

Colombia

Quarterly Newsletter
Peace Brigades International Colombia

Special edition
september 2008

**Special edition
about incidents
in Curbaradó**

TÍTULO COLECTIVO: LEY 30
CUENCA DEL CURVARADO
PROPIEDAD: ENRIQUE PETRO

The communities of Curbaradó
established in April 2006
humanitarian zones to protect
their land against armed
groups attacks

‘Águilas Negras’ threats

**INTENSIFY ATTACKS
AGAINST JUSTICE AND PEACE**

Special Edition

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«The recent death threats and the temporary kidnapping of one of the members of the Inter-Church Justice and Peace Commission are intended to silence the voices of victims of State crimes and deny their right to the truth, to consolidate illegal agribusinesses, impunity and the cover up of the gravity of what has happened there since 1996».

INTERNATIONAL ETHIC COMMISSION

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Read about small farmer Enrique Petro who enabled the establishment of the first humanitarian zone in Curbaradó



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Special edition after threats and attacks

PBI Colombia decided to publish this Special Bulletin after the Inter-Church Justice and Peace Commission (CIJP) suffered a number of threats and attacks in Bogotá and Curbaradó, Lower Atrato (Chocó Department). We hope it will help the reader to understand the context in which CIJP carries out its work of accompanying the communities displaced from the region during military operations carried out in 1997. After more than a decade, the administrative process that will enable the local population to return to the region, and reinstate their rights as owners of the lands, is reaching its final stages. In spite of these achievements, however, oil palm cultivation and cattle-ranching projects in the area persist.

In August and September this year, the attacks against CIJP intensified after a series of threatening telephone calls were made to members of the organisation, both by presumed members of the 'Black Eagles' illegal group, in Curbaradó and CIJP's headquarters in Bogotá. These threats culminated in the kidnapping of Yimmi Jansasoy, a member of the organisation, on 3 September 2008. Jansasoy was forced by unknown men to get into a truck where he was held at gunpoint and interrogated by the men seeking personal information on his colleagues, such as telephone numbers and addresses of their family members. It soon emerged that the intended purpose of the kidnapping in Chigorodó was to assassinate Danilo Rueda and Abilio Peña, also members of CIJP.

Despite informing the authorities of the risk faced by members of the organisation and calls for the origin of these threats to be investigated, the intimidation has yet to cease. CIJP has reported being followed in Bogotá and of a number of its members being forced to leave the area of Curbaradó. The intensification of actions by illegal armed groups in the region, as pointed out in reports by the UN and Mission to Support the Peace Process in Colombia (MAPP-OEA) cited in this bulletin, is a source of risk for human rights defenders. PBI has accompanied CIJP since 1994 and fears that these threats are intended to limit the work of CIJP in Curbaradó and restrict the activities of its members in Bogotá. As a result, PBI has increased its presence on the ground and has asked the international community to pay close attention to the precarious safety of CIJP's members and the inhabitants of the humanitarian zones of Curbaradó, whose lives are in danger.

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Escalation of attacks

Member of Justice and Peace kidnapped in Urabá

Since the end of August human rights defenders accompanied by PBI in Curbaradó, Urabá, have witnessed a rise in attacks. The most serious incident took place on 3 September against Yimmi Jansasoy, member of the Inter-Church Justice and Peace Commission (CIJP). When leaving the Chigorodó bus terminal, Jansasoy was held up at gunpoint by unknown men, forced into a truck with tinted windows and made to lie on the floor.

