

VICTIMS ISSUES

A MONTHLY REVIEW

JUNE 2015

1. BACKGROUND

On June 10, 2011, President Santos signed into effect the Victims and Land Restitution Law (Law 1448). Over the next 10 years, the Law will provide five reparation measures to victims of the internal conflict: (1) land restitution, (2) financial reparation, (3) rehabilitation, (4) satisfaction and (5) guarantees of non-repetition. Three public institutions were created by the Law: (1) the Victims Unit, to provide services and reparations and coordinate the National Victims Assistance and Reparation System (SNARIV), (2) the National Center for Historical Memory (CNMH), to collect and develop historical memory of the conflict, and (3) the Land Restitution Unit, to implement the restitution component. As of June 2015, 7,438,023 victims were registered with the government of Colombia (GoC), primarily victims of internal displacement (84%).⁽¹⁾

2. KEY DEVELOPMENTS

ADVANCES AND CHALLENGES ARE NOTED FOUR YEARS INTO THE VICTIMS LAW'S IMPLEMENTATION

On the Victims Law's four-year anniversary, the period expired for those who suffered a victimizing act between January 1, 1985 and June 10, 2011 to declare for inclusion in the Victims Single Registry. A bill has been put before Congress that would add two years, in order to recognize intra-urban displacement and facilitate registration for those who have not been able to declare in the country and abroad (of whom only 0.9% have been able to register).⁽²⁾ During these four years, President Santos stated, Colombia has repaired 500,000 victims with an investment of over 1.1 billion USD.⁽⁴⁾ The results of a Harvard University study also confirmed that Colombia has provided financial compensations to more victims than any other country in history, and that the country's reparations program is the most comprehensive and ambitious ever proposed. Congratulating the work of the Victims Unit, Santos highlighted the importance of "persevering, persisting with political willpower, and fiscal support," while noting the importance of balancing ambition with results and victims' expectations.⁽⁴⁾ However, in this context other voices have questioned the government's ability to fully fund the law's implementation. The Comptroller General's Office stated that the Victims Law must be extended beyond 2021 (when it is currently scheduled to expire), citing the lack of resources for the restitution of housing and financial compensations. To date, the government entity stated, only 2.1% of victims of displacement have received this assistance.⁽⁵⁾

3. PEACE PROCESS

PEACE PROCESS CRISIS: TENSION RISES, CITIZEN SUPPORT DECREASES

After the end of the unilateral ceasefire declared by FARC on May 22, the confrontation between FARC and the Colombian armed forces scaled up. FARC focused their actions against the electrical and oil infrastructure, affecting the electric supply of Tumaco and Buenaventura on the Pacific coast and producing massive oil spills into water resources.⁽⁷⁾ Meanwhile, according to a Gallup survey, 62% of Colombians do not think that a final agreement will be reached and 45% think that a military solution is needed to defeat FARC. Since April 2013, no survey has shown that most Colombians consider a military solution the best option.⁽⁸⁾ The UN called for the current model of negotiating mid-conflict to be reevaluated.⁽⁹⁾

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"For victims, reparation is more important than punishment," noted Santos based on the results of the Harvard study; although victims value reparative justice, "society in general prefers punishments. The search for transitional justice is a challenge for all of us in the peace process."⁽⁶⁾

Given the process' crisis and accompanying countries' call to de-escalate the conflict, FARC announced a new unilateral ceasefire starting on July 20;⁽¹⁰⁾ to stop rumors on the process, the GoC launched a website revealing truth and myths about the negotiations:

<http://www.mitosyrealidades.co/>

1. Data from the National Information Network (RNI), Victims Unit, through June 1, 2015, <http://rni.unidadvictimas.gov.co/?q=v-reportes>.

2. "Los avances y retrocesos en la reparación a las víctimas," El Universal, June 1, 2015, <http://bit.ly/1L6trcY>.

3. "Gobierno asegura que ha reparado más víctimas que cualquier otro país del mundo," El Universal, June 4, 2015, <http://bit.ly/1dYITct>.

