

Colom**p**bia

Human rights work discredited in Colombia



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EDITORIAL

HUMAN RIGHTS WORK VILIFIED IN COLOMBIA

For many years human rights defenders and civil society organisations have endured false accusations and unfounded allegations in the media by government officials and Colombian special interest groups. These statements insinuate links between human rights defenders and illegal armed actors and make other unsubstantiated claims. In the context of the Colombian armed conflict, being stigmatised as a guerrilla and a terrorist is in itself a threat and therefore increases the risk of attacks. It also discredits victims who speak out. In the most extreme cases these stigmatisations and false accusations can lead to baseless prosecutions, threats, and exile. Stigmatisation affects not only the individual, but also Colombian society as a whole. Defamation is dispersed through rumours, and various psychological studies on the subject emphasise that negative rumours circulate fast and have a damaging social effects. Thus, even after they have successfully defended themselves against slander, people are still stigmatised. This increases mistrust and breaks down initiatives aimed at reconstructing the fabric of society.

As shown in this edition of *ColomPBla*, based on public sources and testimonies, many human rights organisations and communities accompanied by PBI Colombia have been victims of such accusations. This edition is focused on the negative impacts of stigmatisation and false accusations. Recent statements from the new Colombian government show a "change in discourse" regarding human rights. Human rights organisations hope that these statements will result in actions and policies to ensure the immediate protection of human rights defenders, as well respect for due process of the law. They also hope it will bring about a political setting in which individuals and human rights organisations can do their work and help create peaceful policies as representatives of civil society without having to fear for their safety, their family, or their reputation.

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Santos: a new era in Colombia?

Photo: Sean Hawkey/ACT



A voter casts their ballot during the 2010 election.

The news from 21 June 2010 reporting that Juan Manuel Santos had won the presidential election in the second round did not surprise anyone. Despite a more than 55% abstention rate, Santos won the most

votes in the history of Colombia with more than nine million votes, 69% of the total, and achieved wide support for his mandate¹. In his inaugural speech, Santos invited all political groups to participate in what he referred to as a Government of National Unity².

SANTOS IS FROM THE TRADITIONAL COLOMBIAN POLITICAL, FINANCIAL, AND INDUSTRIAL CLASS. HIS UNCLE WAS COLOMBIA'S PRESIDENT AS WELL AS THE OWNER OF THE NEWSPAPER EL TIEMPO

But who is this man who until recently was known mainly as Uribe's Defence Minister and for his association with the "false positives" scandal³? And what are his presidency's objectives for the next four years? Juan Manuel Santos is from the historically influential Santos family and the traditional Colombian political, financial, and industrial class. His grandfather is journalist Enrique Santos Montejo, and his uncle, Eduardo Santos Montejo, was Colombia's president from 1938 to 1942 as well as the owner of the newspaper *El Tiempo*⁴. Juan Manuel Santos served as Foreign Affairs Minister during the César Gaviria administration, Finance Minister in the Andrés Pastrana Arango administration and Defence

Minister during the government of Álvaro Uribe⁵. Juan Manuel Santos was the founder of the National Unity Party (the "U") which brought together support for the Uribe coalition before his re-election in 2005⁶.

THE NEW GOVERNMENT'S PROPOSAL

Santos's victory is also a victory for the Uribe administration's policies. Santos represents the continuity of the three pillars that were the essence of the Uribe mandate over the past eight years: democratic security, investor confidence, and social cohesion, to which Santos has added national unity⁷. In his speeches and selecting members of his administration, he has distanced himself from the policies and style of former President Uribe⁸.

In his victory speech, Santos reiterated that "the clock of history marks a new time, one of national unity"⁹. He also stated his intention to create a general climate of goodwill after the recent period of social polarization and confrontation between the executive and the judiciary branches. Santos affirmed that he is committed to finding ways to provide jobs and social prosperity for the entire population, which he seeks to achieve

through economic growth, infrastructure and investment. His aspirations for fundamental state reforms seek to strengthen democratic institutions and wealth redistribution¹⁰. The list of reforms is long, and includes justice, policy, and electoral reforms, promises to introduce a new Land Act to Congress in order to return land to victims of displacement, as well as an anti-corruption statute, and the creation of three new ministries. Also he expressed a commitment to respect human rights and prioritise diplomacy¹¹.

The new ministers are mostly technocrats with a lot of professional experience. Vice President Angelino Garzón comes from the labour sector and was Vice President of the Patriotic Union. The new agriculture minister, Juan Camilo Restrepo, was a harsh critic of the Agricultural Income Insurance program created by Uribe¹². However, it is important to wait for the new president's actions, regardless of his dazzling opening speeches.

The only remaining political opposition is the Alternative Democratic Pole (PDA) party that is represented by a minority of eight senators out of 102¹³ and 27 of 166 house representatives¹⁴. This makes for a very weak opposition in a democracy. Santos began his presidency with the support of the traditional parties: Conservative, Liberal, Radical Change and his own party, the "U" Party.

1. "Juan Manuel Santos: El reloj de la historia marca una nueva hora", *Radio Caracol*, 10 June 2010
2. "Lea acá el primer discurso de Juan Manuel Santos como presidente de Colombia", *El Tiempo*, 7 August 2010
3. "Mindefensa reconoce ejecuciones extrajudiciales", *El Espectador*, 4 November 2008
4. "Juan Manuel Santos - der neue Präsident Unheilig Kolumbiens", Arbeitsgruppe Schweiz Kolumbien (ASK), Monthly Report no. 6, June 2010; "Pretenden sacarme del juego político", *Cambio*, 2 November 2008
5. "No les fallaré, no les voy a defraudar", *El Espectador*, 20 June 2010
6. "Biografía Juan Manuel Santos" Juan Manuel Santos' U Party Website, <http://www.partidodelau.com/index.php?ite=12&p=3>
7. "De la unidad nacional", *El Espectador*, 21 June 2010
8. "Colombia: a tale of two Readers", *Open Democracy*, 19 August 2010
9. "Discurso completo", *Semana*, 7 August 2010
10. *Ibid.*, 9
11. *Ibid.*, 9
12. "Juan Camilo Restrepo promete 'gran viraje' en política agrícola", *Semana*, 8 July 2010
13. "Anexo Congresistas colombianos 2010-2014" Wikipedia, http://es.wikipedia.org/wiki/Anexo:Congresistas_colombianos_2010-2014
14. "Congreso Visible" Universidad de los Andes, <http://www.congresovisible.org>

LGBT rights violated



Gay Pride march in Bogotá in 2010.

The organisation Colombia Diversa submitted a report to the United Nations Human Rights Committee on the lesbian, gay, bisexual and transgender (LGBT) community in Colombia in May 2010¹.

The report presents a comprehensive overview of fundamental rights violations suffered by LGBT people because of their sexual orientation and gender identity. The report also states that despite numerous international standards, the

Colombian Constitution and national laws against discrimination based on sexual orientation and gender identity, the rights of LGBT people are constantly violated and are “not only disrespected, but they are not even guaranteed”. LGBT people “have experienced violations of their right to life, personal integrity, freedom and personal security, and freedom of expression, among others”.

According to Colombia Diversa, threatening leaflets against the LGBT

population have been circulated in several cities throughout the country in the past year. The organisation notes that “despite Colombia Diversa’s request for state intervention in regards to these events, there has not been any response to date”. Murders of LGBT people in the past year reached 39². According to the report, there are documented cases of arbitrary arrests, physical violence, cruel treatment, inhuman and degrading treatment, sexual abuse, and forced labour as punishment. The report also claims that LGBT people continue to be victims of police abuse.

The report concludes with a list of eleven recommendations for the Colombian State to undertake to prevent the violation of the human rights of LGBT people in Colombia. These include the establishment of “a mechanism for reviewing cases of violations of the right to life against LGBT people, particularly those in which human rights defenders are the victims”; and implementing “strategies in order to overcome impunity in cases of violations of the right to life and police abuse against LGBT people”.

1. “Situación de derechos humanos de la población LGBT. Informe alterno presentado al Comité de Derechos Humanos de Naciones Unidas”, Colombia Diversa, May 2010, http://www2.ohchr.org/english/bodies/hrc/docs/ngos/ColombiaDiversa_Colombia.pdf
2. Ibid. 1

A review of the Justice and Peace Law

The Colombian Commission of Jurists (CCJ) issued Colombia: The metaphor of the dismantling of paramilitary groups in March 2010, completing its second assessment on the implementation of Law 975 of 2005, also known as the Justice and Peace Law

The report contains nearly 400 pages in which the CCJ demonstrates the lack of guarantees of non-repetition of crimes by paramilitary groups, and of non-compliance with the state dismantling of these groups. According to CCJ, Law 975 actually benefits the perpetrators of crimes, thus weakening the country’s democratic institutions instead of leading to peace¹.

The report is a quantitative analysis of the context of socio-political violence and the presence of “paramilitary groups”. It demonstrates the continuing human

rights crisis in the country consisting of the “forced displacement of thousands of people and the recruitment of children by paramilitary groups as a result of tolerance and acquiescence of State security forces”. The report criticises the State’s denial of the persistence of paramilitary groups and its lack of knowledge of the victims’ law. Less than 2% of the supposedly demobilised paramilitaries are being processed by Law 975. Judicial proceedings have not advanced against members of State security forces and other government officials that have been implicated by paramilitaries’ confessions made within the law’s framework². According to the CCJ, the guarantee to the right of restitution of property unlawfully seized by paramilitaries is one of the aspects of Law 975 that has made the least progress. On the positive side, the report

highlights the actions of the Supreme Court, which reversed the first judgement in the case of the demobilised paramilitary “el Loro” as the decision failed to ensure the right to truth, justice and reparation for victims. The Constitutional Court has also issued several rulings on the rights of victims. Lastly, the report addresses the extradition of paramilitaries that “curbed valuable insights that came from some of them [those extradited]”.

“Overcoming the paramilitaries,” CCJ concludes, “involves seriously and responsibly addressing the rights of victims of crimes against humanity in terms of their right to truth, justice and reparation”.

1. “Colombia: La metáfora del desmantelamiento de los grupos paramilitares”, Colombian Commission of Jurists, March 2010
2. Ibid. 1

MOVICE member murdered for reclaiming farm

Fifteen people have now been murdered¹ due to their work for the restitution of a 550 hectare farm², known as *La Alemania*, to 52 small-scale farming families in the San Onofre municipality in Sucre department. The latest victim was Rogelio Martínez, 48 years old, and a member of the Sucre Chapter of the National Movement of Victims of State Crimes (MOVICE). He was murdered near his home on 18 May 2010. There have been no arrests to date in relation to this crime³. Over the past few years, Rogelio Martínez helped families return to their land after they were displaced

by paramilitaries from the Montes de María Heroes Block⁴ in 1998. These paramilitaries occupied the farmers' lands in their absence. Rogelio Martínez and other members of MOVICE-Sucre received continuous threats dating back to 2008 when he and other families returned to the *La Alemania*⁵ farm⁶. Due to his precarious security situation, Martínez was included in the Ministry of the Interior's Protection Programme⁷ which offered funds for his temporary relocation; however he decided to remain in the area to continue with his work⁸.

1. "La larga lista de víctimas de la vereda La Alemania en San Onofre", Corporación Nuevo Arco Iris, 19 May 2010
2. "La finca en Sucre que le ha costado la vida a 12 personas por intentar reclamarla", *El Tiempo*, 24 May 2010
3. "Amnistía Internacional reclama apoyo para los defensores de derechos humanos y el fin de la justicia militar para enjuiciar violaciones de derechos humanos", Amnesty International, 8 July 2010, <http://www.es.amnesty.org/paises/colombia/noticias-relacionadas/articulo/amnistia-internacional-reclama-apoyo-para-las-y-los-defensores-de-derechos-humanos-y-el-fin-de-la-j/>
4. "Asesinado Rogelio Martínez Mercado, líder campesino y miembro del MOVICE capítulo Sucre", Inter-church Justice and Peace Commission, 19 May 2010, <http://www.justiciaypazcolombia.com/Asesinado-ROGELIO-MARTINEZ-MERCADO>
5. *Ibid.* 1
6. "La Oficina de la ONU para los Derechos Humanos condena el asesinato de defensor de derechos humanos Rogelio Martínez y expresa preocupación por la situación de los líderes que reclaman tierras", Colombian Office of the United Nations High Commissioner for Human Rights, 19 May 2010, <http://www.colombiassh.org/site/spip.php?article570>
7. "Ministerio se compromete a investigar muerte de activista en Sucre", *El País*, 21 May 2010; "Comunicado", Ministry of the Interior and Justice, 21 May 2010, <http://www.mij.gov.co/econtent/newsdetailmore.asp?id=6182&idcompany=2>
8. *Ibid.* 1

Photo: Sean Hawkey/ACT



Julia Torres, wife of the late Rogelio Martínez.

MOVICE-SUCRE MEMBER INGRID VERGARA RECEIVES DEATH THREAT

Ingrid Vergara, also a member of MOVICE-Sucre, received a death threat on 3 June 2010¹. According to Ingrid Vergara, a third person entered the line during a telephone conversation with her daughter and threatened to murder her and her family. When the call ended there was no record of the interference or the call with her daughter².

Ingrid Vergara has received several death threats in the past two years³ and she is a beneficiary of protection measures granted by the Inter-American Commission on Human Rights, which have yet to be fully implemented

according to Amnesty International. She and other members of MOVICE have documented and publicised numerous cases of homicides and forced disappearances carried out by State security forces and paramilitary groups in the region⁴.

1. "Persecución continúa en Sucre", MOVICE, 4 June 2010, http://www.movimientodevictimas.org/index.php?option=com_content&task=view&id=609&Itemid=1
2. "Amenaza a Ingrid Vergara integrante de MOVICE Sucre", Inter-Church Justice and Peace Commission, 4 June 2010, <http://justiciaypazcolombia.com/Amenaza-a-Ingrid-Bergara>
3. "Amnistía Internacional reclama apoyo para los defensores de derechos humanos y el fin de la justicia militar para enjuiciar violaciones de derechos humanos", Amnesty International, 8 July 2010
4. *Ibid.* 3

SEVEN HUMAN RIGHTS DEFENDERS MURDERED IN JUST ONE MONTH

According to the national and international campaign "Colombia: Human Rights Defenders under Threat", May 2010 was a violent month for human rights defenders and organisations in Colombia, with numerous threats and murders¹. Four of the seven reported murders were individuals who had lodged formal complaints of forced displacement and were suing for restitution of their stolen land. Additionally, 110 human rights organisations were threatened by illegal armed actors or unknown sources, which arrived via intimidating emails, pamphlets, text messages and phone calls². The attacks against human rights defenders have been constant over the past few years and according to the Information System on Aggression towards Human Rights Defenders (SIADDDH) 174 people dedicated to human rights work suffered some type of aggression in 2009, with 99 people threatened and 32 murdered³.

1. "Mayo – de la alerta a la crisis: Siete líderes asesinados y 110 organizaciones de derechos humanos amenazadas", National and International Campaign Colombia: Human Rights Defenders Under Threat, June 2010
2. *Ibid.* 1
3. "Sistema de Información sobre Agresiones a Defensores y Defensoras de Derechos Humanos en Colombia – Report 2009", Somos Defensores, 30 April 2010

More death threats against CREDHOS member David Ravelo

RAVELO AND OTHER MEMBERS OF CREDHOS HAVE BEEN TARGETED BY THREATS OVER THE PAST FIVE YEARS. THE HUMAN RIGHTS SITUATION IN THE MAGDALENA MEDIO CONTINUES TO BE CRITICAL.



David Ravelo, member of CREDHOS.

