



# OIDHACO Newsletter

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## Justice in Colombia

On November 14, the Inter-American Court of Human Rights (IACtHR) found the Colombian State internationally responsible for human rights violations committed during events known as the Storming of the Palace of Justice on November 6 and 7, 1985. Precisely, to commemorate the 29<sup>th</sup> anniversary of this event, the relatives of disappeared persons were requesting the rapid investigation of the case which was recently reopened in the Colombian justice system. According to the relatives, the sentence is "a beacon of hope that we will find out the truth about what happened". In late October 2014, the Supreme Court upheld the 35-year prison sentence given to Jesús Armando Arias Cabrales, General of the Colombian Armed Forces, for his role in the storming of the Palace. After reactions from various sectors, including President Juan Manuel Santos, on the 'inconsistency' of condemning the military while the former guerrillas are entering Congress, Helena Urán Bidegain, daughter of Judge Carlos Horacio Urán killed during the events in the Palace of Justice, sent a letter to President Santos stating that "you must demand that the war mongers (Señores de la guerra) respond, and that they must tell the truth".

Furthermore, on October 31, the Chamber of Justice and Peace of the Superior Court of Bogotá issued the first macro judgment convicting Salvatore Mancuso and 11 former commanders of several blocks of the AUC to eight years in prison for committing crimes against people and property protected by international humanitarian law, including targeted killings, enforced disappearances, sexual and gender-based violence, massacres, forced displacement and recruitment of children. It also requires those found responsible to pay compensation and reparations to the 9,500 victims of these violent events. In relation to gender-based violence, the judgment documents over 170 cases of sexual violence by violent sexual assault, abusive sexual acts, forced prostitution, forced slavery, forced sterilization and forced abortion. This judgment reflects progress on the part of the Colombian State in terms of truth, justice and reparation for victims of paramilitary violence and sexual and gender-based violence (although according to the Conflict Analysis Resource Centre – CERAC, it is hoped that the next sentences will place more emphasis on reparation and transformative measures, not only affirmative

measures) and with the adoption of measures to ensure access to justice for women victims of sexual violence in the armed conflict, an issue mentioned by the representatives of Sisma Mujer during their visit to Brussels in December.

Finally, according to a report of December 18, Special Court 11 sentenced Hugo Daney Ortiz, former deputy director of operations of the Administrative Department of Security (*Departamento Administrativo de Seguridad – DAS*), to 132 months (11 years) in prison, for his participation in acts of psychological torture and surveillance against journalist Claudia Julieta Duque, her youngest daughter and several members of her family in incidents recorded in 2005. These events occurred after her reporting of the events surrounding the murder of journalist Jaime Garzón Forero, on August 13 1999, when she linked to members of the security forces and DAS agents to the crime.

All sources can be seen in the digital version of the newsletter.

See Oidhaco website: [www.oidhaco.org](http://www.oidhaco.org)

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

A network of 36 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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## The peace process in Colombia

*"It is easier to make war than make peace",*  
President Juan Manuel Santos.

### Europe and the Colombian peace process

At the beginning of November 2014, President Juan Manuel Santos visited six European countries to seek financial support for the post-agreement period. Several demonstrations were organised and MEPs asked Parliamentary Questions focused on ensuring respect for human rights in Colombia. Ernest Urtsun specifically [asked](#) "what guarantees of respect for human rights and protection of victims have been established before granting the money?" given that "the human rights conditions included in the FTA are currently neither respected nor safeguarded". Meanwhile Javier Couso expressed concern about the agreement between the European Union (EU) and Colombia for their possible participation in [EU crisis management operations](#) in third countries "given the high number of accusations against members of Colombia's security forces for human rights abuses". Both Couso and Urtsun are calling for guarantees from the EU that no member of the military involved in human rights violations in Colombia will participate in such missions.

