

LA PAZ EN MEDIO DE LA GUERRA

# Colombia

quarterly newsletter  
Peace Brigades International Colombia

Nº 13 december 2009

**The situation for human rights organizations continues to be critical**

NO MAS!!!

**Barrancabermeja: For a peace with a woman's face**  
**Weaving Networks: Organisations accompanied by PBI visit the U.S.**

**Human rights violations for economic interests**  
**British Petroleum in Casanare**



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«This year a climate of fear and intimidation in many communities registered a little higher than what we are used to», stated the representative of the Office of the United Nations High Commissioner for Human Rights in Colombia (OACNUDH), Christian Salazar, at the PBI event commemorating 15 years in Colombia. Different human rights defenders and organisations —such as the Peace Community of San José de Apartadó— received death threats from paramilitary groups. Furthermore, according to the Centre for Research and Popular Education (CINEP), there has been an increase in social intolerance and collective threats made through pamphlets and principally directed at persons who live or work in marginalised areas.

The international community responded to this grave situation faced by the social movement in Colombia. The United Nations sent four rapporteurs on the issues of arbitrary, summary and extrajudicial executions; the rights of indigenous persons; the situation of human rights defenders; and the independence of judges and lawyers, respectively. These visits demonstrate international concern for the human rights situation in Colombia. Moreover, they represent an opportunity to highlight the situation experienced in the country and to impact and improve the policies of the Colombia government. Likewise, national and international coalitions launched a campaign for the defence of human rights, which highlights impunity, the misuse of State intelligence, and stigmatisation and unfounded criminal proceedings faced by persons from different social organisations.

Meanwhile, after a long and exhausting process to demonstrate their innocence —a process yet to end for Andrés Gil—, human rights defenders, such as Andrés Gil and Miguel Huepa from the Peasant Farmers' Association of the Cimitarra River Valley (ACVC), regained their freedom and returned to their work to support the well-being of their communities. Conversely, other human rights defenders, such as Carmelo Agámez from the National Movement of Victims of State Crimes (MOVICE), are still in jail awaiting a fair trial. ●

## PBI Colombia's funding agencies

.Broederlijk Delen	.Norwegian Ministry of Foreign Affairs
.Canadian Postal Workers	.Overbrook Foundation
.Canton Vaud/PBI Switzerland	.Oxfam GB
.Catalan Agency for Development Cooperation (ACCD)	.Palencia City Hall
.Christan Aid	.Pamplona City Hall
.Civil Peace Service	.PBI Italy
.Diakonia Sweden	.PBI Switzerland
.Diakonisches Werk	.Project Counselling Service (EU)
.Majorcan Fund for Solidarity and Cooperation	.Sigrid Rausing Trust
.Government of Cantabria	.Spanish Agency for International Development Cooperation
.Government of Navarra	.Swiss Ministry of Foreign Affairs
.Individual donations	.Trocaire
.Intermón-Oxfam (EU)	.Vitoria City Hall
.Kerk in Actie	.Weltwärts
.Mensen met een Missie Miserior	.Zivik

### Photo from cover:

Esfuerzos de paz en Colombia. Herminso Ruiz. Fundación Dos Mundos-OACNUDH

The opinions and positions expressed herein do not necessarily reflect the views of Peace Brigades International or its funding agencies.

Print: Editorial CÓDICE Ltda.  
TEL: 2177010 - 2494992.  
casaeditorial@etb.net.co

## UN Special Rapporteurs in Colombia

United Nations sends four researchers to Colombia in 2009, demonstrating international concern for human rights in the country.



Family members of victims of extrajudicial executions —«false positives»— at a demonstration in the city of Bogotá on 6 March 2009.

At the request of social movements and with the government's invitation, the United Nations Special Rapporteurs on extrajudicial, summary and arbitrary executions (Philip Alston), the rights of indigenous peoples (James Anaya), the situation of human rights defenders (Margaret Sekaggya), and the independence of justice (Carina Knaut de Albuquerque)<sup>5</sup> visited Colombia from June to October 2009. Their preliminary reports stress the grave situation existing in Colombia with respect to their areas of competency. Visits by three rapporteurs in one year demonstrates the international concern for the human rights situation in Colombia.

Extrajudicial executions<sup>6</sup>, also known as «false positives», perpetrated in most cases by members of State security forces, increased 65% during the nearly eight years of the Álvaro Uribe Vélez administration. According to the Coordination Colombia-Europe-United States (CCEEU), at least 1,122 cases were recorded from 2002 to 2007<sup>7</sup>. The gravest situation occurred during Juan Manuel Santos' mandate as Minister of Defence, when 535 extrajudicial executions were reported from January 2007 to June 2008<sup>8</sup>. The killing of marginalised youth and peasants, who are then presented as guerrilla members killed «in combat», is not a new practice. Nonetheless, this only caught the attention of national media outlets when 11 mothers spoke out against the disappearance of their unemployed sons in Soacha (a working class neighbourhood in the metropolitan area of Bogotá), who were later found dead

in Ocaña, Norte de Santander Department, some 1,000 kilometres from their homes<sup>9</sup>.

Indigenous peoples are one of the groups most affected by violence in Colombia. Many ethnicities are in danger of physical and cultural extinction due to the seizure of their lands and murder of their most important leaders. «[O]f the 102 indigenous peoples existing in Colombia, 60 have less than 500 members, ten of them [...] less than 100, which will result in their imminent disappearance unless the State provides them with special protection»<sup>10</sup>. Despite several court rulings —especially Constitutional Court Ruling 004 of 2009 on the fundamental rights of internally displaced indigenous persons and peoples—, which hold the State responsible for fulfilling its duty in protection, «the Colombian government's initiatives need to be consolidated in the area of the rights of indigenous peoples»<sup>11</sup>.

On repeated occasions, the president of Colombia has called human rights defenders «snitches», «spokespersons for terrorism», «human rights traffickers», «accomplices», «courtesans», «political intriguers» and even «gossips hounds»<sup>12</sup>. According to Margaret Sekaggya, a prime reason for their insecurity has been their stigmatisation by «high level Government officials of being [...] «terrorists» or «guerrillas»»<sup>13</sup>. In 2009, human rights defenders continue to pay a heavy price. In Colombia, the violations suffered include murders, persecution, baseless prosecutions, and threats<sup>14</sup>. ●

«The sheer number of cases [of extrajudicial executions], their geographic spread, and the diversity of military units implicated, indicate that these killings were carried out in a more or less systematic fashion by significant elements within the military»<sup>1</sup>. Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions.

«Colombia's indigenous people find themselves in a serious, critical and profoundly worrying human rights situation»<sup>2</sup>. Rodolfo Stavenhagen, 2004.

«This assessment still applies today»<sup>3</sup>. James Anaya, Special Rapporteur on the Rights and Freedoms of Indigenous Peoples.

«From what I have seen and heard [...], I can conclude that patterns of harassment and persecution against human rights defenders, and often their families, continue to exist in Colombia»<sup>4</sup>. Margaret Sekaggya, Special Rapporteur on the Situation of Human Rights Defenders.

1 Statement by Philip Alston, United Nations Special Rapporteur for Arbitrary Executions, Mission to Colombia from 8 to 18 June 2009

2 Report from the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people in Colombia, Rodolfo Stavenhagen, March 2004

3 «United Nations Special Rapporteur on indigenous peoples concludes visit to Colombia», United Nations in Colombia, 28 July 2009

4 Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia, United Nations in Colombia, 18 September 2009

5 At the close of this edition of *ColomPBLA*, the Rapporteur had not yet finished their visit, nor had they presented any report or declaration

6 Expression used by the Movement of Victims of State Crimes (MOVICE). For instance, see: «6 de marzo de 2009 - Convocatoria A Jornada Nacional Contra las Ejecuciones Extrajudiciales.» MOVICE, 28 January 2009

7 «Informe final de la misión internacional de observación sobre ejecuciones extrajudiciales e impunidad en Colombia», CCEEU, Bogotá, 2009

8 «Ejecuciones Extrajudiciales - Boletín Especial», CCEEU, May 2009

9 «Los «falsos positivos» son cerca de 1.800, según ONU», El Telégrafo, 14 July 2009

10 «Etnias indígenas colombianas al borde de la extinción como consecuencia de la guerra», ODHACO, 11 August 2009

11 «El relator especial de Naciones Unidas sobre pueblos indígenas concluye visita a Colombia», United Nations in Colombia, 28 July 2009

12 «Defensores de derechos humanos: bajo el estigma del presidente Uribe», Popular Training Institute (IPC), 23 October 2009

13 «Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia», United Nations in Colombia, 18 September 2009

14 In 2009, CCAJAR, MOVICE and CIJP, among other organisations have denounced cases throughout Colombian national territory. CCAJAR: [www.colectivodeabogados.org](http://www.colectivodeabogados.org); MOVICE: [www.movimientodevictimas.org](http://www.movimientodevictimas.org); CIJP: [www.justiciapazcolombia.com](http://www.justiciapazcolombia.com)

## Serious threats against human rights defenders

According to a CINEP report<sup>1</sup>, there were 82 cases of collective threats in 2009. These threats are distributed through very similar pamphlets, which are generally directed against persons who live or work in marginal conditions. Furthermore, over the last few months, different human rights defenders and organisations, such as the Peace Community of San José de Apartadó, received grave threats from paramilitary groups. The journalist Claudia Julieta Duque was also the victim of an operation appearing to be an attack on her life.

### Suspected assassination attempt against Claudia Julieta Duque

On 16 October 2009, three unknown persons were loitering outside the door to journalist Claudia Julieta Duque's residence while she was not there<sup>2</sup>. Accompanied by PBI, Ms. Duque went to her residence and tried to contact the Ministry of the Interior and the National Police through emergency mobile telephones, but did not get a response<sup>3</sup>. When Ms. Duque checked the building security cameras, she discovered that at least six persons had entered her residential complex while others waited outside in four vehicles<sup>4</sup>. Not all of the images from the day of the incident are available since some of the cameras stopped working. Ms. Duque's mobile telephone was also blocked for several hours<sup>5</sup>.



The French ambassador for Human Rights, François Zimeray, with journalist Claudia Julieta Duque and PBI volunteer Mari Vera.

This action occurs within an overall context of harassment and threats that forced Ms. Duque into exile in 2004 and again in 2008. Claudia Julieta Duque has denounced several State agencies for

human rights violations and their collusion with paramilitarism. Moreover, Ms. Duque has been the victim of illegal intelligence reports by the Department of Administrative Security (DAS) since at least 2001<sup>6</sup>. ●

### NOMADESC Threatened by the «Black Eagles»

On 22 October 2009, the association NOMADESC received a fax in which different persons and associations were declared military targets by the paramilitary organisation «Black Eagles New Generation». The president of NOMADESC, Berenice Celeyta, has been accompanied by PBI since 1999 (within the framework of Operation Dragon)<sup>7</sup>

and also has been granted precautionary measures from the Inter-American Commission on Human Rights (IACHR). This direct threat took place two days after the mobilisation for community and social resistance undertaken principally in the departments of Cauca and Valle del Cauca, where these threatened persons carry out human rights defence work<sup>8</sup>. ●

### New judicial proceedings against Elkin Ramírez

This November, the Public Prosecutor in Bogotá reopened judicial proceedings against Elkin Ramírez, a lawyer with the Corporation for Judicial Freedom (CJL). The charge is making false statements. At the Inter-American Court of Human Rights in 2005, Ramírez testified that Colonel Néstor Iván Duque (then commander of the Bejarano Muñoz Battalion), had participated in the 2005 massacre in La Resbalosa (Peace Community of San José de Apartadó).

The Colonel filed a complaint against Ramírez, alleging slander, libel, and making false statements<sup>9</sup>. The Public Prosecutor in Bogotá conducted an investigation and did not find any evidence to determine fault, and subsequently dismissed the case in 2006. The proceedings were reopened at the end of 2008<sup>10</sup> and the 188th Public Prosecutor once again declared the case precluded in April 2009<sup>11</sup>. In 2006, Elkin Ramírez and Bayron Góngora of CJL were also investigated on suspicion of rebellion<sup>12</sup>. ●

1 «Primer Semestre de 2009: De los «Falsos Positivos» a la Intolerancia Social y Amenazas Colectivas», Special CINEP report summarised on page 8 of this quarterly

2 «Colombia: la Sra. Claudia Julieta Duque, defensora de derechos humanos, víctima de hostigamiento e intimidación», Front Line Defenders, Urgent Action, 22 October 2009

3 In October 2008, this system of protection was reintegrated in favour of Ms. Duque after the Constitutional Court ruled the Colombian government should carry out a series of measures to guarantee the journalist's safety and physical integrity. This ruling also established jurisprudence concerning respect for human rights within State protection programmes. «Comunicado ante el fallo a favor de la Corte Constitucional en el caso de la corresponsal en Colombia de Radio Nizkor», Radio Nizkor, Press release, 9 December 2008

4 Ibid. 1

5 Ibid. 1

6 «Un grave incidente de seguridad afecta a Claudia Julieta Duque, representante en Colombia de Radio Nizkor y del Equipo Nizkor», Equipo Nizkor, Press Release, 22 October 2009

7 Plan designed at high levels of the Colombian government, along with State security forces and private companies, in order to murder members of NGOs, trade unions and opposition parties.

