

Dear Colleague,

The Washington Office on Latin America (WOLA) would like to share with you the attached English translations of documents on the situation of Indigenous and Afro-Colombian communities:

- “8 Years after Plan Colombia” by the Association of Indigenous Cabildos of Northern Cauca (ACIN) documents the disastrous consequences of the internal armed conflict in Northern Cauca. August 2010.
- “Buenaventura: Caught between War and Despair” by the Black Communities Process (PCN), Pastoral Afrocolombiana, Fundemujer, and Rostros y Huellas del Sentir Humano with the support of WOLA details the tolls of the internal armed conflict, human rights abuses, abuses linked to economic interests and narcotics trafficking in Buenaventura (Valle del Cauca) and provides policy recommendations. August 26, 2010.

We hope that you will find these documents useful. If you have any questions, please do not hesitate to contact us.

Sincerely,

Gimena Sánchez and Anthony Dest

WOLA

(202) 797-2171 gsanchez@wola.org, adest@wola.org

8 Years after Plan Colombia: In northern Cauca there is no peace, there is no justice, there is no respect for human rights or for the rights of indigenous communities

Document prepared by the Association of Northern Cauca's Indigenous Cabildos (ACIN) (Casa del Pensamiento – Tejido de Defensa de la Vida)¹

The armed conflict in northern Cauca has escalated, instead of decreased

1. Currently, northern Cauca and southern Valle del Cauca departments are the regions within Colombia where you have the highest concentration of military activity taking place to combat guerillas and drug traffickers. 5,000 soldiers from the Pinchincha battalion, 6 groupings of rural soldiers, various battalions against drug traffickers, special rural and urban forces in Corinto, Toribio and Caloto, and anti-explosive armor shielded platoons are found concentrated within these 200,000 acres. In addition to these soldiers, you also have the presence of the Technical Investigations Body of the District Attorney's office that works like an appendix of the army. This runs the risk of this unit to act in complicity with the cases of extrajudicial executions taking place in this area. In this area, you also have the creation of a second Center of Integral Action for the Cauca indigenous corridor, a high degree of false legal cases and stigmatization of community leaders. This has led to a high degree of allegations of guerilla links against persons on the part of the authorities.
2. Currently, Colombia maintains in our indigenous territory two High Mountain battalions, various mobile brigades and Rural Soldier battalions. These military forces involuntarily involve the indigenous population in the armed conflict as combatants, informants and as a support network. The presence of these public forces in civilian areas has increased stigmatization against individuals and confusion within the indigenous populace, given that in the zone there persists --besides the army-- paramilitary groups and guerillas, who coercively demand the adherence and allegiance of communities in their activities.
3. This military strategy under way in this zone was defined by the Ministry of Defense² in December of 2009 and ratified by the current Minister of Defense on August 13th 2010. Minister Rivera said "The order is clear and direct to our military forces and police: intensify, intensify, and intensify." This year military actions in the indigenous territories of northern Cauca have taken place every day and week. We have registered numerous bombings of the armed forces of our houses and areas where we grow food (see picture 3). Every month we have registered between 3 and 5 armed combat clashes in urban and semi-urban areas populated by indigenous persons. Often in these cases, civilians are used as human shields (see chart 1).

¹ Translation into English by the Washington Office on Latin America (WOLA).

² <http://web.presidencia.gov.co/sp/2009/noviembre/11/14112009.html>

4. In response to the armed forces' activities, the guerilla has developed sustained military action and harassment against the armed forces, caused severe harm to the civilian population and to its civilian capital. The most recent strategy is the forced recruitment of minors, and the militias' action (who lack uniform we can distinguish as combatants). These activities end up involuntarily involving the civilian population into the armed conflict. The guerillas are also implementing a strategy of placing landmines in our agricultural and cultivation zones.
5. The paramilitary groups still have a presence in Santander de Quilichao and other urban areas within this area of the country. They engage in *sicario* operations that target social leaders located in these municipalities. They regularly distribute pamphlets against the indigenous organizations that include death threats against us. These threats are usually directed at all the member organizations of Minga Social y Comunitaria. The Minga is a human rights platform organized by the indigenous groupings of this area, ACIN and CRIC. Paramilitaries impose their own version of martial law on our population. They announce the extermination and assassinations of prostitutes, drug addicts, and vendors of illicit substances and others. All of the social organizations located in this region which are involved in politics find themselves at risk of being attacked or having their leaders killed by such groups.
6. We cannot say that the internal armed conflict has diminished in this part of the country or that we are now in a post-conflict situation.

