



Senator Russ Feingold (D) of Wisconsin welcomes Senator Gustavo Petro (Polo Democrático) from Colombia, at CSN's request (Picture by Adam Isacson from the Center for International Policy)  
See more information on Senator Petro's visit on page 5

# Law of Justice and Peace

by Mark Becker

Polo Democrático leader Clara López succinctly defined the Law of Justice and Peace in the last issue of this newsletter as a “controversial legislation [that] offers reduced sentences of a maximum of 8 years to paramilitary commanders in exchange for full confessions and reparation of victims.” To say that it is controversial is a bit of an understatement, as deep divisions run through Colombian society in terms of the intent and usefulness of this law that president Álvaro Uribe promulgated two years ago.

As perhaps with most issues in Colombia, opinions over the law cannot easily be broken into two opposing camps. Nevertheless, in talking to a wide variety of Colombians in March 2007, two dramatically polarized perspectives (with significant variations) on the legislation emerged.

Jenny Claudia Almeida, a lawyer with the justice and peace section of the ATTORNEY GENERAL'S office in Bogotá, painted a picture of a 40-year conflict in Colombia

*continued on following page*

## Law of Justice and peace continued

as a result of drug trafficking, with the paramilitary forming as a conservative reaction to left-wing guerrillas. The Law of Justice and Peace was Uribe's attempt to find a political solution to the country's conflict. Almeida emphasized that the law comes out of the will of the paramilitary to accept the law. Their punishment is relatively light, but in exchange they must leave their armed group, come completely clean on their actions, and turn over their property. The attorney general's office is constructing a massive database to document and verify paramilitary actions, and to cross check

depiction of this law. Rather than rooting Colombia's conflict in drug trafficking, which he noted is a recent phenomenon, Ramírez traced the violence back to the Spanish conquest 500 years ago. A new cycle of conflict emerged in the 1940s (long before the emergence of drug trafficking in the 1970s and 1980s) with a consolidation of the dominant culture that excluded popular sectors, leading to the emergence of guerrilla groups to defend peasant interests. Paramilitaries emerged in the 1960's not as a third armed actor, but as an integral part of state structures. Financed by drug



Artist Brigida Gonzalez donates one of her paintings to CSN. Board Member Eunice Gibson receives the gift.

stories. Investigating these cases was like taking the lid off of a pot, as increasingly more information came out. Almeida was very professional but also passionately committed to her work, stating that she was personally tired of death and violence and that the compromises of this law were worth it to bring peace to Colombia.

Luis Jairo Ramírez, Executive Director of the Permanent Committee for the Defense of Human Rights (CPDH), painted an almost polar opposite

trafficking, land owners, elite economic interests, and multinational corporations, the paramilitaries engaged into a dirty war. Paramilitary leaders claimed that they would disappear when the guerrillas did, but the recent history of guerrilla demobilization with the paramilitaries still in action casts doubt that this was ever the objective. Rather, paramilitary actions led to an

extreme concentration of land ownership that in reality was a reverse agrarian reform. Furthermore, the paramilitary goal was to liquidate civilian opposition, with a particular genocidal focus on union leaders. Ramírez painted the Law of Justice and Peace as a sham, as a law of impunity, as an amnesty to forgive crimes without requiring any serious punishment, reparations, or structural changes. Furthermore, it was a misnomer to label this a peace process because peace is negotiated between adversaries and not among friends, as was the case with Uribe

and the paramilitary that never attacked his government or economic interests. Ramírez called for a true peace agreement not so that everything stays the same, but so that things change.

Broadly, most people we met with could be grouped in one of these two groups, but often with significant twists on the law.

Antioquia's human rights director, Rocío Pineda, emphasized that her province had been at the forefront of the war, and now with this law it was taking a leading role in bringing peace to the country. Her sympathies with the conservative Uribe presidency were clear, and she seemed to be positioned to whitewash the crimes of the paramilitary violence. Lt. Colonel Hector Miguel Cruz Rocha of the National Police in Apartado proclaimed the effectiveness of the law, and noted that the only problem was demobilized paramilitaries who turned to common criminal activities. In contrast, Apartado Mayor José Phidalgo Banquero Zapata acknowledged intrafraternal violence among paramilitary groups, but claimed that the principal source of lingering problems were guerrillas who had not demobilized. Colonel Jorge Arturo Salgado Restrepo, second in command of the 17th army brigade in Apartado, however, painted Colombia as living in a post-conflict period in which the guerrillas had been defeated.

