

PANAMA/COLOMBIA

Refugees: the right to escape from death

Colombian refugees escaping death

Since November 1996 hundreds of Colombian refugees have been forcibly deported to Colombia by Panamanian authorities in clear breach of its international human rights obligations.¹

According to reports received by Amnesty International the refugees are peasants who fled to Panama as a result of paramilitary and guerrilla violence in north-west Colombia. The violence comes in the wake of large-scale paramilitary and Colombian army offensives to root out leftist guerrillas in the region. Right-wing paramilitary units operating in the region together with and under the coordination of the Colombian army, have targeted members of the civilian community who they have labelled as guerrilla sympathizers or collaborators, for human rights violations including extrajudicial executions and "disappearances". Often it is the community leaders who are targeted first, as paramilitary group members told journalists: "*Eliminando al líder, los demás salen corriendo*", "Eliminate the leader and the rest flee"². Paramilitary groups have also circulated "*listas negras*", "black lists" containing the names of those they consider to be guerrilla sympathizers or collaborators. In the past, those who have been named in such lists have frequently been the victim of extrajudicial executions, "disappearances" and other serious human rights violations. The objective has been to force the civilian population to abandon their lands *en masse*, thereby eliminating the guerrilla's real or potential support base.

The department of Chocó in the west of Colombia is an area of significant economic interest given its rich mineral deposits, its wealth in biodiversity, wood and land. The northern area of Chocó is the area chosen for a possible canal linking the Pacific Ocean to the Caribbean Sea and is also the site chosen for several other large-scale economic development projects. The area's potential economic wealth is fuelling the desire to control tracts of land which will be strategically placed close to the proposed inter-oceanic canal and other proposed communication routes. The paramilitary offensive, to a large extent, corresponds to an effort

¹Panama acceded to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees on 02/08/1978.

² Alternativa, No. 10.

by powerful economic interests to secure possession of rich land in the region in advance of the construction of the canal and other communication systems. According to the non-governmental *Consultoría de Derechos Humanos y el Desplazamiento* (CODHES), Human Rights and Displacement Consultancy:

"La violencia juega un papel de comodín. Las mejores tierras y los espacios estratégicos se constituyen en objetivo prioritario de fuerzas violentas que creando confusión y amparados en la impunidad, propician la expulsión de los pobladores más vulnerables".

"Violence is a trump card. The best lands and strategic areas become a key objective of violent forces who by creating confusion and protected by impunity, effect the expulsion of the most vulnerable inhabitants".

Guerrilla forces have also targeted members of civilian communities, particularly those suspected of collaborating with the security forces or paramilitary groups. The violence against the civilian community has provoked large-scale displacement. A large number of those who are fleeing the violence in Urabá region are women, elderly people and children.

In November 1996, a group of some 400 peasant farmers and their families, mostly from Unguía, Chocó Department, fled to Panama. On arrival in Panama, the refugees set up improvised camps in the province of Darién. As soon as the Panamanian authorities became aware of their presence they organized their return to Colombia in collaboration with the Colombian Air Force, which provided transport. The first group of 88 people, including 32 minors, was deported on 23 November.

After their deportation from Panama, the refugees were housed in the *Hogar Juvenil de Apartadó*, Apartadó's Children's Home, in the Urabá region of the department of Antioquia, where conditions were cramped and insanitary. Rural and urban areas of Apartadó are also experiencing a high level of paramilitary violence. At least one of the returned refugees has reportedly since been killed.

International pressure, together with requests made by the United Nations High Commission for Refugees (UNHCR) led the Panamanian authorities to halt further deportations.

The flux of refugees did not stop. In March of this year a group of 26 Colombians, mostly women and children, sought refuge in Panama as a result of violence in the municipality of

Ríosucio, Chocó department. On 13 March 1997 Amnesty International wrote a letter to Raúl Montenegro, the Panamanian Minister of the Interior and Justice, calling on the Panamanian Government to take all necessary measures to guarantee the safety of the refugees. Amnesty International also called on the government to fulfil its international obligations under the 1951 Convention relating to the Status of Refugees which specifically states that no one may be deported to a country where he or she could face grave human rights abuses.

At the time of writing this report, Amnesty International, has received no reply from the Panamanian Government and does not know the fate of this group of refugees.

In early April, the escalating armed conflict caused the mass exodus of several thousand people from the area of Riosucio. Most made their way to the Urabá region of Antioquia department. Again, however, several hundred people fled through the Darién jungle to Panama.

