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PBI COLOMBIA PRESENTS

Inter-Church Justice and Peace Commission



Photo: Adrian Johanson

For the past twenty years, the Inter-Church Justice and Peace Commission has worked in Colombia to defend human rights and accompany the victims of human rights violations. PBI has accompanied the Commission since 1994.



A small farmer in front of one of the humanitarian zones.

The Inter-Church Justice and Peace Commission (CIJP) cite international human rights law and the gospel of human dignity as its reasons for existing. CIJP is made up of 50 members with Catholic, Presbyterian and humanist backgrounds, who comprehensively accompany community organising processes in communities or organisations affirming their rights —without resorting to violence— in areas of armed conflict. CIJP also supports specific activities in search of truth, justice and reparation, as well as negotiated political resolutions to the internal armed conflict.

CIJP's Work

CIJP works in eight departments in Colombia (with ongoing presence in most of these departments). Its principal activities take place in Jiguamiandó, Curbaradó, Cacarica, Lower Naya, Cauca, Putumayo, Meta, and

Dabeiba. CIJP provides tools to affirm the rights of communities and allow them to speak with their own voices.

CIJP's work focuses on the comprehensive protection of territory (such as the restitution of property belonging to persons of African descent, indigenous peoples, and mestizos, and the protection of the traditional use of territory and its biodiversity). It also focuses on affirming rights in relation to the biofuel industry —and its impact on food security— and speaking out against the violations perpetrated by the principal armed actors in the Colombian conflict, including State-created paramilitary structures.

In 2003, CIJP helped establish the International Ethics Commission (IEC), which is made up of 25 international

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commissioners who travel to communities to gather information and testimony on human rights violations and crimes. The Ethics Commission emerged as a proposal to preserve the memory of certain events despite the lack of guarantees in accessing truth, justice, and comprehensive reparation in Colombia.

Comprehensive territorial protection

Humanitarian Zones (HZ)¹ and Biodiversity Zones (BZ) are, in the first place, a strategy to return displaced communities to their land to establish settlements near their original farms—for instance Caño Claro in Curbaradó and Nueva Esperanza en Díos in Cacarica—or recover former hamlets—as in Caño Manso and Andalucía in Curbaradó. In this respect, these settlements have become a proposal for the peasant farmers to maintain, recover and protect territory, simultaneously preserving cultural and environmental diversity. «The Biodiversity Zones were created after and in association with the Humanitarian Zones, when the communities understood that their survival depended on protecting and recovering their territory and its flora and fauna. Protecting the environment and ensuring the occupation of territory has also meant attacking the principal causes of human rights violations and forced displacement»².

For the purpose of protecting the environment, the Colombian Constitution allows all property to become a reserve area known as a Biodiversity Zone. According to CIJP, the situation of forced displacement demonstrates intense interest in establishing agricultural business to commercialise the territory. As a result, the peasant population has employed this model of biodiversity zones to protect themselves from agricultural businesses—mono-crops affecting biodiversity—and defend the right to grow their own food. Curbaradó and Jiguamiandó have several biodiversity zones (three already established and seven in process) as well as eight

humanitarian zones (Andalucía, Caño Claro, Camelias, Caracolí, Caño Manso, Nueva Esperanza, Uradá, and Pueblo Nuevo). The community of Cacarica has two humanitarian zones and ten biodiversity zones. CIJP's work consists in providing legal opportunities for these experiences and obtaining Colombian State and international recognition, despite the difficulties arising from the armed conflict.

Biofuels

As demonstrated in official reports based on testimony from communities accompanied by CIJP³, economic sectors—supported by paramilitarism—have encouraged the planting and exploitation of oil palm in Curbaradó and Jiguamiandó to violently seize the land,



Jainimby Domicó, indigenous leader from the embera community.



Young people from the Curbaradó River Basin.

taking advantage of the mass displacement caused by «Operation Genesis» at the end of the 1990's⁴.

Work zones accompanied by PBI

Peace Brigades International accompanies the Inter-Church Justice and Peace Commission in Bogotá, in the Cacarica, Curbaradó and Jiguamiandó River Basins (Urabá), and periodically to other parts of the country.