The men interrogated him for over an hour, seeking information on other members of CIJP. Jansasoy insisted that he did not have personal information on his colleagues and the men released him warning that he must report back to them within a few days to give them the addresses of CIJP's members' families. If he failed to show up at the meeting, they threatened to take action against his family.¹

Jansasoy was forced to leave Curbaradó for his own safety, but he was subsequently followed by unknown men in Bogotá. In an open letter to the Colombian Government on 19 September, CIJP denounced that, according to anonymous information «there have been two failed attempts. One in Curbaradó in the Camelias Humanitarian Zone that could not be carried out because international people were present. And later an order to assassinate one of the human rights defenders German Romero, Eduard Mina, Jimmy Jansasoy, Abilio Peña or Danilo Rueda».²

Prior to this, CIJP members began receiving telephone calls aimed at forcing them out of the area. A woman threatened: «This is the Black Eagles speaking. It is best if you leave the area, you are being watched, you must leave now».³ CIJP



The entrance, during the middle of the night, of two unknown men inside the Camelias humanitarian zone in Curbaradó is another worrisome event that has occurred since August.

and PBI requested the State to ensure that the army provide protection around the area's perimeter, in order to comply with the precautionary measures of the Inter-American Commission on Human Rights granted to CIJP's members. Nonetheless, in another telephone call, CIJP's members

isation in the field, and held a number of meetings with the diplomatic corps and the Colombian authorities, expressing its concern and reminding them of the measures of protection requested by the Inter-American Commission and Court of Human Rights granted to the members of CIJP and the communities of Curbaradó. Nonetheless, on 6 September there were a further four telephone threats made to Jansasoy and his colleagues.⁶

In recent months, PBI has observed that the situation in Curbaradó is becoming ever more tense. On 20 June, members of CIJP and the communities were heading to an event by the Government Delimitation Commission regarding the return of lands to the displaced communities. Two members of PBI were present when a group of people intimidated the human rights defenders verbally and physically, and prevented them from advancing. This group included people identified by CIJP in their statement as «presumed members of the so-called 'Black Eagles'».⁷ ●

The CIJP'S members were warned «with or without the soldiers, we'll kill you»

were warned «with or without the soldiers, we'll kill you».⁴

Another incident took place on the night of the 29-30 August. Two unidentified men entered the Camelias humanitarian zone, in Curbaradó, and made their way towards the place where CIJP members and PBI volunteers were sleeping. The inhabitants of the zone discovered their presence and the men fled.⁵

After Jansasoy's kidnapping, PBI increased its accompaniment of the organ-

Through Law 70 of 1993, the Colombian State recognises Afro-Colombians as the true ancestral owners of the land.

22 de noviembre. Law 70 is implemented through resolutions 2809 and 2810, granting collective titles to the communities over 46,048 hectares in Curbaradó and a further 54,973 in Jiguamiandó.

1993

1997

1998

1999

2000

'Operation Genesis' and other military operations, with presumed paramilitary participation, were carried out in Curbaradó, Jiguamiandó and the Cacarica river basins and left over 7.000 people displaced.

Processes accompanied by the Inter-Church Justice and Peace Commission

Curbaradó, a struggle for the right to exist

Curbaradó, located in the Lower Atrato region of the Department of Chocó in north-eastern Colombia, was until the beginning of this century considered one of the world's richest in biodiversity. Today much of the territory has been reduced to a vast monoculture of oil palm, where there is no room for fauna and flora, let alone the original inhabitants.

Afro-Colombians are the true ancestral owners of this region, a right they acquired under Law 70 of 1993 which defined that «the preferential right to occupy or acquire the land can only fall to other members of the community, and, in their absence, to other members of the ethnic group, for the purpose of preserving the integrity of the lands and the cultural identity of the Black Communities».¹

This law was implemented by the Colombian Institute for Agrarian Reform (INCORA), which granted these communities collective titles over 46,048 hectares in Curbaradó and a further 54,973 in the region of Jiguamiandó.² According to Law 70, these lands are «non-transferable, imprescriptible, and non-mortgageable», meaning that they cannot be sold.³