The Militarization of our everyday indigenous life is the main abuse against our human and collective rights.

7. As a result of the armed forces' military strategy and the guerillas' activities, we live in the middle of the largest militarization we have ever known. We have lived with armed presence in our territories for over 60 years but it has never been this bad for us.
8. The presence of armed forces in our territories interrupts our communal life. It supplants the indigenous and the special indigenous jurisdictions recognized by Colombia's political constitution. It escalates normal communal conflicts into a reason for war. All of the parties of the internal armed conflicts use normal day to day conflicts to gain military advantages and to militarize all of the procedures meant to resolve conflict. It converts the civilian population into human shields, utilizes communal goods in an abusive manner, and alters traditions such as night fishing and traditional rituals in paramo zones. (see pictures 1 and 2).
9. The growing militarization of our territory has brought problems associated with the presence of military contingents. We wish to note two examples. First is that some members of the armed forces harass and sexually violate girls and women. Second, is the increase in unwanted and early age pregnancies, as well as the increase in sexually transmitted diseases in municipalities where the public forces are stationed. These problems have already been publicly denounced in our communal meetings in Tacueyó, Toribío and Jambaló. Further, the public forces have formed informant networks, financed by the government that includes young adults and children. These persons are drawn into the conflict and are given low value gifts (sweets, cigarettes, etc.) for providing information.
10. Militarization of our territories is supported legally. The Center for Coordination of Integral Action CCAI includes northern Cauca as one of its areas of operation. The Directive Council of the CCAI – constituted by the ministry of defense, the commander of Military Forces, the directors of the Police, Social Action and the DAS, and the national Attorney General's office – rule over the ministries of Agriculture, Social Welfare, Interior, Education, Mines, Transportation and Environment, and over the National Plan, Icbf, Sena, Incoder and Codeportes.

11. And in the areas of CCAI the power of civil authorities (mayors and city council officials) are suspended.
12. The militarization and implementation of CCAI deny in practice all of our autonomous rights as indigenous persons that are recognized by the Constitution, Agreement 169 of the International Labor Organization (ILO) and the Declaration of the United Nations regarding the rights of indigenous people.

Human rights violations against indigenous groups remain

13. Since Plan Colombia's beginning, human rights violations against indigenous groups have not decreased. On the contrary, as Plan Colombia began to be implemented, the number of murders of indigenous persons throughout the country began to rise from 206 in 2001 to 313 in 2002. Since then an average of 100 murders per year has taken place of our persons. The most relevant change that took place was who was responsible for these murders. From 1998-2002, 41.8% of murders, wounded, death threats and disappearances were caused by paramilitary groups, 20.5% by guerrilla groups and 20.4% by direct State agents. From 2002-2009, the responsibility became State agents, accounting for 43.6% of such violations.

14. We, the Nasa indigenous group, live in northern Cauca, and are the people most attacked by the armed actors. 35% of human rights violations committed against individuals in indigenous groups affect the Nasa. Further, 24% of the total number of internally displaced indigenous persons corresponds to the Nasa ethnic grouping. Between 2002 and 2008, **only in northern Cauca** (one of the nine zones in one of the seven provinces where we live), we have been victims of 170 murders, 20 disappearances and 29 wounded. (refer to annexed graphics)

15. In the year 2010, the problem has not decreased. Between January and May of this year, as a result activities linked to the war, nearly 250 human rights and international humanitarian law violations against our civilian population has taken place. Up to the first half of the year we have had:

38 political assassinations, 5 attempted murders, 40 wounded, 6 cases of forced displacement of more than 3,000 people, 74 cases of damages to civil capital, among other violations. (refer to Table 1). Those responsible are in majority the military forces and the guerrilla.

