

via fax: 011 57 1 565 7682 Dr. Francisco Santos Calderon Vice-President of the Republic of Colombia	via fax: 011 57 1 570 2000 Dr. Guillermo Mendoza Diago Acting Attorney General of Colombia
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June 2, 2010

Dear Sirs:

We, members of the InterReligious Task Force, are deeply concerned about the proposed displacement of members of the Afro-Colombian communities in La Toma, Suarez municipality, Cauca Department. The families of La Toma have been inhabitants of this territory and inheritors of the mine since 1636. They have been wrongfully designated as "owners of bad faith" or "disturbers" for mining in an area arbitrarily conceded to Mr. Hector Sarria, an outsider to the community. Orders to forcibly remove the residents of La Toma will impact at least 1300 families—approximately 6000 people.

The displacement of families from La Toma is a violation of their constitutionally guaranteed rights established by Law 70 of 1993; the Universal Declaration on Human Rights; the International Pact on Social, Economic and Cultural Rights; and the Civil and Political Rights Pact. These are all national and international human rights standards that Colombia has agreed to implement. Furthermore, the concessions for mining exploitation given to foreigners in this territory have been done in violation of the rights to previous consultation and consent as prescribed by International Labor Organization (ILO) Convention 169, Arts. 6-7; the Law 70 of 1993 and the Colombian Constitutional Court Order 005 of 2009. In addition to violating their territorial rights and cultural identity, the eviction of the La Toma families increases the possibility of internal displacement, a phenomenon that the Colombian government is trying to avoid and control.

These communities and their leaders have also been declared a "military objective" by the Black Eagles, paramilitaries who have threatened them for "being against the government and its policies" and for not allowing that "development enter the region." Some community members insist that multinational corporations—looking to mine vast gold deposits—are behind the threats, offering incentives for paramilitary groups operating in the region and using them to scare away all opposition.

Because of our deep concern for the welfare and safety of all families in La Toma, we strongly urge that you:

- stop the order to evacuate La Toma and begin negotiations with the Community Council to protect its rights;
- revoke the 35 mining licenses, particularly the concession BFC 021 given to Hector Jesus Sarria, that were awarded in violation of the community's rights;
- respect the regulations of ILO Convention 169, Law 70 of 1993, Auto 005 of 2009, the National Constitution, and the various international laws regarding the right to free and informed consent on all mining issues;
- order the Ministry of Interior and Justice, the Human Rights Office, and the Office of Afro-Colombian Community Affairs to guarantee the physical security of leaders in the zone;
- publicly condemn the paramilitary structure that threatens human rights and the fundamental freedoms of all Afro-descendants and create a strategy of concrete actions that will guarantee the dismantling of paramilitary groups.

Sincerely,

Brian J. Stefan Szittai
Coordinator

cc: Sr. Jaime Bermudez, Minister of Foreign Affairs – via fax: 011 57 1 381 47 21
 Carolina Barco Isakson, Colombian Ambassador to the US ~ via fax: 202.232.8643
 William Brownfield, US Ambassador to Colombia ~ via fax: 011.571.315.2197
 Nan N. Fife, Senior Desk Officer for Colombia, US State Dept – via fax 202.647.2628
 Dinah Shelton, US member of the Inter-American Commission on Human Rights – via fax: 202.458.6002
 Rodrigo Escobar Gil, Colombia member of the Inter-American Commission on Human Rights – via fax: 202.458.6002
 Christian Salazar Volkmann, UN High Commissioner for Human Rights in Colombia – via fax: 011.571.658.3301
 US Senators Brown & Voinovich and US Representatives Bocchieri, Fudge, Kaptur, Kucinich, LaTourette, Latta, Ryan, Space, Sutton, Wilson ~ via email

AFGJ05/24/Colombia

The following people hereby urge you to take action on this matter as indicated in this letter: