

**PERMANENT PEOPLES' TRIBUNAL  
SESSION ON TRANSNATIONAL ENTERPRISES  
AND THE RIGHTS OF PEOPLES IN COLOMBIA**

**2006 - 2008**

**Second Hearing  
Medellín, Colombia  
November 10 and 11, 2006**

**JURY'S DECISION**

**I. INTRODUCTION**

As a part of the open session by the Permanent Peoples' Tribunal on transnational enterprises and the rights of peoples in Colombia –and continuing with the hearing carried out in Bogotá on April 1 and 2 of this year that examined the conduct of several transnational food enterprises-, on November 10 and 11, 2006, a second hearing took place in Medellín, Colombia, in which many reports were received implicating transnational enterprises (TNEs) dedicated to mineral extraction.

A preliminary hearing was held on August 15 and 16, 2006, in Santa Rosa del Sur (Department of Bolívar), epicentre of one of the gold mining areas most coveted by transnational enterprises. At this hearing, many miners and peasants spoke out against both the effects and the prospects of gold exploitation by transnational enterprises, already visibly allied with paramilitary structures.

The Permanent Peoples' Tribunal designated as judges the Italian jurist FRANCO IPPOLITO, who presided over the hearing and is currently magistrate for the Supreme Court of Justice in Italy, former member of the Superior Council of the Magistracy, and member of different Italian and European associations of democratic magistrates; and the

academic MIREN ETXEZARRETA, professor of development economics and political economics at the Universidad Autónoma, Barcelona, and active in social movements in Spain and other parts of Europe.

The Colombian joint judges were indigenous leader ABADIO GREEN, former president of the National Indigenous Organisation of Colombia (ONIC) and the Indigenous Organisation of Antioquia (OIA), Coordinator for the Indigenous Education Programme at the Universidad de Antioquia, and member of the specialist team for the Ten-Year Education Plan designed by the Colombian Ministry of Education; and academic FRANCISCO LAFONT, labour law professor at the Universidad Libre and the Universidad del Externado in Colombia and an academic on mining issues.

The hearing included the presence of 350 persons coming from different regions of Colombia, especially from those places most affected by the presence of transnational enterprises dedicated to mineral extraction.

Careful contextual analysis, with rigorous documentary support, was presented during the hearing that allowed the most significant characteristics to be grasped concerning the impact of transnational mining enterprises on the political economy of Latin America – particularly in Colombia- as well as their positioning within the institutional framework, national legislation, and the social, political and armed conflict in Colombia.

A well-documented relationship was also presented on the development of the paramilitary strategy by the Colombian State (from its origins to the present).

## **II. CASES PRESENTED AT THE HEARING**

The accusations revolved around the responsibility of the enterprises DRUMMOND, CEMEX, LADRILLERA SANTAFÉ, HOLCIM, MURIEL, GLENCORE-XTRATA, ANGLO AMERICAN, BHP BILLINGTON, ANGLO GOLD, in cases supported by social organisations organising the Tribunal's hearing on mining.

1. DRUMMOND INC. and DRUMMOND LTD. were reported for the murder of the union leaders Valmore Lacarno Rodríguez, Víctor Hugo Orcasita Amaya, and Gustavo Soler Mora.

It was stated that the accused parties employ the services of the Colombian military to protect their mining installations and railway track in Colombia. In exchange for these services, Drummond Inc. and/or Drummond Ltd. offer compensation to these military personnel. And, as is well known, a significant number of these military personnel also operate as paramilitary personnel in Valledupar and other parts of Colombia.

Furthermore, Drummond Inc. and Drummond Ltd. allowed known paramilitaries to freely enter their mining installations in Colombia. The companies provide these paramilitaries with supplies, including fuel, and officials from these enterprises maintain regular contact and meetings with paramilitaries.

Employees from the accused companies, apparently with full knowledge, reportedly aided and instigated the paramilitary forces that murdered the workers Locarno, Orcasita and Soler by giving them financial support, different provisions, and access to company installations, which contributed to the paramilitary forces being able to murder these workers.

2. CEMEX, LADRILLERA SANTAFÉ, and HOLCIM, are being held responsible for the persecution and extermination of the union SINTRAMINERCOL. These enterprises have reportedly contributed to different acts of legal and physical persecution, threats, attacks, and psychological pressure against the workers. This is done so the workers stop reporting on situations implicating the enterprises, as well as give up their fight for union rights. Likewise, reference was made to the weakening job security for workers. Special importance is placed on the acts related to the security of the union's president, who on different occasions was victim of surveillance and persecution, including attempts on his life.