16. The evidence is clear. The governor of Cauca expressed that "the indigenous communities live among drug-dealer activities" (*El Tiempo* and *El Espectador*, February 22, 2010). Former president Uribe stated: "you cannot pretend that the autonomies derived from the Constitution are equivalent to the republics of offenders". Also, the former Minister of the Interior called on the indigenous communities of the south-western region to stop tolerating what they call the "narco-guerrilla", insinuating that we support such groups. Such statements do not include specific accusations. They just discredit our organization as a whole.

17. The government insists that shortly after the demobilization process with the paramilitary groups that Colombia has entered into a post-conflict phase. The annotated facts demonstrate that such a statement does not correspond to the reality we live in.

Impunity and disrespect towards judicial decisions persists

18. A recent Attorney General investigation on threats and homicides committed against indigenous leaders and communities is very disheartening. At present moment we do not have the most satisfactory results regarding the investigations and/or sanctions for the material and intellectual authors of such crimes. Impunity in such cases in particular those involving violence against women is especially worrisome.

19. On the contrary the government has responded with making false accusations and legal claims against our leaders and by persecuting indigenous justice. Currently several leaders including Feliciano Valencia, Ayda Quilcué and others have judicial processes against them for applying indigenous justice against those who sabotage pacific efforts of indigenous communities to mobilize. With this the government has sought to disparage our social movements ignoring our indigenous special jurisdiction and the indigenous communities' right to autonomy within its territory.

20. Up to the present we have no results from the investigations done by the Nation's Attorney General's Office regarding public officials that have stigmatized leaders and social as well as non-governmental organizations, or that have abused the State's institutions in order to commit political persecution.

21. When justice is applied, the government fails to acknowledge the judges' rulings. In a ruling from the constitutional court, the Colombian government responded with an act of nullity; it is the case against the response of Order 448 which recognizes the right of previous consent, free and informed of indigenous and afro descendants.

22. Constitutional Court Order 004 which orders the State to adopt plans to safeguard 34 indigenous communities at risk of physical or cultural extinction due to the armed conflict and internal displacement. The government has nationally and internationally informed that this process is moving forward and that there even are agreements with some communities, including the Nasa. ***We must make known that this information is false, the opportunity to even analyze a scheme for such a plan has yet to happen.***

23. This has occurred due to the government's lack of understanding that public policies must be modified when it relates to indigenous communities, that the budgetary priorities must be set according to the size of the humanitarian crisis, and that it must acknowledge that the military strategy and the strategy of energy-mining exploitation are contrary to the survival of our indigenous communities.

Previous Meeting

24. The government has also wanted to show advancements in matters regarding the right to previous consultation, as a way to hide the decision to not vote in favor of the UN's declaration on indigenous communities' human rights.

25. The government is preparing a law project on the right to previous consultation that does not follow the Constitutional Court's orders on how this should be done. Worse yet the law project itself has not been consulted with our communities. Although the government is referring to a law process within the government itself, it has lied to the international community by saying that it has a broad consensus over the issue and that this is an advanced process.

We Need Support for Peace

26. It is within the above described context that ACIN, maintains its mobilization actions, its visibility and exigency of rights, especially in recruitment prevention and rights to the truth, justice, reparation and

non repetition. Also, ACIN has designed a response plan to the war called “Plan Minga in Resistance” (Plan Minga en Resistencia) which includes temporary shelters (sites of permanent assembly) where the population can settle while the conflict continues the Indigenous Guard can act, the production of food to overcome the aggressions. We appreciate any help you can give to these actions.