Nonetheless, whilst the legal recognition of the communities' rights to their land advanced, in 1997 massive displacements occurred in the Cacarica, Curbaradó and Jiguamiandó river basins, when military counter-insurgency operatives were carried out with the alleged participation of the self-defence forces.⁴ Events known as 'Operation Genesis' and 'Black December' left in their wake deaths, disappearances, pillaging, burned villages and approximately 7.000 displaced persons. Most of the inhabitants spent more than two years displaced, living



The Inter-Church Justice and Peace Commission, accompanied by PBI, supports the Curbaradó humanitarian zones.

in hostels or with family members in other parts of Antioquia and Chocó.⁵

Despite the end of the fighting, the inhabitants of the region came up against a new problem that prevented them from recuperating their land. Large swathes of their territory was invaded by oil palm plantations, created by 13 private companies, some of whom received state funding for the production of biofuels.⁶ The Inter-Church Justice and Peace Commission and the Human Rights Ombudsman also emphasise that a number of the land acquisitions in Curbaradó and Jiguamiandó were unlawful. They highlight, amongst different irregularities, land transfer documents signed by deceased persons, acreage increasing after sale, forged documents, coercion and direct threats being used to force people into selling their properties.⁷

As well as the severe human rights violations that took place in the area, the planting of oil palm caused a broad range of environmental damage. The Human Rights Ombudsman's report of 2005 con-

cludes that «in the large plantations, a reduction in biodiversity, water resources and forests were detected. Furthermore, the erosion and sedimentation of the rivers has increased as a consequence of massive deforestation».⁸

During various national and international events and forums, the small farmers denounced the damage, intimidation and genuine impossibility of cultivating their land. Orlando Valencia, a leader of the Curbaradó river basin, was one of the voices violently silenced in 2005 when paramilitaries forced him to get on the back of a motorcycle. He was later found dead with a gunshot wound to the head and bearing signs of torture.⁹

Fearing for their lives and those of their families, some of the inhabitants decided to return to the area in an organised manner in order to guarantee their protection. The return to the Curbaradó river basin



2 June. The National Human Rights Ombudsman publishes the report «Violation of human rights due to the planting of oil palm in the Jiguamiandó and Curbaradó collective territories».

2001

2002

2003

2004

2005

6 March. The Inter-American Court of Human Rights grants provisional measures of protection to the communities of Jiguamiandó and Curbaradó.

Leader **Orlando Valencia** was assassinated in October 2005 by paramilitaries. One month earlier in a public forum in Murindó (Antioquia) he had demanded a response to the destruction of biodiversity and the deaths caused by the palm companies, state and para-state agents in the region..

Humanitarian and Biodiversity zones

Humanitarian zones are an initiative of the communities to be able to continue their resistance in their territory, in spite of pressure of the armed conflict. To achieve this objective, they put up signs to show where they are living and indicate that all armed persons including both state security forces and illegal armed groups are prohibited from entering. These zones are in accordance with the spirit of international humanitarian law that seeks to protect the civilian population and insists on the distinction between combatants and non combatants. The Inter-American Court of Human Rights supported the creation of humanitarian zones as a «positive mechanism for the protection of the civilian population from actions by the different armed groups in the area».¹

Biodiversity zones were also set up in Curbaradó, created to protect human lives, the environment and the sustainable use of the land. These zones are protected by international conventions and national law.

1 Order of the Inter-American Court of Human Rights of 15, Provisional Measures in respect of the Republic of Colombia. Case of the communities of Jiguamiandó and Curbaradó.

were the targets of an assassination attempt outside Petro's house, who, due to the high level of risk he was facing, should have had police protection outside of his house. The Hoyos brothers played a fundamental role in the return of 80 displaced families to the hamlet of Caño Manso in Curbaradó. Miguel had also given testimony as a witness in the 2006 hearings on the death of Orlando Valencia.

