



*A tank and soldiers of the Colombian Armed Forces batter down the door of the national Palace of Justice during a counterattack against guerrilla soldiers occupying the building*

# COLOMBIA

*An investigation into the remains of people killed during the 1985 assault on Colombia's national Palace of Justice, and a mission involving teaching, training, and presentation of a paper at the University of Colombia, Bogota.*

of Colombia) for the previous nine months. Amnesty International summarizes the situation in Colombia during 1997 as follows:

More than 1000 civilians were extrajudicially executed by the security forces and paramilitary groups operating with their support or acquiescence. Many victims had been tortured. Human rights activities were repeatedly threatened and attacked. More than 120 people "disappeared" after detention by the armed forces or paramilitary groups. "Death-squad"-style killings of people regarded as "disposable" continued in urban areas. Several army officers were charged in connection with human rights violations, but many others continued to evade accountability for thousands of extrajudicial executions and "disappearances" in recent years. Guerrilla groups were responsible for numerous human rights abuses, including scores of deliberate and arbitrary killings and the taking and holding of hundreds of hostages.<sup>1</sup>

The current deterioration of the political situation and the increasing lack of basic constitutional rights in Colombia have been denounced in international forums and within Colombia. In 1997 the United Nations High Commissioner on Human Rights took the unprecedented step of establishing a permanent office in Colombia to address the situation of the one million displaced persons within the country and to monitor the general human rights situation.

**A**lthough Colombia has a long history of political violence, it has experienced a dramatic increase in severe human rights violations during the past two decades. Assassinations, executions, and attacks on civilians have become commonplace, and in some areas of the country the human rights situation has deteriorated so severely that the rule of law has become little more than a fiction. In June 1997, for example, the Colombian government evacuated all government employees, including members of the security and armed forces, from 13,000 square kilometers (1,300,000 hectares) in the south of Colombia. This evacuation was a condition for the release of seventy soldiers, who had been held by the guerrilla group FARC (Armed Revolutionary Forces

<sup>1</sup> Amnesty International, *Amnesty International Report*, 1997, New York, NY, 1997, p. 122.

Some of the most flagrant cases of human rights abuses have been investigated by official Colombian institutions. Most of these inquiries have so far produced few results, and have not set in motion processes to hold accountable persons accused of committing human rights abuses.

Since 1989, EAAF has participated in five forensic missions to Colombia, most of which were focused on providing training in the forensic field. The Association of Families of Disappeared Prisoners of Colombia (ASFADDES) has hosted these missions and helped to coordinate EAAF's work in the cities of Bogotá and Bucaramanga.



*The Palace of Justice, looking onto Plaza Bolivar, before the assault*

### **FIRST MISSION: 1985 ASSAULT ON THE PALACE OF JUSTICE**

#### **Historical Background**

In 1985 the leader of the Colombian guerrilla group known as the April 19th Movement developed a plan to forcibly capture the country's Palace of Justice, seat of the national Supreme Court and other judicial institutions. He hoped to take the Supreme Court justices hostage and use them 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 the 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. The guerrillas 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 other judges, while another moved to the northwest section of the building and took 70 hostages. The guerrillas encountered very little resistance, and soon had 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 fighting, 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 Echandia, attempted to contact the government and negotiate a cease fire, but Betancur and the army ignored his requests and continued the counterattack.

Attempting to remove the guerrillas who still 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 last 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: 24 according to the families of the victims, and 14 according to the government. These bodies 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. 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 natural disaster that was not related to the events at the Palace.

According to witnesses' testimonies, other persons were captured alive and subsequently "disappeared" while under the custody of the Colombian army. Fourteen persons connected with the incident are officially recognized as having disappeared.

The Palace of Justice incident had extraordinary repercussions throughout the world, particularly

because of the conflagration and slaughter that occurred when the army recaptured the building. After many years, the Colombian Attorney General's office decided to conduct an investigation into the episode.

### EAAF's Activities

In the spring of 1997 the Technical Investigation Section (*Cuerpo Tecnico de Investigacion*) of the Attorney General's Criminological Division invited EAAF members to Colombia to act as consultants in planning the exhumation and analysis of human remains from the grave where some of the victims of the Palace of Justice incident were buried. The mission was sponsored by the International Office of Human Rights-Action Colombia (NCOS), an NGO based in Belgium, and by EAAF.

The main objective of the proposed exhumation was to identify the 14 persons who died in the Palace of Justice incident and were buried in the South Cemetery of Bogotá. The mass grave was estimated to be approximately four meters wide by five meters long, with a depth of roughly 3.5 meters. A number of difficulties in conducting the forensic work were anticipated. The common grave where the 14 bodies were interred also contained the remains of 247 other persons who died in an unrelated incident. One of the main difficulties for the investigators, accordingly, would involve separating the bodies of the 14 victims from the Palace of Justice from the other remains.

EAAF recommended that work take place in two stages. First, the remains would have to be recuperated with extreme care. In order to recover each skeleton from the grave separately, it would be necessary for the exhumation to be conducted by forensic archaeologists, so that the loss, destruction or mixing of remains and associated evidence could be avoided. Second, the remains were to be reconstructed in the laboratory, which would involve long and intensive work requiring personnel trained to work with skeletal remains. Both stages required intensive advance planning for positive results to be obtained.

One of EAAF's main objectives during this mission was to help plan the forensic work related to the exhumation and analysis of the remains from the mass grave. In practice, this involved contacting and attempting to bring about a rapprochement between the different government and non-governmental

agencies which could contribute to the investigation of the events of 1985, such as non-governmental human rights organizations, the Attorney General's Office, the National University, and the Institute of Legal Medicine.

