

Open letter to the Parliament of Canada

THE MURDER OF SOCIAL LEADERS IN COLOMBIA: WHAT IS THE ROLE OF THE GOVERNMENT OF CANADA?

Ottawa, 14 June 2019

Honorable Parliamentarians, we address you as Colombian defenders of human rights, with the help and collaboration of sympathetic Canadians, to shout loudly that in Colombia **THEY ARE KILLING US!** They are killing our leaders, our human rights defenders, and our defenders of life, of our communities, our waters, and our territories.

566 social leaders and human rights defenders have been murdered in Colombia between January 1, 2016 and January 10, 2019. In the first 100 days of the present government of Ivan Duque, 120 social leaders have been killed. Every three days a social leader is murdered in Colombia. More than four thousand leaders are presently registered with the National Protection Unit (UNP), a Colombian Government agency that tries to protect people at risk of being killed. One of them, Isabel Cristina Zuleta, reports she cannot count how many times her life has been threatened ([Entrevista con Isabel Cristina Zuleta](#), Daniela Garcia Chestnut. May 8 of 2019).

Here today, before the Parliament of Canada, we would like to introduce to you three cases, among many, that link Canada and Canadian companies with this dramatic situation in Colombia: the relentless struggle of **Isabel Zuleta** against the NEFARIOUS HIDROITUANGO megaproject, which has important capital support from the Caisse de dépôt et placement du Québec (CDPQ); the struggle of **France Marquez**, prominent leader of the black community, [Premio Goldman Ambiental en 2018](#), on whom a recent bombing attempt was witnessed by Canadian Professor Sheila Gruner; and the case of the **Tobie Mining Mining**, which is using a **perverse investment clause** in the Canada-Colombia Free Trade Agreement to claim the colossal sum of US \$ 16.5 billion dollars, to the detriment of the national treasury of the country.

Allow us to ask you, ladies and gentlemen, would anyone in this chamber be willing to risk his or her life to defend the water? Would any of you be willing to risk your life to defend their territory? Would any of you in this chamber be willing to risk your life to defend the rights of your community?

Every day of her life, Isabel Cristina Zuleta -leader of the Rios Vivos community- risks her life to defend the water, the territory, and the rights of her community. She struggles against a hydroelectric megaproject HIDROITUANGO, which has important Canadian funding.

According to the Colombian business magazine **Portfolio**, Roberta Brzezinski, principal administrator of Emerging Markets at the Caisse de dépôt et placement du Québec, CDPQ, stated that this Québec entity has extended a line of credit of US\$1,000 million for **HIDROITUANGO** ([Llegarán recursos canadienses al proyecto Hidroituango, Portafolio, 11 de enero de 2018](#)).

The **HIDROITUANGO hydroelectric megaproject** was imposed with a great violence in Colombia. With the aim of clearing the territory and thus lowering production costs associated with compensation of displacing people, a campaign of terror was fomented upon the population of territories established in that area of the Cauca River where the dam was to be built. The Cauca is the second most important river of Colombia, and on it depend for water close to 10 million people. According to some sources, in the 12 municipalities near where the Dam is being built, there have been 62 massacres **perpetrated by paramilitaries** ([Contagio Radio](#), 23 March 2018). Other sources speak of " **100 massacres**, targeted killings and enforced disappearances" ([La](#)

[muerte de Hugo y Luis, dos líderes que se enfrentaban a Hidroituango](#), Revista Semana, 14 May 2018). With the inundation of the canyon of the River Cauca, Empresas Públicas de Medellín (EPM) seeks to bury the truth: "It is believed that there are between 300 and 600 victims buried in 62 massacres committed by paramilitaries" ([Contagio Radio](#), 23 March 2018).

The last ordinance that was signed in 1997 as Governor of Antioquia Province by **Álvaro Uribe Vélez** - former President and current senator of Colombia- was the creation of the Sociedad Promotora Hidroeléctrica Ituango. That same year occurred the **massacre at Aro** (Luis Montenegro, Colectivo de Abogados José Alvear Restrepo. (see [video](#)). According to William de Jesús Gutiérrez, a human rights activist living in Ríos Vivos, Antioquia "Alvaro Uribe **coordinated a series of murders and massacres** in the Bajo Cauca Antioqueño to impose the HIDROITUANGO project" (see [video](#)).

