

VICTIMS ISSUES

A MONTHLY REVIEW

APRIL 2016

1. BACKGROUND

On June 10, 2011, President Santos signed into effect the Victims and Land Restitution Law (Law 1448). Over the next ten 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 April 2016, 7,999,663 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (80%).⁽¹⁾

CONTENT

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

2. KEY DEVELOPMENTS

GOVERNMENT SHAKE UP: CABINET CHANGES TO PREPARE FOR IMPLEMENTATION

President Santos announced changes to his cabinet, aiming to rebuild a political coalition for the implementation of accords in the face of the National Unity crisis. The coalition established by the reconfiguration, which Santos called a “team for peace and the post-conflict,” emphasizes the inclusion of distinct political parties.⁽²⁾ Leftist and conservative party ministers were appointed, including Clara López for Labor (Polo Party), Jorge Eduardo Londoño Ulloa for Justice (Green Party), Environment and Housing ministers from the Radical Change Party, and Transport and Commerce ministers from the U Party. The Liberal Party, already in disaccord after the Attorney General short-list didn’t include the candidate it supported, was left with one fewer minister. With the changes, the administration hopes to have re-established a coalition of distinct representatives with strong regional support, for an eventual plebiscite.

“A victim doesn’t necessarily feel represented by another victim. Each person has their own story, pain, tragedy, fears, concerns, as well as hopes and dreams,” stated newly named Victims Unit Director Alan Jara, emphasizing his commitment to reconciliation.⁽³⁾

RECLAIMING TERRITORY: THE NEW MAP OF LAND RESTITUTION

Initially the government had prioritized 12 macro zones to carry out land restitution because of complicated security conditions. As of April, the entire country, including previously excluded southeastern regions, is included by “macro-targeting.” More focused “micro-targeting” will now begin, and according to Land Restitution Unit Director Ricardo Sabogal, “By the end of the year we will have micro-targeted 60% of the country.”⁽⁴⁾ Of the approximately 90,000 requests received so far, 51.4% are in process, 22.9% have been processed, and 13.4% are in judges’ hands. Meta and Caquetá have the most requests, with 5,000 and 2,000 respectively.

Of all land restitution requests made to the GoC, 40.3% blame guerrilla groups for taking land, 35.6% blame paramilitaries, 10% blame other actors, 11% don’t know, and 2% blame criminal groups.⁽⁵⁾

CRIMINAL GROUPS POSE EVOLUTIONING THREAT FOR POST-CONFLICT

According to the U.S. Department of State’s Human Rights Report, neoparamilitarism, impunity, corruption, and forced displacement are the biggest challenges to human rights in Colombia. Recent acts by criminal groups have had a worrying impact at the national level.⁽⁶⁾ In April, Clan Úsuga held an “armed strike” that paralyzed 36 municipalities in eight departments and resulted in numerous acts of violence.⁽⁷⁾ Following the strike, the GOC added Clan Úsuga and two other groups (Puntilleros and Pelusos) to its list of “organized armed groups,” thereby authorizing air strikes and the use of “all of the State’s force.” This classification is based on the groups’ organization, strength, and control of territory.⁽⁸⁾

The GoC argues that while some former paramilitaries are members of criminal groups, these groups lack “the national, unified command structure and explicit ideological agenda” of past paramilitary groups.⁽⁹⁾

1. National Information Network (RNI), Victims Unit, April 1, 2016. <http://bit.ly/1pObjN9>.

2. “Un gabinete para el plebiscito,” La Silla Vacía, April 26, 2016. <http://bit.ly/1Wb092c>.

3. “Es en las regiones donde debe construirse...,” El Tiempo, April 19, 2016. <http://bit.ly/1U6xlKN>.

4. “El nuevo mapa de la restitución de...,” El Espectador, May 2, 2016. <http://bit.ly/1W63bVX>.

5. Ibid.

6. “Neoparamilitarismo también...,” El Espectador, April 13, 2016. <http://bit.ly/1VqkTTO>.

