



16 September, 2005



NORWEGIAN  
REFUGEE COUNCIL

July - August 2005

## COLOMBIA

### Justice and Peace<sup>1</sup>

The Constitutional Court has received three petitions objecting to the Justice and Peace Law, on the grounds that this legislation violates Law 975 of 2005 (dictating regulations for the reinsertion of members of armed groups), that it contravenes 35 constitutional principles and calls into question the recognition of paramilitary actions as political crimes.

In the context of these discussions the United States Attorney General, Alberto Gonzales, insisted that the paramilitaries and all those who had committed crimes against “the American people” should be brought to justice in his country. This would be the objective, even though the paramilitary chiefs form part of the peace process with the Colombian government.

Meanwhile, the Attorney General’s Office of Colombia announced that it would accept some of the recommendations made by Human Rights Watch (HRW), the international NGO, regarding the collective demobilizations of paramilitaries. HRW has expressed grave concern that the law does not require the paramilitaries to reveal their aliases, that the names of those who hand over their weapons are not recorded and that no members of the Human Rights Unit of the Attorney General’s Office are present when displaced people are interviewed by the authorities. HRW charges that the demobilization process has simply been limited to taking thousands of combatants out of circulation without obtaining useful information from them and without any guarantees that they will stay out of the conflict. The Attorney General, Mario Iguarán, said that demobilized combatants would be asked to provide more complete information, including their aliases and records of their weapons.

### Santos: NGOs on Jihadist crusade<sup>2</sup>

During his recent visit to the United States to defend the Justice and Peace Law, Vice-president Francisco Santos said: “Undoubtedly, (the human rights NGOs) led by Jose Miguel Vivanco, of HRW, appear to be on a *Jihadist* crusade, with an obtuse and mistaken attitude. (...) This Law is the result of a democratic debate that deserves to be explained”. Vice-President Santos met with officials of the US State Department, but various congressmen who are critical of the law did not wish to meet with him. Meanwhile, the United States refused to hand over 100 million dollars to Colombia, supposedly for not complying with a series of human rights conditions demanded by the US Congress prior to disbursement. The Colombian ambassador to the United States, Luis Alberto Moreno, said that the reason for withholding the disbursement was not human rights, but rather the issue of the Justice and Peace Law. According to Moreno, a number of representatives within the US Congress who are critical of the bill stopped the disbursement in order to pressure for the approval of a law that would meet their standards. The funds were earmarked for the Armed Forces.

### Guerrillas apologize for killings<sup>3</sup>

<sup>1</sup> El Tiempo, August 2, 9, 22, 25 and 28

<sup>2</sup> El Tiempo, July 11 and 19

<sup>3</sup> *El Tiempo*, 20 August

The ELN has apologized for the murder of two priests in Ocaña, in the department of Northern Santander, in August. The guerrillas said the priests were killed due to an intelligence error and promised that the action would not go unpunished. They said the Church had never been a military objective and that they would continue to regard it as a bridge to facilitate the search for a political solution to the armed conflict. The Church pardoned the ELN, a gesture that President Alvaro Uribe dismissed as hypocritical.

#### **18,000 displaced indigenous people<sup>4</sup>**

The Indigenous Organization of Colombia (ONIC) reported that 66 indigenous people have been murdered so far in 2005. Another 16 have disappeared, 111 were wounded, 124 arrested, 9,250 were threatened and 18,602 were displaced. According to the organization, paramilitary groups were responsible for 37.9 per cent of all abuses against indigenous people, the police (security forces) for 24 per cent and the guerrillas for 15.2 per cent.

#### **Ex-President Andres Pastrana agrees to become Colombia's envoy to Washington<sup>5</sup>**

In response to former President Andrés Pastrana's decision to accept the post of ambassador in Washington, President Alvaro Uribe issued a communiqué describing his decision as "patriotic and generous". The offer of the diplomatic post has opened up divisions among Pastrana's supporters and the news even surprised members of his inner circle who were not prepared to confront Uribe's "relentless pursuit". Those who oppose Pastrana's appointment to Washington believe that the offer of the embassy post is merely another step by Uribe to neutralize the opposition and "turn a deaf ear" to his critics. As Colombia's envoy to the US, Pastrana would be expected to defend, before the Bush Government, the US Congress and non-governmental organizations, the very government policy that he has most criticized: the process with the paramilitaries.

