

## Results of the battle against impunity in Colombia to December 2009

### IAPA Rapid Response Unit - Colombia

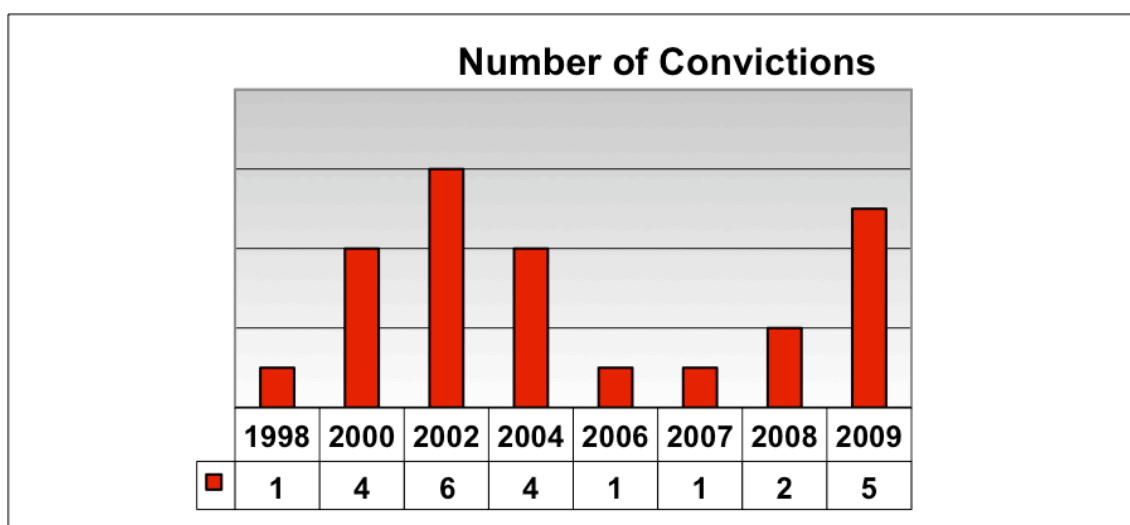
With five new convictions in 2009 the battle against impunity in crimes against journalists showed progress in Colombia as regards perpetrators of such crimes. These convictions undoubtedly are an achievement if one takes into account that in the last 10 years (1998-2008) there had been only 19 convictions in the cases of 59 journalists murdered for reasons to do with their work over the last 16 years.

#### Table No. 1. CONVICTIONS

Total of convictions: 24 in 15 cases

23 of them perpetrators

1 mastermind, not jailed



The five convictions made in 2009 were in the following cases: Flavio Bedoya Tovar, murdered on April 27, 2001. A paramilitary confessed to having killed the correspondent of the weekly newspaper Voz in Tumaco, Nariño province, and on October 2, 2009 Jorge Enrique Ríos Córdoba was found guilty of aggravated homicide as co-perpetrator and sentenced to 10 years in prison.

Another three convictions were handed down for the April 6, 2003 murder of José Emeterio Rivas. On January 13, 2009 convicted as co-perpetrators of the murder were Julio Cesar Ardila, former mayor of Barrancabermeja, former mayor's office secretary Fabio Pajón Lizcano and former provincial legislature candidate Abelardo Rueda Tobón, to 26 years and 8 months in prison.

In the case of journalist Elacio Murillo Mosquera, manager of the Canelete Stereo radio station in Istmina, Chocó province, convicted was Franklin Isnel Díaz, a.k.a. Juancho, as co-perpetrator, being found to have driven the motorcycle on which the hitman fled.

In the battle against impunity of note are other developments that would seem to be promising and these are the results of no less than 10 crime cases that have begun to be reactivated thanks to voluntary statements made by paramilitaries to public prosecutors from the Attorney General's Office's Justice and Peace Division, thanks to a suggestion of ours, taken up by

former prosecutor Mario Iguarán, to include the question of crimes against journalists in those inquiries.

The murders of Martín La Rotta, Luis Eduardo Alfonso, Jaime Rengifo Revero and Gustavo Ruiz Cantillo are on the point of being solved by that route.

