

# COLOMBIA

*A mission to assist with the Colombian Attorney General's Criminology Division with the exhumation of the mass grave containing victims of the "Palace of Justice incident"*

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In 1997 EAAF was invited to conduct two missions to Colombia to assist in planning a forensic investigation of a case involving the remains of victims killed in a battle between guerrilla troops and the Colombian army in the nation's Palace of Justice. The invitation came from the Technical Investigation Section of the Colombian Attorney General's Criminology Division, which was coordinating the investigation, and from an association of relatives of victims. In 1998 EAAF was invited to return to Colombia to take part in the investigation, which involved both exhumation and laboratory work.

## **Historical background**

In 1985 a Colombian guerrilla group known as the April 19th Movement (M-19) developed a plan to seize the Palace of Justice, seat of the national Supreme Court and other judicial institutions. The group hoped to take the Supreme Court judges hostage in order to make demands on the Colombian government, headed at that time by President Belisario Betancur.

On November 6th, 1985, M-19's Ivan Marino Ospina Command, led by Luis Otero Cienfuentes and composed of some 35 guerrilla soldiers, launched an assault on the Palace of Justice. This building is located in downtown Bogotá, only a few meters from the National Congress and the Executive Offices. The guerrillas attacked on a regular business day, when magistrates, lawyers, administrative personnel, and members of the general public were in the building.

The guerrillas began the attack by driving three vehicles into the basement of the palace. They then divided into two groups: one led by

commander Cienfuentes raced to the fourth floor and captured the president of the Supreme Court and eight judges, while the other group moved to the northwest section of the building and took 70 other hostages. The guerrillas encountered very little resistance, and had soon effectively taken control of the palace.

The Colombian army responded rapidly, cordoning off the building and then counterattacking. Using tanks, they smashed into the building and recaptured the first floor, rescuing many of the hostages. During the initial stage of the battle, Colombian president Betancur decided that his government would not enter into any dialogue or negotiations with the M-19 guerrillas. The president of the Supreme Court, Dr. Alfonso Reyes Echandía, attempted to contact the government and negotiate a ceasefire, but Betancur and the army ignored his requests and continued the counterattack.

Attempting to remove the guerrillas who occupied the fourth floor, the army used helicopters to land special forces on the roof of the Palace. By the evening the fourth floor was on fire. The guerrillas were finally defeated the following day during a battle in which many of them, and many of their hostages, were killed. Among the dead were almost all the members of the Colombian Supreme Court.

After the fighting was over, the armies made very little attempt to account for the dead, and many of the victims were not identified. The government officially announced that 14 victims remain unidentified, but families of the victims say the real figure is at least 24. These victims were apparently not identified in part due to the badly damaged conditions in which they were found, and in part due to lack of an adequate

analysis of the remains. According to witnesses' testimonies, other persons were captured alive and subsequently "disappeared" while under the custody of the Colombian army.

According to government sources, at least 14 unidentified bodies were buried in a common grave in the South Cemetery of Bogotá, together with the remains of 247 other persons from a mud slide.

The Palace of Justice incident had extraordinary repercussions throughout the world, particularly because of the conflagration that occurred as the army recaptured the building. A decade later, the Colombian Attorney General's office decided to conduct an investigation into the episode.

In 1997 EAAF was invited by the Technical Investigation Section of the Colombian Attorney General's Criminology Division and an association of relatives of victims to act as a consultant for the forensic investigation into the Palace of Justice incident. EAAF conducted two missions to Colombia during 1997 to assist with planning the excavation of the mass grave at the cemetery of South Bogota and the analysis of the remains. (For more information, see EAAF's 1996-1997 Biannual Report.)

### The 1998 Mission

In 1998 the Attorney General Office's invited EAAF members to return to Colombia as technical advisors to the on-going investigation into the Palace of Justice incident. EAAF member Dario Olmo conducted one mission between July 21st and August 14th, and Luis Fondebrider conducted a second mission between September 2nd and October 1st. The missions took place as part of Project COL/98/RB4-UNOPS under the auspices of the office of the United Nations High Commissioner on Human Rights in Colombia, which financed EAAF's missions and provided important logistical support in Bogotá. During both missions Fondebrider and Olmo provided technical advice, assisting with both the

exhumation and the laboratory work. The investigation was the first case in which the Technical Corps had made use of foreign consultants during an actual investigation.

The forensic investigation was directed by Dr. Jaime Valencia, head of the National Investigation Department and Coordinator of the Exhumation and Victim Identification Project of the Palace of Justice case. The exhumation team was directed by anthropologist Maria Inez Barreto.

