



U.S. Office on Colombia

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The following is a summary of current human rights issues and cases.

UN's Human Rights Report

While the 2010 report¹ by the UN High Commissioner for Human Rights celebrates positive steps by the Santos Administration, such as the announcement to develop a policy to return lands to internally displaced persons and more positive engagement with human rights defenders, and notes the continued lower rate of extrajudicial executions, it also illustrates that grave human rights abuses persist. Particularly alarming is the UNHCHR's observation of the "drastic increase in massacres" involving illegal armed groups, which have increased by 40% since the year before. In Córdoba, ten massacres took place throughout the year, with five occurring in October and November. The UNHCHR also noted that as the registration of disappearance improves, "the magnitude of the phenomenon of forced disappearance becomes evident."

The UNHCHR highlights that in 2010 there was a significant decline in the military justice system's collaboration with the civilian justice system on extrajudicial killings, "The significant decrease in the transfer of cases of persons 'killed in combat' with signs of human rights violations from the military justice system to the ordinary justice system during 2010 is of great concern. Moreover, information received indicates that the transfer and dismissal of some military judges may be related to their collaboration with the ordinary justice system." It confirms the extent of extrajudicial executions and the concentrated time period in which they occurred: "Based on the available data on cases and victims, UNHCHR Colombia estimates that more than 3,000 persons may have been victims of extrajudicial executions, primarily attributed to the Army. The majority of these killings were carried out between 2004 and 2008." Beyond the well-publicized October 2010 Arauca case where two girls were raped, and one girl subsequently murdered by a soldier, in which the GOC responded quickly, the UNHCHR also

received cases of sexual violence against girls or young women attributed to the Colombian armed forces in multiple departments.

While cases from the DAS scandal moved forward in 2010, efforts to reform intelligence services were mixed and thorough, systemic reform is still needed to ensure that intelligence services do not continue to abuse their powers and break the law. UNHCHR states that: “impunity and lack of democratic controls allow intelligence services to continue carrying out illegal and clandestine operations.” Further, UNHCHR received multiple reports which indicate that illegal surveillance, wiretapping and other practices took place in 2010.

The UN also expresses concern over ongoing murders, threats, assassination attempts, information theft, surveillance and intimidation of human rights defenders, community leaders, personeros, trade unionists, human rights ombudsman staff and journalists. It recorded 45 threats against journalists in 2010 and makes special note of the difficult situation faced by individuals who work on the rights of the internally displaced and land restitution cases and expresses concern over false legal proceedings and arbitrary detentions of human rights defenders. UNHCHR finds that the Protection Program is slow in developing its risk analyses and has not implemented a differentiated approach to its cases. It also calls attention to Afro-Colombian and indigenous persons who continue to suffer disproportionately from violations of international law by armed groups and that their land and cultural rights remain under threat.

Attacks and Threats against Human Rights Defenders

We remain very concerned about the security situation of human rights defenders and find it unacceptable that in the first 75 days of the Juan Manuel Santos Administration’s term in office, 22 human rights defenders were killed, 30 cases of threats were reported, and there were 8 attacks and 32 instances of harassment against human rights organizations and defenders.² Also of concern is that between December 2009 and December 2010, detentions and/or judicial proceedings were carried out against at least 130 human rights defenders in 16 departments.³

Investigations into threats rarely lead to those responsible being brought to justice and this impunity has generated a climate where further violence is likely against defenders. While President Santos’s rhetoric on human rights and the government’s attitude towards human rights defenders has changed for the better, we still continue to see threats, violence, intimidation and unsubstantiated legal cases, often based on the testimonies of paid or otherwise not credible informants, being brought against human rights defenders. We also do not yet see any difference between the Uribe and Santos Administration in terms of actual results in investigating these cases, preventing new ones from occurring and bringing the perpetrators to justice.

Many human rights organizations have observed that a discrepancy exists between the international discourse presented by the Santos Administration and the actual application of protection measures, rulings and other recommendations made to it by the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights. Colombia is not complying with the latter, it is not negotiating “friendly” agreements with petitioners in OAS cases and it has not changed the tactics it employs to litigate such cases. In terms of precautionary and protective measures for human rights defenders, the case of CODHES is illustrative. In 2009, the Commission ordered that security measures be put in place to guarantee the lives of members of this organization and that it guarantee access to legal and illegal

intelligence information it had on this organization that is related to their staff's security. During the Uribe Administration these measures were mostly not implemented with the exception of some of the "hard" protection measures. Since President Santos took office, implementation has not progressed despite the fact that a meeting was held in the winter 2010 with the IACHR, in which the Colombian government promised it would move forward with their implementation. Months since this meeting, the government has not taken any steps forward.

