

Colombia

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Baseless prosecutions and imprisonment of human rights defenders

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Defending human rights in Colombia: a high risk activity

Several reports by Colombian and international organisations and coalitions — as well as the United Nations— indicate that the defence of fundamental rights¹ is a dangerous job in Colombia. This was also confirmed by the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concluded her visit to Colombia on 18 September 2009. According to Sekaggya, «patterns of harassment and persecution against human rights defenders, and often their families, continue to exist in Colombia»².

At the end of 2009, coalitions and organisations from many countries launched the national and international campaign «Colombia: Human rights defenders under threat» for the right to defend human rights in Colombia. The campaign identified five issues which harm the free exercise of this important work: impunity in cases involving human rights defenders; the misuse of State intelligence against defenders; systematic stigmatisation by the State; unfounded criminal proceedings; and problems with the protection programme for defenders at risk³.

Of these issues, impunity represents the most difficult challenge faced by the Colombian State. As indicated by the cited reports and the persons interviewed for this newsletter, many of the cases in which human rights defenders are victims of harassment or persecution remain in total impunity. To date, no perpetrator has been convicted for this type of intimidation.

This serious situation was the reason for which Peace Brigades International (PBI) came to Colombia. After more than 16 years accompanying human rights defenders and organisations that carry out alternative social and economic projects and non-violent resistance against the pressure they are subjected to within the framework of the armed conflict, there is still an «environment of intimidation and insecurity»⁴ for those who carry out these types of activities.

In order to draw attention to the situation faced by social and political movement in Colombia, PBI dedicates this issue of its newsletter to the different forms of repression perpetrated against human rights defenders, using as a point of reference the issues specified by the previously mentioned international campaign. ●

1 As stated in the United Nations Universal Declaration of Human Rights and several subsequent international conventions on economic, social, cultural, civil and political rights.

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

3 «Colombia: Human rights defenders under threat», www.colombiadefensores.org

4 «Report from the Special Representative of the UN Secretary General on the question of human rights defenders in Colombia», 27 February 2002.

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Photo from cover:

Learning to unfold hidden realities from voiced dreams. Henry Villegas Salazar (FDM-OACNUDH)

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United Nations registers a critical human rights situation in Colombia

Christian Salazar Volkmann,

Representative for the United Nations High Commissioner for Human Rights (UNHCHR)

In general, the full achievement of human rights in Colombia is affected by an internal armed conflict exacerbated by organised violence and, in particular, factors relating to drug trafficking. In the past, this situation has harmed the functioning of the country's democratic institutions and socio-economic development. In the present, it will continue to present grave risks to the lives and well-being of many Colombians belonging to vulnerable groups. As the array of issues and challenges in human rights and international humanitarian law in Colombia is vast, I will concentrate on certain key issues without this meaning many other issues of concern do not exist for the High Commissioner.

Extrajudicial executions

Extrajudicial executions represent an issue of major concern for the UNHCHR office in Colombia. The Prosecutor's Office is investigating more than 1,200 cases with more than 2,000 victims (122 of them women and 59 underage children), figures which confirm that these alleged executions were not isolated incidents. Last year, we registered a drastic reduction in extrajudicial executions, but the elimination of this grave human rights violation will depend on structural reforms within the Colombian armed forces as well as on progress in the fight against impunity, that is the Colombian justice system convicting the responsible parties.

Nonetheless, we have noted strong resistance to internal reform and criminal investigations. In fact, some members of State security forces, as well as certain social circles, have repeatedly made offensive statements against those who report cases of executions, adopt corrective measures, investigate the cases, and punish the responsible parties. Furthermore, we also have registered pressure against prosecutors, threats against witnesses, and attempts to murder the family members of the victims. Even active members of State security forces, who have decided to collaborate with the justice system, have received threats.

In view of this panorama, it seems we are facing a pattern of harassment to impede progress in the criminal prosecutions being carried out against the alleged perpetrators of these crimes. I believe this resistance will intensify throughout 2010 and every possible action must be undertaken to counteract these tendencies.



Christian Salazar (UNHCHR) at the event commemorating PBI's 15 years in Colombia.

Post-demobilisation groups

Another phenomenon which causes great concern is the expansion of the illegal armed groups emerging from the paramilitary demobilisation process and the increasing violence they exercise against the civilian population. In 2009, the following acts of violence committed by these groups have been registered: massacres, selective murders, threats, forced displacements,

and sexual violence. The victims of these groups have included members of grassroots organisations, indigenous people, Afro-Colombians, and local public officials. In many cases, these people are involved in land restitution processes or the management of public resources.

The organised violence employed by these groups in several urban and rural areas

allows them to exercise a visible degree of «social control». Additionally, these groups also continue to forcefully involve children and youth —through deceit or economic incentives— in drug trafficking, organised murder, and surveillance, among other activities. These groups evolve rapidly and continually and will probably continue to expand even more in 2010.

Indigenous peoples and Afro-Colombians

In 2010, indigenous peoples and Afro-Colombians continue to be the population groups most vulnerable to the risk of death and the discrimination of their rights.

In 2009, the number of homicides against indigenous people increased 63% with respect to the same period in 2008. Furthermore, their representatives were frequent victims of stigmatisation and threats. The two massacres perpetrated against members of the Awá people in February and August, in which 23 people died (including eight children), are tragic examples of the vulnerability faced by indigenous peoples.

The use of anti-personnel landmines has created many victims and has isolated many Afro-Colombian and indigenous communities. In a difficult social context of poverty and the lack of opportunities, the FARC-EP and the ELN continued to recruit children, many of them belonging to ethnic groups. This issue could worsen in 2010.

Sexual violence

Although we do not have representative data on sexual violence within the framework of the internal armed conflict, my office has received an alarming quantity of information on cases of sexual violence against women and girls, the responsibility for which was attributed to members of the FARC-EP and the illegal armed groups emerging from the paramilitary demobilisation process. Despite the fact that the Prosecutor General's Office has attempted to train its officials and create specialised units to investigate this issue, there continues to be widespread impunity with respect to acts of sexual violence.

Intelligence agencies

The fifth point I want to briefly highlight is the need for progress

«IN 2010 —AS IN PREVIOUS YEARS— IT WILL CONTINUE TO BE IMPORTANT FOR THE UNITED NATIONS TO SUPPORT HUMAN RIGHTS DEFENDERS IN COLOMBIA»

to be made in the control and reform of the country's intelligence services. In 2009, it was revealed to the public that —since at least 2003 and in a generalised and systematic nature— the DAS had been carrying out a series of illegal activities against human rights defenders, members of the political opposition, journalists, senior government officials, and Supreme Court judges, among others. The Inter-American Commission on Human Rights, a United Nations Special Rapporteur, and our office were also the object of surveillance. In many cases, these actions had the objective of neutralising the work carried out by the victims who were considered «legitimate targets» since they were potential opponents to government policy. The issue of the violations to fundamental rights is not limited to the DAS. Some members of State security forces also continued to employ State intelligence powers to carry out illegal and clandestine operations against social and political sectors critical of the government.

In 2010, the challenge is to determine the responsibilities and circumstances that facilitated the development of these illegal activities perpetrated by the DAS and identify who permitted and who benefited from these activities. Impunity —as well as the absence of democratic and supervisory controls over intelligence services— permitted this criminal conduct. In this respect, in addition to the announced liquidation of the DAS, legal, political and administrative requirements —as well as solid control and supervisory systems— must be established over all intelligence agencies. The reform of intelligence services entails institutionalising democratic control mechanisms, improving the protection of citizens' personal data, and installing effective and reliable mechanisms to purge archives.

Human rights defenders

Lastly, I want to highlight that in 2010 —as in previous years— it will continue to be important for the United Nations to support human rights defenders in Colombia. Last year, my office continued to observe cases of homicides, threats, arbitrary detentions, sexual violations, arbitrary searches of homes and offices of organisations, and information theft against human rights defenders.

The threats and murders against trade unionists, journalists, LGBT (lesbian, gay, bisexual and transgender) population, and those who promote their rights, continue to be motive of concern. Likewise, the situation for those who defend the ethnic and territorial rights of Afro-Colombian communities and indigenous peoples is also worrisome. The people who represent and support victims within the framework of Law 975 of 2005 —especially if they encourage the restitution of seized land— have been threatened and even murdered. Lastly, people who work for peace, community representatives, and officials who promote and defend human rights— for instance local human right liaisons and analysts from the Early Warning System— have also been threatened and murdered.

These violations are attributed to members of illegal armed groups emerging from the paramilitary demobilisation process, members of guerrilla groups—in particular the FARC-EP—and in some cases members of State security forces.

I want to conclude by returning to the issue raised at the beginning of the article: the internal armed conflict. If we want to substantially improve the human rights situation, we have to work for peace. I hope that 2010 brings new opportunities for Colombians to advance towards a lasting peace. In order to make progress in the fulfilment of human rights in the country, it is essential to end the internal armed conflict. ●

«The well-known “wiretapping” is the least the DAS did»

The DAS has certain constitutional functions as a State intelligence agency which falls under the direct jurisdiction of the Colombian president’s office. These functions include identifying threats against the Colombian State and carrying out criminal investigations as ordered by judicial authorities. Due to their alleged responsibility in the scandal concerning illegal telephone interceptions of judges, journalists, members of the political opposition, and human rights defenders, the Prosecutor General’s Office filed charges against seven former DAS officials, including former deputy director José Miguel Narváez¹. Lawyer Reinaldo Villalba of the José Alvear Restrepo Lawyers’ Collective—one of the principal human rights organisations targeted by the DAS’s surveillance— shares his thoughts with us on this issue.



Reinaldo Villalba (CCAJAR) at the office of the Lawyers’ Collective in Bogotá.

PBI: What is the difference between the DAS’s legal mandate and the practices which took place?

Reinaldo Villalba: The DAS identifies the risks and threats to national security posed by people believed to oppose government policies, which has included judges, members of the political opposition, and members of human rights organisations. In this respect, the DAS has become a service agency of the executive branch. The DAS carries out strategic intelligence against these organisations in order to give this information to the government.

PBI: If this doctrine and these types of practices have existed for so long, why was this scandal concerning the DAS revealed only now?

RV: It has to be understood that the intelligence work carried out against human rights organisations did not begin with the Álvaro Uribe Vélez government. However, these activities have intensified and increased during this government and this consists in much more than telephone interceptions. In military academies and the training programmes for these

agencies, human rights organisations are considered to be enemies rather than part of our democracy. For many years, members of these agencies have been trained under a doctrine of national security in which the civilian population is the enemy, which explains the systematic violation of human rights in Colombia and the genocide of the Patriotic Union—a legally constituted political party.

PBI: What is the relationship between the DAS and illegal structures?



Alirio Uribe (CCAJAR) and Sylvain Lefebvre (PBI) at a demonstration in front of the Inspector General's Office.

RV: Former DAS director Jorge Noguera Cotes is under trial for his involvement and membership in paramilitary structures and for allegedly providing lists of Colombian trade unionists to murder. Additionally, paramilitary chiefs have provided ample testimony to judicial authorities which demonstrate that senior DAS officials worked jointly with these paramilitaries. Former DAS director Andrés Peñate has also stated that paramilitary groups exercised exceptional control of the DAS in the departments along the Caribbean coast. This testimony has been provided by paramilitary chiefs and senior DAS officials. Another case involves former DAS deputy director José Miguel Narváez, who previously provided ideological instruction for paramilitary groups while he was a consultant for the DAS and the Ministry of Defence.

PBI: How may the President's Office be held responsible for these affairs?

RV: The case of the DAS is not the responsibility of a small group of officials who conspired to commit a series of crimes against those who were

believed to oppose the government. It has been proven that the DAS's activities were planned at the most senior levels of this agency. It is also known that a special structure—known as G3 (Special Intelligence Group)—was established within the DAS to carry out strategic intelligence against human rights organisations—that is, determine the risks and threats to the Colombian State and government. Recently, the president even recognised that he gave the orders to carry out intelligence against terrorism. If we look at the president's speeches, we see that terrorists are the Supreme Court judges who issued rulings not to his liking. In this respect, the president described human rights organisations and opposition members of Congress as allied with terrorism. The DAS was carrying out an activity the president had requested.

