April 2004

New European Commission Humanitarian Plan for Colombia
With a budget of 8 million euros, the plan’s objectives are to provide protection, assistance and aid to victims of the Colombian conflict, alleviate the negative consequences of the massive population displacements within Colombia caused by the conflict and improve the living conditions of 30,000 Colombian refugees or those requesting asylum in Ecuador with protection programs and micro-productive projects to facilitate their integration into Ecuador’s receiving communities. Since 2002, ECHO has earmarked an estimated 105 million euros to alleviate Colombia’s humanitarian crisis.[1]

Codhes publishes its Annual Borders Report
The report stresses that the border zones are still nerve points of arms, drugs and contraband trafficking and of a dispute over territorial control. It is calculated that around 40,000 people crossed the borders with Ecuador, Venezuela and Panama in 2003 in search of protection.[2]

Border with Ecuador

Alarming figures on trans-border displacement of Colombians.[3]
Of the 300,000 Colombian emigrants living dispersed throughout Ecuador, Patricio Zuquilanda, Ecuador’s foreign minister, believes that 250,000 of them are living in the country illegally.[4] A large part of these Colombian citizens crossed the border fleeing the domestic armed conflict, and have thus preferred to remain “invisible,” although UNHCR figures show 21,722 requests for asylum between 2000 and 2003, of which that UN commission on refugees approved 6,644.

Among the dynamics that could be increasing the number of people requesting refuge in Ecuador instead of remaining “invisible” and illegal in that country is arguably Ecuador’s refugee policy, which is more favorable than those of other neighboring governments. It is also argued that due to the fumigations in Putumayo, illicit crops may have shifted to the departments of Nariño and Amazonas, which is sparking serious concern that the high population displacement indices due to fumigations recorded in Putumayo could be repeated, expanding the area of vulnerable population.[5]

The recent weakening of the region’s economy and the growth of the conflict in the border regions led government officials to express serious concern at the beginning of this year about the magnitude of the humanitarian situation they have on their hands, and the lack of

[5] Ecuadorian newspapers published figures showing 10,086 Colombians (77% of those who left the country) having officially requested refuge in Ecuador just in 2003, compared to the 2,386 who did so in Venezuela (23%). Of this total of 12,472 Colombians, only 1,151 received refuge in one of these countries. (Codhes Report 2003).
Colombian government policies, beyond a military focus, to deal with and reduce it. Given
the magnitude of the situation, it is evident that the international response in support of those
requesting asylum has been very weak so far.

For its part, the Ecuadorian border zone is characterized by high unemployment rates,
poverty and lack of infrastructure, making the possibility of sheltering the population seeking
refuge in a dignified manner difficult. This situation has also caused outbreaks of
xenophobia, further affecting the security and integration of the refugees seeking asylum or in
a refugee situation. Many Colombian refugees prefer not to register or request refuge to
avoid being stigmatized. At the same time, their illegality exposes them to a lot of abuse and
violations of their rights.

Given this panorama in the region, in which the intensification of the Colombian conflict is
beginning to produce a noticeable impact on neighboring countries, it is necessary for the
international community to participate actively, fulfilling the principles of solidarity and sharing
of the burden established by the United Nations as measures for addressing the issue of
protection and refugee[6]. It is also important to highlight the humanitarian focus that must be
given to the issue of protection and refuge to be able to deal comprehensively with a human
drama that is growing in the midst of the militarization and preoccupation with national
security in the heavy-handed fight against terrorism

Ecuadorian authorities will require the legal history of Colombians who cross the
border
Early this year Ecuador and Colombia reached several bilateral agreements to strengthen the
security of both countries[7] in response to the growth of delinquency, drug trafficking and
fears about the trans-border activities of the illegal armed actors. In this regard, Foreign
Minister Zuquilanda announced that as of May 1, Ecuador will require a certified legal
background of Colombian adults who want to enter Ecuador using the Andean Migration
Card, an instrument designed to simplify the movement of citizens of the Andean countries.
The minister made clear that this measure is not an attempt to impede the entry of
Colombians to Ecuador as tourists or for business and investment purposes, but that “what is
sought is to protect the Ecuadorian and Colombian society from negative elements who want
to infiltrate.”

