

VICTIMS ISSUES

A MONTHLY REVIEW

OCTOBER 2015

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 October 2015, 7,712,014 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (79.6%).⁽¹⁾

2. KEY DEVELOPMENTS

AGREEMENT REACHED FOR THE DISCLOSURE OF FORCED DISAPPEARANCE

On October 17, the GoC and FARC reached an agreement to locate and identify the remains of tens of thousands of victims of forced disappearance in the armed conflict, and hand these remains over to victims' family members in a dignified manner. The GoC and FARC agreed to create a Special Unit to Search for People Disappeared in the Context and Because of the Armed Conflict (UBPD in Spanish) that will be responsible for this task, with the support of the International Committee of the Red Cross and the national Legal Medicine Institute. Both parties also agreed to provide all the information they have on victims of disappearance, including locations where victims were buried.⁽²⁾ According to the Victims Unit's National Information Network, there are 45,515 direct victims of forced disappearance included in the Single Victims Registry (RUV in Spanish).⁽³⁾

NATIONAL TRADE COUNCIL SUPPORTS PEACE PROCESS, BUT DEMANDS GREATER CLARITY ON JUSTICE AND PUBLIC MECHANISM TO RATIFY ACCORDS

Following a meeting with President Juan Manuel Santos, the National Trade Council (Consejo Nacional Gremial, in Spanish) expressed its support for the peace process between the GoC and FARC in Havana. The leaders of 21 business associations that comprise the Council presented a document voicing their support, while stating that the implementation of any eventual agreements must strongly respect the Constitution, and calling for measures for the public to approve the agreements and greater details on the specific content of the GoC and FARC transitional justice agreement.⁽⁴⁾ FARC responded by recognizing the council's participation as a valuable support to the national debate, inviting all sectors of society to participate to assure a frank and open dialogue.⁽⁵⁾

WHAT DO THE RESULTS OF LOCAL ELECTIONS MEAN FOR VICTIMS AND PEACE?

The outcomes of elections held on October 25 for local offices, including governor, mayor, councilpersons, and assembly members, will play an important role for the approval and implementation of eventual peace accords. In the 20 municipalities where, according to the Foundation Peace and Reconciliation, it will be the most difficult to carry out accords, 20% elected candidates supported by

CONTENT

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

On the 30 year anniversary of the taking of the Palace of Justice by the M-19, family members of victims of forced disappearance met in Bogotá to denounce state impunity.

In a public event President Santos recognized the state's responsibility and apologized for the events.

The mechanism to ratify the peace accords is still being discussed. While a group of Congresspersons who visited Havana and the GoC prefer a plebiscite, FARC insists that the mechanism must be agreed upon by both parties and favor a National Constitutional Assembly.⁽⁶⁾

1. Data from the National Information Network (RNI), Victims Unit, through Oct. 1, 2015. This number refers to the historic total of victims. <http://mi.unidadvictimas.gov.co/?q=v-reportes>.

2. "Gobierno y Farc alcanzan acuerdo para esclarecer casos de desaparición forzada", El Espectador, Oct. 17, 2015, <http://bit.ly/1koZnOJ>.

3. National Information Network, Victims Unit, Nov. 1, 2015, <http://mi.unidadvictimas.gov.co/?q=v-reportes>.

4. "Los gremios y la paz", Semana, Oct. 23, 2015, <http://bit.ly/1N1awAL>.

5. "Diálogo para la Reconciliación Nacional", FARC-EP, Nov. 3, 2015, <http://bit.ly/1Ma0itE>.

6. "Tras visita de congresistas a La Habana...", Semana, Nov. 3, 2015, <http://bit.ly/1McvkRy>.

