



OIDHACO Newsletter

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2013 -
February
2014

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Year begins with elections and public forces scandals

This beginning of 2014 was marked by an unusual environment in the midst of an electoral context as Colombia is holding **elections for Congress in March and the Presidency in May**. The news published by the *Semana* newspaper on February 3 related to **Andromeda** - the name of the intelligence operation against members of the negotiating team of the Government and the FARC, as well as journalists (Colombians and foreigners covering the peace process) - revived, both nationally and internationally, the spectre of illegal intelligence activities carried out by the Colombian State; and in particular the Administrative Department of Security – DAS; and the impunity that has surrounded this. President Santos, after initially expressing surprise at the allegations, later affirmed that the *Andromeda* facilities in the *Galerías*

neighbourhood of Bogotá were legal. At present there is no clarity on what happened.

According to an article in the *El Colombiano* newspaper, there is a group of 10 military leaders putting pressure on Santos to change the rules of the negotiations with the FARC or to put an end to the peace talks in Havana. According to a statement from senior FARC and ELN leaders, these events have generated a **lack of trust in the government in the context of the peace negotiations**.

Another episode that shook the armed forces was the publication of recordings revealing alleged arms trafficking within the army primarily for members of paramilitary groups who call themselves the *Urabeños* and *Erapac*. The recordings also exposed acts of corruption among a number of army

members and embezzlement of money. National newspapers, such as *El Espectador*, linked this corruption scandal to the *false positives* scandal. The reaction of the Minister of Defence, Juan Carlos Pinzón, was unfortunate, as he seemed to defend the army at all costs rather than seek clarification of the facts. That attitude falls in line with attempts to pass laws offering wide-ranging legal protection for members of the armed forces.

Oidhaco has insisted that, in Colombia, the fight against impunity is essential for peace. It is necessary to carry out an investigation and punish those responsible.

The International Office for Human Rights - Action on Colombia - OIDHACO

A network of 35 organisations based in the EU Member States, Switzerland and Norway, working with the four main coordination groups of Human Rights, Development and Peace organisations in Colombia. Based in Brussels, OIDHACO promotes the Rule of Law, democracy, and comprehensive respect for human rights, peace and sustainable development in Colombia.

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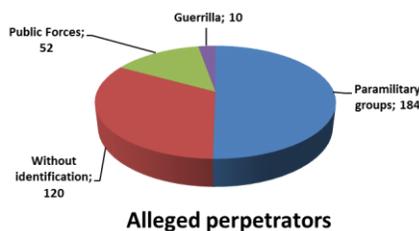
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Persistence of attacks in Colombia

Situation of human rights defenders in Colombia in 2013

"In 2013, on average every 4 days a human rights defender was murdered in Colombia"

In 2013, the *We are Defenders Program* (Programa Somos Defensores) recorded **366 attacks against individuals and 185 against social and human rights organisations**; 2.4% more than in the previous year. This is the **highest number of attacks for at least 10 years**. According to the report there is a worrying correlation between times of increased social mobilization and levels of aggression. In 50% of cases the alleged perpetrators are paramilitary groups while in 33% of cases the perpetrators are unknown. Members of the state security forces (Army, Police etc.) are directly responsible for 14% of these attacks and the guerrilla are responsible for 3%.

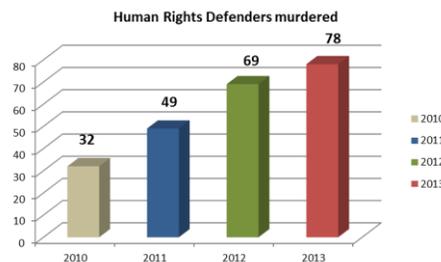


Since 2010, murders of human rights defenders have increased, from 32 to 78. Indeed, compared to 2012, there has been a significant increase in threats (from 202 to 209 cases), the arbitrary use of criminal justice system (from 1 to 10 cases) and theft of information (from 3 to 7 cases). Oidhaco constantly reported the **lack of prevention and protection of human rights defenders, social and human rights organisations**.

As expressed by *We Are Defenders*, "the continuation of this trend of aggression and the lack of action by regional governments to address it places us in a state of **impunity**".

