

# VICTIMS ISSUES

## A MONTHLY REVIEW

SEPTEMBER 2014

## 1. BACKGROUND

On June 10, 2011, President Santos signed into effect the Victims and Land Restitution Law (Law 1448). Over the next 10 years, the Law will provide five reparation measures to victims of the internal conflict: (1) land restitution, (2) financial reparation, (3) rehabilitation, (4) satisfaction and (5) guarantees of non-repetition. Three public institutions were created by the Law: (1) the Victims Unit, to provide services and reparations and coordinate the National Victims Assistance and Reparation System (SNARIV), (2) the National Center for Historical Memory (CNMH), to collect and develop historical memory of the conflict, and (3) the Land Restitution Unit, to implement the restitution component. As of August 31 2014, 6,864,934 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (85.9%)

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## 2. KEY DEVELOPMENTS

### REPORT MONITORING VICTIMS LAW: LACK OF COMMITMENT BY LOCAL AUTHORITIES

The annual report monitoring the implementation of the Victims Law, released in August finds “there are still coordination problems between the central and local levels in the majority of municipalities,” particularly in terms of victims’ access to information and guarantees of non-repetition.<sup>(1)</sup> The report highlights that in the last three years advances have been made to provide attention to victims, but have not been sufficient. Minister of the Interior, Juan Fernando Cristo, called for mayors and governors to more efficiently implement the Law, commenting that many governors and mayors have not adequately comply with the Law’s mandates, stressing that “victims’ reparation cannot be excessively centralized or bureaucratized in Bogotá.”<sup>(2)</sup>

### SECOND DELEGATION OF VICTIMS TRAVEL TO HAVANA

On September 9, the second delegation of 12 victims traveled to Havana to meet with GoC and FARC negotiators. The diverse group included victims of different actors and victimizing acts, including victims of landmines and members of trade unions, as well as from different social sectors, populations, ethnic groups and regions of the country. More than half of all departments in Colombia have been represented by the first two groups.<sup>(3)</sup> The 12 victims called for an urgent bilateral ceasefire between the GoC and FARC during the continuation of negotiations, “with the objective of preventing the further victimization of the Colombian people.”<sup>(4)</sup> The third group will travel to Cuba on October 1.

**The GoC and FARC delegations set up a sub-commission to guarantee the inclusion of a gender-based approach in negotiations and “make recommendations to negotiators for an adequate approach based on gender, particularly related to women and the LGBT community.”<sup>(5)</sup>**

### IS THERE ENOUGH MONEY FOR THE VICTIMS LAW?

Before the Victims Law’s Monitoring Commission, Director of the Victims Unit Paula Gaviria confessed that there is a budget deficit to repair all victims of the armed conflict, and additional “needs to expand resources” have presented themselves.<sup>(6)</sup>

The Victims Reparation Fund to date has only received goods valuing approximately USD 52 million, which if it were to be distributed between the 6.8 million currently registered victims, each would only receive roughly 7 dollars.<sup>(7)</sup> In ten years, the Fund has received approximately USD 106 million total.

**Politicians with ties to paramilitary groups are reportedly not complying with victims’ reparation, and owe USD millions that have not been paid.**

**Perpetrators of victimizing acts owe roughly USD 640 million.<sup>(8)</sup>**

1. “No hay garantías de no repetición para las víctimas: Procuaduría”: Inspector General’s Office”, *El Tiempo*, August 21, 2014, <http://bit.ly/1vVFiPX>.

2. “MinInterior pide a alcaldes y gobernadores celeridad en implementado de Ley de Víctimas”, *Radio Santa Fe*, <http://bit.ly/1EuMGrK>.

3. “Segunda delegación de víctimas viaja a La Habana”, *UNPD*, September 9, 2014, <http://bit.ly/1xps3IF>.

4. “Colombian war victims urge ceasefire during peace talks”, *Reuters*, September 10 2014, <http://reut.rs/1tBjvdL>.

5. “Las mujeres y la comunidad LGTB cobran relevancia en proceso paz”, *El Espectador*, September 11, 2014, <http://bit.ly/X2d3U6>.

6. “Gobierno reconoce que hay déficit en presupuesto para la ley de víctimas”, *BluRadio*, September 3, 2014, <http://bit.ly/1xbpH3y>.

7. “Poco dinero para reparar a las víctimas del conflicto”, *ADN*, October 1, 2014, p. 8

8. “Exgobernador Aguilar tardaría mil años en pagar multa por parapolítica”, *El Tiempo*, October 1, 2014, <http://bit.ly/1sdM4Ti>.