We believe that while these measures are a response to the crisis generated in Ecuador by
the number of Colombians who for various reasons crossed the border in recent years, they
only encourage the stigmatization of the Colombian population in Ecuador and increase the
vulnerability of those obliged to cross the border to flee the conflict. Because these people
have no possibility of going through the procedure to get their legal history certified, they will
be forced to remain illegal in Ecuadorian territory.

www.eltelegrafo.com
Patriot Plan
One of the agreements assumed by the Colombian government to strengthen the two countries’ security was to increase the number of troops on the border zone by 35%. This agreement has been implemented in the second phase of the Patriot Plan (the first phase of which was implemented in Cundinamarca), a Colombian Armed Forces strategy aimed at deploying a shock force in the jungle and the small towns in southern Colombia, above all in places considered FARC sanctuaries. As part of this military offensive, 17,000 men from the Colombian Army will be deployed to five departments in the south for a year. In this context, it is feared that that the population living in these zones will be seriously stigmatized, accused in a blanket way of collaborating with the illegal armed actors, thus sparking a new wave of displacements to Ecuador by thousands of Colombians.

Tribunal finds against fumigation
On 30 March, the court that hears cases brought by individuals against the state decided for the second time in favor of Ecuadorian peasants who have been affected by the fumigations Colombia is carrying out on the coca plantations on its side of the border with Ecuador. It ordered the state to apply article 91 of the Constitution and take urgent preventive measures to protect the health of the Ecuadorian population living along the border given possible environmental damage caused by the fumigations, including in cases of doubt or lack of scientific evidence of the harm.

Aggression against a Human Rights Defender
The Center for Economic and Social Rights (CIDES) charged that a member of that institution was beaten and threatened with death by a paramilitary group for “defending the ‘Sarayacu Indians’.” It consequently demanded that the state pledge its efforts to guarantee the life, security and integrity of those defending human rights in Ecuador. CIDES called on the national and international community, social organizations, the public opinion media and the citizenry in general to remain vigilant and alert to impede the installation in Ecuador of a persecutory practice that would turn violence into an instrument for imposing silence and paralyzing society.

Border with Panama

Concerns about the security of repatriates
Serious concerns have been presented through the declarations given to El Colombiano[8] by José Alfredo Berrío, alias “El Alemán,” a member of the high command of the AUC’s Elmer Cárdenas Bloc, regarding its presence along the Río Atrato (Chocó). Recognition of its current ongoing presence in the Napipí and Opogadó river basins and of the confrontations in that area with the FARC’s Front 57 (causing displacements of over 1,200 indigenous people from their communities of origin), rejection of what he calls the “culture of victimization” and charges of human rights violations that seek to “disparage…the fighting forces,” and his manifest intention of not withdrawing from the villages because “no principle prevents combatants from camping in the only spots available to them,” demonstrate a worrying disregard for the obligations imposed by international humanitarian law on illegal armed actors, in turn putting all the communities living along the Río Atrato at great risk.

In this regard, we believe that these public declarations should be taken into account for a negative evaluation regarding compliance with the Security Principle on which the repatriations that have been (and are being) carried out throughout the department of Chocó must be based, according to a Bilateral Agreement between Colombia and Panama signed last year.

The repatriation policy implemented with greater intensity since the beginning of 2003 has received serious criticism for the vague interpretation of compliance with the Principles of Security, Voluntariness and Information. Nonetheless, the participation of regional NGOs and the international community in the repatriation process has been important, particularly because it ensures that the refugees will have access to information about the security situation in Colombia and will know their rights.

**Disappearance of two Colombians under the Temporary Protection Statute**

On May 6, the Center for Human Rights Research and Promotion (CIPDH) denounced the disappearance of two children of Noris Hernández, a leader of the Colombians settled in Alto Tuira. Given that his family went to Panama in 1998 fleeing the internal armed conflict in the border region, the Panamanian state covered them under the temporary protection statute. UNHCR in Panama has received versions from the National Organization for Refugees (ONPAR) that the bodies of these Colombian citizens will not appear, despite versions from the family indicating that the young men were extra-judicially executed. Given the antecedent that military units have a “theater of combing and security operations”\(^9\) through that area, the occurrence of these events and the disappearance of the bodies were seen as very strange. We requested the Panamanian state and UNHCR to look further into these issues and guarantee the lives of these vulnerable populations.