Unfortunately, during the **first two months of 2014, the situation remained serious**. Many human rights defenders received threats because of the work they do. Below we highlight just a few of the serious examples among the many that occurred :

- On January 9, Iván Madero Vergel, president of the Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos*), received a call at his office from an individual who advised him that he had 48 hours to



leave town. On the same day, Lilia Peña, president of the Regional Association of Victims of State Crimes in the Magdalena Medio Region (*Asociación Regional de Víctimas de Crímenes de Estado en el Magdalena Medio*) found an envelope containing a bullet and a pamphlet : a death threat against herself, her son, and Melkin Castrillón Peña, a member of the Peasant Association Scimitar River Valley (*Asociación Campesina del Valle del Río Cimitarra*) which accused them of being involved with the guerrilla.

- After the sentence against the Colombian State in the Inter-American Court of Human Rights in the case of Marino López and Operation Genesis, surveillance, threats and smears began once again against Danilo Rueda and Alberto Franco from the and the Inter-Church Justice and Peace Commission (*Comisión Intereclesial de Justicia y Paz*).
- On January 30 in the Valle del Cauca region, Walter Agredo, member of the Solidarity Committee for Political Prisoners (*Fundación Comité Solidaridad Presos Políticos*), Martha Giraldo, member of the National Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado - Movice*), and human rights defender José Sánchez, member of the university trade union Sintraunicol, received a text message levelling false accusations against them and threatening them with death.
- Between 6 and 20 February, Marta Díaz, Coordinator of Movice's Atlantic regional office and President of the Association of Families United in One Pain (*Asociación de Familias Unidas por un Solo Dolor*) repeatedly received text messages declaring her to be a military target and threatening her with death. On February 5, she had participated in a session of the Prevention and Protection Committee, part of the Regional Roundtable on Victims in Barranquilla.

Oidhaco is calling on the international community to make a public statement on

the serious nature of these events and to show support for the work of human rights defenders. The Colombian State must issue protective measures, investigate these events, and provide guarantees so that people who defend human rights and mobilize for peace can carry out their work.

Colombia – 5th in the world for impunity in relation to attacks against the media

The situation for journalists is highly disturbing. In 2013, according to [information](#) from the Foundation for Press Freedom (*Fundación para la Libertad de Prensa - FLIP*), 2 journalists who had denounced irregularities committed by public officials were killed (Edinson Molina on September 11 in Puerto Berrio, Antioquia, and José Dario Arenas on September 29 in Caicedonia, Cauca), three were forced into exile to save their lives, 10 were illegally detained for exercising their profession, 2 were injured while working, and 75 were threatened. In total, **194 were victims of some kind of aggression and of obstructing the work of journalists**, the majority during social protests in the months of February, March, June and October.

The level of **impunity** for attacks against journalists has created a climate in which it is easy to attack them without any legal consequences. In total, since 1977, 142 journalists were killed, 64 of these cases have been closed, and 30 are attributed to paramilitary groups (to date only one paramilitary has been sentenced).

The **National Protection Unit** (*Unidad Nacional de Protección*) has been recognized in terms of its responsiveness and recognition of the extraordinary risk of several journalists from both individual and collective attacks. Nevertheless, FLIP reports **delays due to administrative and financial problems**. This situation has forced several threatened journalists into exile, as they were offered no protection, even of a preventive nature, within the Colombian State system.

In early 2014, there were **several attacks against press freedom**, including the disappearance of the Spanish photojournalist in La Guajira on January 8. *Reporters without Borders* fears that he has been kidnapped by

paramilitary groups operating in the region. On December 20, 2013 and January 8, 2014, three journalists from *Caracol Radio Guaviare*, Erika Londoño, Gustavo Chicangana, and Jorge Ramírez, received a threatening text message because of their reports on matters of public interest.

Oidhaco calls for guarantees for freedom of expression, including freedom of the press and the protection of journalists, especially when reporting on sensitive issues. Freedom of the press is essential to democracy, particularly in historical moments such as the peace talks process.

Lack of guarantees for people exercising democratic rights

Elections are the cornerstone of a democratic political system and it is therefore worrying that some candidates and political candidates have suffered violence, which could jeopardize the legitimacy of both the elections for Congress in March and the Presidential elections in May. In Colombia there is still in a general lack of political guarantees.

