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NEWSLETTER OIDHACO

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After 11 soldiers were killed during an attack by the FARC-EP on 15 April, President Santos ordered government forces to resume shelling against the guerrilla. As a result of these bombings, 26 presumed FARC-EP fighters were killed leading this group to lift, on 23 May, the unilateral ceasefire that they had maintained since 20 December 2014. This truce and the suspension of bombings by the government, had led to hopes for a change in the dynamics of "negotiating while the armed conflict continues" that has marked the peace talks in Colombia. Soon after, 870 Colombian organisations called on the warring parties to continue the peace negotiations and to quickly reach a bilateral ceasefire. In a letter (in Spanish), they stated that "according to national research, the unilateral ceasefire declared by the FARC-EP reduced the intensity of the war by 85%, and it is estimated that 73% of civilian and 64% of security force casualties were avoided. We ask ourselves whether the lives that were saved are not enough of a reason to agree a bilateral ceasefire." A number of international civil society organisations also made a statement

Peace process in Colombia:

along the same lines (*in Spanish*). Meanwhile the United Nations High Commissioner for Refugees (UNHCR) expressed concern about the effects of the intensification of hostilities on civilians. For the UNHCR, the progress of negotiations in Havana "represent hope and help alleviate the suffering of Colombian refugees and internally displaced people, enabling them to restart their lives in their places of origin, integrate with host communities, or safely relocate to other parts of the country".

One of the key issues in the peace process is how to ensure that serious human rights violations do not go unpunished. Colombian NGOs have reported that the intention of the Colombian government to extend military jurisdiction will guarantee impunity for members of the armed forces and the National Police. In particular, they report that the draft constitutional reform to Military Criminal Justice System, which is well under way to being approved by Colombian Congress, seeks to place under the jurisdiction of military judges, serious human rights crimes committed by soldiers and even police (*link to*

article in Spanish). In particular, the concern is that so-called "false positives" (killings by the

All sources can be seen in the digital version of the newsletter.

See Oidhaco website: www.oidhaco.org

army of unarmed civilians presented later as killed in action) will be transferred from the ordinary courts to the military justice system.

The EU and the peace process

During the opening of the II EU-CELAC Summit, the European Council President, Donald Tusk, announced the launch of a trust fund to support post-conflict activities in Colombia. After the II EU-CELAC Summit¹, the Brussels Declaration was issued, which in paragraph 17 expresses the support of the EU-CELAC States for the peace process: "We welcome the progress made on the peace process in Colombia. We encourage the

The International Office for Human Rights - Action on Colombia - OIDHACO

A network of 36 organisations based in the EU Member States, Switzerland and Norway, working with the four main coordination groups of Human Rights, Development and Peace organisations in Colombia. Based in Brussels, OIDHACO promotes the Rule of Law, democracy, and comprehensive respect for human rights, peace and sustainable development in Colombia.

Colombian government and the FARC-EP to make their best efforts to conclude these negotiations as soon as possible and we express our readiness to provide assistance to support the implementation of a comprehensive peace agreement. The EU and its member States are working towards the establishment of a Trust Fund in support of the post-conflict phase. We strongly support the efforts of the Colombian government and the FARC-EP that seek to reconcile the Colombian people to achieve stable and lasting peace in Colombia and take into account the rights of victims of the armed conflict. We also hope that the formal talks between the Government of Colombia and the ELN will start as soon as possible".²

Prior to the EU-CELAC Summit members of the Euro-Latin American Parliamentary Assembly had met at the Eighth Ordinary Plenary Session³ in Brussels from 3 to 4 June. The President of the European Parliament delegation to the EUROLAT sent a message to the EU-CELAC Summit, in order to "Express its support for the process of dialogues on ending the internal conflict between the Colombian Government and FARC. Encourage both sides to persist with this peace process and move beyond the tensions that have occurred in recent months; express too its desire to see this dialogue widened to include the ELN, so that peace can be achieved through dialogue with all parties concerned; support this dialogue so that the victims of the conflict and their redress may be taken into consideration and a fair way out of the conflict resulting in stable and lasting peace may be facilitated, in accordance with international humanitarian law; call on armed groups operating outside the law to cease their violent acts against the civilian population". For his part, the Latin American Co-Chair said that the parliamentarians from the Latin American and Caribbean unanimously expressed "their support and respect for the peace talks in Colombia between the government and the FARC" (*statement available in Spanish*).

