



OIDHACO Newsletter

October -
November
2013

ISSUE 5

The government persists in its attempts to expand military criminal jurisdiction, despite the reform being declared unconstitutional.

On October 25, 2013, the Constitutional Court ruled that the reform to military jurisdiction was unconstitutional - for reasons of procedure. This means that its Statutory Law is also invalid.

However, immediately after the ruling, the Colombian government announced a series of measures aimed at reversing the Court's decision. The government stated that it will [present an appeal to overturn the Court's decision](#), and that if the Court does not reverse the decision, [it will present the reform again before the Congress](#). The Government has also announced that [it will introduce a bill of law aimed at creating a special legal protection unit for the Military](#) in order to tackle the effects of the invalidation of the reform by the Constitutional Court. This would be activated even in the case of international tribunals, in particular in the case of the International Criminal Court.

Several members of Congress have already announced their support for this project.

Background: In December 2012, the Congress adopted the constitutional reform expanding the jurisdiction of military courts, despite numerous calls from both the UN and national and international organisations for it to be withdrawn. (For more information see our [analysis on the Reform of the Military Jurisdiction](#)). And in June 2013, the Colombian Congress adopted the statutory law regulating military criminal jurisdiction which revisits and distorts International Humanitarian Law, by converting it into a permissive instrument to protect the State security forces from the justice system. (For more information see our [analysis on the statutory law](#)). The statutory Law also reflects a tendency on the part of the Defence Ministry to interpret IHL as a permissive norm.

There are concerns over statements made by the Office of Mrs. Ashton offering EU accompaniment for the implementation of this reform, as they could be seen as legitimising this legislation which has been unanimously criticised by United Nations mechanisms (on this point see the [letter from Human Rights Watch expressing this concern](#)).

It is therefore important that the international community continues to closely monitor this issue and makes a clear statement that Colombian authorities should not adopt or promote mechanisms that could lead to impunity for crimes committed by the Military.

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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**A special focus on women's
rights**

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Persistence of human rights violations against women

In Colombia, gender-based violence including sexual violence within the armed conflict and in other areas of life persists, and has in fact increased. New forms of violence against women are also emerging, including acid attacks. The armed conflict in Colombia continues and has intensified in several regions of Colombia, despite the start of peace talks with one of the armed groups. Military, paramilitary and guerrilla groups continue to operate and to cause disproportionate gender impacts. There is concern about continuing impunity and the invisible nature of these crimes.

Women's networks and organisations in Colombia stress that although Colombia has a large number of norms and measures that appear to guarantee women's rights, few of them show results because, either they are not effectively implemented or they are not assigned sufficient resources.

Examination of Colombia by UN Committee

On October 18, 2013, the Committee on the Elimination of Discrimination against Women (UN CEDAW) published its observations after examining Colombia.

The Committee expresses particular concern at the **"high prevalence of violence against women, in particular domestic and sexual violence"** and recommends among other things that Colombia "ensure women's adequate access to the protection and support measures envisaged in Law No. 1257 (2008)" and "ensure women's access to justice, including by taking measures to combat impunity" (§ 16).

It also expresses its "serious concern at the prevalence of **sexual violence against women and girls, including rape, by all actors in the armed conflict**, including by post-demobilization armed groups". To combat this, the Committee recommends that the State, inter alia, "Take measures to prevent gender-based violence, in particular sexual violence, by all actors in the armed conflict"; "overcome impunity with respect to conflict-related sexual violence cases"; "Ensure that sexual violence concerns are raised early and consistently in the current peace process that the Government of Colombia initiated in August 2012 with the

Revolutionary Armed Forces of Colombia – People's Army (FARC-EP), and are adequately reflected in an eventual peace agreement" (§ 18).