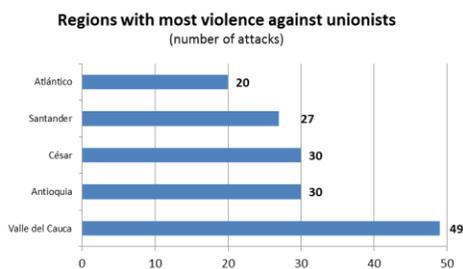
On February 2 and 4, threats were made against numerous opposition candidates. Among the targets of this aggression were members of the Patriotic Union Party (*Unión Patriótica* - UP) such as presidential candidate Aída Abella, and members of the Alternative Democratic Pole Party (*Polo Democrático Alternativo*), including Iván Cepeda Castro, (currently elected as a member of Congress), and Alirio Uribe, both standing for election to Congress. It is important to recall the extermination of thousands of members of the UP in the late 80s and early 90s. On February 23, vehicles belonging to Aída Abella and Carlos Lozano were shot 14 times in the Arauca region. According to preliminary investigations and public statements, the ELN may have been the author of the attack, describing it as "a mistake".

Oidhaco wishes to highlight how essential it is in a democracy that the State guarantees the protection of the rights of the political opposition and all those involved in the political process. It is essential to combat impunity, publicly and repeatedly reject threats and murders, particularly committed against candidates in the next election so to

ensure the rapid implementation of protective measures agreed with these people.

The situation of trade unionists

In 2013, the National Labour School (*Escuela Nacional Sindical* - ENS) reported 27 killings of unionized workers, 13 attempted murders, 149 threats, 28 cases of harassment and 13 cases of arbitrary detention. This represents 5 more cases of killings and 6 more attacks than in 2012. 90% of these violations were committed against union leaders. It is important to highlight the fact that 89.2% of the 18 cases of collective violence were directed against organisations affiliated to the Confederation of Workers' Union (*Central Unitaria de Trabajadores* - CUT).

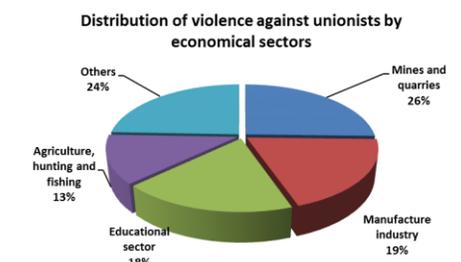


It is noteworthy that in 54% of cases, there is no information about the alleged perpetrator. However, for cases in which the perpetrator is allegedly identified, 72% are attributed to paramilitaries, 19% to state agencies and 6% to the guerrillas. A smaller percentage is alleged to be common crime cases or perpetrated by employers.

Oidhaco reiterates its concern at risks to trade unionists, which continues to be very worrying. The year 2014 started – on January 4 – with the murder of Luis Marin Rolong of Sinaltracaba. U.S. Congressman Keith Ellison sent a letter to President Santos asking for the murder to be investigated and that those responsible are prosecuted. Also of concern are injuries received on 10 January, by Oscar Arturo Orozco President of the CUT in the Caldas region, and of the Union of Energy Workers of Colombia (*Sindicato de Trabajadores de la Energía de Colombia*), and also a member of the Movice office in Caldas, caused by actions of the police Riot Squad (*Escuadrón Móvil Antidisturbios*) during a peaceful demonstration. There is a long list of actions against the trade unionist since May 2012. Threats continue, as shown by

those received in February by Eberto Díaz and Nidia Quintero, national leaders of the Unified Agricultural Trade Union Federation (*Federación Nacional Sindical Unitaria Agropecuaria*).

Only 32% of Colombians have access to decent work. The amount of people working in the informal economy is not diminishing (according to ENS, in the 13 metropolitan areas, 51% of employees work in these conditions) and there is no progress in wages in this sector (49% of these workers receive less than the minimum wage). While unemployment fell and stood in November 2013 at 8.5%, the unemployment rate is still the highest in Latin America. It is important to note that the highest growth sectors in the economy contributed very little to employment, or jobs were lost in these sectors. The mining sector, one sector that will benefit from the Free Trade Agreement between the EU and Colombia, grew by 6% (one point higher than the total growth rate) but lost about 13,000 jobs. The sectors creating employment are characterized by high precariousness and informality.