Colombia and the European Union

Activities related to land rights

The violation of the right to land lies at the heart of the social and armed conflict in Colombia. There are around 6 million internally displaced people, placing Colombia in the unfortunate position as the country with the second largest number of displaced people in the world after Syria.

The return of land seized from the displaced is a priority, and the land issue is



also on the agenda of the peace talks in Havana. On this issue, and as part of a tour of Colombian delegates in Europe,⁴ Amnesty International and Oidhaco organised meetings with MEPs, permanent representatives and members of the European External Action Service. Amnesty International presented its report "A land title is not enough: ensuring sustainable land restitution in Colombia". Among other recommendations, the report stresses that the European Union (EU) should have mechanisms to ensure that no European companies, or EU investments, or development projects it funds, should benefit directly or indirectly from the dispossession of land.

Activities related to the situation in Buenaventura

Mundubat and Oidhaco organised activities in Spain, Brussels and Geneva to present the situation in Buenaventura, in particular community that has built a "humanitarian space" in the urban *bajamar* area by the sea. The report "Buenaventura: el despojo para la competitividad" (*Buenaventura: dispossession for competitiveness - available in Spanish*), written by Mundubat and the Inter-Church Justice and Peace Commission, was launched. The report illustrates how mega-projects are being implemented amid human rights violations; including the construction of the Aguadulce Port to expand Colombia's import and export capacity, and the Malecon Bahía de la Cruz, to

attract tourism to the region. Maria Nieves Torres, one of the leaders of the Humanitarian Space in Buenaventura, accompanied by Danilo Rueda, member of the Inter-Church Justice and Peace Commission, presented the serious situation faced by the *bajamar* inhabitants, control by paramilitary groups and their terror strategies such as 'casas de pique', where the paramilitaries torture and dismember people they have disappeared. It also showed the existence of relations between members of the security forces and these paramilitary groups and inadequate institutional response at the national level. The delegation raised awareness on the humanitarian space (*link to article in Spanish*) the Community's proposal to remain in their territory and called on the institutions present⁵ to show support for the initiative by asking the Colombian government to do everything possible to protect the community. The group also stressed the need for a mechanism to ensure that European investments do not benefit from human rights violations. The same report was also presented at the Peoples' Social Summit held in Brussels on 8 and 9 June (*link to article in Spanish*).

EUROLAT Europe-Latin America Parliamentary Assembly

Human rights defender Yessika Hoyos was censored and discredited during the sessions of the EUROLAT Committee on Political Affairs, Security and Human Rights. Yessika, member of the José Alvear Restrepo Lawyers Collective (*Colectivo de Abogados José Alvear Restrepo - CAJAR*) had been formally invited to participate in meetings as a delegate of the Colombia-Europe-United States Coordination Group, the Colombian Platform for Human Rights, Democracy and Development and OIDHACO to explain support from human rights organisations for the peace process and to express points of concern. At the beginning of the meeting, Yessika faced smears from MEPs Luis de Grandes Pascual and Agustín Diaz de Mera from political group the European People's Party, which suggested that the delegate had a close relationship with the FARC. Yessika did not even have the opportunity to defend these allegations, even though she was present in

person, and her speech was removed from the agenda. This caused a number of communications of protest from Colombian, European and international organisations. The largest three human rights coordination groups requested the following:

"We urge the Colombian Government, led by President Juan Manuel Santos, to make a public statement about these events, which have added to the stigmatisation already faced by victims, human rights defenders and the discrediting of the Colombian peace process. We also urge the government to ensure that real guarantees are in place for the participation and protection of human rights defenders. We also demand that the EUROLAT Executive Bureau makes a public apology to Yessika Hoyos and the "José Alvear Restrepo" Lawyers Collective and publicly recognises the important work of Colombian Coordination Groups in promoting peace and human rights. Similarly, we request that MEPs Luis de Grandes Pascual and Agustín Díaz de Mera publicly retract these remarks that attack the dignity of victims and organisations defending human rights and expose them to serious risks". The incident was also reported by the Observatory for the Protection of Human Rights Defenders (FIDH and OMCT – in Spanish).

For his part, MEP Luis de Grandes (EPP Group Coordinator in EuroLat), who questioned the agenda which led to Yessika being excluded, sent a letter reaffirming that the José Alvear Restrepo Lawyers Collective "are not be the

ideal counterpart of the Colombian Embassy". Meanwhile, Ramón Jáuregui Atondo (Co-President of Eurolat for the S&D) sent a letter stating that he considers Yessika Hoyos as "a worthy representative of Colombian society", however he limited Ms. Hoyos' possibility of speaking to the Eurolat Civil Society forum. Ernest Urtasun, Vice President of Eurolat for the Greens-ALE, rejected in a public letter what had happened and insisted that Yessika Hoyos' invitation "was absolutely valid and the veto irresponsible".

