

# VICTIMS ISSUES

## A MONTHLY REVIEW

DECEMBER 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 November 2014, 7,028,776 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (86%).\*

### CONTENT

1. Background	1
2. Key developments	1
3. Peace process	2
4. A view from the field	2
5. In the spotlight	2
6. Progress report	3
7. Diversity Mainstreaming	4
8. Institutional advances	4
9. Further reading	4

## 2. KEY DEVELOPMENTS

### FARC-EP DECLARES INDEFINITE CEASEFIRE

On December 20, the guerrilla group announced an indefinite, unilateral ceasefire to bolster peace talks in Havana, stating that it would only end if they were attacked. While FARC-EP has declared ceasefires in the past, they have always been temporary. At the end of 2014, the ceasefire remained intact. Two weeks in the unilateral ceasefire remained intact and President Santos openly recognized the group's compliance. He affirmed that 2014 closed with significant advances towards peace, stating that "negotiators will return [to Havana] with one mandate: accelerate the peace process." Political analysts have posited that de-escalation of conflict and Santos' statements may conditioning an eventual bilateral ceasefire. The GoC has officially stated that a bilateral ceasefire will only be discussed when the appropriate moment arrives.

**President Santos recently sanctioned a referendum for peace law that will give Colombians the opportunity to opine on peace agreements from Havana once they are reached during elections, stressing the importance of citizens' participation and inclusion in the process.** (5)

### WORLD BANK ESTABLISHES POST-CONFLICT FUND

A multi-donor fund for the post-conflict in Colombia was recently created by the World Bank. In a press release, the Bank stated that the peace process between the GoC and the FARC-EP is an opportunity "to transform institutions to transition towards peace and sustainable development," and that the fund will create a platform to support and coordinate activities.(6) In its first meeting, the fund's directive committee agreed that the first project supported aims to strengthen the Victims Unit's ability to carry out collective reparations processes. The fund is another example of the international community's support for the peace process.(7)

### INTER-AMERICAN HUMAN RIGHTS COURT CONDEMNS STATE FOR PALACE OF JUSTICE VIOLATIONS

On December 10, the Inter-American Human Rights Court declared that the Colombian government is responsible in the emblematic Palace of Justice case for forced disappearances, torture and at least one extrajudicial killing of civilians committed whilst retaking the building from M-19 guerrillas on November 6, 1985. According to the court's 212-page report, disappeared persons...

\* Most recent data published by the Victims Unit's National Information Network (RNI) is from November 1, 2014. (<http://rni.unidadvictimas.gov.co/?q=v-reportes>).

1. "Colombia Farc ceasefire starts after deadly attack," BBC, December 20, 2014, [www.bbc.com/news/world-latin-america-30558863](http://www.bbc.com/news/world-latin-america-30558863).

2. "Farc celebra que Santos reconozca su cumplimiento de cese al fuego," El Espectador, January 7, 2015, [www.elespectador.com/noticias/paz/farc-celebra-santos-reconozca-su-cumplimiento-de-cese-a-articulo-536565](http://www.elespectador.com/noticias/paz/farc-celebra-santos-reconozca-su-cumplimiento-de-cese-a-articulo-536565).

3. "Negociadores regresan con un único mandato: acelerar el proceso de paz": Santos," El Espectador, January 5, 2015, [www.elespectador.com/noticias/paz/negociadores-regresan-un-unico-mandato-acelerar-el-proc-articulo-536297](http://www.elespectador.com/noticias/paz/negociadores-regresan-un-unico-mandato-acelerar-el-proc-articulo-536297).

4. "Santos desmintió un supuesto cese al fuego bilateral con las Farc," El Espectador, January 6, 2015, [www.elespectador.com/noticias/politica/santos-desmintio-un-supuesto-cese-al-fuego-bilateral-fa-articulo-536429](http://www.elespectador.com/noticias/politica/santos-desmintio-un-supuesto-cese-al-fuego-bilateral-fa-articulo-536429).

5. "Las FARC ratifican cese al fuego indefinido," Semana, December 19, 2014, [www.semana.com/nacion/articulo/farc-ratifica-cese-al-fuego-indefinido/412710-3](http://www.semana.com/nacion/articulo/farc-ratifica-cese-al-fuego-indefinido/412710-3).

6. "Comunicado de Prensa: El Banco Mundial le apuesta a las reparaciones colectivas en Colombia," El Banco Mundial, December 10, 2014.