Furthermore, the DAS files contain express instructions to inform the president. This is not a simple deduction; rather, we found the physical instructions in the case files. Without a doubt, President Uribe is the person

Illegal actions by State intelligence agencies

As highlighted in the annual Report of the United Nations High Commissioner for Human Rights (UNHCHR) on the human rights situation in Colombia, the Administrative Department of Security (DAS) carried out several illegal actions against members of civil society, the judicial branch, and the international community³. These activities extended to the social networks of the human rights defenders and included telephone and email interceptions, surveillance, information theft, sabotage, and the de-legitimation of their work. Presently, the Prosecutor General's Office is investigating nearly 40 DAS officials, including four former directors. The most emblematic case is that of former director Jorge Noguera Cotes, who is presently under trial⁴. ●

most responsible for what has taken place. In no way may it be said that the president of the Republic did not have any knowledge of what was being carried out. The Prosecutor General's Office has yet to issue substantial decisions against former DAS directors. The president and his closest advisors must also be held responsible because it has been revealed that DAS members met with presidential officials on the issue of the DAS's activities.

PBI: It seems logical that a State agency would gather information on possible threats to the State. Nonetheless, how do you consider this agency exceeded the limits of control and espionage (and even threatened and murdered)? What is the extent of the DAS's espionage?

RV: The DAS became an organised criminal power structure in which communications interceptions —the well-known «wiretapping»— is the least the DAS did. The dimensions of its work are unimaginable since in addition to the wiretapping the DAS planned baseless criminal prosecutions and made threatening telephone calls. The DAS also mailed funeral wreaths and dismembered and decapitated dolls, which for example was received by a member of the Lawyers' Collective. The DAS also attained the keys to the home of a human rights defender, as in the case of Alirio Uribe, another member of the Lawyers' Collective, and it has been

learned that the DAS clandestinely entered his residence. Moreover, we have found case files with express orders to carry out acts of incendiary, explosive or information technology terrorism. This reveals the criminal dimension of the DAS's activity, in addition to what it means to have children as the target of their activities, causing them infinite terror. All of these activities by the DAS constitute crimes against humanity due to the scale and the generalised nature in which they were carried out (as they were evidently the result of a policy with all of the regional DAS offices involved in these operations). In other words, there was persecution as a crime against humanity. Furthermore, the crime of terrorism certainly took place since much of the Colombian population was kept in panic and ongoing terror. When a threat is made, it affects the individual and their family, work and social groups. Through these gruesome threats and messages, the crime of torture was also committed.

PBI: Do clandestine groups exist within the DAS? Have criminal responsibilities been determined in this respect?

RV: The G3 group was created without following legal requirements and against all regulations. As a result, it was an illegal creation and an illegal group. I do not know how this group could be considered clandestine

since everyone at the DAS knew of its existence, including the different offices of the DAS in Bogotá as well as all of the regional offices. It was unknown to us, but not within the DAS or the government. However, it was illegal. Presently, the G3's creation is being investigated. This conduct concerns individuals who have already been prosecuted for the crime of conspiracy to commit a crime (that is, a group of people who agree to commit illegal activities under the coordination of an illegally established group within the DAS).

PBI: It is being revealed that the protection programme for human rights defenders is another part of the control and espionage.

RV: Indeed, one of the DAS's tasks was to recruit the people who drove the armed vehicles provided as part of the security detail for human rights defenders. We know that many of these drivers sold themselves to the DAS and began to provide detailed information on the activities of the persons they protected, clearly confusing this protection with espionage, which is prohibited according to the Constitutional Court. Certainly, the DAS's protection office —which participates in CRER, a working group comprised of several State institutions established to define protection measures— also participated in this surveillance. Evidently, the protection measures were used to carry out



CCAJAR provides legal consultation to the Wiwa indigenous community.



Pilar Rueda, member of CCAJAR.

surveillance against human rights defenders. Obviously, as a result, organisations have lost all trust in this agency and are justified in rejecting this type of accompaniment.

PBI: How will the State intelligence continue to operate? Will the DAS be dismantled?

RV: This is a major dilemma since the DAS undoubtedly has not been fulfilling its constitutional and legal functions. To the contrary, it has become a criminal enterprise which commits all sorts of crimes, including grave human rights violations, drug trafficking, the protection of drug traffickers, and deleting the criminal records of drug traffickers. An institution that functions so poorly should not exist. Another problem is that we should not give the government, which is responsible for the whole situation, the power to create a new intelligence agency. This should be the task of a new government that contemplates intelligence within international and democratic parameters. First, it should not be a militarised agency. It is a difficult situation because it

could be said that the DAS needs to be dismantled. However, we do not have certainty that something will be built over these ruins based on democratic principles and with functions exclusive to an intelligence agency. Our concern is to make sure society does not forget what has happened, and to provide detailed monitoring of the trial and investigations of these cases in order to prevent impunity and guarantee that these acts are not repeated.

PBI: How does all of this relate to economic interests?

RV: For me, there is a direct relationship since orders were given to neutralise or restrict human rights activities—as for example our work to protect economic, social and cultural rights and the territory of indigenous and Afro-Colombian communities. Our comprehensive work affects the greed of multinationals which do not want to yield in the slightest to the rights of society as a whole. Economic power is above these rights. It may be observed that the DAS's activities included the surveillance

of trade unionists and their activities, especially those involving transnational companies. This is closely related to Plan Colombia and one of the DAS's concerns was the Observatory on Transnationals in Colombia². The undeclared objective of all of this is to defend major economic interests. In this respect, human rights organisations and trade unions become an obstacle for these economic powers which do as they please and are not willing to negotiate. For instance, it has become a hindrance that human rights organisations protect indigenous communities who defend their territory. ●

1 «A juicio siete ex funcionarios del DAS por escándalo de "chuzadas"», El Espectador, 26 January 2010

2 The Social Observatory of Transnational Companies, Megaprojects and Human Rights in Colombia is a partnership in solidarity between Colombian and international organisations with the purpose of offering alternatives to the human rights violations committed by transnational companies and large-scale development projects. See: www.observatoriocolombia.info

3 «Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia», UNHCHR, A/HRC/13/72, 4 March 2010.

4 «Inicio del juicio contra el Sr. Jorge Noguera, ex-Director del DAS», World Organisation against Torture (OMCT), 1 February 2010.

What is the protection programme for human rights defenders?

In 1997, the protection programme was created to assist populations at risk, including human rights defenders, trade unionists, and journalists. The programme is headed by the Ministry of the Interior and has the participation of several other State institutions, such as the Vice-President's Office, the Police, the DAS, the Prosecutor General's Office, the Inspector General's Office, and the Human Rights Ombudsman's Office, among others, as well as representatives from civil society who attend by invitation¹.



Jorge Molano has protection measures from the Ministry of Interior.

While the programme covered 10,716 people in 2008², in 2009 it grew to cover 11,179 people³, including 567 human rights defenders and 171 journalists⁴. In 2002, the programme had a US\$17 million budget. In 2009, it had a US\$47 million budget, which according to the Vice-President's Office «has permitted broadening the coverage of protection for human rights defenders»⁵. During her visit to Colombia, the United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, «welcomed the significant increase of funds dedicated to the National Programme for the Protection of Human Rights Defenders»⁶.

Presently, the Colombian government is reforming the protection programme.

In her statement, Special Rapporteur Sekkagya recommended that the government should take into account the special needs of women, indigenous peoples, and African-descendants⁷. Special Rapporteur Sekaggya strongly suggested that «State agents defending human rights, i.e. magistrates and staff members of the national and regional Ombudsperson's Office, be included in this programme. Furthermore, the process for applying for protective measures should be simplified and faster».

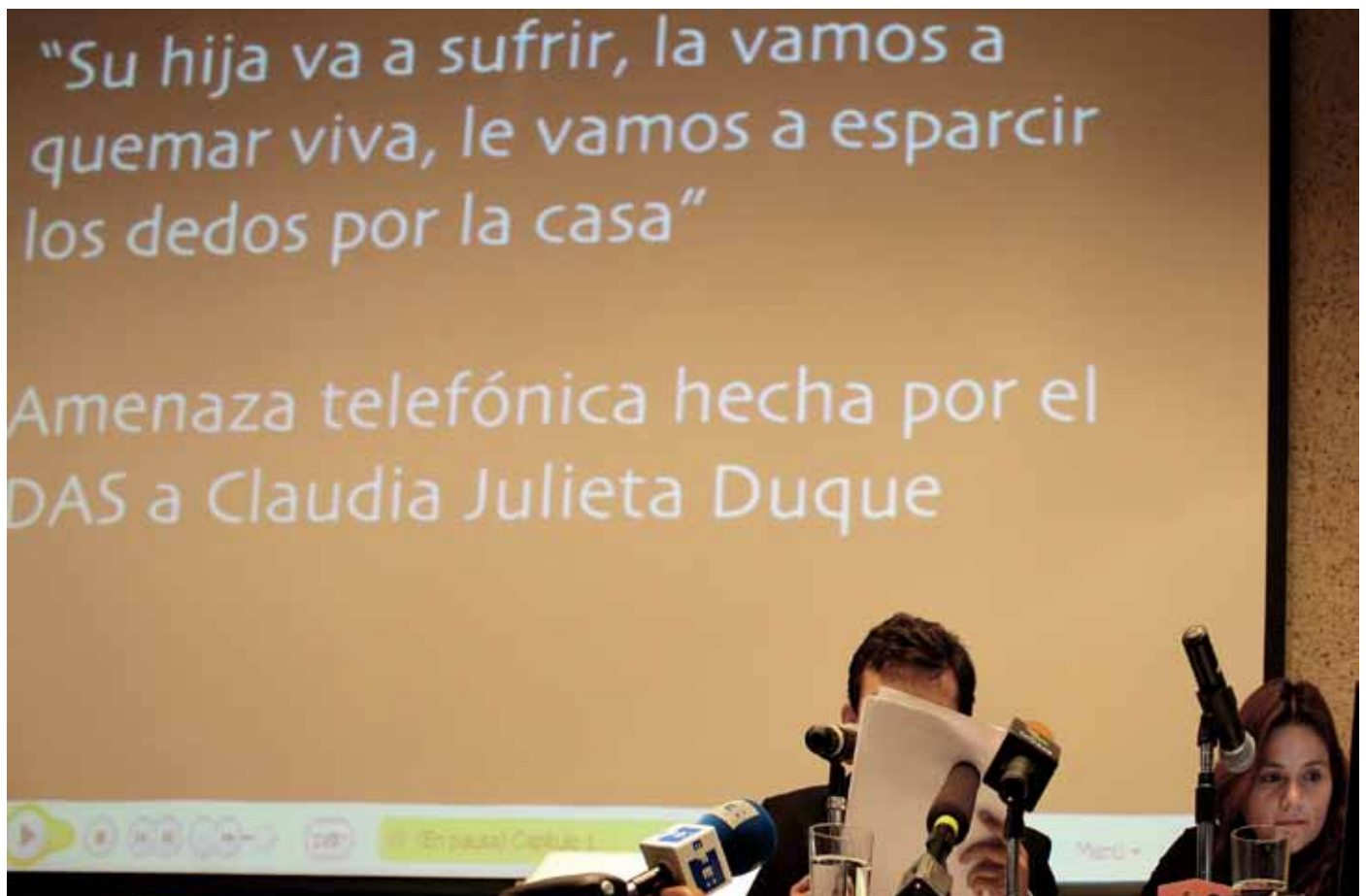
According to the Special Rapporteur, the issue of bodyguards conducting espionage against the human rights defenders they are assigned to protect also needs to be resolved. The lawyer Jorge Molano—who has had precautionary measures since 2000 and is a beneficiary

of the protection programme—proposes the following: «If one looks at the DAS file, the State and DAS are forcing the bodyguards, even those who are trusted, to carry out intelligence against human rights defenders. The Ministry of Interior's programme ends up being a system where Dracula is supposed to protect a blood bank. It means having the aggressor take care of the victim. It is very hard to remain calm and trusting because you do not know what the orders and directives are behind all of this»⁸.

The Special Rapporteur also indicated that the programme's prevention measures should be broadened. Lastly, human rights defenders have expressed their concern for the privatisation of this programme, a question that should be discussed and resolved jointly⁹. ●

The protection programme and surveillance against human rights defenders

In 2009, 16 well-known journalists¹⁰ were the targets of email interceptions, wiretapping, and illegal surveillance by intelligence agents from the Administrative Department of Security (DAS). The victims included the director of *Semana* magazine, Alejandro Santos; the director of the W Radio national radio station, Julio Sánchez Cristo; the journalist and producer of the *Contravía* news programme on Canal Uno, Hollman Morris; and the correspondent in Colombia for the Radio Nizkor human rights station, Claudia Julieta Duque. The DAS agents did not only illegally spy on these journalists, but threatened them as well¹¹. A particularly illustrative case is that of the journalist Claudia Julieta Duque who began to be threatened in 2001 when she was investigating the murder of the journalist Jaime Garzón¹² with the José Alvear Restrepo Lawyers' Collective (CCAJAR). Duque had to leave the country on several occasions when the threats against her intensified. The report by the Technical Investigation Unit of the Prosecutor's Office revealed several of the intelligence activities and threats carried out against her by the DAS¹³. There was an instruction manual which the agents had to follow «to the letter to threaten the journalist»¹⁴. For Duque, 2004 was perhaps the worst year in her life. There were days when she received up to seventy harassing telephone calls¹⁵. According to a recent press conference given by Duque and Morris, «in the case of Duque, it has been proven that the DAS ordered to “urgently finalise” the journalist, directly threaten her daughter, and sue her for slander and libel»¹⁶. As other journalists, Duque is a beneficiary of the security detail provided by the Colombian government's protection programme and, as the Prosecutor's Office demonstrated in 2009, much of the information in the hands of the DAS came from this protection programme¹⁷. Claudia Julieta Duque spoke with PBI on the gaps in this protection programme.



