



Attacks, criminalization and killings of grassroots activists



Hidroituango Hydroelectric Project



Colombia



Hydro



IDB/IDB Invest, BNDES, KfW Ipex, ICBC

On May 8, 2018, Luis Alberto Torres Montoya, a father of three, was shot and killed by several unknown attackers while panning for gold in the Cauca river canyon region of Colombia.¹ Torres was a member of the Movimiento Ríos Vivos Antioquia (MRVA), a network of Colombian environmental, campesino, and community groups which came together to oppose the Ituango Hydroelectric Project.² The week before, attackers shot and killed another MRVA member, Hugo Albeiro George, along with his young nephew, hours before he was to attend a protest against the dam.³

Hidroituango, as the project is commonly known, is owned by the local Government of Antioquia, Empresas Públicas de Medellín (EPM), and minority private shareholders. The project was initiated in 2009 to be the nation's largest hydroelectric dam.⁴ Public opposition to Hidroituango grew as communities began to learn of the project's likely impacts. Communities were concerned that the dam's 49 mile-long reservoir would flood an area of 11,120 acres — negatively impacting the livelihoods of many of the 180,000 people who live in the municipalities along the river and who depend on it for farming, artisanal mining and fishing.⁵

In 2008, community members formed an association, later known as Movimiento Ríos Vivos Antioquia, to mobilize against the evictions and the dam and to demand respect for their rights. Distrust of the project stems from the region's history of intense violence during Colombia's internal armed conflict.⁶ The 12 municipalities directly affected by the project experienced 62 documented massacres, hundreds of forced disappearances, and over 14,000 forced displacements.⁷ Still today, the Colombian Ombudsman's office characterizes the dam area as having high rates of violence, forced displacement and complex interplay between the FARC, the government, and other armed actors.⁸

One critical concern was that the dam would submerge the unmarked graves of hundreds of victims of the

war, obstructing family members' ability to locate and pursue justice for their loved ones.⁹ Communities demanded the identification of all the bodies in mass graves, organizing peaceful protests, public debates, legal actions, and international advocacy.¹⁰ As they spoke out, threats, harassment, and violent attacks intensified.¹¹

Dam construction began in 2009, and community members estimate that 700 families have been affected by 11 different evictions to date.¹² Many of these families had previously been displaced by the armed conflict.¹³



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Forced displacement of families in 2015.

In 2012, evictee Piedad Mazo, an opponent of the dam, was threatened, while her son, also an opponent, was killed.¹⁴ Despite the significant public opposition and the history of conflict in the area, in October of 2012, the Inter-American Development Bank (IDB) approved a US\$2 million technical cooperation package to help structure the technical, financial and environmental aspects of the dam project.¹⁵

In 2013, 400 people displaced by Hidroituango sought refuge in the local university for eight months demanding protection for their lives and respect for their homes and livelihoods.¹⁶ That year, evictee and MRVA member Nelson Giraldo Posada was found shot dead on the banks of the Cauca River.¹⁷ Robinson Mazo, another MRVA member was also killed.¹⁸ As the project advanced and violence increased, communities appealed to the Inter-American Commission on Human Rights and the Colombian Congress.¹⁹ Both the Colombian Ombudsman's Office and UN experts have documented the fact that members of MRVA are not freely able to express their opinion and have been victims of stigmatization and repeated threats.²⁰ In September of 2013, the National Unit of Protection was ordered to establish security measures to protect Isabel Zuleta, an MRVA leader, and other members.²¹ In 2014, a risk report by the Ombudsman highlighted that defenders speaking out about Hidroituango were subjected to repeated illegal detention as a form of intimidation and threat.²² Yet investment continued.

In April of 2016, the Brazilian national development bank (BNDES) lent EPM US\$111.4 million for the importation of equipment for Hidroituango.²³ In August of the same year, Export Development Canada provided approximately US\$135 million in financing for the dam.²⁴

In July 2016, activists sent a request for information to the IDB's private sector arm, the Inter-American Investment Corporation (IIC), but did not receive a response.²⁵ Four months later, MRVA and other local organizations wrote to IIC, summarizing the project's negative environmental, social and human rights impacts, including the threats and attacks.²⁶ They did not receive a response. Later that month, the IDB Group approved \$400 million in financing, plus a \$700 million syndicated loan, including \$50 million from the China Co-Financing Fund for Latin America and the Caribbean (CHC).²⁷ While the IIC's project review clearly indicated a risk of mass displacement, it failed to analyze the human rights risks related to ongoing conflict in the project area and the well documented

Activists bury themselves in sand in protest against the flooding of human remains.