7. “Paro armado de ‘los Úsuga’ se hace...,” El Heraldo, April 1, 2016. <http://bit.ly/1MWuFu6>.

8. “Via libre para...,” El Tiempo, Mayo 6, 2016. <http://bit.ly/24AVBDW>.

9. “Country Reports...,” U.S. Department of State, April 2016. <http://1.usa.gov/1gPzHIT>.

GOVERNMENT ASKS FOR FORGIVENESS IN TRUJILLO

Over 300 people were murdered between 1988 and 1991 in Trujillo by paramilitary groups. Many of the bodies of the victims were disappeared and left unidentified. On April 23, 2016, the GoC asked for forgiveness for its role in this violence under an accord between the government and the Inter-American Human Rights Commission. Yesid Reyes, recently exited Minister of Justice who was representing the GoC at the ceremony, said, “We ask the forgiveness of you, your fathers, your mothers, your sons and daughters, your sisters and brothers, spouses and companions.”⁽¹⁰⁾ However, some criticized the act as incomplete and scripted like other acts, doing little to promote greater truth about the violence and end impunity. Adolfo León Atehortúa, author of “Power and blood, stories of Trujillo, Valle,” wrote that investigations “cannot continue adrift and toothless...there must be concrete acts that demonstrate the State’s willingness to punish those responsible,” citing recent acts of violence against Trujillo’s monument to victims and threats to associations as examples of the perpetuation of violence.⁽¹¹⁾

“The peace we aspire to and work for is not limited to ending conflict...in a major way it seeks to restore confidence between institutions and communities that were offended and aggravated,” said Gonzalo Sánchez, Director of the National Center for Historical Memory.⁽¹²⁾

AS NATIONAL SUPPORT CONTRACTS, INTERNATIONAL SUPPORT RISES

According to Gallup’s most recent quarterly survey, support for the Colombian government’s performance dropped. Only 21% of respondents approve of President Santos (a 3 point drop compared to February, and Santos’ lowest point yet).⁽¹³⁾ Moreover, 71% of respondents do not believe that a peace accord will be signed this year. However, there is positive news for the GoC: 32% of respondents would definitely participate in a voting process to referendum peace accords, and of these, 66% say they would vote for peace accords (up 13 points from February). This is key considering that only 13% would be needed to approve the plebiscite for peace. Decreased levels in national support are contrasted by increasing international backing, with the U.S. reiterating support and the EU announcing the creation of a new fund worth 90 million Euros (about USD 103 million), to open when a peace accord is signed.⁽¹⁴⁾

The EU said that resources in its new fund for Colombia will be used to fight drugs and protect the environment in the post-conflict. Sergio Jaramillo, High Commissioner for Peace, lauded the act, stressing the importance of rapidly rolling-out results and implementing accords.⁽¹⁵⁾

3. PEACE PROCESS

AS PROCESS DRAWS ON WITH FARC, QUESTION REMAINS “HOW MUCH MONEY DO THEY HAVE?”

An article by The Economist sparked debates on the FARC’s finances, citing an unpublished study by GoC analysts stating that FARC had USD 10.5 billion in 2012, despite stating in peace negotiations that it couldn’t compensate victims because “it was broke.”⁽¹⁶⁾ President Santos responded, “I tried to find who these analysts could be, but I haven’t found them...I don’t have this information and I have been pursuing the FARC’s money for ten years.”⁽¹⁷⁾ FARC also rejected the reports. However, shortly after the article’s release Luis Edmundo Suárez Soto, Director of the Information and Financial Analysis Unit (UIAF), admitted giving an off the record interview and resigned.⁽¹⁸⁾ The UIAF jumped to state that it has no “valid” studies, but rather “speculative statistics.”⁽¹⁹⁾ The issue of FARC’s finances is central for the reparation of Colombia’s nearly eight million victims.