#### **FARC forces attack in Cauca and Putumayo<sup>6</sup>**

FARC guerrillas have launched ten attacks around the Colombian Massif in 2005. According to analysts, the guerrillas are trying to seize control of the area in order to secure an exit to the sea and to Ecuador. To achieve this objective, the FARC have mobilized forces of their *Bloque Oriental* in Meta towards Cauca and from Caquetá towards Putumayo.

The FARC attacks left half of the department of Putumayo without electricity for two weeks, and disrupted the main supply routes for food and fuel between this region and the rest of the country. The guerrillas also blew up a bridge, destroyed three electricity towers and seized 70 gas cylinders. The armed stoppage by the FARC left five villages isolated and four hospitals in a situation of emergency.

The FARC also launched attacks in the department of Cauca, where they destroyed 32 homes in the town of Caldon. Several days later, the rebels killed four soldiers.

#### **AUC members hand over their weapons on the border with Ecuador<sup>7</sup>**

A total of 860 Colombian paramilitaries who had been operating in the country's southern border with Ecuador have been demobilized. Members of the *Libertadores del Sur* Block of

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<sup>4</sup> Resource Center of the Americas, 16 August

<sup>5</sup> El Tiempo, August 1

<sup>6</sup> Semana No. 1.123, El Tiempo 5, 16, 27, 28, 30 July

<sup>7</sup> El Comercio, 3 August

the United Autonomous Defence Forces of Colombia (AUC) -accused of massacres and drug-trafficking – handed over their weapons in the municipality of Taminango 900 km. south of Bogota, in the department of Nariño.

## ECUADOR

### **Foreign Ministers Parra and Barco hold key meeting on border<sup>8</sup>**

A second meeting between the foreign ministers of Ecuador and Colombia, Antonio Parra Gil and Carolina Barco, took place on August 31 in the palace of San Carlos (Bogota) to try to achieve a rapprochement between the two countries, whose relations have been going through a difficult period.

Both countries' outlined their positions during a first meeting between Parra and Barco on July 25, when talks were suspended. Ecuador's position is that Colombia should establish a permanent surveillance system on its border with Ecuador to monitor the movements of insurgent groups and implement "more effective" border controls, and that it should create a 10 km strip - measured from the border line - where no fumigations are to be carried out. Colombia's position is to continue with mobile patrols along the common border, maintain the principle of free circulation and migratory agreements endorsed by the Andean Community and continue with aerial fumigations in the Putumayo region. After the first meeting, the Colombian Foreign Minister suggested in a press release that the meeting had been positive and had achieved concrete results, something that, according to Ecuador, did not happen.

### **Colombian Government and civil society to hold dialogue on migrations<sup>9</sup>**

Several human rights organizations and groups that promote migrants' rights have welcomed a move by Ecuador's Minister of Labour and Employment, Galo Chiriboga Zambrano, to establish a committee to consider issues affecting migrant workers. The committee will discuss the social, economic and work situation, not only of immigrants but also of Ecuadorian migrants.

### **Gandara denounces "Colombian infiltration " in Amazon protests<sup>10</sup>**

The Ecuadorian government has denounced the " infiltration" of Colombian activists in the recent protests against foreign oil companies by inhabitants of the Amazon region, in the provinces of Orellana and Sucumbios. The Interior Minister, Mauricio Gandara, added that "We must not forget that in the northern part of Sucumbios more than 50% of the inhabitants – I cannot specify the exact figure - are people who have come from the country to the north".

The protest was characterized by the participation of large numbers of people in the street demonstrations and the violent repression by the police and armed forces which left several people injured and suffocated, including children, increasing the list of victims of repressive action since the strike on Monday August 15. The government decreed a State of Emergency in both provinces, which implies suspending citizens' constitutional guarantees and political rights. The population reacted with indignation to this measure, prompting the protesters to take more radical actions.

<sup>8</sup> *El Comercio*, August 31 and July 25, 26 and 27

<sup>9</sup> Com. 602 CSMM 05, press bulletin August 29

<sup>10</sup> Adital, 18 August; AFP, 19 August; *El Comercio*, 25 August

In response to the multinational companies' intention to modify the agreement that put an end to the protest in recent days, local people are discussing a plan to reactivate the strike.