Examples of recent incidents concerning defenders include:

- **February 8, 2011**- Human rights defender Nancy Fiallo Araque of the Women's Civil Society Assembly for Peace was wearing a red jacket and received a call in which someone said: "Doctor Fiallo, this red jacket suits you well, you are looking pretty, too bad the worms are going to have to eat it." It is believed that staff from Nancy's group and the Women's Collective for Peace Against War have become targets of threats since they became observers that monitor developments in court cases involving dozens of former members of the Colombian Congress and other politicians implicated in the parapolitics scandal. Nancy has received multiple telephone death threats and been followed in Bogotá since October 2010.⁴
- **February 15, 2011**- The Capital Bloc of the Black Eagles paramilitary group sent an email death threat containing a list of more than seventy Colombian human rights defenders and non-governmental organizations. The threat states "the time has come to exterminate and eliminate all persons and organizations that pass themselves as human rights defenders." The majority of those listed on the threat were Afro-Colombian organizations, including the Association for Internally Displaced Afro-Colombians (AFRODES), other organizations of internally displaced people, community council groupings and Afro-Colombian women's groups defending their territorial rights in northern Cauca. The list also included the Consultancy for Human Rights and Displacement (CODHES), the trade union SINALTRAINAL, the José Alvear Restrepo Lawyers Collective (CCAJAR), the Association of Indigenous Cabildos of Northern Cauca (ACIN), INDEPAZ, National Victims Movement (MOVICE) and several journalists. It is the fourth threat of this kind that includes many of the Afro-Colombian, indigenous and human rights groups listed in the prior three threats that included WOLA.⁵
- **February 16, 2011**- Circulation of a death threat flyer by a paramilitary group known as the Popular Revolutionary Antiterrorist Army of Colombia (AU-ERPAC) in Bugalagrande (Valle del Cauca). This threat was directed to the SINALTRAINAL and SINTRAENTEDDIMCCOL trade unions, as well as the human rights group Association ECATE and community leaders.⁶
- **February 16, 2011**- The Black Eagles murder another rural farmer named Gabriel Santero (Monteria municipality, Cordoba). Armed paramilitaries arrived at 5pm that day and proceeded to enter all of the inhabitants' homes and forcing all residents- elders, women, men and children to a meeting. Once all the locals were together they tied Mr. Santero's hands, accused him of being an informer for the police and killed him in front of the community. After this murder, paramilitaries threatened the life of Olga Isabel Hernandez Morales, widow of land rights activist John Jairo Martinez who was assassinated in July 2009⁷.

- **February 17, 2011**- Disappearance of environmentalist, former employee of CENSAT Agua Viva/Friends of the Earth, Sandra Viviana Cuellar Gallego, who was helping the Yanacoca indigenous communities on the Cauca River and helping the Yumbó municipality environmental development plan. Her ID, cell phone and other personal belongings have been found but her whereabouts remain unknown.⁸ A recent document released by the Nodo Suroccidente of CEEU indicates that figures from the municipal ombudsman's office in Cali indicate an increase in disappearances in Cali. In 2003, 267 persons were registered as disappeared while in 2010 this number has risen to 347.⁹
- **March 2, 2011**-Ana Julia Rentería, President of the Community Council of the Cajambre River and her husband, Miguel Santos Rentería, were forced by unknown men to attend a “meeting” away from their home. Since this day there is no information on Ana Julia and Miguel's whereabouts Ana Julia is a prominent Afro-Colombian leader and mother of nine children.
- **March 2, 2011**- Rodolfo Vecino, National Legal Officer of the USO oil workers' union and Rafael Cabarcas of the Democratic Pole party received a death threat from Los Paisas de Cartagena which states that their murders are imminent¹⁰.
- **March 6, 2011**- 70 year old Leopoldina Valencia Guegue from the KWET WALA indigenous reserve (Pradera, Valle del Cauca) was brutally assassinated by two alleged paramilitaries who blew her face off with a shot gun.¹¹
- **March 12, 2011**- Zoraida Acevedo Vargas from Tibu (Norte de Santander), land rights activist murdered in front of her family.
- **March 14, 2011**- The Capital Bloc of the Black Eagles paramilitary group sent another email death threat to Afro-Colombian, IDP, human rights organizations and defenders. Among those listed are many who were on the February 15th threat and Afro-Colombian women's organizations from northern Cauca. This threat includes mention of several prominent journalists including Hollman Morris.
- **February-March 2011**, Members of the San José de Apartadó peace community (Antioquia) lives' were endangered due to several incidents, including combat operations. On March 2, 2011, 20 paramilitaries carrying arms and dressed in camouflage uniforms with the AUC insignias appeared in the hamlets of Guineo and Arenas Bajas and threatened civilians by stating that their “sole objective is to do away with the son of bitch Community of Peace and that they start cultivating coca and that whomever is involved with the community will die like it has happened to those guerilla sons of bitches in the community.” Five days later, in the Nain hamlet, two men dressed as civilians who identified themselves as FARC murdered Juan Reales.¹² On March 22, 2011 Bernardo Rios Londoño, member of the peace community was murdered.
- **March 23, 2011**- David Goez Rodriguez, leader of land restitution process in Tulapas, Turbo (Antioquia) was killed in a shopping center in Medellín.
- **March 23, 2011**- Ever Verbel Rocha, a land rights in San Onofre (Sucre) was mortally wounded and later died.
- **March 23, 2011**- During an Afro-Colombian leaders Palenque el Alto Cauca meeting in Jamundi (Valle del Cauca), Armando Caracas Carabalí, received a phone call from someone who identified himself as “tolo” who threatened the “sons of bitches” who are meeting.
- **March 24, 2011**- Robbery in the office of Madre Laura which are shared with the NGO Corporación Juridica Libertad (CJL) in Comuna 13 of Medellín. The robbers take CJL's