8 «S.O.S Organizaciones de la Minga de resistencia social comunitaria nuevamente blanco de amenazas.» Corporation Judicial Freedom, Press release, 22 October 2009

9 «Colombia Must Stop Baseless Prosecutions of Human Rights Defenders», Human Rights First, 20 March 2009

10 «Comunicado a la Opinión Pública», Corporation for Judicial Freedom, 9 March 2009

11 The Jesuit priest Javier Giraldo Moreno and the Urabá Ombudsman Miguel Ángel Afanador Ulloa are involved in the same case.

12 Public statement from CJL, 18 August 2006



## The situation of human rights organisations continues to be critical

### February 2009

The «Black Eagles» paramilitary group sent a message with a death threat to several organisations in Barrancabermeja, Bucaramanga and Girón—including the Association of Family Members of the Detained and Disappeared (ASFADDES), the Committee in Solidarity with Political Prisoners (FCSP) and the Grassroots Women's Organisation (OFP)—, a few days after the Act of Memory and Dignity that took place on 23 January 2009, in which family members received the remains of five of the dozens of persons who were forcibly disappeared in the massacre on 16 May 1998<sup>1</sup>.

### May 2009

In Bogotá, the «Black Eagles» threatened several human rights NGOs belonging to the Movement of Victims of State Crimes (MOVICE), including the José Alvear Restrepo Lawyers' Collective (CCAJAR), the Inter-Church Justice and Peace Commission (CIJP), the Committee in Solidarity with Political Prisoners (FCSP), and the Association for Alternative Social Promotion (MINGA). The pamphlet threatened by name Iván Cepeda, founding member of the Manuel Cepeda Vargas Foundation<sup>2</sup>.

On 26 May in Barrancabermeja, an unidentified person on a motorcycle approached the house of Federico Sajonero, president of the National Healthcare and Social Security Trade Union (SINDESS) and fiscal agent for the Board of Directors of the Regional Corporation for the Defence of Human Rights (CREDHOS). This person then told those present that he was going to kill Federico and other members of CREDHOS<sup>3</sup>.

### July 2009

In April 2008, a paramilitary claimed David Ravelo Crespo, secretary general of CREDHOS in Barrancabermeja, was a member of an insurgent group. In July 2009, the Public Prosecutor decided to formally initiate a legal investigation

against David Ravelo. Different organisations from the Magdalena Medio affirm that this is a baseless prosecution<sup>4</sup>.

### September 2009

On September 9, María Cedeño Sarmiento, member of FCSP - Atlántico Chapter, was approached by two men on a motorcycle in Barranquilla<sup>5</sup>. On this same day Saskia del Río, another member of the same chapter, was followed by a man on a motorcycle. On the following day another FCSP member, Deivis Flórez, was threatened in a telephone call received by his family. Due to these incidents, these persons immediately fled Barranquilla.

### October 2009

On 11 October, an alleged paramilitary told a member of the Peace Community of San José de Apartadó that a plan existed to murder Eduar Lanchero, a Colombian accompanier to the Peace Community<sup>6</sup>. According to the

community, a piece of paper was also found in the area threatening death to the community if it did not leave. These acts lengthen the long list of intimidations and threats suffered by Lanchero<sup>7</sup> and the Peace Community<sup>8</sup>, both of whom are recipients of IACHR measures that stress the responsibility of the Colombian State in ensuring their safety<sup>9</sup>. ●

1 «Llamado urgente», Observatory for the Protection of Human Rights Defenders, 19 February 2009

2 «Amenazas a organizaciones pertenecientes al MOVICE», MOVICE, Press Release, 9 May 2009

3 «Amenaza de muerte contra integrantes de CREDHOS», CREDHOS, Urgent Action, 3 June 2009

4 «Comunicado a la opinión pública por la judicialización de defensores/as de derechos humanos», Human Rights Defenders Working Group, 17 October 2009

5 «Amenazas Integrantes Fundación Comité Solidaridad con los Presos Políticos.» FSCPP, Public Denunciation, 10 September 2009.

6 «Contumacia impúdica.» Peace Community of San José de Apartadó, Press Release, 20 October 2009

7 Right to petition by Father Javier Giraldo with respect to events at the José María Córdoba Military Academy carried out against Eduar Lanchero, 1 October 2007.

8 «Se perpetua el horror y el exterminio.» Peace Community of San José de Apartadó, Press Release, 16 July 2009

9 Inter-American Court of Human Rights, <http://www.cidh.org/medidas/1998.sp.htm>.



In 2009, PBI Colombia signed accompaniment agreements with the Social Corporation for Community Advisory and Training Services (COS-PACC) in Casanare and Boyacá; with the Peasant Farmer Association of the Cimitarra River Valley (ACVC) in the Magdalena Medio; and with the lawyer Jorge Molano. Photo taken on the day the agreement was signed with COS-PACC.

## Human rights defenders under threat

Launching the campaign for the right to defend human rights in Colombia.



European launch of the campaign, organised by the International Office for Human Rights—Action on Colombia (OIDHACO), Front Line, Amnesty International and the OMCT at the Residence Palace in Brussels on 13 October 2009.

National and international coalitions identified five issues in their campaign for the right to defend human rights: impunity, misuse of intelligence, systematic stigmatisation, unfounded criminal proceedings, and structural problems with the State protection programme. The whole of these patterns faced by human rights defenders means their work continues under threat despite their important contributions to Colombian civil society.

This campaign came into being within the context of the scandals concerning the abuse of State intelligence—especially the surveillance and in some cases persecution—carried out by the Department of Administrative Security (DAS) against human rights defenders, journalists or Supreme Court judges.

National and international civil society coalitions came together to respond to the hostile climate arising from this scandal and other patterns of abuse and violation of the rights of human rights defenders. The campaign has been supported by several coalitions, including the Inter-Agency Dialogue for Colombia (DIAL), British Agencies for Colombia (ABColumbia), and the Coordination Colombia-Europe-United States (CCEEU). PBI participates as an observing organisation.

### Presentations

In Colombia, the campaign was launched on 9 September, during the visit by Margaret Sekaggya, the Special Rapporteur on the situation of human rights defenders. Several events were held in Europe and United States to launch the campaign in different countries. Human rights defenders from Colombia made visits to stress the campaign's importance. In this respect, the event in Brussels had the participation of representatives from Colombian and European civil society, the Colombian government, and the Swedish presidency of the European Union. These events remind us of the need to support human rights defenders in Colombia and encourage the necessary changes for creating a culture that respects human rights and those who defend these rights. To date, the campaign statement has been signed by 233 organisations from 24 countries, which is a sign of clear support to persons threatened due to their human rights defence work in Colombia.

**IMPUNITY, MISUSE OF INTELLIGENCE, UNFOUNDED CRIMINAL PROCEEDINGS, AND STRUCTURAL PROBLEMS WITH THE STATE PROTECTION PROGRAMME**

«Those working on issues ranging from the environment to the rights of women, small farmers, the indigenous and other victims of the armed conflict receive threats to their physical and psychological integrity, and that of their families', on a daily basis»

Statement on the campaign web page:  
[www.colombiadefensores.org](http://www.colombiadefensores.org)



# One year after the Universal Periodic Review

In the year since the Universal Periodic Review (UPR)<sup>1</sup>, the Colombian State has initiated actions to resolve gaps in the area of human rights. However, the facts demonstrate there is still much to do.

Among the 65 UPR recommendations that the government accepted, fourteen relate to human rights defenders, trade unionists, and journalists. Canada recommended «taking further measures to guarantee the security of all citizens, including groups directly affected like human rights defenders»<sup>2</sup>. In response, in June 2009, the Colombian State reported that the Risk Evaluation and Regulatory Committee (CRER) had accepted 98 requests for the protection of human rights NGOs.

The Colombian State also reported that trainings had been carried out in the departments of Nariño, Arauca and Antioquia and that the Ministry of Defence had issued Circular No. 630133, which stipulates «paying special attention to protection requests»<sup>3</sup> from human rights defenders. Additionally, in August 2009, the State presented another report on measures taken to guarantee the work of human rights defenders in Colombia<sup>4</sup>. In this report, the State presents the programmes focused on the legislative framework, institutions and programmes that protect human rights defenders.

## Official information versus NGO reports

The information contained in these official reports contrasts with the situation described by most of the human rights NGOs. It is not a coincidence that, after the illegal espionage by the DAS was revealed in April 2009, most of these Colombian NGOs participated in creating the International Campaign for the Right to Protect Human Rights—it is considered that «the situation has now reached a new level of crisis»<sup>5</sup>. This campaign exposes the gaps in protection for human rights defenders and the risks they are subjected to due to their work, as well as the breach between institutional proposals and the needs and proposals of human rights defenders. Emmanuel Raison, representative from the International Office for Human Rights—Action on Colombia (OIDHACO),



Family displaced from Montes de María (Sucre).

classified the present situation as a «terrible reality experienced by human rights defenders in Colombia»<sup>6</sup>.

Evidently, a year since the Universal Periodic Review, a grave human rights situation continues to exist in Colombia. Despite the fact that the Colombian State has followed up through reports or programmes, this has not necessarily led to solutions to the UPR recommendations. If it were so, the statement by the Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, in September 2009, would not have stressed that «patterns of harassment and persecution against human rights defenders, and often their families, continue to exist in Colombia»<sup>7</sup> and that «impunity for violations committed against human rights defenders also contributes significantly to their insecurity»<sup>8</sup>.

In order to evaluate the effective progress in human rights, there should be a timeframe for the implementation of these programmes. It is also necessary to formally restore the

agreement-reaching process between the State and civil society to restart the Human Rights and International Humanitarian Law National Action Plan (PNADH)—which represents the Colombian State's presently suspended comprehensive policy<sup>9</sup>. ●

1 Colombia was reviewed in the third session of the UPR working group from 1 to 15 December, 2008. [www.ohchr.org/EN/HRBodies/UPR/Documents/TROIKASUPR03.pdf](http://www.ohchr.org/EN/HRBodies/UPR/Documents/TROIKASUPR03.pdf)

2 «Informe de Avances a Recomendaciones y compromisos Examen Periódico Universal». Recommendation 116, 10 June 2009

3 Ibid. 2

4 «Informe sobre las medidas tomadas por el Estado para garantizar la labor de los Defensores y Defensoras de Derechos Humanos en Colombia.» Ministry of Foreign Affairs, August 2009

5 «Colombia: Human Rights Defenders under Threat.» Declaration, Page 1, <http://www.colombiadefenders.org/page.asp?p=4665>

6 Interview with Emmanuel Raison, ODHACO representative in the framework of the presentation of the International Campaign for the Right to Defend Human Rights in Colombia on 13 October 2009. [http://www.youtube.com/watch?v=pOR-S\\_ommo0](http://www.youtube.com/watch?v=pOR-S_ommo0)

7 Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia, 18 September 2009

8 Ibid. 7

9 The PNADH was suspended after several human rights organisations received threats due to their involvement in the march on 6 March 2008, in homage of the victims of violence committed by paramilitary groups and against State crimes.

## Special Report by CINEP, october 2009

### «First semester 2009:

### From “False Positives” to social intolerance and collective threats»

According to a report by the Centre for Research and Popular Education (CINEP)<sup>1</sup>, the reduction in extrajudicial executions —known as «false positives»— has been accompanied by an increase in other forms of human rights violations, including intolerance —or «social cleansing»— and collective threats. CINEP claims the decrease in «false positives»<sup>2</sup> is due to the measures taken by the Ministry of Defence in November 2008 after publicly recognising the cases of extrajudicial executions. Additionally, CINEP explains that these measures are the result of work by NGOs, the Office of the United Nations High Commissioner for Human Rights, and the international community —which had major impact in the mass media—, as well as investigations undertaken by the Public Prosecutor’s Office.



