HUMAN RIGHTS WATCH

THE RISK OF RETURNING HOME

Violence and Threats against Displaced People Reclaiming Land in Colombia

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Glossary

"Aliases": Members of armed groups and criminal gangs often have an alias—essentially a nickname or *nom de guerre*. In this report, aliases are italicized.

Attorney General's Office of Colombia (*Fiscalía General de la Nación*): a Colombian state entity charged with conducting most criminal investigations and prosecutions. The Attorney General's Office is formally independent of the executive branch of the government.

Early Warning System of the Ombudsman's Office of Colombia (*Sistema de Alertas Tempranas de la Defensoría del Pueblo*): The Ombudsman's Office (*Defensoría*) is a Colombian state entity charged with promoting and defending human rights and international humanitarian law. The Early Warning System is a subdivision of the Ombudsman's Office, charged with monitoring risks to civilians in connection with the armed conflict, and promoting actions to prevent abuses.

Colombian Institute for Rural Development (*Instituto Colombiano de Desarrollo Rural, INCODER*): a Colombian state entity charged with rural development, which also carries land restitution processes.

"Land Takeovers": refers here to conduct that falls within the definition of *despojo* set out in article 74 of the Victims Law: "the action through which, taking advantage of the situation of violence, one arbitrarily deprives a person of his property, possession, or occupation [of land], whether it be de facto, or through a legal transaction, administrative act, judicial decision, or the commission of crimes associated with the situation of violence." While Colombian law does not codify land takeovers associated with forced displacement (*despojo*) as a crime, the conduct can be prosecuted under a range of other crimes.

"Land claimant": refers here to IDPs who have sought to recover lost land through a range of judicial and administrative mechanisms, such as the Victims Law and Justice and Peace Law, or who have simply petitioned for authorities to support them in returning home. It also includes IDPs relocated by the government to new rural areas, because such

relocations are stipulated to take place under the Victims Law when inadequate security or environmental conditions, among other reasons, bar returns.

"Leaders" or "Advocates": used interchangeably here to refer to persons with a leadership role representing fellow community members or IDP groups in restitution efforts. The terms are used broadly to include victims' lawyers. In many cases, leaders have also pursued restitution claims for their own families.

National Protection Unit (*Unidad Nacional de Protección, UNP*): a Colombian state entity charged with providing protection measures to at risk populations, including trade unionists, human rights defenders, and land restitution leaders.

"Paramilitary front man": individuals who hold assets—including land—on behalf of members or leaders of paramilitary groups to hide their ownership of such assets.

"Preliminary stage of investigation": refers here to the stage of a criminal investigation denominated as "investigación previa" or "indagación" in the Colombian justice system. At this stage, prosecutors have not yet charged a suspect.

Restitution Unit (*Unidad Administrativa Especial de Gestión de Restitución de Tierras Despojadas*): a Colombian state entity attached to the Agricultural Ministry that is charged with implementing land restitution under the Victims Law.

Victims Unit (*Unidad para la Atención y Reparación Integral a las Víctimas*): a Colombian state entity charged with managing the government's registry of victims and providing them with humanitarian assistance and reparations, among other measures. The Victims Unit coordinates the return and relocation process for IDPs, including those who have benefited from land restitution rulings obtained by the Restitution Unit.

Summary

Over the past 30 years, abuses and violence associated with Colombia's internal armed conflict have driven more than 4.8 million Colombians from their homes, generating the world's largest population of internally displaced persons (IDPs).

Mostly fleeing from rural to urban areas, Colombian IDPs are estimated to have left behind 6 million hectares of land—roughly the area of Massachusetts and Maryland combined—much of which armed groups, their allies, and others seized in land grabs and continue to hold. Dispossessed of their land and livelihoods, the vast majority of Colombian IDPs live in poverty and lack adequate housing.

In June 2011, the administration of President Juan Manuel Santos took an unprecedented step toward redressing this immense human rights and humanitarian problem by securing passage of the Victims and Land Restitution Law (Victims Law). The law established a hybrid administrative and judicial process intended to return millions of hectares of stolen and abandoned land to IDPs over the course of a decade.

The land restitution program represents the most important human rights initiative of the Santos administration. If implemented effectively, it will help thousands of families who have been devastated by the conflict to return home and rebuild their lives, while also undercutting the power of armed groups and criminal mafias. Already, the government's Restitution Unit has made notable gains in carrying out the law in some regions.

Despite this progress, major obstacles stand in the way of effective implementation of the law. IDPs who have sought to recover land through the Victims Law and other restitution mechanisms thus far have faced widespread abuses tied to their efforts, including killings, new incidents of forced displacement, and death threats. Since January 2012, more than 500 land restitution claimants and leaders have reported being threatened.

This report—based on research between February 2012 and July 2013, including hundreds of interviews, more than 130 of them with land restitution claimants and leaders—details those abuses, assesses the government's response to date, and recommends additional steps authorities should take.

The government has consistently denounced attacks against IDPs seeking restitution, and provided hundreds of at-risk claimants with protection measures, including cell phones and bodyguards. However, we found that while important, these measures have not been complemented by sufficient efforts to hold perpetrators accountable, which are absolutely critical to stemming the ongoing source of threats to claimants' lives and preventing attacks.

The threats and attacks are entirely predictable given Colombia's chronic failure to deliver justice for both current and past abuses against IDP claimants. Crimes targeting IDPs in retaliation for their restitution efforts almost always go unpunished: prosecutors have not charged a single suspect in any of their investigations into threats against land claimants and leaders.

Justice authorities also rarely have prosecuted the people who originally displaced claimants and stole their land. Of the more than 17,000 open investigations into cases of forced displacement handled by the main prosecutorial unit dedicated to pursuing such crimes, less than 1 percent have led to a conviction. The lack of justice for these crimes is a root cause of the current abuses against IDP claimants: those most interested in retaining control of the wrongfully acquired land often remain at large and are more readily able to violently thwart the return of the original occupants.

Colombia's failure to significantly curb the power of paramilitary successor groups also poses a direct threat to land claimants' security, while more broadly undermining the rule of law in areas where IDPs seek to return. These groups inherited the criminal operations of the United Self-Defense Forces of Colombia (AUC) paramilitary coalition, which carried out widespread land takeovers prior to the government's deeply flawed demobilization process. Thus far, successor groups have carried out a large share of the threats and attacks targeting IDP claimants and leaders. In addition, third parties who moved onto or acquired the land after the original occupants were forced out, as well as Revolutionary Armed Forces of Colombia (FARC) guerrillas, have also targeted claimants for their restitution efforts.

Over the next eight years, the government intends to address land restitution claims filed by hundreds of thousands of displaced people. Unless Colombia ensures justice for current and past abuses against IDP claimants and makes substantial progress in dismantling paramilitary successor groups, many of these families will suffer more threats,

episodes of displacement, and killings. And the Santos administration's signature human rights initiative could be fundamentally undermined.

Widespread Abuses

IDP land claimants and leaders have been subject to widespread abuses due to their restitution efforts, including killings, intimidation and threats, and new incidents of forced displacement. This report documents such cases involving victims reclaiming land through the Victims Law—and other restitution mechanisms—from the departments of Antioquia, Bolívar, Cesar, Chocó, Córdoba, La Guajira, Sucre, and Tolima, as well as Bogotá. Official data and other forms of evidence reviewed by Human Rights Watch indicate that the pattern of abuses extends throughout the country.

In researching this report, Human Rights Watch documented 17 cases of **killings** of IDP land claimants and leaders since 2008—in which 21 people died—where there is compelling evidence that the attacks were motivated by the victims' land restitution efforts or activism. In four additional cases it was not clear, based on available information, whether the killing was related to the victim's restitution efforts, though there are signs that it may have been. We also document two attempted killings and one kidnapping of a restitution leader. The victims of these killings and attacks—committed in five different departments—include grassroots leaders, individual claimants, their family members and lawyers.

Reports by government authorities and international bodies indicate that killings of land restitution claimants and leaders have occurred on an even greater scale. For example, as of August 2013, the Attorney General's Office reported that it was investigating 49 cases of killings of "leaders, claimants, or participants in land restitution matters" committed in 16 departments since 2000, in which 56 people were murdered. The government's Ombudsman's Office reported at least 71 killings of land restitution leaders in 14 departments between 2006 and 2011.

The killings have instilled an enduring fear of attack not only in the victims' family members and fellow claimants, but also among authorities working on restitution. In a March 2013 letter to President Santos, dozens of specialized land restitution judges from across the country requested protection measures and expressed serious concern for their safety, stating, "The attacks against victim claimants, their leaders, and members of the

organizations that have supported them are well known. As justice officials, we are equally or even more exposed [to attacks], because we are the ones who order the legal and material restitution." As described by the director of the government's protection program, the strategy of the perpetrators is to "kill a few people in order to send a message to many."

Pressure on those seeking restitution comes not only from the killings, but—much more widely—from **death threats** against claimants, their families, and those who advocate for them. In March 2013, the national director of the Restitution Unit identified such threats as the most common way people have attempted to torpedo the land restitution process.

Human Rights Watch documented serious, credible threats against more than 80 IDP land claimants and leaders from Bogotá and eight other departments since 2008, and this is a small portion of the total reported number. According to government data, at least 500 IDP land claimants and their leaders from more than 25 departments have reported such threats to authorities since January 2012. Based on individual evaluations, authorities have found upwards of 360 threatened claimants and leaders to be at "extraordinary risk" due to their land restitution activities—a determination that requires the risk to be, among other criteria, "concrete," "serious" and "exceptional."

The threats—which are crimes in Colombia—are conveyed in a variety of ways: in writing, by text message, by phone, or by verbal face-to-face warning. The content varies, but many of the messages include threats to kill the victims or their family members if they do not give up their attempts to reclaim their land or leave the region.

Usually, the threats appear credible and are terrifying. Many are directed at victims traumatized in the past by paramilitaries or guerrillas, including by the very attacks on themselves, their families, or their neighbors that induced them to flee their land in the first place. Guerrillas and successor groups to paramilitaries frequently maintain a presence in the areas where victims are reclaiming land, and the latter in particular have demonstrated a willingness to kill restitution claimants and leaders. Many victims believe, with good reason, that the current threats are from individuals or groups directly linked to the long chain of violence and land theft that they and their families have experienced.

For example, Lina Rivera (pseudonym) reported that paramilitaries displaced her and her family from their farm in Cesar department in 1999, and subsequently killed her husband,

brother, and son. Evidence strongly suggests that a paramilitary commander's brother acquired their farm and repeatedly threatened Rivera and her children for attempting to reclaim it. In a 2011 phone call, the paramilitary's brother told her, "Remember what happened to your brother, remember what happened to your son." Continued threats against Rivera's family led her to flee the region once again in late 2012.

Like Rivera, many IDP land claimants and leaders have fled their places of residence, displaced yet again due to threats or attacks related to their restitution efforts or activism. In researching this report, Human Rights Watch documented more than 30 such cases from seven departments since 2008. For example, in the first restitution cases under the Victims Law in Bolívar, Cesar, and Córdoba departments, repeated threats against IDP leaders caused them to flee their homes yet again. Official data indicates that the problem is more common. Since January 2012, the government's protection program has temporarily relocated more than 90 land claimants and leaders to new areas because of grave threats to their lives due to their activism.

When threats force leaders to abandon their homes, the community or region loses a trusted spokesperson and bridge between community members and authorities, setting back broader restitution efforts. In many cases, such threats violate a provision in Colombian criminal law defining the crime of forced displacement as coercive acts that cause someone to change homes.

Some authorities have downplayed the problem of threats by arguing that even several hundred threats is a relatively low number given the tens of thousands of claims filed under the Victims Law thus far. While the proportion is small, there are several reasons to conclude that the problem is not.

First, threats often instill a lasting sense of insecurity and fear among victims, pressuring them to consider abandoning their efforts to reclaim their land. Second, threats targeting leaders have a multiplier effect because they inhibit them from working on others' behalf, while also sending an intimidating message to the community members they represent. Third, it is not uncommon for threats to induce IDP claimants and leaders to flee the places where they are living, often with family members, forcing them to confront yet again the economic and social hardships that arise from displacement. These new incidents of

displacement directly undermine one of the key principles enshrined by the Victims Law: the right to non-repetition of abuses.

And if it is not addressed the problem is likely to get much worse. The Victims Law is still in its initial stage of implementation. As of June 2013, the Restitution Unit had started to examine less than 20 percent of the more than 43,500 land claims it had received, and obtained rulings ordering restitution in roughly 450 of them. Just one family had returned to live on their land as a result of these rulings under the Victims Law and with the support of the government office coordinating IDPs' return home (though many other beneficiaries of the rulings were visiting their land to use it for farming). By 2021, the government estimated that it would hand down land restitution rulings concerning hundreds of thousands of claims, implying the return of tens of thousands of families. It is reasonable to expect that the level of threats will significantly increase as the thousands of pending claims progress, families return home, and those intent on retaining wrongfully acquired land see their interests more directly affected.

Perpetrators

In a July 2012 speech, President Santos identified the principal perpetrators of threats against land claimants: "Many of the people making threats … are the owners or supposed owners of the pieces of land that have been reclaimed…. There are other sectors. Sectors that I have called of the extreme left … and of the extreme right, who are linked to the old paramilitaries, who do not want the land they wrongfully appropriated to be taken away from them." Human Rights Watch similarly found that paramilitary successor groups, third parties who took over the IDPs' land—sometimes in collusion with paramilitaries—and, in certain areas, FARC guerrillas, are the main perpetrators of abuses targeting land claimants and leaders.

In the majority of the cases of killings, attempted killings, and new incidents of forced displacement that we documented, the evidence strongly suggests that paramilitary successor groups—particularly the Urabeños—are responsible; the same groups are also responsible for a significant portion of threats. Information provided to Human Rights Watch by a range of government offices bolsters these findings. Paramilitary successor groups engage in drug trafficking and other mafia-like criminal activities in many of the areas where paramilitary networks previously carried out land grabs, such as Córdoba and Urabá, where a large share of the killings of IDP claimants and leaders have been committed.

The November 2011 abduction of Héctor Cavadía, a restitution leader from the town of Totumo, Antioquia, is a prime example of a targeted attack by the Urabeños. While abducted, Cavadía said that Urabeños members told him the land he was reclaiming had an owner and interrogated him about other restitution leaders from his IDP association. During a 2011 meeting in the region, an Urabeños commander ordered that "anyone who was going to reclaim land…would be disappeared," according to the judicial testimony of an ex-Urabeños member.

Third parties who acquired or occupied the land after the original inhabitants were forced out have also been responsible for many of the abuses. These third parties range from cattle ranchers and businesspersons to demobilized paramilitaries. Evidence strongly suggests that successor groups and others have intimidated, threatened and, in a few cases, even killed claimants on behalf of third parties.

Finally, in some areas FARC guerrillas have threatened and killed IDPs seeking restitution. German Bernal, for example, a man active in campaigning for the return of IDPs to Santiago Pérez, a town in southern Tolima department, said that the FARC's 21st Front has repeatedly threatened him due to his efforts. Bernal and other IDP leaders reported that during obligatory meetings held by the FARC in rural areas of southern Tolima, the guerrillas, apparently motivated by their desire to maintain control there, announced their opposition to IDPs retuning home and declared that IDP leaders were "military targets." Government statistics indicate that guerrilla threats extend to other parts of the country: since January 2012, more than 50 claimants and leaders from at least 13 departments seeking restitution through the Victims Law have told authorities they were threatened by guerrillas.

The FARC as well as National Liberation Army (ELN) rebels also have a long history of using antipersonnel landmines, and the presence of landmines in areas where such groups are or were active poses a serious obstacle to the safe return of IDPs. Roughly 70 percent of the municipalities where restitution claims have been filed are places where the government has previously reported accidents or incidents related to antipersonnel landmines or unexploded ordnance, according to the Restitution Unit.

The Government's Response

The Colombian government's response to abuses against IDP land claimants and leaders has largely consisted of high-level officials condemning the attacks and threats, and protection measures provided by the National Protection Unit (UNP). While the UNP has flaws, it is the most advanced program of its kind in the region, and its protection measures—particularly bodyguards—are potentially lifesaving.

The condemnations of such attacks by officials and UNP protection, however, are essentially palliative measures. They do not help rein in and hold accountable perpetrators, the source of ongoing threats to claimants' lives. Indeed, the UNP's inherent limitations are evidenced by the fact that the program often has to relocate threatened claimants because their safety cannot be guaranteed where they live.

Colombia has fallen short in three key areas that are at the root of violence and threats against IDP land claimants and leaders:

- There has been very little accountability for threats and attacks targeting IDP claimants in retaliation for their restitution efforts. This means little effective deterrence for such crimes.
- Justice authorities have consistently failed to prosecute those responsible for the original forced displacement of people and related land takeovers. This exposes claimants to attack, because it often means that the individuals, groups, or criminal mafias with a vested interest in maintaining control of the land are off the radar of law enforcement authorities and more readily able to oppose restitution through violence and intimidation.
- The government's failure to effectively dismantle paramilitary successor organizations in different regions of the country allows these groups to carry out ongoing abuses against claimants.

Added to this, authorities in different regions, including police, have downplayed the seriousness of threats and prematurely assumed that attacks are unrelated to the victims' activism. This attitude is reflected in the lack of action on the part of some regional authorities to provide meaningful protection for IDPs who have received credible threats and to vigorously pursue the perpetrators of crimes against them.

Lack of Accountability for Threats and Killings

The Attorney General's Office has prioritized the investigations of killings allegedly tied to land restitution efforts by assigning many of them to the Human Rights Unit and other specialized prosecutors based in Bogotá and Medellín, who are less vulnerable to intimidation. This has led to substantial progress in some important cases. Overall, however, the results have been modest: as of August 2013, prosecutors had obtained convictions in eight of the 49 cases of killings of land claimants and leaders the Attorney General's Office reported it was investigating, and in more than two-thirds of the cases, no suspects had been charged. Prosecutions have been impeded by long delays in moving cases to specialized prosecutors in Bogotá and Medellín and, according to some prosecutors we spoke with, the failure to take basic steps to advance investigations.

There has been even less accountability for perpetrators of threats. The Attorney General's Office reported that all of its investigations into threats against IDP land claimants and leaders are only at a preliminary stage, which means that no one has been charged in a single case. Threats are unquestionably difficult to investigate, but victims say they face an array of unnecessary obstacles when seeking justice, particularly outside of Colombia's main cities. These include justice authorities downplaying the nature of the threats, failing to contact them after they file a criminal complaint, or even refusing to accept a criminal complaint in the first place. Such responses show that some authorities lack the will to pursue these cases, exacerbating victims' distrust of authorities, leading to under-reporting of threats, and virtually eliminating any chance for accountability.

Along with sending a message to perpetrators that they will not face consequences, the lack of adequate criminal investigations into threats also makes it difficult to evaluate their relative urgency and seriousness. This impedes the government's protection program from efficiently assigning protection measures in accordance with the claimants' level of risk.

Lack of Accountability for the Original Forced Displacement and Land Takeovers

Under the Victims Law, restitution claims are registered in an administrative process and resolved by civil courts that do not establish criminal liability for those responsible for the forced displacement and land takeovers in individual cases. The advantage of this approach is that it allows cases to be expeditiously processed. But it also gives rise to a fundamental gap in the law's implementation: claims are advanced and land is returned

without a parallel process to hold accountable the individuals, groups, and criminal networks responsible for the forced displacement and land theft.

This accountability gap poses a serious threat to the safe return of thousands of IDPs. However, justice authorities, in a position to fill this gap, have made little progress in pursuing the perpetrators of forced displacement and illegal land acquisitions that originally drove the claimants from their homes.

- As of January 2013, Colombia's main prosecutorial unit dedicated to pursuing forced displacement, the National Unit against the Crimes of Enforced Disappearance and Displacement (UNCDES), had obtained convictions in less than 1 percent of its more than 17,000 open investigations into cases of forced displacement. More than 99 percent of the investigations were at a preliminary stage, meaning that no suspects had been charged.
- As of March 2013, nearly eight years after the Justice and Peace paramilitary demobilization law took effect, defendants participating in the process had confessed to more than 11,000 cases of forced displacement. Yet Justice and Peace unit prosecutors had obtained convictions for just six cases of forced displacement.
- As of January 2013, of the nearly 21,000 open investigations into cases of forced displacement handled by prosecutors outside of the UNCDES or Justice and Peace unit, more than 99 percent were at a preliminary stage. In Córdoba and Chocó departments, all of such prosecutors' more than 3,400 open investigations into cases of forced displacement were at a preliminary stage.
- The UNCDES also identifies itself as the main office tasked with conducting criminal investigations of the illegal takeovers of land that IDPs left behind. As of January 2013, it had produced even fewer results in this area, having obtained just three convictions for crimes related to land takeovers.

To its credit, the Attorney General's Office has taken steps to address one overarching investigative flaw that has thus far impeded accountability for past and current abuses against IDP claimants: the failure to seek evidence of connections between crimes related to the same piece of land, community, or region. The existing case-by-case approach has prevented prosecutors from establishing patterns that lead to the identification of all responsible parties. In 2012, Attorney General Eduardo Montealegre started to implement a new "contextualized" investigation strategy throughout the office. If effectively carried out in

conjunction with the elimination of other obstacles to justice identified in this report, the new strategy could help significantly improve accountability for crimes related to restitution.

Continued Power of Paramilitary Successor Groups

Despite considerable gains in capturing paramilitary successor group leaders, Colombian authorities have failed to significantly curb the power of such groups.

Data from the National Police show that the size of the groups has essentially remained constant over the past four years, dipping slightly from 4,037 members in July 2009 to 3,866 members in May 2013. The Urabeños, Colombia's largest and most organized paramilitary successor group, has grown in membership in 2013.

Labeled "emerging criminal gangs" (*Bacrim*) by the government, successor groups continue to commit widespread abuses against civilians, such as massacres, killings, and forced displacement. According to the 2012 annual report of the International Committee of the Red Cross (ICRC), which has an extensive field presence throughout Colombia, successor groups cause at least as many deaths, threats, incidents of displacement, and disappearances as does the internal armed conflict between the FARC and government forces. Successor groups drive thousands of people from their homes each year, including, in some cases, IDPs attempting to return to their land.

For example, Ermes Vidal Osorio and Ever Cordero Oviedo, two recognized IDP leaders from Valencia, Córdoba, were murdered within a 20-day span in March and April 2013, evidence suggests by the Urabeños. Both belonged to a committee created in Valencia to ensure victims' participation in Victims Law implementation. Shortly after Cordero's murder, threats and intimidation by presumed Urabeños members forcibly displaced 34 of his family members from Valencia, including 22 children.

The enduring power of paramilitary successor groups poses a direct threat to land claimants and leaders, as evidenced by their track record of attacking such individuals. Furthermore, in a broader sense, their power undermines the rule of law in many of the areas where land restitution is being implemented, corrupting members of the security forces and discouraging witnesses from providing information to justice officials. As the Attorney General's Office acknowledges, a primary obstacle to the prosecution of threats

against land claimants is the victims' fear that paramilitary successor groups will punish them if they cooperate with investigations. Effective efforts to combat successor groups—including by breaking their links with security forces in certain regions—should be seen as an essential precondition for effective implementation of the Victims Law.

Recommendations

Currently, there is a fundamental gap in Colombia's restitution policy: the process of returning land is not being accompanied by parallel efforts to ensure justice for abuses against IDPs. Restitution claimants and leaders are frequently targeted in large part due to authorities' chronic failure to prosecute those responsible for displacing them and seizing their land, as well as the threats and attacks aimed at preventing them from returning home. The Attorney General's Office has not consistently conducted investigations that explore patterns across crimes related to the same pieces of land, communities, or suspected perpetrators, and some local justice officials have shown a lack of will to pursue cases of threats altogether.

Strategic interventions by prosecutors, in coordination with restitution efforts, could go a long way toward ensuring justice—and thus protection—for those seeking to return to their land. Under the Victims Law, land restitution is gradually implemented across successively prioritized land plots, towns, and regions. We believe the Attorney General's Office should focus its efforts to prosecute crimes targeting IDPs in the same areas where the Restitution Unit is examining claims. Such coordination would take advantage of the concentration of complaints concerning related cases, allowing prosecutors to carry out systematic investigations of forced displacement, land takeovers, threats, killings, and other abuses against IDPs seeking to reclaim land. This more holistic approach would be a powerful and efficient strategy for filling the current accountability gap in the land restitution process.

Such an approach would need to be complemented by improved efforts to dismantle paramilitary successor groups and protect threatened claimants in a timely fashion. To this end, the government should adopt vigorous measures to root out collusion between paramilitary successor organizations and local officials, bolster its capacity to monitor the risks these groups and others pose to restitution claimants, and ensure that such individuals promptly receive adequate protection when their lives are in danger.

To the Santos Administration

Ensure Accountability for Abuses against Restitution Claimants and Leaders

- Provide sufficient resources to the Attorney General's Office so that it can create teams of prosecutors and judicial investigators tasked with pursuing crimes against IDP land claimants and their advocates, including the incidents of forced displacement and land theft they originally suffered, and all killings, attacks, and threats tied to their current efforts to reclaim land. The teams should be based out of Colombia's main cities, but routinely conduct field visits to each city or town where the Restitution Unit has an office in order to receive criminal complaints and investigate them. The teams should also investigate crimes linked to land restitution cases being processed through mechanisms other than the Victims Law. (See more details in recommendations to the Attorney General.)
- Issue a directive instructing Restitution Unit officials to immediately inform prosecutors when they come across evidence of forced displacement or illegal land takeovers.
- Ensure that any future implementing legislation for the Legal Framework for Peace, a constitutional amendment enacted in July 2012, does not exempt from criminal investigation cases of forced displacement and other grave violations of human rights and international humanitarian law.

Provide Timely and Effective Protection to at-Risk Claimants and Leaders

- Ensure that the Early Warning System in the Ombudsman's Office has the staff and resources necessary to monitor potential threats to land claimants and leaders in regions where the restitution process is underway.
- Ensure that that Carabineers division of the National Police, which operates in rural regions, is adequately staffed and funded to maintain security in the communities where IDPs return.
- To minimize delays in providing protection measures to at-risk restitution claimants and leaders, set time limits between the different stages of the National Protection Unit's (UNP) process for evaluating protection requests and assigning measures. This should include establishing and enforcing limits between the times that the UNP receives a protection request and completes a risk evaluation of the potential beneficiary; as well as time limits between the completion of the risk

evaluation, the determination by the Committee for the Evaluation of Risk and Recommendation of Measures (CERREM) as to the appropriate protection measures to be taken, and the UNP's effective implementation of these measures.

- Address the shortcomings in the UNP's protection measures for women IDP leaders outlined in Constitutional Court order 098 of 2013, including inadequate coverage of the beneficiary's close family members.
- Ensure that, in accordance with recent Constitutional Court rulings, the Victims Unit registers and provides attention, assistance, and protection to people—including restitution claimants and leaders—who are displaced by paramilitary successor groups or flee their homes due to other situations described in Law 387 of 1997.

To the Attorney General

- Conduct vigorous, full investigations into all alleged incidents of forced displacement and land takeovers, killings, attempted killings, and threats documented in this report, with a view to prosecuting all parties responsible.
- Create teams of prosecutors and judicial investigators tasked with investigating crimes against IDP land claimants and their advocates (see above). Pursuant to Directive 01 of 2012, prioritize as "situations" crimes related to land restitution (including incidents of forced displacement and land takeovers, as well as threats and attacks against claimants tied to their reclamation efforts) that have occurred in the same areas where land restitution is being implemented. In coordination with the Restitution Unit and other offices working on restitution, the teams should conduct systematic investigations of these "situations," taking advantage of the concentration of regional complaints to pursue evidence of links between cases in order to identify patterns and all responsible parties. (It is important to note, however, that not all people who moved onto or acquired land being reclaimed by IDPs bear criminal liability for the acquisition of such land.)
- Immediately assign to the specialized team of prosecutors all future cases of threats, killings, and other attacks against land restitution claimants and leaders.
- Request that judges expel from the Justice and Peace process and exclude from sentencing benefits any paramilitary or guerrilla defendant who has not provided complete information to prosecutors regarding 1) incidents of forced displacement

or associated land takeovers in which they participated or 2) land that they directly or indirectly acquired due to their membership to an irregular armed group.

- Ensure that the specialized unit of prosecutors dedicated to investigating paramilitary successor groups prioritizes investigations into state agents credibly alleged to have colluded with or tolerated the groups.

Methodology

This report documents abuses against land restitution claimants and leaders from the departments of Antioquia, Bolívar, Cesar, Chocó, Córdoba, La Guajira, Sucre, and Tolima, as well as Bogotá. These eight (out of 32) departments concentrated the majority of the land restitution claims lodged under the Victims Law as of June 2013, and a large share of the threats reported to authorities. Victims of the abuses were reclaiming land through the Victims Law, as well as other restitution mechanisms, such as the Justice and Peace Law, and administrative processes handled by the INCODER rural development agency.

The report is based on in-depth research conducted between February 2012 and July 2013, including multiple fact-finding trips to Antioquia, Bolívar, Cesar, Córdoba, Sucre, Tolima, and Bogotá. In these locations, as well as by telephone, Human Rights Watch also conducted interviews with victims and/or state officials from Atlántico, Chocó, La Guajira, Meta, and Valle del Cauca departments. In 2009 and 2011, Human Rights Watch staff also made several field visits to communities along the Curvaradó River Basin, in Chocó department.

Human Rights Watch representatives interviewed more than 130 land restitution claimants and leaders, more than a third of whom were women. We also interviewed upwards of 120 local and national officials from a wide range of offices and institutions, including the Restitution Unit, Attorney General's Office, National Police, army, Constitutional Court, National Protection Unit, Defense Ministry, Interior Ministry, Agricultural Ministry, Victims Unit, Ombudsman's Office, and Inspector-General's Office, among others. In addition, Human Rights Watch spoke with dozens of members of international organizations, non-governmental organizations (NGOs), and security and land experts. No interviewee received financial or other compensation in return for interviewing with us. Nearly all of the interviews were conducted in Spanish, with the sole exception of foreign staff at international organizations.

Many interviewees expressed fear of reprisals, and for that reason, requested to speak anonymously. Details about individuals have been withheld when Human Rights Watch considered that the information could place a person at risk, but are on file with the organization.

Human Rights Watch research drew on official statistics, which we sought through interviews and emails. We also received and reviewed a wide range of other sources and documents, including criminal complaints, court rulings, criminal case files, official and non-governmental reports, news articles, and books, among other forms of evidence.

Not all cases of abuses against land claimants and leaders documented by Human Rights Watch are detailed in this report. We use the term "documented" in reference to cases in which we have received a credible account from the victim—or their family members, friends, or fellow leaders in cases of killings or "disappearances." Most cases are corroborated by a range of other sources, including interviews with public officials, witnesses, fellow leaders, community members, or international observers, criminal complaints, official reports, and news articles, among other sources.

IDP leaders advocating for land restitution are commonly involved in other overlapping activities that can also put their lives at risk, such as pursuing justice for conflict-related crimes or denouncing actions by armed groups. For this reason, it is often difficult to pinpoint the exact reason for which they were targeted. While this report documents cases in which Human Rights Watch found indicators that the threats or attacks were related to the victims' land restitution efforts, in some cases it is possible that the abuses were motivated by their other related leadership activities, or a combination of the two.

Translations from the original Spanish to English are by Human Rights Watch.

I. Widespread Abuses against Land Restitution Claimants and Leaders

IDPs and their leaders seeking land restitution have faced widespread abuses, including threats, new incidents of forced displacement, and killings. The main perpetrators are paramilitary successor groups, third parties who took over and seek to keep IDPs' land, and in some regions, FARC guerrillas. The abuses pose a major obstacle to effective implementation of the Victims Law.

Threats of Violence

Many IDPs and their leaders reclaiming land have been subject to criminal acts of intimidation and threats of violence.[1] Threatening displaced land claimants undermines restitution in many ways, including by making victims fearful, discouraging them from pursuing claims, restricting leaders' participation in the process, and pushing those who have returned home to flee their land yet again.

Human Rights Watch documented credible threats against more than 80 IDP land claimants and leaders from Bogotá and eight other departments carried out since 2008.[2] These include more than 60 cases from between 2011 and 2013.

Government data shows that serious threats against claimants occur on a greater scale and throughout the country. Between January 2012 and May 2013, at least 510 land restitution claimants and leaders from 25 departments involved in various judicial and administrative processes—including the Victims Law—reported being threatened to the government's National Protection Unit (UNP).[3] Based on individual evaluations, authorities found 363 of these threatened claimants and leaders to be at "extraordinary risk" due to their reclamation activities. This determination requires that the risk be, among other

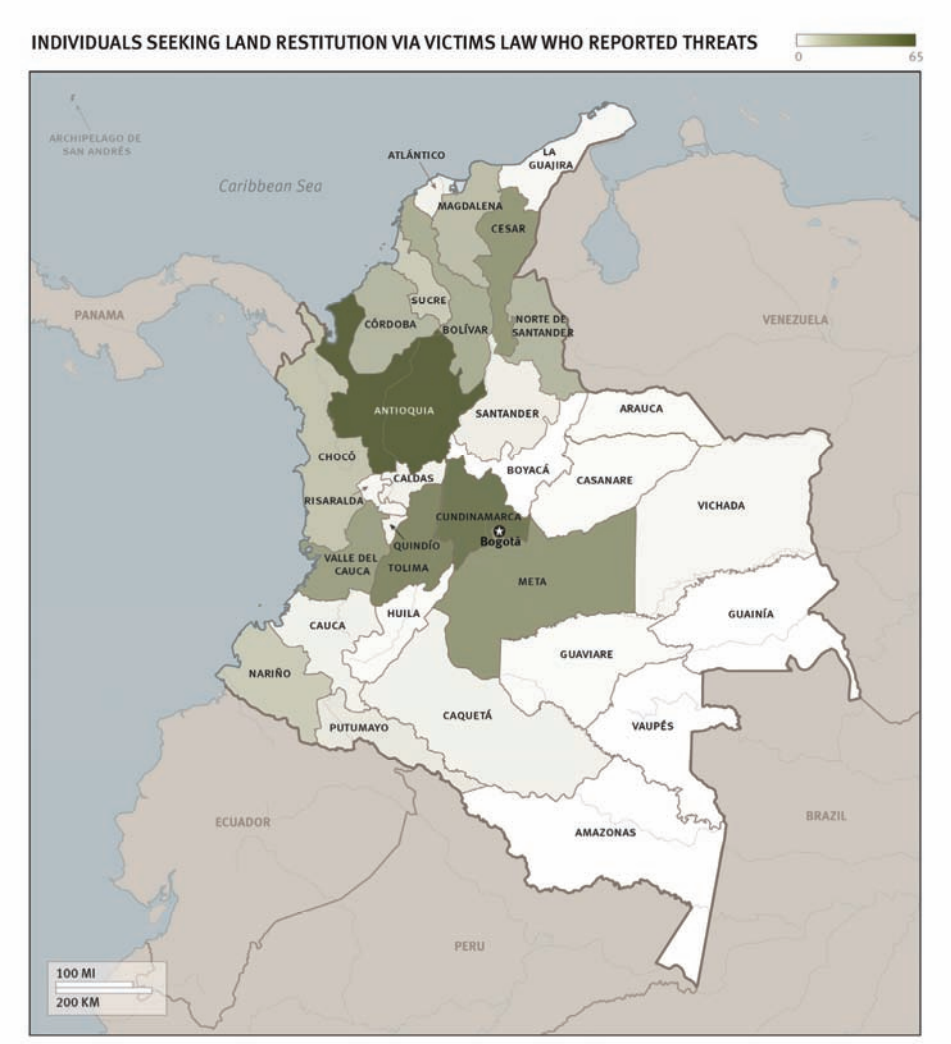
[1] Law 599 of 2000, art. 347.Colombia's penal code defines a threat as, "He who through any means intimidates or threatens a person, family, community or institution, with the purpose of causing alarm, anxiety or terror in the population or in a sector of it."

[2] These eight departments are Antioquia, Bolívar, Cesar, Chocó, Córdoba, La Guajira, Sucre, and Tolima.

[3] National Protection Unit, "Report on Land Restitution Leaders and Claimants," May 27, 2013. As of May 27, 2013, 510 land restitution claimants and leaders were receiving protection measures from the UNP. An official from the unit working on these cases told Human Rights Watch that all beneficiaries had reported having received a direct threat. The UNP had received 800 protection requests from IDP land claimants and leaders, which indicates that the number of people threatened could be much higher than 510.

criteria, "concrete, founded in particular and manifest actions or events …, present, not remote or eventual …, important, meaning that it threatens to hurt legally-protected rights …, serious, of probable materialization because of the circumstances of the case …, [and] exceptional in the measure that it should not be endured by individuals in general."[4]

In terms of claimants and leaders reclaiming land through the Victims Law in particular—rather than other restitution mechanisms—447 from 27 departments have reported being threatened, according to the Restitution Unit.[5]



[4] Interior Ministry Decree 4912, December 26, 2011, "Through which the Program for Protection and Prevention of the rights of life, liberty, integrity, and security of persons, groups and communities of the Ministry of Interior and National Protection Unit is organized," Title 1, article 16. The decree provides that the risk to the potential beneficiary must be "as a direct consequence of the exercise of their activities or public, political social or humanitarian functions."

[5] Email from Restitution Unit official to Human Rights Watch, May 15, 2013.

Table: Baseline Counts of Individuals Seeking Land Restitution who Reported Being Threatened by Department

Department	Individuals Seeking Restitution via Victims Law who Reported Threats[6] (See Map)	Individuals Seeking Restitution via Victims Law and other Restitution Mechanisms who Reported Threats[7]
Antioquia	65[8]	84
Arauca	1	2
Atlántico	3	13
Cundinamarca/Bogotá	48	38
Bolívar	22	54
Caldas	3	1
Caquetá	3	4
Casanare	1	1
Cauca	3	0
Cesar	31	48
Chocó	14	96
Córdoba	18	24
Guaviare	1	0
La Guajira	2	2
Huila	1	1
Magdalena	16	28
Meta	31	19
Nariño	12	6
Norte de Santander	18	18
Putumayo	5	3
Quindío	3	3
Risaralda	2	3
Santander	4	4
Sucre	12	16
Tolima	39	17
Valle del Cauca	27	24
Vichada	2	1
Unknown location	54	0
Total	**447**	**510**

[6] Number of land claimants and leaders seeking restitution through the **Victims Law** who have reported being threatened to authorities. (As of March 15, 2013.) Data Source: Restitution Unit, provided to Human Rights Watch in email sent May 15, 2013.

[7] Number of land claimants and leaders seeking restitution through **a variety of land restitution mechanisms, including the Victims Law**, who have reported being threatened and received some type of protection measure from the National Protection Unit. (As of May 27, 2013.) Data Source: National Protection Unit, provided to Human Rights Watch in email sent June 24, 2013.

[8] Human Rights Watch cannot confirm how many individuals are counted in both data sets, because we were provided with aggregate data, rather than a list of names. There is potentially significant overlap in certain regions.

Human Rights Watch found a consensus among government officials and victims interviewed for this report that threats pose a serious obstacle to implementing land restitution under the Victims Law. In March 2013, for example, Ricardo Sabogal, the national director of the Restitution Unit, stated that threats against claimants have been the most common way individuals have attempted to torpedo restitution cases.[9] On another occasion, Sabogal publicly identified such threats as one of the "principle challenges" to implementation of the law.[10] According to Alma Viviana Pérez, the director of the human rights program of the office of the president, "As soon as the wheels of land restitution turn, the threats arrive… Each time that you begin to implement the Victims Law, you find threats."[11]

Often issued repeatedly against the same victim, threats are carried out in many ways, ranging from text messages and phone calls to verbal messages delivered in person. The content of the threats also varies: some threaten the victims or their family members with death, while others tell them to stop reclaiming land, to "keep quiet," or to abandon the region where they are living. In some cases, the threats accuse the victims of being linked to guerrillas or paramilitaries.

One example of a threat delivered in person is the case of Angelica Zamora (pseudonym), an IDP leader from the Caribbean coast. Zamora reported to Human Rights Watch and prosecutors that a former congressman, who was since convicted for ties to the AUC, pressured her family to abandon their farm in the late 1990s and acquired it.[12] She filed a claim with the Restitution Unit in early 2012 and a few months later, two armed men on a motorbike stopped her on the street near her home and told her that if she continued with her case, she would not be able to finish it. Immediately after the threat, Zamora said she was hospitalized due to a rise in her blood pressure, and that out of fear, she restricts her movements and is afraid to sleep in her own home:

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[9] Andrés Bermúdez Liévano, "Land Restitution is a lesson for keeping your house in order: Ricardo Sabogal," *La Silla Vacía*, March 2, 2013, www.lasillavacia.com/print/historia/la-restitucion-de-tierras-es-una-leccion-para-ordenar-la-casa-ricardo-sabogal-41686 (accessed June 7, 2013).

[10] "Advances and Challenges in the Implementation of the Policy of Land Restitution—2012," Ricardo Sabogal, national director of the Restitution Unit, Bogotá, November 29, 2012, attended by Human Rights Watch researcher.

[11] Human Rights Watch interview with Alma Viviana Pérez, director of the human rights program in the office of the president, Bogotá, August 29, 2012.

[12] Human Rights Watch interview with Angelica Zamora, location withheld, April 2013; Criminal complaint filed with Attorney General's Office by Angelica Zamora, 2008.

> I'm afraid that they're going to take the sheet roofing off [my home] and break in…. My freedom is over. I have to protect myself…. I don't keep a schedule, or tell people [where I'm going]…. I feel like my every step is being followed.[13]

Multiple factors contribute to making the threats credible and terrifying. Land disputes are a major source of violence in Colombia and are widely identified as one of the root causes of the country's armed conflict. Many victims of threats originally fled brutal abuses committed by paramilitaries and guerrillas—including against their family members—and often as part of a campaign to take over their land or control territory. Successors groups to these paramilitaries—or the exact same guerrilla group—frequently maintain a presence in the areas where the victims are reclaiming land. Successor groups in particular are known to have killed land claimants and leaders, including from the same region, community, or IDP association as the victim of the current threats. Victims often attribute the threats to these groups or other people involved in the long history of violence and land theft that has been committed against them.[14]

Many times, the threats are of such a grave nature that IDP land claimants and leaders decide to flee their homes, and confront yet again the myriad hardships of a new incident of forced displacement.

Forced Displacement

Threats, attacks, and other forms of intimidation against IDP land claimants and their leaders have caused many to flee their places of residence yet again. Human Rights Watch documented more than 30 such cases from seven departments since 2008.[15]

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[13] Human Rights Watch interview with Angelica Zamora, location withheld, April 2013. The government's Committee for the Evaluation of Risk and Recommendation of Measures (CERREM), which determines appropriate measures for UNP beneficiaries, found that Zamora was at "extraordinary risk."

[14] The government-created Center for Historical Memory concluded in its final, comprehensive report on the Colombian armed conflict that, "The threat is a constant practice of violence in the Colombian armed conflict that tends to be undervalued when it does not result in a lethal outcome or to be downplayed if it does not result in a violent act. Nevertheless, it's important to keep in mind that the reputations of violence make threats highly credible and thus highly capable of social and emotional destabilization… [T]his type of violence seeks to permanently instill fear, distrust, the rupture of solidarities and paralysis in the daily life of its victims and their community life." Center for Historical Memory, "Enough Already! Colombia: Memories of War and Dignity," July 2013, http://www.centrodememoriahistorica.gov.co/descargas/informes2013/bastaYa/basta-ya-memorias-guerra-dignidad-new.pdf (accessed August 8, 2013), p. 104.

[15] These seven departments are Antioquia, Bolivar, Cesar, Chocó, Córdoba, La Guajira, and Sucre.

Official data indicates that land claimants and leaders must frequently abandon their homes due to imminent threats resulting from their restitution efforts. Between January 2012 and May 2013, the UNP temporarily relocated 94 land claimants and leaders to new areas because of grave risks to their lives.[16] As described by a UNP official, the program relocates individuals as a last resort, when:

> [T]he only measure to preserve their lives is to remove them from the area of risk … when even if they are given a bodyguard or car [as protection measures], we cannot guarantee their security.[17]

The problem extends to the families of IDP land claimants and leaders. Human Rights Watch received credible reports of threats and other abuses against land claimants and leaders causing scores of their relatives to flee their homes, either separately or together with the direct victim of the abuse. For example, according to the Constitutional Court, the 2012 killings of land restitution leader Manuel Ruiz and his 15-year-old son Samir Ruiz, from the Curvaradó River Basin in Chocó, forcibly displaced 49 of their family members.[18]

These new incidents of displacement of IDP land claimants, leaders, and their relatives have a major impact on both the victims and broader restitution efforts. They often force the victims to again confront the economic and social hardships that arise from being removed from their homes, sources of income, and support networks. And when the few people who are willing to assume the risks of being leaders have to abandon the area due to threats, the community members they represent are left without a spokesperson, and observe firsthand the dangers of stepping forward to replace them. For example, in relation to the restitution process in Curvaradó, Chocó, the Ombudsman's Office said the forced displacement of land restitution leaders and their families has "weaken[ed] the organizing processes because they imply the departure of leaders that play an important role in their communities," and produced "situations of generalized fear and terror that restrict and discourage the community's participation" in exercising their land rights.[19]

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[16] National Protection Unit, "Report on Land Restitution Leaders and Claimants," May 27, 2013. To be "temporarily relocated," authorities must have determined the protected individual's risk to be "extraordinary" or "exceptional and imminent." See Interior Ministry Decree 4912 (2011).

[17] Human Rights Watch interview with National Protection Unit official, Bogotá, April 23, 2013.

[18] Constitutional Court of Colombia, Order 112 of 2012, para. III, 15.

[19] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 005-11 to First Risk Report number 021-09 A.I. from December 21, 2009," March 23, 2011, p. 8.

Many of the cases documented by Human Rights Watch—and reported by the UNP—in which IDP claimants and leaders fled their homes due to threats and other abuses tied to their reclamation efforts would constitute the crime of forced displacement under Colombian criminal law. While in some cases, evidence points to the responsibility of paramilitary successor groups or third parties, in others it was not possible to determine the perpetrator based on available information.

Regardless of the identity of the perpetrator, to cause someone to abandon his home through threats, violence, or other coercive acts would meet the definition of forced displacement in Colombia's Penal Code:

> He who in an arbitrary manner, through violence or other coercive acts directed against a sector of the population, causes one or various of its members to change their place of residence.[20]

Forced displacement is a crime whether or not it is committed in relation to Colombia's armed conflict.

Furthermore, in June 2013, the Constitutional Court ordered the government to register as internally displaced and provide assistance, attention, and protection to people who flee their homes due to violence and abuses by paramilitary successor groups, irrespective of whether their displacement is caused by the armed conflict.[21]

The Constitutional Court also specifically recognized in a May 2013 order how threats against women IDP leaders have led to their forced displacement. Order 098 of 2013 affirmed that:

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[20] Law 599 of 2000, art. 180. Colombian law also contains a separate criminal offense of forced displacement in its chapter on international humanitarian law violations. Article 159 of Law 599 of 2000 defines the deportation, expulsion, transfer, or forced displacement of the civilian population as, "He who, with occasion to and in development of armed conflict and without measuring the military justification, deports, expels, transfers or forcibly displaces the civilian population from its place of settlement."

[21] Constitutional Court of Colombia, order 119 of 2013, pp. 7 and 65. The Court ordered the Victims Unit to register as displaced and provide attention, assistance and protection to people who flee their homes due to the circumstances described in article 1 of Law 387 of 1997 (which include generalized violence, massive human rights violations, violations of international humanitarian law, and disturbances and tensions), "independently of whether the forced displacement was caused by the armed conflict" and irrespective of the identity or motives of the perpetrator. The Court sought to correct what it found to be the "tendency" of the Victims Unit "to exclude from the system of protection and attention victims of forced displacement caused by generalized violence or grave violations of human rights perpetrated by actors such as the BACRIM, leaving without protection thousands of Colombians in a situation of extreme vulnerability."

> [T]hrough direct and indirect threats—pamphlets, emails, warnings written on public walls, among other [means]—[female leaders of IDPs] have been subjected to confinement in their own places of residence, villages or communities…. On occasion, given the high probability that the women or their family members will be attacked, they are compelled to abandon their place of residence either temporarily or permanently, which constitutes a new event of forced displacement.[22]

Killings, Attempted Killings, and Other Attacks

Human Rights Watch documented 21 cases of killings of IDP land claimants and their leaders committed since 2008 in the departments of Antioquia, Cesar, Chocó, Córdoba, and Sucre.[23] In 17 cases, evidence strongly suggests that the victims were targeted due to their efforts to reclaim land or similar activism. For example, many had received death threats related to their leadership prior to being killed. In four of the 21 cases of killings—as well as a fifth additional case in which a claimant was "disappeared"—it was not clear based on available information whether the attack was motivated by the victim's land rights activities, though there is some evidence to infer that it may have been.[24] We also documented two cases of attempted killings and one kidnapping of a restitution leader since 2008 in which there are strong indicators that the victims were targeted due to their activism.

Reports by government authorities indicate that killings of land restitution claimants and leaders have occurred on a greater scale. Colombia's Ombudsman's Office reported at least 71 killings of land restitution leaders committed in 14 departments between 2006 and 2011.[25] For its part, the Attorney General's Office reported in August 2013 that it was investigating 49

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[22] Constitutional Court of Colombia, Order 098 of 2013, pp. 17, 79, and 105. The order cites Human Rights Watch research—including of threats against displaced women leaders seeking land restitution—and concludes that the risk female IDP leaders face due to their leadership has worsened since 2009.

[23] These 21 cases involved 25 victims. In three cases, two claimants and/or a family member of the targeted leader were killed in the attacks.

[24] The term "disappearance" refers to cases containing: 1) the deprivation of liberty against the will of the person concerned, and 2) the refusal to disclose the fate and whereabouts of the person concerned. By contrast, the definition of "enforced disappearances" set out by treaties such as the International Convention for the Protection of all Persons from Enforced Disappearance refers to cases containing these two elements, as well as the involvement of state agents, either directly or indirectly through authorization, support, or acquiescence.