### 3. PROGRESS REPORT\*

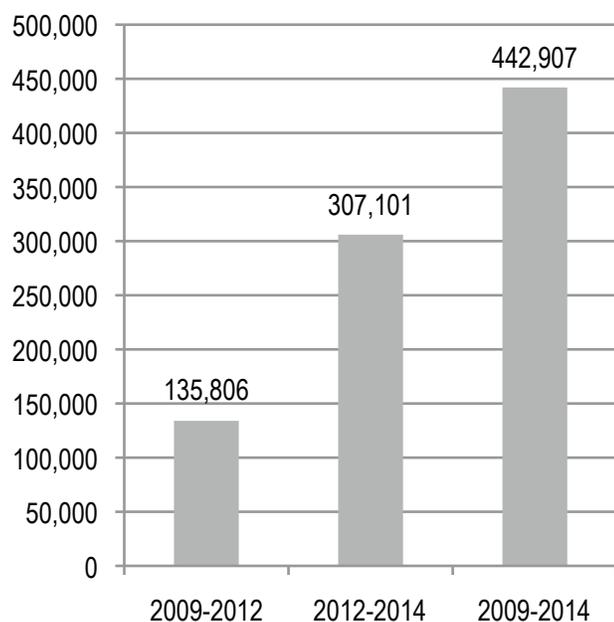
REGISTERED INDIVIDUALS: 6,864,934 (14.4% of total population)<sup>(9)</sup>

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION		VICTIMS BY AGE GROUP		TOP FIVE VICTIMS LOCATIONS <sup>(10)</sup>		TOP VICTIMIZING ACTS: 7,958,625 <sup>(11)</sup>	
	%		%		%		%
Male	49.6	0-17	31.1	1. Antioquia	19.5	1. Displacement	80.0
Female	49.5	18-26	17.0	2. Bolívar	7.3	2. Homicide/Massacre	12.3
Undefined	0.8	27-60	34.4	3. Magdalena	5.9	3. Threats	2.4
LGBTI	.01	61-100	7.0	4. Nariño	5.1	4. Disappearance	1.9
		Without info	10.5	5. Cesar / Valle del Cauca	4.9	5. Loss of property	1.1

#### FINANCIAL COMPENSATIONS BY VICTIMIZING ACT 2009-2014 <sup>(12)</sup>

VICTIMIZING ACT	CASH TRANSFERS
Homicide	326,919
Disappearance	58,916
Displacement	39,085
Kidnap	9,423
Gender based crimes	2,833
Personal and psychological damages (producing disability)	2,966
Child recruitment	2,542
Torture	217
Other acts under Justice and Peace	6
<b>Total</b>	<b>442,907</b>

#### FINANCIAL COMPENSATIONS BY PERIOD



#### FINANCIAL REPARATIONS: INVESTMENT <sup>(13)</sup>

VICTIMIZING ACT	USD
Homicide	1,037,271,351
Disappearance	187,174,149
Kidnap	113,295,962
Displacement	84,977,921
Gender based crimes	27,214,858
Personal and psychological damages	25,840,815
Child recruitment	22,281,531
Torture	2,042,893
Justice and Peace Law	61,137
<b>Total</b>	<b>1,500,160,618</b>

69.14% of investment concentrated on repairing victims of homicide

\*Source: Victims Unit, August 31, 2014; Victims Registry information obtained from the Victims Unit's National Information Network, August 31, 2014, <http://mi.unidadvictimas.gov.co>

9. Official estimate of victims in the country. Population: 47,661,787.

10. Based on registry location.

11. Based on the registry of victimizing acts.; homicide and disappearance include indirect victims.

12. Number of reparation transfers sent 2009-August 2014.

13. August exchange rate: 1 USD = 1866 COP

## 4. PEACE PROCESS

### FARC PRESENTS TEN PROPOSALS ON VICTIMS' REPARATION

On September 9, FARC presented ten guiding proposals to discuss the victims' reparations point in the peace agenda. The ten points include: (1) Full recognition and effective materialization of victim's rights, with particular attention to women's rights; (2) Clarification of the historical truth of the conflict and its impact on the population; (3) Recognition of victims of the conflict starting in the 1930s defined by International Law and specific treatment for combatant and noncombatant victims; (4) Special recognition of collective victims; political and social organizations, trade unions, peasant, afro-descendant and indigenous communities; (5) Establishing the responsibility in the conflict of the state, guerrilla groups, government-aligned paramilitary groups, political parties, businesses from both Colombia and the United States and intelligence agencies; (6) Full compensation for victims and creation of a Special Fund for Comprehensive Compensation, funded with 3% of Colombia's Gross Domestic Product (GDP); (7) Direct participation of victims and organizations in victims' policy design; (8) Definition of legal mechanisms and tools to ensure victims' rights; (9) Provision of real and material guarantees of non-repetition; and, (10) Political and social pardon to construct the bases for a process of national reconciliation.<sup>(14)</sup> The complete text of the proposals is available online: <http://goo.gl/r1EhME>