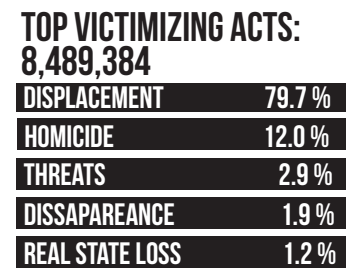
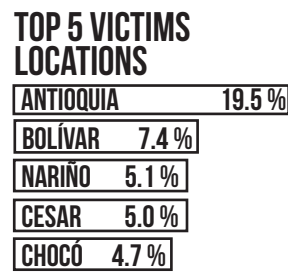
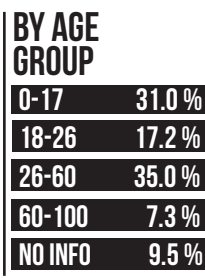
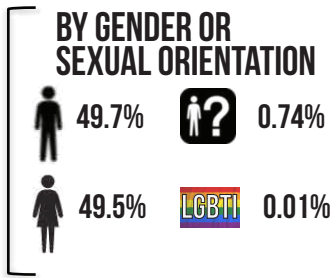
4. "Universidad de Harvard destaca Política Integral de Reparación de Víctimas en Colombia," Presidencia, June 4, 2015, <http://bit.ly/1dPY8FL>.

5. "La ley de víctimas no tiene financiación suficiente: Contraloría," El Espectador, June 26, 2015, <http://bit.ly/110Rzvd>.

6. "Gobierno asegura que ha reparado más víctimas que cualquier otro país del mundo," El Universal, June 4, 2015, <http://bit.ly/1dYITct>.

4. PROGRESS REPORT*

7,438,023
REGISTERED VICTIMS
15.6%
OF TOTAL POPULATION



Part of the **SATISFACTION MEASURES** established by the Victims

Actions to reinstate victims' dignity and disseminate the truth on the internal armed conflict

- Clarify violent acts
- Dignify victims' voices
- Contribute to peace-building in the regions

EXAMPLES

- Military service exemption for victims
- Symbolic reparations (monuments, events, commemorations)
- National Day of Memory and Solidarity with Victims (April 9)
- National Dignity Day for Female Victims of Sexual Violence (May 25)
- Public acts of pardon
- Historical memory actions



Created by the Victims Law, the **NATIONAL HISTORICAL MEMORY CENTER** is responsible for collecting, recovering and disseminating documents, archives, testimonies, and other materials on human rights violations to promote knowledge on Colombia's social and political history

MAIN RESPONSIBILITIES



- Clarify the truth about the conflict
- Foster historical memory processes with victims and victims' organizations
- Support memory initiatives
- Collect testimonies from paramilitary ex-combatants who signed **Truth Contribution Agreements (Law 1424)**

HIGHLIGHTED PRODUCTS

- Production of over **100 historical memory reports** on emblematic regions and cases
- Report: **Enough! Colombia: Memories of war and dignity**, which is being translated to English. The Spanish version is available here: <http://bit.ly/1jmAkd3>
- 1,407 demobilized individuals obtained judicial benefits resulting from their testimonies (2014)



NATIONAL MUSEUM OF MEMORY

- Space in Bogotá to promote victims' voices and experiences
- Exhibitions, outdoor monuments, educational spaces, and archives
- On **August 13th, 2015**, the winner of the "International Public Contest for the Draft Architectural Project" will be announced

*Sources
National Information Network (RNI) data from the Victims Unit through June 1, 2015, <http://mi.unidadvictimas.gov.co>.
National Historical Memory Center, <http://www.centrodememoriahistorica.gov.co>.

5. DIVERSITY MAINSTREAMING

LACK OF MECHANISMS FOR THE COLLECTIVE REPARATION OF INDIGENOUS COMMUNITIES

The Inspector's Office warned that there is a lack of differential mechanisms to guarantee the collective reparation of indigenous communities. According to the warning, this is due to the absence of a specific tool implemented by the Victims Unit to register the information coming from indigenous communities affected by the conflict. The Victims Unit and the Ministry of Interior explained that they have been working with indigenous communities since 2014 to agree on the characteristics of the type of collective reparation that should be implemented with these communities.⁽¹¹⁾ Between May 2014 and May 2015, 123 ethnic collective declared to be included as victims of the conflict; of these, 57 are indigenous communities and 66 are afro-Colombian communities.