On October 14th 2008, despite protective measures taken after an attempt on both his life and the life of his brother in September 2007, Ualberto Hoyos was assassinated just weeks after his return to Caño Manso. Two armed men entered the humanitarian zone and shot him, circling back a few minutes later to shoot him again, disfiguring his face. The assailants also stole his cell phone and that of the community, their only line of communication in case of an emergency. Ligia Chaverra, former legal representative of the Curbaradó collective territory and a leader in the process of return to the region, was also the object of an assassination plot in February.¹⁰

National and international organisations have intervened on several occasions in favour of the original inhabitants, but there have been few results and the threats against their lives continue, in spite of the decisions issued in their favour. In 2005, the Inspector General's Office emitted a directive expressing its concern over the massive human rights violations against the Curbaradó and Jiguamiandó communities and indicating possible links between these violations, illegal deforestation and oil palm plantations.¹¹

The Inter-American Court of Human Rights in 2008 again ordered provisional measures of protection for these communities, ordering the state to implement the

measures ordered by the court in previous decisions, namely to «adopt such measures as may be necessary to protect the life and the right to humane treatment of all the members of the Communities of Jiguamiandó and Curbaradó and ensure that the beneficiaries of these measures can continue to live in their usual residence, without fear of coercion or threat, and that displaced persons may return to their homes or to the "humanitarian areas" established by these Communities».¹²

The inhabitants are still waiting for the government's response to return to their homes in peace. However, the land devolution faces a number of obstacles. At the beginning of the year the El Espectador newspaper revealed that in December the Attorney General had opened an investigation into 23 palm businessmen for the crimes of illegal appropriation of land and forced displacement, amongst other charges. The newspaper concluded that «almost ten years after the illegal appropriation of communal land began in the Chocoan Urabá, the investigating team is finally beginning to verify what the fugitive paramilitary leader Vicente Castaño had recognised in a 2005 interview he granted for Semana magazine: "We [the paramilitaries] have palm projects in Urabá. I myself found the industrialists to invest in these projects, which are lasting and productive"».¹³

Although the Government recently announced measures for the return of these lands, the process is stuck. According to the El Tiempo newspaper, «with arguments that are difficult to substantiate, according to the Ministry of Interior, the Carmen del Darien Municipal Inspectorate has put a freeze on almost 30,000 hectares of land that the Government has ordered must be returned to the Black communities of Jiguamiandó and Curbaradó, in Chocoan and Antioquian Urabá, since the end of last year».¹⁴ ●

▶ began at the beginning of 2006 when Enrique Petro, a local farmer, enabled the first humanitarian zone to be created on his land. Fourteen families uprooted the oil palm trees and built their own temporary dwellings. In 2008, there are two further humanitarian zones and five biodiversity zones in the Curbaradó river basin.

In spite of these measures, the inhabitants continue to suffer violence. In the last years, Enrique Petro has received telephone threats from supposed members of the 'Black Eagles' illegal group. In September of last year, brothers Miguel and Ualberto Hoyos



The return to the Curbaradó river basin began in early 2006, when local farmer, **Enrique Petro**, granted land for the establishment of a humanitarian zone.

December. The Attorney General's Office opens an investigation into 23 palm businessmen for crimes including illegal appropriation of lands and forced displacement.

2006

7 February The Inter-American Court of Human Rights granted provisional measures for the communities and orders the Colombian State to «immediately implement such measures as may be necessary to effectively protect the life and the right to humane treatment of all the members of the Community Council of Jiguamiandó and the families of Curbaradó».

2007

Danger for human rights organisations

Existence of illegal armed structures

The internal conflict in Colombia has very deep and complex roots. The Inter-American Commission on Human Rights identified several stages in the conflict: «1) political civil wars (...); 2) “La Violencia” which took place in the mid-twentieth century; and finally; 3) the current violence which revolves around the armed insurrection. The period of ‘La Violencia’ is seen as the most direct antecedent to the current violent situation».¹

The same institution recognised a number of origins and factors of the political violence – amongst them the «dissident armed groups» and the «paramilitary groups». The latter group on many occasions benefited from «the omission, tolerance or complicity of the public servants in several regions of the country».²

The administration of Álvaro Uribe Vélez began a process that led to the demobilisation of most of the identified paramilitary groups. Between 2003 and 2006 there were 38 collective demobilisation ceremonies³, in which 31,671 men participated.⁴ The three final demobilisation ceremonies were those of the ‘Élmer Cárdenas Bloc’ under the command of Fredy Rendón Herrera, alias ‘El Alemán’, the bloc that operated in the Urabá region.