3. The accusation against MURIEL MINING CORPORATION holds it responsible for the violation of the territorial rights of the indigenous, Afro-descendant and mestizo communities, as well as the self-determination of the right of peoples, culture, and cosmovision. Likewise, there is the intentional omission of the State and the TNE to carry out a preliminary consultation on the implementation of large-scale development projects that affect or impact these communities. Additionally, focus was placed on the benefits the TNE may derive from the systematic sequence of crimes committed by the paramilitaries over the last ten years with the support of the public force operating in the region of the

Lower Atrato and Urabá (Departments of Antioquia and Chocó).

In this area, a large-scale mining project called the North Mandé Project is being carried out by the Colombian government (through INGEOMINAS, the Antioquia Governor's Office, and Muriel Mining Corporation) to exploit and commercialise the copper reserves and the gold and molybdenum by-products found in the municipalities of Carmen del Darién (Chocó) and Murindó (Antioquia). These non-renewable resources are found in most of Colombia's western mountain range and are part of the so-called Batolito de Mandé.

It was stated that over the last ten years the paramilitary structures have carried out a model to repress (collective devastation), to control (population and property, siege, and selective persecution), and to occupy territory (logging and natural-resources exploitation, agro-business, infrastructure projects for the world market, and the mental and spiritual de-territorialisation of peoples and communities). It was mentioned that this has been achieved through joint operations carried out by the army and paramilitary groups, such as Operation Genesis in 1996 and Operation Atrato Storm in December 2002.

4. The accusations concerning GLENCORE-XTRATA, ANGLO AMERICAN, and BHP BILLITON, were divided into two cases. The first case relates to the impact of the mining exploitation on the communities in the surrounding area, and the second to the massacre and forced displacement of members of the Wayúu community from Bahía Portete. The first case placed emphasis on the strategies used by transnational enterprises –in alliance with the State- to gain control of the ancestral territories of the indigenous and Afro-descendant communities and on the consequent violation of their rights to territory, clean environment, health, education, housing, work, food, culture, and free circulation, which brought about the destruction of the social fabric in general.

In connection with the case of the Wayúu community from Bahía Portete, the enterprises were reportedly responsible for murders, disappearances, forced displacement, and the attempt to seize the strategic natural port located in this territory, by way of financing and controlling State security agencies such as the army and police.

Likewise, denunciations were made concerning the impact of the environmental contamination generated by the transport of coal to the port.

5. Currently, the transnational enterprises ANGLO GOLD ASHANTI (AGA), KEDAHDA S.A. ANGLO GOLD (its subsidiary in Colombia), and KEDAHDA, have presented requests for licensing contracts (through SOCIEDAD KEDAHDA S.A.) in 21 departments for a total of 2,114 licensing requests. The departments with the greatest number of requests are in the following order: Antioquia, Bolívar, Cauca, Nariño, Chocó and Huila. In only the departments of Antioquia and Bolívar, these licensing requests surpass 2.3 million hectares. The amount could surpass four million hectares in all of Colombia, if it is taken into account that these two departments represent only 32% of the current licensing requests.

According to known and reported cases, during the period from between 1988 to 2006, 330 persons were the victims of extrajudicial execution in southern Bolívar, while 88 more were tortured and another 80 detained and disappeared. This situation has remained as such. As a recent example, it was mentioned that on September 19, 2006, members of the Nueva Granada - Bagra Anti-Air Battalion murdered the leader ALEJANDRO URIBE, member of the board of directors of the Bolívar Miners Association, affiliate to the Agriculture and Mining Federation from Southern Bolívar (FEDEAGROMISBOL), and president of the neighbourhood action board from the rural community of Mina Gallo (municipality of Morales).

Likewise, the TNE has reportedly benefited from the crimes executed by the paramilitaries since 2001 against the inhabitants and indigenous people in the region of the municipality of Quinchía, Risaralda. Furthermore, the justice system was reportedly used to persecute communities in the midst of processing requests by the TNE for licensing contracts. Additionally, the exploitation processes began by violating the right of indigenous peoples to be consulted.

