

Update on the Massacre in San José de Apartadó, Colombia

On February 21-22, 2005 eight people, including three children, were killed in the district of San Jose de Apartadó, Colombia. One of the adults killed was an important leader of the Peace Community of San José de Apartadó, which eight years ago declared itself neutral in the Colombian conflict. What follows is a summary of events pieced together from press, statements by the Peace Community, and organizations and individuals working with the region's civilian population. The facts are not fully known yet and must be examined carefully. A thorough, transparent investigation of the massacre as well as protection for Peace Community members, in consultation with the community, are both imperative.

What occurred on February 21-22:

According to the Peace Community and the Corporation for Judicial Liberty (CJL), a Colombian human rights organization working with the Peace Community, an eyewitness confirmed that uniformed soldiers detained Luis Eduardo Guerra, his son Deiner, and his partner Deyanira Areiza near the Mulatos River on February 21. They were not seen alive again. On February 22, near the farm of Alfonso Bolivar in the settlement of La Resbalozza, the bodies of Alfonso Bolivar, Sandra Milena Muñoz, and their children Natalia Andrea Tuberquia, 6 years old, and Santiago Tuberquia Muñoz, 18 months old were found. The body of another adult, Alejandro Pérez, was found together with the remains of the Tuberquia family.

On February 25, a verification commission of more than 100 members of the Peace Community of San José de Apartadó traveled to the massacre site of Alfonso and Sandra's family. The bodies of the adults had been mutilated and disemboweled. The group also found, at a second site, the body of Luis Eduardo, which showed signs of torture, and the dismembered bodies of Deyanira and Deiner. The group was accompanied by Fellowship of Reconciliation (FOR-USA), Peace Brigades International (PBI), and Concern America. FOR and PBI both have teams of human rights observers accompanying the Peace Community of San José de Apartadó. Concern America staff works on health programs in the Urabá region, where the Peace Community is located.

Luis Eduardo Guerra represented the Peace Community of San José de Apartadó, which he co-founded in 1997, in meetings with national authorities (including the Vice-President several times) and internationally.

In the wake of the massacre, Colombian Minister of Defense Jorge Alberto Uribe announced that a police post would be installed in the town center of San José de Apartadó, and that police or military posts would be installed in seven other communities with similar principles. "One can't talk about neutrality because there is no conflict," Minister Uribe said.¹

Elements that point to the armed forces' alleged involvement in the massacre of February 21:

¹ *El Tiempo*, 9 March 2005.

1. An eyewitness confirms that uniformed soldiers detained Luis Eduardo Guerra and his family. Workers at the Bolivar farm at the time saw the military approach.²

2. Army soldiers on February 21 detained several families in their homes in the settlement of Los Mulatos, close to where Guerra and his family were killed, and did not allow them to leave until February 27, when a community commission arrived and obtained their release.³

During the families' captivity, they had been prohibited from leaving the house to gather food from their farms. According to a witness, soldiers dug two holes, said they were awaiting the order to kill their captives, and threatened international companions of the community.⁴ They said that three guerrillas - a man, woman and boy - had just been killed, and since Luis Eduardo, Deyanira and Deiner had just left, the families told the soldiers that the three were Peace Community members. The soldiers responded that they must have been killed by paramilitaries. The house was painted with graffiti that read: "Contra-guerrilla 33 – su peor pesadilla" [33rd Counter-Guerilla Battalion – your worst nightmare].⁵

3. On February 20, in the Las Nieves settlement a 2- to 3-hour walk from the massacre sites, eyewitnesses who spoke with FOR saw a military troop accompanied by two hooded men arrive at the house of a family and ask them to come outside. The family saw the two hooded men and heard them tell the army not to shoot or else it would ruin their plan. The family and another man fled down another path, and hid in the woods for ten days, until a community search party (accompanied by FOR) went to look for them, fearful they had been killed. By that time, they were close to starvation.