In a number of its reports the Organization of American States Mission to Support the Peace Process in Colombia (MAPP-OEA) highlighted the «trend to rearm». In the area covered by this Special Bulletin, the MAPP-OEA states that «Following the demobilization of the Élmer Cárdenas Bloc of the Urabá Self-

Defense Forces, information trickled in on reductos who remained in the zone, and on the appearance of armed units, headed by former AUC commanders, with the participation of demobilized combatants».⁵

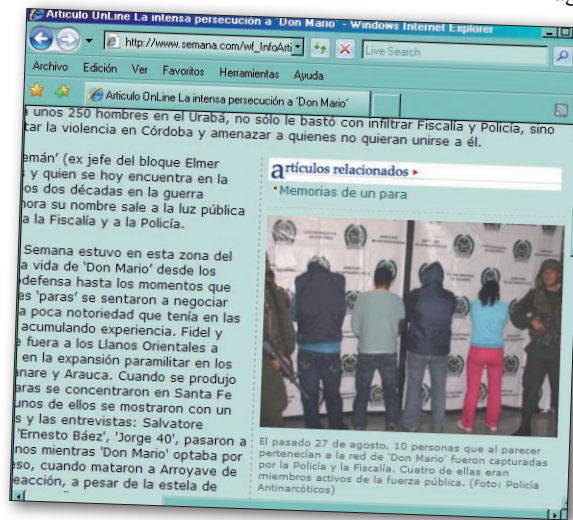
The Office in Colombia of the United

area. It is currently estimated that the group has 250 men operating in Urabá.⁷ After a number of detentions by the security forces in Apartadó, the Attorney General Mario Iguarán confirmed in August that ‘Don Mario’ has infiltrated various State agencies.⁸

Criminal links?

In recent weeks, the media has revealed a scandal implicating public officials in land appropriations and links with paramilitary groups. María Fernanda Zúñiga, manager of State agency Fiduagraria, and a number of her family members are registered as representatives «of three of the private companies embroiled in the criminal investigations for conspiracy to commit a crime, illegal appropriation of land and forced displacement of the Black communities of Curvaradó and Jiguamiandó, in the Chocó Lower Atrato region».⁹

Her family members are implicated in a number of legal proceedings, including her uncle Juan José Chau Mosquera, who resigned as ambassador to the Dominican Republic over the controversy surrounding his presence alongside former paramilitary Antonio López, alias ‘Job’, and the lawyer of extradited paramilitary commander Diego Murillo Bejarano, ‘Don Berna’, in the presidential residence Casa de Nariño at a meeting with Government representatives. CIJP has publicly denounced these facts, which point to possible links between public servants, palm industrialists and paramilitaries; these issues all turn on the issue of land occupancy.●



Several members of the group led by Daniel Rendón Herrera, alias ‘Don Mario’, brother of ‘El Alemán’ have been detained, including members of the State security forces.

Nations High Commissioner on Human Rights (UNHCHR) also observed that «There are also serious challenges to the consolidation of the demobilization process, precisely because of the emergence of new illegal armed groups» that «continue to inflict violence against the civilian population, for example in the Departments of Chocó, Valle de Cauca and Putumayo».⁶

It is widely known that the ‘Heroes of Castaño’ Bloc under the command of Daniel Rendón Herrera, alias ‘Don Mario’, brother of ‘El Alemán’, is present in the



In February 2008 a plot to assassinate Curbaradó leader, María Lúgía, was discovered.