CACARICA

In Cacarica (Lower Atrato), different economic interests have encouraged the construction of 55 kilometres of the Pan-American Highway as well as an electrical grid system. According to members of the Community for Self-Determination, Life and Dignity (CAVIDA) — the name adopted by the community organisation—, these economic development plans were the cause of their forced displacement in 1997. Approximately

10,000 people were forced to flee from the region after a military operation led by the 18th Army Brigade which had the purpose of seizing control of the territory from the FARC. This operation —known as «Operation Genesis»— was characterised by forced disappearances and massacres at the hands of paramilitary groups. The people who were forced to flee from their homes went to Turbo, Apartadó, Quibdó, Medellín, the Caribbean and Pacific Coast, and even Panama⁵.

In 2000, the displaced families from Cacarica began to return to their land, establishing themselves in two settlements (Nueva Vida and Esperanza en Dios), instead of returning to the 23 towns existing before the military operation. In 2001, the first humanitarian zones in Colombia were established in Cacarica, as a response to the military and paramilitary occupation of their territory. In 2003, the national army established a base in El Limón, provoking a new displacement of some 150 families from Esperanza en Dios. The new settlement



During the People’s Consultation, 12 indigenous communities rejected the exploration and exploitation of the Careperro Mountain. Photo: Kolko

of these families is the Humanitarian Zone of Nueva Esperanza en Dios.

CURBARADÓ AND JIGUAMIANDÓ

Owing to a massacre in Brisas, 3,500 people were forced to displace from the Curbaradó River Basin in October 1996. In 2002, several companies began to illegally cut down trees, establish livestock ranches and plant oil palm in the abandoned territories. Since then, these companies have become the de-facto occupants of these lands. Different strategies have been employed in this pursuit, from the illegal occupation of land to the purchase of land that was never for sale. Intensive mono-crop agricultural projects —palm, cassava, and plantain— are being developed in the collective territories of Curbaradó and Jiguamiandó (collectively held since 2001 within the framework of Law 70). After visiting the area in 2004, the Colombian Institute for Rural Development (INCODER) released a report⁶ which recognised that 93% of the oil palm crops belonging to

the Urapalma, Palmas de Curvaradó, Palmas S.A. and Palmadó companies are found in the collective territories of Afro-Colombian communities. Moreover, the report added that almost all of the traditional hamlets have disappeared and resettlement processes are being undertaken with people not from the displaced communities.

Protection measures

Since 6 March 2003, the Inter-American Court of Human Rights granted provisional measures and asked the State to adopt «forthwith all necessary measures to protect the lives and safety of all the members of the communities composed of the Community Council of the Jiguamiandó and the families of the Curbaradó». Likewise, the State was called upon, «in accordance with the provisions of the American Convention on Human Rights, to grant special protection to the so-called “humanitarian refuge zones” established for the com-

munities (...) and, to that effect, to adopt the necessary measures so that they may receive all the humanitarian aid sent to them».

On 8 September 2003, the Inter-American Commission on Human Rights (IACHR) granted precautionary measures to CIJP members due to the ongoing threats, surveillance, stigmatisation, detentions and searches since 1997 —and more intensely since the beginning of 2003—. In light of this situation, IACHR requested that the Colombian State adopt the necessary measures to protect the life and safety of the beneficiaries and inform of the actions undertaken to investigate these acts and put an end to the threats.

In order to speak out against the situation in Curbaradó and further protect the members of CIJP and the communities, the Justice and Peace Commission encouraged and organised several visits to the river basin by different international bodies, including foreign embassies and the Inter-American Commission on

Human Rights. PBI also increased its accompaniment in the field and held several meetings with diplomatic representatives and Colombian authorities, expressing its concern and citing the protection measures granted by the Inter-American Commission and Court to the members of CIJP and the communities of Curbaradó.

Recent threats

In August 2008, the harassment carried out against Justice and Peace newly intensified after CIJP members — as much in Curbaradó as in Bogotá— received a series of threatening telephone calls from alleged members of the illegal group «Black Eagles». In addition to these threats, CIJP member Jimmy Jansasoy was abducted in September 2008. On this occasion, unknown people forced him into a truck and, after pointing a gun at him, interrogated him to obtain personal information about the other CIJP members.

