

## 1. Background

The initiative to organize a mission to Colombia by European jurists and journalists has been taken by the *Movimiento de Víctimas de Crímenes de Estado* (MOVICE) with the collaboration of Peace Brigades International (PBI). The delegation has been composed by two lawyers from United Kingdom, one of which is the vice-chair of the Human Rights Committee of the London Bar, two journalists from Germany, two members of Anti-Slavery International, a NGO based in London, a law student from Germany, a member of PBI-Germany, and myself, in representation of the European Association of Lawyers for Democracy and World Human Rights (EALD). With this joint delegation I visited Bogotá, Cúcuta, Tibú, Barranca Bermeja and Buenaventura. In the second part of the mission I visited the Cauca region, upon invitation by the local indigenous Association ACIN (*Asociación de Calbidos Indígenas del Norte del Cauca*).

## 2. Visits and meetings

### a) Bogotá

In Bogotá, Colombia's capital, we met the two organizations promoting the mission: MOVICE and PBI and the lawyers' *Colectivo Alvear Restrepo*. The mission of PBI is of accompanying threatened leaders: they are following in this way 13 associations and 2 communities. MOVICE has the main aim of struggling against impunity and for the rights of the victims. They are following 44.000 cases remounting to the years 1966-1998 and many other in more recent years. The lawyers' *Colectivo Alvear Restrepo* is performing very important activities in defence of the rights of victims and oppressed sectors of Colombian populations, especially in the jurisdictional instances and particularly the Constitutional Court and the Interamerican Commission on Human Rights.

### b) Cúcuta

Cúcuta, next to the Venezuelan border, is the capital of the North Santander Province. meeting with the lawyers' collective Luis Carlos Pérez, representatives of victims, United Nations and local State authorities (*Defensoría del pueblo*). The lawyers' collective Luis Carlos Pérez is working very effectively on the field and in jurisdictional instances.

### c) Tibú

Tibú, North Santander Province, is the most important town situated in the region of Catatumbo, characterized by the presence of indigenous peoples (*Bari*) and peasant organizations (*Asociación Campesina del Catatumbo* - ASCAMCAT). We met representatives of these social forces and local State authorities (*personero*).

### d) Barranca Bermeja

Barranca Bermeja, is the capital of Magdalena Medio, not an autonomous province, but an important economic region (extractive industries). The day before our arrival the leader of a local fisher association was killed. He had expressed dissent on the privatization of water resources in profit of a Spanish multinational enterprise. We met the CREDHOS, a coalition of various human rights organizations, trade unions and a peasant organization (*Asociación campesina del Valle del Río Cimitarra*, ACVC). We also met the OFP (*Organización femenina popular*), a women organization.

e) Buenaventura.

Buenaventura is the most important harbour of Colombia. It is located on the Pacific Ocean. It is populated mostly (95%) by black Colombians. Although about 54% of the Colombian import-export passes through the harbour, the mostly (80,6%) very poor population doesn't reap any benefits, at the contrary they live in a condition of extreme social vulnerability and precariousness. The town is suffering because of the armed conflict and is extremely militarized. Paramilitary groups exert a control of economic activities and impose their rule with terror. In Buenaventura we met representatives of various popular afrocolombian organizations and the bishop. The town is particularly affected by the project of extending the harbour, displacing the whole population now inhabiting the Bajamar sector. The need of this transfer is justified by State authorities evoking the danger of a possible *tsunami*.

f) Northern Cauca.

The Cauca is a mountain region at the south of Cali. This region is inhabited mostly by Nasa indigenous. I participated to a very large indigenous community meeting in the town of Tacueyó. This meeting discussed the present problems of the indigenous community facing the armed conflict and ongoing violations of human rights by the State and other armed groups. Another great issue is that of land, which since many years the indigenous organizations seek to recuperate from latifundists.

### 3. Findings

- a) Forcible population transfers. The number of internal refugees (*desplazados*), due to megaprojects and to the armed conflict, in the whole country is of about 4.000.000. Only in the Santander Province we have an official number of 74.000 *desplazados*, but the real number is of over 110.000. The law 387/97, obliging the State to prevent forcible transfers of population is not respected. Many cases have been brought before the Constitutional Court which took very important and positive decisions concerning the consultation of affected populations, but which still wait to be implemented.
- b) The social situation is characterized by unemployment and precariousness of jobs. Privatization of public enterprises. Violation of workers rights. 38 trade unions leaders have been killed during the year 2008 in the whole country. 3000 trade unions leaders have been killed during the last ten years. The wealth and resources, like land, continue to be extremely concentrated.
- c) Paramilitary groups are reorganizing with the support of State entities and forces. The killings and disappearances continue, although to some extent in a more selective way. To give some examples: during 2008: 248 killings only in the town of Cúcuta; 100 disappearances in Cúcuta and 500 in Buenaventura.
- d) Ongoing violations of human rights by the State. A new phenomenon (to some extent) is that of so-called *falsos positivos*. Youths from the country and peripheries of cities are abducted, killed by the army and disguised as *guerrillas* in order to give the impression that some successes are obtained in the internal conflict.

- e) The illicit cultivations, like coca for producing cocaine, are extending. The strategies adopted by the Government like fumigations, proved largely ineffective but affect other cultivations and represent a further factor of expulsion of poor peasants and indigenous from their lands.
- f) The Justice and Peace Law is not working. No redressment, no guarantee of no repetition. The rights of the victims are not respected.
- g) Insufficiency of the judicial system. Necessity to bring an end to impunity. It is necessary to raise the attention of the International Criminal Court, joining the projects which are already working.
- h) Also insurgent armed groups are committing violations of human rights. But to a lesser extent. A political and peaceful solution of the conflict is necessary. The role of civil society and of international community is very important in this perspective. A global ceasefire should be reached and rules of humanitarian law should be respected. Particularly indigenous peoples and territories should be not affected by war.
- i) The situation of human rights in Colombia continues to be extremely grave and worrying. The strategy promoted by the Uribe Government of so-called *seguridad democratica* (democratic security) is one of the most important factors of this violation. The EU countries should adopt a clear standing in face of this violation conditioning the prosecution of economic cooperation with the Colombian government to an effective improvement of the human rights situation.

#### 4. Perspectives and Proposals (suggestions made by Fabio Marcelli)

- a) EALD should promote, in co-operation with MOVICE and PBI, and possibly other lawyers organizations, like for instance the Human Rights Committee of the London Bar, an European project supporting the activities of the lawyers organizations we met in Bogotá and Cúcuta.
- b) EALD should participate to the effort to put in place an international Committee of personalities in support of the struggles of the indigenous movement. A next occasion to implement this idea will be given by the meeting of personalities in support of the CRIC (*Consejo regional indígena del Cauca*), which will take place in La Maria, Cauca, at the end of April.
- c) EALD should institute a working group of high-level lawyers in order to present to the Prosecutor of the International Criminal Court a report about Colombia.
- d) EALD should co-operate in the monitoring of the next Colombian presidential elections, scheduled for spring of next year, 2010.
- e) The International Association of Democratic Lawyers (IADL) should collaborate with EALD in the mentioned points and promote other lawyers' missions to Colombia, especially with US National Lawyers Guild (NLG) and the Commission on International Labour Rights, which already travelled to the country.