



VICTIMS ISSUES

A MONTHLY REVIEW

SEPTEMBER 2013

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 July 31, 2013, 5,669,236 victims are registered with the government of Colombia, primarily victims of internal displacement (82%).

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2. KEY DEVELOPMENTS

VIOLENT ACTS THREATEN VICTIMS AND LAND RESTITUTION LAW SUCCESS: HRW

Killings and death threats affecting internally displaced persons attempting to reclaim land are the main threat to the effective implementation of the Victims Law, stated a September Human Rights Watch report.⁽¹⁾ Officially, 66% of land claimants have returned to their properties.⁽²⁾ UN resident coordinator in Colombia Fabrizio Hochschild, however, noted the high number of threats is a consequence of repairing victims before the conflict has fully subsided.⁽³⁾

The 184-page report, “The Risk of Returning Home: Violence and Threats against Displaced People Reclaiming Land in Colombia,” documents aggressions against displaced Colombians related to their efforts to recover land.

“317,000 VICTIMS REPAIRED”: PRESIDENT SANTOS

After the fourth session of the Victims Committee to assess the Victims Law’s 19 month implementation, President Santos announced 317,000 victims have received financial compensation for a total of USD 1.02 billion.⁽⁴⁾ Santos also mentioned that approximately 2.2 million victims are affiliated with the health system and 1 million have access to education.

“We will repair 360,000 victims in 2013, surpassing our four-year goal of 350,000”, stated Victims Unit Director Paula Gaviria.

TWO REPORTS SHOW HOW THE CONFLICT AFFECTED INDIGENOUS COMMUNITIES AND CHILDREN

The Attorney General’s Office presented a report showcasing the forced recruitment of minors by illegal groups between 1992 and 2012, revealing that out of 5,075 demobilized minors, 3,000 (59%) belonged to FARC and 1,054 (20%) to paramilitary groups, showing a systematic strategy of FARC to recruit and train minors from age 15.⁽⁵⁾

A second report, produced by the Presidential Agency for Indigenous Affairs, reveals more than 400 murders of Awá, Embera and Senú members over the last decade. The research highlights the low rate of judicial processes—currently none of the Awá homicide cases are under investigation.⁽⁶⁾

The AG’s Office is investigating 1,164 cases of sexual and gender-based violence committed by paramilitary groups; 34 former leaders will be indicted; 95% of cases were committed against women, most of them minors.⁽⁷⁾

1. “Colombia: Victims Face Reprisals for Reclaiming Land”, *Human Rights Watch*, September 17, 2013, <http://www.hrw.org/news/2013/09/17/colombia-victims-face-reprisals-reclaiming-land>

2. “Nearly 66% of land claimers benefitted by the Law have returned or work in their territories”, *Victims Unit*, September 18, 2013,

<http://www.unidadvictimas.gov.co/index.php/en/79-noticias/1163-alrededor-del-66-de-los-beneficiarios-de-restitucion-viven-o-trabajan-en-sus-predios>

3. “UN and GOC answer HRW report”, *RCN la Radio*, September 17, 2013, <http://www.rcnradio.com/noticias/onu-y-gobierno-responden-alerta-de-hrw-sobre-asesinatos-lideres-campesinos-89954#ixzz2fjBR8CRN>

4. “317 thousand victims have been repaired, highlighted President Santos”, *Victims Unit*, September 30, 2013, <http://www.unidadvictimas.gov.co/index.php/en/sala-de-prensa/noticias/79-noticias/1204-llevamos-317-mil-victimas-reparadas-destaco-el-presidente-santos>

5. “FARC recruited nearly 3,000 minors”, *El Espectador*, September 15, 2013, <http://www.elespectador.com/noticias/judicial/unos-3000-ninos-reclutaron-farc-articulo-446581>

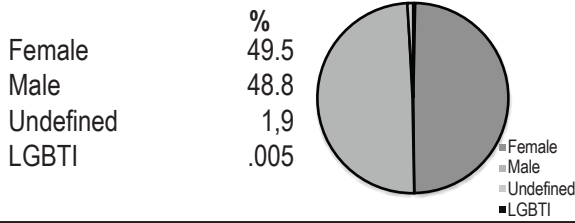
6. “In 10 years, three ethnic groups have suffered 400 homicide cases”, *Semana*, September 12, 2013, <http://www.semana.com/nacion/articulo/asesinatos-indigenas-colombia/357370-3>; 14. “The abuses committed by paramilitary groups”, *El Espectador*, September 12, 2013, <http://www.elespectador.com/noticias/judicial/los-abusos-los-paras-niegan-articulo-446067>