6. As a general context and with a background similar to those previously mentioned (including a harsh process of repression and abuse), reference was made to the evolution of the enterprise FRONTINO GOLD MINES, which was declared bankrupt. Nevertheless, the long fight of the workers allows the chance that this enterprise may be jointly run by the workers and those retired.

### III. GENERAL CONSIDERATIONS

The prosecuting counsel indicated that the *modus operandi* of the accused enterprises includes four methods: benefiting from the repression as a mechanism to guarantee their mineral exploitation processes; the use of the military forces and police national as a part of its security department; adjusting national legislation to the interests of the transnational; and blocking territories as an act of dispossession.

These elements in and of themselves represent the existence of generalised, systematic acts designed to promote processes of generalised fear (even terror) and the rupture of the social fabric in the agricultural and mining communities. These dynamics, as well as some crimes in particular, have tried to destroy the social resistance process by imposing the reported type of mining resources exploitation.

In regards to the definition of a mining policy detrimental to the interests of the Colombian people, the responsibility of the Colombian State was also mentioned, inasmuch as it allowed the resources derived from the mining to be extracted almost exclusively to the benefit of the multinationals.

**1. Subordination of the rule of law to TNEs.** In the words of the prosecuting counsels and witnesses heard by the Tribunal, emphasis is placed on the institutional abuses as well as the proper roles of the constitutional rule of law, founded on obligations and responsibilities as regards citizens and especially the guarantee of life and fundamental rights.

Some institutions, which should have the duty to regulate and control actors in the economic life, have instead systematically subordinated the State to the interests of powerful economic groups.

Non-episodic cases have been indicated in which transnational enterprises have paid the State to deploy the army to control parts of the country where these enterprises have substantial economic interests. On the one hand, this constitutes a purchase of security by those who can afford to do so, and on the other a privatisation of the military forces and national police, which means employing a public institution for private interests.

Reportedly, unions and other social organisations have been systematically dismantled, which also included the murder of their leaders, with substantial indifference shown by State institutions.

All of this seems to be a symptom indicating the complex subordination of the rule of law to the interests of powerful economic groups, with the grave risk of turning the rule of law into fiction and mere appearance, while the State machinery contributes to perpetuating violence as a method to control society, dynamics, and desires for democratic change.

**2. Cooperation with the emergence of paramilitaries.** With this reasoning, emphasis was placed on how the Colombian State –by way of laws and decrees- created and facilitated the consolidation of paramilitarism in Colombia by establishing ways to organise the population’s involvement in the armed conflict through security cooperatives and informant networks. The State has also created legal instruments –through the passage of laws- to seal the impunity of the crimes against humanity perpetrated by these groups, even achieving the consolidation of their economic, political, social and military control. In areas of natural resource exploitation, evidence has been provided on the use of paramilitary groups by TNEs that benefit from the impunity.

**3. Subordination of public resources to private interests.** Code of Mines, Law of Oil, and Environmental Legislation. As regards implementing these ways of mining exploitation, the Tribunal’s attention is drawn to the fact that legal adjustments have been imposed –with the consent of successive governments- that openly favour national monopolies, multinationals, and transnationals, to the detriment of popular sovereignty over natural resources, human rights, and the economic, social and cultural rights of the majority of the Colombian population.

There has been documentation of private-sector professionals, linked to the legal and economic interests of the mining TNEs, being designated to reform the Code of Mines. This has resulted in reducing –and even eliminating- the benefits for the State and Colombian population as a whole and disproportionately increasing the profits of the TNEs. In particular, a lawyer from the multinational Conquistador Mines, which had and has interests in the gold mines in the southern Bolívar, has reportedly drafted the proposed Code of Mines of 1996. Lawyers from the cement companies Holcim, Cemex, and Ladrillera Santafé, have also reportedly planned, advised, and regulated Law 685 of 2001.

Additionally, lawyers from oil transnationals have reportedly drafted the new legislation for this sector, which has resulted in altering all the structure in matters regarding the environment, taxes, and foreign investment. These legislative initiatives have counted on “aid” from the Canadian cooperation agency (CIDA) and enterprises based in Colombia, which presently benefit from more than 60% of the new mining and oil contracts. This demonstrates a grave subordination of the public sphere to private interests.

Moreover, it is adduced that the rights to the ancestral lands of indigenous persons and Afro-Colombians are gravely limited. Mining resources are turned over in perpetuity –and justice is privatised- as all litigation is subjected to arbitration tribunals that always rule in favour of the multinational and falsely declare the mining industry to be of public interest, which privatises profits and spreads the burden of the losses.

