

(Translated by Attorney Eunice Gibson, CSN's Secretary)
Bogotá, December 3, 2009

Dr. ALVARO URIBE VELEZ
President of Colombia
Casa de Nariño
City of Bogotá

Ref:

- * Petition dated July 29, 2003----- File #: 152982
- * Petition dated October 15, 2003-----File #: 195947
- * Petition dated January 15, 2004-----File #: 241719
- * Petition dated February 26, 2004-----File #: 260021
- * Petition dated April 5, 2004-----File #: 279992
- * Petition dated May 20, 2004-----File #: 300313
- * Petition dated July 6, 2004-----File #: 320803
- * Petition dated September 20, 2004-----File #: 359840
- * Petition dated January 19, 2005-----File #: 399453
- * Petition dated May 12, 2005-----File #: 419900
- * Petition dated September 16, 2005-----File #: 435971
- * Petition dated November 21, 2005-----File #: 442212
- * Petition dated March 16, 2006-----File #: 06-26397
- * Petition dated September 18, 2006-----File #: 06-209339
- * Petition dated July 3, 2007-----File #: 07-67332
- * Petition dated March 31, 2008-----File #: 08-31917
- * Petition dated February 16, 2009-----File #: 09-15.563

For your consideration:

Once again, Mr. President, I invoke the constitutional right of petition, just as I have on 17 prior occasions, to repeat my request that you stop seeking to exterminate the Peace Community of San José de Apartadó. Once again I ask that you use the authority granted you by the National Constitution to carry out the duties imposed by that Constitution, and that you immediately intervene with the institutions that have continued to carry out horrendous crimes in the name of the Colombian government. I ask that you remove the officials that have used their authority to disavow every human right and

every legal requirement. They have converted missions designed by the Constitution to protect the citizens into the pursuit of destruction and aggression, and they have carried this out with the lowest and most disreputable level of criminality. They have practiced executions, tortures, sexual violence, destruction of crops and property, plundering people's food supplies, using terrible threats to make people abandon their land, continual warnings of annihilation, illegal voter registration, buying of false testimony, usurpation of judicial functions, bribery and blackmail, promotion and protection of paramilitary organizations, intelligence activities for corrupt ends, using public resources to dissuade citizens from building projects for economic solidarity, etc.

In the last few months and weeks, a number of entities such as the Inter-American Commission and Court for Human Rights, and even the Ministry of Defense and Public Defender's Office,¹ have reiterated the desire that the difficulties in communication between the Peace Community and government institutions be overcome, so that there could be agreement on the urgent measures that have to be taken to avoid more loss of life and greater suffering by the people who have been victimized.

The Peace Community had a long experience in communication with the government, but it could never avoid the crimes against it nor obtain any kind of effective protection, nor any reparation for the grave damage that agents of the government and its paramilitary allies have caused and continue to cause. In 2004, however, the negotiations related to the establishment of a police headquarters in the area, so as not to violate the essential principles of a Peace Community, while still allowing the Police to carry out their constitutional mission made us think that there was a path of productive dialog that could avoid so many violations of human rights. But just when we were about to carry out the agreement, the Army perpetrated the horrible massacre of February 21, 2005 and the President hurled terrible false accusations against the Community, using all of the massive

¹ COLOMBIAN FOREIGN OFFICE, Official letter DDH/OEA No. 62870/2906, November 13, 2009; INTER-AMERICAN COMMISSION FOR HUMAN RIGHTS, Observations for the Report on Provisional Remedies, November 4, 2009; MINISTRY OF DEFENSE, Official letter 88202/MDD-HH-25.11, October 9, 2009; INTER-AMERICAN COURT FOR HUMAN RIGHTS, Official letter of November 2009/Ref:CDH-S/2504/in which the President of the Court insists on considerations 23 and 24 of the Resolution of the Court dated February 6, 2008 and once again refers to Decision T-1025/07 of the Colombian Constitutional Court.

communications media. At the same time, he ordered the Police to occupy spaces where the Community was living and working, ignoring all the progress that had been made in the negotiations and offending every principle of a Community of Peace. That is why the Community decided to move, and its suffering was increased enormously. The violence of the government and of the para-government against the Community and against the people associated with the Community. An intense campaign of defamation was carried out, stigmatizing the Community in all the huge information media. The leaders of the community were stigmatized, along with those who accompany the Community. Numerous judicial proceedings were instituted, founded on schemes that were inconceivably vile. The result is that the administration of justice in the region is more and more debased. Public resources are employed to bribe people who are part of the Peace Community, offering them rewards, such as donations and productive opportunities, for distancing themselves from the Community. Every legal claim is answered with automatic denial, audaciously disconnected from any reality.

In spite of all that, the Community has never refused to consider returning to the negotiating table with government institutions, but it has understood from the beginning that, in order to prevent the recurrence of the sad history of deception and manipulation, it would be necessary to define some conditions that would guarantee some minimal basis of good faith. Without that, every advance in the negotiations is doomed to failure and that will cause worse damage than before.

From the beginning, the Community has insisted on four elemental conditions to guarantee minimal good faith.

* **FIRST: That the President restore the honor, dignity and good name of the Peace Community.** The Community has been very seriously affected by the slanders trumpeted by the massive communications media on May 27, 2004 and March 20, 2005. These slanders were based on false testimony conscripted by the 27th Brigade, in violation of the basic principles of conduct mandated by the National Constitution in its Decision T-1191 of 2004. Everyone is aware, in fact, that such intense and exaggerated defamation has had enormous, serious, and prolonged effects. We see this every time the Army troops and the paramilitaries rely on this underlying theme created by the five false claims made by the President in order to justify their

massacres, executions, disappearances, tortures, displacements, plundering, sexual violence, destruction, threats and constant warnings of annihilation. These effects continue all the time, as can be seen in the chronology of the last months and weeks.

* **SECOND: That the Police Station be removed from the village of San José de Apartadó and that negotiations over a better location be renewed.** This requires recognition of the essential principles of a peace community and respect for the homes and workplaces of the civilian population. It is evident that the presence of the Armed Forces in San Jose has re-energized the armed conflict and the confrontations have resulted in death and injury for what is now a long list of civilians, Those same security organizations of the government, such as the DAS, have documented the growth of the conflict and have listed the victims, many of them soldiers and police, given the conditions required by the Constitutional Court in its Decision 5-1206 of 2001 for relocating the Armed Forces. In that decision, the real role of the Police in Colombia is acknowledged in such a “combatant population”, but it also points out the rights of the civilian population that the government is not permitted to ignore, such as the right to life and to the peace and security that may not be put as high risk because of government policies.

* **THIRD: That the Government and its Armed Forces recognize the Humanitarian Zones.** These are defined and marked areas where the civilian population can take refuge at times of armed confrontation, bombing or armed incursions, without being attacked by the armed actors. Through the Inter- American Court for Human Rights, the Community has presented the Government with maps and regulations for these zones, and the proposal was endorsed by the Resolution of the Inter-American Court for Human Rights on March 15, 2005 and was endorsed by the Nation’s Inspector General. In spite of that, the Government has refused to recognize those zones, relying on some articles of the Geneva Convention and on those Protocols that are focused on the methods for negotiations between armed actors, refusing to admit that the protection of the civilian population in the midst of a conflict is one of the most important guiding principles of all of International Humanitarian Law and is part of the most essential spirit of the Conventions.

FOURTH: The establishment of a committee to evaluate the administration of Justice. This committee would include delegates

from national judicial institutions, from international organizations, from the Peace Community and nongovernmental organizations that work for the defense of human rights. Such a committee would have the mission to identify the mechanisms that have led to generalized impunity in the Urabá region and to an administration of justice so at odds with legal and constitutional principles. If at first the Attorney General's Office was the principal entity opposing the establishment of this committee, recently it has demonstrated interest in setting it up, even though no agreement has yet been reached.

These are the four conditions that the Peace Community considers to be the most basic manifestations of good faith in order to permit discussions between the Government, governmental institutions, and the Community, to avoid another shipwreck of deceptions and falsehoods that destroy confidence and ruin every relationship and project before it can take root. Instead, they incite prejudice, hatred and indignation and, feeding on the general atmosphere of violence, they lead to an endless chain that destroys lives and produces endless suffering.

The Peace Community has made enormous efforts in the last five years to achieve acceptance of these four basic conditions, so as to return to negotiations with the government on a more consistent basis:

- With respect to the **FIRST CONDITION**, after the Community begged the President to restore its honor and good name and to retract his defamatory statements, which have done enormous damage that can never be repaired, and, without ceasing continuous entreaties, supported by the Inspector General of the Nation, the Community applied to the President's constitutional judge, the Accusations Committee of the House of Representatives. The Committee opened a file, #1712. On April 30, 2008, the Accusations Committee ordered the file to be closed, but on June 3, 2008, the Community appealed that decision. On December 3, 2008, the Committee agreed to hear the appeal "before the full House". This never happened because all the members of the Accusation Committee resigned their positions.

The five false statements made by the President on March 20, 2005, circulated by all the mass communications media, were intended to make national and international public opinion believe that the Peace Community of San José de Apartadó was allied with the guerrillas, paying no attention to

the fact that the Community's Document of Organization, its regulations and its bylaws create a very precise system of laws and operating systems to avoid collaboration with any armed actor. That is why all of the armed actors have tried to take revenge on the Community, murdering many of its leaders and carrying out multiple types of violence against its members. After the Community protested such infamous slander, it was re-edited very promptly in May of 2005, when not the President, but the Vice President and several members of Congress subject to the government, obtained perjured witnesses to use in a debate in the House of Representatives. In front of the diplomatic corps and televised widely,² all with the intention of continuing to spread the same Presidential falsehoods, they promoted fictitious versions of the February 21, 2005 massacre, versions that have now been entirely discredited. To spread the libel farther still, they counted on the services of newspapers that support the government, *El Colombiano*, *El Mundo*, *RCN*, *Radio Super*, *Apartadó Estéreo*, and other radio stations that spread indiscriminately the thoughts and "news" released by the Army.

A few years later, the Army's 17th Brigade, headquartered in Carepa, Antioquia, usurping judicial authority, and co-opting prosecutors, judges, magistrates, members of the Inspector General's Office and the Public Defender, concocted faked files in order to prosecute nearby farmers in the Peace Community, trying to use these proceedings to spread their libels more broadly. In spite of that, they could not present any evidence. Rather, the strategy served to accumulate corrupt proceedings and delegitimize the judiciary in the area. This was demonstrated in the Petition filed in all of the country's' appellate courts on January 19, 2009.

