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A C T I O N A L E R T

Action Alert is a publication that calls attention to critical security situations affecting the persons, organizations and communities, accompanied by Peace Brigades International (PBI), whose work in the defence of human rights results in threats to their personal safety and to the work itself. This publication is of limited distribution and cannot be reproduced without prior authorization.

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IMMINENT RISK OF ATTACKS AND FORCED DISPLACEMENT AGAINST LAND CLAIMANTS IN THE BAJO ATRATO AREA

Despite multiple alerts, there are killings, combats and territorial control by illegal armed actors in the Jiguamiandó and Curbaradó river basin areas (in the region of Urabá, north-west Colombia) placing the Afro-Colombian, mixed-ethnicity and indigenous communities in the region at serious risk and affecting their physical and emotional security and integrity.

PBI Colombia expresses its deep concern about recent events causing serious risks to the civilian population living in collective territories¹ and indigenous territories (resguardos) in the Curvaradó and Jiguamiandó river basin areas, as well as members of the Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz - CIJP), an organisation accompanied by PBI Colombia since 1994.

Despite numerous complaints to the authorities by rural communities and the Inter-Church Justice and Peace Commission, the civilian population is once again in the midst of clashes between legal and illegal armed actors, in the collective territories of Bajo Atrato, and until now there has been an inadequate response from the Colombian State regarding their prevention and protection. **We foresee an imminent risk of killings and forced displacement for the ethnic communities, as well as a humanitarian emergency due to the confinement of the communities and the persistence of physical, psychosocial and environmental damages.** These events are taking place in the midst of a stagnant process of land restitution, which increases the absence of guarantees for communities in the river basin areas. At the same time, there is greater territorial control by the Gaitanist Self-Defence Forces of Colombia (Autodefensas Gaitanistas de Colombia - AGC) and an expansion of the National Liberation Army (Ejército de Liberación Nacional - ELN), without a comprehensive and effective response from the Colombian State. It should be added that the communities are recipients of former combatants from the FARC guerrilla group, and also provide information and testimonies before the mechanisms of the Comprehensive System of Truth, Justice, Reparation and Guarantees of Non-Repetition (Sistema Integral de Verdad, Justicia, Reparación y Garantías de No-Repetición - SIVJRN).²

Both the CIJP and several of the communities directly affected by these events are beneficiaries of precautionary measures from the Inter-American Commission on Human Rights (IACHR), as well as protective measures from the National Protection Unit (Unidad Nacional de Protección - UNP) attached to the Colombian Ministry of the Interior. Due to this high risk, in February 2018 the Inter-American Commission expanded the precautionary measures granted to the communities of Jiguamiandó and Curbaradó.³

LATEST EVENTS:

- **23 February:** During the morning, eight armed men from the AGC entered the Nueva Esperanza Humanitarian Zone and threatened the community. Two of the men were armed with machine guns and most had their faces covered. The neo-paramilitaries said they were looking for two brothers, Fabio and Asprilla Álvaro, and Luis Cogollo. The community raised the alarm, and when one of the men saw human rights defenders from the Cijp arriving, accompanied by PBI, he raised his gun up to the sky and said: “let’s go, those f***ing gringos have arrived” (“vámonos llegaron estos hp gringos”)⁴. During the afternoon, the community reported the incursion of some 30 armed men dressed in AGC camouflage into the Pueblo Nuevo Humanitarian Zone, where they harassed the community and forced them to meet with them, declaring that they would have to get used to their presence because they had driven the ELN out of the area.⁵
- **22 February:** Combats have been reported between the ELN and the AGC just 20 minutes away from the Nueva Esperanza Humanitarian Zone, in a place situated between Zapayal and the River Jiguamiandó, causing terror in the Nueva Esperanza community and impeding their free movement.⁶
- **21 February:** Shooting and bombings have been registered owing to a confrontation between the AGC and the ELN in Jiguamiandó, as well as the presence and movement of these groups in different areas of the region⁷, seriously endangering the security and physical integrity of the civil population.
- **19 February:** Two members of the ELN entered the Nueva Esperanza Humanitarian Zone (Jiguamiandó), while members of CIJP accompanied by PBI were present; they took three people away, traders from Belén de Bajirá (urban area), accusing them of collaborating with the neo-paramilitary AGC group. Hours later they were released.⁸
- **18 February:** Fighting is reported during the night between the AGC and the ELN near the point known as Las Palomas between Curbaradó and Jiguamiandó⁹.
- **16 February:** Numerous armed members of the AGC enter the El Tesoro settlement (Curbaradó) and then move to the village of Remacho (Jiguamiandó)¹⁰. In the previous days, they had been moving through the area accusing land claimants as well as human rights and environmental defenders of being members of the ELN¹¹ and therefore military objectives. Two days earlier, on 14 February, Martin Barrios, son of land claimant Imber Barrios was murdered in the municipality of Belén de Bajirá^{1,2}
- **2 February:** The Cijp was informed of an attack planned against them and against leaders from the region, by those who oppose land restitution in the region. According to a statement published on February 2, 2019¹³, there is a list with names of people who are military targets: “The justification for the plan uses smears and unfounded accusations that the Justice and Peace Commission protected the FARC guerrillas, previously, and now the ELN in its actions in the region. The source adds that land claims aims are aimed at impeding progress in the region and that the ELN guerrilla is behind these claims for the right to land ”¹⁴.
- **6 December 2018:** Bombing by the state security forces was reported a short distance from the Nueva Esperanza Humanitarian Zone (Jiguamiandó). This includes airplanes and helicopters flying overhead and using gunfire at the same time in the area, with a serious impact on the communities of the Humanitarian Zone. A few days later, a civilian verification mission was carried out to corroborate the facts and the damages caused¹⁵ both at the environmental level, as well as at the emotional and physical level for the inhabitants of the Humanitarian Zone. It is important to highlight that the mission verified the presence of antipersonnel mines in the surroundings areas of the Humanitarian Zone, which according to the inhabitants were planted by the National Army¹⁶. The Cijp has filed a criminal complaint with the Public Prosecutor’s Office (Fiscalía) against the National Army regarding this serious infraction of international humanitarian law.