14. “The abuses committed by paramilitary groups”, *El Espectador*, September 12, 2013, <http://www.elespectador.com/noticias/judicial/los-abusos-los-paras-niegan-articulo-446067>

3. PROGRESS REPORT*

REGISTERED INDIVIDUALS: 5,781,710 (12% of total population)⁽⁷⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION



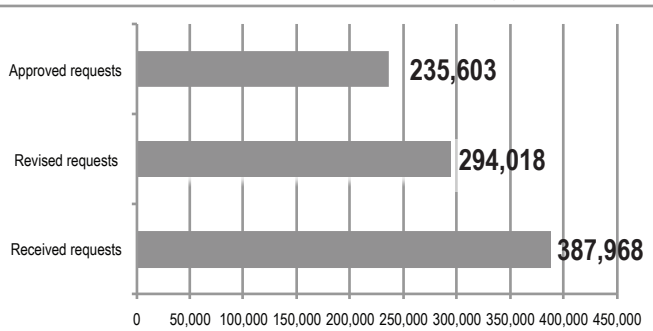
TOP FIVE VICTIMS LOCATIONS⁽⁸⁾

Location	%
1. Antioquia	13.5
2. Bogotá	7.1
3. Valle del Cauca	5.6
4. Magdalena	5.4
5. Bolívar	4.7

VICTIMIZING ACTS: 6,606,963⁽⁹⁾

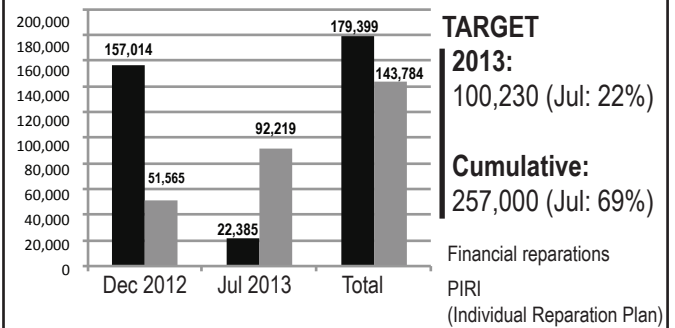
Act	%
Displacement	82
Homicide/Massacre	11
Disappearance	1.5
Abandoned/seized lands	1.4
Threats	1.3

DECLARATIONS⁽¹⁰⁾

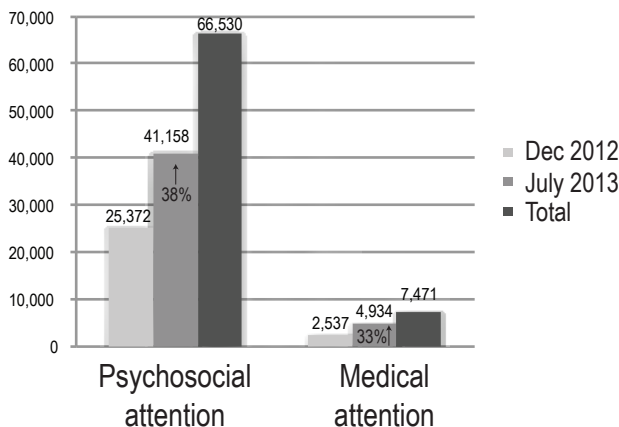


Approval Rate
 April 80%
 June 76% ↓
 July 75% ↓

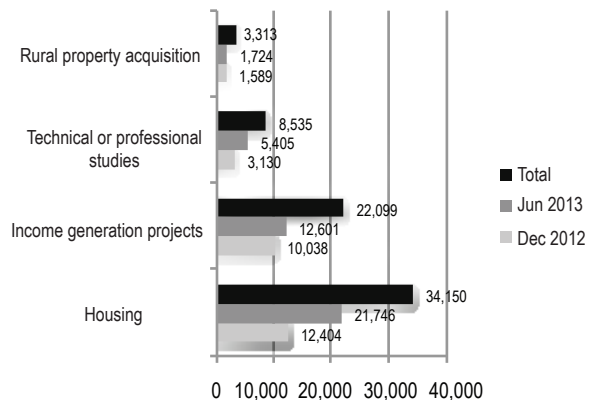
FINANCIAL REPARATIONS / PIRI⁽¹¹⁾



REHABILITATION AND PSYCHOSOCIAL ATTENTION REQUIRED⁽¹²⁾



AREAS OF INVESTMENT OF REPARATIONS BY RECIPIENT⁽¹³⁾



FINANCIAL REPARATIONS BY AGE GROUP

Age Group	Dec 2012	July 2013	Total
Children and youth	7,052	0	7,052
Adults	149,962	22,385	179,399

REGIONAL PRESENCE⁽¹⁴⁾

Category	Count
Regional offices	94
Assistance points	94
Under construction	19
Design phase	12
Planned	11
Total	42

* Source: Victims Unit. Data is from July, 2013. Data for September is not yet available.