On May 15, 2019 - 10 years after this Parliament ratified the Canada-Colombia FTA signed by Uribe and Stephen Harper, former Attorney General Eduardo Montealegre alerted the country about national and international investigations into the conduct of former President Uribe, to whom are attributed war crimes and crimes against humanity during his "nefarious administration", and said that in the next few days **he will deliver a thorough investigation to prove the responsibility of senator Alvaro Uribe Vélez in the massacres of the ARO and of La Granja** ([Humana Radio, 15 de mayo de 2019](#)).

Isabel Zuleta sums up the current crisis in communities affected by this nefarious hydroelectric megaproject: "Despite the fact that we have suffered the terrifying way that EPM ("Empresas Públicas de Medellín") and the National Authority of Environmental Licenses (ANLA) have debased all the beauty of the territory, have destroyed our culture and our community, the fishing, the small-scale pan-mining, the tranquility, the forest, the animals... we never imagined that they would go so far as to suspend life, to sow confusion and anxiety with the hammer of lack of a future for our people. More than a year without knowing what will happen with a vast territory, as if Colombia has forgotten us, or as if simply we are not part of Colombia" ([Colombia carece de consenso social sobre lo inadmisibles](#) - Colombia lacks social consensus on the inadmissible, Revista Semana, Semana sostenible, 19.05.24).

On 4 May 2019, **FRANCE MARQUEZ**, a prominent leader of the black community and 2018 co-recipient of the [Premio Goldman Ambiental](#) , survived an assassination attempt in the region of Cauca, Colombia ([Semana](#), [Contagio Radio](#), [El Tiempo](#), [El Espectador](#), [France24](#)). It is likely that this attack is associated with the recent statements by the former president and now senator Alvaro Uribe Vélez in **in which he incites a massacre of the members of the Minga**, according to Luis Fernando Arias, senior advisor of the Colombian National Organization of Indigenous Peoples ONIC ([Luis Fernando Arias, consejero mayor de las ONIC](#)).

"If the Authority, serenely, firmly and with social criteria implies the need for a massacre, it is because on the other side there is violence and terror more than Protest", stated Senator Uribe on [Twitter on 7 de abril de 2019](#), approximately one month before the attack.

Witness to this attack was **Sheila Gruner**, associate professor at the University of Algoma (Ontario, Canada) and visiting professor at the Universidad Javeriana (Bogotá). Professor Gruner narrates her experience of this serious attack:

"The attack - with grenades and shooting- was directed against some of the most prominent social leaders of the black movement and of the ethnic-territorial movement in Colombia. France Márquez represents the group "Mobilization of Afro-descendant Women for Care of Life and of the Ancestral Territories". Carlos Rosero, a member of the Black Communities Process (PCN), played a key role in the preparation of the Law 70 of 1991, and is a highly regarded leader inside and outside of the black movement. There were also gathered important men and women belonging to organizations recognized at regional, national and international levels, including Victor Hugo Moreno Mine, Senior

Advisor of the Association of Community Councils of Northern Cauca (ACONC) and Clemencia Carabali of the *Association of Afro-descendant women of Northern Cauca* (ASOM) and of the *Social and Political National Movement of Black Women, Afro-colombian, Palenqueras and Aborigines in their diverse identities*, among others. Three of the leaders already had security protection (armoured cars and bodyguards) because they had previously received threats against their lives for their ongoing work on human, ethnic and territorial rights in the country. Thanks to the reaction of their security escorts, they managed to avoid a massacre. Three juveniles were present, including a three year old girl. All leaders(as) present formed part of the National Afro-Colombian Peace Council (CONPA), which as an integral part of the Ethnic Commission for Peace and Territorial Rights played a key role in the development and insertion of the Ethnicities Chapter of the **final Peace Agreement**. This armed aggression is considered an **attack against the peace agreement**, against the Ethnicities Chapter and an attempt to erase the significant progress of the black movement with regard to political and territorial rights achieved during the last 2 decades.

"The Northern Cauca is an area where there is illegal mining and unconstitutional mining (without free and informed prior consultation with the communities), as well as where there has been an increase in coca production for illegal use. It is a region marked equally by mega-projects and industrial parks. The male and female leaders and the organizations they represented that day have struggled for years to put an end to illicit and harmful economies in their territories and communities. They were also part of the Minga - a major mobilization to demand that the national government comply with the agreements reached in 2016. On May 4th they were gathered for the purpose of preparing for a negotiation with the Colombian government which would take place a few days later, where they would demand the enforcement of the agreements reached previously. The reaction of the national government against the attack of 4 May was to offer to provide increased security frameworks, but they have failed to make a real commitment to address the reasons for the violence in that area of the country. There has been a lack of enforcement of Law 70, no compliance with the orders of the clause 005 and no progress in implementing the Chapter on Ethnic Origins".

