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INDIGENOUS ISSUES

Joint written statement* submitted by the Europe- Third World Centre (CETIM), a non-
governmental organization in general consultative status and Association of American
Jurists, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is
circulated in accordance with Economic and Social Council resolution 1996/31.

[3 February 2003]

*This written statement is issued, unedited, in the language(s) received from the
submitting non-governmental organization(s).

Threats over the fundamental rights of indigenous peoples in Columbia

At a time when international attention is focusing on the imminence of a war against Iraq, other serious conflicts have just been put into the background. This is the notorious case of Columbia, a country that suffers from a civil war that seems impossible to resolve.

In this South American country, 20 people die daily of whom 15 are unarmed persons assassinated inside their homes, in their places of work and in the streets. One thousand persons have been displaced per day for the last three years, a high percentage of whom are members of the indigenous community: they represent 12 % of the displaced people, whereas the full indigenous population is only approximately 0,6 % of the entire population of the country.¹

Faced with this alarming situation, the indigenous communities met on August 22, following the inauguration of the presidency of President Alvaro Uribe Velez, and presented a document in which they requested the new government to establish a policy that will allow some respect for the indigenous peoples. There has been no written answer so far from the government, which, instead, is showing clear signs of no interest in the protection of the indigenous peoples of Colombia, as the following events illustrate:

Columbia is on the cross-roads of the mega continental investment projects provided for in the Panama Puebla Plan (PPP), the Atrato-Truendo canal (and/or Atrato-San Miguel) and the Integration Initiative of the South America Regional Infrastructure (IISARI). These huge projects, which will link Latin America with the United States, aim at connecting not only the road networks and the waterways, but also the electrical system. It's because of these mega projects that the current government, as their predecessor did, aim at putting an end to the cultural, organisational and territorial rights of indigenous peoples, who are obstructing the carrying out of these projects. These are the reasons why the government is restricting the space of dialogue and participation through the introduction of institutional reforms.

On human rights matters, the present government has not responded to the protective measures which have been prescribed by the Inter-American commission on human rights in various situations, such as the Embera Katio of the High Sinu, the black and peasants indigenous communities of the High Naya (the borders between the Districts of Valle and Cauca); They have not taken any measures to prevent the massacre, silent but recurrent, of which the people of Kankuamo of the Sierra Nevada are victims: the last true ethnocide against this people includes more than 150 killings in recent years, the murder of 4 members² of the community of the Atanquez village on December 8th, 2002 by a paramilitary group operating in the region with the full knowledge of the military authorities. However, the forced disappearance of Kimi

¹ According to the National Department of Statistics (DANE).

² Abel Alvarado; Franklin Arias, Alfredo Borrego and José Manuel Cáceres, have all been murdered right in the middle of the market in front of all members of the community. Communiqué of the Indigenous National Organisation of Columbia –INOC, 9 December 2002, Bogotá.

Pernia Domico, the leader of the Embera Katio, continues with impunity as in the case of the 153 killings of indigenous people recorded only during 2002.

The process of setting up, extending and reorganising the indigenous reservations has been suspended, despite the fact that a large number of requests have already fulfilled all the requirements. All these measures aim at halting the legal recognition of the indigenous territories despite the fact that these rights are already enshrined in the Political Constitution.

It becomes then clear from the foregoing, that the policy of invasion of the indigenous territories will be legally authorised, using of the paramilitary action to achieve such a goal. In fact, it is common knowledge that in various parts of the country these groups seek to drive out the indigenous communities through colonisation so to facilitate later the exploitation process of their resources and monocultures as well as the realisation of the mega projects. In these situations, violence continued to be paying as a means of evacuating the communities. This already happened during the Spanish conquest, again during the civil wars of the nineteenth century, and during the “Valencia” period from 1946 to 1958, during which 2 million people were displaced and 200,000 murdered while cane sugar crops and cotton were spreading across the area and prices of coffee increasing.

The Magdalena Medio region has been the pilot zone for this kind of displacement, caused by the building of the so-called “Road of Peace ” in the eighties. This pattern has been since applied and can still be seen today, in the strategic areas of Atrato, the Meta river, Putumayo, the motorway which will link Uraba to Venezuela, the big dam projects and the oilfield areas. The inter-oceanic canal Atrato–Truando (a variant chosen by the Colombian State) and / or Atrato – Cacarica – San Miguel (a variant proposed and preferred by the United States) constitute the link between the PPP and IISARI. It is a gigantic project that spawns violence in its surroundings against descendants of Africans, the indigenous and other peoples of Choco. It has also expanded recently to the Kuna (Tulé) indigenous people on the border lands with Panama. In mid-January, 2003, 150 paramilitary Columbians attacked two villages of the Darien, Paya and Pucuro regions, torturing and murdering five indigenous chiefs³, kidnapping two American reporters and one Canadian⁴ (La Pensa, Panama, 21 /01/ 2003).

The Mita River has a leading role in a Japanese project which is now part of the IISARI. Its main objective is to carry goods from Bogotá to the Orinoco River and from the Atlantic Ocean to the Amazon region. The official studies provide for the privatisation of the river and the building of a harbour on the indigenous reservation of Achagua, one of the territories that the big landowners have so far failed to control.

The district of Putumayo, with its high concentration of indigenous population whose land is squared by the oil concessions represents the north west exit of the fluvial axis Amazon–Rio de la Plata, which aims at linking by tubes and drains this district to Buenos Aires, Montevideo and the mouth of the Amazon river, then through a

³ Ernesto Ayala, Luis Enrique Martinez.

⁴ One of the American reporters is Robert Shelton from Discovery Channel.

motorway link, to the Pacific coast. This is the most ambitious project of the IISARI.

In the district of Arauca where a state of emergency is currently in force, The U'wa people denounce the resumption of oil drilling carried out against their will on the land of their ancestors 5.

The fight in defence of the land, which is at the same time the fight for their life, has led to the assassination, torture, disappearance and displacement of members of the indigenous community throughout the national territory. A press release of March 27TH 2002, from the Colombian Bureau of the UN Office of the High Commission for Human Rights⁶ warns that indigenous peoples of Columbia are threatened by extermination in the next 10 years if no protective measures are taken.

RECOMMENDATIONS

The Europe–Third World Centre and the American Association of Jurists request that the Commission on Human Rights consider the following matters:

- request the Colombian government to resolve all cases of impunity regarding the selective murders and forced displacements, particularly in the case of Kimi Pernia Domico, who has been sequestered more than one year without an enquiry made so far that could allow him to take the necessary legal steps to bring the perpetrators to justice;
- request the Colombian government to promote, respect and enforce indigenous rights to life, culture and land;
- request the Colombian government to put an end to impunity in respect of the publicly known paramilitary extortions in the Valledupar region, whose victims are the Kankuamo people of the Sierra Nevada of Santa Marta; and to enforce the law in respect of the U'wa people's land and cultural integrity, by ending oil drilling that is carried out against the U'wa people's will;
- Request the Special Rapporteur on Human Rights and Fundamental Freedoms of Indigenous Peoples to undertake a study on the human rights situation in Columbia.

5 This was done under heavy military security and with the logistic support of the United States through the Colombian Plan funds which were originally intended to fight against drug , but which are also used today to defend the “strategic interests of the State” of which oil is the most important.

6 Press Communiqué of 27th August 2002 on the national channel Caracol, from Amerigo Incalcatera, the Director of the office in Columbia.