Finally, the Committee expresses its concern about the difficulties in **access to land restitution** under Law 1448 and the **lack of lasting solutions and protection for women** whose lands have been returned and for those who are calling for the return of their land. The Committee recommends the removal of obstacles that women face in the process of land restitution; the adoption of "effective protection measures for women who are victims of threats and violence by armed groups"; the prompt investigation and prosecution of those responsible for these attacks and the development of "sustainable solutions for women to whom their land has been returned (...) and ensure that the protection of these rights prevail over the profit interests of third parties involved in the mega-agricultural and mining projects".

For further information see [the report produced by networks and organisations in Colombia](#); and [the CEDAW report](#).

Event on women and peace

On November 5, 2013, to mark the 13 years since UN resolution 1325 was passed on women, peace and security, which was a milestone for the recognition of the international community as a key player to achieve lasting peace, the civil society networks Oidhaco and Grupo Sur organized an event in the European Parliament in which women took the floor and called on the EU to be taken into account in the current negotiations between the Colombian government the FARC guerrilla.



[See video of the event](#)

The event was attended by several MEPs as well as a representative from the office of UN Women. Panelists highlighted the urgent need for women to be included in negotiations during peace and reconstruction processes, and for their proposals to be reflected in the agreements made. Not only are women the first to suffer the brutality of war, they are also largely ignored during peace agreement negotiations. Women's organisations have been the first in Colombia to discuss peace and to present proposals for an inclusive and socially just country. We have a lot to learn from women about peace building.

Taking this into account, Oidhaco welcomes the decision of the Colombian government to appoint two women to the plenipotentiary negotiating team in Havana; however we regret that women's organisations have not been involved in this late appointment. The incorporation of women must go further and take into account representatives from civil society, in particular from victims' organisations.

Following this event, more than 20 members of the European Parliament, including the Chair of the Committee on Women's Rights and Gender Equality - Mikael Gustafsson - and the President of the Subcommittee on Human Rights - Barbara Lochbihler - publicly welcomed the initiative of Women for Peace (Mujeres por la Paz), who convened a demonstration on November 22. In a public letter the signatories declare their support for the ongoing peace process between the Colombian government and the FARC but insist on the need to listen to the demands of women. They also call upon the negotiators to seek a ceasefire to avoid more deaths in the armed conflict.

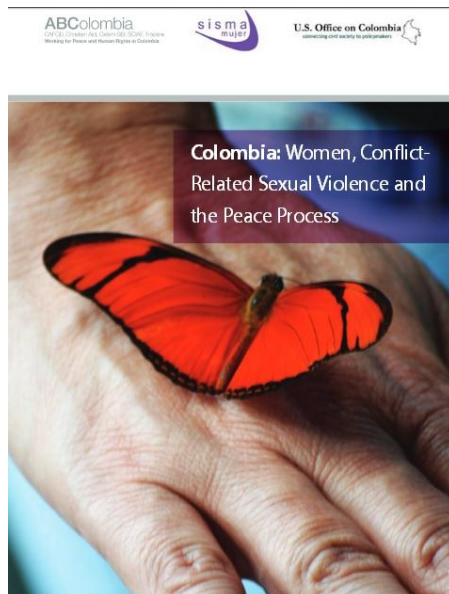
[See letter from MEPs and press release](#)

Colombia in the EU

Sexual violence in the armed conflict: visit of women human rights defenders to Brussels and publication of a report

On November 28, 2013, Claudia Mejia and Linda Maria Cabrera, representatives of the organisation Sisma Mujer, and journalist Jineth Bedoya, visited Brussels and were accompanied by Oidhaco. They presented the situation of violence against women in Colombia, particularly sexual violence within the armed conflict. They expressed concern at the persistence of this crime committed by all actors in the conflict. They highlighted in particular the devastating effect of crimes of sexual violence committed by the security forces, which goes against their mandate to protect civilians. They also underlined the almost total impunity for these crimes (over 98%).

This visit took place as part of the launch of a [joint report produced by ABColombia and other organisations](#) on this issue. The report also includes recommendations on what the EU could do to help Colombia to overcome the obstacles faced by women who survive these crimes, including access to justice and ensuring that women's civil society organisations play a central role in the peace process.



