

# THE SLOW AND BLOODY ROAD TO JUSTICE

*Colombia's peace deal promised the return of stolen lands. But it isn't so easy to achieve, Mira Galanova discovers.*

**W**ilson David Quiroz has to pause to pull himself together when he speaks about dead friends. Every three days an activist has been killed since the peace agreement with Colombia's largest rebel group the FARC was signed in November 2016.

David himself has survived several assassination attempts. He doesn't leave the house without two government-assigned bodyguards and moves around in a bulletproof car. 'Every single day I worry they might kill me or my wife.'

He is soft-spoken and it is hard to believe he has put up such a fight for the return of stolen land that the peace deal has promised.

During the country's armed conflict, land was considered the spoils of war. Between 1980 and 2010, armed groups occupied over 6.6 million hectares (16.3

million acres) – 15 per cent of Colombia's agricultural area, according to a national survey. They displaced over seven million people. Among them David, whose family fled their farm after one of his cousins was chopped to pieces.

During the 2003-06 demobilization process, paramilitaries confessed they often did this kind of dirty work for rural elites, who then grabbed abandoned land or coerced displaced farmers into selling it for a bargain price. 'If you don't sell, your widow will,' became a catchphrase during those times.

## Walk carefully

The peace deal with the FARC has further cemented restitution of this land, which had already started in 2011 with Law 1448.

According to the government, it is going well. The Land Restitution Unit has received over 112,000 claims, 40 per cent of which have been finalized; another 15 per cent have passed the administrative stage and are awaiting a judicial decision.

However, others disagree. In total, only 297,486 hectares of the land were returned by May. Just 7,468 cases, fewer than seven per cent, were decided by judges, points out Gerardo Vega, the head of Forjando

Futuros, an NGO that helps land claimants. The government body turned away the majority of the claims, saying that they did not meet the requirements of the law. According to Vega, the decisions lacked transparency.

Another 23 per cent of claims have been put on hold by the Defence Ministry for security reasons. 'We were told to apply the law only in the areas where there are conditions for people to return,' says Ricardo Sabogal, the head of the Land Restitution Unit. 'People would like this to move fast, but we have to walk very carefully to avoid loss of lives.'

While the peace has benefited Colombia as a whole – the number of deaths in armed confrontations has decreased, as have forced displacement and kidnappings – in some areas, there has been little improvement. This is the case of Urabá, where David's farm is.

To the outsider, the grazing cattle and extensive banana and palm oil plantations look peaceful enough. But the region, bordering Panama and with access to the Caribbean and Pacific coasts, is a drug- and arms-trafficking corridor. The government has yet to establish control over it. In April, eight police officers were killed ↻

*Above left: The funeral in April 2017 of indigenous leader Gerson Acosta, among the hundreds killed since the peace deal of 2016.*

*Left: Since FARC fighters laid down arms, rightwing paramilitary groups have filled the vacuum.*

MADS NISSEN / PANOS

# ‘Our army has clear instructions to take down those bastards who want to take the land away from good citizens and give it to guerrillas’

in an attack on land restitution commissioners inspecting a farm.

‘The power of drug traffickers in these areas is enormous. They have everyone on their payroll. To bring law and order there is not easy,’ says Sabogal.

Moreover, many of those who have profited from the land theft have been determined to keep the rightful owners away.

David and his wife Katherine Lazo Barbosa returned to their farm in 2012. ‘We spent a marvellous year there. We had livestock, grew bananas, cassava, beans, corn... We had enough to eat and to sell,’ Lazo recalls. ‘Then threats came. One day they poisoned our hens, then dogs who looked after us at night.’

Other farmers tell similar stories of poisoned water sources and destroyed crops. There are claims that bribed officials have delayed the return of the stolen land or detained peasants for entering the land that belonged to them.

The so-called Anti-Land Restitution

Army has circulated threatening messages: ‘Our army has clear instructions to take down those bastards who want to take the land away from good citizens and give it to guerrillas,’ one of them read.

David and Lazo, who has joined her husband’s fight, left their farm in 2016 when David’s cousin was shot. ‘There is a price on the head of my husband, his cousin and mine because we fight not only for our land but also for those families who are too frightened to do so,’ says Lazo.

Threats and assassinations have instilled fear among displaced peasants. In June, sons of two land claimants were killed and the families have not dared to report their murders, according to Lazo.

‘It has kept many from approaching the Land Restitution Unit,’ says Vega. He had expected 360,000 claimants, based on the 2012 Agriculture Ministry estimate. In 2015, the World Bank estimated 166,000 claims – still significantly higher than the 112,000 received.

## Anti-restitution armies

Few doubted the goodwill of former President Juan Manuel Santos to return the stolen land to its true owners. However, he lacked support at a regional and local level, where the power is often in the hands of those who profited from land grabs.

‘In the Colombian countryside, land means power. A mayor is usually a cattle rancher with immense farms,’ says Ariel Avila, a political analyst with the Peace and Reconciliation Foundation.

Former president Alvaro Uribe is a fierce critic of the restitution. He says the law victimizes honest buyers, although those who have been able to prove good faith have been compensated. He has defended several businesspeople accused of land theft.