In an interview in [El Espectador](#), the Swedish ambassador to Colombia confirmed Sweden's belief in a negotiated peace, "this position has not been easy, but we have always defended it". She also stressed the Embassy's work "on women as agents of peace". On January 19, the press reported that "[Spain](#) has proposed the creation of an EU 'peace mission' so that it would be ready to 'accompany' Colombia in the 'demilitarization' process when the government signs a peace agreement with the FARC. This 'peace mission' will be accompanied by the creation of a fund to 'finance the post-conflict period', as requested by President Juan Manuel Santos during his European tour in November". The Norwegian Minister for Foreign Affairs wrote an article about the peace process in a national newspaper. As facilitators of the peace negotiations, Norway and Cuba have made several public statements, for example after the release of [hostages](#). In addition, during a visit to France on 26 and 27 January, Presidents Juan Manuel Santos and François Hollande spoke of creating a committee for the strengthening of economic, cultural and academic cooperation. The France-Colombia Solidarity Network (*Réseau France Colombia Solidarités* – a member of Oidhaco) [expressed](#) their concerns about a rapprochement between the two countries amid continuing violence in Colombia. The head of States discussed the possibility of support for

rural schools to prepare the post-conflict period as well as the possibility of creating a rural police similar to the French *Gendarmerie*.

### Participation of the victims in the process

On December 16 the fifth and last delegation of victims travelled to Havana. In total, 60 delegates have had first-hand contact with members of the Dialogue Table. For José Antequera - one of the victims who travelled to Havana "before these delegations we, victims, had no voice but now we are at the centre, it used to be a discussion between them about why it was important to end the conflict. But now that the suffering of victims is known in detail, reaching an agreement is a question of humanity and there is no turning back". The underlying question as described in an article by [Verdad Abierta](#) is "what will be the result of the five delegations to the island?"

### Important moments in the process

The dialogue process in Havana experienced the **most serious crisis** since its inception with the Colombian government's decision on November 18 to freeze the talks until the FARC liberated General Alzate, Corporal Jorge Rodríguez and lawyer Gloria Urrego. Several [national](#) and [international](#) organisations and bodies expressed the need for "the continuation of the talks as imperative to maintain progress in the Havana dialogue process, so that the end of the armed conflict can become an irreversible fact and [Colombia can] move towards [inclusive, sustainable and lasting peace](#)". According to the Colombia Europe United States Coordination Group (*Coordinación Colombia Europa Estados Unidos - CCEEU*), "the situation that weekend in Chocó, together with the different events that continue to affect civilians in conflict zones, demonstrate the need to look at formulas aimed at de-escalating the conflict and agreeing, at this stage of the process, a bilateral ceasefire". On December 3, 2014, after the abovementioned individuals were released, the talks resumed in Havana.

On December 20, 2014, the FARC announced a "unilateral" and "indefinite" ceasefire as "[a gesture to de-escalate the conflict](#)" which was applauded by national and international civil society organisations, who have been repeatedly asking for a bilateral ceasefire since the beginning of the negotiations in order to give confidence in the process and to prevent further victims of the armed conflict. According to President [Juan Manuel Santos](#), "on this point we must recognize that the FARC have complied",

and urged them to move faster along "the path to peace and not the path of war". According to the Conflict Analysis Resource Centre (*Centro de Recursos para el análisis de conflictos - CERAC*), since the truce, they have registered lower levels of activity related to the armed conflict. At the beginning of 2015, [President Juan Manuel Santos](#) made it known that he had "instructed negotiators to initiate discussions on a bilateral and definitive ceasefire", which was supported among others by the [CCEEU](#), and [Oidhaco](#).

### Process with the ELN

Although the National Liberation Army (*Ejército de Liberación Nacional - ELN*) [stated](#) on January 7 that: "We will participate in this dialogue (with the government) to examine the real will of the government and the Colombian State; if we conclude during this examination that weapons are not necessary, we would be willing to consider no longer using them"; on January 16 Channel NTN24 [confirmed](#) that "ELN commander Antonio García, has stated that 'all' the issues under discussion with the government of Juan Manuel Santos are frozen". One of the topics of negotiation with the ELN would be the involvement of [civil society](#).

Oidhaco reiterates its support for the peace process, reiterates its call for the process with the ELN to formally start and for the actors at the table to agree a ceasefire. Oidhaco considers that civil society should play a prominent role in building peace, and that the EU should quickly start consultations with Colombian civil society to define its priorities for support to the ongoing process.



## Indigenous peoples

The situation of indigenous peoples in Colombia remains highly worrying, especially in light of underreporting of the impact of the armed conflict on these peoples (see [Oidhaco factsheet](#)). The UN has strongly condemned crimes against indigenous peoples committed as part of the armed combat, such as murders and attacks against three indigenous guards on November 5, 2014 by members of the FARC. On December 4, 2014, according to the Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca - CRIC*), some 300 indigenous people were forcibly displaced to Buenaventura after threats by paramilitary groups in their territories. These families wish to return to their territory with guarantees for their safety.

