

September 12, 2008

David Kramer  
Assistant Secretary of State  
Bureau of Democracy, Human Rights and Labor, US Department of State  
2201 C Street, NW  
Washington, DC 20520

Dear Assistant Secretary Kramer,

**Re: Deteriorating Situation of Indigenous Communities in Colombia**

Following the meeting that you had with U.S. non-governmental organizations on August 26th, we are writing to express our deep concern for the human rights, humanitarian and internal displacement crisis facing Colombia's indigenous peoples. We are alarmed by the National Organization of Indigenous Peoples in Colombia's (ONIC) recent assertion that thirty-two groups of indigenous persons are at risk of disappearing with eighteen of the smaller indigenous groups at risk of becoming physically and culturally extinct in the near future. The eighteen groups that are on the verge of extinction include the Yamalero, Makaguaje, Pisamira, Tsiripu, Taiwano, Piaroa, Wipijwi, Muinane, Yaruro, Dujos, Judpa, Yauna, Bara, Ocaina, Yohop, Amorua, Chiricoa and Nonuya.

In recent months, U.S. non-governmental organizations have received numerous urgent actions detailing assassinations, threats and attacks against indigenous persons. We also receive constant reports of the negative effects of the U.S.-backed aerial fumigation on indigenous communities located in the Pacific region of Colombia. Of particular concern are the numerous violations committed by the Colombian armed forces in the indigenous communities' territories (see attached listing). Rather than increasing the physical security of indigenous persons, militarization of indigenous territories appears to be leading to more human rights violations against indigenous peoples. ONIC notes that militarization has increased the recruitment of indigenous youth to illegal and legal armed actors and that the armed forces impregnate indigenous girls, bring sexually transmitted diseases to the communities, forcibly recruit youth and involve civil society in the conflict as informants, or by continuously falsely labeling them as being from one illegal armed group or the other.

Internal displacement and confinement are devastating indigenous communities. The United Nations High Commissioner for Refugees (UNHCR) recently stated that on average 10,000-20,000 indigenous persons become internally displaced each year. On August 22, UNHCR announced that in the Cauca Department, some 800 people were forced to flee the town of Lopez de Micay and that the majority of IDPs were of indigenous and African descent and that more than half of these IDPs are children. Many indigenous persons cannot flee due to the activities of the armed groups and are thus forced into a very precarious humanitarian situation known as confinement. In such a situation, indigenous persons do not have adequate access to food, medicines and they cannot flee to safety. On top of suffering the same fate as other IDPs, indigenous peoples'

social fabric is destroyed by internal displacement since these communities have particular economic, cultural and social ties to their ancestral lands. For example, internal displacement is destroying the cultural survival of the Nukak Maku from the Department of Guaviare. Out of a total remaining population of 500, 200 Nukak Maku persons are internally displaced.

The Awá peoples of Nariño have been particularly hard hit by internal displacement in the past two years. In November 2007, 1,400 Awá were displaced due to combat between the military and the FARC. Displacement of the Awa people later increased as a result of the presence of 400 coca eradication guards from the anti-narcotics police who were placed in the community without prior consultation with Awá indigenous authorities. The eradication guards have accused the leaders and community members of being guerilla collaborators and they have looted their possessions. We believe coca eradication should only be conducted with the assent and cooperation of the indigenous authorities themselves, and must be carried out without abuses. Sadly, we have also learned that more than three Awá persons have been murdered since the displacement of this community took place.

Another major concern is that there is an alarming climate of stigmatization and allegations of criminalization of the peaceful protests of indigenous peoples in Colombia. Over the course of his term in office, President Alvaro Uribe has made many public statements stigmatizing human rights defenders and indigenous leaders, and falsely implying that they are guerrilla sympathizers. The indigenous people of Cauca are peacefully reclaiming lands which the government has failed to return despite signing the “Nile Agreement” which promised the return of 15,000 hectares of land (as compensation for a massacre in the Naya Area). Over the course of 2006, 2007 and 2008, the ONIC has received ten death threats, signed by new paramilitary groups, in which they refer to indigenous leaders as guerrilla members and which have occasionally seemed to draw inspiration from speeches by President Uribe and other government officials.

We kindly recommend that State:

- Work vigorously to enforce Condition F of the human rights conditions for U.S. military assistance to Colombia which states that the “Government of Colombia is ensuring that the Colombian Armed Forces are not violating the land and property rights of Colombia’s indigenous and Afro-Colombian communities, and that the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.” Violations of this condition contained in the reports presented to the U.S. Embassy by the ONIC should be investigated and the violators brought to justice. The ONIC asks for indigenous territories to be completely demilitarized, as the presence of armed actors only leads to indigenous people being placed under greater risk.
- Immediately urge the Colombian Government to address the possible imminent extinction of the 18 indigenous groups. The Embassy could help by supporting the

formation of an emergency program focused on indigenous communities in danger of extinction, created by indigenous organizations and headed by the ONIC.

- Recommend to the Colombian authorities that they re-establish the National Commission for Human Rights with Indigenous Peoples and take into account ONIC's concerns about the Commission so that it works to protect indigenous communities. The Commission should advocate for: the human rights of indigenous peoples; respect for international humanitarian law principles; and respect for the UN Guiding Principles on Internal Displacement for internally displaced indigenous persons.
- Urge the Colombian Government to respect the rights to freedom of opinion, expression and association of indigenous organizations, and to respect the right to peaceful protest, to clarify remarks they have made offering rewards for indigenous leaders claiming lands, and to comply with the "Nile Agreement" by returning the full quota of lands in the agreement to the indigenous people of Cauca.

