

Revictimization of Victims of State Crimes



The Aggressions Continue

PEDIA RESTITUCIÓN

Los monterianos repudiaron el crimen de Leoncio Mendoza, un abuelo de 76 años que adelantaba un proceso de reclamación de tierras.

Matan a abuelo de 76 años

Montería. Mientras barría la terraza de su vivienda, pensando quizá en que pronto recuperaría la tierra que le fue arrebatada por los paramilitares en 1993, un sicario mató ayer al abuelo Leoncio Manuel Mendoza Mejía, de 76 años. El crimen, que fue rechazado por los monterianos y la...



Movimiento Nacional de Víctimas de Crímenes de Estado

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Introduction

The Juan Manuel Santos administration has managed to raise the hopes of a large part of the Colombian population, as well as that of numerous foreign governments; not only for signing and implementing the Victims' and Land Restitution Law, but for possibly opening peace talks with the guerrilla groups. Nevertheless, the National Movement of Victims of State Crimes (MOVICE) has seen that during the current administration, victims have faced a series of obstacles to genuine truth, justice, and comprehensive reparations. The primary difficulty has been the persistence of aggressions against them, ranging from threats and harassment to murders and enforced disappearances.

In spite of the significant increase in aggressions, the current administration has failed to forcefully deal with this situation. The government has not prosecuted the direct perpetrators or intellectual authors of the crimes committed. Nor has it taken actions to dismantle paramilitary structures or prosecute the political, economic and military actors that continue to sponsor them. Rather, legislative measures favoring impunity continue to be implemented^{1,2}, and paramilitary structures continue to operate similarly to the earlier United Self-Defense Forces of Colombia (AUC). Like the AUC, these groups attack civilians, forge alliances with government officials and other influential actors, and maintain territorial control in favor of certain economic interests.

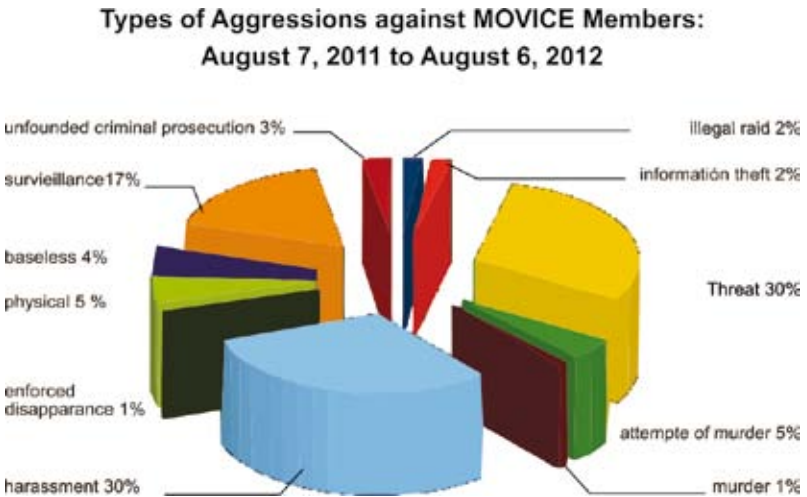
1 CCAJAR. *Reform of the Military Justice System: an Historic Set-Back Favoring Impunity*. April 2012. Available at: <http://bit.ly/JoVmDe>

2 MOVICE. *Letter from MOVICE to President Juan Manuel Santos Prior to the March 6 Mobilization*. March 2012. Available at: <http://bit.ly/PSP3P>

The Revictimization of Victims of State Crimes

During the first two years of the Santos administration, 186 aggressions took place against members of the National Movement of Victims of State Crimes. Of these, 89 occurred in the first year and 97 during the second year, an increase of 9% from 2011 to 2012.

