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## Analysis on Land Restitution Processes in Colombia

### **A WIDOW FIGHTS FOR JUSTICE WHILE THE COLOMBIAN GOVERNMENT TALKS ABOUT REPARATIONS**

The police tried to impede Trinidad Ruiz from looking for the bodies of her husband and son. They were disappeared by paramilitary forces on March 23, 2012. Manuel Ruiz, age 56, and Samir Ruiz, age 15, were executed. Their bodies were dumped in a river and discovered more than four days later by the surviving members of the Ruiz family who were accompanied by Colombian and international human rights organizations. More than eight months later, Mrs. Ruiz and her family are still searching for justice in the highest profile murder of 2012 in Colombia.

The promise of fertile land brought the Ruiz family to Curvaradó in the 1980s. They grew yucca, plantains, rice, tomatoes, and onions on their farm. Manuel and Trinidad had ten children and were able to live comfortably on the land that they worked hard to cultivate.

In 1997, the violence sweeping through the region displaced them for the first time. The family initially fled to the nearby city of Pavarandó and later to Jiguamiandó, an Afro-Colombian territory that borders Curvaradó. In 2001, they were displaced again after an armed group burned down their house in Jiguamiandó. They did not return to the region for five years. Despite their attempts to build a new life, the family never adapted to the urban lifestyle in Murindó and Turbo (two cities in northwestern Colombia) and decided to return to Curvaradó in 2006.

The family rebuilt their home in Apartadocito, one of the 23 communities in the Afro-Colombian collective land title of Curvaradó. Trinidad reflects that her



husband had been working on issues related to land restitution for less than a year before he was murdered. Manuel decided to get involved because he wanted to protect his family and formalize his landholding. Manuel told Trinidad that he was not at risk because no one would attack an older man.

Despite his good intentions, Manuel began receiving death threats almost immediately. The businessmen responsible for the violent land grab in Curvaradó pressured Manuel to discontinue his work. Manuel was working on land that now belonged to Mr. Carlos José Ríos Grajales, who is recognized as a bad-faith occupant by the Colombian government and is subject to criminal investigation for his illegal occupation of the land.<sup>1</sup> The managers of La Bonita and Piscingos, two of the Ríos Grajales family's farms, threatened Manuel prior to his murder.

<sup>1</sup> Instituto Colombiano de Desarrollo Rural (INCODER). "Caracterización Jurídica y Saneamiento de los Territorios Colectivos de Curvaradó y Jiguamiandó." July 12, 2012. Bogotá, D.C. Pg 16.

The threats against Manuel ultimately led him to ask the Ministry of Interior for protection, and the Ministry provided him with a cell phone. On March 23, 2012, someone called this phone in order to lure Manuel out of Apartadó and kill him—his son, Samir, was also murdered.

The murders of Manuel and Samir sent shockwaves throughout Colombia and the international community. The violence in Curvaradó presented a reality that stood in stark contrast to the Colombian government's international public relations campaign celebrating the tenuous successes of the land restitution process. The land restitution process in Curvaradó and Jiguamiandó is considered to be the pilot case for the entire land restitution process in Colombia. If the government fails to return the land in Curvaradó and Jiguamiandó and guarantee the safety of its claimants, there is little reason to believe that the process will be successful in other regions where the government has not invested nearly as much political and financial capital.

Shortly after the murders, the Ruiz family met with the Ministry of Interior, the Victims Unit (Unidad para la Atención y Reparación Integral a las Víctimas), and the National Protection Unit (UNP), along with U.S. government officials in April 2012. A private memorandum from the meeting reveals several agreements that included humanitarian assistance and protection for the family. As of January 2013, it is clear that the Colombian government has not followed through with their promises to the Ruiz family.

Trinidad was forced to uproot her family for the third time after paramilitaries murdered her husband and son. Without guarantees for their security in Curvaradó, they relocated to another part of the country with the assistance of the National Protection Unit (Unidad Nacional de Protección, UNP). In El Olvido,<sup>2</sup> the Ruiz family does not have access to basic healthcare or education for the children, issues that were covered in the meeting where U.S.

Embassy officials were present. The family survives on a meager stipend provided by the UNP and has found it once again impossible to adjust to life outside of their community.

I accompanied Trinidad and her eldest son to another round of meetings with Colombian government officials in Bogotá in December 2012. The family wanted to discuss the contingency plan for their protection because the UNP-sponsored relocation to El Olvido ends this March. Their costly and long journey to Bogotá was in vain.

During the meetings, it became clear that the government has no contingency plan for the Ruiz family. The family's initial six-month relocation was extended for an additional three months by the UNP due to ongoing threats against the remaining family members. These threats were communicated in person to the family members that did not relocate to El Olvido. However, at our first meeting with the UNP we were told that the Ruiz family's situation after March would most likely be classified as a "humanitarian issue," which falls under the mandate of the Victims Unit. Any effort to develop a comprehensive contingency plan would be worthless without convening both institutions to a meeting together. The officials from the UNP agreed and confirmed a meeting with the Victims Unit for the following morning.

The officials from the Victims Unit were more than an hour late to the scheduled meeting. When they finally arrived, the Victims Unit was unsure whether or not the Ruiz family was registered in the very expensive and much-touted Victims Registry (Registro Único de Víctimas). After profuse apologies, the Victims Unit admitted that it was unprepared for the meeting and asked Trinidad to return to Bogotá in one week. They later called the family to let them know that the funds they requested would be available in a bank account set up for them. After another trip to a nearby city to withdraw the money, the family was shocked to find that there was no

<sup>2</sup>The location of the family is confidential. El Olvido is a false name given in order to ensure their protection.

money in the account. The Inter-Church Justice and Peace Commission had to intervene and call the UNP in order for the money to finally be disbursed. The UNP then made a point to tell the family that it was not necessary to speak with anyone but them to resolve the situation.

Now a widow from rural Colombia is forced to coordinate massive government bureaucracies just to ensure her family's security and basic wellbeing. The murders of her husband and son were lamented by government officials and echoed in international press outlets. However, it seems that the very governments that are so concerned with promoting "transitional justice" and victims' rights in Colombia are content with throwing money at the issue without doing the work necessary to ensure its effective implementation. While millions of dollars are pumped into Colombian ministries and reports are being written on the way it is being spent, Trinidad and her family are back in El Olvido fighting for justice—and for their lives—with or without the support of the government.