On November 12, 2014, several Spanish MEPs (Izaskun Bilbao Barrandica, ALDE; Ernest Urtasun, Greens / ALE; Maria Arena, S&D; and Marina Albiol, GUE/NGL) convened an event, supported by the European organisations and networks Grupo Sur, Oidhaco, Cooperació and Mundubat, on "Indigenous peoples and the peace process in Colombia: women's perspectives". Colombian indigenous leaders Emilse Paz, from the Association of Indigenous Councils of Northern Cauca (*Asociación de Cabildos Indígenas del Norte del Cauca - ACIN*) and Aida Suárez, from the Indigenous Organisation of Antioquia (*Organización Indígena de Antioquia - OIA*) described the danger in which they live and the lack of representation which takes into account the voice of indigenous people, especially women, in the peace process in Havana (see [video](#)).

Oidhaco reiterates its concern about the situation of indigenous peoples in Colombia. According to the National Indigenous Organisation of Colombia (*Organización Nacional Indígena de Colombia - ONIC*), 36 people are at risk of physical and cultural extermination and 31 are in imminent danger of extinction (35 peoples in total according to the Colombian Constitutional Court).

## Defenders

According to the [annual report](#) of Frontline Defenders, in 2014 "extreme violence continued to characterise attacks against those who speak out for human rights in Latin America and the Caribbean. While death threats and physical attacks were the most frequently reported violations, intimidation, harassment, surveillance, defamation, stigmatisation and killings were commonplace, and there continued to be widespread impunity for these attacks. Front Line Defenders recorded an increase in the use of arbitrary detention and surveillance in the region. HRDs were targeted by both state and non-state actors: state institutions including security forces, paramilitaries, criminal groups, private security companies or hired assassins from national and transnational companies". As regards Colombia, the international organisation received reports of attacks against environmental rights defenders and death threats against land rights defenders. This was the case of Yomaira Mendoza and Enrique Cabezas who were forced to flee the country due to the lack of security in Curvaradó, in the region of Urabá, and who presented their case, in December, in Brussels to members of the European Parliament and other institutions of the European Union. Frontline Defenders was also informed of detentions and judicial harassment (eg trumped-up judicial charges and short detentions) and 47 murders of defenders. They noted the systematic nature of the attacks against defenders of the rights of small-scale farmers, Afro-descendants and indigenous peoples. The annual report concludes that, so far, the National Protection Unit (*Unidad Nacional de Protección - UNP*) has failed to fulfil its mission to ensure effective protection. Defenders denounced the ineffectiveness of protection measures, the UNP failed to address both the structural causes of insecurity. A corruption scandal against the former Secretary General of the UNP reduced its credibility even further.

## Colombia and the EU

On November 3, 2014, networks of European organisations (Aprodev, Cifca, Cidse, Grupo Sur and Oidhaco) sent a [letter](#) to Ms. Federica Mogherini, the new High Representative of the Union for Foreign Affairs and Security Policy, congratulating her on her stance in support of the need for greater political involvement with Latin America, and the promotion of human rights in all external actions. The letter also reiterated the need for the EU to take a more political and active role in the promotion and protection of human rights in Latin America and to strengthen fairer relations between both regions. On January 27, Federica Mogherini gave a [speech](#) in Costa Rica during the launch of the Summit of the Community of Latin American and Caribbean States, in which she declared that "in such a fragmented world, where development and democracy are so threatened, we are asked to work as Europeans, Latin Americans and Caribbeans on new perspectives for a secure area of peace and dialogue". She also mentions the common fight against poverty in Latin America and the promotion of sustainable development: "in the fight against organized crime and drug trafficking, when combating terrorism and restoring peace in post-conflict situations in the Americas and beyond". In the speech she notes that "it is fair to define EU investments as quality investments, socially responsible, with added value in terms of job creation, technology transfer and research and innovation. Sustainable development and corporate social responsibility are at the heart of our trade agreements, which we hope to expand to more countries in the region". Oidhaco recalls the need to take into account human rights violations in Colombia when strengthening the relationship between the EU and Latin America.