First semester of 2009: From «false positives» to Social intolerance and colective threats.

These figures contrast with the exponential growth of murders relating to «social cleansing». According to CINEP, there were 180 victims in 21 of the 32 departments of Colombia during the first six months of 2009. Equally concerning are the 82 collective threats distributed through pamphlets with the «same» content and design, and principally directed against persons living or working in marginalised sectors. This report does not analyse the dynamics of the violence or the relationship between the decrease in extrajudicial executions and the increase in threats and social cleansing. CINEP recommends that the Colombian government investigate the cases and continue implementing and following up on the adopted measures. CINEP also recommends a reformulation of security policy. ●

## Report by Reiniciar, september 2009

### «State intelligence as a mechanism of political persecution and sabotage against the defence of human rights.

### Is the intelligence law enough to end this systematic practice?»

According to Reiniciar Corporation<sup>3</sup>, the language in the Intelligence and Counter-Intelligence Law of March 2009 stresses the effectiveness and efficiency of intelligence activities and specifically the protection of the acquired information. Reiniciar recognises that the law includes

of information already gathered. In this respect, the law does not contest the practice by security agencies of equating human rights defence work with criminal activities. Furthermore, the cleansing of intelligence activities remains in the hands of the same agencies.

## «THE LAW DOES NOT CONTEST THE PRACTICE BY SECURITY AGENCIES OF EQUATING HUMAN RIGHTS DEFENCE WORK WITH CRIMINAL ACTIVITIES»

some limits to the State’s role —such as respect for human rights, international humanitarian law and the Colombian Constitution— and that information may not be gathered and stored for discriminatory reasons. For Reiniciar, even though the law establishes controls and rejects the evidentiary value of intelligence reports in legal proceedings, it does not provide any effective mechanism for the removal or correction

Reiniciar also questions the limits to the Parliamentary Legal Commission, which is in charge of controlling these intelligence agencies. Lastly, Reiniciar also believes the risk of irregularities by the State intelligence services has increased since the law broadens the power of intelligence agencies and allows the government to regulate aspects normally handled by the legislative branch. ●



1 «Primer Semestre de 2009: De los “Falsos Positivos” a la Intolerancia Social y Amenazas Colectivas», Centre for Research and Popular Education (CINEP), Special Report, October 2009

2 According to CINEP, there were two cases of extrajudicial executions with four victims in 2009

3 «La inteligencia estatal como mecanismo de persecución política y sabotaje a la defensa de los Derechos Humanos. ¿Es idónea la Ley de Inteligencia para erradicar esta práctica sistemática?», Reiniciar Corporation, September 2009



## Carmelo Agámez to stand trial after a year in prison

The regional coordinator for the National Movement of Victims of State Crimes (MOVICE) in the department of Sucre has been accused of having ties with paramilitarism, an illegal activity he had always spoken against and which had caused him to receive death threats on multiple occasions. After the Prosecutor General and the Sucre Superior Court recognised the existence of irregularities in the legal proceedings, the 28th Prosecutor's Office of the National Anti-Terrorist Unit in Bogotá—to which the case had been re-assigned—decided to summon Carmelo Agámez to trial. He could be convicted and sentenced to prison for three to six years for the crime of conspiracy to commit a crime.

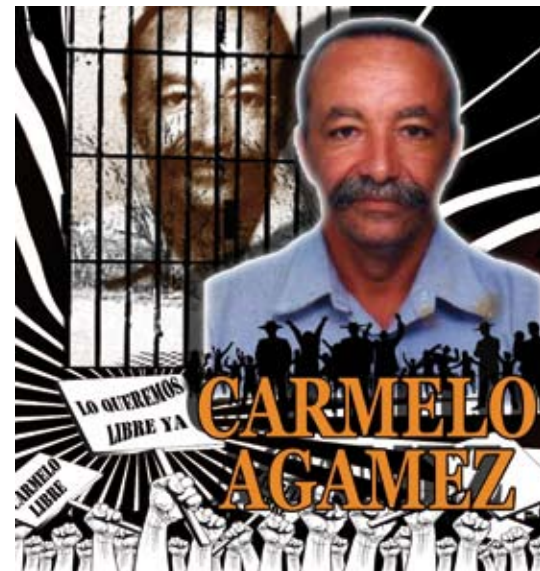
Carmelo Agámez, MOVICE regional coordinator in Sucre, has been in jail since November 2008. He spent his first months in the La Vega Prison in Sincelejo (Sucre) along with some of the paramilitaries he had spoken out against in the past. Presently, he is being held at the prison in Corozal due to pressure from human rights organisations and the international community. The travesty subjected upon Mr. Agámez began when the wife of the former mayor of San Onofre, Jorge Blanco, and the former municipal councilor from Rincón del Mar, Luís Carlos Hocón, accused him of having participated in a meeting in 2002 with the paramilitary chief of the Heroes of the Montes de María Bloc, Rodrigo Mercado Peluffo, aka Cadena, and of having run for municipal councilor in the period from 2003 to 2007 with support from paramilitary structures.

This November, the 28th Prosecutor's Office of the National Anti-Terrorist Unit in Bogotá decided to summon Carmelo Agámez to trial despite the fact the Sucre Superior Court and the Prosecutor General confirmed the violation of due process. For instance, initially he was not allowed to know the evidence against him and his residence was searched irregularly. Moreover, there is evidence of misconduct by the prosecutor who opened the investigation and the Superior Court has ordered for him to be investigated for the allegedly unfounded accusation against Mr. Agámez.

### Carmelo Agámez has always been a victim of paramilitarism

The script to this film could have been written by Kafka or Dante, but Mr. Agámez's history of accusation, detention and criminal investigation is very real. The prosecutor in Sincelejo (who himself is currently being investigated), Mr. Martínez Mendoza, overturned a request for house arrest made by the defence. According to the prosecutor, Carmelo Agámez could represent a danger to society in San Onofre from his residence, since «he could possibly continue to commit crimes with the AUC criminal enterprise». In this respect, the prosecutor totally disregarded the fact that in 2006 the Inter-American Commission on Human Rights granted precautionary measures of protection to Carmelo Agámez—in addition to another seventeen members of social organisations—, after their names appeared on an extermination list allegedly drafted by politicians with ties to paramilitary structures. Since then, nine of these persons have been murdered. Throughout the legal proceedings, Mr. Agámez's political background has been ignored as well as the fact that he has been a victim of the crimes committed by paramilitaries and has politically opposed those who have benefited from paramilitarism. For instance, in April 2009—while Carmelo Agámez was in jail—a list was distributed by the illegal organisation Former Military Members for Peace (EXMIPAZ), which among other things mentions Mr. Agámez with the

purpose of «eradicating this harmful ilk» and granting him 72 hours to leave Sincelejo and San Onofre. This threat declared that «we are waiting for those jailed here». According to press releases and public statements, several MOVICE members in Sucre recently received threatening telephone calls, harassment and pamphlets, despite the legality of their work. ●



Part of a campaign by MOVICE in favour of the liberation of Agámez.

**THE PROSECUTOR TOTALLY DISREGARDED THE FACT THAT IN 2006 THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS GRANTED PRECAUTIONARY MEASURES OF PROTECTION TO CARMELO AGÁMEZ**

1 Luís Carlos Hocón was recently arrested due to his alleged ties with paramilitarism. In October 2008, the paramilitary Marco Tulio Pérez, aka El Oso, provided testimony before a prosecutor from the Justice and Peace Unit, which implicated thirty politicians with the AUC, including Jorge Blanco. These are the same proceedings that involve the defendant Carmelo Agámez. «Entre el poder político y el abuso sexual en San Onofre», Verdadabierta.com, 23 October 2008

2 «Carta abierta al Fiscal General de la Nación sobre el caso de Carmelo Agámez», MOVICE, 24 March 2009. Carmelo Agámez belonged to the Patriotic Union, an opposition party whose members and supporters have been systematically threatened and even murdered by these same paramilitary structures.

3 «Colombian Attorney-General Orders Investigation of Prosecutor for Corruption», Human Rights First, 14 July 2009

4 Response from the Second Specialised Prosecutor in Sincelejo, Rodolfo Martínez Mendoza, concerning the request for house arrest for Carmelo Agámez, 21 May 2009

5 «Comunicado Público a la opinión nacional e internacional: ofensiva del estado contra organizaciones y miembros del movimiento de víctimas», MOVICE, 21 November 2008

6 Ibid. 5

7 «Desde la Injusta Prisión 32 Por la libertad de Carmelo Agámez», statement from Agámez in press release by the Inter-Church Justice and Peace Commission, 18 November 2009

8 «Constancia y Censura Ética», Inter-Church Justice and Peace Commission, Press Release, 14 April 2009

## Resisting the eradication of peasant life

Peasant families from the Catatumbo region create a Humanitarian Refuge to draw attention to the armed conflict and social and economic problems.

Catatumbo is located on a forgotten corner of Colombian territory. Dirt roads, which are only passable by all-terrain vehicles, reach rural communities that lack a minimum of social investment. The peasant population in the area has lived in the midst of the armed conflict and thousands of persons have been forcibly displaced. In order to survive, the peasant population considers its only opportunity is growing coca crops. This year, the Colombian government has continued with the fumigation and eradication of illicit crops. According to Margarita Silva, secretary of the government of Norte de Santander, this policy has created a humanitarian crisis in the region<sup>1</sup>.

«The fumigations cause skin illnesses, rashes and colds for adults and children», explains Elías Naom Quintero, health coordinator for the Humanitarian Refuge in Catatumbo and member of the Catatumbo Peasant Farmer Association (ASCAMCAT)<sup>2</sup>. «Not only coca is fumigated, but also all subsistence crops like cassava, plantain and corn. Fumigations have destroyed everything. So, what can this poor man do? He has abandoned his land since there is no social investment»<sup>3</sup>.

Since 29 April 2009, along with hundreds of peasant families in the region, ASCAMCAT established the Humanitarian Refuge in the rural community of Caño Tomás (municipality of Teorama) in the northern part of Catatumbo, near the border between Colombia and Venezuela. The purpose was to set up a peace territory to draw attention to the situation in the area, the lack of social investment and alternatives to coca crops, human rights violations committed by legal and illegal armed actors, and the possibility of coal exploitation by multinational companies<sup>4</sup>.

«We live without dignity», says Naom. «As opposed to what everyone believes, we don't earn a lot from growing coca. One only makes enough to survive. We don't have beds, chairs, bathrooms, toilets or electricity. There are no health centres. Education is mediocre in the existing few

schools. We do not want our children to have to grow coca because the State has not given them any alternatives».

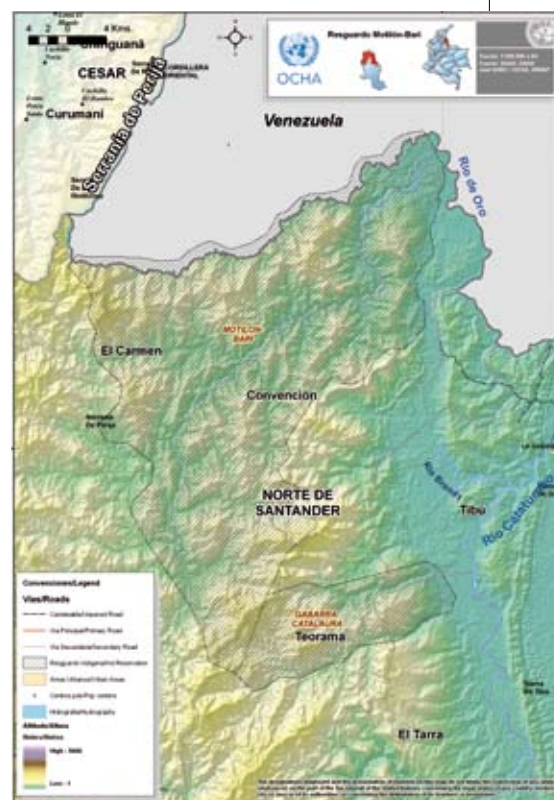
### Commitments from the State

After some unsuccessful attempts, a space for dialogue was achieved with government authorities through three roundtables, which have included the participation of national and international organisations, the mass media, the Human Rights Ombudsman's Office, and human rights representatives from the Vice-President's Office and the government of Norte de Santander.

In response to the demands made by the peasants, these State institutions have committed to the establishment of public hearings and a departmental table to guarantee the rights of human rights defenders and members of these organisations; advice on plans for assistance and protection against violations to human rights and international humanitarian law (IHL); the creation of a development plan for Catatumbo in which ASCAMCAT will participate; and a package of humanitarian financial aid for 500 families<sup>5</sup>.