FARC, ELN, EPL, or criminal groups, 20% elected local social leaders, and 60% elected members of the traditional political elite. According to La Silla Vacía, at the departmental level “for peace, the results are bittersweet.”⁽⁷⁾ On one hand, traditional political leaders known for their paramilitary connections were beaten. On the other hand, in some regions, newly elected governors could have loyalties with groups that are not interested in political transformations represented by peace, including large-scale landowners, or with structures with possible paramilitary connections.⁽⁸⁾

3. PEACE PROCESS

BILATERAL CEASEFIRE PLANNED FOR MID-DECEMBER

After President Juan Manuel Santos stressed the need to speed up discussions on victims’ rights and the end of the conflict for the declaration of a bilateral ceasefire on December 31, FARC counter-proposed December 16 for the ceasefire. FARC also deterred against a ceasefire that would require the concentration of troops in specific regions or the verification of international organizations.⁽¹⁰⁾ However, the negotiation roundtable announced that with UN and UNASUR support, negotiators are advancing in the design of mechanisms to assess and verify the bilateral ceasefire.⁽¹¹⁾

PEACE PROCESS WITH ELN ADVANCES AMIDST CONFRONTATIONS

Ecuadorian President Rafael Correa explained that representatives from the GoC and ELN (Colombia’s second largest guerrilla) have met six times in Ecuador to coordinate the beginning of peace talks.⁽¹³⁾ However, in an attack in Guicán (Boyacá) perpetrated by ELN, at least 12 members of the Colombian Armed Forces were killed and two were captured. Some analysts explain that ELN might think they need to show military strength before the start of peace talks, while others state that there may be internal divisions within ELN members. ELN accepted the authorship of the attack as a response to operations by the Armed Forces in Boyacá and demanded a bilateral ceasefire.⁽¹⁴⁾ The Catholic Church expressed its willingness to mediate dialogues between ELN and the GoC, something the ELN requested in previous days.⁽¹⁵⁾ In January 2014, GoC and ELN began exploratory dialogues with the purpose of starting a peace process.

4. A VIEW FROM THE FIELD

WANTED DRUG TRAFFICKER “MEGATEO” KILLED IN EASTERN COLOMBIA

In the department of Norte de Santander, Víctor Ramón Navarro, alias “Megateo,” was killed by an explosive device in an armed forces operation. Megateo was the leader of the last remaining unit of a breakaway faction of the EPL that did not demobilize with the rest of the guerrilla group in 1991, following a peace accord with the GoC. Megateo was wanted by the U.S. on drug trafficking charges, particularly the commercialization of drugs from the Catatumbo region and their transport to Venezuela. Following the operation, President Santos hailed the “neutralization of Megateo” and congratulated Police and Armed Forces members.⁽¹⁷⁾

5. INCLUSIVE APPROACHES

The Victims Unit, with USAID and IOM support, accompanied indigenous communities in Chocó to develop a unified and autonomous participation mandate. The mandate establishes the procedures for the participation, election, training, and performance assessment of indigenous representatives in Victims Participation Roundtables and Transitional Justice Committees in Chocó. The mandate, also translated to the indigenous Embera language and adopted by the Victims Unit, was presented in Quibdó on November 11.

Of the 52 victim leaders who ran for local offices, only five were elected: businessman Maurice Armitage as Mayor of Cali, indigenous leader Alcibíades Escué as Mayor of Toribío, and municipal councilpersons in Aracataca (Magdalena), Medio San Juan (Chocó), and Samaniego (Nariño).⁽⁹⁾

CERAC has reported that FARC’s offensive actions have reached their lowest level in 40 years, and actions by the Armed Forces against the guerrilla group also reduced 43%.⁽¹²⁾

“If ELN believes that with these actions they will gain any political space or will be strengthened before a possible negotiation, they are entirely mistaken,” declared President Santos after the attacks.⁽¹⁶⁾

7. “La foto post-electoral de la paz,” La Silla Vacía, Nov. 3, 2015, <http://bit.ly/1XM9Jaf>.

8. “La foto post-electoral de la paz,” La Silla Vacía, Nov. 3, 2015, <http://bit.ly/1XM9Jaf>.

9. “A las víctimas no les alcanzó en las urnas,” La Silla Vacía, Nov. 5, 2015, <http://bit.ly/20HSRnb>.

10. “Cese bilateral sin concentración...,” El Universal, Oct. 31, 2015, <http://bit.ly/1MIDgU7>.

11. “Hay avances con ONU y Unasur...,” El Nuevo Siglo, Oct. 28, 2015, <http://bit.ly/1GNB3R3>.

12. “CERAC reportó que intensidad del...,” RCN Radio, Oct. 21, 2015, <http://bit.ly/1LRcvU>.

13. “Representante del Gobierno y ELN se...,” El Herald, Oct. 16, 2015, <http://bit.ly/1ROv6nl>.