David Ravelo received various threats, communicated via his family, between May and July of this year. His son received several calls warning that they were going to kill his father and that he should be prepared for his funeral. In another call they told him that they had already murdered his father¹. They also told Ravelo's mother-in-law via telephone that there was an order to murder Ravelo². "They are targeting my family, where I am most vulnerable, in order to keep me in a state of constant uncertainty", according to Ravelo³. He is a member of the Regional Corporation for the Defence of Human Rights (CREDHOS) in Barrancabermeja and has denounced innumerable cases of extrajudicial executions, murders, forced displacements and disappearances in the Magdalena Medio region. Over the past few years, he and other members of CREDHOS have received various threats by way of phone calls, pamphlets, and emails⁴. Ravelo is clear about the purpose of these threats: they seek to destroy the fabric of society, to weaken social organisations and oppress their members with the goal of removing them from the public realm. And they use death threats as a tactic to achieve those goals.

Since 2000, Ravelo and other members of the CREDHOS board have had precautionary measures granted by the

Inter-American Commission on Human Rights. Ravelo has three bodyguards and an armoured car at his disposal and recognises that this has helped him carry out his work to a certain point. However, he notes that protection cannot only be material support and emphasises the need for public and political help from State authorities in order to dissuade future attacks⁵. He recognises that PBI's work has been essential because "it acts as armour for CREDHOS. This armour is superior to the kind we have on our doors because it is a political reinforcement; accompaniment has allowed CREDHOS's work to grow"⁶.

The human rights situation remains critical in the region. The Human Rights Ombudsman emphasises that "during the past few months it has been public knowledge that threats and harassment of human rights defenders have intensified"⁷. The Human Rights Ombudsman also notes, "the primary risk [...] continues to be the presence of new illegal armed groups that have emerged after the paramilitary demobilisation". The Human Rights Ombudsman is referring to "Los Rastrojos" and "Los Urabeños", groups that, according to reports, are in the midst of a territorial dispute "for the control of the licit and illicit economies of the Magdalena Medio region, the drug trafficking routes (ports, transportation of chemical additives and coca derivatives), money laundering, extortion, and the theft of fuel"⁸.

There is a high cost for those carrying out public work in favour of human rights. According to Ravelo, there is a psychological impact that affects the nuclear family and one's surroundings, limiting social interactions, also causing health problems. Despite all of this, Ravelo and many other human rights defenders insist on supporting victims of the Colombian armed conflict because "we have something essential on our side: the truth. We persist in the noble cause of human rights".

ARREST AND SPECIOUS PROSECUTION OF DAVID RAVELO

On 14 September at 3pm, agents of the Technical Investigation Unit (CTI), a part of the Office of the Public Prosecutor, enforced a warrant for the arrest of David Ravelo issued by the National Public Prosecutor's Anti-terrorism Unit no. 22 in Bogotá⁹. Ravelo is charged with the conspiracy to commit a crime and aggravated homicide¹⁰. These charges are based on the testimonies of demobilised paramilitaries who testified in a hearing within the framework of Law 975¹¹. As a result of these accusations, David Ravelo presented himself voluntarily in the Public Prosecutor's Office no. 3 in Barrancabermeja in order to contend his innocence with his own testimony¹².

1. "Denuncia dirigida a la Fiscalía General de la Nación—Seccional Barrancabermeja, número de radicado 680916000135201000595", CREDHOS, 4 June 2010

2. "Acción urgente: Grave situación de riesgo del defensor de derechos humanos David Ravelo Crespo y su familia", Corporación Reiniciar, 28 May 2010, <http://www.reiniciar.org/?q=node/279>

3. Interview with David Ravelo, 15 July 2010

4. Ibid. 2

5. Ibid. 2

6. Ibid. 2

7. "Nota de Seguimiento", Defensoría delegada para la evaluación de riesgos de la población civil como consecuencia del conflicto armado, July 2010

8. Ibid. 7

9. "Privado de la libertad el defensor de derechos humanos David Ravelo Crespo", EETDDHH, 14 September 2010

10. Ibid. 9

11. Law 975 grants reduced sentences to paramilitaries accused of crimes against humanity in exchange for their confessions and cooperation in the judicial process.

12. Ibid. 9

Colombian state deemed responsible for the murder of Manuel Cepeda

THE INTER-AMERICAN COURT ON HUMAN RIGHTS CONCLUDES THAT THE COLOMBIAN STATE VIOLATED ARTICLES OF THE AMERICAN CONVENTION ON HUMAN RIGHTS TO THE DETRIMENT OF THE SENATOR AND HIS FAMILY.

Photo: Sebastián Rótters



Iván Cepeda, son of the assassinated Senator.

The Inter-American Court on Human Rights ruled that the Colombian government violated the rights to life, personal integrity, judicial guarantees, honour, dignity, freedom of thought and expression, freedom of association as well as the political rights of Manuel Cepeda Vargas in connection with his murder in August 1994¹.

The National Movement of Victims of State Crimes (MOVICE), the Manuel Cepeda Foundation and the José Alvear Restrepo Lawyers' Collective (CCAJAR) believe this ruling may pave the way for future investigations and convictions in the country². According to CCAJAR, "this is the first Inter-American Court ruling regarding the murder of an opposition leader in Colombia that also addresses the extermination of the Patriotic Union"³. CCAJAR also stated "the ruling is a contribution to reconstructing collective

stated internationally that members of the Patriotic Union [...] were exterminated from inside the State"⁴.

The Inter-American Court emphasised that the declarations made by officials in the early 1980s linked the Patriotic Union (UP)⁵ and the Colombian Communist Party with the FARC, "placing UP members in a position of greater vulnerability and increasing their risk level"⁶. The Court insisted upon the seriousness of these remarks—remarks that the Colombian Government continued to make during Álvaro Uribe's presidential campaign in 2006. "The distribution of certain messages in mass media damaged the good name and honour of Mr. Iván Cepeda Castro, one of many victims of political violence in the country [...] those rights for their families have also been violated"⁷.

THIS RULING MAY PAVE THE WAY FOR FUTURE INVESTIGATIONS AND CONVICTIONS

memory and historical clarification of State crimes in Colombia".

Iván Cepeda, son of the murdered senator, told reporters that this sentence is "a triumph among many adversities and persecutions. It is historically significant because for the first time it is clearly

The court's ruling determined that the State must clarify what happened and investigate "those who allowed the violations to occur, their causes, beneficiaries, and consequences"⁸. It also obliges the State to adopt a series of reparation measures that

include publicising the ruling, creating a publication and an audio-visual documentary on Senator Cepeda's life, establishing a Manuel Cepeda Vargas scholarship and carrying out a public act recognising State responsibility before Congress⁹.

On 24 June 2010, President Álvaro Uribe spoke about the case: "I cannot say that the State murdered Senator Cepeda one way or the other. What I can say is that he was murdered. And that is very serious and it cannot be repeated. And I ask for forgiveness"¹⁰.

Iván Cepeda wrote a letter responding to President Uribe's speech¹¹ which was signed by CCAJAR and other organisations, responding to these statements. According to Cepeda, Uribe's words "are a new insult to victims and they ignore the Inter-American Court ruling". Cepeda explains why, in legal terms, the statement does not respect the order of the Court, but moreover "does contain a genuine apology and in reality is a new insult to the victims".

Relatives of Cepeda Vargas and allied organisations hope "that the spirit of this ruling will lead to the guarantee of non repetition"¹² which is the first step on the path to truth, justice and reparation for victims in Colombia.

1. Sentence, 26 May 2010, Case of Manuel Cepeda Vargas VS. Colombia, the Inter-American Court of Human Rights, http://www.corteidh.or.cr/docs/casos/articulos/seriec_213_esp.pdf

2. "Corte Interamericana de Derechos Humanos Condena a Colombia por muerte de senador", EFE, 23 June 2010, <http://justiciaporcolombia.org/node/170>

3. "Corte interamericana condena al Estado por ejecución extrajudicial del último senador electo de la UP Manuel Cepeda Vargas y ordena reconocer responsabilidad ante el Congreso de la República", CCAJAR, 28 June 2010

4. "A los miembros de la UP los exterminaron desde el interior del Estado colombiano", El Mundo, 24 June 2010

5. For more information on the constitution and the genocide of the UP see: <http://www.colectivodeabogados.org/EL-GENOCIDIO-CONTRA-LA-UNION>

6. Ibid. 1, Paragraph 85

7. Ibid. 1, Paragraph 206

8. Ibid. 1, Paragraph 119

9. Ibid. 1, Paragraphs 7-17, p. 91-92

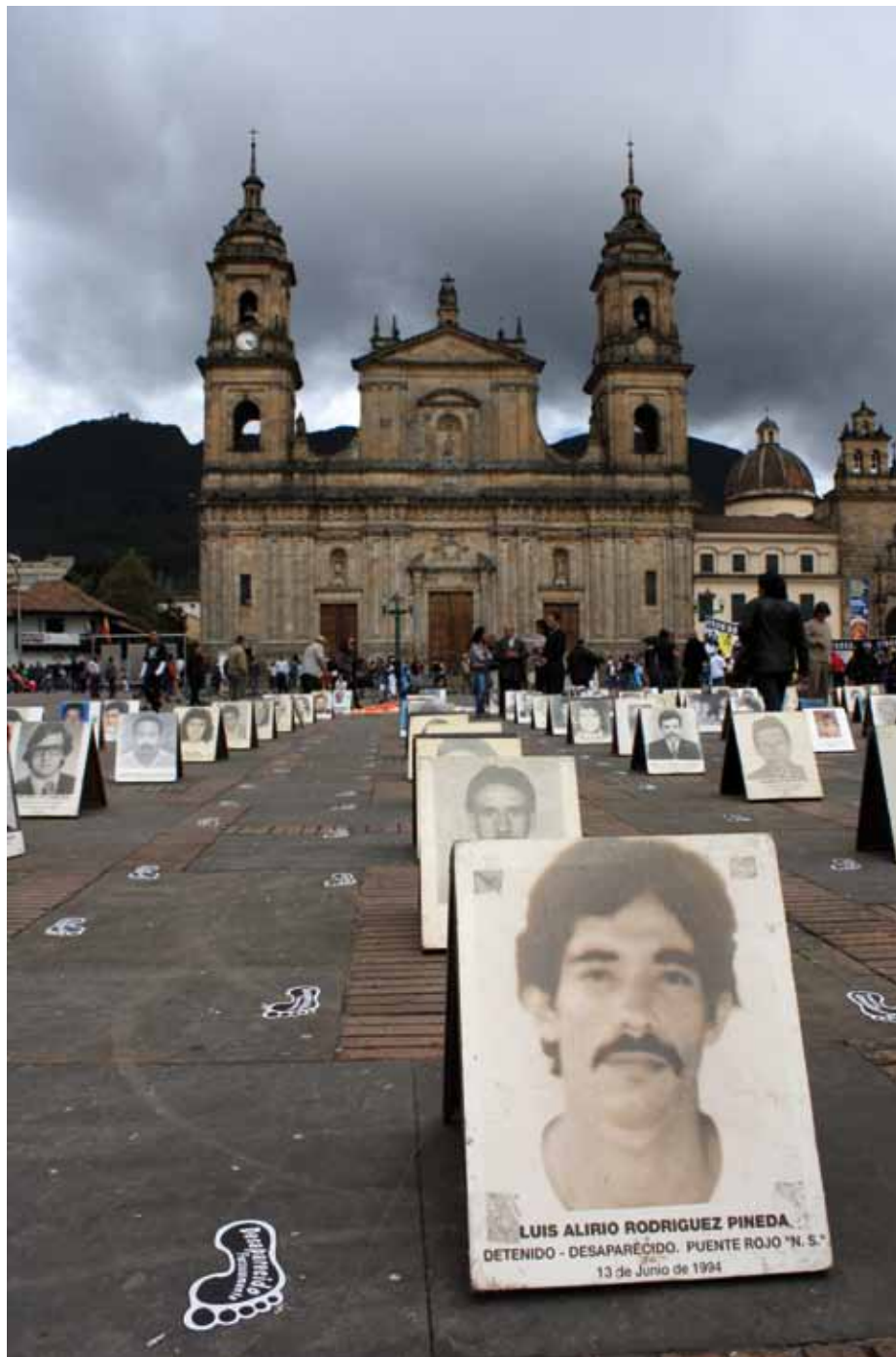
10. "Declaración del Presidente Álvaro Uribe Vélez sobre sentencia de la Corte Interamericana de Derechos Humanos por asesinato del senador Manuel Cepeda", Press Secretary, Office of the President of the Republic of Colombia, 24 June 2010

11. "Carta de Iván Cepeda al Presidente Álvaro Uribe Vélez respecto de los inaceptables términos en que pide perdón a nombre del Estado colombiano por sentencia de la CIDH en el caso Manuel Cepeda Vs. Colombia", 29 June 2010

12. Ibid. 4

First conviction in Palace of Justice disappearances case

INTER-CHURCH JUSTICE AND PEACE COMMISSION LAWYERS, JOSÉ ALVEAR RESTREPO LAWYERS' COLLECTIVE, DANIEL PRADO AND JORGE MOLANO REPRESENT VICTIMS.



"There are more or less 450 cases like the Palace of Justice in Colombia". Public action against forced disappearance in Bogotá, May 2009.

Families of the eleven disappeared persons from the Palace of Justice case have been seeking truth and justice for the past 25 years. Since the National Army took over the Palace of Justice they have looked for their loved ones and have spent hours upon hours in prosecutors' offices, public plazas,

hospitals, and courtrooms. They have suffered insults, attacks, and threats during their relentless search. At the same time, they have also received many gestures of solidarity, support and friendship during this search for justice.

Luz Mary Portela León's mother searched for her daughter until the day she

On 6 November 1985 members of the M-19 (April 19 Movement) guerrilla group violently took over the Palace of Justice in Bogotá, Colombia and held nearly 350 people hostage, including high court judges. The Colombian Armed Forces initiated a military operation to recapture the Palace of Justice that lasted 28 hours and resulted in 94 deaths¹, 11 missing persons, and the Palace in flames. The Inter-American Commission on Human Rights classified this case a holocaust². In June 2010, Colonel Alfonso Plazas Vega was sentenced to 30 years in prison for the disappearance of eleven people during the military operation³.

died. Luz Mary had replaced her mother at work in the Palace of Justice cafeteria the day of the take over and was never seen again after the Army operation⁴. For years Cristina del Pilar Guarín Cortes' father searched for his missing daughter amongst homeless youth in Bogotá⁵. Both of these parents, as well as others, have died without knowing their children's whereabouts. And they were not present to share the shock and hope with other victims' family members when they heard of the sentence condemning retired Colonel Plazas, the officer who commanded the Army operation.

Luz Mary's sister Milena commented on the court's decision: "To charge one person for the military-perpetrated disappearance of our loved ones is only the first step. We continue to ask for truth, the return of our relatives' bodies, and convictions for the entire chain of command starting with then-President [Belisario Betancur] and the highest-ranking army officers". René Guarín, brother of Cristina del Pilar, another disappeared cafeteria employee, adds: "The sentences have to bring us the truth".

Lawyers from the Inter-Church Justice and Peace Commission (CIJP), the José Alvear Restrepo Lawyers' Collective (CCAJAR), and attorneys Daniel Prado, Jorge Molano and Romero

Germán represent the victims in the cases against military personnel regarding 11 disappearances, the same charge for which retired Colonel Plazas was convicted.

The judge and prosecutor in this case, as well as the lawyers and family members, have all received threats. Judge María Stella Jara Gutiérrez had to leave the country a few days after issuing the sentence⁶. Eduardo Umaña Mendoza, also an attorney in this case, was assassinated in 1998⁷. René Guarín had to flee the country for his safety.

Milena Portela and René Guarín say there are many truths that have yet to be uncovered: “The Truth Commission found that the fires were not all set by the M-19, that the recapture was sabotaged by the State when they cut communications. But what happened to our family members? They owe us the truth, they owe us their remains; this needs a serious State investigation”.

