Colombia: Peasants arrested and threatened due to their struggle for land

In the region Magdalena Medio, the peasant association Asociación Campesina Valle del Río Cimitarra (ACVC) is facing repression. At the end of September 2007, its leaders, Andrés Gil, Óscar Duque, Evaristo Mena and Mario Martín, were detained. This detention is a major obstacle for the ACVC to continue their struggle against the withdrawal of the Peasant Reserve Area (ZRC) in the Cimitarra Valley, created in December 2002 and withdrawn in 2003. The ZRC comprises over 25 thousand peasants in a process of comprehensive development and human rights defence. The region is subjected to a food and sanitary blockage.

It is very urgent to urge the Colombian government to carry out the judicial investigation against the leaders of the ACVC without depriving them from their freedom, as established in the new Colombian legislation. Moreover, the rights of the peasant families have to be respected, protected and fulfilled through the revocation of the ZRC withdrawal and the effective installation of the ZRC.

Background:

Due to the violent evictions of peasants and to the land concentration in the country, peasants have come up with innovative forms of organizations. The Asociación Campesina del Valle del Río Cimitarra (ACVC) is dedicated to political, social and coordination tasks in the rural sector of six municipalities of Magdalena Medio, and implements its objectives through communal boards, cooperatives, fishing committees and other groups of rural workers, in the framework of the comprehensive human rights defence and the struggle for land.

One of the most important instruments foreseen by Colombian law to guarantee the access to land and protect the ways of production of the peasants is the establishment of Peasant Reserve Areas (ZRC). For the peasants, these ZRCs are fundamental to legally protect their territoriality, the community’s self-management of the territory, the protection of the peasant economy, the effective realization of agrarian reform and the reconstruction of the national agriculture.

After complying with all legal procedures including a public hearing with massive participation, on the 10th of December 2002, the former Columbian Institute of Agrarian Reform (INCORA) established by decree the Peasant Reserve Area of the Cimitarra Valley. This ZRC comprises a process of regional development and comprehensive human rights defence and gathers over 25 thousand peasants of the rural areas in the municipalities of Yondó, Remedios, San Pablo and Cantagallo.
However, in April 2003 the ZRC was withdrawn through a resolution without this being approved by the directive board of INCORA—as was declared peasant delegates to this board.

Since then, the ACVC has been facing several attacks from different governmental sectors and local interest who are opposing the establishment of ZRC. The police persecution and the prosecution of the ACVC leaders have increased in the last years. For example, in April 2005 the ACVC leader Álvaro Manzano was arrested, due to alleged membership to the guerrilla. Mr. Manzano was set free, newly arrested and finally set free due to lack of evidence against him.

As for the recent events, last Saturday 29th of September 2007 Andrés Gil, Óscar Duque and Evaristo Mena, ACVC leaders, where arrested in the municipality of Cantagallo (Bolívar Province), when they were in a meeting with the community. Since the peasants showed opposition, the officers shot in the air. The reason of the arrest was according to our information the alleged support and membership to the guerrilla. Also, in the city of Barrancabermeja, Mario Martínez, ACVC directive, was arrested in his residence. Later around 50 soldiers raid into the association’s regional office and detained the five persons that were in the office, who were afterwards set free. There may be other detentions orders waiting for the final resolution.

The detentions of these ACVC members have taken place without considering the new Columbian legislation (Law 906 of 2004) that considers the deprivation of freedom to be a last resort. According the favourability principle, this act should have been applied in this case.

Finally, in July 2007 an agreement has been signed up with the government, in order to create again a ZRC, that is, the whole process should be started once again from the top. This restart does not only go against the human rights of the peasants, since it endangers land tenure security of the lands that had already been declared protected and on which the peasants’ subsistence rely, but it also goes against the principles of administrative efficiency proclaimed by the Columbian Constitution and the Contentious-Administrative Code and which are binding for any of the administration authorities. Furthermore, the restart of the process can be considered a regressive measure to the safeguard of the peasant community’s human rights, thus endangering the subsistence of its members. A measure of this nature goes against the international human rights standards, which should guide the activity of the Columbian State according to the Columbian Constitutional Court (see: UN-Committee on Economic, Social and Cultural Rights, General Comments 3 and 9, sentence of 2001 among others)

**Mandate of the Emergency Network:**

Colombia is a State Party to the International Covenant on Economic, Social and Cultural Rights as well as to the International Covenant on Civil and Political Rights. Therefore, all authorities have to respect, protect and fulfil these rights for all the population. The State must adopt measures ensuring the enjoyment of the right to feed oneself in dignity of the men and women peasants in the country. Respect and protect the men and women peasants and their organizations, as well as guarantee the access to land and tenancy security through ZRCs, are obligations of the Columbian State. The judicial investigation against the members arrested must be carried out according to the principle of due process, including presumption of innocence, without them being deprived from their freedom, as enshrined in the Columbian legislation. Moreover the ZRC's withdrawal should be revoked so that the setting up process of a ZRC in the Cimitarra Valley is not restarted and the peasant communities can enjoy as soon as possible the establishment of ZRC.

**End of action:** December 1, 2007

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*Please keep FIAN informed of any answer to your letters.*
Honorable Mr. President,

I hereby want to express my deepest concerns about the events happened in the province of Magdalena Medio against the Peasant Association "Asociación Campesina del Valle del Río Cimitarra (ACVC)", whose activities have been always characterized by their legitimacy and support to the peasants.

At the end of September 2007, the ACVC leaders Andrés Gil, Óscar Duque, Evaristo Mena and Mario Martín were arrested due to alleged support and membership to guerilla. The detention of the ACVC leadership in this moment in which negotiations with the government for the re-establishment of the already approved ZRC have been reinitiated, will seriously endanger this process. The Peasant Reserve Area (ZRC) in the Cimitarra Valley was created in December 2002 and withdrawn in 2003 through a resolution that was not passed by the directive board of the former Columbian Institute of Agrarian Reform (INCORA). The ZRC comprises over 25 thousand peasants in a process of comprehensive development and human rights defence.

Colombia is State Party to the International Covenant on Economic, Social and Cultural Rights and has therefore the obligation to fulfil these rights to all its population. The State must take measures that ensure the enjoyment of the right to feed oneself in dignity of the men and women peasants in the country. Respect and protect the men and women peasants and their organizations, as well as guarantee the access to land and tenancy security through ZRCs, are obligations of the Columbian State.

As a human right defender working internationally for the human right to feed oneself, I would like to kindly ask you to adopt the necessary measures so that:

1) The judicial investigation against the leaders of the Asociación Campesina del Valle del Río Cimitarra (ACVC) must be carried out without depriving them from their freedom, as established in the new Columbian legislation (Law 904 of 2004)

2) Revoke the withdrawal of the Peasant Reserve Area (ZRC) in the Cimitarra Valley and guarantee that peasants organised under the Asociación Campesina del Río Cimitarra (ACVC) can develop the proposed ZRC, based on comprehensive development and on human rights

3) Respect and protect the rights of the peasants in the ZRC and of the ACVC members

Please, keep me informed of any measure you may take.

Yours sincerely,