CONTEXT OF LAND RESTITUTION IN THE BAJO ATRATO AREA:

Between 1996 and 1997, communities in the Bajo Atrato area, including those in Curbaradó and Jiguamiandó, were victims of military and paramilitary operations that caused the massive displacement of more than 70% of the population¹⁷, in addition to killings, cases of torture and disappearances¹⁸. After this forced displacement, banana companies, palm oil companies and extensive cattle ranching were installed in the forcibly abandoned territories¹⁹.

In the early 2000s, many people from the communities returned and began to demand their rights. However, it was not until 2010 that an official land restitution process began, supported by several rulings by the Constitutional Court of Colombia. Even the Government of President Juan Manuel Santos, chose the case of land restitution in Curbaradó and Jiguamiandó for the so-called “Shock Plan” in 2011 (Plan de Choque), without this restitution being conditioned on the approval of the Victims Law (Law 1448/2011), thus granting priority and speed to the process of return of lands in the area. These events and the peaceful resistance processes of the communities that have returned and have been formed in Humanitarian Zones (Zonas Humanitarias - ZZHH) has made the region an emblematic case at the international level, whereby many international organisations, representatives of the Diplomatic Corps and INGOs have visited and specially monitored the development of the situation.

However, the process has not progressed. Returned communities continue to suffer threats, attacks, and killings, and the Ministry of the Interior never implemented or adequately finalised the Prevention and Protection Plan, ordered by the Constitutional Court. This situation persists to date, while the communities are in a situation of absolute lack of protection.

The criminal proceedings against those responsible for the dispossession of land began between 2006 and 2007. Based on complaints from members of the communities - who have been subject to threats, false evidence and smear campaigns - the Public Prosecutors’ Office instigated legal proceedings for the crimes of aggravated conspiracy to commit a crime, forced displacement and invasion of areas of special ecological importance²⁰. It was not until 2014²¹ that the legal entities began to issue condemnatory sentences against some of those responsible, including employers and front men²²; however, until now no public official has been linked to the investigation, despite multiple complaints. Nor has any action been taken with regard to the possible unification of the criminal complaints filed by the communities of Jiguamiandó and Curbaradó, an essential measure to enable the true dismantling of the criminal structures responsible for the dispossession of lands in the region. Over the years there have been multiple security incidents, including violations of the right to life. In December 2017, two historical land restitution leaders from the region, Mario Castaño and Hernán Bedoya, were both killed. Both were land claimants threatened after they reported economic interests in their territories and resisted forced displacement²³. Despite the relevance and priority given to the case, as well as the prior repeated complaints of threats and harassment, the relevant authorities have not to date shown results in the investigation and the intellectual authors of the murders are still not known.

