainal**, fue asesinada el 20 de abril de 2005 en la ciudad de Bucaramanga, departamento de Santander.

Robinsón Robles, afiliado al Sindicato Nacional de Trabajadores de la Industria de Alimentos, **Sintrainal**, fue asesinado el 20 de abril de 2005 en la ciudad de Bucaramanga, departamento de Santander.

Benjamín Arrigui Díaz, de la Asociación de Instructores de Caquetá, **AICA**, fue asesinado el 22 de abril de 2005 en el municipio de Valparaíso, departamento de Caquetá.

Alicia Estela Caballero Badillo, afiliada al Sindicato de Educadores de Santander, **SES**, fue asesinada el 30 de abril de 2005 en el municipio de Barrancabermeja, departamento de Santander.

Adán Alberto Pacheco Rodríguez, afiliado al Sindicato de Trabajadores de la Electricidad de Colombia, **Sintraelec**, fue asesinado el 2 de mayo de 2005 en la ciudad de Barranquilla, departamento del Atlántico.

Héctor Verbel Paternita, afiliado al **Sindicato de la Caja Agraria**, fue asesinado el 2 de mayo de 2005 en la ciudad de Barranquilla, departamento

del Atlántico.

John Smith Ruiz Córdoba, de la Asociación de Instructores del Cauca, **Asoinca**, fue asesinado el 6 de mayo de 2005 en el municipio del Tambo, departamento del Cauca.

Wilfredo Sánchez García, de la Asociación Sindical de Empleados del Instituto Nacional Penitenciario y Carcelario, **Aseinpec**, fue asesinado el 7 de mayo de 2005 en el municipio de Cúcuta, departamento de Norte de Santander.

José Adán Cárdenas Pallares, de la Asociación Sindical de Instructores nortesantanderianos, **Asinort**, fue asesinado el 16 de mayo de 2005 en el municipio de Cúcuta, departamento de Norte de Santander.

José María Maldonado, afiliado al Sindicato de Trabajadores Agrícolas, **Sintragrícolas**, fue asesinado el 17 de mayo de 2005 en el municipio de Ponedera, departamento del Atlántico.

Harvey Niño Villarreal, de la Asociación Sindical de Empleados del Instituto Nacional Penitenciario y Carcelario, **Aseinpec**, fue asesinado el 17 de mayo en el municipio de Cúcuta, departamento de Norte de Santander.

Gilberto Agudelo, presidente del Sindicato de Trabajadores Universitarios, **Sintraunicol**, filial de la CUT, desaparecido en el año 2000, fue en-

contrado asesinado en una fosa común. Los restos del dirigente sindical fueron declarados reconocidos mediante el boletín oficial expedido por el CTI en el departamento de Santander el 2 de junio de 2005.

María Elena Díaz, afiliada al Sindicato Único de Trabajadores de la Educación del Valle, **SUTEV**, fue asesinada el 25 de mayo de 2005 en el municipio de Cali, departamento del Valle.

Jaime Moreno Chiquita, afiliado al Sindicato de Trabajadores Agrícolas Independientes del Departamento del Meta, **Sintragrim**, filial de Fensuagro, fue asesinado el 30 de mayo de 2005 en el municipio de El Castillo, departamento del Meta.

Silvia Miryam Navia, afiliada al Sindicato Único de Trabajadores del Valle, **SUTEV**, fue asesinada el 2 de junio de 2005 en el municipio de Yopal, departamento del Casanare.

Alberto Tapias García, afiliado al Sindicato de Trabajadores Agrícolas Independientes del Departamento del Meta, **Sintragrim**, filial de Fensuagro, fue asesinado el 5 de junio de 2005 en el municipio de El Castillo, departamento del Meta.

Beatriz Moreno Rocha, afiliada al Sindicato de Maestros de Casanare, **Simac**, fue asesinada el 6 de junio de

2005 en el municipio de Yopal, departamento del Casanare.

Alfredo Mendoza Vega, de la Asociación de Educadores del Cesar, **Aducesar**, fue asesinado el 9 de junio de 2005 en el municipio de Valledupar, departamento del Cesar.

Dorance de Jesús Parra Vélez, de la Asociación de Institutores del Caquetá, **AICA**, fue asesinado el 23 de junio de 2005 en el municipio de Doncella, departamento del Caquetá.

Julio César Toro Gómez, de la Asociación de Institutores de Antioquia, **ADIDA**, fue asesinado el 23 de julio de 2005, en el municipio de Medellín, departamento de Antioquia.

William Edison Medina, afiliado al Sindicato de Trabajadores del Magisterio de Nariño, **Simana**, fue asesinado el 28 de julio de 2005 en el municipio de Pasto, departamento de Nariño.

Julio César Bravo Larragaña, afiliado al Sindicato de Trabajadores del Magisterio de Nariño, **Simana**, fue asesinado el 8 de julio de 2005 en el municipio de Pasto, departamento de Nariño.

Rosbeth López Amezquita, de la Asociación de Institutores del Caquetá, **AICA**, fue asesinada el 11 de julio de 2005 en el municipio de San Vicente del Caguán, departamento del Caquetá.

Germán Gómez Gómez, de la Asociación de Institutores de Antioquia, **ADIDA**, fue asesinado el 24 de julio de 2005 en el municipio del Carmen de Viboral, departamento de Antioquia.

Juan Guillermo Ríos, afiliado al Sindicato Nacional de Trabajadores de la Industria de la Caña de Azúcar de Colombia, **Sintraincañazucol**, fue asesinado el 28 de julio de 2005, en el municipio de Riofrío departamento del Valle.

