

A Government That Violates Human Rights, Disguised by President Santos

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A PROBLEMATIC CONTEXT

The government of Juan Manuel Santos sanctioned on the 20th December 2011 several decrees to law 1448 (The Law of Victims and Land Restitution) and although the decrees include some observations made by human rights groups and organizations of victims, it must be said that in the elaboration of these decrees, as in the case of the original land and victims law, the conditions were not provided for the victims to participate effectively, in the way set out by the Constitutional Court. So, the right to participation is yet another unfulfilled promise.

In this context, once the law was implemented from 1st January 2012, multiple political, legal and organisational challenges have emerged for the organizations representing victims, especially those representing the forcibly displaced population.

In the development of this land restitution process the government has led the denunciations of illegal displacement from land, which were presented by various state organisations, such as INCODER, among others, at the same time as continuing with its policy of the restitution of plots of land to displaced communities. However it is important to note that these restitutions have been more symbolic than genuine, as they have been carried out in areas of the country where paramilitaries continue to have territorial control, which we can be certain goes against guarantees for the right to the restitution of land.

At the same time, during the last year and particularly in the last three months, there has been an increase in actions that seek to delegitimize the work of human rights defenders, while threats and persecution, such as assassinations against this group have continued against a backdrop of profound indifference on the part of the state and complete impunity.

Recent indicators also show a sharp deepening of the model of economic development, that preys on the national wealth. The panorama in the countryside faces the imposition of the free trade agreement, recently signed by the Colombian and US governments. This without doubt will provoke further displacement in addition to exacerbating the internal armed conflict that persists in the country.

Finally, there has been a systematic exchange of declarations that indicate a new climate in the country with regards to a solution to the internal armed conflict,

Challenges For Defenders

Perhaps the first challenge is in maintain and consolidating the organisational process that today faces two risks:

- a) The continuation of threats, hostilities and assassinations by sectors that oppose the reparation of victims and especially the restitution of land.
- b) Equally, we have seen an acceleration of the process of government cooptation of leaders and organisations, with the aim that they will support government policies.

The second challenge consists in strengthening the process of training social leaders, so that they know their rights and the legal framework and so that they have the capacity to negotiate, manage and demand respect for their rights before the government.

Another challenge is that of increasing the capacity to coordinate and articulate with other processes within the popular struggle , in particular the Movement for Victims of State Crimes (MOVICE), the Patriotic March, the People's Congress, El COSMOSOL, The Table for the Strengthening of the Displaced Population, as well as with the women, indigenous and afro-Colombian movements. These articulations have to overcome formalities and transform themselves in dynamic, creative and real participation in organisational processes – both political and of popular mobilisation.

The fourth challenge is the documentation of cases, especially of restitution of land, for which the organisations must monitor the land restitutions and identify where this right is fulfilled in accordance with international standards or at least Colombian law. One important tool for this task is returning to the proposal of alternative land registry, to defend against displacement. Also we must document cases of threats and the issue of truth and justice for all the crimes.

A fifth challenge is to reactivate popular mobilisation. In this sense the organisations of displaced populations and the Permanent Campaign for Land, Life and Dignity must articulate and participate in mobilisations such as that called by MOVICE on the 6th March, in defence of the right to land and land restitution. We must also reactivate the mobilisations on days of action, such as the 8th March, the 1st May and prepare the mobilisation for the 18th July, that the Permanent Campaign for Land, Life and Dignity has been leading for the last six years, to demand rights for the displaced population.

Equally we should link actively to the preparation for the National Civic Strike, that the popular movement is leading in the first six months of 2012, in opposition to the economic and social policies of the Juan Manuel Santos government.

The Situation of Security and Protection for MOVICE

For the members of human rights organisations in Colombia it is concerning that security incidents have increased during the Santos administration. It is also difficult that this government, which on one side recognises the existence of the armed internal conflict, on the other side wants to deny that para-state or paramilitary structures continue to operate in several regions of the country, in collusion with official agents and public functionaries. This denial impedes the carrying out of investigations that would lead to state responsibility in these crimes, either through the actions of state agents or through their toleration of paramilitary actors. A campaign of extermination continues to be carried out against leaders who campaign for the restitution of land, human rights defenders, and so against the leaders of MOVICE. This is particularly severe against MOVICE leaders in the regions of Sucre, Valle, Atlántico, Meta, Caquetá and against the MOVICE Executive Committee.

This is evident in the type of threat that we have seen; they have a political content which expresses the aim to assassinate people who have spoken out and played a leading role in the mobilisation and organisation of victims, especially the victims of state crimes.

In recognition of the complex and vulnerable context of Colombia for the victims of the armed struggle and for the victims of state or para-state actors who do not have guarantees for access to truth and justice and reparations and on the contrary are revictimised through false accusations and the denial of their status as victims of state violence, MOVICE has observed the necessity to systematize a strategy for security that allows for the protection of our members integrity and in this way strengthens their social fabric and the social movement itself.

We aim to reduce these risks and vulnerability with mechanisms of prevention, training, reaction, attention, accompaniment, visibilisation and lobby, in order to demand their effective guarantees and create movements for protection with organisations and networks at both a national and international level.

The work of protection is concentrated in three axes: training; prevention and reaction; and lobbying and visibilisation.

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