

PUBLIC

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UA 154/09 Forced eviction

COLOMBIA Afro-descendant community of Caracolí, Curvaradó region, Chocó Department

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Sources in the Curvaradó region learned at a local meeting on 11 June that local police were preparing an eviction notice, which they planned to serve on 18 June, on the community of Caracolí, which consists of over 100 people, in the Curvaradó region of Chocó Department. This eviction notice had been ordered by a local judge despite the central government's repeated recognition that the residents of Caracolí legally own their lands and therefore have a right to remain there. Caracolí is included in a collective land title, owned by the local Afro-descendant community, covering the region of Curvaradó and Jiguamiandó. The Ministry for the Interior and Justice has recently called on the regional judicial authorities to respect the validity of this land title.

Residents of the Curvaradó and neighbouring Jiguamiandó river basins were driven off their land in 1997 by paramilitaries, who have since killed over 100 members of these communities, leaving the land free for illegal plantations of African palm, operated by individuals, some of whom are reportedly linked to paramilitary groups. After the national government recognized their collective land title in 2000, many of those members of Afro-descendant communities who had been driven off their land returned to find that it had been illegally-occupied by African palm and other commercial farming interests. As well as continual threats and killings, the returnees have faced repeated attempts by African palm growers to falsify title deeds to the land to drive them off again, though their collective land title had been recognized by the government. The residents of Caracolí returned to the area in 2007. Since then, they say, they have been repeatedly labelled guerrillas and have been threatened by paramilitary groups.

On 26 May a well-known local paramilitary threatened to kill two members of the Andalucía community in the Curvaradó river basin, Enrique Petro and Elías López, who have been opposing the illegal occupation of their lands. The paramilitary approached a member of the community of Andalucía in the Curvaradó region and warned that Enrique Petro and Elías Lopez would be killed. The men had previously faced a series of threats (see UA 234/08, AMR 23/029/2008, 26 August 2008).

At the same time as the threat against Enrique Petro and Elías López, African palm companies were threatening to take control of land in the Andalucía area.

#### **BACKGROUND INFORMATION**

The attempt to drive them off their land comes at a time when Afro-descendant communities in the Curvaradó/Jiguamiandó river basins are campaigning to ensure that their collective land rights, recognized by the government in 2000, are protected and prevent the expansion of illegal African palm plantations and other commercial activities within their territory. State bodies have recognized that the African palm plantations are illegal. The Inter-American Commission on Human Rights has recognized the link between the operation of illegal African palm plantations in the area and human rights violations against the local community and, following a visit to the Curvaradó/Jiguamiandó region in November 2008, called on the government to provide protection to the communities and ensure that they are not driven from their lands. Many members of the Afro-descendant communities in the area, including members of the Community Councils, have been threatened because of the stance they have adopted in defence of their land rights and against local palm oil companies.

A leader of an Afro-descendant community, Walberto Hoyos Rivas, was shot dead by paramilitaries in October 2008 in Caño Manso, Curvaradó (see UA 299/08, AMR 23/040/2008, 27 October 2008). He had been campaigning in favour of collective land rights.

Forced evictions, which are evictions carried out without adequate notice and consultation with those affected, without legal safeguards and without assurances of adequate alternative accommodation, are a gross violation of a range of human rights including the right to adequate housing. Under international law, including the International Covenant on Economic, Social and Cultural Rights (ICESCR), Colombia is prohibited from carrying out forced evictions, and must protect people from forced evictions.

**RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:**

- expressing concern that the local authorities are preparing the forced eviction of the residents of Caracolí, and urging the authorities not to forcibly evict them and requesting that they ensure that the collective land title owned by the Afro-descendant communities in the Curvaradó/Jiguamiandó region is respected;
- urging them to guarantee the safety of members of the Afro-descendant communities living in the Curvaradó/Jiguamiandó region;
- calling on the authorities to order a full, independent and impartial investigation into the threats against Enrique Petro and Elías López and to publish the results;
- reminding the authorities that their obligations to human rights defenders are laid out in the UN Declaration on Human Rights Defenders, the Organization of American States Human Rights Defenders in the Americas resolutions and in repeated recommendations made to them by the UN;
- calling on them to take decisive action to confront and dismantle paramilitary groups and investigate and break their links with the security forces, in line with repeated UN recommendations;

**APPEALS TO:**

Vice-President

Dr. Francisco Santos Calderón

Vicepresidencia, Carrera 8A No 7-27, Bogotá, Colombia

**Fax: +57 1 565 7682 (ask: me da tono de fax por favor)**

**Salutation: Dear Vice-president Santos/Estimado Sr. Vicepresidente Santos**

Minister for the Interior and Justice

Dr. Fabio Valencia Cossio

Ministerio Del Interior y De Justicia, Carrera 9a. No. 14-10, D.C. - Colombia

**Fax: +57 1 560 46 30**

**Salutation: Dear Dr Valencia Cossio/Estimado Dr. Valencia Cossio**

Attorney General

Dr. Mario Germán Iguarán Arana

Fiscal General de la Nación, Fiscalía General de la Nación

Diagonal 22B (Av. Luis Carlos Galán No. 52-01) Bloque C, Piso 4, Bogotá, Colombia

**Fax: +57 1 570 2000 (a message in Spanish will ask you to enter extension 2017)**

**Salutation: Dear Mr Iguarán/ Estimado Sr. Fiscal**

**COPIES TO:**

Human rights NGO

Justicia y Paz Intereclesial

Calle 61 A, No. 17-26, Bogotá, Colombia

and to diplomatic representatives of Colombia accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 27 July 2009.