MEASURES OFFERED BY THE GOVERNMENT OF IVAN DUQUE MARQUEZ

Faced with the serious security crisis in the region, in August 2018, President Ivan Duque chose precisely the municipality of Apartadó (in the Urabá Antioqueño area, near Jiguamiandó) to sign the “Pact for the Life and Protection of Social Leaders and Human Rights Defenders.” During the meeting, 11 commitments and a road map were established “to deal effectively with the situation of stigmatisation, persecution and murder of social leaders and human rights defenders”²⁴. Despite these commitments, the situation has not improved. The neglect and lack of response from the State is surprising, given the complaints made by the communities and their Colombian accompanying organisations, as well as the criminal proceedings, precisely in one of the areas that has been recognised as being most affected by the conflict and where rulings from national and international justice systems have demonstrated the confluence of multiple political and economic interests.

CONCERNS

1. Absence of guarantees, stigmatisation and attacks against victims and land claimants before the SIVJRNR: The inhabitants and leaders from the region continue to be targeted by attacks and accusations from the different armed actors. The Cijp, together with other human rights

organisations that accompany the Urabá communities²⁵, delivered a report to the Special Jurisdiction for Peace (Jurisdicción Especial para la Paz - JEP) in August 2018, describing the military and paramilitary actions between 1995-2016 which generated the forced displacement of communities, murders and forced disappearances of leaders, as well as the actions of third parties and agents of the State in the dispossession of lands in favour of economic interests²⁶. The delivery of this report involves the testimony of several leaders from the aforementioned communities who have been victims of dispossession. This implies an exponential increase in their risks if there are no adequate guarantees for the victims participating in the SIVJRNR.

2. Lack of State compliance in its duty to protect the civilian population: In this context of high tension, due to the breakdown of the negotiations between the Government and the ELN, and the expansion of illegal armed neo-paramilitary groups, there is concern that there is no immediate state response to the detentions, threats, killings and territorial control affecting the fundamental rights of the civilian population in the region. The absence of civil institutions of the State in the territories abandoned by the FARC in the Urabá region persists, as well as the lack of implementation of effective prevention and protection measures for human rights defenders and former combatants.
3. Serious setbacks in the implementation of the prevention and protection measures established in the Peace Agreement: Two years after the signing of the Peace Agreement, progress in implementing the agreement is insufficient. The implementation of collective protection measures (Decree 660/2018) has not progressed; in the same way the National Commission for Security Guarantees (154/2017) has not made progress in dismantling paramilitary successor structures. Added to this is legal instability due to the delay by the Executive in sanctioning the statutory law on the Special Jurisdiction for Peace (JEP), which raises doubts about its commitment to the search for justice and truth for the more than 8 million victims of the armed conflict.

IN LIGHT OF THE ABOVE, PBI COLOMBIA CALLS UPON THE INTERNATIONAL COMMUNITY TO REQUEST THE FOLLOWING:

- That the Human Rights Ombudsman's Office urgently carries out a civilian and humanitarian mission to verify these events;
- That the Public Prosecutor's Office makes progress in clarifying all of the crimes committed in the region, ensuring it is contributing to Truth, Justice, Reparation and Guarantees of Non-Rep-etition. This includes a comprehensive review of all legal proceedings regarding the dispossession of lands, and, if necessary, the unification of proceedings to investigate criminal structures with political and economic interests in the region. With regard to the cases of the murders of Mario Castaño and Hernán Bedoya, the Special Investigation Unit for the Dismantling of Paramilitary Successor Groups must assume the investigations and present results clarifying the intellectual authors of the murders of Mario Castaño and Hernán Bedoya, as well as jointly investigating the neo-paramilitary structures present in the region and responsible for attacks, threats and land dispossession;
- That the allegations made regarding the plan to murder members of the CIJP is independently investigated as quickly as possible (in particular with regard to the organisation's Legal Representative, Danilo Rueda, and to the members of the Bajo Atrato team) and the leaders from the region;
- That the Ministry of Defence implements the protection actions corresponding to the civilian population, ensuring perimeter security rings respecting the space of the Humanitarian Zones;
- That the Ministry of the Interior, in fulfilment of its functions, immediately provides adequate protection to the civilian population in light of the serious humanitarian crisis;
- That state and government officials refrain from making statements against human rights defenders and civilians in general; and that, in compliance with Directive 002/2017 of the Public Prosecutor's Office, any official who makes these declarations is investigated and punished;
- That the Special Jurisdiction for Peace, in accordance with the request already presented, grant precautionary protection measures to the communities of Curbaradó and Jiguamiandó who will participate as witnesses in the investigative processes related to the victimising events that occurred in Urabá.