**Colombian refugees in Panama**

According to figures presented by UNHCR, there are 1,552 requests for refuge, recognized refugees and people with temporary protection in Panama. The majority of this population is made up of Colombians located in the Darién and Kuna Yala region bordering Colombia. The situation of the Colombian population that has taken refuge in Panamá has been characterized as critical, in which fundamental rights such as mobility, access to work and health care are not respected.

Nonetheless, it is necessary to stress the progress. The establishment of a permanent UNHCR Office in Panama is interpreted as an important step, as is the fact that in March 2004, the government of Panama finally agreed to examine the situation of those Colombians under temporary protection case by case to see who merits being legalized in a more permanent manner. The reactivation of the National Commission for the Protection of Refugees in March 2004 and the establishment of two ONPAR offices in Darién in March and April 2004 are also important.

\(^9\) Denunciation by CIPDH on 11 May 2004.
UNHCR’s active participation in involving the civilian population has had positive effects as has the fact that more emphasis is being put on the importance of recognizing the rights of the Colombian population that decides to remain in Panama.

Border with Venezuela

Paramilitary incursion in Wayúu community triggers massive displacement

ONIC and the World Organization against Torture charged \(^{[10]}\) that the paramilitary group called “Wayúu Counterinsurgency North Bloc” went to the Wayúu community of Bahía Portete in the department of La Guajira on 18 April, committing grave acts of torture, various rapes, 12 extra-judicial executions and 30 forced disappearances of the women, children and old people who were in the community at the time as well as destruction of the ancestral cemetery. These acts provoked the displacement of nearly 500 indigenous people from the community, who, to flee from the terror, had to leave behind those community members who were not in conditions to leave. In response to these events, according to the Ombudsman’s Office, 300 families belonging to some of the 500 different clans living in the outlying communities have apparently fled to different parts of the region, such as Maicao, Guajira and even to Maracaibo in Venezuela, and are reportedly living in sub-human conditions.

Critical situation of the displaced on the Venezuelan border

The armed conflict has intensified in provinces of the departments of Norte de Santander, Cesar and Arauca that border with Venezuela. A UNHCR study calculated that 130,000 Colombians are currently refugees\(^{[11]}\). A large part of this population is not registered and has no access to information, thus they are not aware of their rights. This puts them in a vulnerable situation relative to deportation and with no access to education, health care or legal assistance. In many of these areas, this population is also in a critical security situation.

According to the Center for Border Studies and Integration of the University of the Andes in San Cristóbal (state of Táchira), 1,875 Colombians requested the Venezuelan government to accept them into its territory as refugees over the course of 2003\(^{[12]}\). Of these requests, which correspond to 544 cases, only 47 have complied with the requisites required by the Venezuelan government. The rest remain illegally in the territory. According to UNHCR reports, 2,338 people have requested refugee status up to March 2004, but it is calculated that at least 15,000 need protection.

UNHCR and the Norwegian Refugee Council (NRC) initiated campaigns to find the Colombian refugee population. During 2004, NCR will promote workshops with the Venezuelan authorities and NGOs to ensure that the legal mechanisms are made known and applied. At the same time, Colombians who are undocumented in Venezuela will receive information on refugee status through the media. Local NGOs, among others the Jesuit

\(^{[10]}\) Ref. Case COL 120504 in www.omct.org

\(^{[11]}\) The U.S. Committee for Refugees operates with 182,300 in total.

\(^{[12]}\) As of 7 May 2004, 2,023 cases of refugee requests have been recorded in the registration project that UNHCR is carrying out, which began in December 2003, of which 70% (approximately 1,350 people—Táchira 900, Apure 600, Zulia 300, Caracas 150) have received a document expedited by UNHCR accrediting them as requesting asylum. Nonetheless, the government has not provided an equivalent document with the official endorsement that would facilitate the exercise of their rights and the possibility of entering into the receiving community.
Service for Refugees, will provide legal assistance during the procedure for those requesting such status.