Those with a sophisticated view of Colombian history, including Colonel Salgado, acknowledged previous problems but emphasized the importance of the military's human rights work and success in pressing for a more integrated approach to working with rural communities. Similarly, Ministry of Defense

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CSN supports a nonviolent, negotiated resolution to the conflict in Colombia.

CSN is the only current project of Wisconsin Interfaith Committee on Latin America

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## Becker continued

Viceminister Sergio Jaramillo urged people to let the justice system do its work. From his point of view, the Law of Justice and Peace was not perfect but the government was going in the right direction and with time things would improve.

In contrast, lawyers at the Corporación Justicia Libertad strongly criticized the Justice and Peace Law for ignoring the rights of victims and providing no mechanisms for reparations or confessions. Paramilitary leaders often only acknowledge acts of complicity by military soldiers who are already dead, and continue to maintain that their victims were guerrillas. The demobilization is a sham; the structures are the same but only the name of the organization has changed to Aguilas Negras. In contrast, the lawyers have launched a campaign to accompany victims of the violence and to bring truth to light. They call their campaign “Memories against silence and impunity: Never again crimes of the state.” These lawyers see the military’s human rights language as pure rhetoric, nothing more. If there appears to be a drop in homicides it is not because this law is working, but rather than when the paramilitaries gain hegemony in a region they commit fewer crimes in order to project an image of peace and harmony.

Birgit Gerstenberg from the United Nations High Commission for Human Rights reports that “The right to life was affected by the persistence of murders, with the characteristics of extrajudicial executions, attributed to members of the security forces, particularly the army.” The number of human rights violations increased from 2005 to 2006, with Indigenous and Afro-Colombian communities, social leaders, human rights defenders, peasants, women, children, labor union members, journalists, and

displaced persons particularly affected. “High levels of impunity persist,” she reports. Gerstenberg acknowledged that NGOs were not very confident in the attorney general’s office to solve these problems, and she also noted failings and shortcomings of the Law of Justice and Peace. They are dealing with more than 10,000 cases, which is perhaps ten times the number that they can handle. Nevertheless, she personally expressed

***Colombia is torn by long patterns of social, political, and economic exclusion. Or, rather, class conflicts become racialized as white elites use repressive apparatuses such as police, military, and paramilitary forces to subjugate marginalized peasant, Indigenous, and Afro-Colombian peoples. Simply creating a unified ‘Colombian’ national identity would fail to address these underlying exclusionary systems of domination.***

faith in the attorney general’s office to pursue this process, even though it will take a long time. Truth, Gerstenberg said, is the most important goal.

But is Truth sufficient to overcome centuries of conflict? What will it take to bring peace to Colombia?

Rwanda, site in 1994 of one of the worst genocides in human history, has largely moved beyond artificial colonial divisions into Hutu and Tutsi ethnic populations that fueled the bloody conflict. Similar to Rwanda, Sami Rasouli from the Muslim Peacemaker Teams suggests that previously Iraqis did not have strong Sunni or Shiite ethnic identities, but that imperial interests created those identities in order to stir up a civil war. Re-creating a unified Iraqi identity would help bring healing to the land. Can the Law of Justice and Peace, as conservatives in Colombia hope, similarly

bring peace to that country?

Arguably, to suggest so is to misunderstand fundamental differences between the conflicts. Rather than an ethnic conflict, Colombia is torn by long patterns of social, political, and economic exclusion. Or, rather, class conflicts become racialized as white elites use repressive apparatuses such as police, military, and paramilitary forces to subjugate marginalized peasant, Indigenous, and Afro-Colombian peoples. Simply creating a unified ‘Colombian’ national identity would fail to address these underlying exclusionary systems of domination.

When the high level of criminal activity in Rwanda overwhelmed the courts’ ability to process the cases, the country turned to traditional justice systems (gacaca courts). Likewise, as Gerstenberg notes, paramilitary activities vastly exceed the Colombian judicial system’s ability to prosecute the crimes. Furthermore, as López noted in the last issue of this newsletter, paramilitary leader Salvatore Mancuso has not confessed even 5 percent of his criminal activities. Unlike Rwanda, however, Colombia does not have an alternative traditional justice system that could help with the backlog. In the face of this reality, the Law of Justice and Peace becomes increasingly ineffective.