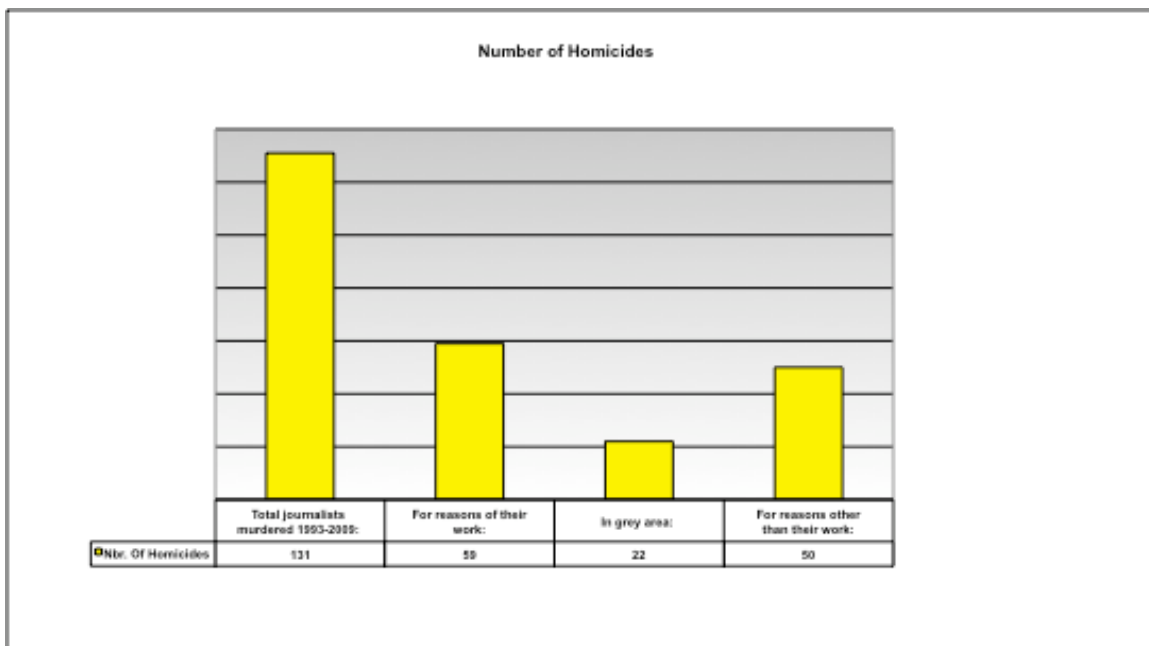
Also in the cases of the murder of the managing editor of La Patria newspaper, Orlando Sierra, killed on January 30, 2002, and that of Jaime Garzón, there have been developments. In the first case the Attorney General's Office asked the State Attorney to consider Caldas politicians as having been behind the murder during its investigation and in the second case the State Attorney called in for questioning a former official of the National Security Department (DAS) and opened an investigation into the possible participation of members of the Army in the murder.

These are, however, only a few things that point to an effective and probing investigation on the part of the State Attorney's Office that have led to positive outcomes in the courts, as the five convictions handed down last year only concern the murder of three journalists, with inquiries needing to continue in order to determine who masterminded the crimes, which continues to be the aspect in which impunity in Colombia is 100%. With the exception of the conviction of Carlos Castaño, head of the paramilitary movement Autodefensas Unidas de Colombia, now dead, as having been behind the murder of Jaime Garzón, there is no convicted mastermind in the country.

The possibility of identifying the masterminds in another two cases faded last year when a federal judge acquitted the alleged mastermind of the April 24, 2009 murder of journalist José Everardo Aguilar and in the case of Nelson Carvajal Carvajal, killed in Pitalito, Huila province, on April 16, 1998, the Attorney General's Office decided to stop investigating former Huila Legislature Speaker Carlos Augusto Rojas during the legal process.

In Colombia a total of 131 journalists were murdered between 1993 and 2009. The IAPA's Rapid Response Unit was able to establish that 59 of them were killed for reasons linked to their work as news men or women, 22 cases remain in a grey area due to the difficulty of determining the motives and the other 50 were killed for reasons other than to do with their work as journalists.