Press conference by Hollman Morris and Claudia Julieta Duque in which they speak out against the surveillance carried out by the DAS, February 2010.

PBI: Has the DAS played a role in the criminal prosecution of human rights defenders?

Claudia Julieta Duque: The DAS is famous for deviating criminal investigations in Colombia through the use of false witnesses and testimony in the investigation of homicides. The

case of Jaime Garzón is a paradigmatic example of how the DAS presents a thesis of false responsibility. The DAS bases this thesis on false purchased witnesses, which also splits the investigation in two. The DAS delayed the investigation into Garzón's murder for many years until we were able

to demonstrate that it concerned a sophisticated fabrication for which people had already been imprisoned. It is also clear that the DAS impeded the investigation into the murder of Luis Carlos Galán as well as the murder of other important public figures. The same can be said insofar as the criminal

prosecution of human rights defenders. There is the well-known case of Luz Perly Córdoba¹⁸ whose bodyguards prepared intelligence reports used to imprison her. The G3 also issued orders to criminally prosecute different human rights defenders or journalists to make it appear they were members of guerrilla groups.

PBI: Is it being revealed that the protection programme for human rights defenders is another phase of control and espionage?

CJD: For more than six years, I have been saying the Ministry of the Interior's protection programme has a structural defect. Specifically, it attempts to physically protect people who the government considers to be its political enemies or who are spied on or threatened by the government. In this respect, the programme attempts to physically protect those who the very State wants to eliminate one way or another. It has been proven in my case that the programme turned information over to G3 even though its own regulations establish that this information is reserved for protection. In 2004, I wrote many letters in which I said that my inclusion in the protection programme had only served to increase some of the threats which were directly related to each action I carried out against the programme. I had my reasons for thinking that every step I made related to the protection programme worsened the situation of threats. Today it has been proven that the information sent from the Ministry to G3 was intentional and not a filtration due to mismanagement.

PBI: And you decided to reject having bodyguards from the Ministry?

CJD: In my case, I only had bodyguards in 2006 and 2007 —after my second exile. I discontinued the protection after discovering that these bodyguards, who supposedly were trusted, were turning over information about me. I was a victim of direct and aggressive espionage and threats by the DAS, while officials from the Ministry of Interior falsely accused me of being a guerrilla member. I discontinued the protection because despite having won a case for the protection of my constitutional rights which ordered the DAS and the Ministry to protect me even if I did not have bodyguards, I realised the bodyguards were a part of the mechanism to carry out espionage, even though the State sells the idea that it is protecting us. I discontinued the protection service and left the country.

PBI: In the current political situation, what would be a proposal to resolve this situation of protection in way that is truly effective and does not harm the work you carry out?

CJD: In Colombia, no protection programme may exist that is truly effective as long as the government does not have public policy, statements, and directives, to truly respect the work we carry out as human rights defenders and members of the opposition and the need for us to exist for there to be a real democracy. The protection programme should be removed from the Ministry of

the Interior and instead administered by a decentralised national institution which is not part of the Ministry which is in charge of internal affairs in Colombia. The protection programme cannot be in the hands of the same Ministry that responds to and publicly attacks all of our allegations of the State's responsibility in human rights violations. ●

1 «La otra cara del Programa de Protección del Gobierno», La Silla Vacía, 12 October 2009.
 2 Ibid.
 3 Ministry of the Interior and Justice, <http://www.mij.gov.co/econtent/newsdetailmore.asp?id=1481&idcompany=2&idmenucategory=142>.
 4 «2007 Human Rights Reports: Colombia», U.S. Department of State, 11 March 2010.
 5 «Gobierno de Colombia reitera determinación de ofrecer garantías a los defensores de derechos humanos», Vice-President's Office, 15 October 2009.
 6 «Statement of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, as she concludes her visit to Colombia», United Nations, 18 September 2009.
 7 Ibid. 6
 8 Interview with Jorge Molano, March 2010.
 9 Ibid. 6
 10 According to the FLIP, presently there is evidence that at least 16 journalists were under surveillance.
 11 «Attacks on the press in 2009 – A Worldwide Survey by the Committee to Protect Journalists», Committee to Protect Journalists (CPJ), New York, February 2010.
 12 Jaime Garzón was a lawyer, journalist, and Colombian humorist. In addition to his work on television, he also played a role as a peace negotiator and held different public positions. In August 1999, he was murdered by alleged paramilitary groups, although the acts surrounding his murder have yet to be clarified.
 13 «Oficina ilegal del DAS daba órdenes específicas sobre cómo amenazar a periodista», FLIP, 16 December 2009.
 14 «Manual para amenazar», Semana, 12 December 2009.
 15 «Both PBI and risk continue by my side», ColomPBIa, October 2009.
 16 «Periodistas responsabilizan al presidente Uribe por persecución de policía secreta en su contra», Equipo Nizkor (Joint press release by Claudia Julieta Duque and Hollman Morris), 10 February 2010.
 17 «Interceptaciones y seguimientos ilegales: grave intimidación al periodismo colombiano – Informe sobre el estado de la libertad de prensa en Colombia en 2009», Foundation for Press Freedom (FLIP), February 2010.
 18 President of the Peasant Farmers' Association of Arauca.

Recommendations to structurally improve the protection programmes for people at risk, from the national and international campaign for the «Right to defend human rights in Colombia»

- The protection programme should be revised, and any changes should be made in direct consultation with human rights defenders to ensure that they address the needs of defenders countrywide.
- The Ministry of the Interior and Justice should create a special unit to coordinate protection measures, which should be designed in coordination with the programme's beneficiaries.
- A mechanism should be created to guarantee that bodyguards or drivers assigned to the protection programme do not have, and have not had, ties with illegal armed groups, and that they do not use their position to carry out intelligence gathering work on defenders.
- While evaluating the risks faced by individual defenders, a range of factors should be taken into account. Special attention should be paid to the high profile of defenders in leadership positions, the type of work undertaken by the defender, and relevant reports by the Human Rights Ombudsman's Early Warning System, the Inter-American Commission on Human Rights, social organisations, and other NGOs.
- The Ministry of the Interior and Justice should provide immediate and temporary protection (within 48 hours of receiving the request) to the person or organisation seeking protection, while their security situation is being evaluated. ●

Baseless prosecutions and imprisonment of human rights defenders

Baseless prosecutions and imprisonment of human rights defenders is an alarming phenomenon that PBI has observed in all of the countries in which it currently works in Latin America¹. When human rights defenders are the target of a «montaje judicial», as they are known in Spanish, every aspect of their professional and personal life is affected. Time that could be spent continuing their work in defence of human rights now must be diverted to defending themselves, meaning even less support and attention for the marginalised and persecuted groups they often represent. Psychologically, false accusations increase the amount of stress and fear human rights defenders already must manage on a daily basis, greatly affecting their work capacity, and sowing generalised distrust and suspicion within and among social movements².



Andrew Hudson (HRF) and Principe Gabriel González (FCSP).

Baseless criminal prosecutions and mass arbitrary detentions

Although the Constitutional Court has repeatedly stated that intelligence reports by themselves do not represent sufficient evidence to initiate criminal prosecutions, officials from the Prosecutor's Office still resort to reports drafted by military intelligence units in order to open investigations or justify detentions.

According to the U.S. State Department human rights report,

the Colombian government has detained hundreds of persons, particularly members of grassroots organisations, trade unionists, and human rights defenders¹⁵. In some cases, testimony by demobilised guerrilla or paramilitary members has been used to complement intelligence reports. In many cases, prior the criminal prosecutions, it has been noticed information is gathered intensively about the affected persons and their

social environments, including theft of digital information and work documents¹⁶.

According to a report by Human Rights First (HRF), these procedures are a widespread problem and correspond to a systematic practice employed against human rights defenders that may include baseless criminal prosecutions¹⁷. ●

The negative consequences of the «montaje judicial» are indisputable, and thanks to the hard work of a number of organisations, baseless prosecutions are now known throughout the international community for the serious and tangible threat they pose to human rights defenders in Colombia. One organisation that has played a particularly instrumental role in publicising this issue is Human Rights First (HRF).

In February 2009, HRF published «Baseless Prosecutions against Human Rights Defenders: In the Dock and Under the Gun», a comprehensive report that documented and analysed 32 individual cases of specious prosecutions against Colombian human rights defenders. The report highlights a number of contributing factors that allow this problem to persist, including the use of unreliable or manipulated witnesses, reliance on false or unsubstantiated intelligence reports, prosecutorial bias, and unsound preliminary investigations³. The report concludes that «investigations against defenders are frequently opened based either on fabricated, implausible evidence from witnesses lacking objectivity or on false, inadmissible intelligence reports. It has also revealed prosecutorial prejudice toward human rights defenders and the frequent use of arbitrary detention».

Andrew Hudson, the report's author and Senior Associate of HRF's Human Rights Defenders Programme, notes that the «report was able to show that these were not merely isolated and exceptional cases; it showed that baseless prosecutions against human rights defenders are in fact a widespread and systematic problem»⁴.

Within six months of its publication, all of the imprisoned human rights defenders mentioned in the report had been released⁵ except for Carmelo Agamez, Technical Secretary of MOVICE⁶, Sucre chapter. Although Agamez remains in prison, Colombia's Attorney General agreed in June 2009 to remove, and conduct a criminal investigation against, the prosecutor originally assigned to his case. Then Attorney General Mario Iguarán went so far as to cite HRF in his public statement regarding the decision⁷. «The

Colombian government completely changed its methodology for looking at those types of cases, and those changes influenced their decision to investigate all of the cases mentioned in the report», says Hudson. «The response has been quite significant»⁸.

Aside from actions taken by the Colombian government, the international community has begun to echo many of the concerns outlined in the HRF report. Following her visit to Colombia in September 2009, Margaret Sekaggya, UN Special Rapporteur on the situation of human rights defenders, expressed concern⁹ for the «pattern» of baseless prosecutions against human rights defenders in that country, and made specific recommendations to Colombia's Prosecutor General's Office¹⁰.

For HRF, publicising the issue and compelling a meaningful response from the Colombian government and international community was essential to the protection of human rights defenders and their ability to do their work. «As Colombia has become a more sophisticated democracy, forms of persecution have evolved in kind. It has become more insidious and subtle over time», says Hudson. «Baseless prosecutions are a very effective way of silencing and persecuting human rights defenders and at the same time present far less risk for the perpetrators»¹¹.

The case of Principe Gabriel González

Hudson points to one particular case in the report that he believes demonstrates this. «Take the case of Principe Gabriel González. A few bad people in Colombia's court system are making it very difficult to overturn this case». Throughout his career, González has suffered a near-constant barrage of threats, harassment, and illegal surveillance. As Regional Coordinator in Bucaramanga for the Committee in Solidarity with Political Prisoners (CSPP), González was detained and charged with rebellion in January 2006¹². After an excessively long detention of fifteen months, González was released and acquitted of all charges, only to see that decision overturned earlier this year by an appeals court¹³. González now faces an arrest warrant and seven-year jail sentence.

«This poor man's life is essentially ruined», says Hudson. «We are in the process of trying to file an appeal to overturn the court's decision, since one of the witnesses admitted that their testimony was obtained under duress». Colombia's Supreme Court has refused to hear the case, and as such the only recourse left is the Inter-American Commission on Human Rights, which could overturn the decision if they find that it has violated international law¹⁴.

While cases such as Gonzalez's demonstrate the need for further action and continued attention to this issue, the mere fact that the international community and the Colombian government have acknowledged the problem shows that there is hope. ●

1 «Human rights defenders trapped in their own defense», Colompbia, PBI Colombia, March 2008.

2 Ibid. 1

3 «Baseless Prosecutions against Human Rights Defenders: In the Dock and Under the Gun», Human Rights First, February 2009.