27. We constantly demand the armed groups to abandon our territory. We have been able to foster instances of peace, we have impeded the guerillas from attacking our populations, and we have demanded the public force not to use our persons as human shields. As recognition of our position we have been awarded on two occasions the National Peace Prize, and six months ago the Spanish government gave us the Bartolomé de las Casas Award for our contribution to peace. We are thankful for these recognitions.

28. Nevertheless, it is urgent that more doors are opened in order to achieve peace. For years in Colombia, there is of a perpetual war as the only solution to the internal conflict. We positively view the American government’s declarations in regards to supporting a peace process. And we see that the new Colombia government or the guerilla has not closed the door for this possibility.

29. We hope that the United States’ Congress will back us in this struggle, stimulating diverse national actors who are seeking realistic and serious alternatives to peace in Colombia. And we appreciate the efforts that you will make so that the new Ambassador in Colombia and the State Department hear the voices of our communities who are suffering from hardships of an internal conflict.

30. ACIN is willing to disclose any information that may be required in order to adopt decisions that would favor democracy, peace, defense and human rights and the rights of indigenous communities in Colombia.

Information:

acinsecretaria@yahoo.es, acintejidodefensaalavida@gmail.com, yetwes@yahoo.es

Table 1: Aggressions against the Nasa community in the Northern Cauca Department 2000-2008



Table 2: Violation of the right to life of the Nasa community in the Northern Cauca Department



Chart 1: Acts of Political Violence in the Cauca

Number of Acts	Acts
1	Occupation of territory
4	Threats
1	Bomb attempts
1	Bombardment of territory
3	Mined Camp
74	Damage to civil goods

3	Damage to public installations
6	Forced removal
25	Combats
38	Murders
2	Incursion into households
6	Incursion into territory
5	Attempted Murders
2	Occupation of a holy site
1	Retention of Medical Mission
8	Arbitrary Detention
1	Detention due to political persecution
1	Theft
9	Harrassment in population centers
40	Wounded
2	Campo muse
4	Physical and Verbal aggression
1	Vehicle with explosives
1	Disappearance
1	Launching of explosive artifacts closet civilians
8	Victims of a massacre (massacre= 3 or more people)
TOTAL 248	

Picture 1: Members of the Army utilize a civilian's house as a safe post.



Picture 2: Waste left by the National Army in the Resguardo de Huellas Caloto



Picture 3: Impact of the explosives utilized in combat between the Public Force and the Guerillas in Corinto



BUENAVENTURA: Caught Between War and Despair³

Sociopolitical Context

Buenaventura is Colombia's principal port where around 70% of import and exports are transported. It is strategically located in the Pacific region of Colombia which is inhabited by 90% Afro-Colombians. It is possible to connect with close to 300 ports or different places around the world from Buenaventura, an advantage unmatched by the country's airports. This characteristic gives it strategic importance in respect to circuits of international maritime trade.ⁱ It is also the commercial, cultural and social capital of the Pacific, in addition to being the country's second richest region in terms of natural resources.

These characteristics, among others, have caused a concentration of the internal armed conflict in the region since the end of the 1980s and the beginning of the 1990s. Since 1998, the conflict has deteriorated and generated harmful consequences for the collective and ancestral rights of the ethnic communities. Since 2000, armed actors in the region (***Colombian military, guerrillas, and the paramilitaries***) have violently disputed over territorial, economicⁱⁱ and social domination. This situation is worsened by the increase of coca cultivation (for illegal use), in the rural area of the municipality, especially for the San Juan, Calima, Dagua, Anchicayá, Raposo, Mayorquin, Cajambre, Yurumanguí and Naya rivers whose mouths have been converted into storage spaces for pre-cursor chemicals, fuel and the drug processed by the coca.ⁱⁱⁱ The community councils have made huge efforts to eradicate the coca manually and autonomously despite never receiving any institutional support to slow the growth of illicit activity. The situation is compounded fumigations propagated by the national government in the Naya river region. Last February fumigations damaged traditional food crops; contaminated the river that is the principal source of potable water for the inhabitants; and posed problems for the black communities that live there.