**Table No. 2: HOMICIDES**

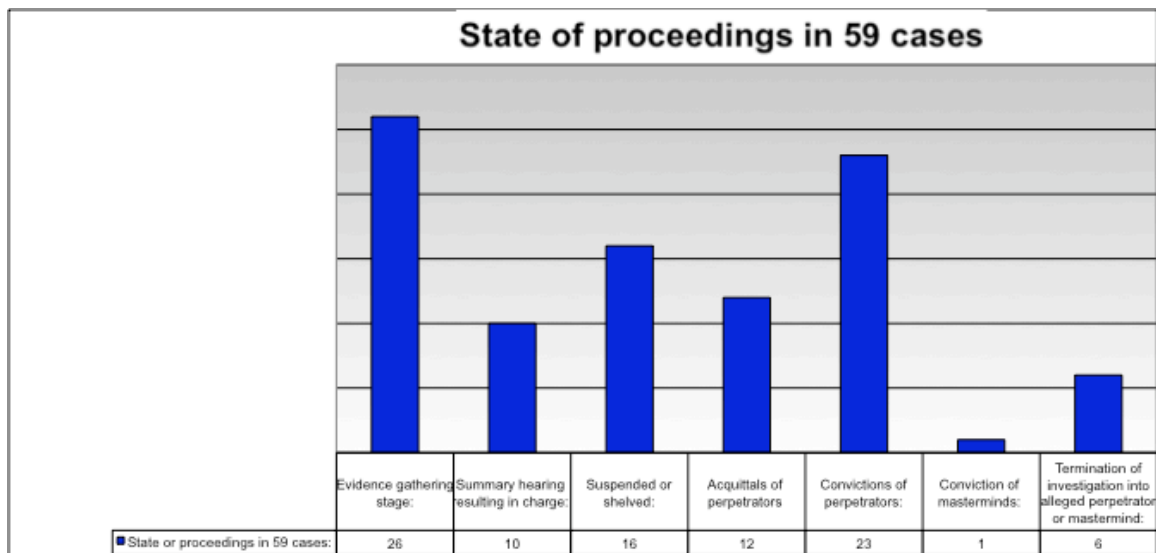


There are cases of the homicide of journalists in which there is not even any sign of a suspect. These are cases that have remained for more than 15 years at the same stage of preliminary investigation, such as those of Carlos Lajud Catalán (1993), Gerardo Bedoya (1995), Francisco Castro Menco (1997), Jairo Elías Márquez (1997) and Didier Aristizábal (1998), among others. Of the 59 cases 29 remain at that so-called preliminary stage.

A total of 16 of those 59 murders that we found had to do with the victims' work as journalists have been shelved or suspended. These are proceedings that are scattered among various public prosecutors offices around the country, which are not being dealt with by the Attorney General's Office's Human Rights Division in Bogotá and on which we have asked the National Public Prosecutors Offices Directorate for a determination, without result.

There have been 12 acquittals, meaning that 19.29% of the trials have ended with no one having been found guilty.

**Table No. 3: STATE OF LEGAL PROCEEDINGS IN THE 59 CASES**



**(they do not total 59, some may be at one stage and return to another when there is a break in continuity of the process)**

In 2009, the IAPA's Rapid Response Unit was able to determine that the legal process in the cases of murder of three journalists have been stalled for a year, with no kind of investigation on the part of the Colombian Attorney General's Office. These are the cases of Gerardo Bedoya, op-ed pages editor of the newspaper El País, murdered on March 20, 1997 in Cali, Valle del Cauca; Ernesto Acero Cadena, reporter with radio stations Todelar and Súper and the newspaper El Informador Socioeconómico in Quindío, killed on December 12, 1995 in Armenia, Quindio, and Alejandro Jaramillo Barbosa, editor of the newspaper El Caleño, murdered on October 24, 1997 in Pasto, Nariño.