[25] "[National Ombudsman] condemns the violent death of Manuel Ruíz, member of the community council of Curvaradó, and his son Samir Ruíz Gallo, in the bajo Atrato of Chocó by the self-denominated 'Águilas Negras' illegal armed group," Ombudsman's Office of Colombia press release, March 28, 2012, http://www.defensoria.org.co/red/index.php?_item=03031001&_secc=03&ts=2&hs=0303 (accessed July 10, 2013).

cases of killings of IDP land claimants and leaders committed in 16 departments since 2000.[26] Similarly, the Inter-American Commission on Human Rights and Office of the Prosecutor of the International Criminal Court reported receiving information concerning the killings of at least 45 displaced leaders seeking land restitution between 2002 and 2011.[27]

Multiple family members and fellow activists of killed leaders told Human Rights Watch that the murders made them feel insecure in pushing forward with restitution claims. As described by the director of the UNP, the strategy of the perpetrators is to "kill a few people in order to send a message to many."[28]

Despite the prevalence of threats against IDP land claimants and leaders, there have been relatively few killings of such individuals ultimately carried out since the Victims Law started to be implemented in January 2012.[29] While the cases in themselves are grave abuses with a significant impact on victims' families, communities, and land restitution efforts, the relatively low number compared to the extensiveness of threats is likely due to a combination of factors. These include top government officials' public condemnation of killings and protection measures the UNP provides to hundreds of threatened IDP claimants and leaders.

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[26] Emails from Attorney General's Office official to Human Rights Watch on June 11, 2013 and August 13, 2013. The cases reported by the Attorney General's Office involve "leaders, claimants, or participants in land restitution matters" whose killings were presumably related to land restitution. The 49 cases of killings involved 56 fatal victims, since several people were killed in some of the cases. The killings were committed in the departments of Antioquia, Arauca, Bolívar, Caldas, Cauca, Cesar, Chocó, Córdoba, Nariño, Norte de Santander, Putumayo, Risaralda, Santander, Sucre, Tolima, and Valle del Cauca. Forty-three of the cases of killings were committed since 2008. All but one of the cases of killings documented by Human Rights Watch are included in the list of cases reported by the Attorney General's Office.

[27] Inter-American Commission on Human Rights, "Second report on the Situation of Human Rights Defenders in the Americas," October 31, 2011,http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf (accessed May 18, 2013), para. 293; Office of the Prosecutor of the International Criminal Court (ICC), "Situation in Colombia: Interim Report," November 2012, http://www.icc-cpi.int/NR/rdonlyres/3D3055BD-16E2-4C83-BA85-35BCFD2A7922/285102/OTPCOLOMBIAPublicInterimReportNovember2012.pdf (accessed August 1, 2013), para. 57. Furthermore, the director of Colombia's National Commission for Reparation and Reconciliation (CNRR), a semi-governmental body established by the 2005 Justice and Peace Law, told *El Tiempo* newspaper in 2010 that 45 land restitution leaders had been killed since the law took effect. "There are now 45 leaders who have been killed for reclaiming their land, three died in 15 days," *El Tiempo,* June 2, 2010, http://m.eltiempo.com/colombia/ya-son-45-los-lideres-de-victimas-asesinados-por-reclamar-sus-tierras-en-15-dias-murieron-tres/7737280/home (accessed May 18, 2013).

[28] Human Rights Watch interview with Andrés Villamizar, director of the National Protection Unit, Bogotá, March 2, 2012.

[29] Email from Restitution Unit official to Human Rights Watch, May 15, 2013. As of May 15, 2013, the Restitution Unit reported three killings of individuals who had filed claims through the Victims Law. In addition, a leader of a land restitution process in Curvaradó, Chocó was killed in March 2012, along with his son (see more on Manuel Ruiz's case in the section, "Curvaradó and Jiguamiandó Communities, Chocó Department"), and two other IDP leaders involved in land restitution in Córdoba department were killed in April 2013 (see more on Ermes Vidal and Ever Cordero's cases in the section, "The Mesa de Víctimas in Valencia, Córdoba Department"). Colombian human rights organizations also reported other cases. See Colectivo de Abogados José Alvear Restrepo, "Narciso Teherán, third land claimaint killed in 20 days," April 29, 2013, http://www.colectivodeabogados.org/Narciso-Teheran-tercer-reclamante (accessed July 26, 2013).

Furthermore, given that the Victims Law is a banner program of the Santos administration and receives a high level of political attention, it is reasonable to suspect that potential perpetrators believe that—unlike threats and more discrete forms of intimidation—violent attacks against claimants would put them in the national spotlight and increase their chances of being held accountable.

Perhaps the greatest reason, however, is that land restitution under the Victims Law remains in the initial stage of implementation.[30] As of June 2013, the Restitution Unit had obtained rulings ordering restitution for 1 percent of the claims it had received. By July 2013, just one family had returned to live on their land as a result of these rulings and with the support of the government office coordinating IDPs' return home[31] (though many others were habitually visiting their land to farm it).[32] No rulings had been handed down for land in Urabá, one of the most dangerous regions for land restitution leaders and claimants.[33] (Cases of returns described in the report occurred outside of the Victims Law process.)

There are several reasons to expect that, as the restitution process progresses, the problem will get worse. Human Rights Watch found a consensus among a range of officials involved in land restitution that as cases advance, the level of risk for claimants escalates.[34] The UNP, for example, estimated in early 2013 that by the end of the year, it would need to provide protection measures to 1,000 participants in land restitution cases,

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[30] Restitution Unit, "Report on the Advances in Land Restitution," June 30, 2013; Agricultural Ministry, "Report on the advances in the regulation and implementation of Law 1448 of 2011, in the area of restitution of land to victims of forced displacement," document presented to the Constitutional Court on February 13, 2012; Human Rights Watch interview with Restitution Unit officials, Bogotá, July 18, 2013. As of June 30, 2013, the Restitution Unit had received 43,590 claims, started to examine 8,477, and obtained 139 rulings ordering restitution in 446 cases. The Agricultural Ministry presented a document before the Constitutional Court estimating that specialized courts established by the Victims Law would hand down restitution rulings for 360,000 cases by 2021. The Restitution Unit now believes that 360,000 cases was an overestimate. Based on many factors unrelated to security concerns, the unit said that a more accurate estimate would be upwards of 100,000 claims filed and processed by the end of the law's implementation in 2021.

[31] Human Rights Watch interview with Carolina Albornoz, national coordinator of the Returns and Relocations Group of the Victims Unit, Bogotá, July 31, 2013.

[32] Human Rights Watch interview with Restitution Unit official, Bogotá, July 31, 2013. As of July 31, 2013, the Restitution Unit reported that more than 220 families who had benefited from land restitution rulings handed down through the Victims Law were using their land for farming and/or livestock activities. The Restitution Unit did not have data as to how many of these families had already returned to using their land prior to the restitution rulings (as in the case of Mampuján, Bolívar department, in which families began to habitually visit their land to farm it approximately a decade ago). The Restitution also did not have information as to how many of these families had returned to live on the land, versus how many habitually visited the land to farm it, while keeping their homes in another location.

[33] Email from Restitution Unit official to Human Rights Watch, July 5, 2013.

[34] Human Rights Watch interview with senior Inspector-General's Office official working on land restitution under the Victims Law, November 28, 2012; Human Rights Watch interview with Restitution Unit official, Bogotá, April 15, 2013.

more than double its coverage at the time.[35] Furthermore, of the cases of killings documented by Human Rights Watch, many of the victims had returned to their land or recently attempted to do so at the time of their death. This precedent—and the constant, grave threats currently being carried out against land claimants and leaders throughout the country—point to a latent risk of more killings as restitution claims advance and communities return home.

Perpetrators

> Many of the people making threats … are the owners or supposed owners of the pieces of land that have been reclaimed…. There are other sectors. Sectors that I have called of the extreme left … and of the extreme right, who are linked to the old paramilitaries, who do not want the land they wrongfully appropriated to be taken away from them.
> —President Juan Manuel Santos, Montería, Córdoba, July 7, 2012[36]

With a handful of exceptions, no suspects have been prosecuted for violence and threats against IDP land claimants, making it difficult to say with certainty who has been responsible. Nevertheless, compelling evidence reviewed by Human Rights Watch strongly suggests that paramilitary successor groups, third parties who acquired IDPs' land, and, in certain areas, FARC guerrillas are the main actors responsible for the abuses. Regardless of the perpetrator, a common motive behind the abuses is to preserve control over a property or rural area from which the claimants had been displaced.

Paramilitary Successor Groups

Of the cases of abuses against land claimants and leaders documented by Human Rights Watch, there is compelling evidence that paramilitary successor groups carried out the majority of killings, attempted killings, and new incidents of forced displacement, as well as a significant portion of threats.

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[35] "Restitution: the new conflict," *Semana* magazine, February 23, 2013, http://www.semana.com/nacion/articulo/restitucion-nuevo-conflicto/334355-3 (accessed May 18, 2013).

[36] President Juan Manuel Santos, "Words of President Juan Manuel Santos in the Agreement for Prosperity number 76," July 7, 2012, http://wsp.presidencia.gov.co/Prensa/2012/Julio/Paginas/20120707_09.aspx (accessed May 18, 2013).

Successor groups' roles in these crimes have ranged from issuing direct threats via flyers or phone calls to ordering or serving as triggermen in homicides. The Urabeños, Colombia's largest and most powerful paramilitary successor organization, is the successor group most frequently suspected of carrying out the abuses in cases reviewed by Human Rights Watch. It has approximately 2,370 members and "a national command [structure] and cohesion," according to police intelligence sources.[37]

Information provided to Human Rights Watch by a range of government offices points to a pattern of abuses by paramilitary successor groups against claimants. According to statistics compiled by the Restitution Unit, as of March 2013, 31 claimants and leaders from 10 departments reported threats attributed to the "Bacrim" and another 55 from 15 different departments attributed threats to demobilized members of the AUC—a common way that victims identify members of paramilitary successor groups[38] (though some demobilized paramilitaries may act independently in carrying out threats). Andrés Villamizar, the national director of the UNP, which provides protection measures to hundreds of IDP land claimants and leaders, said that paramilitary successor groups were largely responsible for threats against them on the Atlantic Coast.[39]

Similarly, an Attorney General's Office official monitoring investigations into criminal complaints of threats against land restitution claimants and leaders throughout the country said that successor groups were the principal perpetrators.[40] The Ombudsman's Office has also repeatedly reported threats and violence by paramilitary successor groups against IDPs seeking restitution.[41]

Furthermore, the government-created Center for Historical Memory concluded in its final report on the armed conflict that paramilitary successor groups are "one of the principal challenges" to implementation of the Victims Law, finding:

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[37] "Information narco-trafficking criminal bands," Directorate of Police Intelligence Memorandum, emailed to Human Rights Watch on February 22, 2013;"Current situation of the narco-trafficking criminal bands," Directorate of Police Intelligence Memorandum, May 12, 2013.

[38] Email from Restitution Unit official to Human Rights Watch, May 15, 2013.

[39] Human Rights Watch interview with Andres Villamizar, Washington, DC, November 5, 2012.

[40] Human Rights Watch interview with Attorney General's Office officials, Bogotá, April 23, 2013.

[41] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012; Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR.

> The policy of land restitution became an open challenge by institutions to the rearmed paramilitary powers, which is why they respond with an escalation in violence, in particular against land claimants.[42]

Internationally, the UN Office of the High Commissioner for Human Rights (UNHCHR), UN special rapporteur on extrajudicial executions, and the Organization of the American States' Mission to Support the Peace Process in Colombia (MAPP-OEA) have all reported that successor groups target land restitution claimants.[43] In 2013, for example, the UNHCHR affirmed:

> Attacks and threats continued against human rights defenders and those involved in the land restitution programme. In many areas, the majority of these violations can be attributed to illegal armed groups that emerged after the demobilization of paramilitary organizations (postdemobilization groups).[44]

Continuity between the AUC and Successor Groups

One major reason why paramilitary successor groups would have a vested interest in targeting land restitution claimants and leaders is that in many areas, these groups took over the criminal operations of the demobilized AUC paramilitary coalition responsible for widespread forced displacement and land grabs during the height of the armed conflict.

Though different in important respects from the AUC, paramilitary successor groups have taken on many of the same roles—engaging in drug trafficking and other mafia-like

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[42] Center for Historical Memory, "Enough Already! Colombia: Memories of War and Dignity," July 2013, p. 189.

[43] Organization of the American States, "Fifteenth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia," OEA/Ser.G, CP/INF.6225/11, April 15, 2011, http://www.mapp-oea.net/documentos/informes/Trimestrales%20MAPP/XVInforme.pdf (accessed May 18, 2013), p. 3; UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/16/22, February 3, 2011, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/105/73/PDF/G1110573.pdf?OpenElement (accessed August 8, 2013) para. 34; Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, Christof Heyns, Follow-up country recommendations: Colombia, A/HRC/20/22/Add.2, May 15, 2012, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session20/A-HRC-20-22-Add2_en.pdf (accessed August 8, 2013), para. 54.

[44] UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/22/17/Add.3, January 7, 2013, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-17-Add3_English.pdf (accessed August 8, 2013), para. 3.

criminal activities, as well as abusing civilians who oppose their interests—often with some of the same personnel and in the same areas.[45] Colombia's high commissioner for reintegration estimated in 2011 that half of the leaders of paramilitary successor groups were former mid-level AUC commanders.[46] Of the 12 top paramilitary successor group leaders the police reported having captured between January and October 2012, more than half were former paramilitaries.[47]

This proportion may have since diminished due to the police's capture of dozens of successor groups' leaders and the fragmentation of some groups, such as the Rastrojos.[48] Still, continuity in personnel between the AUC and paramilitary successor groups persists.[49] One prime example is the current top commander of the Urabeños, former AUC member Dairo Antonio Úsuga, whose alias is *Otoniel*.[50] *Otoniel* inherited the Urabeños criminal enterprise from a long line of arrested, demobilized, or killed paramilitary commanders dating back to Freddy Rendón Herrera, alias *El Alemán*, and AUC founder Carlos Castaño, whose forces perpetrated widespread land theft in alliance with public security forces, politicians, and local economic elites in the 1990s and early 2000s.[51]

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[45] Human Rights Watch, *Paramilitaries' Heirs: The New Face of Violence in Colombia*, February 3, 2010, http://www.hrw.org/reports/2010/02/03/paramilitaries-heirs-0, pp.29-41.

[46] "Truths and Lies," *Semana* magazine, March 12, 2011, http://www.semana.com/nacion/articulo/verdades-mentiras/236689-3 (accessed May 18, 2013), also see High Commissioner for Integration Alejandro Éder's statements to the press on this matter at "More than half of the heads of the bacrim are demobilized paramilitaries," video clip, YouTube, April 14, 2011, http://www.youtube.com/watch?v=27Rp468-Koo (accessed June 25, 2013).

[47] "Performance against criminal bands (2006-2012)," Directorate of Police Intelligence, on file with Human Rights Watch.

[48] On the Rastrojos's fragmentation, see, "Current situation of the narco-trafficking criminal bands," Directorate of Police Intelligence memorandum, May 12, 2013; Nuevo Arco Iris, "General Report on the State of the Armed Conflict in Colombia: from Caguán to La Habana," March 2013, pp. 72-73.

[49] Of the leaders of paramilitary successor groups under investigation or arrested as a result of investigations by the anti-Bacrim prosecutorial unit of the Attorney General's Office between 2010 and July 2013, roughly 40 percent are former paramilitaries, according to the head of the unit. Human Rights Watch interview with Luis González, director of the anti-Bacrim prosecutorial unit of the Attorney General's Office, Bogotá, July 24, 2013.

[50] Human Rights Watch interview with Luis González, director of the anti-Bacrim prosecutorial unit of the Attorney General's Office, Bogotá, July 24, 2012; Attorney General's Office of Colombia, "Applicants to Law 975 of 2005," online database, http://www.fiscalia.gov.co:8080/PagEmplazados.asp?ced=71980054 (accessed July 20, 2013).

[51] According to the U.S. State Department, *Otoniel* "is currently one of the leaders of Los Urabeños…a heavily armed, extremely violent criminal organization comprised of former members of terrorist organizations that did not demobilize as part of the Colombian government's justice and peace process. The organization uses violence and intimidation to control the narcotics trafficking routes, cocaine processing laboratories, speedboat departure points and clandestine landing strips." U.S. State Department, Bureau of International Narcotics and Law Enforcement Affairs, "Narcotics Reward Program: Dario Antonio Usuga," http://www.state.gov/j/inl/narc/rewards/188937.htm (accessed July 3, 2013).

Many public officials recognize the close connection between paramilitary successor groups and the AUC.[52] For example, prosecutors investigating successor groups in Urabá and Córdoba told Human Rights Watch that there is "no difference" between them and the AUC and that they "only changed their name."[53] Similarly, the head of the Personería—a municipal human rights entity—in Montería, Córdoba stated in 2013 that paramilitary successor groups are:

> [t]he prolongation of an armed actor that used to be called paramilitarism. These bands operate in the same territories where the [AUC] once had control, where the violations of human rights are systematic and widespread.[54]

Even the US Department of Justice has recognized the continuity between the AUC and paramilitary successor groups: a 2009 indictment against several Urabeños leaders—including *Otoniel*—on drug trafficking and terrorism-related charges refers to the successor group as a bloc of the AUC.[55]

A textbook example can be found in two courts' decisions convicting Urabeños members for the March 23, 2011 killing of Urabá land restitution leader David de Jesús Góez Rodríguez.[56] Góez had led restitution efforts in the area of Tulapas, where the AUC had carried out widespread land theft.[57] The Attorney General's Office found that prior to his death, as part of his land activism, Góez had publicly denounced the Urabeños, who, according to the prosecutor:

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[52] Human Rights Watch interview with top advisor to Victims Unit, Bogotá, September 3, 2012; Human Rights Watch interview with prosecutor from Attorney General's Office, Apartadó, Antioquia, July 19, 2012.

[53] Human Rights Watch interview with prosecutor from Human Rights Unit of Attorney General's Office, Medellín, July 18, 2012; Human Rights Watch interview with prosecutor from anti-Bacrim Unit of Attorney General's Office, Montería, Córdoba, July 12, 2012.

[54] "Criminal bands are among the principal causes of vicitimizing acts in the country, out of every 10 declarations an average of three are by these groups, but their victims are not covered by Law 1448 of 2011," National Federation of Personeros of Colombia press release, undated. The personero is the representative of the Personería, a municipal entity charged with monitoring human rights.

[55] *United States of America v. Daniel Rendon-Herrera, Freddy Enrique Rendon-Herrera, Jhon Jairo Rendon-Herrera, Diego Rivas-Angel, Dairo Antonio Usuga-David, and Juan de Dios Usuga-David*, Case Number 1:04-cr-00962-LAP, Indictment, June 16, 2009. The indictment refers to the Autodefensas Gaitanistas de Colombia, a name used by the Urabeños, as an AUC bloc.

[56] Second Specialized Criminal Circuit Court of Medellín, Case Reference: 05-001-60-0000-2012-00510, January 25, 2013; First Specialized Criminal Circuit Court of Medellín, Case Reference: 05001-60-00000-2012-00507, December 18, 2012.

[57] "Tulapas: The Laboratory of Land Takeovers," *Verdadabierta*.com, undated, http://www.verdadabierta.com/tulapas-el-laboratorio (accessed May 18, 2013).

> [C]ontinued subjugating peasants and refusing to hand over the valuable land in the region of Tulipa (sic), [which] is a corridor for trafficking drugs to the Atlantic Ocean.[58]

Prosecutors also determined that Góez's killing was ordered by then-top Urabeños commander Juan de Dios Úsuga David (the brother of *Otoniel*), alias *Giovanni*, who was a former AUC member.[59] *Giovanni* ordered the killing because he suspected that Góez had provided information to authorities that led to the 2009 arrest of then-top Urabeños commander Daniel Rendón Herrera, alias *Don Mario*, also an ex-AUC member who, according to prosecutors, had "inherited the whole structure of narcotrafficking and [p]aramilitarism."[60]

The Urabeños's influence in the Tulapas region remains an obstacle to land restitution: Manuel Mercado, a fellow leader of Góez's from Tulapas, told Human Rights Watch that since being awarded restitution in a November 2011 court ruling, he has not returned to live there because the Urabeños have forbidden him from doing so.[61] In April 2013, Mercado guided the Restitution Unit in placing notifications of restitution claims to parcels of land in Tulapas, but despite being escorted by the police, they were unable to complete the mission due to the Urabeños's strong presence in the area, and because the group was following Mercado and the Restitution Unit's movements.[62] Mercado believes the paramilitary successor group is opposed to his return to Tulapas because of his collaboration with authorities. Indeed, evidence suggests that successor groups sometimes target restitution leaders because of their frequent interaction with authorities, which is a key part of their activism.

Third Parties

People who took over IDPs' land following their displacement are a principal source of abuses, according to cases documented by Human Rights Watch and interviews with

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[58] First Specialized Criminal Circuit Court of Medellín, Case Reference: 05001-60-00000-2012-00507, December 18, 2012, p. 2.

[59] Second Specialized Criminal Circuit Court of Medellín, Case Reference: 05-001-60-0000-2012-00510, January 25, 2013; First Specialized Criminal Circuit Court of Medellín, Case Reference: 05001-60-00000-2012-00507, December 18, 2012.

[60] First Specialized Criminal Circuit Court of Medellín, Case Reference: 05001-60-00000-2012-00507, December 18, 2012.

[61] Human Rights Watch interview with Manuel Mercado, Apartadó, Antioquia, March 16, 2012, and telephone interview April 24, 2013.

[62] Human Rights Watch telephone interview with Manuel Mercado, April 24, 2013; Human Rights Watch interview with Restitution Unit official, Apartadó, April 2013; Protection request filed by Manuel Mercado with the National Protection Unit, April 16, 2013.

an array of officials. These third parties range from paramilitary front men—who have held and hidden the AUC's assets—to cattle ranchers, politicians, landowners, businesspersons, and demobilized paramilitaries.

Human Rights Watch documented multiple cases in which evidence suggests that third parties who occupied or disputed land subject to restitution claims threatened or intimidated IDP claimants. Top public officials similarly identified third parties occupying the reclaimed land as principal perpetrators of threats. According to Ricardo Sabogal, the national director of the Restitution Unit, "The information provided by the victims is that the ones who threaten them are those who are occupying the piece of land—the one who stole or bought the land."[63] Similarly, María Paulina Riveros, the director of the Interior Ministry's human rights program, told Human Rights Watch:

> More than anything the authors of the threats are the ones who took over the land—the people who are interested in keeping the land.[64]

Data compiled by the Restitution Unit also indicates that these third parties are often responsible for the threats against claimants. As of March 2013, 148 land claimants or leaders from 21 departments seeking restitution through the Victims Law had reported threats that they attributed to perpetrators categorized by the Restitution Unit as "individual agents."[65] According to a Restitution Unit official, most of the cases classified this way refer to people who are occupying the reclaimed land, but do not fit the other categories of perpetrators included in the unit's data (Bacrim, demobilized AUC members, guerrilla, other criminal groups, and "to be established").[66]

While third parties have sometimes threatened and intimidated claimants directly, a range of evidence—including interviews with victims and officials, as well as government documents—suggests they have also done so through others, such as farm workers or administrators, henchmen, private security workers, or paramilitary successor groups.

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[63] Human Rights Watch interview with Ricardo Sabogal, national director of the Restitution Unit, Bogotá, September 4, 2012.
[64] Interview with María Paulina Riveros, director of the Interior Ministry's human rights program, Bogotá, August 29, 2012.
[65] Email from Restitution Unit official to Human Rights Watch, May 15, 2013.
[66] Human Rights Watch telephone interview with Restitution Unit official, February 28, 2013.

Collaboration between Third Parties and Successor Groups

Human Rights Watch interviews with victims, their family members, and a range of officials, as well as our review of Ombudsman Office reports and criminal complaints, strongly suggest that successor groups have at times threatened or killed IDP land claimants and leaders on behalf of third parties seeking to hold on to land.

For example, in threatening and intimidating claimants and leaders from the communities of Curvaradó and Jiguamiandó in Chocó department, paramilitary successor groups have acted on behalf of landowners, ranchers, and businesspersons occupying their land, according to the Ombudsman's Office,[67] local and national officials, and victims (see more on the Curvaradó and Jiguamiandó case in the section, "Curvaradó and Jiguamiandó Communities, Chocó Department").[68] One Afro-Colombian leader from the region who has participated in the Curvaradó and Jiguamiandó restitution process told Human Rights Watch that in 2009, he went to a meeting with businesspersons in which a known paramilitary was present. A businessman offered the Afro-Colombian leader money in exchange for helping to evict one of the Curvaradó communities that had returned, and the paramilitary pressured him to accept the offer, he said.[69]

Numerous judicial, government, and academic investigations show that in displacing Colombians, AUC paramilitaries operated as part of a vast network of accomplices that included public security forces, politicians, ranchers, businesspersons, public officials, and drug traffickers.[70] Some of these sectors acquired IDPs' land, either in direct

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[67] Similarly, with regard to the municipality of Ovejas, in Sucre department, the Early Warning System reported in 2012 that, "In the context of conflict over land an identified source of threat is the new expressions or armed structures that emerged after the demobilization of the Heroes de Montes de Maria Bloc of the old United Self-Defense Forces of Colombia.… These illegal groups are configured to support the interests that third parties have in conserving the land that was the product of land theft or massive purchases in the municipality." Ombudsman's Office of Colombia, Early Warning System, "Risk Report number 009-2012," June 25, 2012, p. 3.

[68] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 11; Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó," May 8, 2012; Human Rights Watch interview with senior official from INCODER rural development agency, Bogotá, July 3, 2012; Human Rights Watch interview with local official then-working in Curvaradó and Jiguamiandó region, Apartadó, Antioquia, July 20, 2012.

[69] Human Rights Watch interview with Afro-Colombian community leader from Bajo Atrato region, Apartadó, Antioquia, April 2013.

[70] See, for example, Center for Historical Memory, "Enough Already! Colombia: Memories of War and Dignity," July 2013, p. 21; Center for Historical Memory, "Justice and Peace: land and territories in the statements made by paramilitaries," 2012, http://www.centrodememoriahistorica.gov.co/descargas/informes2012/justicia_tierras.pdf (accessed August 8, 2013); Superintendent's Office of the Notary and Registry, "Situation of Registry of Rural Pieces of Land in the Municipalities of Apartadó, Arboletes, Necoclí, San Pedro de Urabá, San Juán de Urabá and Turbo – Urabá Antioqueño Region," Bogotá,

conspiracy with the AUC or by taking advantage of paramilitary violence and appropriating the land from which IDPs had fled. For example, the Restitution Unit has found with regard to widespread usurpation of land by top paramilitary leaders Fidel, Carlos, and Vicente Castaño that:

> [T]he interest in appropriating land was not only a priority of the paramilitary bosses but also its associates (politicians, businessmen, and drug traffickers) who found in these actions a source of wealth.[71]

The AUC demobilization process failed to dismantle these networks,[72] and swaths of land they amassed remained in the hands of paramilitary front men—who hold and hide AUC assets—demobilized paramilitaries, landowners, ranchers, and a range of other third parties. There are strong reasons to believe that some of these people maintain ties with paramilitary successor groups. A national police intelligence official, for example, told Human Rights Watch that in Urabá, Córdoba, Sucre, and the eastern plains regions, some cattle ranchers support successor groups.[73] Similarly, then-National Police Director Oscar Naranjo told *El Tiempo* newspaper in February 2012 that the Urabeños's "force is rooted [in the fact that] there are sectors who want to maintain this intimidating figure, to protect their mafia interests."[74] According to the same news report:

> Reports in the hands of authorities signal that, as it happened in the 90s with paramilitary blocs … there are cattle ranchers, merchants, politicians, members of the security forces and businessmen interested in sponsoring the violence of the Urabeños. El Tiempo saw an intelligence report that documents how the sectors that [General] Naranjo talks about look to take advantage of the [Urabeños] to boycott the restitution of land to victims of

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August 11, 2011, https://www.supernotariado.gov.co/portalsnr/images/archivosupernotariado/tierras2012/informeturbo.pdf (accessed May 18, 2013); Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, February 13, 2013, Case Reference: 230013121001-2012-0001-00;

[71] Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, Case Reference: 230013121001-2012-0001-00, February 13, 2013, p. 8.

[72] See Human Rights Watch, *Paramilitaries' Heirs*.

[73] Human Rights Watch interview with national police intelligence officials, Bogotá, March 9, 2012.

[74] "There are people interested in maintaining the Urabeños: General Naranjo," *El Tiempo*, February 25, 2012, http://www.eltiempo.com/justicia/ARTICULO-WEB-NEW_NOTA_INTERIOR-11220665.html (accessed May 18, 2013).

> the violence. They have even financed the printing and distribution of threatening pamphlets.[75]

In the same vein, Eduardo Pizarro, former director of National Commission for Reparations and Reconciliation (CNRR) established by the Justice and Peace paramilitary demobilization law, stated with regard to violence against land claimants:

> It's possible that regionally links subsist between state agents, businessmen, politicians, and the [Bacrim].... [The Bacrim] are instruments of the regional criminal elite for impeding victims from fighting for the restitution of land.[76]

Nevertheless, by no means are there always links between the third parties responsible for threats and paramilitaries or their successor groups.

Anti-Restitution Army

Since the passage of the Victims Law, IDP land claimants and their advocates in different areas of Colombia—as well as journalists reporting on the restitution process—have received threats signed by a self-proclaimed "Anti-Restitution Army." Human Rights Watch documented multiple threats of this kind in the departments of Bolívar, Cesar, and Sucre.

On July 4, 2012, for example, an email sent from an account identified as the "Anti-Restitution Army" threatened to kill various human rights activists and politicians, including Congressman Iván Cepeda Castro and lawyer Jeison Paba, who have advocated for victims in land restitution cases in Sucre and Bolívar.[77] The threat stated that there were clear instructions to kill those targeted in the message "who want to take away land from good citizens to give it to guerrillas just like them."[78]

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[75] Ibid.

[76] "There are now 45 leaders who have been killed for reclaiming their land, three died in 15 days," *El Tiempo,* June 2, 2010, http://m.eltiempo.com/colombia/ya-son-45-los-lideres-de-victimas-asesinados-por-reclamar-sus-tierras-en-15-dias-murieron-tres/7737280/home (accessed May 18, 2013).

[77] Criminal Complaint filed with Attorney General's Office by two of the victims of the threat, July 13, 2012; UN Office of the High Commissioner for Human Rights, "Office of the UN for Human Rights condemns threats against human rights defenders," July 6, 2012, http://www.hchr.org.co/publico/comunicados/2012/comunicados2012.php3?cod=10&cat=88 (accessed May 18, 2013).

[78] Copy of the threat on file with Human Rights Watch.

More recently, on May 6 and 7, 2013, unknown people distributed threatening flyers signed by the "Anti-Restitution of Land Group of the Caribbean Coast" at the offices of news outlets in Valledupar, Cesar department. The threat declared eight journalists—some of whom had covered the land restitution process in Cesar department—as "military targets" and said that they "have 24 hours to leave the city[. I]t should be clear that if you keep sticking your nose in cases of land restitution…you will be the next [victims]."[79]

National and department-level authorities said they had not found any evidence of the existence of an "Anti-Restitution Army" group.[80] Human Rights Watch was not able to confirm the existence of an organized armed structure known as the "Anti-Restitution Army." But, Human Rights Watch did receive credible reports that partially corroborate allegations made by Nuevo Arco Iris, a prominent Colombian think tank, which first denounced the formation of a "private army" opposing land restitution.

Nuevo Arco Iris stated that three meetings took place in Cesar department in early 2011 and 2012, in which ranchers, landowners, and other regional elites agreed to fund a "private army" to defend themselves against FARC attacks and thwart land restitution.[81] The three meetings took place near Becerril, Cesar on December 17, 2011; in Cascará, Cesar on January 13, 2012; and near Valledupar on February 4, 2012, and were also attended by demobilized paramilitaries, according to Nuevo Arco Iris.[82]

While unable to confirm whether any plans were made to create an armed group during these meetings, Human Rights Watch received reports from two other credible sources indicating that three meetings took place in Cesar department in which participants planned opposition to land restitution. Ombudsman's Office documents, for example, stated that the office received information from land restitution leaders about meetings

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79 Official Communication from the Ombudsman's Office of Cesar department to National Protection Unit, Note number, DPRCES 6005-1909-G, Valledupar, Cesar department, May 7, 2013.

80 Human Rights Watch interview with Luis Gonzalez, director of the anti-Bacrim unit of the Attorney General's Office, Bogotá, July 24, 2012; Human Rights Watch group interview with police intelligence officials, Bogotá, July 25, 2012; Human Rights Watch interview with Cesar department police officials, Valledupar, Cesar department, July 5, 2012; Human Rights Watch interview with Carmen de Bolívar police official, Carmen de Bolívar, Bolívar, July 11, 2012; Human Rights Watch group interview with local officials from Sucre, Sincelejo, Sucre, July 12, 2012.

81 Ariel Ávila, "The War against Restitution," July 10, 2012, http://www.arcoiris.com.co/2012/07/la-guerra-contra-la-restitucion/2/ (accessed May 18, 2013); "They are forming the anti-restitution 'army': Nuevo Arco Iris," *El Heraldo*, http://www.elheraldo.co/region/estan-conformando-el-ejercito-antirrestitucion-nuevo-arco-iris-57587 (accessed May 18, 2013). The sources for Nuevo Arco Iris' account include a person who was present in at least one of these meetings.

82 Ibid.

between landowners, ranchers, and others held in the same locations and time periods as those denounced by Nuevo Arco Iris, in which "the central issue of the meetings has been the discussion of strategies of all kinds to oppose the mobilization of peasants in favor of land restitution."[83]

Whether or not an armed group called the "Anti-Restitution Army" exists, it is clear that in different regions, the name is being used in threats aimed at instilling fear among those involved in the land restitution process.

Guerrillas

Guerrilla groups have also carried out abuses against IDP land claimants and leaders. Human Rights Watch documented various cases of IDP leaders from Tolima department who reported being subject to repeated threats by the FARC's 21st Front due to their efforts advocating for the return of IDPs to their farms in southern Tolima. Several IDP leaders told Human Rights Watch and judicial authorities that the FARC have held meetings in rural areas of southern Tolima—a traditional guerrilla stronghold—and declared its intention to kill IDPs and their leaders who attempt to return to their land.

Data compiled by the Restitution Unit indicate that threats by guerrillas against claimants have extended throughout the country. As of March 2013, 57 land claimants or leaders involved in claims through the Victims Law from 13 different departments had reported to authorities being threatened by guerrilla groups, including in the departments of Tolima, Antioquia, Caquetá, Meta, Norte de Santander, and Putumayo, where the FARC has a considerable presence.[84] An UNP official confirmed to Human Rights Watch that the office has received reports of threats by guerrilla groups against land claimants and leaders.[85]

The FARC has also killed IDP leaders seeking land recovery. For example, FARC members have been convicted for the December 17, 2009 killings of Manuel Moya Lora and

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[83] Official Communication from the Ombudsman's Office of Cesar department to the Coordinator of the Communications Office of the National Ombudsman's Office, Note number, DPRCES 6005-1891-G, Valledupar, Cesar department, June 25, 2012; Ombudsman's Office of Cesar department internal document about cases of land takeovers in Cesar department, undated; Human Rights Watch interview with source who requested anonymity, Valledupar, Cesar department, July 2012.

[84] Email from Restitution Unit official to Human Rights Watch, May 15, 2013.

[85] Human Rights Watch interview with National Protection Unit official, Bogotá, April 23, 2013.

Graciano Blandon Borja, who had led members of displaced Afro-Colombian communities from Curvaradó and Jiguamiandó, Chocó department.[86] Blandon Borja's son, Jair Blandon Mena, was also killed by the FARC in the same incident. Prior to his killing, Moya had publicly denounced that he feared for his life due to FARC threats, according to one fellow Afro-Colombian leader from the region.[87] The Ombudsman's Office reported with regard to the Curvaradó and Jiguamiandó land restitution process that while paramilitary successor groups are responsible for the greatest share of threats and violence against claimants and leaders, the FARC has also "threatened and attacked leaders who they accuse of having links to post-AUC demobilization groups and/or the security forces."[88]

Interviews with officials and victims suggest that a primary motive behind the FARC's threats against land restitution leaders is their desire to maintain control over areas often obtained in part by forcibly displacing civilians.[89] Threatened IDP leaders from southern Tolima reported being targeted for a range of reasons related to the guerrillas' aim to preserve territorial control in the region. These included that the FARC knows that if IDPs return to their farms this will also mean a return of the permanent presence of state institutions and security forces—a direct challenge to the guerrillas' authority in the area.

IDP leaders have in fact actively lobbied for the military and police to increase their presence as a precondition for their return. Furthermore, the FARC has labeled IDP leaders as government informers or "snitches," likely due to the leaders' interaction with state officials, which is inherent to their activism. In addition, guerrillas have also accused IDP leaders of being paramilitary group members or collaborators.[90]

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[86] Email from Attorney General's Office official to Human Rights Watch, March 20, 2013; Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR, Ombudsman's Office Number CAD- 237/12, Bogotá, April 18, 2012, pp. 3.

[87] Human Rights Watch interview with Afro-Colombian leader from Bajo Atrato region, Apartadó, Antioquia, April 2013.

[88] Official Communication from Ombudsman's Office of Colombia to the Constitutional Court of Colombia, Reference: Sentence T-025 and Following Orders, April 17, 2012, p. 1-2.

[89] Human Rights Watch interview with official working on land restitution, Ibagué, Tolima, September 7, 2012, Human Rights Watch interview with Early Warning System official, Ibagué, Tolima, September 8, 2012; Human Rights Watch interview with senior Tolima department Ombudsman's Office official, Ibagué, Tolima, September 8, 2012. See cases from Tolima department in the section, "Tolima Department."

[90] See, for example, the cases of Félix Cruz (pseudonym) and Pedro Gallón (pseudonym) in the section, "Tolima Department."

Guerrillas' Use of Landmines

Guerrilla groups' longstanding and widespread practice of using antipersonnel landmines also poses a significant security risk for IDPs seeking to return to their land.[91] Colombia's government reports that between 1990 and May 2013, there have been more than 10,400 victims of landmines and unexploded ordnance, including nearly 4,000 civilians.[92]

In 2012, for example, landmines and unexploded ordnance killed 43 civilians and injured an additional 172, according to government figures.[93] National and international experts have reported that the FARC utilize landmines more than any other armed group in Colombia, with the International Campaign to Ban Landmines declaring in 2012 that the "FARC is probably the most prolific user of antipersonnel mines among rebel groups anywhere in the world."[94]

The areas of Colombia where armed conflict has been intense and landmines have been planted often coincide with areas from which IDPs fled and to which they are now seeking to return. In roughly 70 percent of the municipalities where IDPs have filed land restitution claims, the government reported that there have been accidents or incidents[95] related to antipersonnel landmines or unexploded ordnance, according to the Restitution Unit.[96]

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91 Human Rights Watch, *Maiming the People*: Guerrilla Use of Antipersonnel Landmines and other Indiscriminate Weapons in Colombia, Volume 19. No. 1(B), July 25, 2007, http://www.hrw.org/reports/2007/07/24/maiming-people-0

92 Colombian Presidency's Program for Integrated Action Against Anti-personnel Landmines, "Victims of Anti-Personnel Landmines," http://www.accioncontraminas.gov.co/Paginas/victimas.aspx (accessed July 2, 2013).

93 Ibid.

94 Colombian Campaign Against Landmines, "Monitor of Land Mines 2010," October 2010, http://www.scribd.com/doc/58494171/Monitor-de-Minas-Terrestres-Colombia-2010 (accessed August 8, 2013), p. 19; International Campaign to Ban Landmines, "Landmine Monitor 2012," November 2012, http://www.the-monitor.org/lm/2012/resources/Landmine_Monitor_2012.pdf (accessed May 19, 2013), p. 13. According to the International Campaign to Ban Landmines, AUC paramilitaries also used antipersonnel landmines. The Colombian government has banned the use of antipersonnel landmines and is a party to the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Antipersonnel Mines and on their Destruction (more commonly known as the "Mine Ban Treaty"). *El Tiempo* newspaper, citing sources from the army and Antioquia governor's office, reported in May 2013 that paramilitary successor groups were planting antipersonnel landmines in Córdoba and Antioquia departments. Juan Guillermo Mercado, "Criminal bands plant landmines in various zones of the country," *El Tiempo,* May 26, 2013, http://www.eltiempo.com/justicia/campos-minados-por-bandas-criminales-en-el-el-nudo-de-paramillo_12825863-4 (accessed August 4, 2013).

95 According to the Colombian government, an "accident" is an "undesired event caused by an antipersonnel landmine or unexploded ordnance that causes physical and/or psychological damage to one or more persons." An "incident" is an "event related to antipersonnel landmines or unexploded ordnance, that can rise to the level of an accident or has the potential to result in an accident."

96 Human Rights Watch telephone interviews with Restitution Unit official, January 16, 2013 and March 8, 2013; "Land Restitution: Pandora's box was opened," *Semana* magazine, undated, http://www.semana.com/Especiales/restitucion-tierras/ (accessed May 19, 2013).

For example, Vistahermosa, Meta, the municipality with the highest number of victims of landmines and unexploded ordnance reported by the government (354 since 1990), also had one of the highest numbers of hectares subject to restitution claims through the Victims Law as of January 2013 (37,138).[97]

These figures provide a very rough sketch of the scale of the problem because they refer to the presence of antipersonnel landmines and unexploded ordnance throughout a municipality, rather than on exact pieces of land. This makes it impossible to know their prevalence on the specific farms subject to restitution claims, which could be either greater or less than their prevalence on a municipal level. Furthermore, for a range of reasons, the government statistics of antipersonnel landmine and unexploded ordnance accidents are likely the result of significant underreporting.[98] Nevertheless, the figures give an idea of the dramatic scope of the problem.

Climate of Fear and its Consequences

Repeated, targeted abuses against IDP land claimants and their leaders have created a climate of fear surrounding restitution in different regions of the country. This has undermined the pursuit of land restitution and the enjoyment of its benefits in many ways, including by causing leaders to reduce their visibility and inhibiting IDPs from filing claims or returning home after being awarded restitution.

The Restitution Unit has recognized this problem, denouncing in 2012 that intimidating acts against claimants in Córdoba had:

> [G]enerat[ed] a fear that has become common among land restitution claimants, which has been an obstacle to the implementation of the [Victims Law].[99]

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[97] Restitution Unit, "Requests for Entry in the Registry of Stolen Land Consolidated Nationally," cutoff date January 3, 2013; Colombian Presidency's Program for Integrated Action Against Anti-personnel Landmines, "Victims of Anti-Personnel Landmines," http://www.accioncontraminas.gov.co/Paginas/victimas.aspx (accessed July 2, 2013).

[98] Human Rights Watch, *Maiming the People*, p. 6.

[99] Criminal Complaint filed by Córdoba Restitution Unit with National Director of the Justice and Peace Unit of the Attorney General's Office.

In fact, evidence strongly suggests that fear of retaliation may be one factor—among many—contributing to the less-than-expected number of claims filed with the Restitution Unit to date. While the Agricultural Ministry estimated that nearly 40,000 claims would be filed during 2012, approximately 75,000 by the end of 2013, and 360,000[100] by 2021, the Restitution Unit had received 43,590 claims as of June 2013.[101]

Numerous IDP restitution leaders described to Human Rights Watch a permanent sense of fear and insecurity as a result of being threatened. This has caused them to stay home, restrict their movement, and in some cases, reduce leadership activities. For example, Carmenza Léon (pseudonym), a restitution leader from Urabá who received threats in 2012 and 2013, told Human Rights Watch she rarely left her home, was seriously considering stopping her work with the IDP association she belonged to, and went to the association's office less frequently than before the spate of threats (see more on León's case in the section, "Tierra y Vida in Urabá").

A May 2013 Constitutional Court order concerning the situation of women IDP leaders confirmed the devastating impact of threats and harassment—including on women campaigning for land restitution—and noted that such intimidation has caused:

> …serious and severe psychological and psychiatric effects, including anxiety and sleep disorders, grave depression, the onset or worsening of cardiovascular sicknesses…. The fear instilled by the threats … in more than a few cases has converted into panic disorder.[102]

Male restitution leaders interviewed by Human Rights Watch similarly expressed experiencing fear and anxiety as a result of receiving threats.

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[100] Human Rights Watch interview with Restitution Unit officials, Bogotá, July 18, 2013. The Restitution Unit believes that 360,000 claims was an overestimate. As of July 2013, based on many factors unrelated to security concerns, the unit said that a more accurate estimate would be upwards of 100,000 claims filed and processed by the end of the law's implementation in 2021.

[101] Agricultural Ministry, "Report on the advances in the regulation and implementation of Law 1448 of 2011, in the area of restitution of land to victims of forced displacement," document presented to the Constitutional Court on February 13, 2012; Restitution Unit, "Report on the Advances in Land Restitution," June 30, 2013.

[102] Constitutional Court of Colombia, Order 098 of 2013, p. 33. The order also noted that recently, retaliatory violence, threats, and intimidation against women IDP leaders has been "especially critical" for those involved in land restitution processes (see p. 31).

The fear engendered by threats and attacks extends to the victims' fellow leaders and community members, and even authorities working on restitution. This was evident in the immediate aftermath of the April 9, 2013 killing of victims' leader Ever Cordero Oviedo in Valencia, Córdoba (see more on Cordero's case in the section, "The Mesa de Víctimas in Valencia, Córdoba Department").

The day of the killing, Human Rights Watch spoke with many restitution claimants and leaders in Córdoba who said that the assassination caused them to fear for their own safety, and interpreted it as a message meant to deter restitution claims.[103] A Restitution Unit official told Human Rights Watch that the killing will make people afraid to continue filing claims because they will "think that the [paramilitary] structure has not ended."[104] One land restitution judge in Córdoba said he felt "an imminent risk" for his safety due to attacks like the one against Cordero, and the lack of an adequate response by the government.[105]

Similarly, in a March 22, 2013 letter to President Santos, dozens of specialized land restitution judges throughout the country requested protection and cited abuses against land claimants and their leaders as evidence of danger to their own lives:

> The attacks against victim claimants, their leaders, and members of the organizations that have supported them are well known. As justice officials, we are equally or even more exposed [to attacks], given that we are precisely the ones who order the legal and material restitution.[106]

Evidence strongly suggests that the climate of fear fostered by threats and attacks in certain regions has inhibited IDPs from filing restitution claims. A dozen IDP and victims' groups in Cesar department—where restitution leaders have been subject to constant threats—issued a statement in December 2012 declaring that not all victims of land theft in the department had formally reported a claim:

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[103] Human Rights Watch group interview with victims and IDP leaders, Montería, Córdoba, April 9, 2013; Human Rights Watch interview with Leoncio and Eliecer Mendoza, Montería, Córdoba, April 9, 2013; Human Rights Watch interview with Wilson Arenas (pseudonym), Montería, Córdoba, April 10, 2013; Human Rights Watch interview with victims leader from Córdoba, Montería, Córdoba, April 10, 2013.

[104] Human Rights Watch interview with Restitution Unit official, Montería, Córdoba, April 9, 2013.

[105] Human Rights Watch interview with Mauricio Paucar, land restitution judge, Leticia, Córdoba, April 10, 2013.

[106] Letter from specialized land restitution judges to President Juan Manuel Santos, March 22, 2013.

> [i]n the majority of cases, because of the dread and fear that overwhelms them and that causes them to abstain from carrying out any request.[107]

According to one leader from the municipality of Necoclí, in Antioquia department, many people in the area do not reclaim land because they are afraid due to the killings that have been committed against several restitution leaders from the area since 2010 (see cases of Albeiro Váldez, Hernando Pérez Hoyos, and Alejandro Padilla in the section, "Tierra y Vida in Urabá").[108] The leader's observation coincides with the view of an official working on land restitution, who told Human Rights Watch that specifically in the town of Totumo, in Necoclí—where three IDPs had been reclaiming land prior to being attacked in 2010 and 2011—there have been very few restitution claims, either because of the Urabeños's control of the area, or IDPs' fear of reclaiming land there.[109]

Similarly, an Afro-Colombian community leader from Chocó department told Human Rights Watch that the killings of leaders involved in land restitution processes in the neighboring communities of Curvaradó and Jiguamiandó had caused him to think twice about pursuing restitution claims through the Victims Law. "If I make the restitution request, that would put me at greater risk with the paramilitaries and businessmen," he said.[110]

Some IDPs said they stopped reclaiming land due to abuses against them or their families. Following the killing of Urabá claimant Alejandro Padilla in November 2011, his family decided not to continue reclaiming the land, according to sources close to Padilla.[111] Leonora Gúzman (pseudonym) reported that she and her sister were threatened, intimidated, and displaced in 2009 and 2010 due to their attempt to reclaim land in San Juan de Nepomuceno, Bolívar department.[112] As a result, Gúzman said that she would not seek restitution under the Victims Law.

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[107] "Land restitution in Cesar: Between hope and frustration," joint statement by victims and IDP groups, Valledupar, Cesar department, December 11, 2012.

[108] Human Rights Watch interview with land restitution leader from Necoclí, Bogotá, November 27, 2012.

[109] Human Rights Watch interview with official working on land restitution, Apartadó, Antioquia, April 12, 2013.

[110] Human Rights Watch interview with Afro-Colombian community leader from Bajo Atrato region, Apartadó, Antioquia, April 2013.

[111] Human Rights Watch interview with sources close to Alejandro Padilla, September 2, 2012.

[112] Human Rights Watch interview with Leonora Gúzman, July 2, 2012; Criminal Complaint filed by Leonora Gúzman with Attorney General's Office, November 2009; Testimony provided by Leonora Gúzman to Attorney General's Office, December 2009.