In all of that time, the 17th Brigade co-opted demobilized men (some were former guerrillas, some were not demobilized at all). They used money and other inducements to get them to accuse leaders and supporters of the Peace Community of collaborating with the guerrillas in different judicial districts and with perjured testimony. None of these false witnesses cared to maintain their lies in the hearings that were convened, and many of them

² This happened on June 6, 2005 on Channel 1 of Colombian Television, in the program "IN CONTACT", directed by Col. Germán Pataqiva, "interviewing" retired General and conservative member of Congress JAIME ERNESTO CANAL, another conservative member of Congress, JUAN HURTADO CANO, and military analyst MIGUEL POSADA, aided by anchor MARIA BEATRIZ ECHANDÍA. Together they poured out a stream of libels. The courts have never ruled on the suit filed by the Community against them.

later retracted their falsehoods, thus revealing the perverse and corrupt methods used by the military, intelligence agents and judicial officials. It showed them up as liars.

Then last year, the government decided to feed the same vilification with the false testimony of a FARC commander who deserted and was being sheltered illegally for more than a year at 17th Brigade headquarters. There for six months they prepared him to appear before the mass media to fuel the fire of falsehood against the Peace Community, using an accumulation of lies. The Community responded from the very beginning, but the stories enjoyed broad distribution by all of the mass media that support the government. Beginning in December of 2008, the Brigade called upon a member of the Diocese of Apartadó and a Dutch woman³ who carried out projects with demobilized guerrillas to help them spread their misinformation. They also sought the services of President Uribe's ex-Minister of Interior and Justice to spread the same untruths. His biography is abundant with fraud and lies. The historical perspective of these five years thus permits us to trace all the various attempts by the government to delegitimize the Peace Community through cunning libels and a tireless search for new methods of falsification.

- With respect to the **SECOND CONDITION**, in spite of the displacement from the village of San José when it was occupied by the Armed Forces, the Community has kept aware of the generalized damages that its presence has caused. The Police and the Army, present there in the center of the town, made a constant effort to infiltrate themselves into all the living spaces of the few people who remained there, or whom the Armed Forces brought there to live. They even carry their weapons into the school, into private homes, and in commercial locations. They engage in sexual harassment of the few young women who were there or who passed by. They use the few civilians

³ In December 2008 a witness was able to talk at the 17th Brigade with Mrs. LIDUINE ZUMPOLLE, a Dutch national, a promoter of the "Foundation to Support Colombian Reconciliation", and with Fr. LEONIDAS MORENO, who said that they were there to work together with the Army to take advantage of the desertion of alias "SAMIR" from the guerrilla forces, and to accuse the Peace Community of San José de Apartadó. A few weeks later, on June 17, 2009, an article slandering the Peace Community of San José de Apartadó, signed by journalist HARM EDE BOTJE, APPEARED IN THE DUTCH MAGAZINE *VRIJ NEDERLAND*. In spite of the fact that the Community sued them for their libels and demonstrated the enormous spiritual damage caused, the magazine and the journalist were completely insensitive and made no reply.

who spend the night in the village as human shields and creating incentives for armed conflict. They have managed to make the village of San José into a combat setting.

The fact that the armed agents of the government have forced civilians to collaborate has made the civilians into a military objective for the insurgents, and for that reason the Community has had to mourn several deaths since the first months of the Occupation. Among them are the murder of Ángela Correa (September 14, 2005) and Carlos López (August 13, 2005). Frequent armed incursions have made for terrifying nights for the few remaining residents, causing a woman to die of a heart attack at the start of an assault.

Even judicial officials who came to the village were the objects of attacks, such as the one on March 1, 2005 where a member of the police force was killed. Then in June 2005, there started to be combat right in the village of San José (June 26, 2005). Those intensified in 2007 (July 9, July 27, and November 8) and even more in 2009 (May 23 in Playa Larga and El Porvenir; July 31 in Mulatos; August 8 in Arenas, September 15 and September 19 in San José; in the last week of September in Nuevo Antioquia). On February 13, 2007, a soldier was killed in an attack in the town of La Linda; on July 9, 2007, a Police patrolman was murdered and on the 27th of the same month another patrolman was killed in another guerrilla attack. On August 8, 2008, a Police patrolman lost his foot and another was injured, while on October 13, 2009 a soldier was killed near San José. On November 23, 2009, the paramilitary known as “Lalo”, even though he had taken part in a number of attacks against the Community without ever being arrested and charged, had his throat cut in San José. He had come there after the police and military occupation in April 2005.

A DAS document dated December 4, 2007 lists numerous acts of war in the area, and notes the increased incidence of combat in a number of towns in the San José de Apartadó area, with the insurgency reaching all the way to the municipality of Dabeiba.

The Constitutional Court Decision %-1206/01, after a meticulous analysis, concludes that THE POLICE are a “**combat force**” in every way, and that, because of that, considering that one of the government’s duties is to minimize risk to the civilian population, the Police may not create “**violence that overflows to the station’s neighbors**”. Therefore, the same

Constitutional Court, in its Decision T-1205 of 2007, dealing with the problem of the crimes committed against the Peace Community of San José de Apartadó and their impunity, refers to several decisions that have ordered police headquarters to be moved when their location created risks to the civilian population, risks that the government has no right to create.

It is no secret to anybody that the occupation of the village of San José de Apartadó by the Armed Forces on April 1, 2005 was intended to violate the rights of the community to refuse to be involved in the armed conflict. This right was the crux of the Regulations and Bylaws of the Peace Community of San José de Apartadó. On so many previous occasions, soldiers and police entered the village of San José carrying huge quantities of lethal weapons, for the sole purpose of mocking the spaces that the Community had dedicated to peace. They forced the civilian population to sell them food and furnish them provisions, shelter and information, thus marking them as their collaborators and participants in the conflict and identifying them as military objectives by the other “side” in the war. They even beat and tortured those who would not cooperate. After the occupation, they tried to have sexual relations with the wives of those whom they had murdered or displaced. They plundered the belongings of the displaced people and converted the places that had been used for community activities into houses of prostitution.

All of this is repugnant and demonstrates the rottenness into which the government’s institutions have sunk. But in recent months the problem of the location of the police station, or of the presence of the Armed Forces in the midst of the civilian population has become even more tragic. Right now, Army patrols around the towns, where they set up camps for one or more weeks on the outskirts of the settlements of the Peace Community. When this does not turn into opportunities for pillaging, threats, and warnings of the destruction of the Peace Community, it has turned into an invitation to the insurgents for reprisal. Once the encampment has been broken up, the guerrillas come and plant mines in the places where the soldiers have been, leaving the community at immense risk of being victims of the mines whenever they go out to work in their fields.

Given that these tragedies have multiplied in recent months, the problem of the location of the Police headquarters in San José de Apartadó has been overwhelming, and it has grown much worse. Now it is necessary to beg you, Mr. President, as Commander in Chief of the Armed Forces, to prohibit

military encampments in proximity to settlements of the Peace Community, because this equals “*situations where violence overflows*” to the members of the Peace Community who make their homes in these settlements. This is illegal and unconstitutional, according to the decision cited by the Constitutional Court (T-1206/01).

- With respect to the ***THIRD CONDITION***, the Community argued before the Inter-American Court for Human Rights the connection between the Humanitarian Zones and the Geneva Convention, and the Court endorsed that argument in its Resolution of March 15, 2005, stating in Paragraphs No. 19 and 20 (page 14) that:

“19. That the Court agrees, regarding the “humanitarian zones”, that they are laid out and located in places that are not strategic militarily; they are private properties where various members have associated in a collective organization that has agreed not to participate in the internal armed conflict, that is, not to take part in any armed action, not to furnish information or logistic support of any kind to the parties involved in the internal armed conflict. They are important because they are a place where mechanisms for the protection and survival of these members can be developed—a place where displacement and the involvement of children in the internal armed conflict can be prevented.

20. That the Court considers it pertinent to urge the Government to guarantee and to make guaranteed the principle of separateness, under International Humanitarian Rights, of members of the Peace Community who are civilians unconnected to the internal armed conflict.”

The same Inter-American Court for Human Rights has very strongly related the HUMANITARIAN ZONES to the effectiveness of the Principle of Separateness, one of the paramount principles of International Humanitarian Rights. For that reason, the Community cannot understand the continual refusal of the Government and of the Colombian Armed Forces to recognize the Humanitarian Zones.

- With respect to the ***FOURTH CONDITION***, the Community has observed, for several years, a number of criminal proceedings that affect members of the Peace Community or people who have social relations with the Community. It appears to the Community that these proceedings are radically illegal. After verifying that important constitutional standards were

violated in the proceedings, such as governing principles of the criminal code and of criminal procedure, and International Human Rights Law, the Community, on January 19, 2009, presented a Petition to all of the High Courts of the Government, asking them to declare a “*state of unconstitutionality in Urabá*”. In spite of the fact that the responses of the High Courts were disappointing, in that, besides deploring the situation, they concluded that there was nothing they could do, the Community this year revived a prior proposal, originally formulated by the community leader, Luis Eduardo Guerra (massacred on February 21, 2005). He proposed a **Committee for the Evaluation of the Justice System**. When this proposal was delivered to the Attorney General’s Office around the middle of the year, the Office started to signal some interest, but the proposal has not yet been accepted.

As you can see, Mr. President, the Peace Community has not stopped insisting on the four basic conditions that would ensure a minimum of the good faith needed to renew negotiations to advance the protection of lives and of the fundamental human rights of the victims, and to overcome the impunity for all the crimes. **Elementary logic demands as a first step, stopping the commission of crimes, crimes circumscribed by an incessant campaign of defamation and delegitimization, intended to justify trumped-up charges and actual killing of the members of the Community. As long as that objective continues and is fueled by media, judicial, military and paramilitary resources, any negotiation will be utterly warped by fakery and condemned to permanent failure.**

It is entirely symptomatic that the responses of the Government, whether to the petitions sent to your office or to the demands of the Committee and of the Inter-American Court for Human Rights, up to now have consisted in evading the approach taken by the four conditions and ignoring their formulation. Every office repeats that the Government “*is ready to renew negotiations with the Community*”, always pretending to be unaware of the conditions established by the Peace Community. The actual Committee and the Inter-American Court have noted the Government’s highly significant silence.