...were separated from other hostages leaving the Palace alive and taken to military compounds, where they were subsequently tortured and/or killed. (8)

### 3. PEACE PROCESS

#### FIFTH AND FINAL GROUP OF VICTIMS TRAVELS TO HAVANA

On December 15th, the final delegation of 12 victims participating at the negotiating table traveled to Havana, completing the total group of 60 victims chosen to represent Colombia's 7 million plus victims of the armed conflict. Included in this group were the current mayor of Florencia, Caquetá and ex-Senator Piedad Córdoba, victim of kidnapping the by paramilitaries, whose presence sparked some controversy, particularly among conservative actors. A group of female representatives of social organizations also traveled to Havana to participate in the first hearing of the gender sub-commission (see Section 7: Diversity Mainstreaming).<sup>(9)</sup> The conclusion of the victim' participation portion marked an important point in the peace process. For a detailed breakdown of the five victims' delegations, see Section 6: Progress Report.

**FARC-EP asked for forgiveness for the massacre committed in Bojayá, Chocó on May 2, 2002, in which civilians were caught in a church between guerilla and paramilitary crossfire, resulting in 79 deaths (including 47 children).**<sup>(10)</sup>

#### NATIONAL LIBERATION ARMY (ELN): "WE ARE WILLING TO LAY DOWN ARMS"

In a video released by the guerilla group on its Twitter page, leader Nicolás Rodríguez affirmed that the National Liberation Army (ELN), Colombia's second largest guerilla group, is willing to begin peace dialogues with the government if talks open a political space for leftist groups to actively participate.<sup>(11)</sup> "We conclude that arms are no longer necessary, we are ready to consider giving them up," stated ELN leader Rodríguez.<sup>(12)</sup>

#### CAN DRUG TRAFFICKING BE CONSIDERED A POLITICAL CRIME?

In early December, a polemic debate took center stage on whether drug trafficking in the context of the armed conflict could be included as a political crime. In an interview with W Radio, former U.S. President Bill Clinton said that the U.S. could possibly support such an initiative if the GoC were to reach an agreement with the FARC-EP.<sup>(13)</sup> President Santos, responding to the debate, stated that he would not accept drug trafficking as a political crime, further clarifying that transitional justice would have to deal with cases in which guerrillas have used these activities to fund their political actions.<sup>(14)</sup>

### 4. A VIEW FROM THE FIELD

#### PRESIDENT SANTOS INAUGURATES MINIMARKET 2x3 FOR PEACE AND RECONCILIATION

Already developed in various departments, the Minimarket 2x3 initiative, which aims to create and formalize shops led by victims of the armed conflict and demobilized individuals in reintegration processes officially, began in Antioquia this month. On December 19, President Santos inaugurated a minimarket in Bello. The Minimarket 2x3 initiative receives support from the International Organization for Migration (IOM)'s USAID/Colombia supported Community Oriented Reintegration of Ex-Combatants Program.<sup>(15)</sup>

### 5. IN THE SPOTLIGHT

#### CAPITAL CITIES ENCOUNTERS TO BE HELD THROUGHOUT COLOMBIA

During January and February 2015, the Ministry of the Interior and the Victims Unit will hold large-scale encounters in the capital cities of each of Colombia's departments to increase coordination between central and local governments that facilitate available services for victims. With this objective, seven encounters with mayors were held to define local plans and pledge national and local offer. USAID, through the Victims Institutional Strengthening Program, will directly support the Central-South encounter.

8. "Corte IDH condena al Estado por desaparecidos en el Palacio de Justicia," *Semana*, December 10, 2014, <http://bit.ly/1DcbYN6>.

9. "Confirman que Piedad Córdoba irá en grupo de víctimas a La Habana," *El Tiempo*, December 15, 2014, <http://bit.ly/16o1BXS>.

10. "Bojayá, el perdón que ofrecen las Farc," *El Espectador*, December 18, 2014, <http://bit.ly/1yLwD85>.

11. "Colombia Rebel Group Opens Door to Peace Talks," *New York Times*, January 7, 2015, <http://nyti.ms/1tTMYGE>.

12. "UPDATE 1-Colombia's ELN rebels say may consider ceasefire if peace talks start," *Reuters*, Jan. 7, 2014, <http://reut.rs/1yLwvWn>.

13. "Clinton dice que EE. UU. apoyaría narcotráfico como delito político," *El Tiempo*, December 9, 2014, <http://bit.ly/1lutCf3>.

14. "Santos dice que no aceptará el narcotráfico como delito político," *El Tiempo*, December 9, 2014, <http://bit.ly/1wDnRDI>.

15. "Presidente Juan Manuel Santos inaugurará Minimarket 2x3 para la paz y reconciliación en Bello (Antioquia)," *La Unidad para las Víctimas*, December 18, 2014, <http://bit.ly/1w69nyu>.

