

## **Santos: Better than Uribe?**

*MOVICE Protection Department*

### **Introduction**

Since the beginning of the Juan Manuel Santos administration, there has been a notable change in the presidential rhetoric about human rights defenders and victims, especially compared to the systematic stigmatization and baseless accusations that characterized the Uribe administration.

This change in tone might lead us to hope for attacks on victims and human rights defenders to come to an end, or at least decline. Unfortunately, several sources have demonstrated that the situation has actually deteriorated during the Santos administration, compared to the last year of the Uribe administration.

The “We Are Defenders” program's recent report supports this assertion, revealing that in the first half of 2011, 29 human rights defenders and social leaders were murdered in Colombia, while three more were forcibly disappeared<sup>1</sup>.

This situation of violence against human rights defenders warranted a statement by the Inter-American Commission on Human Rights on March 8, 2011. The Commission expressed its concern over threats by the *Águilas Negras* paramilitary group against human rights defenders. Some of the threatened organizations and individuals, including MOVICE, have been granted Inter-American Commission Precautionary Measures.

Attacks and threats continue to be carried out by paramilitary groups, confirming that paramilitary strategies remain in force. Paramilitary structures have managed to maintain territorial control thanks to the ongoing collusion of regional and national military and police commanders, political groups, and business interests.

### **The Extermination Campaign against MOVICE**

Since its creation in June 2005, MOVICE has been subjected to an intense stigmatization campaign originating in the Presidential Palace itself, with participation by government ministers, intelligence agencies and high-level government officials. Our movement has even been accused of being allies of terrorists. This general atmosphere of stigmatization and harassment has led to an escalating process of revictimization against victims belonging to MOVICE. A systematic campaign is being conducted to eliminate MOVICE, in order to silence our voices and actions demanding victims' rights to truth, justice, comprehensive reparations, and guarantees of non-repetition. From the creation of MOVICE in 2005 until August 6, 2011, we have registered 314 acts of revictimization against members of our movement.

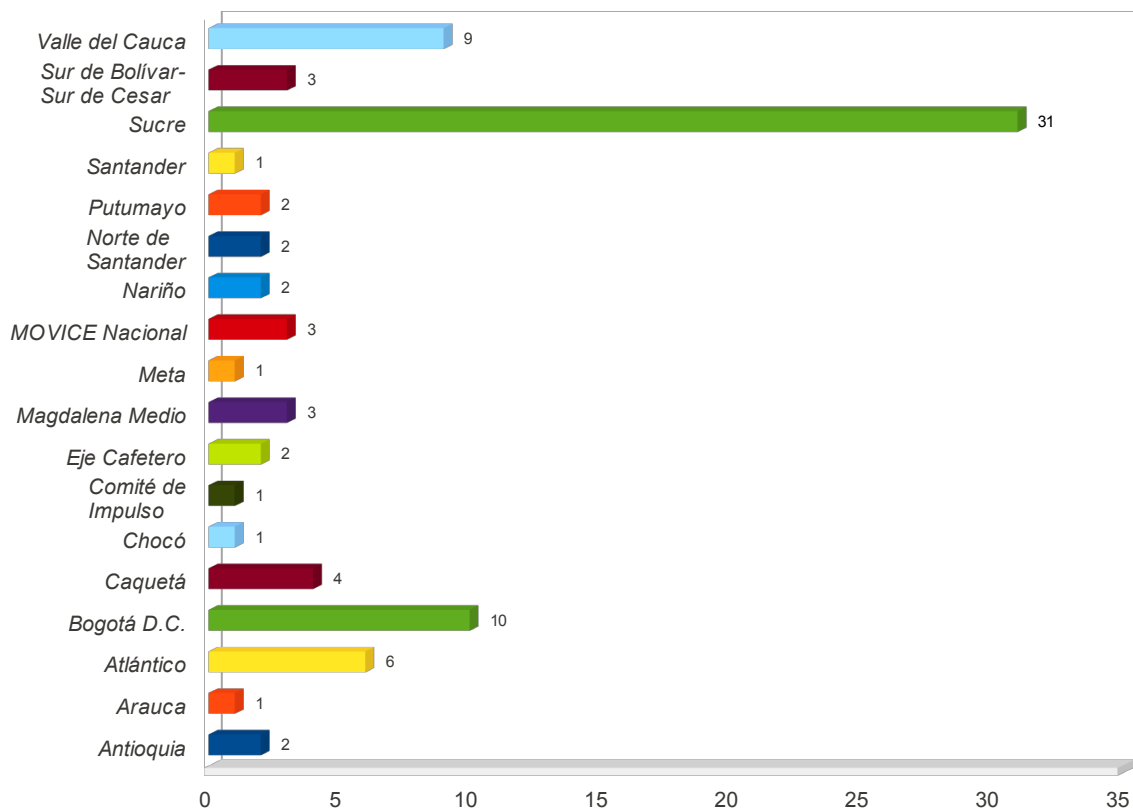
Of these 314 attacks and threats, 85 occurred during the first year of the Santos administration: from August 7, 2010 to August 6, 2011. This means that during a period of a little more than six years, 27% of attacks registered against members of MOVICE took place during this one-year period. This represents an increase of 44% compared to the last year of the Uribe administration, in which 59 cases were registered. Attacks on