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risk of reprisals against local activists and community members.²⁸ IDB Invest states that it recognized the “complexity of the project as well as the possibility that some groups opposed to the construction of this type of project in general would emerge,” and that for this reason undertook especially rigorous due diligence.²⁹

For years, concerned citizens supporting MRVA challenged the legality of Hidroituango's permits and environmental license through litigation. Some of these cases are still pending. On September 19, 2017, MRVA organized a performance protest on a bridge over the Cauca river, known as the place where armed groups dispose of their victims' bodies.³⁰ Two hundred supporters watched as 30 protesters buried their bodies in sand to call attention to the flooding of mass graves.³¹

In early 2018, IIC, by then called IDB Invest, announced consolidation of a US\$1 billion loan package for Hidroituango, which, in addition to the investments by IDB Group, included a \$650 million B loan from commercial banks and institutional investors, including the Canadian pension fund CDPQ, the Industrial and Commercial Bank of China (ICBC), and Germany's KfW IPEX.³² In mid April, 2018, IDB president Luis Moreno visited the Hidroituango project site, lauding its progress and contribution to development.³³ “...[W]e managed to bring a group of partners who had never invested in



Puerto Valdivia residents evacuated due to dam failure 2018.

Colombia and who did not know where Medellin was,” said Moreno. “Now they are pleased to be part of this project.”³⁴

In April and May, landslides due to rain, coupled with severe structural failures at the dam site, led to a blockage of one of the dam’s deviation tunnels, which together with the collapse of a second tunnel, resulted in extremely high water levels in the reservoir and a forced deviation of the Cauca River; this triggered a flood that knocked out bridges and destroyed dozens of homes, affecting thousands of people.³⁵

The government eventually ordered the evacuation of five affected towns, leaving 8,000 to 12,000 people in makeshift shelters.³⁶ Technical experts hired by the Ministry of Environment have found that the dam is not structurally sound and presents an ongoing risk, creating long-term insecurity for downstream residents.³⁷

Since 2012, through the power struggles surrounding the Peace Accords and subsequent to their signing, violence has escalated in Ituango and other conflict zones of Colombia.³⁸ At the same time, activists have noted a correlation between key moments of activity in the dam project and attacks against activists.³⁹ As the flood crisis reached a head, so did attacks, including the killing of Alberto Torres and Hugo Albeiro George in May 2018. In all, two MRVA leaders, and six relatives of leaders, were killed in the Ituango region during 2018.⁴⁰

Between 2013–2018 MRVA documented a total of 151 threats and attacks.⁴¹ This includes 63 threats, two attacks with explosives, two cases of torture, 26 cases of trumped-up criminal charges filed against activists, two episodes of mass detentions during protests against the project, as well as cases of harassment, public defamation, discrimination and surveillance.⁴² On the first of June 2018, Colombia’s national environmental authority ordered the suspension of

all non-essential operations at Hidroituango until completion of a range of studies to assess the structural soundness of the dam, essentially suspending its environmental license.⁴³ On the 5th of June, communities affected by Hidroituango led by MRVA, with the support of the Center for International Environmental Law (CIEL), the Interamerican Association for Environmental Defense (AIDA) and International Accountability Project (IAP) filed a complaint with the IDB’s independent accountability mechanism, the Independent Consultation and Investigation Mechanism (MICI).⁴⁴ Five days later, MRVA denounced the “situation of imminent risk to life and physical integrity” of two of its members, one of whom was forced to relocate with his family due to threats.⁴⁵

In an August 2018 statement in response to the complaint, IDB Invest reiterated its commitment to human rights and characterized the killings as part of a general and indiscriminate escalation of violence in the region, maintaining that the project is in full compliance with IDB’s social and environmental standards.⁴⁶ KfW has similarly attested that the project is in compliance with the International Finance Corporation’s Performance Standards on which KfW’s Sustainability Guidelines rely.⁴⁷

That same month, the Comptroller’s Office of Colombia released a scathing 442-page compliance audit on Hidroituango finding numerous irregularities in the environmental license and resettlement approach. The Comptroller found the dam lacked an adequate rain emergency plan, the necessary mechanisms to oversee and manage technical operations, and a system to guarantee accurate identification of affected persons and monitoring of compensation and resettlement.⁴⁸

In December, MRVA declared 2018 the worst year in terms of attacks against affected communities and opponents of the project, citing 108 different cases, ranging from discrimination to killings.⁴⁹ Announcing a lawsuit against the Government of Antioquia for “harassment, stigmatization and discrimination,” MRVA argued that stigmatization and inaction by public officials “encourages and condones the attacks by legal and illegal actors in the territory.”⁵⁰

On February 5th, 2019, Hidroituango’s final gate was closed, reducing the flow of the Cauca river to less than one-fifth its normal average, devastating fish populations and the communities that depend on the river for their subsistence.⁵¹ The same week, the Government of Antioquia reportedly banned protests in the towns downstream from the dam.⁵²

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