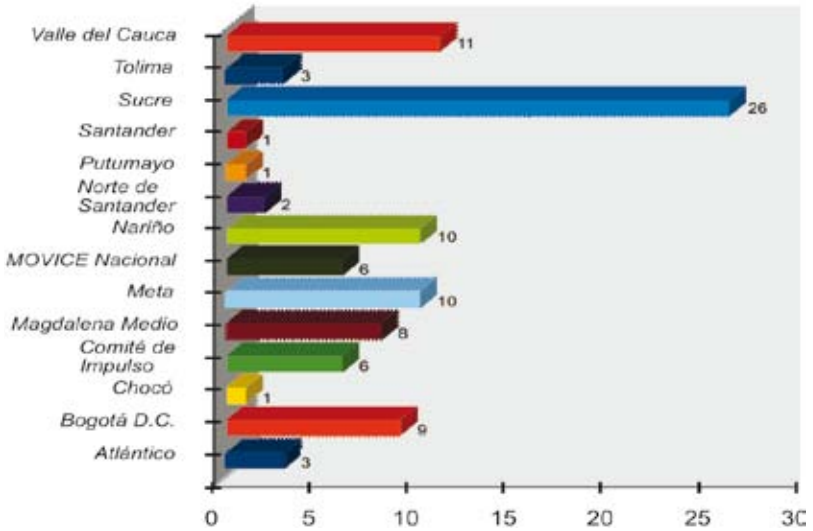
These figures, in spite of the the high level of under-reporting, and although they only include MOVICE members, reveal the serious situation faced by thousands of victims in Colombia.



This revictimization of victims of State crimes represents an essential continuity with the situation during the administration of former president Alvaro Uribe. Just as under Uribe’s “Democratic

Security” policy, these crimes are not isolated incidents, but rather take place systematically, throughout the country.

**Aggressions against MOVICE Members by Chapter:
August 7, 2011 to August 6, 2012**



Although baseless accusations against MOVICE members by high-ranking government officials have declined, regional officials continue to publicly stigmatize MOVICE members. Despite complaints filed with the Office of the Inspector General (*Procuraduría*), measures have yet to be taken in these cases. Furthermore, unfounded criminal prosecutions and arbitrary detentions of MOVICE members have not diminished. These are based largely on military intelligence reports and testimonies by demobilized paramilitaries or insurgents, whose veracity is highly questionable. Reports issued by the International Service for Human Rights (ISHR)³ and umbrella groups of European and

3 International Service for Human Rights. *Human Rights Defenders in Colombia: How is the Government Protecting their Rights?* December 2011, Pag. 12-13.

United States NGOs⁴ confirm that this tendency applies to other human rights defenders in Colombia as well.

Still more serious are the attacks committed by paramilitary groups and actions committed directly by members of the State security forces. MOVICE has registered, during the second year of the Santos administration, twelve aggressions committed openly by State agents against MOVICE members (without including arbitrary detentions or baseless accusations).

Context of Persecution against Land Claimants and Human Rights Defenders

A range of organizations have confirmed the lack of security guarantees for human rights defenders and land claimants in Colombia. The Inter-American Commission on Human Rights (IACHR), in its December 2011 report, states that “attacks against human rights defenders seriously affect respect for human rights” in Colombia⁵. In addition, Amnesty International noted in March 2012 “ongoing threats against and killings of some of those participating in human rights investigations, such as witnesses, survivors, victims’ families, human rights defenders, lawyers, prosecutors and judges.”⁶

4 ABC Colombia, Oidhaco, USOC. *Colombia: Human Rights Defenders under Threat*. September 2011. Pag. 19.

5 IACHR. *Second Report on the Situation of Human Rights Defenders in the Americas (2012)*. December 31, 2011. Pag. 9.

6 Amnesty International. *The Human Rights Situation in Colombia: Amnesty International Written Statement to the 19th Session of the UN Human Rights Council (27 february – 23 march 2012)*. Pag. 2.

Specifically, the We Are Defenders Program registered an increase of 12% in individual aggressions against human rights defenders between January and June 2012, compared with the same period in 2011.⁷ The figures collected by We Are Defenders indicate that “29 human rights defenders or social leaders were murdered in the first six months of 2012.”

