

# VICTIMS ISSUES

## A MONTHLY REVIEW

FEBRUARY 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 January 2014, 6,073,453 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (88%).

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## 2. KEY DEVELOPMENTS

### AFTER 8 YEAR SENTENCES, 400 DEMOBILIZED PARAMILITARIES WILL LEAVE JAIL

Starting in March, the first beneficiaries of the Justice and Peace Law will begin to walk free from jail after serving their prison sentences.<sup>(1)</sup> Set up in 2005, the Law created a legal framework to facilitate the demobilization of paramilitary groups in Colombia, giving prison sentences of 5-8 years to paramilitary members who confessed to their crimes. The Law's implementation has both defenders and critics, since it was the first transitional justice mechanism in Colombia, introducing alternative sentences and promoting justice, reparation and truth measures. To expedite judiciary processes, the Attorney's General Office prioritized 16 macro cases and announced that paramilitaries will only leave jail after telling the truth about their acts and repairing victims.

According to the Attorney's General Office, 442 demobilized paramilitaries will leave jail from July to December 2014; 16 of whom are former leaders.<sup>(2)</sup> Registered victims of demobilized paramilitaries amount to 426,856 (72% male, 22% female and 5% children).

**“[The Justice and Peace Law] has been a judiciary aid to clarify the paramilitary structure, recover over 5,000 bodies, identify remains and obtain useful information regarding the links between politicians and paramilitaries (“parapolítica”),” stated UN Deputy Representative Juan Carlos Monge.**<sup>(3)</sup>

**Minister of Justice Alfonso Gómez Méndez admitted that paramilitary demobilization is “no model to repeat” and that although “many graves were identified and versions were given, all has been half-truths.”**<sup>(4)</sup>

### DISPLACED: TOP VICTIMS IN COLOMBIA

According to the Victims Unit's January 2014 estimates, of the 6,073,453 registered victims in the country, 88% are victims of internal displacement.<sup>(5)</sup> The 5.3 million displaced individuals correspond to 11% of the country's total population. According to the Ombudsperson's Office, between 1997 to 2003, 385,414 individuals were displaced every year. Ombudsman Jorge Armando Otálora called for the “need for institutional coordination to secure humanitarian aid for the comprehensive reparation and property rights restitution of indigenous and afro descendant communities, which are among those most affected by the internal armed conflict.”<sup>(6)</sup>

1. “Colombia’s justice minister admits AUC demobilization ‘no model to repeat’”, *Colombia Reports*, February 11, 2014, <http://colombiareports.co/colombias-justice-minister-questions-peace-justice-law/>

2. “Over 420,000 victims of paramilitaries”, *Caracol Radio*, February 3, 2014, <http://www.caracol.com.co/noticias/actualidad/mas-de-420000-son-las-victimas-de-las-autodefensas/20140203/nota/2069597.aspx>

3. “Justice and Peace Law analysis”, *Semana*, March 4, 2014, <http://www.semana.com/nacion/articulo/justicia-paz-balance-de-ocho-anos/379367-3>

4. “GoC recognizes that dangerous paramilitaries will be free”, *W Radio*, February 11, 2014, <http://www.wradio.com.co/noticias/judicial/gobierno-reconoce-que-peligrosos-paramilitares-que-daran-en-libertad/20140211/nota/2077055.aspx>

5. *Red Nacional de Información* (National Information Network), *Victims Unit*, January 21, 2014, <http://mi.unidadvictimas.gov.co/?q=v-reportes>

6. “Displaced, main victims of the conflict”, *El Espectador*, January 31, 2014, <http://www.elespectador.com/noticias/nacional/desplazados-son-mayores-victimas-del-conflicto-armado-articulo-472117>

## LAND RESTITUTION IS ESSENTIAL FOR AN ENDURING PEACE: JOHN KERRY

Several governments are currently supporting the implementation of the Victims and Land Restitution Law. During the fourth round of the High-Level Partnership Dialogue between the United States and Colombia, Secretary of State John Kerry announced a “four-year, \$15 million investment to some of the regions that are hardest hit by conflict in order to improve access to justice and to support local governments as they combat corruption and human rights violations.” Mr Kerry also announced an “additional \$7 million in support to help implement Colombia’s landmark Victims Law, because we believe that addressing difficult issues like land restitution is absolutely essential for an enduring peace to be able to take hold.”<sup>(7)</sup>