4 Andrew Hudson, Senior Associate with Human Rights First, in an interview with Emily Nelson, Communications and Outreach Officer with PBI Colombia, 1 March 2009

5 «Successes in Colombia: Six Month Anniversary of HRF Report Reveals Real Gains», Human Rights First, 1 October 2009, http://actions.humanrightsfirst.org/t/5299/content.jsp?content_KEY=2942

6 National Movement of Victims of State Crimes.

7 Ibid. 3

8 Ibid. 2

9 «Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya», Paragraph 74, A/HRC/13/22/Add.3, 4 March 2010.

10 Ibid. 34, Paragraphs 149-150

11 Ibid. 4

12 Ibid. 1

13 «Colombian Justice v. Human Rights», Editorial, LA Times, 21 January 2010

14 Ibid. 7

15 «2009 Human Rights Reports: Colombia», U.S. Department of State, 11 March 2010.

16 «Grave attacks on the work of human rights defenders in Colombia. Written report for the UN Special Rapporteur on Human Rights Defenders on the occasion of her visit to Colombia (7-18 September 2009)», National and International Campaign for the Right to Defend Human Rights.

17 «Baseless Prosecutions against Human Rights Defenders: In the Dock and Under the Gun», Human Rights First, February 2009.

Mass detentions in Catatumbo

The region of Catatumbo (Norte de Santander) has been one of the areas most affected by recent socio-political violence in Colombia. It is estimated that in this region at least five thousand people were murdered and 40 thousand have been the victims of forced displacement over the last ten years¹. The latest grave incidents took place in February 2010 when 20 members of grassroots and human rights organisations were detained² under charges of terrorism, rebellion, and conspiracy to commit a crime³.



Gathering testimony for the «Report by the Extraordinary Verification Commission in Catatumbo» following massive detentions in February 2010. The commission consisted of national and international NGOs in Catatumbo.

According to Diana Sánchez, coordinator for the region of Catatumbo at the Association for Alternative Social Promotion (MINGA), «these detentions are arbitrary since irregularities were committed by State security forces»⁴. A verification commission visited the region and found that several people were detained without arrest warrants⁵. According to community members, two supposed informants who had demobilised from guerrilla groups accompanied the Army and the Prosecutor's Office, accusing members of the community of being guerrilla supporters⁶. Moreover, according to Judith Maldonado, a lawyer with the Luis Carlos Pérez Lawyers' Collective (CCALCP), some 146 arrest warrants have been issued against inhabitants from the region⁷.

For instance, arrest warrants were issued against José del Carmen Abril —the legal representative for the Association of Small Farmers of Catatumbo (ASCAMCAT)— and Jhonny Abril Salcedo —the person in charge of the Humanitarian Refuge, which was established in the Caño Tomás rural community (Catatumbo) in 2009⁸. The purpose of the Humanitarian Refuge was to create a peace territory to call attention to the issues faced in the area, including the lack of social investment and alternatives to coca growing, human rights violations committed by legal and illegal armed actors, and the potential exploitation of coal by multinational companies⁹.

Last year, community representatives from several municipalities in Catatumbo spoke out against the appearance of pamphlets¹⁰ threatening a «social cleansing» to eliminate the area's prostitutes, homeless, thieves, kidnappers, car thieves, drug dealers, and drug addicts.

From extrajudicial executions to «legal false positives»

From 2006 to 2008, 87 extrajudicial executions were reported in region of Catatumbo¹¹. According to the Centre for Investigation and Popular Education (CINEP), extrajudicial executions have reduced substantially since then due in part to the measures adopted by the Ministry of Defence in 2008. The Ministry recognised the execution of civilians by members of State security forces and the Prosecutor General's Office and the Inspector General's Office conducted investigations into these cases¹².

Nonetheless, according to Sánchez, this decrease has been accompanied by an increase in arbitrary detentions in the region in order to demonstrate that the Colombian State is «fighting guerrilla groups, criminals, drug trafficking, and terrorism».

Judith Maldonado believes that this reality is closely linked to extrajudicial executions. According to Maldonado, mass detentions are «legal false positives. Previously, the bodies of peasant leaders were presented as guerrilla members killed in combat, which is similar to the present situation». For her, mass detentions attempt to destroy the fabric of society, weaken organisations that continue to resist in the region despite the armed conflict, and spread terror and fear in the area.

This is not a new practice. According to Maldonado, 140 massive arrests have been carried out in Catatumbo since 2003. Of these, 60% targeted members of grassroots and human rights organisations. Most of these people were acquitted and released by the Colombian justice system, while only three were convicted¹³. This practice has also been employed in other regions of Colombia.

A history of stigmatisation

According to Sánchez, the population from Catatumbo has been «completely stigmatised, marginalised, excluded, and threatened», which is due to a lack of social development, interests in natural resources, and the presence of illegal armed actors in the region. Catatumbo is one of the areas of Colombia most affected by the armed conflict and humanitarian problems have been especially harsh¹⁴. Historically, this region has had the presence of the FARC, ELN and EPL guerrilla groups¹⁵. The first incursion of paramilitary groups took place in 1999. From 2001 to 2002, paramilitaries then consolidated their presence in Catatumbo¹⁶ through a series of widely publicised massacres¹⁷. After the demobilisation of the paramilitary «Catatumbo Block» in 2004¹⁸, «expressions of these groups



Oscar Duque and Ramiro Ortega from the Peasant Farmer Association of the Cimitarra River Valley (ACVC). The ACVC works on the issue of human rights and mobilises communities in favour of the social and economic rights of the traditional farming population. The Inter-American Commission on Human Rights (IACHR) recognised the legitimacy of the ACVC's work and its members, in addition to the risks faced to carry out this work. The IACHR granted the ACVC precautionary measures in 1999 and 2000. In 2007, 18 members of the Peasant Farmers' Association of the Cimitarra River Valley (ACVC) were charged with rebellion and issued arrest warrants²⁴. Today, all have been released—one of them, Andres Gil, on parole—but the criminal prosecutions and imprisonment of their members has weakened the organisation.

have re-emerged in Catatumbo in great measure to the service of drug trafficking networks but also to the interests of economic sectors¹⁹. From 2005 to 2007, State security forces drastically increased troop strength from 230 to 7,000 soldiers²⁰. Moreover, the authorities created a «search block» with 120 members from the army, police, DAS, and Prosecutor's Office, to break up and prevent the expansion of these «new emerging gangs», illegal armed groups emerging after the AUC demobilisation process²¹.

According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the region is strategically important for these groups since it is rich in oil and coal, which opens

the way to extorting oil companies and the people who depend on this economy. This region also has an extensive border, a nascent oil palm plantation industry, lumber exports, and the presence of illicit crops²². According to the United Nations Office on Drugs and Crime, the department of Norte de Santander ranks tenth in terms of coca cultivation with more than 2,000 hectares in 2008²³.

Presently, grassroots and human rights organisations are closely watching the situation in Catatumbo. In its March report, the Verification Commission described a series of abuses and requested that the Prosecutor's Office investigate the violations to the right to life, physical safety, and freedom of the people in Catatumbo, among other actions. ●

1 «Campaña por las víctimas del Catatumbo: "Un Río de Memoria y Dignidad"», CODHES, Press release, 6 July 2009.

2 «Pronunciamento público ante la Mesa de Garantías, que será presentado en la reunión de la Mesa de Garantías que se realizará en la ciudad de Cúcuta el día 26 de febrero de 2006», ASCAMCAT, 24 February 2010.

3 «Persecución política y judicial contra la asociación campesina del Catatumbo –ASCAMCAT», ASCAMCAT, Press release, 25 February 2010; interview with Judith Maldonado, April 2010.

4 Interview with Diana Sánchez, 24 February 2010.

5 «Informe Comisión de Verificación Extraordinaria en el Catatumbo», Luis Carlos Pérez Lawyers' Collective (CCALCP), March 2010.

6 «IPO se solidariza contra las detenciones en el Catatumbo», International Peace Observatory, 17 February 2010.

7 «Continúan las detenciones masivas en el Catatumbo», Contagio Radio, Interview with Judith Maldonado, 10 February 2010.

8 «Persecución política y judicial contra la asociación campesina del Catatumbo», ASCAMCAT, February 2010.

9 «¡Las comunidades del Catatumbo Bajo nos declaramos en campamento refugio humanitario!», Prensa Rural, 5 October 2009.

10 «Investigan veracidad de panfletos en Bucaramanga y Piedecuesta», El Tiempo, 20 March 2009.

11 57% of the victims were traditional small farmers. See: «Informe de ejecuciones extrajudiciales en el Norte de Santander», CCALCP, February 2009.

12 «Primer Semestre de 2009: De los "Falsos Positivos" a la intolerancia social y las amenazas colectivas», CINEP, October 2009.

13 Ibid. 4

14 «Ficha técnica Departamento de Norte de Santander (Catatumbo)», OCHA, August 2007.

15 Ibid.

16 CODHES

17 For instance, in 1999, during the massacre in La Gabarra, 150 paramilitaries entered the urban area of La Gabarra and in little more than an hour murdered 27 people, wounded ten more, and forced the displacement of more than 50 families.

18 In 2004, one of the principal chiefs of the United Self-Defence Forces of Colombia (AUC, principal paramilitary group in the country), Salvatore Mancuso, demobilised with his Catatumbo Block. 1,425 combatants turned over 1,115 weapons. See: «Ficha técnica Departamento de Norte de Santander (Catatumbo)», OCHA, August 2007.

19 «Mira al Catatumbo. Sus víctimas: un río de memoria y dignidad», Social Organisations, 6 July 2009.

20 Ibid. 16

21 Ibid.

22 Ibid.

23 «SIMCI II – análisis Multitemporal 2007-8», UNODC Colombia.

24 «ACVC members face unfounded charges», PBI Colombia, December 2009.

Baseless criminal prosecutions against the Inter-Church Justice and Peace Commission

For the last two years, Liliana Ávila has been a lawyer with the Inter-Church Justice and Peace Commission (CIJP). In this interview with PBI, she speaks about the stigmatisation and threats faced by members of her organisation.



Sara Ballardini (PBI) and Liliana Ávila (CIJP).

PBI: Has CIJP been the victim of criminal investigations?

Liliana Ávila: The Justice and Peace Commission has been the victim of several criminal prosecutions since it was first founded. It should be mentioned that these investigations have been a mechanism of persecution to intimidate, prevent the reporting of abuses, and especially obstruct the defence of human rights. The ongoing pattern has been to accuse CIJP members

and the accompanied communities of belonging to the guerrilla. These false accusations have been reported in the mass media to distract, misinform, and conceal the economic interests behind grave human rights violations.

PBI: Who has been investigated by the justice system?

LA: Nine human rights defenders who have worked at CIJP¹ have been the

victims of criminal prosecutions. Many have even been accused of human rights violations. Presently, we know that at least three investigations are being carried out, all of which relate to allegations of land seizure in the Lower Atrato. One investigation is open against two accompaniers in Curbaradó, who face charges for the crime of rioting—violently inciting against authorities—because they were accompanying communities returning to land from

which they had been illegally removed. A member of our legal team is also being criminally investigated for procedural fraud and another member is being investigated for allegedly making threats.

PBI: What is the impact of these criminal investigations on the organisation?

LA: Although the investigations are either later closed due to the lack of evidence or remain indefinitely in the preliminary stages, addressing criminal prosecutions, which attempt to delegitimise our work with the communities and victims we accompany, has worn on the institution greatly. Their goal is to delegitimise international accompaniment and the Humanitarian and Biodiversity Zones as well as to weaken the ethical and moral convictions of those who dedicate their lives to defending human rights and constructing distinct societies.

PBI: Does CIJP think this is part of a well-designed strategy?

LA: Clearly, these are not isolated situations. The strategy of threats, stigmatisation, and criminal prosecutions, is an ongoing vicious cycle. It begins with threatening messages, letters, telephone calls, and emails, which are followed by stigmatisation and then criminal prosecutions. Since 2003, we have been granted precautionary measures from the Inter-American Commission on Human Rights. After more than seven years, the reasons for issuing these measures still exist. The nuances, protagonists and methods may have changed, —having become more sophisticated— but they have the same purpose: de-legitimise CIJP's work and consolidate impunity and criminal power.

PBI: What is the land situation?

LA: Since 1997, 13 forced displacements have occurred in Jiguamiandó and Curbaradó (Chocó) and more than 140 crimes against humanity have been documented allegedly involving the Colombian State. After the forced displacements took place, the land was seized to implement oil palm agricultural business as well as extensive cattle ranching. Despite the administrative and judicial decisions recognising this situation and ordering that the land be

«THE BUSINESS SECTOR BENEFITING FROM PARAMILITARISM WHICH HAS ALSO HAD THE SUPPORT OF THE COLOMBIAN STATE»

returned, there has not been an effective restitution of property. By way of the Ministry of Interior and the Ministry of Agriculture, the Colombian government continues to encourage agricultural businesses and deny the communities the effective return of land and reparations for the harm caused. A model, based on crime and impunity, has been consolidated.