While waiting for the Colombian State to fulfil its commitments, the people from the communities making up the Humanitarian Refuge remain in a highly vulnerable situation. They are in the midst of an armed conflict in an area with mine fields and often impassable roads. Despite the warnings at the perimeter of the camp prohibiting the entrance of armed actors, the guerrilla and the national army have not heeded this demand<sup>6</sup>. Due to these harassments, the Ombudsman's Office has requested protection measures for the population<sup>7</sup>.

Although the conditions in the camp are difficult, the alternative is even worse: abandoning their land to live in urban poverty. «If we go to the city,» concludes Naom «it would be to beg, live under a bridge and perhaps be killed. Since there are no alternatives, we have to protest here». ●



Map of the Catatumbo Region in Norte de Santander. The Humanitarian Refugee can be found in the municipality of Teorama.

1 Up to the end of November, 500 hectares planted with coca has reportedly been fumigated in Catatumbo, but the police expect to spray 5,000 hectares of illicit crops. «Piden parar la fumigación a los cultivos ilícitos en Catatumbo.» El Tiempo, 18 April 2009

2 Interview at the Humanitarian Refuge with Elías Naom Quintero on 6 June 2009. ASCAMCAT is one of the organisations accompanied by the Luis Carlos Pérez Lawyers' Collective (CCALCP). Due to this accompaniment, PBI has been to the Humanitarian Refuge on three different occasions.

3 Ibid. 2

4 «Las comunidades del Catatumbo Bajo nos declaramos en campamento refugio humanitario!» Prensa Rural, 14 May 2009

5 «Importantes compromisos de las autoridades con los campesinos del Catatumbo», Prensa Rural, 5 October 2009

6 «Denuncian hostigamientos del Ejército sobre refugio humanitario», El Tiempo, 23 July 2009; «Ejército Viola Nuevamente el Refugio Humanitario», International Peace Observatory, 6 October 2009; «Guerrilleros irrespetan el territorio del campamento refugio humanitario.» Prensa Rural, 28 May 2009

7 «Defensor del Pueblo solicita medidas eficaces de protección para población vulnerable en N. de Santander», Human Rights Ombudsman's Office, 31 July 2009



## British Petroleum in Casanare

Colombian social organisations publish a 165-page report on the oil multinational BP and the impact of oil extraction in the department of Casanare.

The Social Corporation for Community Advisory and Training Services (COS-PACC)<sup>1</sup> is a social organisation which—as part of its human rights defence work—researches the oil multinational British Petroleum’s responsibility in social, economic, cultural and environmental impact in the department of Casanare. COS-PACC participated in the publication of the report «Casanare: exhumando el genocidio»<sup>2</sup>, published on 31 October 2009. The following is a summary of the report.

### British Petroleum arrives in Casanare

BP came to Colombia in the 1920s, but only since 1986 did it establish a significant presence through the acquisition of land along the foothills of the Eastern Andean Range. According to the report, BP provided for and sponsored the presence of foreign mercenaries that supported -and support- extraction operations. The report also stresses that BP contracted Colombian security forces to protect its enterprise. The Colombian army, through the 18th Brigade, continues to receive aid from British Petroleum. In addition to these formal contracts, the company also gives a monthly bonus from between 700,000 to 800,000 Colombian pesos to the brigade’s commissioned and non-commissioned officers for their role in the protection of oil infrastructure<sup>3</sup>.



Yvonne Berner, Sylvain Lefebvre (PBI) and Fabián Laverde (COS-PACC) in Casanare.

The report highlights that the region is characterised by a high degree of militarisation. The 18th Brigade also receives significant US economic aid, which presumably is conditioned to human rights standards. However, in reality, the most violent period in the region began in the 1990s -and continues up to now- with surveillance, stigmatisation and murder carried out by paramilitary groups against organised peasant farmer populations and members of Community Action Boards. Forced disappearances have become a common practice of these groups.

### The impact of oil exploitation

In the 1990s, BP’s oil exploitation very quickly turned these plains, which had been a remote agrarian expanse, into the principal area for oil production in Colombia. Foreigners and citizens from other regions of Colombia came to benefit from the oil wealth, which created a radical transformation of the region’s social and cultural conditions. The small-scale farmer was turned into a labourer for the oil industry, diminishing the possibilities of workers and their families for creating conditions to guarantee food security and sovereignty<sup>4</sup>.

According to the report, the appropriation of natural resources has also generated diverse negative environmental impacts, including the destruction of water

**«ONE OF THE MOST SIGNIFICANT DAMAGES CAUSED HAS BEEN THE PERSECUTION AND EXTERMINATION OF SOCIAL MOVEMENTS»**



Cover to recent report. COS-PACC will also publish the book «Por dentro e’soga» —a saying from Casanare— concerning human rights violations committed in Casanare under the influence of British Petroleum.

resources, changes to the ecosystem from the burning of gas, soil damage caused by exploration and the construction of unplanned roads.

Many cruel methods have been used to persecute persons representing social movements in the region. One of the most significant damages caused in the department has been the persecution and extermination of social movements. The report provides a timeline of this aggression and includes cases of forced disappearances, forced displacement, acts of physical and psychological torture, kidnapping, arbitrary detention and selective murders committed since 1987. ●

<sup>1</sup> PBI signed an accompaniment agreement with the Social Corporation for Advice and Community Training (COS-PACC) in August 2009.

<sup>2</sup> «Casanare: exhumando el genocidio», Centre for Research and Popular Education (CINEP), Noche y Niebla, and COS-PACC, 31 October 2009. COS-PACC gathered the cases in collaboration with CINEP. The publication is part of the «Victims and Rights» campaign, which was proposed by diverse social and human rights organisations.

## Political outlook

The last few months have been marked by discussions concerning the proceedings of a referendum for the possibility of a second presidential re-election. The mass media also paid close attention to the controversy between the Colombian president and the Supreme Court magistrates over the election of the new Prosecutor General. Furthermore, new information was revealed concerning scandals relating to the illegal activities carried out by State intelligence agencies. Internationally, there was heavy media coverage on the issue of the bilateral military agreement signed between Colombia and United States and the conflict between the governments of Venezuela and Colombia.

### What is happening with the referendum?

On the evening of 1 September 2009, after having been passed in the Senate, the House of Representatives approved the law to convene a referendum on presidential re-election. This referendum was immediately signed by President Uribe and now must be studied by the Constitutional Court, before it may be legally approved. In terms of the «normal» functioning of institutions, there is not enough time for the Constitutional Court to complete its study before the next presidential elections. «The judges will have to work two shifts—their associate judges and lawyers, three shifts—; the proceedings will have to be practically reduced in half and the discussions will have to end after half a cup of coffee»<sup>1</sup>. The National Electoral Commission, the Inspector General's Office<sup>2</sup> and the Public Prosecutor's Office<sup>3</sup>

### Who will be the new Prosecutor General?

A second re-election could consolidate the executive branch's already effective domination of Colombian State institutions, as demonstrated in a study by the organisation Dejusticia<sup>7</sup>. The dispute between the Supreme Court of Justice and President Uribe over the three candidates nominated for the election of the new Prosecutor General could also be read in the same terms. «The Court is absolutely clear in that the three candidates are unviable»<sup>8</sup>, stated the president of the Supreme Court, Augusto Ibáñez, with the reason being that the candidates were not experts in the area of criminal justice<sup>9</sup>. Since the Court first rejected the list of three candidates, there have been several failed attempts at conciliation. Up to now, two of the initial candidates withdrew

### Illegal intelligence?

The last PBI Colombia quarterly newsletter (October 2009) mentioned the scandal concerning State intelligence agencies, specifically the Department of Administrative Security (DAS). «Although several directors and high-level officials at the agency [...] have been detained or prosecuted by the Public Prosecutor's Office for espionage operations as well as open complicity with paramilitary groups. These illegal espionage operations have continued, demonstrating [...] an organised plan from the highest spheres of the government to consolidate power through intimidation, harassment, and weakening opposition leaders»<sup>13</sup>.

For instance, there has been extensive surveillance and intimidation carried out against the José Alvear Restrepo Lawyers' Collective (CCAJAR)<sup>14</sup>, the journalist Claudia Julieta Duque<sup>15</sup>, and Supreme Court magistrates<sup>16</sup>, and the possible intellectual responsibility of then-deputy director of the DAS, José Miguel de Narváez, in the murder of the humorist and journalist Jaime Garzón ten years ago<sup>17</sup>. The president publicly denied any responsibility in the scandal, instead blaming others, as occurred during the Anti-Corruption Community Council in Bogotá on 17 October 2009: «A person in jail paid [...] to encourage these interceptions [...] in order to harm the government»<sup>18</sup>. Despite the president's statements, the scope of the scandal involving the DAS—an institution directly depending on the president's office—crosses national borders.

## A SECOND RE-ELECTION COULD CONSOLIDATE THE EXECUTIVE BRANCH'S ALREADY EFFECTIVE DOMINATION OF COLOMBIAN STATE INSTITUTIONS

are investigating possible irregularities in the process undertaken by the Referendum Promotion Committee. Although the president himself has not made any explicit pronouncements on whether he will run for a second re-election<sup>4</sup>, members of his Cabinet, such as Minister of the Interior and Justice Fabio Valencia Cossio, have publicly defended the possibility arguing that once the referendum is passed it would become the law and the President would be able to seek his second reelection. This concept is part of the political theory put forth by Uribe's supporters, where the rule of opinion is valued above the rule of law as an evolution of the latter<sup>6</sup>.

without the Court changing its opinion. As a result, President Uribe has verbally assaulted the judges: «I continue on. The Court is politicised. It is left-wing and not a body guaranteeing [fundamental rights] rather it is a political body»<sup>10</sup>. This issue has no solution on the horizon. The news programme Noticias Uno demonstrated the «many similarities»<sup>11</sup> by comparing a speech by President Uribe at the Community Council in Ibagué on 31 October 2009, with a speech given in 1992 by then president of Peru, Alberto Fujimori, who justified the so called «self-coup»<sup>12</sup> when he removed the functions of the judicial branch.

### Espionage and military bases

Over the last two weeks of October, a new conflict unleashed between Venezuelan President Hugo Chávez and his Colombian counterpart. Once again Venezuelan troops have been sent to the border of the two countries, just as after the attack against the FARC camp in



# THERE HAS BEEN EXTENSIVE SURVEILLANCE AND INTIMIDATION CARRIED OUT AGAINST CCAJAR,<sup>4</sup> CLAUDIA JULIETA DUQUE AND SUPREME COURT MAGISTRATES



Rokko Fermo (PBI) interviews Iván Cepeda on the human rights situation in Colombia.

Ecuadorian territory, which killed Raúl Reyes, a member of the insurgent group's secretariat. After the military agreement was signed between the governments of Colombia and United States, the massacre of eight Colombian citizens in the Venezuelan province of Táchira (bordering Colombia), the responsibility for which has yet to be confirmed<sup>19</sup>, and the arrest of two DAS agents in Venezuelan territory, Chávez told members of the armed forces «to prepare for war as the best way to avoid it»<sup>20</sup>. The history of «cold war» espionage carried out between the two governments goes back to at least 2002, when a coup d'état was attempted against Hugo Chávez in Venezuela<sup>21</sup>.

Today, the military agreement between Colombia and United States is another reason for the increasingly aggressive bilateral relations. This agreement would allow US troops to use several military bases in Colombian territory. According to one analysis, the agreement is «so elastic, anything fits»<sup>22</sup>. And the projection of the US Air Force (USAF) incorporates «full

spectrum operations in a critical subregion [...] under constant threat from [...] Anti-US governments»<sup>23</sup>. The unilateral manner of the Colombian government's actions and the lack of written guarantees do not only generate concern in Venezuela. In this respect, the presidents of Argentina and Brazil, Cristina Fernández and Luiz Inácio Lula da Silva, expressed in a joint statement «their concern for the regional presence of military bases belonging to extra-regional powers, incompatible with the principles of respect for sovereignty and the territorial integrity of the States in the region»<sup>24</sup>.