Mr. President, how can we move toward solutions, if we don’t confront the root of the problem?

Does your silence about the four conditions mean that you reject them, but prefer not to say so? Does it mean that you believe it to be possible to go on camouflaging the intent to defame and exterminate the Community, using, for example, journalists and mass media that are at the service of your politics, using paramilitaries, using anonymous “criminal gangs”, using bought and paid-for “witnesses; using the managers of foreign projects; using former ministers and politicians that you can count on, etc. and that to accomplish that it is better not to approach the subject with the victims?

The time that has passed since my last Petition filed in your office (February 16, 2009) has been intense with slanders and with announcements of and attempts at extermination, going along with the efforts to involve those who have remained in the Community in the armed conflict, as well as with efforts to convince them to accept paltry gifts from the Government in return for leaving the Community. The following chronology tells what has happened:

In the **first months of 2009**, REINALDO AREIZA, who was a member of the Internal Council of the Peace Community in earlier years, was continually harassed in an insistent manner by Colonel GERMÁN ROJAS DÍAZ, the commander of the Voltígeros Battalion. He announced that if he did not collaborate in the definitive destruction of the Peace Community, he would be criminally charged with “*financing the Front 58 of the FARC*” and with being a “*drug trafficker*”, and that he (Col. Rojas) had already obtained “witnesses”, something that the Brigade has been doing for decades, paying off criminals to help attain their criminal objectives. After Reinaldo and the Community informed many authorities and the international community of what was going on, members of the Army and the paramilitaries have been hunting for Reinaldo desperately all around the area, and they have made clear that they are enraged that the blackmail has been disclosed. These are not new or isolated tactics by the Army: at the very same time, the soldiers quartered in the rural area of Dabeiba were harassing a young woman in the farming community, threatening her that if she didn’t go to bed with them, they would report her as a “guerrilla” or “militant”.

Also, in 2003, they blackmailed another young person from the Peace Community in the same way, telling him that if he didn’t testify to the Attorney General’s Office that all the leaders of the Peace Community were guerrillas, they would report him as a “militant”. They even showed hi a

“list” they had put together and assured him that the people named on the “list” were “witnesses” who would testify that he was a guerrilla.

In June of this year, 2009, the Attorney General’s Office resorted to the testimony of Apolinar Guerra, who had been subjected to bribes and blackmail by COLONEL NÉSTOR IVÁN DUQUE, commander of the Bejarano Muñoz Battalion for several years. (Colonel Duque had also done this with other phony “demobilized persons”.) He did this in order to get Guerra to say that the massacre of February 21 of 2005 had been carried out by the FARC and in order to involve people from the Peace Community in crimes they had not committed. Complaints have been filed in a number of similar cases, but nothing has been done except to punish those who complained. Colonel Rojas continues in his position nevertheless, just as Colonel Duque remained in his position as battalion commander for years, in spite of the serious complaints we made against him.

On **Tuesday, February 17, 2009**, around 3 P.M., four paramilitaries who claimed to be “Black Eagles” from Nuevo Antioquia, dressed in civilian clothes and carrying handguns, appeared in the town of Naín, entering the homes of two families who are part of the Peace Community. They were asking about the locations in the Community and where the leaders were going. They said they needed to destroy the Community at any cost and threatened the families to quit the community. When the families they threatened made no answer, they became furious and departed, repeating that they would destroy the Community no matter what the cost.

On **Sunday, February 22, 2009**, in the town of Mulatos-Cabecera, around 7 PM, armed men asked for a Peace Community member, EDUAR LANCHERO, insisting that they be told where he was, where he goes and what routes he uses. On Monday, February 23, on the ridge known as Chontalito, a number of armed men came up to the various groups of people coming back from the anniversary ceremonies commemorating the massacre of February 2005 in the towns of Mulatos and La Resbalosa. They asked all the same questions about Eduar. Very near the area where the armed men were mobilizing, there were Army patrols. They passed by the Colombian and international pilgrims.

On **Monday, February 23, 2009**, Army troops illegally entered the residence of Mr. ARON DAVID, a member of the Peace Community’s Internal Council, in the town of La Resbalosa. They destroyed or took for

themselves 200 stalks of yucca, 60 kilos of beans, and 200 stalks of sugar cane. They stole an axe, a yardstick, a knife, and a cooking pot. If you realize that every yucca stalk weighs an average of 14 kilos, and those would sell for 900 pesos per kilo (about 45 cents), this theft alone equals 2,520,000 pesos (about \$1,260). If you figure that a kilo of beans at that time cost 5000 pesos (about \$2.50), this theft is worth about 300,000 pesos (about \$150). If you consider that a stalk of sugar cane at that time was bringing 1000 pesos each (about \$.50) that theft is valued at 200,000 pesos (\$100). Calculating the value of the stolen tools at 60,000 pesos (about \$30), the total cost of the damage done to Mr. Aron was 3,080,000 pesos (about \$1,540). The moral damage was also significant and those responsible ought to be punished for all of their lawbreaking and criminal violence.

On **Tuesday, February 24, 2009**, around 10 a.m., in the town of Las Nieves, the Army illegally and arbitrarily arrested a member of the Peace Community who was walking from the town of La Esperanza toward the town of La Union. The Army asked him about Reinaldo Areiza (See the first case in this 2009 chronology.). He answered that he did not know where Reinaldo Areiza might be. They told him that Reinaldo deserves to be killed; what happened to Arturo David is what is going to happen to him, because he had decided to “open his mouth”, when he had been given the chance for a good life.

The member of the Community told them that those were two different cases, because Arturo David, who had belonged to the Community and had resigned his membership, had been killed in combat, while Reinaldo was a farmer who had nothing to do with armed groups. The soldiers told him that in this area, all the farmers are guerrillas and if Reinaldo was a farmer, he deserved to die along with the others. Later, they let him go on his way.

On **Sunday, March 1, 2009**, around 2:00 pm, a motorcycle carrying two makes men with handguns entered the residential area of San Jose and drove around in circles, terrifying all the people that live there.

On **March 1, 2, and 3, 2009**, the paramilitaries set up checkpoints where the road leaves Nuevo Antioquia and goes toward La Esperanza. They were dressed in camouflage, carrying long guns and wearing bracelets that said “Self-Defense Forces.” They searched people and told people that they were forbidden to carry more than 50,000 pesos (about \$25) worth of food.

Between **March 7 and March 13, 2009**, the Army returned to La Resbalosa. They destroyed people's crops, entered people's houses, and stole their food. They threatened the Community's schoolteacher, who was working there, and told several families that they were "guerrillas" and that they were going to kill them. They destroyed all the food crops of five families who are part of the Peace Community in La Resbalosa. Calculating the value in hectares of banana and yucca, what they stole and destroyed was worth 9,395,00 pesos (about \$4,697.50).

They destroyed half a hectare of Mr. MARCOS PARRA's bananas. If you figure that the productivity of a half a hectare can be valued at 15 days' pay, and that planting it would take 12 work days and working the land until harvest would take 35 work days, and that every work day is valued at 16,000 (about \$8), the loss just in work days equals 992,000 pesos (about \$ 496).

They destroyed 1000 stalks of yucca belonging to Mr. ARNOLDO VALDERRAMA. If you figure that he invested the value of 15 work days, spent 12 work days in planting and 25 work days in working the land, his loss just in work days would equal 832,000 pesos (about \$416). You have to add the cost of production, estimated for 20 loads of yucca or 1,800 kilos, every one of which could be sold at that time for 1,200 pesos (about \$.60). That equals a loss of sales amounting to 3,360,000 pesos (about \$1,680) and a total loss of 4,242,000 pesos (about \$2,121).

Just recently they destroyed a whole hectare of bananas and 500 stalks of yucca, adding to the loss of the half a hectare of bananas, worth 1,320,000 pesos (about \$660) and the 500 stalks of yucca were worth 2,121,000 pesos (about \$1,060.50). That adds up to a total loss of 3,441,000 pesos (about \$1,720.50).

The soldiers stole food from Mr. LUIS GRACIANO's kitchen, worth 150,000 pesos (about \$75). For the five families victimized in the town of La Resbalosa in the weeks from March 7 to March 23, 2009 by theft or destruction of their crops by Army soldiers, the loss adds up to 9,395,000 pesos (about \$4,697.50).

Between **Monday, March 9 and Tuesday, March 10, 2009**, pamphlets signed by the paramilitaries, listing names of individuals who have been warned to leave the area or be killed, were distributed in San Jose de

Apartado. The paramilitaries promised to carry out what they called a “social cleansing”.

On **Saturday, March 14, 2009**, around 12 noon in the town of Mulatos-Cabecera, Army troops tried to sexually assault LUZ TATIANA PUERTA. She fought back as hard as she could and screamed for help. Since they weren’t able to rape her, they threatened her with false charges of being a guerrilla and said they would kill her. At the same time, they shoved aside ISAAC TORRES, who was with her and scratched his face with a machete, saying they would rip his face off and tear his eyes out. They also said he was a guerrilla and they were going to kill him. Isaac answered that they should do what they wanted. After holding him with this psychological torture for half an hour, they let him go. They did the same with Luz Tatiana, warning them that if they told anyone what had happened, it would go very badly with them.

On **Friday, April 3, 2009**, the Technical Investigation Corps (CTI is the Spanish acronym.) of the Attorney General’s Office issued a report to the Office’s Eighth Delegate to the Supreme Court of Justice (File # 11 001 60 00686 2009 00002). The report lists numerous illegal actions by the Administrative Department of Security. (DAS is the Spanish acronym.) These actions consist in spying on organizations, groups and individuals, including high officials of the Government, such as high court justices. Among the 104 files containing documentation of the espionage activity, in FILE 33-2004, folio 157, there is a record of orders to spy on ten members of the Peace Community of San Jose de Apartado. The majority of them have been leaders and members of the Internal Council: Jesus Emilio Tuberquia Zapata (the current legal representative of the Community); Anibal Durango, Ana (sic) (or Diana) Patricia Valderrama Taborda, Maria Bertilda Tuberquia Quintero, Wilson David Higueta (former legal representative), Miguel Angel Graciano Usuga, Maria Brigida Gonzalez de Cartagena, Gildardo Tuberquia Usuga, Eduar Jose Lancho Jimenez (He is a supporter of the Community.) and Bernardo Antonio Sepulveda Puerta.