## 6. PROGRESS REPORT\*

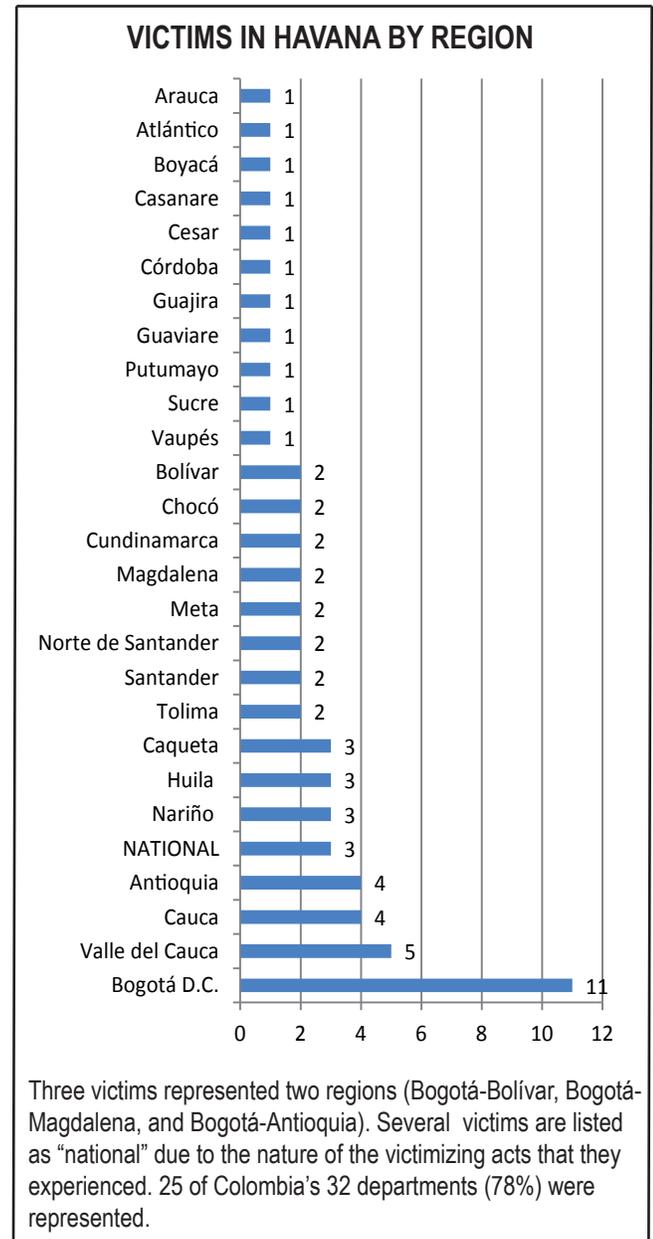
REGISTERED INDIVIDUALS: 7,028,776 (14.7% of total population)<sup>(16)</sup>

VICTIMS BY GENDER OR SEXUAL ORIENTATION	
	%
Male	49.6
Female	49.5
Undefined	0.9
LGBTI	.01

VICTIMS BY AGE GROUP	
	%
0-17	31.1
18-26	17.1
27-60	34.6
61-100	7.0
Without info	10.3

TOP FIVE VICTIM LOCATIONS <sup>(17)</sup>	
	%
1. Antioquia	20.4
2. Bolívar	7.1
3. Magdalena	5.8
4. Nariño	5.3
5. Valle del Cauca	5.3

TOP VICTIMIZING ACTS: 8,175,353 <sup>(18)</sup>	
	%
1. Displacement	79,8
2. Homicide/Massacre	12,2
3. Threats	2.7
4. Disappearance	1.2
5. Loss of property	1.2

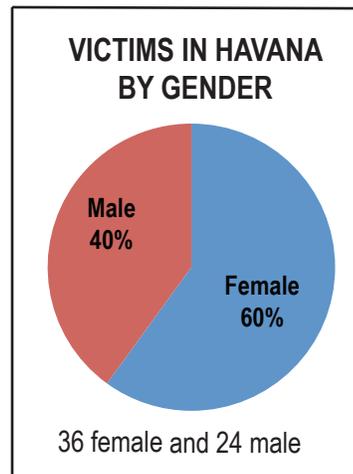


### VICTIMIZING ACTS

Among the victims present, the most common victimizing acts:

1. Homicide
2. Displacement
3. Threats
4. Kidnapping
5. Massacre

The vast majority experienced multiple acts, and selection criteria aimed to include victims of diverse acts, including landmines, sexual violence, and forced recruitment.



\*Source: Victims Unit, November 2014: Victims Registry information obtained from the Victims Unit's National Information Network, November 1, 2014, <http://mi.unidadvictimas.gov.co>.

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

17. Based on registry location.

18. Based on registry of victimizing acts (homicide and disappearance include indirect victims).

19. Information on all five victims' delegations collected from the UNPD's press releases on each respective group, which are available on its website through the following links:

(1) <http://bit.ly/1uX2n7>; (2) <http://bit.ly/1xps3IF>; (3) <http://bit.ly/1tTJiEP>; (4) <http://bit.ly/1lz4voK>; (5) <http://bit.ly/14B5Lud>.

