

## AN APPEAL FROM ACADEMICS FOR THE RIGHT OF THE PEACE COMMUNITY OF SAN JOSÉ DE APARTADÓ AND COLOMBIA TO LIVE IN PEACE



The Peace Agreement between the Colombian State and the FARC-EP, signed in November 2016, was built on the principles of truth, justice, reconciliation and non-repetition, and aimed to put an end to the insurgent-contra-insurgent war that Colombia had lived through for more than six decades<sup>1</sup>. According to the terms of the Agreement, the resolution of the armed conflict should result in an end to the enormous suffering of the millions of Colombian women and men who have been victims of multiple manifestations of violence caused by the conflict, so that a new chapter of Colombia's history could be written, that of a stable and lasting peace. The Agreement was received with anticipation and hope by both the Colombian people and the international community. It continues to be considered a crucial turning point in the peacebuilding process in Colombia, and in turn reflects the global demand for peace processes which we are seeing as a result of wars taking place in different parts of the world.

The complexity of the impact of long-term armed and socio-political violence upon the institutional, political and social fabric is a factor recognised by the academic community. We are aware that the construction of peaceful coexistence is not achievable in a short period of time, but is rather the result of a historical process that requires that the best institutional, normative, political and social initiatives in the country work together. Undoubtedly, Colombia can count on its long history of efforts and desires for peace which

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**The appeal is addressed to the following national and international institutions: Peace Agreement Implementation Unit; Ministry of Defence; Ministry of Mines and Energy; Ministry of the Interior; Attorney General's Office; Mayor's Office of Apartadó; Police of Urabá; Army Brigade XVII; Embassies of the European Union countries in Colombia, Delegation of the European Union in Colombia, Inter-American Commission and Court of Human Rights.**

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<sup>1</sup>Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace, 11 November 2016:

[https://www.cancilleria.gov.co/sites/default/files/Fotos2016/12.11\\_1.2016nuevoacuerdofinal.pdf](https://www.cancilleria.gov.co/sites/default/files/Fotos2016/12.11_1.2016nuevoacuerdofinal.pdf)

have been developed both before and after 2016 by broad sectors of Colombian civil society and supported by the international community. The agreed focus on human rights and victims, the integration of territories, social inclusion, rural reform, political participation and the fight against drug trafficking, are all aspects that we consider indispensable for the strengthening of democracy throughout the national territory, and are essential conditions in order to ensure that possible social conflicts are solved without the intervention of illegal armed actors.

One of the first expectations of the agreement has been the reduction of violence and of the impact on the daily lives of civilians, produced in the more general context of the implementation of the agreement itself, the functioning of transitional justice, and the political negotiations with non-demobilised armed actors and criminal organisations, the latter which was most recently advanced by the government of Gustavo Petro. Unfortunately, despite the peace processes and ceasefires, the impact of violence on the population has remained more or less constant. Over the last four years, the annual number of leaders assassinated has reached an average of one leader killed every two days, one massacre every four days, and every week on average one former FARC peace signatory has been killed<sup>2</sup>. The recent United Nations Report on the human rights situation in the country for 2023 has drawn attention to the deterioration of security conditions in many regions of the country, and refers to the continued territorial expansion and violent strategies of social and territorial control by non-state armed groups and criminal organisations against the civilian population and on ethnic-territorial organisations and grassroots organisations. This threatens the physical and cultural survival of several peoples and historical organisational processes, such as the Peace Community of San José de Apartado (CdP), which has recently been the victim of the murder of two of its members, Nallely Sepúlveda and Edinson David, aged 30 and 15, on 19 March 2024 in the Las Delicias farm in the village of La Esperanza.

The Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV), after describing what happened to the peasantry in its reports on *Colombia's interior (Colombia adentro)*, warned of the high risk of a reconfiguration of the conflict in the territories. This can be attributed, among many factors, to the historical weakness of the State's presence, in turn provoked by the long-standing violence. The expression repeated throughout the report, and pronounced by the renowned sociologist Alfredo Molano, summarises in an exemplary manner one of the reasons for the continuity of violence and the reproduction of patterns of victimisation in given territorial contexts: *where there is land there is war*. Colombia is experiencing a fragmentation phase of the conflict which is characterised by an increase in the use of violence and the multiplication of actors with the capacity to exert control over the population. Urabá Antioqueño is a prime example of a region where this dynamic is occurring, and the Peace Community of San José de Apartadó remains an emblematic case directly affected by the consequences of territorial disputes and violence in the country.

