

VICTIMS ISSUES

A MONTHLY REVIEW

JULY 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 July 2014, 6,657,985 victims are registered with the government of Colombia (GoC), primarily victims of internal displacement (85.6%).

CONTENT

1. Background	1
2. Key developments	1
3. Peace process	2
4. A view from the field	2
5. Diversity Mainstreaming	2
6. In the spotlight	2
7. Progress report	3
8. Institutional advances	4
9. Further reading	4

2. KEY DEVELOPMENTS

CONTROVERSY SURROUNDS VICTIMS REPRESENTATIVES IN PEACE PROCESS

The next round of talks between FARC and GoC, beginning on August 11, will focus on victims' reparations and recognition. National discussions and debates emerged on which victims will participate in the talks. On one side, FARC victims demand greater representation, some have even called for separate forums, and complained that in official events they are a minority compared to victims of paramilitaries and the State.

Meanwhile, military victims of war crimes committed by FARC seek representation in the peace talks. At the same time, FARC insisted on their condition as victims of the State and have demanded that imprisoned members of FARC should also be considered victims who have the right to participate in the talks. The mechanism by the UN and the Universidad Nacional to select the five groups of 12 victims to participate in the talks in Havana will consider regional representation, as well as victims per victimizing act and perpetrators.⁽¹⁾

“On this point [military victims], it seems that there are different opinions at this moment between the FARC and the government,” said UN representative Fabrizio Hochschild.

ATTACKS COULD END PEACE PROCESS: SANTOS

In recent weeks, both FARC and ELN (the country's second largest guerrilla group), have increased their attacks on infrastructure, affecting populations and leaving them without electric supply (Buenaventura) or water (Meta), and causing environmental damage by forcing gas trucks to release oil on the roads of Putumayo. Guerrillas also attacked a police station in Arauca, killing the three year old daughter of an agent. Analysts consider the attacks as a mechanism to put pressure on the GoC to declare a cease fire and accept their demands.⁽²⁾

“You continue like with that, you are playing with fire and this process can end (...) There will be no cease fire because I don't want to become an ex-president who tried a new peace process, failed and strengthened the guerrilla”, stated Santos”, warned President Santos only eight days before beginning his second term.⁽³⁾

1. “Arde la polémica por víctimas que irán a La Habana”, *Semana*, July 29, 2014, <http://m.semana.com/nacion/articulo/arde-la-polemica-por-victimas-que-iran-la-habana/397335-3>; “El 16 de agosto llegarán las víctimas a la mesa de diálogo”, *El Universal*, July 17, 2014, <http://www.eluniversal.com.co/colombia/el-16-de-agosto-llegaran-las-victimas-la-mesa-de-dialogo-164930>

2. “Santos advierte a las FARC de que los ataques ponen en riesgo el proceso de paz”, *El País* (España), July 30, 2014, http://internacional.elpais.com/internacional/2014/07/30/actualidad/1406741418_930123.html

http://wsp.presidencia.gov.co/Prensa/2014/Julio/Paginas/20140729_07-Las-Farc-con-los-ataques-a-la-infraestructura-estan-cavando-su-propia-fosa-politica.aspx

3. “Las Farc con los ataques a la infraestructura están cavando su propia fosa política”, *Presidencia de la República de Colombia*, July 29, 2014,

3. PEACE PROCESS

REGIONAL FORUMS MAKE EVIDENT TENSIONS AMONG VICTIMS

With UN and Universidad Nacional support, the three regional forums to facilitate victims' participation in the peace talks were held in Villavicencio, Barrancabermeja and Barranquilla. Forums provided a space in which victims discussed and proposed specific topics such as: victims and responsibility recognition, victims' participation and rights, truth clarification, reparation, protection and safety guarantees, guarantees of non-repetition, and reconciliation.

During the forums, it has become evident how victims of different groups, despite having common interests, disagree on their priorities regarding the peace negotiations. FARC victims have expressed their demands to know the truth about kidnapping, while State victims have insisted on a bilateral ceasefire. A total of 1,076 individuals attended the three regional forums (Barranquilla – 741, Barrancabermeja – 437 and Villavicencio – 528). A national forum will be held August 4th through 6th in Cali. Preliminary reports of the regional forums are available online.⁽⁴⁾

Despite the differences between victims, the forums have allowed victims to be actively involved in a peace process for the first time.