For activists who hold dear such concepts as peace, justice, and human rights, the language of this law and its adherents is particularly onerous as it exploits language of the left to reinforce the exclusionary and exploitative agenda of elite conservatives. Rather than applauding the law as an avenue to peace, solidarity activists need to work to reveal it for the sham that it is.

**Marc Becker** is a Latin American historian and active with Community Action on Latin America (CALA) in Madison, Wisconsin. Mr. Becker teaches at Truman University in Missouri and is a CSN member participating in a March 2007 CSN delegation to San José de Apartado.

# Reflection on Our CSN Trip to San Jose de Apartado

by Trudi Jenny

I was scared. What if we were kidnapped? What if there was a massacre in the community while we were there? Was I willing to give my life to share some time with the Peace Community? Not really! My life passed before me and I thought about how much I wanted to watch my grandsons become young men, go to college, marry and have children of their own. What a test this was of how far I was willing to go to be an ambassador for peace.

The fear subsided when Jack, Eunice and John came to pick me up early Saturday morning as we began our journey from Madison to Chicago's O'Hare Airport and on to Apartado. There was great security in being with people who had been there many times before (and come back alive)! So I settled in to an adventure that will stay with me forever.

We arrived in Medellin around 9:00 pm after a long day of travel. Delays in the crowded airport due to Jack's luggage being lost, being immersed in a foreign tongue and riding through dark, circuitous hills in a taxi brought back my fears. What a perfect opportunity for a kidnapping! Thank goodness Cecilia was there to dissuade my fears and open my eyes to the beauty of Medellin as seen from the surrounding hillsides at night. There is nothing I enjoy more than seeing city lights from distant heights—it reminded me of so many nights doing just that in my hometown of Pittsburgh.

We arrived at a landmark hotel, ready for a comfortable bed after a long day of travel. We rose with the sun the next morning to make it to the airport for our flight to Apartado. We navigated the security checks, made the short flight



Jack Laun hands the check from the Freeze for Food race to Anibal Durango, Treasurer of the Peace Community.

without incident, and arrived at a hotel that reminded me of Europe with the lobby on the second floor and no elevator. Our rooms were simple but comfortable—even air-conditioned! After settling in, we took a short walk to a very nice small restaurant with brightly colored tablecloths and paintings on the walls. We discussed plans for the day and found that we would not be able to go directly to the Peace Community because a pregnant woman in one of the communities in the hills surrounding San Jose was hemorrhaging and she needed the help of the community leaders to be taken by horseback to the clinic. So we spent the early afternoon talking with members of the Peace Brigade who had just spent 2 weeks at San Josecito accompanying the community leaders on any travels they made outside the immediate area. I so admired their courage and commitment to peacemaking.

By 4:00, the pregnant woman had

arrived at the clinic and was being cared for, so we were able to leave for the Community. The road had been repaired so the 8-mile ride only took about 20 minutes—much improved over previous CSN delegations' experience on the muddy, rugged road. Our van parked at the entrance to the community. We saw wood-slat homes with thatched roofs and flower pots built on bare ground, girls doing laundry using water from the plastic rain barrels, beautiful children playing and gathering round to see their pictures in our digital cameras, and turkeys, pigs and horses roaming around. Members of the community greeted us as we walked to the open air thatch roof building where we were to meet several times during our visit.

We gathered with community leaders and listened to stories of life-threatening experiences. We took notes, we walked the community, we shared meals, and we asked the community council for

questions to raise with all the governmental agencies we were planning to visit. It was emotional, intense, eye-opening and awe-inspiring.

There are many memorable moments and stories but one that sticks with me is a question that Marc raised of Brigida. Marc's question to the elder and only woman on the community council: "When my family was given the choice to remain in their community under unfavorable conditions, they left. Why do you stay here?" Brigida responded, "Because this is where my ancestors come from and it is where we belong."

Brigida is grounded in this place and with these people and she firmly believes in nonviolent resistance. Her paintings tell the stories of the massacres. She teaches the children to tell their stories through their paintings. Her words ring in my ears: "We live by our principles." Indeed they do!

When we visited, members of the community were making a banner for the 10<sup>th</sup> anniversary, listing all the members of the community, living and dead. They were also building a memorial for all who were killed at the hands of the military. They had painted stones with the names of the dead on them and were placing them in a semi-circle next to a tree.

Brigida explains: "He who loses memory is condemned to repeat the action." She explained the symbolism of the memorial. Stones remain forever and new life springs forth from the tree.

