



# VICTIMS ISSUES

## A MONTHLY REVIEW

APRIL 2014

### 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 April 2014, 6.372.539 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (87%).

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### 2. KEY DEVELOPMENTS

#### VICTIMS DAY CONGRESS SPECIAL SESSION

On April 9, Colombia commemorated the National Memory and Solidarity with Victims Day. Activities were held around the country, including demonstrations and town meetings with victims' representatives in all departmental assemblies and in the Congress.

Over 500 victims from all over the country who attended the special session at the Congress highlighted the GoC's efforts to implement the Victims Law, but questioned the lack of participation of SNARIV institutions. Victims also expressed concerns about security threats faced in their regions and the need to fasten procedures to access compensations and restitution measures.<sup>(1)</sup>

**On the day of the commemorations, Adán Quinto was murdered in Turbo (Antioquia). Since 2008, 69 land claimants have been murdered; 18 of them in the Urabá región**

#### VICTIMS' REPRESENTATIVES SHOULD BE PART OF PEACE NEGOTIATIONS: VICTIMS' ISSUES DIALOGUE

On April 29, the national newspaper El Tiempo led a forum on victims to contribute to the national debate on a post-conflict setting in the framework of negotiations with FARC in Havana. CNMH Center Director Gonzalo Sánchez stated that truth is a right and a requisite for victims' reparations and for building a long-standing peace. Victims Unit Director Paula Gaviria stressed the advances and challenges of implementing the Victims Law, emphasizing how victims' participation is fundamental to repair victims. José Antequera, representative from Hijos e Hijas por la Memoria y Contra la Impunidad (Sons and Daughters for Memory and Against Impunity), emphasized the importance of declassifying state archives to reveal the truth about crimes committed by government actors. All participants agreed on the need for victims' participation in the peace negotiations in Havana. Victims will be the next topic discussed, once agreements are reached on the topic of illegal drugs. UNPD, the Swedish Embassy, USAID and IOM supported the event.<sup>(2)</sup>

**This was the first of four forums focusing on peace building and post-conflict scenarios hosted by El Tiempo, which include the following topics: (1) Victims, (2) Reintegration, (3) Rural development and property and (4) Armed forces' role**

1. "El Día de las Víctimas en el Congreso", *Verdad Abierta*, April 13, 2014, <http://www.verdadabierta.com/victimas-seccion/los-resistentes/5309-el-dia-de-las-victimas-en-el-congreso>  
 2. "Sin verdad no puede haber justicia y reparación", *El Tiempo*, April 29, 2014, [http://www.eltiempo.com/politica/verdad-justicia-y-reparacion\\_13904400-4](http://www.eltiempo.com/politica/verdad-justicia-y-reparacion_13904400-4); more information on this forums available at: <http://www.eltiempo.com/Multimedia/especiales/debatesprocesodepaz/>  
 3. "Radicado proyecto de ley que acelera restitución de tierras a víctimas del conflicto", *La FM*, April 30, 2014, <http://www.lafm.com.co/noticias/radicado-proyecto-de-ley-que->

## LAW PROJECT TO SPEED UP LAND RESTITUTION PROCESS

A law project reforming the Victims Law was presented to the Senate to accelerate the land restitution process, a top government priority. The reform establishes that restitution for unopposed claims restitution can proceed administratively without needing to be sanctioned by a judge. After collecting evidence, the Land Restitution Unit will order restitution through a resolution. According to reform promoter Guillermo Rivera, processes are currently taking over a year and the project is expected to speed them up around 6 months.<sup>(3)</sup>

**The initial government's target was to restitute nearly 2 million hectares between 2010 and 2014. To date, only 20,000 hectares have been restituted**

## VICTIMS UNIT'S REPORT ON DISPLACED REPARATIONS IS INSUFFICIENT: CONSTITUTIONAL COURT

The Constitutional Court warned that the Victims Unit's report on advances in providing attention and reparation services to displaced populations is insufficient. According to the Court, the information does not allow the identification of actions implemented by GoC and therefore the advances or challenges in attending displaced populations. The Victims Unit will present a new report in May including the advances in the implementation of Sentence SU-254, which unified 42 *tutelas*, legal cases, demanding attention and reparation services for displaced.<sup>(4)</sup>