According to a police report FARC is the biggest drug trafficking cartel in Colombia and protects illegal crops with landmines and snipers that, according to Santos “are killing our soldiers like ducks.”⁽²⁰⁾ Of FARC’s top 55 drug traffickers, 30 have extradition orders by the U.S.⁽²¹⁾

DIFFICULTIES SURROUND PEACE TALKS TO BEGIN IN ECUADOR

Peace negotiations with ELN are scheduled to begin in May. However, officially starting the negotiations has been shaky. ELN continues acts of violence in different parts of the country, as well as attacks on oil infrastructure, and the GoC has stated that “there is no possibility of starting to negotiate with ELN unless it releases all its kidnap victims” and stop kidnappings.⁽²²⁾ In response, the ELN has said that the GoC should not set conditions for negotiations. It remains to be seen if the talks will end up getting off the ground in May.

GoC negotiator Frank Pearl called for businesspeople to participate in the ELN process, “the private sector has an enormous opportunity [to] take advantage of participation mechanisms.”⁽²³⁾

10. “Como...,” Min. Justice, April 23, 2016, <http://bit.ly/23RkUEQ>. 15. “Colombia...” CM&, April 2016, <http://bit.ly/26axXA0>.

11. “La...,” Razon Pública, May 2, 2016, <http://bit.ly/24Qgy9j>.

12. “Trujillo...,” CNMH, April 25, 2016, <http://bit.ly/1QxUlb3>.

13. “Los núm...,” Silla Vacía, May 5, 2016, <http://bit.ly/24tz5Ap>.

14. “UE anuncia...,” Sputnik, Abril 21, 2016, <http://bit.ly/1SghTqm>.

15. “Renunció...,” Vanguardia, April 24, 2016, <http://bit.ly/1NtAbo3>.

16. “Unfunny,” Economist, April 14, 2016, <http://econ.st/1WtXcZK>.

17. “Presidente...,” Espect., April 15, 2016, <http://bit.ly/1X8eknO>.

18. “Renuncia...,” Tiempo, April 28, 2016, <http://bit.ly/1s7X8Df>.

19. “Gobierno...,” LaFM, May 10, 2016, <http://bit.ly/24QHRoM>.

20. “Gobie...,” Espect. April 19, 2016, <http://bit.ly/1pgnAZM>.

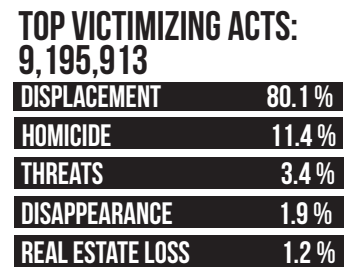
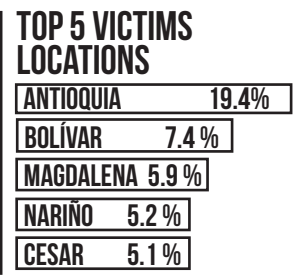
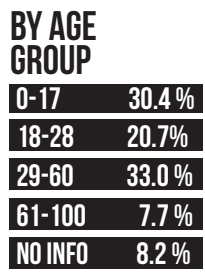
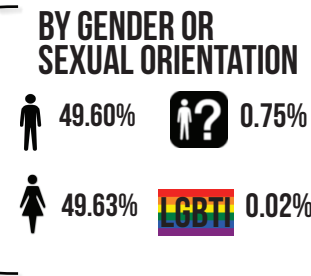
21. “Franco...,” Espect., May 4, 2016, <http://bit.ly/1R1nYSh>.

22. “Gobierno...,” LaFM, May 10, 2016, <http://bit.ly/24QHRoM>.

23. “Gobie...,” Espect. April 19, 2016, <http://bit.ly/1pgnAZM>.

4. PROGRESS REPORT*

7,999,663
REGISTERED VICTIMS
16.8%
OF TOTAL POPULATION



TWO PROCESSES, ONE END OF CONFLICT

COMPARING FARC AND ELN PEACE PROCESSES

On March 30, official peace negotiations with ELN were announced. Successfully reaching accords with both ELN and FARC would be hailed as a 'complete peace.' If peace isn't reached, violence continues. How do the negotiations compare?

