

March 29, 2012

German Vargas Lleras
Minister of the Interior
Ministry of the Interior and Justice
Street 12B No. 8-38
Bogotá, Colombia

Minister Vargas Lleras,

The undersigned organizations and activists write today to urge you to intervene immediately in the serious situation of insecurity faced by the members of the Curvaradó and Jiguamiandó communities who are in the process of being returned to their land. We appreciate the attention given from your office on this case which is of great interest to civil society and the U.S. government. For years this case has been monitored by organizations and U.S. human rights activists, the State Department and several U.S. Congressmen.

The international outlook, including the Inter-American System of Human Rights, the Constitutional Court of Colombia and regional courts of Chocó in favor of the victims, who were, in this case, those facing the dispossession of their land, is a barometer of how they are handling the numerous other cases of illegal usurpation of indigenous and Afro-Colombian territories. For us, the Colombian State's actions in this case will show us whether or not the government of Colombia has the real political will to implement the law in favor of the victims or whether it will continue by action, omission the definition of default use of land through fraudulent means to shape the law and with the continuing violence as constantly happens with serious assaults, threats and the recent events posing a danger to the life and integrity of members of community councils.

It was alarming and very sad for us to receive the news that on Friday March 23 paramilitary witnesses report that Manuel Ruiz (age 56) and Jesus Ruiz Gallo (age 15) were forced to get out of their vehicle when traveling from Mutatá to Apartadocito, Curvaradó and proceeded to disappear them. The remains of Manuel and Jesus were found in the last two days. Manuel is part of the Community Council Committee Apartadocito. This incident happens in the middle of the implementation of the census ordered by the Constitutional Court of Colombia to facilitate the return of lands to the locals and in an area where there is presence of the police and armed forces. This also follows a pattern similar to that experienced when Orlando Valencia disappeared and was found murdered in late 2005 in this same community.

Additionally, it seems quite incredulous that police in Urabá affirm without a formal investigation that the kidnapping was related to a theft of mobile phones. We know that Manuel, the leader of the restitution process, was harassed and threatened by contractors and paramilitaries that protect them. This has been done even to officials who depend on their ministry and who are international witnesses. The response has been a cell phone, because in this case, and in 38 similar situations, leaders and land claimants in Curvaradó

and Jiguamiandó always hide behind qualifying low-risk levels, although the paramilitaries continue in the region.

We respectfully demand that your office act immediately to take all measures, including ensuring that an immediate and thorough investigation about the disappearance and murder of Manuel Ruiz and Jesus Ruiz Gallo take place and determine whether the suspicion that they were tortured is confirmed by a forensic analysis, as well as ensure appropriate measures of protection and humanitarian care for a family that has been forced to move to Mutata, and that action be taken beyond the mobile phones to the 38 remaining leaders to avoid a repetition of the similar fate of that of Manuel and Jesus.

Additionally, we ask the following:

1) Prioritization of guarantees of protection for land claimants. This would protect individuals and their families involved in this process and would be a strong effort to dismantle the military, social and economic paramilitary forces that are strong in this area of Chocó. The Ministry of the Interior should work with state control agencies to ensure that police and armed forces in the region fulfill their function of protecting the inhabitants of the area and punish members of these acting in collusion with illegal groups.

2) The effective implementation of the census ordered by the Constitutional Court with guarantees of protection for members of these communities. This includes refinement and differentiation those surveyed. Those who are returning or who already inhabit the territory should participate in the election. Measures should be established to ensure there is no discrimination in this process.

3) The development of a relocation plan in accordance with the Guiding Principles on Internal Displacement (Deng Principles), and a precision in accordance with customs of the community councils and ordered by the Court that only those who have returned to land and who have indicated they intend to do participate that in the elections for a Legal Representative.

4) Ask the OHCHR and DIAL to monitor and accompany this process to ensure the protection of members of the community and ensure a transparent process.

We thank you in advance for their management. Please send response to Gimena Sanchez, WOLA, gsanchez@wola.org

Sincerely,

Washington Office on Latin America (WOLA)
U.S. Office on Colombia (USOC)
Proceso de Comunidades Negras (PCN) International Working Group
Latin America Working Group (LAWG)
Global Rights Partners for Justice

Association of Internally Displaced Afro-Colombians USA (AFRODES USA)
AfroColombia NY

Eunice Escobar, Board Member of the Chicago Religious Leadership Council (CRLN),
Profesors Arturo Escobar and Joseph Jordan of the University of North Carolina.

CC: Secretary of State Hillary Clinton
Ambassador Michael McKinley
Members of the Monitoring Comittee of Labor Rights
Members of the Human Rights Comittee of Congress Tom Lantos
Members of the Senate Appropriations Committee
Representative John Conyers
Representative Donna Edwards
Representative Mike Honda
Representative Jesse Jackson, Jr.
Representative Eleanor Holmes-Norton
Representative Barbara Lee
Representative Gwen Moore
Representative Maxine Waters
Todd Knowland, Office of the High Commissioner for Human Rights
Christina Umbarilla, DIAL