**"GoC cannot only describe the actions implemented to compensate victims. It is a matter of analyzing the measures implemented to guarantee displaced populations' rights, particularly integral reparation, its implementation and the results obtained", states the Court (Auto 115)**

## 3. PEACE PROCESS

### FARC REQUEST FOR CLARIFICATION COMMISSION

Although FARC agreed with the GoC that a truth commission should be created once peace agreements are signed, they also insist on a commission to clarify the origins and actors of the conflict since 1936. FARC aims to demonstrate how the guerrilla was established in response to government attacks, and to show that they are from the same social groups as victims. The FARC stated that they will suspend the dialogues if the GoC does not agree to create such a commission.<sup>(5)</sup>

### ALTERNATIVE PENALTIES FOR FARC MEMBERS: ATTORNEY GENERAL

During the dialogue on victims led by El Tiempo, Attorney General Eduardo Montealegre proposed the creation of alternative penalties to jail such as social work for FARC members. Mr. Montealegre also proposed the creation of special tribunals to judge FARC combatants. Constitutional expert Gustavo Gallón emphasized that it is a mistake to begin transitional justice discussions by focusing on penalties rather than on the damage diagnosis, public recognition of affectations and pardon acts. National Prosecutor Alejandro Ordoñez stated that Mr. Montealegre is proposing "symbolic measures (...) recognizing there will be total impunity".<sup>(6)</sup>

## 4. IN THE SPOTLIGHT

### PRESIDENTIAL ELECTIONS: MAY 25

On May 25 presidential elections will be held in Colombia. While President Juan Manuel Santos bases his reelection campaign on the effective conclusions of the peace process, candidate polling second Oscar Iván Zuluaga, from right wing movement Centro Democrático and supported by former president Alvaro Uribe, conditions negotiations to a unilateral cease fire by FARC. Other candidates such as Clara López from left wing party Polo Democrático and Enrique Peñalosa from Alianza Verde, have expressed they will continue negotiations. Conservative candidate Martha Lucía Ramírez established three conditions to continue with the process if she is elected: (1) Stopping child recruitment, (2) Mapping landmines in the country and (3) Creating a specific time frame for negotiations. If no candidate obtains 51% of votes, the second round between the top two candidates will be held on June 15. President Santos (32%) and candidate Zuluaga (20%) lead recent polls.<sup>(8)</sup>

## 5. A VIEW FROM THE FIELD

### GUIDELINES FOR VICTIMS ABROAD

On April 29, the Victims Unit and the Land Restitution Unit presented the protocol to provide attention, assistance and reparations to victims abroad. The Ministry of Foreign Affairs emphasized consulates' commitment to provide these services. To date, around 772 victims have declared abroad, mainly in Spain, the US and Canada. Nearly 375,000 victims abroad are estimated to receive the Victims Law's benefits.<sup>(9)</sup>

4. "Regaño de la Corte Constitucional a la Unidad de Víctimas", *El Universal*, April 25, 2014, <http://www.eluniversal.com.co/colombia/regano-de-la-corte-constitucional-la-unidad-de-victimas-157863>

5. "El posible freno que las FARC pondrían al proceso de paz", *Semana*, April 29, 2014, <http://www.semana.com/nacion/articulo/farc-frenarian-proceso-de-paz-si-no-se-crea-comision/385389-3>

6. "Pena para jefes de las Farc podría ser trabajo social": Fiscal", *El Tiempo*, April 29, 2014, [http://www.eltiempo.com/politica/fiscal-propone-modelos-de-justicia-transicional\\_13904399-4](http://www.eltiempo.com/politica/fiscal-propone-modelos-de-justicia-transicional_13904399-4);

7. "Procurador cuestionó propuesta del Fiscal sobre penas alternativas para las Farc", *El Espectador*, April 30, 2014, <http://www.elespectador.com/noticias/judicial/procurador-cuestiono-propuesta-del-fiscal-sobre-penas-a-articulo-489721>