4. According to community advocates and international witnesses, army officials targeted Luis Eduardo Guerra for harassment and threats on at least two occasions in the previous six months. In August 2004, a grenade that had been left behind in San José after an army operation accidentally exploded in San José, severely injuring Luis Eduardo's wife Luz Enit Tuberquia and son Diener. The two were taken to the hospital in Apartadó, where doctors recognized that their treatment required transportation to better medical facilities in Medellín. Luis Eduardo told FOR members at the time that a colonel of the Army's 17th Brigade offered to fly his wife to Medellín in an Army helicopter, provided Luis Eduardo would sign a statement saying the grenade was a homemade device made in San José. (The Colombian Attorney General's office later disclosed verbally its finding that the grenade was manufactured in South Africa.) Luis Eduardo refused to sign the statement, his wife was not transferred to Medellín, and she died on August 13.⁶

² Statements by Peace Community of San José de Apartadó and CJL, as well as articles in *El Tiempo*, and *Cambio* (7 March 2005) in which witnesses were cited.

³ Corporación Jurídica Libertad statement, 1 March 2005.

⁴ Ibid.

⁵ Jesús Abad, "Four days in search of the bodies of those massacred in the Peace Community of San José de Apartadó," *El Tiempo*, 25 March 2005. Posted at www.chicagoans.net/featuredstories/4days.pdf. For original Spanish version, see eltiempo.terra.com.co/coar/DER_HUMANOS/derechoshumanos/ARTICULO-WEB-_NOTA_INTERIOR-2018630.html Also, "El Camino del Terror," Peace Community statement, 1 March 2005. For a map of the area, see: www.cdpsanjose.org/article.php3?id_article=12

⁶ *Derecho de Petición* 8, Father Javier Giraldo, 20 September 2004.

On December 12, Luis Eduardo and other passengers were stopped at the army roadblock between Apartadó and San José and questioned aggressively by a troop commander, who said it was suspicious that his name was not on their list. Luis Eduardo pointed out that the soldier did not have a name tag, and asked him to identify himself, noting that legal and illegal forces operated along the road. The commander refused to identify himself.⁷ On a separate occasion, FOR members also encountered this unidentified commander at the army roadblock.

Investigation of the massacre:

1. Transportation to the second massacre site for forensic investigators of the Attorney General's Office was delayed. Authorities stated that investigators would be sent by helicopter to exhume the remains of Luis Eduardo and his family. The exact location of the massacre sites was given to the authorities. FOR volunteers heard and saw helicopters overhead several times, yet the authorities stated that the weather was bad and denied knowing the exact location of the massacre site. Providing the helicopters to transport the Attorney General's staff had been the responsibility of the armed forces. Community members and their accompaniers waited two nights and a day for the Attorney General's office to arrive.⁸ The exhumations were finally carried out on Sunday, February 27.

2. The Army was present at the massacre sites before the Fiscalía's arrival and during the exhumations, disregarding requests from the community and its legal representatives that the army stay away. On February 26, in front of dozens of witnesses, a soldier picked up a bloody machete near the bodies of Luis Eduardo and his family, went to the river and wiped off the blood with sand and water, and said "This was the decapitating machete." According to a statement by the Peace Community, the soldier also wiped the handle of fingerprints and took the machete.⁹

3. Community members and their accompaniers found graffiti where the families were detained near the massacre scene in Mulatos, reading "Batallon Contra guerrilla 33" (part of the Army 17th Brigade). In front of witnesses, army soldiers later erased the painted letters when the community commission arrived.¹⁰

4. Instead of allowing the judicial branch to carry out its investigation without prejudice, Vice-President Francisco Santos issued a statement that "The Government has evidence that leads to the FARC as authors of this horrible crime." The assertion was immediately followed with this appeal to the judicial branch: "We hope that with the support of everyone the justice [agencies] will make a pronouncement soon on this issue..."¹¹

5. On March 2, personnel of the Attorney General's Office met with community leaders in the town center of San José de Apartadó. After leaving, they were attacked with mortars on the road between Apartadó and San José, in an area known as Caracoli. This

⁷ *Derecho de Petición 9*, Father Javier Giraldo, 19 January 2005. Also, Maria José Rodríguez Hernández, "Out of Indignation," posted at <http://forusa.org/programs/colombia/col-pp-update-0305.html>.