SENATE CALLS FOR GREATER COMMITMENT TO AFRO-COLOMBIAN COMMUNITIES

According to a debate recently held in the Colombian Senate, the government is not doing enough for afro-Colombians communities, which have been strongly affected by the conflict and pushed off their lands. Despite the existence of laws and decrees regulating their right to prior consultation, in practice this norm is often bypassed and laws are approved without consulting communities. For example, while the National Development Plan includes various topics related to afro-Colombian communities, none of these were allegedly consulted with communities. The debate also acknowledged that there is a large sub-registry of afro-Colombian victims who did not declare belonging to these communities, thereby preventing their inclusion measures envisioned by the Victims Law for ethnic communities.⁽¹³⁾

A report produced by the Colombian Commission of Jurists reveals that between 2010 and 2012, at least 199 cases of indigenous communities affected by the armed conflict were registered (186 of which are homicides).⁽¹²⁾

“What I've wanted to show is that there are no public policies in favor of the afro-Colombian population. They believe they are 25% of the national population, the government says they are 10%. That's how invisibility starts,” stated Senator Armando Benedetti, who led the Senate debate.

6. A VIEW FROM THE FIELD

DEMINEING BEGINS AMID EFFORTS TO DE-ESCALATE THE CONFLICT

The process to demine Colombia recently began in the mountainous area of Orejón, Antioquia, where 48 members of the armed forces who are experts in explosives and three members of FARC's Front 36 met to detonate the first landmine. Those carrying out the demining, who are required to wear complete protective gear, were guided by Alias Pecueco, a FARC explosives expert. In a display of GoC/FARC collaboration, Pecueco explained how and where landmines were installed in El Orejón, so they could be safely removed. Members of the Colombian Red Cross, the Direction for Comprehensive Action Against Landmines (DAICMA) the Norwegian NGO People's Aid, and the peace process' accompanying countries, Norway and Cuba, were also present.⁽¹⁴⁾

Experts will double check all locations and review 12,000 m2, which is expected to take five months. In addition to removing planted landmines, they will remove explosives called “enredados” located in branches and cultivations that explode when disturbed.⁽¹⁵⁾

7. IN THE SPOTLIGHT

CONTEST FOR THE NATIONAL MUSEUM OF MEMORY'S DESIGN

On June 19th, the period to register to participate in the National Historical Memory Center's “International Public Contest for the National Museum of Memory's Draft Architectural Project” closed, with 109 architecture firms registered. Participating firms hail from Colombia, Mexico, Chile, the United States, Germany, the United Kingdom and other countries. Firms have until July 29th to submit final proposals, and on August 13th the jury will announce the winner of the contest, which will be contracted for the architectural draft project.⁽¹⁶⁾

The National Museum of Memory's “architectural and urban design shapes the modern adaptation of public space as a place for remembrance, systematic study and creative expressions of what defines us as a nation,” states the Public Contest's Terms. ⁽¹⁷⁾

7. “Diez acciones violentas de las Farc en un mes”, El Espectador, June 23, 2015, <http://bit.ly/1HZh6os>.

8. “Diálogos atraviesan el peor momento de credibilidad: Gallup”, El Colombiano, June 30, 2015, <http://bit.ly/1GXCiJK>.

9. “Debe analizarse el diálogo en medio del conflicto, afirma delegado de la ONU”, W Radio, June 3, 2015, <http://bit.ly/1HE3rP6>.

10. “Comunicado: FARC-EP declara cese al fuego unilateral”, FARC, July 8, 2015, <http://bit.ly/1CpdPyE>.

11. “Advierten que faltan mecanismos de reparación colectiva para indígenas”, El Tiempo, June 1, 2015, <http://bit.ly/1M70EFp>.

12. “Indígenas, en medio del conflicto”, El Espectador, June, 2015, <http://bit.ly/1L7SdZd>.

13. “De los afro se habla mucho pero se hace poco”, El Espectador, June 3, 2015, <http://bit.ly/1GksDjx>.

14. “Este lunes, en Antioquia, empieza en firme el desminado en el país”, El Tiempo, July 13, 2015. <http://bit.ly/1f01buP>

15. “Con 48 militares y 3 guerrilleros comenzó histórico desminado”, El Tiempo, July 14, 2015, <http://bit.ly/1Mrc5VC>.

16. “Así va el Concurso Arquitectónico del Museo Nacional de Memoria”, CNMH, July 13, 2015. <http://bit.ly/1MrxaPM>.