The Panamanian authorities did not fulfil their pledge to allow UNHCR officials to visit the refugees and assess their condition and their willingness to return. They promised the UNHCR in a meeting on 15 April not to take immediate action in relation to the refugees. Less than three days later, Panamanian and Colombian authorities started the forcible deportation of almost 300 refugees, mainly women and some 177 children, who had fled to Panama during the previous months. According to reports, Colombian Air Force helicopters were used to return the refugees across the border to the area of Cupica and Bahía Solano, on Colombia's north-west Pacific coast, department of Chocó. Neither UNHCR nor International Committee of the Red Cross representatives were allowed to see the refugees before their forcible deportation.

The UNHCR (Mexico Office) issued a press release distancing itself from the deportation on 18 April:

"El ACNUR lamenta que las propuestas que hizo al gobierno de Panamá, en una reunión sostenida el pasado 15 de abril en el Ministerio de Gobierno y Justicia respecto a los derechos humanos de esta población, no hayan sido acogidas por el gobierno. En dicha reunión se nos aseguró que el gobierno no iba a emprender acciones precipitadas".

"UNHCR regrets that the recommendations it made to the Panamanian Government, in a meeting on 15 April at the Ministry of the Interior and Justice with regard to

human rights of the refugees, have not been adopted by the government. In this meeting we were assured that the government would refrain from undertaking precipitous actions".

At least one group of 12 Colombian refugees³, including four minors and four women, had been in hiding since the deportation began on 18 April. On 22 April, Luis Gómez and Luis Manoles, were detained by Panamanian Police in Boca de Cupe, a town on the border with Colombia. The remaining 10, were detained by Panamanian Police on 25 April in El Real, also near the border. The ten, though not recognized by the Panamanian authorities as refugees, were later released and have been ordered to report regularly to the local police authorities. Meanwhile, a local non-governmental organization is working to ensure their refugee status is recognized since without this official recognition the refugees future remains uncertain. Latest reports indicate that Luis Gómez and Luis Manoles were still in detention and faced forcible deportation to Colombia.

Amnesty International, has repeatedly urged the Panamanian authorities to take all appropriate and necessary steps to ensure the safety and wellbeing of the Colombian refugees on its territory. Amnesty International also reminded the authorities of their obligations under the international principle of *non-refoulement*, not to forcibly return anyone to a country where he or she would be at risk of serious human rights violations.

On 9 May, the UNHCR announced that the Panamanian Government had finally accepted UNHCR intervention in the refugee crisis. Between 1 and 4 May an UNHCR delegation was able to visit refugee communities in the border area in the department of Darién. Speaking about the refugees, the UNHCR stated, "*estas personas alegan con razón que temen represalias y por lo tanto pueden ser considerados como refugiados genuinos según la Convención de 1951*", "these people claim, with reason, that they fear retaliation and as such they can be considered as true refugees according to the 1951 Convention on the Status of Refugees".

At the time of writing this report, Colombian peasants continue to flee into Panama.

With the forcible deportation of hundreds of refugees since November 1996, the Government of Panama has violated the 1951 Convention on the Status of Refugees at least three times.

³The names are Rosaira Velez Domico, Amalia Borgas Velez, Maria Dellanira Borgas Velez, Maria Margarita Borgas Velez, Maria Cladibel Guizao, Hildardo Antonio Guizao, Davinson Jose Muentes Vargas, Jose Muentes Fuentes, Euclides Osorio Fuentes, Luis Gomez and Luis Manoles.

The Government of Panama forcibly deported hundreds of refugees to Colombia where there is serious concern for their safety, in violation of article 33 of the Convention; they have denied the refugees the right to put their case before a competent court, in violation of article 34 of the Convention and by denying the UNHCR access to the refugees the Government of Panama has violated article 35 of the Convention which imposes on governments the obligation of ensuring the UNHCR is granted such access.

Background information on recent developments in the Urabá region in Colombia

The escalating violence in the Urabá region in the wake of large-scale paramilitary/army offensives and abuses of international humanitarian law by armed opposition groups has claimed the lives of many civilians. Of the hundreds of victims in recent months, the vast majority have been civilians pressured to support rival armed groups.

The Colombian government has done nothing to protect the civilian population. Despite recommendations made by the United Nations and other international bodies and despite its own commitments, the Colombian Government has taken no effective action to dismantle paramilitary groups, to bring members of such groups responsible for human rights violations to justice together with members of the security forces responsible for operating in unison with or supporting such groups.