This trend has resulted in grave consequences against the civilian population, represented by systematic human rights violations, that are continuous and progressively getting worse. These violations disturb our values and cultural practices as black communities.

³ Background paper written for the Senate/House staff delegation to Buenaventura on August 26, 2010 organized by the Washington Office on Latin America (WOLA) and the support of its Colombia partners PCN, Pastoral Afro-Colombiana, NOMADESC, MOVICE and the Office of Senator Lopez Maya.

CURRENT HUMAN RIGHTS CONDITIONS IN BUENAVENTURA

The Afro-Colombian population of the Pacific region – Buenaventura in particular – is the object of crimes against humanity, institutional and structural racism, and the imposition of a development model that puts the survival of our ethnic group at risk. Afro-Colombians are targeted because they are located in regions of great geostrategic importance where port, tourist, infrastructural, and agro-industrial large scale development projects are being planned and executed. These projects are linked to violence that internally displaces Afro-Colombians from their territories in order to pave way for the subsequent appropriation and exploitation of natural resources by domestic and multi-national investors with acquiescence of the State and the Colombian government.

Human rights violations take place in the following fashion:

Killings and forced disappearances are a constant occurrence in Buenaventura.

In the past five years, on average of 500 violent deaths were registered in Buenaventura which totals to 2,500 violent deaths. According to the municipal human rights ombudsman office 357 forced disappearances have taken place in the past three years. From 2007 until the present forced disappearances have become the new modality to politically and socially control communities. It is also a method utilized to be able to continue the genocide that is taking place against afrodescendant communities of Buenaventura without leaving bodies that can be utilized as evidence of those crimes taking place.

These deaths and disappearances are intimately linked to the social political violence and internal armed conflict in the area that at its root is based upon economic interests over the territories in order to continue with large scale development projects and narcotics trafficking. It is not coincidental that the forced disappearances phenomenon has appeared given the deepening of the war in the region. It has become common practice as one of the indicators of the internal armed conflict in Buenaventura. During 2007, 2008, 2009 and 2010 thus far, it is the principal modality of systematic violations of human rights and international humanitarian law. According to the local military authorities this situation is due to “polizontaje” (silent, illegal and clandestine flights to Canada, the US and Europe), youths and adults’ activities with the insurgency (FARC guerillas) and persons (youths and adults) and their links to narcotics trafficking activities (“raspachines” coca leaf pickers, processing and transporting of narcotics). For the Human Rights Defenders’ office this is due to a new strategy employed by illegal armed groups to hide evidence that links them to crimes against humanity and a method for them make it difficult to bring legal charges against them. However, for civil society organizations and for the victims’ families this constitutes the principle form of systematic human rights abuse linked to the government’s interest in showing a war without bodies (decreased number of victims) in order to legitimate its policy of democracy security. It is also linked with the government’s interest to show Buenaventura as an example of pacification and social recuperation to increase interest for the implementation of several large scale economic development projects.

Major Massacres Recorded in Buenaventura: 2000 – 2005

Place	Date	Number of victims
Seis de Enero	Febrero 02 de 2000	03
Sabaletas	Mayo 11 de 2000	11
Zaragoza	Agosto 26 de 2000	04
Las Palmas	Septiembre 09 de 2000	07
Campo hermoso	Septiembre 17 de 2000	03
Carretera Cabal Pombo	Diciembre 12 de 2000	12
El Caldas	2001	03
Olímpico	Febrero 02 de 2001	03
Citronela	Abril de 2001	06
Alto Naya	Abril 12 de 2001	106 (murders and disappearances)
El Firme	Abril 27 de 2001	07
El Triunfo	Mayo 09 de 2002	03
Obrero	Mayo 11 de 2002	08
Lancha Mar	Mayo 23 de 2002	04
Pueblo Nuevo	Junio 07 de 2002	04
Vereda Triana	Agosto 26 de 2002	07
Kilómetro 23 veredas la esperanza	Octubre 22 de 2002	05
Vereda la Esperanza	Octubre, 23 de 2002	05
Reten	Falta fecha fija	03
Cascajal	Falta fecha fija	06
Comuna 12	Junio de 2003	04
Sabaletas	Junio 15 de 2003	07
Barrio, 6 de Enero	2004	03
Nueva Frontera	2004	03
La Delfina	Febrero 2004	03
Carretera simón bolívar	Febrero 2005	05
Barrió Alberto lleras Camargo	13 de febrero 2005	04
Barrio la playita	18 de marzo	03
Barrio la playita	20 de marzo	03
Barrió el triunfo vereda la gloria	16 de abril del 2005	12
Barrió el Caldas	12 de junio del 2005	03
Barrió Alberto lleras Camargo	9 de julio del 2005	07