7. Official estimate of victims in the country.

8. Based on registry location.

9. Based on the registry of victimizing acts.

10. Based on the Single Declaration Format (FUD).

11. Number of individuals who received financial compensation (total: COP 912,621,000); PIRI: Individual Reparation Plan.

12. Victims who express needs for psychosocial attention and/or medical attention.

13. Victims Unit's service provision coverage.

14. Victim's Unit regional coverage.

4. PEACE PROCESS

HISTORICAL MEMORY REPORT CAUSES REACTIONS

In a statement issued in Havana, Cuba, FARC recognized the importance of the CNMH Historical Memory Report but demanded it be complemented by an independent international commission. This Commission should investigate the political violence between the liberal and conservative parties in the 1950's (a historical period not covered by the report), have access to official intelligence files and produce a document to be formally used in the FARC/GOC negotiations.⁽¹⁵⁾

Minister of Defense Juan Camilo Pinzón criticized the Historical Memory Report for putting “terrorist, criminal and drug trafficking groups on the same level as Colombian soldiers and policemen”. Although he recognized some members of the Military committed crimes against humanity, they were done “outside the institutions and will be prosecuted to the fullest extent of the law”.⁽¹⁶⁾

5. A VIEW FROM THE FIELD

SNARIV FIELD SESSIONS ADVANCE

Regional sessions of the National Victims Assistance and Reparation System (SNARIV) have been held in four departments to coordinate victims' services (land restitution, prevention and protection and reparations), strengthen Transitional Justice Committees and support Local Action Plan (PAT) implementation.⁽¹⁷⁾ Sessions also discussed how to secure additional funding through public-private partnerships and international cooperation. Six SNARIV sessions are planned before the end of 2013.

In April 2013, the Victims Unit launched the “SNARIV in the field” strategy to coordinate available services for victims.

FORMER PARAMILITARY CAMP TURNED INTO PEACE SYMBOL

Former paramilitary leader “Jorge 40's” camp in Chivolo (Magdalena) will serve as a space to document and reflect on the violence paramilitary groups inflicted on the region.⁽¹⁸⁾ The “Balcony House” was originally a community and cultural center. In the mid-nineties, paramilitary groups led by Jorge 40 arrived and converted the house into their camp. The house is part of regional collective reparation and land restitution.

Nearly 2,750 victims are registered in Chivolo, 95% of whom were forcefully displaced.

6. DIVERSITY MAINSTREAMING

RAISING AWARENESS: FIRST NATIONAL LGBTI VICTIMS MEETING HELD IN BOGOTÁ

As of August, 2013, 374 lesbian, gay, bisexual, transgender and intersexual (LGBTI) victims have registered to receive Victims Law benefits. The Victims Unit hosted the first national meeting with LGBTI victims on September 11 and 12 to identify actions to improve LGBTI victims services. Main conclusions included the need to strengthen public officers' skills to guide LGBTI victims along the attention and reparation routes and host regional meetings. USAID/IOM supported this event.

THIRD REGIONAL MEMORY INITIATIVES MEETING IN CARTAGENA

On September 24 through 27, the CNMH hosted the Third Regional Memory Initiatives Meeting of the Caribbean region.⁽¹⁹⁾ A Memory network will be created including an online site, community strategies to disseminate historical memory content and campaigns to raise awareness regarding victims of the internal armed conflict. Additionally, a Memory Mural was opened as a space where visitors can bring objects and express messages honoring victims.

