



General Assembly

Distr.: General
28 February 2022

English only

Human Rights Council

Forty-ninth session

28 February–1 April 2022

Agenda item 3

**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by International Fellowship of Reconciliation, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[7 February 2022]

* Issued as received, in the language of submission only. The views expressed in the present document do not necessarily reflect the views of the United Nations or its officials.



Colombia: New Threats Against The Peace Community Of San Jose De Apartado On Its 25th Anniversary

IFOR is concerned about the safety the members of the Peace Community of San José de Apartadó and the violation of their human rights.

Background

The Peace Community of San José de Apartadó, located in Colombia's northern region of Urabá, is one of many communities in Colombia to take a non-violent stand against the armed conflict by refusing to support any of the armed actors in the conflict. Despite having been forcibly displaced multiple times and amidst continued risks, the Community made the decision to return and remain on their land.

Located in a fertile land close to the Gulf of Urabá, an entry corridor for arms movement and drug-trafficking from Colombia to Central America, the Caribbean and the United States of America, the region is a highly militarized area with a strong presence of legal and illegal armed actors. Throughout their resistance, the Community has faced violence and massacres from all armed actors, such as the Revolutionary Armed Forces of Colombia – People's Army ("Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo" or "FARC-EP") as well as paramilitary groups supported by the Colombian Army. [1] At present, the existence of the Peace Community remains a principal obstacle to expansion of armed actors within the Urabá region.

The establishment of the Peace Community is based on principles of International Humanitarian Law that protect civilians from being involved in the armed conflict. Since 1997, the Peace Community counts with protective precautionary measures from the Inter-American Commission of Human Rights, and since 2000 with provisional measures from the Inter-American Court of Human Rights (IACHR). [2]

Despite the existence of IACHR provisional measures, the Peace Community has paid a high price for its firm conviction: since its founding, more than 130 members have been assassinated and members of the community suffered more than 900 human rights violations, including confiscation of farm animals, money and goods, forced displacement, rape, abduction, detention, threats and defamation. [3] Two emblematic violations are the massacre of La Unión in 2000 where six leaders of the community were assassinated and the massacre of February 2005 in Mulatos and La Resbalosa, where eight people, including Community leader Luis Eduardo Guerra and three children, were massacred in a joint military and paramilitary operation. [4]

On several occasions (2003, 2007, 2012) the Colombian Constitutional Court has recognized the vulnerability of the members of the Peace Community and the reasons why the community ruptured relations with the State after the massacre of 2005, it also ordered that it is the State who has worked to overcome the rupture and specifies how to achieve this in the Auto 164/12 from 2012. [5] As part of the implementation, President Juan Manuel Santos retracted accusations made against the Peace Community by the previous President by apologizing.

New threats

On March 23rd, 2022, the Peace Community celebrates its 25th anniversary. Nevertheless, there is nothing to celebrate. The Peace Community has observed a strengthening of the neo-paramilitary group of the Gaitanist Self-Defense Forces ("Autodefensas Gaitanistas de Colombia" or "AGC"), which also manifests itself in selective murders of social leaders. [6]

On December 17th, 2021, Huber Velásquez, a social leader and friend of the Peace Community, was brutally murdered by the AGC. [7] The murder of Huber Velásquez in San José de Apartadó reveals the extreme social control that the neo-paramilitary group exercises in the region.

The dominant armed group exercises a strong dominion among the local population that manifests itself in extorsions, forced meetings, sanctions, threats and recruitment, despite the recent capture of former top leader of the AGC. Recently, the Peace Community has received several threats against its members by the AGC, for instance on October 31st and November 13th, 2021, to mention only the two most recent cases. [8]

The strengthening of the AGC – both in its cradle in Urabá and in other departments of the country – is evidence of the failure to comply with point 3 of the Final Peace Agreement between the former FARC-EP rebels and the Colombian Government, which includes the dismantling of the paramilitary successor groups, for which the National Commission on Security Guarantees was created. According to the latest report of the Secretary-General to the Security Council of the UNVMC, the public policy to dismantle paramilitary successor groups has not been adopted yet. [9]

It is also worrying, that the AGC are operating in a highly militarized territory. Both the Peace Community and other communities have denounced alleged links between the AGC and state security forces. During a humanitarian Mission composed by several congregational sectors in Frontino, a municipality close by, these links were witnessed and publicly denounced by the diocese of Apartadó, Quibdó, Istmina-Tadó and the Lutheranian, Methodist and Presbyterian church of Colombia, among others. [10]

These observations are nothing new. The results of an operation of counterintelligence called “Operación Bastón” in 2017 revealed that 16 generals and 340 lower commanders of the Colombian army were involved in corruption with illegal armed actors. [11]

Violation of the freedom of expression

There are also concerns about the recent decisions of the Constitutional Court of Colombia that restrict the full and effective exercise of the right to defend the human rights of the Peace Community of San José de Apartadó and that constitute a major threat to the reporting activity of civil society organizations.

