

# AMNESTY INTERNATIONAL PRESS RELEASE

AI Index: AMR 23/004/2005 (Public)  
News Service No: 070  
23 March 2005

## **Colombia: Justice is the only way forward for the Peace Community of San José de Apartadó**

The Colombian government must concentrate its efforts in creating the conditions for the truth to emerge around the killing of eight members of the Peace Community of San José de Apartadó, Antioquia Department, on 21 February and the over 150 other killings and "disappearances" of community members in the last eight years, said Amnesty International in response to recent declarations made by President Alvaro Uribe, in which he accused community leaders of collaborating with guerrilla groups.

On 20 March, President Uribe accused some San José de Apartadó Peace Community leaders of being auxiliaries of the guerrilla group, Revolutionary Armed Forces of Colombia, Fuerzas Armadas Revolucionarias de Colombia (FARC), and of seeking to obstruct justice. He also said the army should enter the community within 20 days.

"Accusing members of the Peace Community of collaborating with guerrilla groups places the community at greater risk of attacks from army-backed paramilitaries. These statements, as well as comments made by the Minister of Defence denying army responsibility in the February massacre, also raise concerns that a full and impartial investigation into the massacre could be seriously compromised," Amnesty International said.

An eyewitness said that the perpetrators of the massacre identified themselves as members of the Colombian army. According to other witnesses, following the killings soldiers told local inhabitants that if the killings had not become public knowledge, they would have killed more civilians and that the eight victims were "dead guerrillas" ("puro guerrillero muerto").

"It is urgent that full and impartial investigations are undertaken to uncover the identity of the perpetrators of this massacre and whether the Colombian army was involved. This is particularly important in light of the fact that military operations had been in progress in the San José de Apartadó area for several days before the killings."

Any criminal investigations must be carried out exclusively by the civilian justice system, and not by the military justice system which has repeatedly failed to bring to justice members of the armed forces implicated in serious human rights violations even where prima facie evidence is strong. Only two people are in detention for the more than 150 killings committed over the last eight years by all parties to the conflict, but mainly by army-backed paramilitaries. The investigations must also include measures to guarantee the safety of witnesses who testify to the judicial authorities.

President Uribe's claim that the Peace Community has failed to collaborate with the justice system ignores the fact that the community has maintained a continuous dialogue with Colombian governments on issues relating to the community's safety and to ensure full and impartial investigations into repeated killings and "disappearances".

The present administration has repeatedly rejected the right of civilians to stand aside from the conflict and has actively sought to involve the civilian population further into the conflict. This threatens to expose civilian communities to attacks by guerrilla forces, which have repeatedly failed to uphold international humanitarian law which states that parties to an armed conflict must distinguish between combatants and civilians.

"The only way to guarantee the long-term protection of the inhabitants of the Peace Community of San José de Apartadó is to end the impunity that has protected those responsible for human rights violations and abuses against its inhabitants."

### **Background Information**

Over its eight years of existence the Peace Community of San José de Apartadó has repeatedly insisted that the parties to the conflict respect its right as civilians not to be drawn into the hostilities. To this end, it has insisted that combatants remain outside its areas of habitation and agriculture. In response, the security forces and senior government and state officials have accused the community of subversion. For its part, the FARC has interpreted the community's refusal to collaborate with it as a form of collaboration with its enemies.

Civilians in conflict zones have increasingly been drawn into the conflict against their will as both guerrillas and government forces and their paramilitary auxiliaries demand their support and collaboration. Giving support to one side in the hostilities, however unwillingly, is frequently followed by reprisals from the other side. To ensure that they can stand aside from the conflict some communities have organized themselves in recent years to demand that the parties to the conflict respect their right not to take sides and their right to life as civilians.

Some of these communities have declared themselves Peace Communities by pledging not to bear arms or to provide information or logistical support to either side in the conflict. In return they demand that the parties to the conflict do not enter the boundaries of their communities, and to respect their right to life, their status as civilians and their decision not to participate or collaborate with any of the parties to the conflict.

In 2000, the government agreed to create a Special Judicial Investigation Commission to investigate the killing and "disappearance" of members of the Peace Community and to ensure that those responsible were brought to justice, but little progress has been made. Witnesses who provided testimony to the Commission have themselves been victim to serious human rights violations or intimidation by the security forces, whilst others who have denounced human rights violations have been subjected to intimidation.

On 15 April 2004, the Constitutional Court accepted a writ of protection of fundamental rights (acción de tutela) on behalf of the Peace Community. The Court called on the Colombian State to guarantee the security of the Peace Community in line with the Inter-American Court of Human Rights' resolution for Provisional Protection measures issued in 2000 and reiterated in 2004. This states that the Colombian state must take into account the position of the community in implementing the provisional measures.

Amnesty International is calling on the Colombian government to fully respect the terms of the provisional measures issued by the Inter-American Court of Human Rights and to ensure, in line with these, that the Colombian authorities do not take measures which may drag the inhabitants of the Peace Community further into the conflict.

In 2004, the Inter-American Court of Human Rights called on the Colombian government to: "[to] require the State of Colombia de adopt, forthwith, any measures as may be necessary to guarantee that the people benefited with these measures may continue living in the usual place of residence." And "[to] require the State of Colombia to allow the participation of the petitioners in planning and implementing [provisional security] measures."

The decision to issue provisional measures on behalf of the Peace Community by the Inter-American Court of Human Rights followed representations made to it by the Inter-American Commission on Human Rights on 3 October 2000 to the effect that the Peace Community's demand that combatants remain outside their areas of habitation be respected: "That the protective measures be mutually agreed by the State and the Community members and the petitioners. In the sense, and in order to guarantee its effectiveness and relevance, it is necessary to consider the compatibility of the offered guarantee measures with the nature of the experience of the Community of Peace, because the personal and armed protection of these people may endanger the principles of collective neutrality and humanitarian area that inform their own existence and generate violent responses by the armed actors in the region."

In a statement issued on 22 March, the Office in Colombia of the UN High Commissioner for Human Rights called on the Colombian State to adopt all the necessary measures to protect the members of the Peace Community of San José de Apartadó, in accordance with the provisional measures issued by the Inter-American Court of Human Rights.

#### Public Document

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