Fear of attacks also impedes claimants from reaping the benefits of successful land restitution processes. Threatened claimants said that even if their claims prospered, they were too afraid to return to their land, while other IDPs who have benefited from restitution decisions reported that they did not subsequently return home because of threats against them. For example, following court decisions that convicted AUC commanders for a 2000 massacre in Bolívar department in which her father was killed, and ordered land restitution, victims leader Victoria Guevara (pseudonym) reported receiving threats in 2011 and 2012 that caused her family to decide to sell their land, rather than return to it.[113] She said:

> My family has taken the decision to sell the land that we inherited from my father, since we're very afraid that something could happen to us if we return…. [We] are intimidated to continue in the region.[114]

Another example is Mario Cuitiva, who reported being subject to threats and acts of intimidation since replacing Yolanda Izquierdo—whom paramilitaries killed in 2007—in leading families reclaiming land on the Santa Paula farm in Córdoba (see more on Cuitiva's case in the section, "The Santa Paula Farm in Leticia, Córdoba"). Cuitiva was awarded restitution in the first ruling handed down under the Victims Law in Córdoba department, but said that his wife and children had decided that they would not go back to live in Santa Paula due to security concerns. He doubted whether, after years of fighting to reclaim his land, he would return to live there.[115]

[113] Human Rights Watch interview with Victoria Guevara, Cartagena, July 9, 2012.

[114] Document signed by Victoria Guevara, June 27, 2012, on file with Human Rights Watch.

[115] Human Rights Watch interview with Mario Cuitiva, Montería, Córdoba, April 9, 2013.

II. Illustrative Cases

The following are brief descriptions of the illustrative cases contained in this chapter.

Tierra y Vida in Urabá

Since 2008, members and leaders of the Urabá chapter of Tierra y Vida, an IDP association, have suffered killings, threats, and renewed displacement for attempting to recover land through diverse land restitution mechanisms, ranging from the Justice and Peace Law to the Victims Law. Evidence suggests the main perpetrators have been the Urabeños, and in some cases, third parties occupying the land being reclaimed.

El Toco Community in San Diego, Cesar Department

Death threats made in 2012 and 2013 against the leader of IDP families reclaiming land in El Toco caused him to temporarily flee the region. El Toco was the first case in Cesar department processed under the Victims Law.

The Mesa de Víctimas in Carmen de Bolívar, Bolívar Department

In 2012 and 2013, constant threats against leaders from the Carmen de Bolívar Mesa de Víctimas, a municipal committee created to ensure victims' participation in Victims Law implementation, forced several to abandon the town.

The Mesa de Víctimas in Valencia, Córdoba Department

Ermes Vidal Osorio and Ever Cordero Oviedo, two recognized IDP leaders from the Mesa de Víctimas in Valencia, Córdoba, were murdered within a 20-day span between March and April 2013, evidence suggests by the Urabeños.

Village of La Mesa in Valledupar, Cesar

Evidence strongly suggests that, between 2010 and 2012, a former AUC commander's brother repeatedly threatened IDP families reclaiming land in La Mesa, Cesar department due to their efforts to reclaim farms he had taken over following their displacement by paramilitaries.

Killing of Restitution Claimant in Montería, Córdoba

There are strong reasons to believe that Leoncio Mendoza Mejía was killed in November 2011 due to his efforts to reclaim farms paramilitaries had seized in northern Urabá, near a former AUC training camp.

Tolima Department

Leaders campaigning for the return of IDPs to their land in southern Tolima department reported being

subject to frequent, serious threats by FARC guerrillas from the early 2000s up to the present day.

Curvaradó and Jiguamiandó Communities, Chocó Department

Residents and leaders who returned to collectively-owned territories along the Curvaradó and Jiguamiandó river basins have suffered repeated killings, threats, and incidents of displacement, including the March 2012 murders of Manuel Ruiz and his 15-year-old son. Evidence suggests paramilitary successor groups, at times acting on behalf of third parties, are responsible for many of the abuses related to this pilot land restitution case.

Embera Community of Patadó, Chocó

Since families from the Embera indigenous community of Patadó returned to their land in 2009, community leaders and a regional indigenous rights advocate working on the case have reported threats and intimidation, including by the man occupying virtually all of their land.

Salabarría Family, Mundo Nuevo, Montería, Córdoba

The Salabarría family attempted to return to Mundo Nuevo, Córdoba on two separate occasions in 2006 and 2012—including as the result of a high-profile land restitution ceremony attended by the agricultural minister—but were forced to flee their land both times due to threats by armed men.

Costa de Oro Farm, Tierralta, Córdoba

Guillermo Antonio Ramos Rosso was killed in July 2009, approximately one year after he and fellow community members returned to the Costa de Oro farm, which had been given back to them by former AUC commander Salvatore Mancuso as part of his obligations under the Justice and Peace Law.

San Onofre and Ovejas, Sucre Department

Since the early 2000s, IDP leaders and families who have returned to their land in San Onofre and Ovejas, Sucre have suffered multiple threats and several killings, including by assailants who evidence strongly suggests were demobilized paramilitaries.

El Quindío Property in Montería, Córdoba

Since 2006, IDPs who the government relocated to the El Quindío property have suffered threats, renewed displacement, and several killings carried out by paramilitary successor groups.

Villa Linda and Usaquén Farms in Córdoba

In 2006 and 2012, IDP leaders representing families intended to benefit from government relocations to the Usaquén and Villa Linda farms in Córdoba department fled their homes due to threats by paramilitary successor groups.

Tierra y Vida in Urabá

The region of Urabá, which includes portions of the departments of Antioquia and Chocó surrounding the Gulf of Urabá, has historically suffered high levels of violence and atrocities by both paramilitaries operating with the toleration and collusion of security forces and guerrillas. In 1996, for example, Urabá's homicide rate eclipsed 300 killings per 100,000 inhabitants, roughly five times the national average at the time, and more than three times Honduras's current homicide rate, which is one of the highest in the world.[116]

Around that time, the AUC consolidated its control over much of the region, with the support of the security forces, banana companies, and cattle ranchers, among others. After the displacement of civilians, private companies and landowners—some credibly accused by authorities and victims as having close links to the AUC—took over swaths of land in Urabá, often converting holdings into African palm oil plantations, cattle ranches, or timber forests.[117] According to an official working on land restitution in the region:

> Paramilitarism did a big favor to the businessmen. [They] displaced and killed [farmers] and the businessmen followed them buying and appropriating [land] in many ways.[118]

Former top AUC leader Vicente Castaño recognized as much, stating in a 2005 media interview, "We have [African] Palm crops in Urabá. I myself got the businessmen to invest in those projects."[119]

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[116] Presidential Program on Human Rights, Colombian Human Rights Observatory, "Some indicators about the situation of human rights in the region of Urabá Antioqueño," August 2004, http://www.acnur.org/t3/uploads/media/COI_675.pdf?view=1 (accessed May 19, 2013); United Nations Office on Drugs and Crime, "Homicide Statistics 2013," http://www.unodc.org/unodc/en/data-and-analysis/homicide.html (accessed August 7, 2013); The World Bank, "Intentional homicides (per 100,000 people)," http://data.worldbank.org/indicator/VC.IHR.PSRC.P5 (accessed August 7, 2013). According to the World Bank and the United Nations Office on Drugs and Crime, in 2011, Honduras's homicide rate was 92 per 100,000 inhabitants.

[117] See, for example, description of Attorney General's Office's investigation Number 3856 regarding the participation of African palm companies, cattle ranchers, banana companies, INCODER officials, and public notaries, among other public officials, in the forced displacement and land takeovers in Curavadó and Jiguamiandó river basins in Chocó department. Report sent from National Director of Prosecutor Offices to Constitutional Court of Colombia, January 2013, Official Communication Number 14-01-2013.

[118] Human Rights Watch interview with official working on land restitution, Apartadó, April 12, 2013.

[119] "Palm inside," *Semana* magazine, August 14, 2005, http://www.semana.com/nacion/articulo/palma-adentro/74291-3 (accessed May 19, 2013).

Human Rights Watch documented sustained, targeted abuses—including threats, new incidents of forced displacement, and killings—committed since 2008 against more than 15 leaders and members of the Urabá chapter of Tierra y Vida, an IDP association advocating for land restitution.[120] Victims include the association's lawyers, local leaders, members filing restitution claims for their family, the national president, and the office secretary. Evidence strongly suggests the Urabeños paramilitary successor group, which inherited the demobilized AUC paramilitary organization's criminal operations in the region, is responsible for many of the abuses. In a few cases, credible evidence points to the people who were occupying the land subject to restitution claims being involved in the crimes.

The repeated abuses against Tierra y Vida members and leaders in Urabá have undercut restitution efforts at all phases of the land restitution process, ranging from the reclamation stage to post-return to farms. The killings in particular have intensified the impact of ongoing threats against Tierra y Vida leaders now reclaiming land through the Victims Law, and contributed to a climate of fear that dissuades IDPs' participation in the restitution process. For example, several Tierra y Vida leaders reclaiming land in Totumo, Necoclí were killed, attacked and/or threatened in 2010 and 2011, and according to an official working on land restitution, there are now very few claims to farms in the area, either due to the Urabeños's control in Totumo or IDPs' fear of seeking restitution there.[121]

Killing of Juan Agustin Jiménez Vertel, Apartadó, Antioquia, July 20, 2008

The first Tierra y Vida leader killed, **Juan Agustín Jiménez Vertel**, had repeatedly, along with his family, told authorities that José Vicente Cantero had threatened them for attempting to return to their farms in the town of Macondo in Turbo, Antioquia. According to Colombia's Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restrepo, Cantero:

> [H]as been accused of and denounced on multiple occasions by victims as someone who belongs to paramilitarism and who has appropriated stolen land in a violent and fraudulent way.[122]

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[120] Tierra y Vida is the current name of the IDP assocation, which started in 2008, and was originally called the Mesa Campesina. The group has since conglomerated different victims associations and changed names. For the sake of clarity, the association is referred to by its current name throughout this report.

[121] Human Rights Watch interview with official working on land restitution, Apartadó, April 12, 2013.

[122] Letter from Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restrepo to then-Attorney General of Colombia, Guillermo Mendoza Diago, September 27, 2010.

Working with paramilitaries, Cantero displaced Jímenez from Macondo in 1997 and took over his land, according to Jiménez and his family members.[123] Other IDP claimants from Macondo also told Human Rights Watch that Cantero entered the region with paramilitaries around the time of their displacement and took over their land.[124] With the passage of the 2005 Justice and Peace Law, Jiménez began to reclaim his land, and in mid-2007, several of his children returned to one of their farms. Around that same time, Cantero's wife filed a lawsuit against Jiménez claiming ownership of the land.[125]

In August 2007, Cantero, accompanied by roughly a dozen armed men, visited the farm to which Jiménez's family members had returned and ordered them to leave, according to a man who was present.[126] Cantero and others returned to the farm in January 2008 and repeated the order to leave. The witness stated in his testimony to judicial investigators that the people who visited the farm were paramilitaries.[127]

On March 13, 2008, Jiménez sent a letter to President Uribe denouncing threats against his family and asked for protection. The letter stated:

> I'm worried that these people [who issued the threats] keep patrolling the land and we fear that they can carry out an attack against our lives, and we do not see the Attorney General's Office taking any action. Mr. President, I understood that when these people turned themselves in to the Justice and Peace Process, they would return our land … and to the contrary, they're threatening us.[128]

[123] Human Rights Watch interview with Jiménez's family member, Apartadó, Antioquia, March 6, 2012; Letter from Juan Agustin Jiménez Vertel to Álvaro Uribe Vélez, President of the Republic of Colombia, March 13, 2008; Official Communication from Turbo Attorney General's Office to Jiménez's family member,,2010.

[124] Human Rights Watch group interview with IDP claimants from Macondo, Apartadó, Antioquia, April 12, 2013.

[125] Superior Tribunal of Antioquia Civil-Family Decision Chamber, Case number: 05045310300120070011200, August 2, 2010. Cantero testified in the case that he bought Jiménez's land from him.

[126] Testimony provided by witness to the Technical Investigative Body (CTI), August 2007; Criminal Complaint filed by witness, on file with Human Rights Watch.

[127] Criminal Complaint filed by witness, on file with Human Rights Watch.

[128] Letter from Juan Agustin Jiménez Vertel to Álvaro Uribe Vélez, President of the Republic of Colombia, March 13, 2008.

On July 16, 2008, Jiménez filed a criminal complaint denouncing to prosecutors "the continuous threats that we have been receiving from the people who displaced us."[129] Four days later, Jiménez was shot and killed near the city of Apartadó.

After the killing, Jiménez's family fled their land and did not return for two years, according to a family member.[130] As of April 2013, the Attorney General's Office reported that the investigation into the killing remained at a preliminary stage, meaning that no suspects had been charged.[131]

Killing of Benigno Gil, Chigorodó, Antioquia, November 22, 2008

Four months later, in Chigorodó, Antioquia, gunmen whom evidence strongly suggests were Urabeños members shot and killed **Benigno Gil**, the most visible leader of Tierra y Vida in Urabá at the time. Like Jiménez, Gil had repeatedly reported to authorities—including in a letter sent to then-President Uribe—death threats against him by individuals linked to paramilitaries.

Paramilitaries displaced Gil and his family members from their farms in Mutatá, Antioquia in the 1990s. AUC commander Ramiro Vanoy Murillo, alias *Cuco Vanoy*, took over his neighboring family members' land and installed a paramilitary camp in the area, according to documents Gil filed with the Agricultural Ministry.[132] In 2008, Gil started to lead hundreds of IDPs who wanted to return directly to their land, without waiting for judicial or administrative orders. As part of this process, he returned with a group of IDPs to farms in Mutatá that he and his family members had lost.

On May 7, 2008, Gil sent a letter to President Uribe requesting protection measures and denouncing threats he had received:

> I ask you to take more drastic measures with the paramilitary commanders, because from where they are they continue governing … and have their

[129] Criminal Complaint filed by Juan Agustin Jiménez Vertel with the Attorney General's Office in Turbo, Antioquia, July 16, 2008.

[130] Human Rights Watch interview with Jiménez's family member, Apartadó, Antioquia, March 6, 2012.

[131] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[132] Consultation Form for Land Recovery - CONRET documents filed by Benigno Gil with the Agricultural Ministry, Code: 00001-8.337.376, Code: 00002-8.337.376, Code: 00003-8.337.376, and Code: 00004-8.337.376.

> front men threaten and intimidate us so that we do not continue the struggle to return to our farms.[133]

Gil elaborated on why he believed his leadership had triggered threats from paramilitary front men:

> Some front men of paramilitary commanders who have seen that we are advancing in our goal have already made comments to me in which they say … that I shouldn't accompany other peasants because they'll go down the same road and [the paramilitaries would] end up losing their power over the land where they have countless cattle.[134]

On September 22, 2008, the Mutatá police, in the company of the Mutatá mayor, evicted Gil and the other IDP families accompanying him from the farms they had returned to, according to a sworn declaration that Gil gave.[135] In documents filed with the Agricultural Ministry, Gil alleged that a front man of paramilitary commander Ramiro Vanoy, alias *Cuco Vanoy*, took over the farm after the September 2008 eviction.[136]

Following his September 2008 eviction, Gil repeatedly denounced threats against him, as well as ties between the Mutatá police, Mutatá mayor, and paramilitary successor groups.[137] On October 7, for example, Gil sent another letter to President Uribe accusing the commander of the Mutatá police, a local sergeant, and the Mutatá mayor of collaborating with the Urabeños paramilitary successor group in plotting to kill him.[138] Gil repeated similar allegations in two separate complaints filed with the commander of the Urabá police less than a month before his death.[139]

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[133] Letter from Benigno Gil to then-President Álvaro Uribe Vélez, May 7, 2008.

[134] Ibid.

[135] Sworn declaration made by Benigno Gil to the Police Inspector's Office in Belén de Bajirá, September 23, 2008.

[136] Consultation Form for Land Recovery - CONRET documents filed by Benigno Gil with the Agricultural Ministry, Code: 00001-8.337.376 and Code: 00002-8.337.376.

[137] Letter from Benigno Gil to Director of the National Police, September 26, 2008.

[138] Letter from Benigno Gil to then-President Álvaro Uribe, October 7, 2008.

[139] Complaint filed by Benigno Gil with Commander of the Urabá police, October 30, 2008; Complaint filed with Commander of the Urabá police, November 4, 2008.

On November 22, two gunmen shot and killed Gil as he got into a truck leaving a Tierra y Vida meeting attended by approximately 150 people.[140] Two other members of the association were shot and wounded during the attack.[141] The timing and location of the attack suggests that it may have been deliberately chosen by the assailants to sow fear among IDPs and dissuade them from participating in the land recovery process.
While the investigation into Gil's murder remains at the preliminary stage, a justice official working on the case said that the Urabeños are suspected to be responsible.[142]

Killing of Jaime Antonio Gaviria Villada, Chigorodó, Antioquia, December 5, 2008

Tierra y Vida member **Jaime Antonio Gaviria Villada** witnessed Gil's murder, and was killed in Chigorodó two weeks later.[143] There are strong reasons to believe that the Urabeños were responsible: a justice official who worked on Gil and Gaviria's cases told Human Rights Watch that there is evidence the same individuals were responsible for both murders.[144] In addition, a 2009 press release by the national police attributed Gaviria's killing to the Urabeños.[145] Following Gaviria's death, his family received constant phone calls from an Urabeños member pressuring them to sell him their land, according to an investigation by Institute of Popular Training (IPC), a well-known human rights NGO based in Medellín.[146] As of April 2013, the investigation into his case was at the preliminary stage.[147]

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[140] Director of the National Office of Prosecutors of the Attorney General's Office, Executive Report, January 14, 2009.

[141] Ibid.

[142] Human Rights Watch interview with prosecutor from the Human Rights Unit of the Attorney General's Office, Bogotá, July 17, 2012; Email from Attorney General's Office official to Human Rights Watch, June 11, 2013. National Police of Colombia, "Police strike structure of 'Don Mario's' criminal band," April 1, 2009, http://oasportal.policia.gov.co/portal/pls/portal/JOHN.NOTDET_DIRECCION_GENERAL.SHOW?p_arg_names=identificador&p_arg_values=229026 (accessed May 19, 2013). The 2009 press release by the National Police attributed Gil's killing to the Urabeños.

[143] Letter from Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restepo to then-Attorney General of Colombia, Guillermo Mendoza Diago, September 27, 2010.

[144] Human Rights Watch interview with Attorney General's Office official, Bogotá, June 27, 2012.

[145] National Police of Colombia, "Police strike structure of 'Don Mario's' criminal band," April 1, 2009, http://oasportal.policia.gov.co/portal/pls/portal/JOHN.NOTDET_DIRECCION_GENERAL.SHOW?p_arg_names=identificador&p_arg_values=229026 (accessed May 19, 2013).

[146] Institute of Popular Training (IPC), "Human Rights Observatory Number 15," Medellín, October 2012, http://www.oidhaco.org/uploaded/content/article/1207784503.pdf (accessed August 8, 2013), p. 11.

[147] Email from Attorney General's Official to Human Rights Watch, June 11, 2013.

Killing of Albeiro Váldez Martínez, Turbo, Antioquia, May 10, 2010

Tierra y Vida leader **Albeiro Váldez** returned to his farm in the town of Totumo, in Necoclí, Antioquia in November 2009, and reported being threatened by the cattle rancher who had originally taken over the farm. Váldez was found dead in May 2010. The following month, the Necoclí mayor returned Váldez's land to the rancher.

Authorities produced conflicting reports as to whether Váldez died of natural causes or was killed; however, a range of evidence, including the repeated threats he reported, attacks against other Tierra y Vida leaders from the same area, and statements by high-level officials strongly suggest that he was victim of a targeted killing that successfully sabotaged his family's restitution effort.

Paramilitaries under the command of Carlos Ardila Hoyos, alias *Carlos Correa*, killed Váldez's father and brother in 1993 and displaced Váldez and his surviving family from their two farms in Totumo in 1996, according to a family member.[148] Their land was acquired by Jairo Humberto Echeverry Bedoya, who, according to the vice president and then-agricultural minister, was "related" to Váldez's case and occupied land that victims have denounced as having been stolen by paramilitary commanders *Carlos Correa* and Freddy Rendón Herrera, alias *El Alemán*.[149]

Following the official paramilitary demobilization process, Váldez campaigned on behalf of his family and other IDPs seeking restitution in Totumo, Necoclí, where according to Tierra y Vida, *Carlos Correa* had displaced many other families.[150] Váldez filed a criminal complaint alleging that Echeverry threatened him in November 2008 and April 2009.[151]

On November 17, 2009, a pilot land restitution program established under the Justice and Peace Law restituted to Váldez and his family their "Siete Vueltas" farm in a public

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[148] Human Rights Watch interview with family member of Albeiro Váldez, Apartadó, Antioquia, July, 20, 2012; Turbo Attorney General's Office document certifying the existence of investigation number 1,177 for the violent deaths of Leopoldo Váldez Medrano and Alonso Váldez Martínez, on November 21, 1993.

[149] Letter from Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restrepo to then-Attorney General of Colombia, Guillermo Mendoza Diago, September 27, 2010; Mayor's Office of Necoclí, acceptance of petition requesting police eviction filed by Jairo Humberto Echeverry Bedoya, June 22, 2010.

[150] Association of Victims for the Restitution of Land and Belongings (ASOVIRESTIBI), "The victims cannot continue being killed for reclaiming the restitution of our land," public statement issued May 12, 2010.

[151] Criminal complaint filed by Albeiro Váldez with judicial police from Justice and Peace Unit of the Attorney General's Office of Apartadó, undated.

ceremony attended by the Urabá police, the International Organization of Migration, the 17th Brigade of the army, the Attorney General's Office, and other government authorities.[152] Váldez and his family returned to the Siete Vueltas farm on November 21, 2009. The same day, he received a phone call summoning him to a meeting, according to testimony Váldez provided to justice authorities.[153]

At the meeting, an unidentified man threatened him on behalf of Echeverry, telling Váldez that he had an order to kill him and that his "boss" had been approached by Echeverry because Váldez:

> [H]ad taken away some land and the land belonged to [Echeverry] … and that if [he] did not want anything to happen then [he] should leave the land and abandon the [restitution] process.[154]

On November 24, 2009, members of a paramilitary successor group threatened Váldez's family members and said that they had one day to abandon the farm, according to a statement released by Tierra y Vida and a request for protection of constitutional rights (*tutela*) filed by the family's lawyer.[155]

On November 25, 2009, Váldez filed a complaint of threats against Echeverry with the Necoclí judicial police.[156] That same day, Váldez, his mother, brother, and Echeverry participated in an arbitration session held in the Attorney General's Office in Necoclí. According to the official record of the meeting, Echeverry denied responsibility for the threats against Váldez and promised to respect the land restitution process.[157]

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[152] Letter from Jaime Jaramillo Panesso, then-representative of Antioquia office of the National Commission for Reparation and Reconciliation (CNRR) to lawyer representing Martínez's family, August 23, 2010.

[153] Attorney General's Office of Necoclí, Antioquia, Affidavit of Arbitration Meeting that Reached an Agreement, Code: FGN-50800-F-26; Interior Ministry, Resolution 008581 of March 25, 2010 "By which a decision is taken concerning a protection request."

[154] Ibid.

[155] Request for protection of constitutional rights (*tutela*) filed by Martínez's family's lawyer with a Necoclí Municipal Judge, July 14, 2010; Association of Victims for the Restitution of Land and Belongings (ASOVIRESTIBI), "The victims cannot continue being killed for reclaiming the restitution of our land," public statement, May 12, 2010.

[156] Sectional of Criminal Investigation (SIJIN) Urabá document certifying complaint filed by Albeiro Váldez against Jairo Humberto Echeverry Bedoya, Necoclí, Antioquia, November 25, 2009.

[157] Attorney General's Office of Necoclí, Antioquia, Affidavit of Arbitration Meeting that Reached an Agreement, Code: FGN-50800-F-26.

When Váldez subsequently requested protection from the Attorney General's Office's protection program, the police official who evaluated his level of risk cited Echeverry's purported commitment to respect the restitution process as one of the reasons why Váldez had an "ordinary" level of risk and therefore would not be entitled to protection.[158] This was flawed reasoning on the part of the evaluator, given the gravity of the threat reported by Váldez and recent killings of other Tierra y Vida leaders.

On May 10, 2010, Váldez met with a family member and told him he was going to attend a meeting near Turbo concerning the family's land.[159] The following morning, Váldez, then 33 years old, was found dead along a road between the municipalities of Turbo and Necoclí. Tierra y Vida issued a public statement claiming that paramilitaries had summoned him to the meeting.[160]

The police crime scene report stated that their hypothesis of the type of death was "violent" and cited "gun and blunt object" as their hypothesis of the cause of death; the autopsy report said that it was "under examination"; one death certificate said it was a "violent" death; and a second death certificate said that the cause of death was "under examination."[161] Colombia's vice president and then-agricultural minister also identified the contradictions between the different reports and said they constituted a "grav[e] situatio[n]."[162] Indeed, the inconsistencies in the reports point to unprofessional work by authorities, or, even worse, foul play in tampering with the investigation. In any case, the vice president and then-agricultural minister said that Váldez was murdered.[163]

On June 22, 2010, the Necoclí mayor's office accepted a petition filed by Echeverry claiming ownership of the Siete Vueltas farm and requested that the police evict Váldez's family. In the petition, Echeverry stated that he had had cattle on the farm since 1999, when he bought

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[158] Interior Ministry, Resolution 008581 of March 25, 2010 "By which a decision is taken concerning a protection request."

[159] Human Rights Watch telephone interview with Albeiro Váldez's family member, May 8, 2013.

[160] Association of Victims for the Restitution of Land and Belongings (ASOVIRESTIBI), "The victims cannot continue being killed for reclaiming the restitution of our land," public statement, May 12, 2010.

[161] Sectional of Criminal Investigation (SIJIN)-Turbo, Technical Inspection of Cadaver, May 11, 2010, Case Number: 058376000353201080141; National Institute for Legal Medicine and Forensic Science (INMLCF), May 11, 2010, Expert Autopsy Report Number 201001010583700043; Death Certificate for the Civil Registry Number 80671298-0, May 11, 2010 determining probable cause of death to be violent; Death Certificate for the Civil Registry Number 80671298-0, May 11, 2010 determining probable cause of death to be "under examination."

[162] Letter from Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restrepo to then-Attorney General of Colombia, Guillermo Mendoza Diago, September 27, 2010.

[163] Ibid.

it from Nelly Durango.[164] Durango is the widow of paramilitary commander *Carlos Correa*, who had originally displaced Váldez's family, according to victims from the region.[165]

On June 25, 2010, the then-mayor of Necoclí, Edelfred Villalobos Ortega, ordered the Siete Vueltas farm to be turned over to Echeverry.[166] The mayor's order noted that when authorities carried out an inspection of the farm, Váldez's mother was not present, and that no one was there to challenge Echeverry's claim. The order failed to mention that Váldez's mother was not there because she, along with his sister, wife and three children, then ages 1, 3, and 7, had fled the farm after his death.[167]

The investigation into Váldez's killing remains at the preliminary stage; however, a high-ranking Attorney General's Office official told Human Rights Watch that his case appears to have been a murder motivated by his land restitution claims.[168]

The facts of the case strongly suggest that authorities' failure to protect Váldez and properly investigate his death have helped to allow a targeted killing to block land restitution.

Killing of Hernando Pérez Hoyos, Necoclí, Antioquia, September 20, 2010

Like Váldez, Tierra y Vida leader **Hernando Pérez Hoyos** sought to recover his family's farm in Totumo, Necoclí, and prior to being killed reported threats by individuals that authorities and victims have implicated in paramilitary land takeovers. A justice official working on the case said that Pérez Hoyos was killed "precisely for reclaiming land," presumably by Urabeños-linked perpetrators.[169]

Paramilitaries displaced Pérez Hoyos and his family from their 24.5-hectare farm in 1997, according to a family member interviewed by Human Rights Watch.[170] The family member

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[164] Mayor's Office of Necoclí, admission of action requesting police eviction filed by Jairo Humberto Echverry Bedoya, June 22, 2010.

[165] Request for protection of constitutional rights (*tutela*) filed by Martínez family's lawyer with Necoclí Municipal Judge, July 14, 2010; Supreme Court of Colombia, Chamber of Cassation, Decision of November 17, 2011, Case Number 37805, p. 2.

[166] Mayor's Office of Necoclí, Antioquia, "Inspection visit to the Siete Vueltas farm, El Tigre hamlet, town of Totumo, Municipality of Necoclí," June 25, 2010.

[167] Human Rights Watch interview with family member of Albeiro Váldez, Apartadó, Antioquia, July 20, 2012.

[168] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013; Human Rights Watch interview with official from Human Rights Unit of Attorney General's Office, Bogotá, July 24, 2012.

[169] Human Rights Watch interview with Attorney General's Office official, Bogotá, July 24, 2012.

[170] Human Rights Watch interview with family member of Hernando Pérez Hoyos, location withheld, March 5, 2012.

said that alias *Carlos Correa*—the same paramilitary responsible for Váldez's family's displacement—took over Pérez Hoyos's family's land and sold it to other paramilitaries. In 2010, Pérez Hoyos, his father, mother, brother, and other siblings attempted to return to the farm. They stayed there for several months until, according to the family member, the mayor ordered their eviction around June 2010, as occurred in Váldez and Gil's cases. The family left the farm for Totumo's town center.[171]

Pérez Hoyos's family member said that around the time of the eviction—and soon after Váldez's killing—rancher Jairo Humberto Echeverry told Pérez Hoyos not to reclaim what did not belong to him.[172] Julio Arcesio Gomez Durango—who Pérez Hoyos's relative accused of having taken possession of his family's land—also threatened Pérez Hoyos, according to another member of Tierra y Vida from the area.[173] Colombia's vice president and then-agricultural minister said that both Durango and Echeverry were "related" to Pérez Hoyos and Váldez's cases, and occupied land that victims have denounced as having been taken over by paramilitary commanders *Carlos Correa* and *El Alemán*.[174]

On September 19, 2010, Pérez Hoyos attended a public land restitution ceremony in Turbo, Antioquia in which Tierra y Vida, other victims groups, and the Agricultural Ministry participated. A fellow member of Tierra y Vida from Totumo present at the ceremony, Héctor Cavadía, told Human Rights Watch that he and Pérez Hoyos had seen Urabeños members there, and that Pérez Hoyos told him that he was afraid.[175]

Pérez Hoyos returned to Totumo around 6 p.m. Later that night two armed men approached him in town and forced him to get onto the back of a motorbike, according to his family member.[176] The following day, Pérez Hoyos was found dead two kilometers outside Totumo's town center with an open wound on his head that appeared to have been caused by a blunt force weapon.[177] The timing of the killing—right after the high-profile restitution

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[171] Ibid.

[172] Ibid.

[173] Human Rights Watch interview with Tierra y Vida member, location withheld, July 2012.

[174] Letter from Vice President Angelino Garzón and then-Agricultural Minister Juan Camilo Restepo to then-Attorney General of Colombia, Guillermo Mendoza Diago, September 27, 2010.

[175] Human Rights Watch interview with Héctor Cavadía, location withheld, July 10, 2012.

[176] Human Rights Watch interview with family member of Hernando Pérez Hoyos, location withheld, March 5, 2012.

[177] Human Rights Watch interview with Attorney General's Office official, Bogotá, July 24, 2012;"Arrests of two members of the Bacrim from Urabá, related to acts against the land restitution process," Police memorandum, undated.

event—suggests the perpetrators intended to scare other claimants. This appears to be supported by the fact that several Tierra y Vida members reported receiving threats immediately after Pérez Hoyos's assassination. Indeed, some fled the region.

For example, Héctor Cavadía said that he and another land claimant from Totumo found 9mm bullets left at their front doors the day Pérez Hoyos's body was found, which they interpreted as direct death threats. Both fled Totumo for three months, according to Cavadía, who said that Tierra y Vida stopped meeting in Totumo after the killing.[178] Similarly, two other Tierra y Vida members fled other towns in the Urabá region after Pérez Hoyos's killing.[179] In addition, according to a family member, Pérez Hoyos's mother and her two grandchildren also fled Totumo after the killing.[180]

In July 2012, the police arrested two men identified as Urabeños members—who are also demobilized paramilitaries—in connection with Pérez Hoyos's killing, and Cadavía's kidnapping committed in November 2011 (see below in this section).[181] Police intelligence officials said they were suspected of being the material authors of the killing.[182] However, the Attorney General's Office reported in April 2013 that the investigation into Pérez Hoyos's murder remained at a preliminary stage—with no suspects formally linked to the investigation or charged.[183] Despite the serious allegations against Durango made by victims, the vice president, and the then-agricultural minister, the Attorney General's Office told Human Rights Watch that they had no open investigations against him.[184]

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[178] Human Rights Watch interview with Héctor Cavadía, location withheld, July 10, 2012.

[179] Letter from Interior Ministry Protection Program to Maria Zapata (pseudonym), November 2010; Human Rights Watch interview with Carmenza León (pseudonym), Apartadó, Antioquia, March 7, 2012; Human Rights Watch interview with Maria Zapata (pseudonym), Apartadó, Antioquia, March 7, 2012; Sectional of Criminal Investigation (SIJIN), Certificate of complaint of threats filed by Maria Zapata (pseudonym), July 2010. Human Rights Watch interview with Julia Guerrero (pseudonym), Bogotá, November 27, 2012. Julia Guerrero (pseudonym), a Tierra y Vida leader from Necoclí, told Human Rights Watch that after Pérez Hoyos' murder, she received a cell phone call threatening her with death.

[180] Human Rights Watch interview with family member of Hernando Pérez Hoyos, location withheld, March 5, 2012.

[181] "Arrests of two members of the Bacrim from Urabá, related to acts against the land restitution process," Police memorandum, undated.

[182] Human Rights Watch group interview with national police intelligence officials, Bogotá, July 25, 2012.

[183] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[184] Email from Attorney General's Office official to Human Rights Watch, March 20, 2013.

Attempted Killing of Fernando Enamorado, Apartadó, Antioquia, October 25, 2010

Roughly one month after Pérez Hoyos's killing, on October 25, 2010, in the city of Apartadó, Antioquia, an armed man shot Tierra y Vida leader **Fernando Enamorado** three times, nearly killing him. A justice official working on the investigation told Human Rights Watch that the suspects were Urabeños members, including then-top commander Juan de Dios Úsuga David, alias *Giovanni*—killed by the police in January 2012—and his brother, Dairo Antonio Úsuga, alias *Otoniel*, who is currently the top commander of the Urabeños.[185]

Prior to the attack, Enamorado had been acting as Tierra y Vida's representative in northern Urabá, where he assisted IDPs in asserting restitution claims and returning home.[186] According to Enamorado, on January 4, 2009, four Urabeños members intercepted him and removed him from a taxi while he was on his way from Necoclí to Medellín for a Tierra y Vida meeting. The Urabeños members put Enamorado on the phone with *Giovanni*, who told him that he had been "screwing around" with land restitution for a long time and threatened him.[187] The Urabeños then released Enamorado.

Enamorado fled from his home village in Necoclí to Apartadó in April 2009 because Urabeños members were constantly following him.[188] Around that time, he provided information to the police concerning the whereabouts of Urabeños commanders, as well as a cocaine-processing lab. He told Human Rights Watch that the Urabeños discovered he had provided the information and began to search for him more vigorously.[189]

In January 2010, after Urabeños members looked for him at his family members' homes and told his mother they would kill him, police took Enamorado to live in a jail cell in a police station in Chigorodó, Antioquia in order to ensure his safety. Enamorado sought protection from the Interior Ministry's protection program, reporting to them, "I believe that the [Urabeños] are looking for me because I know about how land is handled, who took the land, who they took it from, and who has it now; I also have a lot of valuable

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[185] Human Rights Watch interview with Attorney General's Office official, Apartadó, Antioquia, March 8, 2012.

[186] Human Rights Watch interviews with Fernando Enamorado, location withheld, December 2011 and March 2012.

[187] Letter from Fernando Enamorado to Ministry of Interior and Justice, January 27, 2010; Human Rights Watch interviews with Fernando Enamorado, location withheld, December 2011 and March 2012.

[188] Ibid.

[189] Human Rights Watch interviews with Fernando Enamorado, location withheld, December 2011 and March 2012.

information for the authorities related to the handling of narcotics and other issues related to the criminal bands."[190] The program rejected his protection request in February 2010.[191]

In April 2010, Enamorado stopped living in the police station and fled Urabá for Medellín. On October 22, 2010, according Enamorado and testimony provided by one of his relatives to judicial investigators, an unidentified gunman attempted to shoot him outside Medellín, but the gun did not go off.[192] Enamorado returned to Apartadó on October 23, and on October 25, as he was getting into a car after eating dinner with relatives, an unidentified gunman shot him three times, in the shoulder, armpit, and face. One bullet exited underneath his jaw and knocked out eight of his teeth.[193]

Enamorado said that after the attack against him, he received information that *Giovanni* was offering a 50 million pesos (roughly US$26,000) reward for his death. Enamorado has not returned to live in Urabá since the shooting, but remains an active leader of Tierra y Vida.[194] As of April 2013, the Attorney General's Office reported that the investigation into the attempt on Enamorado's life was only at a preliminary stage.[195]

Ongoing Threats to Tierra y Vida Association Members

Tierra y Vida office secretary **Carolina Sáenz** (pseudonym) reported being subject to intimidation and surveillance since January 17, 2011, when an unidentified man entered the association's headquarters in Apartadó and stole a USB device out of her hands. At the time, Sáenz and her mother were also reclaiming land in Urabá from which they were displaced by paramilitaries in the 1990s.

The USB stolen out of Sáenz's hands contained confidential information about land restitution cases.[196] Sáenz told Human Rights Watch that several days after the robbery, an

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[190] Letter from Rafael Bustamente Perez, then-director of the Ministry of Interior and Justice's protection program to Fernando Enamorado concerning Resolution number 002914 of February 8, 2010.

[191] Ibid.

[192] Human Rights Watch interview with Fernando Enamorado, location withheld, December 2011 and March 2012; Testimony provided by Fernando Enamorado's family member to the Technical Investigative Body (CTI), undated.

[193] Human Rights Watch interview with Fernando Enamorado, location withheld, December 2011 and March 2012.

[194] Ibid.

[195] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[196] Agricultural Ministry, "Agricultural Ministry Alerts Authorities About Continuous Attacks against Victims who Reclaim Land," January 20, 2011, http://www.minagricultura.gov.co/archivos/_bol_008_-

unidentified man approached her in Apartadó, told her to give him more information from Tierra y Vida, to "keep quiet," and that he knew where her mother lived.[197] That same month, an unidentified woman went to her home in Apartadó twice and told her to "give her information" because Sáenz worked for the president of Tierra y Vida. In February 2011, she stopped working for Tierra y Vida out of fear for her safety; yet, in the following months, she continued to be followed by unidentified individuals.[198]

Sáenz told Human Rights Watch that around the end of 2011, an armed man who community members identified as a paramilitary repeatedly looked for her mother in the town where she lived in Urabá.[199] Out of fear, Sáenz's mother fled to a nearby town with two of her grandchildren. The intimidation continued against Sáenz in 2012.[200]

Founding Tierra y Vida leader **Alfranio Solano** reported that on March 20, 2011, a man approached him in Turbo, Antioquia and told him to leave the area because there was an order to kill him, causing Solano to flee the Urabá region out of fear for his safety.[201] Solano identified the man as being linked to the Urabeños.[202] At the time, along with being Tierra y Vida's national treasurer, Solano was also leading fellow community members from Mutatá in reclaiming land from which they reported being displaced by paramilitaries. The UNHCHR's 2011 report affirmed that threats against Solano led him to flee the Urabá region.[203]

On August 26, 2011, Tierra y Vida's main legal advisor, **Gerardo Vega**, was threatened while participating in a nightly television program in Medellín, Antioquia.[204] Vega worked closely with Tierra y Vida while serving as a regional director of Colombia's National

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_2011minagricultura_alerta_a_las_autoridades_por_continuos_atentados_contra_victimas_que_reclaman_tierras.pdf (accessed May 19, 2013).

[197] Human Rights Watch interview with Carolina Sáenz, Apartadó, Antioquia, July 20, 2012.

[198] Ibid.

[199] Ibid.

[200] Ibid. Sáenz told Human Rights Watch that on July 15, 2012, an unidentified man approached her in Apartadó and made a vague statement about "facing the consequences."

[201] Human Rights Watch interview with Alfranio Solano, location withheld, July 24, 2012; Testimony provided by Alfranio Solano to the SIJIN, March 2011; Criminal complaint filed by Alfranio Solano with the Attorney General's Office in Medellín, April 2011.

[202] Testimony provided by Alfranio Solano to the SIJIN, March 2011; Human Rights Watch interview with Alfranio Solano, location withheld, July 24, 2012.

[203] UN Office of the High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012, Appendix I, para. 8d.

[204] Human Rights Watch interview with Gerardo Vega, Medellín, Antioquia, July 18, 2012.

Commission for Reparation and Reconciliation (CNRR), a semi-governmental body established by the 2005 Justice and Peace Law, and has represented victims seeking land restitution throughout Urabá. During the television program, Vega explained the issue of land theft in Urabá and signaled out people who he accused of being paramilitary front men and having illegally appropriating land.[205] While on air, an unidentified person called in to the program's phone line for viewers and declared Vega a "military target."[206]

Less than two weeks later, on September 5, 2011, a death threat against Vega, **Carmen Palencia**—the national president of Tierra y Vida—and others signed by the "Águilas Negras[207]-Urabá Antioqueño Bloc," was delivered to the Bogotá office of the non-governmental organization REDEPAZ, which provides support to Tierra y Vida.[208] The threat declared Vega, Palencia, and others "military targets" and stated:

> You don't care about your dead ones, the supposed leaders who have fallen for being snitches, keep on screwing around with the land that doesn't belong to you snitches sons of bitches, if you want land sons of bitches dogs, well then we're going to bury all of you in the land that you reclaim so much…[209]

On November 16, 2011, **Alejandro Padilla**, a Tierra y Vida member reclaiming land from which he had been displaced by paramilitaries, was found dead on a small bridge in a rural area of Arboletes, Antioquia. While Urabá police asserted that Padilla died in a motorbike accident, there are strong reasons to believe that he was in fact murdered, presumably by the Urabeños. (See more on Padilla's case in the section, "Premature Statements that Killings are Unrelated to Victims' Activism.")

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[205] Criminal Complaint filed by Gerardo Vega with the Attorney General's Office, September 1, 2011.

[206] Ibid.

[207] Human Rights Watch received consistent reports from a range of sources that in certain regions, such as Urabá and Córdoba, the Águilas Negras is an alternative name used by the Urabeños paramilitary successor group. Other groups or people—including local gangs—have also utilized the name "Águilas Negras" in order to generate fear in the population, according to authorities.

[208] Communication sent by Gerardo Vega to Attorney General's Office, March 27, 2012; Ombudsman's Office of Colombia, "Ombudsman's Office urges authorities to implement effective measures for the protection of members of civil society organizations that push forward land reclamation cases," September 6, 2011, http://www.defensoria.org.co/red/?_item=0301&_secc=03&ts=2&n=1344 (accessed May 19, 2013).

[209] Copy of threat on file with Human Rights Watch.

Abduction of Héctor Cavadía, Necoclí, Antioquia, November 21, 2011

On November 21, 2011, armed men, who evidence strongly suggests were Urabeños members, abducted **Héctor Cavadía**, a Tierra y Vida leader reclaiming land in Totumo, Necoclí—the same area where assassinated leaders Albeiro Váldez and Hernando Pérez Hoyos had previously sought to recover their farms. Cavadía reported that during the abduction, the suspected Urabeños members asked him about other Tierra y Vida leaders.

Cavadía was forcibly displaced from Totumo in 2000, and said that his farm was subsequently taken over by someone linked to paramilitaries.[210] After returning to live in the town of Totumo around 2005 (but not on his farm), he temporarily fled the area again in September 2010, due to what he interpreted to be a death threat he received the day after Pérez Hoyos's killing (see Pérez Hoyos's case above).

In March 2011, after alerting an environmental protection authority in Urabá to the fact that timber was being cut down on the farm, an unidentified person again threatened him over the telephone with death.[211]

When he was abducted on November 21, armed men Cavadía identified as members of the Urabeños—which have a strong presence in the area—forced him to exit a minibus he was traveling in between Totumo and the town center of Necoclí.[212] They asked Cavadía who he worked for, and he responded that he was just trying to get his land back. The assailants responded that the land had an owner and asked him about the whereabouts of other Tierra y Vida leaders, including Carmen Palencia, Carlos Paez, and José Miguel Padilla, and said they would die.

About five men took Cavadía to a farm roughly 500 meters away from the main road, tied him up with rope, and continued to interrogate him. They hit him and threatened him with death. After being held incommunicado for what prosecutors said were approximately 15

[210] Human Rights Watch interview with Héctor Cavadía, location withheld, July 9, 2012.

[211] Ibid.

[212] Human Rights Watch interview with Héctor Cavadía, location withheld, July 9, 2012; Juzgado Segundo Adjunto de Descongestión del Juzgado Primero Penal del Circuito Especializado de Antioquia, Case number: 05-837-60-00-000-2-12-00010, December 21, 2012; Human Rights Watch interview with prosecutor from Attorney General's Office in Medellín, Medellín, July 18, 2012; Human Rights Watch telephone interview with prosecutor, June 5, 2013.

minutes, police arrived at the farm, arrested four of the assailants and confiscated one 9 mm pistol found at the scene of the crime.[213]

Following the kidnapping, Cavadía and his wife, children, and father fled Urabá to a city outside the region. He said that in February and March 2012, he saw an Urabeños member from Totumo following him in the new city where he lives.[214]

The national police announced in July 2012 that two more Urabeños members—also demobilized paramilitaries—had been arrested for allegedly abducting Cavadía. The police stated the suspects were also linked to the September 2010 murder of Pérez Hoyos.[215] On December 21, 2012, a Medellín court sentenced one of the men, Diego Alfonso Hernández Banquet, to 21 years in prison for the kidnapping.[216] Prosecutors have not been able to identify who ordered the crime.[217]

Julia Guerrero (pseudonym), also a leader of Tierra y Vida from Necoclí, told Human Rights Watch that she received a threatening phone call shortly after Cavadía's abduction.[218] Following the murders of Váldez, Pérez Hoyos, and Padilla, and the attacks and subsequent forced displacement of Enamorado and Cavadía—all from Necoclí—Guerrero considered herself the only survivor of Tierra y Vida in the municipality. She said the killings of her fellow leaders from Necoclí have caused displaced people from the area to be too afraid to assert claims to their lost land.[219] Similarly, an official working on land restitution told Human Rights Watch there are very few restitution claims in Totumo, Necoclí, either because of the Urabeños's control of the area, or IDPs' fear of reclaiming land there.[220]

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[213] Ibid.

[214] Human Rights Watch interview with Héctor Cavadía, location withheld, July 9, 2012.

[215] "Arrests of two members of the Bacrim from Urabá, related to acts against the land restitution process," Police memorandum, undated; Human Rights Watch group interview with national police intelligence officials, Bogotá, July 25, 2012.

[216] Juzgado Segundo Adjunto de Descongestión del Juzgado Primero Penal del Circuito Especializado de Antioquia, Case number: 05-837-60-00-000-2-12-00010, December 21, 2012.

[217] Human Rights Watch telephone interview with prosecutor, June 5, 2013.

[218] Human Rights Watch interview with Julia Guerrero, Bogotá, November 27, 2012.

[219] Ibid.

[220] Human Rights Watch interview with official working on land restitution, Apartadó, April 12, 2013.

Continued Threats and Displacement in 2012 and 2013

Virginia Bolaños (pseudonym), Tierra y Vida's only lawyer in Urabá representing victims in land restitution claims, fled the region in February 2012, fearing for her life having been subject to intimidation and in light of the repeated threats, attacks, and killings of other leaders from the IDP association.[221]

Bolaños told Human Rights Watch that before leaving Urabá, she represented victims in roughly 400 cases, including the families of Hernando Pérez Hoyos and Albeiro Váldez. On behalf of Váldez, she filed a request for protection of constitutional rights (*tutela*) to block the Necoclí mayor's decision to return the family's farm to Echeverry following Váldez's death.[222] The request was ultimately denied.

In September 2010, an acquaintance told Bolaños that she had heard two men referring to her as a "son of a bitch" who was trying to recover land, and saying that they were following her because they were going to kill her.[223] Bolaños traveled to Córdoba department in December 2010 and January 2011, and said that while there, individuals in a truck constantly followed her. On January 17, 2011, when an unidentified armed man entered the Tierra y Vida office in Apartadó and stole the USB device, he first asked for Bolaños, who was not there, which is further evidence that her life was in danger.[224]

Bolaños kept a store in Apartadó where Sáenz, the Tierra y Vida office secretary, would sometimes work (see more on Sáenz's case above in this section). Sáenz and Bolaños told Human Rights Watch that on February 2, 2012, Sáenz found two bullets—one used and the other unused—outside the store.[225] Five days later, fearing for her life and scared to venture outside alone, Bolaños fled Urabá for a city outside the region. [226]

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[221] Human Rights Watch interview with Virginia Bolaños, location withheld, March 9, 2012.

[222] Request for protection of fundamental rights (*tutela*) filed by Martínez's family's lawyer with Necoclí Municipal Judge, July 14, 2010.

[223] Human Rights Watch interview with Virginia Bolaños, location withheld, March 9, 2012.

[224] Human Rights Watch interview with Virginia Bolaños, location withheld, March 9, 2012; Human Rights Watch interview with Carolina Sáenz, Apartadó, Antioquia, July 20, 2012; Agricultural Ministry, "Agricultural Ministry Alerts Authorities About Continous Attacks against Victims who Reclaim Land," January 20, 2011, http://www.minagricultura.gov.co/archivos/_bol_008_-_2011minagricultura_alerta_a_las_autoridades_por_continuos_atentados_contra_victimas_que_reclaman_tierras.pdf (accessed May 19, 2013).

[225] Human Rights Watch interview with Carolina Sáenz, Apartadó, Antioquia, July 20, 2012; Human Rights Watch interview with Virginia Bolaños, location withheld, March 9, 2012.

[226] Human Rights Watch interview with Virginia Bolaños, location withheld, March 9, 2012.

Bolaños said that after her displacement from Urabá, she stopped representing families from the region in their claims. For example, she stopped representing families in the Tulapas case, which is one of the only cases that have resulted in judicial decisions ordering land restitution under the Justice and Peace Law.[227] "They remove us from [Urabá] for defending the victims," Bolaños told Human Rights Watch.

