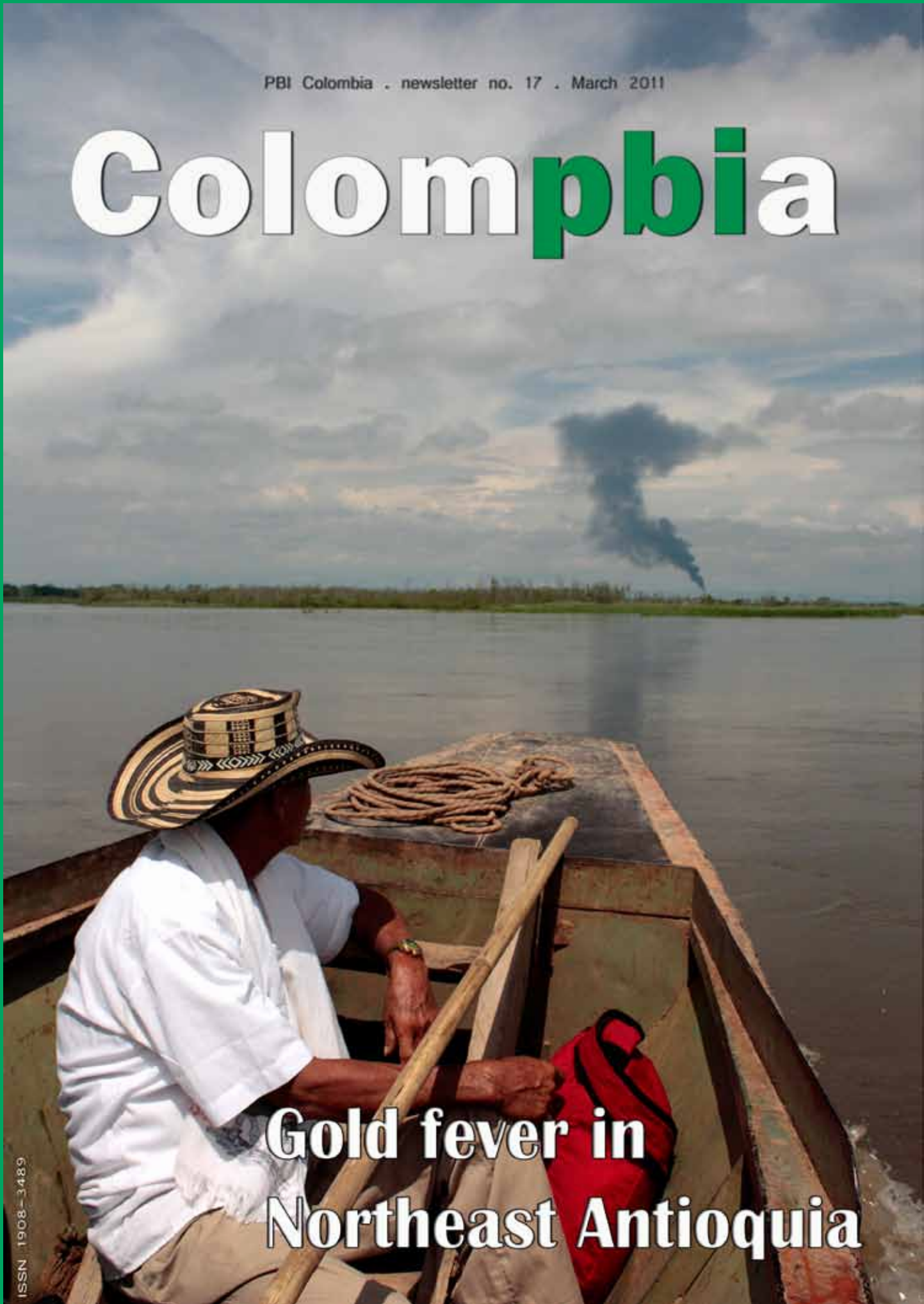


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**Gold fever in
Northeast Antioquia**

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EDITORIAL

The political discourse of Juan Manuel Santos' government has centred, in the first six months of his presidency, on two principal themes. On the one hand, it has started discussions about the millions of victims of Colombia's armed conflict. To that end, a law is being debated in Congress that proposes a legal basis for reparation, including the restitution of two million hectares of stolen land. On the other hand, the Government is pushing a development agenda based in the exportation of primary materials and the creation of infrastructure for this purpose, as established in the National Development Plan 2010-2013, which focuses on the development of the mining and hydrocarbon sectors.

The so-called Victims Law tackles the plunder of the land of victims of forced displacement, one of the most severe crises in Colombia in recent years. Around 5.4 million hectares—a territory larger than Switzerland—were abandoned due to violence between 1998 and 2010. And although the initiative would mean a considerable advance of rights, many questions remain for the victims of forced displacement. It is worthwhile to note that during just the past year, 40 human rights defenders and representatives of displaced communities paid for the struggle for their rights with their lives. Many more have been and continue to be threatened, and suffer various forms of repression, as the article in this newsletter about the social movement in Barrancabermeja demonstrates.

Through the project "Vision 2019, Colombia Mining Country," the Colombian Government seeks to convert the country into a worldwide reference for mining extraction, under the legal framework of the recently reformed Mining Code. This law promotes foreign investment in mining, permits land expropriation for mining development, and declares small-scale mining illegal. The already established laws for the protection of ancestral cultures and the environment have been violated in the past by mining companies, as seen in the case of Muriel Mining Corporation in the Chocó, or in the current discussion about mining in the moorland of Santurbán, Santander.

The question therefore remains: will the demands of victims be incorporated in the Law being debated in Congress, and will this government be capable of guaranteeing respect for the rights of ancestral peoples and environmental law for sustainable economic development?

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On the cover Magdalena Medio River

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Victims law and land restitution

Photo: Sean Hawkey/ACT



According to the Program of Land Protection, 5.4 million hectares—an area larger than Switzerland—were abandoned as a result of the violence just between 1998 and 2010.

María Ligia Chavera is a 72-year-old Afro-Colombian woman who has struggled the last 14 years to recover her land in the Chocó. She was displaced in 1997 along with her community of Curbaradó. “We walked suffering, passing up work, eating without salt, washing without soap, sleeping in the mountains, literally lying on top of snakes,”¹ she tells, remembering those years of forced displacement. Theft from displacement victims is one of the gravest scourges in Colombia.² According to the Program of Land Protection, 5.4 million hectares—an area larger than Switzerland—were abandoned as a result of the violence just between 1998 and 2010.³ According to Marco Romero, director of the Consultancy for Human Rights and Displacement (CODHES), in many cases “[C]oercion was used to buy lots at low prices and people were forced to sign away deeds.”⁴

In the face of this situation, the Government of Juan Manuel Santos has proposed an initiative for land restitution to victims that is currently making its way through the Colombian Congress as a uni-

fied law.⁵ The proposal seeks to create mechanisms and strategies for the handover of land to the displaced population.⁶ The return of two million hectares of land to those from whom it was stolen—about 250,000 hectares per year—is one of the principal pieces to begin what the Government considers integrated reparation for the victims of the violence.⁷

THE CHALLENGES OF THE PROPOSED LAW

The proposal has garnered widespread support among the parties of the Government coalition. However, although some civil society organisations believe that “the victim and restitution law is a fundamental contribution because it recognises, from the Government, that this plundering does exist,”⁸ organisations like the National Movement of Victims of State Crimes (MOVICE) have certain reservations, to the point of rejecting the proposed law.⁹

For Jorge Luis Garay, director of the Commission of Public Policy for Displacement Monitoring,¹⁰ the proposed

law is filled with challenges and obstacles that will take a long time to be worked out.¹¹ Iván Cepeda, Representative in Colombia’s Lower House of Congress with the Alternative Democratic Pole (PDA) party and member of MOVICE, fears that the proposal will not have the hoped for results. The principal problem he identifies is that reparation depends upon fiscal stability: “The Government has presented a concept of reparation that is subject to certain criteria, like fiscal stability, that could make it totally inefficient.”¹²

In addition, the proposed law posits the restitution of two million hectares of land, but according to the calculations of the Center for Research and Popular Education (CINEP), there are 6.5 million hectares of plundered land.¹³

Many other questions remain: “How will a displaced population be able to sustain itself on a plot of returned land without support for income generation, and without public roads, sewers, electricity and security conditions? For this reason, it is important to integrate into the debate in Colombia the Principles for the Return of Housing and Wealth of Displaced Refu-



The other marks of war.

gees and Displaced Persons.”¹⁴

THE SANTOS GOVERNMENT'S PLAN OF ACTION

Until April of this year, the Santos Government had in place an action plan that proposed the hand-over of land to 138,000 peasant families in the departments of Magdalena, Bolívar, North Santander, Chocó, Tolima, Antioquia, Cesar, Arauca, Meta and Putumayo.¹⁵ As of January 2011 the Colombian Rural Development Institute (INCODER) had handed over 121,000 hectares to 38,000 peasants under the direction of the Agriculture and Rural Development Ministry.¹⁶

PROTECTING SOCIAL LEADERS

On a farm known as “Germany” (La Alemania) in the municipality of San Onofre (Sucre), 15 people have been murdered for their work to reclaim these 550 hectares of property.¹⁷ The latest victim was Rogelio Martínez, a 48 year-old

member of the Sucre chapter of MOV-ICE, who was killed in May 2010.¹⁸ During 2010, in Urabá alone, nine peasants who were leading projects to recover stolen land were murdered.¹⁹ In all of Colombia, 40 human rights defenders and representatives of displaced communities were murdered in 2010, 33 since President Juan Manuel Santos took office and Congress began debating the Victims and Land Restitution Law. This has occurred in at least nine departments, including Córdoba, Antioquia, Chocó, Sucre, Cauca, Valle del Cauca and the regions of Magdalena Medio and Catatumbo.²⁰ According to the internet site about paramilitaries and armed conflict in Colombia, Verdad Abierta, “the paramilitary figureheads have attempted at all costs to impede the return of stolen land to displaced peasants.” The site also says: “The methods that are used [...] to intimidate and prevent the victims from demanding what belongs to them are the same used before the paramilitary demobilisation: accuse the leaders of being guerrilla leaders, at-

tempt to intimidate them and in the end murder them in order to stop the return of the stolen land.”²¹

Threats continue against organisations that reclaim their land, and there has also been an increase in the theft of sensitive information about these groups.²² Cristian Salazar, director of the United Nations High Commissioner for Human Rights in Colombia, has stated, “The protection of victims who reclaim land, as well as their organisations, should have the same priority as restitution itself, because above all the State is responsible for protecting life.”²³ And that, according to Garay, is “where the poison is.”²⁴