2008

August –September. Self-named ‘Black Eagles’ and unidentified individuals make a number of telephone threats to CIJP members to pressure them into abandoning their work in the area.

20 June. A group of people block the way of CIJP and members of Curbaradó community by intimidating them physically and verbally.

14 October Ualberto Hoyos, a small farmer from Curbaradó, was assassinated inside a humanitarian zone, when two men shot him to death and disfigured his face. One year before, Ualberto and his brother Miguel had been victims of a murder attempt

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- 1 CIJP, Informe 37, 3 September 2008.
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- 3 CIJP, Informe 33, 25 August 2008.
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- 6 CIJP, Séptima amenaza de muerte de defensores de derechos humanos de Justicia y Paz, 7 September 2008.
- 7 CIJP, Informe 89, 23 June 2008.

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- 1 Law 70, 1993. This translation of Law 70 is the work of Norma and Peter Jackson of Benedict College, Columbia, South Carolina 29204 www.benedict.edu/exec_admin/intnl_programs/other_files/bc-intnl_programs-law_70_of_colombia-english.pdf
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- 3 Law 70, 1993. Translation as per 1. above
- 4 El Espectador, “El ‘dossier’ de los palmeros”, 26 January 2008
- 5 CIJP & Banco de Datos del Cinep, “La Tramoya- Derechos Humanos y Palma Aceiteira – Curvaradó y Jiguamiandó”
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- 10 CIJP, Informe 85 “Empresario busca sicario ordenando asesinar a Ligia Maria Chaverra y Manuel Denis Blandon”, 13 February 2008
11. Procurador General de la Nación, Directiva número 8, 21 April 2005.
12. Order of the Inter-American Court of Human Rights of 17 November 2004, Provisional Measures in respect of the Republic of Colombia. Case of the communities of Jiguamiandó and Curvaradó
- 13 El Espectador, “El ‘dossier’ de los palmeros”, 26 January 2008
- 14 El Tiempo, “Una inspección congela entrega de tierras a negros”, 6 May 2008

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- 1 Inter-American Commission on Human Rights, Third Report on the Human Rights Situation in Colombia, 26 February 1999



© PBI Colombia. The distances in this map are not exact and should not to be used for orientation.

- 2 UNHCHR informs
- 3 “After the formal end of the collective demobilization, the Casanare Rural Self-Defense Group is the only remaining paramilitary group recognized during the negotiation process that is still operating” UNHCHR, Annual report of the United Nations High Commissioner for Human Rights on the human rights situation in Colombia 2007, 29 February 2008, page 13
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- Nations High Commissioner for Human Rights on the human rights situation in Colombia 2007, 29 February 2008, page 14.
- 7 Semana, “La intensa persecución a ‘Don Mario’”, 29 August 2008
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Protecting human rights
defenders since 1994

www.pbi-colombia.org

An aerial photograph showing a vast, dense plantation of palm trees stretching to the horizon under a cloudy sky. The trees are arranged in neat rows, creating a grid-like pattern across the landscape.

After the mass displacements of
1997, large parts of Curbarado
were turned into a green desert

Peace Brigades International (PBI) is a Non Governmental Organisation registered with the United Nations, which since 1994 has a permanent team of international observers/accompaniment in Colombia. Its aim is to protect the space of legally recognised human rights defenders, who suffer repression for their non violent work on behalf of human rights.

To achieve this objective, the PBI Colombia Team accompanies (always through local petition) people or organisations who are threatened, distributes information on the evolution of the conflict, and carries out advocacy and lobbying activities with civil and military authorities, as well as with state institutions, NGOs, the Church, diplomats and other organisations, promoting international action.

If you consider that PBI's presence is useful to protect the persons who work on behalf of human rights, you could:

- Support us financially, as an individual or through an organisation.
- Join the PBI group closest to you. Support the international network from your city.
- Become a PBI volunteer, regardless of origin, race, sexual orientation or religion.

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