### **Fumigations affect the border area<sup>11</sup>**

According to Ecuadorian press reports, the prefects of Sucumbios, Guillermo Muñoz, Carchi, Rene Yandum and Esmeraldas, Lucia Sosa, have announced that they intend to seek the support of international organizations such as the European Union. Ecuador's authorities are concerned that aerial fumigations carried out in large areas as part of Plan Colombia, an initiative supported by the US Government, are affecting Ecuadorian territory. Ecuador insists that Colombia should suspend the fumigations, but the Colombian government maintains that several studies show that these do not have adverse effects on human health.

For his part, the Minister of Foreign Affairs, Antonio Parra Gil, said he might petition the International Court of Justice in The Hague to defend his country's interests. He charged that the aerial fumigations carried out by Colombia in the binational border area to destroy illegal crops are affecting Ecuador's population. Parra insisted that Colombia should suspend aerial fumigations with glyphosate, a chemical that his country considers harmful, despite assurances by Bogota that a report by experts sponsored by the Organization of American States (OAS) shows that it is not harmful to human health. Parra caused a stir by warning that Ecuador would leave vacant indefinitely the post at its embassy in the United States – Ecuador's main trading partner – Washington does not endorse its representative before the end of the week. Despite criticisms of his style, Parra faithfully represents a government that, from the outset, has distanced itself from the United States by criticizing Plan Colombia, denying immunity to US military personnel operating Ecuador, and forging closer links with Venezuela.

### **Medical care on the border will be subsidized<sup>12</sup>**

Colombian and Ecuadorian patients with limited incomes who seek treatment in the border hospitals of Sucumbios and Putumayo will no longer pay for medical services, following an agreement signed by delegates of the Ministry of Public Health of Ecuador and the Ministry of Social Protection of Colombia. The agreement also includes refugees and indigenous people of both countries.

### **Population concerned over border crisis<sup>13</sup>**

According to a recent report by the Ombudsman's Office, the Permanent Human Rights Assembly (APDH) and nine other organizations, people living in the border area of Sucumbios are increasingly concerned that their physical integrity and security are being compromised. They are demanding the urgent implementation of effective assistance programs for Colombian refugees in Ecuadorian territory. There have also been reports of incursions into Ecuadorian territory by official aircraft belonging to the Colombian army and by various armed groups.

The report, submitted on Wednesday July 13 by the inter-institutional mission, which toured the northern border between July 8 and 9, describes an encounter with Colombian military personnel, dressed as civilians, on Ecuador's national territory. The document calls on

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<sup>11</sup> *El Espectador* July 27; *El Comercio*, August 11; *Adital*, August 14

<sup>12</sup> *El Comercio*, July 26

<sup>13</sup> *El Universo*, 16 July; *El Comercio*, 25 July

Ecuador to adopt a more proactive position on peace, in the context of respect for national sovereignty. In the view of the APDH, "Ecuador should be alert to potential undercover actions involving radical elements who are willing to participate in binational politico-military projects", and should oblige the armed forces to reconsider their institutional position of non-involvement in the Colombian conflict. It also notes that according to the testimony of residents of Puerto Nuevo, on June 25 and 26 when armed clashes took place on the Colombian border, planes and helicopters of that country shot at the insurgents from Ecuadorian air space.

#### **Paramilitaries kill 2 Ecuadorians and one Colombian<sup>14</sup>**

The presence of AUC paramilitaries on the banks of the San Miguel River, in a border area, has created panic among the inhabitants of Sucumbios.

On July 23, two Ecuadorians and a Colombian were murdered near La Balastrera, a village located on the Ecuadorian side of the border with Colombia. According to a witness, a motorist Andres Moreira, the paramilitaries warned, "this happens to Ecuadorians who go around as guerrillas".

#### **Not much insistence over visa requirement in Ecuador<sup>15</sup>**

Ecuador's plan to impose visa requirements for Colombian citizens seems to have lost momentum. The Foreign Ministry in Quito confirmed at the end of July that there has been no further progress on the plan proposed by the President at Carondelet Palace, at the end of June. According to press reports, the Undersecretary for Migratory Affairs said that the office of Foreign Minister Antonio Parra had not issued any instructions and had not appointed a commission to discuss the matter. Therefore, the idea of imposing visa requirements on Colombians simply remains a proposal that President Alfredo Palacio and the Foreign Minister continue to consider.

