Colombia: displacement of rural families, Bolívar region

By: Land Research Action Network

On July 14, 2009, 120 families were forcibly displaced. They are from the estate of Las Pavas, located in the administrative district of Buenos Aires in the municipality of El Peñón in the southern Bolívar province. Members of the National Police and the Anti-disturbance squads entered into the community, destroying 7 houses, sacking their belongings and removing the families, including 100 children, from their houses.

These families are currently without access to their livelihood or assistance. The forced displacement and the lack of secure access to land are a violation of the right to food of these families. Please send letters to the President of the Republic of Colombia calling on him to guarantee the immediate return of these families to their homes, to assist them and to pay compensation for the damage suffered. Please send a copy of your letter to the Ombudsman’s Office of Colombia, to the Farmer’s Association of Buenos Aires (ASOCAB), and to the legal advisers of the Land.

**Back Ground**

Given their lack of livelihoods, rural families who subsequently founded the Farmer’s Association of Buenos Aires (ASOCAB) began to live on the Las Pavas grounds in 1997. The land had not been used since 1992 and belonged to Jesús Emilio Escobar Fernández.

The families occupied the land peacefully and used it for farming until members of the paramilitary group Bloque Central Bolívar invaded the region in 2003. They threatened, killed and abducted people, burnt their houses, and killed their animals. Given this threatening behavior and due to the lack of protection by the state the families had to flee their land. Thus, between 2004 and 2006, the families were without shelter and constantly on the move. Lacking other options to make a living and despite general fears of violence in the region, the families decided to slowly gain back their land to continue farming, all at their own risk and without guaranties. In 2006, ASOCAB opened formal procedures at the Colombian Institute for Rural Development (INCODER). In accordance with Act 160 1994, Article 52, they requested to extinguish private ownership over an area of 1,235.5 ha given that these lands had been abandoned and were not farmed by their owners. In July 2006, members of INCODER inspected and confirmed an agriculture, regular, and stable use of the land by ASOCAB.

At the end of 2006 after hearing about the formal procedures initiated by the famers, the owner of the land invaded the grounds with armed squads threatening to kill the families if they did not leave the land. Shortly after these threats, members of the paramilitary group Bloque Central Bolívar burnt down the families’ houses, killed their animals, and forced them to leave once again.

In March 2007, Mr. Escobar Fernández sold the estates in question to two companies: C.I. Tequendama S.A and Aportes San Isidro S.A. Both companies grow oil palm in the region and are members of the Colombian National Federation of Palm Oil Producers (Fedepalma). C.I. Tequendama belongs to the agroindustrial group Daabon Organic. They produce and export agricultural products such as coffee, bananas, sugar, and palm oil to Japan, Korea, the UK, Germany, Belgium, and the USA among others.

Based on the INCODER inspections, the National Land Unit (UNAT) issued the Resolution 1473 of 2008 from November 11, 2008, which started the administrative proceedings that aim at establishing whether or not to extinguish the right to private ownership of the former owner to the designated rural areas, Las Pavas, Peñaloza, and Si Dios Quiere, whose proceedings are in the notification stage. Considering this situation and hoping for decisive state action, the 123 families decided to return to Las Pavas.

In January 2009, the new owners, C.I. Tequendama and Aportes San Isidro., filed a petition for a police operation to remove the families and to defend their land ownership. The police of El Peñón, in Resolution No. 003 issued on February 25, 2009 called upon the ASOCAB families to give up the occupation and ordered the eviction. ASOCAB’s lawyers filed a tutela recourse against this Resolution by protecting constitutional rights and were, thus, successful in stopping the removal at first. The companies appealed against the decision of the judge who granted the tutela so that the displacement was carried out on July 14, 2009. However, the eviction order does not comply with Colombian law (article 5, decree 747, 1992) , which prohibits the removal of farmers from land that is subject to administrative proceedings of extinguishment of ownership. At the moment, the families are living deprived from means of subsistence and with merely sporadic humanitarian aid. ASOCAB’s lawyers are trying to revoke the court’s decision that permitted the displacement.

[Original source](http://www.landaction.org/spip.php?article471)

Dear Mr. President of the Republic of Colombia:

I have recently heard that on July 14th 120 families living on the rural estate known as Las Pavas, located in the administrative district of Buenos Aires in the municipality of El Peñón in the southern Bolívar province were forcibly evicted. Members of the National Police (Policía Nacional) and the Anti-disturbance squads (Escuadrón Móvil Antidisturbios) entered the community, destroyed 7 buildings of rural families, sacked their belongings, and removed the families from their houses, among them about 100 children.

These rural families who are members of the Farmer’s Association of Buenos Aires (ASOCAB) occupied the land of Las Pavas in 1997. It had been abandoned in 1992. The families occupied the land peacefully and used it for farming. The peaceful occupation was repeatedly interrupted by intimidating actions and displacement by paramilitary groups. In 2006, ASOCAB opened formal procedures at the regional office of the Colombian Institute for Rural Development (INCODER) requesting the declaration of extingshment of ownership of an area of 1,235.5 ha given that these lands had been abandoned and were not farmed by their owners. The National Land Unit (UNAT) issued the Resolution 1473 of 2008 from November 11, 2008, which started the administrative proceedings that aim at establishing whether or not to extinguish the right to private ownership of the former owner to the designated rural areas, Las Pavas, Peñaloza and Si Dios Quiere, whose proceedings are in the notification stage.