8. "Especial Elecciones (I): El futuro de la Paz", *Razón Pública*, <http://www.razonpublica.com/>

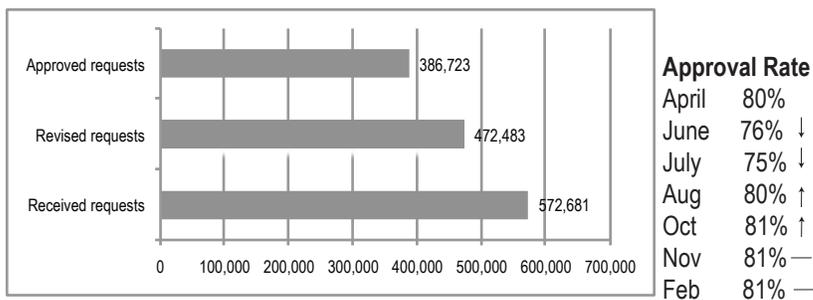
9. "Víctimas en el exterior también serán reparadas", *El Tiempo*, April, 2014, [http://www.eltiempo.com/politica/ARTICULO-WEB-NEW\\_NOTA\\_INTERIOR-13908455.html](http://www.eltiempo.com/politica/ARTICULO-WEB-NEW_NOTA_INTERIOR-13908455.html)

## 6. PROGRESS REPORT\*

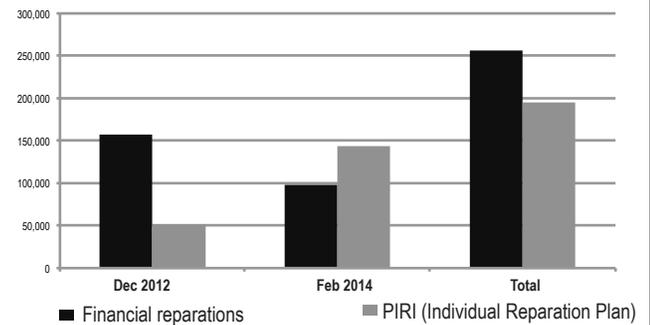
REGISTERED INDIVIDUALS: 6,372,539 (13.3% of total population)<sup>(10)</sup>

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION		VICTIMS BY AGE GROUP		TOP FIVE VICTIMS LOCATIONS <sup>(11)</sup>		TOP VICTIMIZING ACTS: 7,274,971 <sup>(12)</sup>	
	%		%		%		%
Male	49.8	0-17	31.8	1. Antioquia	19.4	1. Displacement	82.0
Female	49.5	18-26	17.1	2. Bolívar	7.4	2. Homicide/Massacre	11.2
Undefined	0.7	27-60	33.7	3. Magdalena	5.9	3. Threats	2.1
LGBTI	.01	61-100	6.7	4. Nariño	5.1	4. Disappearance	1.7
		Without info	10.7	5. Cesar	4.9	5. Loss of property	1.1