In Folio 40 of the same File, there is mention of an order issued by the Deputy Director of Operations of the DAS, Carlos Alberto Arzayus Guerrero, to “keep close track of organizations and individuals with tendencies in opposition to government policies, so as to restrain or neutralize their activities”.

In the same Folio 157, the Deputy Director orders examination of every source of information about the aforementioned leaders of the Peace Community, such as data bases in the Registry of Vital Statistics, telephone records, the Chamber of Commerce, the Agustín Codazzi Institute (land ownership records), intelligence agencies, CIFIN (credit rating agency) Datacrédito (internet credit information), and land transfer records.

In Folios 218-220 of the same file, there is recorded a meeting of the G-3 Group on July 25, 2005, where “offensive intelligence” spying is ordered against Fr. Javier Giraldo, a supporter of the Peace Community. Detectives Deicy Carolina Cancino and Carlos Alberto Herrera are the detectives designated for this assignment. We note that, as the Attorney General’s Office has established, the G-3 Group, created within the DAS, was an illegal group. The same report states that the cell phone number 315 727 3772, cited in various files along with the e-mail address, cdpsanjose@hotmail.com, both of them, the telephone and the e-mail address of the Peace Community, are “subject to control” by the illegal group G-3.

As soon as we found out about this illegal espionage, we forwarded a petition to the current DS Director, Felipe Muñoz, and also to President Uribe, since DAS is an agency of the President of the Republic. Both refused to apply Article 15 of the Constitution, which provides that every citizen has a right to see information about himself or herself that has been collected in files or data banks of public or private entities.

All of this explains a lot of things that we have experienced and that we have presented to the President in numerous previous petitions. In particular, it explains the eagerness to make false criminal complaints about all of the members and especially the members of the Internal Council, its leaders and supporters. This is evident in all of the proceedings, analysis of which was presented to all of the higher courts on last January 19, 2009. That shows how executive power has really usurped judicial power in Urabá, because it is the 17th Brigade of the Army, which also depends on the Presidency in that the head of state is empowered by the Constitution as “supreme commander of the armed forces” (National Constitution, art. 189,3) that controls and directs the administration of “justice” in Urabá. Its goal is political persecution of anyone with differing opinions.

This also explains, in a manner that is obvious, the latest series of attacks on the ethical and political foundation of the Peace Community of San José de Apartadó. The attacks came from the exploitation of the former commander of the Otoniel Alvarez Company of the 5th Front of the FARC. He surrendered to the Army in November 2008 and has remained sheltered illegally at the headquarters of the 17th Brigade. He has been used by the mass media, in collaboration with the former Minister of Interior and Justice, Fernando Londoño Hoyos, to spread the most infamous slanders against the Peace Community.

On **Sunday, May 10, 2009**, in the town of Playa Larga, around 2 p.m., some people who live in the area, including several members of the Peace Community, were playing a game of soccer. Twelve paramilitaries, carrying rifles and dressed in camouflage, showed up. They identified themselves as “Gaitanista Self-Defense Forces” and claimed that their Playa Larga troops were more than 200 strong. They claimed that they were there to control the area, and that any group that opposed them would be totally destroyed. Then they left. The people that live around there say that they see great numbers of paramilitaries snooping around in the towns.

On **Saturday, May 23, 2009**, in the town of El Porvenir, there was some combat between the paramilitaries and the guerrillas. It took place between 6:30 and 8 a.m.. A family in El Porvenir was caught in the crossfire.

On **Thursday, May 28, 2009**, the demobilized guerrilla, alias “Samir”, whose name, according to the Army is “Danis Daniel Sierra Ramirez”, the former commander of the Otoniel Alvarez Company of the 5th Front of the FARC, was interviewed on the program “The Hour of Truth”, broadcast by the radio station “Super”, managed by President Uribe’s former Interior Minister, Fernando Londoño Hoyos.

In the interview, he made a series of allegations against leaders and supporters of the Peace Community of San Jose de Apartadó and against the Community as a whole. He fulminated especially against a supporter of the Community, Eduar Lanhero, against the former Mayor of Apartadó, Dr. Gloria Cuartas, and against other Community leaders. He used stories and assertions that were completely false, most certainly fed him by the 17th Brigade, where he has been living illegally for the six months before the interview, preparing the connivance.

He was trying to present the Peace Community and its supporters and leaders as collaborators with the FARC, as beneficiaries of immense amounts of international financial aid that was intended for development of the region but which had been stolen by the leaders. He claimed that the leaders are despots that keep the members of the Peace Community in “concentration camps”, obliged to perform “forced labor”.

By now, many people, including government officials at various levels have realized that it was a scam, but even though his statements were stupid and impossible to believe for anyone who knows the least bit about the Peace Community’s history, nevertheless, the majority of the public who have no access to direct information and are manipulated by the media have believed the slander and this has done great damage to the honor of the Community.

The extent of the criminal defamation of the Community can only be compared with the slanders spread through all the mass media by President Alvaro Uribe Vélez on May 27, 2004 and March 20, 2005, which he has not yet seen fit to retract.

High-ranking officials in the Attorney General’s Office, when consulted by the Peace Community, maintained that it was absolutely illegal for alias “Samir” to remain at 17th Brigade headquarters for more than 15 days. In addition, the history of attacks by the Government against the Peace Community is replete with instances where supposed ex-combatants have been housed at Brigade headquarters and have been generously rewarded for making accusations against the Peace Community, both in judicial settings and intended to affect public opinion. They have accused the Peace Community and its leaders and supporters of being “collaborators with the guerrillas”.

In this instance, through a witness with knowledge, we have learned that the Brigade tried to link the false claims made up for alias “Samir” to broadcast to a priest from the Apartadó Diocese and to a Dutch woman who manages a national program that supports prisoners held by the guerrillas. This woman got a Dutch magazine to publish a defamatory article against the Peace Community and eventually got a member of the Dutch parliament to inquire of the Dutch Government about supposed “aid to the FARC through the Peace Community”.

Even though the Community made a detailed response to alias “SAMIR’s” calumnious statements, proving them to be false and contradictory, not one medium of communication cared to run it. One can guess that there has been pressure from the military, either tacit or explicit. On the contrary, from May to November, the repetition of alias “SAMIR’s” lies has been permanent.

On **Friday, June 12, 2009**, around 8:30 a.m., the Army arrived at the home of ORLANDO GUISAO, in the town of La Resbalosa. The soldiers started insulting him, saying that he had to know where the guerrillas were, seeing that he was one of them. They said they were watching him and planning to kill him.

On **Sunday, June 14, 2009**, around 10 a.m., a group of more than 100 paramilitaries arrived in the town of La Esperanza, carrying rifles, in uniform, and wearing bracelets that said “*Gaitanista Self-Defense*”. They told the families that they were patrolling in the area and the people would have to go along with what they said and if anybody didn’t agree with that, they had better leave or they would be killed.

On **Monday, June 22, 2009**, around 10 a.m., while JAIRO TUBERQUIA was working in his garden in the town of La Resbalosa, the Army came by and started insulting him, calling him a guerrilla, and telling him to get out if he didn’t want something bad to happen to him. His girlfriend was with him and they insulted and threatened her also. The soldiers told them they would get them out of the area, one way or another.

On **Friday, June 26, 2009**, around 6 a.m., the Army searched the home of JESÚS URREGO, in the town of La Resbalosa. The soldiers walked right into the house, without any court order; they turned everything upside down and they told Jesús that he and his family were guerrillas. They said they better get out of the area before they had to kill them, because things were going to get worse, that they were getting along all right now, but that Peace Community wasn’t going to last much longer. They told him that he had to keep quiet about what had happened if he didn’t want them to come back for him and he would be sorry he opened his mouth. After calling him names for a good while, they left.

On **Tuesday, June 30, 2009**, at 11:40 a.m., three people in civilian clothes, a woman and two men, came into San Josesito for 45 minutes. At first they

said they were SIJIN (intelligence unit of metropolitan police) personnel. Later they said they were part of the CTI (detectives attached to the Attorney General's Office). Later still they said they were "Judicial Police", but they never furnished their names or any identification. They just said they carrying out the orders of a supposed prosecutor, PEDRO DUARTE RINCÓN. Two members of the Community asked them to leave, telling them that it is private property, and showing them the fence where there is a sign, right next to the road, saying that it is PRIVATE PROPERTY. But they acting angrily and verbally aggressive, insisted that they can go anywhere in the entire country and that, furthermore, who does this community think they are to forbid them to enter?

The two members of the Community once again informed them that we would not be able to assist them, much less allow them to enter among the houses. They demanded that some documents be signed for them and that certain members of the Community present themselves to answer questions about some reports that the Community had filed. They then, in a rude and arrogant manner, in outraged tones, said that the Community's complaints are "without effect" and make no sense. They said why did they have to come out here if the Community was not going to answer any questions, that we should not make any more public complaints. Then they started to take pictures of people, saying that they could take any photos they wanted and they weren't afraid of anybody. They threatened to bring in the armed forces and do whatever they felt like doing.

The Community has long since got tired of making formal complaints to the Colombian justice system, after more than a decade of proof that it is not worth doing, or that the only result is that the victims, their families and the witnesses were murdered, threatened, or displaced, while the files sit inactive, leaving more than 700 crimes against humanity in absolute impunity. But what is worse, the Community has presented all the highest courts of the country with an urgent petition, requesting that they declare "*an unconstitutional situation in Urabá*", given the rottenness and extreme corruption in the administration of justice. We demonstrated to them, in minute detail, through some 20 files, how the Constitution, the procedural code, International Law, the rules of due process and the most basic ethical principles implied in the administration of justice are being violated. In the petition we identify, by their right names, the prosecutors, judges, Inspector General's staff and public defenders who have stooped to such lowdown procedures of corruption and who continue in their positions and have not

been punished at all. To cooperate with such rottenness is ethically impossible. We have begged at least for the Attorney General and other government authorities to agree to establish a Committee to Evaluate the Justice System, but there has never been any response.