1. Interview with PBI, November 2010.
2. “Victims Law: Commitment to Truth, Justice and Reparation,” Congreso Visible, 11 November 2010, see: <http://www.congresovisible.org/agora/post/ley-de-victimas-compromiso-de-verdad-justicia-y-reparacion/437/>
3. “The project of the Victim’s law approved in the House has unconstitutional characteristics,” *La Silla Vacía*, 8 January 2011; see: <http://www.lasillavacia.com/historia/el-proyecto-de-ley-de-victimas-aprobado-en-la-camara-tiene-rasgos-de-inconstitucionalidad-2>.
4. “Access to land has been the focus of the armed conflict,” *Semana*, 25 November 2010.
5. “The proposals of President Santos: Hope for the victims?,” CINEP, November 2010.
6. “The 11 actions of the government to restore land to those from whom it was plundered,” CINEP, November 2010.
7. “Restitution of land will be retroactive 15 years,” *El Tiempo*, 12 October 2010; see: http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-8127782.html.
8. “Access to land has been the focus of the armed conflict,” *Semana*, 25 November 2010.
9. “Discussion document about the current proposed victim’s law,” MOV-ICE, 13 December 2010; see: http://www.movimientodevictimas.org/index.php?option=com_content&task=view&id=786&Itemid=1.
10. The Commission is composed of Consultancy for Human Rights and Displacement (CODHES), the Long Live Citizenship Corporation, the Faculty of Law of the University of Los Andes, and different people like the ex Defender of the People and ex President of the Constitutional court, Eduardo Cifuentes, the journalist Patricia Lara and the national director of the Social Ministry of the Colombian Catholic Church Monseñor Héctor Fabio Henao.
11. “The proposed Victim’s Law approved in the House has unconstitutional aspects,” *La Silla Vacía*, 8 January 2011; see: <http://www.lasillavacia.com/historia/el-proyecto-de-ley-de-victimas-aprobado-en-la-camara-tiene-rasgos-de-inconstitucionalidad-2>
12. “If errors are not corrected, the Victims Reparation Law will be inefficient,” *Agencia Prensa Rural*, 13 November 2010, see: <http://www.prensarural.org/spip/spip.php?article4854>.
13. “The proposals of President Santos: Hope for the victims?,” CINEP, November 2010.
14. “Land, territory and forced displacement,” United Nations Development Program, 2010; see: http://hechosdelcallejon.pnudcolombia.org/hechos_57/Tierras_territorios_desplazamiento.pdf.
15. “History of a crusade,” *Semana*, 15 January 2011; see: <http://www.semana.com/noticias-nacion/historia-cruzada/150193.aspx>.
16. *Ibid.*, 15.
17. “The farm in Sucre that has cost the life of 12 people for trying to reclaim it,” *El Tiempo*, 2 May 2010; “The long list of victims of “Germany” hamlet in San Onofre,” New Rainbow Corporation, 18 May 2010.
18. “Member of MOVICE murdered for reclaiming farm,” PBI Colombia, September 2010.
19. “Óscar Maussa, another leader of the displaced, is murdered,” *Verdad Abierta*, 26 November 2010; see: <http://www.verdadabierta.com/conflicto-hoy/rearmados/2885-oscar-maussa-otro-lider-de-despojados-de-uraba-asesinado>.
20. *Ibid.*, 17.
21. “Death pursues those who reclaim their land,” *Verdad Abierta*, 23 May 2010; see: <http://www.verdadabierta.com/nunca-mas/38-desplazados/2483-la-muerte-persigue-a-los-que-reclaman-sus-tierras>.
22. “Threats against NGOs and peasants who reclaim their land denounced,” *El Colombiano*, 12 January 2011; see: <http://www.elmundo.es/elmundo/2011/01/12/solidaridad/1295601602.html>.
23. “Displaced leader murdered in Bolívar was stoned and tortured,” *El Tiempo*, 23 January 2011; see: <http://m.eltiempo.com/justicia/gobierno-pide-investigacion-asesinato-de-lider-de-desplazados-en-urabi/8457920>
24. “The proposed Victim’s Law approved in the House has unconstitutional aspects,” *La Silla Vacía*, 8 January 2011; see: <http://www.lasillavacia.com/historia/el-proyecto-de-ley-de-victimas-aprobado-en-la-camara-tiene-rasgos-de-inconstitucionalidad-2>
25. “National Verification Survey of the rights of the displaced population,” Public Policy for Forced Displacement Monitoring Commission, in “What size is the plunder of land and property in Colombia?,” *Semana*, 19 October 2010.

THE AMOUNT OF PLUNDERED OR ABANDONED LAND

A study by the Commission of Public Policy for Displacement Monitoring demonstrates that 90% of the displaced population has lost its land. “The amount of hectares of land usurped or abandoned because of violence between 1980 and July 2010 is almost 6.65 million, without counting territory held collectively

by ethnic communities. This amount of land is equal to 12.9% of arable land in the country. According to the investigation, 1998 and 2008 was the period in which the greatest amount of land was usurped or abandoned: 5.3 million hectares.”²⁵

Alirio Uribe: “There have been serious due process violations”



Alirio Uribe (CCAJAR) and Sylvain Lefebvre (PBI).

In a conversation with PBI, lawyer Alirio Uribe talks about the criminal proceedings against David Ravelo, economist, human rights defender and member of the Regional Corporation for Human Rights Defense (CREDHOS),¹ jailed since September 2010. Ravelo faces the charge of aggravated homicide based on the testimony of the ex paramilitary leader Mario Jaime Mejía, alias ‘El Panadero’, processed under the protection of Law 975 and confessed material author of the 16 May 1998 massacre in Barrancabermeja.² Alirio Uribe has been a member of CCAJAR for more than 20 years and also defended David Ravelo between 1994 and 1995 when he was imprisoned for 27 months and later acquitted. Alirio Uribe is again defending him against the current charges.

PBI: What are the accusations against David Ravelo and upon what are they based?

Alirio Uribe: The initial charges were for rebellion, conspiracy to commit a crime and premeditated murder. It was demonstrated that he had already been tried for rebellion in a secret case in 1993 and of which, after being arbitrarily

detained, he was acquitted. We were also able to prove that conspiracy to commit a crime had never existed and if it had [the statute of limitations] had expired. In this moment the only charge that he has is the worst of the three: homicide.

The homicide for which Ravelo is currently being accused occurred in April 1991, the same period during which he was accused of being a member of the FARC, of which he was acquitted. Despite this acquittal, he is again being accused of having been with the FARC and serving as the FARC’s politician in Barrancabermeja, and that as a result of this he participated in a meeting in which the murder of David Núñez Cala was ordered.³

PBI: How has the criminal case proceeded since his imprisonment?

AU: In September 2010 he was captured, and when we were in the middle of the presentation of evidence, the investigation was closed, impeding an adequate defense of David Ravelo. This seems absurd to us. First, because there wasn’t an adequate possibility to present evidence since several pieces of evidence were denied, others weren’t admitted and oth-

ers were admitted but weren’t presented. This is why we consider it a serious violation of due process. And second, because the Public Prosecutor has only focused on the version of the criminals – alias ‘El Panadero’ and Fremio Sánchez – despite the fact that there is abundant evidence in support of David Ravelo was presented. What is most concerning is the amount of credibility that the Prosecutor grants to those individuals. It is no secret that paramilitary groups in Barrancabermeja and in the entire country have declared human rights defenders military objectives, and ordered their murder, and now they are doing so legally, that is to say it is the same attack but through a criminal case, by saying: “I killed Núñez Cala and David Ravelo was the one who gave the order.” For us this is contradictory, and we find ourselves doomed to participate in a case against a human rights defender.

What is worrisome is that the same demobilised paramilitaries have already hurt other people in Barrancabermeja. This opens a door through which the paramilitaries who have always attacked human rights defenders can begin to take revenge, legally speaking, making false



David Ravelo, economist, human rights defender and member of the Regional Corporation for Human Rights Defense (CREDHOS).

accusations against human rights defenders. This is why it is very important to react vehemently to this tactic of using the justice system, particularly one that has not been impartial, because it is the Terrorism Unit [of the Public Prosecutor's office] that has permitted the criminalisation of many social sectors in this country.

PBI: Do you think this criminal case is related to his work in human rights?

AU: I don't have any doubt that it has to do with David Ravelo's life's work. It is true he was a member of the Communist Party and the Patriotic Union, and it is true he later became a human rights defender. So what he has is a bill accumulated against him for his involvement and his political leadership; for what he did when he was a councilmember and a community leader and for what he has been doing for the last few years as a human rights defender. They are paying him back, I am sure, for his 25 years of social, political and human rights work in the Magdalena Medio region.

PBI: How are Ravelo's prison conditions?

AU: He is on a floor with 900 prisoners and he, given his age and his social leadership, is already doing human rights work in the prison. David has not stopped being a human rights defender for even one day despite being in jail, and this is very worthwhile. He was named human rights delegate on his floor. This is very positive because it reflects his humanity and his role as a human rights defender. But for me it is terrible that he is in prison. When one talks with him in jail, one can see that his morale is very high. He sends messages about when I should visit him so I don't interrupt his work within the prison. So I would say that the daily prison conditions are good, considering the prisons in Colombia. He is enduring imprisonment, but with much dignity.

PBI: What can the international community do to support David Ravelo?

AU: He needs support in jail, but he

also needs a lot of pressure put on the Government and Prosecutor General because we cannot allow a human rights defender to be accused of such grave crimes and in such a fearful manner, since this could spread. That is to say, tomorrow any one of us could be accused. According to the Government 35,000 paramilitaries have demobilised. And we have the case of Carmelo Agámez, accused of paramilitary activities, which doesn't make any sense for a human rights defender.

I think that we have to demand freedom for David, and demand that due process be respected, as well as to mobilise for all the jailed human rights defenders. David needs solidarity. We lawyers are doing we have to do. I got him acquitted in 1995 when I was his defense lawyer, but after 27 months in prison I had hoped that this time he wouldn't be jailed for so long and that he would again be acquitted. In fact it is important that you know that the Prosecutor General was ordered to compensate David Ravelo for his previous detention because it was proven to be arbitrary. I think that a level of pressure has to be maintained, and to believe in the truth. And the truth is that David has been a member of the Communist Party, of the Patriotic Union, a civil leader, a community leader, Secretary of the Santander Department Assembly, Councilmember of Barrancabermeja, and human rights defender and member of CREDHOS. And this is the truth for me and should be the truth for all, and we have to defend this truth and defend the innocence and liberty of David.

COLOMBIA PROSECUTES 130 HUMAN RIGHTS DEFENDERS IN 2010

According to the report "Criminalisation and criminal prosecution of social protest and human rights defence in Colombia" from the national and international Campaign for the Right to Defend Human Rights in Colombia, "between December 10, 2009 and December 10, 2010, at least 130 human rights defenders across Colombia were subject to arrest, detention and/or criminal investigations."¹ The report points out that "a strategy that has become common in recent years is the use of systems or networks of informants composed of civilians or demobilised

members of illegal groups who provide useful information for State security institutions, in exchange for economic or legal benefits." The unfounded criminal prosecutions and the jailing of human rights defenders is an alarming phenomenon that PBI has observed in all of the Latin American countries in which it currently works.²

1. "Criminalisation and criminal prosecution of social protest and human rights defense in Colombia," National and international campaign for the right to defend human rights in Colombia, November 2010.

2. "Human rights defenders trapped in their own defense," PBI Colombia, February 2008.

1. "CREDHOS," PBI Colombia press packet, September 2010; see: http://www.pbi-colombia.org/fileadmin/user_files/projects/colombia/files/press_kits/100920_CREDHOS_ESP.pdf.

2. "The Baker" admits to massacre in Barranca," *El Tiempo*, 17 April 2008.

3. Candidate for mayor in Barrancabermeja in 1991.

Leonardo Jaimes Marín: “The grounds for arresting Carolina Rubio are absurd”



Leonardo Jaimes Marín, member of the Committee in Solidarity with Political Prisoners (FCSP).

Carolina Rubio, a worker in the Santander office of the Committee in Solidarity with Political Prisoners (FCSP, the Committee) since 2002, was arrested the 16 November 2010. Her detention took place just a few days after she returned from Belgium where – with the support of the International Office for Human Rights – Action on Colombia (OIDHACO) – she spoke with Belgian senators and members of the European Commission as well as with various representatives of permanent members of the European Union in order to request that they demand a real change from the Colombian government with respect to human rights. Given that Rubio was pregnant, the Prosecutor postponed the detention order for a few days later; however, the criminal proceedings against her continue. Carolina Rubio is accused of the crime of rebellion for acts supposedly committed in 2002 and 2005, and of belonging to the Revolutionary Armed Forces of Colombia (FARC). PBI spoke with her lawyer, Leonardo Jaimes Marín about the criminal proceedings.

PBI: What are the accusations against Carolina Rubio?

Leonardo Jaimes Marín: In the investigation, charges were brought against her for the crime of rebellion. The crime of rebellion is used to prosecute a good number of human rights defenders in Colombia. Carolina is not the first; other members of the Committee have been prosecuted and they are always charged with rebellion. That is to say, this is the constant stigma of this work. In addition, it's important to note that the Committee was victim to illegal wiretapping by the DAS.

In Santander mass arrests of peasants, workers, and residents is very common and are always based upon declarations from people known as ‘the reintegrated’, that is, former members of the guerrilla who seeks economic and legal benefits. But after undergoing cross-examination, it all falls apart and the vast majority of the victims of the mass arrests are freed a few days or a few months later. Unfortunately, their names, their faces and their images have been shown all over the

news, and this increases their risk level since so many of regions where peasants live and where human rights defenders work have a heavy paramilitary presence.

PBI: What is the basis of these accusations against Carolina Rubio?

LJM: The investigators of the Regional Criminal Investigation Office (SIJIN) of the Colombian National Police brought the criminal charges against her. The grounds for arresting her are absurd. They have produced two supposed former guerrillas – because we don't actually know if they are – and based on their testimony her arrest warrant was issued. It is important to make clear that the SIJIN investigators seek out the former guerrillas and initially hide their identity, violating constitutional and legal norms. Later, a prosecutor from the Support Office in Bucaramanga, without legally examining the validity of the testimony of these people, issued the arrest warrant.

