

# The Profiteers Bulletin

Ending Canadian corporate impunity in Colombia

May 2015



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## Three indigenous people killed, others at risk

Members of the Indigenous community of Cerro Tijeras in northern Cauca Department, south-western Colombia, have been killed and others possibly forcibly disappeared. Further death threats against Indigenous Peoples in the area have also been reported.

The whereabouts of Berney Trochez and Wilson Trochez have been unknown since 14 April when they were last seen in the Agua Bonita area of the jurisdiction of Robles, part of the Cerro Tijeras Nasa Indigenous Reservation (Cerro Tijeras Resguardo) in Suárez Municipality, Cauca Department. There is concern that they may have been forcibly disappeared. On 15 April unidentified gunmen forced their way into a house in the Agua Bonita area and abducted Mario Germán Valencia Vallejo, Belisario Trochez Ordóñez and Cristián David Trochez and forced them into a lorry. The bodies of the three men were found in the Guadalito area of the Cerro Tijeras Resguardo later that same day. The men had been shot in the head. All five men were members of the same family.

The killings of Mario Germán Valencia Vallejo, Belisario

Trochez Ordóñez and Cristián David Trochez and the possible forcible disappearances of Berney and Wilson Trochez follow repeated paramilitary death threats in

recent years and months against the community of Cerro Tijeras, which has been resisting the arrival of international mining and other economic interests on the lands they claim as theirs. There have been ongoing demonstrations by Nasa Indigenous communities demanding access to lands in the region, including lands which should have been allotted to them as reparation for human rights violations committed against Indigenous communities in the early 1990s. On 15 April, in a death threat sent by SMS text, a paramilitary group calling itself Colombia sin Guerrilla declared a number of people to be military targets, including those participating in the land protests.

Over the past 50 years, Colombia's internal armed conflict has pitted the security forces and paramilitaries against a range of guerrilla groups. In spite of the ongoing peace process all the warring parties continue to be responsible for serious crimes under international law and other human rights violations. Indigenous communities are among those most affected by the armed conflict. According to the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, ONIC), 10 Indigenous people were killed for conflict-related reasons and at least 2,819 forcibly displaced in the first nine months of 2014.

According to the Association of Indigenous Cabildos of Northern Cauca (Asociación de Cabildos Indígenas del Norte de Cauca, ACIN) more than 600 Indigenous people have been killed in Northern Cauca since 1999.



**PROJECT ACCOMPANIMENT AND SOLIDARITY WITH COLOMBIA**

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On 16 December 1991, 20 Nasa people of the Huellas Indigenous Reservation, including children, were killed in a joint paramilitary-police operation on the El Nilo farm in Caloto Municipality. The case of the El Nilo massacre was submitted to the Inter-American Commission on Human Rights (IACHR) in December 1992. Following an agreement between the Colombian government and the IACHR a committee was created to investigate the massacre, which recommended in 1996 that the Colombian government must ensure that those responsible would be brought to justice and that the families of the victims would receive reparation. In August 2014 the Colombian Supreme Court of Justice ordered that the criminal investigation of a general and a major allegedly linked to the massacre, which had been archived by a military court in July 1999, should be reopened. In February 2015 the general and the major handed themselves over to the police authorities. The Huellas Cabildo (Indigenous Council, which is the maximum political authority within their territories) issued a public statement on 5 February demanding justice and comprehensive reparation.

Since 14 December 2014 Indigenous Peoples in northern Cauca have been occupying land to demand full reparation, including access to land, as redress for several mass killings, including the El Nilo massacre. In this context the security forces have been accused of excessive use of force in reacting to Indigenous demonstrations currently taking place in the north of Cauca. On 10 April 2015 on the La Emperatriz farm that Indigenous demonstrators have occupied in recent weeks, Guillermo Pavi Ramos, an Indigenous leader, was shot when he was close to army and police units of the Mobile Anti-Riot Squadron (Escuadrón Móvil Antidisturbios, ESMAD). The ESMAD allegedly blocked the road when several people tried to take Guillermo Pavi Ramos to hospital, thereby delaying his access to medical attention. On 14 April 2015 11 members of the army's Mobile Brigade No. 17 were killed after being attacked by guerrillas from the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) in the municipality of Buenos Aires, Cauca Department.

Source: Amnesty, April 22nd 2015.

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## Pacific Rubiales forced to leave Campo Rubiales

The Colombian oil company Ecopetrol announced she will not be renewing mid-May-2016 the contract allowing Pacific Rubiales' exploitation activities in the most important oil field of the country, handing over to the state-managed Colombian company the last 65 000 barrels per day of its production.

The important Canadian oil extraction company Pacific Rubiales Energy has been found guilty in 2013 of a series of violations of labour and environmental rights as well as indigenous peoples' rights by the People's Court on extractive policies in Colombia.

This is a victory for the Common front against the renewal of the Campo Rubiales contract. The common front consisted of many union organizations, including the CUT and USO, of the elected

representatives of the Polo Democrático as well as many ONGs. It was created in 2014 in order to oppose the renewal of the exploitation contract between Pacific Rubiales and Ecopetrol.



«As we move towards sovereignty, we move towards the construction of labour law», explains Fredy Pulecio, national leader of the Unión Sindical Obrera –USO-.

Since 2011, the indigenous communities and reserves of Puerto Gaitán, in the department of Meta, are mobilizing for the respect of environmental standards and to denounce the lack of

benefits for the community. However, many substantive matters remain in abeyance in front of oil exploitation policies in Colombia. It is thus important to stay on guard and continue the pressures.