In addition to U.S. support, the Swedish government announced a \$6.3 million dollar contribution to support the land restitution process 12 departments. Over 1,300 families, as well as 700 hundred indigenous and afro-descendant families will benefit from this funding, implemented in alliance with Food and Agriculture Organization (FAO).<sup>(8)</sup>

## 3. PEACE PROCESS

### NEW MEMBER JOINS TALKS AND FARC CALLS FOR U.S. PRESENCE IN PEACE DIALOGUES

During the round of peace talks focusing on illegal drugs, FARC commander Fabian Ramirez, along with two other leaders, joined the Havana roundtable. Ramirez, leader of FARC’s Southern block, proposed illegal crop substitution pilot projects during previous peace negotiations. His involvement incorporates the main block associated with illegal drug production and trafficking, and ends rumors of possible fractures inside FARC. At the same time, FARC asked for the United States to join its peace talks with the Colombian government, due to U.S. interest in the illegal drug agreements.<sup>(9)</sup>

“If the government in Bogota is so interested in getting the blessing of the United States, FARC insists that the participation of a representative from that country be made possible in the talks,” stated Iván Márquez, the head of FARC’s negotiating team, while criticizing Minister of Defense Juan Carlos Pinzón’s recent visit to the U.S.

## 4. IN THE SPOTLIGHT

### MARCH 9: PARLIAMENTARY ELECTIONS

On March 9, parliamentary elections will be held to elect members to both chambers of Congress. Victims from different sectors and origins are running as candidates, representing a wide range of political parties and victimizing acts. However, a report by the Fundación Paz y Reconciliación concluded that 131 candidates are associated with political structures which have ties to paramilitarism (“parapolítica”).<sup>(10)</sup> The new Congress will be responsible for discussing the possible peace agreements between the GoC and FARC, and creating the legal framework to allow the civil reintegration of ex-combatants.

FARC rejected the proposal to declare a unilateral ceasefire for the legislative elections.

According to a report produced by the Ombudsperson’s Office, 221 municipalities present security concerns for elections (20% of total municipalities in the country).<sup>(11)</sup>

## 5. A VIEW FROM THE FIELD

### “RECONCILIACIÓN COLOMBIA”

Over 30 organizations, including public and private institutions, social organizations, mass media and international cooperation agencies, launched “Reconciliación Colombia,” an initiative aimed at creating regional dialogues on best practices and lessons learned in reconciliation. Regional meetings are held with the participation of the private sector, local and regional governments, civil society organizations, victims and ex-combatants, who exchange experiences and proposals regarding the reconciliation process.<sup>(12)</sup> USAID and IOM support “Reconciliación Colombia.”

Two out of four regional meetings have been held in Medellín and Cali; the next meetings will be held in Barranquilla (March 9) and Bucaramanga (April 23). A national meeting will be held in Bogotá on May 15.

7. “Kerry Speech with Colombian Foreign Minister”, *Scoop*, February 28, 2014, <http://www.scoop.co.nz/stories/WO1403/S00014/kerry-speech-with-columbian-foreign-minister.htm>; “Fourth Round of the U.S.-Colombia High-Level Partnership Dialogue”, *US Department of State*, February 28, 2014, <http://www.state.gov/r/pa/prs/ps/2014/02/222777.htm>

8. “Swedish government will support land restitution program”, *Caracol Radio*, February 4, 2014, <http://www.caracol.com.co/noticias/actualidad/gobierno-de-suecia-reforzara-programa-de-restitucion-de-tierras-en-colombia/20140204/nota/2071367.aspx>

9. “Peace in Washington orbit”, *El Espectador*, March 1, 2014, <http://www.elespectador.com/noticias/politica/paz-orbita-de-washington-articulo-478115>

10. “Mafias in Politics”, *El Espectador*, March 7, 2014, <http://www.elespectador.com/noticias/politica/mafias-politica-articulo-479171>