The Colombian government gains from Chávez's warlike rhetoric, since «a long list of acts [scandals] are disappearing from the news»<sup>25</sup> as occurs with the old principle of looking for an external enemy when confronted with domestic problems. In this respect, perhaps «the most important vote for the Colombian president will come from his counterpart in Venezuela»<sup>26</sup> and, despite the legal problems facing the re-election referendum, Uribe could be newly elected as the president of Colombia. ●

1 «El tiempo no da: Uribe no podrá lanzarse a la reelección», Carlos Cortés Castillo, La Silla Vacía, 4 September 2009  
 2 «Procuraduría investigará posible entrega de prebendas a cambio del referendo», El Espectador, 24 September 2009  
 3 «Fiscal agilizará proceso contra promotores del referendo», Caracol Radio, 26 August 2009  
 4 «La reelección "depende de Dios": Uribe», El Espectador, 19 October 2009  
 5 «Si se aprueba el referendo se convertirá en "norma superior de orden público": Mininterior», Caracol Radio, 25 October 2009  
 6 «Estado de opinión y bases», Caja de Herramientas, Year 18, n° 134, October 2009  
 7 «Mayorías sin democracia. Desequilibrio de poderes y Estado de derecho en Colombia 2002-2009», García Villegas, Mauricio and Revelo Pebolledo, Javier Eduardo, Dejusticia, Bogotá, 2009  
 8 «A pesar del nuevo tornado, la Corte no está convencida», Semana Magazine, 21 October 2009  
 9 «La "terna inviable"», Cambio Magazine, 23 September 2009  
 10 «El líder contra la justicia», El Espectador, 11 October 2009  
 11 «Las coincidencias de Uribe con Fujimori», Noticias Uno, 1 November 2009  
 12 «Autogolpe de Fujimori», Terrorfileonline.org, 5 April 1992  
 13 «Colombia: Coyuntura julio-septiembre», América Latina en Movimiento, 19 October 2009  
 14 On 5 November 2009, this case was denounced at a public hearing before the Inter-American Commission on Human Rights (Case 12.380). www.cidh.org/audiencias/137/29.mp3  
 15 «Un grave incidente de seguridad afecta a Claudia Julieta Duque», Equipo Nizkor, 22 October 2009  
 16 «¿Complot o cortina de humo?», Semana Magazine, 26 September 2009  
 17 «Jaime Garzón 10 años de impunidad.» Contravía, 17 September 2009  
 18 «Presidente Uribe pide que se investigue a fondo tema de las chuzadas», Radio Santa Fe, 17 October 2009  
 19 «Cuerpos de ocho colombianos asesinados en Venezuela ya fueron repatriados», El Tiempo, 27 October 2009  
 20 «Chávez pidió al pueblo venezolano prepararse para la guerra», El Espectador, 8 November 2009  
 21 «El espionaje colombiano contra Venezuela: el magnicidio y otros tenebrosos fines», América Latina en Movimiento, 30 October 2009. See also: «El informe Arzayús», El Espectador, 7 November 2009  
 22 «Así quedó el acuerdo de las bases», La Silla Vacía, 4 November 2009  
 23 «FY 2010», Military Construction Project Data, May 2009  
 24 «Presidentes de Argentina y Brasil ratificaron su preocupación por acuerdo Colombia-E.U.», El Tiempo, 18 November 2009  
 25 «Uribe-Chávez o la vanidad», El Espectador, 9 November 2009  
 26 Ibid.

## NOTICIAS UNO COMPARED A SPEECH GIVEN BY URIBE IN 2009 TO ONE GIVEN BY FUJIMORI IN 1992 IN WHICH THE LATTER JUSTIFIED THE SO-CALLED «SELF-COUP» THAT LEFT PERU'S JUDICIAL BRANCH WITH ESSENTIALLY NO POWER

## Violations of privacy

Reflections on the impact of intelligence operations against human rights defenders.

By Carlos Beristain<sup>1</sup>



CCAJAR, one of the organisations subjected to DAS surveillance. Some of CCAJAR's members: Eduardo Carreño, Soraya Gutierrez, Osvaldo Alvarez, Jomary Ortegón, Rafael Barrios, Pilar Silva, Carlos Beristain (doctor and psychologist), Reinaldo Villalba and Martha Lucia Botero following a psycho-social workshops facilitated by Beristain and the PBI team of volunteers who work on Rebuilding the Fabric of Society.

### Dimension of the events and their impact

In many countries, human rights defenders have been the targets of harassment and intelligence activities meant to control their movements, including a perverse espionage into their private lives. The dimension and extent of the recently revealed intelligence activities, harassment, and control carried out against human rights defenders demonstrates a high-level political decision. In the case of Colombia, the recent discoveries—as well as their impact—have an unknown dimension in many countries.

In psycho-social terms, this impact may manifest itself as a strong sensation of vulnerability, given that all aspects of one's personal, family and collective life have been spied on and turned into

counter-insurgency objectives. This feeling of vulnerability leaves the affected persons helpless against the State's power. It also represents a violation of personal privacy that can be understood when compared to some of the frequent effects of a sexual violation: attack against one's dignity, control of privacy, sensation of dirtiness, pain, humiliation and shame, or perceived stigmatisation.

Moreover, these acts also generate a sense of unpredictability and can seem to have total control over one's life. The evidence is present, but impunity reigns over the acts and the victims lack guarantees.

Lastly, the consequences may be seen in no longer perceiving one's minimum security and living under ongoing threat.

The State's complete and exhaustive investigations examined movement, residence, trips, personal relationships, family, personality and children, among other factors, which can generate a sense of terror considering the possibility of violent actions being carried out against the person, family or collective. It also gives «meaning» to some of the actions carried out in the past against some of these persons and also creates a sense of uncertainty for the future.

### Understanding the events in terms of personal and collective effects

The implicated level of political decision, the impunity of the perpetrators, the means used for these actions, the amount of control over different social actors, the depth of the information and surveillance undertaken, and the achieved measures of control, are frightening. Nonetheless this analysis of the modus operandi needs to be done without losing sight of reality. This overwhelming experience may have a collective cost in cohesion or an impact on work (distrust in everything and everyone as a way to deal with uncertainty and vulnerability). Moreover, it also has an enormous emotional cost that needs to be processed collectively. Frequently, there are reactions of inhibition such as not talking

**«FINALLY, THE CONSEQUENCES CAN REACH A LEVEL WHERE THE PERSON NO LONGER FEELS EVEN A MINIMUM LEVEL OF SECURITY AND SUFFERS UNDER THE CONSTANT SENSE OF THREAT TO HIS OR HER LIFE»**



# «IT ALSO HAS AN ENORMOUS EMOTIONAL TOLL THAT NEEDS TO BE PROCESSED COLLECTIVELY»

about problematic issues, retreating into particular tasks, neglecting collective aspects or maintaining defensive or irritable personal interaction, and creating subgroups, among other behaviour.

After the first days, there may be a phase of shock in which what is happening seems impossible. Confusion or the inability to evaluate the situation tends to prevail. Often this is an overwhelming or paralysing situation. At the same time, situations of crisis may arise due to the emotional, personal, or family-related implications of the acts.

Traumatic responses frequently include fear for oneself or others—especially for family members and children—; anger about the injustice of the acts or the impunity of the perpetrators and responsible politicians; feelings of guilt or responsibility, trying to personalise something pertaining to the public sphere and the responsibility

of the perpetrators; traumatic recollection or memory of other prior acts; and ambivalence between emotional expression and inhibition due to the contradiction of personal need and what is believed to be constructive for others. Realising this may aid in being more flexible with oneself and understanding some of the impacts that may occur.

Family members may also be gravely affected given that family and emotional relationships have become targets of direct intelligence and control activities, turning the family into an exponent of the terror. This increases the perceived risk for human rights defenders and their families, along with feeling more defenceless.

Insofar as the individual and the group, actions need to be specified to take certain control of the situation and the individual or collective lives. ●



Eduardo Carreño (CCAJAR) and Simone Droz (PBI).

Carlos Beristain is a doctor and psychologist. He has worked in several countries with human rights groups and victims of violence doing mental health support.

## Learning and opportunity

There may be different levels of learning or concrete actions. Clear steps of action and protection must be taken with respect to what has occurred, including management of personal behaviour, communication with family members, and demands to the State.

Actions, which may turn this major vulnerability into a strength, include the following: raise the level of visibility of the operation through denunciations and confiscated documents; identify the perpetrators at different levels of the organisation and their direct responsibility in the acts; and take national and international political and legal actions, which provide future protection.

One should not maintain the perception of control (they know everything about me) or paralysis (I cannot do anything).

From the perspective of accompaniment, personal situations and individual support

needs should be taken into account, including the consideration of the following:

- Specific needs of the persons most affected by the acts
- Fear and perception of personal insecurity
- Anger management
- Impact of the acts within a greater context of past experiences
- Management of family and inter-personal relationships
- Mechanisms to adapt to the tension or fear
- Level of affectation from stress and individual confrontation mechanisms

Insofar as group management, the protection of communication is fundamental. One of the objectives should be to take care of the internal dynamic of the organisation as this ensures a more satisfactory relationship and more effective work. The most serious indicator of discomfort and impact on a group is the breakdown of internal trust.

It is often difficult to find the time or way to talk about these problems, since it may be considered useless, that it will burden others, or that it is best avoided as a way to keep calm. These are normal and even adaptive responses, but at times these responses also block a more open and frank dialogue that allows approaching the problems with family or significant personal relationships. Additionally, collective spaces for processing will also be needed.

Knowing this does not avoid the problem. However, it may help in making sense of the acts and finding a space and strategies to strengthen oneself in the present context. ●

## Step by step along a rocky path

After more than a decade, internally displaced families return to their town in the region of Lower Atrato, Chocó

Photo: Adrian Johansen



In order to mark off the new Humanitarian Zone of Andalucía, a peasant farmer cuts down trees to make a fence.

**D**awn arrives to the Curbaradó River Basin, a territory within the Lower Atrato, department of Chocó. On 12 September 2009, seven of the 50 families return to Andalucía after having been displaced from their community 12 years ago.

After the violence of «Operation Genesis», several companies introduced the cultivation of oil palm or African palm —as a raw material for biofuels—<sup>2</sup>, spreading a dark shadow over more than 25,000 hectares in the Curbaradó River Basin. The integrity of this land, which a hundred years ago had been considered one of the greatest environmental reserves in the world, was completely transformed. Trees, rivers, streams, birds and animals disappeared and schools, houses, churches and cemeteries were destroyed<sup>3</sup>.

It is eight in the morning and some 70 Afro-Colombians and indigenous persons come to Caño Claro from nearby areas to support the expected return. They will help mark off the new Humanitarian Zone (HZ) and cut down palm as an act of dignity and life. Tears flow from many of them as they remember the foundation of a home, now only inhabited by memories, concealed under enormous palm trunks.

Along the way, we pass the former cemetery of the hamlet of Andalucía, an area inhabited by workers from Urapalma and Palmas del Curbaradó, companies illegally invading these properties. The original cemetery from the 1960s was destroyed and the remains were flushed into the adjoining terrain divided by a palm drainage ditch<sup>4</sup>, where the bones and clothes of the deceased buried in the former cemetery may still be found.

«They did not even respect the memory of our deceased. They did not respect the lives of human beings, the wealth of the rivers and the trees. At most, only five trees remain standing today. The rest were destroyed. The forests were older than we are. Water sources, rivers and streams, birds and animals that no longer exist»<sup>5</sup>.

We walk a little more and come to a canteen used by workers under the orders of Jaime Sierra, palm businessman with the company Palmas del Curbaradó<sup>6</sup>.

We enter the former hamlet of Andalucía, where the ruins of the school are the only things left standing. On this

In 1997, 50 families were forcibly displaced from the hamlet of Andalucía, driven by the violence committed during «Operation Genesis». This military operation, carried out jointly by the 18th Brigade and paramilitaries<sup>1</sup>, left a wake of murders, forced disappearances, theft and burnt property. Three years ago, some of these displaced families dared to return to some land near the hamlet of Andalucía, the owner of which, Enrique Petro, made it available to shelter these victims of violence and forced displacement. This was the first Humanitarian Zone established in the Curbaradó River Basin, located in Caño Claro.

day, beds, kitchen, and meeting space will have to be improvised by turning the school into a refuge of bedding and tents to shelter the families returning to the land where they had raised the roofs of their houses. Many nostalgically remember stories of their childhood and youth and sadly point to the small plot of land where their children used to play. They look to the mountains in the horizon woven in blue with mottos of hope and peace.

The community work begins with marking off the area, fixing signs indicating the population is protected by the Inter-American Commission of Human Rights and cutting down palm lying within the property. Some people start building their houses. You can see the emotion in people's eyes, also the sadness.

