

Violent displacement of the African-descent community of Roche, La Guajira, Colombia, in the interests of Cerrejon Coal

February 25, 2016

Yesterday, February 24, 2016, ESMAD (Mobile Anti-Disturbance Squadron), used excessive violence to expropriate and destroy the home of the Ustate Fuentes family in the community of Roche, an African-descendant community resisting involuntary resettlement in the municipality of Barrancas, La Guajira, Colombia. The mining corporation CARBONES DEL CERREJÓN initiated this involuntary resettlement.

Incidents

1. The Ustate Fuentes family has resisted relocation as part of CARBONES DEL CERREJÓN's expansion project, because they do not consider the resettlement conditions dignified. To date, the corporation has not guaranteed the quality of the houses, sufficient land for livestock, drinkable water in resettlements, or compensation for damages and losses to relocated families.
2. The expropriation was planned for 10 am, at which time approximately 50 members from the communities of Roche, Patilla and Chancleta (which have also been displaced by the company), as well as the human rights organizations Indepaz and Colectivo de Abogados José Alvear Restrepo accompanied the Ustate Fuentes family. An independent photographer and journalist from Guatemala Rafael Ríos, who is writing a report on the communities, was also in attendance.
3. The Municipal Court of Barrancas did not suspend the process despite knowing that the community had presented a legal petition stating the potential human rights violations that could result from the expropriation.
4. Before the start of the exportation process, members of the Colombian army gathered to block the road to Roche, and according to statements from the community, they did not allow some community members who wanted to accompany the Ustate Fuentes family to pass.
5. At approximately 11 am, ESMAD members arrived in the community yelling insults, and throwing gas canisters, and rubber and steel projectiles at the crowd. After 20 minutes of confrontation, two people were injured: Ronald Emilo Palmezano Carrillo (a young man who is intellectually and developmentally disabled) suffered a broken arm after being hit with a projectile thrown by ESMAD and Mr. Angel Pereira suffered open chest wounds also as a result of the projectiles thrown by ESMAD. Additionally, several people including women and people with disabilities received wounds from the projectiles and choked on tear gas.
6. The use of excessive and disproportionate force occurred throughout the expropriation process, which was supervised by the Madame Justice of Barrancas. Representatives from the Human Rights Ombudsman Office, the Attorney General's Office, the Family Welfare Office, the Public Defense Office, the Mayor's Office, and Cerrejón Coal stood by passively during the violence and abuse carried out by ESMAD against the Ustate Fuentes family. The absence of the Municipal Ombudsman during the process was also noted.
7. Around noon (12 midday), members of the Ustate Fuentes family, the Justice from Barrancas, and representatives of the Cerrejón corporation began a dialogue, which, after more than five hours, ended in Tomás Ustate voluntarily surrendering his house under the condition that Cerrejón create a contract confirming its responsibility to find, collect, and move his livestock (some of which are lost and others are currently located in the original Roche), and give him the land and house in New Roche promised in a previous agreement. This legal agreement was signed and certified.
8. During the negotiating period, there were several confrontations between police and communities. ESMAD detained two women after violently assaulting them. These women were Elis Maria Ustate Fuentes and Yohanna Ustate Fuentes, both daughters of Tomás Ustate. They were detained after being

accused of hitting a Cerrejón employee. ESMAD also detained and beat Mr. Jhan Carlos Frías of Roche. Today, all three are in the police station in Fonseca.

9. As the expropriation process came to a close, ESMAD arbitrarily detained Rafael Ríos, a Guatemalan journalist and photographer, and took him to the police station in Albania in – he testifies – a small truck belonging to the Cerrejon Coal company. Before letting him go, the police deleted all of his photographs and videos, violating the prohibition against confiscating, deleting, examining or damaging journalists' material.
10. After the signing of the agreement, a bulldozer was brought to tear down Tomas's house and the remaining uninhabited houses in Roche as ESMAD continued to repress the remaining community members.

Background

In 1985, Cerrejón began displacing communities in the region, starting with Manantial.