4. A VIEW FROM THE FIELD

PEACE AGREEMENTS WILL NOT DECREASE DISPLACEMENT: UNHCR

Martin Gottwald, head of UNHCR in Colombia, stated that a possible peace agreement between the GoC and FARC will not necessarily mean a decrease in forced displacement. After the possible demobilization of the guerrilla, new armed groups could be formed, occupy the spaces left, increase violence and therefore produce forced displacement, warned Mr. Gottwald.⁽⁵⁾

According to UNHCR head in Colombia, “there are around 50 and 100 criminal groups in Colombia”, adding that “if the State does not act in the regions where new groups might form, new persecutions against communities will unfold”.

REGIONAL CONFERENCE ON FORCED MIGRATIONS

In July, Bogotá hosted the II Regional Conference on Forced Migrations and the 15th Conference of the International Association for the Study of Forced Migration (IASFM) focusing on issues such as internal displacement and refugees. In their final statement, the Regional Conference's 130 representatives from 17 countries made a call to all “states in the region to facilitate and support attention and reparation processes of Colombian victims abroad”, stating that victims have reparation rights regardless their country of residence. “Colombia's Victims Law is a reparation law, not a protection law”, concludes the declaration.⁽⁶⁾

5. DIVERSITY MAINSTREAMING

FIRST HOMOSEXUAL INCLUDED IN SINGLE VICTIMS REGISTRY

Professor Manuel Antonio Velandia was included in the Single Victims Registry, becoming the first Colombian recognized as a victim of the conflict due to his sexual orientation. Mr. Velandia is a promoter of gay rights who was forced to flee the country to Spain after suffering an attempted murder in 2002 by paramilitaries.⁽⁷⁾ According to the Victims Unit, as of July 2014, 869 victims declared they suffered victimizing acts related to their sexual orientation and identity, following the diversity mainstreaming approach established by the Victims Law.⁽⁸⁾

6. IN THE SPOTLIGHT

VICTIMS IN THE PEACE PROCESS SPOTLIGHT

After advancing and agreeing on rural development, political participation and illicit drugs, the peace process will discuss victims' rights to justice, truth and reparation. Starting August 16, five groups of 12 victims (60 total), will participate one after the other in the talks in Havana between GoC and FARC.

4. “**Informes finales de los foros regionales sobre víctimas**”, UNPD, July, 2014,

<http://www.co.undp.org/content/colombia/es/home/presscenter/articles/2014/07/29/informes-finales-de-los-foros-regionales-sobre-victimas/>

5. “**ACNUR: La paz no reducirá a corto plazo el desplazamiento forzoso en Colombia**”, *W Radio*, July 17, 2014, <http://www.elespectador.com/noticias/proceso-de-paz/acnur-paz-no-reducira-corto-plazo-el-desplazamiento-for-articulo-505016>

6. “**Documento Final II Conferencia Regional Humanitaria Sobre Migraciones Forzadas**”, *Migrantes Hoy*, July 24, 2014,

http://www.codhes.org/images/Articulos/Declaracion_II_Conferencia_Regional_Humanitaria_final.pdf

7. “**Primer homosexual reconocido como víctima de conflicto en Colombia**”, *El Espectador*, July 26, 2014, <http://www.elespectador.com/noticias/nacional/primer-homosexual-reconocido-victima-de-conflicto-colom-articulo-506797>; Mr. Velandia's blog is available at: <http://asilolgbt.blogspot.com.es/>

8. “**La Unidad avanza en la reparación a población LGTBI**”, *Victims Unit*, August 4, 2014, <http://www.unidadvictimas.gov.co/index.php/79-noticias/2683-la-unidad-avanza-en-la-reparacion-a-poblacion-lgbti>