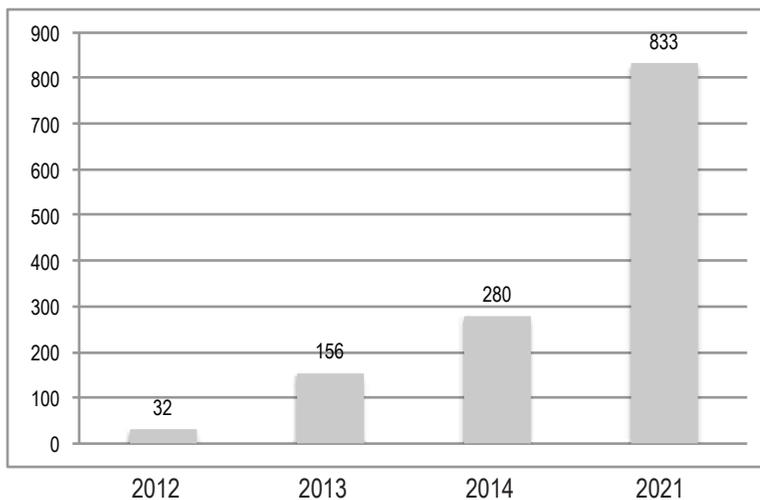
### DECLARATIONS<sup>(13)</sup>



### FINANCIAL AND JUDICIARY REPARATIONS / PIRI<sup>(14)</sup>



### COLLECTIVE REPARATIONS CUMULATIVE TARGET BY YEAR <sup>(15)</sup>

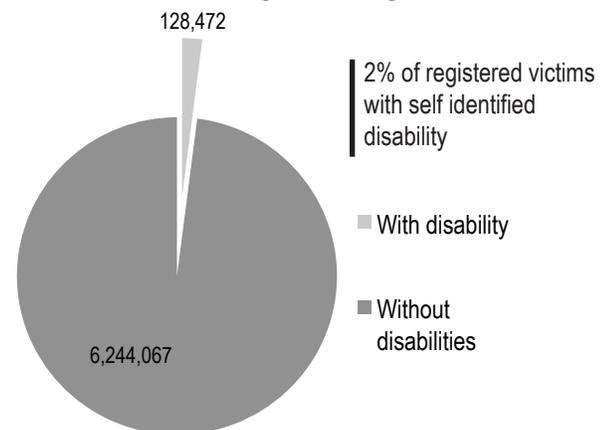


Collective Reparation Plans implemented (2012-2014): 11

Total target: 1,301

Target refers to reparations plans designed with victims' participation and institutional and financial support for their implementation

### DISABILITIES



### VICTIMS OF LANDMINES<sup>(16)</sup>

10,610 registered victims of landmines

- 39% are civilians and 61% are from the Armed Forces
- 80% were wounded and 20% died
- 10% are minors, 3% indigenous and .25% afro descendant

\*Source: Victims Unit, November 30, 2013; Victims Registry information obtained from the Victims National Information Network, January 21, 2014, <http://mi.unidadvictimas.gov.co>

10. Official estimate of victims in the country. Population: 47,661,787.

11. Based on registry location.

12. Based on the registry of victimizing acts.

13. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, Nov 2

14. Number of reparation transfers sent during November 2013; PIRI: Individual Reparation Plan.

15. The three types of collectives are: communities, organizations and groups. Collective Reparations Office, Victims Unit, April, 2013.

16. Figures between 1990 and 2013 from the Presidential program for Integral Action Against Landmines (MAP, MUSE, AEI).

## 7. DIVERSITY MAINSTREAMING

### BRIDGES BETWEEN WORLDS: CONFERENCE ON ASSISTING LANDMINE VICTIMS IN BROADER DOMAINS

On April 3 to 4, Medellín hosted the world conference on assisting landmine victims in broader domains, Bridges between Worlds, with over 350 participants. The conference concluded with a commitment by anti-landmines and disability rights movements to work more closely with each other.<sup>(17)</sup>

### GENDER BASED VIOLENCE CRIMES IN THE CONFLICT: 98% IMPUNITY

Various events, campaigns and reports aimed to raise awareness on gender based violence (GBV). (1) The campaign “No es hora de callar” (“It’s not time to be silent”) invites women to denounce any form of violence against them; it was launched during professional soccer games. (2) On April 22, the event “Diálogos en blanco y púrpura” was held, where experts and victims shared views and experiences. (3) A report on conflict and sexual violence was released by ABC Colombia (see Further Reading) Of over 90,000 GBV cases in the conflict, less than 10% have received a sentence; according to authorities impunity amounts to nearly 98%.<sup>(18)</sup>

## 8. INSTITUTIONAL ADVANCES

### Victims Unit

#### “UNITED WE CAN REPAIR VICTIMS”

On April 21, the Victims Unit launched the campaign “Unidos podemos reparar a las víctimas” (“United we can repair victims”) to strengthen and promote donations to the Victims Reparations Fund. To date, the Fund’s available resources include properties and resources returned by former paramilitary members processed through the alternative penalties established by the Justice and Peace Law. However, current resources are not enough to repair victims as established by the Victims Law. USAID and IOM support the campaign to secure additional funding for the Fund.