computer hard drive that contains the names and contact information of human rights victims in Comuna 13 along with detailed confidential testimonies of forced recruitment of minors and other human rights abuses committed by the illegal armed groups operating in this neighborhood. IPC believes this robbery is connected to the ongoing legal case of Comuna 13 victims against Diego Fernando Murillo “Don Berna” who is currently extradited in the U.S. Also in Medellín robbers stole sensitive information in February from the NGO Corporación Convivamos (Villa Guadalupe) which works with victims in comunas 1, 2 and 3¹³.

- **March 27, 2011**- Unknown men barged into Justicia y Paz’s office in Curvaradó (Chocó) and ransacked this organization’s archives and publications. On that same day, after Justicia y Paz denounced the collusion of the armed forces and the Black Eagles during a hearing at the Inter-American Human Rights Commission in Washington, DC a general assigned by the GOC to the IACHR called Danilo Rueda a liar. These attacks occur in the context of a defamation campaign against this organization.

Labor rights

The number of trade unionists killed in Colombia and impunity in such cases remains alarming¹⁴. The Escuela Nacional Sindical (ENS)’s total number of trade unionists killed in 2010 is 51, four more reported than in 2009. According to the Colombian Commission of Jurists (CCJ), of the total trade union murder cases recorded since 1986, only a quarter have been investigated by the Prosecutor General’s office. ENS reports that only six percent of such cases reached verdicts and an estimated 40% of the guilty verdicts were handed down in absentia and a few identified more than the direct killers. The rate of impunity in trade unionist murder cases remains around 94%.

As per WOLA’s *Workers without Rights: Labor Activists in Valle del Cauca’s Sugar Sector under Fire*¹⁵, the working conditions remain deplorable for the more than 30,000 workers employed under the Associative Labor Cooperatives (CTA) model. The Santos Administration’s ‘*ley de formalización y generación de empleo*,’ which the Colombian government states will disband CTAs by July 2013 does not resolve the problem. This highly exploitative model is also employed in other industries including ports and oil palm plantations. There is no outright ban of subcontractors and workers who demand that this model be banned continue to face death threats, harassment, firings and intimidation.

The unjust case against four sugar cane cutters, two members of Senator Lopez Maya’s staff and an NGO activist that began in 2008 continues to proceed. Since September 2010 this case, based on false information from informants, has had five public proceedings and generated great security risks against those falsely accused. The sugar refineries have yet to implement promises made to the workers in the 2008 agreements that ended the protests of 18,000 workers. As a result, the working conditions for some workers have deteriorated and new violations have taken place. On November 2010, Central Tumaco Refinery, for example, arbitrarily 152 sugar cane cutters. Further, the owners of the refineries continue to refuse workers the right to association (trade unions) and to give them direct contracts.

Paramilitary Groups

While we welcome the Santos Administration's acknowledgement that the "BACRIM" or paramilitaries is a serious problem and that they are readdressing their strategy for combating these groups through joint police-military actions, these groups continue to act openly and with impunity and pose a significant threat to Colombians and their democratic institutions.

For example, on February 17, 2010, approximately 50 uniformed and armed paramilitaries arrived in El Carmen (North Santander). A few days later they robbed a civilian and proceeded to post flyers containing a death threat "ultimatum" against civilians. These groups pose a particular threat to human rights defenders, trade unionists, ethnic minority and IDP leaders. We are also concerned about indications of collaboration between members of the paramilitary groups and Colombian security forces in at least 10 departments of the country.¹⁶ Recent press reports of the testimonies of demobilized paramilitaries like "El Aleman" claim that various fronts conducted "false demobilizations" with the complicity of the military and civilian authorities and in some cases inflated the number of men who demobilized. In these cases, paramilitaries and paramilitaries appear to have faked aspects of the demobilization process while continuing business as usual.

The Institute for Development and Peace Studies (INDEPAZ) report¹⁷ on paramilitaries in 2010 presents a rather disturbing trend. According to this report, in the first months of 2011 we are seeing a resurgence of activity of the paramilitary groups that partially demobilized since 2005. Examples of their activities include assassinations and threats in the Pacific region (Nariño, Cauca, Valle and Chocó); Medellín experiencing a high level of violence due to the re-configured groups fighting over territorial control of the comunas; groups that did not demobilize in the Oriente continuing to operate as usual, and the rise of violent disputes between the *Rastrojos* and *Paisas* over routes and control within the island of San Andrés. According to the report, from 2008-2010. Paramilitaries consolidated their presence in at least 14 departments. They have expanded their violent activities and illegal operations from 259 municipalities in 2008 to 360 in 2010.