⁸ Corporación Jurídica Libertad statement, 27 February 2005.

⁹ Jesús Abad, "Four days," see note 10. See also "El Camino del Terror."

¹⁰ Corporación Jurídica Libertad statement, 1 March 2005. See also Jesús Abad, "Four days."

¹¹ Statement by Vice-President Francisco Santos, 4 March 2005.

road is almost always guarded by army troops. One policeman died in this attack. The Colombian government states that the FARC were the perpetrators.

On the witnesses to the massacre declining to identify themselves to the Colombian government:

1. In light of the massacre, the Army's threats, and their account implicating the Army in the killings, witnesses who gave their account to community members and human rights attorneys are understandably terrified of giving testimony to the Colombian government.
2. Of the more than 130 killings of community members in San José de Apartadó, not one has resulted in the prosecution and sentencing of the authors of the crimes.¹²
3. After a massacre in San José in 2000, some 100 testimonies were given by community residents, with no results. In some instances in the past when witnesses rendered testimony to the Attorney General's office, witnesses were threatened and even killed.¹³

Other assertions by the Armed Forces:

1. The Ministry of Defense has cited an interview with a FARC deserter as pointing to the FARC as authors of the massacre. However, the interview with the deserter posted on the Ministry of Defense's website indicates that he was not present in the area at the time of the massacre, and was not a witness.¹⁴
2. The Armed Forces have stated that "no army troops were closer than two days distance from the sites" of the massacres when they occurred.¹⁵ This statement contradicts the statements of many residents of the area, as well as its own statements about army troop movements and operations. According to the Ministry of Defense, troops were present in Los Naranjales, a sector of Las Nieves, on February 20. Los Naranjales is only an hour and a half by foot from Mulatos, where Luis Eduardo and his family were killed. *El Tiempo* verified with Apartadó hospital staff that a soldier and young girl were wounded in combat there on February 20.¹⁶
3. On the web page with its statement about the massacre, the Armed Forces posted a link to a *Wall Street Journal* op-ed about San José de Apartadó and another peace community, Cacarica. The focus of the article, "In Colombia, Are they 'Safe Havens' or FARC Havens?" published in November 2003 is an allegation that the peace communities of San José and Cacarica were havens for FARC guerrillas, manipulated by human rights groups.¹⁷ Even the author said this allegation "has not been confirmed by independent

¹² For a complete list of killings and other violations committed against members of the Peace Community, see the compilation at: www.cdpsanjose.org/article.php?id_article=123

¹³ Corporación Jurídica Libertad (CJL) statement, 25 June 2003.

¹⁴ "Entrevista a un miliciano desmovilizado," 3 March 2005, at <http://alpha.mindefensa.gov.co/index.php?page=407&id=1650>.

¹⁵ Statement by Ministry of Defense, 11 March 2005, at <http://alpha.mindefensa.gov.co/index.php?page=407&id=1646>

¹⁶ "Más de una contradicción en versiones sobre la matanza en San José de Apartadó," *El Tiempo*, 12 March 2005.

¹⁷ Wall Street Journal editorial by Mary Anastasia O'Grady, 14 November 2003

sources but sounds plausible.” The Army’s decision to re-publish this baseless claim shortly after the massacre suggests carelessness for the security of community residents.

On the importance of respecting the Peace Community’s principle of non-occupation of civilian populated areas by any armed group, including government forces:

First, the Colombian government has responded to the massacre with the stationing on March 31 of police forces - which are part of the Ministry of Defense - in the community against its wishes. Detailed negotiations were underway in response to the government proposal to station a police station in the San José populated area. Peace Community representatives point out that paramilitary troops have threatened and robbed Peace Community members with apparent freedom in areas under the control and jurisdiction of the police, such as the bus terminal in Apartadó.¹⁸

Second, provisional measures issued by the Inter-American Court of Human Rights on November 24, 2000, which Colombia’s Constitutional Court reaffirmed in 2003 and which bind the government of Colombia, require that the state protect members of the Peace Community of San José de Apartadó as well as persons providing services to the community. These provisions also require that the means of protection be consulted and agreed upon by the community. **“The measures should be worked out in common agreement between the State and members of the Peace Community of San José de Apartadó and their representatives.”**¹⁹ In other words, this binding decision by the Inter-American Court prohibits the state from imposing a military presence against the will of the community.