PBI: What is going to happen now in the case?

LJM: At the moment the case is in what is called the evidence phase, which is to say that the Prosecutor asks for, presents, or admits evidence, and the defense also has the right to request or contribute evidence. The case was sent to Barrancabermeja, where the investigation continues. There is a period of six months for the evidence phase, after which time the prosecutor has to close the investigation and qualify the summary, that is to say decide if there is merit to send the case to trial or if the case should be closed.

PBI: Will Carolina Rubio have to return to jail?

LJM: The warrant says that if the case hasn't ended six months after the baby is born, she will be subjected to house arrest. At this moment the arrest order is suspended given the birth of the baby, but Colombian law says that after six months she will be submitted to house arrest.

Where are the disappeared?



Action against forced disappearance commemorating the International Week of the Disappeared, organised by ASFADDES.

Gloria Gómez is the coordinator of the Association of Family Members of the Detained and Disappeared (ASFADDES), an organisation that has dedicated itself to the struggle against forced disappearance since 1983. Agents of the State disappeared, tortured and murdered her brother Leonardo Gómez Cortés.¹

ASFADDES began in 1982 as a result of the forced disappearance of thirteen people, the majority of whom were students of the National University in Bogota committed to leftist activism. The coordinator of ASFADDES explains that the families began to realise the similarities between the thirteen disappearances: the thirteen were students and involved in social justice organisations, and all evidence points to the participation of men who identified themselves as part of the F2.² After not receiving a response from the State – which denied the facts – they understood that the only thing to do was to unite to look for them. And thus ASFADDES was born, with the understanding that only united could they advance in their desperate search.

The struggle of ASFADDES and Gloria Gómez is a struggle against impunity, an interminable struggle to pursue justice in Colombia and, in name of all the family members of the disappeared, a struggle in search of the truth, the only

thing that can alleviate the torment of those who have never given up searching for their loved ones and in response to the questions that torture them each day: “Where are they? Who kidnapped them? Are they still alive?”

Forced disappearance is a legal term³ that refers to a type of crime characterised by the act of depriving a person or persons of his or their freedom, perpetrated by agents of the state or by persons or groups of persons acting with the authorisation, support, or acquiescence of the state, followed by an absence of information or a refusal to acknowledge that deprivation of freedom or to give information on the whereabouts of that person, thereby impeding his or her recourse to the applicable legal remedies and procedural guarantees.⁴ In this way the disappeared person is denied any possibility of the protection of their rights. The family members are left in limbo, not knowing where they are or if they are alive or dead. This complete denial of having possession of the person and the lack of legal protection implies a total violation of the person’s rights.

In Colombia, forced disappearance began to be employed in the 1970s as a repressive measure to eliminate the political opponents of the regime, particularly leftist activists.⁵ According to Gloria Gómez, it is a practiced used by the State itself to generate fear, quiet and eliminate all those

who reject the established regime. Since then, forced disappearance has evolved. If in the 1970s the phenomenon was used to eliminate leftist activists like Omaira Montoya,⁶ by the 1980s the phenomenon expanded to also be applied to members of social justice organisations, students, peasants and union members. At the same time, while in the 1970s the disappearance was absolute – that is to say the individuals were taken and nothing was ever heard from them again – in the 1980s the individuals disappeared and their bodies reappeared days, months or even years later. When the goal was to teach a lesson, the tortured, disfigured and burned body was left where it was found. For Gloria Gómez, this was a clear strategy to create terror, and people began to not want to organise themselves, which affected the entire process of social organisation and the already weak fabric of society.

By the end of the 1908s this practice, in addition to being selective, became collective and indiscriminate: in addition to activists, members of social justice organisations and unions, individuals and entire groups began to be disappeared for the simple fact of living in a region of high social, political and armed conflict, or for travelling through such a region. A concrete case is that of the 19 businessmen that were disappeared in 1987 for the simple fact of travelling through the



Adriana Diosa and Gloria Gómez, ASFADDES.

region of the Magdalena Medio.⁷ Another is the case of the Pueblo Bello massacre in 1990, in which a paramilitary group took 48 men in two trucks with the acquiescence of State agents.⁸ Much fear and panic was undoubtedly generated as a result of these two cases, given that none of those disappeared belonged to any activist group or social organisation: anybody could be a potential victim of forced disappearance.

From the end of the 1990s until today, forced disappearance has not only been used to eliminate opposition, target organised sectors and generate terror, but also to exercise control and dominance over communities, populations and entire regions.⁹

HOW MANY VICTIMS ARE THERE AS OF TODAY?

This is a question without an answer. According to government statistics, approximately 42,000 people have been dis-

appeared--1,130 in the last three years.¹⁰ Nonetheless, the Prosecutor General considers the number to be just 32,000 forced disappearances.¹¹ It is very difficult to have an exact number as forced disappearance has occurred for more than three decades, and because many families reported the disappearances before the application of Law 589 in 2000¹² which means that many cases were reported as simple kidnapping while others were lost due to the passage of time. In addition, many families have not reported disappearances due to fear, because, sadly, in Colombia silence continues to be the only guarantee of staying alive.

It is in this dramatic context that ASFADDES – as part of the Latin American Federation of Families of the Disappeared (FEDEFAM)¹³ – has been supporting the development of the “International Convention for the Protection of All People against Forced Disappearance” and demanding that States approve this tool to

eradicate forced disappearance in the world. In 1988 and in 2005, the United Nations Working Group on Forced Disappearance came to Colombia, thanks to the work of ASFADDES in demonstrating the gravity of the situation. The Convention is an achievement of ASFADDES, which has supported and contributed to the worldwide struggle of family members of the disappeared in their exasperating search for truth and justice. The Convention was ratified by Colombia in October 2010, which opens a sliver of hope for a country that has suffered the disappearance of thousands of people in more than three decades, during which time family members have had to endure harrowing silence. The application of the Convention would constitute an advance in overcoming impunity in Colombia and the recognition of the rights of victims. Nonetheless, in order for this to become a reality, the Government should publicly accept the responsibility of the Disappearance Committee,¹⁴ recognition that is still lacking.

According to Gloria Gómez, it is not just an act of policy, but of humanity: “all of the countries of the world should sign and ratify [the Convention] so that forced disappearance can one day disappear from the face of the earth.”

LEGAL ADVANCES

Colombia has developed a legal framework to confront forced disappearance. The 1991 Constitution prohibits forced disappearance, but it was not until 2000 that the Law 589 was enacted, in which forced disappearance was expressly prohibited and penal sanctions were defined. The Law 589 created a National Search Commission,¹⁵ the National Registry of Disappearances and an urgent search mechanism for locating disappeared persons. The approval of the Law 1408 in August 2010 could mean the strengthening of the rights of victims, since it dictates, “the performance of homage to the

victims of the crime of forced disappearance and the definition the mechanisms for locating and identifying them.” The Law establishes family members of the disappeared as victims and stipulates mechanisms to facilitate the identification of the disappeared through the creation of a database of genetic profiles. In October 2010, Colombia ratified the United Nations Convention against Forced Disappearance. This will permit the Forced Disappearance Working Group to carry out investigations and therefore become another tool for lawyers and Colombian victims.¹⁶

1. Interview with Gloria Gómez, ASFADDES, January 2011.
2. State security entity currently known as the National Directorate of Police Intelligence (DIJIN).
3. Inter-American Commission on Forced Disappearance of 1994, article 2, International Convention for the protection of all person against forced disappearance, article 2.
4. Article II of the Inter-American Convention on Forced Disappearance.
5. *Ibid.*, 1.
6. The first case of forced disappearance in Colombia reported to ASFADDES and attributed to State security entities in Colombia is that of Omaira Montoya Henoa, 34 year old bacteriologist, leftist activist, who disappeared in the city of Barranquilla along with her boyfriend in 1977. He was tortured and she never returned.
7. “Case of 19 businessmen vs. Colombia: June 12, 2002 Sentence,” Inter-American Human Rights Court, 12 June 2002; see: www.corteidh.or.cr/docs/casos/articulos/Seriec_93_esp.pdf.
8. “Case of the Pueblo Bello massacre vs. Colombia: January 13, 2006 Sentence,” Inter-American Human Rights Court, 31 January 2006; see: www.corteidh.or.cr/docs/casos/articulos/seriec_140_esp.pdf.
9. Interview with Gloria Gómez, ASFADDES, January 2011.
10. In the month of November 2010, the database included more than 51,000 disappearances. From this number, 7,197 were found still alive, 1,366 were found dead, 460 are considered “void” and more than 42,000 are still disappeared. “Breaking the silence: In search of Colombia’s Disappeared,” US Office on Colombia, December 2010.
11. *Ibid.*, 6.
12. In which genocide, forced disappearance, forced displacement and torture were defined.
13. ASFADDES has belonged to the Federation since 1983. The Federation maintains dialogue with the UN and the Human Rights Commission of the OAS about forced disappearance.
14. The International Convention for the Protection of All Persons against Forced Disappearance lays the groundwork for the creation of a Committee on Forced Disappearance in order to carry out the functions of the Convention. This Committee will be composed of 10 independent experts. The Committee is an organism of control that, among other functions, should review the reports submitted by the states that have ratified the Convention, seek and find disappeared person, receive complaints and carry out country visits.
15. The National Search Commission is composed of representatives from the Prosecutor General’s Office, the Inspector General’s Office, the National Ombudsman’s Office, the Defense Ministry, the Presidential Human Rights Office, Medicina Legal, ASFADDES and the Colombian Commission of Jurists.
16. “Breaking the Silence: In Search of Colombia’s Disappeared,” US Office on Colombia, December 2010.

Gold fever in Northeast Antioquia



Miner from Northeast Antioquia.

Northeast Antioquia is a sub region of the Department of Antioquia located on the eastern border of the central Colombian mountain range and to the southwest of the San Lucas range. Situated between mountains, prairies and waterfalls, 12 municipalities make up this sub region of the department of Antioquia,¹ a region rich in mining and lumber production that has caught the attention of several multinational companies.

Northeast Antioquia has large forests that provide a large variety of natural re-

sources and a wide diversity of land and water species. In fact, part of its territory has been included since 1959 in the Forest Preserve Zone² of the Magdalena River.

RESOURCES AND VIOLENCE

Lumber and gold are the main resources to be exploited in the region. Small-scale gold mining has historically been the principle source of income for many families that have arrived in the region, some displaced by violence in other territories and others in search of mining riches. But this mineral has also been the

cause of many conflicts that have taken the life or caused the displacement of thousands of peasants. Northeast Antioquia has for decades been the site of various acts of violence that, for their intensity, have left a mark on this region and its communities: massacres, economic blockades, forced displacement, unfounded accusations, intimidations, torture, threats and extrajudicial executions have been used against the civilian population by the different armed actors in order to control the land and the riches there within.³ The situation is such that, according to censuses, from 1993 to 2005 the population of Northeast Antioquia decreased from 172,246 inhabitants to 169,713,⁴ which demonstrates the effects of forced displacement, murders and disappearances at the hands of the armed groups.⁵

MINING PROJECTS

The government project “Vision 2019, Colombia Mining Country” seeks to convert Colombia into a worldwide reference in mining extraction, under the legal umbrella of the recently reformed Mining Code.⁶ Said Law promotes foreign investment in mining, permits land expropriation for mining development, declares small-scale mining illegal, and establishes a five-year period (beginning in 2010) during which the national government may remove the land from Forest Preserves that is needed to develop industrial mining.⁷

According the Colombian Geological and Mining Institute (Ingeominas), in 2007, 73.73% of national gold production came from the department of Antioquia,⁸ and, of this, between 70 and 80% came from the municipalities of Segovia and Remedios.⁹ According to this data, then, it is not surprising that the project “Vision 2019, Colombia Mining Country” intends for the mining district¹⁰ of Northeast Antioquia to be the principal national mining district, passing from 21,977 kg of gold in 2005 to 88,382 kg in 2019.¹¹ These results will be obtained by further increasing mining by multinational corporations and reducing small-scale mining, now criminalised, which for some constitutes a strategy to remove the local population from the land and facilitate the introduction of mass production mining or megamining.¹²

MINING PERMITS IN THE NORTHEAST

To this end, the Autonomous Regional Corporation of Central Antioquia (Ceorantioquia)¹³ has been moving forward with a project called “Sustainable Forest Organisation in the Reserve Zone of the Middle Magdalena,” which in Northeast Antioquia includes the municipalities of Remedios and Segovia. The purpose of this project is to “support removal activities in the reserve zone and the legalisation of private property in order to obtain a zone of property owners who can take advantage of the multiple benefits of the State.”¹⁴ The current Mining Code considers small-scale mining illegal and demands these miners hold a mining permit in order to continue with an activity that they have practiced for years. But upon soliciting such a permit, these miners have found that their lands have already been requested in mining concession requests by large companies.¹⁵ This means that land, which has never been granted to peasants despite the fact that they have lived and worked on it for 50 years, is now being handed over to multinational companies that in some cases also enjoy the right to explore and exploit the subsoil.¹⁶ This is the case in municipalities like Remedios, where 90 mining concession contracts, 23 extraction licenses, and 164 mining concession contracts have been proposed.¹⁷

Today there are at least 12 companies in the area that have exploration permits, and some also have extraction permits. The majority are multinationals from Canada, the United States, and the United Kingdom.¹⁸

ABSENCE OF THE STATE

Despite the fact that the benefits of these natural resources could be a source of wealth and social development in Colombia, there exists a “direct relationship between large-scale transnational mining projects and lack of development, hunger and misery among the population.”¹⁹ Proof of this is the high level of poverty (38.9%) and misery (41.5%) in Northeast Antioquia²⁰ and the increase in land concentration,²¹ which inevitably is linked to violence and displacement.²²

It is also of note that this natural resource wealth does not bring social investment from the State: basic services like potable water and electricity, as well as sanitation and education services, do not exist in this region.²³



In April 2003, the Peasant Reserve Zone of the Cimitarra River Valley was suspended, though in February 2011 the Colombian Government gave the legal green light reactivate these 184,000 hectares that benefit 8,935 families.