In a right to petition to President Uribe in June 2009, CIJP states: «Since 2002 to date, members of our Jus-



A family home in Curbaradó (Photo: Adrian Johansen).

MEMBERS OF THE JUSTICE AND PEACE COMMISSION HAVE BEEN THE TARGET OF SURVEILLANCE, HARASSMENT, TELEPHONE DEATH THREATS, KIDNAPPING, ATTEMPTED FORCED DISAPPEARANCE, ATTEMPTED MURDER, FORCED DISPLACEMENT, TEMPORARY EXILE, UNFOUNDED LEGAL PROCEEDINGS, AND MEDIA CAMPAIGNS TO DISCREDIT AND STIGMATISE

tice and Peace Commission have been the targets of surveillance, harassment, telephone death threats, kidnapping, attempted forced disappearance, attempted murder, forced displacement, temporary exile, unfounded legal proceedings, and media campaigns to discredit and stigmatise [the Commission]»⁷. According to CIJP, the Colombian government was informed of these acts through the Ministry of Foreign Affairs as part of the follow-up to the implementation of the

precautionary measures granted by the Inter-American Commission on Human Rights. In this same right to petition, CIJP expressed concern for the alleged surveillance against CIJP carried out by the Administrative Department of Security (DAS).

In December 2009, CIJP spoke out against the threats against CIJP members, which forced them to leave Putumayo. CIJP also stated that guarantees did not ex-



Moritz Hartnagel (PBI) with *campesinos* from Curbaradó.

On 31 December 2009, the Human Rights Ombudsman's Office published a risk report which clearly portrays the threats and risks to CIJP members⁹:

«In Riosucio on 27 October 2008, the Gaitanista Self-Defence Forces of Colombia publicly defined a strategy of remaining "relatively clandestine" in order to obstruct the work carried out by the Inter-Church Justice and Peace Commission and the international accompaniers in the region; finish off the Humanitarian Zones and the Biodiversity Zones established as mechanisms of protection and territorial recovery; and have a presence in the sub-region of the Lower Atrato (...).

«In this territory [Curbaradó, Jiguamiandó, Riosucio and Carmen del Darién], the illegal armed structures [Gaitanista Self-Defence Forces of Colombia] capitalise on the terror they imposed during the upsurge of paramilitary violence in the Lower Atrato. With the purpose of restricting expressions of social demands and political opposition to the economic model being embedded with the arbitrary use of force, they have even threatened the exercise of humanitarian accompaniment of Afro-Colombian civilian resistance processes, including acts of harassment, intimidation and stigmatisation against the national and international accompaniment of Afro-Colombian civilian resistance processes, the Inter-Church Justice and Peace Commission, Peace Brigades International, and the Community Ombudsperson of the Human Rights Ombudsman's Office in 2008».

ist for human rights work in the Lower Atrato, Lower Naya, and Dabeiba⁸.

REASONS BEHIND THE THREATS

For many years, the Inter-Church Justice and Peace Commission has stated that the risks to their members' safety are the result of their speaking out against grave human rights violations that implicate high-ranking army officers. For instance, CIJP lawyers have legal actions against well-known military members, including retired General Iván Ramírez Quintero and retired Colonel Alfonso Plazas Vega, for forced disappearances in the case of the Palace of Justice in 1985, and retired General Rito Alejo del Río, for the murder of Marino López as part of Operation Genesis¹⁰.

Furthermore, CIJP's work affects the interests of influential economic sectors like the oil palm industry in the Curbaradó River Basin. Thanks to follow-up work and accompaniment, the displaced communities from the area were able to have the Chocó Tribunal¹¹ order the different companies to return the collective territories in Curbaradó and Jiguamiandó —territories which they obtained through paramilitary actions that displaced the families from the area. CIJP has also intervened against alleged human rights violations surrounding gold mining exploitation by the Muriel Mining Company in Careperro Mountain (Jiguamiandó).