A March 28, 2011 report by the Instituto Popular de Capacitación (IPC)¹⁸, paints a fuller picture of how violence is disproportionately impacting youths in Medellín. Between January 2009 and February 2011, 1,982 youngsters between the ages of 11 and 25 died in Medellín. This translates to an average of 12 youngsters aged 11-17 years killed each month in 2009 and that number going up to an average 14 killed per month in 2010. The number of deaths of persons aged 11-17 increased by 478% since 2009. Among persons murdered are various artists and cultural leaders including rapper Yhiel who was murdered in Comuna 13 on March 27, 2011. Children and teenagers in Medellín are particularly vulnerable to violence linked to disputes over territorial control of neighborhoods by the illegal armed groups, small scale "micro" drug trafficking within the comunas of the city and of becoming victims of forced recruitment and intra-urban internal displacement. Violence escalated in the comunas after the 2008 extradition of paramilitary leaders to the U.S.

Disappearances

The U.S. Office on Colombia and Latin American Working Group Education Fund's report titled *Breaking the Silence: In Search of Colombia's Disappeared*,¹⁹ finds that Colombia

has one of the highest levels of forced disappearances in the world and human rights groups and relatives of the victims have reported an increase in the number of disappearances. There has been limited official and public attention and even less progress has been made toward justice in the thousands of forced disappearances that have occurred over the last 30 years.

Advances by the Colombian government in registering disappearances are revealing the massive extent of this problem. More than 51,000 people are registered by the Colombian government as disappeared or missing, a number that includes some people who may be found alive. Those who were forcibly disappeared range in official statistics from over one quarter of that total, according to the National Search Commission, to more than 35,000, according to the Attorney General's Justice and Peace office. But the real total is likely to be much higher, as new and old cases are entered into a consolidated government database that only launched in 2007. Indeed, as we have checked it over the last few months, the disappearances in this database have increased by an average of more than 1,000 old and new cases per month. And many cases are never registered at all.

Today, the problem is far from solved. More than 1,130 new cases of forced disappearance have been registered by the National Search Commission in the last three years, but from what we hear from Colombian human rights groups in areas like Antioquia and Buenaventura, the total is likely to be higher. All armed actors, including the Colombian armed forces, right-wing paramilitaries and left-wing guerrillas, are responsible for forced disappearances, but the paramilitary role in this crime is especially pronounced.

With pressure from human rights groups and associations of families of the disappeared, the Colombian government has developed an advanced framework for addressing forced disappearances. Unfortunately, this framework is rarely applied with success. Few disappearances are ever vigorously investigated, much less prosecuted, and victims' families do not receive the support and assistance that they merit.

Indigenous Communities

The situation of indigenous communities remains critical. While the National Indigenous Organization of Colombia (ONIC) has expressed appreciation for the change in rhetoric towards indigenous communities by the Santos Administration, the organization finds that their human rights figures for abuses committed against indigenous peoples for August-December 2010 are similar to that of January-August 2010 (under the Uribe Administration). According to ONIC,²⁰ “despite the change in language, indigenous communities are suffering multiple violations of their human rights.” In 2010, ONIC notes that indigenous persons suffered a total of 565 human rights violations that included 122 political assassinations (100 men, 17 women and 5 boys), 40 arbitrary detentions and 10 disappearances. The ethnic group most affected by political murder in 2010 was the NASA peoples (45 victims) followed by the Awa (25 victims), Senu (18), Wayuu (14) and Sikvani (6). 1,146 indigenous persons were subject to internal displacement and 247 suffered restrictions of movement known as “confinement.” Abuses against indigenous persons were mostly perpetrated by state actors (247 abuses) followed by other violent actors (118), the guerrilla groups (116) and paramilitaries (84). The ethnic group that suffered the most violations overall in 2010 were the NASA, whose people were subjected to 347 abuses.

One part of the country where indigenous peoples face an alarming number of abuses from legal and illegal armed groups is northern Cauca. According to the association of indigenous cabildos of northern Cauca (ACIN), indigenous residents in these territories suffered 339 violations of human rights and international humanitarian law abuses in 2010 alone. These abuses include 55 homicides, 45 civilians wounded in combat²¹ operations that did not respect IHL, 18 death threats and 7 mass displacements involving a total of 2,079 persons. Minors were particularly affected by abuses with six deaths, 11 forcibly recruited by the armed groups, 9 wounded and 1 forcibly detained.

In November 2010, the indigenous communities negotiated with the government that a Permanent Consensus Table would be created in order to construct a decree for Indigenous and Afro-Colombians regarding the land and victims legislation. The indigenous negotiated such an agreement so that movement toward the return of land to non-ethnic minority victims could move forward. Both Afro-Colombians and Indigenous communities were very concerned about the fact that the land and victims law excluded ethnic minorities, although the rationale for doing so was appropriate, given that the law was not previously consulted with them as per Colombia's Constitution and Law 70 of the black communities. The fact that indigenous leadership sought out a way to amicably remedy this situation with the Santos government does not mean that they are in agreement with the text of the law itself, whether or not the decree will address their communities or how their communities will fare in this process. Issues of concern include the timeframe in which victims will receive compensation, the universe of victims that will be included and the restrictions that will be imposed in the law's implementation due to the limited budget. As such, the Permanent Consensus Table hopes to present to the government a proposed decree shortly.