### VICTIMS SINGLE REGISTRY (RUV) HIGHLIGHTED AS GOOD STATE PRACTICE

An Action on Armed Violence (AOAV) and Oxford Research Group report highlights the Victims Single Registry, which collects information of the conflict since 1985, as a good state practice and highlights the Victims Law as “a clear effort by the government to recognise that peace is not just the end of a conflict, but the long-term fulfillment of truth, justice and reparation for everyone that has suffered in the conflict”. It also warns that while the Victims Law “could be replicated in other similar contexts, what will really show [its] impact” will be how the GoC implements it.<sup>(19)</sup>

### VICTIMS UNIT AND HISTORICAL MEMORY CENTER HIGHLIGHT IOM SUPPORT

During the review meeting between IOM and the Colombian Presidential Agency of International Cooperation (APC), CNMH and the Victims Unit highlighted the technical support provided by IOM. Both institutions, created by the Victims Law, stressed IOM technical support, which has considered their specific needs.

### National Historical Memory Center

#### REGIONAL SCREENINGS OF THE HISTORICAL MEMORY DOCUMENTARY

CNMH held several activities during Victims Day celebrations. With USAID and IOM a total of 9 regional screenings of the documentary “There was no time for sadness” were held around the country. The documentary explains the “low impact, high frequency” conflict through the stories of victims: those that survived, and those who did not.

## 9. FURTHER READING

### SOCIAL STRUGGLES IN COLOMBIA DURING 2013

The social struggle database of the Centro de Investigación y Educación Popular (CINEP) registered 1,027 protests in 2013, the highest number since 1975. It provides context and analysis elements of social struggles that occurred in Colombia during 2013.<sup>(20)</sup>

### CONFLICT AND MENTAL HEALTH: WAR’S INVISIBLE WOUNDS

An online special produced by Semana magazine on the impact of the conflict victims’ mental health.<sup>(21)</sup>

### SEXUAL VIOLENCE IN THE CONFLICT AND IN THE PEACE PROCESS

A report released by ABC Colombia, on women, peace, conflict and gender based violence. The report collects victims’ experiences and states that only 18% of women denounce cases of sexual violence in the country.<sup>(22)</sup>

17. “Los movimientos antiminas y de discapacidad se comprometen a cooperación más estrecha”, OIM, Abril 7, 2014, <http://www.oim.org.co/noticias/96-fortalecimiento-institucional-para-la-atencion-a-victimas/2820-los-movimientos-antiminas-y-de-derechos-de-discapacidad-se-comprometen-a-una-cooperacion-mas-estrecha.html>

18. “Impunidad por violencia sexual en medio del conflicto llega al 98 %”, *El Tiempo*, April 22, 2014, [http://www.eltiempo.com/justicia/foro-dialogos-en-blanco-purpura\\_13867216-4](http://www.eltiempo.com/justicia/foro-dialogos-en-blanco-purpura_13867216-4)

19. “Counting the Cost: Casualty recording practices and realities around the world”, AOAV, April 16, 2014, <http://aoav.org.uk/2014/counting-the-cost/>; report available for download at: <http://reliefweb.int/sites/reliefweb.int/files/resources/AOAV-Counting-the-Cost-2014.pdf>

20. “Luchas sociales en Colombia 2013”, CINEP, April, 2014, [http://issuu.com/cinepppp/docs/informe\\_especial\\_luchas\\_sociales\\_en](http://issuu.com/cinepppp/docs/informe_especial_luchas_sociales_en)

21. “Conflicto y Salud Mental: Las Heridas Invisibles de la Guerra”, *Semana*, <http://www.semana.com/especiales/conflicto-salud-mental/index.html>

22. “Colombia: Mujeres, Violencia Sexual en el Conflicto y el Proceso de Paz”, ABC Colombia, *Sisma Mujer*, April 2014,