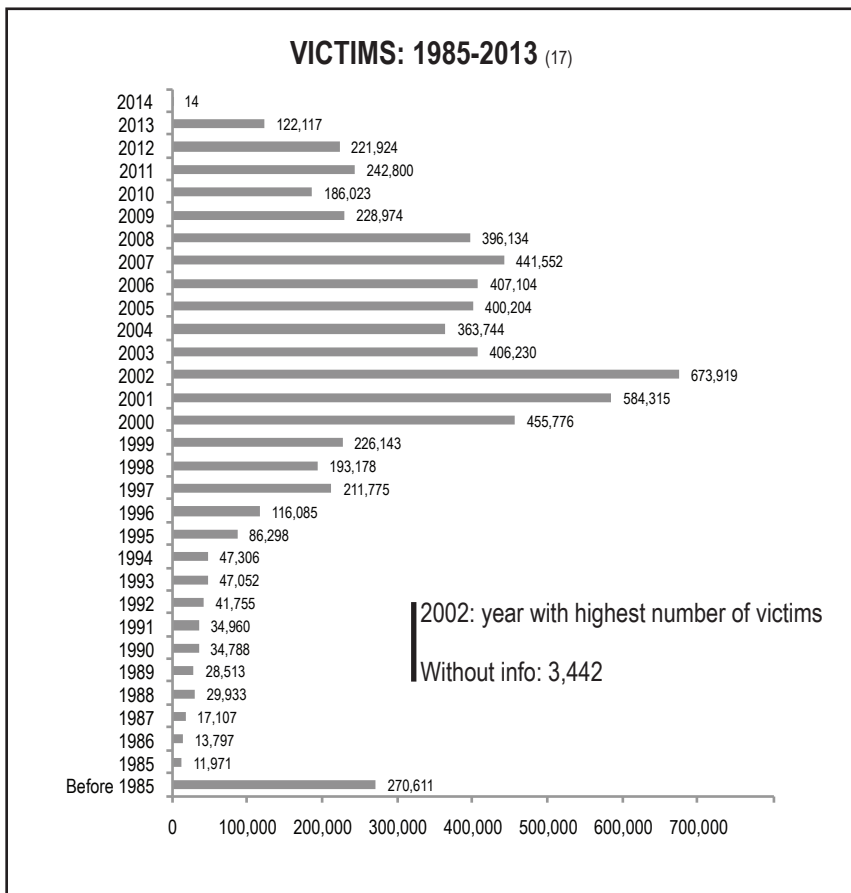
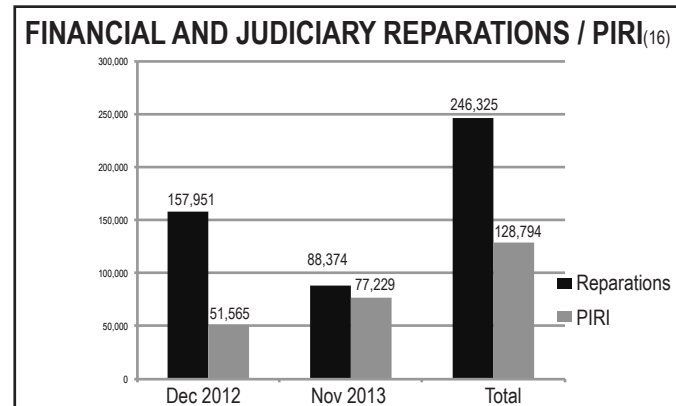
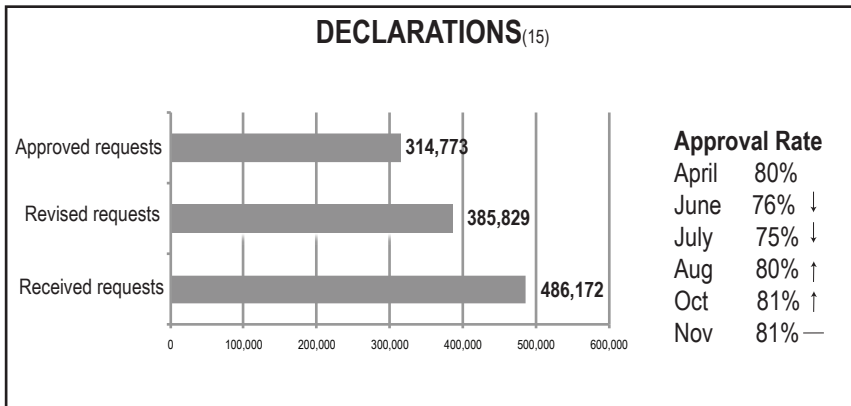
11. “Elections at risk in 221 municipalities”, *El Espectador*, March 3, 2014, <http://www.elespectador.com/noticias/politica/advierten-riesgo-electoral-orden-publico-221-municipios-articulo-478414>