Ecopetrol's decision appears in a context of crisis for the oil industry. The international prices for petroleum are declining, causing companies to reduce their investments in exploration and increasing production in order to compensate for revenue drops. Analysts state that taking control once again of the Rubiales field would involve greater investment than for Ecopetrol to maintain the production. This might result in the arrival of a new company in the region.

For the social and labouring sectors, this announcement represents an opportunity to assert their claims. Ricardo Apolinar, researcher for Choapo, corporation based in Meta, is considering new perspectives: «It is possible that the Gaitán community will negotiate demands with the new company. Aspects such as the rationalization of the region's hydrocarbon exploitation, agricultural support programs as well as basic sanitation, will be discussed», explains Ricardo Apolinar.

It is a failure for the company Pacific Rubiales who is guilty of many violations, although once again treated with impunity, as well as a gain for the communities who dared to mobilize and claim their rights.

Source: PASC, March 2015

# PERSECUTION OF SOCIAL MOVEMENT - developments with the murder of Carlos Alberto Pedraza and the detention of Alexander Tibacuy Laguado

## CASE Carlos Alberto PEDRAZA, new developments

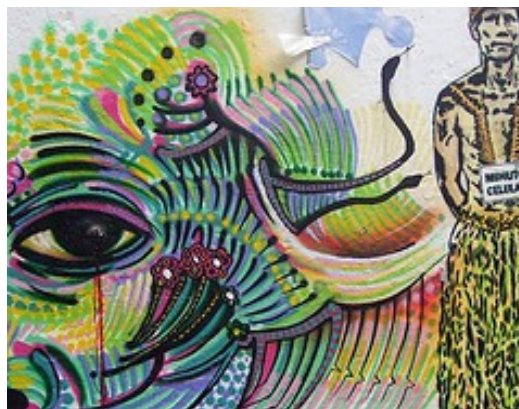
### Threats and persecutions during peace process continue

As the People's Congress, with help from allies and organizations worldwide, we denounce the forced disappearance and murder of Carlos Alberto PEDRAZA SALCEDO on January 21. Since his death, we have asked for the case to be transferred to the State Attorney General's Human Rights Unit. It is an important request as it could allow for political motives to be considered for the investigation. Furthermore, this could allow special attention to evidence, including Carlo's work as a human rights activist.

Thanks to the wide denunciations generated by his assassination, the pressures applied by institutions, NGOs and embassies, as well as the public statements

made, such as the one released by the Inter-American Court of Human Rights and certain UN institutions, we can now share one good news: the transfer of the case has finally been made!

The legal investigation team in charge of the case is awaiting response regarding the request for a reconstitution of the body's removal.



Since the first phone calls announcing something had happened to Carlos, a series of vague and malicious events followed. These first calls described a motorcycle accident or a hit to the head. When the official report was published, the forensic doctor confirmed that he died from a gunshot to the head.

There is limited information concerning the location where the body was found. Still today, the final reports that would clarify the facts have not been received. A reconstitution with the presence of the First Responder who was in charge of the body's removal is necessary in order for the facts to be clear and for the research to help identify the people

intellectually and materially responsible of the events.

Obtaining justice in this case is crucial for organizations that are part of People's Congress in order to certify certain security measures for the execution of their activities.

### **CASE Alexander TIBACUY**

#### **Illegally deprived of his freedom**

One month after the forced disappearance of Carlos Pedraza, on February 23 2015, Alexander Tibacuy, member of the same regional organization, was arrested by law enforcement.

The detention was formalized by an order coming from the specialized attorney no. 9 (Fiscal 9 Especializado) related to the Estructura de Apoyo de Arauca – EDA.

On February 24, the hearing was held in private on the request of the prosecutor's office. The judge legalized the detention and Alexander Tibacuy was charged with conspiracy as well as funding of terrorist and rebellious groups. A pre-trial preventive detention measure was also imposed.

Alexander is one of the social leaders implicated in the fight against oil companies' actions in the territory of Arauca. With other social militants, he has amongst

others filed a criminal complaint against the transnational company OXY and CORPORINOQUIA for environmental damages caused by oil drilling in Arauca. This complaint is more specifically directed to OXY's exploitation in the Laguna del Lipa as part of the Chipirón project. This exploitation has caused severe environmental impacts, destroying flora and fauna as well as violating sacred sites of indigenous communities living in the territory.

Alexander Tibacuy Laguado, a well-known social leader of the region, is a spokesperson for the communities at the Inter-Sectorial Commission for the Promotion, Respect and Guarantee of Human Rights in the Department of Arauca, where more than a dozen governmental authorities participate at regional and national level.

These facts are added to the series of threats and persecutions. It is fundamental to obtain justice in these cases in order to assure protection for our movement as a whole and Colombia's social movements. Breaking with impunity and generating guarantees of security is a key foundation for the construction of the peace we have committed to build.

Source: PASC, April 2015

### **Canadian Multinationals in Colombia: War Profiteers**

Colombia vies for 1st place as the most dangerous country in the world for union activists and 2nd place in terms of forced displacements. More than 85% of internal refugees and murdered unionists come from regions marked by mining and petroleum development. Canada, which has signed a free trade agreement with Colombia, is the primary country of origin for foreign investment in this sector, meaning that Colombia's most important petroleum and precious metals reserves are managed through Canadian capital markets. Yet Canada has no system for regulating the activities of its companies abroad, allowing them to act with complete impunity as they profit from political violence in this war-torn country.

This bulletin intends to break the silence.

**We would like to thank the following unions for their financial support:**



The members of **Projet Accompagnement Solidarité Colombie** are available on demand to visit workplaces and to participate in group discussions on the impacts of Canadian investments in Colombia, and the situation with unions in Colombia.

Don't hesitate to contact us.