17. “Public contest for the architectural design of the National Museum of Memory,” Contest Terms, CNMH, in print.

PREPARING TO BETTER GOVERN RECONCILIATION AND INCLUSION

To foster the local implementation of reconciliation and peace-building initiatives, Colombia Líder, IOM, USAID, and Fundación Saldarriaga Concha are supporting regional workshops and dialogues with candidates participating in local elections in October. These candidates aspire to mayor, governor, municipal councils, departmental assemblies, and local administrative boards. Meanwhile, the Election Observation Mission announced that in 95 municipalities around the country, there is a high risk of voter duplication on registration lists; the National Electoral Council and the Attorney General's Office are working to remove duplicated registrations from lists to prepare for election in October.⁽¹⁸⁾

Colombia Líder's award for best mayor and best governor as well as the IOM and USAID supported award for best reconciliation initiative will be presented in December 2015.

8. INSTITUTIONAL ADVANCES

Victims Unit

NATIONAL VICTIMS PARTICIPATION ROUNDTABLE ELECTED

With the accompaniment of the Victims Unit and SNARIV institutions, the National Victims Participation Roundtable was elected in Paipa (Boyacá). The 2015-2017 roundtable is formed by 52 members who represent the ten victimizing acts, differential approaches, ethnic communities and departments. The National Roundtable, which is made up of representatives from municipal and departmental roundtables, is responsible for discussing, disseminating, providing feedback, and monitoring the Victims Law's implementation in the country.⁽¹⁹⁾

"As a trans-woman, joining the roundtable is a great accomplishment for our community. As a victim it is satisfying to be in a legitimate dialogue space with institutions," stated Darla Cristina González, transgender representative of Nariño's Departmental Roundtable.⁽²⁰⁾

National Center for Historical Memory (CNMH)

HISTORICAL MEMORY IN THE REGIONS

On June 18, the CNMH launched the "Historical Memory in the Regional Scope: Guidance for Regional Authorities" booklet during the "Dialogue Challenges of Historical Memory in the Regions" event in Bogotá. The booklet presents guidelines for local authorities to promote and implement historical memory initiatives in the regions. The process to create, validate and disseminate the booklet was supported by USAID and IOM. The booklet is available here: <http://bit.ly/1Mq4FSq>.

Christina Davis, USAID Colombia Sub-Director of Vulnerable Populations, stated, "regional entities have a fundamental role...together with the community and victims, best understand the impact that the conflict has had in their territories."

9. FURTHER READING

DISCUSSIONS ON TRANSITIONAL JUSTICE IN COLOMBIA

Interactive map by Fundación Ideas para la Paz (FIP) on the main discussions on transitional justice in Colombia, including sections on justice, truth, reparations and the legal framework for peace.⁽²¹⁾

FIVE SUCCESSFUL TRUTH COMMISSIONS

Las 2 Orillas describes the experience of truth commissions in Peru, South Africa, Argentina, East Timor and El Salvador.⁽²²⁾

GENERALS AND COLONELS IMPLICATED IN EXTRAJUDICIAL EXECUTIONS: HRW

Based on information provided by the Colombian Attorney General's Office, this Human Rights Watch report reveals the involvement of high commanders of the Colombian Army in the "false positives" case—extrajudicial killings committed by the Colombian Army of civilians who were subsequently presented as guerrilla casualties to inflate the combat "body count."⁽²³⁾

18. "Registraduría publicó primer listado de municipios con riesgo de trasteo de votos," El Espectador, July 1, 2015, <http://bit.ly/1Hrb4Q>.

19. "Defensor del Pueblo instaló segunda Mesa Nacional de Víctimas", Defensoría del Pueblo, June, 2015, <http://bit.ly/1Gk48wd>.

20. "Elección de representantes para la Mesa Nacional de Víctimas", CNMH, June 19, 2015, <http://bit.ly/1HDQncJ>.

21. "Los debates sobre justicia transicional en Colombia", Fundación Ideas para la Paz, June, 2015, <http://bit.ly/1M2nJn>.

22. "Cinco comisiones de la verdad exitosas", Las 2 Orillas, June 5, 2015, <http://bit.ly/1HDRPMh>.

23. "El rol de los altos mandos en falsos positivos", HRW, June 23, 2015, <http://bit.ly/1K4u5ou>.