### PEACE PROCESS AGREEMENTS MADE PUBLIC

The texts of the three agreements reached so far between FARC and the GoC were made public, as a strategy to avoid disinformation, false rumors and myths about the agreements on political participation, rural development and illegal drugs. The agreements were kept confidential and their publication seeks to show "the peace process is solid and registers concrete advances", as expressed by President Santos on Twitter.<sup>(15)</sup> The texts are available online: <https://www.mesadeconversaciones.com.co/documentos-y-comunicados>

### #SOYCAPAZ: PRIVATE SECTOR'S CAMPAIGN FOR PEACE

Colombian private sector launched the communication strategy "For peace, I am capable" to sensitize civil society on the importance of peace building and the involvement of everyone in it. An innovative feature of the campaign is that companies are selling their traditional products with white labels and packaging, as a symbol and call for peace. Over 120 private companies, including media outlets, multinationals, phone companies and banks participate in the campaign. The campaign's website is available at: <http://www.soycapaz.org/>

## 5. IN THE SPOTLIGHT

### VII MEMORY WEEK

In October, the Historical National Memory Center will host the VII Memory Week in Bogotá, Medellín, Cali and Cartagena. Main events include the international seminar on memory museum and spaces (October 14-16), exhibits, the theater play "We are all memory" and the award ceremony of the second call for artistic and cultural memory proposals. The agenda is available online: <http://bit.do/S3Eh>

### MAYORS' SUMMIT ON VICTIMS

On October 17, Medellín will host a summit with mayors from around the country to discuss and assess the model for victims' attention and reparation, and identify difficulties coordinating between the national and central level. "We will work on the possibility of decentralizing the model for victims' attention in the country, starting with Medellín", stated Minister of Interior Juan Fernando Cristo.<sup>(16)</sup>

## 6. A VIEW FROM THE FIELD

### THREATS AGAINST JOURNALISTS AND HUMAN RIGHT DEFENDERS

In a letter signed by the "Rastrojos", a paramilitary successor group, various NGOs and opinion leaders were threatened for their alleged guerrilla sympathies. The Peace and Reconciliation Foundation, the Consultation for Human Rights and Forced Displacement (CODHES), the General Confederation of Labor (CGT), members of Nuevo Arco Iris and REDEPAZ, an organization currently advancing in its collective reparation process, are among the threatened organizations.<sup>(17)</sup>

Journalists from Cali and Buenaventura also received death threats from the group "Los Urabeños", who accused them of providing false information on the capture of alias La Chili in Chile, suspected member of the group who has been linked to torture houses in Buenaventura. According to the Freedom for Press Foundation (FLIP), 52 journalists have received threats in 2014.<sup>(18)</sup>

14 "The FARC's 10 proposals on victim reparation", Colombia Reports, October 1, 2014, <http://bit.ly/1vVG4ML>.

15. "Gobierno y FARC publican avances del proceso de paz", Semana, September 24, 2014, <http://bit.ly/1y6ZD9w>.

16. "Medellín organizará cumbre de alcaldes para hablar sobre víctimas", El Colombiano, September 12, 2014, <http://bit.do/S3EL>.

17. "Colombia's paramilitary successors continue to threaten human rights defenders", Reuters, September 24, 2014, <http://bit.do/S3AD>.

18. "Los Urabeños' amenazan de muerte a ocho periodistas de Cali y Buenaventura", El País, September 28, 2014, <http://bit.do/S3Ar>; "FLIP denuncia amenazas contra 52 periodistas en lo corrido del año", RCN Radio, September 29, 2014, <http://bit.do/S3As>

## 10% OF MUNICIPALITIES UNDER HUMAN RIGHTS VIOLATION RISKS

The Ombudsperson's Office warned that in 10% of municipalities in Colombia there is still risk of human rights violations, despite the paramilitary demobilization and current peace talks with guerrilla groups. Main risks come from FARC and the different armed groups established after the paramilitary demobilization. According to the statement released, ethnic communities are the most affected by the conflict.<sup>(19)</sup>