Brigida and the other community leaders witness to their beliefs in nonviolent resistance every moment of every day of their lives. They are

constantly on guard against the threat of massacres of their loved ones, they are continually challenged to find ways to bring their crops to market so they can feed and educate their children, they are hardened to a government that hears their testimonies but does not prosecute those responsible, and yet they are unwavering in their beliefs that violence begets violence.

How inconsequential my fears in light of what the members of the Peace

*We gathered with community leaders and listened to stories of life-threatening experiences. We took notes, we walked the community, we shared meals, ... It was emotional, intense, eye-opening and awe-inspiring.*

Community face every day! How fortunate I am to move about freely without fearing for my life! How many people in this world struggle with the threat of annihilation every day? And how many of those can rise above that fear because of the strength of their beliefs?

Mohandas Gandhi says it best:

"Policies may and do change.

Nonviolence is an unchangeable creed. It has to be pursued in face of violence raging around you."

"Strength does not come from physical capacity. It comes from an indomitable will."

For more on the history of the Peace Community of San Jose de Apartado, visit the Colombia Support Network website.

**Trudi Jenny**—CSN delegation member

two members of the Congressional Staff for the Senate Foreign Relations Committee, one of whom, Jennifer Stark, hails from Madison. We were accompanied by Gerardo Cajamarca, whom CSN arranged to bring to this country when his life was threatened by paramilitaries in Colombia a few years ago, who represented the United Steelworkers Union, one other Steelworkers representative, Adam Isacson of the Center for International Policy, and New York CSN member Julian Monroy.

Senator Petro recommended to those with whom we met that Congress shift expenditures from military funding and fumigation of the coca crop to support for the Colombian Supreme Court and Attorney General Iguaran's Office, as these institutions investigate and prosecute cases involving links between paramilitaries and politicians and Uribe government office-holders, and give long-overdue attention to massacres, forced disappearances and other abuses by Colombian state security forces. We also explained our opposition to the proposed free trade agreement (FTA), as Senator Petro pointed out that the principal beneficiaries of the FTA would be the drug-trafficking paramilitaries who have forced peasants, indigenous and Afro-Colombians off their lands and have the extensive lands and the wealth needed to undertake the growing and marketing of export crops, such as African palm, which require several years and lots of land to develop. We also reminded the Members of Congress of the damage caused by fumigation.

We also assisted Senator Petro in obtaining an appointment with OAS Secretary General Insulza, through the kind efforts of a friend of his from Chile, Professor Jose Zalaquett. Senator Petro asked for an OAS delegation of observers for the October elections in Colombia of mayors and city councilmen, and he received a promising response from Dr. Insulza.

We received a very cordial welcome and those we met with listened attentively to what we were saying. We helped to provide the basis for Congress's rejection of the FTA with Colombia and the reduction in military aid which Congress has proposed. We will need to follow up with the folks we met with, and hopefully expand the contacts with additional Members of Congress and their staffs through our CSN chapters.

\*It is referring to Kedahda, an Anglo-Gold Ashanti company that wants to evict the peasants and to take the land where they live which is over the gold mine.

## Report on visit to Congress by Jack Laun

In an effort to acquaint members of the new Democratic Party majority in Congress with current realities in Colombia, we at the CSN office in Madison set up appointments for Senator Gustavo Petro of the Polo Democratico with Members of Congress. I then traveled to Washington in March to accompany him in meetings with Members of Congress and their