Very soon after this attack, one of the spokespersons received a threat of extermination: "this **is only the beginning of what will be the extermination of all of you**" ([Semana, 6 de mayo de 2019](#)).

The perverse **investment clause**, conceived in the Canada-Colombia FTA , allows Canadian mining companies to file leonine lawsuits against the Colombian State. Canadian Cosigo Resources Ltd (Tobie Mining) sued Colombia for the colossal sum of **US \$16.5 billion dollars**, equivalent to about 50 billion pesos, or one fifth of the national budget in 2017. After the mining company invested a mere US\$ 20,000 dollars, it alleged a supposed "expropriation" of a claim which was without effect, since it had been granted in the protected Yaigoje-Apaporis National Park and a few days later was withdrawn by the Colombian environmental authority. According to the multinational's calculations of the "crime", their damages would be equivalent to the fabulous sum mentioned ([La minera que pide 16.500 millones de dólares de indemnización a Colombia](#). Semana, 6 November 2017). The Tobie Mining will not be able to take the gold that it planned to extract for 20 years, so now it seeks to take this fabulous sum of money that represents 20 years of extraction of gold.

This is a perverse play under the Canada-Colombia Free Trade Agreement!
How much desolation and death will this colossal financial plunder the coffers of the Colombian State produce?

According to Francia Márquez, "until the year 2016 there had been issued in the department of Cauca 236 mining titles, covering 40% of the territory, and located largely in the Colombian Massif, on lands traditionally occupied by indigenous people and by people of Afro-Colombian descent. The extractive companies are pushing us out of our territories. When communities have won litigations, arguing their title

rights as per the Consulta Previa Law (aboriginal title), as was the case of La Toma, municipality of Suarez, Judgment T1045A of 2010, where the Court revoked the license of the AngloGold Ashanti, we begin to receive the types of death threats that made it necessary for me to leave the territory. When the Courts have ruled in favor of the community then there has been an increase in the killings, the forced displacements, the stigmatization of our leaders(as) by armed actors, as well as increases in judicial persecution on the part of the same State, with the intention of ensuring and protecting the interests of the big companies. Those mining companies not only expel us from our or territory, not only destroy our lives, but also want to have us pay them for such destruction. The 50 billion pesos that are being claimed as 'compensation' to TOBIE Mining could instead be used pay reparations to all victims of the armed conflict in the Pacific region Colombia" (Interview 19.05.27).

The ongoing murders of social leaders in Colombia can be characterized as genocide, worse than occurred against the Union Patriótica (Patriotic Union) in the 1980s and 1990s, when a concerted attack claimed the lives of more than 1,500 members of this political movement throughout the country. The former president Juan Manuel Santos, who was Minister of Defense under Uribe, acknowledged the **responsibility of the State in this persecution, death and disappearance of hundreds of members and supporters of Union Patriótica**:

"I want today to express in this public act, as President of the Republic, as Head of State, that the extermination and the disappearance of the Patriotic Union should never have occurred; and to **recognize that the State did not take sufficient measures to deter and prevent the murders, attacks and other violations**, despite evidence that this persecution was underway." ([Exterminio de la UP fue un genocidio](#). Verdad Abierta, 15 September 2016).

Colombia is not a democracy. NO! In Colombia we lived through a **most bloody dictatorship** under Álvaro Uribe Vélez, former president and current senator in Colombia who is "clinging on to power so that power will protect him". This dictatorship and its legacy are vividly symbolized in

"...massacres such as those in El Salado, in El Aro, in the false positives (young men rounded up, killed and then dressed in "subversive" clothes so as to be counted as dead guerrillas), in Barrancabermeja, Tierralta, Chengue, Montes de Maria, Tame, Saravena, Soacha, Ituango, Orion Operation; thousands of living dead in hospitals; in the fate of hundreds of leaders and peasants who have fallen victim to bullets or have died due to the indiscriminate spraying of glyphosate or have been killed for belonging to opposition parties; in countrysides emptied to make way for cattle raising, sending millions of internally displaced persons to die in the cities and towns; in the more than 2,000 women killed so far this year" ([La dictadura más sangrienta](#). Beatriz Vangas ATHIAS, professor at the Universidad Javeriana. The Viewer, 2 March 2019).