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



THE PROJECT "VISION 2019, COLOMBIA MINING COUNTRY" INTENDS FOR THE MINING DISTRICT OF NORTHEAST ANTIOQUIA TO BE THE PRINCIPAL NATIONAL MINING DISTRICT, PASSING FROM 21,977 KG OF GOLD IN 2005 TO 88,382 KG IN 2019

PEASANT RESERVE ZONE

Facing this situation, small-scale miners in the region have organised themselves in committees along with the Peasant Farmer Association of the Cimitarra River Valley (ACVC), working to lift the suspension of the Peasant Reserve Zone of the Cimitarra River Valley. In April 2003, the Peasant Reserve Zone of the Cimitarra River Valley was suspended, though in February 2011 the Colombian Government gave the legal green light to reactivate these 184,000 hectares that benefit 8,935 families.²⁴

The reactivation of this zone means the small-scale farmers can exercise their right to use and collectively own the land, which prohibits the expropriation of this land into the hands of transnational corporations.

The Peasant Reserve Zone is a legal entity recognised in Law 160 of 1994, and establishes a territorial boundary in which peasant and mining communities can de-

sign a development plan to guarantee a life of dignity, access to basic services, deeds for peasant land, the promotion and stabilisation of peasant and small-scale mining economies, and the protection of natural resources and the environment.²⁵ The State is obliged to respect peasant territory from the various armed actors, both legal and illegal, and recognise the territory as collective, preventing the exploitation of its riches by private companies.

The peasant population of the region, grouped in distinct organisations and association, continues to struggle for the land, pursuing a dream that now more than ever seems close to reality.

1. The municipalities are: Amalfi, Anorí, Cáceres, Caucasia, El Bagre, Maceo, Nechí, Remedios, San Roque, Segovia, Tarazá and Zaragoza.
2. Decree 2811 of 1974, Article 206: "Forest preserve area is declared as public or private property reserved for the exclusive purpose of maintaining the land and for rational uses of forest production, protection, or productive protective uses."
3. "North Antioquia: a war zone," Youth Network of Medellín; see: <http://www2.redjuvenil.org/content/view/full/601/46/>.

4. *Ibid.* 3
5. Between 1990 and 1997 Northeast Antioquia had a homicide rate of 20,158 in 100,000, the highest in the department. "Colombia: Northeast Antioquia. Capital, territory and peasant resistance," Freddy Ordóñez, *Prensa Rural*, 15 December 2010; see: <http://www.prensarural.org/spip/spip.php?article5005>.
6. Law 1382 of 2010, which complements Law 685 of 2001. Recently the Inspector General's Office has requested that the Mining Code reform be declared unenforceable because in reforming it, neither indigenous tribes nor Afro-Colombian were consulted. "Inspector General's Office requests Mining Code be declared unenforceable," *Liberal Vanguard*, 11 January 2011.
7. *Ibid.* 6
8. "Artisanal Mining in Northeast Antioquia: Legal Aspects," Anny Páez, 2 July 2010; see: <http://www.prensarural.org/spip/spip.php?article4255>.
9. "Conflict and collaboration in gold mining in Segovia and Remedios," Jorge Eduardo Cock and Wilfredo López in "Mining concentrations and local development in Latin America," chapter 12, Ed. Alfaomega, CEPA, IDRC 2002-01-01; see: http://www.idrc.ca/cp/ev-64543-201-1-DO_TOPIC.html
10. After the national Government decision to make Colombia a "mining country," 26 mining districts, made up of 180 municipalities, were created. These zones were defined by production volume, concentration level and mining tradition.
11. "Land and mining in Northeast Antioquia," Latin American Institute for Alternative Society and Rights (ILSA), 24 November 2010; see: <http://ilsa.org.co:81/node/326>.
12. "The Colombia-Canada FTA and the illegal sale of Frontino Gold Mines," Martha Lucía Gómez, 2 September 2010; see: <http://www.rebelion.org/noticia.php?id=112247>.
13. Government organisation charged with executing policies, plans, programs and projects related to the environment and renewable natural resources in the Department of Antioquia.
14. *Ibid.* 7
15. "Colombia, Paradise for Transnational Mining," *Le Monde Diplomatique*, November 2010.
16. *Ibid.* 7
17. *Ibid.* 7
18. Nearly half of the mining projects in Colombia are operated by companies registered in Canada. *Ibid.* 11
19. *Ibid.* 14
20. "Colombia: Northeast Antioquia. Capital, territory and peasant resistance," Freddy Ordóñez, *Prensa Rural*, 15 December 2010.
21. The GINI coefficient has tended to increase, passing from 0.76 in 1996 to 0.784 in 2004. This coefficient measure income inequality, but can also be used to measure any form of unequal distribution. A value of 0 indicates perfect equality (all have the same income), and 1 indicates perfect inequality (one person has all the wealth and the rest nothing).
22. Colombia: Northeast Antioquia. Capital, territory and peasant resistance," Freddy Ordóñez, *Prensa Rural*, 15 December 2010.
23. "The Peasant Reserve Zone of the Cimitarra River Valley," PBI Colombia video, 8 August 2010.
24. "Government symbolically reactivates Peasant Reserve Zone (ZRC)," *El Espectador*, 16 February 2011.
25. "The history of the Peasant Reserve Zone of the Cimitarra River Valley," Humanidad Vigente, 22 October 2010; see: http://www.humanidadvigente.net/index.php?option=com_content&view=article&id=134:ia-zona-de-reserva-campesina-del-valle-del-rio-cimitarra&catid=20:publicaciones&Itemid=25

Mandé Norte Project continues

Photo: KOLKO



In February 2009, 12 indigenous and Afro-Descendent communities exercised their autonomy: they gave their public response to the Mandé Norte project under construction in their community. Their response was strong, and they unanimously rejected the project.

The Mandé Norte project is an emblematic case that, according to the Colombian Constitutional Court, has violated the recognised rights of the communities of the region where the project is being carried out.¹ In 2005, the Government granted nine mining permits to the U.S. mining company Muriel Mining Corporation for a 30-year period for the exploitation of gold, copper and molybdenum. These permits cover 16,000 hectares located in the region of the lower and middle Atrato river in north-western Colombia, specifically in the municipalities of Carmen del Darién (Chocó) and Murindó (Apartadó).²

The project affects various ancestral territories of afro-descendant and Embera indigenous communities, specifically the Embera reservation Urada Juguamiandó, which was the site of the exploratory phase in 2009 and is a point of major geological potential: the Careperro Mountain.³ According to the organisations that have followed this case, this project



Peoples' consultation held in 2009.

presents multiple consequences that will affect the protection of the Embera and afro-descendant communities, and the exercise of their rights as tribal and indigenous communities.

The Careperro Mountain is one of the most sacred sites for the Embera culture.⁴ In addition, the zone forms part of the Chocó bioregion that houses a large number of endemism—species not found anywhere else on the planet.⁵ The Embera reservation of Urada-Jiguamiandó is located in the river basin of the Jiguamiandó River, the tributaries of which include 20 gulleys and streams that serve as direct water sources for the communities. The contamination of these water sources by mining activities would affect the production of subsistence crops (crops that serve part of a community's daily food needs), farm animals, and the health of community members. This would lead to a loss of traditional economies – the ba-

sis of survival for indigenous and tribal communities – which are based on the detailed knowledge of their environment.⁶

The exploratory phase carried out in 2009 by Muriel Mining Corporation coincided with the militarisation of the zone,⁷ which, according to the National Ombudsman Office, was already immersed in an armed conflict.⁸ In January 2010, after a bombing by the army that left two indigenous people gravely injured,⁹ the Inter-American Commission on Human Rights granted protective measures to 87 families in the face of the risk brought by the presence of armed actors in their territory, and recognised the reservation as a humanitarian area.¹⁰

In 2009, the indigenous communities affected by the Mandé Norte project complained that prior consultation, which is a State requirement, had not been completed.¹¹ As an indigenous community, the Embera are subject to the law of Agree-

ment 169 of the International Labour Organisation (ILO), signed and ratified by the Colombian government via Law 21 of 1991. One of the most important stipulations of this agreement is prior consultation, which establishes the right of indigenous communities to self-determination in the face of outside economic projects on their territory. As a result, the Constitutional Court ordered the suspension of the exploratory phase until studies of the social, environmental and culture impacts are completed, and until prior consultation is carried out in an adequate manner, which should result in “the free, prior and informed consent” of the affected community.¹²

The British-Australian multinational company Rio Tinto¹³ was subject to strong criticism in Great Britain from British NGOs and members of Parliament for participating in the Mandé Norte project (Rio Tinto paid 3.83 million dollars to Muriel Mining Corporation¹⁴). As a result, the company demonstrated to various British NGOs¹⁵ in November 2010 that it had removed itself from the exploratory phase, leaving to Muriel Mining Corporation the responsibility of complying with

THE PROJECT AFFECTS VARIOUS ANCESTRAL TERRITORIES OF AFRO-DESCENDANT AND EMBERA INDIGENOUS COMMUNITIES

the Court ruling.¹⁶ One month later, Muriel Mining publicly announced its interest in continuing with the project.¹⁷ Today, the national government has still not complied with the orders of the Constitutional Court, and in fact the Ministry of Justice and the Interior asked the Constitutional

Court to nullify the Court's ruling.¹⁸ In November 2010 the Canadian company Sunward Resources announced that it would stay with Muriel Mining Corporation and would renegotiate use of the mines located in the Careperro Mountain with Rio Tinto.¹⁹

The UN Special Rapporteur for the human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, underscored the negative environmental, social, cultural and economic impacts of large-scale projects in indigenous territory.²⁰ He determined that "free, prior and informed consent is essential for the protections of the human rights of indigenous peoples in relation with large development projects."²¹ Similar to the international human rights framework, a part of the reservation declared itself a humanitarian and environmental area²²: a territorial protection tool in the face of the impacts of the Mandé Norte project and also a tool to accompany the difficult path of the Embera people in its struggle for its rights.