The history of the Peace Community is well known. It was founded on 23 March 1997 in the midst of violence, forced displacement and the assassination of its leaders, declaring itself neutral in the face of the armed conflict and rejecting the presence of all armed groups in the territory. Due to the nature of its life project, oriented towards

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<sup>2</sup> Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, 14 February 2024, <https://www.hchr.org.co/wp/wp-content/uploads/2024/02/02-28-2024-Informe-Anual-Advance-Espanol-2023.pdf>

humanitarian, socio-political and self-management goals, it has been recognised nationally and internationally as a political subject of peace<sup>3</sup>. The Community is recognised by the Colombian Constitutional Court and the Inter-American Court of Human Rights, which for years have been asking national and local institutions to implement measures to guarantee its rights in the face of the violence that has been recurrently perpetrated against it. In order to understand the persistence of the serious human rights violations that the CdP has suffered since its inception and up to the present day, it is important to remember that its lands and villages are located in the Serranía del Abibe, and more precisely between the Gulf of Urabá and the Nudo del Paramillo. This is a strategic point of great economic interest and the main route for drug and arms trafficking to other continents, in which the State presence is limited and includes only military and police control. The Community's lands and this geographical area are so valuable because of their productivity, biodiversity and strategic location: it is a very fertile and productive land, coveted for cattle breeding, agro-industry, mining, drug trafficking by paramilitary groups and territorial control for all kinds of profiteering<sup>4</sup>.

Since 2018, the Defensoría del Pueblo has issued several warning documents in which it has highlighted the “rigorous territorial and social control”<sup>5</sup> held by paramilitary groups, such as the Autodefensa Gaitanista de Colombia (AGC) and the Clan del Golfo. In these documents, the Defensoría del Pueblo makes a clear reference to human rights violations, which refers to well-known and consolidated practices of violence in the territories of Urabá in Antioquia: threats, homicides, forced displacement, dispossession of land and the exploitation of natural resources. Particularly relevant in relation to the events that have recently affected the Peace Community is the tendency of paramilitary groups to exert their influence on organisational, social and community processes, provoking conflicts between them in an attempt to isolate and criminalise the CdP. In turn it is exposed to a campaign of hatred and stigmatisation that threatens to overwhelm the international organisations that accompany it, weakening their protective function and, consequently, guarantees for the CdP's survival.

In this case, not unlike what has happened in relation to other serious crimes committed against the CdP, including the massacre of 21 February 2005, once again the paramilitary presence in the territory is being denied or minimised by the local institutions. This position was made clear in meetings that the international delegation of the European Peace Community Support Network of San José de Apartadó<sup>6</sup> held with institutions, such

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<sup>3</sup> As a collective subject, the Peace Community has been granted special protection by the Constitutional Court (Ruling T-1025/07 and Ruling T-1025/12) and by the Inter-American Court of Human Rights (see resolutions of 9 October 2000, 24 November 2000, 18 June 2002, 17 November 2004, 15 March 2005, 2 February 2006, 6 February 2008, 30 August 2010 and 26 June 2017), and its members enjoy the humanitarian accompaniment of international organisations (Fellowship for Reconciliation FOR Austria, Operazione Colomba, Peace Brigades International - Colombia, among others) and the solidarity and humanitarian support of national and international organisations, such as the European Support Network for the Peace Community of San José de Apartadó.

<sup>4</sup> Asociación Red de Defensores y Defensoras de Derechos Humanos de Colombia, “Formalización de la tierra en la Comunidad de Paz de San José de Apartadó”, in *Informe Derechos humanos, exigibilidad y aproximaciones al litigio estratégico*, Gente Nueva Bogotá, February 2023, p. 38.

<sup>5</sup> Defensoría del Pueblo de Colombia, *Alerta temprana n° 51-20*, 14 December 2020, p. 6. See also *Informe de Seguimiento N° 014-2023 a la Alerta Temprana N° 051-2020 para el corregimiento San José de Apartadó, en el municipio Apartadó, departamento Antioquia*.

<sup>6</sup> The European Support Network for the Peace Community brings together local associations and institutions from different European countries, including Austria, Belgium, Spain, France, Italy,

as the Mayor's Office of the Municipality of Apartadó, the Police in Urabá and the Army's XVIIth Brigade, some days after the murder of Nayeli Sepulveda and Edison David. President Petro himself, upon receiving the news of the murder, commented that "dark forces want to bring back a new version of paramilitarism to the northwest of the country"<sup>7</sup>. The speech he gave to institutions and citizens of Apartadó on 18 March, a day prior to the assassinations, had limited impact. In it, the President spoke of the cost paid by the peasants of Urabá during the armed conflict and the need to guarantee the right to life with dignity to the Peace Community in view of the disproportionate suffering it had faced throughout its existence and because it had opted for peace.<sup>8</sup>

The events of 19 March took place within the context of the dispute over territory belonging to the Peace Community and is the tragic result of significant and repeated threats that it and the family of the victims had received in recent months. It is worth remembering that Las Delicias is one of the CdP's most productive farms and that the land is overlapped with a coal mining title. Furthermore, the CdP itself has been denouncing that illegal groups arriving by way of the Port of Antioquia are buying up plots of land and opening illegal roads over the last few years. These facts have been confirmed by Carlos Montoya, advisor for Antioquia of the Peace Agreements Implementation Unit, who has documented the degree of deforestation with environmental damage of around 1600 hectares of land using satellite images provided by the European Union. This deforestation has been carried out illegally between 2018 and 2023 in areas close to the CdP, on land which are also considered protected<sup>9</sup>. Las Delicias in La Esperanza is not the only of the CdP's lands which is in dispute. The threat level and lack of protection also remains critical for families living in La Resbalosa, El Porvenir, Mulatos and the Aldea de Paz Luis Eduardo Guerra. The likelihood that the aforementioned practices will not only continue to be carried out but will increase, thus giving rise to the possibility of a systematic violation of human rights and breaches of international humanitarian law, and directly impacting on the dignity and lives of the members of the CdP and its social, productive and community dynamics, should therefore not be underestimated<sup>10</sup>.