12. “Can Colombia reconcile?”, *Semana*, February 8, 2014, <http://www.semana.com/nacion/articulo/una-apuesta-la-reconciliacion-en-colombia/376493-3>; “Reconciliation to live together”, *Semana*, February 15, 2014, <http://www.semana.com/nacion/articulo/reconciliacion-colombia-una-iniciativa-para-vivir-juntos/377338-3>

# 6. PROGRESS REPORT\*

REGISTERED INDIVIDUALS: 6,073,453 (12.8% of total population)<sup>(13)</sup>

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION		VICTIMS BY AGE GROUP		TOP FIVE VICTIMS LOCATIONS <sup>(14)</sup>		DISABILITIES	
	%		%		%		%
Male	49.7	0-17	32.4	1. Antioquia	19.6	Without disability	98
Female	49.5	18-26	17.2	2. Bolívar	7.7	With disability	2
Undefined	0.7	27-60	33.5	3. Magdalena	6.1	122,987 registered victims with identified disability	
LGBTI	.009	61-100	6.5	4. Nariño	5.3		
		Without info	10.4	5. Choco/Cesar	5.0		



### VICTIMIZING ACTS: 6,881,655<sup>(18)</sup>

Victimizing acts	#	%
Displacement	5,769,404	83.8
Homicide	668,373	9.7
Threats	135,675	2.0
Force disappearance	96,609	1.4
Loss of property	80,863	1.2
Terrorist acts	57,505	0.8
Kidnap	31,352	0.5
Landmines	10,982	0.2
Child recruitment	7,401	0.1
Seized lands	7,329	0.1
Torture	6,595	0.1
Gender based crimes	4,016	0.1
Without info	5,551	0.1
<b>Total</b>	<b>6,881,655</b>	

### REGIONAL PRESENCE<sup>(19)</sup>

Regional Attention Centers	
Operating	3 (Valledupar, Medellín, Bogotá)
Under construction	7
Contract phase	11
Design phase	13
Planned	7
<b>Total</b>	<b>41</b>
<b>Assistance points</b>	<b>99</b>

\*Source: Victims Unit, November 30, 2013; Victims Registry information obtained from the Victims Unit's National Information Network, January 21, 2014, <http://mi.unidadvictimas.gov.co>  
 13. Official estimate of victims in the country.  
 14. Based on registry location.  
 15. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, Nov 2013.

16. Number of reparation transfers sent during November 2013; PIRI: Individual Reparation Plan.  
 17. Number of victims affected per year.  
 18. Based on registry of victimizing acts.  
 19. Victims Unit's service provision coverage. Victims Units Regional Centers Office, February, 2014.

## 7. DIVERSITY MAINSTREAMING

### BACRIM, TOP CHILD RECRUITERS: OMBUDSPERSON'S OFFICE

According to the Ombudsperson's Office, BACRIM (illegal armed groups that emerged after paramilitary demobilization) are the main recruiters of child soldiers. However, FARC and ELN still persist in this practice, warned the Ombudsperson's Office. Based on the Victims Unit's registry, 6,920 minors were recruited by illegal armed groups and 32% of registered victims are minors (1,967,900). Recruitment risks are present in 153 municipalities in 28 departments, with higher risks in Antioquia, Chocó, Nariño, Cauca, Valle del Cauca and La Guajira. According to the Colombian Family Welfare Institute (ICBF), 5,417 disengaged children and adolescents received attention services between November 1999 and December 2013.<sup>(21)</sup>

From February 12 to 16, in the context of the International Day against the Use of Child Soldiers, around 46,500 Colombians took to the streets and raised their voices on social networks to demonstrate against the recruitment of children, adolescents and youth by illegal armed groups.