PBI: Who is behind the threats and persecution faced by CIJP members?

LA: The business sector benefiting from paramilitarism which has also had the support of the Colombian State. Military members and politicians who have benefited from the criminal activity committed by these groups or who are under investigation (as in the cases of Alfonso Plazas Vega and Rito Alejo del Río).

PBI: Does CIJP know that public officials are behind the false accusations?

LA: In October 2008, the Noticias Uno news programme published a conversation between [former Minister] Fernando Londoño and [retired] General Rito Alejo del Río in which they conspire to criminally prosecute and spread false information about CIJP and take advantage of the «negritos (*Negros*)» — which was the term used by General Alejo del Río. In fact, in different settings, these «negritos» have been de-legitimising CIJP's work, claiming the organisation wants to steal the land in Curbaradó, that CIJP has brought in settlers and occupiers into the territories to keep the lands from being turned over, and that CIJP has allied with the FARC to threaten and forcibly displace the communities. In conclusion, the State, businesses and paramilitaries have benefited from people within these communities who spread false information, de-legitimise, and hinder the restitution of land and the defence of rights. ●

Legal harassment of journalists

According to Andrés Morales, Executive Director of the Foundation for Press Freedom (FLIP), «criminal allegations of slander and libel against journalists have become increasingly common». Even though the Foundation considers that «the allegation as such does not represent any kind of violation to the freedom of expression, it is concerning that this has become an ongoing trend, used especially by political groups to silence journalists»².

In February 2010, important jurisprudence in the area of press freedom was established with an acquittal in favour of the *El Espectador* newspaper columnist Alfredo Molano. Charges were filed against Molano for slander and libel for having written an article in that newspaper in which he criticised some of the actions of the political class in the department of Cesar³. ●

¹ Ana María Lozano, Abilio Peña, Danilo Rueda, Johana López, Enrique Chimonga, Germán Romero, Ina Elizabeth Gómez, Luz Marina Arroyave, and Daniel Vásquez

² Press conference by Andrés Morales, FLIP Executive Director, 16 February 2010

³ «Juez declara inocente a Alfredo Molano denunciado por injuria y calumnia», *W Radio*, 9 February 2010

Threats are a cause for special concern

«Now it is time for social cleansing», «we've identified you»¹ and «we are not responsible for innocent people in the street, parks, or on the corners after eleven at night»². These are just a few of the messages included in pamphlets and emails sent to journalists, lawyers, women, LGBT (lesbian, gay, bisexual and transgender) activists, indigenous people, and members of organisations of displaced persons. In several cases threats were also sent to family members of the victims. According to local organisations, some of these pamphlets have lists of names and in other cases warnings to stay out of some neighbourhoods after a certain hour.

According to the Centre for Investigation and Popular Education (CINEP), overall threats and harassment have drastically increased. In fact in 2009, threatening pamphlets were distributed in at least 20 cities³ and at least 24 of the 32 departments of the country⁴. In just the first six months of 2009, 82 collective threats were registered against people who live or work with marginalised sectors of Colombian society⁵.

In its annual report, UNHCHR also registered «an increase in the acts of intimidation and death threats through pamphlets and emails against human rights defenders»⁶ and several organisations accompanied by PBI have been victims of these kinds of attacks⁷. According to Human Rights Watch (HRW), the threats have also been directed against international observers and at least eight foreign embassies in Bogotá received threats signed by the «Black Eagles» in March 2008⁸.

Furthermore, people who represent and support victims within the framework of Law 975 of 2005 —especially if they encourage the restitution of seized land— have been threatened and even murdered. This situation has also been faced by peace activists, community representatives, and public officials who promote the defence of human rights (such as local human rights liaisons and analysts at the Early Warning System of the Human Rights Ombudsman's Office)⁹.

The affected persons perceive a political strategy behind the threats and intimidation which attempt to silence members of alternative grassroots and political organisations. According to HRW, «Such threats often have a chilling effect on, or otherwise impair the legitimate work of their targets». The Special Rapporteur on the situation of

human rights defenders confirmed that they continued to carry out their work in a «non-conducive environment of hostility and fear».

In most cases, the threats are made by groups that the New Rainbow Corporation (CNAI) considers to be neo-paramilitaries¹⁰ —making reference to the continuity of the structures and activities attributed to paramilitary groups before their official demobilisation— and in «some cases have even been fatal»¹¹. The national police estimate that these groups have more than 4,000 members, but NGOs indicate the figure could reach 10,200¹².

According to the U.S. State Department report, the Inspector General's Office opened 193 investigations into threats in 2009¹³. The UN recognises that in some cases the investigations have made progress; however, it highlights that «most of the threats remain unaccounted for and, at times, authorities were quick to dismiss them without prior investigation»¹⁴.

Murders

«In recent months, the paramilitary groups have intensified their actions against human rights defenders in various regions of the country»¹⁵. In many cases, the murder victims are people who participate in organising processes with civil society associations or local political groups

like the Neighbourhood Actions Boards. As demonstrated in a report by the Central Union of Workers (CUT), trade unionists are among those individuals most often targeted by physical attacks. In 2009, 39 trade union activists were murdered, a figure which indicates that every year more than 60% of the trade unionists murdered in the world are from Colombia¹⁶. Moreover, one of the most affected populations are indigenous groups, who have seen 1,464 of their members murdered, many of whom were active in the indigenous governing councils, between 2002 and 2009¹⁷. ●

From 1 January 2006 to 31 December 2009 the Comprehensive Peace Observatory (OPI) registered 103 cases of collective and individual threats made by paramilitaries in 13 municipalities of the Magdalena Medio¹⁸. ●

1 «Alerta en la USCA por panfletos amenazantes», Ministry of Education, 24 June 2009.

2 «Alarma en Ocaña por circulación de panfletos amenazantes», 17 February 2010.

3 «Boletín humanitario», Office for the Coordination of Humanitarian Affairs, United Nations, No. 5, 25-31, January 2010.

4 «Report of the United Nations High Commissioner for Human Rights on the situation of Human Rights in Colombia», 4 March 2010.

5 «Informe especial. De los 'falsos positivos' a la intolerancia social», CINEP, October 2009.

6 Ibid. 5

7 «Grave threats against human rights defenders», PBI Colombia, ColomPBIa No. 13, December 2009.

8 «Paramilitaries' heirs. The new face of violence in Colombia», Human Rights Watch, February 2010.

9 Ibid. 5

10 The Colombian government classifies these later groups as «emerging criminal gangs to the service of drug trafficking» (BACRIM), according to the HRW report.

11 «Sobre paramilitares, neoparamilitares y afines. Crecen sus acciones criminales ¿qué dice el Gobierno?», CNAI, November 2009.

12 Ibid. 9

13 «2009 Human Rights Reports: Colombia», U.S. Department of State, Bureau of Democracy, Human Rights and Labour, 11 March 2010.

14 Ibid. 5

15 «Grave attacks on the work of human rights defenders in Colombia. Written report for the UN Special Rapporteur on human rights defenders on the occasion of her visit to Colombia (7-18 September 2009)», National and International Campaign for the right to defend human rights.

16 «Informe de la CUT para la misión de verificación para la situación de derechos humanos en Colombia», Central Union of Workers (CUT), 26 January 2010.

17 According to records at the Information System on Indigenous Peoples, Colombia.

18 Ibid. 3

«I am taking such good care of myself that I stopped using sun block»

For more than twenty years, Jorge Molano has been an independent human rights lawyer who has represented victims in emblematic cases involving high-ranking military officers and senior government officials, including José Obdulio Gaviria, former presidential advisor for President Uribe Vélez. At the end of last year, Molano was harassed and intimidated. In the following interview, Jorge Molano speaks about these threats.



Jorge Molano and Patricia Göthe (PBI) during an interview at the PBI house in Bogotá.

PBI: Last year you received a series of grave threats. You also reported having been under surveillance and that several men attempted to enter your residence. Can you tell us about these incidents?

Jorge Molano: In November 2009, I was outside of the country, when reliable sources told me to avoid coming back to Colombia. When I returned, three men dressed in civilian clothes attempted to enter my apartment on several occasions. This occurred within a context we had already observed of surveillance of my home and office as well as my movements in Bogotá.

PBI: In your opinion, why did you receive threats in December 2009? Does it have to do with any of the cases you represent?

JM: The case of forcibly disappeared persons from the Palace of Justice has become high profile. Moreover, army officers have been implicated in the massacre in San José de Apartadó in 2005. The cases I represent implicate army personnel in these crimes. I have the sensation and certainty that these acts of intimidation come from the State since the only persons I have spoken out against in cases of human rights violations are senior army officers and senior government officials within the Álvaro Uribe Vélez administration.

PBI: Has the government carried out any investigations into the threats, persecution and surveillance? What are the results of these investigations?

JM: In September 2009, I warned the State that different media outlets had been encouraging different actions to be carried out against me. On a web page, one person, apparently a retired Colombian army officer, said the blood of the military members should be spilt over me. I requested that the authorities investigate. Six months later, the State has yet to respond.

PBI: How do you describe justice in Colombia?

JM: When there are cases against human rights defenders, the justice system moves surprisingly fast and respect for guarantees and rights do not exist. However, the cases against human rights violators are very different. There are more guarantees, the terms expire, and the imprisonment conditions are completely favourable.

PBI: How have the threats and surveillance had an impact on your work and personal life?

JM: It has been very difficult. You no longer have your right to privacy. It has

been quite intense and painful since you have to travel with bodyguards and cannot attend some public hearings. A few days ago, someone asked me if I was taking care of myself. I told him that I was taking such good care of myself that I had stopped using sun block. He asked me: «What does safety have to do with sun block?». I told him that you reach the point that you do not even see the sun since you get out of an armoured car to enter the office, from the office to the armoured car, and from there to your home. You don't have any possibilities for recreation and peace.

PBI: Insofar as the protection of lawyers, what do you request from the international community?

JM: It is important that the international community approach these organising processes. For instance, it has been very positive to have delegates from the European Union and the embassies of Sweden, Spain, and United States attend hearings in the case of San José de Apartadó. We believe the fact that the international community proposes to directly observe the cases and accompany the trials demonstrates there is concern, which in some way protects the activities we carry out as lawyers. ●

First military member convicted for the massacre of San José de Apartadó

In March 2010, the 1st Specialised Court of Antioquia sentenced retired army captain Guillermo Gordillo to twenty years of prison for having participated in the massacre of eight people from the Peace Community of San José de Apartadó (Antioquia). Jorge Molano

provides legal representation for the family members of the murdered victims. Gordillo was convicted for being the co-perpetrator of aggravated homicide, acts of barbarity, and conspiracy to commit a crime. Several months ago, he entered into a plea agreement with the

Prosecutor's Office, recognising his participation in the killing. According to investigations by the Prosecutor's Office, a joint military and paramilitary command murdered five adults and three children in the rural area of San José de Apartadó in February 2005. ●

Photo: Damien Fellous / libre arbitre



Walk to commemorate the five years since the massacre in San José de Apartadó in 2005, February 2010.

Death threats against victims lawyer

Bayron Góngora Arango, a member of the Corporation for Judicial Freedom (CJL), works as a human rights lawyer representing family members of victims in 65 cases of extrajudicial executions in the department of Antioquia. Additionally, Góngora seeks to establish responsibility and sanctions for human rights violations, even when powerful actors may be involved. For instance, Góngora requested that the Prosecutor's Office investigate former army commander Mario Montoya Uribe, currently ambassador for Colombia to the Dominican Republic, for his alleged ties with former paramilitary chief and drug trafficker Diego Fernando Murillo Bejarano, aka Don Berna, during the military operation in Medellín known as Operation Orion¹.



Bayron Góngora (CJL).

On 9 February 2010, CJL learned that an illegal armed group received money to assassinate Bayron Góngora⁴. Although the motives are unknown, several human rights organisations in Medellín believe this most recent threat is directly related to his work as a human rights lawyer representing victims of crimes perpetrated by the State⁵.

According to CJL, this incident is one in a series of attempts to intimidate the organisation's members and impede its legal, legitimate work⁶. Colombian authorities opened an investigation against Elkin Ramírez (also a lawyer with CJL) in November 2009 for filing a false allegation. This was the third time such an investigation has been opened against Ramírez⁷. In 2005, Colonel Néstor Iván Duque, then commander of the Bejarano Muñoz Battalion, filed a complaint alleging slander, libel, and false accusation⁸, following the CJL lawyer's reports of grave human rights violations.