**4. Forced displacement and commercial exploitation of land.** As regards current, traditional patterns of land occupation and how the population relates to its natural resources, the implications of large-scale profitable mineral extraction have brought about progressive dispossessions and displacements, which have furthered the deterioration of the living conditions for broad sectors of the population and worsened the structures of inequality on a national level.

It was mentioned that there are areas where the presence of multinational enterprises has created a close link between land concentration and the forced displacement of the population. This is due to the fact that a conflict is instituted for the territorial control of strategic areas. In fact, land conflicts and violence have a long-standing relationship in Colombia. The present conflict does not seem to be an exception. Since the 1990's, the amount of foreign investment has increased as a consequence of the decrease in legal barriers; while at the same time there is more forced displacement and massacres in places with vast mineral and natural wealth. Emphasis was also placed on the coincidence that paramilitary presence is most visible in these areas receiving US military aid for the construction of military bases. The displaced population reports having lost four million hectares, which is the equivalent of one third of the cultivable land in Colombia.

Colombia offers a clear example of the dynamic between land concentration and violent conflict. This is demonstrated by the cases analysed in this tribunal. Territorial occupation and expulsion of the civilian population are war strategies adopted by the transnational

enterprises to clear territory, enlarge their areas of control, and violently appropriate land, by employing and financing paramilitary groups –and the very State forces- for that purpose.

Within this framework, the displacement of the population also seems to be a low-cost strategy to occupy land. Peasants, indigenous persons, Afro-Colombians, and miners are limited in their ability to adopt measures of protection, which has made them the target of threats by officials from TNEs, military forces and national police, and paramilitaries. This situation is worsened in areas with a guerrilla presence. The control of prime natural resources (such as water) and the prospect of future mining and road projects, among other projects, have also promoted the violent appropriation of land.

**5. The ancestral territory of indigenous peoples at risk.** The testimonies, presented by the representatives of indigenous peoples, demonstrated that the knowledge of the grandmothers and grandfathers from the different communities and peoples of Abya Yala –and in dialogue with other peoples from throughout the world- conceives the earth as our mother. This knowledge also recognises that all living beings are the earth’s daughters and sons, because they depend on her at every moment in their lives and because the structure of the human body is the same as that of the Earth. Consequently, these communities and peoples consider that she must be protected, because she is as much in the very body as in the air that is breathed, the water that is drunk, the warming sun, and the plants and animals that provide nourishment.

These indigenous communities and peoples express that the life of all beings on the mother earth are presently put at risk by the presence of multinational enterprises from “First World” countries that have been carrying out the extraction of natural resources, mines, and hydrocarbons. In this regard, indigenous peoples now want to speak to the world to spread the message that all living beings depend on the earth. This is why they take pleasure in hearing non-indigenous voices of protest from throughout the world in the defence of the mother earth. In order for the world to return its gaze upon herself, commercial and consumer thinking should be changed for a manner of thinking that is sustainable, lasting, and equitable.

The principal difference with the indigenous peoples is that this manner of thinking does not come from the minds of their leaders; rather it comes from the thousand-year-old

wisdom held in their words. And it is through these words that they understand their role in this society. This is why the powerful sectors of savage capitalism, which look at nature as their enemy, need to respect ancestral territory as it protects all beings equally.

**6. Effects of the transnationals on the environment and health.** In the hearing, it was stated that the redirecting of the water flow, the mass movement of land, and the ongoing explosions in the areas of mining exploration and exploitation, affect the ecosystem and the serenity of the population. It was also stated that deforestation not only affects the habitat of hundreds of species (many close to extinction), but also affects the maintenance of an ongoing water flow from forests to other ecosystems and urban centres. Additionally, the enormous consumption of water required by mining activity generally reduces the water table of an area, even drying up water wells and springs. Water ends up contaminated with toxic material, which may continue for hundreds –and even thousands- of years.

The dangerous chemical products used in the different phases in the processing of metals – including cyanide, concentrated acids, and complex alkaline substances- end up in the sewer system. The alteration and contamination of the water cycle has very grave effects on the nearby ecosystems, and is especially damaging to forests and persons.

Even if it is true that the environmental impact of large-scale mining has not been considered, its consequences are becoming apparent for the health of the communities through grave affectations to the skin, lungs, hearing, and sight. Additionally, the grave health effects caused by coal dust were indicated. Furthermore, there is the high amount of malnutrition caused by the destruction of the agricultural sector.