15. “FARC statement regarding the Historical Memory Report”, CNMH, August 29, 2013,

<http://www.centrodememoriahistorica.gov.co/index.php/noticias/noticias-cmh/1991-comunicado-farc-ep>

16. “Ministry of Defense criticized the Historical Memory report”, *El Tiempo*, September 23, 2013, http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-13078302.html

17. “Antioquia hosted SNARIV session”, *Victims Unit*, September 27, 2013, <http://www.unidadvictimas.gov.co/index.php/en/79-noticias/1202-esta-semana-antioquia-vivio-la-jornada-de-trabajo-del-snariv>; “SNARIV in the field presented to GOC entities”, *Victims Unit*, April 2, 2013, <http://www.unidadvictimas.gov.co/index.php/en/79-noticias/373-hoy-se-presento-snariv-en-el-territorio-a-las-entidades-que-trabajan-por-las-victimas>

18. “Jorge 40 main camp in Magdalena will be a peace location”, *El Tiempo*, September 18, 2013, http://www.eltiempo.com/justicia/campamento-de-jorge-40-sera-sede-de-paz_13070721-4

19. “Caribbean, committed with memory”, *CNMH*, September 29, 2013,

<http://www.centrodememoriahistorica.gov.co/index.php/noticias/noticias-cmh/2207-el-caribe-comprometido-con-la-memoria>

7. IN THE SPOTLIGHT

NATIONAL VICTIMS ROUNDTABLE ASSEMBLY AND ELECTION

On October 1 through 3, the assembly and election of the National Victims Roundtable will be held in Girardot (Cundinamarca). Following the Victims Participation Protocol, 270 regional representatives will elect 46 delegates that represent victimizing acts and minorities. These members will represent victims in the executive committees of the Victims Unit, the CNMH, the Land Restitution Unit and the Public Ministry monitoring commission.

8. INSTITUTIONAL ADVANCES

VICTIMS COMMITTEE TO FOCUS ON POVERTY

On September 30, the fourth session of the Victims Committee was held in Bogotá with President Santos and institutions responsible for implementing the Victims Law. These institutions agreed to focus efforts to overcome poverty and exclusion of 100,000 displaced families in the remainder of the 2010-2014 presidential term.

PACIFIC COAST MEMORY HOUSE OPENS IN TUMACO

On September 19, the Pacific Coast Memory House opened to the public. The initiative was made possible by a CNMH grant to the Diocese of Tumaco to honor the memory of Sister Yolanda Cerón, known for her work with afro descendant communities in the region.⁽²⁰⁾ She was murdered in 2001.

For nearly 10 years, the Diocese of Tumaco has been organizing different activities to honor victims such as a Peace Marathon and a “Theater for Peace” initiative.

9. FURTHER READING

FIRST LAND RESTITUTION RULINGS REPORT

Produced by Forjando Futuros Foundation with USAID support, this report analyzes the first 150 land restitution rulings (October 2012 through August 2013) and provides recommendations to improve the process. 411 restitution requests were presented during this period, 97% were favorable to victims.⁽²¹⁾

PILLARS OF PEACE

The latest research from the Institute for Economics and Peace explores the attitudes and institutions that underpin peaceful societies. The research is based on an analysis of over 4,000 data sets, surveys and indices; it is the first empirical framework that aims to measure positive peace.⁽²²⁾

INTERACTIVE MAP: HUMAN RIGHTS VIOLATIONS RISKS

This interactive map provides access to the Ombudsperson’s Office human rights violations risk information. Information is based on Ombudspersons reports and can be filtered by violent act.⁽²³⁾

TRUTH SEEKING: ELEMENTS OF CREATING AN EFFECTIVE TRUTH COMMISSION

The International Center for Transitional Justice (ICTJ) publication provides an overview of the essential best practices guiding the main aspects of a truth commission.⁽²⁴⁾

20. “A memory space in Colombia’s South Pacific”, *CNMH*, September 17, 2013, <http://www.centrodehistoriahistorica.gov.co/index.php/noticias/noticias-cmh/2120-un-recinto-para-la-memoria-del-pacifico-sur-colombiano>

21. “Primeras sentencias de restitución de tierras”, *Fundación Forjando Futuros*, <http://www.semana.com/especial-comercial-multimedia/multimedia/primeras-sentencias-de-restitucion-de-tierras/357882-3>

22. “Pillars of Peace”, *Institute for Economics and Peace*, September 2013, <http://www.visionofhumanity.org/#/page/news/693>

23. “Mapa nacional sobre riesgos de violaciones de derechos humanos relacionados con el conflicto armado interno”, *Ombudsperson’s Office*, <http://www.defensoria.org.co/infografias/sat.php>

24. “Truth Seeking: Elements of Creating an Effective Truth Commission”, *International Center for Transitional Justice (ICTJ)*, March, 2013, <http://ictj.org/publication/truth-seeking-elements-creating-effective-truth-commission>