The appointment of Gabriel Muyuy, the new Presidential Advisor for Indigenous Communities, has received criticism from indigenous leaders as a cosmetic media effort to differentiate itself from the Uribe Administration. Given Mr. Muyuy's past as a contractor for oil companies, there is considerable concern that he will not push for major reforms that lead to protection of indigenous rights.

Afro-Colombians

On January 25, 2011 Gay McDougall, UN Independent Expert issued her February 2010 Colombia mission report. In sum, Ms. McDougall found a link between large-scale economic development projects and commercial interests' need for land and natural resources and the dispossession of Afro-Colombians and that Colombia's extensive legislation and programs for Afro-Colombians are poorly applied in reality thus not meeting these communities' needs.²² Since Ms. McDougall's visit to Colombia, multiple new reports of abuses committed against Afro-Colombian communities indicate there has been no improvement in human rights for these communities. The lack of progress in the human rights cases involving Afro-Colombians prompted ACSN to send an open letter on November 15, 2010 listing a series of concerns to Oscar Gamboa, Presidential Advisor for Afro-Colombian, Raizal and Palenquera communities.²³ While Mr. Gamboa agreed to meet with the letter's signatories, he has not yet taken steps to address the concerns found in the letter.

New incidents of threats and violence directed against Afro-Colombian communities have taken place. On February 28, 2011, for example, the Inter-Ecclesial Commission for Justice and Peace (Justicia y Paz) reported that battalion of 80 soldiers burned and destroyed the homes of 119 Afro-Colombians in the Lower Calima river area. The justification given by the military for burning down these homes that have belonged to these communities for the past 70 years is that they are now the property of the economic development project Industrial Port of Fresh Water S.A. (Puerto Industrial Agua Dulce S.A.). Since 2005, this community has suffered four similar incidents with at least 47 homes destroyed and the residents' displacement from the area.

An area of particular concern has been the rise in attacks against Afro-Colombian women in Buenaventura. According to the group Fundemujer, 65 women were assassinated in the Port of Buenaventura in the past three years. Fifteen of these women were killed in the past fifteen months. These attacks include the rape and murder of 15-year-old Matia Mulumba, whose hand was cut off prior to her death, and Monica Lissete Duque, aged 17, who was raped and her throat cut. Most of the women killed were between the ages of 18-20. However, such cases also involve girls as young as 10-12 years old. The total number of cases is not known since persons are afraid to report them for fear of reprisal. While the motives of these killings is not clear, it seems that the overall climate of violence in the port town, due to the internal armed conflict and drug trade, is a factor that leads to the mutilation, rape and violence against women. Impunity is the norm for almost all of these cases, leaving the possibility for perpetrators to act against new victims.

The paramilitaries present in the Community Council of "Renacer Negro" (Timbiqui, Cauca) pose a serious security threat for this Afro-Colombian community. The paramilitaries provide security and support for the illegal mining operations taking place in this community that are utilizing 28 unlicensed excavation machines. On March 10, 2011 a paramilitary mishandled his weapon. As a result, he fired it and directly killed 13 year old Ingrid Angulo Cuero and left two other children, Jairo Javier Zuniga Amu (12 years old) and Ider Angulo Ocoro (10 years old), critically wounded. It is unclear that the two wounded children will survive their wounds. These deaths follow other unreported murders and disappearances of locals that have taken place since the illegal mining began in this area.

There is also concern about the allegations of corruption in the High Consultative Commission for Afro-Colombians. Such revelations are troubling given that the Colombian authorities are required to previously consult with affected Afro-Colombian communities for all policies, programs and economic development projects (including the implementation of Constitutional Court Order 005 on Afro-Colombian IDPs) concerning Afro-Colombian communities. On February 9, 2011, NGOs, activists, academics and other U.S. civil society groups wrote (see attached letter) to the Colombian Minister of Interior and Justice German Vargas Lleras regarding allegations of corrupt activities by the High Consultative Commission during the previous consultation process with Afro-Colombian communities on the Juan Manuel Santos administration's National Development Plan (PND). We were saddened to learn that on March 3, 2011, members of ACSN were informed that Teresa Cassiani, member of the Black Communities Process (PCN) and of the High Level Commission for the Department of Bolivar and the person who denounced the corruption activities member of the High Level Commission for the Department of Bolivar and PCN was physically attacked by Idalmi Minota. PCN as an

organization was also expelled from the January 28 High Consultative meeting for having denounced this corruption. It is highly problematic that the High Consultative Commission has yet to investigate this matter and sanction those responsible.