On August 9, 2001, Cerrejón displaced the African-descendant community of Tabaco, in the Hatonuevo municipality. At the time, Cerrejón was co-owned by Carbocol and Intercor. 700 Tabaco residents were forced from their homes as a bulldozer flattened their houses. A year later, the community filed a legal petition demanding resettlement, which was approved by the court and ordered the reconstructed of the town and its infrastructure. To this day, the corporation and the Hatonuevo municipality have failed to follow this order.

Eight African-descendant and indigenous communities have been forcibly displaced, and many others have been forcibly resettled using legal mechanisms that allow Carbones de Cerrejón to appropriate ancestral lands for its mining activities. Resettled communities have many complaints about the unfulfilled agreements with Cerrejón, as well as health and environmental impacts.

Demands

We demand that the authorities investigate the conduct of the Mobile Anti-Disturbance Squadron ESMAD during the expropriation of the last family of the African-descendant community of Roche.

In the same manner, the authorities must establish the legality of the detention of those detained during the expropriation, and the conduct of the police in these incidents.

In the case of Rafael Ríos, the authorities must investigate and sanction the confiscation and destruction of his photographic materials by the police, and the intervention of the Cerrejón Corporation in his detention.

The local and national authorities must ensure that the agreements signed between the Roche community and the Cerrejón Coal Corporation are fulfilled, and that these agreements guarantee Roche residents' economic, social, and cultural rights.

We demand that the Human Rights Ombudsman Office, the Attorney General's Office, the Family Welfare Office, the Public Defense Office, the Municipal Ombudsman and the Mayor's Office present a report on the incidents that took place during the expropriation process.

We demand Cerrejón respond to the serious incidents resulting from this displacement, which is a direct consequence of the corporation's use of expropriation, including the aggression against and detention of community members during the displacement, and in particular the detention of journalist Rafael Ríos.

Additionally, we hope Cerrejón's shareholding corporations - Glencore, Anglo-American, and BHP Billiton – will investigate this event in accordance with their obligation to uphold intentional human rights standards and conduct 'due diligence', a principle which should lead them to take all necessary measures to avoid violating human and territorial rights. These obligations are part of the United Nations guidelines for Business and Human Rights which demand "respect, protection, and redress" from states and corporations.

Signed

Agencia de comunicaciones para la paz – ACPAZ, Colombia
Amigos da Terra, Brasil
Asociación para los Pueblos Amenazados, Switzerland
bergbau menschen rechte – bmr, Switzerland
Bern Declaration, EvB, Switzerland
Both ENDS, Netherlands
Bread for all – Bfa, Switzerland
Broederlijk Delen, Belgium
CENSAT Agua Viva – Amigos de la Tierra, Colombia
CETIM, Switzerland
Andy Higginbottom, Colombia Solidarity Campaign, UK
Comundo, Switzerland
Coordination Climat Justice Sociale, Switzerland
Corporación Colectivo de Abogados José Alvear Restrepo – CCAJAR, Colombia
Corporate Europe Observatory, Belgium
FIAN, Switzerland
Foro Ciudadano de Participación por la Justicia y los Derechos Humanos, FOCO, Argentina
Global Campaign to Dismantle Corporate Power and Stop Impunity
Sam Lund-Harket, Global Justice Now, UK
Green Istria, Croatia
Stephan Suhner & Dominique Rothen, Grupo de Trabajo Suiza-Colombia – ask!, Switzerland
Instituto de Estudios para el Desarrollo y la Paz – INDEPAZ, Colombia
kolko e.V., Menschenrechte für Kolumbien, Germany
Richard Solly, London Mining Network, UK
MiningWatch Canada
Sebastian Ordoñez, Movimiento Jaguar Despierto, UK
Multiwatch, Switzerland
North Shore Colombia Solidarity Committee, USA
Peacewatch, Switzerland
Refugees Welcome Fredericton, Canada
Sebastian Rötters, Urgewald, Germany
Solifonds, Switzerland
Tierra Digna, Colombia
Transnational Institute, Netherlands
Benjamin Saranel, War on Want, UK
WRM - World Rainforest Movement, Uruguay

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