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<sup>1</sup> “*Beyond the Numbers.*” Report detailing the period from January to June 2011. August 8, 2011. Information System on Aggression Against Human Rights Defenders in Colombia.

members of MOVICE have occurred in 18 of the 20 departments where MOVICE chapters exist.

### Attacks on MOVICE Members by Chapter: August 7, 2010 to August 6, 2011



One of our greatest concerns is the increase in impunity in these cases. Victims lack the guarantees they need to report these crimes to authorities, leading to under-reporting of human rights violations. In other cases victims overcome their fear and report the crime, in spite of the lack of guarantees, but the cases are closed due to an alleged lack of evidence.

### They Kill Us for the Same Reasons: to Silence Our Voices

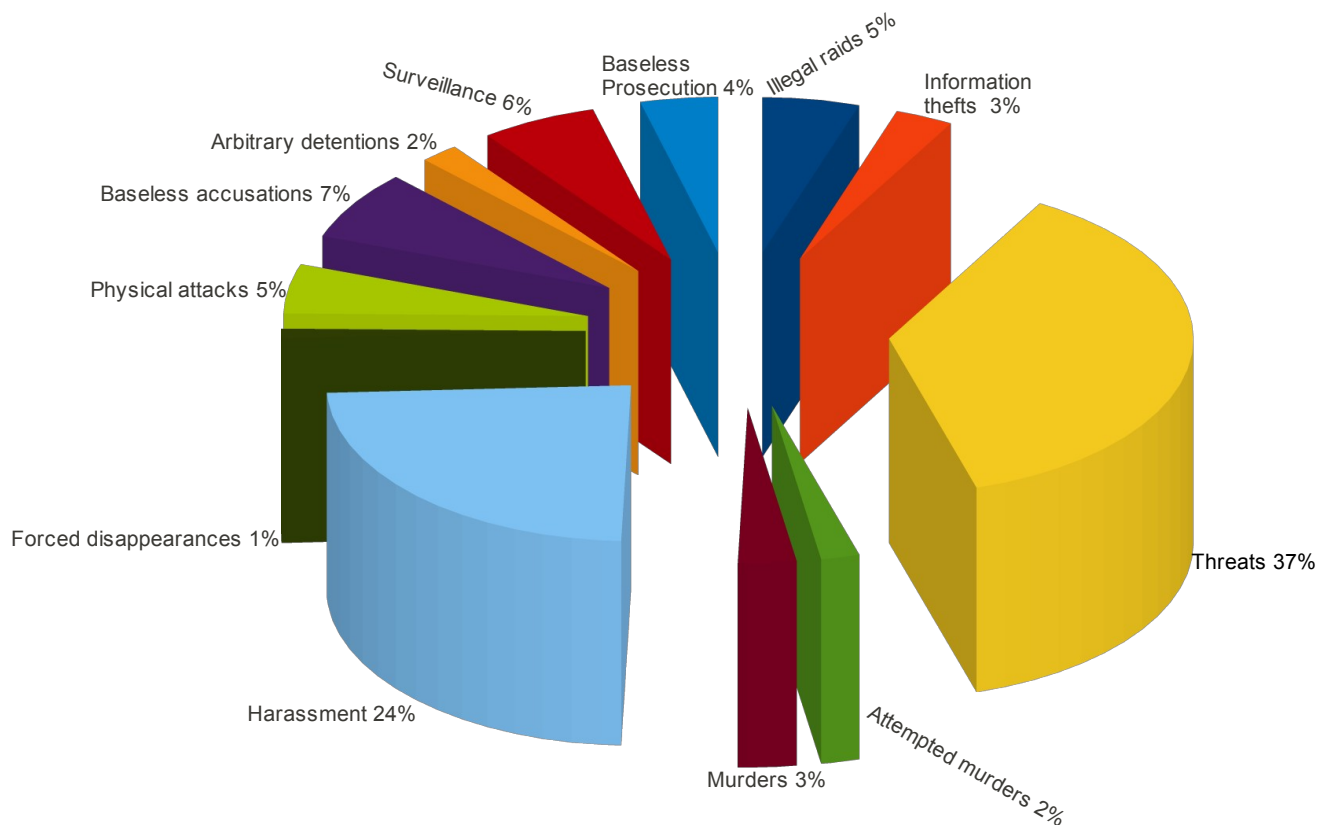
Paramilitary structures, the military, and some economic and political groups see MOVICE as threatening to reveal their participation in crimes against humanity and prevent them from consolidating their control over lands and public institutions. Therefore, they resort to the same repressive practices that were used during the Uribe administration: death threats, baseless criminal prosecution, harassment, baseless accusations, forced disappearance, and murders.

### No Guarantees, no Political Will

As a result of this extremely serious state of affairs, during the November 5, 2009 hearing before the Inter-American Commission on Human Rights (IAHCR), the grave situation of threats, harassment, and unfounded prosecution against numerous members of MOVICE was presented. The Uribe administration committed to conduct a series of

high-level meetings in Bogotá to discuss mechanisms to ensure that victims would be able to work in conditions of security and protection.

### Types of Attacks on MOVICE Members: August 7, 2010 to August 7, 2011



After demanding that the government comply with the commitments it had made before the IAHCR, MOVICE was only able to participate in one high-level meeting, on July 1, 2010. In this meeting, a list of 210 cases documented by MOVICE were submitted, and the Vice-Minister of the Interior committed to “directly forward the submitted information to the Prosecutor General's Office.” To date, MOVICE is unaware of any actions taken by the Prosecutor General's Office on these cases. It is important to note that President Santos' government not only has failed to meet commitments with the Inter-American Commission on Human Rights, but has also unilaterally suspended this dialogue with MOVICE, giving a clear message of the lack of political will to renew these official conversations.