COLOMBIAN GOVERNMENT PUBLICLY REJECTS THE CONVICTION

On 10 June when the sentence was publicized, former President Álvaro Uribe, his Defence Minister, and Minister of Interior and Justice publicly declared their opposition to the decision handed down by the judiciary. In a public statement, Uribe called ruling an abuse and a disincentive for the armed forces⁸. According to René Guarín, this position is consistent with past governmental responses: “For 25 years this system has defended the military. It’s been thirteen years since they killed the lawyer [Eduardo Umaña Mendoza] and it’s like nothing happened, they don’t investigate anything. The case of the Palace of Justice has been quiet and forgotten for the past twenty years”.

According to relatives and their lawyers, statements made by the government challenging the judge’s decision could have serious risks for them. They therefore have asked the government to retract its statements. Knowing that the government is offering security measures for those involved in the case, Guarín raises the question: “How can we come together and ask for governmental protection when [the government] insists that there were no disappearances in the case of the Palace of Justice? And they ignore all of the evidence and judges’ conclusions from the Truth Commissions⁹. In a meeting with the government we told a State representative: all we ask is that the



Rosa Milena Cárdenas León, sister of Mary Luz Guarín Portela Leon, and René, brother of Cristina del Pilar Guarín Cortes. Luz Mary and Cristina were employed in the Palace of Justice cafeteria and disappeared during the army re-capture of the building.

MEDIA ACCUSES RENÉ GUARÍN OF CONSPIRING AGAINST STATE SECURITY FORCES

RCN Radio announced in early August 2010 that René Guarín, family member of one of the disappeared persons from the Palace of Justice in 1985 and someone who has worked hard for victims’ rights, belonged to the M-19 rebel group in the 1980s¹¹. This revelation led to a series of articles in the Colombian press, some of which allege that Guarín, along with other human rights defenders, conspired to serve the interests of “narco-guerrillas” and to falsely accuse State security forces¹². Guarín admitted his guerrilla past in interviews with

the media¹³ and stated that this fact does not mean the State can negate its responsibility in the case. “This does not mean that I cannot continue to search for my sister nor does it justify the threats against my life or the fading memory of the eleven souls that were lost in November 1985”¹⁴. The M-19 was a Colombian guerrilla movement that in 1985 violently took over the Palace of Justice, an event that even today continues to divide public opinion in Colombia.

President retracts his statements because they are the leading threat to our security”.

According to René Guarín, the first sentence was handed down thanks to the efforts and commitment of many people, and the presence and pressure of the international community: “It’s like saying ‘the international community is watching, think twice before killing him’. This is the only effective protection at this time”.

These families’ struggle is a symbolic but not an isolated example. “There are about 450 cases like the Palace of Justice in Colombia and there are many cases of disappearances with no justice or truth,” say Milena and René. The family members of the disappeared persons from the Palace of Justice have resisted forgetting what happened. Their organisational process is a model of perseverance; they have not given up despite the lapse of time and attacks against them. Today, these families invite all Colombians and citizens of the world to join their struggle. “We continue on for dignity. When I ask myself is it worth living a life that revolves around this issue, the answer is

yes, it’s worth it [...] for us it is dignity in practice. I keep fighting because what draws me and identifies me is this struggle, a struggle that I had to be a part of and I took it on wholly, with my soul, life, and heart”¹⁰.

1. “Case 10738: “Holocausto del Palacio de Justicia”, Inter-American Commission on Human Rights, http://www.elabedul.net/Documentos/Temas/Justicia_y_Paz/Comision_Corte_Interamericana.pdf

2. Ibid. 1

3. “Plazas Vega, culpable de desaparición forzada agravada”, *Semana*, 9 June 2010

4. “Informe Final”, Que Cese el Fuego, Comisión de la Verdad sobre los hechos del Palacio de Justicia, p.305, 17 December 2009, <http://www.verdadpalacio.org.co/index.html>

5. Ibid. 4, p. 300

6. “Jueza que condenó al coronel Plazas Vega sale del país por amenazas”, *Semana*, 22 June 2010

7. “José Eduardo Umaña Mendoza Nuestro amigo y maestro”, CIJP, 18 April 2010, <http://justiciaypazcolombia.com/Jose-Eduardo-Umana-Mendoza>, 3141

8. “Declaración del Presidente Álvaro Uribe Vélez sobre sentencia condenatoria en caso del atentado contra el Palacio de Justicia”, Presidency of the Republic, 10 June 2010

9. Ibid. 4, p. 169

10. Interview with René Guarín

11. “Periodista Claudia Morales asegura que René Guarín participó en un secuestro en 1988”, *W Radio*, 18 August 2010

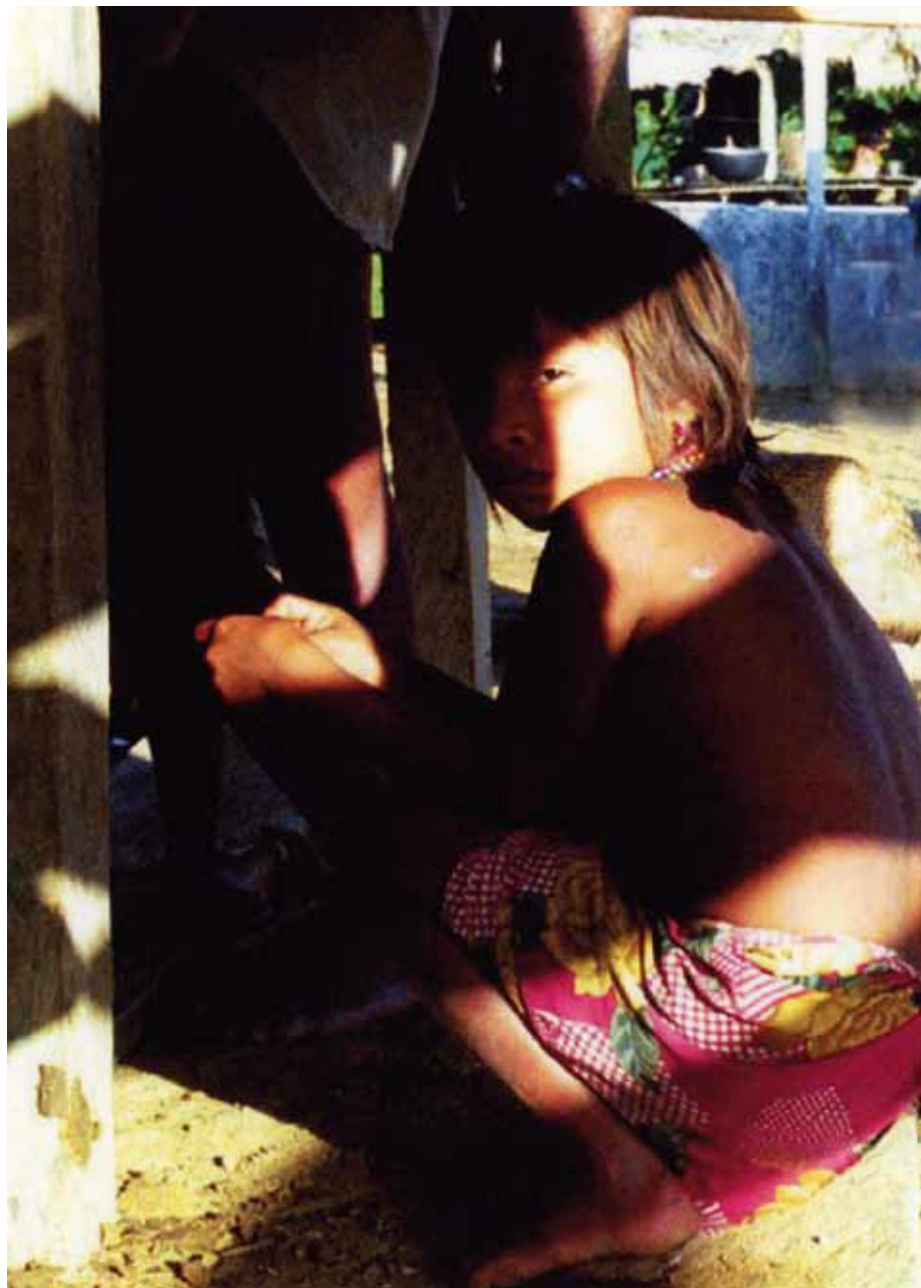
12. “René Guarín es en realidad un secuestrador y guerrillero”, *Periodismo Sin Fronteras*, 17 August 2010

13. “Rene Guarín: ‘Sí, fui guerrillero’”, *El Espectador*, 22 August 2010

14. Ibid. 13

Urabá: violence and territory in contemporary history

Photo: Manuel Salvador Saldarriaga, FDM-OACNUDH



Colombia: Images and Realities, indigenous faces of hope in the Chocó.

Urabá has always been thought of as a territory governed by the law of the strongest, marked by endemic violence and disputes between armed groups¹. Deciphering the violence in Urabá is to understand the dynamics of a territory created by successive settlements. The zone was a refuge from the “bipartisan violence” of the 1950s, as well as an area of natural resource extraction and a periphery zone that was a geographical frontier². In general, the established parallel between violence, inequality, and the absence of rule of

law are important in understanding socioeconomic dynamics in Urabá³. Social sciences give us a complex view of the violence in Colombia, where the lines between the armed conflict, social violence, organised crime and delinquency have disappeared⁴.

A NEW FRONTIER

Urabá is located in a north western sub-region of Colombia that borders Panama and extends around the Urabá gulf--Colombia's natural port on the Caribbean coast. Urabá is geo-strategically important

due to its proximity to the Panama Canal and abundance of natural resources (the biological corridor, several mineral-rich sub-soils, and fossil fuels). There has been talk for some time of possible large-scale development projects in the region, including a plan to connect the Pan American Highway through Urabá's famous Darien Gap⁵. Although this plan is still being discussed, the initial contract to begin construction was granted to a business consortium in August 2010⁶. This confluence of economic interests in an integrated world economy makes Urabá's “extreme” geography (deep forest, mostly river transportation, swamps, mangroves, mountain ranges) conducive to carrying out illegal activities. Since the area has been plagued by smuggling since the 19th century, it is not odd that the region would be a refuge for drug trafficking activities (marijuana cultivation in the 1970s, followed by coca and processing and maritime transit of cocaine), arms trafficking and illegal armed group activity.

These dynamics are rooted in the tradition of exclusion and marginalisation that in the 1950s marked Urabá as an area of refuge for those displaced by the “bipartisan violence”⁷.

THE BANANA BOOM AND MASSIVE COLONISATION

The beginning of the massive settlement dates back to the 1960s when the highway between Medellín and Turbo was built. Migration increased with the rise of the banana trade. Three hundred banana farms functioned as part of the Fruit of Seville (a subsidiary of the United Fruit Company), with loans from banks and other Colombian and foreign funders. This resulted in the creation of 20,000 jobs (13,000 direct and 7,000 indirect)⁸. Tens of thousands of immigrants quickly settled without any sort of organisation, attracted by the plantations' labour demands and also by the promise of open jungle to colonise. As a settlement area, it is interesting to note the heterogeneity of the migrants: a socio-labourer typology - day labourers and plantation workers, settlers, foremen, managers, contract workers, officials - all added to those already there such as the



Inhabitant of Cacarica, Chocó.

Chocoano population of African descent, Andean countrymen, and people of mixed heritage⁹. This social heterogeneity is part of the process of social fragmentation and de-acculturation of geographical patterns of the frontier where social solidarity is tenuous and fragile. One can see what Ortiz Sarmiento calls “ethno-regional cracks” due to divisions of the Urabá region into cultural sub-regions. Indigenous peoples were present throughout these different sub-regions.

VIOLENCE AS MEANS OF CONFLICT RESOLUTION

Faced with this unprecedented wave of immigration, the infrastructure, public services, and institutional presence were extremely insufficient in terms of regulating resource distribution and meeting basic needs (water, sewerage and electricity)¹⁰. The modes of resource appropriation, with land being the primary resource in an agricultural colonisation zone, were directed by private initiatives that have led many disputes¹¹. The dynamics of land ownership are characterised by social differentiation from above and the absence of state regulation. Previously cited academic studies based on detailed examinations of the administrative and judicial archives identify two key dynamics: first, the concentration of land after legal and illegal investments (monoculture farming or extensive cattle ranching¹²) and second, opposition to this land concentration by small-scale farmer invasion movements and their recovery of land after eviction. These archives show an overwhelming number of disputes since the 1950s, exposing irregularities such as forced sale under threat, forged signatures and official documents, and various

forms of pressure ranging from threats to physical aggression leading to murders or displacement of the rightful owners.

In such a context it is not unusual to find a situation of chronic violence in the area. This violence is in part due to the absence of an effective judiciary. Less than 3% of homicides from the late 1960s to late 1990s have been solved¹³. Since the population explosion caused by the banana boom, there has been widespread financing of private justice systems¹⁴, often controlled by illegal armed actors. The weakness of judicial institutions and the rule of law in general do not necessarily mean the physical absence of the State in Urabá; rather, a State presence of clientelism rooted tyranny and bipartisanship¹⁵. The private justice concept also highlights a certain dimension of the State. This phenomenon has not stopped increased instances of paramilitary justice¹⁶.

A CHALLENGE THAT REMAINS: LAND RESTITUTION

This perspective is not intended to exclude the importance of conflict and its varying manifestations from the analysis. The annual homicide rate more than tripled between 1970 and 1990¹⁷, coinciding with the emergence and strengthening of organised armed movements (FARC, EPL, paramilitary groups, State security forces) and their competition for socio-political control of the country. According to several investigations, it is now clear that forced displacement, one of the major consequences of the conflict, is not merely a logical outcome of war; it is also related to economic ambitions¹⁸.

Urabá did not escape the last 20 years of so-called “reverse land reform”¹⁹ carried out throughout the country by drug traffickers and paramilitaries. According to the calculations of the Consultancy for Human Rights and Displacement (CODHES) and analyst Ricardo Rocha, the result of this phenomenon was the concentration of 4.8 million hectares throughout the country following violent usurping of land and forced displacement²⁰. Despite the existing land restitution mechanisms and statements from the new government, illegal procedures that favour the concentration of land still occur²¹ in the area as demonstrated by the situation of vulnerable displaced populations returning to their land legally in the Antioqueña region of Urabá²².

Faced with the absence of security guarantees for victims seeking justice and reparation, PBI accompanies the Inter-Church Justice and Peace Commission (CIJP)—an organisation that for the past decade has supported a civil society



Don Enrique Petro is a small-scale farmer in the Chocó who is under threat and struggles to reclaim his land.



The challenge of returning stolen land continues.

initiative for displaced persons called “communities in resistance”²³. This project aims to help displaced people return and stay on their land. It works to obtain the legal and material restitution of dispossessed land taken during the displacement of the Lower Atrato region in the late 1990s.

Despite the series of physical and cultural protective measures that aim to protect collective property and promote land restitution issued by the Inter-American Commission on Human Rights, the International Labour Organisation (ILO), INCODER (collective titling) and the Colombian Constitutional Court, the Jiguamiandó and Curbaradó communities²⁴ (their members, representatives and supporters) have been targets of legal persecution, smear campaigns, accusations, threats, killings and harassment²⁵.

In regards to this situation, the Constitutional Court issued an order on 18 May 2010²⁶ to protect the families of the Curbaradó river basin due to the absence of badly needed security for land restitution. The Court also ordered a cessation of all business activity in the area²⁷ and implementation of effective protection measures for communities such as holding a census of the local population to establish true ownership of the land. The Court emphasised the importance of international accompaniment in

terms of protection, requesting that “the international community, in particular the Inter-American Commission on Human Rights, the ICRC, Peace Brigades International, ACNUR and other United Nations agencies [...] given the complexity and seriousness of the current situation of vulnerability in the African-descendant communities of Curbaradó and Jiguamiandó, should form a special commission to accompany these communities and ensure international oversight in the process of restitution of their collective lands and protection of their rights”²⁸.