On March 13, 2012, a death threat signed by the "Autodefensas Gaitanistas de Colombia"—another name used by the Urabeños—was delivered to the Urabá office of Tierra y Vida.[228] The threat declared Tierra y Vida leaders Carmen Palencia, Alfranio Solano, Carlos Paez, **Manuel Mercado**, and José Miguel Padilla as "military targets." It stated:

> Death to the snitches, those who recover land…. [D]on't worry about the land[,] you'll get it[,] but in the cemetery sons of bitches…. [Y]ou already know that we're watching you.[229]

José Miguel Padilla is a leader of the Urabá chapter of Tierra y Vida, and replaced his stepbrother Albeiro Váldez in leading his family's efforts to recover their farms in Totumo, Necocli, which he said were still occupied by Echeverry.[230] He reported that on June 10, 2012, an unidentified person went to his home in Carepa, Antioquia, and gave his daughter a piece of paper with a handwritten note stating:

> Mr. José Miguel Padilla, you win more with your mouth shut than going around as a snitch. You and your family are dead people. We have you under our watch. More than anything your two children…. You and your family are dead.[231]

He said a week later, out of fear, three of his children and a grandchild left Urabá to live in another city outside of the region.[232]

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[227] Ibid.

[228] Communication sent by Gerardo Vega to Attorney General's Office, March 27, 2012. Copy of threat on file with Human Rights Watch.

[229] Ibid.

[230] Human Rights Watch interview with José Miguel Padilla, Apartadó, Antioquia, July 20, 2012.

[231] Urabá Police Department, Certification of complaint filed by José Miguel Padilla on July 11, 2012. Copy of threat on file with Human Rights Watch.

[232] Human Rights Watch interview with José Miguel Padilla, Apartadó, Antioquia, July 20, 2012.

Roughly a month later, Carlos Paez, the coordinator of the Tierra y Vida office in Urabá, received a death threat. The handwritten note, which was delivered to his home in Turbo, Antioquia on July 13, 2012, stated: "Death to all those who reclaim and princip[ally] Paez and everyone who accompanies him."[233] Paez had previously reported being threatened to justice authorities on three other occasions since 2011.[234]

Carmenza León (pseudonym), a founding leader of Tierra y Vida currently assisting fellow community members from her village in their efforts to recover land through the Victims Law, reported to justice authorities and Human Rights Watch a series of threats against her issued in Urabá between February 2012 and April 2013.

León reported that paramilitaries displaced her and her family from their farm in Turbo, Antioquia in 1996, and that her mother was murdered shortly after, presumably by paramilitaries. The family farm is currently occupied with cattle owned by a man who entered the area buying land around the time of the displacement, according to León.[235]

León said she was threatened in February 2012, a few days before a government-sponsored march in favor of land restitution, for which she had been organizing victims' participation.[236] A man went to her home in Chigorodó, Antioquia, identified himself as the cousin of the person who had killed Benigno Gil and Jaime Gaviria (see above), and said that if she went to the march she should not come back, which she interpreted as a threat.[237]

León reported to the Attorney General's Office and Human Rights Watch that on July 6, 2012, after bringing IDPs to the Restitution Unit in Apartadó, an unidentified man approached her and told her to "retire from that," and not to go to Chigorodó, where she lived.[238] She assumed that the man was referring to her involvement with Tierra y Vida.

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[233] Human Rights Watch interview with Carlos Paez, Apartadó, Antioquia, July 19, 2012; Sworn statement provided by Carlos Paez to judicial police in Turbo, Antioquia, July 18, 2012.

[234] Criminal complaint filed by Carlos Paez with the Attorney General's Office in Apartadó, May 9, 2011; Criminal Complaint filed by Carlos Paez with the Attorney General's Office in Turbo, March 6, 2012; Urabá Police Department, Certification of complaint filed by Carlos Paez for threats on March 13, 2012.

[235] Human Rights Watch interview with Carmenza León, Apartadó, Antioquia, April 12, 2013.

[236] Human Rights Watch interview with Carmenza León, Apartadó, Antioquia, July 20, 2012.

[237] Ibid.

[238] Human Rights Watch interview with Carmenza León, Apartadó, Antioquia, July 20, 2012; Complaint filed by Carmenza León with the Attorney General's Office in Apartadó, July 2012.

Despite the threat, León said that she went to Chigorodó the same day, observed that she was being followed, and left for Apartadó that night out of fear for her safety.[239] On October 19, she said three men approached her on the street in Apartadó and asked her for her documents. They told her, "Bitch, you still work with the displaced?"[240] León told Human Rights Watch in October 2012 that she was seriously considering stopping her work with Tierra y Vida due to the threats against her.[241]

Instead, she said she kept a lower profile, but the threats persisted. On April 24, a Tierra y Vida member found a death threat targeting León under the door of the IDP association's office in Apartadó. It stated, "You want land [? W] e are going to bury you in it…. Carmensa (sic) León we know where you are." The threat was signed by the self-proclaimed "AGC," which presumably stood for Autodefensas Gaitanistas de Colombia, a name used by the Urabeños.[242]

The El Toco Community in San Diego, Cesar Department

Cesar department, formerly an AUC stronghold, has one of the highest levels of threats against IDPs seeking restitution. Since January 2012, more than 45 land restitution claimants and leaders have reported being threatened to authorities.[243]

Cesar's Ombudsman's Office has noted that, according to information provided by victims, paramilitary successor groups could be responsible for threats and harassment against claimants there, and that "the interests of powerful economic and political groups associated with the expansion of mining and agro-industry cling on to a good part of the land that is being reclaimed by victims of land theft."[244] In May 2013, the threats even extended to journalists covering the land restitution process in the department (see more on threats against Cesar department journalists in the section, "Anti-Restitution Army").[245]

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[239] Ibid.

[240] Human Rights Watch telephone interview with Carmenza León, October 22, 2012.

[241] Ibid.

[242] Human Rights Watch telephone interview with Carmenza León, April 24, 2013; Human Rights Watch telephone interview with Manuel Mercado, April 24, 2013.

[243] National Protection Unit, "Report on Land Restitution Leaders and Claimants," May 27, 2013.

[244] Official Communication from Ombudsman's Office of Cesar department to the Coordinator of Communications of the National Ombudsman's Office, Official Communication Number DPRCES 6005-1891-G, June 25, 2012.

[245] Official Communication from the Ombudsman's Office of Cesar department to National Ombudsman, Note number, DPRCES 6005-1906-G, Valledupar, Cesar department, May 7, 2013. According to the Cesar department Ombudsman's Office, the threats against the journalists "occurred at a moment when land restitution leaders from various municipalities of Cesar have reported to authorities the clear increase in threats against them."

Juan Carlos Ramírez (pseudonym) leads a group of IDP families reclaiming plots of land in the El Toco property in Los Brasiles, Cesar department—the first case Cesar's Restitution Unit documented and filed with a specialized judge. Justice authorities have failed to ensure accountability for paramilitaries' forced takeover of El Toco, and evidence strongly suggests that those interested in maintaining control over the land are responsible for repeated threats made against Ramírez, which culminated in him temporarily fleeing the region in February 2013.

El Toco residents have suffered brutal paramilitary violence, apparently with the aim of usurping their land. In 1997, the AUC made an incursion into the area and killed at least 10 community members, according to a February 2013 judicial ruling ordering restitution for two families from El Toco.[246] An internal Ombudsman's Office document said that after killing a community leader and his son in El Toco on April 23, 1997, the AUC, "[T]ied up and tried to burn alive some of the female relatives of the victim … [and] they then proceeded to incinerate almost all of the homes in the village."[247]

Community members fled to the town center of Los Brasiles, but paramilitaries tracked them down and executed eight of them.[248] Ramírez said that in March 1999, he was threatened by paramilitaries not to reclaim El Toco and consequently fled Cesar department.[249] On August 7, 2000, paramilitaries killed three more El Toco community members, according to a criminal complaint filed by Ramírez.[250]

Between approximately 1998 and 2006, paramilitary leader Hugues Manuel Rodríguez Fuentes acquired land in El Toco and developed cattle ranching on the property, according to several credible sources.[251] Colombia's leading newsweekly, *Semana*, described Rodríguez's close relationship to the Northern Bloc of the AUC and regional elite:

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[246] First Civil Tribunal Specialized in Land Restitution of Valledupar, Case number: 200013121001-2012-00147-00, February 8, 2013, pp.3-4.

[247] Ombudsman's Office of Cesar department internal document about cases of land takeovers in Cesar department, undated.

[248] First Civil Tribunal Specialized in Land Restitution of Valledupar, Case number: 200013121001-2012-00147-00, February 8, 2013, p. 4.

[249] Criminal complaint filed by Juan Carlos Ramírez with Attorney General's Office, March 2009.

[250] Ibid.

[251] First Civil Tribunal Specialized in Land Restitution of Valledupar, Case number: 200013121001-2012-00147-00, February 8, 2013, p. 4; Ombudsman's Office of Cesar department internal document about cases of land takeovers in Cesar department, undated; "Commander Barbie's mine," *El Tiempo*, August 31, 2008, http://www.eltiempo.com/archivo/documento/MAM-3074806 (accessed May 19, 2013).

> Protected by the façade of being one of the most prosperous cattle ranchers in Valledupar, Hugues Rodríguez moved like a fish in water through the closed social circles of Cesar department's capital…. Rodríguez also transformed into a front man and strong man to launder part of the millionaire profits from narco-trafficking that the Bloque Norte and [AUC Commander] Jorge 40 received.[252]

No one has been convicted for the incidents of forced displacement against the El Toco community.[253]

Ramírez reported receiving multiple phone call and email threats in 2010 and 2011 in retaliation for his efforts to reclaim El Toco using different judicial and administrative mechanisms; however, the threats against him intensified since he and fellow community members filed claims with the Restitution Unit in late 2011.[254]

On June 13, 2012, two men occupying El Toco threatened Ramírez as he accompanied the Restitution Unit to notify the property's occupants that it was subject to a land restitution claim, according to Ramírez and Human Rights Watch interviews with local officials.[255] One man yelled at Ramírez that he would kill him for being the community's leader. Then, according to a complaint Ramírez filed, seven people surrounded and insulted him and another man told him, "[Y]ou saw what will happen to you for being the owner of El Toco."[256] An official from the government's protection program familiar with Ramírez's case stated that the threat issued against him by the occupants "is direct, serious and very worrisome. [There's] a paramilitary… who still has interest in Ramírez's land."[257] The

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[252] "Dangerous Conversations," *Semana* magazine, September 1, 2007, http://www.semana.com/nacion/articulo/conversaciones-peligrosas/88027-3 (accessed May 19, 2013). The U.S. requested Rodríguez's extradition to face drug trafficking charges, and in 2008, as reported in the Washington Post, U.S. authorities released him on bond. Oriana Zill de Granados and Chisum Lee, "Colombian paramilitaries extradited to the U.S., where cases are sealed," *Washington Post*, September 11, 2010, http://www.washingtonpost.com/wp-dyn/content/article/2010/09/11/AR2010091100080.html (accessed May 21, 2013).

[253] Email from Attorney General's Office official to Human Rights Watch, June 18, 2013.

[254] Human Rights Watch interview with Juan Carlos Ramírez, Valledupar, July 5, 2012; Official Communication from Cesar department Ombudsman to the director of the National Protection Unit, June 28, 2012.

[255] Human Rights Watch interview with Juan Carlos Ramírez, Valledupar, July 5, 2012; Human Rights Watch interview with Restitution Unit official, Valledupar, July 4, 2012; Human Rights Watch interview with Cesar department police officials, Valledupar, July 5, 2012; Criminal Complaint filed by Juan Carlos Ramírez with the Attorney General's Office in Valledupar, June 27, 2012.

[256] Complaint filed by Juan Carlos Ramírez with Ombudsman's Office, June 27, 2012.

[257] Human Rights Watch interview with National Protection Unit official, Valledupar, July 6, 2012.

paramilitary the official referred to was Hugues Rodríguez, who was convicted for promoting paramilitary groups, but remains at large.[258]

There are signs that some of the people occupying El Toco as the Restitution Unit advanced the case had at some point maintained links to paramilitaries, according to authorities.[259] Hugues Rodríguez's former driver had a plot of land in El Toco as of 2012.[260]

Ramírez was threatened again on January 29, 2013, roughly one week before a judge handed down the first restitution ruling related to El Toco. That day, at 7:15am, two unidentified men on a motorbike showed up at Ramírez's home in the municipality of Codazzi and asked him if he was Ramírez from El Toco.[261] Ramírez told Human Rights Watch that when he answered no, the two men made a phone call and then told him, "You made them take away El Toco, and you're not going to enjoy it." The men then left his home.[262]

Ramírez told Human Rights Watch that the continuous threats have caused him to lose weight, and that while in Codazzi, he did not sleep in his own home due to fear of being attacked at night.[263] He said that the threats have also resulted in his fellow community members not wanting to return to El Toco. Ramírez himself was not sure if he would personally return to El Toco, because he feared for his life. "There are already 10 dead," he said, referring to community members who had been killed by paramilitaries over the course of their displacement. "I don't see that there are guarantees [for my safety]. Right now I don't want to [return]…. I'm very sad."[264]

Due to repeated threats and the inadequate response from authorities, Ramírez fled Cesar department in February 2013 (see more on the inadequate response in the section, "Refusal to Accept Criminal Complaints").[265] He returned in March after receiving a bodyguard from the UNP, but the acts of intimidation continued. On April 26, 2013 at

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[258] Supreme Court of Colombia, Cassation Chamber, Case number 38839, August 27, 2012.

[259] Human Rights Watch interview with official working on land restitution, Valledupar, July 4, 2012; Ombudsman's Office of Cesar department internal document about cases of land takeovers in Cesar department, undated.

[260] Ibid.

[261] Human Rights Watch telephone interview with Juan Carlos Ramírez, January 31, 2013; Email from Ombudsman's Office official to Human Rights Watch, January 29, 2013.

[262] Human Rights Watch telephone interview with Juan Carlos Ramírez, January 31, 2013.

[263] Ibid.

[264] Ibid.

[265] Human Rights Watch telephone interview with Juan Carlos Ramírez, February 19, 2013.

around 8:30 p.m., shortly after Ramírez's bodyguard left him, two unknown men showed up on a motorbike outside his home, according to Ramírez and the Ombudsman's Office.[266] One of the men got off of the motorbike and approached Ramírez's home with a gun in his hand. Ramírez's family members screamed for him to hide and the armed man, apparently due to the yelling, rapidly retreated to the motorbike and left.[267] The Ombudsman's Office reported that the incident indicated that "each day the fence of threats and harassment is closing in more on [Ramírez.]"[268]

The Mesa de Víctimas in Carmen de Bolívar, Bolívar Department

The municipality of Carmen de Bolívar, in Bolívar department, has experienced some of the highest levels of forced displacement and concurrent land abandonment in the country, and is a priority area for the government's land restitution program. IDPs there fled both guerrilla violence and a brutal counter-insurgency campaign by the AUC that included the 2000 El Salado massacre, in which paramilitaries murdered, raped, and tortured locals over the course of four days, killing approximately 60 people.[269]

According to one government-sponsored study, IDPs abandoned more than 81,000 hectares of land in Carmen de Bolívar, equivalent to approximately 90 percent of its total area, the highest proportion of any municipality in the country.[270] Private companies subsequently bought up large swaths of the land.

Human Rights Watch documented constant threats in Carmen de Bolívar against all seven of the leaders on the municipality's Mesa de Víctimas, a committee created in April 2012 under the auspices of the Victims Law to guarantee victims' participation in its

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[266] Human Rights Watch telephone interview with Juan Carlos Ramírez, June 3, 2013; Criminal Complaint filed by Juan Carlos Ramírez with the Attorney General's Office, April 30, 2013; Official Communication from Cesar department Ombudsman to the director of the National Protection Unit, June 4, 2013.

[267] Ibid.

[268] Official Communication from Cesar department Ombudsman to the director of the National Protection Unit, June 4, 2013.

[269] Human Rights Watch, *Breaking the Grip? Obstacles to Justice for Paramilitary Mafias in Colombia*, October 2008, pp. 65-67. Center for Historical Memory, "The El Salado Massacre: This War Wasn't Ours," 2009, http://www.centrodememoriahistorica.gov.co/descargas/informes2009/informe_la_masacre_de_el_salado.pdf (accessed August 8, 2013).

[270] Presidential Agency for Social Action and International Cooperation and the Project for the Protection of Land and Patrimony of the Displaced Population, *Family agricultural units, tenure and forced abandonment of land in Colombia*, 2010, p. 149.

implementation.[271] The Mesa de Víctimas leaders have accompanied IDPs from Carmen de Bolívar in filing claims with the Restitution Unit and returning to their farms.

In May 2012, the Early Warning System of the Ombudsman's Office issued a risk report warning of a high risk of abuses against land restitution claimants in Carmen de Bolívar and recommended authorities to take action.[272] Nevertheless, similarly to the El Toco case, the threats markedly intensified on October 2, 2012, the day after the Restitution Unit notified occupants of a rural area that it had started to study restitution claims to pieces of land there. The sequence of the Early Warning System report, Restitution Unit notification, and escalation of threats points to a direct relation between the threats and the victims' involvement in the land restitution process and the lack of action by authorities to adequately address the imminent risk of abuse.

Some of the threats against the Mesa de Víctimas were issued by text messages and signed by a self-proclaimed "Anti-Restitution Army." Evidence suggests that others were made by those disputing ownership of the land, or people apparently acting on their behalf, including José Méndez, who, according to multiple sources, is a member of a family historically linked to paramilitaries in the region.[273] Public officials, land restitution leaders, and criminal complaints all point to Méndez as having repeatedly intimidated IDPs involved in different land disputes in Carmen de Bolívar. "In all the cases of threats, José Méndez appears," one official working on land restitution in the region told Human Rights Watch.[274]

Several of the threats told the Mesa de Víctimas leaders to leave Carmen de Bolívar. By the end of 2012, the threats had caused six out of seven of the Mesa de Víctimas leaders to flee the town for their safety, and thus succeeded in at least temporarily dismantling their leadership in the area. "They broke [the Mesa de Víctimas] apart," said Gustavo Arrieta in reference to the threats and displacement of him and his fellow Mesa de Víctimas leaders. "Now we're all split up trying to protect ourselves."[275]

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[271] The Victims and Land Restitution Law, Law 1448 of 2011, art. 193.

[272] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I.," May 15, 2012.

[273] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I.," May 15, 2012, p. 18; Human Rights Watch interview with Carmen de Bolívar mayor's office official, Carmen de Bolívar, Bolívar, July 11, 2012; Human Rights Watch interview with official working on land restitution, Cartagena, January 2013; Human Rights Watch group interview with land restitution claimants from Montes de María region, Sincelejo, Sucre, February 27, 2012.

[274] Human Rights Watch interview with official working on land restitution, Cartagena, July 10, 2012.

[275] Human Rights Watch interview with Gustavo Arrieta, Bogotá, December 1, 2012.

Threats Prior to the Notification of Restitution Process in Caño Negro

Leaders on the Mesa de Victimas committee and other claimants from Carmen de Bolívar reported being threatened over land disputes prior to the Restitution Unit's announcement of claims in the village of Caño Negro, which is located in the municipality.

In 2008, Gustavo Arrieta led his community's return to a farm in Carmen de Bolívar called Verdun, from which paramilitaries had displaced them in 2000. Upon returning, the community found that the farm had been taken over by a cattle rancher, and that their rural school, health care post, latrines, and 14 homes had been destroyed by a bulldozer, according to a document Arrieta filed with authorities in March 2011.[276] Arrieta told Human Rights Watch that the cattle rancher's farm administrator threatened community members and pressured them to leave the farm in December 2008. Arrieta reported that the cattle rancher also threatened him in June 2011.[277]

Along with leading fellow community members' return to Verdun, Arrieta similarly assisted other displaced communities in Carmen de Bolívar, including families expelled by paramilitaries from the El Palmito farm in 2000. Approximately 40 families returned to El Palmito between 2003 and 2006. In 2009, a businessman and another man disputed the community's right to the land, claiming to be the new owners, according to an Early Warning System risk report and interviews with community members.[278]

Community members filed a complaint with the Attorney General's Office and other authorities alleging that the businessman threatened farm workers in El Palmito in August 2011 and pressured a family in the area to abandon their land.[279] The Attorney General's Office reported having opened three investigations into the businessman for alleged threats, two of which have been provisionally closed.[280]

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[276] Document filed by Gustavo Arrieta with the Project Program for Protection of Land and Patrimony of the Displaced Population, March 3, 2011.

[277] Attorney General's Office, Request for Protection Measure to the Commander of the Police of Carmen de Bolívar, Bolívar, June 15, 2011; Human Rights Watch interview with Gustavo Arrieta, Carmen de Bolívar, July 11, 2013.

[278] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I.," May 15, 2012, p. 19; Complaint filed by El Palmito community members with the Attorney General's Office, Carmen de Bolívar mayor's office and other authorities, February 9, 2012.

[279] Complaint filed by El Palmito community members with the Attorney General's Office, Carmen de Bolívar mayor's office and other authorities, February 9, 2012.

[280] Email from Attorney General's Office official to Human Rights Watch, March 20, 2013.

More threats followed. On February 6, 2012, five individuals showed up at the El Palmito farm, and told community members they had three months to abandon the land.[281] The individuals included a lawyer who said he represented the owner of the land; the administrator of a neighboring farm called El Respaldo; and José Méndez, who multiple credible sources point to as having repeatedly intimidated IDPs involved in different land disputes in Carmen de Bolívar. The following day, two men—one of them armed—reportedly showed up at the farm and asked community members who their leaders were, who slept in the community at night, and where they stayed.[282] The two men were riding the same motorbike that Méndez had ridden the previous day, according to a criminal complaint filed by members of the community.[283]

On February 8, the administrator of the neighboring El Respaldo farm, who had visited El Palmito two days earlier, told an El Palmito community member that if he was a leader then he would face the consequences "because now they were going to have problems."[284] The events on February 6 to 8 caused the community to feel threatened and "at risk of displacement," according to the risk report.[285]

On April 17, three days after the Mesa de Victímas was formally created, Arrieta said that he received a call on his cell phone from Méndez, who then passed the phone to the lawyer who had reportedly visited El Palmito on February 6. The lawyer said he knew that Arrieta was advising families in El Palmito and that he didn't want any more blood, and asked for a meeting, according to interviews with Arrieta and a criminal complaint he filed.[286] Arrieta interpreted the call as a threat. Later that day, Méndez approached Arrieta

[281] Complaint filed by El Palmito community members with the Attorney General's Office, Carmen de Bolívar mayor's office and other authorities, February 9, 2012; Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I.," May 15, 2012, p. 19.

[282] Ibid.

[283] Complaint filed by El Palmito community members with the Attorney General's Office, Carmen de Bolívar mayor's office and other authorities, February 9, 2012.

[284] Complaint filed by El Palmito community members with the Attorney General's Office, Carmen de Bolívar mayor's office and other authorities, February 9, 2012; Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012, p. 19.

[285] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I.," May 15, 2012, p. 19.

[286] Human Rights Watch interview with Gustavo Arrieta, Carmen de Bolívar, Bolívar department, July 11, 2012; Human Rights Watch interview with official working on land restitution, Cartagena, July 10, 2012; Complaint filed by Gustavo Arrieta with the Attorney General's Office, Carmen de Bolívar, Bolívar mayor's office and other authorities, April 19, 2012.

on a motorbike and said that the lawyer needed to talk to him because Arrieta was advising the people who did not want to leave their land.[287]

Fearing for his safety after the phone call and encounter with Méndez, Arrieta stopped sleeping at his family's home in Verdun and moved to a church in the town center of Carmen de Bolívar. He told Human Rights Watch that Méndez followed his movements in Carmen de Bolívar during a two-week period in May 2012.[288]

Around the same time, Méndez also got involved in another land dispute in Carmen de Bolívar. On January 7, 2012, Méndez and an armed judicial investigator from the Technical Investigative Body (CTI) of the Attorney General's Office went to the land where **Ronald Castilla**'s family was living in Caño Negro and intimidated him, causing him to abandon the farm, according to a criminal complaint filed by Castilla and the Early Warning System report.[289] After Castilla moved to the town center of Carmen de Bolívar, on February 28, 2012, a man approached his wife, **Marta Blanco** (pseudonym), from behind and pressed a gun against her back. He said he would kill her if she turned around and then said, "This is the last opportunity for Castilla to show his family that he loves them."[290] Castilla became a leader on the Mesa de Víctimas committee after its conformation in April 2012, and filed a claim to the piece of land in Caño Negro.

Early Warning System "Risk Report"

The Early Warning System's May 15, 2012 risk report warned that there was a high risk of, among other abuses, "the utilization of methods or means to generate terror among the civilian population participating in the reclamation of stolen land, returns, and the defense of their territory." It asserted that in Carmen de Bolívar, María la Baja, and San Juan de Nepomuceno, the inhabitants "are exposed to violent actions due to the persistence of illegal armed groups as well as the political and economic interests that provoked the land theft."[291]

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[287] Complaint filed by Gustavo Arrieta with the Attorney General's Office, Carmen de Bolívar, Bolívar mayor's office and other authorities, April 19, 2012.

[288] Human Rights Watch with Gustavo Arrieta, Carmen de Bolívar, Bolívar, July 11, 2012.

[289] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012, p. 18; Criminal Complaint filed by Ronald Castilla with judicial police, January 17, 2012.

[290] Human Rights Watch interview with Marta Blanco, location withheld, January 2013; Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012.

[291] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012, p. 30-31

Based on the risk report, on June 1, 2012, the Interior Minister adopted an early warning, which recommended national and local authorities to take measures to prevent the abuses.[292]

Threats After Notification of Restitution Claims in Caño Negro

On September 19, 2012, the Restitution Unit formally initiated its evaluation of the restitution claim that Mesa de Víctimas leader Ronald Castilla had filed for the piece of land in Caño Negro that he fled earlier that year.[293] On October 1, 2012, the Restitution Unit started to place notifications on pieces of land in Caño Negro—including the farm being reclaimed by Castilla—announcing that they were subject to restitution claims under evaluation by the office.[294]

The following day, on October 2, several Mesa de Víctimas leaders received a text message signed by the so-called "Anti-Restitution Army," which threatened five out of seven of the committee's leaders. The message stated, "First warning: We don't want in Carmen de Bolívar those who call themselves human rights defenders." It was signed by the "Anti-Restitution Army" and said that Arrieta, Rosa Novoa (pseudonym), Edgardo Flórez, Angela Higuita (pseudonym), and Carlos Andrés Franco (pseudonym) were fully identified.[295]

Mesa de Víctimas leader **Angela Higuita** (pseudonym) told Human Rights Watch that after receiving the threat, she fled Carmen de Bolívar with her children the same day. The threat was particularly frightening for her because in November 2011 armed men had abducted and interrogated her in the city of Cartagena over the course of approximately one hour.[296]

Threats continued against the leaders targeted in the October 2 text message.

Mesa de Victímas leader **Carlos Andrés Franco** (pseudonym) told Human Rights Watch that he assists IDP communities throughout the Montes de María region in filing claims

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[292] The Inter-Sector Commission on Early Warnings is a government body charged with evaluating Early Warning System risk reports and deciding whether or not to recommend that the Interior Ministry issue an "early warning" and the corresponding recommendations to authorities to take preventive measures.

[293] Restitution Unit, "Resolution RDI 0059 of September 19, 2012," September 19, 2012.

[294] Human Rights Watch telephone interview with Restitution Unit official, May 10, 2013.

[295] Criminal Complaint filed by victims of the threat with the Attorney General's Office in Carmen de Bolívar, Bolívar department, October 2, 2012.

[296] Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012; Human Rights Watch interview with Angelia Higuita, Carmen de Bolívar, Bolívar, July 11, 2012.

with the Restitution Unit and returning to their farms, and also actively seeks justice for the 2001 killing of his brother by paramilitaries.[297] He told Human Rights Watch that around October 7, 2012, he received a call on his cell phone in which an unidentified caller told him, "Hey … son of a bitch guerrilla, you're still screwing around. Is it that you do not love your family?" A few days later, Franco fled to Bogotá with his daughter out of fear. He said that while living in Carmen de Bolívar, he could not sleep due to the threats, and feared for his daughter's safety.[298]

Edgardo Flórez participates in the Mesa de Víctimas on both a municipal and department-level, and has counseled IDPs on how to seek land restitution through the Victims Law.[299] He told Human Rights Watch that on October 10, a few men went to his mother's home in Carmen de Bolívar and said that they needed a guy who did paperwork for victims. On October 13, while he was away with his family for the weekend, two individuals with ski masks entered his neighborhood in Carmen de Bolívar and asked for him. Neighbors called the police, who could not find the men, and the same night, men again went to his neighborhood asking for him.[300]

Around that time, Mesa de Víctimas leaders Rosa Novoa and Enedis Ponce (pseudonyms) said that they stopped permanently living in Carmen de Bolívar out of fear for their safety. Novoa and Ponce intermittently left Carmen de Bolívar for about a week at a time and temporarily withdrew their children from the school in the town.[301]

The Movement of Victims of State Crimes (MOVICE), a grassroots victims group that has supported the Mesa de Víctimas, reported that on October 20, a leader from the Mesa de Víctimas received a text message stating, "[y]ou have a few days left, go to Cepeda because he won't go to your funerals, and if you want land, work."[302] "Cepeda" refers to

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[297] Human Rights Watch interview with Carlos Andrés Franco, Bogotá, October 20, 2012.

[298] Ibid.

[299] Human Rights Watch telephone interview with Edgardo Flórez, November 19, 2012.

[300] Ibid.

[301] Human Rights Watch telephone interviews with Rosa Novoa, January 15, 2013 and June 4, 2013; Human Rights Watch telephone interviews with Enedis Ponce, January 15, 2013 and June 4, 2013.

[302] Movement of Victims of State Crimes (MOVICE), "Public complaint: death threats against process of asserting victims' rights in Montes de María (Sucre)," November 2, 2012, http://www.movimientodevictimas.org/pronunciamientos/denuncias-publicas/item/2926-denuncia-p%C3%BAblica-amenazas-de-muerte-a-procesos-de-exigencia-de-los-derechos-de-las-v%C3%ADctimas-de-montes-de-mar%C3%ADa-sucre.html (accessed May 21, 2013).

Congressman Iván Cepeda Castro, who has closely monitored land restitution processes in Montes de Maria, and has also been targeted in other death threats signed by the "Anti-Restitution Army."

MOVICE reported that on October 26, a Mesa de Víctimas leader received a text message mentioning Ponce, Franco, Novoa, Ronald Castilla's uncle, and Iván Cepeda, which stated, "you continue fighting for land watch out."[303] Castilla's uncle, Roberto Casas (pseudonym), actively accompanied the Mesa de Víctimas in its activities.

The same day as the threat, Arrieta said he left Carmen de Bolívar for the city of Sincelejo and then fled to Bogotá.[304]

Approximately two days later, Castilla said that he and his family fled Carmen de Bolívar after receiving a sheet of paper in his house threatening him with death. He told Human Rights Watch that he had feared for the safety of his children, ages 11, 7, and 4.[305] "We left [Carmen de Bolívar] with just the clothes that we could pick up," said Castilla's wife Marta Blanco, who had also been directly threatened. "They intimidate you until you leave everything quiet."[306]

Threats continued against Mesa de Víctimas leaders who had remained in Carmen de Bolívar on October 31, November 1, and November 2.[307] MOVICE reported that a November 2 text message threat stated, "I saw that you all don't want to leave Carmen [de Bolívar.] Ponce Novoa and Castilla's Uncle are the only ones left but you all have to leave."[308] Franco told Human Rights Watch that he returned to Carmen de Bolívar around November 8, but subsequently received threatening phone calls asking him why he had returned, which caused him to flee the town once again.[309] He called the threats "psychologically degrading." The references in the threats to the leaders leaving and coming back to Carmen de Bolívar suggest that they were being monitored.

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[303] Ibid.

[304] Human Rights Watch interview with Gustavo Arrieta, Bogotá, December 1, 2012.

[305] Human Rights Watch telephone interview with Ronald Castilla, January 14, 2013.

[306] Human Rights Watch interview with Marta Blanco, location withheld, January 2013.

[307] Movement of Victims of State Crimes (MOVICE), "Public complaint: death threats against process of asserting victims' rights in Montes de María (Sucre)," November 2, 2012.

[308] Ibid.

[309] Human Rights Watch telephone interview with Carlos Andrés Franco, December 11, 2012.

On November 23, members of the Sucre department chapter of MOVICE received a death threat via email signed by the "Anti-Restitution Army" that declared Novoa, Arrieta, Castilla, and Castilla's uncle, along with members of MOVICE, Congressman Iván Cepeda, and other human rights defenders to be "military targets."[310] The threat accused them of being guerrilla collaborators, and stated that "our central goal is to achieve the complete annihilation of everyone who is a guerrilla and has affinities with these terrorist organizations and avoid at all cost the robbery of land from honorable people in these regions."[311] Ponce said that after the November 23 threat, she remained outside of Carmen de Bolívar for all of December, with the exception of a few short trips back to the town.[312]

Some Mesa de Víctimas leaders have returned to live in Carmen de Bolívar. But the threats against them persisted in 2013, with MOVICE denouncing in a public statement text message threats received on February 20, March 6, March 11, and March 14.[313]

The Mesa de Víctimas in Valencia, Córdoba Department

Ermes Vidal Osorio and **Ever Cordero Oviedo**, two recognized IDP leaders from the Mesa de Víctimas in Valencia, Córdoba, were murdered within a 20-day span in March and April 2013, evidence suggests by the Urabeños. While the motives in the cases remain unclear, Cordero's high profile leadership and the timing of the killing strongly suggest that it was motivated by his activism on behalf of victims, including those seeking land restitution. Dozens of Cordero's family members fled Valencia after his killing.

What is beyond doubt is that the assassinations terrified victims and IDP leaders in Córdoba. "The Bacrim gave us a message that they have power … and continue to be in charge," said one prominent victims' leader from the region the day after Cordero was killed.[314] (See more on the impact of the killing in the section, "Climate of Fear and its Consequences.")

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[310] Criminal Complaint filed by the Permanent Committee for the Defense of Human Rights with the Attorney General's Office, December 2012.

[311] Ibid.

[312] Human Rights Watch telephone interview with Enedis Ponce, June 4, 2013.

[313] Movement of Victims of State Crimes (MOVICE), "Public complaint: new threats against members of the Mesa de Víctimas in Carmen de Bolívar," March 22, 2013, http://www.movimientodevictimas.org/pronunciamientos/denuncias-publicas/item/3117-denuncia-p%C3%BAblica-nuevas-amenazas-en-contra-de-integrantes-de-la-mesa-de-v%C3%ADctimas-de-carmen-de-bol%C3%ADvar.html (accessed May 21, 2013).

[314] Human Rights Watch interview with victims leader from Córdoba department, Montería, April 10, 2013.

Vidal went missing on March 21, and was found dead two days later on the shore of the Sinú River in Córdoba.[315] His body had two bullet wounds and was in an advanced stage of decomposition, according to the Córdoba police.[316] The UNHCHR denounced the killing and noted that:

> Mr. Vidal was forcibly displaced from his farm … many years ago and even though he was not formally advancing a land restitution case, decided to return to his farm. Upon returning, Mr. Vidal received death threats from armed men, who told him that he should leave the zone and abstain from reclaiming his land, that it now belonged to other people. Mr. Vidal is the third person in his family to be killed for defending their rights as victims.[317]

A public official from Córdoba told Human Rights Watch that on March 24, the day after Vidal was found dead, he had a telephone conversation with Cordero, the president of Valencia's Mesa de Víctimas.[318] The official reported taking the following notes of what Cordero said during the conversation, which coincide with the U.N.'s account of Vidal's killing, and demonstrate that Cordero believed there were serious security risks involved in advocating for restitution in Valencia:

> Ermes [Vidal] had returned to some pieces of land that he had left before…. And when he had his crops ready to collect, he received an order to leave the area because the land had an owner. You never know, maybe [Vidal was killed] because he said something that he shouldn't have. Here in Valencia there aren't guarantees for leaders, that's why it's been requested that the authorities take the lead in convoking [victims] and accompanying land restitution.[319]

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[315] UN Office of the High Commissioner for Human Rights, "UN human rights office expresses concern for the killing of two human rights defenders," March 27, 2013, http://www.hchr.org.co/publico/comunicados/2013/comunicados2013.php3?cod=30&cat=91, (accessed May 21, 2013); "They killed him and threw him in the river," *El Meridiano de Córdoba*, March 27, 2013, http://elmeridianodecordoba.com.co/index.php?option=com_k2&view=item&id=28432:lo-mataron-y-lo-tiraron-al-r%C3%ADo&Itemid=120http://elmeridianodecordoba.com.co/index.php?option=com_k2&view=item&id=28432:lo-mataron-y-lo-tiraron-al-r%C3%ADo&Itemid=120 (accessed May 21, 2013).

[316] Human Rights Watch interview with senior Córdoba police official, Montería, April 11, 2013.

[317] UN Office of the High Commissioner for Human Rights, "UN human rights office expresses concern for the killing of two human rights defenders," March 27, 2013.

[318] Human Rights Watch interview with official from Córdoba department, Montería, April 10, 2013.

[319] Ibid.

On April 9, Colombia's National Day of Memory and Solidarity with Victims, the print edition of Córdoba's main newspaper, *El Meridiano*, similarly reported IDPs' fear of seeking land restitution in Valencia. The *El Meridiano* article referred to Vidal's killing and quoted an unidentified IDP leader from Valencia as stating: "It's said that he who touches the issue of land will be killed."[320] The article stated that, "[f]or this leader, who asked to remain anonymous, the victims, out of fear, are not exercising their right to reclaim land that the violent people took from them."[321]

According to Restitution Unit officials, Cordero had not personally filed a land restitution claim, but actively supported the restitution process in Valencia and was the office's contact there.[322] For example, he was in charge of organizing victims from Valencia to attend an April 10 land restitution ceremony presided over by President Santos on the Santa Paula farm in Montería, Córdoba (see more on the Santa Paula case in the section, "The Santa Paula Farm in Leticia, Córdoba").

During the ceremony, in addition to awarding land titles to IDPs who had been forced off Santa Paula by Sor Teresa Gómez—a demobilized paramilitary who authorities now link to the Urabeños—the government was also set to present new restitution claims to a judge concerning land in Valencia that had been appropriated by paramilitaries.[323] In addition to the Santa Paula event, Cordero was also organizing victims from Valencia to participate in marches scheduled for April 9 in celebration of the National Day of Memory and Solidarity with Victims.

Early on the morning of April 9, as Cordero was walking down the street in the town center of Valencia, two unidentified individuals on a motorbike shot him dead.[324] The front page headline in the April 10 edition of *El Meridiano* read:

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[320] "The Victims: There's fear of reclaiming land," *El Meridiano de Córdoba*, April 9, 2013.

[321] Ibid.

[322] Human Rights Watch interview with Restitution Unit official, Montería, April 9, 2013; Human Rights Watch interview with Restitution Unit official, Bogotá, April 15, 2013.

[323] Human Rights Watch interview with Restitution Unit official, Montería, April 9, 2013.

[324] Human Rights Watch interview with senior Córdoba police official, Montería, April 11, 2013. Also see, Inter-American Commission for Human Rights, "IACHR Regrets Murder of Colombian Activist and Urges State to Protect Community Leaders Advocating for Rights of Those Displaced by the Armed Conflict," April 19, 2013, http://www.oas.org/en/iachr/media_center/PReleases/2013/027.asp (accessed May 21, 2013).

> Challenge to Santos: … 24 hours before the Head of State would arrive in Córdoba to hand over land to those displaced by violence, yesterday one of the top leaders of victims in the Alto Sinú [region] was killed.[325]

During his speech at the ceremony later that day, President Santos indicated that Cordero's killing may have been motivated by his leadership activities and advocacy for land restitution:

> What was [Cordero's] sin? They tell me that he was a conciliatory, good person, who simply wanted to help the victims and help in the process of restituting land to those who it should be restituted to, as an elemental gesture of justice. That was his sin. And he was killed.[326]

The UNHCHR, UNHCR, and UNDP similarly stated:

> We are worried about [Cordero's] violent death because it's the second killing in the last two weeks against land leaders in Valencia. Mr. Ever Cordero had an ample trajectory and was recognized by institutions and civil society for his leadership in issues related to land and victims.[327]

Based on the Urabeños's considerable presence in Valencia and their track record of attacking victims' leaders, it is reasonable to suspect the successor group's participation in Vidal and Cordero's killings. A senior national police official told Human Rights Watch, "Since it's an Urabeños zone, it must be the Urabeños who are responsible."[328] Similarly, an official in Córdoba working closely on security issues in the region said that the Urabeños's power in Valencia and other areas of southern Córdoba is so great that these types of killings could not be committed without their endorsement.[329] The Córdoba official said that Valencia has always been a paramilitary stronghold and that local residents

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[325] "Challenge to Santos," *El Meridiano de Córdoba,* April 10, 2013.

[326] President Juan Manuel Santos, "Words of President Juan Manuel Santos in land restitution act in the Santa Paula farm in Córdoba," Montería, Córdoba, April 10, 2013, http://wsp.presidencia.gov.co/Prensa/2013/Abril/Paginas/20130410_04.aspx (accessed May 18, 2013)

[327] UN Office of the High Commissioner for Human Rights, UN Office of the High Commissioner for Refugees, UN Development Program, "UNHCHR, UNHCR, UNDP condemn killing of land and victims leader Ever Cordero Oviedo," April 9, 2013, http://www.hchr.org.co/publico/comunicados/2013/comunicados2013.php3?cod=31&cat=91 (accessed May 21, 2013).

[328] Human Rights Watch interview with senior national police official, Bogotá, April 23, 2013.

[329] Human Rights Watch interview with local official from Córdoba, Montería, April 10, 2013.

reported to him that the AUC never demobilized there.[330] IDP leaders from Córdoba also described the influence of the Urabeños in Valencia and how it restricts the activism of leaders there.[331]

Despite the national and international attention on Cordero's murder, the abuses against his family did not stop. Shortly after the killing, Cordero's family received information that the Urabeños were going to kill one of his close surviving family members and noticed they were being subject to surveillance in the village where they lived, according to an official from Córdoba close to the case.[332] On July 4, 2013, fearing for their lives and escorted by local authorities, 34 of Cordero's family members fled Valencia for a nearby city, 22 of whom were children.[333]

As of July 2013, investigations into both Cordero and Vidal's killings were at a preliminary stage, with no suspects charged.[334]

IDP leaders from municipal Mesa de Víctimas committees in other regions of the country have also been subject to threats and attacks. **Miller Angulo**, a prominent IDP leader and member of the Tumaco Mesa de Víctimas, was shot dead in the city of Tumaco, Nariño department in southwestern Colombia on December 1, 2012. According to a statement issued by the UNHCHR and UNHCR, on October 10, 2010 and November 13, 2012, Angulo had been threatened, along with other organizations and individuals, in a pamphlet and email signed by the self-denominated "Central Bloc of the Águilas Negras."[335] As of April 2013, the investigation into Angulo's killing was at a preliminary stage.[336]

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[330] An example of the Urabeños presence in Valencia is that the army reported capturing in March 2013 five presumed Urabeños members in a rural area of the municipality, and confiscating 6 rifles, one machine gun, ammunition, uniforms, and 20 armbands with the group's emblem. "Five presumed Urabeños arrested in Córdoba," *El Universal*, March 25, 2013, http://www.eluniversal.com.co/monteria-y-sincelejo/sucesos/capturados-en-cordoba-cinco-presuntos-urabenos-113697 (accessed May 21, 2013).

[331] Human Rights Watch interview with Wilson Arenas (pseudonym), Montería, July 13, 2012 and April 11, 2013. IDP leader Wilson Arenas (pseudonym) said that in January 2011, after getting off a bus in Valencia to attend a meeting with victims, two armed men, who locals later identified as Urabeños members, approached him, asked him what he was going to do there, and then stated, "Don't get involved with that anymore." Arenas left Valencia immediately.

[332] Human Rights Watch telephone interview with official from Córdoba department, July 27, 2013.

[333] Human Rights Watch telephone interview with official from Córdoba department, July 27, 2013; "Ombudsman's Office accompanied the flight of threatened families in Córdoba," *El Espectador,* July 4, 2013, http://www.elespectador.com/noticias/nacional/articulo-431767-defensoria-acompano-salida-de-familias-amenazadas-cordoba (accessed July 29, 2013).

[334] Email from Attorney General's Office official to Human Rights Watch, July 15, 2013.

[335] UN Office of the High Commissioner for Human Rights and UN Office of the High Commissioner for Refugees, "UN Office of the High Commissioner for Human Rights and UN Office of the High Commissioner for Refugees condemn the killing of

Village of La Mesa in Valledupar, Cesar

A range of evidence strongly suggests that a former AUC commander's brother repeatedly threatened several IDPs since 2010 due to their efforts to reclaim farms that he had taken following their forced displacement by paramilitaries around 2000. The farms are located in the village of La Mesa, Cesar department, where, on March 10, 2006, 2,545 supposed combatants from the Northern Bloc of the AUC participated in a demobilization ceremony alongside their commander Rodrigo Tovar Pupo, alias *Jorge 40*.[337] Human Rights Watch analyzed substantial evidence showing widespread fraud in the Northern Bloc demobilization, including that those who participated were stand-ins rather than paramilitaries.[338]

The threats against claimants from La Mesa fit a broader pattern across different regions: paramilitary networks employed violence to acquire IDPs' land, the demobilization process failed to dismantle these networks, and individuals linked to such networks continue to utilize threats and violence to retain control over the land.

Freite Family

In September 2001, troops under the command of Northern Bloc commander David Hernández Rojas, alias *39*, ordered **Onaldo and Alfonso Freite** to abandon their 50-hectare farm in La Mesa, according to the family.[339] Two years later, alias *39* forced the Freite family to sell the farm to his brother Levi Hernández.[340] Alias *39* died in 2004, and following the AUC's demobilization ceremony in Cesar department, the Freite family reclaimed their farm through the Justice and Peace Law.

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victims' defender Miller Angulo," December 4, 2012, http://www.hchr.org.co/publico/comunicados/2012/comunicados2012.php3?cod=25&cat=88 (accessed May 21, 2013).

[336] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[337] Office of the High Commissioner for Peace, Presidency of the Republic of Colombia, "Peace Process with the Self-Defense Forces: Executive Report," http://www.cooperacioninternacional.com/descargas/informefinaldesmovilizaciones.pdf (accessed May 21, 2013), pp. 83, 84.

[338] Attorney General's Office of Colombia, National Directorate of the Technical Investigative Unit, Central Criminal Analysis Unit, "Report No. 299588 to 5th Specialized Human Rights Unit prosecutor," August 10, 2006. Human Rights Watch reviewed investigative reports by the Attorney General's Office about the contents of a computer, hard drives, and files that authorities found when they arrested Northern Bloc leader Édgar Antonio Fierro Flórez, alias *Don Antonio,* in 2006. For more information see Human Rights Watch, *Paramilitaries' Heirs*, pp. 31-32.

[339] Human Rights Watch group interview with Freite family, Valledupar, July 6, 2012; Criminal complaint filed by Freite family member with Attorney General's Office in Valledupar, September 2007; Criminal Complaint filed by Freite family member with judicial police in Valledupar, March 2009.

[340] Human Rights Watch group interview with Freite family, Valledupar, July 6, 2012; Criminal Complaint filed by Freite family member with judicial police in Valledupar, March 2009; First Notary of Valledupar Circular, Public Deed No. 2109 of September 26, 2003; Letter from Cesar department Ombudsman to the director of the National Protection Unit, June 28, 2012.

On March 3, 2009, Alfonso Freite received a call in which an unidentified male told him, "Stop reclaiming [the farm], stop screwing around, you won't enjoy [the farm] because we're going to kill you," according to a criminal complaint he filed with judicial police.[341] On February 8, 2010, Hernández's mother submitted to the Attorney General's Office a notarized document committing to return the farm to the Freite family, and admitting that her son Hernández had acquired the farm due to threats by his brother, alias *39*.[342]

The Freite family returned to the farm in mid-February 2010 and left workers there. However, the Freite family reported that several days later Hernández showed up on the farm and ordered the workers to leave and threatened them and the family with death, causing them to abandon the property.[343] A Freite family member who provides legal representation in their restitution claims said that around February 25, two men showed up at his office and told him that they had been sent by their boss Hernández to say that if the family did not withdraw the cases against him, he would kill them.[344]

The Freite family reported to prosecutors that on June 26, 2012, they received in their mailbox in Cesar department's capital city of Valledupar a death threat addressed to Alfonso and Onaldo Freite, which stated:

> The farm does not belong to you it already became the property of our institution[.] [Y]ou are ordered to abandon the city within 48 hours we already know all your steps and we're watching your kids…if you do not [leave] we'll hit you where it hurts most, which is your kids.[345]

The Ombudsman's Office alerted the UNP of the threat, noting the Freite family "recently has been the object of direct threats, behind which it is presumed could be the front men who currently occupy their land."[346] The Ombudsman's Office reported to the Attorney

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[341] Criminal Complaint filed by Freite family member with judicial police in Valledupar, March 2009.

[342] Notarized document filed by Levi's mother with the Attorney General's Office, February 8, 2010.

[343] Criminal Complaint filed by Freite family member with the Attorney General's Office, June 2012; Public Statement signed by Freite Family, June 26, 2012; Letter from Cesar department Ombudsman to the director of the National Protection Unit, June 28, 2012; Human Rights Watch group interview with Freite family, Valledupar, July 6, 2013.

[344] Chronology of events signed by Freite family and provided to Human Rights Watch, July 6, 2012; Ombudsman's Office of Cesar department internal document about cases of land takeovers in Cesar department, undated.

[345] Criminal Complaint filed by Freite family member with the Attorney General's Office, June 2012; copy of the threat on file with Human Rights Watch.

[346] Letter from Cesar department Ombudsman to the director of the National Protection Unit, June 28, 2012.