La Toma, Northern Cauca

While we appreciate DRL's efforts in 2010 to protect the lives of the Afro-Colombian and Indigenous leaders of northern Cauca along with the NGOs that support them, this illegal mining situation with links to paramilitarism remains far from resolved and the entire community is vulnerable to harm. The environmental license that was granted to Mr. Sarria in La Toma was cancelled due to a lack of compliance with requirements imposed upon him by the Autonomous Environmental Corporation of Cauca (CRC). The municipalities of Suarez and Buenos Aires have experienced an influx of miners from other parts of the country who operate illegally in this area. These miners integrate themselves into the existing efforts to undermine the territorial rights of the Afro-Colombian inhabitants.

Threats against Afro-Colombian leaders persist and the GOC has failed to implement the commitments made in December 2009 to take steps to protect members of these communities. On March 26, 2011, six men wearing ski masks entered the hamlet of Del Hato Santa Marta, La Toma (Northern Cauca) and attempted to steal the gold that was mined by the community council of La Toma. These men threatened and intimidated the persons who were present and proceeded to take Mr. Rafael Ararat hostage. This incident comes after members of the community of La Toma received death threats on multiple occasions in the past year.

Paramilitaries and impunity in emblematic Curvaradó and Jiguamiandó Case

We welcome the U.S. Department of State's efforts to protect the lives of the Curvaradó and Jiguamiandó communities and the recent visit to Curvaradó by Minister of the Interior, Germán Vargas Lleras, and Minister of Agriculture, Juan Camilo Restrepo. The Colombian Ministers' visit and the drawing up of a timeline for restitution are a positive response to the Orders of the Constitutional Court and Colombian land agency INCODER, and a testimony to the U.S. Department of State's longstanding dialogue with Colombian authorities on these communities.

Serious obstacles to full implementation of the Court's decision remain, and careful monitoring by State is still required. We continue to be concerned for the Afro-Colombian and mestizo people whose lives are in peril whilst paramilitary networks and illegal occupants, including oil palm and cattle ranching interests, remain present on their lands. The National Police has not acted on the January 15th eviction order, and the Constitutional Court orders of May and December 2010 have not been implemented. The delay has enabled the illegal occupants to draft-in people to illegally occupy the land, and since December 14, 2010 over 100 of their huts have been hurriedly built. The National Police, at the highest level, must meet their responsibility of safely and urgently evicting of the illegal occupants and detaining members of paramilitary groups that allegedly work for the palm and cattle ranching companies. The National Army is providing perimetral protection to the civilian population, but the illegal armed groups' financial and paramilitary networks have not been dismantled.

On March 17, 2011 the farmers' crops were burned by the illegal occupants. In recent weeks, illegal ranchers have repeatedly set their cattle to destroy the farmers' corn and rice fields. Argenito Diaz, a local farmer who testified about the illegal occupation of community lands by cattle ranchers and paramilitaries, was assassinated in the road near his community in January 2010. His brother has since been threatened directly. Leidis Tulian, a leader from Caño Manso humanitarian refuge zone in Curvaradó, was threatened with death in November 2010. She is a witness in the 2008 killing of community leader Ualberto Hoyos, himself a witness in the 2005 killing of Afro-Colombian leader Orlando Valencia, who died after speaking out against the actions of paramilitary death squads and the palm oil. In recent weeks, there was an increase in attacks by guerrillas on the strategic access road that links Medellín to the north coast, but to the farmers in Curvaradó, the principal threat are the paramilitary networks.

The investigation into palm company businessmen and cattle ranching companies, Case 3856, for their collaboration with paramilitaries under charges of forced displacement and conspiracy to commit a crime, has progressed slowly, and not all the arrest warrants have been executed. This process currently does not include all of those responsible for the crimes committed including the industrialists from La Tukeka and Asoprobada and those who benefited from Hugo Molano's crimes (who was extradited to the U.S. for drug crimes). Military and governmental officials that participated in the operations that led to violent displacement of community members and who allowed for the fraudulent legalization of these territories do not form part of this process. We are not aware of any progress in the investigations into the killings of Ualberto Hoyos, Benjamin Gomez, and Argenito Diaz. Impunity in those cases represents one of the greatest sources of threat to the displaced Afro-Colombian farmers. These cases remain in impunity.

Justicia y Paz staff, the organization that accompanies the Afro-Colombian families, have been followed and threatened in recent weeks on several occasions by men on motorcycles in Bogotá and Curvaradó, and threatened in the street. Several incidents have taken place in February and March 2011 alone.

Specious investigations and baseless prosecutions are used as an active strategy by state agents to prevent the Curvaradó community leaders and the members of Justicia y Paz from speaking out.

These malicious prosecutions have targeted dozens of human rights defenders in this case since 2003. We are extremely alarmed that these investigations continue to date. The abuse of the penal system should not be used to prevent victims from asserting their rights to truth, justice and reparation. The Colombian government must ensure that illegal interests cease to threaten the communities and their democratic processes. Resources should be provided to increase the presence of civilian state authorities, such as the Human Rights Ombudsman. In consultation with the Community Councils and NGOs, the government must support the communities' sustainable livelihoods after the land is restituted, not least because the human and environmental cost born by the Curvaradó and Jiguamiandó Communities.