The presence of the armed group FARC has also caused forced alterations in the culture of the afrodescendant communities. Their presence is the pretext utilized by the State to avoid its public responsibilities to protect these communities. The use of informant networks by the armed forces and the insurgency FARC has caused hundreds of selective assassinations in the river areas of Buenaventura. The majority of such deaths are not reported.

Internally Displaced Persons; Buenaventura, as a population center in the Pacific, serves as both a reception and expulsion site for internal displacement. According to the government's agency, Social Action, the registered IDP population is 12,320 families totaling 68,873 persons. Internal displacement began to take place in Buenaventura municipality in September 1998 due to combat operations between the Colombian marine infantry and the FARC guerillas in the Raposo River. Until now not one family from this early wave of displacement has been re-established economically as required by law 387 of 1997 on internal displacement. Since this time, Buenaventura has experienced numerous and constant displacements including intra-urban displacements (from one neighborhood to another). The most recent reception of displacement of persons to Buenaventura came from the San Juan River area of Chocó with 64 families fleeing the internal armed conflict and violence.

Internally displaced organizations in Buenaventura are under threat by the Black Eagles (emerging paramilitary groups that formed after the AUC's demobilization process) because of their human rights advocacy activities. On July 18, 2010 IDP leader Jair Murillo, President of the IDP organizations in this municipality was assassinated. Mr. Murillo's organization FIPAN was listed in an email threat by the Black Eagles received by the Washington Office on Latin America in spring 2010. This has generated great fear among the rest of the internally displaced in Buenaventura.

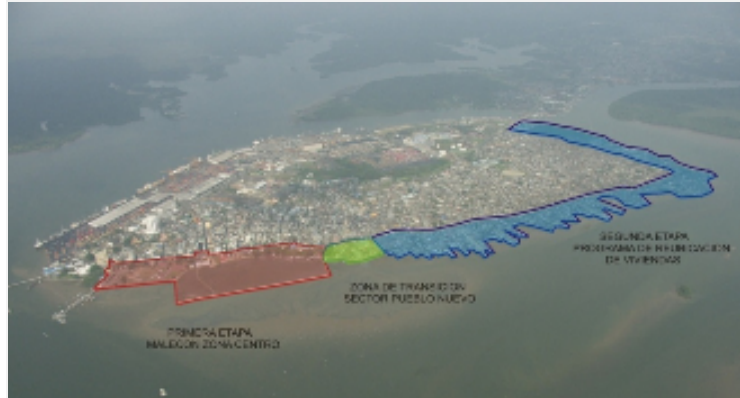
The development of large scale development projects; among them the housing project of national interest for low-tide zones (Bajamar) that USAID finances, this project aims to displace Afro-Colombians from homes they have been occupying ***(the affected neighborhoods include muro yusti, viento libre, piedras cantan, la playita, el lleras, palo seco)***. The pretext of the displacement derives from it being a high risk zone, but the real interest is to vacate the territory by constructing a seawall and expanding the port to facilitate the pending FTA. Projects such as this one are examples of how economic interests override the rights of people by violating their right to previous, free and informed consultation complemented by the internal displacement strategy of legal and illegal armed groups. Other large scale development projects being developed in Buenaventura are; ***TCEBUEN, Aguadulce, an International Airport, an industrial and port complex among others. The following image is of the island of Buenaventura and the colors show the low-tide zone that makes up the relocation housing program that will allow for the seawall project later.***