**Temporary suspension of the naturalization and legalization process in Táchira**

In early April, the Department of Identification and Foreigners of Venezuela’s Ministry of the Interior and Justice suspended the naturalization and legalization process of foreigners initiated in the state of Táchira through Decree No. 2823 of 3 February 2004 upon detecting serious irregularities such as counterfeit documents, bribes, corruption and scams by people pretending to be process expeditors who also charged Colombians accepting their services huge sums of money. There have been further charges that officials in charge of the process are asking for requisites that are not part of the norm, including sums of money. The process will be renewed on 14 April 2004[^13], after the files of documents received are reviewed.

**Humanitarian crisis in the Colombian Catatumbo**

The constants with which the Colombian Catatumbo population has to live include limitations on free transit and harassment by the Venezuelan National Guard, which does not permit free movement of the region’s population given suspicions that some people might belong to one of the illegal armed actors; increased displacements due to the long-term damage caused by fumigations of the crop areas, including leaving them useless for food cultivation; the high desertion of teachers in the Tibú area, where it is reported that 180 schools are not functioning; increased begging associated with displacement; paramilitary control of urban centers and main rural roads with fixed barricades as well as presence of guerrillas with mobile barricades and announcements that they will not withdraw from the area; extra-judicial executions in the Caño Tomás district committed by unidentified illegal armed actors.

Signs of this crisis are becoming evident in cities such as Bucaramanga and Cúcuta that receive large numbers of displaced people on the northeastern border. If this situation is not addressed with public policies that ensure the reconstruction of the communities’ social fabric (with a more complete vision than the military focus), we could be at the door of a new trans-border displacement such as that of a couple of years ago.

In May, PCS and UNHCR will be visiting the area to verify the situation and provide follow-up.

**Serious effects of the internal armed conflict in Arauca**

The confrontation between the Centaur Blocs and the Self-Defense Units of Casanare as well as the confrontations of both of them with the FARC and the Army have seriously aggravated the human rights violations of the civilian population living in this border area, causing rural population displacements from the areas of Fortul, Tame, Puerto Rondón and Cravo Norte. Human rights NGOs from the area denounced the massacre of 20 peasants due to the fighting. The number of bodies of people from Arauquita, Fortul and Saravena is also increasing due to the rise in confrontations between the Army and the FARC. Forced disappearances have been denounced in Tame and Saravena.

Amnesty International denounced human rights and IHL violations by the AUC and the Army’s XVII Brigade\textsuperscript{[14]}. Despite the media silence regarding these events, their magnitude has reached such extremes as a scarcity of the region’s own products in the markets of the urban centers. All these elements lead us to sound an alert about possible new trans-border displacements of the population fleeing Colombia’s armed conflict in that area.

PCS is following up on the situation right now and UNHCR has plans for a verification mission to Arauca during May.

**Paramilitaries captured in Venezuelan territory**

Relations between Colombia and Venezuela have been somewhat tense in recent days in the wake of Venezuelan President Hugo Chávez’s charge regarding the existence of a plot against his government, when 88 presumed paramilitaries were captured in the outskirts of Caracas.\textsuperscript{[15]} It is feared that this situation will trigger greater stigmatization of the Colombian population, particularly that living in the border area. We hope that if there is sufficient proof, the people captured will be legally processed, respecting their right to due process, in a way that provides clarity and prevents harassments of the Colombian population.

**Other borders**

**Operation Tupuru**

The operation conducted by the Brazilian Armed Forces the length of the Brazil-Colombia-Peru border called “Operation Tupuru” was aimed at strengthening the Brazilian state’s presence in the region, according to the head of the Military Commando Chiefs of Staff, Hedel Fayed.

**President Toledo visits Colombia**

On 16 April, Peruvian President Alejandro Toledo went to Bogota to conduct a work agenda with President Uribe that included the discussion of issues related to the region’s situation, bilateral and multilateral affairs and issues of security, trade, integration and border development.

The defense ministers of Colombia and Peru had already met in Lima in March to evaluate the progress of fulfillment of the border security treaties assumed by both countries. During the meeting, the ministers dealt with the issues of bilateral cooperation in terms of security policy, tripartite agreement for the control of illegal traffic along border and common rivers, drug trafficking, terrorism and illegal trafficking in weapons, among others.

