

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.
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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.

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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

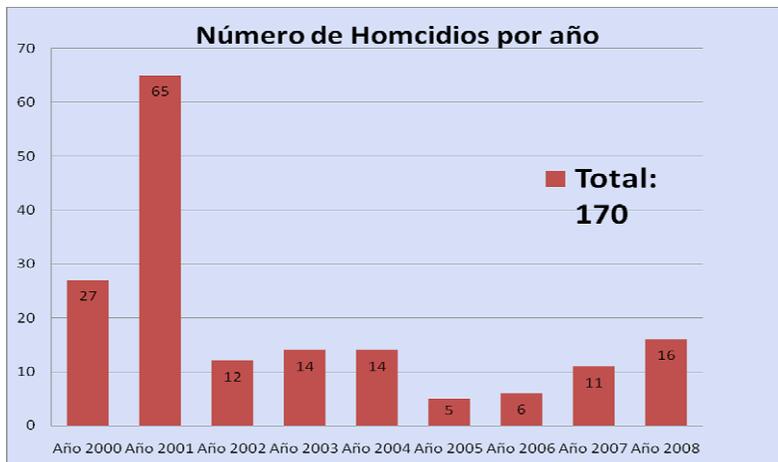


Chart 1: Acts of Political Violence in the Cauca

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