In 2009, on the basis of reports drafted by Regional Military Intelligence

No. 7 (RIME), the 74th Prosecutor's Office—located within the 4th Army Brigade—initiated preliminary investigations against several grassroots and human rights organisations—including CJL—for their alleged ties to such illegal armed groups as the FARC, the ELN and the Colombian Clandestine Communist Party (PC3)⁹.

With respect to this case, in May 2009 CJL was victim of false allegations and forgery. A document bearing falsified signatures from two of its members appeared on the Internet which claimed different individuals and grassroots organisations were members of the FARC and the ELN. The document presented a list of names with corresponding national identification numbers, and encouraged readers to speak out against these people, if they knew them, for their alleged ties to the insurgency. CJL reacted immediately, holding a press conference to speak out against the crime of forged document as well as refute the organisation's authorship of this document¹⁰.

Although the possible connections between the present threat and the

CJL is one of several human rights organisations accompanied by PBI in Medellín and the department of Antioquia.

The organisation's activities include representing victims or family members in cases of grave human rights violations involving members of State security forces². These cases are being tried before national and international judicial bodies³. ●

attempts to criminalise and intimidate CJL members are not yet clear, taken together these acts pose a substantial risk that could seriously damage and delegitimise the organisation's work. CJL requests that the Colombian government publicly recognise the importance of their work to counteract the impact of this harassment. ●

1 «Montoya y Gallego serán investigados», Corporation for Judicial Freedom (CJL), 18 July 2009

2 «Abogado de Corporación Jurídica Libertad, víctima de amenazas de muerte», IPC, 12 February 2010; «Urgent action - Colombia must protect lawyer at risk», Amnesty International, 5 March 2010

3 As, for example, in cases of extrajudicial executions. See: «Ejecuciones extrajudiciales: El caso del Oriente Antioqueño», Colombia-Europe-United States Coordination, 2007

4 www.cjlibertad.org

5 Press release, CJL, 12 February 2009

6 «Preocupación frente a amenazas de muerte», El Mundo, 15 February 2010

7 «Abogado de Corporación Jurídica Libertad, víctima de amenazas de muerte», Grassroots Training Institute (IPC), 12 February 2010

8 *ibid.* 4

9 Press release, CJL, 9 March 2009

10 «Estado colombiano debe responder a la continuación de acusaciones sin fundamento contra los defensores de derechos humanos», Human Rights First, 20 March 2009

Protection and murder of witnesses

In 2005, Javier Giraldo spoke out against the murder of former soldier Oswaldo de Jesús Giraldo, who according to the Jesuit priest «had been one of the most valuable witnesses in the criminal case against retired General Rito Alejo del Río for his support of paramilitarism in Urabá and for the hundreds of crimes related to this strategy»¹. The Jesuit priest explains that when de Jesús Giraldo was a soldier in Carepa he repeatedly told the Prosecutor's Office and the Inspector General's Office that State security forces operated in conjunction with paramilitary groups in the commission of massacres. Later, he left the army, survived the violent death of his brother, was imprisoned for illegally bearing weapons, and was murdered a little after being released from prison.

Photo: Jorge Mata / SURIMAGES



Demobilisation of paramilitary group «Bloque Central Bolívar», 2005.

This is not the only case. The former paramilitary Francisco Villalba, one of the perpetrators of the El Aro massacre², was murdered in April 2009. According to Villalba, Álvaro Uribe, then governor of Antioquia, was involved in the planning and logistics for the massacre in 1997³. The most emblematic case concerns the 12 witnesses who were murdered after providing testimony against the former governor of Sucre, Salvador Arana, on his alleged ties to paramilitarism⁴. On 20 December 2009, Alexander Pulgarín was murdered in Medellín. He was a member of the Corporation for Peace and Development (Corpades) and was a key witness in the trial against John William, aka «Memín», and Antonio López, aka «Job», both demobilised members of the AUC's Cacique Nutibara Block⁵. José Raúl

Mira Vélez, who was a member of the Centauros Block (AUC), was murdered by hit-men despite receiving special accompaniment and living in a house belonging to the Witness Protection Programme. Mira Vélez had been a key witness in the conviction against the former governor of Meta, Edilberto Castro, for the crimes of conspiracy to commit a crime and homicide. In a few days he was going to provide testimony to investigators on para-politics in Antioquia, Meta, and Casanare⁶. This is only a partial list of the murders of key witnesses in trials on paramilitarism and human rights violations⁷.

Paramilitary chiefs speak out against attempts to silence them

Former paramilitary Salvatore Mancuso, who has been imprisoned

in United States since he was extradited for the crimes of drug trafficking, sent a letter to President Uribe in March 2009⁸. In addition to openly recognising that paramilitarism is a State counterinsurgency strategy⁹, Mancuso explained the difficulties to getting to the bottom of these ties and the crimes committed as long as he remains imprisoned¹⁰. In this respect, in September 2009, Diego Murillo Bejarano, aka «Don Berna», former chief of the Cacique Nutibara Block (AUC) and Miguel Ángel Mejía Múnera, aka «El Mellizo», former chief of the Conquerors of Arauca Block (AUC), issued communiqués in which they claimed the government silenced them so the truth would remain unknown about the crimes they committed and the alliances they had with public officials, security agents, and politicians.

Furthermore, Murillo Bejarano expressed that the campaign to silence him included «two close relatives who were murdered, my family receiving ongoing threats, my lawyers being under constant threat, passive and active surveillance, illegal interceptions of all of their means of communication (telephones, email, etc.), and Machiavellian “intelligence reports” by Colombian intelligence agencies»¹¹.

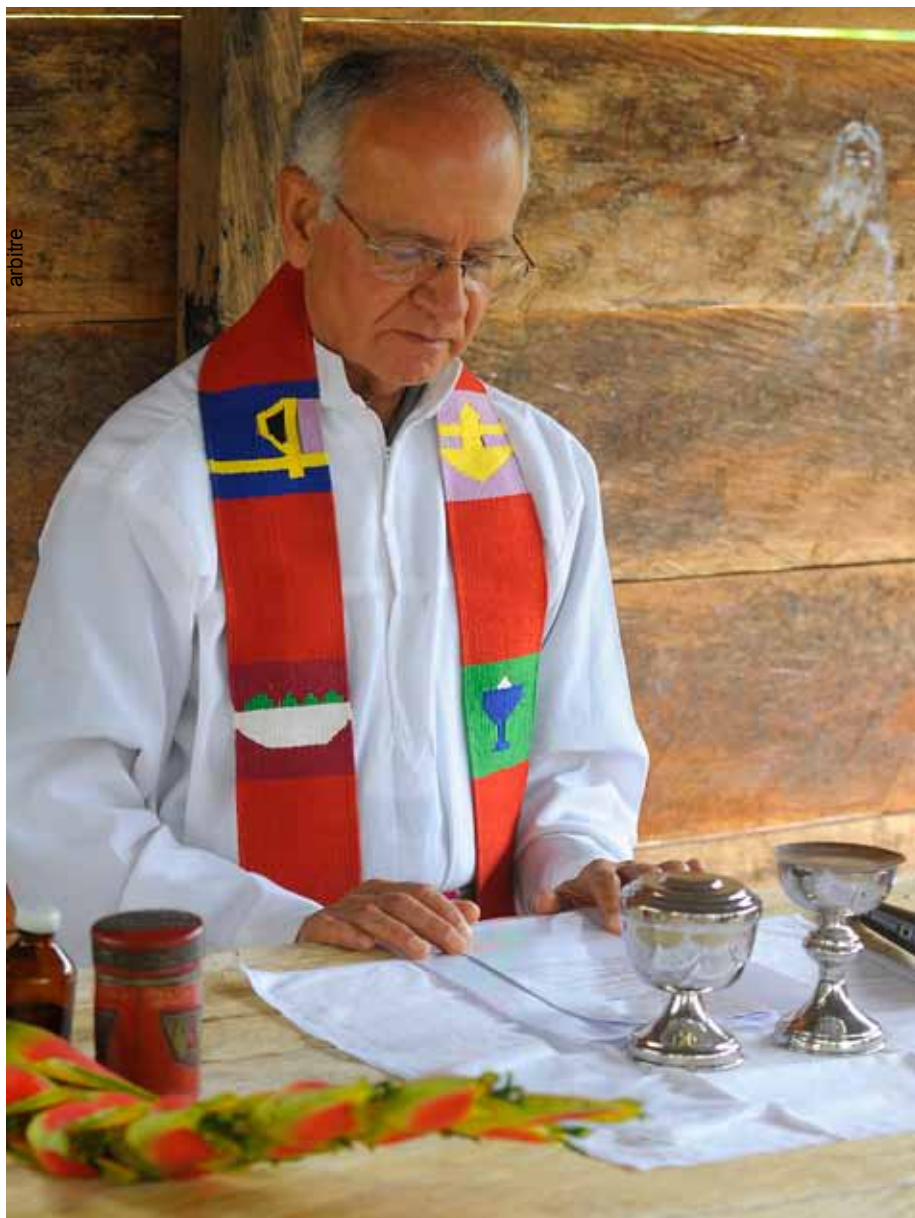
According to Murillo Bejarano, he was forced to suspend his participation in the legal proceedings «since there is an ongoing risk to the safety of my family and legal counsel». He also recognised that the Prosecutor’s Office has offered to protect his family under the institution’s protection programme for victims and witnesses. In this respect, he clarified: «I rejected this proposal since I know first-hand how this system may be infiltrated. I can strongly ensure that this protection system does not boast the minimum conditions to guarantee the safety of my family. It would put them at greater risk and make it even easier to pressure me to remain silent».

Until December 2009, not one person had yet to be convicted under Law 975 of 2005 and the possibilities for the victims to know the truth about what happened to them and their family members has been restricted to what has been revealed during the confession hearings. Moreover, not one person has received reparations as a result of this law’s procedures. In 2010, the voluntary confessions have become even more restricted due to the extradition of the most important paramilitary commanders to United States and the lack of judicial cooperation mechanisms between the two countries¹².

According to a recent report by the University of Berkeley, the risks for the family members of the defendants make it so many people refuse to cooperate¹³ as expressed by former paramilitary chiefs Salvatore Mancuso and Diego Murillo Bejarano. In fact, only five of the 30 paramilitary chiefs have continued with their voluntary statements in the Justice Peace hearings.

In order to make progress in the investigations, and determine the direct and indirect perpetrators of crimes against humanity and war crimes, protection mechanisms must be guaranteed so the witnesses can help clarify these cases. ●

Photo: Damien Fellous / libre arbitre



In 2005, Javier Giraldo spoke out against the murder of former soldier Oswaldo de Jesús Giraldo, who according to the Jesuit priest «had been one of the most valuable witnesses in the criminal case against retired General Rito Alejo del Río for his support of paramilitarism in Urabá and for the hundreds of crimes related to this strategy».

1 «Ex soldado Oswaldo Giraldo Yepes Otro testigo asesinado», Javier Giraldo, 28 November 2005

2 This concerns a massacre of 15 people perpetrated in the El Aro rural district, municipality of Ituango (Antioquia), on 22 October 1997. This massacre was committed by paramilitaries who during court hearings incriminated army general Alfonso Manosalva and even President Uribe, who at the time was governor of Antioquia. See: «Paramilitar implica a Uribe en masacre de ‘El Aro’», *El Espectador*, 2 November 2008

3 «La masacre de El Aro, 11 años después. Francisco Villalba, un testigo que sabía demasiado», Juan Manuel Peñaranda, *Desde Abajo*, No. 146, 21 May 2009

4 PBI accompanies the CCAJAR lawyer who represents the civil party in the case against Arana for his alleged collaboration in planning the murder of Salvador Eudaldo Díaz, former mayor of the municipality of El Roble

5 «El gobierno debe detener la escalada de violencia en Medellín», Human Rights Watch, 23 December 2009.

6 «Asesinado testigo clave en proceso de parapolítica», *Noticias Uno*, 17 May 2008

7 For example, see: «Colombia: asesinan a testigo contra Castaño», *BBC Mundo*, 30 May 2001; «El paramilitar asesinado, alias ‘El Tábano’, era testigo clave

de la parapolítica», *Radio Caracol*, 25 July 2007; «Ex congresista denuncia asesinato de posibles testigos de parapolítica», *Verdad Abierta*, 11 February 2009; «Investigan asesinato de testigos en caso Galán», *Noticias Uno*, 6 July 2009

8 Letter from Salvatore Mancuso to Álvaro Uribe Vélez, Washington D.C., 22 March 2009

9 *Ibid.* 8. The phrase: «I was born in a country in conflict; I was recruited and trained by the State», summarises this confession

10 *Ibid.* 8. «When I was extradited, much of the possibility to reconstruct real truth about the conflict was also extradited [...]. Due to the conditions I am subjected to, the truth is restricted»

11 Letter from Diego Murillo Bejarano, aka «Don Berna», to the Supreme Court of Justice, New York, 17 September 2009

12 «Report 2010», UNHCHR

13 «Truth behind bars – Colombian paramilitary leaders in U.S. Custody», Berkeley University, International Human Rights Law Clinic, University of California, Berkeley, School of Law, February 2010

«We will not stop what we are doing»

For the last eleven years, PBI has accompanied Berenice Celeyta, human rights defender, forensic anthropologist, and president of the Association for Social Research and Action - NOMADESC. Ms. Celeyta advises and accompanies grassroots, labour, civic and peasant organisations, specifically in the departments of Cauca and Valle del Cauca, through the implementation of human rights education programmes. She has also carried out important research on grave human rights violations committed against vulnerable populations.