As shown in the specific case of the Jiguamiandó and Curbaradó river basins and the recent killings of community representatives in the area²⁹, the twenty-first century has not shown a change in trends mentioned above: violence is still determining the territorial organisation of Urabá.

2. Frontier refers to an area that was converted or is in the process of occupation by settlers from the forest to an agricultural area.
3. The Urabá sub-region does not correspond to a particular administrative unit, but to a homogeneous geophysical territory that is administered by the Chocó (the Western part which is called the Urabá Chocoano) and the Antioquia departments (the Eastern part, called Urabá Antioqueño).
4. “Présent, passé, futur de la violence”, Daniel Pécaud in “La Colombie à l’aube du troisième Millénaire”, Jean-Michel Blanquer and Christian Gross, IHEAL, Paris, 1996
5. According to the CONPES 3612 of the National Planning Department, the highway would pass through the Cacarcia River basin towards Palo de Letras.
6. See article: “Triathlon for life in the Darien”
7. “Urabá: pulsiones de vida y desafíos de muerte”, C.M. Ortiz Sarmiento, Institute for International Political Studies (IEPRI), Universidad Nacional, La Carrera Editors, Medellín, 2007, p. 45
8. “Violencias estratégicas y violencias desorganizadas en la región de Urabá, Colombia”, Gérard Martin, Cultures & Conflicts, no. 1924-1925, 1996-1997, p. 4
9. Ibid. 7, p.47
10. For more about the historic weaknesses of the State and governance, see: “Urabá. Colonización, violencia y crisis del Estado”, Fernando Botero Herrera, Universidad de Antioquia, Medellín, 1990; “Urabá: región, actores y conflicto 1960-1990”, Clara Inés García, Issue CEREC / INER, Universidad de Antioquia, Bogotá, 1996.
11. Ibid. 10
12. Ibid. 7, p. 33-40
13. Ibid. 8
14. Ibid. 7, p. 55
15. Ibid. 7, p. 109
16. “El dossier de los palmeros”, *El Espectador*, 21 May 2010. According to the Prosecutor, nowhere else in Colombia witnessed the emergence, rise and transformation of “para-institutional private justice” established by the AUC (the Elmer Cardenas Block) as they did in the Chocó province.
17. Ibid. 8, p. 6
18. “Sistematización de experiencias de atención psicosocial en Antioquia”, Pan American Health, Bogotá, 2003, p. 11
19. Ibid. 7, p. 165
20. “Un trato pendiente: el acuerdo por la tierra”, CODHES, 21 January 2010
21. “Los Obstáculos Del Revolucion Agrario”, *El Tiempo*, 22 August 2010
22. “La Parábola de “Colombia”, *Semana*, 24 July 2010
23. CIJP currently accompanies the organisation CAVIDA and the Association of Humanitarian and Biodiversity Zones in Jiguamiandó and Curbaradó well as indigenous reservations in Upper Guayabal Juin Phubur in Urabá.
24. Issued by the Inter-American Court of Human Rights, the International Labour Organisation (ILO), INCODER (collective title) and the Constitutional Court.
25. “Águilas Negras’ threats intensify attacks against Justice and Peace”, PBI Colombia, *ColomPBla*, September 2008
26. Order of 28 May 2010
27. The majority of the 23,000 hectares of taken land that the Superintendent of Notaries and Registration legally restored as collective property by means of resolutions 3617, 6286, 6525, 6524 and 6523 to 2007 are occupied and being exploited by oil palm companies and cattle ranching.
28. Ibid. 26, Pág. 33
29. “Ya son seis los líderes de víctimas muertos en Urabá”, *Verdad Abierta*, 13 May 2010

1. The homicide rates in the Turbo, Apartadó, and Mutatá municipalities exceeded the national average as well as that of other Latin American countries from 2005 to 2008. “Diagnóstico de la situación de los municipios habitados por las comunidades afrocolombianas priorizadas por la Honorable Corte Constitucional en el departamento de Antioquia”, Observatory of the Presidential Program on Human Rights and International Humanitarian Law, 2009, pages 14-15

The Darien Triathlon

A NEW ROAD COULD POTENTIALLY THREATEN THE CHOCÓ POPULATION. THE MEGAPROJECT WILL PASS THROUGH TWO NATURE PARKS AND COLLECTIVE TERRITORIES. COMMUNITIES AND ORGANISATIONS OPPOSE ITS CONSTRUCTION.



There are only 108 kilometres of asphalt needed to connect the Pan American Highway¹ between Panama and Colombia in the Darien Gap region. This mega project seeks to connect Panama to Colombia and Venezuela with an approximately 800-kilometre corridor². The construction of the Pan American Highway was originally considered in 1925³ but it was not until 21 September 2009 that the National Council for Economic and Social Policy (CONPES) formally presented the project⁴ outlining the highway's trajectory. In May 2010 the National Concessions Institute (INCO) opened the bidding process to pick the construction company and in August the consortium Highways of the Americas won the bid to build the first section which is budgeted at \$ 1.6 billion Colombian pesos⁵.

Although the construction bid for the first portion has been awarded, the highway is not yet a done deal. The Pan American Highway would pass through a collective territory belonging to the Afro-descendant communities of the Cacarica River basin. This land is recognised under Law 70⁶, which aims to protect black communities and their territories. Law 70 contains various requirements for introducing large projects such as the Pan American Highway⁷, including an environmental conservation condition. The highway is projected to go through the Katios National Park in Colombia

and the Darien National Park in Panama, both jungles with exceptional levels of biodiversity, including numerous plant and animal species that are in danger of extinction⁸, and are considered World Heritage sites by UNESCO⁹. Shortly after the construction bid was awarded, the president's environmental advisor, Sandra Bessudo, said that it was not acceptable for the highway construction to pass through the Katios Park¹⁰.

Another Law 70 requirement is to carry out prior consultation with the communities that would be affected by the project to ensure that their rights to autonomy and self-determination are respected. According to Community for Self-determination, Life and Dignity (CAVIDA), "this mega-project does not correspond to our needs and our ways of relating to nature and it ignores our traditional travel patterns that are rooted in a river culture in harmony with the environment and with the socio-cultural context of the region"¹¹.

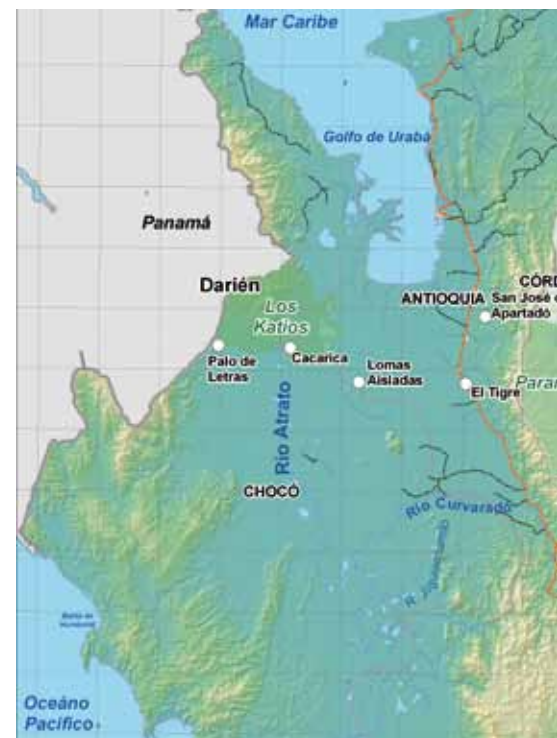
Due to the project's potentially harmful effects, the Afro-Colombian organization CAVIDA, the Phubur Juin indigenous community, and the Inter-Church Justice and Peace Commission (CIJP), organized the "Triathlon for the life of Darien" as a protest and symbolic event in June 2010.

Participants bicycled 373 kilometres from Medellín to Turbo (in the Antioqueño region of Urabá) and then went by boat along the Atrato River to the Nueva Esperanza en Díos Humanitarian Zone¹² on the Cacarica River and from there walked through the jungle along the proposed route for the Pan American Highway.

After the triathlon, approximately 200 human rights defenders, community members, political figures such as Senator Piedad Cordoba and international organizations (including members of the National Movement of Victims of State Crimes Ethics Committee) held a public consultation in order to hear community opinions about the mega project. Nearly all who participated in the vote showed that they did not agree with the construction of the Pan American Highway under the current conditions¹³.

The memory of the displacement of more than 10,000 people from this region

following the 1997 military operation "Genesis"¹⁴ is very much still alive. For them, this project appears to be another chapter in their civil struggle to defend their right to live on their land; another chapter in a history of resistance that continues to be written and whose future is still uncertain.



Map: United Nations Office for the Coordination of Humanitarian Affairs (OCHA Colombia)

1. The draft of the Pan American Highway is also called the Transversal of the Americas.
2. "Transversal de las Américas finalmente fue adjudicada", *El Espectador*, 5 August 2010
3. "140 años de realidades", *El Mundo*, 12 April 2009
4. "CONPES Plan 3612: Strategic Program Phase 1-PROESA highways I-", developed by the National Economic and Social Policy (CONPES), National Planning Department of Colombia, 21 September 2009
5. *Ibid.*, 2
6. Law 70 of 1993
7. *Ibid.*, 6
8. "Polémica por vía en Tapón del Darién", *El Espectador*, 2 April 2009
9. <http://whc.unesco.org/en/list/711>. In addition, the Katios were declared an Endangered Cultural Patrimony by UNESCO in 2009.
10. "El primer chicharrón", *Semana*, 16-23 August 2010
11. "Manifiesto Encuentro Internacional Triatlón por la Vida del Darién", Inter-Church Justice and Peace Commission, 19 July 2010
12. The Humanitarian Zone concept was recognized by the Inter-American Human Rights Court as a model that allows the civilian population to separate themselves from war in order to not suffer the consequences.
13. *Ibid.*, 11
14. "Operation Genesis: demanding justice", PBI, ColomPBIa, October 2009

Armed conflict, petroleum and coal in the Catatumbo

AS A RESULT OF ITS ABUNDANT NATURAL RESOURCES, THIS REGION HAS CAUGHT THE ATTENTION OF MULTINATIONAL COMPANIES. SMALL-SCALE FARMING AND INDIGENOUS COMMUNITIES FEAR THEY WILL BE AFFECTED AND ASK FOR RESPECT FOR THEIR “INSTHANA” OR LAND.

Photo: Charlotte Kesel, www.charlottekesel.com



Judith Maldonado of the Luis Carlos Pérez Lawyers' Collective. The Collective accompanies and provides legal assistance to victims of human rights violations in the Magdalena Medio and the Catatumbo.

When you open your eyes you see a myriad of colours and hear the cries of howler monkeys and parrots singing, and for just a moment, you think you are in a paradise free from the Colombian conflict. But that feeling is far from the reality facing Catatumbo.

The Catatumbo region is located in northeast Colombia along the Venezuelan border, making it an area of geo-strategic importance. Thanks to its flora and fauna and abundant water resources, the State created the Catatumbo Bari National Park¹ and the Motilones Highlands Forest Reserve². Within these territories there are also two indigenous reserves (Bari Motilón with 108,900 hectares and Catalaura with 13,300 hectares³) and three indigenous reserves that represent 23 Motilón Bari ethnic communities.

The region is also known for an abundance of hydrocarbons including petroleum. The area boasts considerable mineral resources such as coal (which in places is at surface level and can be extracted without digging), gold, uranium and coltan. Economic interest in these natural resources has attracted several multinational companies that want

to extract oil and create open pit coal mines. Illegal armed actors have come as well, and they do not want to give up the potential economic benefits of illicit crops in the area, drug trafficking and smuggling routes.

A VIOLENT HISTORY

In the 1970s the National Liberation Army (ELN), Revolutionary Armed Forces of Colombia (FARC) and the People's Liberation Army (EPL) appeared in the Catatumbo area and brought the civilian population into the armed conflict that was unfolding throughout the country.

In May 1999, paramilitary groups entered Catatumbo. According to the Motilón Bari Community Association (ASOCBARI)⁴, from 1999 to 2006 paramilitaries from the “Catatumbo Bloc” led by Salvatore Mancuso and the “North Block” led by “Jorge 40” were responsible for more than 10,000 murders, at least 600 disappearances, and displaced more than 100,000 people. After the United Self-Defence Forces of Colombia (AUC) demobilised, the illegal groups known as the “Black Eagles” and the “Rastrojos” appeared and continued to displace small-scale farmers and

indigenous populations from their land. These groups appropriated territory that is now being explored for the potential exploitation of oil, coal, and other crops such as oil palm⁵.

Today, the violence continues with drug trafficking, targeted killings, forced recruitment, extrajudicial executions, displacement, threats and the brutal armed conflict keeping the civilian population in a constant state of fear⁶.

OIL

Multinational corporations such as the Colombian Petroleum Company (COLPET) and the South American Gulf Oil Company (SAGO) began oil exploitation in Catatumbo in 1904⁷. The development of the oil industry was paralleled by a massive incursion of settlers into Catatumbo's jungle areas and the destruction of the Bari people who resisted encroachment of their ancestral territory⁸. In 1931 the Colombian government passed Law 80 in which the government pledged to “give oil companies protection in order to prevent or dissuade hostility and attacks by the Motilones and savages that live in Catatumbo”, adding that they were going to “use armed police and security forces as much as necessary”⁹.

According to the Luis Carlos Perez Lawyers Collective (CCALCP)¹⁰ the population of 16,000 Bari people was cut in half as the result of an influx of the oil industry onto their land from 1950 to 1960. This was brought about by bombings and occupation of their land by oil workers. Today there are only approximately 3,200 Bari people left¹¹. In the past the Bari territory covered the entire Catatumbo region from Lake Maracaibo in Venezuela, along the bottom of the Perija mountain range to Cucuta valley. Currently, the legally recognized indigenous territory only has 1,200 square kilometres, 80% less than it had a century ago¹².

In 2002, the Colombian state company, Ecopetrol, entered the Catalaura indigenous reserve to carry out oil exploration and exploitation



Carly Bishop and Ana Vicente Moreno (PBI) accompany the lawyer Judith Maldonado in the Catatumbo.

studies without the authorization of traditional Barí authorities or government environmental officials. Due to several legal irregularities¹³, in 2005 ECOPETROL obtained permission for the exploration and exploitation of what they called the Poplar Well I¹⁴ on the Sobakayra indigenous land within the Bari territory¹⁵. The Motilón Bari people filed a lawsuit demanding recognition of their rights and 18 months later the Constitutional Court ruled in favour of protecting and safeguarding the rights of the indigenous people¹⁶ and forced ECOPETROL to leave their territory.

Despite the ruling recognizing the Bari territory, other companies like Petrotexing and Solana Oil¹⁷ continue to ignore the indigenous people near the oil wells in Puerto Barco and Rio de Oro¹⁸. In addition, Ecopetrol has announced other projects such as Alamo Blocks II, III and IV and Block Windows, all within the traditional Bari territory¹⁹.

COAL

It is estimated that the Catatumbo contains a coal reserve greater than that of Cerrejon, Colombia's largest coal mine²⁰. According to the Colombian Institute of Geology and Mining (INGEOMINAS), there are 300 million tons of coal in Catatumbo²¹. INGEOMINAS also states that the Catatumbo coal reserve has unique and exceptional thermal properties rarely found in Latin America²². The quantity and quality of the coal as piqued the interest of national and international

companies²³. There are already 320 mining titles in the Norte de Santander department which seek to advance coal exploration and exploitation, including the use of open pit mines²⁴.

After obtaining the mining concession, the companies requested that the Ministry of Environment, Housing and Territorial Development authorise the removal of parts of the forest reserve, some of which are traditional indigenous territories, despite the lack of the prior consultation process and the environmental impact studies²⁵. They have ignored national and international laws that protection indigenous peoples and the 2007 Constitutional Court sentence T-880, which specifically protects the Motilón Barí people²⁶.

Coal production in Norte de Santander has now reached two million tonnes per year. But the provincial government has said that the coal output in 2015 may reach seven million tonnes annually for Catatumbo²⁷.