7. PROGRESS REPORT*

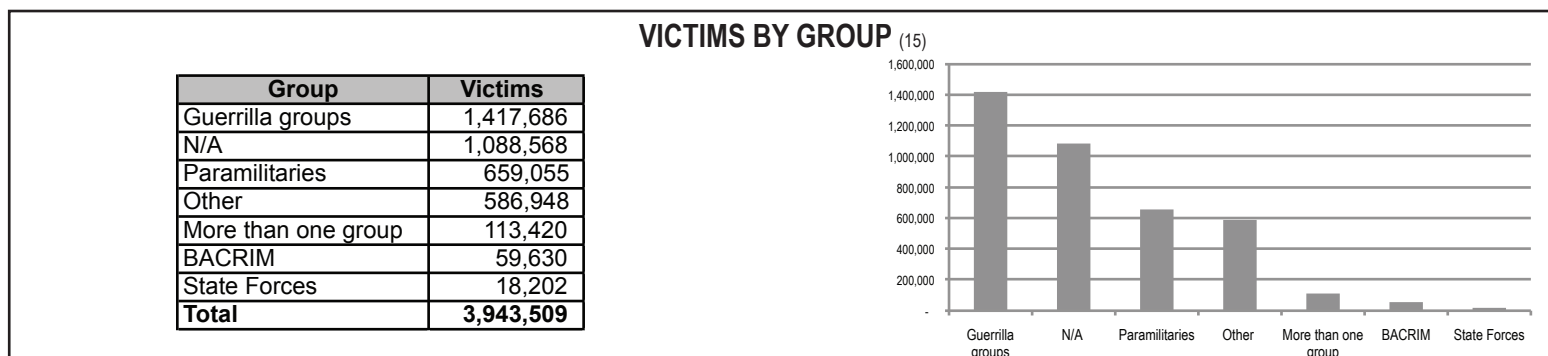
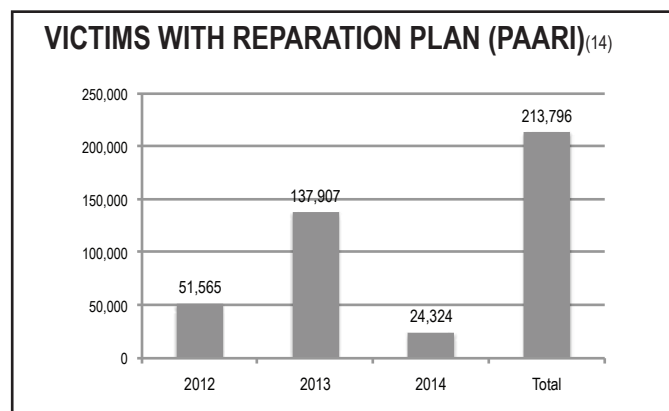
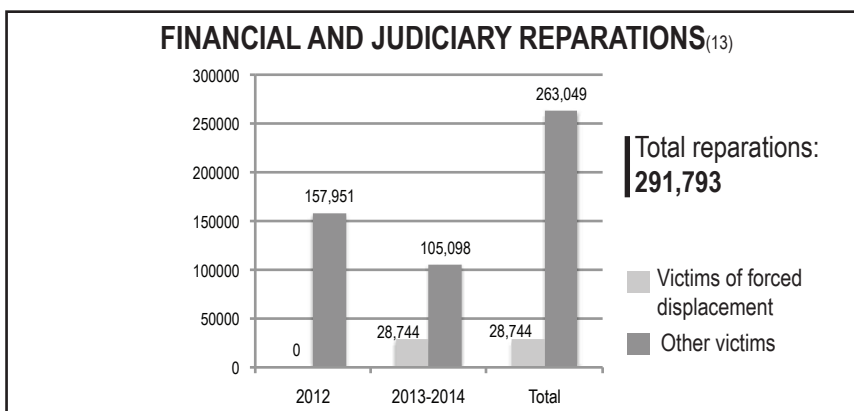
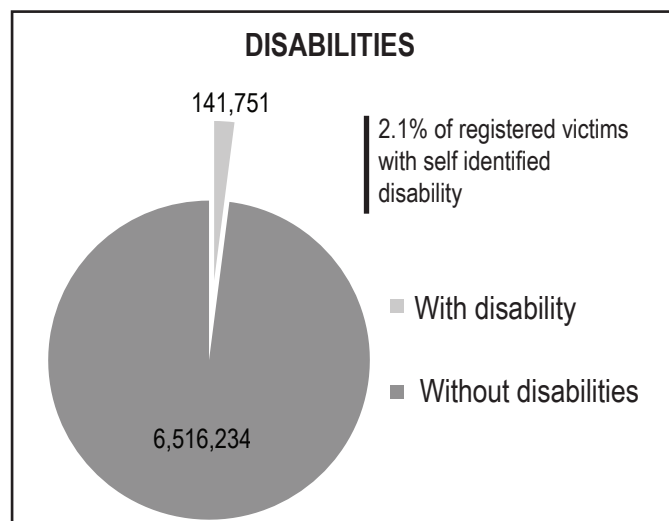
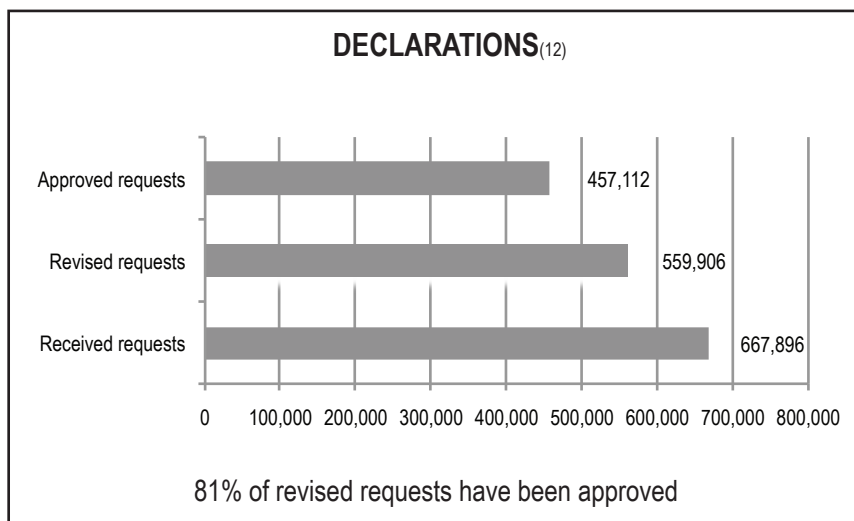
REGISTERED INDIVIDUALS: 6,657,985 (13.9% of total population)⁽⁹⁾