FARC

ELN

BACKGROUND ON THE TWO GUERRILLA GROUPS & NEGOTIATIONS

Currently about 7,200 members • Started in 1964 in Tolima



Currently about 1,600 members • Started in 1964 in Santander



ELN has always been smaller, but has a more significant political scope and social bases in areas of influence. Started by leftist intellectuals, rather than a peasant movement.

Structure



- 7-person Secretariat
- High Command
- Prioritized military tactics over politics

Top down

Vertical leadership

Timeline of current process



Officially began in September 2012
Exploratory phase lasted 7 months

Structure



- Emphasis on the political participation of social movements

Bottom up

Timeline of current process



Scheduled to begin in May 2016*
Exploratory phase lasted 26 months

* **But when, exactly?**
Delays as ELN refuses to stop kidnapping and attacks. In general, the process has been harder to get off the ground.

WHERE WILL NEGOTIATIONS TAKE PLACE?

GOC and FARC negotiations are being held **entirely in Havana, Cuba**. With ELN, location was a sticking point to formalize negotiations. In the end, **Ecuador** will be the principal site & periodic sessions will be held in other countries.



WHAT WILL THE NEGOTIATIONS DISCUSS?

✓ = FARC & GOC have reached agreements

FARC

EACH AGENDA INCLUDES 6 POINTS

ELN



The specific nature of these points has not been defined

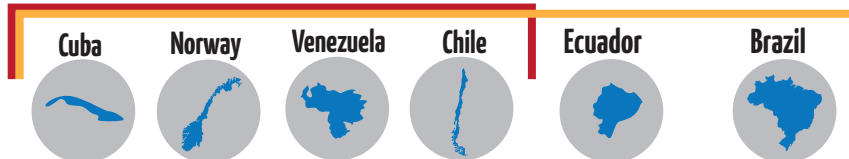
Proposals & initiatives from citizens

Guarantees for social movements & public demonstration

Poverty, corruption, environmental degradation & social inclusion

WHAT IS THE ROLE OF THE INTERNATIONAL COMMUNITY?

GUARANTOR COUNTRIES
Guarantee to the parties that the terms of the agreement will be fulfilled, provide accompaniment & monitoring.



With FARC, originally only Cuba and Norway were guarantors, Venezuela and Chile were added later. Since day one, the ELN process has more guarantors.

*Data from the National Information Network (RNI), Victims Unit, April 1, 2016. Peace Process data from Alto Comisionado <http://bit.ly/1TqfWqv>; El País <http://bit.ly/1R1pnYR>.

5. A VIEW FROM THE FIELD

REGIONAL MUSEUMS: RESOURCE NEEDS AND RELATIONSHIP WITH NATIONAL MUSEUM OF MEMORY

While the 20 regional museums in the Colombian Network of Memory Places have the inputs to foster memory on the conflict's impact on regions, many struggle to keep their doors open because of budget shortages. In April, the museums' spokespeople met with members of congress to discuss solutions.⁽²⁴⁾ This takes place as the National Museum of Memory positions itself to construct exhibitions in collaboration with the regional network. Representatives of the network hope the new museum will recognize and legitimate the work that they have already carried out at the local level.

Ongoing conflict complicates memory-building in some areas. Museums can only say "what victims say we can and in indirect manners like art, theatre, or music."⁽²⁵⁾

6. INCLUSIVE APPROACHES

TUMACO: VIOLENCE AND CHALLENGES AROUND

The already-complicated situation in Tumaco, Nariño, characterized by numerous structural issues, is being further tried by a resurgence of violence at the hands of criminal groups. The nature of violence provides a worrying example of how criminal groups could move into spaces abandoned by guerrilla groups; in April, the "Urabeños" made a power play to control FARC-held areas.⁽²⁶⁾ In the post-conflict, particular emphasis must be given to the consolidation of local security conditions.