THE CONSEQUENCES

According to CCALCP²⁸ nearly 250,000 people reside in Catatumbo, among them rural and indigenous Bari communities that are threatened by the devastating impacts of oil and coal exploitation, and the violence created by the competition for these economic interests. Another report notes that in addition to the real risk of displacement there is the devastating impact on vegetation, natural resource

depletion, solid waste generation, loss of biodiversity, or dynamic generation of corrosive water contamination by inadequate waste management, drilling, possible soil contamination by oil, noise generation and the consequent displacement of wildlife²⁹.

The consequences are even worse for the Barí people because of their special relationship with their land and nature. The Barí's most holy places, where they hold cultural activities and ceremonies, directly clash with the desires and practices of investors in the region. In accordance with their sacred beliefs, the Barí must communicate with the spiritual force of water and hunting before daring to kill a fish, while the white man destroys their traditional lands without even acknowledging their presence.

1. Resolution No. 105 December 1981
2. Resolution No. 102 of November 26, 1988
3. Plan de manejo del Parque Nacional Natural Catatumbo-Bari 2005-2009», Unidad Administrativa Especial del Sistema de Parques Nacionales Naturales. <75> View: <http://www.parquesnacionales.gov.co/PNN/portel/libreria/pdf/EjecutivoCatatumbo.pdf>
4. "Nuevas amenazas en el Catatumbo: explotación de carbón a cielo abierto, fumigaciones, militarización, explotación de petróleo: agresión a indígenas Motilón Bari y campesinos" Motilón Bari Community Association of Colombia (ASOCBARI), 24 August 2008
5. According to local civil society organizations they seek to cultivate nearly 22,000 hectares of oil palm. "El Catatumbo y su guerra silenciosa", *El Espectador*, 13 July 2008; *Ibid.* 4
6. "El Catatumbo y su guerra silenciosa", *El Espectador*, 13 July 2008
7. "La explotación petrolera en el Catatumbo-Colombia; Genocidio al pueblo Bari", ASOCBARI, 2006
8. "Situación de derechos humanos del Pueblo indígena Motilón Bari", Luis Carlos Pérez Lawyers' Collective (CCALCP), June 2009
9. Nineteenth clause of the contract approved by Law 80 of 1931. "Petróleo y deuda ecológica: inicios de la historia de un saqueo", Tatiana Roa Avendaño, *Censat Agua Viva - FoE*, 2002
10. *Ibid.* 8
11. *Ibid.* 8
12. *Ibid.* 8
13. For example, the failure to conduct prior consultation with affected communities. "Informe de la Comisión de acompañamiento y verificación al pueblo indígena Motilón Bari -Caiquieda inshqui aba- Todos para todo y por todo", CCALCP, 17-21 February 2006
14. Environmental Permit 0624 of 15 May 2005 issued by the Ministry of Environment, Housing and Territorial Development (MAVDT)
15. "Informe de la Comisión de acompañamiento y verificación al pueblo indígena Motilón Bari - Caiquieda inshqui aba - Todos para todo y por todo", CCALCP, 17-21 February 2006
16. Constitutional Court: Tutela Case 880 of 2007
17. Interview with Judith Maldonado, director of CCALCP, 12 August 2010
18. "Nuevas amenazas en el Catatumbo: explotación de carbón a cielo abierto, fumigaciones, militarización, explotación de petróleo: agresión a indígenas Motilón Bari y campesinos", Motilón Bari Community Association of Colombia (ASOCBARI), 24 August 2008
19. *Ibid.* 18
20. Cerrejon is an open pit coal mine found in the La Guajira province in northern Colombia. The mine belongs to three British multinational corporations. In 2008 Cerrejon exported 31.2 million tons of coal to Europe and the USA. Sources: Wikipedia and www.conchcampaign.org/meetings.html
21. *Ibid.* 6
22. "El carbón de Tibú atrae multinacionales", *La Opinión*, 21 September 2009
23. Among others: Promexco, Sopromin, Prominorte, Rio de Oro Mining Company, Iron Ore Company of La Esmeralda, Carbo Fuels and Minerals, U.S. Geofin Mora and Mora multi mineral investment. Source: "Catatumbo en la mira" Video from the Asociación Campesina del Catatumbo (ASCAMCAT), October 2008. According to Judith Maldonado, the multinational company Drummond also has interests in the area.
24. *Ibid.* 22
25. *Ibid.* 18
26. This ruling orders the protection and safeguarding of Collective Fundamental and Constitutional Rights of the Motilón Bari Indigenous People.
27. *Ibid.* 24
28. *Ibid.* 8
29. *Ibid.* 7

Human rights work discredited in Colombia

Photo: Charlotte Kesel, www.charlottekesel.com



Community leaders from the Peace Community of San José de Apartado. This community has been targeted by defamations.

Many national and international organisations agree that defending human rights is a valuable but risky job in Colombia¹. Targeted murders, threats, illegal surveillance, and direct attacks continue for human rights defenders. But there are also less visible attacks aimed at weakening and endangering human rights work such as repeated and persistent defamation and stigmatisation.

“Friends of the FARC”, “political, legal, and media wing of the FARC”, “facade for the FARC”, “leftist ‘peace’ groups that support terrorism”² has been the language used by national mass media³ to describe Colombian human rights organisations that demand truth, justice and comprehensive reparation for the victims of Colombia’s armed conflict. The attacks have also been levelled against international organisations that accompany and/or support them.

The effects of such accusations can be quite serious. On one hand, they put

human rights defenders and communities at physical risk. In the context of the armed conflict it is important to note that linking an individual or an organisation with an armed group can create a hostile environment and bring reprisals from other actors. These accusations aim to discredit their work, thus hindering progress on human rights and peace.

Stigmatisation is a problem that the international community has recognised and repudiated. During the Universal Periodic Review of Colombia at the United Nations in December 2008, ten delegations expressed their concern about statements made by the Colombian authorities that stigmatise human rights work⁴.

This issue was debated throughout 2008 when national human rights organisations suspended dialogue with the Colombian government on the National Action Plan on Human Rights, following a statement made by presidential adviser, José Obdulio Gaviria, about the Movement

of Victims of State Crimes (MOVICE). Gaviria called the 6 March 2010 MOVICE mobilisation in “honour of the victims of paramilitaries, para-politics and state crimes”, the work of the FARC⁵.

DEBATE ON THE RISKS FACED BY HUMAN RIGHTS WORKERS

Given this context, social organisations decided that they would not resume conversations on the National Human Rights Plan until there were more guarantees for the safety of their members⁶. The international community, especially embassies from Sweden and Spain, supported the proposal to hold a National Security Committee to address problems facing human rights defenders. The Committee began in April 2009 and is comprised of senior governmental officials and State institutions, the international community and national and regional civil society organisations.

In September 2009, stigmatisation by government officials again became a

THE EFFECTS OF SUCH ACCUSATIONS PUT HUMAN RIGHTS DEFENDERS AND COMMUNITIES AT PHYSICAL RISK. THESE ACCUSATIONS AIM TO DISCREDIT THEIR WORK, THUS HINDERING PROGRESS ON HUMAN RIGHTS AND PEACE

Photo: Sean Hawkey/ACT



New Vice President Angelino Garzón during the 2010 electoral campaign.

topic for the National Security Committee and dialogues with the Government.

In a special Committee meeting regarding the situation for human rights workers and national human rights organisations during the visit of United Nations Special Rapporteur, Margaret Sekaggya, to Colombia, committee members focused on senior governmental officials' remarks, arguing that their statements contradicted the official State

commitment to security guarantees. Due to pressure regarding the public accusations, President Álvaro Uribe Vélez issued a statement recognising the importance of human rights work for Colombia's democracy⁷. However, public defamatory remarks continued up until the last days of Uribe's presidency (see table below).

STATEMENTS MADE BY FORMER PRESIDENT ÁLVARO URIBE VÉLEZ

"There are human rights traffickers who make a living asking for aid from the European Union and others that simply do so in order to sustain themselves because they have argued that is a modus vivendi and because they need those resources to stop State authority (sic), which is a way of stopping terrorism's defeat"⁸.

"There are a large number of lawyers who are paid by international organisations

with ideological biases that prevent them from considering the comparative behaviours and impartial legal system and they carry out their work with hatred and charged ideology"⁹.

"Terrorism, in this form, uses some spokesmen to propose peace, other spokesmen to come here to La Macarena looking to discredit the state security forces and how to link them to human rights violations"¹⁰.

STATEMENT BY THE NEW PRESIDENT JUAN MANUEL SANTOS

"I reiterate it here before my fellow citizens, before the honourable members of Congress and to the international community that the defence of human rights will be a firm and unwavering commitment of my government"¹³.

THE NEW GOVERNMENT'S STRATEGY CHANGE

Despite the accusations and smear tactics of the past eight years, the new government has changed its tone, reflecting a shift in strategy. In the latest National Security Committee meeting prior to President Juan Manuel Santos taking office, the new Vice President, Angelino Garzon, pledged to "disarm the word" and invited others to do the same¹¹. In addition, Garzon recognised the danger of issuing statements that link social organisations and their representatives to illegal armed groups. He stated that the correct way to report suspected links to illegal armed groups is to handover evidence to the prosecutor's office in order to open an investigation in accordance with due process and he urged state officials and civil servants not to make unsubstantiated accusations in public speeches¹². Hopefully Garzon's words are a sign of the change needed in the tone of the dialogue between Colombian civil society and the government.

1. National and International Campaign Colombia: Human Rights Defenders Under Threat, www.colombiadefensores.org

2. "ONG amigas de las FARC revela diario EEUU", *El Espectador*, 14 December 2009; "La Hora de la Verdad", *Radio Súper*, 28 May 2009

3. "Defensores de indígenas", Raul E. Tamayo Gaviria, *El Colombiano*, 7 March 2009

4. Delegations that included recommendations aimed at ending the stigmatisations were Spain, Norway, France, Switzerland, Holland, Germany, Great Britain, Ireland, Australia, and Uruguay. «Informe del Grupo de Trabajo sobre el Examen Periódico Universal», AI/HRC/10/82/Add.1, UN Human Rights Council, 13 January 2009

5. "Jose Obdulio Gaviria insiste que las FARC convocaron marcha del 6 de marzo", *El Tiempo*, 27 March 2008

6. Report and video from Techo Común, Mesa Nacional de Garantías Extraordinaria, 9 September 2009. PBI attended the meeting as an observing organisation.

7. "ONU exige mayor protección para defensores de derechos humanos", *El Espectador*, 18 September 2009

8. Speech, 8 September 2003, Sentence T-1191 of 2004, http://www.cntv.org.co/cntv_bop/basedoc/cc_st_inf/2004/t-1191_2004.html

9. Speech made on 8 May 2009 referencing human rights defenders that represent victims in cases of extrajudicial executions.

10. Speech made on 25 July 2010 in reference to a national and international commission researching a mass grave in the Meta province. "Voceros del terrorismo están proponiendo la paz para poderse recuperar, denuncia el Presidente Uribe", Presidency of the Republic, 25 July 2010, <http://web.presidencia.gov.co/sp/2010/julio/25/02252010.html>

11. Relatoría de la Mesa Nacional de Garantías, 5 August 2010. PBI attended as an observer.

12. *Ibid.*, 11

13. "Superemos los odios", *El Espectador*, 7 August 2010

Communities in resistance targeted by false accusations in Urabá

Photo: Charlotte Kesl, www.charlottekesl.com



Humanitarian Zones are clearly defined and highly visible areas marked with fences and signs. In these zones both legal and illegal armed actors are prohibited from entering.

It is not new that organisations working for peace and respect of fundamental rights, such as the Inter-Church Justice and Peace (CIJP) in Urabá and the Peace Community of San José de Apartadó, are the target of slurs linking them to the armed insurgency. These allegations are particularly ironic, given CIJP's commitment to create humanitarian spaces free from attacks by all armed actors in a region where the armed conflict continues.

Since 2002, various media outlets have referred to the humanitarian zones¹ accompanied by CIJP as "concentration camps"². Since July 2008, slanderous remarks against CIJP have increased, especially in relation to their work in Urabá. The website La Diáspora accused CIJP of all kinds of crimes: from stealing land and detaining Afro-Colombians, to collaborating with the FARC³. These allegations attack CIJP's legal human rights support work. CIJP sustainable development projects are the result of the expressed request of communities in the region.

In 2009, Daniel Sierra Martínez, alias 'Samir', a demobilised guerrilla from the FARC's 5th Front, was named "peace envoy" by the Office of the High Commissioner for Peace. In several interviews with the media, he accused the Peace Community of San José de Apartadó and its accompanying human rights workers of being a facade for the FARC⁴.

Both the communities accompanied by CIJP as well as the Peace Community of San José de Apartadó are symbolic processes of resistance, not only on a regional level, but also nationally and internationally. Despite the abuses suffered over the years, CIJP and the Peace Community continue to speak out about past and present human rights violations and demand their right to truth, justice and reparation.

1. Humanitarian zones are areas that are clearly marked with steaks and signs. Within these zones all armed actors, legal or illegal, are prohibited. These spaces seek to make the concept of protected zones a reality in terms of International Humanitarian Law and to fulfill the distinction between armed actors and the civil population.
2. "Admitida parte civil en proceso penal del general Rito Alejo del Río", Inter-Church Commission on Justice and Peace (CIJP), 23 August 2003; "Las comunidades de paz no son más que una especie de cautiverios colectivos", Juan E. Mosquera, *Semana*, January 2005
3. www.ladiaspora.org
4. "La Hora de la Verdad", *Radio Súper*, 28 May 2009
5. "Se conocen nuevos graffiti amenazantes contra el Padre Javier Giraldo", *Caracol*, 21 June 2010
6. "Amenazas contra sacerdote Javier Giraldo, defensor de DDHH", *Semana*, 28 April 2010

GRAFFITI THREATS AGAINST FATHER JAVIER GIRALDO



In April and June 2010 threatening graffiti appeared at various locations in downtown Bogotá against Father Javier Giraldo, a Jesuit priest and researcher at the Centre for Research and Popular Education (CINEP). He stated that the threats are the product of his work which only agitates human rights violators⁵. Father Javier Giraldo has accompanied the Peace Community of San José de Apartadó since its founding. Over the past 14 years, Giraldo has reported 201 crimes against the community, including murders, which he attributes to the army, paramilitary groups and guerrillas⁶.

Father Javier Giraldo,
Photo: Damien Fellous.



INFORMATION WARFARE

In modern day conflicts the term “information warfare” indicates that the information has psychological goals to lower spirits, create empathy and sympathy, discredit the opponent, divide their support and win allies. As was defined in the former Soviet Union, the classic role of propaganda consists of three functions:

- **Disguise:** censor anything that might impact troops or civilian morale or that indicates anything other than a military victory.

- **Encourage:** manipulate feelings of fear and patriotism to revive stereotypes and national cohesion against the enemy.

- **Simulate:** create an image (heroic, clean and Manichaeic) of events to share with national and international audiences.

Information is used as a propaganda weapon aimed at building a “prefabricated” image-based reality and simplistic speeches with value judgments to broadcast a single interpretation of the conflict between the parties.

This is a war of words and codes in public debates. Vocabulary and historical references are changed to impose a specific reading of events. In terms of the media, one of the tactics of information and psychological warfare is to discredit the enemy in the public opinion, building a negative image of the enemy and its interests. This strategy as part of the concept of misinformation is carried out in several ways:

- **Directly misinform:** distribute false information about the adversary in order to change the public perception and/or to destabilise and sow mistrust within their support network.

- **Indirectly misinform:** create items, documents, focus groups and subsidised organisations that are against the interests of the adversary.

- **Misinform through omission:** the truth is not told in its entirety and only part of the story is shared with the media. This type of attack can spread false information and the sense of victory, which allows the public to discredit the adversary.

Slanderous accusations against PBI



PBI volunteers have accompanied the Peace Community of San José de Apartadó since 1997.