INDIVIDUALS BY GENDER OR SEXUAL ORIENTATION	
	%
Male	49.6
Female	49.5
Undefined	0.8
LGBTI	.01

VICTIMS BY AGE GROUP	
	%
0-17	31.1
18-26	17.0
27-60	34.2
61-100	6.9
Without info	10.8

TOP FIVE VICTIMS LOCATIONS ⁽¹⁰⁾	
	%
1. Antioquia	19.5
2. Bolívar	7.3
3. Magdalena	5.9
4. Nariño	5.1
5. Cesar / Valle del Cauca	4.9

TOP VICTIMIZING ACTS: 7,688,51 ⁽¹¹⁾	
	%
1. Displacement	81.7
2. Homicide/Massacre	12.8
3. Threats	2.3
4. Disappearance	2.0
5. Loss of property	1.1



*Source: Victims Unit, June, 2014; Victims Registry information obtained from the Victims Unit's National Information Network, July 1, 2014, <http://mi.unidadvictimas.gov.co>

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

10. Based on registry location.

11. Based on the registry of victimizing acts.; homicide and disappearance include indirect victims.

12. Based on the Single Declaration Format (FUD). Cumulative total of declarations received, June, 2014. Approved requests are included in the Victims Single Registry (RUV).

13. Number of reparation transfers sent during May 2014.

14. PAARI: Integral Assistance, Attention and Reparation Plan.

15. Guerrilla groups includes FARC and ELN; N/A: not available or identified; not all victims mention the group that affected them; BACRIM: short for criminal bands that emerged from the demobilization of the paramilitaries. Victims Unit, December, 2011.