Illegal armed groups near Cacarica, Chocó

In the last twelve months, illegal armed groups have increased their operations and visibility in the lower reaches and confluents of the Atrato River in Chocó. The conflict has worsened and the threat it presents to the civilian population has increased correspondingly.

Members of the FARC-EP's 57th front allegedly killed a civilian in Cacarica in January 2011 and assassinated two Indigenous people who had already been forcibly displaced at the hands of paramilitaries from neighboring Salaqui. In December 2010 fighting between the Army's 17th Brigade and the FARC-EP caused farmers to seek refuge in the Nueva Esperanza en Dios humanitarian zone. Troops destroyed the communities' crops in Bogotá village and near Nueva Esperanza en Dios. Justicia y Paz reports that Army soldiers are controlling movements of civilians and asking for the names of community leaders. Justice and Peace also reports that over 100 Black Eagles paramilitary troops were seen in the area known as La Balsa. There have been multiple sightings of paramilitaries reported in recent weeks on the river Atrato, at the points known as La Honda and Tumaradó. These places have a long association with paramilitary control. La Honda provides access to the La Balsa area in southern Cacarica, where paramilitaries of Elmer Cardenas Bloc descendency have centered their military and commercial operations for over a decade. The paramilitaries often dress as civilians, and they carry both handguns and assault weapons. Their modus operandi in the area remains the same as before 2006, and they continue to control the lower reaches of Tumaradó and Salaqui, the area of La Balsa, and strategic points on the river.

Serious concerns were raised by the Colombian Inspector General about the tender process for the proposed Pan-American Highway – Transversal de las Americas, which would cut a swath through the wetlands of the Darien biosphere, bridging the Atrato and cut through the Cacarica Black Communities Collective Territory and the Los Katios National Park to the border with Panama. The residents are alarmed by the environmental and human impact of the project, not least because the contract for the highway's construction grants Vias de las Américas S.A.S, the company awarded the contract on August 6, 2010, *exclusive commercial rights over immovable assets and commercial rights over the totality of the highway corridor*. The collective land of Afro-Colombian communities cannot be sold or leased, under the provisions of Law 70 of 1993 and the contract is in violation of that right. The green light for the project was given in the last days of the Uribe administration and is viewed as personal priority for the former President. The communities who own the collective territory have not been consulted about the plans, as is their right under Colombia's own Law 70, as well as Convention 169 of the International Labor Organization. The security situation will deteriorate if plans to build the highway move ahead while paramilitaries and guerrillas continue to exert control over transportation routes in the area.

Internal Displacement

The Consultancy for Human Rights and Displacement (CODHES)'s latest report²⁴ on internal displacement in 2010 indicates that internal displacement remains a human rights and humanitarian problem in Colombia. With a total of 5.2 million persons displaced, Colombia is now number one in the world in terms of total IDP population. In 2010, 280,041 persons became

newly displaced with 32.7% of the newly displaced coming from areas that form part of the national consolidation plan. Additionally, areas where mining operations are taking place are also areas where there was a high degree of political violence and human rights abuses that led to new displacements. We wish to reiterate that while that the Santos Administration's victims and land law will address a portion of the displaced population's land rights, Colombia's Constitutional Court has yet to lift the "state of unconstitutional affairs" when it comes to the rights of the internally displaced. Far more political will needs to be exerted by Colombia to prevent further displacement from taking place and to guarantee the rights of those already displaced.

Recent displacement cases of concern:

- On March 17, 2011 UNHCR denounced expressed concern over the displacement of over 800 Afro-Colombians from the Anchicayá River area to the port of Buenaventura (Valle del Cauca). The cause of the displacement appears to be fighting between illegal armed groups and violence related to the illegal mining of gold and other natural resources. On February 28 a civilian was taken from a bus and shot dead by an illegal armed group and the bodies of other persons were found floating in the Anchicayá River²⁵.
- The community of La Villa in the Bebara River (Middle Atrato River region, Chocó) is at high risk of repeated displacement due to combat operations taking place between the Colombian armed forces and FARC's 34th front. Combat operations in February left one soldier dead and another wounded, as well as 120 families (both afro-descendant and indigenous) displaced. After its decision of return and "resist" the permanent displacement in their ancestral territories, they remain at high risk of harm and displacement. Some of its members are also "confined" (unable to leave) the area due to continued combat operations and are at risk of facing a humanitarian emergency.
- Ninety-seven members of the indigenous Pueblo Noman community from the Resguardo Santa Rosa de Guayacán (Bajo Calima, Valle del Cauca) have been displaced in Buenaventura for seven months²⁶. While this community reported their displacement to the authorities as soon as they arrived in Buenaventura, *Accion Social* has not recognized them as internally displaced. While *Acción Social* did give this group of IDPs some emergency assistance, now, after two meetings with the Ministry of the Interior, 10 different dialogues with the authorities and a February 15 promise from *Acción Social* and the municipality of Buenaventura, they have not received IDP status. This community is in great need of basic humanitarian assistance and shelter.