General's Office that on July 24, 2012, roughly two weeks after the Freite family visited their farm with MAPP-OEA officials, they received another death threat in their mailbox stating:

> [B]ig sons of bitches, what do you think, that because you go around with the OAS you're going to survive?[347]

The Freite family reported repeatedly receiving new threats in the first half of 2013.[348]

Rivera Family

Lina Rivera (pseudonym) and her family also sought to reclaim a farm in La Mesa from which they were displaced by alias *39*, and were targeted by threats that forced Rivera to flee the department in October 2012. Like the Freite family, the Rivera family told Human Rights Watch that Levi Hernández had workers occupying their farm in 2012, and had threatened them to stop their restitution efforts.[349] The Ombudsman's Office reported to the Attorney General's Office that in the Riveras's case, the "source of the threats coincide" with the Freite family case.[350]

Rivera told Human Rights Watch that paramilitaries under the command of alias *39* displaced her and her husband from their farm in 1999.[351] She said that alias *39* pressured her husband to sell the land and that paramilitaries ultimately killed him in Valledupar in 2002.[352] Six months after her husband's killing, she said that she signed a document transferring ownership of the farm to paramilitaries. The Rivera family reported that over the following years, paramilitaries killed Rivera's son and brother in Valledupar.[353] Rivera ultimately had to flee Cesar due to the "the constant pressure and intimidation that she was receiving by people closely linked to David Hernández Rojas, alias *39*," according to the Ombudsman's Office.[354]

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[347] Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

[348] Human Rights Watch telephone interview with Freite family member, June 3, 2013.

[349] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012.

[350] Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

[351] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012.

[352] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012; Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

[353] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012; Human Rights Watch telephone interview with Rivera's daughter, February 13, 2013.

[354] Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

Rivera said that in 2011 she received a call from Hernández.[355] Rivera returned the call, and said that Hernández told her to withdraw the protection measures she had placed on her land.[356] He threatened her, saying, "Remember what happened to your brother, remember what happened to your son."[357] Rivera reported the threat to the Attorney General's Office, but told Human Rights Watch in July 2012 that prosecutors had not called her back.

Rivera said that she lodged a claim to her farm with the Restitution Unit in June 2012, and that around the end of that month Hernández's mother visited her home looking for her.[358] In October 2012, Hernández repeatedly went to Rivera's home searching for her, according to the Ombudsman's Office and interviews with the Rivera family.[359] That same month, Hernández visited Rivera's daughter at her workplace, threatened her, and pressured her to sign documents transferring ownership of the land to him.[360] Due to the threats and intimidation, Rivera fled Cesar department in October.[361]

Rivera's daughter told Human Rights Watch that on November 30, 2012, her brother received a threatening phone call from an anonymous caller who pressured him to sign over documents to their farm. "I'm living in fear here," Rivera's daughter told Human Rights Watch. [362] She changed her place of residence in 2013 out of concern for her safety.[363]

As of March 2013, the Attorney General's Office reported that Hernández did not have any investigations open against him for forced displacement, threats, or other crimes related to forced land takeovers.[364] Hernández was shot dead outside of a restaurant in the city of Valledupar in April 2013.[365]

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[355] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012

[356] Under Law 387 of 1997, IDPs can file for the government to place protection measures on their land that bar it from being subject to transactions.

[357] Human Rights Watch interview with Lina Rivera, Valledupar, July 6, 2012.

[358] Ibid.

[359] Human Rights Watch telephone interview with Rivera's daughter, February 13, 2013; Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

[360] Ibid.

[361] Ibid.

[362] Human Rights Watch telephone interview with Rivera's daughter, February 13, 2013.

[363] Human Rights Watch telephone interview with Rivera's daughter, June 3, 2013.

[364] Email from Attorney General's Office official to Human Rights Watch, March 20, 2013.

[365] "Brother of alias '39' killed in Valledupar," *El Pilón*, April 23, 2013, http://www.elpilon.com.co/inicio/asesinan-en-valledupar-a-hermano-de-alias-39/ (accessed May 25, 2013).

Killing of Restitution Claimant in Montería, Córdoba

There are strong reasons to believe that the November 2011 killing of **Leoncio Mendoza Mejía** was directly tied to his claims to three farms that paramilitaries had taken over in the municipalities of San Pedro de Urabá and Arboletes, in Antioquia. An official working on land restitution told Human Rights Watch in July 2012 that restitution was off limits in the area where the three farms are located because of the considerable presence of paramilitary successor groups.[366]

Of the hundreds of restitution claims filed in relation to more than 20,000 hectares of land in San Pedro de Urabá and Arboletes, the Restitution Unit had not initiated the study of a single claim as of March 2013.[367]

In the early 1990s paramilitaries expelled Mendoza and his family from three farms in San Pedro de Urabá and Arboletes.[368] After fleeing from city to city for years, Mendoza finally succumbed to pressure to sell his land to someone acting on behalf of paramilitaries.[369] Mendoza's family members said that former AUC leader alias *Monoleche* and his front men took over the land.[370] (See more on *Monoleche* in the section, "The Santa Paula Farm in Leticia, Córdoba.")

The area where the farms are located became an AUC stronghold. For example, one farm is in El Tomate, San Pedro de Urabá, near the "35" farm, where former AUC commanders confessed to having operated a paramilitary training camp.[371] In 2009, judicial investigators exhumed from hidden graves on the "35" farm 17 dismembered bodies of

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[366] Human Rights Watch interview with official working on land restitution, Apartadó, July 19, 2012.

[367] Email from Restitution Unit official to Human Rights Watch, April 2, 2013; Restitution Unit, "Requests for Entry in the Registry of Stolen Land Consolidated Nationally," cutoff date January 3, 2013.

[368] Justice and Peace Unit of the Attorney General's Office, Registry of Complaint filed by Leoncio Mendoza Mejía, September 15, 2010; Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013.

[369] Justice and Peace Unit of the Attorney General's Office, Registry of Complaint filed by Leoncio Mendoza Mejía, September 15, 2010.

[370] Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013.

[371] Attorney General's Office, "Remains exhumed from where self-defense forces retrained," November 28, 2011, http://www.fiscalia.gov.co/colombia/noticias/exhumados-restos-donde-reentrenaban-autodefensas/ (May 21, 2013).

farmers who, according to the Attorney General's Office, were killed by forces presumably under the command of *Monoleche* in the late 1990s.[372]

Following the paramilitary demobilization process, Mendoza sought claims to his three farms through the 2005 Justice and Peace Law, and co-founded ACDUDA, an association of IDPs from northern Urabá.[373] From April 26 through 30, 2010, investigators from the Justice and Peace prosecutorial unit carried out an inspection of several of the farms subject to ACDUDA members' claims. The investigators reported finding that on one of the farms located in Arboletes, the current inhabitants had been resettled there by the AUC and showed "constant fear because of the presence, and territorial and population control of the emerging bands in the sector."[374] (Emerging bands is a term the government uses for paramilitary successor groups.)

On April 29, 2010, one of Mendoza's sons fled the village where he was living in San Pedro de Urabá, according to a criminal complaint filed by his family.[375] Mendoza's son had received information that the Águilas Negras had participated in a meeting in which it was said that he would be killed for having brought the Justice and Peace investigators to the area. The criminal complaint also said that shortly after the investigators' visit, another claimant of land in the area received a threat.[376]

In November 2010, a protection program within the Attorney General's Office evaluated Mendoza's son's level of risk and found that, "the threats due to the claims made to the land are imminent and will continue until the land is not restituted or until the situation is resolved[. T]herefore the factual situation generates for him an extraordinary risk, … which [is] evidenced by the harassment and direct threats that he received from those who to this date possess his land."[377]

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372 Attorney General's Office, "Cadavers of farmers found in the farm of Carlos Castaño," September 25, 2009, http://www.fiscalia.gov.co/colombia/noticias/encuentran-cadaveres-de-campesinos-en-finca-de-carlos-castano/ (accessed May 21, 2013).

373 Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013.

374 Attorney General's Office, Report to Prosecutor 102 UNJYP Montería-Córdoba, May 27, 2010.

375 Criminal complaint filed by Mendoza's family member with the Attorney General's Office in Montería, May 2010.

376 Ibid.

377 Attorney General's Office, Program for the Protection of Victims and Witnesses of Law 975/05, "Resolution No. 00595 of November 17, 2010," November 17, 2010.

Two of Mendoza's sons told Human Rights Watch that in May 2011, a man went to Mendoza's home in Montería and proposed—purportedly on *Monoleche's* behalf—to return two of Mendoza's farms to him in exchange for keeping the third.[378] Mendoza refused the offer. One of Mendoza's sons said that around July 2011, he received a call from the same man, who also proposed a deal for the farms on *Monoleche*'s behalf.[379]

On November 26, 2011, an unidentified gunman shot Mendoza dead outside his home in Montería.[380] The killing scared other members of ACDUDA who were reclaiming land in the same region of Urabá.[381] For example, Victor Ortiz (pseudonym), an ACDUDA member also seeking to recover land in El Tomate that he said was occupied by a paramilitary front man, told Human Rights Watch that following the killing, he did not leave his home for three weeks.[382] Paramilitaries had killed Ortiz's father and several siblings in the 1990s.

The national director of the Superintendent's Office of the Notary and Registry—which has conducted an extensive investigation of land theft in Urabá—said in a media interview that those responsible for Mendoza's killing were "without any doubt … paramilitaries from the zone of Urabá."[383] Following the killing, the same man who had contacted Mendoza continued to contact his family members and say that *Monoleche* wanted to negotiate for their land, according to two of his sons.[384]

Mendoza's sons reported that no one has been convicted for their family's displacement or the takeover of their farms, which other people are currently using for cattle ranching.[385]

As of July 2013, the investigation into Mendoza's killing was at the preliminary stage.[386] ACDUDA members reported that harassment and intimidation against them persisted in

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[378] Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013.

[379] Ibid.

[380] Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013; Ministry of Social Protection, "Death Certificate for the Civil Registry," Certificate Number 80861288-6.

[381] Human Rights Watch group interview with ACDUDA members, Montería, April 9, 2013.

[382] Ibid.

[383] "The black hand wants to remove me: Superintendent, Jorge E. Vélez," *El Espectador,* December 6, 2011, http://m.elespectador.com/impreso/nacional/articulo-315134-mano-negra-me-quiere-sacar-supernotariado-jorge-e-velez (accessed May 21, 2013).

[384] Human Rights Watch interviews with two of Leoncio Mendoza Mejía's sons, Montería, Córdoba, February 28, 2012 and April 9, 2013.

[385] Ibid.

2013. In February, an unidentified man told a member of Victor Ortiz's family to deliver a message to him that he had 48 hours to abandon the city where he lived.[387]

Tolima Department

IDP leaders advocating for their communities' return to the municipalities of Ataco, Rioblanco, and Planadas in southern Tolima department reported being subject to frequent, serious threats by the FARC, which was originally founded in the region and maintains a considerable presence there. The IDP leaders mostly live in Tolima's capital city of Ibagué and some are now assisting IDPs in seeking claims through the Victims Law.

They reported repeatedly receiving threatening phone calls. In addition, they said that locals who remained in the rural areas of southern Tolima have reported that during obligatory meetings held by the FARC, the guerrillas have announced their opposition to IDPs returning home and declared their leaders "military targets." In a risk report concerning southern Tolima issued in September 2012, the Early Warning System raised alarm about these threats and described how they have undermined IDPs' efforts to return to the area.[388]

Background

The FARC's persecution of IDP leaders dates back to the early 2000s, when the leaders began advocating for their communities' return to the land they had fled. According to IDP leaders interviewed by Human Rights Watch, the FARC's crimes include the killings of fellow leaders Héctor Julio Aponte (February 27, 2003), Ovidio Maldonado (October 19, 2004), and Ever Valderrama (February 20, 2007).[389] A 2007 Constitutional Court order confirmed the murders of these IDP leaders—and others—from Tolima, and found that the situation of IDP leaders in the department "is grave and merits the greatest consternation on the part of the Constitutional Court."[390] The court order said that there had been at least six killings of IDP leaders from Tolima since 2001, which had been preceded by threats by illegal armed groups against the victims and their families.[391] The

[386] Email from Attorney General's Office official to Human Rights Watch, July 15, 2013.

[387] Human Rights Watch group interview with ACDUDA members, Montería, April 9, 2013.

[388] Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 017-12A.I.," September 5, 2012, p. 5.

[389] Human Rights Watch telephone interview with German Bernal, February 26, 2013; Human Rights Watch telephone interview with Valery Cardona, March 5, 2013.

[390] Constitutional Court of Colombia, Order 200 of 2007, p. 8.

[391] Ibid.

court cited, for example, a criminal complaint stating that the FARC had threatened Valderrama prior to his murder.[392]

These murders over the past decade make the FARC's current threats all the more credible and terrifying for those campaigning for IDPs' return to southern Tolima. "The situation is very worrisome…. We don't want what happened in the years 2003 and 2007 to happen [again,] the slaughter of our fellow leaders," said restitution leader Valery Cardona (pseudonym) in a criminal complaint of a threat by the FARC that she filed in December 2012.[393]

Evidence strongly suggests that the FARC's threats and attacks against IDP leaders have been motivated by their desire to maintain control over areas of southern Tolima, a traditional guerrilla stronghold. Threatened Tolima leaders, citing direct statements made by FARC members and information received from locals who live in areas under their influence, said that the FARC are hostile to their land recovery efforts because the public security forces and government institutions would accompany their return—a direct challenge to the guerrillas' authority. In the same vein, the FARC have labeled the restitution leaders as paramilitaries or army collaborators. As described in a criminal complaint of threats filed by IDP leader Pedro Gallón (pseudonym) in July 2012:

> We've been leading this process of returning to land for 7 years, without obtaining anything else other than convincing threats by … the FARC's 21st Front who always assert and insist that those of us who are outside [of the territory] are prohibited from returning … and brand us as paramilitaries or army collaborators.[394]

The Early Warning System's September 2012 risk report described the FARC's interest in maintaining control in southern Tolima, and the abuses the group commits against civilians in the region:

> The FARC … in the municipalities of Planadas, Rioblanco, Chaparral and Ataco, execute armed actions to maintain strategic interests in the region

[392] Ibid, p. 17.

[393] Criminal Complaint filed by Valery Cardona with Attorney General's Office, December 2012.

[394] Criminal complaint filed by Pedro Gallón with Attorney General's Office, July 2012.

> and not lose the political and social influence over the areas where the guerrilla movement grew…. [F]requently families are pressured for their children, adolescents and youth to join the ranks of the FARC…. [T]he indiscriminate use of antipersonnel landmines and improvised explosive artifacts … restricts the mobility of rural population and causes the death and injury of non-combatants…. The guerrilla [group] has perpetrated acts of violence in the region as a form of terrorizing and intimidating the civilian population, with the purpose of impeding people from providing support and collaboration to the National Army and national and state-level government programs.[395]

Santiago Pérez

Father and son **Rafael Bernal** and **German Bernal** reported being subject to constant threats by the FARC's 21st Front due to their activities campaigning for the return of IDPs to Santiago Pérez, a town in the municipality of Ataco, Tolima.[396] Both are leaders of IDP associations and have advocated for their communities' return since they were displaced from the town in 2000.

On February 17, 2010, German denounced to the Attorney General's Office that the FARC's Heroes of Marquetalia column had threatened his family and declared as "military targets" any IDP who attempted to return to Santiago Pérez:

> [Commanders] of this guerrilla column have been obligating farmers in the hamlets … in [Ataco], to turn the people against the return of displaced families, and have them reject the police post in the town of Santiago Pérez, declaring as military targets the first displaced person who returns[. W]hat is most worrisome is that in the meetings these commanders have said that the Bernal family, representatives and organizers of the return, will be ordered killed in order to keep us silent.[397]

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[395] Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 017-12A.I.," September 5, 2012, pp. 4-6.

[396] Human Rights Watch telephone interview with German and Rafael Bernal, February 26, 2013.

[397] Criminal complaint filed by German Bernal with the Attorney General's Office, February 17, 2010.

Similarly, in October 2011, a man from the region declared to judicial police that he had received information from individuals living in Santiago Pérez that two FARC members had said that German and Rafael had to be killed. The guerrilla members said that the two leaders were "snitches" and "screwing around" advocating for police presence in the area and IDPs' return.[398]

Since the Victims Law passed, German and Rafael said they filed claims with the Restitution Unit to four pieces of land in Santiago Pérez and assisted scores of other families from the area in reclaiming their land through the law.[399] In June 2012, German denounced to prosecutors that the FARC's threats against him had increased as he started to advocate for land restitution under the law:

> Now that the … [Vi]ctims [L]aw entered into effect I've wanted to fight for speeding up land restitution in the town of Santiago Pérez in Ataco…. We've had two meetings with these government institutions and with the displaced population in the town center [of Ataco] to address the issue of restitution and seek security guarantees for us to be able to return [.] As these meetings have become public, since the end of May … residents of … Santiago Pérez have told me to be very careful because the guerrillas…have been having meetings in the area threatening the farmers and giving some warnings…. [I]n these meetings they have also asked about us leaders who are working on land restitution in the area using our names and they have publicly said that we've been declared military targets and that it's only a matter of time before they find out where we are.[400]

German said that the threats persisted through the beginning of 2013, including via an anonymous phone call he received on January 30, 2013.[401] In February, he and Rafael reported to the Restitution Unit that they feared for their lives due to the FARC's repeated death threats:

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[398] Testimony to judicial police provided by man from region, October 2011.

[399] Human Rights Watch telephone interview with German and Rafael Bernal, February 26, 2013.

[400] Criminal complaint filed by German Bernal with Attorney General's Office, June 29, 2012.

[401] Human Rights Watch telephone interview with German and Rafael Bernal, February 26, 2013.

> Since the day that we left displaced, we have been victims of human rights violations by this guerrilla column, such as forced displacement, the forced takeover of our possessions, persecution, the killing of two family members, and 3 friends who had wanted to accompany us in leading the return of displaced families to…southern Tolima. Taking into account these experiences, we fear for our lives.[402]

Valery Cardona (pseudonym) told Human Rights Watch that she is also reclaiming a farm in Santiago Pérez that she fled in 2000, as well as assisting other IDPs from the area in their restitution claims. Like German and Rafael, she reported that the FARC killed several of her family members around the time of her displacement, and that recently, she has been subject to repeated threats by the FARC due to her leadership role.[403]

According to a criminal complaint Cardona filed, the day after she participated in a meeting with the Victims Unit in Ibagué in mid-September 2012, she received a cell phone call in which she was told, "How good that you appeared again so that we can finally fill your head with bullets like we did with your brother and your other family members and fellow leaders."[404] Cardona said that one day in early October 2012, two men went to her daughter's home, asked for her, and threatened her children when her daughter said that she did not know where she was.[405] The threatening phone calls continued in November and December 2012, according to a criminal complaint Cardona filed, which reported that one of the anonymous callers referenced her advocacy for IDPs' return to Santiago Pérez.[406]

Cardona told Human Rights Watch:

> We've lost our family, we've lost our land, we're left with nothing…. My kids beg me to abandon my leadership role because they've seen how my fellow leaders and my relatives were killed.[407]

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[402] Complaint filed by Rafael Bernal and German Bernal with Restitution Unit in Tolima department, February 14, 2013.
[403] Human Rights Watch telephone interview with Valery Cardona, March 5, 2013.
[404] Criminal complaint filed by Valery Cardona with the Attorney General's Office, October 2012.
[405] Human Rights Watch telephone interview with Valery Cardona, March 5, 2013.
[406] Criminal complaint filed by Valery Cardona with Attorney General's Office, December 2012.
[407] Human Rights Watch telephone interview with Valery Cardona, March 5, 2013.

Puerto Saldaña

Like the leaders advocating for IDPs to go back to Santiago Pérez, Ataco, leaders campaigning for the return of IDPs to Puerto Saldaña, Rioblanco have also reported being repeatedly threatened by the FARC. As described by the Early Warning System with regard to Puerto Saladaña:

> There continues to be stigmatization and threats against persons who were displaced from the town…. [L]eaders have been subject to threats by the FARC's 21st Front, [and] violently coerced so that the [return] initiatives do not advance.[408]

For example, **Emilia Rojas** (pseudonym) leads an IDP association and said that she helps families file claims to their land with the Restitution Unit.[409] Displaced from Puerto Saldaña in 2000, in recent years, she has been pressuring authorities to establish a police post there in order to ensure the necessary security conditions for IDPs to return home. Rojas reported that in November 2012, she received a threatening phone call from a man who identified himself as linked to the FARC.[410]

According to testimony she provided to police, the caller told her:

> You big son of a bitch, keep working for the rights of the displaced population [and] everything that has to do with land restitution[.] Keep on sticking your nose where it shouldn't be, to bring the police post. [W]e have already found you and we're going to kill your family, keep on working with those paramilitaries.[411]

In a March 2013 criminal complaint, Rojas said she believed she was being targeted by the FARC's 21st Front due to her land restitution activism in Puerto Saldaña.[412] She told Human Rights Watch that because of the threats, she stopped going to public meetings.[413]

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[408] Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 017-12A.I.," September 5, 2012, pp. 16 and 20.
[409] Human Rights Watch telephone interview with Emilia Rojas, March 5, 2013.
[410] Ibid.
[411] Criminal complaint filed by Emilia Rojas with police, November 2012.
[412] Criminal complaint filed by Emilia Rojas with Attorney General's Office, March 2013.
[413] Human Rights Watch telephone interview with Emilia Rojas, March 5, 2013.

Evidence suggests that **Álvaro Buendía** (pseudonym) and **Félix Cruz** (pseudonym), two leaders of an association of IDPs from Puerto Saldaña were also targeted by FARC threats for advocating for IDP families' return to Puerto Saldaña.

Cruz said that he abandoned several farms around Puerto Saldaña when he was displaced in 2000.[414] In 2012, Cruz's friend visited one of the abandoned farms to see if he could sell it on Cruz's behalf. According to Cruz, a FARC member prohibited his friend from doing so and said that the guerrillas were the ones who give the orders of who can live and work in the area. The guerrilla also said that his commander prohibited the sale of paramilitaries' farms—thus implying that Cruz was a paramilitary.[415] Information provided to Human Rights Watch by the Ombudsman's Office corroborates Cruz's account.[416]

As in Cruz's case, Buendía reported receiving information of meetings being held around Puerto Saldaña in which the FARC announced their opposition to IDPs returning to the area.[417] In addition, Buendía told Human Rights Watch that in December 2012, he received a phone call from someone who identified himself as a guerrilla commander, accused him of being a government "snitch" and declared him as a "military target." "I don't leave Ibagué," Buendía said, referring to the city where he now lives. "It's like I'm kidnapped."[418]

Curvaradó and Jiguamiandó Communities, Chocó Department

As of July 2013, just one family had returned to live on their land as the result of land restitution rulings under the Victims Law, and with the support of the government office coordinating IDPs' return home (many other beneficiaries of such rulings were habitually visiting their land to farm it).[419] However, targeted killings and other abuses against IDPs who have returned home in the context of distinct restitution processes in recent years illustrate the serious risk claimants face as implementation of the Victims Law advances.

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[414] Human Rights Watch telephone interview with Félix Cruz, March 5, 2013.

[415] Ibid.

[416] Human Rights Watch interview with Ombudsman's Office official, Ibagué, Tolima, September 8, 2012.

[417] Human Rights Watch telephone interview with Álvaro Buendía, March 5, 2013.

[418] Ibid.

[419] Human Rights Watch interview with Carolina Albornoz, national coordinator of the Returns and Relocations Group of the Victims Unit, Bogotá, July 31, 2013. Also see footnote 29.

This is particularly true for the case of Afro-Colombian and mestizo community members from the Curvaradó and Jiguamiandó river basins in Chocó department, because they have suffered abuses despite being a priority land restitution case for the government—as well as the subject of multiple decisions by the Constitutional Court and Inter-American Court of Human Rights ordering their protection.[420] As the Constitutional Court affirmed in a 2012 order, the Curvaradó and Jiguamiandó restitution process is an "emblematic case that evidences the challenges that the national government will confront" in effectively implementing land restitution for Afro-Colombian communities.[421] The Court called attention to the "repeated threats against members of the communities, persistence of armed actors dedicated to criminal activities and high levels of impunity for crimes that have occurred" in the territories of Curvaradó and Jiguamiandó.[422]

Human Rights Watch documented repeated abuses—including killings, renewed forced displacement, and constant death threats—against claimants and leaders seeking to recover more than 100,000 hectares of collectively-titled land along the Curvaradó and Jiguamiandó river basins in Chocó. Like in the case of Tierra y Vida, several killings of community leaders have amplified the chilling effect of ongoing death threats,[423] which frequently cause claimants and leaders to flee the region.

Paramilitary successor groups at times acting on behalf of cattle ranchers and businessmen occupying the communities' land have often been responsible for the abuses, according to Ombudsman's Office documents, local officials, national government authorities, and victims.[424] For example, a 2012 report by the Ombudsman's Office and

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[420] Inter-American Court of Human Rights, Matter of the Communities of the Jiguamiandó and the Curvaradó regarding Colombia. Order of the Inter-American Court of Human Rights of May 22, 2013, para. 1, 50, 55 and 56. On March 6, 2003, the Inter-American Court first ordered provisional measures to protect community members in Curvaradó and Jiguamiandó. Ten years later, on May 22, 2013, the Inter-American Court lifted the provisional measures. Placing special emphasis on the role the Constitutional Court has played in monitoring the restitution process in Curvaradó and Jiguamiandó, the Inter-American Court found that the government had adopted multiple protection measures in favor of the communities since the provisional measures were first ordered in 2003. Nevertheless, even in lifting the measures, the Inter-American Court recognized that "important elements of risk still exist" for Curvaradó and Jiguamiandó community members.

[421] Constitutional Court of Colombia, Order 045 of 2012, para. III.1.

[422] Ibid, para. III. 7.

[423] Constitutional Court of Colombia, Order 112, May 18, 2012, para. 4.11.1. The Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz, CIJP), a Colombian non-governmental organization that works closely with parts of the communities, reported to the Constitutional Court in 2012 that 49 land claimants in Curvaradó and Jiguamiandó were under threat.

[424] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 11; Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó," May 8, 2012; Human Rights Watch interview with senior INCODER

Inspector-General's Office stated that paramilitary successor groups were the main perpetrators of violence and threats against community members involved in land restitution claims in Curvaradó and Jiguamiandó.[425]

The Ombudsman's Office reported that the Urabeños in the region had maintained a presence in the communities dressed as civilians, carrying radios, guns, and rifles, controlling movements along the rivers, and issuing threats to those involved in the restitution process.[426] The group's activities have been "in support of the pressure exercised by some individuals who have been identified by different rulings and resolutions as the bad faith occupants" of the communities' land, according to the Ombudsman's Office report.[427] In the words of a high-ranking official from INCODER, the government's rural development agency, the "bad faith" occupants have "the support of the paramilitaries."[428]

The INCODER defines "bad faith" occupants of the Curvaradó and Jiguamiandó territories as the people or entities that do not belong to the communities, but have irregularly occupied their land after it was collectively titled in November 2000.[429]

Background

In 1997, paramilitaries acting in conjunction with members of the army's 17th Brigade "systematically executed hostile acts against the Afro-Colombian populations" along the Curvaradó and Jiguamiandó river basins, resulting in their forced displacement, according to an investigation by the Attorney General's Office.[430] After community members fled the region, African Palm companies acting in a criminal conspiracy with paramilitaries[431] and

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rural development agency official, Bogotá, July 3, 2012; Human Rights Watch interview with local official then-working in Curvaradó and Jiguamiandó region, Apartadó, Antioquia, July 20, 2012; Human Rights Watch interview with senior national official working on Curvaradó and Jiguamiandó restitution case, Bogotá, August 29, 2012.

[425] Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR, Ombudsman's Office Number CAD- 237/12, Bogotá, April 18, 2012, p. 2.

[426] Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó," May 8, 2012.

[427] Ibid.

[428] Human Rights Watch interview with senior INCODER rural development agency official, Bogotá, July 3, 2012.

[429] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó," Bogotá, July 12, 2012. The legal definition of a "bad faith occupier" is codified in article 15 of Law 70 of 1993.

[430] Official Communication from Attorney General Eduardo Montealegre to Constitutional Court of Colombia, "Follow-up to the compliance with Sentence T-025 of 2004," April 18, 2012, pp. 18-20.

[431] Ibid.

cattle ranchers installed palm plantations and cattle ranches on—according to the INCODER—approximately 35,000 hectares of land.[432]

In November 2000, the government awarded roughly 100,000 hectares of collectively-titled land to Curvaradó and Jiguamiandó communities. By the mid-2000s, displaced community members began to return to Curvaradó and Jiguamiandó, and with the support of Colombian NGOs, formed small "humanitarian zones" where they lived among the African palm plantations.[433] In October 2009, a Chocó tribunal ordered land restitution to the communities and the eviction of multiple African Palm companies, cattle ranchers and other individuals who were occupying their land.[434] Several subsequent Constitutional Court orders mandated the eviction of bad faith occupants from Curvaradó and Jiguamiandó and the restitution of the communities' land.[435]

However, as noted by the Constitutional Court in a December 18, 2012 order, "either due to a lack of will or external factors," local authorities had not evicted the bad faith occupants from the land.[436] Indeed, as of July 2012, 6,500 hectares remained unduly occupied by bad faith occupants mostly engaged in cattle ranching, logging, and commercial plantain and yucca production, according to the INCODER.[437]

Killing of Walberto Hoyos, Caño Manso, Chocó, October 14, 2008

Evidence strongly suggests that the October 2008 killing of community leader **Walberto Hoyos** was motivated by his efforts to recover land in the Caño Manso community of Curvaradó, and carried out by a paramilitary successor group.

Starting around 2007, Walberto and his brother **Miguel Hoyos** led fellow community members' return to Caño Manso.[438] They found that Luis Felipe Molano Díaz occupied a

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[432] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó," Bogotá, July 12, 2012.

[433] The humanitarian zones are fenced-in areas meant to ban the entry of all armed actors—including public security forces—in order to demarcate the residents' civilian status and neutrality in the context of the armed conflict.

[434] Contentious Administrative Tribunal of Chocó, Case Number 2009-0030, October 5, 2009.

[435] See, for example, Constitutional Court of Colombia, Order 299 of 2012.

[436] Ibid, p. 39.

[437] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó," Bogotá, July 12, 2012.

[438] Human Rights Watch interview with Miguel Hoyos, Apartadó, Antioquia, March 7, 2012.

swath of the land. Miguel told Human Rights Watch that he and Walberto met with Molano and his assistant to try to convince him to stop cutting down trees in the area, and that Molano's assistant threatened them during the meeting.[439]

At the time of the return, land in Caño Manso was also being occupied by families who settled there under the guidance of former paramilitary Sor Teresa Gómez, according to the INCODER.[440] Gómez is at large after having been convicted for ordering the 2007 killing of a land restitution leader in Córdoba department, and is identified by authorities as an Urabeños leader (see more on Gómez in the section, "The Santa Paula Farm in Leticia, Córdoba").

On September 17, 2007, in a town near Caño Manso, a gunman identified by Miguel as having links to paramilitaries shot him once in the side, and Walberto twice in the back.[441] The brothers survived the attack, and according to Miguel, both fled to Bogotá for approximately 10 months, before returning to Caño Manso in mid-2008 with government-provided bodyguards.

On October 14, 2008, gunmen assassinated Walberto in the Caño Manso community. Walberto's government-provided bodyguards were not present because they had taken a trip to Medellín, according to Miguel and an official close to the case.[442] The Inter-American Commission on Human Rights reported that "[t]he police arrived at the location [of the killing] five hours after the events, and the army arrived seven hours after [the killing]."[443]

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[439] Ibid.

[440] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó," Bogotá, July 12, 2012.

[441] Human Rights Watch interview with Miguel Hoyos, Apartadó, Antioquia, March 7, 2013; Frontline Defenders, "Colombia – Assassination of human rights defender Walberto Hoyos Rivas," October 30, 2008, http://www.frontlinedefenders.org/node/1601 (accessed May 21, 2013).

[442] Human Rights Watch interview with Miguel Hoyos, Apartadó, Antioquia, March 7, 2013; Human Rights Watch interview with Ombudsman Office official, Bogotá, February 20, 2012.

[443] Inter-American Commission on Human Rights, "Report about the field visit concerning provisional measures ordered in favor of members of the communities constituted by the community council of Jiguamiandó and the families of Curvaradó, municipality of Darién, Chocó department, Republic of Colombia," February 20, 2009, http://www.cidh.org/countryrep/MPColombia2.20.09.sp.htm (accessed May 21, 2013), para. 37.

Government reports, the Office of the Prosecutor of the International Criminal Court, and community members attribute responsibility for the killing to a paramilitary successor group.[444] For example, the Colombian government reported to the Inter-American Court that:

> [O]ne of the theories regarding the motives that could have led to the assassination of Mr. Hoyos relates to the fact that he had … established himself [as] a defender of those who abandoned their lands because of violence … causing him to be a target of criminal and illegally armed organizations called the Black Eagles (Águilas Negras).[445]

Similarly, a justice official working on the case told Human Rights Watch that the investigation had turned up signs that the killing was motivated by Walberto's leadership in the community.[446]

After the killing, Miguel fled once again to Bogotá, this time for two years. He returned to Curvaradó in 2011, but not to the Caño Manso community because, as he told Human Rights Watch:

> [A]s long as the people [responsible for Walberto's killing] are not arrested, I cannot go to that territory.… How can I return to the territory knowing that they're free? The same thing that happened to my brother could happen [to me].[447]

Despite the 2009 Chocó tribunal ruling that ordered Molano's eviction from Caño Manso, as of 2012, he continued to occupy 579 hectares of land in the community, where he kept approximately 700 cattle, according to the INCODER.[448] As of April 2013,

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[444] Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR, Ombudsman's Office Number CAD- 237/12, Bogotá, April 18, 2012, p. 3; Office of the Prosecutor of the International Criminal Court (ICC), "Situation in Colombia: Interim Report," November 2012, para. 59; Human Rights Watch interview with resident of Caño Manso, Andalucía, Chocó, May 31, 2009.

[445] Inter-American Court of Human Rights, "Order of the Inter-American Court of Human Rights of August 30, 2010. Provisional Measures Regarding Colombia. Matter of the Communities of Jiguamiandó and Curvaradó," August 30, 2010, http://www.corteidh.or.cr/docs/medidas/jiguamiando_se_09_ing.pdf (accessed May 21, 2013), para. 66.

[446] Human Rights Watch group interview with prosecutors, Medellín, March 5, 2012.

[447] Human Rights Watch interview with Miguel Hoyos, Apartadó, Antioquia, March 7, 2013.

[448] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó"; Contentious Administrative Tribunal of Chocó, Case number 2009-0030, October 5, 2009.

the investigation into Walberto's killing remained at the preliminary stage, with no suspects charged.[449]

Killing of Argenito Díaz, Llano Rico, Chocó. January 13, 2010; Threats against Brother

Evidence strongly suggests that men linked to a paramilitary successor group assassinated community leader **Argenito Díaz** in a targeted killing motivated by his efforts to recover land in the Llano Rico community of Curvaradó, which was occupied by cattle ranchers, including one who threatened him prior to his death. No one was held accountable for the killing, the ranchers continued to occupy the land, and Argenito's brother, **Germán Díaz** (pseudonym), reported constant threats, causing him to flee the region.

In October 2009, Argenito notified cattle ranchers occupying land in Llano Rico of a ruling handed down by a Chocó tribunal that ordered their eviction.[450] Germán Díaz told Human Rights Watch that one of the ranchers refused to accept a copy of the notification, and subsequently threatened Argenito. An official close to the case confirmed to Human Rights Watch that Argenito had been threatened prior to his murder.[451] Germán said that Argenito fled Llano Rico in December 2009 due to the threats, but then returned in early January 2010.[452]

On January 13, Argenito was taken off a minibus traveling from the town of Mutatá to Llano Rico and executed. Several Curvaradó community members provided credible accounts pointing to the involvement of a man from the region with known paramilitary links' in Argenito's killing.[453]

A justice official working on Argenito's case told Human Rights Watch that there were signs that a paramilitary successor group carried out the killing, and that it was in retaliation for his reclamation efforts. The justice official also told Human Rights Watch that there were

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[449] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[450] Human Rights Watch telephone interview with Attorney General's Office official, July 23, 2012; Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012 and July 20, 2012.

[451] Human Rights Watch interview with Ombudsman's Office official, Bogotá, February 20, 2012.

[452] Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012.

[453] Human Rights Watch group interview with former residents from the Curvaradó region, location withheld, July 1, 2012; Human Rights Watch group interview with Curvaradó community leaders, Apartadó, July 2012. Details of the accounts are withheld because they could reveal the identity of the witnesses and put them in danger. One witness' account put the paramilitary-linked man in the same location where Argenito was killed, right before the killing. A community leader said that another now deceased community leader saw the same paramilitary-linked man with a gun directly after the murder.

signs pointing to the possible involvement of one of the individuals who Argenito notified of the eviction order.[454] Similarly, the Ombudsman's Office and Inspector General's Office reported that a paramilitary successor group killed Argenito.[455]

Argenito's brother Germán was elected to replace him as the representative of the Llano Rico community council. Germán said that shortly after the killing, local ranchers began to threaten him by sending people to tell him that the same thing would happen to him that happened to Argenito.[456] An Early Warning System report confirmed that following Argenito's killing, Germán began receiving death threats issued by the bad faith occupants identified in the Chocó tribunal ruling.[457] The report listed threats against Germán made through the end of 2010 by land occupants and the Urabeños.

Germán told Human Rights Watch that he fled Llano Rico for Bogotá in March 2011 due to ongoing threats.[458] He returned a month later, but then fled the community again in July 2011 because of new threats. Around that time, he said that he received a call on his cell phone threatening his son, who was a child. The caller stated, "Your oldest son is in danger. Since we have not been able to get you, we are going to get your son."[459] The threat led Germán's son to abandon the Llano Rico community, according to Germán and an Early Warning System report.[460] Germán said that he and his son returned to Llano Rico, but continued receiving threats through the beginning of 2012, leading his son to flee the area once again.[461]

As of July 2012, at least two of the ranchers who Argenito notified of the 2009 Chocó tribunal ruling continued to occupy land in Llano Rico, one of whom had converted the

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[454] Human Rights Watch telephone interview with Attorney General's Office official, July 23, 2012.

[455] Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR, Ombudsman's Office Number CAD- 237/12, Bogotá, April 18, 2012, p. 3.

[456] Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012 and July 20, 2012.

[457] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 005-11 to First Risk Report number 021-09 A.I. from December 21, 2009," March 23, 2011.

[458] Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012 and July 20, 2012.

[459] Ibid.

[460] Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012 and July 20, 2012; Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012.

[461] Human Rights Watch interview with Germán Díaz, Apartadó, March 7, 2012 and July 20, 2012.

community's cemetery into a pasture for his cattle, according to the INCODER report.[462] The investigation into Argenito's killing was at the preliminary stage as of April 2013.[463]

Threats against Deiner Durango

Deiner Durango (pseudonym) is another example of a Curvaradó community leader who had to flee the region due to repeated threats.

Durango told Human Rights Watch that in 2010, a group of 15 men armed with rifles who identified themselves as members of the Rastrojos, a paramilitary successor group, offered him money in exchange for information about the community and the army's movements in the area, which he refused.[464] Two weeks later, he received a text message from an unidentified number telling him not to worry because they were going to shut him up. Soon after receiving the message, Durango fled to Bogotá with other leaders from the area who had also been threatened by paramilitary successor groups.[465]

Durango returned to Curvaradó in 2011, but to a different community that is less remote than his home community. He said that in December 2011, a Rastrojos commander visited his parents and told them they were going to kill him because he had sent the army to the Rastrojos's camp.[466]

Durango told Human Rights Watch in March 2012 that he did not feel that he had the security guarantees to return to his community, and was considering withdrawing from his leadership role.[467] The Ombudsman's Office has identified his case as among the most worrisome examples of Curvaradó leaders who had been threatened by paramilitary successor groups.[468]

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[462] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."
[463] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.
[464] Human Rights Watch interview with Deiner Durango, Apartadó, March 7, 2012.
[465] Ibid.
[466] Ibid.
[467] Ibid.
[468] Ombudsman's Office report from 2012 on file with Human Rights Watch.

Threats against Early Warning System Analyst Raquel Collazos, July 2011

On July 11, 2011, **Raquel Collazos** (pseudonym), then the Early Warning System analyst monitoring the land restitution process in Curvaradó and Jiguamiandó, received a text message threat.[469] The content and timing of the threat strongly suggest that it was motivated by actions she took to prevent the forced recruitment of a young Curvaradó community leader by the Urabeños. At the time, the leader was living in a city in the Urabá region, away from Curvaradó, and Human Rights Watch did not find evidence that the attempted recruitment was motivated by his leadership in the restitution process.[470] Later in July, the Early Warning System decided to transfer Collazos away from Urabá due to concern for her safety.[471]

The threats against Collazos—and her consequent transfer away from Urabá due to a lack of security guarantees—ultimately undermined protection for the communities of Curvaradó and Jiguamiandó, and underscored the power of paramilitary successor groups in the region. Collazos had performed a crucial role in identifying imminent risks of abuses against land claimants and leaders in these communities. Her departure meant the loss of her expertise and the trust of locals she had built during several years at her post.

Killings of Eder and Eduar Agamez, Bella Flor Remacho, August 2011

In August 2011, members of a paramilitary successor group killed **Eder and Eduar Agamez**, two brothers from the Bella Flor Remacho community of Jiguamiandó, according to a family member, community leader, and Early Warning System report.[472] Both the Early Warning System report and community leader identified the Rastrojos as the responsible paramilitary successor group.

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[469] Human Rights Watch interview with Raquel Collazos, Bogotá, June 26, 2012; Criminal complaint filed by Raquel Collazos with Attorney General's Office, September 2011.

[470] Human Rights Watch interview with victim of attempted forced recruitment, location withheld, March 2012; Human Rights Watch interview Raquel Collazos, Bogotá, June 26, 2012.

[471] Criminal complaint filed by Raquel Collazos with Attorney General's Office, September 2011.

[472] Human Rights Watch interview with Curvaradó community leader, Apartadó, March 7, 2012; Human Rights Watch interview with family member of Agamez brothers, Apartadó, March 7, 2012; Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 21. According to the Early Warning System report, "In August 2011, the Rastrojos took two young men with the last name Agamez from the Bella Flor Remacho community on the Jiguamiandó River Basin … after killing them, they left their bodies … with signs of torture."

The paramilitary successor group detained the Agamez brothers after they refused to drive members of the group up-river in a boat, according to a family member.[473] The following day, members of the group told their family where to collect the bodies, and the brothers were found with signs that they had been beaten.[474] The family member did not know why the brothers were killed and said that they had never been threatened. However, he said that in general, armed groups enter the community to cultivate coca crops and threaten residents who refuse to collaborate with them.[475]

The Agamez brothers' family member told Human Rights Watch that their autopsy reports said that they had drowned, and according to the Early Warning System, government authorities took that position as well.[476]

Threats against Luis Eduardo Muñoz and Alicia Castillo

Luis Eduardo Muñoz (pseudonym), a leader from the Apartadocito community of Curvaradó, reported being subject to repeated threats, including one by an Urabeños member on December 11, 2011.[477] That day, according to Muñoz, after arriving in the town of Llano Rico with fellow community members, a known Urabeños member approached him. The Urabeños member asked what Muñoz and his fellow community members were doing there, and said that three landowners had ordered them killed.[478] The three landowners who Muñoz said that the Urabeños member mentioned were listed in the INCODER report as being bad faith occupants of hundreds of hectares of land in Curvaradó.[479]

Alicia Castillo (pseudonym), a leader of the Caracolí community in Curvaradó, reported several threats against her and her family made by workers on the La Tukeca cattle ranch occupying land in her community.[480] The INCODER reported in July 2012 that La Tukeca covered 308 hectares of the Caracolí community's land and "has become a source of

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[473] Human Rights Watch interview with family member of Agamez brothers, Apartadó, March 7, 2012.

[474] Human Rights Watch interview with Curvaradó community leader, Apartadó, March 7, 2012; Human Rights Watch interview with family member of Agamez brothers, Apartadó, March 7, 2012.

[475] Human Rights Watch interview with family member of Agamez brothers, Apartadó, March 7, 2012.

[476] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 21.

[477] Human Rights Watch interview with Luis Eduardo Muñoz, Apartadó, March 7, 2012.

[478] Ibid.

[479] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."

[480] Human Rights Watch interview with Alicia Castillo, Apartadó, March 7, 2012.

permanent conflict with the Caracolí community, due to the irregular transit of the cattle which destroys the community crops."[481]

Castillo said that one day in May 2011, after shooing cattle away from her community's land, she was walking with two other women when approximately nine La Tukeka workers, including the ranch administrator, grabbed the two other women, hit them, and kicked them.[482] The Early Warning System's account of the incident stated that workers from La Tukeka had reportedly "tried to sexually assault two women from the community, hitting them and ripping off their clothes."[483] Castillo was about 50 meters away from the two women, and she said that someone yelled, "Grab Castillo so that you can cut off her head, she's the one who's a pain!"[484] At that moment, two members of Peace Brigades International, an international NGO that accompanies the communities, arrived and the workers let go of the women and left.[485] Castillo reported that the threats against her continued in December 2011 and February 2012.[486]

"Disappearance"[487] of Everto Gonzalez Hoyos, Gengado, Curvaradó, July 23, 2011

Caracolí community member **Everto Gonzalez Hoyos** was "disappeared" on July 23, 2011 while in the Gengado area of Curvaradó, according to several sources.[488] The Early Warning System reported in November 2012 that, "despite information about his alleged homicide, to this date [Gonzalez Hoyos] remains disappeared."[489] The case was being investigated as an enforced disappearance[490] by the Attorney General's Office, which reported in January 2012:

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[481] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."

[482] Human Rights Watch interview with Alicia Castillo, Apartadó, March 7, 2012.

[483] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 10.

[484] Human Rights Watch interview with Alicia Castillo, Apartadó, March 7, 2012.

[485] Authorities' investigation into this incident should examine whether acts of sexual violence occurred and if there was a gendered component to the reported attack.

[486] Human Rights Watch interview with Alicia Castillo, Apartadó, March 7, 2012.

[487] The term "disappearance" refers to cases containing: 1) the deprivation of liberty against the will of the person concerned, and 2) the refusal to disclose the fate and whereabouts of the person concerned.

[488] Human Rights Watch interview with Alicia Castillo, Apartadó, March 7, 2012; Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 21; Attorney General's Office, "Report to the Constitutional Court- Special Chamber in Follow-up of the Sentence T-025 of 2004 and It's Compliance Orders," January 2012, p. 61.

[489] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 21.

[490] The definition of "enforced disappearances" set out by treaties such as the International Convention for the Protection of all Persons from Enforced Disappearance refers to cases containing three cumulative elements: 1) the deprivation of liberty

> Various unidentified men removed [Everto] from the place where he was and from then on he has not been heard from. There is knowledge that apparently the 'disappeared' was part of a group of land claimants from Curvaradó. The previous events indicate the possible existence of the illicit conduct of Enforced Disappearance.[491]

As of July 2013, the investigation into Gonzalez Hoyos's disappearance was at a preliminary stage, with no suspects charged.[492]

Abduction and Killings of Manuel and Samir Ruiz, Mutatá, Antioquia, March 2012

Evidence strongly suggests that the March 23, 2012 abduction and subsequent killings of **Manuel Ruiz** and his 15-year-old son **Samir Ruiz** were carried out by Urabeños members and, contrary to the claims by the police, related to Ruiz's leadership in reclaiming land in the Apartadocito community of Curvaradó. The killings undermined both Ruiz's family's and fellow community members' restitution efforts: as a result of the killings, 49 family members were forcibly displaced, according to the Constitutional Court, and the government suspended an important step in the restitution process in Curvaradó and Jiguamiandó for more than a month.[493] The sequence of events in the abduction raises serious questions about, at the very least, the police's possible toleration of operations by the Urabeños members accused of killing Ruiz and his son.

The Ombudsman's Office said that for more than a year prior to Ruiz's killing, leaders from Curvaradó had told officials that rewards were being offered in the region for their assassination.[494] In June 2011, while Ruiz was representing Apartadocito community

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against the will of the person concerned; 2) the involvement of state agents, either directly or indirectly through authorization, support, or acquiescence; and 3) the refusal to disclose the fate and whereabouts of the person concerned. By contrast, the definition of an "enforced disappearance" in Colombia's penal code contains the first and third elements, but does not require the involvement of state agents.

[491] Attorney General's Office, "Report to the Constitutional Court- Special Chamber in Follow-up of the Sentence T-025 of 2004 and It's Compliance Orders," January 2012, p. 61.

[492] Email from Attorney General's Office official to Human Rights Watch, July 15, 2013.

[493] Constitutional Court of Colombia, Order 112/2012, May 18, 2012, para. III, 15; INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."

[494] Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó."

members in conducting a census to determine who had a right to live in the territory, a man linked to paramilitaries followed him and other leaders.[495]

Community members gave credible accounts pointing to the participation of the same man in the 2010 killing of Argenito Díaz (see Argenito case above). In November 2011, Ruiz asked the UNP to strengthen his protection measures by giving him a motorbike to use to travel around the region.[496] At the time, the only protection measure the UNP had granted him was a cell phone—the most common type of measure the program provides to threatened land restitution claimants and leaders.

Approximately two weeks before the killings, a recognized Urabeños member conducted surveillance of Ruiz while he was in the town of Mutatá, according to a family member who was with him at the time.[497]

On March 21, 2012, the Group of Preliminary Evaluation, an entity coordinated by the UNP, found that Ruiz had an "extraordinary risk"—a determination that requires the risk to be "concrete," "serious" and "exceptional," among other criteria.[498] At that point, he had not received the additional protection measure that he requested in November 2011.