14. “¿Se compromete la paz en...,” BBC Mundo, Oct. 27, 2015, <http://bbc.in/1WgSYGC>.

15. “Iglesia Católica dispuesta a mediar...,” Cable Noticias, Nov. 3, 2015, <http://bit.ly/1WtOjw>.

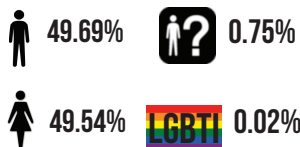
16. “¿Se compromete la paz en...,” BBC Mundo, Oct. 27, 2015, <http://bbc.in/1WgSYGC>.

17. “Dan de baja a ‘Megateo’...,” Semana, Oct. 2, 2015, <http://bit.ly/1YU0F4B>.

6. PROGRESS REPORT

7,712,014
REGISTERED VICTIMS
16%
OF TOTAL POPULATION

BY GENDER OR SEXUAL ORIENTATION



BY AGE GROUP

0-17	30.5 %
18-28	20.5 %
29-60	32.4 %
60-100	7.5 %
NO INFO	9.1 %

TOP 5 VICTIMS LOCATIONS

ANTIOQUIA	19.6 %
BOLÍVAR	7.4 %
MAGDALENA	5.9 %
NARIÑO	5.1 %
CESAR	5.1 %

TOP VICTIMIZING ACTS:

DISPLACEMENT	79.6 %
HOMICIDE	11.7 %
THREATS	3.3 %
DISAPPEARANCE	2.0 %
REAL ESTATE LOSS	1.2 %

MONITORING & EVALUATING THE VICTIMS LAW



The gov't is responsible for providing

- * Oversight of entities for the effective implementation of the Victims Law
- * Recommendations to responsible National Victims Attention and Reparation System (SNARIV) institutions to improve the Law's implementation



HOW DOES THE GOVERNMENT DO THIS?

1 REGIONAL CAPACITY INDEX

- * Measures regional entities' **institutional capacity** to develop policies for victims using information from secondary sources (National Planning Department, the Ministry of Finance, etc.)
- * Analyzes:
 - Administrative capacity
 - Budgetary availability
 - Budgetary capacity
 - Regional performance
 - Size of the victim population

2014 RESULTS

18% HIGH CAPACITY
200 municipalities

33% MEDIUM CAPACITY
369 municipalities

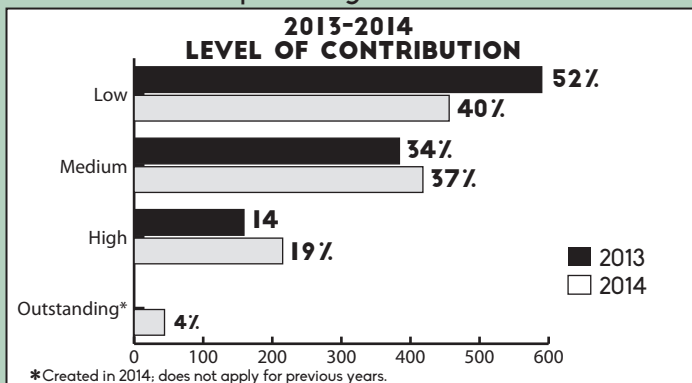
50% LOW CAPACITY
565 municipalities

2 REGIONAL CERTIFICATION

- * M&E mechanism that shows **SNARIV institutions' contributions** to victims' rights
- * Applied annually since 2012 using criteria including:
 - Installation of regional coordination and participation spaces
 - Inclusion of public policies for attention, assistance, and comprehensive reparation to victims in planning instruments

3 RUSISCT

- * Ministry of Interior's Victims Monitoring System (RUSISCT) to measure the capacity of local entities to implement actions to guarantee victims' effective enjoyment of rights
- * Local entities are responsible for reporting to RUSISCT



2014 LOCAL AUTHORITIES REPORTING TO RUSISCT

MUNICIPALITIES

87.2%
of municipalities reported
(931 of 1,067)

DEPARTMENTS

90.3%
of departments reported
(28 of 31*)

Chocó, Sucre and Guanía did not report

*Given its special nature, the department of San Andrés, Providencia and Santa Catalina does not report.