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

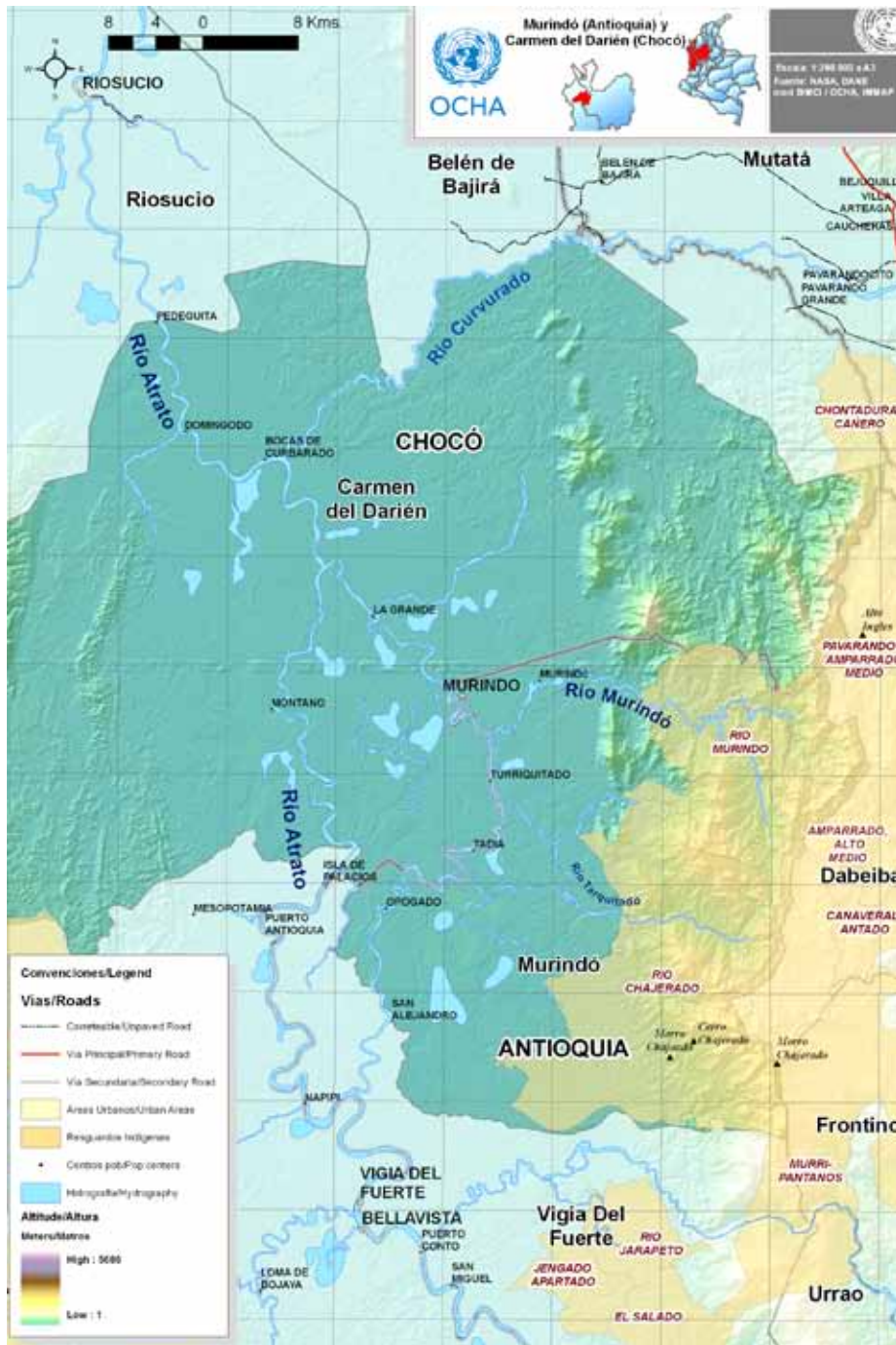


Photo: Sean Hawkey/ACT



1. Constitutional Court Sentence T-769 of 2009 Reference: Dossier T-2315944
2. Ibid. 1
3. "Two babies die, military forced entry," Inter-Church Justice and Peace Commission,
4. "OIA: Internal consultation for defending territory," Indigenous Organisation of Antioquia (OIA), 18 March 2009.
5. The Biogeography of the Chocó, a natural treasure," Carlos Alberto Botero Chica, Ecoportal, 26 Febrero 2010; see: http://www.ecoportal.net/Temas_Especiales/Biodiversidad/el_choco_biogeografico_un_tesoro_de_la_naturaleza
6. Ibid. 1
7. "Exploration without consultation of the Mountain USA-KIRANDARRA," CIJJP, 27 January 2009.
8. Early Alert System (SAT), Risk Report Number 031-09 AJ, 31 December 2009
9. "Report of the Verification Mission to the Alto Guayabal indigenous community," OIA, 18 February 2010.
10. "Protective Measures Granted by the IHRC during 2010: Alto-Guayabal-Coredocito Community of the Emberá Ethnicity, Colombia," InterAmerican Human Rights Commission, <http://www.cidh.org/medidas/2010.sp.htm>
11. "A struggle for the good of humanity," PBI Colombia, May 2009.
12. Ibid. 1
13. Rio Tinto Mining and Exploration Limited is controlled by the British-Australian Rito Tinto Group.
14. «Rio Tinto plays musical chairs at Mande Norte», London Mining Network, 19 January 2011.
15. ABColombia Group, Colombia Solidarity Campaign, Peace Brigades International and Amnesty International.
16. Ibid. 15
17. "The mountain that hides gold and copper in Colombia. Special Report," Caracol TV, 14 December 2010, see: <http://www.caracoltv.com/noticias/economia/Video-200419-la-montana-esconde-oro-y-cobre-colombia-informe-especial>; "Face to face for a Colombian mountain that guards a mineral treasure," Caracol TV, 15 December 2010, see: <http://caracoltv.com/noticias/economia/Video-200537-cara-a-cara-montana-colombiana-guarda-un-tesoro-mineral>.
18. Ref: Void Sentence T-769-09, Interior and Justice Ministry, 15 April 2010; see: http://www.indepaz.org.co/attachments/478_Solicitud%20de%20Nulidad%20%282%29.pdf
19. "Sunward and Rio Tinto will keep gold mine in sacred indigenous territory in Colombia's Chocó," Primerapagina.net, 24 November 2010; "A growing gold resource in Colombia," Sunward Resources, January 2011, see: http://www.sunwardresources.com/PDF/swdfactsheet_Jan2011.pdf
20. Special Rapporteur for human rights and fundamental freedoms of indigenous peoples, Rodolfo Stavenhagen, presented in accordance with the resolution 2001/65 of the Commission (fifty-ninth session), UN Doc. E/ CN.4/2003/90, 21 January 2003.
21. Ibid. 21
22. "Bombing and shooting of the National Army at the house of an indigenous family from the SO BIA GDRUA Humanitarian Environmental Reservation of Alto Guayabal, leaves severely injured José Nerito Rubiano Bariquei and Marta Ligia Majoré Bailarín," CIJJP, 1 February 2010.

Peace pilgrimage

Photo: Raphael Buenaventura/Grace Media



A member of the Peace Community with María del Pilar Sanmartín Berraquero and Laure Isabelle Luciani (PBI Colombia).

When PBI arrived for its meeting with the Peace Community, everything was ready. The people were ready, the *chiveros*¹ ready to depart from the La Holandita farm in San José de Apartadó (Antioquia) and excitement and happiness was in the air. The people were preparing, along with the Grace movement and the multinational community Tamera (located in Portugal), for a pilgrimage to Bogota.²

This walk through the streets and neighbourhoods of the capital had a dual purpose: protest and solidarity. On the one hand, the idea was to publicly call attention to the Community's history as victims of human rights violations; and not just civil or political rights, but economic, social and cultural rights that, according to the Community, the State violates through the armed conflict. Additionally, the pilgrimage aimed to show the paramilitary and insurgent actions in the zone where the Peace Community members live.³ The idea was also to serve as a support to those victims without a voice or without strength, in order to express

solidarity and fraternity with grassroots social initiatives seeking to construct spaces of peace.

The first stop of the pilgrimage was in Facatativa (Cundinamarca), where hundreds of participants gathered, greeted by a large police force. In other communities we visited the Virgin of the Rocks,⁴ where displaced families survive by recycling trash. The following day the pilgrimage continued to the Public Prosecutor's office in Bogota in order to leave more than 300 miniature coffins representing the deaths the Community has suffered that all remain in impunity, since its founding in 1997. After a long day of walking, we arrived at the government office where, after leaving the "boxes" in the doorway, the Jesuit priest Javier Giraldo and Eduar Lanchero, who both accompany the Peace Community, and Gloria Cuartas, ex mayor of Apartadó, among other people, condemned what they saw as the lack of investigations and criminal proceedings for the crimes committed against the Peace Community. Songs of peace and solidarity accompanied this symbolic

event in front of officials from the Public Prosecutor's Office and the press. We were moved by the fact that if all those killed were still alive and walking with their families, the pilgrimage would have been four times larger.

The Peace Community has a horrendous and painful history. Its members have denounced almost 600 human rights violations, which include 197 murders and hundreds of disappearances, displacements, tortures, arbitrary detentions and thefts.⁵ Nonetheless, nothing can stop this special group of people, whose coherence and radicalism join in the formation of this Community, which serves as an example of dignity not easy to imitate.

In the context of the pilgrimage, Peace Community representatives met with the Vice President's office to demand the creation of a Justice Evaluation Commission,⁶ which would be charged with identifying the mechanisms that have allowed for such a high level of impunity in the region of Urabá.

Later, in the neighbourhood of Bosa (Bogotá), the pilgrimage participants



Act commemorating the February 2005 massacre in San José de Apartadó.

walked through the streets and shared their experiences with other organisations. The testimonies of resistance and struggle were moving. The testimonies came from indigenous people and afro-Colombians, from the city and the countryside, of all colours and flavours. But all had the same objective: nonviolent resistance against neglect and surrender.

In the context of sharing experiences, various cultural and pedagogical activities were performed, including theatre productions, speeches and songs. We were witness to how the message of the Peace Community gives hope to other struggles in the country and serves as a model of resistance.⁷

The day ended with a celebration of the Eucharist, in which Javier Giraldo remembered the profound meaning of the Peace Community of San José de Apartadó's process of life. The priest highlighted the strength, bravery and

coherence of its members, as well as its principals of nonviolence and neutrality.

The pilgrimage continued on its path to the neighbourhood of Ciudad Bolívar, led by a guide who has lived and continues to live the local reality. Walking through this party of Bogotá is not easy. The area is located on a hill, and continues to grow as displaced people from all over the country have arrived. The residents live in a tense situation given paramilitary presence and activity,⁸ and are highly stigmatised.

The last steps of the Peace Community, the Grace movement and Tamera were in the hamlets of Córdoba and San José de Apartadó, where together they built an altar in the chapel that is located on the site where they first discovered the remains of Luis Eduardo Guerra, a well-known member of the Peace Community, murdered in the massacre of February 2005 in the hamlet of Mulatos.

THE PEACE COMMUNITY HAS DENOUNCED ALMOST 600 HUMAN RIGHTS VIOLATIONS, WHICH INCLUDE 197 MURDERS AND HUNDREDS OF DISAPPEARANCES, DISPLACEMENTS, TORTURES, ARBITRARY DETENTIONS AND THEFTS.

1. Private vehicles that provide informal public transport.

2. The pilgrimage took place in November 2010.

3. "San Jose de Apartado, Peace Community: Freedom as a survival instinct," Raul Zibechi, Latin America in Movement (ALAI), 20 January 2011.

4. According to a public communication from Sinaltrainal and other organisations, in May 2009, according to witnesses, a helicopter of the Colombian Air Force (FAC) from Madrid fired incendiary material, killed two girls of 7 and 16 years and injuring three others. The goal was displacement, given the families' refusal to leave the zone. See: http://www.sinaltrainal.org/index2.php?option=com_content&do_pdf=1&id=737

5. "San José de Apartadó, model of civilian resistance in the face of the Colombian conflict," Periódico Diagonal, 31 March 2010.

6. The Justice Evaluation Commission is one of the four conditions that the Community demands in order to reestablish relations with the State. The other three conditions are the restitution by the government of the good name, honor and dignity of the Community; the relocation of the police post currently in the town center of San José de Apartadó; and the recognition of the Humanitarian Zones of the Community.

7. "San Jose de Apartado: impunity is reaffirmed," dhColombia, 18 August 2010.

8. "Report reveals that paramilitary strongholds are active in Bogotá," RCN Radio, 30 April 2010.

Hip-hop in Medellín's District 13: Rappers promoting happiness



Jeihhco Castaño.

Medellin is one of the most economically unequal cities in Colombia.¹ According to the most recent report from Medellín's Human Rights Ombudsman, 77% of people in Medellín pertain to the lowest two economic groups, while only 21% pertain to the middle class and wealthiest groups.² As the sixth poorest neighbourhood in the city,³ but also one that benefits from many public investments, such as the Metrocable and a library park, District 13 typifies Medellín's inequality.