The violence has caused an estimated 11,000 farmers to flee their homes in the area in the last six months. Except for the hundreds of farmers who undertook the extremely dangerous walk to the border with Panama, the rest are displaced internally within north-west Colombia. Amnesty International believes that the pervasive violence in north-west Colombia means there can be no meaningful guarantees of safety of the refugees should they be returned.

Concern for the forcibly repatriated refugees

The returned refugees are being given temporary accommodation at the “El Cacique” farm in the community of Cupica, municipality of Bahía Solano, department of Chocó. The non-governmental Colombian *Grupo de Apoyo a Organizaciones de Desplazados*, Support Group to Organizations of the Displaced, visited the returnees on 29 and 30 of April. Almost 200 returnees were interviewed and all of them confirmed that they were forcibly deported by the Panamanian security forces who gave them 72 hours to board Colombian Air Force helicopters. These testimonies contradict claims by the Colombian and Panamanian authorities

that the refugees returned to Colombia of their own free will.⁴ The returned refugees also told the Support Group of their continuing fears for the safety of their leaders.

Amnesty International believes that, in spite of the Colombian authorities' assurances about the safety of refugees in Cupica, their security cannot be guaranteed given the present level of violence in north-west Colombia and the fact that displaced people, labelled as subversives by members of paramilitary groups, have, in recent months, been the target of human rights violations by these groups. The governor of the department of Chocó, Franklin Mosquera Montoya, expressed concern for the safety of the forcibly repatriated refugees in an article in El Tiempo, 19 May 1997: "*así como los paramilitares fueron a perseguir a estas personas a Panamá y mataron varias, eso mismo pueden hacer en Bahía Cupica, en donde no hay problemas de orden público*", "just as paramilitary groups hunted down these people in Panama and killed several of them, they can do the same in Bahía Cupica where there are no public order problems".

Concern for the safety of the refugees forcibly repatriated to the municipality of Bahía Solano is heightened by reports that members of a naval base situated nearby have intimidated local inhabitants in recent months following a guerrilla attack in the department of Chocó in early 1997 which resulted in the capture of 10 marines. Furthermore, Cupica is situated near the community of Coredó, municipality of Juradó, which was reportedly the site of a paramilitary massacre which took place in May 1996. According to reports, eight unidentified armed men, two wearing hoods, entered the community of Coredó at midday on 11 May, and killed eight people.

After carrying out the attack the armed men escaped on a boat and reportedly passed two Colombian Navy boats. Prior to the killings members of the Colombian navy had repeatedly entered the community of Coredó and threatened to kill the inhabitants if they did not inform them as to the whereabouts of guerrilla forces. Following the killings approximately 50 families fled the communities of Coredó and the nearby community of Patajona and sought refuge in Juradó, Bahía Solano and Panama. Concern for the safety of the forcibly repatriated refugees is further heightened by the fact that paramilitary groups which operate in this area have been circulating death threats against local peasant farmers warning them to abandon their lands or be killed.

⁴EFE, 20 April 1997, Panamanian Head of Police, José Luis Sosa. El Tiempo, 21 April. César Manuel García, Colombian Presidential Adviser for the Attention of Displaced.

Those supporting the internally displaced risk being labelled as subversives. Zulia Mena, a black people's political representative, referring to displaced people, was quoted as stating recently:

"si brindamos ayuda humanitaria a la gente, nos acusan de pertenecer a la guerrilla; los mismos militares dudan porque apoyamos a la comunidad y uno queda entra la espada y la pared".

"if we provide humanitarian aid to people, they accuse us of belonging to the guerrilla; the military themselves doubt us because we support the community and one is caught between the sword and the stone".⁵

Incursions of Colombian paramilitary groups into Panama

Colombian refugees and Colombians living in Panama have been victims of human rights violations. On 2 April 1997 a group of approximately 200 members of the *Autodefensas Campesinas de Córdoba y Urabá* (ACCU)⁶, Peasant Farmer Self-Defence Groups of Córdoba and Urabá, entered the community of Titiná in Panamá on the border with the north-western Colombian department of Chocó.

According to press reports, **María Helena Espinosa's** sons, **Alberto** and **José de la Cruz**, 14 and 16 years old respectively, were reportedly seized and bound by the paramilitary group. They managed to free themselves and although the ACCU members opened fire, Alberto and José de la Cruz managed to escape.

The paramilitary group also intercepted **Diomedes Pault** and **Remberto Arrieta** who took flight. The paramilitary group opened fire and injured Remberto Arrieta. They caught up with him and shot him dead. According to witnesses Remberto Arrieta was Panamanian.

⁵ Alternativa, 15 May - 15 June 1997.