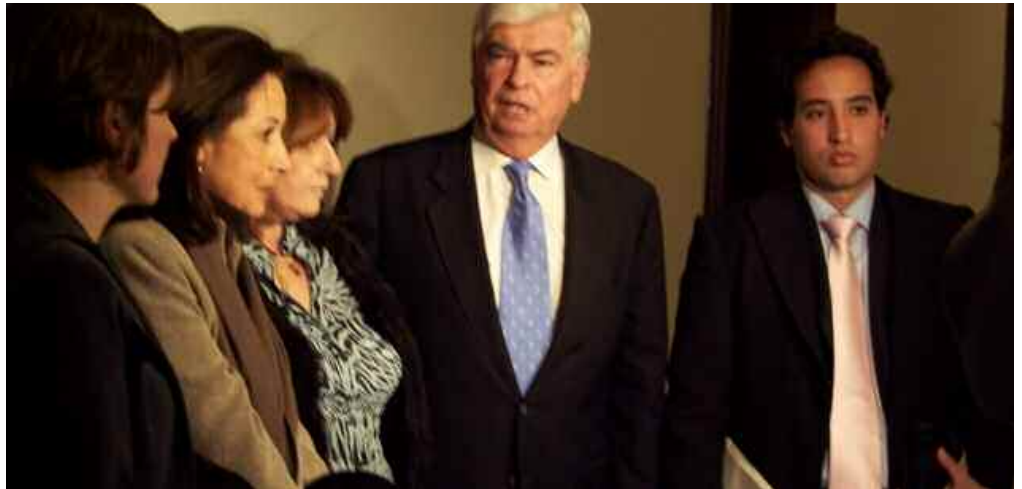
staffs. We met with Will Painter of Appropriations Committee Chairman David Obey's office; Senator Russell Feingold and two of his staff assistants, Erin Meade and Emily Plagman; and Congresswoman Tammy Baldwin of the Wisconsin Congressional delegation. We also met with a representative of Senator Edward Kennedy's office and with

# Statements by Jo Rosano

Although CSN rejects the use of mercenary forces by the US Government and strongly rejects the taking of hostages by the FARC. For humanitarian reasons CSN publishes Jo Rosano's statements in order to get our readers to understand the tragedy of kidnappings.

For over 4 years I have been living in a nightmare world that I can't seem to wake up from. I have tried all avenues in getting the U.S. attention toward the political hostages of Colombia. No one seems to care that human beings are being held against their will without having committed a crime. I being the mother of American hostage Marc Gonsalves, am shunned by the U.S. government and the company my son worked for, Northrop Grumman. For Simon Trinidad's first trial I was visited at my home both by the U.S Federal Public Defender and the U.S. Attorney General's office. They wanted me to go to the trial. The prosecutor wanted a grieving mother there for the jury's benefit. I went knowing that I was being used, but they did not know that I was using them. Yes, I sat in the courtroom crying and yes the jury looked at the grieving mother. I was told by the FBI Crisis Negotiators not to give any interviews until a certain time and they wrote the scripts for me. I had FBI agents around me at all times. Not only was I being watched by the FBI, but also by the media. Through this experience I was able to do many, many Colombian interviews to my son Marc and his colleagues, the other hostages and hostage family members. The U.S has given the Uribe regime over five billion dollars. How dare you??? You have three Americans being held as hostages and you're paying Uribe for that??? God Bless America, NO, God Help America. Already, I've been told by a government person that if something happens to my son, I will not be notified. Hey wake up America, a mother will always be a mother, there is no greater love than a mother's love. I have absolutely no faith or trust in this U.S. government. I ask this country to help the people of Colombia, stop giving money to slaughter the people of Colombia. Help them, help free the hostages, they are not animals. The

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Senator Chris Dodd (D-Connecticut) receives Jo Rosano (next to the Senator) and Yolanda Pulecio, mother of presidential candidate Ingrid Betancur.

hostages have every right to freedom as you and I do.

July 10, 2007

My son Marc Gonsalves and his colleagues Thomas Howes and Keith Stansall have been hostages of the FARC since their plane crash on February 12, 2003 right over the FARC territory. There was four Americans and one Colombian on board the plane. One American and the Colombian sergeant were executed by the FARC. Since then they have been held hostage in Colombia. The men were eradicating drugs.

I knew nothing about Colombia or about the hostages being held in Colombia. My quest started out in getting the safe release of Marc, Tom and Keith. Soon after I learned about the many hostages being held in Colombia, human being held against their will who had committed no crime, but a crime committed against them.

On Friday June 6 through the generosity of Northrop Grumman, the company my son works for, I had the honor of meeting with Jhon Pinchao. Jhon is such a wonderful young man. He enlightened me on the hostages daily routine, but mostly on how Marc is making the best of this horrible situation. He told me of the stories Marc would tell about his youth and that Marc joked around a lot. He was good friends, Jhon says, with one of the guards and would

play pranks on him. Jhon said that at times the hostages would have boiled fish and Marc didn't like it so he would give it away. Jhon said that Marc is thin, but has muscle as they are allowed to exercise or read during their free time. One time Marc had seen an article with my picture in the newspaper and he went around the camp saying, "that's my Mom, that's my Mom." Jhon said that Marc is very proud of me. That the hostages and the FARC know who I am. Marc has grown spiritually and reads the Bible. Marc now speaks Spanish. I asked if the river they bathe in is dirty. Jhon said that the water is so clean that sometimes they didn't want to get into and get the water dirty. Jhon and I connected right away. I told him I was going to take him home with me. Being a hostage for eight and a half years, Jhon looked very good. Mentally, emotionally he was extremely well. I was even surprised that living in the jungles for so long his teeth are super white.