Don Elías —the legitimate owner of the land where the new Humanitarian Zone of Andalucía is now being built— shows us where his house used to be. Three mango trees are still there, the only memory remaining besides some foundation discovered under the weeds. Life will continue to be difficult from



# «THEY DID NOT RESPECT THE LIVES OF HUMAN BEINGS, THE VALUE OF THE RIVERS AND THE TREES»

Photo: Adrian Johansen



Peasant farmer constructing a new house in the Humanitarian Zone of Camelias.

this moment on since it will be hard to grow crops on land still damaged from the palm roots. Oil palm demands a lot from the earth, leaving it quite sterile. Since it is native to Africa, it needs to have very dry land to grow, so lands were drained by creating large canals. Land takes thirty years to recover once the palm has been removed<sup>7</sup>.

## A court ruling forces the removal of the companies

On 2 November 2009, the Chocó Administrative Court issued a ruling confirming the many declarations made by the peasant farmers over the years. The court ruling is binding for the 42 «occupants in bad faith», including nine palm companies, two livestock companies, merchandisers, and 29 persons who all must vacate the collective land belonging to the community. Although the departure of these parties should be imminent, they remain and the companies continue their activities<sup>8</sup>.

23,000 hectares of collective property, which was seized by the palm and livestock companies, continues to be occupied in the Curbaradó River Basin<sup>9</sup>. According to INCODER Resolution 2424 of 2007, 29 individual properties are still in the possession of these persons, even though there are many open cases and several national and international court rulings.

At the Humanitarian Zone of Camelias, a few hours from Andalucía, people returned to their land in mid

2008. Nonetheless, on approximately 70% of the collective land, the Palmas S.A. and Urapalma companies continue to grow vast illegal tracts of oil palm. This land, which was violently seized from the legal proprietary communities in 2001 through paramilitary operations allowed by the 18th Brigade, presently comprises 1,050 hectares.

Due to «bud rot» —a disease affecting African palm in this region—, these same companies (and others that want to enter in the area —like BANACOL) are beginning to grow other kinds of mono-crops, including plantain, cassava or corn, which are also used to produce biofuels<sup>10</sup>.

On 15 February 2008, a new phase began in the process for the collective and individual properties, which were «occupied in bad faith» by palm, livestock and lumber companies. In February 2009, nearly 254 hectares in El Cetino, up to then cultivated illegally by Agropalma, and 1,050 hectares in Camelias were «returned» in an act without legal support to make it effective. An issue of concern is that the material restitution of the property holds the communities responsible for resolving the phytosanitary problem caused by the diseased palm<sup>11</sup>.

Dusk arrives and the beds are ready. The seven families that returned to Andalucía today may close their eyes and think about what they have dreamed for so long: «returning to their land and beginning a life planted with new hope». ●

At the request of CIJP, PBI accompanied the families' return as an observing organisation. Statesecurityforcesalso provided perimeter protection as part of the precautionary measures granted to the Curbaradó River Basin communities by the Inter-American Commission on Human Rights (IACHR)<sup>12</sup>.

1 «La Tramoya: Derechos Humanos y Palma Aceitera. Curbaradó y Jiguamiandó», Inter-Church Justice and Peace Commission and CINEP Databank, 2005; «Operación Para "Pacificar" Urabá Devolvió A. Del Río A La Prisión», El Tiempo, 5 September 2008

2 «Palma, bendita que se hizo maldita. el caso del Curbaradó y Jiguamiandó», Inter-Church Justice and Peace Commission, January 2007

3 «Han pasado 12 años... y estamos dignificando nuestra vida», Inter-Church Justice and Peace Commission, 29 September 2009

4 «Los usurpados del Chocó», Semana Magazine, 14 March 2009

5 Ibid.

6 «Constancia y Censura Ética 170209», Inter-Church Justice and Peace Commission, 17 February 2009

7 «La palma africana», Ecoportal.net, 10 July 2006

8 «Orden judicial para restituir predios comunitarios en Curbaradó y Jiguamiandó», Inter-Church Justice and Peace Commission, 5 November 2009; «Violación de derechos humanos por siembra de palma africana en territorios colectivos de Jiguamiandó y Curbaradó», Ombudsman Resolution N° 39 of 2 June 2005, Human Rights Ombudsman's Office

9 «Devolución parcial de tierras en Curbaradó», Inter-Church Justice and Peace Commission, 19 February 2009

10 «Amenazas para empresariales, plan gota a gota de exterminio Curbaradó y Jiguamiandó.» Inter-Church Justice and Peace Commission, 24 November 2009

11 Ibid.

12 «Informe sobre la Visita al Terreno.» Inter-Church Justice and Peace Commission, <http://www.cidh.org/countryrep/MPColombia2.20.09.sp.htm>.

## For a peace with a woman's face

The Women's Social Movement against War and for Peace has an agenda of activities for the next three years.



March by the Ruta Pacífica women's organization on the 25 november 2009 in Bogotá.

Ten years ago a group of women supported by the Grassroots Women's Organisation (OFP), dared to share their hope of reaching a genuine peace with social and gender justice. Today, a decade later, more than forty organisations accompany the Women's Social Movement against War and for Peace. Their motto «Women do not give birth or raise children for war», identifies them and their full agenda for the next three years.

A lot has been done over the last decade: letters from the «Women's Chain for Peace» (where women express the effects of war on them and their communities); demonstrations on the 25th of every month; meetings and workshops; and mobilisations in the Magdalena Medio region and Bogotá. This organising process is meant to prepare women politically and also gather their feelings and proposals for peace. According to the movement, «women are not only victims of the conflict, but also political subjects in the discussion and construction of peace»<sup>1</sup>.

Throughout 2009, workshops and discussion groups have been carried out locally, regionally and nationally to deal with three thematic blocks: women, territory, and development;

women, war, peace, and democracy; and women and social movements. The idea was to share ideas and proposals with the perspective of constructing a «Peace Agenda» that bears in mind all political and social elements and prepares women politically.

### International conference

After years of sharing experiences, the movement hopes to internationally visibilise and denounce the situation for Colombian women within the framework of the social and armed conflict<sup>2</sup>. The proposal is to hold an International Women's Conference of the Americas in Bogotá in August 2010. This conference will have three components. First, it is proposed to have an international delegation of at least 200 women that will visit different regions of Colombia, where work has been previously carried out. This will be complemented with a seminar to share experiences and resistance processes from every country. An International Women's Court will also be established in Colombia on truth, justice, reparation and the guarantee of the non-repetition of events. Lastly, there are plans for a massive public political action bringing together more than 10,000 women.

**AN INTERNATIONAL WOMEN'S COURT WILL ALSO BE ESTABLISHED IN COLOMBIA ON TRUTH, JUSTICE, REPARATION AND A GUARANTEE THAT EVENTS WILL NOT BE REPEATED**

Another year and a new objective. In 2011, the social movement intends to establish women's courts, four regional courts (Southwest, Northeast, Centre and Caribbean Coast) and one national court. Within the framework of «truth, justice and reparation», these Courts will deal with different key issues for each region: human rights violations, land and multinationals, food security or cultural identity. The objective is to systematise the women's reflections, feelings and proposals on the issues worked on in the discussion groups and during the Latin American conference. In this respect, it is important to discover what happened to these women—and to their rights as women—in the midst of the armed conflict<sup>3</sup>. Then, the foundation for the «Peace Agenda» will be constructed from these organising processes of the Women's Social Movement against War and for Peace.

The cherry on the dessert will occur in 2012 with the disseminating the «Peace Agenda», which gathers together all of these proposals, feelings and reflections. This is the first peace proposal with the voice, thoughts and face of women. ●

<sup>1</sup> Yolanda Becerra, Meeting of Women's Social Movement against War and for Peace in La Dorada (Caldas), 8-10 November 2009

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.



## ACVC members face unfounded charges

Since 2007, several members of the Peasant Farmers' Association of the Cimitarra River Valley (ACVC) were imprisoned under charges of rebellion. Now, after their release from prison, the organisation is trying to rebuild itself.

The Peasant Farmers' Association of the Cimitarra River Valley (ACVC) was established in 1996. Since then, its members have been the victims of murders, death threats, arbitrary detentions, forced displacement, forced disappearances, acts of torture, the destruction of housing, and food and medical blockades. Five ACVC members have been murdered<sup>2</sup>. Another member, Miguel Cifuentes, survived an armed attack by paramilitaries<sup>3</sup>.

ACVC members Andrés Gil, Óscar Duque, Mario Martínez, and Evaristo Mena, were detained on 29 September 2007. The Association's apartment and office in Barrancabermeja were also raided. Furthermore, computers and documents belonging to the organisation were removed. The following day, military spokespersons told the press that 18 arrest warrants had been issued against the ACVC. This represented a new attempt to

dismantle the Association and hinder the organisation of peasant farmers and the demand for their rights<sup>4</sup>. As a result, many of the persons who were not arrested fled the country, temporarily suspending their activities with the Association.

Four months later, on 19 January 2008, other key ACVC members, Ramiro Ortega and Miguel Ángel González Huepa, were arrested under charges of rebellion. The son of the later, Miguel Ángel González Gutiérrez, also known as 'El Gallo', was murdered the following week. He was 23 years old and an active member of the Humanitarian Action Corporation for Co-Existence and Peace in Northeast Antioquia (CAHUCOPANA). Troops belonging to the Calibío Battalion of the Colombian Army's 14th Brigade reported him as a guerrilla member killed in combat<sup>5</sup>.

### Acquittal and release from prison

On 9 June, González Huepa was acquitted of the charges after an eleven-month trial marked by multiple delays of hearings and incongruent and contradictory testimony<sup>6</sup>.

On 2 July, the Public Prosecutor's Office revoked the arrest warrants for Luis Carlos Ariza, Miguel Cifuentes, Exenober Polanía, Eladio Morales, Wilson Vega, Gilberto de Jesús Guerra and Henry Palomo, ACVC members charged with the crime of rebellion<sup>7</sup>. According to the arguments in this decision, sufficient grounds did not exist to consider the need to impose the incarceration of the previously mentioned persons. Nonetheless, the criminal investigation remains open.

On 31 August, Andrés Gil was released on probation<sup>8</sup> without concluding the criminal investigation based on the testimony used in the case against Miguel Á. González, which the judge had recognised as lacking veracity and coherence.

The ACVC was weakened by the imprisonment of these members and the flight of others who were issued arrest warrants. Presently, the Association is in the process of reconstructing what these acts of persecution had almost completely destroyed. As if nothing had happened, the ACVC is returning to its work with strength and conviction. ●



Laura Nägele (PBI) and Miguel Ángel González Huepa from ACVC.

«In a criminal justice system plagued by impunity, the tenacity with which Colombian prosecutors pursue human rights defenders for supposed crimes is striking. While corruption and arbitrary actions are a systemic problem throughout the judicial system, those who peacefully promote human rights are singled out for particular intimidation through baseless investigations and prosecutions. Unfounded charges are often widely publicized, undermining

the credibility of defenders and marking them as targets for physical attack, often by paramilitary groups.

While defenders are not alone in being subjected to false investigations, their persecution is distinctive due to the nature of the charges and the methods of collecting, and falsifying, evidence. They are usually accused of rebellion and membership in a guerrilla organization». ●

1 «Baseless Prosecutions of Human Rights Defenders in Colombia: In the Dock and Under the Gun», Human Rights First, February 2009

2 Three presidents of community action boards and two members of the ACVC board of directors were murdered.

3 Press Release, ACVC, 5 March 2003

4 «La ACVC: una organización campesina perseguida injustamente por el Estado colombiano», Prensa Rural, 25 October 2007

5 «Clausurada formación de promotores de derechos humanos en el nordeste antioqueño», Prensa Rural, 10 December 2008

6 «El dirigente campesino de la ACVC recupera su libertad. Absuelto Miguel Ángel González Huepa Asociación Campesina del Valle del río Cimitarra», Prensa Rural, 9 June 2009

7 «Se cancelan órdenes de captura contra líderes campesinos de la ACVC», Prensa Rural, 14 July 2009.

8 «En libertad Andrés Gil, dirigente de la ACVC encarcelado por el régimen durante casi dos años», Prensa Rural, 1 September 2009

## District 13 wants room to breathe

Sister Rosa, as she is known to everyone, works with victims of violence in District 13. She provides emotional accompaniment to the victims of Operation Orion and of forced recruitment of youth. She has worked at the Mother Laura Convent for more than ten years and has a long history in human rights defence in different parts of Colombia and Latin America.