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### ADVANCING IN COLLECTIVE REPARATION PROCESSES

In February, the Victims Unit advanced in several collective reparation processes around the country. (1) The damage diagnosis was presented in the community of La Pita (Repelón), the first collective reparation process initiated in Atlántico. The 32 families currently living in La Pita were displaced and members of the community were murdered in December 2000 and after their return in 2003. (2) The collective reparation process with journalists established the committee to promote reparation measures for journalists. During the work session, the Victims Unit made public the inclusion of the committee's members in the Single Victims Registry. (3) 18 years after the crimes committed against the communities of Mapiripán and Puerto Alvira (Meta), both communities agreed to start their collective reparation process.

### National Center for Historical Memory (CNMH)

#### NATIONAL HISTORICAL MEMORY MUSEUM: 2014 PRIORITY

The Museum Office, with the assessment of an interdisciplinary team of artists, historians, architects, journalists, designers and social scientists, is advancing in the design and setup of the National Historical Memory Museum.<sup>(22)</sup> The Museum, which will be located in Bogotá, is CNMH's 2014 priority. Future steps include the launch of the Museum Office web section on the CNMH website and the celebration of the Historical Memory Week in October focusing on the Museum.

## 9. FURTHER READING

### CAN VIOLENCE AND PSYCHOLOGICAL DISORDERS DRIVE VICTIMS OF FORCED DISPLACEMENT INTO CHRONIC POVERTY?

Shocks and traumatic experiences can alter individual behavior and deplete the ability to make economic decisions. This article analyzes how intense episodes of violence induce different patterns of behavior under risk and uncertainty, and provides evidence of a different channel through which victims of civil conflicts can be driven into poverty.<sup>(23)</sup>

### VICTIMS AND ELECTIONS

*Semana Magazine* and the independent political website *La Silla Vacía* produced two articles depicting candidates representing victims' issues in March's legislative elections.<sup>(24)</sup>

### SENATE'S PEACE CAMPAIGN: #MerecemoslaPaz

The Colombian Senate launched a campaign supporting peace negotiations in Havana and victims issues to be discussed in the next round of talks. The campaign will conclude with the international seminar "Victims for Peace," to be held on April 9 with 400 victims leaders in attendance. The campaign's website is available at <http://50.62.143.89/victimias>.<sup>(25)</sup>

21. "BACRIM, main recruiters of minors", *Semana*, February 13, 2014, <http://www.semana.com/nacion/articulo/bacrim-son-las-que-mas-reclutan-menores/377080-3>;

22. "The Museum", *CNMH*, February 25, 2014, <http://www.centrodememoriahistorica.gov.co/index.php/noticias/noticias-cmh/2938-las-apuestas-del-museo>

23. Andrés Moya, "Can violence and psychological disorders drive the victims of forced displacement into chronic poverty?", *Universidad de los Andes*, February, 2014, [http://economia.uniandes.edu.co/investigaciones\\_y\\_publicaciones/CEDE/Publicaciones/documentos\\_cede/2014/Pueden\\_la\\_violencia\\_y\\_los\\_trastornos\\_mentales\\_condenar\\_a\\_la\\_poblacion\\_desplazada\\_a\\_una\\_situacion\\_de\\_pobreza\\_cronica](http://economia.uniandes.edu.co/investigaciones_y_publicaciones/CEDE/Publicaciones/documentos_cede/2014/Pueden_la_violencia_y_los_trastornos_mentales_condenar_a_la_poblacion_desplazada_a_una_situacion_de_pobreza_cronica)

24. "Candidates and tragedies", *Semana*, February, 2014, <http://www.semana.com/nacion/elecciones-2014/multimedia/candidatos-tragedias/376438-3>; "Victims voices in the new Congress", *La Silla Vacía*, February 18, 2014, <http://lasillavacia.com/historia/las-vozes-de-las-victimas-en-el-congreso-46672>

25. "Senate launched the campaign #MerecemoslaPaz", *Senate*, February, 2014, <http://www.senado.gov.co/sala-de-prensa/noticias/item/19253-senado-lanzo-campana-merecemoslapaz>