As discussed above, the Colombian



*Remains found during the exhumation of the mass grave containing victims from the Palace of Justice incident*

government stated that 14 unidentified victims from the Palace of Justice were buried in the South Cemetery. The records of the Colombian Medical Legal Institute contain different figures, however. After the Palace of Justice incident the Colombian Medical Legal Institute received 96 bodies, of which it identified 70. Not all of the 70 identified bodies were returned to their families. The Institute's records state that ten identified bodies, together with the remains of the twenty-six unidentified persons, were taken to the mass grave at the South Bogota cemetery.

The exhumation uncovered 90 articulated skeletons of adults, 50 articulated skeletons of infants or unborn fetuses, and 25 concentrations of bones that might or might not belong to the articulated skeletons. Thus, investigators

concluded that while at least 90 adults were buried at the site, the number could be substantially higher if laboratory analysis reveals that some of the unarticulated bones do not belong to the articulated skeletons. Findings of non-articulated bones are typical in cases in which victims were killed by explosions or detonations such as those that occurred at the Palace of Justice.

The Technical Section undertook the first steps of the laboratory analysis during the EAAF mission. Technical Section personnel selected from the exhumed remains 28 skeletons that



*Remains from the mass grave at the laboratory, where they are inventoried, labelled, and analyzed*

bore evidence of bullet wounds, burns, and other similar traumas that occurred during the events at the Palace of Justice case. Each of these skeletons was placed in a separate plastic bag.

The process of identifying the remains seems likely to be difficult, for reasons Fondebrider analyzed in a document entitled "Proposal for the Analysis of Skeletal Remains Recovered from the Mass Grave Related to the Incident of the Palace of Justice." Many of the skeletons had been severely burned, and many others were incomplete, complicating the process of analysis. In addition, most of the pre-mortem information provided by the families of the victims is general in nature, and insufficient to produce an identification based solely on anthropological analysis. So far, no dental charts, X-rays or other,

more specific information is available. Fondebrider concluded that the best option was to attempt to identify the remains using genetic testing techniques. Dr. Valencia agreed with this idea and made the necessary arrangements with two Colombian genetic laboratories – the Medical Legal Institute's and a commercial one – which agreed to perform the DNA tests.

The analysis of the remains continues as of this writing.

As in previous visits, EAAF met with the families of victims and their attorney. EAAF also met with Dr. Daniel E. Prado and Dr. Ana B. Sanchez, who are currently the lawyers for 14 of the families. Prado and Sanchez took the case after the previous lawyer, Dr. Eduardo Umaña, was assassinated on April 18, 1998 – by military or paramilitary forces, many believe. EAAF explained to the attorneys that it would be necessary to expand the list of unidentified persons given that according to the records of the Medical Legal Institute, there were 36 bodies corresponding to victims of the Palace of Justice incident within the grave of the South Bogota Cemetery. Most likely the extra number of individuals correspond to bodies of guerrilla members. So far, the lawyers have only been representing the families of victims who were not guerrilla members. Therefore, EAAF and other officials met with Mr. German Rojas, a former member of the M-19 movement, who will try to contact the families of guerrilla members killed or disappeared during the incident, so that the list of possible persons matching the recovered skeletons can be expanded.

#### **Assessment of the Mission**

This was the first time a forensic investigation of this nature, involving collaborations between specialists from different fields and careful excavations carried out with archaeological techniques, had been undertaken in Colombia. EAAF considered the missions to have been very successful. The local professionals working on

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the case were very receptive to EAAF's suggestions and recommendations, and incorporated most of them into their work. Most of the work was done within the planned time schedule, and the archaeological and anthropological work conducted so far fulfills the international scientific standards for this type of investigation.

EAAF's only concern about the work was that there was a delay in establishing the interactive database combining pre-mortem data from the victims, data from the skeletal analysis, and historical information.

EAAF's presence also served as an effective guarantee to the families of the victims that the investigation would be conducted to international scientific standards.

EAAF members will probably return to Colombia during 1999 to follow up on the investigation. It seems very likely that at least some of the victims will be identified.

### **Agreement with the Colombian Medical Legal Institute**

In addition to working on the Palace of Justice case, during his mission to Colombia Fondebrider signed an agreement of cooperation with the Medical Legal Institute and Forensic Sciences from Colombia at Bogotá. The agreement is similar to those that EAAF signed in 1998 with the Legal Medical Institute in Chile and the Guatemalan Forensic Anthropology Foundation.

This agreement commits EAAF to make one or two visits to Colombia during 1999 in order to provide technical advice on forensic anthropology matters, and particularly human rights cases involving forensic investigations. This project is supported by the German Government Cooperation Agency (GTZ).

In December 1998, Fondebrider completed the first trip specified in this agreement. A second trip will take place in August 1999.