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Could Colombian Government Face Trial for Forced Displacements?

by Guest

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[The following article by Susan Abad is reprinted with the permission of Noticias Aliadas in Lima, Peru. It appeared in the May 30, 2007, edition of Latinamerica Press.]

More than 8% of Colombia's 46 million people are currently displaced within their own country's borders, and those responsible for the humanitarian conflict continue to enjoy impunity. Several nongovernmental organizations (NGOs) are now proposing the creation of an International Court of Opinion to try the Colombian government for its role in causing the problem. Who is responsible for displacement? Ivan Cepeda, of the Movimiento Nacional para las Victimas de Crimenes del Estado, notes Colombia has the world's second-largest number of internally displaced refugees after Sudan.

"The reality facing the displaced is of a population that has been reduced to poverty, that has lost all of its belongings, its land, that has had to move to cities where [it] lives in a highly precarious situation...one that the government has not been able to solve," he said. Differing figures NGOs' count of those who have been displaced in the country as a result of the country's ongoing political, economic, social, and armed conflict differs greatly from what the Colombian government says.

The government's Social Action program says 1.9 million people are internally displaced in Colombia, equal to 441,000 households. But the Consultoria para los Derechos Humanos y el Desplazamiento (CODHES) and the Conferencia Episcopal Colombiana (CEC) found in a 2007 report that the number was much higher: 3.8 million.

Fabian Oyaga of the Instituto Latinoamericano de Servicios Legales Alternativos (ILSA) said that "illegal armed groups have caused the forced displacement as well as massacres, disappearances, and selective assassinations as a strategy and conduct of war."

"In the case of forced displacement, in addition to achieving the objective of domination and territorial control," he said in a statement, "the armed groups have usurped the land of the population that has fallen victim to conduct recognized by international criminal law as a crime against humanity."

"The consequence of this internal exodus was in effect a counter-land reform, reflected in the increased concentration of land," he said. "An example of this is the fact that 74.5% of the displaced people, according to Social Action, were landowners at the time of their displacement." Cepeda said that, "in Colombia, even though there is a high level of impunity, in the past two decades there have been cases that have led to very specific victories." He cites a 2006 Corte Constitucional (CC) ruling that protected the rights of the displaced population, but adds that "it's not enough."
The Coordinacion Nacional de Desplazados (CND), with the ILSA, the Movimiento Nacional para las Victimas de Crimenes del Estado, and the European Center on Housing Rights and Evictions (COHRE), is promoting the creation of these new opinion courts. The idea for the special courts came out of the Russell or War Crimes Tribunal that heard cases regarding crimes committed by the US during the Vietnam War.

In 1979 the Permanent People's Tribunal was created, which is currently hearing a case about the role of international companies in human rights violations in Colombia. A legal tool Oyaga said the International Court of Opinion seeks to "make the truth public, both in the voice of the victims and through its rulings that could motivate legal courts to bring about justice."

These courts "would allow for the detection of errors in the judicial system, present evidence...and contribute to the first step in the verification of evidence," Oyaga added. He said that to know the historical truth it is necessary to know who was benefiting from the plunder: the large landowners, palm-oil producers, livestock herders turned into regional politicians and bosses, who today hold the largest and best tillable land in the country.

While there is no exact date for the creation of the court, Cepeda calls it a "gigantic process...that this tribunal is not going to solve, but it will oblige the government to publicly debate its policies on this issue and to make some concessions, for example, to give more funding to the displaced population." Jorge Rojas, CODHES' director, said that "any action made at the judicial or political level should take all players in the war into account, and this tribunal limits itself to cases against the state, which seems to us positive but incomplete."

"It could be a good exercise of historical memory, it could be a good exercise to identify the responsibilities of one of the parts facing the conflict, which is the state, but I think the displacement issue must be considered in formal bodies such as the International Criminal Court (ICC), given that it is a war crime, that the displacement is continuing and has affected so many people living in a high-risk situation," he said.

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