I say this, yes, my son is a hostage, but the FARC is taking care of the hostages. Their medical needs are being met. When Uribe goes in after the hostages, the FARC moves them, of which I am thankful. Enough deaths have occurred through military rescue. That is why I have thanked the FARC for moving the hostages around. In this way the hostages are not killed in the crossfire. My belief is Uribe won't be happy until they're all dead.

Jo Rosano—Proud Mother of Marc Gonsalves

# An Inconvenient Question

**CSN drafted a letter with 100 signatures sent to Attorney General Iguaran supporting him on re-opening this case.**

*Alejandra Rodriguez is the daughter of Carlos Augusto Rodriguez, who was the administrator of the cafeteria of the Palace of Justice, from which he was "disappeared" during government forces' retaking of the building from M-19 guerrillas on November 6, 1985. The M-19 commandos had taken over the building with the idea of having a discussion with President Belisario Betancur, whom they believed had gone back on his word in peace discussions with the M-19. The Colombian armed forces attacked the building with tremendous force, even sending a tank up the steps of the Palace of Justice and inside to attack the M-19 forces. All of the M-19 members were killed in the fight and its aftermath. And non-combatants in the building, including most of the members of the Supreme Court, were also killed or "disappeared".*

*Alejandra was only one month and six days old at the time. She rightly claims the moral authority to speak out about forced disappearances on the part of the State at that time and also today.]*

She writes, "In the holocaust and crime committed mostly by the armed forces, a partial recognition of responsibility of the State has been given. However, for more than two decades this deed has enjoyed total impunity, and never has the responsibility both political and military been recognized by naming those persons responsible. These are the intellectual and material authors of the crimes who do not permit that the truth be known. The censorship and cover-up by the communications media was ordered by Noemi Sanin, who at the time was the Minister of Communications. She gave the order to transmit a soccer game, rather than broadcast the urgent message of the President of the Supreme Court, Alfonso Reyes Echandia, who sought a ceasefire."

On July 4, 2007 Alejandra confronted

Noemi Sanin, now Colombia's Ambassador to Spain, at a public forum on "Myths and Realities of the Colombian Conflict", held in the Casa de America in Madrid. After Ambassador Sanin had in her remarks painted a rosy picture of President Alvaro Uribe's government and after a couple of other persons in attendance had asked questions, Alejandra addressed the Ambassador, as follows:

"Good afternoon, Ms. Ambassador. I am Alejandra Rodriguez, the daughter of one of the twelve employees of the cafeteria of the Palace of Justice who was disappeared during the military operations against the take-over by the M-19 in 1985. When my father disappeared I was only one month old and I want to know, since you have spoken to us about confidence, transparency and publicity, why as Minister of Communications at the time did you order the suspension of the televised transmission of the take-over and the programming in its place of a soccer match?"

Ms. Sanin replied as follows: "Alejandra, you were just a baby and I do not know what they may have told you. But it is true that I ordered the suspension of the transmission of the take-over because we knew that another commando unit of the M-19 had kidnapped a truck distributing milk in a town near Bogota and was giving the milk out to the people. That led us to think that it was best to control the information, because we feared that the situation would degenerate into a popular revolt similar to that of April 9, 1948, when the center of Bogota was destroyed as a response to the assassination of Jorge Eliecer Gaitan. In addition, the communications media were irresponsibly transmitting the take-over as if it were a soccer match. So it seemed to us it would be best for them to transmit a real soccer match."

The Ambassador's remarks provoked a vigorous response, as people called out "How shameful!", "Cynical!" and "Assassins!" Frightened, the Ambassador said she had another commitment and left.

Alejandra has now formulated the following question for Ambassador Sanin: "I would like to know, Ms. Ambassador, if you are disposed to recognize the truth and your responsibility before the victims and publicly. Are you disposed to collaborate and support us through the reopening of the case? Will you help us answer the question 'Where is my father and where are the 11 other persons disappeared by the military forces of the State?'"

## The Colombia Support Network *Action on Colombia*

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