Attempts to delegitimise Colombian human rights organisations also affect international organisations that support and accompany them, albeit to a lesser extent, as in the case of PBI. In recent years PBI Colombia has been the subject of defamation in national and international media.

A new wave of accusations appeared in July 2008 on the website *La Diaspora* denouncing “the enslavement of Afro-Colombian communities by national and international NGOs”, specifically three organisations working in the Bajo Atrato area: Christian Aid, Oxfam Intermon, and PBI¹.

This trend continued with a paid advertisement in the newspaper *El Colombiano* in March 2009 stating that CIJP and PBI were impediments to economic development². Two articles from the Dutch publication *Vrij Nederland Netherlands* in June 2009³ and an article in *The Wall Street Journal* in December 2009⁴, accused the Peace Community of San José de Apartadó, CIJP and Jesuit priest Javier Giraldo of collaborating with the FARC. The article

also insinuated that PBI has links to the FARC. The three articles were based on “Samir’s” testimony and his remarks were reprinted by other outlets such as *The Daily Telegraph*⁵. These statements have been refuted by all accused parties⁶.

In regard to these accusations, PBI and other international agencies have pointed out that statements of this sort may have implications for the security of international personnel in the area. Even more worrisome is the potential risk to local communities and NGOs in Colombia as a result of unfounded insinuations and misrepresentation of the role of international accompaniment.

1. www.ladiaspora.org

2. “Defensores de indígenas”, Raul E. Tamayo Gaviria, *El Colombiano*, 7 March 2009

3. “¿Plata holandesa para las FARC? Benefactores miopes”, *Vrij Nederland*, 17 June 2009; “Un pueblo sospechoso”, *Vrij Nederland*, 25 July 2009

4. «The FARC and the “Peace Community”», *The Wall Street Journal*, 13 December 2009, <http://online.wsj.com/article/SB10001424052748704517504574590200781231082.html>

5. “How Leftist ‘peace groups’ are helping terrorists”, *Daily Telegraph*, 1 January 2010, <http://blogs.telegraph.co.uk/news/jamescorum/100021061/how-leftist-peace-groups-are-helping-terrorists>

6. “Respuesta de PBI al artículo en *The Wall Street Journal*”, PBI Colombia, 29 December 2009, http://www.pbi-colombia.org/field-projects/pbi-colombia/hr-news-from-colombia/news/?tx_ttnews%5Btt_news%5D=1720&tx_ttnews%5BbackPid%5D=28&cHash=9cb375ac9b

False accusations continue against CCAJAR



The members of the José Alvear Restrepo Lawyers' Collective. From left: Soraya Gutiérrez, Reinaldo Villalba, Pilar Silva, Alirio Uribe Muñoz, Dora Lucy Arias, Rafael Barrios Mendivil, Jomary Ortegón, Luis Guillermo Pérez and Eduardo Carreño. At left and right ends: Isabella Flisi and Ana Vicente Moreno from PBI.

In February 2004, Colombian President Álvaro Uribe stated in a meeting with the European Parliament in Strasbourg¹ that he regretted presence of “a lawyer from the Lawyers Collective who defends the guerrillas and who wanders like a ghost through the corridors of Parliament”. The person who was probably most shocked by this statement was Reinaldo Villalba Vargas, Vice President of the José Alvear Restrepo Lawyers' Collective (CCAJAR) and the organisation's representative at the European Union at this time.

Following an expose in the magazine *Semana* last year², more details were revealed in early 2010 about clandestine intelligence operations against trade unionists, journalists and human rights defenders carried out by the Department of Administrative Security (DAS), an agency under the President's jurisdiction. Similarly, additional information was made public about “Operation Transmilenio”, which ordered “a neutralization of NGO work in Colombia and the world”, as well

as surveillance of Alirio Uribe's³ family. “Operation Arauca” was also uncovered and was created “to establish links between CCAJAR and the ELN”⁴ and to frame up Eduardo Carreño⁵ for an alleged plan to help the Venezuelan and Cuban governments spread the Bolivarian revolution in Latin America⁶. These statements aim to generate controversy to be spread through mass media and web pages such as the Corporation for Truth and Justice⁷.

CCAJAR has also been a target of false accusations, which PBI members

CCAJAR is recognised at the national and international level for its judicial consultation and legal representation of victims of human rights violations in emblematic cases in Colombia, both within the Colombian judicial system and within the Inter-American human rights system.

have witnessed in the courtroom⁸. Because CCAJAR lawyers often take on sensitive cases that implicate State officials, armed forces, and ex-paramilitaries, a common tactic by the defence is to claim that CCAJAR lawyers have links with insurgent organisations⁹. For many CCAJAR lawyers this has happened for merely defending civilians in contentious cases. This has been the case for Rafael Barrios¹⁰ who has worked on the case of forced disappearances following the Army's seige of the Palace of Justice in 1985.

But not all accusations come directly from State actors. A statement issued in April 2010 signed by “Los Rastrojos” identified CCAJAR as a “military target” for this illegal armed group based in the southwest region of the country, where CCAJAR has cases. The statement demanded that CCAJAR abandon its “attacks on the good and noble intentions for peace of top governmental officials, or else we will go beyond threats and return to the deeds of the 1990s without pity or fear”¹¹.

These accusations do not occur only within Colombia's borders, as shown in the case of Luis Guillermo Pérez. He is a CCAJAR lawyer who was exiled in 2002 after receiving threats and appearing on a Colombian army list of wanted persons. He was accused of launching a "judicial war" in favour of the ELN¹². During the last year of his exile and while he was Secretary General of the International Federation of Human Rights (FIDH)¹³, the newspaper *El Tiempo* reported that CCAJAR was part of "the FARC's international diplomacy"¹⁴. Also, upon

seeing Pérez in a meeting in Geneva, then Vice President Francisco Santos remarked "Ah, here is the barbarian", in front of UN officials¹⁵. Given that it has been impossible to completely distance himself from threats and defamation, Luis Guillermo Pérez has decided to return to Colombia in August to again work as a lawyer with CCAJAR.

1. "Punto Audiencia Colectivo de Abogados", Case 12.380 José Alvear Restrepo Lawyers' Collective vs. State of Colombia, Inter-American Commission on Human Rights, 5 November 2009
2. "El DAS sigue grabando", *Semana*, 21 February 2009
3. Current executive director of CCAJAR
4. "Operación Bautizo: la historia detrás del nombre de las operaciones

criminales del DAS", *La Silla Vacía*, 22 April 2010

5. CCAJAR co-founder and attorney
6. "Sobre las acciones de inteligencia ofensivas desarrolladas por el grupo SG 3 contra el CCAJAR", CCAJAR, 25 June 2009
7. "La 'guerra política' del DAS", *El Espectador*, 13 December 2009
8. Interview with Reinaldo Villalba and Jomary Ortega, 28 April 2010
9. *Ibid.*, 8
10. CCAJAR co-founder and attorney.
11. "Presuntos miembros de 'Los Rastrojos' hacen masiva amenaza", *El Tiempo*, 23 April 2010
12. "Carta abierta a Álvaro Uribe Vélez y a Juan Manuel Santos", Luis Guillermo Pérez, 2 July 2010
13. The International Federation of Human Rights (FIDH) is a federation of human rights NGOs whose main function is to promote and respect for all the rights encompassed in the Universal Declaration of Human Rights, the International Convention on Civil and Political Rights and the Convention on International Economic, Social and Cultural rights. The FIDH was established in 1922 when organisations from ten nations came together, and today consists of a federation of 164 human rights organisations (among them CCAJAR) in nearly 100 countries.
14. *Ibid.*, 11
15. *Ibid.*, 12

"Why do you talk to them? They are nothing but separatists"

STIGMATISATION OF HUMAN RIGHTS DEFENDERS IN PAPUA

Photo: PBI Indonesia



Theo Hessege, director of JAPH&HAM (Advocacy Network for the Protection of Law and Human Rights), is an organisation accompanied by PBI Indonesia.

BEING STIGMATIZED AS A SEPARATIST CAN INDEED HAVE VERY GRAVE IMPACTS. PEOPLE WHO MIGHT BE SUPPORTIVE OF A HUMAN RIGHTS DEFENDER MIGHT BE LESS INCLINED TO HELP

By PBI Indonesia

“NKRI Harga Mati”¹ is the motto that can often be found on signs, walls and roofs of military and police buildings, barracks and control posts in Indonesia.

Roughly translated this slogan means “the Unity of the Indonesian Republic is not negotiable”. In line with this motto, the strife for the territorial and political integrity of the Indonesian Republic has, since its foundation after World War II, played a prominent role in the history of the country. To defend this integrity is an important part of the armed forces’ duty. In accordance with this, separatism is considered a serious offence and expressions and actions aimed at declaring a region independent, or a group’s desire to break away from the Indonesian state, are punishable by law under the Indonesian Penal Code. The expression “harga mati” is an interesting one in itself. While it is generally a term for a fixed or non-negotiable price in Bahasa Indonesia, it quite literally translates into a “dead price” or the “price of death”, a formulation that gains a rather special meaning when used in connection with the armed forces.

For human rights defenders working in areas where separatism is a real or perceived threat such as Papua, being stigmatized as a separatist can indeed have very grave impacts. It suggests that the accused are only using their work for human rights as a cloak to hide under and are actually aiming at something very different: an independent Papua and therefore the destruction of the NKRI.

By putting a person or organisation in that corner, their work and reputation are discredited; people who might be supportive of a human rights defender might be less inclined to help or stand up for an alleged separatist – because they don't sympathize with his cause, because they associate separatism with violence or because they in turn don't want to be seen as cooperating with separatists.

Accusing someone of separatism therefore isolates them from their support networks and makes them a *persona non grata* when it comes to cooperation with the government. Their reports, complaints and grievances can all be attributed to their separatist aspirations: of course they will make up all kinds of stories (about violence against civilians, torture, discrimination) in order to justify their demands for independence. With this accusation one of the most important weapons of a human rights defender, their credibility and reputation, is lost. Their voice might still be out there but less people will be inclined to listen to it.

Another consequence is the changed legal and security situation of the accused. As separatism is an offence under Indonesian law, being called a separatist is effectively posing the threat of arrest and prison. Subversion and rebellion trials following flag raisings or public statements demonstrate that this is a very real threat for human rights defenders when they are associated with separatists. In a joint report on torture in Papua and Aceh, church and human rights organisations from Indonesia stated that accusations of being a separatist are used to justify ill-treatment and torture during arrest and imprisonment².

Additionally, the accusation or reality of separatism involves the military as – although they have handed many tasks and responsibilities over to the police since the reforms in the 1990s – they are still involved in operations that concern separatist and terrorist movements. This means that people accused of separatist activities can become the object of military intelligence operation or be put on military blacklists. This – amongst

other factors – makes it harder for them to enter certain areas in Papua.

Many of the individuals accompanied by PBI Indonesia have been accused of being separatist or supporting separatists, especially those working in the provinces of Papua and West Papua. Indigenous Papuans are most vulnerable to these accusations as they more often associated with the independence movement in general and therefore more easily stereotyped and discriminated against. Accusations are, however, not limited to this group but are rather directed at a variety of people – local, national and international- speaking up against governmental mismanagement, the grey or black economy of the security forces, human rights violations and other sensitive topics.

1. NKRI standing for Negara Kesatuan Republik Indonesia, The Unitary State of the Republic of Indonesia
2. "The practice of torture in Aceh and Papua 1998-2007", with an annex on the situation of human rights in Timor Leste, by J. Budi Hernawan OFM, Poengky Indarti, Jakarta: SKP Jayapura, 2008

STIGMATISATION IN EUROPE

By ODHACO

In meetings with European governmental representatives and European Union officials, it is not uncommon to hear statements similar to the Colombian government's discourse against human rights defenders purporting a lack of objectivity, criticising their political goals and accusing them of being guerrilla sympathisers. Articles about "European FARC networks" have been frequently published in the Colombian press¹ and are used to cast doubt on the legal and legitimate activities of human rights organisations such as the International Office for Human Rights - Action on Colombia (ODHACO) and the International Federation for Human Rights (FIDH)².

The DAS's "Operation Europe" aims to discredit, neutralise, and carry out a "legal war" against the European legal system, the European Parliament's Human Rights Commission, the Office of the United Nations High Commissioner for Human Rights and European governments³.

Equally worrisome is the threat from the illegal armed group the "Black Eagles" that was sent to numerous international organisations in October 2008, including European embassies

in Colombia and Colombian organisations in exile. The "Black Eagles" threat claims to have identified members of the FARC that "are people who have obtained refugee status or political persecution but who are no more than bastard guerrillas posing as NGO officials and students, researchers that are in cities such as Barcelona, Paris, Rome, Geneva, Madrid, Mexico City, London, Miami and New York in order to attack the dignity of the Colombian people"⁴.

More important than these unsettling events is the experience of human rights advocates in Europe. During the International Citizen Hearing in Memory of Victims that was held in Paris in October 2008, members of the Ethics and Truth Commission argued that those in exile are "in some cases [...] subjected to new restrictive laws and subtle control mechanisms instead of receiving refuge, with the risk of being charged for their dissent or criminalised as suspected subversives at the behest of diplomatic work"⁵. The Commission also emphasised that statements from Colombian government officials "affect people [...] who carry out human rights work, who end up accused of being guerrilla collaborators"⁶.

Each time that the Colombian press speaks of "FARC diplomacy" human rights defenders who live in exile fear for their lives.

1. For example: "Uribe reconoce que las FARC desarrollaron un trabajo diplomático en el exterior superior al del Gobierno", *Globedia*, 2 April 2009, "El Frente internacional de las FARC", *El Tiempo*, 3 September 2007
2. "La diplomacia de las FARC", *Cambio*, June 2009; "De la Federación Internacional de los Derechos Humanos" letter from the International Federation for Human Rights published in *Cambio* following their article "La diplomacia de las FARC", *Cambio*, June 2009
3. "Operación Bautizo: la historia detrás del nombre de las operaciones criminales del DAS", *La Silla Vacía*, 22 April 2010
4. "Amenazas en contra del PASC y de las organizaciones de la RedHer", 26 October 2008, <http://www.pasc.ca/spip.php?article400>
5. "El drama de exilio debe ser reparado integralmente," *Ethics Commission*, 3 October 2008
6. *Ibid.* 5



Photo: Charlotte Kesli, www.charlottekesli.com

Defamation in the context of war: a psychological weapon

Photo: Manuel Salvador Saldarriaga, FDM-OACNUDH



Colombia Images and Realities, Faces of Hope, Chocó 2002.

Psychosocial analysis from various experts on war and political repression¹ shows that defamation is a strategy of political repression. From a social psychology standpoint it has been called “psychological warfare”², seen in the war in El Salvador between 1979 and 1991 and the Chilean dictatorship between 1973 and 1990. These experiences show that the goal of psychological warfare is not focused on the physical elimination of the enemy but rather at depoliticising the enemy and destroy their political goals. Psychological political repression (creating instability, breaking individuals and groups perceived as the opposition, rupturing organisations and coalitions, etc.) compounds physical political repression (torture, massacres, mutilations, etc.) with the goal of destroying their political work and weakening their political proposals that differ from that of the regime.

In the context of the Colombian armed conflict, one of the strategies used is the discrediting and stigmatisation of human rights defenders who are perceived as threatening or opposed to

certain interests that maintain the conflict dynamics. In sum, the defamations represent a deliberate and systematic strategy of political repression in terms of a psychosocial reading of the Colombian armed conflict. The aim of defamation is to halt the political work of human rights defenders, to break them and to stop their work in seeking truth, justice and human rights in order to silence and obscure the war yet again.

In a country like Colombia that is polarised and immersed in an armed conflict, it is a threat to say that an individual is a guerrilla, paramilitary, rebel or member of a terrorist group. This increases the risk of being subjected to personal attacks and creates a dynamic of violence towards individuals who are labelled “enemy”. Creating a public image of human rights defenders as suspicious inevitably casts doubt on their integrity, creating irreparable damage to their political work.