Beginning **Thursday, July 22, 2009**, the Army has been in La Resbalosa carrying out voter registration for everybody there. On **Saturday, July 4**, they humiliated Mr. YONY EDILSON URREGO MORA, accusing him of being a guerrilla and threatening him; they offered his companion to take her to the city and give her valuables if she would accuse her husband (Yony Edilson) of being a guerrilla. While the Army stayed in La Resbalosa, they were constantly asking who it is that is informing the Peace Community about what is going on in La Resbalosa. They were saying that this person or these persons who are giving information *are* guerrillas. The Army soldiers were quartered in the interior of Mr. Jesús Urrego's house.

On **Thursday July 2, 2009**, at around 2:20 p.m., GIRLEIDA GRACIANO, a member of the Peace Community, and FLOR MARIA, the niece of a member of the Community, residents of the town of La Esperanza, were on their way from Nueva Antioquia to La Esperanza. For about twenty minutes, they were followed by two men who were dressed in civilian clothes and carried handguns. Later they ordered the women to wait until their superior arrived from Nuevo Antioquia. After they made a phone call, they continued to force the women to go along with them. A few minutes later they met paramilitaries dressed in military camouflage and wearing bracelets of the "Gaitanista Self-Defense Forces of Colombia". They were heavily armed and forced the two women go out of their way to go with them until they got to a ridge. There they threatened the women and accused them of being informants for the guerrillas. They made them stay there until the paramilitary chief got there. Later the paramilitaries made them give the cell phone number of a member of the Community who lives in La Esperanza. The women were made to stay there and listen to threats and accusations against the Peace Community. They were freed in the morning of the next day and warned not to show up around there any more.

On **Friday, July 3, 2009**, there was a meeting in the offices of the President's Social Action Program in Apartadó. The purpose was to coordinate planning for an inter-agency visit for San José de Apartadó on July 22. The visit is aimed at showing the "positive changes" that San José de Apartadó has enjoyed because of the investments there, covering up the

barbarity that the government and its institutions have used against the Peace Community, their defamation campaigns, their judicial fabrications, their bribery of the farmers to make them quit or leave the Peace Community if they want to receive money and government services.

On the same **Friday, July 3, 2009**, around 2:00 p.m., Army soldiers arrived at the homes of two Peace Community families in the town of La Resbalosa. They warned them to get out of town immediately if they didn't want to have the same thing happen to them that happened in 2005 (the massacre on February 21, 2005). They said the families would be better off if they left so they wouldn't have to kill them. After that, the soldiers moved in to one of the houses in the town and stayed there more than three days, in spite of the fact that the people begged them to get out of their houses. Their staying there put the families at risk because of the armed confrontations that go on in the area. Nevertheless, the soldiers only made fun of the people and accused the families and the Community of being guerrillas and announced that the Peace Community would soon be exterminated.

On **Friday, July 10, 2009**, around 12 noon, in the town of La Unión, men from the Army were talking with a young man in his house. He asked them to leave, because their presence was a risk to his life. One of the soldiers asked him if he was a member of the Peace Community. He said that he was not. They said lucky for you, because that Community is going to be exterminated and the paramilitaries are going to take charge of it. Not only that, they said that their only problem in the whole area was "*that sonofabitching guerrilla community*". They told the young man that they would be leaving but don't even think if getting mixed up with that community.

On **Sunday, July 19, 2009**, at about 8:00 a.m., Army soldiers entered illegally into several homes in the town of La Resbalosa. They stole the food that the people were keeping in their humble kitchens, as well as dishes and food products that had just been harvested, such as beans and corn.

On **Monday, July 20, 2009**, around 11:30 a.m., Army soldiers in the town of Mulatos, Army soldiers stopped JULIO GUISAO, the Community's coordinator for La Resbalosa. They tortured him, beating his face bloody, in spite of the fact that he is physically disabled because of earlier beatings. Later they threatened him with death, telling him to get out or "demobilize", just as if he were a member or a collaborator with some armed group. When

he explained that he was a member of the Peace Community, they beat him even harder and they told him that they were going to finish off “*that sonofabitching guerrilla community.*” They kept hitting him and calling him names until 1:30 p.m.

On **Friday, July 31, 2009**, around 6:00 p.m., paramilitaries executed JAVIER LOZANO REDONDO at the exit from the town of Batata, in Tierralta (Córdoba Province), not very far from one of the locations of our Peace Community. He was walking with his wife and his three-year-old daughter. The paramilitaries came out onto the road when he was walking toward his house in the town of El Tesoro. As he passed the paramilitary checkpoint, they shot him in the back and they told his wife that she had better disappear and keep quiet if she wanted to stay alive. They said that if “*that sonofabitching Peace Community*” keeps on filing complaints, they will kill a few of their leaders to get rid of it. This murder resulted in displacement of more than ten families from the towns of Murmullo Alto and Murmullo Medio.

On **Friday, July 31** in Mulatos, and **Saturday, August 8**, in Arenas, this year, 2009, there has been combat between the Army and the Guerrillas, without respecting the territory of peace or the supplications that the Peace Community has been making for 12 years, asking that people not carry weapons in the living and working and spaces of their territory and that not one drop of blood be shed in the territory of peace.

On **Monday, August 3, 2009**, in the town of Mulatos, when she stepped a few meters off the road, AIDA LUZ, a farmer in that neighborhood was the victim of a land mine and suffered burns. The guerrillas usually mine the areas frequented by the soldiers. That puts the lives and integrity of the civilian population at high risk.

On **Saturday, August 8, 2009**, during morning hours, Mr. JESUS RIVERA was murdered in the town of La Cristalina. Up to now, we don't know anything for sure about the killers, nor about the motives of the crime. We only know that he was dragged out of his house and brutally murdered. The Public Defender's version, agreed to by the Army, says that it was an ordinary crime related to a love triangle. Nevertheless, people close to Jesús Rivera insist that he had received previous death threats, both by the Army and by the guerrillas.

On **Monday, August 10, 2009**, around 7:00 a.m., Army soldiers surrounded members of the Peace Community in the town of El Guineo and told them that the Community were all guerrillas and how they were going to wipe it out. After yelling at them for several minutes, they let them go.

On **Thursday, August 13, 2009**, during morning hours, a murder victim was found in the town of La Unión. The person was not known in the area. The community immediately notified the Public Defender so that the necessary legal proceedings and investigation could be carried out. The Community wants to know why their space is stained with blood and what is the purpose of these crimes, to say nothing of their evil effects.

On **Wednesday, August 26, 2009**, at about 11 a. two men dressed in civilian clothes, carrying hand guns stopped MARCOS DURANGO, WILTON BERRÍO and RAUL BERRÍO in Nuevo Antioquia. All three are members of the Community. They told them that they were paramilitaries and that they would have to go along with them to a distant location. The paramilitaries were riding bicycles and as they were leaving the town, they passed the police station. They asked the police to watch their bicycles while they took the three men away. Later, passing a military base, they saluted the soldiers in a very friendly manner and then continued on their way. They took their three captives out of the town and took them some 30 minutes out of Nuevo Antioquia. There was a paramilitary base where there were more than 200 paramilitaries armed with rifles and wearing camouflage uniforms. They took the three to their commander and he told them that they were going to be killed.

They tied them up and began to interrogate them. They repeated each question three times. They asked them about the Peace Community and about its leaders and supporters. They talked especially tough about Eduar Lanchero, about “El Negro” (Jesús Emilio Tuberquia, the Community’s Legal Representative) and about Reinaldo Areiza (who had been blackmailed by Col. GERMÁN ROJAS DÍAZ last January). They said that they would have to kill them no matter what, along with other members of the Community.

They also asked them what effect the public accusations by alias “SAMIR” had had on the Community. They repeated that they would have to attack the Community at any cost and they also asked who else was going along

with them and to name international groups accompanying them, and who else supported them.

The captives answered that they didn't know, and the torturers ridiculed that answer and repeated that the community was the principal trouble in Urabá and everyone is agreed that it has to be exterminated. The paramilitaries pressed pistols against the heads of the captives and fired, but without any bullets. They kept them that way until Thursday August 27 about noon, questioning them several times on the same subjects. Later they told them that they could not kill them right now because the "guerrilla community" had communicated their captivity to the Public Defender. They released the three at about 1:00 pm on that Thursday.

The absolute sameness of language, strategy, threats and arguments, between the military and the paramilitaries is obvious. It reinforces the evidence of their close and friendly relations, to say nothing of the nearness of their headquarters.

On **Wednesday, September 2, 2009**, in the town of El Guineo, Army troops asked members of the community about Jesús Emilio Tuberquia and Eduar Lanchero, what they do, where they go, whom they talk to, and what they talk about. The people answered that they didn't know and that made the soldiers furious. They called the people "guerrillas" and told them that *"these are the people that are ruining this country and they ought to be wiped out so that this area can get ahead."*

On **Saturday, September 19, 2009**, around 10:00 a.m., in the town of Las Nieves, Army soldiers stopped two members of the Peace Community who were working on their farm, planting corn. The soldiers asked them if they were part of the Community and when they answered that they were the soldiers started to insult them and call them "guerrillas". They said that they would not be able to remain there, that they would not permit the Community to exist anywhere.

The soldiers wrote down their names and when they complained that this was a registration that had been prohibited by the Constitutional Court, the soldiers answered that they could do whatever they felt like doing; that laws don't exist for them.

The soldiers jeered at them some more and asked for Reinaldo Areiza (whom Col. GERMÁN ROJAS DÍAZ blackmailed last January, telling him that if he didn't cooperate in the destruction of the Community he would institute a criminal proceeding accusing him of financing the FARC and being a drug trafficker, but if he did cooperate, he would give him a lot of money.) After learning that Reinaldo was not there, they left, but first they warned the men they had stopped that if they loved their lives they would get out of the area, and if they didn't, they couldn't be responsible for what would happen to them.

On **Tuesday, September 22, 2009**, around 11 a.m., Army soldiers entered the Peace Community's school in the town of La Esperanza. They were asked to leave, as this is the Peace Community's private property. They immediately began to yell at the members of the Community, treating them like "guerrillas" and stating that they (the soldiers) could do whatever they felt like doing.

On **Wednesday, September 23, 2009**, at about 2 p.m., Army soldiers entered the Peace Community's school in the town of La Resbalosa. They were asked to leave, as this is private property belonging to the Peace Community and no weapons are supposed to be there. The soldiers began to abuse the people of the Community, saying that they were going to annihilate the Community, one way or another. The people of the Community explained that this location is private property and the soldiers were not permitted to enter, least of all carrying weapons. The soldiers answered that they would do what they felt like doing and that they could destroy that school if they cared to. If anyone disagreed, just remember the massacre of 2005. Later they left, enraged, ridiculing the Community,

On **Friday, September 25**, around 4 p.m. they entered the school again and stayed there for an hour, spending the time denigrating the Community, saying that they were going to wipe it out, come what may.