Desertification was also mentioned, as well as other grave environmental consequences caused by extensive open-pit mining exploitation, which is also in the process of expansion.

**7. Deterioration of labour conditions and the persecution of unions and social movements.** A common, characteristic element in the reports presented before this Tribunal against transnational enterprises is the comparative advantage in the wages of the work force in countries such as Colombia in relation to the countries of origin of the TNEs. This is the result of establishing precarious labour conditions and prior weakening and

destruction of union organisations through threats against and the murder of these organisations' leaders.

Union persecution is made more evident and dangerous for the life of the workers who speak out against atrocities and violations to human and labour rights (violations they are subjected to by the TNEs' security personnel and management). All of this occurs in the framework of implementing the development model proposed by multilateral banks, which considers union organisations to be a negative element and alien to the work market.

**8. Complicity and collusion of the international institutions.** As far as the documents provided and the testimonies received, notice is taken of the close collusion of the policies imposed by the international institutions favouring the interests of the TNEs. The demands of IMF or World Bank adjustment programmes, under the imperative of fulfilling debt obligations, pressure countries like Colombia to put into practice policies favouring the growth and profits of these enterprises. These policies also end up facilitating the unregulated and unrestrictive operation of TNEs in the pursuit of their interests, in addition to deepening inequality and the deterioration of living conditions for the working class, particularly the poorest sectors. Furthermore, the export of mining products also tends to be strongly stimulated by the influence of the WTO (in spite of the more recent difficulties in being implemented), preparation for the proposed FTAA, bilateral treaties of foreign relations, and even some of cooperation agreements.

It has been demonstrated that World Bank investment policy, the increasingly pro-free trade WTO, and other supranational treaties, as well as the IMF financial demands, end up being powerful instruments for the studied TNEs, rather than for the country's development and the population's wellbeing.

**9. Sense of development and development models.** The testimonies and documentation received in this hearing clearly demonstrated the existence of very distinct conceptions of what is presumed to be the development of a country and its peoples, in addition to being different than what is considered to be development by the leading academic centres and institutions from throughout the world.

It no longer only concerns the traditional, known distinction between growth and development, but also the profound diversity of how the communities understand

development, and the need to adapt these variations in terms of total parity for these different approaches so as to lead towards an alternative society.

The presentations have clearly demonstrated that mere material wealth, as well as the actions required to obtain this wealth, are not considered and evaluated in the same way by all communities. In this regard, emphasis should be placed on the relevance of approaches by indigenous and Afro-Colombian communities.

As far as what was proposed in the session, the need arises for a profound and ongoing reconsideration of development concepts and the recognition of wealth, which presumes the existence of diverse development concepts (corresponding to maintaining the social biodiversity).

Additionally, it seems that even the efficiency of these TNEs can be questioned in terms of the Western concept of development of a country. Since their strategies are oriented to achieving rapid, accelerated short-term profit, they often presume the depredation of resources, environment, and sustainable systems of production for long-term development. In this context, emphasis is placed on the degradation of the workers and the population in general due to their vastly unjust labour and social conditions.

**10. Increasing inequalities, poverty, and enormous suffering for persons.** In all of the testimonies there are elements demonstrating that the operation of TNEs causes an increase in inequalities, poverty, and deterioration in health and living conditions, which encourages enormous suffering for broad sectors of the population.

In terms of the documentation provided, it is noted that the operation of the analysed enterprises does not even provide material wellbeing; rather it condemns substantial parts of the population to abject poverty. The degradation and destruction of the environment, the profound deterioration of the workplace, and joblessness, bring about an exaggerated worsening of family economics. If the deterioration to health and living conditions is also included, as well as the scarce amount of public services, the affected population is seen to be condemned to an increase in poverty and frequently grave abject poverty.

There is no increase in available material wealth (neither private, nor public), and there is even less advancement towards development. To the contrary, there has been a

dismantling of the traditional ways of living and a dispossession of the native populations from their resources and systems of production and consumption. In this regard, the TNEs have caused material abject poverty and the devastation of thousand-year-old systems of life, which are also competent for alternative development concepts.

The transnational enterprises establish themselves in territories by carrying out different kinds of violence and creating privileged sectors for those submitting to their concept of development. Nevertheless, the TNEs also create much larger sectors of uprooted persons and victims whose immense suffering and destruction were directly referred to in this hearing by witnesses with moving accounts, which we can only record with deep sorrow and indignation.