TCBUEN and its consequences; The ***Container Terminal of Buenaventura (TCBUEN in Spanish)*** large scale development project began in 2007 in the *La Inmaculada* neighborhood of Buenaventura. The project is part of a group of port projects that make up the "port expansion" whose central purpose is to deepen the economic enclave platform in Buenaventura and the Colombian Pacific. In accordance with the testimonies of the inhabitants of the neighborhoods affected by the TCBUEN, the project has brought unfortunate consequences for them such as:

- The removal of land and materials without the adequate procedure has given way to mosquitoes that can transmit malaria and hemorrhagic dengue that particularly affect infants and the elderly.
- The construction of TCBUEN originated in the disappearance of one of the primary sports and recreational sites; furthermore, senior citizens no longer have a place for safe traditional forms of entertainment such as: table games, dominoes, parks, *damas*, cards, *sapo*, etc. given the constant transit of heavy vehicles through streets.
- The state of unemployment has increased among fishermen, boat drivers and lumbers given that the construction of the TCBUEN impedes the exit to the sea through the Aguacate straight. Additionally, the banana, coco, avocado, *chontaduro* and plantain crops were lost; they were grown by the inhabitants of the lot where the project is currently being constructed and their loss has negatively affected family subsistence.

- The force exerted by the machines on the land has deteriorated housing, and TCBUEN has not responded in some cases.
- In the removal of land and materials for the construction of TCBUEN, workers have encountered while working human remains which have generated debate, panic, threats and intimidation among them.

Photograph of the Large-scale development project Malecón



- **Illegal mining exploitation;** This is another example of a case human, territorial and environmental rights abuse taking place in the Zaragoza rural area of Buenaventura. Since 2009, at the height of 23 kilometers along the Buenaventura-Cali road, uncontrolled and indiscriminate exploration of gold has taken place by outsiders coming from other cities in Colombia such as Medellín, Cali and Bogotá and countries including Brazil and Canada. This illegal mining has taken place without consideration of treaties or international conventions and the constitutional guarantees that protected the territories of the black communities.

More than 250 machines that excavate gold the following areas have been affected: *Río Dagua (Zaragoza, Bendiciones, Triana, Catanga and San Ciprinano) and San Marco and Agua Clara in the Anchicaya river region (areas connected to the Natural Parque Farralones of Cali)*. According to testimonies from residents in these areas more than 100 homicides are registered linked to violence related to the economic control of the area in order to mine. Furthermore, the groups in charge of “security” for the mine are the paramilitaries. These men receive payment for finding gold buyers. They also steal from and kill the artisanal miners who refuse to pay them extortion payments for “providing security.” Local miners note that persons who are murdered or who die due to becoming trapped in the mine are buried in the same place that the excavation machines operate. As such the machines realize new holes in the ground and pull up the bodies many of whom witnesses state contain a large number of bullet holes. These testimonies coincide with the large number of forced disappearances report in the area. While the national government through the vice minister of the interior and justice and the mayor of Buenaventura called for an end to illegal mining in this area, it has not stopped. It

continues to happen at a lower scale. According to residents 20 machines are still operating and new forms of extraction are being implemented. The environmental, social and cultural affects of this illegal exploitation is large. The Dagua river's flow has changed and as such has led to a destruction of Afro-Colombians' traditional crops and food security. Some shelters were destroyed by the heavy machinery and many persons were assassinated for attempting to defend their territorial rights. On February 19, 2010 Rosa Elena Plaza was murdered in Zaragoza. She is the sister of the General Coordinator of the Community Council in the area. Also Lorenzo Plaza was killed for the same reasons. Silvano Caicedo Girón, of the Black Communities Process (PCN) has received death threats for denouncing this situation on Caracol radio and pointing out the continued presence of extraction machines in San Marcos-Anchicaya River area.

