

27 August 2019

**TO:**

President Ivan Duque  
Minister of the Interior  
Mayors of Albania y Maicao  
Human Rights Ombudsman  
Inspector General  
*Personero*  
National Protection Unit (UNP)

**Urgent Action: The Imminent Eviction of the Indigenous Wayuu Community of El Rocío**

As organisations with a long-standing history of working in human rights, inclusive, sustainable and just development, and the promotion of programs that address poverty and inequality in Colombia, the members of ABColombia would like call your attention to the situation facing the Wayuu Indigenous Peoples and the Afro-Colombian communities in La Guajira. The fundamental rights of these Peoples have been affected by the operation of the Cerrejón mine, and specifically the community of El Rocío.

ABColumbia is the advocacy project of five British and Irish agencies with programs in Colombia: CAFOD, Christian Aid UK, Oxfam GB, SCIAF and Trócaire. The acronym ABColumbia is an abbreviation of “*Agencias Británicas e Irlandesas trabajando en Colombia*” (British and Irish Agencies working in Colombia). The members of ABColumbia, through the collaboration with their partners in Colombia, have been accompanying the Indigenous Wayuu community and the Afro-Colombian communities in La Guajira, who are living around the Cerrejón coal mine.

Four generations of the Wayuu community of El Rocío have inhabited their territory uninterrupted for over 40 years. During this period, they have suffered two incidents of forced displacement. The first was in 1997 by paramilitary groups, and the second was in 2010 by the FARC. These acts of displacement have seriously impacted the continued existence of the community, placing it in a situation of risk of cultural and physical extinction.

Currently the community consists of 30 families, 10 of whom permanently live in the territory, including 15 children, five breastfeeding mothers and a pregnant woman. Situated just 30 metres away from the bank of the Bruno stream, the community maintains a vital physical and cultural relationship with the river. However, the extractive activity of the mine and the diversion of the lower part of the river’s course, carried out by Cerrejón, according to the denouncements, has resulted in drying out of the river. This creates a difficulty for the communities to access water, in a situation where access is already difficult for the Wayuu communities in La Guajira.

It should be recognised that this community has been occupying this land for much longer than the 10 years that the legislation requires to formally acknowledge possession. Before that Toncel Redondo, formerly Hernández, held property titles and in accordance with the regulations on

indigenous territories, her peaceful and uninterrupted occupation entitles her to the title of her territory.

It is therefore urgent that the relevant authorities carry out a detailed study of the real possession of the property in question and the existing titles. During this process, it is necessary to guarantee the permanence of the community on their land, and to protect their right to a dignified life, food sovereignty and their culture.

Equally, as victims of forced displacement considering Decree 4633 of 2011, it is important to ensure special attention is given to the rights of children and mothers who, in their vulnerable condition, would suffer a greater impact from violent eviction. We also request the provision of security for the Indigenous Wayuu community of El Rocío, and prevent the eviction from affecting fundamental rights, especially the vital minimum.

**We respectfully request the following from the institutions:**

- To the President of the Republic and the Minister of the Interior (Office of Indigenous Affairs, ROM and Minorities), the local authorities in La Guajira, the Mayor of Albania, La Guajira and Mayor of Maicao, La Guajira. Bearing in mind the establishment of the Decree 1066 of 2015 and subsequent additions, especially the duty to offer modes of protection to the communities who have been affected by violations of Human Rights. We ask you to offer security to the Indigenous Wayuu community of El Rocío, and prevent the eviction from affecting their fundamental rights, especially the vital minimum.
- To the Mayor of Albania and the Mayor of Maicao, who hold primary authority over the population and police in their respective municipalities. In agreement with the commitments imposed by the Constitution, the Law and International standards and norms, the Indigenous Wayuu community of El Rocío be guaranteed the right to remain permanently in their territory, or resettlement in a place that offers the same, or better conditions, before the proposed action of eviction is carried out.
- To the State Authorities (the Inspector General, Ombudsman and the *Personería*-Municipal Legal Office) to monitor the case of the Indigenous Wayuu community of El Rocío. Providing attention and protection measures to members of the community that may be affected by an arbitrary eviction action, if the minimum guarantees have not first been put in place for relocation.
- The Victims Unit is requested, taking into account the provisions of Law 1448 of 2011 and the fact that the Wayuu community of El Rocío are victims of the internal armed conflict, to provide guarantees of non-repetition. Given that to carry out an arbitrary eviction against this community, would in practice imply a new forced displacement, this time by state agents.
- Regional Ombudsman of La Guajira, the National Office of the Attorney General and Municipal Personnel of Albania. To consider the functions established by the Political Constitution and the Law for each of these institutions and the Relevant directive 02 of 2017 of the Attorney General's Office.
- Unit for the Care and Integral Reparation of Victims (UARIV), bearing in mind the establishment of the Law 1448 of 2011. To consider the reparation measures, satisfaction and guarantees of non-repetition, for the victims of the internal armed conflict.

Yours sincerely,

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