\textsuperscript{[14]} Amnesty International 2003 Report, “Un laboratorio de guerra: Represión y violencia en Arauca”.

\textsuperscript{[15]} El Tiempo, 10 May 2004
Events and missions

Seminar in Washington
The Seminar “Internal Displacement and Alternative Development in Colombia: Confronting Reality”\(^\text{[16]}\) was held on 29 April at Johns Hopkins University in Washington. Various organizations from Colombia participated in the event, including the National Association of Afro-Colombian Women (AMUAFRO), Codhes and Afrodés, among others. Among the issues addressed were: The Humanitarian Crisis in Colombia, Minority Ethnic Groups and Internal Displacement and Voices of Displaced Women.

Mission to Observe the Effects of Plan Colombia
The implementation of Plan Colombia’s military and forced eradication policies in highly conflictive zones has had different effects on the living conditions of the communities in the departments of Putumayo and Nariño, where the humanitarian and human rights crisis has increased since 2000, when this strategy got underway. The food crisis of the communities has worsened and the area’s environmental and economic sustainability has been put in danger, causing the forced displacement of communities that are being left without attention or protection given the absence of economic alternatives.

To develop a more effective and systematic advocacy strategy with international agencies responsible for decision-making and supervising the implementation of each of the components of Plan Colombia, Colombian and Ecuadorian human rights organizations conducted a mission to these departments in late April to make the effects of Plan Colombia on the environment, health, economic development and the human rights situation in general visible.

Tulcán and Ibarra will create a sister city relation with Nariño
The Third Meeting of Ecuadorian-Colombian Regional Integration was held in the city of Pasto on 21-22 April to follow up on the progress achieved at the last meeting, at which authorities from the provinces of Carchi and Imbabura (Ecuador) and Nariño (Colombia) agreed to request the congresses of both countries, the United Nations and the Organization of American States to declare the territory of these three jurisdictions as a “Border of peace and shared development.” The governors, prefects and mayors of Pasto, Ipiales, Pupiales and Puerrés, Carchi and Imbabura participated in the event.

Right to Education on the Colombian-Venezuelan Border
The Venezuelan Program of Education-Action in Human Rights (PROVEA) and Project Counselling Service (PCS) held a forum on “The right to education on the Colombian-Venezuelan border.” Through this event, the public was made aware of the result of an investigation of the right to education on this border, with emphasis on the situation of children and adolescents of Colombian refugee families in Venezuela. The research was done using a sample of schools on the border located in the cities of Guasdualito and El Nula (Apure), San Cristóbal (Táchira) and Machiques (Zulia) and included interviews with key actors in the area.

\(^{[16]}\) Organized by Lutheran World Relief, the SAIS Refugee Policy Forum and SAIS Center for Displacement Studies and Refugees International of Brookings Institute.
I Northeast Seminar on Integration and Development

The International Northeast Seminar on Integration and Development was held in Bucaramanga on 22-23 April, organized by the Fundación Compromiso. Organizations such as PCS counterparts Minga, Codhes and Censoser participated. The central theme of the activity was the effects of the armed internal conflict on development and the integration of the Colombian-Venezuelan border. Throughout the event, organizations working with displaced people and refugees shared their analysis about the worsening of the humanitarian crisis on this border area. UNHCR announced the signing of an agreement with the Ombudsman’s Office that will allow two delegates to go to the tensest border regions—La Gabarra and Arauca—to observe and monitor the displacement processes in the area.

Borders Program – PCS and NRC

The PCS consortium has been developing a Borders Program since 2000 that focuses on legal assistance, political advocacy, strengthening of social organizations and humanitarian aid for the refugees on Colombia’s borders with Ecuador, Venezuela and Panama. The program has been implemented by church organizations and NGOs and established linkages with international entities, particularly with the United Nations High Commissioner for Refugees (UNHCR).

In January 2004, the Norwegian Refugee Council (NRC) became responsible for parts of this program. The initial focus of NCR’s Borders Program is legal assistance, information, counseling and political advocacy, with special emphasis on the rights of the refugees (human rights as well as economic, social and cultural rights).

PCS and NRC will continue to provide its Monthly Borders Report, with information and analysis about the situation on Colombia’s borders.