Third, the attacks on residents have always come from outside of the San José town center. Many have occurred on the road between San José and Apartadó, which is already heavily patrolled by the Army’s 17th Brigade. Instead of protecting the community residents, the presence of the security forces is likely to attract armed conflict and crossfire into populated areas. As observers have noted, the town center of San José measures only 200 meters by 300 meters, and is set in a natural hollow. For years the mountainous walls have provided the site for look-out posts from which soldiers have been able to observe every corner of the town and the movements of its residents. That is how the state has controlled the town’s perimeter as required in the provisional measures of the Interamerican Court.²⁰

Fourth, the community has asked the state to provide other, civilian agencies to be present in the San José town center, including the Offices of the Human Rights Ombudsman (*Defensoría*) and Inspector General (*Procuraduría*). The Peace Community publicly repeated this request on February 10, for the outer settlements of San José

¹⁸ “Respuesta de la Comunidad de paz de San José de Apartado a la Propuesta de Seguridad y Protección, remitida por el Gobierno Nacional,” 13 December 2004.

¹⁹ Provisional measures issued by the Inter-American Court of Human Rights, November 24, 2000. The court at that time also ratified the Inter-American Commission’s statement that “The armed protection of these persons can put at risk the principles of a collective neutrality and humanitarian zone that are at the core of its existence and generate violent responses of the armed actors in the region.”

²⁰ Peace Brigades International Colombia Project, “Focos de Interés,” March 2005.

district, such as Mulatos, precisely those areas near where the massacre took place on February 21.²¹ The national Ombudsman, Volmar Pérez, declared: “With the accompaniment of the international community and the various humanitarian agencies, we also can help guarantee the presence of state entities in these territories.”²² The presence of armed forces is not the only way to have a presence of state authorities.

Finally, the Peace Community of San José de Apartadó is not the only attempt by civilians to construct a community that supports none of the armed groups. Many Afro-Colombian communities in the Chocó, indigenous communities in Cauca (such as Toribio, thousands of whose residents were displaced recently by combat between the Army and FARC), mestizo communities in Antioquia and elsewhere in the country are also working to carve out collective lives free from the logic of war and impunity. San José de Apartadó is perhaps the best known. If the presence of armed groups is imposed in San Jose, a community that has received so much attention, other communities will feel the impact as well.

Conclusion:

We hope that an exhaustive and transparent investigation will clarify the events which have occurred, as well as inconsistencies in statements made by the Colombian Army. The findings of this investigation should be made public and measures taken to hold the material and intellectual authors accountable. This is the best way of protecting the Peace Community, other communities in Colombia, and the human rights observers who accompany them.

The evidence thus far collected by the Community, its lawyers, the press, human rights and other non-governmental organizations links men in Colombian Army uniforms to the murders of Luis Eduardo Guerra, Alfonso Bolivar, and their families. As Congressman Tom Lantos declared, “These are serious allegations that, if proven true, should have ramifications for continued US support of the Colombian military.”²³

Fellowship of Reconciliation, 22 April 2005
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The Fellowship of Reconciliation is an interfaith peace organization, based in the United States, that has a team of international accompaniment volunteers in San José de Apartadó. FOR seeks to support the Peace Community’s right to life and protection of the human rights of its members and of nearby residents, and to contribute to improvement of the situation of human rights and international humanitarian law in San José de Apartadó and the Urabá region, in order that civil society have the space to work for social justice and the peaceful solution of conflicts in the region.

²¹ Statement by San José de Apartadó Peace Community and Peace Committees of La Cristalina, La Linda, Bellavista, Alto Bonito, Miramar, Arenas, Buenos Aires, Mulatos, 10 February 2005.

²² *El Tiempo*, 8 March 2005.

²³ Statement of Congressman Tom Lantos, 25 March 2005.