Furthermore, according to the United Workers’ Federation (CUT), 58 murders of unionists were committed between August 7, 2010 and July 23, 2012⁸; the National Indigenous Organization of Colombia (ONIC) reports 54 homicides against indigenous people between January and July 2012⁹. And the Permanent Committee for the Defense of Human Rights (CPDH), member organization of MOVICE, has registered 36 aggressions against its members since President Santos’ inauguration.

Moreover, MOVICE has documented 25 cases of murders of land claimants and their family members during the first two years of the Santos administration¹⁰.

The Restructuring of Paramilitary Groups

The presence of paramilitary groups in nearly every region of the country demonstrates the restructuring of paramilitary armies as a consequence of a failed demobilization process. The yearly study

7 Programa Somos Defensores. *A Solitary Path: January-June 2012 Report, Report of the Information System on Aggression against Human Rights Defenders in Colombia*. August 2012.

8 Central Unitaria de Trabajadores (CUT). *Report on Threats and Homicides during the Juan Manuel Santos Administration*. August 2012.

9 Organización Nacional Indígena de Colombia (ONIC). *Human Rights Violations and IHL Infractions Perpetrated against Indigenous Peoples in Colombia: Report from January to July 2012*. August 2012.

10 Con los pies por la tierra. Available at: <http://bit.ly/OvjPHB>

published by the NGO Indepaz shows that in 2011, 40 paramilitary structures were operating in a total of 406 municipalities, in 31 of Colombia's 32 departments¹¹.

Paramilitary groups such as the "Anti-Restitution Army" and the "Urabeños" engage in actions aiming to halt a possible land restitution process and consolidate the process of land theft already underway, as well as other actions to terrorize victims of State crimes and human rights defenders. The new generation of paramilitary groups use the same methods as the earlier United Self-Defense Forces of Colombia (AUC) to achieve their goals, and continue to operate in collusion with political, economic and military actors.

The Emergence of the "Anti-Restitution Army"

The "Anti-Restitution Armies," promoted by ranchers and large landowners, have emerged as part of the new generation of paramilitary structures. These groups have threatened victims, human rights defenders, and land claimants in several departments across the country. A few days before MOVICE's national mobilization on March 6, 2012 to demand comprehensive reparations for victims of State crimes, the Nariño chapter received a threat warning that "we won't hand over even a millimeter of land [...] We won't hesitate to execute [...] all those who dare to promote activities [...] of land restitution and the rights of supposed victims."

11 Instituto de estudios para el desarrollo y la paz (Indepaz). *VII Report on the Presence of Narco-Paramilitary Groups in 2011*. 2012. Pag 2.

Later, on June 1, another threat signed by the “Anti-Restitution Army” was thrown in front of the home of Juan David Díaz, leader of the MOVICE Sucre chapter. On July 4, the same group threatened 13 social and human rights leaders, nine of whom belong to MOVICE, through an email with photos of each person.

Lack of Protection by the State

MOVICE believes that political measures are essential to guarantee the security of victims of State crimes and human rights defenders. Nonetheless, the State also has a duty to provide physical protection measures to threatened leaders.

Despite the replacement of the Protection Program by the new National Protection Unit (UNP) in December 2011, MOVICE has experienced serious failings in the new Unit’s operations. Out of ten applications filed for MOVICE members in 2012, protection measures have only been approved for one person; several applications have been denied, in spite of the high level of risk; the remaining cases are still pending. In several cases, the UNP has failed to meet the excessively long deadlines established to evaluate an application and implement protection measures – according to UNP staff, these deadlines add up to 73 business days¹².

Moreover, the fact that 600 UNP staff members previously worked at the discredited Administrative Department of Security (DAS), as well as UNP Director Andres Villamizar’s extensive academic training in intelligence and counter-terrorism, indicate that the UNP could follow in the DAS’s steps in combining intelligence tasks with its protective functions.¹³

12 For more analysis of the failings of the UNP, see: International Service for Human Rights. *Human Rights Defenders in Colombia: How is the Government Protecting their Rights?* December 2011, Pag. 13-15.