#### **IV. EVALUATION**

The acts and evidentiary elements presented before this Tribunal provide sufficient elements to strengthen the accusations concerning the responsibility of the TNEs in crimes against humanity, since the acts listed in the second part appear to reveal the systematic character of these crimes.

The hearing also demonstrated human rights violations by Colombian authorities and armed paramilitary groups that operate in Colombia (in contrast to international agreements signed by Colombia, beginning with the Universal Declaration for Human Rights and International Pacts on economic, social and cultural rights).

There are also violations to the provisions from the Algiers Declaration on the rights of peoples, which will celebrate its thirty-year anniversary in Rome next month and constitutes a significant parameter for the trial by the Permanent Peoples' Tribunal.

All States have the duty to specifically guarantee human rights, maintain order, and guarantee the security of all of its citizens throughout its territory. The State may even be declared responsible in the violation of international conventions, if it is verified that there are groups of private citizens or paramilitary groups in any part of its territory.

During the hearing, prosecuting counsel and witnesses spoke out against the extensive impunity, especially concerning the conduct of the TNEs and paramilitary groups.

Nevertheless, the Tribunal was not able to go into the actual role played by justice system in the reported cases. Therefore, total attention is essential for the investigation to continue on the role of the judiciary so that the Permanent Peoples' Tribunal can express its opinion in the deliberating session.

However, what the Permanent Peoples' Tribunal has stated in its jurisprudence on other occasions in relation to impunity may be confirmed at this time.

As regards the documented reports of grave violations to human rights (and especially the right to life and the right to live in one's birthplace or place of choice), States and society have obligations in relation to the truth and memory so as not to forget the crimes that have occurred and to punish the authors of these crimes. This is the premise for re-establishing citizens' trust in institutions.

International law safeguards the right of citizens to justice, which corresponds to the State's obligations of ensuring the functioning of the justice system by way of effectively independent judges and courts that try and fulfil the law. If human rights violations are not condemned, and the responsible parties are not tried and sentenced in accordance to the rules of due process, the rule of law does not exist.

The impunity of the crimes constitutes in and of themselves a human rights violation. The State is not allowed to renounce the duty to investigate, try, and punish, by way of amnesties or other practices establishing impunity.

Any act that promotes forgetting or not punishing the crimes is unacceptable ethically and legally. Therefore, the Permanent Peoples' Tribunal supports the creation of an impartial and independent body to establish the truth concerning what has happened over the last decades.

In this regard, the Tribunal gathers the victims' plea to not be left alone, as well as the scream of indignation by a witness, who said: *So it doesn't go unpunished! So a crime against humanity never again goes unpunished!*

By reasons of the foregoing, the jury members of this hearing take on as their own the documented accusations that have been presented and request the deliberating session of the Permanent Peoples' Tribunal on TNEs and the rights of peoples in Colombia to verify the responsibility of the accused TNEs and the Colombian State (as the responsible parties for crimes against humanity) and examine their complicity in these same State-sponsored crimes, which come out of these enterprises' corporate headquarters.

As a conclusion to this very intense hearing and the reading of the jury's decision, the Tribunal feels the need to thank everyone who has made this event possible, and above all the persons that, responsibly and courageously, have presented the accusations based on solid evidence and testimonies of the acts, which has allowed the reconstruction of what happened and, through their words, revived the suffering and pain caused by these dramatic acts.

The Tribunal must also thank all of the assistants to the Hearing for their ongoing, quiet presence, though attentive and involved, as representatives of the collectives and peoples, and as a part of the broad, committed movement in the fight to impede all attempts to forget, sustain the demand for justice and truth for the victims, and encourage institutions to seriously consider human rights.

The judges learned that when a movement emerges to fight against injustice and inequality, international human rights conventions and national constitutions are no longer mere paper documents concerning rights, rather they become instruments for personal and social demands and democratic change.

Lastly, the jury expresses the profound impact it has felt from realising that, in spite of the very tragic situation, there is a potent resistance to injustice, a firm decision to continue to work for a transformation of society, and a desire to cooperate with other groups and peoples that pursue these same objectives. We wish to express to the world and speak for the optimistic feelings that come out of the demonstrated will to fight, which may only lead to immense hope.

**Medellín, Colombia**

**November 11, 2006**