On **Saturday, September 26**, around 10:00 a.m. they entered the school again and repeated all of their threats and name-calling.

On **Sunday, September 27, 2009**, around 5 p.m., in the town of La Unión, the Army detained Mauricio David. His captors told him that "*that sonofabitching Peace Community are all guerrillas and we are going to finish them off one way or another.*"

On **Monday, the 28th**, they entered the private property of the Community and identified themselves as Battalion 33. International supporters were present and they told the soldiers that this was private property and would they please respect that. The soldiers laughed at them and said that they did not recognize La Unión or La Resbalosa as land belonging to the Peace Community.

In the **last days of the month of September 2009**, there was combat in Nuevo Antioquia involving the paramilitaries and the guerrillas, and in the village of San José there was combat between the guerrillas and the National Police. The different armed groups kept on making areas densely populated by civilians into a battlefield. This infringes the most basic principles of the Geneva Convention.

On **Sunday, October 4, 2009**, at about 11:30 a.m., Gildardo Tuberquia, a member of the Peace Community and of its Internal Council, was on his way to the town of Mulatos, where there a number of displaced families who have returned. Soldiers who never identified themselves detained him for about 20 minutes. They were stationed in San José. They tried to check his documents, but he refused, saying that it was an illegal procedure. Then they yelled at him and answered that they would do whatever they felt like doing; that the laws don't exist for them.

On **Thursday, October 8, 2009**, around 10:00 a.m., Julio Guisao, Peace Community co-coordinator in the town of La Resbalosa, was detained again by police and soldiers in San José de Apartadó. They were asking him the names of his relatives who lived in the house and later they made a list in a notebook. When he complained, pointing out that it was a search that was illegal, they told him to be quiet or he would be handcuffed. They reminded him that he had been arrested before in the town of Mulatos (where he was indeed arrested and tortured by the very same people). They then went on the radio and told him that he could go, but if he complained about them at any time, they would arrest him—that's why they keep troops in the area.

On the **8th, 9th, 10th, 11th, and 12th of October, 2009**, Army troops patrolling in the town of La Resbalosa kept on threatening the people of the Community who live there, in addition to butting in and disrespecting the public spaces belonging to the Community. They left the Community families who live next to the school without any water.

On **Sunday, October 18, 2009**, during morning hours, the paramilitaries from Nuevo Antioquia sent a new note to the Peace Community. This is what it says:

“To all of you, we ask as a favor that you leave the land here as soon as possible, because we are looking for some people who have spoiled it. You can more or less imagine who we mean and if we are able to find them, blood will flow and anybody that stays around here will be left holding the bag, innocent or not. If one doesn’t leave, everybody will pay. This is not a threat. It’s just information that your lives are in danger if you don’t comply.”

The Peace Community renewed its firm decision not to obey orders given by criminals even though they are so evidently supported by government policy.

On **Sunday, October 11, 2009**, WILLIAM GUZMÁN, a paramilitary recruited to work with the 17th Brigade ever since Colonel Néstor Iván Duque was its commander, arrived in San José on a motorcycle along with another paramilitary. There he detained a member of the Peace Community and asserted that he worked with the paramilitaries and had a close relationship with the Army and that they had decided to kill EDUAR LANCHERO, a supporter of the Peace Community. He claimed that they had followed Eduar for a long time and that his death would come in a few days. Since 1997, the Army’s 17th Brigade has been creating a nucleus of paramilitaries aimed at the destruction of the Peace Community and its supporters. One of its members is WILLIAM GUZMÁN, as we have charged in numerous communications. Eduar has been the principal target of the pack of lies that the Brigade had the FARC deserter alias “Samir” spread in his interview with ex-Minister Fernando Londoño Hoyos on last May 28. Even before that, in the José María Córdova Military School, it was discovered that some of the officers were showing photographs of Eduar to the soldiers so that they could remember him as someone that they would have to kill. The Colombian government has refused to explain to the Inter-American Court for Human Rights all of this persecution of Eduar. Once again, it is clear both to the country and to the world that the old paramilitary structures are continuing to act as before, under the protection and connivance of the armed forces.

On **Tuesday, October 13, 2009**, soldier ANDRÉS OSORIO CRUZ, who had served in the Army for ten years and was assigned that day to the town of San José de Apartadó, was killed during the night. He was walking on the road that leads to the town of La Unión and ANEL GISSELA ZAPATA SOLÍS was walking with him. Her sister, SANDRA PATRICIA ZAPATA SOLÍS, had stayed behind in the town, talking with the other soldiers, and when she heard the shots she wanted to go to see what had happened to her sister, but the soldiers would not allow her to go.

The next day, Anel Gissela was arrested and taken to the prosecutor's office to be questioned about what happened. She told them that it had been so dark that she was not able to identify the killers. She asked if it would be all right if she made the trip she had planned to Medellín and the prosecutor told her that yes, it would be all right because she was not under arrest.

On Wednesday, November 4, the residence of the Zapata Solís family was searched, but the prosecutors did not find anything incriminating. Several members of the family were arrested, including WILLIAM ZAPATA SOLÍS, age 23, LUIS ARCELIO ZAPATA SOLÍS, age 21, and SANDRA PATRICIA ZAPATA SOLÍS, age 27. They once again sought ANEL GISSELA, but she was not there because she had gone on her trip. They accused all of them of “illegal use of weapons”, “private use of military uniforms”, “insurgency” and “homicide”.

They were taken to the 17th Brigade and later to the prosecutor's office. The Public Defender appointed as their lawyer Dr. Yolanda Albarracín, who is known to pressure defendants to admit the charges and enter into a plea agreement. Since they had not found a single element in the search, the only proof the prosecutors said they had was the testimony of two supposed demobilized guerrillas. They were not allowed to know who the witnesses were or to face them in order to question them, and they were not even told what their testimony was. The prosecutors were keeping this evidence secret and did not allow the defendants to defend themselves, or even to know exactly what they were accused of doing.

That all makes clear that the supposed testimony was produced by the 17th Brigade, which has in past decades made up an infinite number of false testimony and phony evidence to charge whomever they want to charge. Much of it is obtained by bribery or threats, and not a little by torture. The residents of the town of San José have heard soldiers say that they would be

staying there, and that if the prosecutors would set these people free, they would have to “take them down”, a symbolic expression that means “kill them”.

So the Army has an interest in charging and convicting them, perhaps a feeling of revenge or perhaps a need for “sacrificial lambs” because of the killing of the soldier Osorio. This most recent episode proves that the presence of the armed forces in the midst of the civilian population and in their living space attracts the insurgents to confront them militarily in areas that are civilian area. Both groups are using the civilian population for their military objectives and those are the reasons why the Constitutional Court criticized having the police stations in the midst of the civilian population in the context of armed conflict. (Sentencia (Court Decision) T-1206/01).

On **Saturday, October 17, 2009**, at about 4:00 p.m., just where you leave the town of San José de Apartadó, Army soldiers arrested WILMER ZAPATA and JESÚS ÚSUGA, two young men who live in the town of La Unión of the Peace Community. The soldiers, without any basis at all, treated them as “guerrillas” and told them that they had to avenge the deaths that the Army was suffering in the area, unloading their need for revenge onto the residents of the region. Once again they said that the Peace Community was a “*sonofabitching guerrilla community*” and warning that sooner or later the soldiers would rejoice in the number of deaths that the community would suffer.

On **Sunday, October 18, 2009**, around 8:00 a.m., just where you leave the town of La Unión, Army soldiers detained REINALDO AREIZA and HUBERT AREIZA, for more than half an hour, treating them like “guerrillas”, again without any reason. Reinaldo had been contacted last January by Colonel GERMÁN ROJAS DÍAZ, commander of the Voltígeros Battalion of the 17th Brigade. The Colonel invited him to cooperate in destroying the Peace Community and threatened that, if he refused, he would be prosecuted for insurgency and drug trafficking by false testimony. If he agreed to do it, he would receive an enormous sum of money. The complaints to all government agencies and to the international community apparently stopped the crime from being carried out, but Colonel Rojas Díaz remains in his position and that certainly explains the continuation of so many threats and persecutions. A person who has the moral capacity for such a vile extortion is certainly capable of carrying out other crimes.

Not just Reinaldo but other members of his family have been threatened on repeated occasions during the last year. The soldiers who detained them on October 18 told them that “*the community’s international support is going to be over very soon*” and that that would lead to the destruction of the Community. They said that was a goal eagerly sought by the Army and that reaching it would be something that would make the soldiers very happy. They even mentioned the media campaign started by the 17th Brigade in May 2009 and continuing, using the statements full of lies that were put out by the former FARC guerrilla alias “SAMIR”. He surrendered to the Army in November 2008 and he has been housed illegally at 17th Brigade headquarters, where he continues to spread vicious fabrications against the Community by means of area radio stations. There has been no intervention by any authority.

On **Monday, October 19, 2009**, at about 4:00 p.m. members of the government’s secret military strategy unit killed a young man, JAIR JOHN REALIS, 22 years old, in the area of Batata, in the municipality of Tierralta (Cordoba Province). He had previously lived in the town of Naín, where there is a Peace Community settlement on the border between San José de Apartadó and Tierralta. The paramilitaries, dressed in civilian cloths and carrying weapons, asked Jair John to identify himself and then they took him to the edge of Batata where they cut his throat. Once again the paramilitaries are threatening all of the people they have threatened in the past to give up their farms. They warn them that if they don’t leave they will be killed.

It is worth noting that in Batata there is both a military and a police presence and that, in spite of that, the paramilitaries have a base there with more than 200 units and they move around the area without any problems at all.

On that same **Monday, October 19, 2009**, Justice DAGOBERTO HERNÁNDEZ PEÑA, of the criminal unit of the Superior Tribunal, Judicial District of Bogotá, dismissed a “tutela” action (request for judicial relief) filed by the undersigned. The action requested that the President of the Republic, the Minister of Defense, and the Director of the DAS (Colombian FBI) be required to provide access to the reports that they maintain in their data bases, not only relating to the undersigned, but also to the ten members of the Peace Community of San José de Apartadó, as set forth in Article 15 of the National Constitution.