Several high profile personalities have visited the District in the past few months, bringing with them a lot of media attention. On September 8, President Santos visited,⁴ and was followed by the singer Juanes on the 17th and 21st of that same month.⁵ In October it was the US Sub Secretary of State, James Steinberg's turn, accompanied by the press headline "Colombia is a leader in conflict management."⁶ At the same time, the Metrocable was closed in August and December

because of gang fighting⁷ and District 13 continues to be the biggest "expeller" of people in Medellín.⁸ This all begs the question, what is the real story in District 13?

"If someone wants to get to know a neighbourhood's true history, he should listen to hip hop because the media isn't going to tell it." That is how Jeihhco Castaño, member of the rap group C15⁹ and District 13's cultural ambassador puts it. "Other genres of music tell stories, but not in a way as raw and explicit as hip hop does."¹⁰ And to understand his vision of the community, suffice it to say that he is currently working on a new track that is called "There is love here."¹¹ Castaño ex-

plains that it talks about the good things in District 13, the neighbourhood where he grew up and proudly continues to call home.

When Jeihhco Castaño and other rappers from District 13 got together and realised that everyone was talking about Operations Orion and Mariscal in their lyrics, they decided to form the network Elite Hip Hop. Ex-paramilitary members have reported that in these 2002 operations, the Military and National Police worked with paramilitary groups to take control of District 13.¹²

Now, Elite Hip Hop is made up of 17 groups and 4 soloists that sing, dance, graffiti and organise workshops, festivals and

"UNFORTUNATELY ANYONE WHO EXPRESSES ANY SORT OF AFFILIATION WITH PEACE, MORE ACTIVE SOCIAL MOVEMENTS AND A MORE YOUTH-INCLUSIVE COMMUNITY IS OFTEN SILENCED"



A visit to one of the districts of Medellín.

events. Hip Hop has always been District 13's strongest form of artistic expression.¹³

When asked about the risk that he runs as a rapper and cultural icon in the community, Jeihcco Castano responds saying, "There is definitely risk involved. For example, on 25 October 2009 we lost our colleague, friend and long-time C15 member, Hector Enrique Pacheco, aka 'Kolacho.' He was murdered by two people on a motorcycle." 'Kolacho' and the Elite had launched a campaign supporting hip hop.

Speaking of his death, the principal of Eduardo Santos High school, Manual Lopez, says "Unfortunately anyone who expresses any sort of affiliation with peace, more active social movements and a more youth-inclusive community is often silenced."¹⁴

'Kolacho' isn't the only rapper to be murdered in District 13. On 4 July 2010, the armed group known as "La Curvita" killed Andres Felipe Medina, member of the group "Son Bata" and leader of District 13's Afro-Colombian community.¹⁵

On August 5, Marcelo Pimienta Sanches, aka 'Chelo' and member of the group ESK/LONES was also killed.¹⁶ While the news did report these cases, Castaño tells us that there are others which do not appear in the news. For example Sebastian Calle, aka 'Sebiche,' was murdered in the Belen Rincon neighbourhood on 9 August 2010 by three armed men.¹⁷

Nevertheless, he asserts that for him the biggest risk would be to stop doing what he loves: telling District 13's story through his own rap music, as well as organising events to support other people's attempts to do the same. "That is the risk I don't even want to think about."

DID YOU KNOW THAT MEDELLIN IS STILL ONE OF THE MOST VIOLENT CITIES IN COLOMBIA?

According to Medellín's Human Rights Ombudsman,¹⁸ since mid 2007, armed groups fighting for control of land and resources continue to fight in the city. According to the Legal Medical Institute, between January and October of 2010, there were 1,736 murders in Medellín, an average of 43 per week. Of those 1736 murders, 1174, or 64% of the victims were between the ages of 18 and 35.

The document also reports that Medellín, with a displaced population of 181,058 people, is the city that receives the 2nd highest number of displaced persons, after Bogota. Between January and October 2010, a total of 26,919 people registered their status as forcibly displaced with Medellín's Human Rights

Ombudsman.

An example of invisible violence is the increasing rate of forced displacement that occurs within the city limits. Between January and October 2010, Medellín's Human Rights Ombudsman registered 5,098 people as victims of intra-urban forced displaced. District 13 is the community from which the largest number of people flee. According to the report from the Human Rights Ombudsman, the increase in intra-urban displacement is also caused in large part by the social, economic and territorial control that the illegal armed groups exercise over the most affected neighbourhoods, and which has increased due to conflicts and territorial expansion.

1. "Human Rights Situation in Medellín 2010," Personeria of Medellín, 2010.
2. Ibid. 1. The socioeconomic groups are a form of social classification based on income or tax levels. The lowest groups are 1, 2 and 3. The middle and high groups are 4, 5 and 6.
3. Ibid. 1
4. "President Santos visited District 13," *El Espectador*, 8 September 2010.
5. Juanes supports culture in the 13," *El Colombiano*, 20 September 2010.
6. "Colombia is leader in conflict management," *El Mundo*, 27 October 2010.
7. "Resident make trenches of their houses in order to protect themselves from bullets," *El Mundo*, 13 August 2010; "Bands don't reach truce in District 13," *El Mundo*, 31 December 2010.
8. Ibid. 2
9. <http://www.myspace.com/c15hiphop>
10. Interview with Jeihcco Castano, 9 January 2011.
11. <http://www.youtube.com/watch?v=ztrRiNLDkmg>
12. "Apparent Peace" and "Operatives against the civilian population," *ColombPBlA*, PBI Colombia, October 2009.
13. Ibid. 10
14. "Young leader murdered in Medellín," *Semana*, 25 August 2009.
15. "Cultural leader murdered in Medellín," *El Tiempo*, 4 July 2010.
16. "In rap heaven, MC Chelo," *El Colombiano*, 9 August 2010.
17. Ibid. 10
18. Ibid. 2

Political repression and peaceful resistance for human rights

THE CASE OF THE BARRANCABERMEJA SOCIAL MOVEMENT



For the social movement in Barracabermeja, 2010 has been characterised by an increase in political repression.¹ In fact, there appears to be an intentional and systematic increase in this repression, through the use of fear and efforts to destroy the fabric of society, as a strategy to debilitate and paralyse work to defend human rights in the region. PBI has investigated the psychosocial impacts of said repression and the resistance strategies of the affected organisations.

POLITICAL REPRESSION

Concretely, this repression is evidenced through threats (via phone, directly to the targeted person or their family members, via electronic mail and pamphlets), intimidations, stalking, physical aggressions, theft of information, defamations, unfounded accusations, and crimi-

nal prosecutions.²

A psychosocial reading of this situation demonstrates how these apparently isolated and separate incidents make up an elaborate, intentional and systematic strategy of repression whose objective is to paralyse the social struggle of human rights defenders.

Threats have become one of the most common forms of fear generation. They are repeated and arrive from different sources and at unexpected moments, creating a climate of tension and uncertainty. The majority of the organisations interviewed and accompanied by PBI has, and continue to, suffer threats.

In addition, it is important to mention the crude reality of the neighbourhoods, districts, and villages of Barrancabermeja³ where organisations like the Grassroots Women's Organisation (OFP

work to confront systematic human rights violations against civil society, which is affected by various violations⁴ such as threats, murders, gunfights, infighting among illegal armed groups, the detonating of grenades in public spaces, extrajudicial executions and the repeated distribution of threatening pamphlets by different illegal armed groups.⁵

CRIMINAL PROSECUTIONS

In terms of criminal prosecutions, the case of David Ravelo, member of the Regional Corporation for the Defence of Human Rights (CREDHOS), demonstrates how to paralyse the activism of a historic and recognised popular leader, and how to symbolically attack social movements, given David's role in defending human rights. Another example is the attacks against the Peasant Farmer Association



Small farmer, Magdalena Medio.

of the Cimitarra River Valley (ACVC), whose members have been prosecuted since 2007,⁶ which has left the organisation stigmatised and in a legally vulnerable situation.

The prosecutions appear to be particularly strategic in the sense that they have a low political cost and require minimal force on behalf of the victimisers, while, on the other hand, they have a high social and political cost for the affected organisations. These prosecutions can last a long time—from the start of the investigation, emission of the arrest warrant, detention, legal proceedings and even the period until which the detention order is definitively lifted—meaning that the human rights defenders are out of world of human rights work for quite a long time. This has two impacts. First, it impacts the organisation in question, and second, shows other organisations the potential repression they could face. This creates a paralysing fear of a possible prosecution among these human rights defenders.

But that is not all. In order for a criminal prosecution to happen, certain conditions to permit and justify it must exist. And that is where the unfounded accusations, defamations, and stigmatisations come in. These play an important role in terms of shaping public opinion, creating doubt about the work, credibility, transparency and legitimacy of the organisation. In the collective imagination, these organisations end up marked or labelled as a suspicious organisation, and if they are later prosecuted, it is because “they must have done something or have some kind of illegal connection.”

That is to say, threats, stalking, defamation and stigmatisation function, at

times, as precursors to criminal prosecutions.

The experience of some of the interviewed organisations also relates to information management in the press, military and paramilitary presence in Barrancabermeja, criminal prosecutions or changes in laws that affect human rights—as is the case of the removal of the Peasant Reserve Zone in the Cimitarra River Valley—among others.

PSYCHOSOCIAL IMPACT OF REPRESSION

The experience of many of those interviewed demonstrate some key impacts: fear, destruction of the fabric of society, and the wearing down of leaders.

Fear is a psycho-physiological reaction that is activated in the face of a threatening situation that causes uncertainty. There is a difference between fear and terror.⁷ Fear is caused by uncertainty, while terror is caused by knowing with certainty that something can, will, or has happened. The fact that the Barrancabermeja social movement has become the focus of simultaneous repression creates the sense of collective threat. In this we see at play the political dynamic of fear, which occurs when the capacity exists to paralyse an entire political project.

Another impact is the wearing down of the members of social organisations. To live under constant political threat and fear generates an accumulated exhaustion that has negative effects on one’s physical and psychological health.⁸ Fear can become chronic⁹ when the violence is constant and unending. In such cases, fear becomes a permanent state of daily life

that not only affects human rights work, but also the family, community and personal spaces of the affected persons.

Similarly, fear can pass from the individual to the collective when it seeps into organisational dynamics, breaking up community and collective experiences. The message is not individual but rather collective because the intention is not just the break up one organisation, but an entire social movement. This creates a climate of tension and mistrust that can lead to the destruction of organisations and community spaces.

PEACEFUL RESISTANCE FOR HUMAN RIGHTS

Despite the fact that paramilitary repression led to the weakening of the vast majority of the social movement, it did not manage to exterminate them completely. In fact, some initiatives were maintained and new organising spaces were created, like the Magdalena Medio Human Rights Defenders Working Group (ETT-TDDHH) and the Barrancabermeja and Magdalena Medio Social Forum. These had an important role in the cohesion of what remained of the social movement, opening new spaces for human rights and strengthening the fabric of society.

Some of the peaceful resistance strategies that these organisations have used in their daily work include: the struggle for the legitimacy and legality of the Peasant Reserve Zone of the Cimitarra River Valley; constant denunciation and highlighting of human rights violations; collaboration with peasant and indigenous movements in rural areas; human rights trainings with women, children and young people in the affected neighbourhoods of

UNDERSTANDING THE PRESENT REQUIRES THE PRESERVATION OF MEMORY

From the 1980s to the late 1990s, Barrancabermeja was strongly influenced by the armed insurgency. At the same time, the oil boom led to an atmosphere of workers rights and union struggles. The city has had an emblematic political and social movement that has regularly risen up in support of human rights, for the most part composed of unions, peasants, indigenous and women. On 16 May 1998, one of the most gruesome massacres in the history of the city took place, marking the beginning of paramilitary control. The Peasant Exodus to Barrancabermeja, in which 10,000 peasants participated, also took place in 1998. That same year, the ACVC promoted the creation of the Peasant Reserve Zone of

the Cimitarra River.¹⁰ In 2000, the various organisations of the social movement joined forces in a solidarity action to confront the unfounded accusations, threats and burglary of the CREDHOS headquarters. From 1998 to 2000, paramilitaries took over Barrancabermeja. The impacts of the aforementioned repression are evidenced in the exodus starting in 2001 until 2005 of various organisations, including CREDHOS—and specifically David Ravelo—and the OFP as a result of selective murders and a wave of threats that continued to grow until 2007. In general, all of the organisations were targeted during the years of paramilitary power, and that continues today.

