

PUBLIC

AI Index: AMR 23/040/2008

27 October 2008

UA 299/08

Fear for Safety/Death threats/Killings

COLOMBIA

**Members of the Afro-descendant community in Curvaradó, Chocó Department
Members of the Inter-Church Justice and Peace Commission, *Comisión Intereclesial Justicia y Paz* and other organizations living with the community in the
Curvaradó/Jiguamiandó region of Chocó Department**

Killed:

Walberto Hoyos Rivas (m) a leader of the Afro-descendant community in Curvaradó

Walberto Hoyos Rivas, a leader of the Afro-descendant community in the Curvaradó region of Chocó Department, located in the North-West of Colombia, has been killed, reportedly by members of the paramilitary group, the Black Eagles (*Águilas Negras*). Amnesty International is seriously concerned for the safety of other community members as well as members of the Inter-Church Justice and Peace Commission (*Comisión Intereclesial Jusitica y Paz*) and other organizations living with the community in the Curvaradó/Jiguamiandó region.

On 14 October 2008 Walberto Hoyos Rivas was shot dead by two paramilitaries shortly after leaving a community meeting in the Caño Manso humanitarian zone, located in the Curvaradó region. The paramilitaries insulted Walberto Hoyos Rivas, calling him a "son-of-a-bitch" (*hijo de puta*). Walberto Hoyos Rivas tried to protect himself but he was shot several times. Before killing him, the two paramilitaries took away the mobile telephones used by community members for alerting the authorities in emergencies. Shortly after leaving the scene, the paramilitaries returned. They took Walberto Hoyos Rivas's body and turned it face up, they then shot him in the face and neck again before fleeing the scene on motorcycles with the number plates removed.

That day Walberto Hoyos Rivas had received a notification from a court in Antioquia to give his testimony during the investigations into the killing of the Curvaradó Afro-descendant leader Orlando Valencia who was killed in 2005, reportedly by paramilitaries operating in coordination with the security forces. Walberto Hoyos Rivas had been present when Orlando Valencia had been forcibly disappeared in October 2005 (See UA 272/05, AMR 23/037/2005, 17 October 2005).

Walberto Hoyos Rivas had been the target of death threats and attacks by paramilitaries due to his role as a witness in the Orlando Valencia case, as well as his activities as a community leader defending human rights including the protection of the collective land rights of the Afro-descendant communities of Curvaradó. An attempt was made on the lives of Walberto Hoyos Rivas and his brother, Miguel Hoyos Rivas, on 17 September 2007. They were both injured in the attack. So far, no one has been held responsible for this attack.

In January 2003, Walberto Hoyos Rivas became a beneficiary of the provisional measures put in place by the Inter-American Court of Human Rights to protect members of the Afro-descendant community of Curvaradó. He had also been receiving protection from the Ministry of Interior and Justice since July 2008. However, on 10 October 2008, the vehicle which he had been allocated was taken away for repairs and had still not been returned to him by the day that he died.

Members of the Inter-Church Justice and Peace Commission living with the Afro-descendant community in the Curvaradó/Jiguamiandó region have also received a number of death threats from paramilitary groups (See

UA 234/08, AMR 23/029/2008, 26 August 2008). Despite the government sponsored demobilization process, paramilitaries continue to operate in many parts of the country, often with the support and acquiescence of the security forces.

BACKGROUND INFORMATION

The latest killing has occurred in the context of efforts by the Afro-descendant community in the Curvaradó/Jiguamiandó river basin to ensure that their collective land rights, recognized by the Colombian government in 2000, are protected and prevent the expansion of illegal African Palm plantations within their territory. Colombian State bodies have recognized the illegal nature of the African Palm plantations. Many members of the Afro-descendant community, 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.

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

- urging the authorities to guarantee the safety of members of the Afro-descendant community living in the Curvaradó/Jiguamiandó region and of those members of the Inter-Church Justice and Peace Commission and other organizations living with them;
- calling on the authorities to order a full and impartial investigation into the killing of Walberto Hoyos Rivas and to publish the results;
- requesting that the authorities take appropriate steps to ensure that the Inter-Church Justice and Peace Commission and other organizations working in the Curvaradó/Jiguamiandó region, can carry out their legitimate and important work for the defence of human rights;
- reminding the authorities that their obligations to human rights defenders are laid out in the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms, the Organization of American States Human Rights Defenders in the Americas resolutions and in repeated recommendations made to them by the UN.
- calling for 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:

President

Señor Presidente Álvaro Uribe Vélez

Presidente de la República, Palacio de Nariño, Carrera 8 No.7-2, Bogotá, Colombia

Fax: +57 1 337 5890

Salutation: Dear President Uribe/Excmo. Sr. Presidente Uribe

Minister of Defence

Dr. Juan Manuel Santos

Avenida El Dorado, Carrera 52 OFI. 217, Centro Administrativo Nacional (CAN), Bogotá, Colombia

Fax: +57 1 266 1003 (Ask "me da tono de fax, por favor")

Salutation: Dear Dr. Santos/Estimado Dr. Santos

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:

Non- governmental human rights organization

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 8 December 2008 2008.