- Urge President Iván Duque to approve the statutory law on the JEP, guarantee its work in search of justice and truth, and politically and economically support the work of the three institutions that make up the SIJVRNR;
- Urge the Colombian Government to recognise the importance of finding a negotiated solution to the armed conflict with the different illegal actors; specifically in relation to the ELN and the AGC;

PBI COLOMBIA ALSO RESPECTFULLY REQUESTS THAT EUROPEAN UNION, ITS MEMBER STATES AND OTHER MEMBERS OF THE INTERNATIONAL COMMUNITY:

- Include this case as an example in the EU / Colombia Human Rights Dialogue and to install rigorous monitoring mechanisms to the acquired commitments;
- In compliance with the European Union Guidelines for Human Rights Defenders, and other guidelines on the subject that apply to other States, carry out a field visit in the indicated areas, as well as visits to the Cijp offices in Bogotá and in Apartadó;
- Within the framework of the presentation of the next Annual Report of the United Nations High Commissioner for Human Rights (UNHCHR), to be held in Geneva on 20 March 2019, make interventions and ask questions to ensure that the Colombian government complies with its national and international commitments;
- Ensure the renewal of the mandate of UNHCHR in Colombia, under the same terms and current functions.

PBI appreciates your continued support for our work to protect human rights defenders and displaced communities.

PBI Colombia



Notes

- In the year 2000, President Andrés Pastrana recognised the collective territories of the communities of Curbaradó and Jiguamiandó, in accordance with the ancestral and territorial rights of afro-descendant communities, recognised in Law 70 of 1993. Incora: Resolution 02809 and 02801, November 2000
- Which was created within the framework of the Peace Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia (Fuerzas Revolucionarias Armadas de Colombia - FARC -EP).
- IACHR: [Resolución 6/2018, Medida Cautelar No. 140-14 Comunidades, líderes y lideresas afrodescendientes de Jiguamiandó, Curbaradó, Pedeguita y Mancilla respecto de Colombia \(Ampliación\)](#), 7 February 2018
- Cijp: [Sitiamiento por AGC en Zonas Humanitarias](#), 24 de febrero 2019
- Ibid.
- Cijp: [Reactivación de enfrentamientos entre el ELN y paramilitares de las AGC](#), 22 de febrero 2019
- Cijp: [Enfrentamientos de AGC y ELN atentan en contra de los pobladores de Jiguamiandó](#), 21 February 2019.
- Cijp: [ELN deja en libertad a los jóvenes que se llevó sobre la 1:50 p.m.](#), 19 February 2019
- Cijp: [ELN deja en libertad a los jóvenes que se llevó sobre la 1:50 p.m.](#), 19 February 2019
- Cijp: [Operaciones neoparamilitares en Territorio Colectivo de Curbaradó](#), 16 February 2019
- Cijp: [Continúa la presencia de AGC en los Territorios Colectivos de Curbaradó y Jiguamiandó.](#), 18 February 2019
- Cijp: [Asesinado Martín Barrios, hijo del líder Imber Barrios](#), 14 February 2019
- Cijp: [Nuevo plan contra Justicia y Paz por promover verdad.](#)

[derecho a la tierra y al ambiente](#), 2 February 2019

14 Ibid.

15 Cijp: [Bombardeos afectan comunidades en Territorio Colectivo de Jiguamiandó](#), 8 December 2018

16 Ibid.

17 ColombiaLand.org: [Justicia Evasiva. La lucha por la tierra y la vida en Curbaradó y Jiguamiandó](#), June 2013

18 Cijp/Hands of the Land Alliance: [Banacol, empresa implicada en paramilitarismo y acaparamiento de tierras en Curbaradó y Jiguamiandó](#), May 2012

19 Ibid.

20 Cijp: [Condenan a dos empresarios por alianza con paramilitares en negocio de palma](#), 30 July 2013; Cijp: [Condena contra 16 empresarios, paramilitares y comisionistas de tierra responsables de provocar el desplazamiento forzado de comunidades negras de Curbaradó y Jiguamiandó](#), 3 December 2014

21 Ibid; ElTiempo: [Diez años de cárcel a empresario de la palma por despojo en Chocó](#), 8 June 2017

22 Cijp: [Condena contra 16 empresarios, paramilitares y comisionistas de tierra responsables de provocar el desplazamiento forzado de comunidades negras de Curbaradó y Jiguamiandó](#), 3 December 2014

23 PBI Colombia: [PBI expresses concern about increase in risks for human rights defenders](#), 13 December 2017

24 Presidencia de la Republica: [Pacto por la Vida y la Protección de Líderes Sociales y Defensores de derechos humanos](#), 23 August 2018

25 Forjando Futuro, El Instituto Popular de Capacitación, la Corporación Jurídica y Libertad

26 Contagio Radio: ["Van por Nuestras Tierras": Informe entregado a la JEP sobre despojos en Urabá](#), 11 December 2018