Barrancabermeja; and protest and legal struggles against the criminal prosecution of members of social organisations.

The political and economic support of the international community has also played, and continues to play, an important role. This has included highlighting and validating the victims' reality, which shows the lack of political guarantees for the work of human rights defenders.

To conclude, neither the wearing down that this repression generates among leaders, nor the fear, nor the attempts to generate mistrust and undo the fabric of society, have managed to break the social movement. On the contrary, a political reading of these strategies—as well as the evidence of the increasing sophistication and dynamism of the repression strategies—gives strength to a movement that is united in its commitment and perseverance to continue its legal, legitimate and transparent work for the human rights of girls, boys, young people, peasants, unions, indigenous peoples, and, in general, the rural and urban population, especially in Barrancabermeja's neighbourhoods, as is the case of the Lesbian, Gay, Transgender and Bisexual community, severely attacked by social intolerance.

PBI Colombia supports the legitimate defence of human rights and is constantly analysing new strategies of political repression and attacks on the fabric of society, as well as the impacts on social movements, and supports peaceful resistance initiatives in defence of human rights, as internationally recognised.

1. This article is based on interviews on December 13 and 18, 2010 with the collection of social movements in Barrancabermeja about their vision of strategies of repression, and their peaceful resistance initiatives in the promotion of greater spaces for human rights work. The organisations interviewed were the following: Regional Corporation for Human Rights Defence (CREDHOS), Peasant Association of the Cimitarra River Valley (ACVC), Grassroots Women's Organisation (OFP), Regional Association of Victims of State Crimes of Magdalena Medio (ASORVIMM), Magdalena Media Victim's Association (ASORVIMM), Association of Internally Displaced Persons of the Municipality of Barrancabermeja (ASODESAMUBA), Magdalena Medio chapter of Movement of Victims of State Crimes (MOVICE), Association of Family Members of the Detained and Disappeared (ASFADDES) and the May 16 Collective, the Jose Alvear Restrepo Lawyers' Collective (CCAJAR). In addition, from the international observation work of PBI Colombia.

2. Ibid. 1

3. Barrancabermeja is composed of seven districts, each one made up of between 30 and 50 neighbourhoods and six villages. The majority of the population in these zones is displaced from the rural areas of Magdalena Medio, from other areas of the country as well as from other neighbourhoods of Barrancabermeja. At the same time, Barrancabermeja, as an oil city, is important economically and geographically. It is also the most important port of the Magdalena River.

4. For information about violence against civil society in Barrancabermeja neighbourhoods, consult Bulletin No. 60, March 2010 of the Observatorio de Paz Integral del Magdalena Medio, www.opi.org.co/opi/

5. "Alert: Grave situation of violence in Barrancabermeja," OFP, 30 April 2010, see: <http://civis.se/Alerta-Grave-situacion-de>

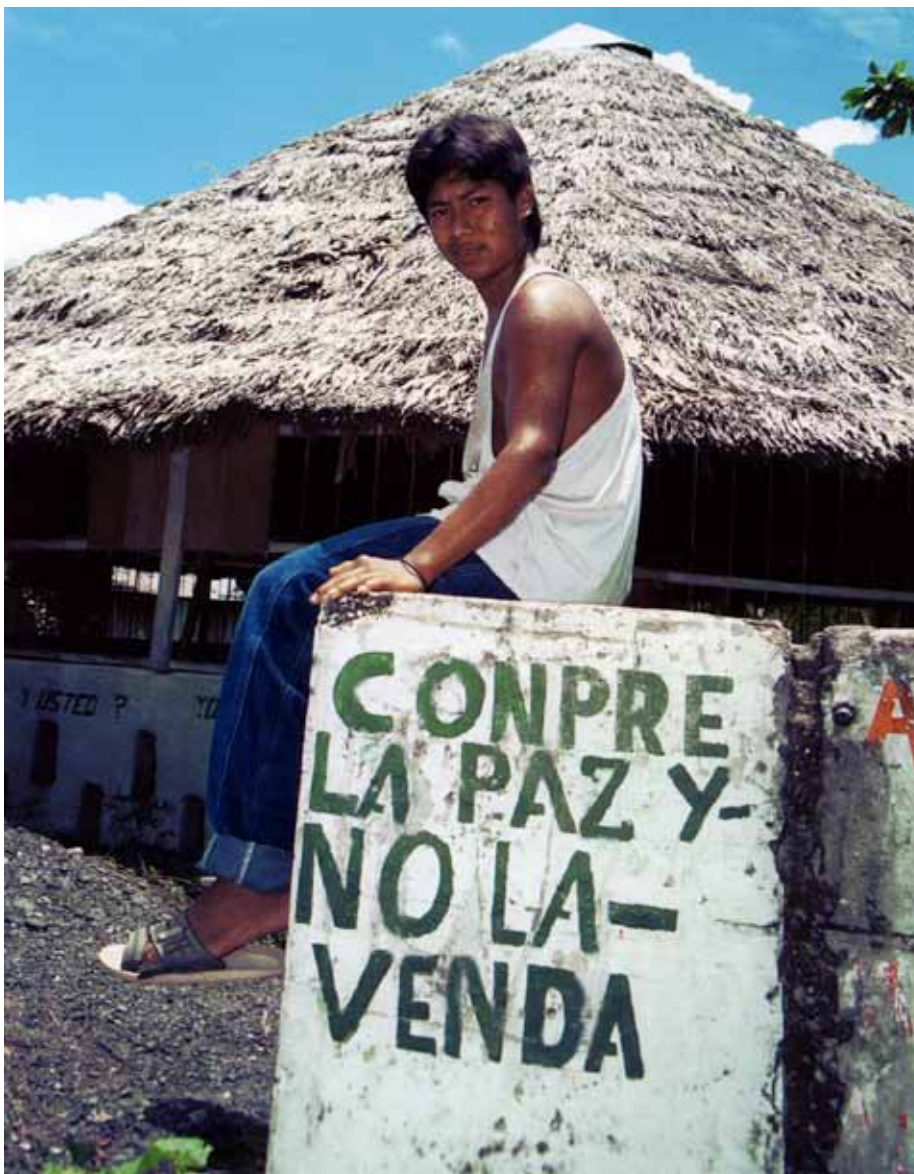
6. Member of the PCC, ex member of the exterminated Patriotic Union and currently spokesperson of CREDHOS, detained and charged September 14, 2010 at CREDHOS headquarters in Barrancabermeja, Magdalena Medio.

7. "State Terrorism," Father Javier Giraldo, CINEP, 2002

8. "Social psychology of war," Martin-Baró, Ignacio and others, UCA Editors, San Salvador, 1990.

9. "Psychology of political threat and fear," Elizabeth Lira, 1991.

10. It was finally created in 2002 and suspended in 2003. Since then, the ACVC has demanded the lifting of the suspension, which just took place. "The government symbolically reactivates the Peasant Reserve Zone (ZRC)," *El Espectador*, 17 February 2011.



Colombia Images and Realities. Efforts for peace in Colombia.

PBI Alliance for Lawyers at Risk

Photo: PBI Gran Bretaña



Sir Henry Brooke, Alirio Uribe (José Alvear Restrepo Lawyers' Collective) and James Lupton (translator) during the launch of the campaign "Alliance for Lawyers at Risk" in London, November 2010.

PBI UK

Lawyers in most parts of Western Europe and the United States take it for granted that their personal safety will not be compromised by their work. For them, it would be unthinkable that they might be threatened just for doing their jobs, whether representing individuals or group actions, challenging public institutions or powerful companies.

Many young lawyers go into the profession because of their belief in the inherent good of the law and in the importance of Rule of Law in a fair and just society. The concept of Pro Bono is important – where lawyers undertake legal work for the public good, without taking a fee.

In the last few years, PBI UK has connected with many members of the British legal sector. They have become passionate supporters of PBI, especially its accompaniment of threatened lawyers in the field. Many have chosen to give their time Pro Bono to support these lawyers.

PBI UK's Lawyers' Advisory Committee (LAC) is made up of solicitors,

barristers, legal academics and a retired Appeal Court judge. Since 2007, the LAC has helped PBI UK develop its relationship with the legal profession, and has instigated important initiatives, including three fact-finding visits of lawyers to Colombia and Mexico. These independent delegations toured the regions where PBI works, and carried out research on the challenges faced by lawyers, launching reports in the British parliament on their return.

The Alliance for Lawyers at Risk is the latest project developed with the support of the LAC. The aim of the Alliance is to enable individual lawyers to support threatened lawyers or human rights defenders working on legal issues. This can be through hands-on Pro Bono work, applying their professional expertise, experience and networks to give assistance or raise awareness, or through donations to PBI to enable us to continue offering protective accompaniment to human rights defenders working for rule of law and challenging impunity.

THE AIM OF THE ALLIANCE IS TO ENABLE INDIVIDUAL LAWYERS TO SUPPORT THREATENED LAWYERS OR HUMAN RIGHTS DEFENDERS WORKING ON LEGAL ISSUES

LAWYERS AT RISK

PBI currently accompanies 36 lawyers, many of whom, because of the work they do as human rights defenders, face daily threats, stigmatisation and a high risk of bodily harm. In this newsletter, PBI profiles a few of these lawyers, from different accompanied organisations that have a long history of human rights defense and that find themselves at risk.

"I believe that this network is a valuable resource to the global legal community." Gabriela Knaul, UN Special Rapporteur on the independence of judges and lawyers.

PBI UK launched the Alliance at the London offices of law firm Simmons and Simmons on 10 November 2010. Around 120 high-profile legal professionals and supporters attended the event, which was addressed by Dominic Grieve, the British Attorney-General, and Alirio Uribe Muñoz of the José Alvear Restrepo Lawyers' Collective (CCAJAR) in Colombia. 60 legal academics, judges, high-profile lawyers and city firms endorsed the initiative by becoming founding members, and many more joined at the launch event.

Alliance members have already carried out some actions in relation to an emblematic case that has significant implications in the fight against impunity and for rule of law in Mexico.

In November 2009, the Inter-American Court of Human Rights (IACtHR) found the Mexican state responsible for the forced disappearance of Rosendo Radilla Pacheco, issuing a sentence that ordered, among other things, the reform of the Military Justice Code, to ensure that human rights violations committed by members of the Mexican armed forces would no longer be investigated and tried in military courts. It also demanded prompt and effective investigations into Radilla's fate and whereabouts¹.

This seemed a great victory for Radilla's family and the relatives of other victims of forced disappearance in Mexico, who had endured years of threats dur-

ing their struggle for justice. However, as the sentence was not fulfilled during the course of 2010, jubilation turned to disappointment, leading to protest within Mexico and internationally.

Alliance members have urged Mexico to comply with the IACtHR ruling. Members of the International Bar Association, the Law Society, the Bar Human Rights Committee of England and Wales and the Solicitors' International Human Rights Group wrote to the Mexican government, laying out detailed legal arguments in favour of compliance, with reference to national and international law.

Collaboration with the Alliance is not limited to legal professionals in Britain. PBI USA is developing a similar project, and it is hoped that lawyers from all parts of the

IN THE LAST FEW YEARS, PBI UK HAS CONNECTED WITH MANY MEMBERS OF THE BRITISH LEGAL SECTOR. THEY HAVE BECOME PASSIONATE SUPPORTERS OF PBI, ESPECIALLY ITS ACCOMPANIMENT OF THREATENED LAWYERS IN THE FIELD

world who are able to work in safety will be able to participate in support of their overseas colleagues working under threat.

Working together in this way, they will help strengthen the fight against impunity, leading to a safer world for human rights defenders and citizens everywhere.

1. «Caso Radilla Pacheco vs. Estados Unidos Mexicanos», CIDH, 23 de noviembre de 2009

Sandra Gamboa: PBI's international accompaniment is "absolutely necessary"



Sandra Gamboa, Jose Alvear Restrepo Lawyer Collective (CCAJAR).