Jairo González, afiliado al Sindicato de Pequeños Agricultores de Bolívar, **Sinpabol**, filial de Fensuagro, fue asesinado el 29 de julio de 2005 en el municipio de Carmen, departamento de Bolívar.

Tomas Rubén Serge, de la Asociación de Trabajadores de la Contraloría General, **Asocontrol**, fue asesinado el 3 de agosto de 2005 en el municipio de Barranquilla, departamento del Atlántico.

Belén Hincapié Patiño, de la Asociación de Institutores de Antioquia, **ADIDA**, fue asesinada el 9 de agosto de 2005 en el municipio de Sonsón, departamento de Antioquia.

Ómar Dorado Rentería, de la Asociación de Institutores de Caquetá, **AICA**, fue asesinado el 13 de agosto de 2005 en el municipio de Neiva, departamento del Huila.

Factor Antonio Durango, presidente de la Asociación Sindical de Coladores de Apuestas Permanentes y Loterías de Antioquia, **Ascaplan**, fue asesinado el 18 de agosto de 2005 en la ciudad de Medellín, departamento de Antioquia.

Jesús Adrián Sánchez Bedoya, afiliado al Sindicato de Maestros del Tolima, **Simatol**, fue asesinado el 18 de agosto de 2005 en el municipio de Chaparral, departamento del Tolima.

Robin Rodrigo Díaz Acosta, de la Asociación de Maestros de Córdoba, **Adsemacor**, fue asesinado el 19 de agosto de 2005 en el municipio de Puerto Libertador, departamento de Córdoba.

Domingo Orlando Cortes Quiñones, afiliado al Sindicato de Trabajadores del Magisterio de Nariño, **Simana**, fue asesinado el 20 de agosto de 2005 en el municipio de Tumaco, departamento de Nariño.

Manuel Antonio Flores, afiliado al Sindicato Nacional de Trabajadores de la Industria Agropecuaria, **Sintraingro**, fue asesinado el 20 de agosto de 2005 en el municipio de Barrancabermeja, departamento de Santander.

Luciano Romero Molina, afiliado al Sindicato Nacional de Trabajadores de la Industria de los Alimentos, **Sintrainal**, fue asesinado el 11 de sep-

tiembre de 2005 en el municipio de Valledupar, departamento del Cesar.

Luis Alfredo Corzo Sarmiento, de la Asociación de Educadores del Cesar, **Aducesar**, fue asesinado el 16 de septiembre de 2005 en el municipio de Valledupar, departamento del Cesar.

Jesús Olmedo Arango Ocampo, afiliado al Sindicato de Trabajadores de la Educación del Valle, **SUTEV**, fue asesinado el 21 de septiembre de 2005 en el municipio de Cali, departamento del Valle.

Napoleón Galván Cheveriche, afiliado al Sindicato de Educadores de Sucre, **SES**, fue asesinado el 22 de septiembre de 2005 en el municipio de San Onofre, departamento de Sucre.

Alejandro López Garcés, de la Asociación de Institutores de Antioquia, **ADIDA**, fue asesinado el 1 de octubre de 2005 en el municipio de Yarumal, departamento de Antioquia.

Pedro Pérez Orozco afiliado, a la Central Unitaria de Trabajadores, **CUT**, **subdirectiva Atlántico**, fue asesinado el 3 de octubre de 2005 en el municipio de Barranquilla, departamento del Atlántico.

Luis Ignacio Aristizábal Botero, de la Asociación Nacional de Funcionarios y Empleados de la Rama Judicial, **Asonal Judicial**, fue asesinado el 21 de octubre de 2005 en el municipio

de Medellín, departamento de Antioquia.

Martha Cecilia Gasca Claros, de la Asociación de Institutores del Caquetá, **AICA**, fue asesinada el 22 de octubre de 2005 en el municipio de Cartagena del Chaira, departamento de Caquetá.

Adriana Francisca Padilla Echeverría, afiliada al Sindicato de Educadores del Magdalena, **Edumag**, fue asesinada el 30 de octubre de 2005 en el municipio de Santamarta, departamento del Magdalena.

Eriel Ferro, afiliado al Sindicato Único de Trabajadores de la Educación del Valle, **SUTEV**, fue asesinado el 25 de noviembre de 2005 en el municipio de Cali, departamento del Valle.

Derly Cecilia Goyeneche García, de la Asociación Nacional de Trabajadores y Empleados de Hospitales, Clínicas, Consultorios y Entidades Dedicadas a Procurar la Salud de la Comunidad, **Anthoc**, fue asesinado el 9 de diciembre de 2005 en el municipio de Tame, departamento del Arauca.

Benjamín Araujo Montero, de la Asociación de Educadores de la Guajira, **Asodegua**, fue asesinado el 12 de diciembre de 2005 en el municipio de Riohacha.

Ángel Manuel Pérez Tobar, de la Asociación de Educadores del

Arauca, **Asedar**, fue asesinado el 14 de diciembre de 2005 en el municipio de Arauquita, departamento del Arauca.

Arturo Díaz García, afiliado al Sindicato de Trabajadores Agrarios del Tolima, **Sintragritol**, filial de Fensuagro, fue asesinado el 21 de di-

ciembre de 2005 en el municipio de Ibagué.

Nabonazar Antonio Ojeda Almanza, de la Asociación de Maestros de Córdoba, **Ademacor**, fue asesinado el 27 de diciembre de 2005 en el municipio de Montería, departamento de Córdoba.