On March 22, 2012, Ruiz received a text message stating that if he bought 300,000 pesos (roughly US$170) worth of cell phone credit for a certain cell phone number, he would receive a prize of approximately 10 million pesos (roughly US$5,675). The following days—on March 23 and 24—Ruiz was supposed to accompany an INCODER commission visiting Apartadocito and help the rural development agency identify the areas that were occupied by bad faith occupants.[499]

At the time, a settlement of roughly 80 families occupied approximately 370 hectares of the Apartadocito community's land.[500] According to the INCODER, illegal settlements in Curvaradó and Jiguamiandó "generally are promoted by individuals foreign to the

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[495] Human Rights Watch group interview with former residents from the Curvaradó region, location withheld, July 1, 2012; Human Rights Watch group interview with Curvaradó community leaders, Apartadó, July 2012.

[496] Letter from Manuel Ruiz to María Paulina Riveros, director of Interior Ministry's Human Rights Program, November 19, 2011.

[497] Human Rights Watch group interview with Manuel Ruiz's family members, location withheld, July 2012.

[498] Official Communication from the director of the National Protection Unit to the Constitutional Court of Colombia, April 16, 2012.

[499] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."

[500] Ibid.

communities … and are also driven by businessmen."[501] The INCODER identified the conflict between Apartadocito community members and the settlers as the context in which Ruiz and his son's killings occurred.[502]

On March 23—the same day the INCODER study of Apartadocito was scheduled to take place—Ruiz and his son Samir went to the town of Mutatá to buy the cell phone credit mentioned in the March 22 text message. After Ruiz bought credit for the cell phone number at a restaurant in Mutatá, it became clear that the text message was a scam and he would not receive the reward. He was unable to pay the restaurant for the credit, having counted on being able to pay with the reward promised in the text message offer.

At that point, the restaurant owner called Urabeños members to collect the money, according to the Attorney General's Office.[503] Urabeños members then approached Ruiz and his son and pressured him to pay for the cell phone credit he had purchased.[504] A Curvaradó leader told Human Rights Watch that he spoke with Ruiz via cell phone shortly after being approached by the Urabeños members and that Ruiz said that the men insulted him and treated him "like a guerrilla." The leader told Ruiz to be careful because they were paramilitaries.[505]

After being approached by the paramilitary successor group members, at around 1 p.m., the Mutatá police took Ruiz into custody on the grounds that he had failed to pay the restaurant for the cell phone credit.[506] During his detention, Ruiz called different government authorities, who then informed the police that he was a land restitution leader with special protection measures. As a result, the police released him from custody the same afternoon. Ruiz told Ombudsman's Office staff that while in detention, a member of the police had called him a guerrilla.[507]

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[501] Ibid.

[502] Ibid.

[503] "Written charges filed for the death of a leader in land restitución in Curvaradó, Chocó," Radio Santa Fe, July 15, 2013, http://www.radiosantafe.com/2013/07/15/radican-escrito-de-acusacion-por-muerte-de-lider-de-restitucion-de-tierras-en-curvarado-choco/ (accessed August 8, 2013).

[504] Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó"; Human Rights Watch group interview with Manuel Ruiz's family members, location withheld, July 2012; Human Rights Watch group interview with Curvaradó community leaders, Apartadó, July 2012.

[505] Human Rights Watch group interview with Curvaradó community leaders, Apartadó, July 2012.

[506] Ombudsman's Office of Colombia, "Analysis and Valoration of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó."

[507] Ibid.

After the police released him, Ruiz and his son waited briefly in Mutatá for a minibus that would take them back to Apartadocito. As they waited, some Urabeños members watched over Ruiz and his son, while six others—including two local leaders of the group—drove on motorbikes to a point on the road leaving Mutatá where the group would later abduct them, according to a source from the Attorney General's Office.

At 4 p.m., Ruiz and his son departed in a minibus for Apartadocito. After being stopped at a police checkpoint shortly after leaving Mutatá, the minibus continued. Approximately 15 minutes' drive outside the town of Mutatá, a few of the Urabeños members stopped the minibus, forced Ruiz and his son to get out, and abducted them.[508]

The fact that Ruiz and his son were first approached by Urabeños members, then taken into police custody, and shortly thereafter detained once again by the Urabeños raises serious questions about, at the very least, the police's toleration of the paramilitary successor group operating in the area. Another sign pointing to police acquiescence is the fact that—when Urabeños drove from Mutatá to the part of the road where they abducted Ruiz—they presumably would have had to pass through the same police checkpoint where the minibus carrying Ruiz was stopped shortly after.

The evening of March 23, Ruiz and his son made several cell phone calls to their family, in which they told them they were being held on a farm, and that if they did not pay a ransom of two million pesos (roughly US$1,135), they would be killed. The Ruiz family told Human Rights Watch that when they asked to whom they should wire the money, they were told to leave it with a man in Mutatá, whom the family identified as a local Urabeños member.[509]

That night around 7 p.m., one of Ruiz's family members living in the neighboring municipality of Turbo said he went to the police and informed them that Ruiz had been kidnapped. The family member said he put the police sergeant on the phone with Ruiz and that, after he hung up, the sergeant told him that Ruiz had kidnapped himself to extort money from his family. The family member said that the sergeant refused to help him.[510]

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[508] Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR, Human Rights Watch group interview with Manuel Ruiz's family members, location withheld, July 2012.

[509] Human Rights Watch group interview with Manuel Ruiz's family members, location withheld, July 2012.

[510] Ibid.

The Urabeños killed Ruiz and his son between around 8 and 9 p.m., according to a source from the Attorney General's Office.

The same family member said that on March 24, he and another person approached an Urabeños leader in Turbo to inquire about Ruiz's abduction. The Urabeños leader told them that three guerrillas had been killed in Mutatá very early that morning, that they should look for their bodies along the river, and that they were authorized to do so, according to Ruiz's family member and the person who accompanied him.[511]

An official familiar with the case confirmed to Human Rights Watch that paramilitaries authorized Ruiz's family to search for the bodies on March 24.[512] That an Urabeños leader from a municipality neighboring Mutatá knew about Ruiz and his son's killings, and directed the family where to find the bodies, strongly suggests the men who abducted and killed the two had acted as part of the Urabeños's broader regional structure.

On March 27 and March 28, Ruiz and his son's bodies were found shot dead along the Pavarandó River. Wounds on Ruiz's son's neck caused by a sharp weapon strongly suggest he was tortured, according to his autopsy report.[513]

A year later, in March 2013, prosecutors pressed charges against four individuals—two accused of committing the killings and two "collaborators"—according to a senior Attorney General's Office official.[514]

A range of government authorities have made statements indicating Ruiz and his son's killings were related to land restitution. Then-Interior Minister Germán Vargas Lleras said:

> We are very sorry for [the killings] because they are closely linked to the Curvaradó and Jiguamiandó process. The death of this important leader

[511] Ibid.

[512] Human Rights Watch interview with official working on land restitution process in Curvaradó, Apartadó, Anioquia, July 20, 2012.

[513] The definition of torture in Colombian criminal law does not require the involvement—either through direct participation, acquiescence or consent—of state officials. Law 599 of 2000, art. 178.

[514] Human Rights Watch interview with senior UNCDES official, Bogotá, April 19, 2013. According to the official, the charges were for aggravated homicide, enforced disappearance, torture, and conspiracy.

> cannot stop the process of restitution because that is exactly what the violent people who killed him want.[515]

The Ombudsman's Office reported to the Constitutional Court that the killings were committed by the Águilas Negras, a name used by the Urabeños, "and were directly linked to [Ruiz's] role as a leader and participant in the land restitution process in Curvaradó and Jiguamiandó."[516]

The Constitutional Court called the killing:

> [A] very grave act that demonstrates the conditions of insecurity denounced by the community … [and] the insufficiency of the mechanisms adopted thus far to guarantee the life and integrity of the persons who participate in the land restitution process.[517]

By contrast, the commander of the police in Urabá, Coronel Leonardo Mejía, told Human Rights Watch that Ruiz was not killed because of his land restitution activism.[518] *El Tiempo* newspaper similarly reported that the police commander stated in March 2013 that:

> From the start of the investigation the hypothesis laid out was that the death was for not paying for the cell phone credit and not for [Ruiz's] status of being a land claimant. The investigation has come to a conclusion and corroborated that the death was caused by one of the places where [Ruiz] bought the [cell phone] credit resorting to delinquents to collect the money, which ended in the double homicide.[519]

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[515] Interior Ministry, "Minister of Interior laments the killing of land restitution leader," March 28, 2012, http://www.mij.gov.co/Ministerio/NewsDetail/1552/1/Mininteriorlamentoelasesinatodeliderderestitucion (accessed May 22, 2013).

[516] Ombudsman's Office of Colombia, "Analysis and Evaluation of the Provisional Urgent Plan for Prevention of Displacement and Individual and Collective Protection for the Communities of the Community Councils of Jiguamiandó and Curvaradó," Official Communication from the Inspector General's Office and Ombudsman's Office to the Constitutional Court of Colombia, PGN 1110460001- siaf- 129489 – LJAR.

[517] Constitutional Court of Colombia, "Request of Information about the adoption of protection measures for those who participate in restitution processes in the collective territories of the community councils of the Curvaradó and Jiguamiandó, in accordance with what was ordered in Order A-045 of 2012," April 9, 2012, para. III,1.

[518] Human Rights Watch interview with Colonel Leonardo Mejía, commander of the police in Urabá, Apartadó, July 19, 2012.

[519] "Arrests in Urabá give a twist to the crime against the land leader," *El Tiempo*, March 24, 2013, http://www.eltiempo.com/justicia/investigacion-da-giro-a-crimen-de-lider-de-tierras_12710724-4 (accessed May 22, 2013).

In April 2013, a month after the police colonel's reported statement, a senior official from the prosecutorial unit investigating Ruiz and his son's killings said the investigation had not determined the motive behind the case.[520] According to a source from the Attorney General's Office, as of July 2013, prosecutors still had not concluded whether Ruiz was killed because of his restitution efforts, or in order to recover the money owed for the cell phone credit, claiming there was evidence to support both possible motives.

The police colonel's preemptive statement that the killings were unrelated to Ruiz's activism is unconvincing for several reasons. Even though there is evidence that the Urabeños were initially contacted to collect the money that Ruiz owed for cell phone credit, this does not preclude that he was killed because of his land activism. Over the course of the Urabeños's interaction with Ruiz—ranging from when they initially harassed him to when they abducted him with his son—they could have discovered that he was a restitution leader from Curvaradó and decided to kill him. This possibility is supported by the fact that, according to a source from the Attorney General's Office, during the several hours that the Urabeños held Ruiz and his son, members of the group—including a local leader later implicated directly in the murders—made more than 50 phone calls amongst themselves, as well as many other calls to numbers belonging to people yet to be identified. Over the course of these calls, Ruiz's captors could have discovered his identity as a restitution leader. Furthermore, according to a source from the Attorney General's Office, one of the alleged Urabeños members who followed Ruiz and his son after they were released from the police station had been operating in Ruiz's hometown six months earlier. It is reasonable to suspect that he would have known about Ruiz's land restitution activities.

The hypothesis that the captors' ultimate purpose was to recover the payment owed to the restaurant is undermined by the lack of a sustained effort by Ruiz's captors—and short amount of time they gave his family—to provide the ransom payment. Given the family's very limited economic resources, they could not be reasonably expected to quickly deliver such a large sum of money. Furthermore, a kidnapping simply intended to extort money from Ruiz's family would have been inconsistent with the Urabeños's modus operandi in the area: the commander of the Urabá police told Human Rights Watch that paramilitary successor groups in the region had not kidnapped a single person in 2012.[521]

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[520] Human Rights Watch interview senior official from the Enforced Disappearance and Displacement Unit of the Attorney General's Office, Bogotá, April 19, 2013.

[521] Human Rights Watch interview with Colonel Leonardo Mejía, commander of the police in Urabá, Apartadó, July 19, 2012.

The precedent of targeted abuses by paramilitary successor groups against Curvaradó leaders, information about a reward offered in the region for Curvaradó leaders' killings, recent surveillance of Ruiz, and the fact that he was about to help the INCODER in an important step in the land restitution process, are plausible grounds to presume that the killing was related to his leadership. The Urabeños may have known that Ruiz was a restitution leader from the moment of his arrival in the town of Mutatá on March 23, or belatedly discovered this after having abducted him and his son.

Ongoing Threats and Harassment

Threats against community members and leaders from Curvaradó continued following the murder of Ruiz and his son. For example, the Early Warning System reported that on November 20, a farm administrator reportedly told members of the Caño Manso and Nueva Unión communities that whoever initiated a land restitution case "could have the same luck as Walberto Hoyos."[522]

The report noted that the threats in Curvaradó had increased. In the same vein, on February 1, 2013, seven members of the U.S. Congress sent a letter to President Santos expressing concern over the recent security situation of the Curvaradó and Jiguamiandó communities, stating that "we have been made aware of the rise in threats against community leaders and census committee members."[523] The letter also raised concern over threats and harassment against members of the Inter-Church Justice and Peace Commission (Comisión Intereclesial de Justicia y Paz, CIJP), a Colombian non-governmental organization that works closely with parts of the communities.[524] It described, for example, how on October 19, 2012 in Turbo, Antioquia in Urabá:

> CIPJ field team member Edwin Mosquera, while being accompanied by a Peace Brigades International (PBI) volunteer, was approached by three men, one of whom identified himself as a paramilitary member of the United Self-

[522] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 10.

[523] Letter from seven members of the U.S. Congress to President Juan Manuel Santos, February 1, 2013.

[524] The CIJP assisted community members from Curvaradó and Jiguamiandó in setting up fenced-in "humanitarian zones," where armed actors are not supposed to enter. The CIJP has field staff with a permanent presence in the humanitarian zones, and provide community members with support in many areas, including legal representation.

Defense Forces of Colombia…. The man said he knew about CIJP's activities and added, "You all can go along, but we are watching."[525]

Embera Community of Patadó, Chocó

The Embera indigenous community of Patadó is located in Apartadocito, within the collectively titled Curvaradó territory. Since families from Patadó returned to their land in 2009, community leaders and a regional indigenous rights advocate working on the case have reported threats and intimidation, including by Orlando Suescun, who occupied virtually all the community's land as of early 2013.

Suescun inherited the land from his brother, who bought it at a submarket price immediately after paramilitaries displaced Patadó residents in 1997, according to community leaders.[526] On October 8, 2011, Suescun and another man requested a meeting with **William Carupia**, the head of the Indigenous Organization of Antioquia (OIA), which monitored the Patadó community's return in 2009 and sent a lawyer to collect facts about the case in 2010, according to Carupia.[527] During the meeting, which took place in Mutatá, Antioquia, Suescun told Carupia that the Patadó community was squatting on his land, and that as their representative Carupia had to resolve the problem. If Carupia failed to do so, Suescun said, there would be "consequences."[528]

After returning to Medellín, on October 18, 2011, Carupia received a call on his cell phone in which an unidentified male told him, "You're going to get yourself killed for reclaiming land."[529] Meanwhile, a Patadó community member told Human Rights Watch that in October, he ran into an armed man on a pathway within the community. He said that the man asked for the then-governor of the Patadó community and said that the governor

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[525] Letter from seven members of the U.S. Congress to President Juan Manuel Santos, February 1, 2013.

Also see Human Rights Watch, *Paramilitaries' Heirs*, pp. 82-83, regarding threats and 2008 kidnapping of Yimmy Armando Jansanoy, another member of CIJP working closely with the Curvaradó communities.

[526] Human Rights Watch group interview with community leaders from Patadó, Apartadó, April 12, 2013.

[527] Human Rights Watch interview with William Carupia, Medellín, July 21, 2012 and telephone interview, February 7, 2013.

[528] Human Rights Watch interview with William Carupia, Medellín, July 21, 2012 and telephone interview, February 7, 2013. Criminal Complaint filed by William Carupia with Attorney General's Office in Medellín, October 21, 2011; Complaint filed by William Carupia with Personería of Medellín, October 20, 2011; Complaint filed by William Carupia with the regional Inspector-General's Office of Antioquia, March 9, 2012.

[529] Criminal Complaint filed by William Carupia with Attorney General's Office in Medellín, October 21, 2011.

"owed" something.[530] After being alerted about the armed man, the community's governor said that he stayed away from Patadó for approximately eight months.[531] Similarly, the Early Warning System reported that armed men presumed to be Urabeños members entered the Patadó community in October 2011.[532]

On March 2, 2012, an indigenous man from Urabá told Carupia that he had received a phone call on February 29 in which he was told to inform Carupia that an Águilas Negras member in the municipality of Necoclí, Antioquia had given "authorization" to kill him.[533] Carupia reported that on March 7, he received a phone call in which an unidentified male told him, "You are a military target, man, we already warned you."[534] Carupia believed that the March threat could either be related to the Patadó case or public statements he made denouncing abuses by armed groups against indigenous communities in Antioquia department.

Later in March 2012, the INCODER rural development agency visited the Patadó community as part of its process of verifying the legal and bad faith occupants of the Curvaradó and Jiguamiandó collective territories. The INCODER reported finding that despite having title to 44.5 hectares of land there, the indigenous community was only occupying 2 hectares because the rest was occupied with cattle, homes, and pineapple crops belonging to Suescun, who alleged to have purchased the land.[535] The INCODER noted: "The indigenous community reclaims the piece of land reporting death threats against its leaders and a lack of land to work, in spite of being owners of the property."

A community leader told Human Rights Watch that the 17 Embera families in Patadó do not have any space to plant crops, and due to their lack of food production, sometimes eat just one meal a day.[536]

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[530] Human Rights Watch group interview with community leaders from Patadó, Apartadó, April 12, 2013.

[531] Ibid.

[532] Ombudsman's Office of Colombia, Early Warning System, "Follow-up note number 018-12 to First Risk Report number 021-09 A.I. from December 21, 2009," November 30, 2012, p. 19.

[533] Complaint filed by William Carupia with the regional Inspector-General's Office of Antioquia, March 9, 2012; Human Rights Watch interview with William Carupia, Medellín, July 21, 2012 and telephone conversation February 7, 2013.

[534] Ibid.

[535] INCODER, "Legal Characterization and Clarification for the Collective Territories of Curvaradó and Jiguamiandó."

[536] Human Rights Watch group interview with community leaders from Patadó, Apartadó, April 12, 2013.

Following the INCODER visit, around April 2012, roughly 10 armed men went to Patadó and asked for the community's governor, according to community leaders.[537] Around that time, according to a community leader, Suescun said that he was not a paramilitary, but his cousin was, and that the community should leave the piece of land, which the leader interpreted to be a threat.[538]

Community leaders from Patadó said they filed a claim with the Restitution Unit in February 2013.[539] They told Human Rights Watch that the killings of leaders from Curvaradó over the past several years have made them afraid of pursuing their own restitution claims.

Salabarría Family, Mundo Nuevo, Montería, Córdoba

Threats made by armed men against the Salabarría family thwarted both of the family's attempts to return to their land in Mundo Nuevo, Córdoba in 2006 and 2012.

In 1991, paramilitaries displaced **Maritza Salabarría**, her parents, siblings, and other family members from Mundo Nuevo, and several years later forcibly "disappeared" her father, according to Maritza and credible news sources.[540] Following the Salabarrías' displacement, a neighboring landowner acquired part of the family's land, according to official documents analyzed and published by the highly reputable investigative website Verdadabierta.com.[541]

One day in early June 2006, as part of the AUC demobilization process, the Ombudsman's Office and MAPP-OEA accompanied the Salabarría family's return to their land. The following day, according to a criminal complaint filed by Maritza, armed men threatened the Salabarrías, telling them that the farm belonged to neighboring landowners, and that they would be killed if they did not leave.[542] Shortly after, due to the threats, the

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[537] Ibid.

[538] Ibid.

[539] Ibid.

[540] Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012; Criminal complaint filed by Maritza Salabarría with Attorney General's Office in Bogotá, April 2007; "History of a persecution," *Semana* magazine, July 21, 2007, http://www.semana.com/nacion/articulo/historia-persecucion/87201-3 (accessed May 22, 2013); "The Mundo Nuevo that the Salabarrías lost," Verdadabierta.com, November 15, 2011, http://www.verdadabierta.com/bandera/index.php?option=com_content&id=3624 (accessed May 22, 2013).

[541] "The Mundo Nuevo that the Salabarrías lost," Verdadabierta.com, November 15, 2011.

[542] Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012; Criminal complaint filed by Maritza Salabarría with Attorney General's Office in Bogotá, April 2007.

Salabarrías fled the farm and Córdoba department.[543] The following year, in March 2007, one of Maritza's brothers who had remained in the region of Mundo Nuevo was disappeared, according to a criminal complaint filed by Maritza and other credible reports.[544]

The Salabarrías persisted in reclaiming their land. Maritza said that in June 2011, after visiting Mundo Nuevo, one of the neighboring landowners with cattle on her land called her and threatened her and her family members with death.[545]

On November 19, 2011, the government's land reform agency, INCODER, returned to the Salabarrías two of the six land plots they are reclaiming during a land restitution ceremony attended by the agricultural minister.[546] The INCODER announced that the event paved the way for Victims Law implementation. The INCODER's national director at the time stated during the ceremony: "This process is the beginning of the overthrow of the policy of threats….The violent [people] will have to give in."[547]

Yet no such "overthrow" occurred, and multiple sources confirmed that the Salabarrías were unable to return to their farm due to threats they received from armed men.[548]

Maritza's brother, **Ramiro Salabarría** (pseudonym), told Human Rights Watch that in March 2012, when he and his brother **Leonardo Salabarría** (pseudonym) went to put up a

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543 Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012; Organization of the American States, "Tenth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia," OEA/Ser.G, CP/doc.4249/07 /, October 21, 2007, www.scm.oas.org/doc_public/ENGLISH/HIST_07/CP19075E07.DOC (accessed August 8, 2013), para. 60.

544 Criminal complaint filed by Maritza Salabarría with Attorney General's Office in Bogotá, April 2007; Organization of the American States, "Tenth Quarterly Report of the Secretary General to the Permanent Council on the Mission to Support the Peace Process in Colombia," OEA/Ser.G, CP/doc.4249/07 / October 21, 2007, para. 60; "History of a persecution," *Semana* magazine, July 21, 2007.

545 Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012.

546 INCODER, "The land titles handed over by the INCODER represent the blood of my father: Maritza Salabarría," Press Bulletin 136, November 19, 2011, http://www.incoder.gov.co/documentos/Boletines/Noviembre%202011/Bole136%20familia%20salabarria.pdf (accessed May 22, 2013).

547 Ibid.

548 Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012; Human Rights Watch interview with senior INCODER official, Bogotá, July 3, 2012; Human Rights Watch interview with senior Victims Unit official, November 28, 2012. According to the UNHCHR, "the Minister of Agriculture handed over land titles during a symbolic land restitution event. One of the families who received a title for the lands from which they had been previously displaced was not able to return due to threats by *Los Urabeños*, which the public security forces have not been able to control." UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012, Appendix I, para. 8f.

fence on their land, two armed members of a paramilitary successor group approached them and threatened them. The armed men told the brothers to tell Maritza not to keep fighting for more land in the village, and that the "boss" ordered their family not to put up a fence around their land.[549] Leonardo provided a very similar account to authorities: "Mr. Leonardo Salabarría said that … they visited the plot of land and found cattle in it, they began to remove the cattle and two heavily armed persons showed up … and threatened him saying that he should tell Ms. Maritza to stop motivating other people to reclaim land … [and that] those land plots belonged to the boss."[550]

Authorities visited Mundo Nuevo on March 16, roughly one week after the reported threat, and found that the Salabarría family was not living on the land plots returned to them.[551] Instead, authorities found cows there. In a 2012 meeting with regional authorities, the Córdoba ombudswoman said that the March 16 commission found "a threat in the environment, where the people who supposedly produced the displacement are [in the area]."[552] According to the ombudswoman, "There are not conditions of social investment or security in this moment for the Salabarría family to return."[553] Similarly, the regional director of INCODER admitted with regard to the Salabarría case that, "some indiscretions were committed with regard to the return, and this is worrisome because it could cause a public security issue since armed actors are present in the area."[554] (Indeed, several sources reported that, in June 2012, the Urabeños massacred four members of a family in the nearby village of Arroyón Arriba, Córdoba.)[555]

The lack of adequate security conditions for this high profile land restitution case—which received a great deal of attention from national authorities and media—raises serious questions about Colombia's ability to protect other IDPs who seek to return home through the Victims Law.

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549 Human Rights Watch group interview with Salabarría family members, Montería, July 16, 2012.

550 Montería Mayor's Office, Territorial Committee for Transitional Justice, Minutes 005 of 2012 from meeting on April 24, 2012.

551 Ibid.

552 Minutes from Territorial Committee for Transitional Justice meeting, July 13, 2012.

553 Montería Mayor's Office, Territorial Committee for Transitional Justice, Minutes 005 of 2012 from meeting on April 24, 2012.

554 Montería Mayor's Office, Minutes 004 from the Territorial Committee for Transitional Justice meeting on March 16, 2012.

555 Human Rights Watch interview with local official in Córdoba, Montería, July 13, 2012; "Massacre was a retaliation between Urabeños: Police," *El Universal*, June 15, 2012, http://www.eluniversal.com.co/monteria-y-sincelejo/sucesos/masacre-fue-retaliacion-entre-urabenos-policia-80307 (accessed May 22, 2013).

Costa de Oro Farm, Tierralta, Córdoba

In 2009, armed men shot dead land restitution leader **Guillermo Antonio Ramos Rosso**, approximately one year after he and his community returned to the Costa de Oro farm in Tierralta, Córdoba. Evidence strongly suggests the Urabeños were responsible the killing.

Since 2007, Ramos had led approximately 60 displaced families reclaiming the 1,400-hectare Costa de Oro farm, which paramilitaries had stolen in the early 1990s and converted into a cattle ranch belonging to top AUC leader Salvatore Mancuso.[556] In June 2008, during a public ceremony attended by the Attorney General's Office, the army, the police, the MAPP-OEA, and other government offices, Mancuso returned the land to the roughly 60 families as part of his obligations under the Justice and Peace Law to provide reparations to victims. During the ceremony, the Justice and Peace prosecutor handling the case stated, "This is an important handover [of land], because it is the first one that has been done collectively, and … is an important advance in this process of reparation."[557]

On July 23, 2009, armed men intercepted Ramos as he traveled on a motorbike in El Volador, Tierralta and executed him.[558] After the killing, according to a Costa de Oro community member interviewed by Human Rights Watch, an Urabeños commander held a meeting in El Volador and said that Ramos "died because he was a snitch," accusing him of being an informant for the Attorney General's Office and army.[559] Ramos's family members told *El Tiempo* newspaper that government officials involved in the AUC demobilization process instructed them not to report the killing to the media.[560]

The murder had a devastating impact on the Costa de Oro community, according to one member interviewed by Human Rights Watch. After the killing, he said between 10 and 12 residents sold their land, and that the community "broke down out of fear." He said that

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[556] Human Rights Watch interview with Costa de Oro resident, Montería, February 28, 2012; Ombudsman's Office, "Resolution Number 058. Diagnostic of the Situation of Land Access and Tenure in the Department of Córdoba," December 29, 2010, p. 13; Gudilfredo Avedaño Méndez, "Peasants recover land stolen by Salvatore Mancuso," *El Tiempo*, June 26, 2008, http://www.eltiempo.com/archivo/documento/CMS-4349428 (accessed May 22, 2013).

[557] Gudilfredo Avedaño Méndez, "Peasants recover land stolen by Salvatore Mancuso," *El Tiempo*, June 26, 2008.

[558] Ombudsman's Office, "Resolution Number 058. Diagnostic of the Situation of Land Access and Tenure in the Department of Córdoba," December 29, 2010.

[559] Human Rights Watch interview with Costa de Oro resident, Montería, February 28, 2012.

[560] Gudilfredo Avedaño Méndez, "Leader of the displaced who reclaimed land stolen by Mancuso is killed," *El Tiempo,* July 28, 2009, http://www.eltiempo.com/archivo/documento/CMS-5720447 (accessed May 22, 2013).

he now "stay[s] silent when faced with any situation."[561] As of April 2013, the Attorney General's Office's investigation into Ramos's murder was only at the preliminary stage.[562]

The Costa de Oro case is yet another example of paramilitary successor groups sabotaging the return of land that had been seized by their AUC predecessors. Furthermore, as in other cases of threats and attacks reviewed by Human Rights Watch, it shows how restitution leaders' interaction with authorities—an activity inherent to their leadership roles—can expose them to being labeled as "snitches" and targeted by successor groups.

San Onofre and Ovejas, Sucre Department

During a meeting with authorities from Sucre's governor's office, Attorney General's Office, Victims Unit and other local authorities, officials from the police and Victims Unit asserted that in the entire department, there had not been any acts of "re-victimization" against IDPs who have returned to their land. Similarly, the Attorney General's Office representative present said that she was only aware of one case in which threats were made in relation to land restitution and the return of IDPs to their land in Sucre.[563] However, Human Rights Watch documented multiple such threats and attacks in the department, many of which had been reported to authorities. The assertions by the officials in the meeting reflect how some local authorities do not acknowledge the problem of threats and violence against claimants and the serious risks they continue to face.

San Onofre, Sucre

Evidence strongly suggests that demobilized paramilitaries—including those belonging to paramilitary successor groups—have targeted IDPs attempting to return to their land in the municipality of San Onofre, Sucre. In the late 1990s and early 2000s, San Onofre was a stronghold of paramilitary commander Rodrigo Mercado Pelufo, alias *Cadena*,[564] and according to authorities, successor groups continued to maintain a presence there.[565]

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[561] Human Rights Watch interview with Costa de Oro resident, Montería, February 28, 2012.

[562] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

[563] Human Rights Watch group interview with officials from the Sucre governor's office, Attorney General's Office, police, and Victims Unit, Sincelejo, Sucre, July 12, 2012.

[564] *Cadena* disappeared in 2006 and is believed to be dead.

[565] Human Rights Watch interview with prosecutor from anti-Bacrim unit of the Attorney General's Office, Montería, July 12, 2012; Human Rights Watch group interview with police intelligence officials, Bogotá, July 25, 2012.

In the 1990s, *Cadena* and his troops displaced farmers from the 558-hectare collectively-owned La Alemania farm in San Onofre and converted it into a base. Following the official paramilitary demobilization process, in 2006, former La Alemania residents returned to the farm under the leadership of fellow community member **Rogelio Martínez Mercado**. As part of the return process, Martínez Mercado became an active leader of the Sucre chapter of the Movement of Victims of State Crimes (MOVICE), a nation-wide victims group. Martínez Mercado received death threats due to his leadership, according to court documents and his widow.[566]

On May 18, 2010, as Martínez Mercado rode on a motorbike from the town center of San Onofre to La Alemania, members of the Paisas paramilitary successor group intercepted him and shot him dead. According to the judicial ruling convicting a Paisas member—who is also a demobilized paramilitary—for the murder:

> Rogelio Antonio Martínez Mercado was trying to recover a piece of land known as the 'La Alemania' farm…. For that reason, Rogelio Antonio Martínez Mercado became the target of threats and persecution by the Self-Defense Forces illegal armed group, which after its apparent demobilization sub-divided and changed its name.[567]

Like Martínez Mercado, **Francisco Acosta** is attempting to recover a farm in San Onofre that, according to an investigation by the Attorney General's Office, was acquired by *Cadena* through one of his front men.[568] Acosta's family fled the farm in the late 1990s after paramilitaries killed his father in 1996.[569] Between 2008 and 2012, he reported receiving repeated death threats due to his restitution efforts, both via phone calls and in person by a man he identified as a paramilitary successor group member.[570]

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[566] Human Rights Watch interview with Julia Torres, Sincelejo, Sucre, February 26, 2012; Tenth Specialized Criminal Circuit Court of Bogotá, D.C., Case Number 70713600105120108O112, Defendant: Mario de Ávila Díaz, Crime: Aggravated Homicide, Victim: Rogelio Antonio Martínez Mercado.

[567] Superior Tribunal of Bogotá, Criminal Chamber, Case Number 70713-6001051-2010-80112-02 (1597), Decision of May 4, 2012, pp. 20 and 35.

[568] Second Delegated Prosecutor's Office Before the Specialized Circuit Penal Judge of Sincelejo, Reference Number 64444, November 9, 2007.

[569] Prosecutor Thirteen of the Justice and Peace Unit, Certificate, Barranquilla, July 30, 2009.

[570] Human Rights Watch interview with Francisco Acosta, Bogotá, July 17, 2012, Criminal Complaint filed by Francisco Acosta with Attorney General's Office, March 2009; Criminal Complaint filed by Francisco Acosta with the Attorney General's Office, June 2010; Criminal Complaint filed by Francisco Acosta with Attorney General's Office, June 2011.

Martínez Mercado's killing amplified the fear generated by these threats, as evidenced by a June 2010 criminal complaint Acosta lodged for an anonymous threatening phone call he received telling him to stop reclaiming the farm:

> In San Onofre a lot of emerging bands like the Águilas Negras, Paisas, and Urabeños exist and two weeks ago they killed a friend of mine in San Onofre named Rogelio Martínez, who also was a leader of some victims who lost their land in San Onofre…. I'm afraid and need protection for myself and my family.[571]

Also similarly to Martínez Mercado, the Verbel family was displaced from San Onofre by paramilitaries, and became involved with the Sucre chapter of MOVICE. The family suffered constant abuses since returning to work on their San Onofre farm in 2002, as affirmed by the UNHCHR.[572] On January 4, 2005, paramilitaries killed Guillermo Verbel Rocha in San Onofre, roughly one week after he had denounced links between local authorities and *Cadena*.[573]

Guillermo's brothers reported being threatened to authorities in 2009 and 2010, including threats by the workers of a neighboring farm, whose owner they said was pressuring the family to sell him their land.[574] In June 2010, for example, Eder Verbel Rocha and his brothers filed a request for protection with municipal and police authorities in which they reported that an individual who belonged to an "illegal armed structure" was threatening them for refusing to sell their land.[575] The Verbel family was granted special protection on their farm provided by navy troops. However, that did not stop Eder from being ambushed and shot dead on March 23, 2011 while leaving the farm on a motorbike, as his brother and eight-year-old son looked on. Demobilized paramilitaries were arrested for the killing.[576]

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[571] Criminal Complaint filed by Francisco Acosta with the Attorney General's Office in Cartagena, June 2010.

[572] UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012, Appendix I, para. 8a.

[573] Complaint filed by Guillermo Verbel Rocha with Inspector-General's Office, December 28, 2004.

[574] Complaint filed by Verbel brother with Personería of San Onofre and Mayor's Office of San Onofre, April 26, 2010; Protection Request filed by Eder Verbel and brothers with Sucre police, June 4, 2010; Criminal Complaint filed by Eder Verbel with judicial police in San Onofre, May 5,2009; Complaint filed by brother of Eder Verbel with judicial police in San Onofre, February 16, 2009; Criminal Complaint filed by worker on Verbel's farm with judicial police in San Onofre, June 18, 2009; Criminal Complaint filed by brother of Eder Verbel with judicial police in San Onofre, August 31, 2009.

[575] Protection Request filed by Eder Verbel and brothers with Sucre police, June 4, 2010.

[576] Human Rights Watch interview with senior police official from Sucre department, Sincelejo, February 26, 2012.

Threats against the Verbel family continued. For example, according to a criminal complaint filed by the family, in January 2012, two men on a motorbike approached Eder's adopted daughter in San Onofre and said that "they"—presumably meaning the authorities—would never find those responsible for killing him. The men also said that Eder's brother, who witnessed the killing, had managed to survive that time, but should not think he would survive again.[577]

As of February 2013, one of the Verbel brothers reported to Human Rights Watch that out of fear, the family no longer went to work on their farm. "We've stayed quiet. We have two brothers killed," he said.[578]

Ovejas, Sucre

IDPs and their leaders who have returned to their land in the municipality of Ovejas, Sucre have also repeatedly been targeted for threats and killings, according to Ombudsman's Office reports and Human Rights Watch interviews with officials and community members.

Between 1994 and 2001, scores of families fled the 1,321-hectare **La Europa farm** in Ovejas due to combat between security forces and guerrillas, and killings of community leaders, according to the Ombudsman's Office.[579] The families began to return to the farm in 2007, and the following year, a company started to purchase and occupy parts of La Europa.[580] On December 8, 2008, community leader **Alex Miguel Correa** was decapitated in his home on the farm.[581] Prior to his killing, Correa had been pressured to sell his piece of land, which he refused to do.[582] His family sold the land after the murder.

[577] Criminal complaint filed by Eder Verbel's brother with Attorney General's Office in San Onofre, January 2012.

[578] Human Rights Watch telephone interview with one of Eder Verbel's brothers, February 16, 2013.

[579] Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 009-12," June 25, 2012, p. 16; Ombudsman's Office of Colombia, "Analysis and Evaluation of the Public Policy of Returns and Relocations," August 2012, p. 153.

[580] Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 009-12," June 25, 2012, p. 16; Ombudsman's Office, "Analysis and Evaluation of the Public Policy of Returns and Relocations," August 2012, p. 156.

[581] Human Rights Watch interview with family members of Alex Miguel Correa, Ovejas, Sucre, February 26, 2012; Ombudsman's Office, "Analysis and Evaluation of the Public Policy of Returns and Relocations," August 2012, p. 156.

[582] Human Rights Watch interview with family members of Alex Miguel Correa, Ovejas, Sucre, February 26, 2012.

Threats and intimidation against La Europa community members continued in 2010, 2011 and 2012.[583] One La Europa community leader gave up his leadership role after receiving a threat in April 2011, according to a June 2012 Early Warning System risk report. The report stated that unknown assailants incinerated another community member's home in August 2011 and March 2012 and that, "[t]he company [occupying and disputing part of the land] supposedly has a security detail: armed men who on various occasions have entered the places where the peasants are working the land, intimidating them, and with threatening words, told the peasants to abandon the land because it does not belong to them."[584]

Leaders of the Sucre chapter of the MOVICE victims group, which accompanies return efforts in La Europa and La Alemania, have received various threats since 2011 that reference land restitution. Ingrid Vergara, a leader of the Sucre chapter of MOVICE, was named in email threats sent in June and December 2011.[585] A senior police official in Sucre told Human Rights Watch that the escalation of threats against Vergara in 2011 was due to her activism in the La Europa case.[586] Similarly, Sucre MOVICE leader Juan David Díaz Chamorro reported to the Attorney General's Office that on June 1, 2012, he received on the doorstep of his home in Sincelejo, Sucre a death threat signed by the "Anti-Restitution Army," which stated, "we know that you are one of those sons of bitches who with the excuse of being a human rights defender attempts through all kinds of arbitrary actions to steal land from their true owners so that it can end up in the hands of a bunch of guerrilla assholes liketheones (sic) who now acting like victims want to appropriate La Europa and La Alemania."[587] Jeison Paba, a human rights lawyer representing the La Europa community, has also been repeatedly threatened (see more on Paba's case in the section, "Failure to Contact Victims after they File Complaints").

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583 Human Rights Watch group interview with La Europa community members, La Europa, Ovejas, Sucre, February 26, 2012; Human Rights Watch interview with La Europa community member, Ovejas, Sucre, February 26, 2012; Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 009-12," June 25, 2012, pp. 16-19.

584 Ombudsman's Office of Colombia, Early Warning System,, "Risk Report No. 009-12," June 25, 2012, pp. 16-19.

585 Criminal complaint filed by Juan David Díaz with Attorney General's Office in Sucre, June 5, 2012.

586 Human Rights Watch interview with senior police official in Sucre department, Sincelejo, February 26, 2012.

587 Criminal complaint filed by Juan David Díaz with Attorney General's Office in Sucre, June 5, 2012. The Inter-American Commission on Human Rights had previously granted Juan David precautionary measures because of threats he received for seeking justice for the 2003 murder of his father Tito Díaz, which was ordered by then-Sucre governor Salvador Arana.

Like in the case of La Europa, IDPs and their leaders who returned to **Borrachera, San Francisco**, and other nearby hamlets in the municipality of Ovejas have suffered new threats, episodes of forced displacement and killings. Around 2004, IDPs formed the Association of Returned Peasants of Ovejas (ASOCARE) to represent and assist former residents in returning home. According to the Ombudsman's Office, during the first four months of 2006, five members of ASOCARE were murdered, including Hansis Jiménez Montes, the association's secretary, and Víctor Olivera, a leader of the San Francisco community.[588] In April 2006, the president and vice president of ASOCARE fled Ovejas due to threats.[589]

These killings give weight to more recent threats against IDP leaders in the area. **Enrique Arias** (pseudonym), currently a leader of ASOCARE, said that he advocated for community members in the area not to sell their land to companies developing timber and African palm projects. He reported receiving an anonymous phone call in mid-2011 in which he was told that if he wanted to stay alive, he should leave the community, causing him and four family members to flee Borrachera, where he was living.[590] Now residing outside of Sucre, he remained an ASOCARE leader, but reported keeping a low profile out of fear for his safety, and because of his distance from Ovejas.[591]

Javier Ramírez said that he has taken a leading role in advocating for fellow community members in San Francisco not to sell their land to companies developing agro-industrial projects in the area, where they returned in 2003 after having been displaced by paramilitaries in 2000.[592] He told Human Rights Watch that he received an anonymous phone call on June 28, 2012 in which he was told, "The heroes here in Colombia die." He said that when he initially went to report the threat to the Attorney General's Office in Ovejas, authorities refused to accept his complaint.[593]

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[588] Ombudsman's Office, "Ombudsman condemns homicides against the peasant population," April 6, 2006,http://www.acnur.org/t3/recursos/informacion-sobre-pais-de-origen/detalle-documento-coi/defensor-condena-homicidios-contra-poblacion-campesina/ (accessed May 22, 2013); Human Rights Watch interview with ASOCARE leader, location withheld, July 2012.

[589] Ibid.

[590] Human Rights Watch interview with Enrique Arias, location withheld, July 2012.

[591] Human Rights Watch telephone interview with Enrique Arias, February 2013.

[592] Human Rights Watch interview with Javier Ramírez, Bogotá, July 18, 2012; Ombudsman's Office of Colombia, Early Warning System, "Risk Report No. 009-12," June 25, 2012, pp. 14-16.

[593] Human Rights Watch interview with Javier Ramírez, Bogotá, July 18, 2012.

El Quindío property in Montería, Córdoba

Human Rights Watch documented multiple cases of abuses by paramilitary successor groups against IDPs who have been relocated to new rural areas under government-sponsored relocation schemes, often causing them to flee their homes again.[594] This precedent illustrates the security obstacles Victims Law implementation confronts as it reaches the stage of relocating land claimants who cannot return to their original homes due to inadequate security or environmental conditions there, among other reasons established by the law.[595]

For example, a paramilitary successor group identified by different sources as the Águilas Negras has killed, threatened, and forcibly displaced IDPs that the government relocated in 1997 to El Quindío, a 510-hectare piece of land in the municipality of Montería, Córdoba.

Around 2006, Jhon Jairo Martínez Videz, the president of the association of IDP families relocated to El Quindío, started denouncing the illegal occupation of the community's land by demobilized paramilitaries. The demobilized paramilitaries threatened El Quindío residents and destroyed their fences, according to a 2006 INCODER document, which described the Attorney General's Office's "apparent unwillingness to receive criminal complaints" of the threats that the community had attempted to lodge.[596] The Ombudsman's Office reported that the Águilas Negras also repeatedly threatened Martínez Videz.[597] According to a former El Quindío resident, Martínez Videz also denounced threats against him made by a neighboring rancher who community members believed had links to the people occupying their land.[598]

On June 28, 2009, armed men shot dead Martínez Videz outside of his home in El Quindío. The assailants belonged to the Águilas Negras, according to a former community member and Ombudsman's Office reports; however, as of July 2013,

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[594] These cases include IDPs who were relocated to El Quindío in Montería, Córdoba; Las Catas in La Apartada, Córdoba; Nuevo Horizonte in Montería, Córdoba; Villa Linda in Tierralta, Córdoba; La Jagua in Ayapel, Córdoba; and Ansermanuevo, Valle del Cauca.

[595] Law 1448 of 2011, arts. 72 and 98.

[596] Official communication from INCODER official to Córdoba department Ombudswoman, June 9, 2006.

[597] Ombudsman's Office, "Resolution Number 058. Diagnostic of the Situation of Land Access and Tenure in the Department of Córdoba," December 29, 2010, p. 12.

[598] Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012.

prosecutors had not charged any suspects for his killing.[599] Following the assassination, the Águilas Negras threatened several other El Quindío community leaders, causing them to flee the area.[600]

Paramilitary successor groups continued to generate violence in the area. The Ombudsman's Office reported that in August 2010, armed men killed community member Primitivo Murillo, one week after the Águilas Negras and Paisas paramilitary successor groups engaged in combat in El Quindío.[601]

On February 16, 2011, Águilas Negras members executed El Quindío resident **Gabriel José Santero** in front of the entire community, after accusing him of being a police informant, according to the Ombudsman's Office and a direct witness interviewed by Human Rights Watch.[602] After obligating community members to congregate, the Águilas Negras brought Santero before them with his hands bound and said, "We're going to give a demonstration of what happens to snitches."[603] They then shot him dead. The Águilas Negras told those gathered that they found out as soon as community members complained to the police, because the police told them everything. Roughly 10 families abandoned El Quindío after Santero's murder, the witness said.[604]

Approximately one week later, on February 24, 2011, a man identified by the Ombudsman's Office as an Águilas Negras member threatened with death **Martínez Videz's wife**, leading her to flee El Quindío.[605] After the incident, the Ombudsman's Office reported that the El Quindío community had been, "permanently threatened[;] there exists a restriction of their mobility, social control, control of the population, and confinement of the community."[606]

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[599] Ombudsman's Office, "Resolution Number 058. Diagnostic of the Situation of Land Access and Tenure in the Department of Córdoba," December 29, 2010, p. 12; Official communication from the Córdoba Ombudswoman to the National Ombudsman, February 25, 2011; Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012; Email from Attorney General's Office official to Human Rights Watch, July 15, 2013.

[600] Official communication from the Córdoba Ombudswoman to the National Ombudman, February 25, 2011.

[601] Ibid.

[602] Official communication from the Córdoba Ombudswoman to the National Ombudsman, February 25, 2011; Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012.

[603] Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012.

[604] Ibid.

[605] Official communication from the Córdoba Ombudswoman to the National Ombudsman, February 25, 2011.

[606] Ibid.

At the end of 2011, a threat issued in person by members of a paramilitary successor group forced another community leader to flee El Quindío, according to several credible sources.[607]

A former El Quindío resident told Human Rights Watch that as of mid-2012, less than half of the original 46 displaced families who had been relocated to El Quindío remained on the land and that all of the community leaders had fled the area.[608] "You cannot denounce anything because they'll kill you," he said. "Everyone is humiliated."[609]

Villa Linda and Usaquén Farms in Córdoba

Luis Miguel Torres (pseudonym) and **Elias Cuello** (pseudonym) lead IDP families intended to benefit from government relocations to the Usaquén and Villa Linda farms in Montería and Tierralta, Córdoba, respectively. They both fled their homes after being threatened by the Águilas Negras for reasons tied to their activism.

In 1999, the Colombian Institute for Agrarian Reform (INCORA) purchased the 260-hectare Usaquén farm with the aim of awarding its title to 35 displaced families.[610] The 35 families were not able to move to the farm, however, because according to testimony compiled by the government-sponsored Center for Historical Memory, AUC commander Salvatore Mancuso prohibited them from entering.[611] The Ombudsman's Office reported in 2006 that Mancuso's cousin appropriated part of the farm.[612] Nevertheless, Torres and Cuello continued to assert the 35 families' right to land holdings on Usaquén.

Cuello said that in November 2006, Águilas Negras members arrived at his home in Las Palomas, Montería, forced him to get onto a motorbike, and took him to another farm, where they kept him for roughly 10 hours.[613] He said that while he was detained, the

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[607] Human Rights Watch interview with Ombudsman's Office officials, Bogotá, June 27, 2012; Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012.

[608] Human Rights Watch interview with former El Quindío resident, Montería, July 13, 2012.

[609] Ibid.

[610] Center for Historical Memory, "Land in Dispute: Memories of land theft and peasant resistance in the Caribbean Coast 1960-2010," 2010, p. 135.

[611] Ibid.

[612] Official communication from Córdoba ombudswoman to National Ombudsman's Office, Communication Number 5007-0714, June 6, 2006.

[613] Human Rights Watch interview with Elías Cuello, Montería, July 15, 2012; Criminal Complaint filed by Elías Cuello with Attorney General's Office, undated.

Águilas Negras told him to stop reclaiming the Usaquén farm. After the incident, Cuello fled Las Palomas.[614] Four years later, in November 2010, a man on a motorbike went to Cuello's family's home in Montería, asked his father where he was, and stated, "We told him to stop screwing around and reclaiming," according to a criminal complaint filed by Cuello.[615] Cuello stated in the complaint that he feared for his family, noting that two of his children had already been "disappeared."

In 2010, the INCODER land agency relocated Torres and other IDPs originally intended to live in Usaquén to the Villa Linda farm in Tierralta, Córdoba. In June 2011, Torres complained to several government authorities that the IDP families had not been given all of the land the INCODER had purchased at Villa Linda.[616]

According to Torres, in 2011 he repeatedly denounced to Córdoba authorities the daily presence of armed Águilas Negras members in Villa Linda's farmhouse.[617] In December 2011, one of the Águilas Negras members told him to abandon the Villa Linda farm. The following month, on January 5, 2012, Torres, his wife, and children fled Villa Linda, due to the pressure of Águilas Negras members:

> [They] pass through the main house on the farm, sit down, wake up there, spend the night there, talk on the cell phones, eat, and sleep…. Their mere presence terrorizes us, you can't sleep peacefully…. [S]everal of us have left [the farm] and the others do not dare file a complaint because they think they'll get killed.[618]

Torres reported that on February 13, while riding on a motorbike to Tierralta to pick up belongings he had left behind in Villa Linda, two armed men on a motorbike stopped him on a part of the road near Villa Linda.[619] After showing the two men his identification card, they made a phone call and said, "He's the one," but suddenly realized that the police were coming. Then, Torres reported to prosecutors, they stated, "You have 24 hours to

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[614] Ibid.

[615] Criminal complaint filed by Elías Cuello with Attorney General's Office, November 2010.

[616] Complaint filed by Luis Miguel Torres and other Villa Linda residents with INCODER and other authorities, June 24, 2011.

[617] Human Rights Watch interview with Luis Miguel Torres, Montería, July 15, 2012.