7. IN THE SPOTLIGHT

DEMINEERING IN MESETAS TO BEGIN IN NOVEMBER

General Rafael Colón, Director of the Direction for Comprehensive Action Against Landmines (DAICMA), declared that the demining process in Orejón (Antioquia) is advancing successfully and that the technical studies to start the demining process in Mesetas (Meta) are expected to begin in mid-November, in coordination with FARC and the Norwegian People's Aid.⁽¹⁸⁾

PRESENTATION OF THE AWARD OF BEST RECONCILIATION AND SOCIAL INCLUSION GOVERNORS AND MAYORS

On December 2, a ceremony will be held in Bogotá to announce the winners of the Colombia Líder award for best governors and mayors, and of the recognition for best reconciliation and social inclusion governors and mayors. Finalists were announced on November 9 in the city of Pasto; for capital cities, the finalists are the mayors of Pasto, Popayán and Cali, and for departments, the finalists are the governors of Meta, Cauca and Antioquia. The recognition for best reconciliation and social inclusion is supported by USAID and IOM.

8. INSTITUTIONAL ADVANCES

Victims Unit

DIFFERENTIATED EMPLOYMENT ROUTE FOR VICTIMS IS LAUNCHED

On October 14, the differentiated employment route for victims designed by the Victims Unit and the Ministry of Labor was presented. The route seeks to connect victims with available job offers, and includes profile identification of registered victims, training processes, psychosocial support, job-finding activities, and other components. It is one of the Ministry of Labor's Employment Public Service programs, which operates through centers in 13 departments and 26 municipalities.⁽¹⁹⁾

VICTIMS UNIT 2015 ACCOUNTABILITY SESSIONS

From November 11 to 30, the Victims Unit will hold regional and national accountability sessions to share the institution's 2015 results. The national session will be on November 30; the Victims Unit's 2015 accountability report is available here: <http://bit.ly/1LRZ5cz>.⁽²⁰⁾

National Center for Historical Memory (CNMH)

"LIVE MEMORIES": VIII MEMORY WEEK

The CNMH hosted the VIII Memory Week from October 2 to 15, under the slogan "Live Memories," which included activities in different cities to honor and promote victims historical memory experiences. During the week, the CNMH presented "A Displaced Nation," a series made up of four historical memory reports on displacement in diverse regions, Catatumbo (Norte de Santander), the Colombian-Venezuelan border, and El Castillo (Meta).⁽²¹⁾ The series is available here: <http://bit.ly/1FJmxtD>.

9. FURTHER READING

WE HAD TO SING: A MUSICAL JOURNEY AGAINST FORGETTING

A musical compilation was released by the CNMH with USAID and IOM support with 45 songs composed by victims of the armed conflict to promote social awareness to never repeat the tragedy. The disc and a web series are available here: <http://bit.ly/1Q3SQ9D>.

HISTORICAL MEMORY REPORTS ON PARAMILITARY DEMOBILIZATION

CNMH report on the demobilization of AUC paramilitaries and reintegration efforts, with recommendations for reconciliation and the post-conflict. The report completes follow-up of the group's demobilization and is available here: <http://bit.ly/1RsHsS0>.

CAMPESINO DIGNITY AND THE AGRARIAN PROBLEM ON THE CARIBBEAN COAST

Two illustrated books on struggles for organization, land ownership, and displacement on the Caribbean Coast since the 1970s; one was recently completed by the CNMH with USAID and IOM support and the other was published in 1985: <http://bit.ly/1P1ohj5>.

BASTA YA!. COLOMBIA: MEMORIES OF WAR AND DIGNITY - EXCERPTS

English excerpts from the CNMH general report Basta Ya! Colombia: Memories of War and Dignity, including the prologue, the introduction, and public policy recommendations, are available here: <http://bit.ly/1k5DyDN>. A full version in English is forthcoming.

18. "En dos semanas arrancarían desminado en el Meta," Cable Noticias, Nov. 3, 2015, <http://bit.ly/1LOh4AK>.

19. "Lanzamiento de la ruta diferencial de empleabilidad para víctimas del conflicto armado," Victims Unit, Oct. 16, 2015, <http://bit.ly/1MlvPXz>.

20. "Rendición de Cuentas 2015," Victims Unit, <http://bit.ly/1GNqfCC>.

21. "Llegó la semana de las Memorias Vivas," CNMH, Sept. 24, 2015, <http://bit.ly/1KCKjm4>.