From November 13 to 19, a tour was organised with the Sisma Women Corporation (*Corporación Sisma Mujer*) on the situation of women in Colombia, more specifically on violence against women in everyday life and in the context of the armed conflict.

On January 28, after a lively debate in the Dáil, Parliament of the Irish Republic, about the multiple human rights violations in Colombia, the FTA with Colombia was ratified by Ireland. The Irish Times [published](#) the concerns expressed by an Irish coalition of organisations regarding the possible ratification and their request for non-ratification. In case of acceptance of the trade agreement, they call for stronger monitoring of the respect for human rights with the support of civil society.

"In the current situation of the Peace Process in Colombia, meanwhile crimes against human rights defenders and the civil population carry on, we consider essential to continue and to increase our advocacy and activities of human rights violation denunciation that occur every day. Therefore, we would like to improve our capacities and guarantee our economical independence".  
The Friends of Oidhaco will receive information related to the situation in Colombia and to Oidhaco's work (newsletters, analysis documents, events, amongst others)...

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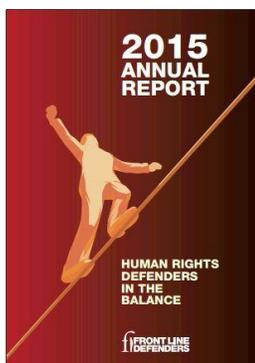
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The International Office on Human Rights - Action Colombia, Oidhaco represents a network of European organisations. From its headquarters in Brussels, it accompanies Colombian civil society initiatives which work towards the full respect of human rights and international humanitarian law, and a negotiated solution to the internal armed conflict. Oidhaco works with 4 main platforms of human rights, development and peace organisations in Colombia. Since 2012, Oidhaco has been granted Special Consultative Status before the United Nations Economic and Social Council.

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## Colombia and the UN

## A few key dates

List of important future sessions regarding Colombia:

- **February 2-6:** Intergovernmental Working Group on the Rights of Peasants (second meeting);
- **February 18-20:** World Social Forum;
- **February 23-27:** Human Rights Council Advisory Committee;
- **March 2-27:** Human Rights Council. It will include, among others, the following issues – rights to food, liberty of religion, right to a healthy environment, human rights defenders, torture and other cruel, inhuman and degrading treatments. The annual report of the OHCHR Office in Colombia will be published regarding the human rights situation in Colombia during 2014;
- **March 30- April 2:** Working Group of Experts on People of African Descent.

prevalence of sexual violence, which particularly affects girls; the quality of education; the situation of street children; the rehabilitation and reparation of children and adolescents displaced by the armed conflict; the implementation of the law on victims and land restitution with regards to children and adolescents; the high number of children and adolescents recruited and/or used in hostilities; and legal measures to monitor compliance by companies, particularly in the mining sector, with the rights of children and adolescents.

On January 26, the Colombian government signed a [roadmap with the UN](#) which will lead to its participation in international peacekeeping missions. According to Defence Minister Juan Carlos Pinzón, “the possible involvement of Colombian military units in international settings will allow us to share the combat experience they have acquired in the fight against crime and guerrilla groups”. Oidhaco hopes that the UN will implement a mechanism which will guarantee that no members of the Colombian military involved in human rights violations will participate in these actions.

A number of events were organised in parallel to the [United Nations Forum on Business and Human Rights](#) at the end of 2014. We highlight the event organized by Peace Brigades International (PBI), Franciscans International, the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH) in the framework of the Observatory for the Protection of Human Rights Defenders, with the participation of Israel Manuel Aguilar Solano, Governor of the Zenú indigenous territory of Alto San Jorge in Colombia. Women and men who promote and protect rights related to land and the environment continue to face a wide range of attacks committed by State agents and non-State actors. These defenders have been followed, criminalised, stigmatised, attacked, arbitrarily detained, harassed and threatened, and in some cases killed, within a climate of impunity.

Moreover, Claudia Ortiz and Juan Pablo Soler Villamizar, Representatives of the Colombian Living Rivers Movement (*Movimiento Ríos Vivos*), explained the difficult situation for their organisation at a forum organised by German human rights foundation Friedrich Ebert Stiftung, ESCR-Net and the Information Centre on Business and Human Rights in collaboration with the Nations United Working Group on Business and Human Rights.