Between February 28th and August 29th, 2018, the Peace Community of San José de Apartadó publicly denounced several serious human rights violations, attacks and harassment committed against its members by paramilitaries with the tacit silence of the Army.

Not only did the authorities fail to take any measures to protect the Peace Community, but on the contrary, the commander of the 17th Brigade of the Colombian Army denounced the Peace Community for slander and libel before the Attorney General's Office. After the first complaint was rejected, on September 27th, 2018, the Commander of the 17th Brigade filed a Tutela action on the grounds that the public denunciations made by the Peace Community violated the rights to honor and good name of that military unit. On October 5th, 2018, the Second Municipal Promiscuous Court of Apartadó ordered the Peace Community to rectify the information and on August 21st, 2020, the Constitutional Court urged the Peace Community to refrain from denouncing mentioned issues. [12] This decision was appealed by the Peace Community, which was denied by the Constitutional Court (Auto No. 225 of May 13th, 2021). [13]

With these decisions, the Constitutional Court restricted the right to freedom of expression of the Peace Community of San José de Apartadó. This undermines the right to defend human rights through public denunciations, not only by the Peace Community of San José de Apartadó, but by all civil society organizations and individuals who denounce human rights violations. These decisions raise strong concerns regarding the international obligations of the Colombian State, increase the vulnerability of human rights defenders and promote a climate favorable to the persistence of human rights violations and their impunity.

The recent report of the Special Rapporteur on the situation of human rights defenders highlights the attacks faced by human rights defenders working against corruption [14] and during the 47th session of the Human Rights Council the Special Rapporteur on the promotion and protection of freedom of opinion and expression stated in her report that States are obliged to scrupulously respect international human rights standards. [15]

Recommendations

IFOR calls upon:

- the UN High Commissioner for Human Rights to urge the Colombian Government to guarantee the right to freedom of expression and to comply with international human rights standards regarding freedom of opinion and expression.
- the UN High Commissioner for Human Rights to urge the Colombian Government to comply with the IHCHR provisional measures and guarantee the safety of the Peace Community of San José de Apartadó and its persistence in the territory.
- the UN High Commissioner for Human Rights to urge the Colombian Government to adopt public policy to dismantle paramilitary successor groups, as agreed in point 3 of the Final Peace Agreement.

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- [1] <https://www.elespectador.com/colombia/mas-regiones/la-campana-contr-la-comunidad-de-paz-de-san-jose-de-apartado/>
<https://www.elespectador.com/judicial/masacre-san-jose-de-apartado-un-crimen-de-guerra-y-de-lesa-humanidad/>
- [2] <http://www.cidh.org/medidas/1997.sp.htm>
https://www.corteidh.or.cr/docs/medidas/apartado_se_02.pdf
- [3] <https://www.elespectador.com/colombia/mas-regiones/la-campana-contr-la-comunidad-de-paz-de-san-jose-de-apartado/>
<https://blogs.es.amnesty.org/castilla-leon/2021/02/21/comunidad-de-paz-de-san-jose-de-apartado-actua-en-el-16o-aniversario-de-la-masacre-mas-cruel/>
- [4] <https://rutasdelconflicto.com/masacres/apartado-julio-2000>
- [5] <https://www.corteconstitucional.gov.co/relatoria/autos/2012/A164-12.htm>
- [6] <https://cdpsan jose.org/2021/12/04/la-ausencia-de-otoni-el-hace-mas-intensa-su-presencia/>
- [7] <https://www.contagioradio.com/asesinan-al-lider-campesino-huber-velasquez-y-con-el-van-165-victimas-en-este-2021/>
- [8] <https://cdpsan jose.org/2021/12/04/la-ausencia-de-otoni-el-hace-mas-intensa-su-presencia/>
- [9] S/2021/1090
- [10] <https://www.cec.org.co/sistema-informativo/destacados/informe-de-las-misiones-humanitarias-realizadas-en-el-choc%C3%B3-y>
- [11] <https://especiales.semana.com/operacion-baston-los-secretos-de-las-redes-de-corrupcion-en-el-ejercito-nacional/index.html>
- [12] <https://www.corteconstitucional.gov.co/relatoria/2020/T-342-20.htm>
- [13] <https://www.corteconstitucional.gov.co/Relatoria/autos/2021/A225-21.htm>
- [14] A/HRC/49/49
- [15] A/HRC/47/25