Oidhaco regrets the fact that while in Colombia social organisations maintain an open dialogue with the Colombian government at the highest level of the debate, and while the website of the European Parliament ensures that it "The Parliament sees its role not only in promoting democratic decision-making in Europe but also in supporting the fight for democracy, freedom of speech and fair elections across the globe", on this occasion it was expressed and reiterated in several reactions that society civil could not be on the same panel as the Colombian government. Is this dialogue between governments and civil society not one of the foundations of democratic principles?

EUROLAT Resolutions: mining and climate

During the Eighth Ordinary Plenary Session of

Eurolat (Euro-Latin American Parliamentary Assembly) two resolutions were adopted. One on 21st Century mining based on responsible and sustainable development, which calls for respect for human rights, in particular the right to a

Information Pack - 18 sheets on issues related to Colombia

After more than 50 years of armed conflict, currently Colombia is living an important historical moment. Two years ago negotiations began in Havana between the Colombian government and the FARC guerrilla. In the context of the ongoing developments in the relationship between the European Union and Colombia, it is fundamental to have access to concise information regarding relevant issues. In this pack you will encounter fact sheets on the following issues:

Affected populations: human rights defenders, trade unionists, women, Indigenous peoples, Afro-Colombian communities, LGTBI population and small-scale farmer communities.

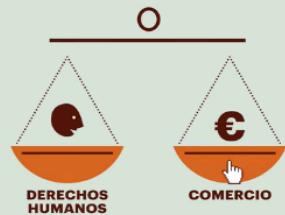


Key issues: the general Colombian context, torture, land (specifically the 2011 Victims and Land Restitution Law), forced displacement, justice, the criminalization of social protest, the peace process, extrajudicial killings and Economic, Social and Cultural Rights.

Economic issues: the impacts of the extractive industry, trade relations between the EU and Colombia.

[Link to the sheets in oidhaco.com](#)

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healthy environment, and the rights of workers and indigenous peoples, among others. The other resolution was passed on the Europe-Latin American position on issues related to climate and climate change in the context of the Summit of 2015 in Paris (COP 21), which unlike the first resolution does not have a focus on human rights and instead avoids explicitly supporting rights such as prior consultation for indigenous peoples. Both resolutions were presented to the EU-CELAC the following week. A summary of the resolutions is available on the Oidhaco website.

Support for the truth commission

Meanwhile, the High Representative for Foreign Affairs and Security Policy of the European Union, Federica Mogherini showed her support for the Colombian Government and FARC-EP announcement, in which they signalled the approval of a detailed report for the establishment of a Commission for Truth, Peaceful Coexistence and Non-Repetition. On behalf of the EU she also stressed the fundamental role of the victims in the establishment of this commission. Todd Howland, representative of the United Nations Office for Human Rights in Colombia, also welcomed the announcement but said that if the principles of non-repetition, truth and justice are not met, the International Criminal Court will have the power to open criminal proceedings.

Alternative activities around the EU-CELAC Summit

Between 8, 9 and 10 June, Days of Mobilisation for the Peoples' Sovereignty against the power of Corporate-Led Trade and Investment Architecture were held. The participants rejected austerity and neoliberal policies and

demanded a substantial change in extractive policies; they reported on the murder and disappearance of human rights defenders in Latin America; they complained that bi-regional relations focus on the multiplication and development of FTAs.

The organisations called for respect for the sovereignty of peoples against the trade model promoted by multinationals. In a video reportage, European networks explained how the current trade relationship between the EU and Latin America, based on the extraction of natural resources, contributes to the depletion of non-renewable resources, global warming and social conflicts.



"In the current situation of the Peace Process in Colombia, meanwhile crimes against human rights defenders and the civil population carry on, we consider essential to continue and to increase our advocacy and activities of human rights violation denunciation that occur every day. Therefore, we would like to improve our capacities and guarantee our economical independence". The Friends of Oidhaco will receive information related to the situation in Colombia and to Oidhaco's work (newsletters, analysis documents, events, amongst others).