[618] Complaint filed by Luis Miguel Torres with Attorney General's Office, February 2012.

[619] Complaint filed by Luis Miguel Torres with Attorney General's Office, February 2012; Human Rights Watch interview with Luis Miguel Torres, Montería, July 15, 2012.

abandon the zone, we do not want to see you anymore in Villa Linda, and tell that son of a bitch [Cuello] to stop screwing around and reclaiming land, there's no reason for you all to reclaim anyone's land."[620]

Thus, as in the El Quindío case, paramilitary successor groups threatened IDP leaders in a context in which the communities they represented were engaged in disputes over the land where they had been relocated.

[620] Complaint filed by Luis Miguel Torres with Attorney General's Office, February 2012.

III. The Government's Response

The Colombian government's response to abuses against IDP land claimants and leaders has largely consisted of high-level officials condemning the attacks and protection measures provided by the National Protection Unit (UNP).[621] While the UNP has shortcomings, it is the most advanced program of its kind in the region, and its measures—particularly bodyguards and armored cars—can be lifesaving.[622]

By itself, however, the protection program is insufficient because it essentially aims to shield beneficiaries from attack but does nothing to rein in the perpetrators, the source of ongoing threats to claimants' lives. For example, a bulletproof vest or cell phone—the most common measures—are of limited value for land restitution leaders who receive repeated, unchecked threats when they seek to reclaim land taken over by paramilitary networks in areas where powerful successor groups continue to operate.

Colombia has fallen short in three key areas that are at the root of violence and threats against land restitution claimants and leaders.

- First, there has been very little accountability for threats and attacks targeting IDP claimants in retaliation for their restitution efforts, and thus little effective deterrence for such crimes.
- Second, justice authorities have consistently failed to prosecute the original incidents of forced displacement and land takeovers suffered by IDP claimants. This exposes claimants to attack, because it often means that those interested in

[621] National Protection Unit, "Report on Land Restitution Leaders and Claimants," May 27, 2013. As of May 2013, the UNP provided some form of protection to 510 land restitution claimants and leader. All 510 beneficiaries received a cell phone, 472 received a bulletproof vest, 269 received subsidies to spend on transportation, 60 received bodyguards, and 27 received armored cars and bodyguards, among other measures.

[622] One shortcoming reported by IDP land claimants and leaders is that there were long delays between the UNP's evaluation of their level of risk, the determination as to their eligibility for measures, and the UNP's effective implementation of the measures. Human Rights Watch identified flaws in the UNP's protection measures for women IDP leaders in particular in our November 2012 report, *Rights Out of Reach: Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia*. These included that in practice, women leaders' close family members are not fully covered by protection measures assigned to them. Human Rights Watch, *Rights out of Reach: Obstacles to Health, Justice and Protection for Displaced Victims of Gender-Based Violence in Colombia*, http://www.hrw.org/reports/2012/11/08/rights-out-reach, November 8, 2012, pp. 84-89. Constitutional Court order 098 of 2013 identified these problems related to delays and protection for family members, among other shortcomings, in the UNP's coverage of women IDP leaders. Constitutional Court of Colombia, Order 098 of 2013, pp. 90-103.

maintaining control of their land are off the radar of law enforcement authorities and free to oppose restitution through violence and intimidation.

- Third, the failure to significantly curb the power of paramilitary successor organizations in different regions of the country allows these groups to carry out abuses against claimants. As stated by one national official with regard to the security of land claimants in the Urabá region, "The issue [of protection] goes beyond bullet proof vests…. The zone has not been cleansed of paramilitarism."[623]

Furthermore, authorities in different regions, including police, have downplayed the seriousness of threats and prematurely assumed that attacks were unrelated to the victims' activism. This attitude is reflected in the deficient action by some regional authorities to deliver protection and accountability.

Lack of Accountability for Threats

Colombia has failed to ensure accountability for threats against IDP land claimants and leaders. The Attorney General's Office reported that all of its investigations into threats against IDP land claimants and leaders remain at a preliminary stage, which means that not a single suspect has been charged, let alone convicted.[624]

A range of high-level officials working on land restitution also told Human Rights Watch that they were not aware of any convictions for threats against such individuals.[625] As stated by one official working on land restitution on the Caribbean coast, the Attorney General's Office, "doesn't investigate the threats…. As long as there isn't a conviction, the threats are going to continue."[626]

Justice authorities are correct to point out that death threats, often issued through anonymous phone calls or text messages, are very difficult to investigate. Nevertheless, victims of threats reported facing a range of obstacles when seeking justice, which suggest

[623] Human Rights Watch interview with senior Ombudsman's Office official, Bogotá, June 27, 2012.

[624] Email from Attorney General's Office official to Human Rights Watch, June 11, 2013. The National Direction of Prosecutors' Offices' (*Dirección Nacional de Fiscalías*) is monitoring investigations into abuses against IDP land claimants and leaders. As of April 2013, it had registered 118 complaints of threats against such individuals.

[625] Human Rights Watch interview with senior Inspector-General's Office official working on land restitution under the Victims Law, Bogotá, November 28, 2012; Human Rights Watch interview with senior police official, Bogotá, April 23, 2013; Human Rights Watch interview with National Protection Unit official, Bogotá, April 23, 2013.

[626] Human Rights Watch interview with official working on land restitution, Montería, April 9, 2013.

a lack of will and due diligence on the part of authorities' investigating these cases. These include justice authorities downplaying the nature of the threats, failing to contact victims after they filed a criminal complaint, and in some cases, refusing to accept a criminal complaint in the first place. These obstacles and oversights virtually eliminate any chance for accountability. Furthermore, they deepen the widespread perception that it is futile to report threats, thus contributing to under-reporting and ongoing impunity.

Along with sending a message to perpetrators that they will not face consequences, the lack of adequate criminal investigations into threats also makes it difficult to evaluate their relative urgency and seriousness. This allows for authorities to downplay threats and claim they are fake, while also impeding the government's protection program from efficiently assigning protection measures in accordance with the claimants' level of risk.

Refusal to Accept Criminal Complaints

Land restitution leaders from five different departments told Human Rights Watch that justice authorities, invoking a range of invalid reasons, had refused to accept their criminal complaints of threats. Land claimants commonly reported this to be a problem, according to Carmen Palencia, the national leader of Tierra y Vida, who assists IDPs throughout the country.[627]

In some cases, victims of threats said that justice authorities refused to accept their criminal complaints because they were unable to identify the perpetrator. The victims' inability to identify the author of a threat does not relieve authorities of their obligation to accept the complaint, precisely because it is their duty—and not the victims'—to investigate the case and determine who is responsible.

For example:

- Diana Zabala (pseudonym) is a Wayúu indigenous leader from Maicao, in La Guajira department, and reported being involved in efforts to recover the land from which paramilitaries and their allies displaced her community between

[627] Human Rights Watch interview with Carmen Palencia, Bogotá, October 20, 2012. In research concerning gender-based violence against IDP women and girls in Colombia conducted in 2012, Human Rights Watch also received reports from women IDP leaders that justice officials had failed to accept their criminal complaints of threats. See Letter from José Miguel Vivanco and Liesl Gerntholtz, of Human Rights Watch, to Luis Ernesto Vargas Silva, Magistrate of the Constitutional Court of Colombia, November 6, 2012.

1995 and 2001.[628] Zabala said that in April 2011, a man she believed was affiliated with the Urabeños approached her in Maicao and threatened her.[629] She told Human Rights Watch that she went to the Attorney General's Office in Maicao to denounce the threat, but that officials refused to accept the complaint because she could not provide the name and ID number of the person who threatened her. In September 2011, Zabala fled Maicao for another region of Colombia, due to what she reported to the police to be "constant threats" from the Urabeños operating in the municipality.[630]

- Juan Carlos Ramírez (pseudonym)—who leads a group of displaced families reclaiming land in Cesar department through the Victims Law–has received multiple threats since 2010 (see more on Ramírez's case in the section, "The El Toco Community in San Diego, Cesar Department"). For example, on January 29, 2013 at 7:15am, two unidentified men on a motorbike showed up at Ramírez's home in the municipality of Codazzi and threatened him, according to Ramírez and an Ombudsman's Office official.[631] The same day, Ramírez said that he went to the Attorney General's Office in Codazzi to lodge a complaint, but that the prosecutor's assistant refused to take his complaint on the grounds that he had not been "attacked" and could not identify the two men who threatened him or to what group they belonged.[632] Ramírez fled Cesar department in February 2013 and acts of intimidation continued against him after he returned in March.

In other cases, restitution leaders who had been repeatedly threatened said that when they attempted to report a second or third incident, justice authorities did not accept the complaints, claiming that the complaints of the first threat were sufficient. The failure to accept such complaints prevents justice authorities from having all necessary information to conduct a thorough investigation, including by establishing patterns of aggressions against the same victim that could help lead to the perpetrators.

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[628] Human Rights Watch interview with Diana Zabala, Valledupar, July 6, 2012.

[629] Human Rights Watch interview with Diana Zabala, Valledupar, July 6, 2012; Complaint filed by Diana Zabala with police in Maicao, La Guajira, June 2012.

[630] Ibid.

[631] Human Rights Watch telephone interview with Juan Carlos Ramírez, January 31, 2013; Email from Ombudsman's Office official to Human Rights Watch, January 29, 2013.

[632] Human Rights Watch telephone interview with Juan Carlos Ramírez, January 31, 2013.

- Eduardo Paternina (pseudonym) is part of a group of IDP families from Mechoacán, Cesar reclaiming land that became occupied by Drummond, a multinational carbon mining company, following their displacement.[633] Originally displaced by paramilitaries, Paternina and others reclaiming land from the area received threats in 2011 and 2012.[634] Paternina told Human Rights Watch that in April 2011, after attending a meeting at the governor's office and speaking out, he received a phone call telling him that he'd been warned to not insist about the land, and that he should look for a casket.[635] Paternina said he reported the threat to the Attorney General's Office in Valledupar. Approximately ten days later, he told Human Rights Watch, he attended another meeting at the governor's office about land restitution, and the same day received another threatening phone call. Paternina said that he returned to the Attorney General's Office to report the threat, but the authorities did not accept it because they said the first complaint he filed was sufficient.[636] He received more threats in February 2012 and May 2012, and told the Ombudsman's Office that, "As the legal restitution process advances in Mechoacán … the threats and intimidation against me have progressively increased."[637] An official from the Valledupar Attorney General's Office told Human Rights Watch in July 2012 that the investigation of the reported threat against Paternina still had not been assigned to a prosecutor, indicating that justice officials have failed to promptly investigate the threats he reported.[638] This would be irresponsible given that evidence suggests they form part of a pattern of threats against those seeking claims to land in the area, which have forced the victims to live in a state of fear.

Along with Paternina, others reclaiming land in Mechoacán and the neighboring El Prado village also reported threats.[639] Following the displacement of El Prado community

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[633] Human Rights Watch interview with Eduardo Paternina, Valledupar, July 7, 2012. For more on Drummond and Mechoacán, see "Coal and blood in 'Jorge 40's lands," Verdadabierta.com, October 26, 2010, http://www.verdadabierta.com/justicia-y-paz/versiones/2816-carbon-y-sangre-en-las-tierras-de-jorge-40 (accessed May 22, 2013). Verdadabierta.com reported in October 2010 that, according to official documents, 124 out of the 128 land plots in Mechoacán were occupied by Drummond.

[634] Complaint filed by Eduardo Paternina with Ombudsman's Office, May 2012; Letter from Cesar department Ombudsman to the National Communications Coordinator of the Ombudsman's Office, June 25, 2012.

[635] Human Rights Watch interview with Eduardo Paternina, Valledupar, July 7, 2012.

[636] Ibid.

[637] Complaint filed by Paternina with Ombudsman's Office, May 2012.

[638] Human Rights Watch interview with official from Cesar department Attorney General's Office, Valledupar, July 5, 2012.

[639] Human Rights Watch interview with leader reclaiming land in Mechoacán, Valledupar, July 5, 2012; Official Communication from Cesar department Ombudsman, to National Directorate of the Technical Investigative Unit, December 2012.

members in 2002 due to murders and enforced disappearances by paramilitaries, Prodeco, a subsidiary of the multinational Glencore, acquired the land for coal mining activities.[640] Luz Barragán (pseudonym), a lawyer representing IDP claimants from El Prado, received repeated threats since a November 9, 2011 court ruling ordering restitution for 48 families from the community.[641]

In other cases, justice officials turned away victims by claiming they did not know the protocol for accepting complaints, or told victims to denounce the threat with authorities in the municipality where it had occurred, according to interviews with victims and an Attorney General's Office document reviewed by Human Rights Watch.[642]

- On October 2, 2012, Edgardo Flórez, Carlos Andrés Franco (pseudonym), and Rosa Novoa (pseudonym), leaders from the Mesa de Victimas in Carmen de Bolívar, Bolívar, received a text message signed by the "Anti-Restitution Army" threatening them and two other Mesa de Víctimas representatives. (See more on the Mesa de Víctimas case in the section, "The Mesa de Víctimas in Carmen de Bolívar, Bolívar Department.") The same day, they went to the Attorney General's Office in Carmen de Bolívar to report the threat. An official there said that she could not accept the complaint because she did not know the protocol for doing so, two of the targeted leaders told Human Rights Watch.[643] The leaders left the prosecutors' office, handwrote a complaint on their own, and delivered it to a different Attorney General's Office staff member there later that day.[644] In addition, Franco said that when he went to the same Attorney General's Office in September 2012 to report a separate threat, an official there refused to accept the complaint, and asked him why he tried to file so many complaints.[645]

[640] Specialized Penal Circuit Tribunal, Case Number 00082 of 2010, Decision of November 9, 2011. The ruling stated that according to witnesses, the forced displacement of the community "occurred because there was coal in the land and coal companies were interested in its exploitation" (see p. 33 of ruling). It described how a paramilitary witness testified that the forced displacement of the community happened, "with the goal of obtaining land to subsequently sell it to the multinational Prodeco, which would carry out a process of open-sky mining" (see p. 33 of ruling).

[641] Human Rights Watch interview with Luz Barragán, Valledupar, July 6, 2012; Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

[642] Attorney General's Office, "Process of attention to user, remission to other institutions," May 2012; Human Rights Watch interview with official working on land restitution, Valldeupar, July 5, 2012.

[643] Human Rights Watch telephone interview with Edgardo Flórez, November 19, 2012; Human Rights Watch telephone interview with Gustavo Arrieta, February 11, 2013.

[644] Criminal complaint filed by members of Mesa de Víctimas with Attorney General's Office in Carmen de Bolívar, October 2, 2012.

[645] Human Rights Watch interview with Carlos Andrés Franco, Bogotá, October 20, 2012.

IDPs seeking land restitution have also reported denouncing threats with justice officials, only to discover later that their criminal complaints had never been formally registered by the Attorney General's Office.[646]

- Gustavo Arrieta, a leader from the Mesa de Víctimas in Carmen de Bolívar, reported that on April 17, 2012, he received a threatening phone call from a lawyer and José Méndez, who several land claimants from the region have denounced for carrying out acts of intimidation. He said he filed a formal complaint shortly thereafter with the Attorney General's Office in Carmen de Bolívar. However, Arrieta told Human Rights Watch that when he visited the Attorney General's Office in July 2012, more than two months after he reported the threat, he discovered that a case file had not even been opened.[647] According to one official familiar with the case, "Méndez has had many complaints of threats and the Attorney General's Office doesn't do anything."[648]

Justice Officials Downplay the Nature of the Threat

Land restitution leaders from several departments told Human Rights Watch that when reporting threats and/or harassment, justice officials were dismissive of the risk they faced and insinuated that they were not telling the truth. For example:

- Ana María Cespedes (pseudonym)—a leader from the Bolívar department chapter of Tierra y Vida—said that when reporting two separate threats to the Attorney General's Office in Cartagena in 2012, the prosecutor's assistant receiving the complaints questioned their veracity. Cespedes filed the first complaint with the Attorney General's Office in Cartagena in mid-March 2012. She reported that two men arrived on a motorbike at her family's home in Cartagena, asked for her, and told her niece, "Tell her that we're going to kill her."[649] She said that the Attorney General's Office official told her that a lot of people invented threats in order to obtain protection measures from the government, implying she was doing the same.[650] In mid-June 2012, Cespedes reported to the Attorney General's Office in Cartagena that she had received a text message threat signed by the self-proclaimed "New United Anti-Restitution Group of Colombia."[651] According to

[646] Also see Constitutional Court of Colombia, Order 112 of 2012, para. 4.11.1.

[647] Human Rights Watch interview with Gustavo Arrieta, Bogotá, December 1, 2012.

[648] Human Rights Watch interview with official working on land restitution, January 2013.

[649] Criminal Complaint filed by Ana María Cespedes with Attorney General's Office, March 2012.

[650] Human Rights Watch Interview with Ana María Cespedes, Bogotá, July 8, 2012.

[651] Criminal complaint filed by Ana María Cespedes with Attorney General's Office, June 2012.

Cespedes, when she reported the second threat, the same Attorney General's Office official made a joke, laughed, and did not even bother to read the message on Cespedes's cell phone.[652]

- Marta Blanco (pseudonym)—the wife of Ronald Castilla, a member of the Carmen de Bolívar Mesa de Víctimas who was threatened—told Human Rights Watch that when taking her testimony about a direct threat against her, detectives from the Sectional Judicial Police (SIJIN) intimidated her and tried to cast doubt on her account of events. In February 2012, while she was walking in the town of Carmen de Bolívar, a man approached her from behind and pressed a gun against her back. He said that he would kill her if she turned around, and then said, "This is the last opportunity for [Castilla] to show his family how much he loves them."[653] She said that in September 2012, SIJIN investigators summoned her and Castilla to a meeting to provide more information about the original criminal complaint they had filed prior to the threat. Castilla did not attend the meeting, prompting one of the SIJIN investigators to ask her why "he did not show his face." According to Blanco, when she said that Castilla did not trust anyone, the SIJIN investigators responded that they did not trust her. She said that the investigators also called into question her assertion that a gun had been placed against her back, and tried to convince her that she was confused. "I felt intimidated," she told Human Rights Watch. Blanco said that the investigators did not ask her about the man she and her husband had denounced as having caused their displacement in January 2012, or the land dispute her family was engaged in at the time, which she suspected motivated the threat.[654]

Failure to Contact Victims after They File Complaints

Many IDP land claimants and leaders from different departments told Human Rights Watch that justice authorities did not contact them after they filed a criminal complaint of a threat. Contacting victims is crucial to gathering more detailed information about their case—beyond the basic account they provided in the initial complaint—which can help develop

[652] Human Rights Watch Interview with Ana María Cespedes, Bogotá, July 8, 2012.

[653] Human Rights Watch interview with Marta Blanco, location withheld, January 2013; Ombudsman's Office of Colombia, Early Warning System, "Risk Report Number 007-12A.I." May 15, 2012.

[654] Human Rights Watch interview with Marta Blanco, location withheld, January 2013.

investigative leads. The failure to take this rudimentary step indicates that justice officials in these cases are not actively investigating them.[655] For example:

- Mario Cuitiva leads IDP claimants of the Santa Paula farm, the first case to be filed with restitution judges under the Victims Law in Córdoba. In March 2009, October 2010, August 2012, and November 2012, he lodged four separate criminal complaints concerning threats, surveillance, acts of intimidation, and information he received about an imminent attempt on his life. But as of April 2013, Cuitiva told Human Rights Watch that the Attorney General's Office had never contacted him to follow-up on his complaints.[656] (See more on Cuitiva's case in the section, "The Santa Paula Farm in Leticia, Córdoba.")

In several cases, IDP land claimants and their advocates told Human Rights Watch that after filing criminal complaints about threats they received, justice authorities only contacted them for the first time roughly a year—or even longer—after reporting the alleged crime. For example:

- Jeison Paba is a human rights lawyer assisting approximately 70 families in their efforts to return to the 1,321-hectare La Europa farm in Ovejas, Sucre, and received repeated threats in 2011, 2012, and 2013.[657] On June 23, 2011, hours after Paba met with Ovejas authorities to check the status of an eviction request filed against the company occupying part of the La Europa community's land, a death threat targeting him was sent to the email address of the Movement of Victims of State Crimes (MOVICE) human rights NGO, which also supports the community's return efforts.[658] Paba reported the threat on July 8, 2011 but said that the Attorney General's Office did not call him regarding the complaint until the last week of June 2012—nearly a year after his original complaint.[659]

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[655] In research concerning gender-based violence against IDP women and girls in Colombia conducted in 2012, Human Rights Watch also received reports from women IDP leaders that justice officials had failed to contact them after they filed a complaint of a threat. See Letter from José Miguel Vivanco and Liesl Gerntholtz, of Human Rights Watch, to Luis Ernesto Vargas Silva, Magistrate of the Constitutional Court of Colombia, November 6, 2012.

[656] Human Rights Watch interview with Mario Cuitiva, Montería, April 9, 2013.

[657] Human Rights Watch interview with Jeison Paba, Bogotá, July 7, 2012; Criminal Complaint filed by the Permanent Committee for the Defense of Human Rights with the Attorney General's Office, December 2012.

[658] Email from Jeison Paba to Human Rights Watch, May 16, 2013. Criminal complaint filed by Jeison Paba with Attorney General's Office, July 8, 2011.

[659] Human Rights Watch interview with Jeison Paba, Bogotá, July 7, 2012.

The Negative Impact on Victims' Confidence in Authorities

Having lived in areas plagued by corruption and dominated by armed groups, many IDPs distrust local authorities—including justice officials—and fear that if they lodge criminal complaints, the information could be leaked and lead to reprisals. Justice officials' failure to take rudimentary steps to investigate threats compounds this lack of confidence in authorities. Victims observe that reporting crimes carries very little likelihood that it will lead to accountability, but may even put them at greater risk. This exacerbates under-reporting, which in turn perpetuates impunity, because it is impossible to investigate threats when they are not reported.

Beyond the lack of action by some justice officials in investigating reported threats, land claimants in certain areas of Colombia have other well-founded reasons to distrust justice authorities. In recent years, Attorney General's Office officials from different regions have come under criminal investigation for alleged ties to paramilitary successor groups.[660] The most well-known example is the former chief prosecutor in Medellín, Guillermo León Valencia Cossio, the brother of Colombia's former minister of the interior and justice. In March 2011, the Supreme Court convicted Valencia of conspiring with the Urabeños.[661]

In Córdoba department, the Restitution Unit denounced the alleged involvement of a local Attorney General's Office official in obstructing land restitution. The Restitution Unit filed a criminal complaint denouncing that land restitution claimants had been invited to meetings attended by an official from the Justice and Peace prosecutorial unit, in which they were offered money in exchange for providing testimony that would benefit demobilized paramilitaries Sor Teresa Gómez and alias *Monoleche*, and signing documents stating that they were not coerced into selling the land subject to restitution claims.[662] (See more on Santa Paula case in the section, "The Santa Paula Farm in Leticia, Córdoba.")

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[660] See, for example, "Neoparamilitaries?" *Semana* magazine, June 4, 2011, http://www.semana.com/nacion/articulo/neoparamilitares/240855-3 (accessed May 22, 2013);

[661] Supreme Court of Colombia, Criminal Chamber, Case Number 30.690, March 9, 2011.

[662] Criminal Complaint filed by Córdoba Restitution Unit with National Director of the Justice and Peace Unit of the Attorney General's Office. According to the complaint, one of the meetings took place at the office of the Justice and Peace Unit in Montería in September 2012.

IDPs distrust of justice authorities is made worse by the lack of action in investigating cases. For example:

- Gustavo Arrieta, from Carmen de Bolívar, told Human Rights Watch: "He who denounces, exposes himself more.... Those of us who have filed complaints in the Attorney General's Office are the objects of more threats.... I've filed complaints since June 2011, and [the authorities] have never contacted me since. It means that they are not doing any investigation. That discourages others from denouncing."[663] Indeed, Edgardo Flórez, another threatened leader from Carmen de Bolívar, said that due to what he called the Attorney General's Office's "negligence" in Arrieta's case (see more on Arrieta's case in the section, "Refusal to Accept Criminal Complaints"), he decided not to denounce that men in ski masks had been searching for him in his neighborhood.[664]
- Herminia Borja (pseudonym), a Bogotá-based human rights lawyer working on a land restitution case in Magdalena department, told Human Rights Watch that she did not denounce a 2008 threat against her related to the case because, "It's clear that nothing will happen. We're tired of filing complaints without any result. It only exposes us to more risk."[665]

Lack of Accountability for Killings

Delivering justice for killings of land claimants and leaders has the potential to mitigate the climate of fear they have helped foster and serve as a crucial deterrent to more abuses against those involved in restitution. Prosecutors have made important advances in some cases, such as the March 2012 killings of Manuel Ruiz and his son Samir Ruiz, in which four suspects were charged within roughly a year. Nevertheless, overall the progress in investigating cases has been limited. As of August 2013, of the 49 cases of killings of IDP land claimants and leaders that the Attorney General's Office reported it was investigating, prosecutors had obtained convictions in eight cases and charged suspects in an additional seven.[666]

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[663] Human Rights Watch interview with Gustavo Arrieta, Bogotá, December 1, 2012.

[664] Human Rights Watch telephone interview with Edgardo Flórez, November 19, 2012.

[665] Human Rights Watch interview with Herminia Borja, Bogotá, December 13, 2012.

[666] Emails from Attorney General's Office official to Human Rights Watch on June 11, 2013 and August 13, 2013. The National Direction Prosecutors' Offices (*Dirección Nacional de Fiscalías*) of the Attorney General's Office is monitoring investigations into abuses against IDP land claimants and leaders, including threats and killings. The cases of killings reported by the Attorney General's Office involve "leaders, claimants, or participants in land restitution matters" whose killings were presumably related to land restitution. All but one of the cases of killings documented by Human Rights Watch are included

To its credit, in 2012, the Attorney General's Office assigned roughly a dozen cases of killings and attempted killings of restitution leaders to a single prosecutor from the Human Rights Unit in Bogotá. Cases have also been assigned to other Human Rights Unit prosecutors stationed in Bogotá and Medellín. This arrangement has a clear advantage: prosecutors working out of the capital and other main cities are generally less vulnerable to pressure and threats than local justice officials. And by concentrating cases in the hands of a few prosecutors, the Attorney General's Office facilitates the establishment of patterns between interrelated crimes, which in turn helps to identify all responsible parties, including those who ordered them.

However, the initiative to concentrate cases in the Human Rights Unit has not lived up to its promise. The Attorney General's Office reported in August 2013 that investigations into all 13 of the homicide and attempted homicide cases in the land restitution portfolio handled by the Bogotá prosecutor were at a preliminary stage.[667] Several problems have impeded progress.

For one, over the course of 2012, the portfolio of land restitution investigations in Bogotá was reassigned to four different prosecutors.[668] Each time the cases are reassigned, prosecutors have to start from scratch in familiarizing themselves with investigations, instead of being able to build momentum and develop a deeper understanding of the cases over time. In separate interviews with Human Rights Watch, two of the four prosecutors were clearly unfamiliar with basic details of the case, such as whether or not the victim led a group of IDPs.[669] One of the prosecutors said that he was "barely getting to know the cases."[670]

In addition, several prosecutors interviewed by Human Rights Watch admitted that basic steps had not been taken to advance investigations. One prosecutor investigating the 2009 murder of a leader said that judicial investigators had only once visited the municipality where the victim lived and was killed. In reference to another 2009 murder of

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in the list of cases reported by the Attorney General's Office. Of the 21 cases of killings documented by Human Rights Watch, convictions have been handed down in just 4 cases.

667 Email from Attorney General's Office official to Human Rights Watch, August 13, 2013.

668 Human Rights Watch telephone interview with official from the Human Rights Unit of the Attorney General's Office, February 12, 2013.

669 Human Rights Watch interviews with prosecutors from Human Rights Unit, Bogotá, July and December 2012.

670 Ibid.

an IDP leader, the prosecutor admitted, "There hasn't been any kind of an investigation. We have not looked into very much."[671] Another prosecutor said that for three killings he was investigating from 2008 and 2009, the case files basically only contained the police report from the day of the killings.[672]

Family members of murder victims also described to Human Rights Watch the failure of justice authorities to take basic investigatory action. The sons of Leoncio Mendoza Mejía, who was killed in Córdoba in November 2011, said that when they went to the Attorney General's Office in Montería to check on the status of the investigation into their father's killing in mid-January 2012, they were told that it still had not been assigned to anyone.[673] On February 27, 2012, the sons—who continue to press for the restitution of their family's farms—sent a letter to Viviane Morales, then-attorney general of Colombia, requesting the transfer of the investigation from Córdoba to Bogotá, and complaining that neither the prosecutor "nor any other judicial authority from [Montería] has visited us or summoned us or told us anything in relationship to the [killing], inexplicably the investigation is paralyzed ... and worst of all we see our lives are at risk as his family members."[674] (See more on Mendoza's case in the section, "Killing of Restitution Claimant in Montería, Córdoba.")

Another problem impeding progress in investigations of killings is the long lapse of time between the occurrence of the case and its assignation to the Human Rights Unit. Investigations into killings of land claimants and leaders often remain with local prosecutors for more than a year before being reassigned to the Human Rights Unit.[675] This prevents the unit from overseeing the initial stage of the investigation, which is crucial to pursuing immediate leads and gathering key evidence, such as eyewitness accounts. Instead, the investigations often languish with local prosecutors before being reassigned. According to one Human Rights Unit prosecutor, local prosecutors handling sensitive human rights cases "do not want to get themselves killed, [so] the case dies with them."[676]

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[671] Human Rights Watch interview with prosecutor, July 2012.

[672] Human Rights Watch interview with prosecutor from Human Rights Unit, Bogotá, July 2012.

[673] Human Rights Watch interview with two of Leoncio Mendoza Mejía's sons, Montería, February 28, 2012.

[674] Letter from two of Leoncio Mendoza Mejía's sons to Viviane Morales, then-attorney general of Colombia, February 27, 2012.

[675] Human Rights Watch reviewed the date of assignation of the 13 cases of killings and attempted killings handled by the Bogotá prosecutor on the Attorney General's Office's website, www.fiscalia.gov.co. Human Rights Watch group interview with Human Rights Unit prosecutors, Medellín, March 5, 2012.

[676] Human Rights Watch group interview with Human Rights Unit prosecutors, Medellín, March 5, 2012.

Lack of Accountability for the Original Forced Displacement and Land Takeovers

> If those responsible for forced land takeovers and the threats against the lives of claimants are not in jail, there's really a hole in the policy of implementing [protection for land restitution]…. If you only attack the consequence and assign a policeman [to protect the person], but not the cause [of threats and violence against claimants], you are using palliatives. One of the principal causes is those who have interests in the land, the ones who took it over.
>
> —Restitution Unit official[677]

The Attorney General's Office has largely failed to ensure accountability for forced displacement and associated land takeovers. The failure to prosecute and dismantle the criminal networks responsible for these crimes exposes land claimants to further abuses. Rather than being publicly identified and jailed, members of armed groups and third parties interested in maintaining control over the land they illegally acquired are often at large and readily able to carry out threats and attacks against claimants.

Furthermore, the lack of accountability sends a message across society that it is acceptable to displace people and seize their land. In the words of a top official from the Inspector-General's Office monitoring land restitution, "The Attorney General's Office definitively needs to enter identifying those who took over the land… If the Attorney General's Office does not start to work, it could generate another war against land claimants."[678]

The routine failure to deliver justice for the crime of forced displacement in Colombia has been identified by a range of actors, including the Constitutional Court, the Office of the Prosecutor of the International Criminal Court (ICC), and civil society experts.[679] In 2009, the Constitutional Court found what it described to be "absolute impunity for the crime of forced displacement due to the lack of initiation and stimulus of investigations for this conduct."[680] Similarly, a comprehensive study by the Center for the Study of Law, Justice,

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[677] Human Rights Watch interview with Restitution Unit official, Bogotá, April 15, 2013.

[678] Human Rights Watch interview with senior Inspector General's Office official working on land restitution under the Victims Law, Bogotá, August 31, 2012.

[679] Office of the Prosecutor of the International Criminal Court (ICC), "Situation in Colombia: Interim Report," November 2012, para. 214.

[680] Constitutional Court of Colombia, Order 219 of 2011, para. 126.

and Society (Dejusticia) published in January 2011 concluded that, "of every 200 cases that enter the Attorney General's Office, a little more than one culminates with an accusation before a judge…. Given that the majority of cases of forced displacement do not even enter the judicial system, impunity for this crime is very close to 100%."[681]

To combat this problem, the Attorney General's Office established in November 2010 the National Unit Against the Crimes of Enforced Disappearance and Displacement (UNCDES). The creation of the specialized unit, which has 66 prosecutors located in 15 different cities, represented an important step towards addressing the problem.[682]

However, the unit has made limited progress in delivering justice for the victims of forced displacement: as of January 2013, the unit was investigating 17,109 such cases, but had obtained convictions for only 28 cases.[683] The UNCDES had obtained just five total convictions for cases of forced displacement committed in Antioquia, Bolívar, Cesar, Meta, and Tolima, the five departments with the highest number of restitution claims filed with the Restitution Unit at the time.[684] The unit is also investigating roughly 16,000 enforced disappearances and "disappearances," resulting in an onerous average workload of roughly 500 cases per prosecutor.[685]

Other prosecutorial units have similarly produced limited results in prosecuting cases of forced displacement. As of March 2013, nearly eight years since the Justice and Peace Law was enacted, defendants under the law had confessed to more than 11,000 cases of forced displacement. Yet specialized Justice and Peace unit prosecutors had obtained convictions against demobilized paramilitaries in just six such cases.[686] Of the 20,667 open investigations into cases of forced displacement pursued by all other prosecutors

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[681] DeJusticia, "Evaluation of the prosecution of forced displacement," January 2011, p. 19.

[682] Human Rights Watch interview with senior UNCDES official, Bogotá, April 19, 2013.

[683] Report sent by National Director of Prosecutor's Offices, Elka Venegas Ahumada, to Constitutional Court of Colombia, File Number 2013500007191.

[684] Restitution Unit, Statistics Corresponding to cut-off date of February 3, 2013, http://restituciondetierras.gov.co/media/descargas/estadisticas/estadisticas-20130204.pdf (accessed May 23, 2013); Email from Attorney General's Office official to Human Rights Watch, January 8, 2013.

[685] Human Rights Watch interview with senior UNCDES official, Bogotá, April 19, 2013. All of the cases are investigated as "enforced disappearances." However, under Colombian criminal law, "enforced disappearances" do not require the involvement of state agents. Therefore, many of the cases under investigation did not involve state agents and would not meet the international definition of such crimes.

[686] Human Rights Watch interview with senior Justice and Peace unit official, Bogotá, July 26, 2013.

outside of the UNCDES and Justice and Peace unit, 99 percent were in a preliminary stage as of January 2013.[687]

A senior official from the Justice and Peace unit told Human Rights Watch that by August 2013 its prosecutors would file charges against demobilized paramilitaries for more than 3,000 cases of forced displacement.[688] The unit pursued these cases as part of its newly adopted investigative methodology, by which prosecutors seek to establish the criminal responsibility of high-ranking defendants under the Justice and Peace Law based on the patterns of crimes committed by the paramilitary or guerrilla groups they commanded.[689]

Should these cases be successfully prosecuted, the effort will represent important progress for the Attorney General's Office. However, there are several reasons why, by themselves, these kinds of prosecutions under the Justice and Peace Law will not ensure the accountability that is necessary to provide security for land restitution. For one, the Justice and Peace unit can only prosecute paramilitaries actively participating in the Justice and Peace process, who represent less than 10 percent of the more than 30,000 supposed paramilitaries who officially demobilized.[690] In addition, the unit does not have the jurisdiction to prosecute other people—such as businessmen, politicians, public officials or paramilitary front men—who formed part of the paramilitary networks behind forced displacement and land theft, but were not AUC members. Finally, under the current investigative strategy, investigations and prosecutions aim to establish the criminal liability of defendants based on patterns of abuse by the paramilitary blocs to which they belonged. But the investigations do not necessarily clarify the exact circumstances in which any specific incident of forced displacement was committed, or identify the perpetrators who ordered the individual acts and carried them out,[691] which could make it

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[687] Report sent by National Director of Prosecutors' Offices, Elka Venegas Ahumada, to Constitutional Court of Colombia, File Number 2013500007191. According to the report, 20,485 out of the 20,667 active investigations into cases of forced displacement pursued by prosecutors not belonging to the Justice and Peace unit or UNCDES were either in the stages of "indagación" or "investigación previa."

[688] Human Rights Watch interview with senior Justice and Peace unit official, Bogotá, July 26, 2013.

[689] Ibid.

[690] Ibid. According to the Justice and Peace unit official, there are roughly 2,500 active participants in the Justice and Peace process. The Office of the High Commissioner for Peace reported that 30,944 paramilitaries demobilized between 2003 and 2006. Office of the High Commissioner for Peace, Presidency of the Republic of Colombia, "Peace Process with the Self-Defense Forces: Executive Report," p. 92.

[691] Ibid. According to the Justice and Peace unit official, under the new strategy, in bringing charges against a high-ranking paramilitary defendant for a case of forced displacement, prosecutors would have to show that the bloc the defendant commanded was responsible for the crime, without having to determine the exact individuals who ordered or carried it out.

more difficult to detect land theft. All of these factors mean that, without complementary investigations by prosecutors aimed at holding accountable the full range of parties responsible for force displacement and land theft, it will be impossible to dismantle the criminal networks that forced IDPs off their land and often seek to retain control of it.

Justice authorities have also consistently failed to hold accountable those responsible for land takeovers (called *despojo* in Spanish). The UNCDES identified itself as the main prosecutorial office dedicated to investigating land takeovers.[692] As of January 2013, the unit reported that it had obtained only three convictions for crimes related to this conduct and formally linked a suspect to an investigation in just six cases.[693]

According to a senior UNCDES official, prosecutors in the unit are instructed to verify whether land takeovers took place in all of their investigations into cases of forced displacement. The UNCDES official said it is likely that as these investigations advance, evidence of land takeovers will surface in many cases, leading to more charges for crimes related to this conduct.[694] Indeed, it is reasonable to expect that investigations into cases of forced displacement would often turn up evidence of land takeovers, given that roughly 2 million hectares of land are estimated to have been taken from IDPs.[695]

For its part, the Human Rights Unit has not obtained any convictions for crimes related to land takeovers, and did not have any investigations open into such crimes as of March 2013.[696] This suggests that the unit is not following the investigative strategy that the Attorney General's Office presented to the Constitutional Court in January 2012, which said

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The official said that prosecutors could link an individual case to the paramilitary bloc based on the geographic area and time period of the commission of the crime, and modus operandi of the paramilitary group, among other forms of evidence.

[692] Human Rights Watch interview with senior UNCDES official, Bogotá, July 17, 2012.

[693] Email from Attorney General's Office official to Human Rights Watch, January 8, 2013; Human Rights Watch telephone interview with senior UNCDES official, March 12, 2013 and interview in Bogotá on April 19, 2013; Human Rights Watch interview with senior UNCDES official, Bogotá, April 19, 2013. While land takeovers associated with forced displacement (*despojo*) is not codified as a crime in Colombian law, according to a senior UNCDES official and other prosecutors, the conduct can be prosecuted under range of crimes, including conspiracy (*concierto para delinquir*) and invasion of areas of special ecological importance (*invasion de áreas de especial importancia ecológica*). A senior UNCDES official told Human Rights Watch that the lack of codification of land takeovers is not an obstacle to investigating and prosecuting the conduct, because it is not difficult to do so under other crimes in the penal code.

[694] Human Rights Watch telephone interview with senior UNCDES official, March 12, 2013.

[695] Juan Camilo Restrepo Salazar, Agricultural Minister, *Integrated Land Policy: A Transcendental Turn in the Restitution and Formalization of Agrarian Property*, 2011, pp. 3-4; Agricultural Ministry, "Report on the advances in the regulation and implementation of Law 1448 of 2011, in the area of restitution of land to victims of forced displacement," document presented to the Constitutional Court on February 13, 2012, p. 9.

[696] Email from Attorney General's Office official to Human Rights Watch, March 20, 2013.

that the Human Rights Unit's plan for addressing forced displacement cases includes "the investigation of the titles to the properties from which [victims] were displaced…[and] prosecution of the people who are proved to be responsible for taking over displaced persons' land."[697]

Similarly, the Money Laundering and Asset Confiscation Unit of the Attorney General's Office told Human Rights Watch that it was not investigating anyone responsible for land takeovers associated with forced displacement, because that is the "exclusive competence" of the UNCDES. The unit seizes assets belonging to guerrilla and paramilitary front men, but reported that it was not conducting any investigations of front men in cases of land takeovers.[698]

Finally, the Sub-Unit of Assets, a specialized unit of the Attorney General's Office charged with investigating land takeovers carried out by paramilitary and guerrilla defendants under the Justice and Peace Law, obtained four rulings ordering restitution as of February 2013.[699] The unit does not prosecute those responsible for illegally appropriating the land, but rather seeks to identify the stolen pieces of land and procure court orders for restitution to IDPs.

Thus, in the words of one top government advisor working on land restitution, "The Attorney General's Office does very little investigation of land takeovers."[700] This imperils IDP claimants, given that, as stated by María Paulina Riveros, director of the Interior Ministry's human rights program, for land restitution claimants, "The best protection measure is a judicial ruling in a case of land takeovers."[701]

Examples of how the failure to prosecute the original incidents of forced displacement and land theft exposes IDP claimants to further abuses include:

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[697] Attorney General's Office, "Report to the Constitutional Court- Special Chamber in Follow-up of the Sentence T-025 of 2004 and its Compliance Orders," undated, p. 19.

[698] Letter from the director of the Money Laundering and Asset Confiscation Unit to Human Rights Watch, March 5, 2013.

[699] Human Rights Watch telephone interview with Attorney General's Office official, February 14, 2013.

[700] Human Rights Watch interview with government advisor working on land restitution, Bogotá, September 4, 2012.

[701] Human Rights Watch interview with María Paulina Riveros, director of the Interior Ministry's human rights program, Bogotá, August 29, 2013.

The Santa Paula Farm in Leticia, Córdoba

A wide range of evidence strongly suggests that authorities' failure to hold accountable paramilitaries and their allies for the forced takeover of the 1,195-hectares Santa Paula farm—now worth an estimated 40 billion pesos (roughly US$22 million)[702]—has allowed the same network of perpetrators to threaten, intimidate, and attack IDP claimants each time they have attempted to recover Santa Paula and another nearby property, including most recently through the Victims Law.

In the words of then-Agricultural Minister Juan Camilo Restrepo, the Santa Paula case is "emblematic because it goes to the heart of land takeovers by the big paramilitary mafias."[703] Between roughly 1996 and 2006, FUNPAZCOR, a paramilitary front organization closely linked to Carlos Castaño, forced families off the Santa Paula farm and coerced them into selling their land at below-market prices.[704] Acting on behalf of demobilized paramilitary Sor Teresa Gómez—the president of FUNPAZCOR who was closely linked to top paramilitary leaders—Gabriela Inés Henao purchased part of the farm from displaced families, according to a restitution ruling handed down by a civil tribunal.[705] Victims have provided testimony to authorities alleging that Henao's husband, Diego Sierra, coordinated with paramilitaries to displace them from Santa Paula.[706]

Yolanda Izquierdo initially led IDPs' efforts to recover the Santa Paula farm through the 2005 Justice and Peace Law. Gómez, Sierra, and Henao, along with former Montería city councilman Manuel Causil and a man named Guillermo Mass, among others, obstructed Izquierdo's efforts by forging and pressuring Santa Paula claimants to sign documents stating that they had not been coerced into selling their land, according to subsequent

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[702] Agricultural Ministry, "The State started legal actions to recover land that the 'Castaño Clan' stole from peasants in Córdoba," September 28, 2012 http://www.minagricultura.gov.co/inicio/noticias.aspx?idNoticia=1691 (accessed May 23, 2013).

[703] Ibid.

[704] Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, Case Number 230013121001-2012-00001-00, February 13, 2013; First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011; Superior Tribunal of the Judicial District of Cundinamarca, Criminal Chamber, Case Number 25000-07-04-001-201-00004-01, June 21, 2011.

[705] Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, Case Number 230013121001-2012-00001-00, February 13, 2013.

[706] Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, Case Number 230013121001-2012-00001-00, February 13, 2013; First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011; Superior Tribunal of the Judicial District of Cundinamarca, Criminal Chamber, Case Number 25000-07-04-001-201-00004-01, June 21, 2011.

judicial rulings related to the case.[707] Izquierdo repeatedly reported death threats made by Gómez and paramilitaries and requested protection, but the Attorney General's Office failed to provide her with it.[708] "Days before her death, verbally and in writing and by visiting different offices of the Attorney General's Office, Yolanda Izquierdo cried and implored for immediate protection and they did not give it to her," according to the Inspector-General's Office.[709]

On January 31, 2007, days after unsuccessfully seeking protection, a paramilitary acting under the orders of FUNPAZCOR president Sor Teresa Gómez shot Izquierdo dead outside of her home in Montería, according to a judicial ruling convicting Gómez for the killing in absentia.[710] The conviction also ordered investigations to be opened against Henao, Sierra, Causil, and Mass, as well as former city councilman Rembreto Álvarez, and demobilized paramilitary Jesús Ignacio Roldán, alias *Monoleche*, among others, for their possible participation in the murder. The ruling said that the farmers displaced from Santa Paula pointed to them as "the ones interested in displacing them and taking away their land."[711]

A fellow Santa Paula claimant, **Mario Cuitiva** fled Córdoba after Izquierdo's murder, but returned in 2008 to continue to reclaim his parcel of land on the farm. He said he was followed and threatened on several occasions between 2009 and 2011 by individuals linked to paramilitaries and Gómez.[712] Cuitiva filed a complaint that Mass followed him.[713] Mass also followed Izquierdo prior to her murder, according to testimony cited in the conviction for Izquierdo's murder.[714]

In spite of the threats, Cuitiva helped organize other farmers displaced from Santa Paula in filing claims with the Restitution Unit, which formally initiated a study of the case in June

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[707] First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011; Superior Tribunal of the Judicial District of Cundinamarca, Criminal Chamber, Case Number 25000-07-04-001-201-00004-01, June 21, 2011.

[708] A Colombian tribunal found the Attorney General's Office administratively responsible for Izquierdo's assassination for failing to provide her with protection. Administrative Tribunal of Córdoba, Forth Chamber, Case Number 23-001-23-31-000-2009-00088, June 1, 2012.

[709] First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011.

[710] Ibid.

[711] Ibid.

[712] Human Rights Watch interviews with Mario Cuitiva, Montería, February 28, 2012 and April 9, 2013, and location withheld, January 27, 2013.

[713] Criminal complaint filed by Mario Cuitiva with Attorney General's Office in Montería, March 2009.

[714] First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011.

2012. Like Izquierdo, the leader who he replaced, Cuitiva received information about an imminent paramilitary attack against him as the Restitution Unit advanced the case. On August 11, 2012, six paramilitaries offered a demobilized paramilitary four million pesos (roughly US$2,200) to assassinate Cuitiva, according to the demobilized paramilitary and Cuitiva.[715] The demobilized paramilitary said that the men identified themselves as paramilitaries, and that when he refused the offer, they threatened to kill him and his family member.[716]

In late September 2012, during a public event announcing the Restitution Unit's filing of the Santa Paula case with a judge, the agricultural minister denounced threats and intimidation against claimants in the case. He stated that the claims were being presented "in spite of intimidation against victim claimants; in spite of the incessant coercion against the claimants for them to desist from restitution; in spite of the threats of all different kinds that have been issued."[717]

Around that time, Henao and her husband Sierra formally challenged in court more than 30 claims lodged by IDPs with the Restitution Unit in relation to holdings on the farm.[718] Henao continued to own dozens of plots of land in Santa Paula.[719] According to the Restitution Unit and the Attorney General's Office, at the time, prosecutors had no investigations open against Henao or Sierra for any crimes.[720] No one has been successfully prosecuted and jailed for the forced displacement or land takeover in the Santa Paula case, which remains in the preliminary stage of criminal investigation.[721]

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[715] Criminal complaint filed by Mario Cuitiva with Attorney General's Office, August 2012; Criminal Complaint filed by a demobilized paramilitary with Attorney General's Office, August 2012.

[716] Ibid.

[717] Agricultural Ministry, "The State started legal actions to recover land that the 'Castaño Clan' stole from peasants in Córdoba," September 28, 2012, http://www.minagricultura.gov.co/inicio/noticias.aspx?idNoticia=1691 (accessed May 23, 2013).

[718] Law 1448 of 2011, art. 88. Under the Victims Law, people can file their "opposition" to land restitution claims within 15 days after they are submitted to a judge. In the "opposition" filings, people can contend before the court that they have a right to the piece of land being reclaimed, that they themselves had the piece of land stolen from them, or that they are good faith occupants of the land being reclaimed—and thus entitled to compensation if it is restituted.

[719] Superior Tribunal, Judicial District of Antioquia, Civil Chamber Specialized in Land Restitution, First Chamber, Case Number 230013121001-2012-00001-00, February 13, 2013.

[720] Human Rights Watch interview with Restitution Unit official, Montería, April 9, 2013; Email from Attorney General's Office official to Human Rights Watch, March 20, 2013.

[721] Email from Attorney General's Office official to Human Rights Watch, June 18, 2013.

Cuitiva reported that on November 3, 2012, his neighbor overheard a man on a motorcycle offering two men five million pesos (roughly US$2,700) to throw a grenade into his home.[722] Later that month, the UNP relocated him and six of his family members to a different region of Colombia.

Cuitiva fled Córdoba around the same time that the Restitution Unit filed a criminal complaint denouncing that land claimants in the department had been invited to meetings in 2012, in which they were offered money in exchange for signing documents stating they had not been coerced into selling their land roughly a decade ago.[723] The attempts of bribery were made to claimants from the Cedro Cocido farm, which is located 1.5 miles from Santa Paula, and according to the Restitution Unit, was also taken over by FUNPAZCOR, the paramilitary front organization that Gómez led.[724] According to the complaint, during the meetings, which were attended by local public officials, the claimants were also pressured to provide testimony in favor of demobilized paramilitaries who victims and other sources have signaled as being responsible for widespread land theft, including Gómez and *Monoleche*.[725] The criminal complaint said that according to victims, Mass and Causil, among others, were the "intermediaries" or "facilitators" of the attempted bribery.[726]

In February and March 2013, specialized land restitution judges handed down rulings ordering the return of land on Santa Paula to scores of IDP families. Cuitiva returned to Montería in February without his family, who stayed outside of the department due to fear for their safety.