## 7. DIVERSITY MAINSTREAMING

### EXPERTS STRESS WOMEN'S PARTICIPATION IN PEACE PROCESS

Six experts on gender and women's rights met with negotiators and the Gender Sub-Commission in Havana to discuss the role of women in reconciliation processes. The experts requested greater participation of women, including Afro-descendant, indigenous and LGBTI women, a more equal distribution of goods and services, greater guarantees for the rights of female victims, and immediate de-escalation of the conflict.<sup>(20)</sup>

### VIOLENCE'S IMPACT ON EARLY CHILDHOOD DEVELOPMENT

Research suggests that forced displacement and violence are leaving a legacy of psychological damages and obstacles for millions of displaced children in Colombia. "Displacement and violence," a report suggests, "are another seed perpetuating poverty and inequality," suggesting the need for urgent public policies now and in a post-conflict setting to ensure safe environments in early childhood to stem violence long-term.<sup>(21)</sup> As of November 2014, the National Information Network reported that there are approximately 2.2 million children and adolescent victims of the armed conflict.<sup>(22)</sup>

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### DECREE FOR ASSISTANCE TO VICTIMS OF FORCED DISPLACEMENT

On December 12, Decree 2569 of 2014 was signed establishing criteria and procedures to deliver humanitarian and transitional aid to victims of forced displacement. The decree also lays out a new approach for the Victims Unit to attend to the nearly 6 million victims of forced displacement in the country, stressing the importance of long-term steps to help victims overcome conditions of vulnerability and marginality through return and relocation. In an interview discussing the decree, Victims Unit Director Paula Gaviria discussed the balance of reparation efforts to date, stating that approximately 484,000 victims have already received financial reparations, and that the entity aims to repair 100,000 additional victims in 2015.<sup>(23)</sup>

### National Historical Memory Center

#### INTERNATIONAL FORUM OF VICTIMS IN EXILE HELD

With the Victims Unit, the CNMH supported the second session of the International Forum of Victims in Exile on December 13, 2014 to digitally bring together victims who have been forced to flee Colombia because of violence. The event aimed to "remember, narrate and understand the acts that have contributed to the growth of the Colombian diaspora."<sup>(24)</sup>

## 9. FURTHER READING

### THE DAY AFTER TOMORROW: COLOMBIA'S FARC AND THE END OF THE CONFLICT

This report by the International Crisis Group analyzes challenges connected to the "end of the conflict," including conditions for a bilateral ceasefire, steps to leave behind weapons and reincorporate FARC-EP members into society, making recommendations for the negotiating parties, the international community, the GoC and other responsible actors.<sup>(25)</sup>

### COLOMBIA GUIDES: ENTREPRENEURIAL OPERATIONS FOCUSED ON HUMAN RIGHTS

These guides published by the Foundation Ideas for Peace (FiP) encourage deeper connections between entrepreneurship, human rights and international humanitarian law.<sup>(26)</sup>

### WITNESSES TO FORGETTING: THE IDENTITY OF PAIN

The Spanish newspaper El País released an online special called "Witnesses to Forgetting," the second chapter of which is dedicated to Colombia. The authors of the site visited conflict zones around Colombia to capture firsthand some of the testimonies included in the CNMH's report "Basta Ya!" in photos and narratives.<sup>(27)</sup>

20. "Comisión de mujeres le pide a las Farc y al gobierno una tregua de fin de año," El Colombiano, December 15, 2014, <http://bit.ly/1seGsJp>.

21. "Violencia y desarrollo infantil, semillas de pobreza y desigualdad," La Silla Vacía, December 1, 2014, <http://bit.ly/1BWktqT>.

22. Victims Unit's National Information Network, November 1, 2014, <http://mi.unidadvictimas.gov.co>. Includes through age 17.

23. "Unidad para la Atención a Víctimas quiere superar el asistencialismo," El Nuevo Día, January 6, 2015, <http://bit.ly/1DtLUMw>.

24. "Las memorias del exilio," CNMH, December 13, 2014, <http://bit.ly/1ACnpfa>.

25. "The Day after Tomorrow: Colombia's FARC and the End of the Conflict," December 11, 2014, Latin America Report Number 53, International Crisis Group, <http://bit.ly/1smBCom>.

26. "Guías Colombia: Operación empresarial orientada a derechos humanos y DIH," Fundación Ideas para la Paz, December 2014, <http://bit.ly/1tTPRat>.

27. "Testigos del Olvido: La identidad del dolor," El País, December 2014, <http://elpais.com/especiales/testigos-del-olvido/>.