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Portugal and the United Kingdom. The international delegation (18-28 March 2024) included: Alessia Quondam Luigi (Italy), Vice Mayor of Narni; Simona Fraudatario (Italy), Fondazione Lelio e Lisli Basso Onlus and Red Colombia Vive; Amalia Bueno Zamora (Spain), Morna Christie Dick (United Kingdom), Cesar Hernando Santamaria (Spain) and Pablo Simón Vicente (Spain), from the Asociación Colectivo Memoria Viva de los Pueblos; Maria Isabel Cobos Lorente (Spain), Asociación memorialista 14 de abril; Margareta and Josef Boogaerts (Belgium) of the Flemish Network of Solidarity with the Peace Community of San José de Apartadó.

<sup>7</sup> *Fuerzas oscuras quieren reeditar el paramilitarismo en el noroeste del país: Petro ante violencia en Antioquia*, "Vanguardia", 20 March.

<sup>8</sup> Remarks by President Gustavo Petro, during the event Acciones por la paz y la vida del Gobierno del Cambio llega a Apartadó - 18 March 2024, [https://www.youtube.com/watch?v=Xj\\_2-LMgTgw](https://www.youtube.com/watch?v=Xj_2-LMgTgw)

<sup>9</sup> Among numerous articles, refer to Daniel Rivera Marín, *Quién está detrás del asesinato de 2 campesinos de la comunidad de Paz de San José de Apartadó*, "El Colombiano", 22 March 2024, and Ana Cristina Restrepo Jiménez, *¿Quiénes "ordeñan" las "vacas" en Antioquia?*, "El Espectador", 5 April 2024.

<sup>10</sup> See, for example, the latest urgent action published by the Peace Community on 25 April 2024, which denounces the destruction of material goods and the means of subsistence of the Community in Las Delicias; intimidation of underage girls by paramilitaries; interference by paramilitaries in the Junta de Acción Comunal, threats to assassinate the leader Germán Graciano and exterminate the Community, and attempts to divert the investigation into those responsible for the murder, including accusing the Peace Community of having committed the act. Peace Community of San José de



In view of these facts, the undersigned:

- Express our deep concerns regarding the ongoing uncertainties that affect the existence and future of the Peace Community and that demonstrate the discrepancies between the intentions of the institutions and the concrete reality in which the Colombian population lives. The international community and the academic world must play a key role in the full implementation of the peace agreements and the exclusion of violence in all the territories of the country.
- Reject any and all violence perpetrated against the Peace Community and join in the words of indignation expressed by Pope Francis at the Angelus on Palm Sunday and by the international community in the aftermath of the murder of Nallely and Edinson.
- Express our support for the territorial peacemaking efforts that the Peace Agreement Implementation Unit, in consultation with other national state institutions, seeks to carry out in Urabá, as agreed at the meeting that the international delegation of the European Network of Support for the Peace Community held with State institutions on 19 March and in the framework of the verification mission carried out by the latter in the territory of the Peace Community on 27 March<sup>11</sup>.

In conclusion, we call for the urgent implementation of comprehensive responses and guarantees for the existence with dignity of the Peace Community that include:

- The dismantling of paramilitarism and other illegal actors in the territory and institutions of Urabá Antioquia.
- The implementation of legal protection measures and the formalisation of the lands of the Peace Community of San José de Apartadó. Protection measures should also be extended to the Serranía del Abibé, which has already suffered from environmental crimes and illegal loss of its biodiversity.
- The implementation of the Commission for the evaluation of the state of justice in relation to the Peace Community, indicated by the Constitutional Court as an indispensable condition to resolve the impunity of the serious crimes suffered by the Community and to put an end to the violence against it.

**It is time to restore the right of the Peace Community of San José de Apartadó and Colombia to live in peace.**

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Apartadó, *Urgente: Legitiman nuestro exterminio*, Constancia, 24 April, 2024, <https://cdpsanjose.org/2024/04/25/urgente-legitiman-nuestro-exterminio/>

<sup>11</sup> Libardo Antonio Vazquez Quintero, *Gobierno Nacional se compromete con acciones para proteger a la Comunidad de Paz en San José de Apartadó*, “El pregonero del Darién”, 27 March 2024. The authorities agreed to an inter-institutional roundtable to address the Peace Community's requests. This includes solutions to issues of land, legality and security, as well as consideration of a public act of pardon by the security forces.