⁶ ACCU is a Colombian paramilitary group operating particularly in the north-west of Colombia. ACCU operates with the support and in coordination with the Colombian security forces. ACCU has been responsible for widespread and systematic human rights violations, including "disappearance" and extrajudicial executions of members of the civilian community they consider to guerrilla sympathizers.

The paramilitary group also entered the farm where **Alberto Martínez** lived. Alberto Martínez and his daughter-in-law, **Mélida Rubiano**, were reportedly dragged towards the Bocas de La Tigra river where they were said to have been killed.

Another paramilitary group of approximately 20 armed men entered the Panamanian community of La Bonga where there was reportedly a large number of Colombian refugees. They forced the inhabitants of three houses to lie on the ground. The other inhabitants of the community fled through the forest. The paramilitary group forced the five men they had abducted to lie face down on the ground while they locked the women in the houses.

The paramilitary group tied the men's hands behind their backs: *"Nos decían guerrilleros y nos pedían los nombres. Cuando respondíamos, nos preguntaban qué alias teníamos. Nos colocaron las botas en la nuca y quedamos besando el polvo de la calle"*, "They accused us of being guerrillas and they demanded to know our names. When we replied they demanded to know what our aliases were. They placed their boots on our head and we were forced to kiss the street dirt", one of the abducted men reportedly stated. A man wearing a hood was brought by the paramilitary group to where the men were being held and was asked what he knew about each of the men. When he replied that they were not guerrillas or guerrilla collaborators, the paramilitary group released each man in turn.

One of the detained men, **Jorge Sánchez**, was accused of giving food to the guerrilla, and was subsequently shot three times in the head. *"Esto es para que no se metan de sapos de la guerrilla"*, "This is so that you do not become guerrilla informers" the paramilitary member reportedly stated.

The paramilitary group painted graffiti on a wall in blood warning that they would return for those who had fled and that they would seek them out wherever they were hiding. They then left.

Following the paramilitary incursions, those living in the communities of Titiná and La Bonga fled to the Panamanian town of Puerto Obadía on the Caribbean Coast where they reportedly spent the evenings only returning to the La Bonga area early in the morning to work their land.

Recommendations

Amnesty International recommendations to the Government of Panama

1. The Panamanian authorities should not forcibly deport refugees escaping from political violence in Colombia in accordance with article 33.1 of the Convention on the Status of Refugees which states “No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion”. The Panamanian Government should also guarantee the safety of the refugees in Panama.

2. The government of Panama should recognize the right of each of the refugees at risk of being deported or expelled to have his case submitted to an appropriate court and in accordance with the due process of law. According to article 34 of the Convention on the Status of Refugees “... the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before the competent authority or a person or persons specifically designated by the competent authority”.

3. The government of Panama should cooperate in good faith with the UNHCR allowing the UN agency access to the Colombian refugees in Panama before any measure of deportation or expulsion is decided. The government is obliged to cooperate with the United Nations High Commissioner for Refugees “in the exercise of its functions and shall in particular facilitate its duty of supervising the application of the provisions of this Convention”, as stated in article 35 of Convention relating to the Status of Refugees.

4. The government of Panama should not obstruct entrance into the country of refugees fleeing violence in Colombia.

5. The government of Panama should take all measures necessary to guarantee the safety of Colombian refugees ensuring that action is taken to prevent further paramilitary incursions. Security operations to prevent such incursions should not be used as a means of preventing entry into the country of those fleeing violence.

Amnesty International recommendations to the Government of Colombia.

1. In line with its own commitments and the recommendations of the United Nations and the Interamerican Commission of Human Rights (IACHR) of the Organization of American States (OAS), the Colombian Government should take immediate steps to dismantle paramilitary groups operating in the Urabá region of Chocó and Antioquia, bring those members of such

groups responsible for human rights violations to justice together with members of the security forces responsible for training, supporting, coordination and operating in conjunction with paramilitary forces;

2. To take effective measures to guarantee the safety of those refugees forcibly repatriated to the municipality of Bahía Solano and to those displaced within Colombia.

Amnesty International recommendations to the international community.

1. To insist that the Panamanian authorities guarantee refuge to Colombians fleeing violence and express concern that the Panamanian and Colombian authorities carried out forced repatriations of Colombian refugees in April 1997 in violation of the UN Convention on the Status of Refugees;
2. To closely monitor efforts made by the Colombian authorities to dismantle paramilitary groups operating in the Urabá region of Chocó and Antioquia and bring those responsible for human rights violations to justice together with members of the security forces responsible for training, supporting, coordination and operating in conjunction with paramilitary forces.