### PBI: What is the history of District 13?

**Sister Rosa:** District 13 is located in northwestern Medellín, has a population of approximately 160,000 inhabitants, and is made up of 24 neighbourhoods. The State abandoned this district for many years and this absence allowed a subversive group to gain position, even consolidating its authority within the population. Through mingas or community committees, the neighbourhood and grassroots organisations initiated the task of constructing housing and access to this housing. Families peacefully co-existed with this group.

In 2000, armed confrontations began to take place between the militia groups inhabiting the district and paramilitary groups. These heavy confrontations constantly intimidated the civilian population. Frequent harassment spread terror and fear within the inhabitants because the paramilitaries were trying to remove the militia and take control of the district. All of the groups recruited young people to strengthen themselves and confront their enemy. There were also murders, forced displacements, and the illegal deprivation of liberty. In 2001, confrontations worsened since neither group wanted to yield. In 2002 and by order of the president of Colombia, the militias were driven violently from the district through several joint operations by State security forces and paramilitary groups: Operations Antorcha, Mariscal and Orion marked the history of the district with the diverse human rights



Sister Rosa, who works in the Mother Laura convent in Medellín.

violations committed against the civilian population. Forced displacement, murders, arbitrary detentions, forced disappearances and extrajudicial executions, intensified. During Operation Orion—which took place on 16 October 2002—the community was subjected to indiscriminate gunfire from a helicopter and civilians were not allowed to take the wounded to medical centres.

After this operation, State security forces and paramilitaries exercised even more control over the territory. They controlled the population entering and leaving the district. They had illegal checkpoints, personal searches, arbitrary detentions, and all kinds

of abuses. Fear was generalised, but people did not say anything.

### PBI: How is the situation now?

**SR:** Since Operation Orion, things have not changed. There is paramilitary control. Selective murders, forced disappearances, recruitment of youth and children, and forced displacements, continue to occur. New gangs led by demobilised paramilitaries continue to commit crimes and fight over drug distribution, extortion payments, territorial control, and everything that may generate terror in the district.

Presently, I am concerned about the issue of children since they are the future of society and there are no guarantees for the free development and growth of their human potential. The armed group in the district begins to recruit them when they are six years old, breaking their dreams, fantasies, hopes, and even will to live. These children are used to transport weapons and drugs, to control territories, and many of them drop out of school. They are very vulnerable given their conditions of poverty and orphanhood that the war has caused for some of them. The children are also induced into

**«NEW GANGS LED BY DEMOBILISED PARAMILITARIES CONTINUE TO COMMIT CRIMES FIGHTING OVER DRUG DISTRIBUTION AND TERRITORIAL CONTROL, AND CONTINUE GENERATING TERROR IN THE DISTRICT»**



consuming and trafficking drugs. This situation has also easily given rise to child prostitution. Children have been threatened, forcibly displaced and even murdered for not joining these groups. Many mothers prefer to remove them from secondary and primary schools and keep them indoors all the time to keep them from being threatened and recruited by these groups. Many mothers have reached the extreme of not having their children live there.

**PBI: How about the threats against your organization and the work you do?**

**SR:** The situation concerns us since the Mother Laura Community is deeply involved with District 13 and cannot be detached from people's pain and suffering. We give concrete responses to the widows, orphans, the unprotected, and the victims of the conflict, opening a space for assistance and accompaniment where they are listened to and some solutions may be given. This work has bothered some of the armed groups, which at times keeps us from carrying out our work for the defence of life, because in some ways the victims have been visibilised so their experiences —and the violations of their rights— do not remain unpunished.

These groups are most annoyed by our recent denunciations and documentation of the involvement of children in the conflict. We have also been speaking out against closing La Escombrera in the district, where we suppose the bodies of disappeared persons may be found. On February 26, we had a meeting with different city government offices to present the documented cases of some children and undertake some security measures on the issue. Coincidentally, our office, which has information on everything concerning children, was broken into two days before the meeting. The computer was taken apart and it seems information was stolen. It should be mentioned that many valuable things in the office were left untouched. Obviously, this was concerning because there are no security guarantees for carrying out this work for the victims. After this incident, we began to see suspicious-looking people outside of the office and there were other attempted burglaries. On 20 October, an armed group tried to enter the convent. It is a threat and an act of intimidation against the community for it to stay silent.

# «THESE GROUPS ARE ANNOYED BY OUR RECENT DENUNCIATIONS OF THE INVOLVEMENT OF CHILDREN IN THE CONFLICT»

Photo: Jairo Ernesto Patiño. Fundación Dos Mundos / OACNUDH



Colombia: images and realities

According to the National Legal Medicine Institute, from January to September 2009, 122 homicides were committed in District 13, this being the highest rate of criminality in the city. According to the Human Right's Office in Medellín, this sector also has the highest number of cases of intra-urban forced displacement, 61 reported abuses<sup>1</sup>.

<sup>1</sup> «Operación Orión: siete años de conflictos no resueltos en comuna 13», Popular Training Institute (IPC), 15 October 2009

**PBI: How do you perceive the accompaniment from the international community?**

**SR:** The work you do —the support from the international community— allows us to breathe and believe we are not alone. There are people who think like us and this solidarity gives us support and accompaniment. We want the victims to receive more support and for you to speak to our government so it takes wise measures that contribute to the well-being of the people; so the aid sent to

our country does not increase the war or support the victimisers. People are tired of so many abuses and seeing the victimisers rewarded. I have a special request for the international community to look at how it may help the Colombian people in the construction of peace. The Colombian people suffer too much and do not even have the chance to raise their voices. This is a people full of hope and trust, first in the Lord and in the persons of good will who want to give a hand so one day we may breathe in peace and tranquillity. ●

## Youth fighting against impunity

Yessika Hoyos is a lawyer with the José Alvear Restrepo Lawyers' Collective (CCAJAR). Her father, the trade unionist Jorge Darío Hoyos Franco, was murdered by paramilitary groups in 2001. Today she is a member of the organisation Sons and Daughters, which seeks to recover the collective memory of their loved ones.

Yessika Hoyos is a founding member of the Sons and Daughters Movement for Memory and against Impunity. This past 17 September in Pittsburgh (Pennsylvania, USA), she received the 2008 George Meany-Lane Kirkland Human Rights Award from one of the oldest US trade union federations, which represents 10 million working persons, the American Federation of Labor – Congress of Industrial Organizations (AFL-CIO). Ms. Hoyos received this award for her fight to clarify the murder of her father, the trade unionist Jorge Darío Hoyos Franco, and for her work as a human rights lawyer. It is not only a recognition of Yessika Hoyos's work, but also a tribute to the more than 2,700 trade unionists murdered in Colombia since 1986<sup>1</sup>.

**PBI:** How did Sons and Daughters come into being?

**YH:** Sons and Daughters came into being because as young people from social organisations and universities we realised that we had the same history and the same questions and concerns. We were the children of members of the Patriotic Union, M-19, peasants and trade unionists. Our parents had been murdered, tortured and forcibly disappeared. We shared questions concerning how the histories of our parents were being forced to be forgotten, not the individual histories, but the organising processes they belonged to.

We realised that our history was being forgotten and we saw the importance

**«IN COLOMBIA IT HAS BEEN ACCEPTED THAT CRIMINALS ARE IN POWER. THIS IS WHY SEVERAL PERSONS BECAME MEMBERS OF CONGRESS, DESPITE HAVING TIES TO PARAMILITARIES»**



Yessika Hoyos with the symbol of the Movement of Sons and Daughters for Memory and Against Impunity.

of recovering the truth of these histories. Moreover, we realised how all of the human rights violations against our fathers and mothers remained totally unpunished. We decided to organise ourselves because we were still being stigmatised and falsely accused because we tried to reconstruct and recover our parents' struggles.

**PBI:** Can you tell us how you came to Sons and Daughters?

**YH:** My dad, Jorge Darío Hoyos Franco, a trade union leader, was murdered by paramilitary groups and members of State security forces on 3 March 2001. Like all victims, I had to face stigmatisation and the distortion of the truth. At first, it was said my dad was not murdered because he was a trade unionist, rather because of problems in his love life. Later, I had to fight for them to investigate his case so it would not remain unpunished. It has been eight years and we have only been able to convict the direct perpetrators.

**PBI:** Is Sons and Daughters represented in other cities or regions of the country?

**YH:** Sons and Daughters was born in Bogotá. Later, after carrying out activities for memory and against the social impunity reigning in the country, we opened offices in



# «WE WERE THE CHILDREN OF MEMBERS OF THE PATRIOTIC UNION, M-19, PEASANTS AND TRADE UNIONISTS. OUR PARENTS HAD BEEN MURDERED, TORTURED AND FORCIBLY DISAPPEARED»

Barranquilla, Santa Marta, Medellín, Barrancabermeja, and Villavicencio.

**PBI:** Collective memory and the fight against impunity are two important issues for Sons and Daughters. How do you try to strengthen and revive collective memory in the fight against impunity?

**YH:** Collective memory is very important for us. We are clear that the memory we are recovering is not the individual memory of our parents, rather that of the different organising processes they belonged to. Memory does not pertain to a few or to the family members; it belongs to everyone, to our whole generation.

In Colombia it has been accepted that criminals are in power. This is why several persons became members of Congress, despite having ties to paramilitaries. The country does not know the truth; rather it simply accepts the situation. We go out into the street with the batucada. We play drums and tell people we cannot accept that these people continue in power.

During previous legislative elections, we issued a call for memory and vetoed certain candidates, like Rito Alejo del Río, who was running for congress and as we well know has been involved with paramilitary groups and several massacres, principally in Urabá. We also vetoed Plazas Vega, who is presently in prison due to his responsibility in the forced disappearance of persons from the Law Courts.

# «THE RISKS WE FACE ARE NOT BECAUSE WE ARE SONS AND DAUGHTERS OF PERSONS WHO WERE MURDERED OR DISAPPEARED OR FOR THE STRUGGLES THEY WERE CARRYING OUT, BUT RATHER FOR WHAT WE ARE DOING NOW»

**PBI:** Sons and Daughters is a movement mostly made up of young people who apparently bring a certain «fresh air» to the social and human rights movement. Are there other youth organisations working similar issues?

**YH:** Sons and Daughters is made up of a generation from more or less the 80s up to now. We are different in that we carry out politics through culture. We use drums. We go out into the street. We have concerts. We know that through other forms of expression we can tell people what is happening. We tell them our stories and truths.

Our histories are sad. Everything that has happened in Colombia has been painful. We want to fill the movement with happiness because it is no longer a time for death. We commemorate these times of struggle, the times for which our parents ended up murdered or disappeared.

**PBI:** Do you have ties with the Sons and Daughters movements in other countries?

**YH:** We have ties with Sons and Daughters in Argentina, Chile, Guatemala, Mexico and Sweden (the latter was created by Latin American refugees). There are many youth groups throughout the country, which fight for memory and against impunity, among other issues. Many groups support us when we pay homage or have forums on memory. There are groups that paint or make videos. There are also youth groups against violence.

**PBI:** What do you think about the risks you face?

**YH:** The risks we face are not because we are sons and daughters of persons who were murdered or disappeared or for the struggles they were carrying out, but rather for what we are doing now. In Colombia there is a policy for forgetting; there is no policy for memory. This means certain cases and things are remembered as the State wants them remembered and not as they really happened. The mere act of questioning this supposed truth and continuing to believe we can construct a different world puts us at risk. We go out and tell certain people: «You are criminals and have been in public service, even though you have murdered us and continue to murder». This puts us at risk.

**PBI:** What do you see for the future?

**YH:** Sadly, I see a difficult near future since more people are being killed, we continue to be jailed, and we continue to suffer even worse persecution. The latest false accusations and incidents demonstrate this. The very president of Colombia went on television to call human rights defenders and victims terrorists. A little while ago, the army murdered the husband of indigenous leader Ayda Quilcué and later threatened her underage daughter. Then, she was issued an arrest warrant, which is utter persecution.

I want to view the distant future optimistically. I want to see that as social organisations and movements we can resist all of these attacks and confrontations and that real change may come to this reign of terror and persecution that murders us. ●

<sup>1</sup> Colombia has the largest number of murdered trade unionists in the world. According to information obtained by the National Labour School (ENS), more than 2,700 trade unionists have been murdered since 1986. From January to June 2009, ENS recorded 20 murders of trade unionists.