#### **Displacement on the border<sup>16</sup>**

The Awa indigenous community in the department of Nariño has expressed concern over the mass displacement of its members as a result of the armed clashes between the National Army and members of the FARC. More than one thousand indigenous people have sought refuge in temporary shelters, while a group of more than one hundred indigenous people crossed the border into Ecuador. The Ombudsman's Office reiterated its concern over the situation of these communities and called on the government to adopt measures to protect them and restore their rights, including their territorial rights.

## **PANAMA**

#### **Treatment of refugees in Panama<sup>17</sup>**

The UNHCR representative in Panama, Gonzalo Vargas Llosa, has stated that this country has made progress on the question of asylum for refugees, but warned that there are still urgent challenges ahead. According to Vargas Llosa, the reactivation of the National Eligibility

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<sup>14</sup> *El Comercio* July 24 and 25

<sup>15</sup> *El Espectador* July 27; *El Comercio*, July 12

<sup>16</sup> Ombudsman's Office, press release # 1056 205, 1 July

<sup>17</sup> *Adital*, 26 August

Commission, which evaluates applications for refugee status, has (it was paralysed for 18 months) is a positive step forward. Relations between the Government, NGOs and the Church in the Darien – which almost collapsed at the beginning of 2003 – have also improved considerably. Regarding the problems to be resolved he said: "There are still some urgent challenges pending, such as improving the legal status of Colombians under temporary protection on the border and reforming Executive Decree N° 23 of 1998 concerning the protection of refugees".

### **Three Panamanians die in military exercises<sup>18</sup>**

The naval exercises known as Panamax 2005, led by the United States, left three Panamanian sailors dead. The military manoeuvres to counter a hypothetical attack on the Panama Canal took place from August 9-16, in the context of Washington's "antiterrorist" crusade. Observers consulted by *Prensa Latina*, who asked to remain anonymous, said the exercise was really another step by the government of George W. Bush to establish its dominion over strategic areas of the American continent.

The navies of Argentina, Canada, Chile, Colombia, Ecuador, Honduras, Mexico, Peru and the Dominican Republic also participated in the naval manoeuvres. Costa Rica, El Salvador, France, Uruguay and Panama, the host country, which does not have an army, participated as observers of the exercises, which took place in the waters of the canal and in the Pacific and Atlantic oceans.

## **VENEZUELA**

### **Chavez: "Bush will be the assassin if something happens to me"<sup>19</sup>**

Responding to the public call to assassinate him, made by the ultra conservative US preacher Pat Robertson, President Hugo Chavez said, "if something should happen to me, the person responsible is George W. Bush, he would be the assassin". He added that Robertson was expressing the wishes of the "elite that governs the US". In his television program, Robertson suggested that it would be cheaper to assassinate the Venezuelan leader than to wage a war against Venezuela. Robertson later apologized for his remarks, but the State Department merely dismissed the preacher's comments as "imprudent".

### **800 asylum applications processed<sup>20</sup>**

Ricardo Rincón, President of the National Commission for Refugees, met with representatives of public institutions in Tachira to discuss the need to offer assistance to refugees entering Venezuelan territory to escape from the violence in Colombia. He said that to date, approximately 800 applications for asylum have been processed, of which 55% have been rejected because they do not fulfil the established requirements. He indicated that the applications for asylum in Tachira number more than 1,000. He indicated that Venezuela receives an average of 5,000 requests for asylum.

### **Border Law generates mistrust in Guasdalito<sup>21</sup>**

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<sup>18</sup> Adital, 16 August

<sup>19</sup> El Tiempo, 27 August

<sup>20</sup> El Nacional, 26 August

<sup>21</sup> El Nacional, 24 August

Authorities in Guasdalito have denounced that a bill being debated in the National Assembly was never discussed at local level and are expressing doubts about its scope. Meanwhile, the deputy Fahd El Gatrif (Apure-Movimiento V Republica) has given assurances that this Law will cover the basic needs of local inhabitants.