He was also a leading opponent of the peace deal with the FARC, which sought to address unequal land distribution. ‘There will be administrative expropriation of land,’ he warned during his campaign to reject the accord in the 2016 referendum.

Very little has been done to establish who is behind the threats and the murders of land claimants. ‘The anti-restitution armies are just hired assassins. There have been some arrests, but never of those who ordered the assassinations,’ says Avila. ‘Everyone in the region knows who they are, but they are powerful enough to avoid prosecution.’

## The Duque factor

The slow pace of land restitution worries claimants. Law 1448 expires in 2021 and no-one knows what will happen to the land that is not returned by then.

Sabogal says the process cannot be judged by regions like Uraba. Still, he believes that about 20 per cent of the claimed land will be left unreturned in three years’ time. ‘This small part will be the most challenging. Congress can take a variety of decisions. It could extend the law for a few years just for these areas. Or

*Standing firm in the face of threats: Wilson David and Katherine Lazo are excited at the chance to go home.*



MIRA GALANOVA

# ‘WE CAN’T STOP NOW’

*Unusually, victims testified directly at the Havana peace talks between FARC guerrillas and the government. Maria Eugenia Cruz Alarcón, one of the first to bear witness, explains why she will defend Colombia’s peace agreement – at all costs.*

it can decide to compensate legitimate claimants with land in another part of the country, or with money.’

It all depends on political will. In June, Colombians elected Uribe’s protégé, Ivan Duque, their new president. He has pledged to change the peace accord, including land restitution.

While the Constitutional Court ruled last October that Colombia’s next three governments must follow the deal, some analysts say Duque might be able to keep his promise. A government opposed to the restitution can easily drag its feet on the implementation until Law 1448 expires. The parliament, dominated by Uribe’s Democratic Centre party, might not want to extend it.

However, it’s too early to judge, says Kristian Herbolzheimer, a conflict-resolution expert with the international NGO Conciliation Resources. ‘Peace agreement implementation takes decades. It means there are changes of government. Some are more committed, some are less. That is a political challenge, but it doesn’t mean the peace is dead,’ he says. ‘It is a long process. Twenty years after signing the Good Friday Agreement on Northern Ireland, there are still challenges. Colombia has achieved in little over a year and a half more than most other peace processes in the world.’

But victims like David are impatient. ‘We are excited about any opportunity, we think things are going to happen and then suddenly they leave us in the lurch.’ He worries there might be a return to forced displacement and paramilitary atrocities, as during Uribe’s presidency between 2002 and 2010. ‘There are groups who say that, with a government in their favour, they will grow strong again.’ ●

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When they called on me to testify I had to keep it from my family. It was a ‘state secret’, because Colombia is so polarized; there are many who want the war to continue and so speaking out as a victim is risky.

But I was very excited, I accepted. I felt such emotion at being recognized, because as women leaders we have fought so hard and lived through so much to get here. Now here we were in this important space – where the war was ending – invited to speak.

I was in the first delegation to travel to Havana. I told a little of my story, about how the war had affected my life: I was displaced twice and, when I was 17, I was raped by paramilitary soldiers and members of the Colombian army.

I had never told my story in public before. It was a solemn occasion behind closed doors, told to an audience of government representatives, the FARC and the UN. I was profoundly moved by the experience, partly because I felt a powerful sense of responsibility. This was new. As victims of violence, we didn’t know how it would play out.

We spoke freely and they listened. We let them know what we had lived through as women, victims of both armed actors and the state. We testified to how sexual violence had affected girls, boys, indigenous and afro-communities differently and how each case required a distinct remedy.

Both parties approved our proposals. They agreed not only to stop firing bullets but also to introduce measures to bring an end to this type of violence, compensate victims, do justice and guarantee women’s participation in future. The ‘gender perspective’ that we brought to the peace agreement was a beautiful piece of work, so complete. Nothing was left out.

Now we are working to get the agreement adopted. In the organization where I work – which brings collective

cases of sexual violence – we are tracking its implementation. Our next challenge is to have the sexual violence cases considered by the Special Jurisdiction for Peace (JEP) [a transitional justice tribunal set up to try cases considered most representative of the war’s violence] and by the Truth Commission. This is the Colombian government’s chance to guarantee justice, but above all to guarantee that these events never happen again.

We know that under Ivan Duque’s new [rightwing] government we risk losing many things that we have fought for. They [the far right] are vengeful: if there’s resistance in communities they will kill again. They do it to frighten us, to stop our work.

But we have to carry on, despite the killings, however harsh that sounds. If we gave in now, it would be as if our community leaders had died in vain. So I am determined to push for change, with all my worries and fears. It’s right to be afraid

## ‘THE GENDER PERSPECTIVE THAT WE BROUGHT TO THE PEACE AGREEMENT WAS A BEAUTIFUL PIECE OF WORK, SO COMPLETE’

because these people are powerful and they have guns. But we are also powerful – because we have a proposal for a different kind of country, for peace. We have good things to offer society, and that means our communities will protect us somehow.

The hard times we’ve survived have made us stronger. Civil-society organizations have a great capacity to act, to make our voices heard. This is a critical time – sometimes I don’t dare to look at my WhatsApp for fear of reading death threats or whatever else might have come in. We do know it’s not easy to achieve peace, but we also know that living in a state of war is much harder.’

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