Visit of MEPs to Colombia

In October, five members of the European Parliament delegation for relations with the countries of the Andean Community (DAND) conducted an [official three-day visit to Colombia](#). The visit falls within the framework for the implementation of the EU-Colombia Trade Agreement, which entered provisionally into force on 1 August 2013. In addition to meetings with Colombian State entities as well as private sector representatives, the delegation met with representatives from civil society organisations as well as with the Representative in Colombia of the UN High Commissioner for Human Rights, Mr. Todd Howland. At these meetings, among other issues they discussed the human rights situation, the fight against impunity, and the peace process.

Oidhaco continues to insist that missions of European representatives to countries outside Europe give more time and attention to meetings with civil society organisations.

Hearing in the European Parliament on Colombia

On November 27, 2013, the European Parliament Sub-Committee on Human Rights (DROI) held a hearing on human rights in Colombia, with a special focus on the impacts of FTAs on the enjoyment of human rights. This aim of this hearing was to follow-up on the Free Trade EU- Colombia which was ratified by the European Parliament in December 2012.

Oidhaco sent a [briefing to members of the Sub-Committee](#) detailing the situation with regards to human rights, labour rights and the impacts of the FTA. This document stressed that one year after the ratification of the agreement, there is no visible improvement in the serious human rights situation. Human rights defenders and labour rights situation were underlined. Likewise, Oidhaco informed that during the social protests of 2013, many of them against the effects of the FTA on the small-scale farming economy, 15 people were killed, 315 arbitrarily detained and 7 tortured, one of whom suffered sexual violence.

During the hearing Juan Carlos Monge, representative of the Office of the United Nations High Commissioner for Human Rights, and Winston Gallego and Diego Martinez, human rights defenders who had been invited to discuss the situation in Colombia, highlighted the continuing human rights violations in this country. Profound inequality, the lack of significant progress and attacks against people seeking restitution of dispossessed land, and the criminalization of social protest are among the points that were highlighted by the three speakers. They called for human rights to be integrated and monitored under the EU-Colombia Free Trade Agreement (FTA). Statements made by the External Action Service and the representative of the European Parliament Committee on International Trade (INTA) caused concern, as they affirmed that under the FTA only the impacts directly related to or caused by the FTA can be monitored. These statements contradict one of the main arguments put forward by the EU before the ratification of the FTA by the European Parliament, which stated that the FTA would facilitate monitoring and contribute to an improvement in the human rights situation in Colombia.

Oidhaco has called upon the EP to create a transparent and participatory monitoring mechanism to address the issues contemplated in the roadmap. This mechanism should be jointly led by the Subcommittee on Human Rights (DROI), together with the Committee on the Environment (ENVI) and the Committee on International Trade (INTA) and include sectors of Colombian society that are affected by the implementation of the Agreement, as well as human rights organisations, environmental organisations and trade union confederations. Likewise, Oidhaco has called upon the European Commission and the Council to develop a transparent and inclusive mechanism for monitoring the human rights clause, a key part of the Treaty.

For more information see [Press Release; watch DROI Hearing](#).

Situation of Human Rights Defenders in Colombia

The security situation for human rights defenders in Colombia continues to be highly disturbing. Defenders, like farmers and community leaders continue to be targeted for their work monitoring, reporting and preventing serious human rights violations. Comparing the first half of 2012 to the first half 2013 shows that **murders have increased by 27%**. For the last three years killings of human rights defenders have increased continually. Similarly, there continue to be reports of **unfounded criminal proceedings against defenders** based on testimonies from demobilized combatants from illegal armed groups without respect for due process.