As for working conditions, the ENS reported high outsourcing of workers, especially in the 22 largest companies in the country, which represents 50.7% of workers. This outsourcing occurs as a result of the search for lower labour costs, and the need for a floating and flexible workforce. Medellín is the city with the highest percentage of outsourced employment (53%), followed by Bogotá (49%).

According to ENS, the country's labour market has undergone major transformations in the workplace, particularly in work flexibility. Its most obvious consequence is the proliferation of atypical contracts that violate the minimum conditions of work.

Colombia and Europe

ACOOO European speaking tour

From 11 to 14 February **Diego Fernando Carreño Neira** and **Julián Andrés Ovalle Fierro**, members of the **Conscientious Objectors' Collective for Action** (*Acción Colectiva de Objetores y Objektoras de Conciencia - ACOOC*) carried out a speaking tour in Brussels.

According to information from the National Director of Army Recruiting (*Director Nacional de Reclutamiento del Ejército*) in a meeting, **100,000 young people are recruited annually by the Army, 80% of whom are charged with caring for infrastructure for both public companies and national and international private companies.**

Although in 2009 the Constitutional Court (CC) **recognized the right to conscientious objection**, to date the corresponding legislation does not yet exist. As members of ACOOC discussed in meetings with European institutions, only two cases of conscientious objection have been accepted since that date. Therefore, one can speak of a **systematic denial of a fundamental right** recognized by the CC. Moreover, members of ACOOC denounced the violation of the right to education and the right to work of young conscientious objectors because they do not want to do military service.

The ACOOC representatives emphasized the so-called 'military raids' carried out by the Colombian Army. During these raids the army arrives in an area and takes young people who do not have their military ID card to the battalion to forcibly recruit them and send them to rural areas where the conflict is severe. After studying 3 cases, the United Nations Working Group on Arbitrary Detention considered in 2008 that *"these people were arrested and deprived of their liberty against their will, in order to incorporate*

them into the army" and that this *"deprivation of liberty (...) was arbitrary"*. In 2011, the Constitutional Court declared in judgment C-879 that citizens *"can only be held momentarily while their situation is verified and recorded, this may not involve taking citizens to military barracks or districts or citizens being held by the military authorities for long periods of time in order not only to force them to enlist, but also subjecting them to tests and incorporating them into military service if they pass these tests"*. Nevertheless, this continues to occur systematically in Colombia.

Oidhaco is asking the European Union to address the issue of military raids and conscientious objection in its human rights dialogue held with Colombia.

To get more information regarding ACOOC go to their [web site](#).



Visit of the President of the European Commission to Colombia

In December, **José Manuel Durão Barroso**, President of the European Commission, visited Colombia for the first time for one day. He met with President Santos to discuss strategies to relaunch the relationship between Colombia and the European Union. He also met with representatives of the National Centre for Historical Memory and some victims of the Colombian armed conflict. During his trip he congratulated the Colombian government for initiating the peace process, handed over funds for the education of children and adolescents affected by armed conflict and announced the decision of the EU to maintain its bilateral cooperation with Colombia.

Oidhaco regrets the lack of reference in the public discourse of J.M. Barroso to the serious human rights situation in Colombia and in particular the situation of human rights defenders. This is not the first time that Oidhaco is calling on the European Union to publicly express that concern.

Colombia and United Nations

United Nations Human Rights Council

From 3 to 28 March, the latest session of the United Nations Human Rights Council is being held in Geneva. The UN High Commissioner for Human Rights (OHCHR) will present its **Annual Report on the Situation of Human Rights and International Humanitarian Law in Colombia on March 26** in the Human Rights Council.

First of all, we would like to stress **the importance of the work of the Office of the OHCHR** in Colombia and the fundamental importance of the annual presentation of the OHCHR report on Colombia in the Council. This space for dialogue with countries in a context of peace negotiations, but also of continued violations of human rights, is essential for the United Nations to monitor the situation in Colombia and to develop recommendations to support improvements in this situation.

A few future key dates

March 9: Legislative elections in Colombia.

March 26: 25th session of the United Nations Human Rights Council.

To see [live webcast](#).

April 1 – 4: Indigenous Awa speaking tour in Europe.