DEFAMATION IS A STRATEGY OF POLITICAL REPRESSION

THE HUMAN IMPACT

Defamations and accusations are often diffuse and it is often difficult to identify the perpetrator. Most of the time, they are linked to specific threats against specific people. Some of the most devastating psychological effects are seen in the private lives and emotions of human rights defenders.

All this has a direct impact on the safety and psychological condition of people and organisations living under constant, invisible, silent threats that permeate all levels of life: personal, family, relationships and, of course, their life goals.



A child from the Peace Community of San José de Apartado.

Defamation is an attempt to separate people, to break them, to disable them and to inhibit their political work, destroying their political identity. This is another form of silencing and shutting out dissident voices that struggle to expose the conflicts' atrocities. In this way, the psychological destabilisation has worked. Everything depends on the emotional and political resilience of the accused people who dedicate much of their work to restoring their image in order to regain legitimacy and dignity.

SOCIETY AFFECTED BY ACCUSATIONS

Defamation that turn into stigmatisation and accusation affects society as a whole. These unfounded accusations function as rumours in society and various psychological studies emphasise that negative rumours circulate faster than their positive denials. The result then is that human rights defenders are stigmatised despite refuting the accusations. Socially, this increases polarisation and mistrust in the country and destroys relationships that make up the fabric of society. In the historical context of Colombia this paralyses a large and important part of society that is reluctant to interact with stigmatised individuals and may stop participating in legitimate actions such as organising to defend human rights in order to avoid being accused themselves. The distrust of human rights work becomes imbedded within society.

In turn, perpetuating an image of them as "terrorists" makes it difficult for society to repudiate the accusations. This appears to justify the attacks, which in turn leaves accused people and organisations increasingly vulnerable and makes it difficult to support them.

Our social identity is based on relationships that we build with other groups and collectives. Our social relationships make up our image, how other people see us and who we are. Faced with public accusations that are viewed as negative, harassing, or threatening, the accused tend to distance themselves from others. This means, "I should stay away from risky situations in order to remain safe". If I perceive that certain relationships may endanger me, a psychological mechanism is to stay away from the people who are identified as "a risk." In this regard it is hard for people and organisations to become close to one another, thus weakening the possibility of collaborating on political initiatives. Support networks can be weakened and this contributes to the individual and organisational isolation, in turn feeding a negative social perception.

THE IRREPARABLE HARM

Defamation and stigmatisation cause significant harm at both individual and societal levels since they attack individual and collective identities. Once inserted into the societal narrative, these attacks are difficult to negate. Individuals and organisations remain stigmatised even if there is strong evidence demonstrating the falsity of the accusations. As stated above, social psychology has shown that positive denials do not have the same force in the collective imagination as negative information. This implies that the identity and the names of those stigmatised are permanently impacted. In some ways it is like plucking a chicken and then wanting to put the feathers back into place. It is impossible.

These are the personal and political costs of defamation. As mentioned above, this is a psychological warfare

strategy and as such, it is carried out invisibly so as not to generate societal and international outcry. Those responsible for these attacks generally enjoy a high level of impunity, which in turn results in fear for these people; that at any time they may again be victims of defamation. Regardless, the damage is done.

Still, it is important to employ coping strategies that can respond to the smear campaigns and, if possible, try to restore legitimacy by showing the political repression carried out with slander and stigmatisation strategies.

ON A SOCIETAL LEVEL, WHAT CAN BE DONE TO CONFRONT THE DEFAMATIONS?

Do not give information without verifying the source and credibility, comparing information with other sources, listening to those who are directly affected and analysing the intent that may be behind the information

Stop the inertia of false information: do not spread rumours

Demand that those responsible be held accountable for false accusations

Draw attention to the intent that may be behind false accusations

Support stigmatised people and organisations by denying slander and explicitly showing solidarity with them

Analyse the situation taking into account the logic of political repression that occurs within the context of conflict in order to understand its dynamics and impacts on accused individuals and groups. Why and to what ends is this strategy being used right now? What could their intention be?

1. "El Salvador: De la guerra sucia a la guerra psicológica: el caso de El Salvador", in *Psicología social de la guerra: trauma y terapia*, Iganacio Martín-Baró, UCA Editores, 1990, pages 159-171; "Psicología del miedo y conducta colectiva en Chile", E. Lira, Latin American Mental Health and Human Rights Institute, 1987 pp. 176-196.

2. Here "psychological warfare" refers to "War that is not limited to military actions, but extends to all areas of social life (...). Psychological warfare, as a continuation of dirty war tactics, has the same goal: the destruction of the opposition. But the means have changed: the terror generated by the physical removal and cruelty has been replaced by intimidation through the militarisation of everyday life and systematic harassment". "De la guerra sucia a la guerra psicológica: el caso de El Salvador", in *Psicología social de la guerra: trauma y terapia* Martín-Baró, I., UCA Editores, 1990, p. 159.

200 years of struggle and resistance



A small-scale farmer from the Magdalena Medio arrives at the oil refining town of Barrancabermeja to participate in the bicentennial events.

To commemorate Colombia's 200 years of independence, civil society organisations in Barrancabermeja, including the Peasant Farmers' Association of the Cimitarra River Valley (ACVC) and the Regional Corporation for the Defence of Human Rights (CREDHOS) organised "The Peoples Bicentennial in northeast Colombia: 200 years of organising, struggle and resistance". More than seven thousand people from various municipalities of the Magdalena Medio region met in Barrancabermeja 18 through 20 July to celebrate the two hundredth anniversary of freedom from Spain as well as to advocate for structural reforms needed in order to achieve real independence and "to build a true democracy and freedom for which Bolívar fought and sacrificed"¹.

ACVC and CREDHOS, both NGOs accompanied by PBI, were among the main organisers. The event highlighted the particularly strong cohesion between Barrancabermeja organisations in the event planning, organisation and

implementation which, according to local groups, had a major political impact.

Throughout the day on 19 July there were academic lectures on a wide range of subjects that attracted more than three thousand people. One part of the event focused on the role of grassroots and social movements in achieving independence and development in northeast Colombia. The second part dealt with resettlement and loss of sovereignty (political, economic and food) as a result of an economic model that allows the exploitation of the country's resources by multinationals. Finally, a third space was dedicated to proposed solutions to the armed conflict, alternative policies, and regional integration².

Following the academic discussions of 19 July, a mobilisation and presentation of political demands rounded out activities on 20 July. This included an open forum for dialogue between civil society organisations including peasant farmers, Afro-descendants, indigenous people, women's organisations, human rights groups, victims of State crimes

and youth and student movements. Their collective work resulted in the drafting of the "Memorial of Grievances"³ in which the different social sectors spoke out about their individual requests and, in doing so, sought to create a space for dialogue with the new government⁴.

The highlight of the "The Peoples Bicentennial in northeast Colombia" was the "Great Patriotic March" in which approximately seven thousand people filled Barrancabermeja's streets, according to Agencia Prensa Rural. In addition to the slogans and declarations of civil society and farmers' organisations, the march brought together music, colours and dances from different groups. The march ended with a reading of "Memorial of Grievances" by ACVC member Miguel Cifuentes. The document was then delivered to the Mayor of Barrancabermeja, Carlos Contreras, the Secretary of Agriculture of Santander, Dario Echeverry Serrano, Bishop Fernando Camilo Castrellón and Provincial Deputy Roberto Smalbach.

1. David Ravelo: Bolívar, Radical
2. "«Bicentenario de los pueblos del nororiente colombiano. Programación del acto central" La Marcha, ACVC, July 2010
3. Memorial de Agravios al nuevo Gobierno nacional", open forum in northeast Colombia, 20 July 2010, <http://www.prensarural.org/spip/spip.php?article4359>
4. "Siete mil personas conmemoraron el Bicentenario de los pueblos del nororiente colombiano. Asambleas sociales, cabildo abierto, memorial de agravios al nuevo gobierno y marcha patriótica marcaron el desarrollo de la conmemoración", Agencia Prensa Rural, 21 July 2010, <http://prensarural.org/spip/spip.php?article4357>
5. Interview with César Jerez, ACVC, 21 July 2010
6. Interview with Miguel Huepa, ACVC, 21 July 2010
7. Interview with Irene Ramirez, ACVC, 21 July 2010



Leticia Madrid Treves (PBI) with a small-scale farmer participating in the bicentennial events in Barrancabermeja.

WHAT DOES THE BICENTENNIAL EVENT SIGNIFY?



César Jerez, ACVC: "The Bicentennial is important due to the present situation in which new countries influence Colombia through multinational corporations and the signing of free trade agreements that in one way or another signify a new dependency and neo-colonialism. The Magdalena Medio region is rich in natural resources. They have violated human rights here where there are companies with economic interests that drive these violations"⁵.

Miguel Huepa, ACVC: "As grassroots organisations we cannot celebrate the bicentennial. We must continue to fight and demand changes while needs still exist. Megaprojects threaten the region as do multinationals and the companies that exploit gold and create internal forced displacement. They are a very serious threat"⁶.



Irene Ramirez, ACVC: "The importance of the Bicentennial is to again rescue more than 200 years of struggle and resistance because it has been a permanent struggle to make a change to this country. There has always been a struggle in which many people have died. Their deaths were not in vain. They are giving us strength to fight and continue to demand our rights. The most basic regional needs are health care, education and the prevention of forced displacement. Our lands are rich in natural resources and therefore there is a lot of pressure for farmers to flee from the region so that they can more easily access the natural resources. We as farmers, everyday we are becoming increasingly resistant"⁷.



The "shameful corner" in one of America's most beautiful places

More than five million tons of debris dominates the western part Medellín like a wound¹. From the District 13 streets it appears to be a pile of construction waste and it is known simply as "the Dump". But for those who know the history of this heap, to gaze at it is a warning, and a threat.

The Dump looms over Medellín. According to official former paramilitary testimonies, the Dump was where "they murdered, cut bodies into pieces, and buried dozens of people who were forcibly taken from their homes or detained by men from the Metro

Block of the Peasant Farmers' Self Defence Groups of Córdoba and Urabá (ACCU) Cacique Nutibara, Magdalena Medio and Heroes of Granada Blocks of the United Self-Defence Forces of Colombia (AUC) that operated in the region"².



A visit to the Dump.

The silence of the Dump, interrupted only by the sound of trucks that continue to leave more and more waste, is now a scandal for the government and is the undesired face of the city.

In recent years the Dump has become a symbol of what happened in Medellín since October 2002 when the State drove out insurgents who controlled District 13 in “Operation Orion”. After District 13 neighbourhoods were taken over by paramilitary groups under the command of “Don Berna” the forced disappearances began³. The people living in the neighbourhoods say that at night they saw people taken by the paramilitaries go up to the mountain of trash and never return⁴.

PBI spoke with Adriana Arboleda, of the Corporation for Judicial Freedom, who has been on the front line of human rights defence in Medellín.

“THE DUMP IS A SYMBOL OF FORCED DISAPPEARANCES IN MEDELLÍN. IN TWO OR THREE YEARS THERE WERE MORE THAN 100 FORCED DISAPPEARANCES IN DISTRICT 13, MAKING IT A CONCENTRATED SITE OF COLLECTIVE PUNISHMENT AND REPRISAL”

PBI: The Dump seems to be closely related to the dynamics of conflict in Medellín. What does it mean for human rights defenders in Medellín to make the Dump visible?

Adriana Arboleda: First off, it is to show the evidence of joint action

between the military and paramilitary forces aimed at social control of the area. In addition, the Dump is a symbol of forced disappearances in Medellín. In two or three years there were more than 100 forced disappearances in District 13, making it a concentrated site of collective punishment and reprisal. It was a widespread terror mechanism mainly aimed at men and youth. The forced disappearances were not isolated events but rather part of a particular pattern of repression against the population. This is what we try to reveal in regards to the Dump. The community associates this area with disappearances, which is why there is an emphasis on showing the role the Dump played in this pattern of repression.

PBI: What does the concept of comprehensive reparation mean from the perspective of historical memory? How does this impact the fabric of Medellín’s society?

AB: Comprehensive reparation is associated with the damage caused and it

is comprehensive because it seeks a way to give victims mechanisms and actions that enable them to recuperate what was taken from them. This is to bring back the dignity of these victims because the logic is that these people were disappeared because they were criminals and so this also means taking on the theme of dignity. But first, the truth and memories must be made known, that is, what happened and why and obviously the issue of justice. All this happened because there were orders, including from the national government, because “Operation Orion” was designed and ordered by the president, and led by senior Army officials and high level police officers such as General Mario Montoya Uribe and General Leonardo Gallego⁵. The State has a significant responsibility and this adds to the reparation dynamics - the fact is that they were directly responsible and can be investigated, tried and, if necessary, punished for these acts.

PBI: One slogan from the victims’ movement claiming justice regarding the Dump is “The Truth Cannot be Buried!” How can this truth be revealed? What should the government do?

AA: The main thing is to clearly identify what happened. This implies that there are State policies designed to recognise the truth. The problem is that we have a government that is involved in these events⁶. For example, in order to know what exactly happened in District 13 it is very important that the military say what happened, what were the plans, what was achieved, for example, in the case of General Mario Montoya and the case of paramilitary leaders who told the truth. This is part of the struggle for truth that we have and our challenge that lies ahead: to know what happened, why they did this and what was behind this dynamic of terror.

1. Interview with Adriana Arboleda, Corporación Jurídica Libertad (C.JL), August 2010

2. “La Escombrera de Medellín debe ser un símbolo”, *Semana*, 6 November 2008

3. “Ex jefe paramilitar “Don Berna” rinde versión libre con récord de 13 mil víctimas”, *TeleSUR*, 16 July 2007; “Hubo inteligencia “para” en Operación Orión, dice “Berna” y salpica a generales Gallego y Montoya”, *El Tiempo*, 24 June 2009

4. *Ibid.*, 1

5. “Medellín: tercer día de enfrentamientos”, *BBC*, 18 October 2002

6. “Cinco años después, la comuna 13 no recupera su calma”, Instituto Popular de Capacitación (IPC), 17 July 2010

European Union Free Trade Agreement

HUMAN RIGHTS AND COLOMBIA: ALLIES OR RIVALS?

Photo: Gert Steenssens / EsperanzaProxima.net



Protest against the EU-Colombia FTA.

The completion of negotiations for an Agreement of Association between Colombia, Peru and the European Union culminates a long process between the Andean governments and European Union officials. All parties pledged their commitment to human rights in Colombia, but many human rights organisations have expressed serious concern about the consequences of a free trade agreement that has been described by European civil society as a “counterproductive and irresponsible” move by the European Union¹. These organisations claim that Europe is losing a unique opportunity to influence what they call the “continuing human rights crisis in Colombia” by signing the treaty. They maintain that the so-called democratic clause within the agreement will only make the EU complicit with the worsening situation in Colombia².

The democratic clause functions as a mechanism for safeguarding human rights in the country, but there are strong criticisms from Colombian and European civil society that see the current situation as so grim that implementation of any mechanism of this nature should have already begun. In January 2010, Luis Alberto Vanegas of the Central Workers

Union (CUT) spoke before the European Parliament about impunity in the current situation facing labour rights advocates in Colombia. He confirmed that the murders of trade unionists in the country are a “political genocide of the union movement in Colombia” and urged parliamentarians in Brussels to not approve the treaty³.

According to the International Trade Union Confederation (ITUC) 48 trade unionists were murdered in Colombia in 2009⁴ and 49 in 2008 representing a worrisome 25% increase from the decrease seen in previous years. Colombia represents more than half of all trade unionists killed in the world⁵. The Confederation stated that “the attacks, disappearances and death threats have continued”⁶. One recent case was the murder of Francisco Antonio Abello Rebollo on 17 May while he was defending workers’ rights on an oil palm plantation in the Magdalena province⁷. The United Nations Special Rapporteur on the situation for human rights defenders has expressed serious concern for Colombian trade unionists⁸.