Every three days a social leader is murdered in Colombia. Since the signing of the Peace Agreement - January 1, 2016- [508 social and community leaders have been killed in Colombia](#). They were defenders of human rights, of life, of their territories, of programs for the substitution of illicit crops, or mere land claimants. Since the signing of the Peace Agreement, we note an increase in violent actions against and of murders of social leaders in Colombia. According to the [annual report 2018](#), of the Lawyers' Collective "Somos Defensores" (***We Are Defenders Program***), in 2013 there were 366 violent actions against activists, 626 in 2014, 682 in 2015, 481 in 2016 and 560 in 2017. In 2018 there were reported 805 violent actions. According to the same source, in 2018 there were 155 murders, which represents an increase of 43.75% in relation to 2017.

The international community, human rights organisms, civil organizations and democratic governments all witness with great concern the escalation of low intensity war that is being once again unleashed upon the civilian population of Colombia, similar to what was experienced during the two periods of the nefarious government of Álvaro Uribe Vélez, 2002-2010.

According to Erika Rojas, Rapporteur for the Americas of Amnesty International, "The murder of those who defend human rights is destroying the social fabric of communities that have historically faced the cruel consequences of armed conflict, and now are at greater risk because of the reorganization of paramilitary groups that are being recycled and reemerging with force, reviving the suffering caused in the country". Amnesty International, the UN and the International Red Cross have all called attention to the fragile situation of social leaders and defenders of human rights.

President Iván Duque, in his less than one year in power, has promoted a strategy essentially of militarization of the Colombian territory within the so-called "Peace with legality". Despite this militarization, paramilitary groups continue to operate with almost complete freedom, threatening not only social leaders but also political opponents, as has been the case of the members of opposition political movement "Colombia Humana" and of many peasants who defend their territory, who call for compliance with the Peace Agreement, or who lead community processes in defense of their communities.

As noted in the report on human rights within the framework of the Canada-Colombia Free Trade Agreement (TLC-CC), impunity in the country is among the highest in the world, occupying 9th ranking within the set of nations. The judicial authorities do not exercise their task of investigation and prosecution of the intellectual actors, a factor that increases the latter's capacity for criminal activities against social leaders.

The government party systematically attacks defenders of human rights and social leaders, stigmatizes their protests and hinders the development of the institutions agreed upon to achieve peace. As you yourselves also pointed out in your report about the FTA-CC, their actions generate strong security problems for people in the regions who continue to support the peace process.

In a recent article, the *New York Times* described current repression by the Colombian Army as being at a level similar to that unleashed during the period of Álvaro Uribe Vélez, which was characterized by the murder by the Colombian Army of thousands of innocent young people who were later presented as guerrillas in order to inflate statistics. ([Colombian Army's Kill orders put civilians at risk, officers say](#). New York Times, May 18 of 2019).

Throughout the process of the adoption on the part of the Canadian Parliament of the [Tratado de Libre Comercio Canadá-Colombia \(TLC-CC\)](#), SOS-Colombia, a coalition of different movements and of social and trade union organizations in Quebec and in the rest of Canada, along with political opposition groups, notably the New Democratic Party (NDP) and the Bloc Québécois, led a strong opposition to the TLC-CC.

"Ratifying a trade agreement with the Uribe regime is not the best way to give priority to human rights and democracy in the Americas: it is to deny the values and principles that we defend deeply", said then representatives of SOS-COLOMBIA. ([Protestas en Montreal y Ottawa contra la visita de Uribe y contra El TLC Canadá-Colombia, 13 de junio de 2009](#)).

During the week following the ratification of the TLC Canada-Colombia [José Reinel Restrepo, parish priest of Marmato was assassinated](#). This priest led a civic movement in Marmato along with small-scale miners who rejected the exploitation of gold by open-pit mining. It was he, along with the committee prodefense of Marmato, who had urged communities to organize to oppose the proposals of the large mining companies. His murder has gone unpunished. The Canadian mining company [Colombia GoldFields Ltd](#), was behind the exploitation of gold in Marmato. According to their calculations, they expected to extract gold worth 20 billion dollars ([Canadian mining in Colombia](#), CBC documentary. March 31, 2008).

Coincidence?

