

Brussels, 01 October 2015

Persecution of the indigenous movement of Northern Cauca and delegitimisation of special indigenous jurisdiction

Gathered in the Assembly of the International Office for Human Rights - Action on Colombia (OIDHACO), the undersigned organisations wish to express their deep concern and opposition to the recent detention of indigenous leader Feliciano Valencia, after a court decision on appeal.

We are respectful of the autonomy of the judicial branch in Colombia, but we have decided to speak out because this case represents a serious threat to the rights acquired by the Colombian indigenous peoples, for the following reasons:

- The charges against Feliciano Valencia (kidnapping and cruel, degrading and inhuman treatment) are not proportionate to the action that led to the legal proceedings, which was a collective community action, in compliance with special indigenous jurisdiction, recognised by the Colombian Constitution.
- With this ruling the ordinary courts are prosecuting the indigenous justice system and typifying it as an offence, limiting the autonomy of self-government for indigenous peoples as recognised by the Constitution and in Colombian case law.
- Through this decision, the ordinary justice system is protecting the author of the true crime against the community, a member of the security forces, and is attacking the legitimate rights of the indigenous community to enforce its rules in its territories. It is important to recall that the complainant is a member of the National Army who was arrested and tried by the indigenous justice system for attempting to infiltrate a 2008 indigenous protest known as the *Minga* and plant false evidence to discredit and criminalise the mobilisation.
- The prosecution and detention of Feliciano are part of a series of acts of persecution against the indigenous movement in Cauca. It is important to remember that Edwin Legarda, the husband of Aida Quilcué who was another spokesperson of the *Minga* protest in 2008, was killed by the army just days after the 2008 indigenous protest. The indigenous communities of Northern Cauca grouped together in the ACIN, have been victims of persistent murders, threats and militarisation of their sacred lands by the FARC, paramilitary structures and the state security forces.
- The persecution of the indigenous movement in Cauca coincides with actions to liberate and recover their territories, which have been appropriated by sugar cane companies and threatened by mining. In recent months there has been a campaign of stigmatisation against the indigenous movement on the part of the national media which has presented the CRIC and its members as being linked to insurgent organisations, and as corrupt and with different justice problems, without giving them the right to reply.

The detention of Feliciano Valencia is not an isolated case but one more example of political persecution against social mobilisation, which is highly worrying in the midst of a peace building process.

We call upon:

The *Colombian justice system* to review their decision and respect indigenous autonomy and special jurisdiction established by law and under the Colombian Constitution,

The *Colombian government* to promote the rights of indigenous peoples, including the right to dissent from official policies and the right to social protest,

The *media* to create an atmosphere of respect for social organisations and value their indispensable work for human rights and peace building,

The *European Union* to use the instruments at its disposal (guidelines for human rights defenders, cooperation strategy, awards, on-site visits, etc.) to reinforce the legitimate actions and peace building work carried out by human rights defenders, in particular indigenous peoples. In this case, we ask the EU to closely monitor the court case against Feliciano Valencia, his conditions of detention and possible future legal proceedings.

Supported by:

- ABColombia (UK)
- ask! (Switzerland)
- Asociación SOLdePaz.Pachakuti (Spain)
- Broederlijk Delen (Belgium)
- Caritas Norway
- Colectiva de Mujeres, refugiadas, exiliadas y migradas en España (Spain)
- Colòmbia en Pau (Spain)
- Colombia Solidarity campaign (UK)
- Comisión Justicia, Paz y Integridad de la Creación de los Franciscanos alemanes (Germany)
- Comité de Solidaridad con América Latina de Oviedo (Spain)
- Cooperacció (Spain)
- Diözesanrat Aachen (Germany)
- Diözesanrat der Katholiken im Bistum Aachen (Germany)
- “FOKUS (Norway)
- Forschungs- und Dokumentationszentrum Chile-Lateinamerika e.V. (FDCL) (Germany)
- Grupp der Colombia de Nürtingen, Alemania - Kolumbiengruppe e.V. (Germany)

- Health and Human Rights Info (Norway)
- Intermón Oxfam (Estado Español)
- International Caravana of Jurists (UK)
- Justicia por Colombia- España (Spain)
- kolko – human rights Colombia (Germany)
- Kolumbiengruppe Hamburg (Germany)
- Misereor (Germany)
- Observatorio por la Autonomía y los Derechos de los Pueblos Indígenas en Colombia (Spain)
- Pax Christi Alemania - Comisión Solidaridad Un Mundo (Germany)
- SAIH (Fondo de Asistencia Internacional de los Estudiantes y Académicos Noruegos) (Norway)
- Solidarité Socialiste (Solsoc) (Belgium)
- Støttegruppe for Fred i Colombia (Grupo de Apoyo a la Paz en Colombia) (Norway)
- Taula Catalana per la Pau i els Drets Humans a Colòmbia (Spain)