On [January 20 and 21](#), the Committee for the Rights of the Child examined the case of Colombia. Some of the [issues](#) under examination included, among others: the high

- **February 9:** Colombian Journalist Day;
- **February 11:** Commemoration of the disappearance of Sandra Viviana Cuellar (2011);
- **February 15-19:** Commemoration of the Salado Massacre (2000);
- **February 21:** Commemoration of the San José de Apartado Massacre (2005);
- **February 20:** World Social Justice Day;
- **February 24-27:** Commemoration of the massive displacement in Curvaradó and Jiguamiandó (1996 -1997);
- **March 3:** EU – Colombia FTA Follow-up event in Brussels (TBC);
- **March 6:** March of the National Victims of State Crimes Movement (*Movimiento Nacional de Víctimas de Crímenes de Estado - MOVICE*);
- **March 8:** International Women’s Day;
- **March 21:** International Day for the Elimination of Racial Discrimination;
- **March 22:** World Water Day;
- **March 23:** Commemoration of the creation of the San José de Apartado Community (1997);
- **March 24:** International Day for the Right to the Truth Concerning Gross Human Rights Violations and for the Dignity of Victims;
- **March 25 y 26:** Oidhaco Assembly in Brussels.

### Information Pack - 18 sheets on issues related to Colombia

After more than 50 years of armed conflict, currently Colombia is living an important historical moment. Two years ago negotiations began in Havana between the Colombian government and the FARC guerrilla. In the context of the ongoing developments in the relationship between the European Union and Colombia, it is fundamental to have access to concise information regarding relevant issues. In this pack you will encounter fact sheets on the following issues:

**Affected populations:** human rights defenders, trade unionists, women, Indigenous peoples, Afro-Colombian communities, LGBTI population and small-scale farmer communities.

**Key issues:** the general Colombian context, torture, land (specifically the 2011 Victims and Land Restitution Law), forced displacement, justice, the criminalization of social protest, the peace process, extrajudicial killings and Economic, Social and Cultural Rights.

**Economic issues:** the impacts of the extractive industry, trade relations between the EU and Colombia.

[Link to the sheets in oidhaco.com](#)

The infographic titled "General Context in Colombia" provides a comprehensive overview of the country. It includes a map of Colombia and several key statistics:

- Essentials facts:**
  - Surface area: 1,141,548 km<sup>2</sup> with access to the Atlantic and Pacific Oceans. Colombia borders Venezuela, Brazil, Peru, Ecuador and Panama.
  - Population: 48,302,000 inhabitants.
  - Capital: Bogotá with 2.8 million inhabitants.
  - Other major cities: Medellín (2.1 million), Cali (2.1 million), Barranquilla (1.1 million).
  - Language: Spanish and over 80 indigenous languages.
  - Religion: 87.2% of the population is Catholic, and 12.2% identify as Evangelical or Protestant. There are also groups belonging to The Church of Jesus Christ of the Latter-day Saints, Rastafarianism, Islam, Buddhism, Hinduism, Jainism, Sikhism, and others.
  - Administrative: 32 departments.
- Current President (2015):** Juan Manuel Santos. He was re-elected on June 15, 2015.
- An unequal country:** Although Colombia is classified as a middle-income country, extreme poverty subsists in some areas. For example, the department of Cauca where poverty reaches 78.2% (above the national average) and where extreme poverty reaches 43.8% (2.5 times the national average). There are real humanitarian crises in the country. Workers in informal employment represent a significant part of the workforce. In the 23 metropolitan areas, 51% of workers are employed in the informal economy.
- Geography:** Transformed from north to south by the Andes. Despite the ongoing peace process between the government and the FARC, which affects the three major guerrilla groups, the guerrilla of the Revolutionary Armed Forces of Colombia (RAFAC) near the southern border continues to be active. The Human Rights situation continues to raise serious concerns. Human Rights and Economic Conditions. To remedy the situation of human rights violations, such as sexual violence and forced displacement, the Government of Colombia has adopted a series of measures. The Office of the High Commissioner for Human Rights and the Commission on Truth, Peace and Reconciliation have been established. There are an 400,000 victims in total.
- Human Rights:** The issue of land, the central nucleus of the armed conflict, remains central to the peace process. The Government has made significant progress in the implementation of the 2011 Victims and Land Restitution Law, and other legislation. Many activities have been implemented to assist victims in the search for truth and justice.