Andreas Riemann (PBI) and Berenice Celeyta (NOMADESC).

Since October 2009, threats and attacks have increased against indigenous and African-descendant representatives and grassroots and human rights organisations in North-Western Cauca —an important work zone for NOMADESC. Several governors of indigenous governing councils received death threats in messages on their mobile telephones¹. According to Minga Association, one of the strongest grassroots organisations in Cauca is the Association of Indigenous Councils of Northern Cauca (ACIN), which belongs to the Regional Indigenous Council of Cauca (CRIC)². The department of Cauca is a region with many economic interests. Water, lumber, and gold industries have had the most negative impact on the population. It should also be highlighted that the FARC has strengthened its military capacity in the region³.

NOMADESC Association has also continued to be the object of surveillance

around its office in Cali and at the Education House, where human rights education programmes take place. According to NOMADESC, the people and vehicles used in the surveillance against the office do not seem to try to hide their activities; rather the surveillance is allowed to be evident. Moreover, NOMADESC has reported the ongoing interception of the organisation's land and mobile telephone lines. NOMADESC has reported these incidents on several occasions, but they have yet to receive effective prevention measures⁴.

In October 2009, the group known as «New Generation Black Eagles» declared eight organisations from the region including NOMADESC, and five members of African-descendant, indigenous and human rights organisations, as military objectives⁵. At the end of October, these threats materialised in three murders which took place in the Cerro Tijeras Indigenous Reservation (Suárez, Cauca)⁶.

According to Celeyta, NOMADESC presently faces a situation of great vulnerability. The organisation is considering broadening its array of security measures. Nonetheless, Ms. Celeyta stresses that international accompaniment is the most effective protection measure for the organisation. NOMADESC also seeks to develop a long-term prevention and protection strategy⁷. Despite the harassment, threats, surveillance, and murders, Ms. Celeyta states that «we will not stop what we are doing»; rather they will continue to investigate who is behind the seizure of land belonging to African-descendant and indigenous peoples. ●

1 «Nuevas amenazas en el noroccidente del Cauca. Comunidades indígenas y afrodescendientes reciben el 2010 con amenazas por Águilas Negras», NOMADESC, 7 January 2010.

2 Meeting with Minga Association, 22 January 2010.

3 «Cómo se está dando la guerra en el Cauca hoy», Ávila, Ariel, New Rainbow Corporation, 20 October 2009.

4 «Seguimientos a Nomadesc en Cali», NOMADESC, 31 October 2009.

5 «Organizaciones de la Minga de Resistencia Social y Comunitaria nuevamente blanco de amenazas», NOMADESC and other organisations, 22 October 2009.

6 Ibid. 1

7 Interview with Berenice Celeyta, 18 February 2010.

«The threats attempt to spread fear within the community and silence people»

PBI spoke with Luis Fernando Arias, a Kankumano indigenous person and General Secretary Counsel for the National Indigenous Organisation of Colombia (ONIC), on the threats faced by indigenous representatives in the country.

Photo: Damien Fellous / libre arbitre



Indigenous mobilisation where indigenous communities demanded that the Colombian State fulfil agreements, October 2008.

PBI: What type of threats have representatives and activists for indigenous peoples received?

Luis Fernando Arias: In 2009, several indigenous organisations in Colombia were threatened, principally their leaders and community members. Last year, the most relevant cases principally occurred in Nariño against the Awa and Eperara Siapidaara indigenous organisations. In Nariño, there are two indigenous organisations that have been systematically threatened by groups calling themselves «New Generation». Indigenous leaders and the community as a whole receive threats by email and text messages. Unfortunately, many of these threats have resulted in murders, massacres, forced displacements, and acts of intimidation.

In 2009, the Regional Indigenous Council of Risaralda received diverse threats that resulted in the murder of indigenous authorities and members of the Indigenous Guard, which the Regional Council reported to Colombian State protection agencies and the Ministry of Interior. Nonetheless, protection measures have not been adopted for these communities. Furthermore, the «Black Eagles» have also systematically and repeatedly threatened colleagues from the Regional Indigenous Council of Cauca and the Regional Indigenous Organisation of Valle del Cauca.

The threats have been ongoing and systematic and in many cases have resulted in murders. Last year, there were more than 314 collective or individual threats, according to information gathered by regional organisations. We have registered

« Indigenous leaders have been the targets of attacks in different parts of the country. These attacks have had diverse objectives. Sometimes leaders are attacked to terrorise the local population and force them to flee the area. Other times, the attacks are retaliations for the communities' refusal to involve themselves in the conflict or for speaking out against abuses and supporting the victims who seek justice. In other cases, the attacks attempt to force indigenous people to stop advocating for their rights relating to land ownership. Beyond their immediate objective, these attacks attempt to silence indigenous leaders who defend their communities»¹. ●



Child from the Uwa indigenous community in Casanare.

114 murders, although at the end of 2009 the Association of Indigenous Councils of Northern Cauca informed us of another 62 murders. We are very concerned because this figure almost doubled in comparison with 2008 and demonstrates that the situation of indigenous peoples in Colombia has continually worsened. If one compares the situation of indigenous peoples with that of other social sectors in the country, the human rights of indigenous peoples—in this case the right to life and territory—continue to be the most violated.

PBI: What are the interests of the actors carrying out the threats and murders?

LFA: There are many interests involved: economic, geo-strategic, military, and political. For instance, Nariño is a strategic area for military control and drug trafficking with the presence of all the armed actors who pressure, threaten and intimidate to maintain territorial control and carry out drug and weapons trafficking, in addition to a general military strategy. Moreover, large-scale development projects are also being carried out in indigenous territories. When a multinational company arrives and the indigenous leaders and community reject the exploration and exploitation of resources within their territories, they immediately receive a series of threats. For instance, last

From 2002 to 2009, there were 4,734 collective threats, 186 individual threats and 1,464 political murders committed against indigenous peoples. From 1998 to 2002, there were 3,138 collective threats, 183 individual threats and 801 political murders². ●

year, after having been threatened in messages and pamphlets, the indigenous representative Edilberto Imbachi was murdered due to his opposition to oil exploration in Putumayo. Imbachi was always committed to his work and in the end this cost him his life.

In conclusion, sometimes economic interests are behind the murders carried out by paramilitary and subversive groups. These threats also attempt to maintain a regime of terror and territorial control to carry out large-scale development projects.

PBI: Have female leaders been threatened? What has been the impact of these threats?

LFA: The conflict affects indigenous peoples differentially. Last year, as part of the visit by the United Nations Rapporteur⁵, we listened to terrifying testimony by an indigenous governor from Northern Cauca. This woman was under threat. Objects making reference to her death were sent to her house and she received messages saying she smelled like formaldehyde. It was a supremely dramatic situation. There is a differential affectation because, in addition to being an indigenous leader, she also took care of her family and children. Many cases concern widows who have inherited the lineage of leadership from their spouse and have taken on this fight. Furthermore, indigenous women have been the victims of sexual aggression by different actors of the armed conflict. For instance, the Wayúu women in Guajira—where the Cerrejón coal mine is located—have been threatened by paramilitary groups and military members to the point that several women have had to leave the region.

PBI: Has the ONIC, which carries out very visible work, also been the victim of threats?

LFA: We were threatened on several occasions from 2007 to 2009. Some leaders have been persecuted. In my case, two armed persons arrived to my house on a motorcycle

looking for me in 2008. Fortunately, I was not there at the time. Several of the organisation's leaders have had their names appear on the lists of the «Black Eagles» in Bogotá. In conclusion, we have been threatened in different ways on an ongoing basis. We have adopted protection measures, principally political and organisational measures, but self-protection measures as well.

PBI: What legal mechanisms exist to protect indigenous communities from these threats?

LFA: The legal mechanisms are utterly insufficient since they do not take into account the worldview and vision of indigenous peoples with respect

In accordance with the official census in 2005, there are 87 indigenous peoples that speak 64 different languages. There are 1.4 million indigenous people, which correspond to 3.4% of the Colombian population³. ONIC maintains that there are in fact 102 peoples, which means that 15 indigenous peoples have not been recognised⁴. ●

to the issue of protection. Insofar as collective protection, international and constitutional instruments exist that protect indigenous peoples, including the United Nations Declaration on the Rights of Indigenous Peoples and Convention 169 of the International

Labour Organisation. But these instruments are not well known because the government favours regional or investment interests over the collective interests of an indigenous community. For us, protection is territory, culture, autonomy and the strengthening of our own mechanisms of self-protection, for instance the Indigenous Guard. We want the government to incorporate these aspects since the government's protection programme does not serve us. We cannot imagine an indigenous person in the jungle wearing a bullet-proof vest or with a mobile telephone. This is an erroneous view of protection and we have completely different way of seeing the issue. ●

Threats are the principal attack against journalists



Portion of the cover of the recent report by the Committee for the Protection of Journalists (CPJ) on attacks against the press in 2009.

According to a recent report by the Foundation for Press Freedom (FLIP)⁶, threats continue to be the most common way to restrict the work of journalists and silence them. In 2009, there were 74 cases involving 97 victims⁷. According to FLIP, this only represents the tip of the iceberg since there is under-reporting. Threats have affected the freedom of press because according to the FLIP «many journalists prefer to stop reporting abuses and not touch on “dangerous” issues, especially information concerning corruption and investigations on the armed

conflict». The impact is especially felt in the regional press, where investigative journalism is scarce.

In its 2009 report, the FLIP recognised the progress made in the criminal investigations being carried out by the Prosecutor's Office on the DAS's illegal interceptions. Nonetheless, the FLIP expresses its concern for the lack of effectiveness in the justice system. In fact, of the 74 cases of threats reported last year, «not one had significant legal progress or held anyone responsible for the acts». ●

1 «La lucha por la supervivencia y la dignidad – Abusos contra los derechos humanos de los pueblos indígenas en Colombia», Amnesty International, February 2010.

2 According to data in the Information System on Indigenous Peoples, Colombia. CECOIN-ONIC

3 «El Mundo Indígena 2008», Kathrin Wessendorf (Compilation and edition), 2008.

4 «La Configuración de un Genocidio Silencioso», ONIC, 2 November 2008.

5 The United Nations Special Rapporteur on Indigenous Issues, James Anaya, visited Colombia from 22 to 27 July 2009.

6 «Interceptaciones y seguimientos ilegales: grave intimidación al periodismo colombiano. Informe sobre el estado de la libertad de prensa en Colombia en 2009», FLIP, February 2010.

7 According to the FLIP, there were 77 threats against journalists in 2006; 85 in 2007; 71 in 2008; and 74 in 2009.

Silencing women through intimidation

It is not easy for anybody to face ongoing death threats. Human right defenders interviewed by PBI pointed out that attacks against women and men are distinct and that human rights violations against women have certain particularities. «It is not the same when men and women are threatened, because we are like hens. We have little chicks and we won't let them go», says Tania¹, an Afro-Colombian woman who subsequently fled from the armed conflict in Chocó after fleeing the urban war in District 13 in Medellín. Presently, she lives in a marginalised neighbourhood in Bogotá.

In fact, the female members of grassroots organisations —along with their children— have been threatened in pamphlets sent by email or arriving at their doorsteps². «Sometimes the illegal armed groups carry out the threats», says Claudia Mejía, director of SISMA Women's Corporation, who explains that the children of two members of organisations in the departments of Bolívar and Valle del Cauca were murdered last year. This is not a new strategy. For instance, Soraya Gutiérrez from the José Alvear Restrepo Lawyers' Collective, along with her daughter, was threatened. In 2005, a package was sent to their house for her daughter, which showed her grandfather as the return address. Inside of the package there was a dismembered doll, splattered in red nail polish, with a note: «You have a pretty daughter, do not sacrifice her»³. The lawyer was gravely impacted in her personal and professional life. «When you defend human rights in a country such as this one, you place your career and profession at the service of the fight against impunity. You know that you run certain risks and you accept this. It is different when they take advantage of your weaknesses: your family and loved ones. This has a very intense impact; it is very difficult».