Peter Julien of the NDP denounced before the Canadian Parliament the fact that the Harper government, with the support of the liberals, was extending the red carpet to the regime of Alvaro Uribe, whom he described as having the **worst record in the hemisphere in violation of human rights** and who, according to a 1991 report by the US Central Intelligence Agency, was described as a politician who was dedicated to collaboration with the Medellin Cartel at high government levels, and who was then a personal friend of Pablo Escobar ([U.S. Intelligence Listed Colombian President Uribe Among Important Colombian Narco-Traffickers" in 1991](#)).

Extractive processes in Colombia - of gold, coal, wood, etc. - accelerated and intensified following the signing of the Canada-Colombia FTA, have exacerbated the violence against the leaders and communities who oppose such processes. As conceived, the Canada-Colombia FTA is contributing to the plunder of the resources of our country, to the impoverishment of communities, the destruction of the environment and the exacerbation of violence.

Shouldn't the government of Canada be seriously concerned about investments in Colombia? Shouldn't it not only protect big economic interests but also help protect the lives and human rights of Colombians?

When business exchanges are clean, sustainable, and carried out with honest counterparts for mutual benefit in pursuit of the common good, they can play a positive role in the development, beyond that of private companies, of society in general and should be supported by governments. When business is conducted with dark counterparts involved in serious crimes against humanity, in violence, looting of resources, displacement and destruction of communities, **we must ask ourselves if government is rather acting as an accomplice!**

What position do the political leaders of this Parliament wish to play in the face of this genocide? On what side of history does the government of Canada want to be?

We demand that the Parliament and the government of Canada act immediately and as effectively as possible to ensure the protection and life and the human rights of social leaders in Colombia who are exposed to violence related to extractive processes, and that they review carefully any process to develop bilateral trade between our countries.

Life AND HUMAN RIGHTS ARE ABOVE BUSINESS!

In light of the above, the organizations of Colombians here signatories, ask the Honorable Parliament of Canada and those of other countries in the Americas:

- To initiate an emergency session on human rights in Colombia
- That a Commission of Verification be named to investigate the compliance on human rights undertaken by Colombia at the signing of the Free Trade Agreement with Canada, taking into account the annual reports on human rights submitted since the signing of the FTA-CC on 21 of November of 2008 and its entry into force on 15 August 2011
- We request the reopening of the Shelter Program for Colombian leaders who have been threatened and are in danger of death in Colombia.
- We ask for monitoring, control and surveillance through the implementation of an **Ombudsman** on mining companies abroad, of the economic damage and the social and environmental impacts that Canadian financial and mining companies are producing in certain regions of Colombia, which are the subject of denunciations by defenders of human rights whose lives are then endangered, a fact to which the Government of Canada should not be indifferent,

Signatory Organizations



Ríos Vivos Colombia

Asociación de Barequeros del Bajo Cauca ABC

Asociación de pequeños mineros y pescadores de Puerto Valdivia AMPA

Asociación de Pescadores Unidos del Barrio la Esperanza Caucasia ASOPESCA

Asociación de Víctimas y Afectados por Megaproyectos (ASVAM)

Asociación de Víctimas y Afectados por Megaproyectos de las veredas Orejón, Chiri y Buena Vista de Briceño (ASVAM ORCHIBU)

ASOMIAVAL Asociación de pequeños mineros artesanales de Valdivia

ASOMINSAB Asociación de barequeros, pescadores y agricultores de Sabanalarga

ASVAM Briceño

ASVAM El Aro

ASVAM Ituango

ASVAM Puerto Valdivia

ASVAM San Andrés

ASVAM Toledo

Bocachicos Asociación de pescadores, Barequeros y agricultores del K14 y k15 de Valdivia

Arnold August, periodista y escritor, especialista en América Latina, Montreal

Asociación de Víctimas del Conflicto Colombiano – Canadá (ASOVICA)

Cabildo indígena Káamash Hu de Barranquilla

Colectivo de Coordinación de Acciones Socio Ambientales - Colectivo CASA (Bolivia)

Colombia Conciente

Colombia Humana New Jersey

Colombia Humana New York

Colombian Action Solidarity Alliance – CASA

Comité pour les droits humains en Amérique latine (CDHAL)

Comité international pour la VIE et les droits humains en Colombie (CIVDH)

Foro Internacional de Víctimas - Capítulo Canadá

Juventud Ecologista en Acción - JEA 2.0

NORDIK Institute, Algoma University

Proceso de Comunidades Negras

Projet accompagnement solidarité Colombie (PASC)

RED ALAS BOLIVIA

Red Nacional de Mujeres en Defensa de la Madre Tierra – RENAMAT

Somos Uno Solo / Arraigo

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