**Washington has removed Venezuela from its list of allies in the war on drugs, U.S. Undersecretary for Political Affairs Nicholas Burns said the evening of September 15**<sup>22</sup>

U.S. President George W. Bush said decisions by Caracas to reject anti-narcotics cooperation with Washington led to the decision. The White House, however, said it waived the cutbacks in foreign aid that normally follow decertification in order to continue Washington's support for pro-democracy groups in Venezuela that oppose Venezuelan President Hugo Chavez. Myanmar was the only other country to be decertified for 2005.

**16 alleged paramilitaries to be deported to Colombia**<sup>23</sup>

Venezuela has confirmed the deportation of 16 Colombian citizens accused of belonging to paramilitary groups. The detainees, who obtained benefits for collaborating with the judicial authorities, form part of a group of 133 combatants captured last year in Finca Daktari. The remaining 100 Colombians who are being held at the Ramo Verde penitentiary are being tried on charges of military rebellion.

**Four Colombian policemen die in a rebel ambush**<sup>24</sup>

Four policemen were killed on August 12 in an ambush allegedly carried out by FARC rebels against a police patrol in an area near the Colombian town of Abrego (north east), on the border with Venezuela, according to the authorities.

The governor of the department of Northern Santander, Luis Morelli, confirmed that the four policemen were killed by FARC rebels and added that several guerrillas appear to have been wounded in the attack.

**Onidex offices in San Cristobal raided as part of corruption investigation**<sup>25</sup>

In compliance with a judicial order, officers of the Public Prosecutor's Office raided ONIDEX (National Office Identification and Migration) in San Cristobal in response to allegations of corruption.. According to knowledgeable local sources, the authorities are investigating a number of alleged anomalies, ranging from irregularities detected in the application of Presidential Decree N° 2823 for the legalization of foreigners, to the sale of passports, the issue of passports to newly naturalized citizens who do not live in the country and the adulteration of identity cards.

**Ecuador and Venezuela consolidate their alliance**<sup>26</sup>

The alliance between Ecuador and Venezuela is now a fact. The Venezuelan Foreign Minister, Ali Rodriguez, visited Quito to give the final push needed for this strategic

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<sup>22</sup> *Stratfor Morning Intelligence Brief, 15 September. Strategic Forecasting Inc.*

<sup>23</sup> La Nación, 18 August

<sup>24</sup> El Universal, 13 August

<sup>25</sup> La Nación, 16 August

<sup>26</sup> El Comercio, 3 August; El Tiempo, 19 July

agreement. Ecuador's foreign debt, oil and the social agenda are the three topics on which the governments of Quito and Caracas have decided to work. Unlike the tense atmosphere that was all too evident at the meeting between Parra and the Colombian Foreign Minister, this meeting was very amicable.

Analysts note that the agreement marks a shift in Ecuador's foreign policy which could impact Colombia in several ways. "In the long term it could limit Ecuador's cooperation in resolving the conflict on that other turbulent border, could affect the implementation of the Plan Patriota", said analyst Elsa Cardozo.

#### **N. Santander and Tachira promote Border Integration Zone<sup>27</sup>**

Governors Luis Miguel Morelli (Norte de Santander) and Ronaldo Blanco La Cruz (Tachira) finalized details of the Border Integration Zone initiative to present it to Presidents Alvaro Uribe and Hugo Chavez so that both leaders may endorse efforts to strengthen border integration. Last month, the universities of Francisco de Paula Santander and Libre, in Cúcuta unveiled a study detailing how the Zone should function. Around 250,000 people and some 40,000 vehicles move through the zone each week.

#### **300,000 Colombians nationalized<sup>28</sup>**

Another 12,379 Colombians recently became Venezuelan citizens in a ceremony held in Caracas, as part of the Plan for the Regularization of Foreigners. Since this Plan was introduced in February of last year, the Venezuelan government has received 1,100,000 applications from foreigners wishing to obtain legal status. The Director of Identification and Migration, DIEX, Hugo Cabezas explained that 700,000 applications are still pending, of which at least 200,000 are from Colombian. In the past 18 months, more than 300,000 Colombians have become Venezuelan nationals. With nationalization they obtain the right to vote. Many of the Colombians who have become Venezuelan citizens say they wish to vote for Chavez

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<sup>27</sup> El Tiempo, 17 July

<sup>28</sup> El Tiempo, 15 July