LGBT Rights

An area of particular concern remains the abuses against the LGBT community in Cali, as illustrated by the National International Human Rights Campaign for Human Rights Defenders' November 2010 case study²⁷ on this subject. Additionally, the Santamaría Foundation, an LGBT human rights group from Cali, has recorded 43 murders of transgender women from 2005-2011 and 19 other attempted murders of the same²⁸.

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- ¹ *Report of the United Nations High Commissioner for Human Rights on the situation of human rights in Colombia*, A/HRC/16/22. February 3, 2011.
- ² <http://www.colombiadensores.org/noticias/item.asp?n=11445> Cases of aggression against human rights defenders in Colombia soar. Bulletin of the Campaign for the Right to Defend Human Rights in Colombia, 28 October 2010
- ³ “*Criminalización y judicialización de la protesta social y de la defensa de los derechos humanos en Colombia*”, *Human Rights Defenders Campaign*, December 2010.
- ⁴ Amnesty International Urgent Action, UA 74/11 Fear for Safety, COLOMBIA, Nancy Fiallo Araque (f) March 16, 2011.
- ⁵ *Under Santos Government: Paramilitaries Threaten Afro-Colombian Communities and Organizations*, ACSN Statement, March 3, 2011. Available at www.wola.org
- ⁶ Amnesty International Urgent Action, UA 74/11 Fear for Safety, COLOMBIA, UA 52/11 Fear for Safety, COLOMBIA, Members of trade unions: SINALTRAINAL, SINTRAENTEDDIMCCOL and Association ECATE, including: Freddy Sepúlveda (m), Álvaro Varela (m), Martín Agudelo (m), March 3, 2011.
- ⁷ Information provided by Lutheran World Relief.
- ⁸ Amnesty International Urgent Action, UA 48/11, Fear for Safety, COLOMBIA, Environmentalist Disappeared, AMR 23/002/2011. February 28, 2011.
- ⁹ *Concierto por La Vida: Sandra Viviana te seguimos esperando!*, Nodo Suroccidente, Coordinación Colombia Europa Estados Unidos.
- ¹⁰ Urgent Action: protect the lives of Colombian Oil Workers’ Union leaders, Justice for Colombia, march 20, 2011.
- ¹¹ Resumen de noticias del 7 a 13 de marzo 2011, Observatorio de derechos humanos y derecho humanitario de la Coordinación Colombia-Europa-Estados Unidos.
- ¹² Resumen de noticias del 7 a 13 de marzo 2011, Observatorio de derechos humanos y derecho humanitario de la Coordinación Colombia-Europa-Estados Unidos.
- ¹³ Agencia de Prensa IPC, Asaltan oficina de atención a víctimas de comuna 13 de Medellín, 24 febrero 2011.
- ¹⁴ See *WOLA Testifies in Congress: Dramatic Results Still Required by Colombia, Testimony in Ways and Means Subcommittee Hearing on Colombia FTA*, March 17, 2011, [ww.wola.org](http://www.wola.org)
- ¹⁵ Report available from www.wola.org
- ¹⁶ http://www.wola.org/index.php?option=com_content&task=view&id=1152&Itemid=2 Colombian and U.S. Human Rights Groups Call on the United States to Condition Aid and Support the Rule of Law
- ¹⁷ *V Informe sobre narcoparamilitares en 2010*, El Avance del narcoparamilitarismo, INDEPAZ.
- ¹⁸ Instituto Popular de Capacitación (IPC), Boletín Informativo 2, 28 marzo 2011.
- ¹⁹ Report available from: <http://www.protectionline.org/IMG/pdf/breaking-the-silence.pdf>.
- ²⁰ Information provided to WOLA.
- ²¹ Asociación Cabildos Indígenas Norte del Cauca (ACIN), Contexto Territorial de la Zona Norte del Cauca en el Marco del Conflicto Interno Armado,
- ²² *Report of the independent expert on minority issues, Gay McDougall*, UN General Assembly, HR Council, A/HRC/16/45/Add.1, January 25, 2011.
- ²³ Letter can be found at: http://www.wola.org/publications/acsn_letter_to_presidential_advisor_on_afro_colombian_black_palanquera_and_raizal_popul
- ²⁴ *Consolidación de Que?: Informe sobre desplazamiento interno, conflicto armado y derechos humanos en Colombia en 2010*, CODHES, Numero 77, Bogotá, 15 febrero de 2011.
- ²⁵ More than 800 Afro-Colombians flee to Colombia’s main Pacific port, UNHCR, March 17, 2011.
- ²⁶ *Acción Urgente: Pueblo Nonam en situación inhumana hacia el exterminio*, Comunidad Indígena Nonam, Resguardo Santa Rosa de Guayacán, 2011.
- ²⁷ *Estudio de Caso Tres: Organizaciones dedicadas a defender los derechos a la orientación sexual y la identidad de género de las personas LGBT-Santamaría Fundación de Cali*, Campana Nacional e Internacional Por el derecho a defender los derechos humanos en Colombia, Bogotá, Colombia, Noviembre 2010.
- ²⁸ Denuncia de Crímenes de Odio-Transfobia, Santamaría Fundación, Valle del Cauca, Colombia, Informe presentado a WOLA.