

Joint Statement

A Step forward for Justice in Colombia International Court ruling on the Colombian State's responsibility in the forced displacement of communities

On 26 December 2013 the Inter-American Court of Human Rights (IACHR) made an important ruling in favour of victims killed, terrorised and forcibly displaced by Operation Genesis in February 1997. The Inter-American Court of Human Rights (IACHR) ruled the Colombian State responsible for not preventing the displacement of thousands of Afro-Colombians from the communities of Cacarica in Chocó in 1997 and for the brutal murder of Marino López.

The communities of Cacarica, represented and supported by the Inter-Church Commission on Justice and Peace (Comision Intereclesial de Justicia y Paz -CIJP), welcomed the decision following a 17 years struggle to have their claims recognised.

The sentence relates to events that took place between 24 and 27 February 1997, under *Operación Genesis*, a military operation in the North-West of Colombia officially intended to capture members of the FARC (Revolutionary Armed Forces of Colombia) guerilla group. Our partner CIJP and the victims have from the start insisted that the operation was held in collaboration between the paramilitary United Self-Defense Forces of Córdoba and Urabá (ACCU) and the Colombian armed forces, in particular the 17th Brigade of the army. In the development of these operations there were killings, torture, disappearances and forced displacement of the population.

The IACHR decision consolidates and strengthens previous decisions where collusion and joint action against civilians by paramilitaries and the Colombian army forces have been demonstrated. In August 2012, the Colombian Court sentenced Army General Rito Alejo del Rio, commander of the 17th Brigade during Operation Genesis, to 25 years in prison for deliberately failing to prevent the murder of Marino López from the Cacarica community. Marino López was murdered, dismembered and his body was thrown in the river. The IACHR ruling also recognised the Colombian State's responsibility in violation of the communities' right to life and humane treatment, as well as its failing to fulfill its obligations to ensure humanitarian assistance and a safe return for the victims.

Finally, the Sentence states that the Colombian State must effectively and with due diligence undertake thorough investigations in order to identify, prosecute and punish those responsible and remove all obstacles, de facto and de jure, that maintain impunity. The State must also hold a public act of acknowledgment of international responsibility in the facts of this case.

Additionally, according to various investigations the massive displacements that occurred during Operation Genesis in Chocó and Urabá have directly benefited large palm cultivator businesses in this region.¹ In July 2013 businessmen Luis Fernando Zea Medina and Héctor Duque Echeverry were

¹ El Tiempo, Colombia, Condenada por la operación Génesis, 27 December 2013 http://www.eltiempo.com/justicia/corte-interamericana-condena-a-colombia-por-la-operacion-genesis_13320695-4

sentenced to over ten years in jail for the crimes of conspiracy, forced displacement, and the invasion of ecologically important land through the removal of the communities of the nearby collective territory of Curvaradó and Jiguamiandó, in Chocó.²

The IACHR ruling is an important and historic decision, representing an important victory for the victims and giving them hope that their rights as victims can finally be fulfilled.

Despite the IACHR ruling being a notable step forward in obtaining justice for victims, those who have returned to the region report continued threats and harassment by paramilitaries. Therefore, ABColombia and Oidhaco remain concerned for security of members and community leaders of the Cacarica communities, those of the nearby communities of Curvaradó and Jiguamiandó, as well as the safety of members of CIJP, the organisation supporting and carrying out legal work in both cases. The community leaders continue to be threatened and the CIJP continue to receive threats and illegal surveillance as a result of their work defending the rights of communities.

ABColombia and Oidhaco urge the international community to continue monitoring the security situation for the communities of Cacarica, Curvaradó and Jiguamiandó, their leaders and members of the Inter-Church Commission for Justice and Peace (CIJP) to ensure the full implementation of the December 2013 IACHR ruling on the part of the Colombian State.

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² Comisión Intereclesial de Justicia y Paz, 'Condenan a dos empresarios por alianza con paramilitares en negocio de palma', 30 July 2013 <http://justiciaypazcolombia.com/Condenan-a-dos-empresarios-por>