13 Resume of Andrés Villamizar Pachón. Available at: <http://bit.ly/OWjcXS>

Displacement and Paramilitary Control in the “La Pola” Community

The peasant families of the La Pola community (Chibolo, Magdalena department, Caribbean coast region) arrived in the region in the early 1980s. Some of them had managed to title their land when paramilitaries ordered them to leave the area in 1997. Currently, their land has been granted or titled to third parties or has become State property.

Following their voluntary return without institutional support in 2006, they immediately began to receive death threats. The presence of paramilitary groups in the region continues to be a reality, and there have been ongoing actions of harassment against the community and against their accompanying organization, the Yira Castro Legal Corporation. The community’s formal requests for the restoration of their rights, presented to different restitution pilot programs and public entities, have produced almost zero results.



Peasant farmer leader from the La Pola community, in the Caribbean coast region.

Armed Attack against Members of the MOVICE Caldas Chapter

Oscar Arturo Orozco is a unionist belonging to the United Workers' Federation (CUT) and the MOVICE Caldas Chapter. As a result of repeated death threats, the Colombian State provided him with a protection scheme (a bullet-proof car with drivers). Between May and June 2012, Oscar's union received several death threats and shots were fired against the union headquarters. Although these incidents were reported to the Attorney General's Office (*Fiscalía*) and the National Protection Unit (UNP), in mid-July 2012 Oscar was informed that the UNP had chosen to revoke his protection scheme.

On August 4, when Oscar and Wilson Jaramillo, also a member of the CUT and MOVICE, were on their way to a meeting in the countryside, their car was cut off and shot seven times; Oscar and Wilson only survived because their protection scheme had not yet been taken away. In spite of this attack, the UNP has maintained its decision to discontinue Oscar's protection scheme in the near future.



Oscar Arturo Orozco, unionist and member of the MOVICE Caldas chapter, survived an armed attack on August 4, 2012.

Impunity in Crimes against MOVICE

Impunity in Colombia occurs in most criminal acts, but in cases of human rights violations against human rights defenders and social and political leaders, impunity reaches nearly 100%, constituting a key element of a broader strategy of social exclusion.

In a sample of 141 cases of aggressions against MOVICE members, in 84% of the cases a criminal complaint was filed, without receiving any effective response from judicial bodies. Of the complaints filed, none has led to criminal proceedings reaching the trial stage; consequently, there is no possibility of prompt convictions. This demonstrates that the measures needed to punish the perpetrators have not been taken.

Conclusions and Demands to the Colombian State

Today in Colombia we are facing the restructuring of paramilitary groups; the persecution, murder and unfounded criminal prosecution of victims, land claimants and human rights defenders; legislative initiatives promoting impunity; and a lack of effective protection by the State. Together, these elements constitute the systematic revictimization of victims of State crimes.

The National Movement of Victims of State Crimes considers that it is not enough to provide a person with physical protection measures, such as bullet-proof cars or bodyguards. For that reason, we exhort the national government to take serious political measures, including the effective dismantling of paramilitary structures and the purging of the armed forces and State intelligence agencies of agents linked to human rights violations.

We also demand:

1. **Criminal and disciplinary sanctions against those responsible** for the ongoing aggressions against victims, land claimants, human rights defenders, and social and political leaders.
2. **The implementation of political protection measures** and effective public policy for the protection of victims, land claimants, human rights defenders, and social and political leaders.
3. **The publication of reports by the intelligence agencies** drafted with the intention of harassing and discrediting victims, land claimants, human rights defenders, and social and political leaders; the cessation of intelligence activities targeting these sectors.
4. **The resignation of Andres Villamizar**, Director of the National Protection Unit (UNP).
5. **The repeal of resolution 048** of July 27, 2012, for restricting protection measures for victims and human rights defenders.
6. **Dismantling of paramilitary structures** and the purging of the armed forces and State intelligence agencies of agents linked to human rights violations.



Victims of State crimes place coffins on the "Monument to the paramilitaries" in Monteria, northern Colombia, during MOVICE's national mobilization on March 6, 2012.

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