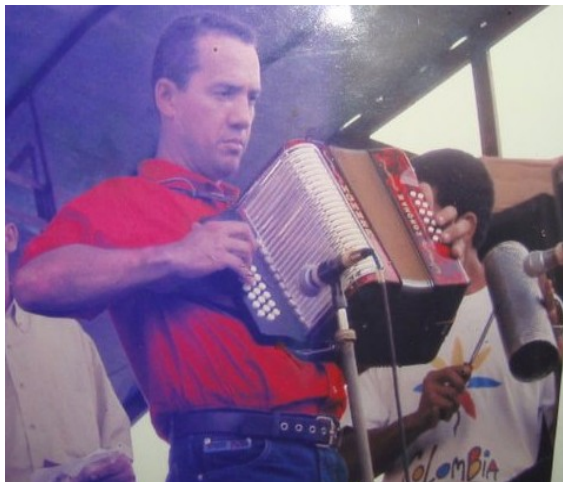
MOVICE believes that the guarantees demanded of the executive branch should not be limited to material protection and security schemes. Rather, for MOVICE the State must first and foremost implement political measures. In particular, the State must commit to the real and effective dismantlement of paramilitary structures and the prosecution of all those who have participated in paramilitary crimes, whether as promoters, instigators, sponsors, or beneficiaries. Furthermore, the State must guarantee a political environment promoting State security forces' respect for the work of victims and human rights defenders; deepen investigations into threats and attacks against members of our movement; and take measures to punish State agents participating in these actions.

## Emblematic cases:

Although the situation of victims belonging to MOVICE is extremely serious throughout the country, we believe that it is useful to highlight some particularly serious situations.

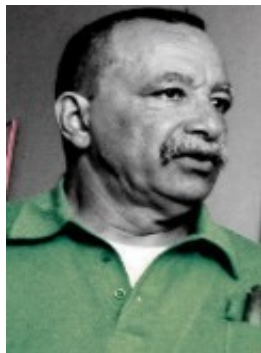
**Sucre Chapter:** Paramilitarism took deep root in the political, social and economic spheres in the department of Sucre. Since 2006, 35 politicians (including two governors, four congressional representatives, three senators and seven departmental representatives) have been investigated by the Supreme Court and the Prosecutor General's Office for their ties to paramilitary groups. This phenomenon has created and maintained an atmosphere of hostility and vulnerability for members of MOVICE, who continue to be targeted for countless threats and acts of harassment. Faced with a complete lack of effective guarantees, MOVICE members have no trust in regional authorities.

- **Verbel Rocha Family:** These members of the Sucre Chapter of MOVICE suffered the loss of one of their brothers, Eder Verbel Rocha, in an attack on March 23, 2011. Members of this family have been prominent leaders in denouncing paramilitarism in the region. Eder was murdered by two armed men who shot at three members of his family. Orlando Verbel Rocha and a minor managed to escape from the killers. Two people, allegedly the perpetrators of this crime, have been arrested, but to date no intellectual authors have been identified.



*Eder Verbel playing accordion at a cultural event.  
Photo courtesy of the Verbel family.*

- **Ingrid Vergara and her Family:** Members of the Torres Vergara family, prominent leaders of the Sucre Chapter, have faced intense persecution in retaliation for their championing of victims' rights and land restitution. During the first year of the Santos administration, they suffered fourteen security incidents, including harassment, surveillance, and death threats against Ingrid, her children, and her husband, Franklin Torres. Ingrid is currently the coordinator of the chapter.
- **Carmelo Agamez:** Agamez was coordinator of the Sucre Chapter until his unjust arrest on November 13, 2008. This human rights defender is facing an absurd criminal investigation for the crime of conspiracy to commit a crime for belonging to paramilitary groups, the same groups that Carmelo has vehemently denounced and that have declared him a military target on several occasions. The trial has been fraught with grave irregularities. Several regional politicians who are actually implicated in paramilitary structures are being investigated as part of the same case. Carmelo's inexplicable prosecution has occurred in the context of a strategy of persecution against members of MOVICE throughout the country, using the judiciary to these ends. Currently Carmelo continues to be imprisoned, even though his defense attorney has clearly demonstrated the inconsistencies in the investigation.



**Valle del Cauca Chapter:** This chapter has remained active in spite of the high number of threats and acts of harassment against its members and organizations belonging to the chapter. The Valle del Cauca department has been hard hit by paramilitary groups, which are once again exerting control in the region, and by human rights violations committed by the Army's Third Brigade.