Photographs of Illegal Mining in Zaragoza



Our organizations kindly request that House and Senate staff please consider the following recommendations:

- 1) That the US Congress increase international attention to the situation facing Afro-Colombian civilians in Buenaventura municipality. In particular, that violations taking place against afrodescendants' human rights and the lack of respect for international humanitarian law on the part of all the armed groups are given proper attention and addressed. Visibility can be increased by US Congress producing reports, public statements and organizing hearings and briefings on the human rights and internal displacement situation in Colombia.
- 2) That the US Congress encourages the US State Department and US Embassy to guarantee that the US human rights conditions for military assistance to Colombia are fully implemented. Cases violating such conditions in Buenaventura should be included in the US Department of State's monitoring of human rights in Colombia. For these cases, State should make sure that

investigations take place and the perpetrators are brought to justice. If this does not happen then the Senate should freeze military assistance to Colombia or cut off funding to the armed forces operating in Buenaventura that are not complying with their obligations to protect Colombian civilians.

- 3) Evaluate and change the international cooperation that the US gives to Colombia via USAID so that it guarantees that Afro-Colombian and Indigenous territorial representatives (community council representatives and indigenous cabildos) are previously consulted in a free, informed and transparent manner on all USAID financed projects that will be implemented in their collective territories. USAID should cease to finance oil palm projects and guarantee by implementing funding filters that no economic development project it finances is linked to the activities of illegal armed groups or utilizes their services to implement the project.
- 4) Co-sponsor, support and pass House Resolution 1224 in favor of Constitutional Court Orders 005, 004 and 092 on Afro-Colombian, Indigenous and Women IDPs.
- 5) The US Congress should recommend the following to the Colombian authorities:

Work with the Afro-Colombian community councils and grassroots groups' representatives to implement the norms that apply to the black communities. These include Colombian Constitutional Court Order 005 on Afro-Colombian displacement, law 70 of 1993 of the black communities and law 21 of 1991. To properly implement these norms the State should previously consult with the Afro-Colombian community councils. Additionally, the Colombian authorities should work on codification (*reglamentación*) of law 70 of 1993 in accordance with the steps previously agreed to with the community councils and Afro-Colombian grassroots organizations.

That they work to take steps to find a politically negotiated end to the internal armed conflict in Colombia.

That they cease to utilize aerial fumigation in order to eradicate coca crops. Rather, the authorities should construct jointly with the Afro-Colombian community councils agreed upon methods for how to best eradicate coca cultivation and design alternative development projects.

That they strengthen the right to previous consultation on development projects affecting Afro-Colombian and Indigenous communities by conducting a previous consultation process on how best to strengthen this right. All projects proposed by the government on how to strengthen this right should be previously consulted with the Afro-Colombian community councils including all proposed laws and initiatives proposed by others.

Work with Afro-Colombian community councils and grassroots organizations in Buenaventura on how to address the serious human, environmental and territorial affects of illegal mining in Zaragoza.

Work with Afro-Colombian IDP and grassroots organizations on how best to improve the physical protection for IDP leaders and Afro-Colombian community leaders and organizations.

Proceso de Comunidades Negra – Palenque Regional el Congal

Pastoral Afrocolombiana

Fundemujer

Rostros y Huellas del sentir humano

With support from the Washington Office on Latin America (WOLA)

August 26, 2010

ⁱ MÉNDEZ, Aníbal (former of director the Regional Port Society of Buenaventura). “Zona Económica Especial de Buenaventura: la gran Oportunidad de Colombia en la Cuenca del Pacifico.”

ⁱⁱ The economic control ranges from food markets in popular sectors – mostly by paramilitaries – to illegal arms and drugs trafficking.

ⁱⁱⁱ “Desplazamiento Forzado por la Violencia y Conflicto Armado Interno.” Report to Project a Resolution for the Human Rights Ombudsman’s Office, Buenaventura, September 2003.