

PUBLIC

AI Index: AMR 23/018/2009

24 June 2009

UA 166/09

Fear for safety

COLOMBIA

José Goyes Santacruz (m)

Marta Lucía Cucuñame (f)

Their family

Leaders of Indigenous communities in the north of Cauca Department

The family of an Indigenous leader, campaigning for land rights in the south-western Department of Cauca, has received a death threat. Other Indigenous leaders in the region are in grave danger; several have already been killed.

Marta Lucía Cucuñame received a threatening phone call on 16 June, from a man who warned her to "take very good care of your children because they are going to harm them" (*cuide muy bien a sus hijos que les van a hacer daño*). Her partner is José Goyes Santacruz, an Indigenous leader representing Indigenous groups in the Honduras Indigenous reservation, in the north of Cauca Department. He is a member of an Indigenous rights organization, the Regional Indigenous Council of Cauca (*Consejo Regional Indígena del Cauca*, CRIC).

The 16 June phone call is the latest in a series of threats against José Goyes Santacruz, and his family.

In 2007, José Goyes Santacruz was threatened by armed men at his home in Morales municipality, Cauca.

On 5 June 2008, José Goyes Santacruz was shot and wounded by gunmen as he was going into his house. After this, his family sought refuge with a human rights organization in another city.

On 17 April 2009, in the city where the family were hiding, two men on a motorcycle fired shots as Marta Lucía Cucuñame was returning from picking her son up from school. On 20 April, a note was found in the entrance of the building where they were staying, which read, "Be grateful son of a bitch snitches that everything went wrong on Friday 17th but we frightened you, next time it will be real." (*Agradescan sapos ifueputas que todo nos salio mal el viernes 17 pero los asustamos la prosima se ara realidad [sic]*).

José Goyes Santacruz represents Indigenous groups in the north of Cauca. In 1999, Decree 982 was introduced to assist these communities to assert their land rights and other rights. José Goyes Santacruz has been one of the regional spokespeople for the negotiations on Decree 982.

On 18 May 2009, Indigenous leader Robert de Jesús Guacheta was killed in the municipality of Morales. He had also been campaigning for the land rights of Indigenous communities in the north of Cauca.

BACKGROUND INFORMATION

In Colombia, many Indigenous and Afro-descendant communities seeking to secure ownership of land on which their communities have lived for many years have suffered repeated death threats and killings carried out by paramilitaries, acting either alone or in collusion with the security forces. Guerrilla forces have also killed many Indigenous leaders they have criticised for trying to ensure armed groups respect the right of their communities to remain outside the conflict. Despite legislation passed to assist these communities in claiming their rights, their lands have often been occupied by paramilitary or guerrilla groups during

Colombia's long-running internal armed conflict. The conflict provides a useful cover for those wishing to exploit land rich in natural resources, where human rights violations are often committed.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Spanish or your own language:

- expressing concern for the safety of Marta Lucía Cucuñame, José Goyes Santacruz and their family, who received a series of death threats, most recently on 16 June;
- urging the authorities to ensure that all measures deemed appropriate by Marta Lucía Cucuñame, José Goyes Santacruz, his family and other Indigenous leaders in the north of Cauca are taken to guarantee their safety;
- calling on them to order full and impartial investigations into the threats against Marta Lucía Cucuñame, José Goyes Santacruz and their family, publish the results and bring those responsible to justice;
- reminding the authorities that their obligations to human rights defenders are laid out in the UN Declaration on Human Rights Defenders, the Organization of American States Human Rights Defenders in the Americas resolutions and in repeated recommendations made to them by the UN;

APPEALS TO:

President

Señor Presidente Álvaro Uribe Vélez
Presidente de la República, Palacio de Nariño, Carrera 8 No.7-26, Bogotá, Colombia
Fax: +57 1 337 5890
Salutation: Dear President Uribe/Excmo. Sr. Presidente Uribe

Governor of Cauca Department

Sr. Guillermo Alberto González Mosquera
Gobernador del Cauca
Calle 4 Carrera 6 Esquina, Popayán, Cauca, Colombia
Fax: +57 2 8243597
Salutation: Dear Governor González / Sr. Gobernador González

Attorney General

Dr. Mario Germán Iguarán Arana
Fiscal General de la Nación, Fiscalía General de la Nación
Diagonal 22B (Av. Luis Carlos Galán No. 52-01) Bloque C, Piso 4
Bogotá, Colombia
Fax: +57 1 570 2000 (a message in Spanish will ask you to enter extension 2017)
Salutation: Estimado Sr. Fiscal/Dear Mr Iguarán

COPIES TO:

Non-governmental Human Rights Organization

NOMADESC
Kr 4 No. 4-43 oficina 201A Barrio el Penon Santiago de Cali, Valle del Cauca, Colombia.

and to diplomatic representatives of Colombia accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 5 August 2009.