Ever since the complaints about “*illegal wiretapping by the DAS*” and some of what was behind that came to light, allowing some recognition that the undersigned had been subjected illegally to a process known as “*offensive intelligence*” by members of an illegal branch of the DAS—the G3—simply for not agreeing with government positions, and that at the same time ten members of the Peace Community, the majority of them members of its Internal Council, were illegally subjected to minute investigation of every aspect of their private lives, the undersigned filed several petitions with the Office of the President, the Ministry of Defense, and with the DAS, invoking Article 15 of the Constitution.

We have received nothing but answers denying the existence of intelligence reports relating to the plaintiffs, which was demonstrably false; thus the request for judicial relief. Judge HERNÁNDEZ PEÑA, in denying the request based his decision exclusively on “*lack of standing*”. He held that the undersigned has no right to represent the Peace Community in an action requesting its rights, but rather that they would have to make the request themselves, on their own or through a lawyer authorized to do so.

But the Judge has not ruled absolutely on the rights of the undersigned. His decision didn’t mention them at all, and it ignores precedents, where the Constitutional Court recognized in three previous decisions (T-249/03; T-327/04; /-1025/07) the right of the undersigned to act in the name of the Peace Community. All of that shows that this was a political decision, not a legal one, much more so if you keep in mind that another of the judges who signed the opinion, FERNANDO MALDONADO CALA, used a trick to deny another petition for judicial relief in 2006. He modified the claims of the petition for relief, but the Constitutional Court discovered the trick and invalidated and corrected his decision.

On **Thursday, October 22, 2009**, several high officials of the 17th Brigade told members of international organizations that the Peace Community “lies”; that its complaints are “false” and that their goal is to “discredit the Army”, using international accompaniment to “protect terrorists”. In addition they warned that they would only recognize the settlement at San Josesito as protected by the Interim Relief by the Inter-American Court for Human Rights, and that they would refuse to recognize other settlements of the Peace Community as beneficiaries of those measures. In the 12 years of existence of the Peace Community, the Army and Police have denied the existence of these crimes in a gratuitous and routine manner. The “internal

investigations” that they promised or carried out only regarded confessions as valid evidence, and those, as usual, never take place, so then they immediately proceed to “place the complaint on file”.

The investigations carried out by organizations of control have been so corrupt that our Community had to decide, at a particular time, not to cooperate with such a broken-down justice system. This year we exposed to the highest courts of this country, in detail, the level of corruption of justice in this area, but the highest courts, instead of showing their deep concern, said there was nothing they could do. Besides, the Peace Community is not a community limited by territorial borders, but by the choice of the people who join it to respect some principles and to demand their obviously legitimate rights under the National Constitution. The Inter-American Court has ordered *Interim Relief* for ALL of its members and, not only that, for all of the people who work in the Peace Community. The Army can't arbitrarily refuse to recognize the settlements of the Community, much less decide who is and who is not a member of the Community. Nor can it forget that the PEACE COMMUNITY was originally made up of displaced people from a number of towns who, little by little, had been returning and reconstructing what the Government had destroyed. They maintained the Principles of the Peace Community in all of these settlements of returnees.

On **Thursday, November 5, 2009**, alias “Samir” was once again talking on local radio stations for several hours against the Community, lying and attacking our system. What he did demonstrated the drive of the 17th Brigade against the Community. The Government has taken no action at all against a person like this who has done so much harm to the community, who has committed crimes against humanity and, on the contrary, possesses the support, the impunity, and the cover to assault and attack the Peace Community.

On **Saturday, November 14, 2009**, around 3 p.m., GILBERTO GRACIANO, a member of the Peace Community in the settlement of Mulatos, was the victim a land mine while he was hunting for some pigs of his very close to the road. There had been soldiers in the area a few days earlier. There is starting to be a custom that the guerrillas come afterward and mine the areas where the soldiers have camped. Gilbert lost one of his feet.

On **Monday, November 16, 2009**, at about 10:00 a.m., in the town of Caracolí, located along the road between San Josesito and Apartadó, Wilmer Tuberquia, who lives in San José, was stopped by the paramilitary WILFER HIGUITA. Higuita was accompanied by another man dressed in civilian clothes but carrying two handguns and riding a motorcycle. The two warned Wilmer that they had a list of people they were going to kill and that on the list were REYNALDO AREIZA, LUIS ARNELIO ZAPATA (who was murdered a few days later), FABIO MANCO, MARIO ARIAS, JESÚS QUINTERO, WILMER TUBERQUIA, and some others from several towns. They said they were offering seven million pesos (about \$3,500) to anyone who would kill any of them. They told him that he ought to leave. Wilfer Higuita was the one who helped Colonel Germán Rojas Díaz to blackmail Reynaldo Areiza last December (2008). He invited Reynaldo to cooperate in the destruction of the Peace Community, threatening him with a false charge of being a guerrilla and a drug trafficker if he refused, but offering him large sums of money as a reward if he would cooperate. Wilfer has also been seen patrolling with the Army and now he is looking for a way to kill the recipient of the messages from Colonel Rojas, most likely because he refused the blackmail and filed a complaint.

On **Saturday, November 21, 2009**, at about 11 a.m., the paramilitaries had a meeting in the town of Batata near Tierralta (Córdoba Province). They threatened all of the people in the area with an identification process that they would direct. They set a deadline of December 2009, warning that if any person did not have their identity card at that time, he/she would be killed. This meeting took place in the center of the town, in full view of the soldiers and police who were there.

On **Sunday, November 22, 2009**, around 1 p.m. the paramilitaries rounded up all of the people in the town of Murmullo, near Tierralta (Córdoba Province). They gave them the same warnings that they gave to the people of Batata the day before.

On **Monday, November 23, 2009**, at about 10 p.m., in the town of San José, the paramilitary known as “Lalo” or DAIRO DE JESÚS RODRÍGUEZ was murdered by having his throat cut. He had set up a commercial establishment when the armed forces took over the town in April of 2005. He met frequently there with paramilitaries who came up from Apartadó and left along with the police and the soldiers. This scandalized the Peace Community, because they knew he was a participant in massacres that had

shocked the Community, among them the one on April 4, 1999 where the teacher and artist Aníbal Jiménez, author of the Peace Community hymn, was massacred in front of his young children.

None of the many complaints filed by the Community resulted in prosecution of alias “Lalo”, because it’s the 17th Brigade that decides who will be prosecuted and who will not be, and so the Army’s paramilitary collaborators are not going to be among those prosecuted.

The government always responded by saying that his record was clean according to the government data base, and gave the same response for almost all of the paramilitaries around here because they never use their names or their identity documents in their activities. That is an essential strategy of paramilitarism because Law # 782 provides such a generous pardon, plus relocation in paid public service jobs.

Alias “Lalo’s” brothers, when they came to San José to recover his body, promised to avenge his death on the residents of the area, and that they would join forces with the Army and the Police, whether it would be by raids in San José or by isolated attacks in Apartadó. The paramilitaries repeated this in a meeting in the Policarpo neighborhood in Apartadó the next day. They announced that they would avenge this death with massacres against the Peace Community.

On **Tuesday, November 24, 2009**, around 10 a.m., the paramilitaries had a meeting in the Nueva Antioquia community. They told the people in the area that they had been trying to reach an agreement with the guerrillas, but that if they could not do it, they would kill anyone who had any relation with the guerrillas. In addition, they warned the people that they were going to create an identification process for everybody and that they would be carrying a list where every person would have to report their movements, their place of residence, the names of their relatives, and other information. Anyone surprised without this identity card would be killed. They added that right now their principal goal is to exterminate the Peace Community. To achieve that, they can count on the acquiescence and support of the police and the army who are stationed in Nuevo Antioquia, where the paramilitaries have maintained a base that has been protected by the Armed Forces for more than a decade.

On **Wednesday, November 25, 2009**, at about 5 p.m., the paramilitary ELKIN TUBERQUIA, who has been tied to the activities of the 17th Brigade by Colonel Néstor Iván Duque, who had previously tortured him and threatened to kill him, called a member of the Peace Community. He offered Rodrigo Rodríguez, who had been threatened numerous times by the Army, 400,000 pesos (about \$200) if he would inform on what goes on in the Community, and especially on Eduar Lanchero, a supporter of the Community. Lanchero has been in the sights of the military and the paramilitaries, intending to kill him. Tuberquia said that they would kill Eduar and that they already have a network connected to the Army that will easily carry out the plan.

The sad story of Elkin Tuberquia is too well known in the Community because it is a case of submission to wicked psychological pressure to change his moral conscience and change him into a criminal after he has been a victim. Elkin assisted the Vice President's Office and the Army to contaminate the report about the massacre of February 2005 given to the diplomatic corps, to the mass media, and to the House of Representatives. Colonel Néstor Iván Duque took part in this, just as the paramilitary leader alias "HH" described. His very own companion in falsehood, Apolinar Guerra, also decided to confess what they did. The Prosecutor's Office has collaborated in the cover-up of Elkin. When the lawyers summon him to hearings to explain all his lies, the Prosecutor's Office states that they "don't know where he is."

On **Sunday, November 29, 2009**, at about 3 p.m. LUIS ARNELIO ZAPATA MONTOYA, a resident of the town of La Antena, near the town of San José, was murdered. Two armed men on a motorcycle arrived in the town of San José early that Sunday and asked for several people, including Luis. When Luis stepped out of a bus from San José to Apartadó, up in the El Mangolo neighborhood of Apartadó, two armed men on a motorcycle who had been following the bus met up with another motorcycle with two more armed men. They forced the bus to stop and made Luis Arnelio get off. He resisted and then they killed him inside the bus, in front of all the other passengers.

* * * * *

As you can see, Mr. President, this chronology reveals the persistence of several practices that violate fundamental human rights. It reveals

permanent contemptuous methods in the crime against humanity, PERSECUTION, on the part of numerous direct and indirect agents of the government:

* They insist on maintaining the crux of their malicious falsehoods put forth on March 20, 2005 as the nucleus of incessant defamatory campaigns that rely on members of the military, former members of the military, former guerrillas, paramilitaries supposedly demobilized and active, former ministers, journalists, businessmen and intellectuals, all of them attached to the government and collaborators with its strategies and projects.