- **Extrajudicial executions:** On January 14, 2007, in La Reforma, a rural area near Cali, members of the Army's Third Brigade murdered three men who were well known in the area as house painters. The men were deceived by a recruiter, who confessed in trial that the army had paid him two million pesos (750 Euros) to hand these men over to them. After their execution, the men were presented as members of paramilitary groups. The army still has not given a clear explanation of their murders, despite the victims' families' long and rigorous work to uncover the truth. The prosecutor working on the case believes that there are not sufficient guarantees, even for him, to continue with the case. Jenny Torres, the wife of one of the victims and member of MOVICE, and her lawyer have been repeatedly threatened in retaliation for their struggle for truth and justice.
- **Buenaventura, Valle del Cauca:** Paramilitaries previously from the Calima Bloc, now active in new paramilitary groups, have been engaged in a campaign of persecution against women and girls in Buenaventura municipality. There has been a sharp rise in femicides as a mechanism of revictimization against women in Buenaventura, particularly as retaliation against widows and single mothers who have become community leaders. In one village near Buenaventura, paramilitaries are threatening and limiting the movements of women who are part of the Valle del Cauca Chapter of MOVICE. Paramilitary groups are taking over these womens' communities, imposing terror and forcibly displacing villagers.

#### **National Coordinating Committee:**

- **Attempt to Murder Ivan Cepeda:** On August 24, 2011, a criminal plan to assassinate Ivan Cepeda was revealed by a prison inmate in a letter addressed to Cepeda. The letter denounces that two prison guards at the Tramacúa Prison in Valledupar had given the inmate a knife to stab Cepeda when he visited the prison on May 22. There was apparently a security camera video that recorded what took place during Cepeda's visit, but it has been erased. The attack seems to have failed simply because the inmate decided not to carry out the plan and to inform Cepeda instead.
- **Death threats:** On June 2<sup>nd</sup> and 19<sup>th</sup> of this year, pamphlets were distributed threatening several members of the MOVICE Coordinating Committee, as well as other individuals and social organizations. These threats, signed by the paramilitary groups *Los Rastrojos* and the Capital Bloc of the *Águilas Negras* group, gave the persons named twenty days to leave Bogota. The pamphlets claimed that the human rights advocates were being threatened for "opposing our government's policies and brainwashing internally displaced people, [and for] passing themselves off as human rights defenders and leaders." The victims of these threats include Alfonso Castillo (of the NGO Andas), congressman Ivan Cepeda, Ruby Castaño (of Sintragrim), and Rigoberto Jimenez (of the National Displaced Persons' Organization), all prominent, committed leaders of MOVICE.

It is noteworthy that during the Santos administration paramilitary groups continue to carry out what they present as actions defending Santos' government. Although the government strives to present these groups as "Criminal Gangs" (*BACRIM*), their activities

follow classic paramilitary patterns. They use the same methods, attack the same targets, act for the same motivations, and enjoy the same permissive attitude by the authorities.

## **Conclusion**

This report has presented human rights violations during President Santos' first term, revealing an extermination campaign that is systematically revictimizing individuals and organizations who have been victims of State crimes..

We believe that legislative actions are not enough. Legislation must be accompanied by the recognition of the continued existence of paramilitary structures and their collusion with numerous State agents, and concrete steps must be taken to effectively dismantle these structures. Furthermore, a process must begin to purge the security forces of individuals with ties to this para-State phenomenon.

In this context, government policy of promoting and educating about respect for human rights and International Humanitarian Law within State security forces must shift from mere formalities to real implementation.

We urge the United Nations system, the diplomatic corps, the European Union, and other institutions of the international community to verify the distressing humanitarian crisis and human rights violations directed against members of MOVICE. We invite the international community to support MOVICE in the currently suspended process of dialogue with the Santos administration, in order that the National Movement of Victims of State Crimes may achieve real and effective guarantees for its members and their activities.