The incidents begin to raise concern

«Women continue to be raped», states Claudia Mejía. In 2009, four representatives from organisations were physically attacked and three of them were the victims of sexual violence in Bogotá⁴. 2009 was a very difficult year for women involved in social organising processes. At least 36 women were threatened and four were murdered. Furthermore, the children of two women were also murdered as well as the spouse of another woman⁵. During



Women demand their rights in Bogotá. Mobilisation against violence against women, 25 November 2009.

her visit to Colombia in September 2009, the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, highlighted that women suffer the most from harassment and

persecution⁶. The Constitutional Court also expressed that «in recent years there has been an increase in socio-political crimes against women leaders within the framework of the conflict»⁷. According

to the Court, one of the 18 motives for displacement is violence committed against women organised in social or community processes⁸.

A recent report by the Colombian Platform for Human Rights, Democracy and Development goes even further: «Violence against women is systematic and generalised and continues to be an instrument for social and political persecution and a weapon of war used by groups that participate in the hostilities»⁹. Chilling figures support the statement in this investigation: from 2002 to 2007, 1,314 women lost their lives outside of combat due to socio-political violence; 179 were forcibly disappeared; 82 were the victims of torture; and 483 were arbitrarily detained¹⁰.

Women who support the internally displaced population are persecuted the most

In Colombia, women, children, and young people make up most of the internally displaced population. 52.3% of this population is comprised of women and girls and 40% of the households are headed by women¹¹. Many women have also suffered multiple displacements and must fight to re-establish themselves economically. Likewise, these women are often committed to supporting families in similar circumstances. According to the Women's Human Rights Observatory in Colombia, threats, attacks, and harassment significantly increased against women in the second half of 2009.

In order to escape the threats and persecution, Renata has been forced to flee six times over the last ten years, the last time three months ago. On one occasion, illegal armed actors kidnapped her daughter in order to recruit new members. Fortunately, Renata recovered her daughter a few months later, but when she reported the crime she began to receive threats. Since 2002, she has lived in different parts of Cali (Valle del Cauca). When she saw the conditions of the internally displaced families that arrive to the city on a daily basis, she began to work with the Women's Collective of Valle del Cauca to support them. As Renata explains, this work has made her a lot of enemies, especially among the armed groups emerging after the demobilisation of paramilitary groups that operated in the region. Renata is not

the only victim. Since 2007, members of the Women's Collective have been threatened systematically.

Why are they threatened?

For Tania, it is clear why they are threatened: «To silence us»; in other words, to de-legitimise or weaken women and their work. Tania says that many women cannot bear the pressure and leave the organising processes. Later, their names are removed from the threatening pamphlets. For Tania, this is reason enough to understand that the authors of the threats are at an advantage if less people to support poor internally displaced families. «Having reached out to other women and making strategic alliances has put us at a high risk», recognises Rosalba. Another example is Yolanda Izquierdo, a representative of traditional small farmers who was under threat. In 2007, she was murdered by alleged paramilitary groups due to her representation of victims of paramilitarism in Córdoba¹².

SISMA Women's Corporation Director Claudia Mejía, the increased threats against the representatives of internally displaced communities is directly related to Constitutional Court Order 092 which made a pronouncement on the vulnerability faced by women in situations of displacement and ordered the Colombian government to adopt protection measures¹³. On the one hand, women have been able to take ownership of Order 092 and raise awareness about their difficult situation. On the other hand, many women are now in the eye of the hurricane since this visibility has also resulted in increased threats. As a result, Mejía insists that the Court's pronouncement has paradoxically become a «source of risk for women since it has makes them more visible».

Psychological torture

A hidden drama also lies beyond the threats. Renata's spouse could not bear the ongoing threats against his wife and decided to leave her. «Perhaps they end up killing you or even me», he said when he left. The years of threats have been «psychological torture», says Rosalba, who recognises that now she is suspicious of everyone, which also does not encourage new relationships. Her

three adult children have witnessed the threats and persecution, which has also affected them. «They say out of fear: "Mom, what if I am grabbed at school and taken away? I better not go"».

The women from the Women's Collective in Valle del Cauca feel a climate of terror. «When a colleague's son was murdered in Cali, we all started to think about our own families», says Renata. And there are women who «have burst into a crisis of weeping», asserted Tania. They abandon their work and keep a low profile out of fear, out of hopelessness, because they cannot bear more threats, and because they want the terrorising to stop. Sometimes, it is too late to stop. Renata explains that a women's brother was forcibly disappeared even though she had left the organisation. Renata is determined to continue: «No matter where the threats come from, we reject them as women and as human rights defenders». She and her colleagues have proven that their fight is worthwhile since Valle del Cauca presently has 35 women's organisations thanks to the awareness-raising work they have carried out. ●

1 The names of the women have been changed for their safety.

2 The mass media barely gives coverage to threats made against women. On 2 April 2008, unidentified persons made death threats against the daughter of Ingrid Vergara, who was then 12 years old, condemning the activities carried out by her mother, current MOVICE secretary for the Sucre chapter. See: «Colombia: Nuevos actos de hostigamiento contra la Sra. Ingrid Vergara y el Sr. Juan David Díaz Chamorro», El Observatorio, 18 February 2010

3 Newsletter, ColomPBlA, PBI Colombia, October 2009.

4 Figures from the Women's Human Rights Observatory in Colombia, February 2010.

5 Ibid.

6 «Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development», Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, 23 December 2009.

7 «El impacto: distinto para ellas», Hechos del Callejón, No. 51, December 2009.

8 «Las mujeres desplazadas, las más afectadas», Hechos del Callejón, No. 51, December 2009.

9 «¿Continuidad o desmembramiento? La Seguridad Democrática insiste y la esperanza insiste», Colombian Platform for Human Rights, Democracy and Development, November 2009.

10 Ibid.

11 «Salto estratégico o salto al vacío?», CODHES Informa No. 76, 27 January 2010.

12 «Capturan a presunto asesino de Yolanda Izquierdo», El Espectador, 15 August 2009.

13 Order 092 of 14 April 2008, «Protection of the fundamental rights of women in situations of forced displacement due to the armed conflict».

LGBT population: More rights mean more threats

Since he was threatened last year, his small simple apartment in Bogotá has become the office for the Radio Diversia Foundation. Its director, Carlos Serrano, a child of the Chilean dictatorship, has lived in Colombia for the last six years. Two years ago, he created the radio station as «a bridge between the LGBT (lesbian, gay, bisexual and transgender) and heterosexual communities», says Serrano. The radio station was featured in such international media outlets as Rolling Stone Magazine and Shock. Up until then everything was going well. Then, last year, the computers were stolen from the Radio Diversia office, which were then followed by threats. Emails warned Serrano that if he did not leave the country within a week, he would be murdered and a bomb would be placed in the radio station. The building management immediately cancelled his rental lease and Carlos Serrano returned to his home country for two weeks.

The death threats against Radio Diversia were a strong blow. Serrano describes that time as «complicated, very critical, painful, and very hurtful emotionally, economically and institutionally. We didn't get contracts and half of the staff left. [...] Being under threat is difficult and doesn't let you sleep. You become paranoid and distrustful. You are scared and start to feel afraid, not for yourself, rather for the people you work with». Justifiable fear since months after the first threat, a radio member was getting into a taxi and someone put a gun to his head and said that he and his family would be killed if he did not resign¹. These were months filled with tears when «your skin is hardened and your heart grows». The whole experience has made him stronger, says Serrano laughing. And with time the radio station has become better known.

The LGBT sector has suffered a long history of discrimination and only in recent years the community has achieved certain rights². According to Serrano, these achievements are related to the aggressive reactions against human rights defenders and activists.

According to the NGO Colombia Diversa, common factors in the victims of the death threats and physical attacks include the visibility of their sexual orientation, the historical prejudice against the LGBT population, and their activism as human rights defenders. These activists need protection measures since the organisations are not prepared to protect them from attacks and State mechanisms do not exist for the LGBT population, states the director of Colombia Diversa, Marcela Sánchez. Moreover, «we do not know who our enemies are. They could be within the government, the Church, paramilitary groups, the FARC, or drug traffickers; that is, any of them could feel assailed by us



Carlos Serrano, director of Radio Diversia.

at any time», says Serrano. Sanchez says that the LGBT movement has grown over the last years and today there are groups in almost every city, which has also meant that the crimes against the LGBT population have begun to be reported.

Due to the lack of figures, it is difficult to verify the scale of the threats and attacks against LGBT activists. Nonetheless, there is a sensation that the attacks are increasing. «There had not been such a major public wave of violence in the previous years», asserts Carlos Serrano³. The United Nations Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, expressed her concern when she made reference to the dangerous situation faced by LGBT activists in Colombia: «Journalists, trade unionists,

[...] and LGBT activists have been killed, tortured, ill-treated, disappeared, threatened, arbitrarily arrested and detained, judicially harassed, under surveillance, forcibly displaced, forced into exile, or their offices have been raided and their files stolen, because of their legitimate work in upholding human rights and fundamental freedoms»⁴. ●

1 Interview with Carlos Serrano, February 2010.

2 Today, gay, lesbian, bisexual and transgender people have access to legalised unions and the rights to health and retirement. Interview with Carlos Serrano, Radio Diversia, and Marcela Sánchez, Colombia Diversa, February 2010. See: «Doce meses al derecho», Colombia Diversa, 29 December 2009.

3 A recent report by CINEP demonstrates a significant increase in collective threats —often coming in the form of pamphlets— from January 2006 to June 2009. In the first six months of 2009, 82 cases were registered and the homosexual population is one of the most threatened sectors. See: «Primer Semestre de 2009: de los "falsos positivos" a la intolerancia social y las amenazas colectivas», CINEP, October 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, 18 September 2009.

Grassroots organisations in Medellín experience information theft

In 2009, several grassroots and human rights organisations throughout Colombia had sensitive information directly related to their work stolen from them. As the United Nations Special Rapporteur on the situation of human rights defenders expressed in her report of March 2010, these cases of sensitive information theft are detrimental to their work since it puts them—as well as the people they represent—in a vulnerable situation¹.

The affected organisations in Medellín fear that the thefts are part of an overall persecution observed throughout 2009. These organisations have also expressed that they face an apparent situation of persecution by the State and the mass media². Other organisations believe that illegal groups who want to stop social and political work and the reporting of abuses are behind some of these acts of theft³.

The Municipal Human Rights Committee claims there is link between criminal prosecutions, threats, and sensitive information theft, since «they gravely affect the protection and defence of human rights in the city». As a result, the organisation demands recognition and the guarantee of effective protection of the work carried out by human rights organisations⁴. ●

1 «Promotion and Protection of all Human Rights, Civil, Political, Economic, Social and Cultural Rights, including the Right to Development. Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya», 4 March 2010.

2 «Denuncia Pública», FCSPP, Antioquia chapter, 7 September 2009.

3 CORPADES, Press release, 11 May 2009.

4 «Atentados contra defensoras y defensores de derechos humanos», Municipal Human Rights Committee, 13 March 2009.

5 «Denuncia pública», Corporación Con-Vivamos, 17 February 2009.

6 «Asaltan oficina de defensores de derechos humanos en Colombia», IPC, 26 February 2009.

7 CORPADES, Press release, 11 May 2009.

8 Ibid.1

9 Ibid.2

Cases of information theft from the homes and offices of organisations in Medellín

In February 2009, unidentified persons stole a computer from the office of the Con-Vivamos Corporation, an organisation that carries out social work in North-Eastern Medellín⁵.

In February 2009, unidentified persons entered the office of the Madre Laura Social Work, which has worked in District 13 for the last eight years⁶. It is suspected that information was stolen from a hard drive that contained the testimony of hundreds of victims of crimes allegedly committed by paramilitary groups. This office assists victims of human rights violations in cooperation with the Corporation for Judicial Freedom.

In May 2009, alleged members of the Gaitanista Self-Defence Forces mugged a member of the Corporation for Peace and Social Development (CORPADES). They threatened him with death to make him turn over his laptop computer⁷.

In July 2009, alleged members of a paramilitary group that operates in

Medellín stole a computer from the office of the Youth Network⁸.

In August 2009, a computer and case files were stolen from the apartment of Fernando Vélez Sepúlveda, lawyer

with the Committee in Solidarity with Political Prisoners (FCSPP). The FCSPP Antioquia chapter highlights that the information in the case files is only of interest for the process of his work as a lawyer⁹. ●

Photo: Adrian Johansen



Sister Rosa, who is in charge of victim assistance at Madre Laura Social Work.



Protecting human rights defenders in Colombia since 1994

www.pbi-colombia.org



Walk Commemorating Five Years since the Massacre of San José de Apartadó in February 2005. (Photo: Damien Fellous / libre arbitre)

Pace 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.

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