* The crux of these lies has served to justify all the many forms of abuse against the Peace Community and its members. These include, among the most serious: torture, sexual abuse, pillage of the farmers' means of subsistence, the consumption of their crops, the theft of tools and supplies, threats to make people abandon their land, the threats, the displacement, leaving explosives in farmers' fields, and the continual warnings of imminent violent extermination of the Peace Community.

* They insist on maintaining the paramilitary strategy, giving new names to the same groups, such as "Gaitan's Self-Defense Force" or "Black Eagles", but using the same quarters as before. One of the most evident examples is that of Nuevo Antioquia, where they enjoy the tolerance, acquiescence, and collaboration of the Army and the Police, maintaining the close relations that they have maintained for decades.

* As an intensified method of persecution, taking into account the most recent reactions of the insurgents, they are placing Army troops in encampments for several weeks near the settlements of the Peace Community. Then, once the troops leave the camp the guerrillas come and mine the areas where the Army was camped, exposing the members of the Community who come to these sites to work to serious risk and mutilations.

Furthermore, the means of protection furnished by Colombia's theoretical rule of law to citizens confronted by all of this barbarity have been revealed to be totally ineffective.

* The worst performance has been that of the judicial power, or the administration of justice. At present it is usurped—*de facto*—in this area by the 17th Brigade. That has been demonstrated all of the highest courts of the country by the Petition filed January 19, 2009 and also filed with the Office of the President.

* The immediate administrative measures, aimed at avoiding the continuation of the wrongs and at cleansing the public administration of the enormous corruption and criminality that we experience in Urabá before it is too late, have been evaded by the President. All of the petitions have been forwarded to other officials who have no authority to solve the problems. A pathetic example was the Petition sent to the Minister of Defense, Dr. GABRIEL SILVA LUJÁN last September 28 (2009), a copy of which is attached to this Petition. Sending it to the Ministry of Defense was totally useless. The Defense Minister's answer—also attached—contains no solution whatever to the horrors outlined here, nor any reason why the government has not complied with its international commitments as ordered by the Inter-American Court for Human Rights, failing to answer its urgent requirements. Nor does the Minister explain why all the cases of “false positives” perpetrated by the 17th Brigade have never been acknowledged.

There has been no truth, no justice, no reparation, and no answers to the intergovernmental agencies, just as in the cases of ARLÉN RODRIGO SALAS (11/17/05); EDILBERTO VÁSQUEZ (1/12/06); ALFONSO DE JESÚS BEDOYA FLOREZ (9/1/07); JUAN JAVIER MANCO MOLINA (12/14/07) and MARGARITA GIRALDO ÚSUGA (12/23/07).

Nor is any reason given for the persecution of EDUARO LANCHERO, a supporter of the Community, by Army officers and paramilitaries. And there has been no resolution of the problem of the destruction of the crops belonging to the farmers in La Resbalosa who are members of the Community, nor of the pillage of their food supplies by the Army. They have not ordered the indemnification of the victims, although they know that these farmers live in poverty. They have been displaced and returned multiple times.

They have not solved the problem of the intense presence of paramilitaries in the area, especially in the town of Nuevo Antioquia, where they enjoy the tolerance, support and sympathy of the Armed Forces. Nor have they solved the problem of the persistent plundering of the homes of the displaced

people of San José, and of the structures built by the Peace Community. Now they have been converted into brothels, under the noses of the Armed Forces, after they have broken all of the locks. And there has been no response about the generals and high officials who have had command responsibilities for crimes and “false positives”, and still remain in their positions.

* The measures listed by the Constitutional Court in its Decision T-1025/07, ordering the Defense Ministry to send reports every two weeks to the Public Defender on the means of protection for the members of the Community and the people they work for. The Attorney General was also ordered to send monthly reports on advances in overcoming the impunity of those hundreds of crimes against humanity that have affected the Peace Community. These orders have become useless formalities.

In spite of the queries from the Community about the format of the reports, the Ministry of Defense has gone to a useless routine of writing a page and a half every two weeks, almost always identical to the previous report. It reports on military operations, which they call “protection” and the Community calls “attack”. It denies all of the assaults that were committed during the two-week period.

For its part, the Attorney General’s Office sends lists of open cases in different offices, but their opinions on the evidence and their legal theories convert the cases into unconnected crimes, isolated and perpetrated by anonymous phantoms, needing to be filed away as soon as possible, as has happened to many of them. The situation has led the Community to seek fervently to have the Constitutional Court schedule a follow-up hearing on the decision.

* We know that the provisional measures ordered by the Inter-American Court for Human Rights have as their fundamental object the support of the international treaties signed and ratified by Colombia. Under those treaties, the government is required to observe the orders of the Commission and of the Court. It is required to take the preventive steps that will avoid more murders, while in fact, they are lined up in formation to commit systematic and generalized violations of human rights. In the last year, Colombia has not even complied with its obligation to send the Court a report every two months. The reports would enable the Court to maintain extraordinary

vigilance over the higher institutions of the government, with the goal of avoiding the continuation of the crimes.

A day-by-day analysis of the violent practices of the government against the Peace Community over the last three years provides a perspective that permits the discovery of the nucleus that drives the persecution allows us to see the different resources that are used to implement it, the media as well as the military, the paramilitaries as well as the judges. This brings me, Mr. President to formulate a fundamental petition: Stop trying to exterminate the Peace Community of San José de Apartadó. I beg you to reconsider your goals and take into account that the Constitution establishes peace as “*a right and a duty that must be complied with.*” (Article 22). The most elementary logic shows that peace can never be made by force of arms, whether by domination by one power over another, or by an equilibrium of terror.

Take into account that the Community has every right to demand a living environment without weapons, without military domination, and without militarization of services essential to survival; that it has a right to refuse to be involved in military plans and the paramilitaries in the region. I beg you to consider also that a government has no right to unload risks on the population by forcibly introducing people into combat settings, nor to violate the people’s fundamental right to life, to personal integrity and liberty by resorting to sponsorship of paramilitary organizations who massacre, terrorize, destroy and displace anyone who, because of imperatives of conscience, does not submit to the militarist and exclusionary ideology.

Therefore, invoking the constitutional right to petition, consecrated in Article 23 of the Colombian Constitution, I earnestly ask you, Mr. President:

1. Conduct an exhaustive investigation of the 17th Brigade of the Army and force the removal of those who have used their command power and that of their battalions and sections to violate the Constitution and the laws by carrying out and tolerating practices that have enabled different methods of carrying out the crime against humanity of persecution. Replace them with soldiers who are fit, who understand and respect the Constitution, the laws, the Universal Declaration of Human Rights and the elemental principles of universal ethics.

2. Force the 17th Brigade to cease the usurpation of the judicial power, restoring the independence of powers in the area, as required by the Constitution.
3. Eradicate the paramilitary organizations in the town of Nuevo Antioquia and surrounding the 17th Brigade. They enjoy the acquiescence, collaboration and support of the Army and the Police. Discharge any officials that have supported the paramilitaries, making themselves responsible for their numerous crimes. Turn them over to the civil justice system.
4. Order the Ministry of Defense to indemnify immediately the farmers whose crops have been destroyed and their food supplies looted by Army soldiers, especially in the town of La Resbalosa, as well as the displaced families whose homes have been looted in the town of San José.
5. Re-establish respect for the belongings of displaced people, as is required by the United Nations Guiding Principles on Internal Displacement, and order indemnification of the Peace Community for the collective property abandoned in the town of San José and which has been looted, occupied and converted into brothels, after all the locks were tampered with and all the warnings as to their protection under international law were destroyed, with the acquiescence of the armed forces stationed there.
6. Dispense with the services of high officials who resort so audaciously to blackmail and crime, such as COLONEL GERMÁN ROJAS DÍAZ, who did not shy away from threatening Reinaldo Areiza to get him to cooperate in the destruction of the Community, under the threat of being charged as a guerrilla and drug trafficker if he refused, plus offering him a large sum of money if he would do it. And the Colonel has a paramilitary collaborator, WILFER HIGUITA, to kill Reinaldo in revenge for having complained of the blackmail.
7. Prohibit military encampments near areas where civilians live. The guerrillas mine the areas where the soldiers camp and that changes those encampments into an extremely high risk to the life and physical integrity of the civilian population living there.
8. In consideration of the rights and sufferings of the members of the Peace Community, and of nearby populations, take over the petitions sent to the

Minister of Defense last September 28, since none of them have been answered.

9. Furnish to me, through the Ministry of Defense, the following very important information regarding the lawsuits surrounding actions that affect humanity as humanity. I also invoke Decision T-1025/07 of the Constitutional Court: names, applicable codes, and chains of command for the soldiers who were present in the various crimes perpetrated since my last petition (February 2, 2009) and outlined in the foregoing chronology.

At the same time, Mr. President, I reiterate the other petitions contained in the petition of July 19, 2003 (File No. 152982), of October 15, 2003 (File No. 195947), of January 15, 2004 (File No. 279992), of May 20, 2004 (File No. 300313), of July 6, 2004 (File No. 320803), of September 20, 2004 (File No. 359840), of January 19, 2005 (File No. 399453), of My 12, 2005 (File No. 419900), of September 16, 2005 (File No. 435971), of November 21, 2005 (File No. 442212), of March 16, 2006 (File No. 06-26397), of September 18, 2006 (File No. 06-209339), of July 3, 2007 (File No. 07-67332), of March 31, 2008 (File No. 08-31917), and of February 2, (File No. 09-15.563). These have not obtained any response that meets the obligation of GUARANTOR that the republic's constitution imposes upon you, along with the authority to respond that the constitution provides you.

I thank you in advance, Mr. President, for your attention to these urgent requests and I beg you to answer within the time provided by law.

Respectfully,

Javier Giraldo Moreno, S.J.

ATTACHMENTS:

- * Petition submitted to the Minister of Defense last September 28, 2009 (29 pages)
- * Response by the Minister of Defense (2 pages)
- * Message from the Peace Community to national and international public opinion regarding the defamation by alias "SAMIR" (20 pages)
- * Petitions from 226 citizens with 22 nationalities, collected in Colos, Portugal in August 2009 (18 pages).

Copies:

- * Chief Prosecutor, International Criminal Court
- * Inter-American Court for Human Rights
- * Inter-American Commission for Human Rights
- * United Nations High Commissioner for Human Rights
- * Foreign Ministries for countries that have local or provincial governments that are sisters to the Peace Community of San José de Apartadó
- * International Human Rights Agencies
- * National Human Rights Agencies