Defamation campaign

In 2009, different national and international newspapers published at least 23 articles¹² accusing the Inter-Church Justice Peace Commission (CIJP), and the communities accompanied along the Curbaradó, Jiguamiandó and Cacarica River Basins, of belonging to the FARC insurgent group. Some of these newspapers have accused CIJP not only of having ties with the FARC, but also of having perpetrated crimes, as in the case of the murders of the Curbaradó inhabitants, Manuel Moya, Graciano Blandón and Yair Blandón. A fair amount of this defamation has been based on a single source of information: statements provided by a demobilised combatant from the 5th Front of the FARC, aka 'Samir'¹³, who the High Commissioner for Peace appointed to be a «peace envoy» within the framework of Decree 614 of February 2009.

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1. Humanitarian Zones are supported by an international regulatory framework that grants legitimacy to these self-protection proposals. Within the framework of international humanitarian law, we find the concept of «neutral areas» defined as: «Any Party to the conflict may, either direct or through a neutral State or some humanitarian organization, propose to the adverse Party to establish, in the regions where fighting is taking place, neutralized zones intended to shelter from the effects of war the following persons, without distinction: (a) wounded and sick combatants or non-combatants; (b) civilian persons who take no part in hostilities, and who, while they reside in the zones, perform no work of a military character». (Convention IV Article 15). In a judgement on 15 March 2005, the Inter-American Court of Human Rights recognised «humanitarian zones to shelter» the communities of Jiguamiandó and Curbaradó, considering the Humanitarian Zones to be a positive mechanism to protect the civilian population from the actions of different armed groups and recognising and promoting the construction of these zones.

2. «Zonas Humanitarias y Zonas de Biodiversidad: Espacios de dignidad para la población desplazada en Colombia», CIJP and the Colombian Commission of Jurists, 2007

3. Including, judgement 005 of 2009 (Constitutional Court) and Early Warning System Risk Report N° 031-09 A.I. of 31 December 2009 (Human Rights Ombudsman's Office), page 9: «Within the framework of this contradiction between the ancestral peoples of the Lower Atrato and the companies and individuals with major capital investment in the region, alliances arose between illegal armed groups and companies in the region of Urabá, who have been under investigation by the Public Prosecutor's Office and international courts (...)». <http://www.noticiasuno.com/noticias/fiscalia-vincula-a-monoleche--en-proceso-de-palmicultores.html>

4. «Operation Genesis» was carried out along the Cacarica and Salaquí Rivers from 24 to 27 February 1997, which through bombardments and land attacks provoked the displacement of 10,000

people from the Lower Atrato. Recently, the paramilitary leader known as 'El Alemán' recognised that several of his men participated in joint operations with the army in Urabá and Chocó, with the complicity of officers under the command of retired General Rito Alejo del Río. www.verdadabierta.com, 15 January 2010

5. «Operation Genesis: Ten Year Later», Peace Brigades International - Colombia, Quarterly Newsletter, No. 2, February 2007

6. Verification Commission Report on the Jiguamiandó and Curbaradó River Basins, INCODER, 28 March 2005

7. «Derecho de petición al Presidente Uribe sobre seguimiento del DAS contra Justicia y Paz», 24 June 2009

8. «Nueva amenaza y campaña mediática contra nuestra Comisión Intereclesial de Justicia y Paz», Justice and Peace, 9 December 2009

9. Ombudsman's Office delegated to evaluate the risks of the civilian population as a consequence of the armed conflict. Early Warning System, Risk Report N° 031-09 A.I., 31 December 2009

10. General (Retired) Rito Alejo del Río is under investigation for acts of forced displacement in Lower Atrato in 1997 and for the massacre in San José de Apartadó in 2005.

11. On 15 October 2009, the Contentious Administrative Tribunal of Chocó issued protection judgement 0073

12. PBI has systematically compiled each one of these articles, some of which were published later on other websites or mentioned on radio programmes.

13. On 28 May 2009 during the «La Hora de la Verdad» programme on Radio Super (www.lahoradelaverdad.com.co); On 19 July 2009 during the «La Voz del Secuestro» programme on Caracol Radio (<http://www.caracol.com.co/oir.aspx?id=847362>). See: «Focos de Interés», Peace Brigades International, August 2009



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