On April 14, yet another Afro-Colombian leader, Jesús Adilio Mosquera Palacios, was murdered by armed actors in Tumaco.⁽²⁷⁾

7. IN THE SPOTLIGHT

COLOMBIA LEADER SELECTS BEST VISP EXPERIENCES

This month applications were submitted for the recognition for best VISP regional experiences. Now, national universities will choose the best initiatives for victims' attention, assistance, and reparation. Winners will be named at a ceremony on July 27 in Bogotá.

VICTUS: RECONCILIATION

On May 17, the theatre-based project Victus will be launched in Bogotá. It promotes the recognition and dignity of victims and actors involved in the conflict using an educational and artistic process that emphasizes diverse actors' roles as agents of reconciliation.

TOOL FOR CHILD AND ADOLESCENT VICTIMS' PARTICIPATION "PAZ A LA VOZ"

On April 29, Media Interactiva, which won the Participathon hackathon to create a tech tool to disseminate the child and adolescent victims' participation protocol, completed the final version of the tool. "Paz a la Voz" will be officially launched in May.

8. INSTITUTIONAL ADVANCES

CONFLICT AND PEACE TAKE CENTER STAGE AT BOGOTÁ INTERNATIONAL BOOK FAIR

From April 19 to May 3, the fair placed an emphasis on conflict, peace, and memory. With VISP support, the CNMH presented memory reports, dialogues with experts, the "Children in War" photography exhibit, a concert of the compilation "We had to Sing," and launched the Virtual Human Rights Archive: <http://bit.ly/1suK0ZC>.⁽²⁸⁾ The Victims Unit presented "The Route Together," a multimedia page to teach people about the steps of the reparation process: <http://bit.ly/1rUdOii>. The documentary "Return to El Salado" was also screened with female victims of sexual violence and the film's directors.

Victims Unit

REGIONAL ATTENTION CENTERS COMPLETED IN QUIBDÓ AND SANTA MARTA

Victims attention will be improved by the new centers, which will speed up assistance and provide access to additional services.

Ministry of Health

FUNCTIONAL REHABILITATION UNIT AND CHILDREN'S CENTER INAUGURATED IN QUIBDÓ

At the Hospital Ismael Roldán in Quibdó a unit with high tech functional rehabilitation services for people with disabilities was opened, as well as a center that will provide life skills and rehabilitation for children undergoing hospital treatment.

9. ADDITIONAL RESOURCES

2015 HUMAN RIGHTS REPORT

The U.S. Department of State released its annual report, noting Colombia for continued impunity and neoparamilitarism.⁽²⁹⁾

OUT OF THE SHADOWS: MAKING MENTAL HEALTH A GLOBAL DEVELOPMENT PRIORITY

Victims Unit Director Paula Gaviria attended World Bank forum to present support to victims' psychosocial attention.⁽³⁰⁾

"HAVE YOU SEEN YOUR MUNICIPLITY'S DEVELOPMENT PLAN YET?"

Tool by the High Commissioner for Peace to share information on regional development plans and involve citizens. ⁽³¹⁾

24. "Nosotros ya tenemos...", Verdad Abierta, April 3, 2016, <http://bit.ly/1osqyK7>.

25. Ibid.

26. "La mala hora de Tumaco," Semana, April 23, 2016, <http://bit.ly/1puFXu8>.

27. "Asesinado otro líder.....," El Espectador, April 19, 2016, <http://bit.ly/20UAIBD>.

28. "Lanzamiento: Archivo Virtual de D.H.," CNMH, April 26, 2016, <http://bit.ly/1pCuSXX>.

29. "Country Reports...", U.S. Department of State, April 2016, <http://1.usa.gov/1gPzHIT>.

30. "Out of the Shadows," World Bank, April 13-14, 2016, <http://bit.ly/1V1hQAV>.

31. "El Plan de Desarrollo...", Alto Comisionado para la Paz, April 2016, <http://bit.ly/1QyKRfq>.