We appreciate your prompt response to this most important matter. For further information on the cases listed in the attachment please contact Gimena Sanchez-Garzoli of WOLA at (202) 797-2171.

Sincerely,

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Erin Cox  
8th Day Center for Justice

Anne Barstow  
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## **Recent Allegations of Indigenous Rights Violations Received from Indigenous Groups in Colombia Since May 2008<sup>1</sup>:**

**August 24:** Murder of Luis Olmedo Guejia Trochez, Resguardo Munchique los Tigres (Cauca) by unknown men. He joins a list of 53 persons violently killed in northern Cauca since January 2008. These cases remain in impunity.

**August 22:** Members of the Munchique los Tigres indigenous community (Luis Carlos Guasaquillo, Julio Diaz and Monika Diaz), defending their territorial rights are wounded by members of the ESMAD (Mobile Anti-Disturbance Squadron). Luis Guasaquillo's arm had to be amputated because it was severely damaged by an explosive thrown at him by the ESMAD. Julio Diaz is rendered unconscious due to a beating by the national police who used machetes and sticks. Sixteen-year old Monika Diaz has a firearm wound from a weapon fired by the national police.

**August 14 and 15:** Paramilitaries threaten the radio "Nuestra Voz Stereo" communications worker Alfredo Campo from Morales (Cauca), the indigenous authority in the community, Rolando Tálaga and the second authority Jorge Ordoñez, placing their lives in serious danger.

**August 11:** The National Association of Indigenous Cabildos (ACIN), the Regional Council of the Indigenous of Cauca (CRIC), the Nasa peoples and others receive electronic death threats from an organization identifying itself as "Campesinos Embejucaos del Cauca." This threat refers to indigenous persons as excrement and seems to draw inspiration from national government policies and speeches by President Uribe.

**July 25:** Murder of Hugo González Bernaza, Elder Governor of the Gran Resguardo Unificado Embera Chamí de Mistrató y Pueblo Rico, by three men wearing hoods. Prior to his death the Governor had publicly alerted the authorities that he had received a pamphlet containing a death threat.

**July 22:** At a meeting to discuss the collective land titling issues related to the indigenous communities of Naya (Valle del Cauca), residents of this community call attention to the fact that their youth is caught between the armed groups who mistreat and abuse them. The guerillas force persons to transport them on their boats and to carry packages for them. They also have forcibly recruited youth to their ranks. The Colombian armed forces mistreat the youth and accuse them of being guerillas and threaten to hurt them if they do not give information about the whereabouts of the guerillas or join the ranks of the military.

**July 20:** Colombian soldiers shoot at indigenous civilians Cristante Cheche Campo, Amelia Estevez Vitucay and Wilson Tequia Tequia (minor) on the road from Quibdó to Medellín despite this family having informed the military that they were going to look for food. Amelia Estevez Vitucay is badly injured in her attempt to escape the bullets.

**July 14 and 16:** On the 14th, 17 children with severe problems of malnourishment, gastrointestinal diseases and tuberculosis were transported from the resguardo of Indígena Tamahi del Alto Andágueda de Bagado to Quibdó (Chocó). Another five children from this community have already died from this situation. On July 16, another 14 infants and 16 adults were transported to Quibdó for medical assistance. The confinement of these communities due to the actions of the armed groups and neglect by State authorities caused this situation.

**July 7:** Murder of 18 year-old Rafael Segundo Tamarán Cobaría, and his 17 year-old partner Maribel Sepúlveda Bokotá, who was 7 months pregnant. The incident happened at approximately 7pm, and was carried out by two individuals on a motorbike, at their home, in the village of Playas de Bojaba near the city of Saravena.

**July 3:** Colombian soldiers beat up and threaten to kill Ricardo Tequia (Chocó).

**July 3:** Twenty-six indigenous persons were attacked and injured by the ESMAD in Northern Cauca they cut down sugar cane to sow their own subsistence crops. Among the wounded were three minors Francisco Ul Noscué, Eduardo Marino Tenorio and Diego Pazú, who were all shot by members of ESMAD. Most of the indigenous people fled as shards of glass flew at them from reconverted grenades. Aldemar Ramos del Resguardo Huellas lost the fingers from his right hand in the attack.

**July:** Colombian armed forces' restriction on food crops meant for schools and infant breakfasts in the Resguardo of Catrú (Chocó) is compounding the serious food shortage problem. Crops are lost due to the dry season and because armed groups take them to feed their troops. The armed forces do not allow food to enter the community. They argue that the food will go to the guerillas. In this community there exist serious problems of malnutrition and disease. Seventy-five children and adults are in a critical condition due to this situation.

**June 26:** Murder of Octavio Dominico, Embera Katío leader, Resguardo Dokerasabi (Urabá) by unknown men.

**May 29:** Colombian soldiers kill Amparon and Silvio Chaguendo Ipiatwo, members of the Nasa community in Corinto (Cauca). The two brothers had sought refuge from in a house during combat operations between the guerillas and the Colombian military. The soldiers ordered an indigenous woman to open the door to the house and the soldiers fired on the two unarmed brothers who were not involved in the fighting.

**May 22:** The bodies of Ovidio Málaga, ex-governor of the Puerto Pisario Council, in the Lower San Juan, and those of another five Afro-Colombian persons, were found in García Gómez, a territory located between the Chocó and Valle Departments.

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<sup>i</sup> This listing was compiled by the Washington Office on Latin America. For further details please contact WOLA at (202) 797-2171.