At the time that EAAF undertook these missions, only the Attorney General's office was involved in the investigation of the Palace of Justice incident. EAAF recommended that the Attorney General's office include the Physical Anthropology Department of the National University at Bogotá and the Institute of Legal Medicine in the investigation. EAAF appreciates the qualifications and excellence of the Criminological and Identification division of the



*Soldiers holding people under arrest within the Palace of Justice*

Bogotá Attorney General's Office, of the National University, and of the Bogotá section of the Medical Legal Institute, and maintains ties with all three organizations. The magnitude of the investigation into the assault on the Palace of Justice, including excavation and laboratory work, is so large that it calls for all local officials with appropriate experience to pool their expertise and resources.

At the same time, EAAF also recommended that experts from other countries with appropriate skills and experience also take part in the investigation. On this subject, it is useful to note that at a meeting on June 6th the Colombia-Europe Organization and the experts from the Office of the UN High Commission on Human Rights in Colombia — Almudena

Alzarrasa, Cristina Iparaguirre, Javier Hernández, and Rainer Huhle — emphasized their support for EAAF's participation in the investigation.

EAAF emphasizes the importance of the role of foreign experts in alleviating and preventing violations to human rights and international humanitarian law, which have been so frequent in Colombia. The high visibility of such experts discourages impunity and is an expression, however modest and insufficient, of the international community's concern about the magnitude of the social and armed conflict in this country. We emphasize our intention to continue working in Colombia, and to offer assistance to all those whom



*Army tank continuing the counterattack on the Palace*

we can help.

Among EAAF's meetings with non-governmental organizations, a meeting with Dr. Eduardo Umaña, who represented the families of many of the victims of the Palace of Justice incident, was particularly important. Umaña, a recognized human rights lawyer involved with numerous human rights cases, was assassinated several months later. The EAAF members reestablished contact with ASFADDES and other NGOs working in the human rights field, including MINGA, the Colombian Commission of Jurists, ANDAS, and the Colombia-Europe Organization.

The work undertaken with ASFADDES during this mission was particularly important. Members of the two organizations drew up a list of cases involving the exhumation and identification of disappeared persons, in which EAAF can participate in the near future. During a meeting between members of the UN mission, ASFADDES, and EAAF, this list of cases was presented to the UN mission. For EAAF it is of fundamental importance to work with organizations that directly represent the families of the victims, helping them in their right to justice and to recover the remains of their loved ones.

EAAF also gave lectures in three universities and a cadet school on the application of forensic anthropology to investigations of human rights violations in Argentina and in other countries where EAAF has worked.

In summary, EAAF's role in this investigation includes the following objectives:

- 1) To provide scientific assistance to the Office of the Attorney General of Colombia in the forensic investigation involving the exhumation and analysis of the remains of persons killed during the assault on the Palace of Justice and buried as unidentified persons in a mass grave;
- 2) To monitor the process of investigation and ensure that it is carried out with impartiality and transparency according to an adequate scientific methodology, as described in the "Manual on the Prevention and Effective Investigation of Extralegal, Arbitrary or Summary Executions" published by the UN in 1990.
- 3) To assist the families of the victims in their right to recover the remains of their loved ones;
- 4) To contribute to the identification and establishment of the cause(s) of death of the victims;
- 5) To train local professionals in forensic anthropology, so that they can participate in future investigations;
- 6) To encourage scientific investigations into other cases of human rights violations in Colombia which have been denounced by ASFADDES or other human rights organizations;
- 7) To provide scientific documentation of Colombia's recent past, and contribute to the reconstruction of its history.

## SECOND MISSION TO COLOMBIA

### Training and academic activities

Between November 27th and December 7th, EAAF member Silvana Turner undertook a second mission to Colombia. The main objective of the mission was to participate in the International Course in Applied Forensic Anthropological Work, offered by the Faculty of Human Sciences at the University of Colombia in Bogotá. EAAF was invited to participate as a speaker in the course by Professor José Vicente Rodríguez, director of the Biological Anthropology Department of the National University of Colombia at Bogotá.

As part of the course, between the 29th and the 30th of November EAAF conducted a practical



session on forensic archaeology, including a two-day mock exhumation on the university grounds. The university covered the costs of the mission.

The second objective of the mission was to present a paper at the VII Congress of Anthropology in Colombia, organized by COLCIENCIAS and the Department of Anthropology at the National

University of Colombia. The Congress took place between the 5th and the 7th of December. Turner presented the paper on December 7th at a symposium entitled "From Prehispanic to Forensic: Advances in Biological Anthropology."

### Follow-up on the Palace of Justice Investigation

EAAF also contacted the Office of Attorney General of Colombia concerning the investigation into the Palace of Justice incident. According to the office, the forensic work for the case had not begun, due to lack of funds. The office believed that work might start at the beginning of 1998, however. Turner also interviewed members of the Institute of Legal Medicine, together with Dr. Umaña Mendoza, as a representative of the families of the victims and with ASFADDES.

In principle, members of the university, the Institute of Legal Medicine, and foreign experts, including EAAF, will participate in the investigation into the case of the Palace of Justice

### **1998 UPDATE**

The grave of the victims of the Palace of Justice incident was excavated during September and October 1998. Two EAAF members, Luis Fondebrider and Dario Olmo, participated as U.S. technical consultants for the Colombian judiciary. The mission was sponsored by the U.N. High Commissioner on Human Rights and by EAAF. The remains are currently undergoing laboratory analyses. This mission will be described in more detail in EAAF's 1998 Annual Report.