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The International Office on Human Rights - Action Colombia, Oidhaco represents a network of international organisations. From its headquarters in Brussels, it accompanies Colombian civil society initiatives which work towards the full respect of human rights and international humanitarian law, and a negotiated solution to the internal armed conflict. Oidhaco works with 4 main platforms of human rights, development and peace organisations in Colombia. Since 2012, Oidhaco has been granted Special Consultative Status before the United Nations Economic and Social Council.

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Colombia in the United Nations

Colombia was examined by the UN Committee against Torture (CAT). The State must submit periodic reports to the CAT on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. This is Colombia's

fifth report, and the CAT issued its observations on 15 May.

Previously, human rights organisations had submitted shadow reports to the State, affirming that torture and cruel, inhuman and degrading treatment are systematic in Colombia, sheltered by high levels of impunity. They also participated in open forums provided by the CAT during the sessions in May to present their views. Besides participating in the meetings of the CAT, members of the Colombian Coalition Against Torture (*Coalición Colombiana Contra la Tortura - CCT*) conducted a European advocacy tour between 27 April to 7 May, in order to raise the issue of the use of torture in public safety activities, attacks against human rights defenders and social activists, the psycho-social effects of torture and threats, and impunity for these violations. They also reported that torture is not in the agenda of the peace talks in Havana.

The observations of the CAT to the Colombian State covered various issues including issues related to persons deprived of liberty; sexual violence against women and children and adolescents; excessive use of force in controlling peaceful demonstrations; violence based on sexual orientation or gender identity; the torture of victims of enforced disappearances, arbitrary detentions and extrajudicial executions. The CAT also commented on the project to expand the scope of the military justice system as a mechanism for impunity. They also expressed their concerns about the deficiencies in the process to demobilise paramilitary groups, among other issues. The CAT made several recommendations to the State to improve the situation of the right to personal integrity in Colombia.

Furthermore, OHCHR and UN Women expressed concern about the high levels of impunity in cases of sexual violence against women, particularly that which occurs in the context of the armed conflict in Colombia. "Sexual violence affects thousands of women in Colombia who today are victims of this serious crime, and they face serious barriers to access to justice and rapid, effective response that safeguards their rights", they stated. (*Statement in Spanish, unofficial translation*)

Situation of workers

The International Trade Union Confederation (ITUC) released its report on the [Global Index of Labour Rights](#), noting that Colombia and Guatemala are the worst countries in the region for male and female workers and that Colombia is among the 10 worst countries globally according to the ITUC Index that ranks 141 countries based on 97 indicators recognised internationally.

Colombia is ranked within Group 5: "Countries with the rating of 5 are the worst countries in the world to work in. While the legislation may spell out certain rights workers have effectively no access to these rights and are therefore exposed to autocratic regimes and unfair labour practices".

End notes

¹ Under the motto "Building our common future: working for prosperous, cohesive and sustainable societies for our citizens", heads of state and government from the European Union (EU) and the Community of Latin American and Caribbean States (CELAC), and the Presidents of the European Commission and Council, met in Brussels on 10 and 11 June 2015, for the II EU-CELAC Summit, the eighth bi-regional meeting. The first bi-regional summit between the EU and Latin American and Caribbean states, was held in Brazil in 1999. In December 2011 the Caracas Declaration was adopted creating CELAC, and bi-regional EU-CELAC meetings have been held since January 2013.

² They also spoke about support for the visa waiver for short-term stays for Colombian nationals, which will be made concrete in an agreement entering into force in 2015. Another document amended by the EU-CELAC Summit was the [EU-CELAC Action Plan](#). To this plan were added chapters on "Higher Education" and "Citizens Security". It was also announced that a new chapter on "Food Security" is being developed. This document makes no reference to specific countries.

³ "The Euro-Latin American Parliamentary Assembly (EuroLat) is the parliamentary institution of the Bi-regional Strategic Association established in June 1999 in the context of the EU-CELAC Summit (between European Union-Latin American and Caribbean). EuroLat adopts and submits resolutions and recommendations to the various organizations, institutions and ministerial groups responsible for development of the Bi-regional Strategic Association." http://www.europarl.europa.eu/intcoop/eurolat/key_documents/flyer_eurolat_en.pdf

⁴ Speaker participants included: Belinda Márquez – Colombian land reclamant; Claudia Erazo – Colombian lawyer from the Yira Castro Legal Corporation (*Corporación Jurídica Yira Castro - CJC*) and Ricaute Sánchez – small-scale producer, land reclamant and former councillor who was forcibly displaced due to the actions of paramilitaries and guerrillas.

⁵ Institutions of the European Union, national institutions and United Nations special mechanisms.