Also, opponents of the agreement in Colombia claim that the treaty does not provide the necessary protection for Colombian producers and that this “will

bring many complications in terms of unemployment and loss of economic resources”⁹. Central Workers Union Vice President Gustavo Triana predicts negative consequences for small-scale Colombian farmers if European products enter the market¹⁰. Many organisations believe that this treaty will foment the precariousness experienced by marginalised groups in Colombian society and further concentrate wealth in the hands of economic mega-projects, thereby harming the lifestyle of these communities.

The European Union has always declared its unconditional support for human rights in Colombia and elsewhere in the world. However, conclusive statements from European and Colombian civil society, such as those cited here, challenge the treaty negotiators’ discourse. Civil society has made it very clear that the treaty should not be signed while there are no guarantees for human rights defenders and trade unionists in the country. At the same time, they do not believe that this treaty will have the ability to protect people and their rights in a country where the human rights situation is challenged by multiple sources. Many organisations advocate for the European Parliament to vote down the treaty due to human rights issues including threats, killings and impunity in Colombia which still need to be eliminated.

1. “TLC entre UE y Colombia: una firma inoportuna, contraproducente e irresponsable”, International Office for Human Rights - Action on Colombia (OIDHACO), 26 May 2010

2. Ibid. 1

3. “Parliament sets out Concerns over Colombia trade deal”, EU Observer, 2 February 2010

4. “2010 - Annual Survey of violations of trade union rights”, International Trade Union Confederation (ITUC), 9 June 2010, <http://www.unhcr.org/refworld/docid/4c4fec85c.html>

5. “2009 - Annual Survey of violations of trade union rights”, International Trade Union Confederation (ITUC), 11 June 2009, <http://survey09.ituc-csi.org/survey.php?IDContinent=2&IDCountry=COL&Lang=ES>

6. Ibid. 5

7. Ibid. 1

8. “Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya - Addendum - Mission to Colombia (7 to 18 September 2009)”, A/HRC/13/22/Add.3, HRC, 4 March 2010

9. “Las tres centrales sindicales rechazan TLC con la Unión Europea”, Colectivo de Abogados José Alvear Restrepo (CAJAR), 19 May 2010

10. Ibid. 8



Vice President of the Central Union of Workers, Gustavo Triana, predicts negative consequences for Colombia's small-scale farming communities if European products enter Colombia's market.

Plan Colombia: Ten years later

US ORGANISATIONS EVALUATE PLAN COLOMBIA AND U.S. ASSISTANCE TO COLOMBIA

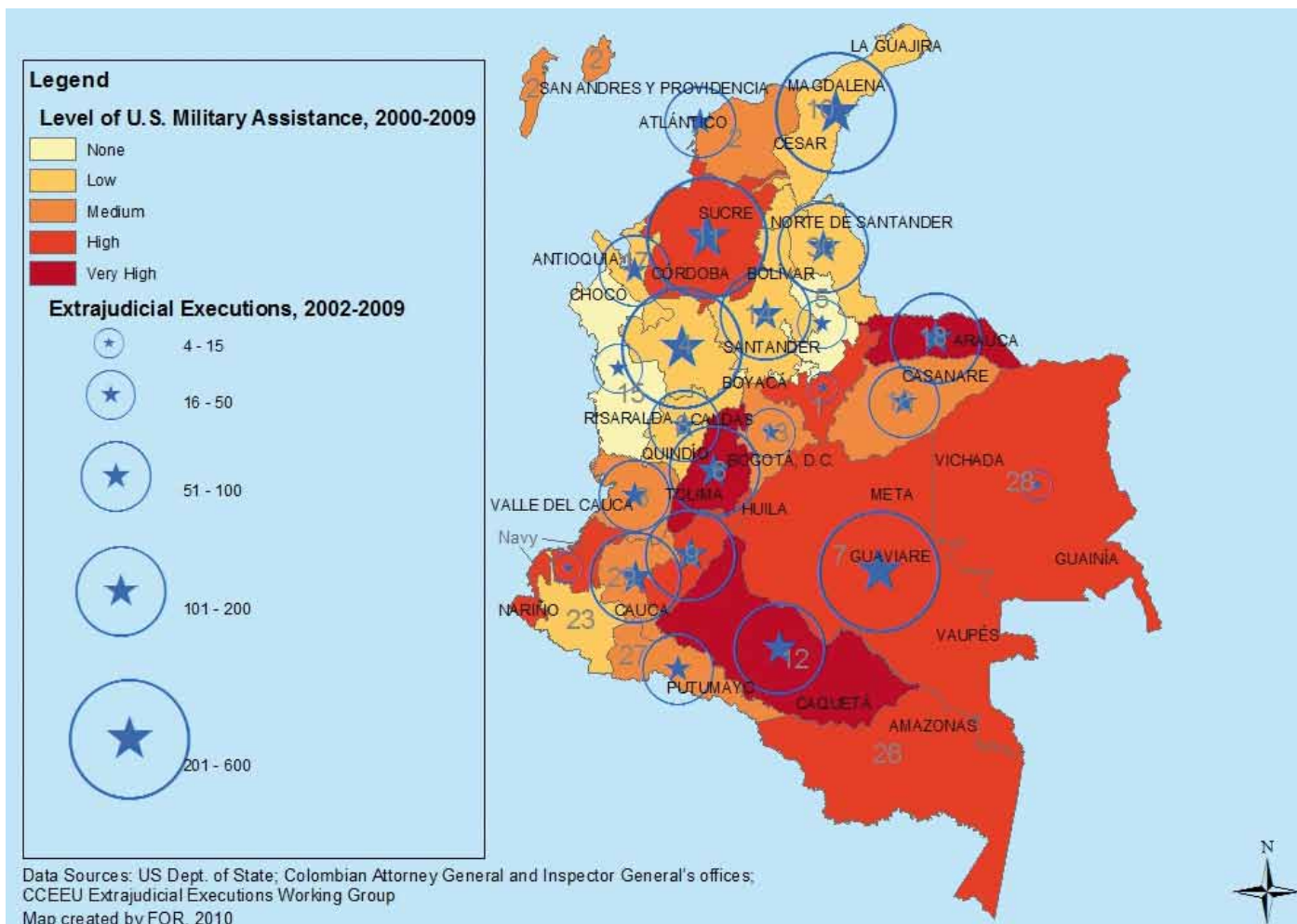
1 3 July 2010 marks the tenth year of the U.S. funded counter-narcotics program "Plan Colombia". By way of this program, Colombia has received \$7.3 billion in military, police, economic, and social aid¹, making it by far the largest recipient of U.S. aid in Latin America. During this time, Colombia's military budget tripled and its armed forces doubled, resulting in the creation of two new military divisions, twelve brigades, nineteen mobile brigades, and eleven special forces units². It has undoubtedly made a substantial impact on the state and nature of Colombia's armed conflict. But several prominent human rights organisations based in Washington who have closely followed the implementation and evolution of Plan Colombia contend that the results of this policy have been mixed, and could even possibly be causing more harm than good for certain sectors of Colombia's civilian population.

In his online report *Don't Call it a Model* released the day after Plan Colombia's tenth anniversary, Adam

Isacson of the Washington Office on Latin America questions the belief of some U.S. policy makers that Plan Colombia could serve as a model for counter-narcotics and counterinsurgent operations in other countries such as Mexico or Afghanistan. Isacson acknowledges several significant improvements in Colombia's overall security situation with regards to homicides, kidnappings, and "terrorist attacks"³.

Despite these gains, however, Isacson insists that "Democratic Security is not a model to be replicated elsewhere. Its flaws are severe, even tragic. Holding up Colombia as a 'model' is both superficial and dangerous". To illustrate his point, Isacson provides a summary of these flaws, from unnecessarily high human and economic costs, to difficulties with the Law 975 transitional justice process, to the high number of extrajudicial executions⁴ carried out by the military, and the apparent inability of counter-narcotics policies to substantially reduce the flow of cocaine out of Colombia. Additionally, as reported by the UN

Economic Commission on Latin America and the Caribbean, there has been a concerning increase in income disparity in Colombia; this, despite the fact that foreign investment has tripled in Colombia in the past decade⁵. In the entire region of Latin America, only Colombia, Guatemala, and the Dominican Republic saw this disparity increase. Finally, Colombia's National Coroner's Office provides statistics that show a possible stagnation in the initial security gains attributed Plan Colombia. It reported a 16% increase in homicides from 2008 to 2009. Threats and aggressions against human rights defenders remain constant, and internal displacement continues unabated⁶. The report concludes that in order to produce lasting security and positive change for the Colombian people, one must employ a strategy of renewed and established civilian state presence in both rural and urban settings, and that this presence must emphasise justice and rule of law above all. This, Isacson believes, are the lessons that can and should act as



Despite tripling foreign investment in the country, income disparity in Colombia has increased over the past ten years.

BY WAY OF THIS PROGRAM, COLOMBIA HAS RECEIVED \$7.3 BILLION IN MILITARY, POLICE, ECONOMIC, AND SOCIAL AID, MAKING IT BY FAR THE LARGEST RECIPIENT OF U.S. AID IN LATIN AMERICA. DURING THIS TIME, COLOMBIA'S MILITARY BUDGET TRIPLED AND ITS ARMED FORCES DOUBLED

a model for engagement with other states.

Also this past July, the US-based organisations Fellowship of Reconciliation (FOR) and the US Office on Colombia (USOC) released their new report, *Military Assistance and Human Rights: Colombia, U.S. Accountability, and Global Implications*. While Isacson contends that the U.S. ought to learn from mistakes in the execution of Plan Colombia, FOR and USOC take an entirely different tack, utilising meticulously-researched and compiled data on extrajudicial executions to argue that the U.S. State Department is in violation of the Leahy Amendment, which prohibits funding any security

force unit “if there is credible evidence that the unit has committed gross human rights violations”.

The report analyses cases of extrajudicial executions allegedly committed by units of the Colombian military, highlighting instances where those units received U.S. military aid both during and after the killings. FOR and USOC found a strong correlation between U.S.-funded military units and cases of extrajudicial executions⁷. In a conversation with PBI, John Lindsay-Poland—FOR's Research and Advocacy Director and the report's main author—noted that, while there was strong evidence in the report to suggest that increases in military aid

led to increased cases of extrajudicial executions in a particular jurisdiction, there was also evidence that extrajudicial executions decreased when military aid was decreased. “These finding suggest that if the U.S. were to intentionally decide to stop funding a particular unit, it could have a huge impact on the number of cases of extrajudicial executions in that jurisdiction”, says Lindsay-Poland.

After ten years of policies primarily focused on seeking an aggressive military solution to Colombia's conflict, these reports each reflect on ways that the U.S. government can improve their engagement with Colombia.

1. Isacson, Adam, “Don't Call it a Model”, Washington Office on Latin America, 14 July 2010, <http://justf.org/files/pubs/notmodel.pdf>.

2. Fellowship of Reconciliation and the U.S. Office on Colombia, “Military Assistance and Human Rights: Colombia, U.S. Accountability, and Global Implications”, July 2010.

3. *Ibid.*: 15,817 homicides in 2009, down from 28,837 in 2002 (National Coroner statistics: 17,717 homicides in 2009, down from 27,829 in 2002); 213 kidnappings in 2009, down from 2,882 in 2002; 486 “terrorist attacks” in 2009, down from 1,645 in 2002.

4. Commonly referred to as “false positives” in Colombia, this practice entails kidnapping and killing civilians by members of the military, and then dressing them up as guerrillas killed in combat in order to avoid punishment and, at one point, obtain benefits such as paid vacation leave.

5. *Ibid.*: 1

6. *Ibid.*: 1

7. *Ibid.*: 2

A new addition to the training team



Roberto Montoya



Patricia Göthe

Roberto Montoya is from Spain and has worked for PBI Colombia for the past ten years. He entered the project as a volunteer on the Medellín team where he lived through some of the most difficult periods of PBI's time in Colombia. He accompanied the Association of Family Members of the Detained and Disappeared (ASFADDES) after Ángel Quintero and Claudia Monsalve were disappeared in 2000. He also supported the Barrancabermeja team after the paramilitary take over in December 2000. A year later he began to train new volunteers, sharing with each of them his knowledge of international accompaniment and solidarity, as well as his love of dancing, sense of humour and passion for Colombia and human rights. Over the years he has facilitated 28 PBI Colombia training events and has trained more than 330 people. He is now leaving the project and will be replaced by Patricia Göthe from Germany who just completed a year of volunteering with PBI.

What do you bring to volunteer training?

Robert Montoya: Above all I have tried to contribute a sense of community, trust and to help create the experience that we have sought to provide in the PBI Colombia volunteer training team.

What strengths and weaknesses do volunteers bring to PBI?

RM: People bring with them an eagerness to learn, hope, and their experiences and educational background. But they also bring their fears and

concerns. For many people it is the first time they have been to Colombia.

What do you wish to give as a trainer?

Patricia Göthe: My goal is to link my training experience to PBI's work. Also, being a part of PBI means learning much more; I would like to keep in contact with people we accompany and stay informed about the current situation because it is an important aspect of the training.

As the new PBI volunteer trainer, what would you like to stay the same and what would you like to change?

PG: I believe that the current volunteer training team has done an excellent job. Throughout my training I received a lot of information and also felt that the trainers put their hearts into it. The training motivated me and I would like to replicate that experience. I want to be the first contact for new volunteers, but do not want it to be merely an administrative act. I also want to create closeness and trust. I also have new ideas. I would like to work with PBI's psychosocial support team and develop a workshop on non-violent communication. I would also like to work around the concept of "Do no harm".

What changes have you seen in PBI members during their year of volunteering?

RM: We see a personal growth as they learn from the people we accompany. They also learn a lot about coexistence and about politics and I think they learn about themselves as well.

What changes have you seen in yourself during your time as an accompaniment volunteer?

PG: I think PBI is a project that changes lives. When I arrived as a volunteer I had many questions during the first few weeks. After a few months I felt much more confident and had learned a lot. For me it has been a very important experience.

What was a special moment in PBI for you?

RM: A special and hard moment was the forced disappearance of Ángel Quintero and Claudia Monsalve, two members of the ASFADDES Medellín chapter in 2000. I had been in PBI Colombia for only three months. This type of event shocks you, it makes you think.

PG: Last year I spent three weeks with the Barrancabermeja team. During that time there were arbitrary detentions and arrests without warrants. Being so close to this reality impacted me a lot. I am very happy to be in this country because there is much human rights work to be done. Of course it always brings you some sadness as well.

What are you going to do now?

RM: I am going to stay in Colombia for now and the idea is to keep working on training with NGOs.

1. The focus, known as "do no harm" is based on a case by case analysis that looks at what the author calls the "local capacities for peace" and the attempt to centre cooperation and support projects according to these abilities.



Martina Rita Lack with a member of the Peace Community of San José de Apartadó.

PROTECTING HUMAN RIGHTS DEFENDERS IN COLOMBIA SINCE 1994

Peace Brigades International (PBI) is a non-governmental organisation recognised by the United Nations, which has maintained a team of international observers/accompaniers in Colombia on an ongoing basis since 1994. PBI's mission is to protect the working environment of human rights defenders, who face repression due to their non-violent human rights activities.

PBI Colombia teams remain in the field, at the request of local organisations, accompanying persons and organisations under threat. This fieldwork is complemented by significant dialogue and advocacy with civilian and military authorities, as well as with NGOs, the Church, multilateral bodies, and the diplomatic corp, in order to promote human rights and disseminate information on the human rights situation in Colombia.

If you believe PBI's presence helps protect persons who carry out human rights work, you may do the following:

Support us economically on a personal or institutional basis.

Join the nearest PBI country group and support the international network from your place of residence.

Apply to become a volunteer with one of the PBI projects.

www.pbi-colombia.org

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