# Weaving networks: organisations

In November 2009, the offices of the PBI country group in the United States (PBI USA) and the office representing PBI Colombia in Washington, D.C., joined forces to organise a speaker's tour to visibilise the risks faced by communities in resistance and some of the organisations accompanied by PBI in different regions of Colombia. In this respect, these two offices decided to invite the

During the speaker's tour, which took place from 9 to 23 November, Bernardo Vivas (CAVIDA), Fabián Laverde (COS-PACC), and Álvaro Manzano (ACVC), visited the capital of the United States, Washington D.C., and the states of North Carolina, South Carolina, and Georgia. While there, they had the chance to present their situation before members of Congress, officials from the Department of Labour, the Inter-American Commission on Human Rights and at public events hosted by organisations allied with PBI, such as the Washington Office on Latin America (WOLA). During their visit they also had interviews with national print and radio media and gave presentations at American University, the University of North Carolina, and the University of South Carolina.

«It is very important that people from the US listen to the voices of hte people that have to live the reality of the policies and agreements made between the governments of the US and Colombia»,

**«AT PRESENT, THERE ARE 4.5 MILLION FORCIBLY DISPLACED PERSONS IN OUR COUNTRY. PROJECTS SUCH AS THE PAN-AMERICAN HIGHWAY WOULD GENERATE EVEN MORE DISPLACEMENT BECAUSE THEY PASS THROUGH OUR TERRITORIES»**

stated Katherine Hughes-Fraitekh, executive director of PBI USA. «These organisations are trying to live in harmony with humanity and the environment, despite having to survive in the midst of a conflict. The problems they must face are shared by millions of persons throughout the world. This is why we want to invite them here in order to learn about the reality of their lives, their resistance, and their ongoing struggle for peace and justice».

## School of the Americas

At the end of the speaker's tour, the participants attended the annual vigil in front of the School of the Americas, located at the Fort Benning military base in Columbus, Georgia. Every year, approximately 20,000 persons attend this event to commemorate the deaths of eight persons —among them, six Jesuit priests—, who were murdered in El

## Testimonies

Although they come from different regions of Colombia, all of the organisations shared similar concerns regarding the connection between economic interests in their regions and systematic human rights violations.

**B**ernardo Vivas, CAVIDA representative, stressed CAVIDA's concerns for the possible implementation of large-scale infrastructure projects in the Cacarica River Basin. «Presently, there are 4.5 million forcibly displaced persons in our country. Projects such as the Pan-American Highway and the energy network would generate even more displacement because they pass through our territories», stated Vivas. «Only 1.5 percent of the persons who have been forcibly displaced have been able to return to their land. For CAVIDA, this was possible due to the creation of Humanitarian and Biodiversity Zones, which allow us to protect human life and nature through national and international accompaniment from such organisations as the Inter-Church Justice and Peace Commission and Peace Brigades International». ●



Bernardo Vivas (CAVIDA)



Fabián Laverde (COS-PACC)



# accompanied by PBI visit the U.S.

Cacarica Community for Self-Determination, Life and Dignity (CAVIDA), the Peasant Farmers' Association of the Cimitarra River Valley (ACVC), and the Social Corporation for Community Advisory and Training Services (COS-PACC), to visit United States to share their stories and present their organisations' projects and self-protection mechanisms.

Salvador by Salvadoran soldiers trained at the School of the Americas. The participants on the speaker's tour gave a workshop on self-protection mechanisms and also spoke on the event's main stage.

The visitors stressed the impact of being able to give their speeches and share their experiences with other victims of soldiers who graduated from this training programme sponsored by the US government. For Fabián Laverde, «it was gratifying to participate at this vigil in front of the School of the Americas. I also believe it was politically beneficial since it was possible to vindicate the good name of the victims of the dirty war existing in the region, a war perpetuated by the actions or omission of the 16th Army Brigade, most of the commanders of which have been trained at the School of the Americas».

Through this speaker's tour, PBI tried to provide a space for these organisations to explain and visibilise the reality experienced by Afro-Colombian, peasant and indigenous

communities. Moreover, PBI tried to create space for these organisations to share with social movements in United States. Álvaro Manzano noted that in addition to showing interest in listening

to their stories, the US organisations «showed their commitment to work hand in hand and continue to move forward with us so one day we may all share a better world». ●



Bernardo Vivas (CAVIDA), Jacobo Blickenov (PBI), Fabian Laverde (COS-PACC) and Álvaro Manzano (ACVC) on tour in the US.

Fabián Laverde, member of COS-PACC, shared the experience of peasant and indigenous communities in the department of Casanare, a centre of oil exploitation by the British Petroleum Company. «For over twenty years, this multinational has heavily deteriorated the environment and the regional culture, causing peasants to lose their agricultural work and employ themselves in different oil activities, which has created a food crisis». Furthermore, Laverde stressed the connection between this crisis and US foreign policy. «At the end of the Second World War, United States turned the issue of oil in the world into a question of national security. Most of the oil extracted from Casanare is taken to United States to satisfy the high energy demand. This situation has meant thousands of forcibly disappeared persons, forced displacement, and dozens of cases of extrajudicial executions». ●



Álvaro Manzano (ACVC)

Álvaro Manzano, representing the ACVC, explained the harmful effects of fumigations in the area where his organisation works. «Besides the damage caused by the fumigations, there is also a major risk of displacement. As peasants, we realise we do not have the guarantees to prevent displacement. The Peasant Farmer Reserve Zone, an important mechanism to avoid displacement in the future, has also not been recognised. For a long time, we peasants have been proposing policies for the substitution of illicit crops». ●

## 15 years protecting the path to peace

On 16 October 2009, PBI Colombia commemorated 15 years in the country with the presence of human rights organisations and the international community.

### CHRISTIAN SALAZAR, UNHCHR

«This year a climate of fear and intimidation in many communities registered a little higher than what we are used to. It began with a wave of pamphlets and emails relating to social cleansing. However, they were increasingly directed against specific organisations and persons. In fact, according to the Ministry of the Interior, twice as many threats have been registered this year. We also face a situation of more raids and information thefts. This year, over the last months, there have been more problems with the arbitrary detention and criminal investigation of human rights defenders».

### BERENICE CELEYTA, Association for Social Research and Action (NOMADESC)

«I am here and alive thanks to the effective and timely action of the accompaniment by international organisations, in particular the physical presence of Peace Brigades International in Colombian territory. I keep the memory of many courageous men and women who came to Colombia from Europe, United States, Canada, Mexico and Peru. These persons have given life and significance to solidarity —a concept so distant for so many, so poorly employed by others, and absolutely necessary for those of us who propose to continue to work for social justice, dignity and comprehensive respect for human rights. After 15 years of solidarity and protection, Peace Brigades International has gradually become a family ever closer to those of us who have had the chance to be accompanied. Over the last fifteen years, their presence in the country has been and continues to be decisive for the perilous work of defending human rights».

### ELKIN RAMÍREZ, Corporation for Judicial Freedom (CJL)

«Our gratefulness multiplies as the outlook for accompanied organisations becomes increasingly difficult and unclear. We especially say this due to the ongoing situation faced by the communities and social organisations we accompany (accompanied indirectly by Peace Brigades International), in addition to the difficult situation of violence and human rights violations occurring over these last five years».



Andrea Zängle (PBI) and Elkin Ramírez from the Corporation for Judicial Freedom.

### MIGUEL ANGEL HUEPA, Peasant Farmers' Association of the Cimitarra River Valley (ACVC)

«International accompaniment has played a very important role in the defence of human rights in Colombia. Due to our legitimate work, we have suffered threats, murders, forced displacement, criminal prosecutions, stigmatisation and false accusations. Consequently, it has been fundamental to receive this solidarity and support from diverse sectors, which allow us to open many spaces and discourage persecution against our leaders. I hope that we may continue in human rights work as it is the only light and future for our communities».

### WILSON DAVID HIGUITA, Peace Community of San José de Apartadó

«When we left for Europe, some of us had been asked: “What do you do to treat the trauma suffered by children who have been orphaned?” We reply: “When a foreigner arrives and merely greets the children and plays with them for a couple of minutes, this may be the cure to remove the trauma of having their father murdered, their mother murdered, or their sibling violated disgracefully.” This has been our response».

### SORAYA GUTIERREZ, José Alvear Restrepo Lawyers' Collective (CCAJAR)

«Today, we want to present this flower to all of our friends at Peace Brigades. This rose is a symbol of hope as we break the chains of injustice and impunity. PBI has accompanied so many women and men who persist in this fight for life, dignity, and peace with social justice. They have not only accompanied us, but have also protected our work and strengthened these networks of solidarity and hope for all of us who believe that another Colombia could be different».



## «Some leave, others arrive, and we meet along the way»

Nadia and Irene <sup>1</sup> meet: One is leaving PBI after four years with the project as a volunteer in Urabá and Bogotá, serving later as the project's Strategy and Security Analyst. The other arrived in August to support the Psycho-Social Area. A project nourished by volunteers needs to have turnover. The Communications Area participated in this chat filled with reflections, concerns and lessons about the experience in PBI Colombia. Here is a summary.



Nadia Akmoun (PBI) and Iván Cepeda (Manuel Cepeda Foundation)



Mario Martínez (ACVC) and Irene Santiago (PBI)

**IRENE: Tell me about a special moment in your time with PBI.**

**NADIA:** There are so many... Ten days after arriving to Turbo, Orlando Valencia, a peasant leader for some of the Afro-Colombian communities in the Lower Atrato, was forcibly disappeared and this affected me greatly. I had just come to the country and knew the context in theory, but not the reality of the violence, its effects, the fear, or the impressive dignity of the people. Later, I emotionally followed the return of these communities to their land to organise themselves as Humanitarian Zones in 2006. The attacks they suffered have been very tough—death threats, attacks, murders—, but they have also been able to return to their territory and the government recognises their property.

**IRENE: What does a PBI volunteer do when they arrive and are immediately faced with violence?**

**NADIA:** The commitment of the Colombian people strengthened me a lot because I witnessed their courage and how, despite everything, they are still determined in their struggle. From the outside, some question the value of PBI's work. However, when you are next to the people who suffer violations to their rights, yet continue with strength, you know what you do and why you are here.

**NADIA: And you, what emotion defines your arrival to Colombia?**

**IRENE:** I have a lot of energy and drive. I feel like I am really doing something meaningful. Violence here is overwhelming. It is easy to become hopeless from not seeing the light at the end of the tunnel. But then you experience people's resistance, how they continue in their struggle despite the threats, persecution and stigmatisations. It is a privilege to be at their side and support this struggle.

**NADIA: What do you think you will contribute and receive?**

**IRENE:** I suppose that my work has to do with the impact of violence on PBI members. But another aspect also has to do with living together and how we build our human relationships. In this respect, my contribution has to do with looking after the emotions of those in PBI, both here in Colombia and abroad, and with the impact of being overexposed to pain. In general, this means taking care of our humanity and understanding ourselves from our diversity in order to be able to support human rights defenders. I hope to feel I contribute to the protection of the work space of these persons and organisations in Colombia.

**NADIA: What did you do in Venezuela before coming to Colombia?**

**IRENE:** For four years, I was in the neighbourhoods of Caracas working in social psychology for community organising and participatory processes. When the political conflict erupted, along with many other people and organisations, I tried to open spaces for peace culture and conflict resolution. We worked with dialogue in the midst of social and political polarisation. When I returned to Barcelona, my homeland, I continued with the issues of peace culture and psycho-social assistance for political violence. I was also involved in social movements concerned with the conflict between Israel and Palestine and other countries in the Middle East. Colombia means continuing with spaces to fight against social injustice in the world. In this sense, it is one step further along in this process.

**IRENE: How are you going to continue with your life when you leave PBI?**

**NADIA:** I am going to continue with my commitment to human rights, but explore other paths. ●

1 In 2005, Nadia Akmoun began as PBI volunteer in Turbo, and then in Bogotá, until she joined the Area of Strategic Planning. She left PBI in November 2009. Irene Santiago joined the Psycho-Social Area in August 2009.



Protecting human rights defenders since 1994

[www.pbi-colombia.org](http://www.pbi-colombia.org)



Peace Brigades International volunteers and other international accompaniment organisations together with Colombian human rights defenders during an event commemorating PBI's 15 years in the country, Bogotá 16 October 2009

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.

**PBI International Delegation**

**Development House**

56-64 Leonard St., London EC2A 4JX, UK

Tel. (+44) 20 4065 0775

[admin@peacebrigades.org](mailto:admin@peacebrigades.org)

**PBI Colombia Project**

Rue de la Linière, 11

1060 Brussels (Belgium)

Tel. (+32) 2609 4400

[info@pbicolombia.org](mailto:info@pbicolombia.org)

**PBI Delegation in Colombia**

Apartado aéreo 36157

Bogotá (Colombia)

Tel. (+57) 1287 0403

[info@pbicolombia.org](mailto:info@pbicolombia.org)