## 7. DIVERSITY MAINSTREAMING

### APPROXIMATELY 6,000 VICTIMS OF SEXUAL VIOLENCE IN THE ARMED CONFLICT

The Victims Unit reports roughly 6,000 victims of sexual violence in the context of the conflict, 86% female and 11% male, the latter representing a highly invisible and often taboo face of sexual violence. 11.5% of victims of sexual violence identify as belonging to an ethnic group, and one in ten have a disability. The Victims Unit reports that all of the identified victims have begun their reparation process and receive psychosocial support.<sup>(21)</sup>

### HISTORICAL RULING RETURNS LAND TO EMBERA KATÍO INDIGENOUS COMMUNITY

In a landmark decision, Medellín's Supreme Court ordered the restitution of 50,000 hectares of land to more than 7,000 people and 1,400 families of the Embera Katío indigenous community in Chocó, who were displaced by illegal armed groups and illegal and legal mining. Director of the Land Restitution Unit, Ricardo Sabogal, stated "this is a ruling without precedent in the history of the country, because these communities have been victimized for many years and unfortunately have not had a mechanism to protect their land."<sup>(22)</sup>

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### REGIONAL PRESENTATIONS OF THE 2012 VICTIMIZATION RISK INDEX (IRV)

In September, the Victims Unit held regional presentations of the Victimization Risk Index (IRV), a tool to identify municipal conditions that can result in Human Rights and International Human Rights Law violations. Presentations of the IRV seek to reduce the risk of victimizing acts in the regions and promote the design and implementation of preventive actions. The IRV is available online: <http://irv.unidadvictimas.gov.co/>. USAID and IOM supported the IRV.

#### National Center for Historical Memory (CNMH)

##### "BASTA YA!" ACADEMIC COURSE BEGINS

On August 23, the university course based on the CNMH report "Basta Ya! Colombia: memories of war and dignity" began at the Universidad Nacional in Bogotá. Students from multiple universities around the country will participate in the 14 session course, which is led by experts who completed the research for the report. Eventually the CNMH hopes to replicate the course in other universities through the country.

## 9. FURTHER READING

### ECONOMIC COSTS OF THE CONFLICT

This study published by the Universidad de los Andes describes the economic and non-economic costs of the conflict, quantifying effects on Colombia's economy, and provides ideas for eventual post-conflict scenarios.<sup>(23)</sup>

### PSYCHOLOGICAL DAMAGES OF VIOLENCE AND THE PERSISTENCE OF POVERTY

A research article finding that victims of displacement are more likely to be risk averse and pessimistic about the possibility of social mobility, highlighting circumstances resulting from displacement that can induce victims to make decisions which could obstruct their socioeconomic recovery.<sup>(24)</sup>

### WARS RECYCLED, BY MARÍA TERESA RONDEROS

A journalistic history of paramilitarism in Colombia that responds to how these groups began, international and national influence, and the legitimization of this phenomenon for more than three decades.<sup>(25)</sup>

Two indigenous leaders were murdered in Alto Baudó (Chocó), presumably by ELN. According to the Ombudsperson's Office, over 3,000 individuals have been forced to displace from this region due to confrontations between ELN and Los Urabeños.<sup>(20)</sup>

19. "Persiste el riesgo de violaciones de DDHH por cuenta del conflicto en el 10% de los municipios del país", *Defensoría del Pueblo*, September 9, 2014, <http://bit.do/S3CD>

20. "Chocó: culpan a ELN del asesinato de dos líderes indígenas", *Semana*, September 15, 2014, <http://bit.do/S3Do>

21. "Cerca de 6.000 personas víctimas de violencia sexual en el conflicto", *Caracol Radio*, September 7, 2014, <http://bit.ly/1pQSZvV>.

22. "Histórico fallo devolvió tierras a los Embera Katío", *Eje 21*, September 28, 2014, <http://bit.ly/1t2YkqR>.

23. "Costos económicos y sociales del conflicto en Colombia ¿Cómo construir un posconflicto sostenible?", *Universidad de Los Andes, Facultad de Economía*, 2014, <http://bit.ly/1vOtwXM>.

24. "Las heridas psicológicas de la violencia y la persistencia de la pobreza", *La Silla Vacía*, September 29 2014, <http://bit.ly/1sfGBdJ>.

25. "Lanzan en Bogotá libro Guerras Recicladadas de María Teresa Ronderos", *Verdad Abierta*, September 28, 2014, <http://bit.ly/1teQch7>.