<i>Defenders killed</i>	
2011:	49
2012:	69
January-September 2013:	52

Latest reported murder case: On Sunday 17 November 2013, at 13:00, small farming leader Sergio Ulcue Perdomo was murdered in the town of Caloto – Cauca. Mr. Perdomo was spokesperson with the Colombian Government on Precautionary Measures granted by the Inter American Commission on Human Rights (IACHR) to 179 rural families. Sergio Ulcue Perdomo, had been a prominent small farming leader since 2009, denouncing atrocities and crimes committed by the army against the civilian population, contributing to the prosecution of more than 46 human rights violations and breaches of international humanitarian law. On June 9, 2012 Sergio Ulcue Perdomo was arrested and brought before the courts for the crime of rebellion, charges based on testimonies by demobilized FARC combatants. The peasant leader was imprisoned for four months until the preliminary investigations of the criminal process were declared null and void. The case was later closed in favour of Mr Perdomo.

The protection system for human rights defenders continues to show significant failings. Moreover, the privatisation of the National Protection Unit led to an increase in its budget; nevertheless, a decrease in the number of protected persons has also been observed.

	Budget (in millions of USD)	Number of persons protected
2008	4	9.000
2013	165	7.500

Aside from the protection system itself, there is concern about the lack of progress in the struggle against the causes of these attacks; including impunity and the continued presence of paramilitary power structures in the regions.

After the “chuzadas” scandal (wiretapping of social organisations, judges and opposition politicians) and illegal intelligence activities, surveillance and attacks on defenders by the **Administrative Department of Security (DAS – a state intelligence body)**, this institution was disbanded. Nevertheless, apart from legal proceedings against its former Directors, the institution was never purged. **Its officers were transferred to institutions such as the Attorney General’s Office and the Technical Investigation Corps, the National Police, and even the National Protection Unit for human rights defenders, which represents a serious risk to defenders who constantly use these institutions.**

Receiving entity	Number of persons
Attorney General’s Office	3218
Special Administrative Unit for Migration	853
National Protection Unit	601
National Police	317
Civil Defense	21
TOTAL	5010

Source: DAS

These concerns are all too real if we take into account that defenders continue to report surveillance, wiretapping and other illegal activities carried out against them by the intelligence services.

Case of Danny Stewart Usam Monsalve, former DAS agent: [Danny Stewart Usma Monsalve, a former DAS agent questioned by victims](#) in the wiretapping scandal, was named as the person in charge of prevention, protection and security of the Land Restitution Office. Seven years ago, he was the coordinator of the Group on Defence, Terrorist and Criminal Networks in the DAS and the group known as GAME, the Group for the Analysis of Terrorist Organisation Methods.

The situation of trade unionists

Trade unionists continue to suffer attacks and threats. Despite low levels of affiliation to trade unions, Colombia continues to be one of the countries in the world where the highest number of attacks are reported against trade unionists.

During the first two years of the implementation of the Labour Action Plan (LAP) in April 2011 under the framework of the FTA between the U.S.A. and Colombia, numerous cases of violence against trade unionists were reported, showing that the plan is not has been successfully implemented. These include **47 killings of trade unionists, 18 attempted murders, 6 forced disappearances, and around 760 death threats.**

A recent case: Trade unionist Oscar López Triviño was murdered by 4 gunshot wounds at 8:30 pm on November 9, 2013. The incident took place in the Barrio Municipal area of Bugalagrande. Oscar had worked for Nestlé in Colombia for 25 years and was a member of the union Sinaltrainal. The national and international community was informed that on November 8 at 4:42 PM, Sinaltrainal received a text message from mobile phone No. 3145550150, with the following threat: *“son of a bitch guerrillas stop fucking with Nestlé, no more pardon we will cut up into pieces all Sinaltrainal communists from the Urabeños” (guerrilleros hp siguen jodiendo a Nestlé no mas perdón los picaremos muerte a todos los comunistas de Sinaltrainal Urabeños).* Since 8 am on 5 November, Sinaltrainal had been holding a hunger strike in Nestlé and the multinational had refused to start a dialogue.

Impunity for attacks and killings of trade unionists stands at over 93%.