8. INSTITUTIONAL ADVANCES

Victims Unit

VICTIMS UNIT PRESENTS MANUAL TO DEFINE “REPARATIVE ROLE” OF GOODS

The Victims Unit, with USAID and IOM support, presented the manual to revise the “reparative role” of goods returned by former ex combatants. The manual provides guidelines for the Victims Reparation Fund to oppose the provision of goods when they are not appropriate for reparation as their administration costs, their location, physical or judiciary conditions would be detrimental to the GoC. According to Victims Unit’s director Paula Gaviria, the value of the goods managed by the fund are over USD 100 million. The difficulties managing the Fund’s goods have delayed reparation services to victims. With the manual, the Fund will broaden its human and financial resources, focusing on the reception, administration and acquisition of useful goods. Based on the manual, judges, prosecutors and attorneys can also determine if ex combatants have a real commitment to repair victims.⁽¹⁶⁾

National Historical Memory Center (CNMH)

HISTORICAL MEMORY SUMMARIES AND PUBLICATIONS

In 2014 the CNMH will prioritize the production of short versions of reports previously published. In July, the first of these summaries was presented, which focuses on the history of violence, forced displacement and resistance of the community in San Carlos (Antioquia).⁽¹⁷⁾ The CNMH also presented the report “Hacer la Guerra y Matar la Política” (“Making War and Killing Politics”), which focuses on four representative cases of how the war silenced political activity of all tendencies in Norte de Santander.⁽¹⁸⁾

9. FURTHER READING

ARTICLES TO UNDERSTAND THE ORIGINS OF THE CONFLICT

Sociologist and journalist Alfredo Molano presented 12 texts to comprehend the origins and causes of Colombia’s internal armed conflict by tracking the emergence of FARC.⁽¹⁹⁾

COLOMBIANS’ VIEWS OF THE FARC AS A POLITICAL PARTY

An AmericanBarometer “Insights” report examines the attitudes of Colombians towards the FARC’s formal participation in the country’s political system.⁽²⁰⁾

“IT IS BETTER TO DISSEMINATE FARC’S TRUTH, THAN TO JUDGE THEM UNDER THE JUSTICE AND PEACE LAW”: OCAMPO

Former Prosecutor of the International Criminal Court (ICC) Luis Moreno Ocampo, shares his views on Colombia’s peace process and transitional justice with Verdad Abierta, a specialized website on the conflict. Dr. Ocampo recommends that once agreements are signed, all the truth regarding the actions of the guerrilla should be disseminated through movies, art, literature, music and journalism.⁽²¹⁾

FARC BATTERING AFRO-COLOMBIAN AREAS

A Human Rights Watch report analyzing the impact that FARC’s actions have on Afro-Colombia communities, particularly in the municipality of Tumaco (Nariño).⁽²²⁾

16. “Luis Moreno Ocampo reconoce proceso de reparación colombiano”, *Victims Unit*, July 25, 2014, <http://www.oim.org.co/noticias/96-fortalecimiento-institucional-para-la-atencion-a-victimas/3023-luis-moreno-ocampo-reconoce-proceso-de-reparacion-colombiano.html>

17. “El resumen sobre la guerra en San Carlos, Antioquia”, *CNMH*, July 16, 2014, <http://www.centrodememoriahistorica.gov.co/noticias/noticias-cmh/el-resumen-sobre-la-guerra-en-san-carlos-antioquia>

18. “Hacer la guerra y matar la política”, *CNMH*, July 15, 2014, <http://www.centrodememoriahistorica.gov.co/informes/informes-2014/hacer-guerra-y-negar-la-politica>;

19. Alfredo Molano, “12 textos de Alfredo Molano sobre el origen del conflicto armado”, *El Espectador*, July, 2014, <http://www.elespectador.com/noticias/nacional/12-textos-de-alfredo-molano-sobre-el-origen-del-conflic-articulo-506947>

20. Ana María Montoya, “Colombians’ Views of the FARC as a Political Party”, *Vanderbilt University*, <http://www.vanderbilt.edu/lapop/insights/10907en.pdf>

21. “Mejor difundir las verdades de las Farc, que intentar juzgarlas bajo Justicia y Paz”, *Verdad Abierta*, July 28, 2014, <http://www.verdadabierta.com/jefes-de-la-farc/5389-mejor-difundir-las-verdades-de-las-farc-que-intentar-juzgarlas-bajo-justicia-y-paz>

22. “FARC Battering Afro-Colombian Areas”, *Human Rights Watch*, July 30, 2014, <http://www.hrw.org/news/2014/07/30/colombia-farc-battering-afro-colombian-areas>