At the same time, in 2007, the owner of the land in question sold the estates to two companies, C.I. Tequendama S.A and Aportes San Isidro S.A. In January 2009, these companies filed a petition for a police operation to remove the families and to protect their land ownership. The forced eviction was carried out on July 14, 2009. Colombia is state party to the International Covenant on Economic, Social and Cultural Rights (ICESCR) and the International Covenant on Civil and Political Rights (ICCPR). The forced eviction of these families constitutes a violation of the right to food and the right to adequate housing. Furthermore, the Colombian State has infringed upon its obligation to protect as it did not adopt appropriate measures to protect the victims from the actions advanced by the third parties to displace the families. Since the state has not adopted the measures to guarantee secure access to land that allows the families to feed themselves, the state is failing to fulfill its obligation to facilitate the realization of the right to food.

As an international Right to Food defender, I would like to ask you, Mr. President, to take the necessary steps in order to:

Guarantee the return of the families to the land in dispute until a decision in the pending lawsuit, by taking the necessary measures at the corresponding authorities.

Accelerate the formal procedures of the termination of ownership under way related to Las Pavas and guarantee the ASOCAB families secure access to this or other land for farming.

Compensate the families for the destruction of their homes and the damages caused by members of the public forces during the forced eviction.

Provide immediate assistance to the displaced families, particularly for the children, pregnant women, and elderly people.

Sincerely,

Dr. Álvaro Uribe Vélez

Presidente de la República de Colombia

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Excelentísimo Señor Presidente,

he recibido noticias de que el pasado 14 de julio 120 familias asentadas en  el predio rural conocido como Las Pavas, ubicado en el corregimiento de Buenos Aires,  jurisdicción del municipio de El Peñón, al sur del departamento de Bolívar, fueron desalojadas forzosamente. Miembros de la Policía Nacional y del Escuadrón Móvil Antidisturbios, incursionaron en la comunidad, destruyeron 7 viviendas de las familias campesinas, saquearon sus enseres, y procedieron a desalojar a las familias,  entre las cuales se encontraban aproximádamente 100 niños/as.

Estas familias campesinas que conforman la Asociación de Campesinos de Buenos Aires (ASOCAB) entraron a ocupar en 1997 la finca Las Pavas cuyas tierras se encontraban abandonadas desde 1992. Las familias ejercieron actos de posesión pacífica y explotación agrícola de las tierras desde entonces. La posesión pacífica de las tierras por parte de estas familias se vió interrumpida varias veces debido a acciones intimidatorias y desplazamiento forzado causado por grupos paramilitares. ASOCAB inició en el 2006 trámites ante la oficina Regional del Instituto Colombiano de Desarrollo Rural (INCODER) solicitando que se declarase la Extinción de Dominio sobre una extensión de tierra aproximada de 1.235,5 hectáreas, toda vez que las mismas se encontraban abandonadas e inexplotadas por parte de su propietario. La Unidad Nacional de Tierras –UNAT, mediante la Resolución 1473 del 11 de Noviembre de 2008, decide iniciar las diligencias administrativas tendientes a declarar o no extinguido, en todo o en parte, el derecho de dominio privado sobre los predios rurales denominados Las Pavas, Peñaloza y Si Dios Quiere.

Al mismo tiempo que se hacían estos trámites, el propietario del predio vendió las tierras en cuestión, en 2007 a las empresas C.I. Tequendama S.A y Aportes San Isidro S.A. En enero de 2009, estas empresas iniciaron una querella para solicitar una acción policiva de desalojo en contra de las familias y a favor de la posesión por ellos detentada. El desalojo forzoso se hizo efectivo el 14 de julio del 2009.

Colombia es Estado Parte del Pacto Internacional de Derechos Económicos, Sociales y Culturales así como del Pacto Internacional de Derechos Civiles y Políticos. El desalojo forzoso sufrido por estas familias es una violación al derecho a la alimentación y a la vivienda adecuadas. El Estado Colombiano también ha infringido su obligación de protección, por cuanto no adoptó las medidas adecuadas para proteger a las víctimas de las acciones adelantadas por terceros para desplazar de la hacienda a las familias. En la medida en que el Estado no ha adoptado las medidas para asegurar definitivamente el acceso y la tenencia segura de estas familias a tierras que les permitan alimentarse, el Estado está incumpliendo su obligación de facilitar el derecho a la alimentación.

Como persona que trabaja a nivel internacional por el derecho humano a alimentarse, quisiera solicitar que tome todas las medidas necesarias para:

Garantizar que las familias puedan retornar a las tierras en disputa, hasta que se defina el proceso judicial pendiente, adoptando las medidas necesarias ante las autoridades correspondientes.

 Agilizar los trámites correspondientes a la extinción de dominio sobre el predio Las Pavas que se encuentran en curso; y garantizar a través de éstas u otras tierras el acceso de las familias a tierras para cultivo.

 Indemnizar a las familias por la destrucción de sus viviendas y por los daños causados por los miembros de la fuerza pública durante el desalojo.

 Brindar asistencia inmediata a las familias desalojadas, especialmente a los/as niños/as, las mujeres embarazadas y los/as adultos/as mayores.

Atentamente,

[Original letter](http://www.landaction.org/spip.php?article471&artpage=2-2)