In another six cases the latest legal action was being taken in the first four months of this year – January-April 2009 – with the results being unknown. They are the cases of Lajud Catalan, sports commentator for Emisoras ABC radio network, murdered on March 19, 1993 in Barranquilla. The investigation was suspended for three years, then reactivated at the request of the IAPA in October 2007. According to the State Attorney's Office involvement of officials of

the DIJIN (Investigative Police Directorate) has been requested, but no response has been received.

A similar thing has happened in other cases – neither has there been any progress in the case of Francisco Castro Mencho, a reporter with radio station Majagual, murdered on November 8, 1997 in Sucre province, while the same is happening with the case of Jairo Elías Márquez, editor of the magazine El Marqués, murdered in Armenia, Quindio, on March 20, 1997. The latest development reported in this case file is the death of former Congressman Carlos Alberto Oviedo Alfaro, at one time said to be the alleged mastermind of the murder.

*Still to be determined are the motives for 22 other murders committed during the same period (1993-2009) and what is more painful is the fact that it is not known if action is being taken concerning 43 murders committed between 1987 and 1992, whose cases do not even appear in the records of the Colombian Attorney General's Office.*

**Convictions in Colombia to DECEMBER 2009**  
**23 perpetrators, 1 mastermind. Total: 24**

**Case: Freddy Elles Ahumada**

Edgar Antonio Mattos- **40 years**

**In 1998 by court in Cartagena**

**Case: Elsa Alvarado and Mario Calderón**

Juan Carlos Gonzáles Jaramillo- **60 years**

Walter Josué Álvarez Rivera- **55 years**

Vanderley Vargas García- **55 months**

Gabriel Jaime Álvarez Paniagua- **20 months**

**On November 21, 2000 by Bogotá Specialist Court**

**Case: Bernanbé Cortés**

Julio Cesar Ospina Chavarro- **40 years**

**On May 2, 2002, by Cali First Circuit Court**

**Case: Amparo Leonor Jiménez**

Libardo Prada Bayona- **37 years**

**In 2002, sentenced by Valledupar High Court**

**Case: Luis Alberto Rincón and Alberto Sánchez**

**Orlando Sánchez- 19 years**

**Gregorio Castillo Castilla- 19 years**

**On July 26, 2002, convictions by Bucaramanga Specialist Courts**

**Case: Guzmán Quintero Torres**

**Jorge Eliécer Espinel Velásquez- 39 years and 3 months**

**Rodolfo Nelson Rosado- 39 years and 3 months**

**On March 13, 2002, convictions by Valledupar High Court**

**Case: Orlando Sierra**

**Luis Fernando Soto Zapata- sentenced to 19 years and 6 months. Served 67 months (five years)**

**Francisco Antonio Quintero**

**Luis Arlet Ortiz**

**On May 8, 2002 and in November 2004**

**Convictions by Manizales Circuit Criminal Court**

**Case: Jaime Garzón**

**A mastermind was convicted**

**Carlos Castaño- served not one day. He died that same year**

**On March 10, 2004. Bogotá Seventh Specialist Court**

**Case: William Soto Cheng**

**Miguel Angel Garcés- number of years being checked**

**In 2006**

**Case: Efraín Varela for justice and peace**

**Andrés Dario Cervantes- 13 years and 5 months**

**In 2007**

**Case: José Emeterio Rivas:**

Julio Cesar Ardila - **28 years and 4 months**

Fabio Pajón Lizcano

Abelardo Rueda Tobón

**In January 2009, Bucaramanga First Court**

Wolman Said Sepúlveda- **26 years and 8 months**

Pablo Emilio Dodino- **26 years and 8 months**

**In December 2008**

**Case: Elacio Murillo Mosquera**

Franklin Isnel Diaz Mosquera- **408 months (34 years)**

**On January 9, 2009, by the Quibdo Specialist Court**

**Case: Flavio Bedoya Sarria**

Jorge Enrique Ríos Córdoba- 10 years

**On October 2, 2009**

\*Shown are the principal sentences handed down. There could have been sentence reductions and other legal entitlements. And yet to be resolved is whether they have served their sentence or have already left prison.