Sandra Gamboa has worked with the Jose Alvear Restrepo Lawyer Collective (CCAJAR) for eight years. Among other cases, she represents the family of Tania Solano and Juan Car-

los, 24 and 28 years old, respectively, who, in 2003, were murdered and presented as guerrillas killed in combat in the Department of Cesar in Northern Colombia. Currently, a court in Valledupar is in the

evidence phase of the case against three National Army soldiers.¹

In 2001, the Inter-American Commission of Human Rights recognised the severity of the constant threats and attacks against the Lawyers Collective by granting the Collective precautionary measures, which are supposed to be implemented by the Ministry of Justice and the Interior's program of Lawyer Protection. Over time, several members of the Lawyers Collective have gone into exile, and only a few have been able to return to continue their work. For these lawyers, PBI's international accompaniment is "absolutely necessary so that the human rights defenders are able to do their work in isolated regions of Colombian where threats and other attacks tend to increase."²

1. "Case against the soldiers for their involvement in 'false positives' in Media Luna moves forward", *El Pílon*, January 19, 2011
2. Interview with Sandra Gamboa, January 19, 2011

IN 2001, THE INTER-AMERICAN COMMISSION OF HUMAN RIGHTS RECOGNISED THE SEVERITY OF THE CONSTANT THREATS AND ATTACKS AGAINST THE LAWYERS COLLECTIVE BY GRANTING THE COLLECTIVE PRECAUTIONARY MEASURES

Judith Madonado

“recognises, admires and respects the victims in this country”

Photo: Charlotte Kesi



Members of PBI and Judith Maldonado, director of the Luis Carlos Perez Lawyer Colective (CCALCP).

Judith Maldonado has been a lawyer for 33 years and is the co-founder and current director of the Luis Carlos Perez Lawyer Collective (CCALP). She, along with three colleagues, created the organisation in order to, according to her, “confront the serious humanitarian crisis in the Northwest region of Colombia caused by the advances of the paramilitary groups.” CCALP serves as legal advisor to the victims of the region who have suffered human rights violations. For example, starting in 2004, the lawyers have worked with the indigenous community of Motilón Bari, located in the Catatumbo region (Department of Norte de Santander), to defend life, nature and their culture, and in opposition to the effects of oil and coal extraction in the region. These projects, according to Maldonado, constitute the most serious threat that the indigenous communities

face. CCALCP’s legal work resulted in the Constitutional Court Sentence Y-880 that protects this community’s rights.

Because of the work these lawyers do, they have experienced at least 15 security incidents in the last 10 years, including, wire-tapping, threats, unfounded accusations, and stigmatisation. Last year, Judith Maldonado denounced two threats in particular: one that she received from the illegal armed group “Aguilas Negras,”¹ and another in which she affirms that several unidentified men robbed and verbally intimidated her.² Despite the fact that these incidents left her feeling “impotent and vulnerable,” the lawyer continues to “recognise, admire and respect the victims in this country” in whom she finds “force and inspiration knowing that, despite facing situations much more cruel and serious, they continue to rise up, organise and resist.”³ Judith Maldonado recently

received the Shalom 2011 prize, one of the most important prizes Germany offers in the field of Human Rights. While she appreciates that this prize recognises her hard work in human rights, she also points out that it is more important that it highlights how the members of her organisation continue being victims of judicial persecution.⁴

1. Point of Interest, PBI Colombia, 13 August 2010.

2. Ibid. 1

3. Interview with Judith Maldonado, September 2010

4. “Shalom Prize goes to Judith Maldonado of the Luis Carlos Pérez Collective”, Contagio Radio, February 2, 2011

Leonardo Jaimes Marín: “The best way to respond to a threat is to just continue working”



Leonardo Jaimes Marín, Committee in Solidarity with Political Prisoners (FCSPP).

Leonardo Jaimes Marín has worked as a human rights defender for 11 years, in the service of class action causes and excluded communities. Between 2001 and 2006, he was a lawyer

with the Inter-Church Justice and Peace Commission, and since 2007 has been a part of the Committee in Solidarity with Political Prisoners (FCSPP). He explains that the level of injustice in Colombia

moves him so much that he has dedicated his work to helping those persecuted by the State. Currently, Jaimes Marín, in addition to defending political prisoners, represents three victims of a supposed extrajudicial killing, a crime for which 10 members of the Group of United Action for Personal Freedom (GAULA), part of the 5th Brigade of the Army based in Bucaramanga (Santander),¹ are being held awaiting trial. The acts took place in 2008 when, according to the lawyer, “three poor prison guards were forced into a vehicle in a Bucaramanga neighbourhood and appeared a few hours later as killed in combat.” James Marín has been threatened several times for defending the victims’ families. Last October, a man identified as a demobilised member of an illegal armed group entered James Marín’s office and announces that he was there on behalf of the Army’s GAULA. The lawyer explains that during an extended conversation, the man told James Marín “that there was an order from above” to try and kill him if the court ruled against the plaintiffs in the case.² That isn’t the only sensitive case this lawyer has taken on. “This means that we are at risk of any type of physical aggression,” comments Jaimes Marín, who also insists that, despite the threats, “the work of human rights defenders can not stop for any reason.” He believes that “the best way to respond to a threat is to just continue working.” Members of the FC-SPPP are protected by cautionary measures of the Inter-American Commission for Human Rights. PBI has accompanied FCSPP since 1998.

JAIMES MARÍN HAS BEEN THREATENED SEVERAL TIMES FOR DEFENDING THE VICTIMS’ FAMILIES

1. “Threatening Lawyer Leonardo Jaimes Marín, representative for the victims in the extrajudicial execution of Marce Quinter River and others”, CCAJAR, October 25 2010

2. “Lawyer with the FCSP (Santander Section) is threatened for defending the families of victims in the supposed extrajudicial executions”. *Focos de Interés*. PBI Colombia, November 2, 2010

Liliana Ávila: “Our work focuses on the structural aspects of impunity”



Liliana Ávila, Inter-Church Justice and Peace Commission, (CIJP).

Liliana Ávila works in the legal branch of the Inter-Church Justice and Peace Commission, (CIJP), an organisation that accompanies communities that are victims of crimes against humanity. As a specialist in Constitutional Law, Liliana Ávila is in charge of many cases.

The most emblematic is the case in which the retired Army general, Rito Alejo del Rio is charged with the 1997 murder of Marino Lopez, a farmer from the Caçaria River basin. The accusation is that paramilitaries decapitated Lopez while the army, led by Alejo del Rio, was

carrying out an enormous land and air operation that included bombings, known as Operation Genesis, which led to the displacement of more than 10,000 people.¹ Ávila also represents the three victims of extrajudicial execution in Inza.² In addition, she represents the victims in the case of murder in November 2010 of Oscar Maussa, a leader for land restitution in Uraba.³

“Our work focuses on the structural aspects of impunity. Consequently, none of CIJP’s members, especially the lawyers who are the most visible, ever feels 100% safe,” says Ávila. The lawyer,

along with other members of the commission, has received two direct threats since 2008.⁴ “It is a way of directly discrediting CIJP and attacking its right to defend human rights and dignity. We are committed to the law and to life, yet they continue to call us murderers.”

Since 2003, all the members of CIJP have been protected under precautionary measures of the Inter-American Human Rights Commission. Liliana Ávila underscores the fact that, “the only way to have true protection is to break the cycle of impunity and dismantle the criminal structure that has robbed land and kicked peasants off their lands with brute force. If we don’t accomplish this, the threats against CIJP’s work and our work defending human rights are always going to be a risk factor.”

Despite the psychological impact of having to work in such a hostile environment, this lawyer finds the drive to continue in the dignity of the people whom CIJP accompanies. “I always say that in this line of work, one sees humanity at its worst and best, at its most vile, but also at its most supportive and fraternal.”

1. “Operation Genesis: demanding justice,” *ColomPBlA*, PBI Colombia, October 2009.

2. “Extrajudicial Executions of Hortensia Tunja, Manuel Antonio Tao and injury to William Canacue by military units in Inza, Cauca,” CIJP, 22 March 2006.

3. “Oscar Maussa, another leader of the displaced in Uraba, is murdered,” *Verdad Abierta*, 26 November 2010.

4. “Arrest warrants against members of Humanitarian Zone and Biodiversity zone,” CIJP, 27 October 2010.

CORPORATION FOR JUDICIAL FREEDOM

The Corporation for Judicial Freedom was one of the first Colombian organisations to document and denounce extrajudicial executions. Today, it has a staff of six lawyers.

In the Department of Antioquia, CJL represents more than 80 victims of extrajudicial executions and the hands of the army, and more than 40 victims of paramilitary activity in the Cacique Nutibara area.¹ In addition, CJL has worked fervently on organising the search for 70 people who were disappeared during the military operation called Operation Orion² that

took place in the Comuna 13 in Medellín. CJL continues to report that there are mass graves underneath tons of debris in an area called “the Rubble Pit.”³

CJL’s members reported being subjected to baseless criminal prosecution, death threats and defamations.⁴ PBI has accompanied CJL since 2001, but its members are not covered by the Ministry of Interior’s security measures. Nevertheless, CJL values PBI’s international accompaniment and the relative calm that such political backing brings.

1. The Cacique Nutibara Block was a paramilitary organisation and a member of the Colombian Self-Defence Forces (AUC), created in 2001 and which operated in Medellín under the leadership of Diego Fernando Murillo, alias “Adolfo Paz” and known in the world of narco-trafficking as “Don Berna.” This paramilitary chief was extradited by the Colombian government on May 13, 2008 to the United States. Further information on the demobilisation of the Cacique Nutibara Block: “About the demobilisation of the Cacique Nutibara Block,” Matilde del Mar, *Prensa Rural*, 15 November 2003.

2. Operation Orion resulted in one death, 28 wounded and 355 detainees. *Ibid.*, 9.

3. “Behind the truth buried in The Rubble Pit,” *El Colombiano*, 6 November 2008.

4. “Corporation for Legal Freedom,” PBI Colombia press pack, October 2001; “Death treta against victims representative,” *ColomPBlA*, PBI Colombia, April 2010.

“The support of our Country Groups is a great advantage”



Miguel Piaggio, peruvian, has a degree in economics and worked for two and a half years with PBI Colombia as a fundraiser. Early this year, Miguel left PBI and now works as a fundraiser with the NGO Colombian Commission of Jurists. Miguel was replaced by Michael Martin from the United States, who studied journalism. PBI spoke with Miguel and Michael about fundraising.

What is PBI's fundraising methodology?

Miguel Piaggio: It is based a fundraising strategy reviewed annually in the Colombia project's assembly and at the international level during the meetings of the International Fundraising Working Group (IFRWG). The funds that are raised come from international cooperation, both from public sources (governments, aid packages, European Union) as well as from private (foundations, churches) through annual calls for proposals, and through the valuable support of the 17 PBI Country Groups worldwide. There is a historical relationship with various donors who support and believe in the protection work of PBI. There is a continual process of tracking, management and exploration of funding sources in order to assure institutional financial stability.

What have been the difficulties encountered in fundraising in recent years?

MP: As a result of the world financial crisis, in the last few years there has been an inevitable change in the requirements of donors. More and more they are more technical and demanding in measuring the impact of their funds and with requirements much stricter in terms of reporting expenses, based on the Paris Accords. In addition, due to cuts in their own funds, some have had to reduce their financial support while others have had to reduce their work in Colombia. The big advantage that PBI Colombia has is support from national groups in securing funding sources.

What did you do before coming to PBI?

Michael Martin: After finishing my university studies, I came to Latin America to learn Spanish and gain experience working in human rights and social development. I was a volunteer with the UN Development Program in Costa Rica for a year. Afterwards, I worked for six years with UNICEF Costa Rica in communications, and later designing and implementing fundraising strategies. It was a very wonderful experience and it prepared me for new experiences.

Why were you interested in working with PBI?

MM: I have always wanted to work in Colombia. It is a very beautiful country, but unfortunately has also been marked

by an internal armed conflict. It is important, in order to achieve just development, that human rights are respected and that people fight for their rights. I would also like to mention that the dynamics of the organisation interested me a lot. The fact that it is a horizontal organisation seems very interesting to me, as well as working in a team, self-motivation and self-evaluation.

What has been a special moment for you in PBI?

MP: The strengthening of human rights defenders accompanied by PBI is what gives PBI its purpose in Colombia. Their trust of us becomes our commitment of solidarity to collaborate with their situation and help improve the country. Being on the ground and feeling their strength has been invaluable for me.

What do you hope to contribute as fundraiser with PBI?

MM: To maintain current levels of financing and to help diversify funding sources. Right now a large part of funding comes from a few countries in particular and the idea is to seek new donors in order to help us decrease dependence on those few and therefore our [financial] risk.

Photo: Michael Martín (right) and Miguel Piaggio (left).



Photo: Marcia Vallejo

PROTECTING HUMAN RIGHTS DEFENDERS IN COLOMBIA SINCE 1994

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

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

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

Support us economically on a personal or institutional basis.

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

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

www.pbi-colombia.org

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