The intimidation continued in April 2013, according to a Santa Paula claimant, who told Human Rights Watch that during the first week of that month, one of the individuals identified in the criminal complaint filed by the Restitution Unit approached him in

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[722] Human Rights Watch interview with Mario Cuitiva, location withheld, January 27, 2013; Human Rights Watch telephone interview with National Protection Unit official, February 22, 2013; Criminal complaint filed by Mario Cuitiva with the Attorney General's Office, November 2012.

[723] Criminal Complaint filed by Córdoba Restitution Unit with National Director of the Justice and Peace Unit of the Attorney General's Office.

[724] Human Rights Watch interview with Restitution Unit official, Montería, April 9, 2013.

[725] A police intelligence report, for example, asserted that *Monoleche* owns "large extensions of land" that had been stolen from farmers. See First Specialized Tribunal of Cundinamarca, Case Number 2010-0004, January 17, 2011.

[726] Criminal Complaint filed by Córdoba Restitution Unit with National Director of the Justice and Peace Unit of the Attorney General's Office.

downtown Montería. The man told the claimant that the "doctora" was going to buy land parcels back from those who benefited from restitution rulings.[727] The claimant interpreted "doctora" to refer to Gómez, who remains at large and has been identified by authorities as the Urabeños' head of finances in Córdoba, and a main source of threats against land claimants.[728]

On April 9, 2013, the day before President Santos presided over a ceremony in Santa Paula to give land titles to claimants who had benefitted from restitution rulings, armed men shot dead Ever Cordero Oviedo, a prominent victims' leader in Córdoba from the town of Valencia. (See more on Cordero's case in the section, "The Mesa de Víctimas in Valencia, Córdoba Department.") The day of Cordero's killing, Human Rights Watch spoke with Cuitiva, who was to be awarded title to his land the following day. He said that because of security concerns, his wife and children had decided that they would not return to Santa Paula. Cuitiva himself had doubts as to whether, after years of fighting to reclaim his land, he would return to live there: "I'm not going there [to Santa Paula]…. The same thing will happen to me that happened to Yolanda, that happened to [Ever]…. There's not going to be security there…. [T]here aren't guarantees."[729]

Thus, a wide range of credible evidence indicates that since 2007, the lack of accountability for the perpetrators of Santa Paula's takeover has made it possible for the same network of individuals to undermine distinct land restitution efforts through violence and intimidation. This has contributed to what the Restitution Unit described in its criminal complaint as "a fear that has become common among land restitution claimants, which has been an obstacle to the implementation of the [Victims Law]" in Córdoba.[730]

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[727] Human Rights Watch interview with claimant of Santa Paula farm, Montería, April 9, 2013.

[728] Human Rights Watch group interview with police intelligence officials, Bogotá, July 25, 2012; President Juan Manuel Santos, "Declaration of President Juan Manuel Santos about the conclusions of the Security Council carried out in Valencia, Córdoba," April 10, 2013, http://wsp.presidencia.gov.co/Prensa/2013/Abril/Paginas/20130410_08.aspx (accessed May 23, 2013); "Step-sister of the Castaños is the principal threat to restitution," *El Tiempo*, http://m.eltiempo.com/justicia/hermanastra-de-los-castano-es-la-principal-amenaza-a-la-restitucion/12754358/1/home (accessed May 23, 2013).

[729] Human Rights Watch interview with Mario Cuitiva, Montería, April 9, 2013.

[730] Criminal Complaint filed by Córdoba Restitution Unit with National Director of the Justice and Peace Unit of the Attorney General's Office.

Case-by-Case Approach: an Overarching Investigative Flaw

An overarching flaw common to investigations of threats and killings, as well as the original incidents of forced displacement and land takeovers, has been the Attorney General's Office's failure to conduct systematic and contextualized investigations. Instead of drawing connections between potentially linked crimes related to the same pieces of land, regions, and communities, prosecutors have generally investigated crimes in an isolated, case-by-case manner. This has inhibited them from establishing patterns of abuses that help lead to the identification of all responsible parties.

Colombian prosecutors' piecemeal approach to investigations has long impeded accountability for all types of human rights and conflict-related crimes.[731] Attorney General Eduardo Montealegre recognized as much, declaring in an October 2012 directive, "Currently, the paradigm according to which all crimes should be investigated … as isolated acts, has led to elevated levels of impunity."[732] The directive described how, along with "gravely affecting the rights of victims," the flawed investigative methodology has produced "diverse malfunctions" within the criminal justice system, such as investigations concerning the same bloc of an armed group, or subset of related cases, being divided among distinct regional and national prosecutors' offices.[733]

Incidents of forced displacement and land takeovers, as well as threats and attacks against claimants stemming from their land reclamation efforts, are exactly the type of cases whose investigation is impeded by prosecutors' piecemeal approach. These abuses often form part of a pattern of crimes involving common perpetrators. Focusing on individual cases as if they were isolated events prevents prosecutors from discovering links between interrelated crimes from the *same time period* and region, such as land seizures committed in the same area, or threats against IDP claimants from the same community. Furthermore, it prevents them from drawing connections between the *original* incidents of forced displacement and land takeovers and the *current* abuses against

[731] With regard to anti-union violence, see letter from José Miguel Vivanco, Americas director of Human Rights Watch to Viviane Morales, then-attorney general of Colombia, October 3, 2011. In cases of gender-based violence against IDP women leaders, Human Rights Watch has also raised concern over the need to conduct comprehensive investigations that take into account multiple potentially related crimes against the same victim. See Letter from José Miguel Vivanco and Liesl Gerntholtz, of Human Rights Watch, to Luis Ernesto Vargas Silva, magistrate of the Constitutional Court of Colombia, November 6, 2012.

[732] Attorney General's Office, Directive 1 of 2012, "Through which some criteria for the prioritization of situations and cases are adopted and a new system of criminal investigation is created in the Attorney General's Office," October 4, 2012, p. 26.

[733] Ibid.

claimants motivated by their reclamation efforts. Such connections have the potential to mutually reinforce investigations into both types of crimes. According to a senior official from the UNCDES, for example, evidence turned up through investigations into threats against claimants could help the investigation of the victims' initial incident of forced displacement.[734]

Take, for example, the case of Totumo, Antioquia, an area in Urabá. In 2010 and 2011, two land restitution leaders from Tierra y Vida reclaiming land there were killed, and another was kidnapped and threatened. According testimony from to an ex-Urabeños member who served as a witness in the 2011 murder case of David Góez—another restitution leader from the nearby area of Tulapas—an Urabeños commander held a meeting around Totumo in 2011 during which he ordered that "anyone who was going to reclaim land … would be disappeared."[735] The kidnap victim said that while he was detained, Urabeños members questioned him about other members of Tierra y Vida. As of July 2012, four separate prosecutors were handling the two killings and kidnapping of Tierra y Vida leaders from Totumo, as well as Góez's murder.[736] Two of the prosecutors told Human Rights Watch that they were not aware of crimes against land restitution claimants from the area or members of Tierra y Vida other than the case they were investigating. Neither prosecutor knew who occupied the land being reclaimed by the victim.[737] (See more on these cases in the section, "Tierra y Vida in Urabá.")

Another clear example is the case of Ever Cordero Oviedo and Ermes Vidal Osorio. These two IDP leaders from the Mesa de Víctimas in the town of Valencia, Córdoba were killed within a 20-day span in March and April 2013, yet a different prosecutor is investigating each case.[738]

Attorney General Eduardo Montealegre adopted a new investigation strategy throughout the Attorney General's Office that if implemented effectively, could help fix this overarching investigative flaw. Directive 1 of 2012 provides that prosecutors should

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[734] Human Rights Watch interview with senior UNCDES official, Bogotá, April 19, 2013.

[735] Second Specialized Criminal Circuit Court of Medellín, Case Reference 05-001-60-0000-2012-00510, January 25, 2013.

[736] As of March 2013, one of the murder cases had been reassigned, to the effect that the four cases were handled by three separate prosecutors.

[737] Human Rights Watch interviews with prosecutors in Bogotá and Medellín, July 2012.

[738] Email from Attorney General's Office official to Human Rights Watch, July 15, 2013.

"investigate criminal acts not as isolated and unconnected events, but rather as the result of the actions of criminal organizations in a specific context."[739] This strategy includes a policy of grouping investigations in order to discover patterns of crimes, prioritizing certain cases and "situations" (groups of cases with common elements) based on pre-established criteria,[740] and focusing on the pursuit of those deemed "most responsible."

It remains to be seen whether this new strategy will be effectively implemented vis-a-vis abuses related to land restitution. In April 2013, a top Attorney General's Office official told Human Rights Watch that the office was starting to elaborate an investigative strategy for addressing crimes against land restitution claimants. The official said the strategy would incorporate the office's new investigative methodology.[741] In Human Rights Watch's view, this should entail prioritizing as "situations" crimes related to land restitution (forced displacement, land takeovers, and threats and attacks against claimants tied to their reclamation efforts) in the same areas where restitution claims are being examined.[742]

Inadequate Response to Still Powerful Paramilitary Successor Groups

Despite notable progress by authorities in capturing their members and leaders, paramilitary successor groups—particularly the Urabeños—maintain a strong presence throughout Colombia, and continue to exert social control over communities and commit widespread abuses against civilians. Until Colombia can substantially reduce the power of successor groups, IDP land claimants and leaders will remain at serious risk of their threats and attacks.

The Urabeños started 2012 with a dramatic display of power, carrying out an "armed strike" that shut down commerce and transport in multiple municipalities across six

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739 Attorney General's Office, Directive 1 of 2012, p. 27.

740 Ibid, p. 28. The directive provides that the criteria are 1) Subjective, 2) Objective, and 3) Complementary. The Subjective criterion "takes into consideration the particular qualities of the victim (e.g. member of an ethnic group, minor, woman, human rights defender, displaced person…) as well as the perpetrator (e.g. most responsible, sponsor, collaborator, financier, material author of the crime, etc)." The Objective criterion "is based on analyzing the class of crime perpetrated, such as its gravity and representativeness…" The Complementary criterion include the "region or locality where the crimes were perpetrated; wealth of evidence and viability of the case; the examination of the case by an international human rights organism and its didactic wealth, among others."

741 Human Rights Watch interview with senior Attorney General's Office official, Bogotá, April 23, 2013.

742 Acts of sexual violence against IDP claimants and leaders that may arise as a result of their reclamation efforts should also be examined as part of prosecutors' contextualized investigations. In researching our 2012 report, *Rights out of Reach,* Human Rights Watch documented acts of sexual violence against displaced women leaders involved in a range of leadership activities.

departments of northern Colombia. The *Economist* reported at the time that the January strike "was the biggest challenge to the authority of the state since Juan Manuel Santos became Colombia's president in August 2010."[743]

Since then, authorities have made substantial gains in arresting the members and leaders of the Urabeños and other paramilitary successor groups, such as the Rastrojos.[744] Overall, between 2006 and October 2012, the police reported having captured 13,857 members, including 93 top leaders.[745] The national police reported having captured or killed 12 top leaders of paramilitary successor groups between January and October 2012, and having arrested approximately 2,900 members during that period.[746]

Nevertheless, according to conservative police estimates, authorities have failed to significantly reduce the paramilitary successor groups' membership and territorial presence. In May 2013, the police reported to Human Rights Watch that the groups had 3,866 members operating in 167 municipalities, as compared to the police's July 2009 estimate of 4,037 members in 173 municipalities.[747] The police estimate that the Urabeños grew from 1,994 to 2,369 members between February and May 2013.[748]

The reputable NGO Nuevo Arco Iris reported that paramilitary successor groups had expanded their presence from 209 municipalities in 2011 to 337 in 2012.[749] Government data on forced displacement, referenced below, also strongly suggests that the groups' presence is more extensive than reported by the police.

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[743] "Criminals with attitude," *The Economist,* January 14, 2012, http://www.economist.com/node/21542791 (accessed May 23, 2013).

[744] Attorney General's Office, "Operational Results of the National Unit Against the Emerging Bands – Bacrim, Period 2012"; Human Rights Watch, *Paramilitaries' Heirs,* pp. 109-110. Colombia's strengthening of its specialized "anti-Bacrim" prosecutorial unit has greatly contributed to this progress. Created in 2008 with a handful of prosecutors and investigators, the unit was understaffed and only able to focus on some of the groups. By 2012, the unit had 45 prosecutors located in offices throughout the country, and reported having issued arrest warrants against 1,811 suspects that year.

[745] Report provided to Human Rights Watch by Directorate of Police Intelligence, "Performance against criminal bands (2006-2012)."

[746] Ibid.

[747] Human Rights Watch, *Paramilitaries' Heirs*, p. 43; Police Intelligence Directorate memorandum, "Current situation of the narco-trafficking criminal bands," May 12, 2013. According to the government-created Center for Historical Memory, "In the year 2006, the limitations of the paramilitary demobilization made the process of the groups' rearmament imminent, which accelerated in the years 2008 and 2010, and registered an important rise in their criminal activity in 2011 and 2012." Center for Historical Memory, "Enough Already! Colombia: Memories of War and Dignity," July 2013, p. 186.

[748] Police Intelligence Directorate memorandum, "Current situation of the narco-trafficking criminal bands," May 12, 2013; Police Intelligence Directorate memorandum, "Information narco-trafficking criminal bands," emailed to Human Rights Watch on February 22, 2013.

[749] Nuevo Arco Iris, "General Report on the State of the Armed Conflict in Colombia: from Caguán to La Habana," March 2013, p. 65.

Successor groups exert social control over rural and urban communities. During visits to Córdoba and Urabá in April 2013, for example, a range of authorities and IDP leaders described to Human Rights Watch the Urabeños's surveillance and control over daily life, including the ability to move freely. One leader from an Afro-Colombian collective territory in Chocó explained how Urabeños members—dressed as civilians and carrying small firearms—have a constant, menacing presence in his community, even sleeping in residents' homes: "They watch, threaten, and control even intra-familial problems. They get involved in everything."[750] According to a judicial police official in Urabá, despite many captures of its members, "the Urabeños have the same influence…. As a judicial policeman, when you enter a rural zone you see the community's fear of talking about matters related [to the group]…. The fear that the people have is enormous."[751]

In certain areas, the social control can extend over community members' freedom to hold meetings, including in relation to land restitution.[752] An official working on the issue of land restitution in Urabá said that the region has "zones of total control by the Urabeños…. The Urabeños are hegemonic in the area…. There are zones of really strong paramilitary control."[753]

Successor groups' ongoing power is also reflected in their continued engagement in widespread and serious abuses against civilians. As stated by the UNHCHR in its 2012 report on Colombia:

> Post-demobilization groups are identified by all sectors as one of the greatest threats to public order and as responsible for the largest number of killings, rape, sexual exploitation, physical and psychological violence, forced displacement, extortion, harassment and threats. Their coercive presence and activities continue to devastate community life…. The police and Attorney General's Office had designed an integrated strategy … that has led to a number of important arrests and convictions. However, this has not as yet significantly reduced the number of violations committed by these groups.[754]

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[750] Human Rights Watch interview with Afro-Colombian leader from Bajo Atrato region, Apartadó, April 2013.

[751] Human Rights Watch interview with SIJIN official, Apartadó, April 12, 2013.

[752] Human Rights Watch interview with victims leader from Córdoba, Montería, April 10, 2013; Human Rights Watch interview with official working on land restitution, Apartadó, April 12, 2013

[753] Human Rights Watch interview with official working on land restitution, Apartadó, April 12, 2013.

[754] UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/27/17/Add.3, January 7, 2013, paras. 86 and 88.

Similarly, the International Committee of the Red Cross's 2012 report on Colombia affirmed, "[n]ow, the so-called criminal bands cause as many or more deaths, threats, displacements and disappearances" as the internal conflict between the FARC and state forces.[755]

Government statistics on forced displacement compiled by the Victims Unit reveal the groups' dramatic effect on Colombia's human rights and humanitarian situation throughout the country. Approximately 30,000 Colombians displaced from 466 municipalities in 2011 identified paramilitary successor groups (Bacrim) as the armed actor responsible for their displacement.[756] (At this writing, the government had not released complete 2012 displacement statistics broken down by the alleged perpetrator.[757]) In addition, more than 3,000 Colombians displaced from 242 municipalities identified the perpetrators as "self-defense forces," reflecting the continuity between the AUC and paramilitary successor groups in the eyes of their victims.[758] These figures do not represent the full scale of the problem given that all too often, authorities refused to register victims displaced by paramilitary successor groups.[759]

Colombia's Ombudsman's Office has also reported widespread abuses by the groups. In 2011, it received more than 1,300 complaints of possible international humanitarian law violations by paramilitary successor groups, more than half the total reported violations attributed to identified armed actors that year.[760] According to the Ombudsman's Office,

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[755] International Committee of the Red Cross, "Humanitarian Action in Colombia: Report on activities," 2013, http://www.icrc.org/spa/assets/files/2013/colombia-report-2012.pdf (accessed May 23, 2013), p. 1.

[756] Victims Unit, "Annual Report on Internal Forced Displacement in Colombia 2011," June 1, 2012, pp. 46 and 49.

[757] Emails from Victims Unit officials to Human Rights Watch, August 15 and 20, 2013. As of August 2013, the government reported that 4,866,484 were displaced between 1985 and August 2013, and that 135,946 were displaced in 2012. CODHES, "The Humanitarian Crisis in Colombia Persists: 2012 Forced Displacement Report," 2013, http://www.lwfcolombia.org.co/sites/default/files/image/310513%20Informe%20%20desplazamiento%202012.pdf (accessed July 21, 2013). CODHES, the preeminent Colombian NGO monitoring displacement, reported that 5,701,996 were displaced between 1985 and 2012, and that 256,590 were displaced in 2012.

[758] Victims Unit, "Annual Report on Internal Forced Displacement in Colombia 2011," pp. 46 and 49.

[759] On failure to register people displaced by paramilitary successor groups prior to 2012, see, Human Rights Watch, *Paramilitaries' Heirs*, pp. 121-122. In most of 2012, based on the definition of a victim in the Victims Law, the government generally did not register as displaced people who fled violence and abuses by paramilitary successor groups because the displacements were not considered to be due to the armed conflict. Constitutional Court of Colombia, Order 119 of 2013, p. 65. In June 2013, the Constitutional Court ordered the government to register as internally displaced people who flee their homes due to violence and abuses carried out by paramilitary successor groups, irrespective of whether their displacement is caused by the armed conflict (see note 18).

[760] Ombudsman's Office, "Ombudsman urges governors and mayors to accept SAT reports," January 13, 2012, http://www.defensoria.org.co/red/index.php?_item=03010601&_secc=03&ts=2&hs=0301 (accessed July 16, 2013).

the situation did not improve in 2012. In November 2012, national Ombudsman Jorge Armando Otálora sent a letter to Defense Minister Juan Carlos Pinzón raising concern over abuses committed by the groups and noting:

> The Ombudsman's Office considers that the humanitarian situation is tending to worsen due to the increase in violent dynamics and conflict that is occurring in some regions, which makes evident the weakness of the State in responding to its effects and in providing assistance to victims, especially for those who are attacked and violated by the so-called "Bacrim."[761]

The Early Warning System of the Ombudsman's Office has frequently raised alarm over the threat successor groups pose to the civilian population. Between January and October 2012, the Early Warning System issued 41 reports for 20 departments warning of imminent abuses, such as forced displacement, killings, forced recruitment, and "disappearances." Of those reports, 83 percent identified paramilitary successor groups as the source of the risk. (Eighty percent identified the FARC as the source of the risk, because each report can identify multiple sources of risk of abuses.)[762]

One risk report issued in 2012 concerned the municipalities of Segovia, Remedios, and Zaragoza in Antioquia, where, according to the Ombudsman's Office, the Urabeños and Rastrojos were engaging in killings and forced displacement. In Segovia, a municipality of approximately 38,000 residents, 143 were reported killed between January and October 2012, equivalent to a homicide rate of approximately 376 per 100,000 persons (the national rate is closer to 36 per 100,000).[763]

Another 2012 risk report concerned the predominantly Afro-Colombian port city of Buenaventura, in Valle del Cauca department, where according to the Ombudsman's Office,

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[761] Letter from Jorge Armando Otálora Gómez, national ombudsman, to Juan Carlos Pinzón Bueno, defense minister, November 7, 2012, p. 4.

[762] Ombudsman's Office of Colombia, Early Warning System, "Administration of Warnings 2012."

[763] Letter from Jorge Armando Otálora Gómez, national ombudsman, to Juan Carlos Pinzón Bueno, defense minister, November 7, 2012, p. 11. Segovia's population (37,572) is taken from the municipality's website, http://segovia-antioquia.gov.co/index.shtml.

violence by paramilitary successor groups led to the forced displacement of 3,900 people over a two-week span between October 14 and November 1, 2012.[764]

In a November 2012 public statement, the Diocese of Buenaventura denounced the intensification of fighting between the "'La Empresa' and Urabeños paramilitary groups" in the city: "[D]ecimated by homicides, displacements and enforced disappearances … [f]ear has contaminated the cells of the population, who cannot generate forms of survival in the midst of the prolonged war."[765]

Toleration and Collusion by Security Force Members

One source of successor groups' ongoing power is the toleration and collusion of security force members. Human Rights Watch raised this concern in its February 2010 report, *Paramilitaries' Heirs*, noting that such corruption makes it difficult to track down, confront, and hold the groups accountable.[766] The problem continues in different regions of the country, according to Human Rights Watch interviews with a range of national and local officials, international observers, and victims, among other sources.[767]

One top national police intelligence official admitted to Human Rights Watch that police collusion with successor groups is a problem throughout the country, stating, "Wherever there are Bacrim, there is corruption with the police."[768] Similarly, a senior UNP official described as "very serious" the groups' infiltration of police on a local level.[769] The official stated, for example, that one municipal police station in Urabá was "in the service" of the Urabeños until early 2012.[770] As of March 2012, the police reported having

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[764] Ombudsman's Office, "Ombudsman verified the devastating humanitarian panorama in his visit to the communities of Buenaventura," November 15, 2012, http://www.defensoria.org.co/red/index.php?_item=03010611&_secc=03&ts=2&hs=0301 (accessed July 16, 2013).

[765] Diocese of Buenaventura, "New paramilitary takeover in Buenaventura," November 2, 2012, http://www.derechos.org/nizkor/colombia/doc/buenaventura2.html (accessed May 23, 2013).

[766] Human Rights Watch, *Paramilitaries' Heirs*, pp. 110-118.

[767] UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/16/22, February 3, 2011, para. 42, Appendix I D(7); Report of the Special Rapporteur on extrajudicial, summary, or arbitrary executions, Christof Heyns, Follow-up country recommendations: Colombia, A/HRC/20/22/Add.2, May 15, 2012, para. 54.

[768] Human Rights Watch interview with senior police intelligence official, Bogotá, December 2012.

[769] Human Rights Watch interview with senior National Protection Unit official, November 2012.

[770] Ibid.

258 disciplinary investigations open against its members for alleged ties to paramilitary successor groups.[771]

The head of the prosecutorial unit dedicated to investigating paramilitary successor groups also recognized the problem of corruption with public officials, including the security forces. He told Human Rights Watch that successor groups usually "have links to all kinds of public servants in all the areas where they have a presence."[772]

The U.S. State Department has expressed concern over the problem, noting in August 2012 that, "reports of collusion between security forces and BACRIM in some regions persist."[773] According to the State Department, "the Armed Forces and civilian authorities could do more to investigate allegations of collusion will illegal armed groups, which persist."[774]

Evidence suggests that the problem is pronounced in regions such as Urabá and Córdoba. A prosecutor conducting human rights investigations in Córdoba and Urabá said that in both regions, "There is not a direct pursuit of [the groups] by the security forces."[775] Another human rights prosecutor said that in Urabá, the security forces are very infiltrated by paramilitaries.[776] As of July 2012, a specialized prosecutor dedicated to investigating successor groups in Córdoba reported that their unit had investigations open against two police colonels for alleged links to the Urabeños.[777] One official closely following the security situation in Córdoba said that communities "constantly" reported links between the Urabeños and the army and police.[778] Residents of both Urabá and Córdoba also reported links between successor groups and some security force members.[779]

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[771] Human Rights Watch group interview with police intelligence officials, Bogotá, March 2012.

[772] Human Rights Watch interview with Luis Gonzalez, director of the anti-Bacrim unit of the Attorney General's Office, Bogotá, July 24, 2013.

[773] U.S. State Department, "Memorandum of Justification concerning Human Rights Conditions with Respect to Assistance for the Colombian Armed Forces," August 20, 2012, p. 38.

[774] U.S. State Department, "Certification of the Colombian government with Respect to Human Rights Related Conditions," August 30, 2012, http://m.state.gov/md197406.htm (accessed June 29, 2013).

[775] Human Rights Watch interview with prosecutor, Medellín, July 18, 2012

[776] Human Rights Watch group interview with prosecutors, Medellín, March 2012;

[777] Human Rights Watch interview with prosecutor in anti-Bacrim unit of Attorney General's Office, Montería, July 12, 2012.

[778] Human Rights Watch interview with official from Córdoba, Montería, February 29, 2012.

[779] Human Rights Watch interview with Urabá resident, Bogotá, November 27, 2012; Human Rights Watch interview with former Urabá resident, Cartagena, July 2012; Human Rights Watch interview with Córdoba resident, July 13, 2012.

Regional Police Often Downplay Abuses

> "It's a business to be threatened."
>
> —High-ranking police official from Cesar department[780]

Police authorities from different regions—including those specifically charged with coordinating security for land restitution—have downplayed the gravity of abuses against IDP land claimants and leaders. They have done so in a variety of ways, ranging from publicly stating that killings were unrelated to the victims' activism before they had been adequately investigated, to groundlessly generalizing that claimants invent threats in order to procure protection measures for their economic benefit. This attitude—expressed both publicly and in private meetings with Human Rights Watch—strongly suggests that at least some police authorities have failed to take seriously the responsibility to protect those seeking restitution. This failure is reflected in reports by some threatened IDP claimants and leaders in certain regions that the police are inconsistent in carrying out security check-ins—the main protection measure that police provide to such individuals.

Premature Statements that Killings are Unrelated to Victims' Activism

High-ranking police officials have publicly stated that killings of IDP land claimants and leaders were unrelated to their activism before adequate investigations had been carried out. This sends a message to claimants that the police do not take seriously the risk they are exposed to as a result of their efforts to recover land, which can erode their trust in such authorities, and thus reduce the likelihood that they will come forward to seek protection or denounce crimes.

• On April 14, 2009, in Los Córdobas, Córdoba department, armed men shot dead Ana Isabel Gómez Pérez, a municipal leader of COMFAVIC, a victims group seeking land restitution in the region. The gunmen belonged to the Urabeños, according to a justice official investigating Gómez Pérez's case, which is at a preliminary stage, meaning that no suspects have been charged.[781] Immediately following her killing, before it had been properly investigated, then-commander of the police in Córdoba, Colonel Sergio López Miranda, publicly stated that the murder was unrelated to her leadership, according to a

[780] Human Rights Watch group interviews with police officials from Cesar department, Valledupar, July 4 and 5, 2012.

[781] Human Rights Watch interview with Attorney General's Office official, Medellín, July 2012; Email from Attorney General's Office official to Human Rights Watch, June 11, 2013.

news report in *El Tiempo* newspaper and fellow COMFAVIC members.[782] Yet several factors strongly suggest that Gómez Pérez was targeted due to her leadership.

First, Gómez Pérez played an important role as an IDP leader seeking land restitution. The Ombudsman's Office stated in a press release that Gómez Pérez "had been developing an intense work in raising awareness about victims' rights with families displaced from … Urabá, Chocó, and Córdoba, for whom she sought the restitution of land that had been dispossessed from them."[783]

Second, Gómez Pérez had reported receiving threats up to two weeks before her killing, according to press reports and COMFAVIC members interviewed by Human Rights Watch.[784]

Furthermore, other COMFAVIC members reported having been threatened, shot, and displaced in 2009 and 2010, including by paramilitary successor groups. This pattern of crimes against COMFAVIC members suggests that Gómez Pérez's assassination was motivated by her activism.

Cecilia Tuberquia (pseudonym), a fellow COMFAVIC leader of Gómez Pérez's from Los Córdobas, told Human Rights Watch and justice authorities that in late February 2009, approximately two weeks before Gómez Pérez's killing, she received an anonymous phone call in which she was told that if she did not resign from her leadership position, "her head would get filled with bullets."[785] Following Gómez Pérez's death, Tuberquia replaced her as the president of a municipal IDP association connected to COMFAVIC. Tuberquia told justice authorities and Human Rights Watch that in late March and early April 2010, she was followed by a demobilized paramilitary and then stopped in the street by an

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[782] Human Rights Watch group interview with former COMFAVIC members, location withheld, July 2012; Gudilfredo Avendaño, "The leader of the displaced in the municipality of Los Córdobas had denounced threats," *El Tiempo,* April 15, 2009, http://www.eltiempo.com/archivo/documento/CMS-4987748 (accessed May 23, 2013). According to fellow COMFAVIC members and the *El Tiempo* article, the police commander claimed that Gómez Pérez's killing could have been related to her activities organizing people from Los Córdobas to work as farm laborers in another region of Colombia.

[783] Ombudsman's Office, "Leader of the displaced killed in Córdoba," April 16, 2009, http://www.defensoria.org.co/red/?_item=03030702&_secc=03&ts=2&hs=0303 (accessed May 23, 2013).

[784] " Gudilfredo Avendaño, "The leader of the displaced in the municipality of Los Córdobas had denounced threats," *El Tiempo;* Ginna Morelos, "Killing of leader of the displaced related to victims' claims," Verdadabierta.com, http://www.verdadabierta.com/justicia-y-paz/1147-asesinato-de-lider-de-desplazados-relacionado-con-reclamaciones-de-victimas?format=pdf (accessed May 23, 2013); Human Rights Watch interview with COMFAVIC member, Bogotá, July 7, 2012; Human Rights Watch interview with former COMFAVIC member, Montería, July 13, 2012.

[785] Human Rights Watch group interview with former COMFAVIC members, location withheld, July 2012; Criminal complaint filed by Cecilia Tuberquia with Attorney General's Office in Montería, April 2009.

unidentified armed man who ordered her to leave the region within three days.[786] The man asked whether she wanted to end up like Gómez Pérez, in a tomb. Soon after receiving the threat, Tuberquia fled Los Córdobas.[787] As of July 2012, she said that she continued to live in hiding, and struggled to provide for her children on roughly $20,000 pesos a day (approximately US$10).[788]

On October 2, 2009, in Montería, gunmen shot and wounded Mario Montes de Oca, COMFAVIC's lawyer and legal representative. After the attack, the Ombudsman's Office reported that Oca, "Represents close to 5,000 cases of forced displacement and usurpation of land, among other violations committed by paramilitaries in the departments of Córdoba and Antioquia."[789] Alberto Luis Pastrana Soto, who assisted COMFAVIC as a messenger, was killed during the attack. Death threats against COMFAVIC members continued in January 2010.[790]

In cases where the cause of death of claimants was unclear, police authorities have prematurely and groundlessly ruled out that the victim was murdered. For example:

• On November 16, 2011, the body of Alejandro Padilla, a member of Tierra y Vida reclaiming land from which he had been displaced by paramilitaries in Urabá, was found on a small bridge in a rural area of Arboletes, Antioquia. (See more on Tierra y Vida in the section, "Tierra y Vida in Urabá.") Activists and other sources close to Padilla believe, with good reason, that he was deliberately killed, as the UNHCHR also stated in its 2011 annual report.[791] Circumstantial evidence such as the pattern of abuses against Tierra y Vida members and considerable presence of the Urabeños in the area where he lived and was killed support such a conclusion.[792]

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[786] Human Rights Watch group interview with former COMFAVIC members, location withheld, July 2012; Criminal complaint filed by Cecilia Tuberquia with Attorney General's Office, April 2010.

[787] Ibid.

[788] Human Rights Watch group interview with former COMFAVIC members, location withheld, July 2012.

[789] Ombudsman's Office, "Resolution Number 058. Diagnostic of the Situation of Land Access and Tenure in the Department of Córdoba," December 29, 2010, p. 13

[790] Criminal complaint filed by COMFAVIC member with Attorney General's Office, August 2010.

[791] UN High Commissioner for Human Rights, Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012, Appendix I, para. 8b. The UNHCHR's 2011 report stated, "Alejandro Padilla, a leader involved in land restitution processes was murdered in Urabá. He had been supporting a process for the restitution of land in the villages of Nueva Esperanza since 2008."

[792] The Urabeños have a "strong presence" in Mello Villavicencio, according to justice authorities working on the case. Human Rights Watch interview with SIJIN agents, Apartadó, July 19, 2012.

Padilla had been reclaiming land in the Filo de Caballo area of Necoclí, Antiqouia, where according to victims from the region, vast swaths of land had been taken over by the AUC and inherited by leaders of the Urabeños.[793] A motorbike taxi driver, Padilla left his home in the town of Mello Villavicencio, Necoclí on November 16, 2011 to respond to a request for a ride. The person who had called to ask for the ride has ties to a paramilitary from the area, according to credible sources close to Padilla interviewed by Human Rights Watch, who requested anonymity out of fear for their safety.[794] Padilla never returned home, and later that night, his family received a call informing them that he had been found dead. The next morning Padilla's family members picked up his body in Arboletes, Antioquia. His body was on a small bridge passing over a river, and his motorbike was found below the bridge, according to the prosecutor handling the case.[795] Credible sources close to Padilla said that paramilitary successor group members were present when his family picked up the body on November 17.[796] The following day, Tierra y Vida issued a statement denouncing that Padilla had been murdered.[797]

Immediately following Padilla's death, before it had been adequately investigated, local media reported that Colonel Jaime Ávila Ramírez, then-commander of the police in Urabá, publicly claimed that he had not been murdered, but rather died in a motorbike accident.[798] In a subsequent interview with Human Rights Watch, the current Urabá police commander also insisted that Padilla had died in a motorbike accident.[799] (See more on premature statements by the police in Urabá that Manuel Ruiz's killing was unrelated to his activism in the section, "Curvaradó and Jiguamiandó Communities, Chocó Department.")

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793 Human Rights Watch interviews with Fernando Enamorado, location withheld, December 2011 and March 2012; "Conflicting accounts of death of land claimant in Urabá," Verdadabierta.com, http://www.verdadabierta.com/component/content/article/48-despojo-de-tierras/3692-asesinan-a-otro-reclamante-de-tierras-en-uraba (accessed May 23, 2013).

794 Human Rights Watch interview with sources close to Padilla, location withheld, September 2012.

795 Human Rights Watch interview with prosecutor, Apartadó, July 19, 2012 and telephone interview June 4, 2013.

796 Human Rights Watch interview with sources close to Padilla, location withheld, September 2012.

797 Forjando Futuros, "Communiqué before the public opinion concerning the homicide of Alejandro Padilla," November 18, 2011, http://forjandofuturos.org/fundacion/index.php/sala-de-prensa/comunicados/78-comunicados/906-comunicado-a-la-opinion-publica-tras-el-homicidio-de-alejandro-padilla-.html (accessed May 23, 2013).

798 "'Claimant was not killed': Police," *El Mundo,* November 19, 2011, http://www.elmundo.com/portal/noticias/antioquia/reclamante_no_fue_asesinado_policia_.php (accessed May 23, 2013); "Conflicting accounts of death of land claimant in Urabá," Verdadabierta.com.

799 Human Rights Watch interview with Colonel Leonardo Mejía, commander of the police in Urabá, Apartadó, July 19 2012.

The current commander of the Urabá police based his assertion about Padilla's cause of death on the autopsy report, claiming that it clearly established that he died in an accident.[800] However, the prosecutor handling Padilla's case told Human Rights Watch that the autopsy report was not conclusive as to how Padilla sustained his fatal injuries and left open the possibility that he could have either been murdered or died in an accident.[801] The report, which was read to Human Rights Watch, stated that Padilla died as a result of received injuries to his head that caused brain injuries and neurological shock. Someone who saw a video of Padilla's cadaver told Human Rights Watch that his head looked "very beat up" and swollen.[802]

The prosecutor said that his investigation had not determined whether Padilla was murdered or died in a traffic accident, but that the only indication that he had died in an accident was that he was found dead next to a motorbike on a public road.[803] There were no direct witnesses at the scene of his death, he said. At the very least, this suggests police reached their conclusion before authorities had the evidence to support it.

Sources close to Padilla said that after his death, his family decided not to continue reclaiming the land, and out of fear, have not talked with justice authorities investigating the case.[804] As of July 2013, the investigation was at a preliminary stage.[805]

Downplaying Threats

In meetings with Human Rights Watch, police officials in different regions—including those in charge of coordinating security for land restitution—downplayed the gravity of threats against IDP claimants. In some cases, authorities suggested that victims had invented the threats in order to obtain protection measures for their economic benefit. For example:

• High-ranking police officials in Cesar department said in July 2012 that they had received complaints of threats against 25 land restitution claimants in the department.[806] At the

[800] Human Rights Watch interview with Colonel Leonardo Mejía, commander of the police in Urabá, Apartadó, July 19 2012.

[801] Human Rights Watch interview with prosecutor, Apartadó, July 19, 2012 and by telephone on June 4, 2013.

[802] Human Rights Watch interview with sources close to Padilla, location withheld, September 2012.

[803] Human Rights Watch interview with prosecutor, Apartadó, July 19, 2012, and by telephone on June 4, 2013.

[804] Human Rights Watch interview with sources close to Padilla, location withheld, September 2012; Human Rights Watch interview with prosecutor, Apartadó, July 19, 2012 and by telephone on June 4, 2013.

[805] Email from Attorney General's Office to Human Rights Watch, July 15, 2013.

time, the Ombudsman's Office in Cesar department reported a similar number of cases, and Human Rights Watch met with roughly a dozen leaders and claimants in the department who reported serious threats against them (see more on Cesar department in the section, "The El Toco Community in San Diego, Cesar Department"). However, Cesar department police officials told Human Rights Watch that the majority of complaints were made in order to procure protection measures from which the beneficiaries derive economic benefit.

The police officials generalized that claimants "do not want to work, they just want to live off the state…. They have opted for that lifestyle." One senior official said, "The people are faking threats in lots of cases…. It's a business to be threatened."[807]

For example, police did not take seriously a threat reported by Fredy Rodríguez Corrales, who leads ASOCOL, an association of scores of IDP families asserting restitution claims through INCODER to more than 1,000 hectares of land on the Bella Cruz farm in southern Cesar department.

Paramilitaries displaced residents from Bella Cruz in 1996, an incident for which a tribunal found the Colombian military and police, along with other authorities, administratively responsible for their omission.[808] Francisco Alberto Marulanda, the brother of ex-Minister of Development Carlos Arturo Marulanda, contracted the AUC to operate on the Bella Cruz farm and displace the farmers from it, according to judicial testimony provided by a demobilized paramilitary in 2010.[809] Francisco Alberto Marulanda was convicted for links to paramilitaries in 2003 and then acquitted on appeal in 2006.[810] In 2008, the Marulanda family sold land in Bella Cruz to a private company that developed African Palm oil crops there.[811]

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[806] Human Rights Watch group interviews with police officials from Cesar department, Valledupar, July 4 and 5, 2012.

[807] Ibid.

[808] Council of State, Chamber for Administrative Disputes, Case Number 20001-23-31-000-1998-03648-01, November 19, 2012.

[809] "The tricks of Bellacruz," Verdadabierta.com, August 1, 2011, http://www.verdadabierta.com/nunca-mas/3424-las-trampas-de-bellacruz (accessed May 23, 2013).

[810] Supreme Court of Justice, Penal Chamber, Case Number 26350, November 9, 2006.

[811] "The tricks of Bellacruz," Verdadabierta.com, August 1, 2011, http://www.verdadabierta.com/nunca-mas/3424-las-trampas-de-bellacruz (accessed May 23, 2013); Blake Schmidt, "Colombia Land Grab by Billionaires Risks Pledge," *Bloomberg*, August 29, 2012, http://www.bloomberg.com/news/2012-08-29/colombia-land-grab.html (accessed May 23, 2013).

In January 2012, Rodríguez Corrales received a sheet of paper at his home inviting him and other ASOCOL leaders to their own funerals. It was signed by the "Armed Antirestitution Group of Cesar."[812] When Human Rights Watch asked Cesar police officials about Rodríguez Corrales's case, they suggested that he had invented the threat in order to obtain protection measures. One official referred to Rodríguez Corrales as among "people who have become experts in suing the State."[813]

Yet, the repeated nature of the threats and acts of intimidation in 2012 and 2013 denounced by Rodríguez Corrales and several other ASOCOL leaders, as well as different authorities' accounts of these incidents, strongly suggest that they face serious risks to their safety.[814] The Ombudsman's Office, for example, reported in June 2012 that ASOCOL leaders "have been subject to repeated threats and harassment … events which a structure of the Urabeños are apparently behind…. On various occasions local residents informed this office that they have seen heavily armed men circulating near the pieces of land that they hope will be returned."[815]

Less than two months later, the INCODER rural development agency publicly denounced that when its officials attempted to carry out an inspection of the Bella Cruz farm with ASOCOL leaders as part of the land restitution process, a private security firm prevented the leaders from entering the property. INCODER stated, "The participation of the associations is necessary for the inspection, because they were the ones who requested that the Institute carry out the process. Furthermore, they are a vulnerable peasant population, in a situation of forced displacement, and are threatened."[816] With regard to the incident with the security firm, an ASOCOL leaders reported to the Ombudsman's Office that, "various armed men dressed as civilians … began to take photographs of us 15 farmers."[817]

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[812] Human Rights Watch group interview with ASOCOL leaders, Bogotá, June 26, 2012; Criminal complaint filed by Fredy Rodríguez Corrales with Attorney General's Office, January 25, 2012.

[813] Human Rights Watch group interview with police officials from Cesar department, Valledupar, July 4 and 5, 2012.

[814] Human Rights Watch group interview with ASOCOL leader, Bogotá, June 26, 2012; Human Rights Watch group interview with ASOCOL leaders, Valledupar, July 6, 2012; Letter from ASOCOL leaders to President Juan Manuel Santos, June 14, 2012.

[815] Official Communication from the Cesar department Ombudsman's Office to Coordinator of the Communications Office of the National Ombudsman's Office, Note number, DPRCES 6005-1891-G, Valledupar, Cesar department, June 25, 2012.

[816] INCODER, "INCODER denounces new obstacles to recovering land from the Bellacruz Hacienda, Cesar department," August 22, 2012, http://www.incoder.gov.co/contenido/contenido_imprimir.aspx?conID=1314&catID=70 (accessed May24, 2013).

[817] Official Communication from Cesar department Ombudsman to the National Directorate of the Technical Investigative Unit, December 2012.

• A police official coordinating security for land restitution in Carmen de Bolívar, Bolívar belittled acts of intimidation against land restitution leader Gustavo Arrieta in an interview with Human Rights Watch. (See more on Arrieta's case in the section, "The Mesa de Víctimas in Carmen de Bolívar, Bolívar Department.") At the time of the interview, Arrieta and other land restitution claimants had reported being subject to acts of intimidation involving José Méndez, who public officials, land restitution leaders, and criminal complaints all point to as having repeatedly intimidated IDPs involved in different land disputes in Carmen de Bolívar. A senior official from the Carmen de Bolívar mayor's office told Human Rights Watch, "It appears that José Méndez is providing a service to remove some people from pieces of land that are in dispute."[818]

Nevertheless, the police official stated that there were no serious threats by Méndez against Arrieta, or any other claimants in Carmen de Bolívar for that matter. Furthermore, he said that Méndez claimed it was Arrieta who had threatened him.[819] Arrieta denied the claim, which seems highly improbable given the complaints of acts of intimidation made by several restitution claimants and leaders against Méndez.[820] According to one official working closely on land restitution in the region, "In all of the cases of threats José Méndez's name appears," and security force authorities charged with security for land restitution "have not taken any action against Méndez."[821] The official said that, "It's very frequent … that the security forces belittle the threats against claimants. They always think it's a lie."[822]

Inconsistent Police Protection

The dismissive attitude of at least some police authorities towards threatened land claimants may be contributing to inconsistent and/or inadequate police protection provided to such individuals. One of the key duties of police in protecting land restitution claimants is to carry out "police patrols," which entails visiting protected individuals' homes or workplaces on a regular basis and checking in with them. Such patrols help establish a channel of communication between authorities and victims, show potential assailants that victims are guarded, and can foster a sense of security for victims.

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[818] Human Rights Watch interview with Carmen de Bolívar mayor's office official, Carmen de Bolívar, Bolívar, July 11, 2012.

[819] Human Rights Watch interview with police official, Carmen de Bolívar, July 11, 2012.

[820] Human Rights Watch interview with Gustavo Arrieta, Carmen de Bolívar, July 11, 2012.

[821] Human Rights Watch interview with official working on land restitution, Cartagena, July 10, 2012.

[822] Human Rights Watch interview with official working on land restitution, Cartagena, January 2013.

Nevertheless, some IDP land claimants and leaders who are supposed to benefit from regular police patrols said that police had failed to do so, sometimes neglecting to visit them for up to a week at a time. In other cases, victims reported that police conducted patrols for the first few weeks after they had reported a threat, and then suddenly stopped the patrols. A national government official working on protection issues for at-risk individuals, including restitution leaders, also said that she had received reports of inconsistent police patrols.[823] The failure to conduct consistent police patrols leaves victims feeling forgotten by authorities and more vulnerable to attacks.

For example, Carmenza León (pseudonym), a prominent leader of the Urabá chapter of Tierra y Vida currently leading her community's efforts to reclaim land through the Victims Law, reported to justice authorities and Human Rights Watch a series of threats against her in 2012 and 2013. (See more on León's case in the section, "Tierra y Vida in Urabá.") On July 11, 2012, León denounced a threat to the Attorney General's Office, and justice officials filed a request with police that they provide her with protection, noting that she had been subject to threats.[824] León said that the police did not visit her until July 17 and that when they did, the policeman asked her to sign a registry certifying that he had visited her every day of the previous week.[825]

León temporarily moved away from the town where she was living, and then moved back in early March 2013. She said that after returning, the police only visited her once during more than a month span, and that out of fear, she very rarely left her home.[826] León called the town's police station in early April to ask for protection, and said that while on the line, she overheard the policeman say to a colleague, "The stupid woman is on the line." The police did not grant her protection request.[827] On April 24, a Tierra y Vida member found a death threat targeting León under the door of the IDP association's office in Apartadó. It stated, "You want land [? W] e are going to bury you in it…. Carmensa (sic) León we know where you are." The threat was signed by the self-proclaimed "AGC," which presumably stands for Autodefensas Gaitanistas de Colombia, a name used by the Urabeños.[828]

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[823] Human Rights Watch interview with National Protection Unit official, Bogotá, April 23, 2013.

[824] Official Communication from Technical Investigative Unit agent to commander of police station in Apartadó, July 11, 2012.

[825] Human Rights Watch interview with Carmenza León, Apartadó, July 20, 2012.

[826] Human Rights Watch interview with Carmenza León, Apartadó, April 12, 2013.

[827] Ibid.

[828] Human Rights Watch telephone interview with Carmenza León, April 24, 2013; Human Rights Watch telephone interview with Manuel Mercado, April 24, 2013.

León told Human Rights Watch that she goes to the Tierra y Vida office less frequently, and is less active in the restitution process because of the lack of security guarantees and support from authorities.[829]

[829] Human Rights Watch interview with Carmenza León, Apartadó, April 12, 2013.

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Human Rights Watch is especially grateful to the victims who shared their testimonies with us. These individuals often expressed a well-founded fear of reprisals and traveled long distances to be interviewed. It was with great courage that they agreed to speak with us.

THE RISK OF RETURNING HOME

Violence and Threats against Displaced People Reclaiming Land in Colombia

Violence associated with Colombia's long-running internal armed conflict has driven more than 4.8 million Colombians from their homes, generating the world's largest population of internally displaced persons (IDPs). Colombian IDPs are estimated to have left behind 6 million hectares of land, much of which armed groups, their allies, and others seized, and continue to hold. In June 2011, President Juan Manuel Santos took an unprecedented step towards addressing this problem by securing passage of the Victims Law, which aims to return land to hundreds of thousands of displaced families over the course of a decade.

Despite some notable gains in applying the Victims Law, major obstacles stand in the way of its effective implementation. IDPs who have sought to recover land through this new law and other restitution mechanisms have faced widespread abuses tied to their efforts, including killings, new incidents of forced displacement, and death threats. *The Risk of Returning Home*—based on a year and a half of field research—details those abuses and assesses the government's response.

Human Rights Watch found that crimes targeting IDPs for their restitution efforts almost always go unpunished: prosecutors have not charged a single suspect in any of their investigations into threats against land claimants and leaders. Justice authorities also rarely prosecute the people who originally displaced claimants and stole their land. This is a root cause of the current abuses targeting claimants because those most interested in retaining control of the wrongfully acquired land often remain at large and are more readily able to violently thwart restitution. The failure to significantly curb the power of paramilitary successor groups—which have committed many of the abuses against land claimants—also poses a major threat to restitution.

To ensure that IDPs can safely return home, Human Rights Watch recommends that prosecutors work with land restitution authorities to vigorously pursue crimes against claimants in the areas where restitution is being implemented. Unless Colombia delivers justice for current and past abuses against land claimants and makes substantial progress in dismantling paramilitary successor groups, the threats and attacks will continue—and the Santos administration's signature human rights initiative could be fundamentally undermined.

Paola Lance sits on the fallen structure of the house her family started to build in the Caño Manso community along the Curvaradó River basin in Chocó. Displaced in the late 1990s, Caño Manso community members started to return to their land in 2007 in the face of death threats and attacks. The day before this photograph was taken, unidentified men knocked down the structure, in an apparent act of intimidation. Caño Manso, Chocó, March 2011.