

Afro-Colombian Solidarity Network (ACSN)* Statement

July 20, 2011

New Abuses of Afro-Colombians' Legal Rights under Santos Administration

Violence and intimidation tactics continue to undermine the legal framework that defends the rights of Afro-Colombians. Despite possessing collective land rights to more than 5.2 million hectares of land, Afro-Colombians are disproportionately affected by forced displacement. Democratically elected Afro-Colombian Community Councils were created with the purpose of governing the collective territories and playing an important role in defending the right to previous, free, and informed consultation and consent. However, paramilitary groups that collude with large-scale economic projects violently expel Afro-Colombian communities from their collective lands. ACSN has [repeatedly denounced](#) various expressions of violence against Afro-Colombian communities and leaders. Despite domestic and international awareness of the systematic destruction of Afro-Colombian communities' rights, the threats and violence continue:

On July 15, José Santos Caicedo of the [Black Communities' Process \(PCN\)](#) received a text message at 12:48 a.m. that said: "You already know that everything has a price, but you will pay the price with blood." Mr. Santos is member of PCN's National Coordination Team.

Meanwhile, one of PCN's local activists in northern Cauca, Armando Caracas Carabalí, received a series of threatening phone calls beginning on July 7. The anonymous caller said: "You have 24 hours to leave the municipality of Buenos Aires or we will fill you with bullets."

These threats arrive in a context where at least 29 Afro-Colombian and indigenous leaders have been murdered in 2011 alone. Even in [La Toma](#), Cauca, paramilitaries and multi-national corporations continue to threaten the rights of the community and the autonomy of the Community Council despite increased international attention. On July 15, Aníbal Vega, the legal representative of La Toma's Community Council, received a threatening phone call that said: "You people from the Community Council are the ones opposed to the machines working in the Ovejas River. The bumps in the road must be removed so that they don't disturb progress."



The recent intimidation against the Community Council of La Toma comes after [Constitutional Court Sentence 1045-A](#), which declares that all mining and mining licenses granted in the collective lands are illegal if they do not abide by the Community Council's rights to previous, free, and informed consultation and consent. Afrodescendants in La Toma have practiced artisanal mining since 1636. However, investors have sought mining licenses on the Community Council's lands for at least eleven years.

Paramilitary groups and illegal miners continue to impose their presence in La Toma via illegal mining, threats, and murders. For many weeks eight excavators (see photo) in three different parts of the Community Council of La Toma have been mining illegally. Government officials and local, regional and national authorities have been aware of the excavators since June 15. The Community Council of La Toma is one of the emblematic cases mentioned in Constitutional Court Order 005 of 2009. The orders to protect La Toma have not been implemented and disobeyed.

Recent violence and attacks on Afro-Colombian and [indigenous communities](#) are not limited to Cauca or the members of PCN. There is a generalized sense of intimidation and violence against Afro-Colombian and indigenous communities and their rights. For example, two armed men broke into the offices of the Council for the Integral Development of Black Communities of the Western Mountain Chain of Nariño ([COPDICONC](#)) in Santiago de Cali on July 13. The men assaulted the legal representative and another member of COPDICONC. They called the members "guerrillas" as they physically abused them and demanded to know what guerrilla group they belonged to. The men stole computers, recording equipment, cellular phones, hard drives, and other material with sensitive information regarding human rights violations against Afro-Colombian communities. That same day, the home of the president of COPDICONC was broken into by three men. These kinds of attacks make it extremely difficult for civil society to defend the constitutional rights of Afro-Colombians.

The movement to defend the rights of Afro-Colombian communities has met serious obstacles at the local, national, and international level since its inception. Threats, attacks, and murders by illegal armed actors continue to target Afro-Colombian leaders and organizations. When leaders and organizations are silenced, the communities that they represent are left defenseless. These communities find it increasingly difficult to defend their collective land rights in the face of increased pressure to abandon or sell it. The protective measures from the government that have been adopted for these leaders and communities are minimal. There is almost complete impunity for the crimes that are committed against Afro-Colombian leaders.

The continued abuse of the cultural, territorial, and human rights of Afrodescendent communities will be aggravated by the approval of the pending Free Trade Agreement. Increased investment in the context of an internal armed conflict will devastate these communities because there is no guarantee for the protection of Afro-Colombians' ethnoterritorial rights. The U.S. congress should support [Rep. Hank Johnson's letter](#) to Obama opposing the FTA and demonstrating the need for the "United States and the Colombian government to take immediate steps to strengthen Afro-Colombian territorial rights and prevent further displacement of Afro-Colombians."

ACSN recommends that the U.S. State Department and Members of the U.S. congress urge the Colombian government to:

- (a) fully implement Constitutional Court Order 005 and Sentence 1045-A (b) create differential and collective protective measures that are consulted with the community councils and organizations (c) contact the mayor's office of Suarez, Cauca and demand that they remove the excavators in the territory and adopt measures to prevent the arrival of new ones, and (d) recognize the protection route of the traditional territories (*la ruta de proteccion del territorio tradicional*).
- Ministry of the Environment to respect the environmental rights of the communities.
- Ministry of Defense to confiscate the eight illegal excavators in the collective territory of La Toma.
- Mayor's Office of Suarez to (a) defend the authority of the Community Council of La Toma before private interests and investors, and (b) demand that the Colombian Armed Forces remove all eight of the excavators.
- Prosecutor General's Office to (a) investigate and sanction the officials that have granted titles and concessions that violate the rights of the communities, and (b) open an investigation into Suarez's mayor's office and secretary of the government, in addition to other government officials, for permitting illegal mining in the territory of the Community Council of La Toma.

- Inspector General's Office to open a criminal investigation against the owners of the machinery and all other people that have permitted the entrance, presence, and illegal activity of the excavators in the territory.

CONTACT:

Anthony Dest, WOLA: (202) 797-2171; adest@wola.org

Charo Mina Rojas, PCN International Working Group: (+057) 315-706-7603; charominarojas@gmail.com

*The Afro-Colombian Solidarity Network (ACSN) includes the Washington Office on Latin America (WOLA), TransAfrica Forum (TAF), Global Rights, Chicago Religious Leadership Network (CRLN), U.S. Office on Colombia (USOC), International Working Group of PCN, and activists and scholars Joseph Jordan, Roland Roebuck, Eunice Escobar and Arturo Escobar. Peace Brigades International (PBI) serves as an international observer.