



Peace and... Justice for Colombia

Campaign for life, justice and freedom

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REFLECTIONS ABOUT COLOMBIA'S POLICY CONCERNING CRIMINALS AND THE TREATMENT OF WOMEN PRISONERS

a glimpse from a woman on the inside...

by Lilianny Obando, Political Prisoner.

Although we women have struggled throughout history to reach better living conditions, dignified work, acknowledgement, and social and political inclusion, still we must suffer vestiges of a patriarchal and sexist society that does not recognize our role in society. It is a reality that things are getting worse for us women who find ourselves deprived of our liberty.

The Policy Concerning Criminals, the penitentiary and prison code and regulations, are constituted as if the prisons held a completely homogenous male population. Without including a look toward the human rights or a perspective of that kind in these matters, this policy can hardly guarantee the respect for our specific requirements as women. There is no comprehension that our rights and practical interests and strategies as women are not always the same as those of the men, although we share the reality of incarceration. For this we see a physical prison infrastructure and a uniform regiment intended for men that does not recognize our necessities and rights as women.

Additionally, there exists, also, as a faithful reflection of an unequal society and an anti-democratic regime, a deferential treatment for some prisoners over others. There is a scheme of privileges for some, such as the "white collar", the para-politicos, the paramilitaries, and the mafiosos. In turn, for the social prisoners, and especially for the political prisoners (of the opposition), the treatment in prison and the administration of justice is one of privations, exclusions, and the denial of our most elemental rights.

THE POLITICAL PRISONERS

In Colombia there are more than 7,200 persons imprisoned for political reasons. We are men and women who, for having opposition ideas about a distinct kind of society, and who, for struggling from within different spaces to raise up our demands before an unjust system, are deprived of our liberty. Although behind bars, we continue being considered by the State that administrates this justice and these jails, as the "internal enemy" that they must persecute.

In the cell block of the political prisoners of the National Penitentiary for Women, an isolated and high security cell block, we presently find some 85 women. We are women of different social backgrounds; women of the country and city; women with different levels of formal academic training; with different experiences in the popular work; unionists, members of indigenous communities, of small farmers' and farm workers' organizations, defenders of human rights, and guerrilleras.

Many of the women that we find today in the jail have been detained in dark and massive "witch hunts"; others have been singled out and handed over by the "web of informants" who would sell their own mothers in order to obtain some dishonorable recompense. The great sin of many of the women political prisoners has been to work for their communities and to live in "zones of conflict".

In this way, the jails are filled by means of the "novel" instruments of the policy of "Democratic Security" from a government of fascist courts that criminalize the social and popular activists.

WOMEN, MOTHERS AND THE POLITICALLY PERSECUTED....

There is an element in common among at least some 90% of the women political prisoners: our condition as mothers, with an average of three children. The majority of us are “mothers who are heads of family”, that is to say, our children depend on us for their development and basic care. With our detention there are those, our children, who bear the worst part, the future of a country that remains adrift.

The differential treatment in regards to legal matters is also discriminatory in regards to our condition as women political prisoners. This is made evident when we are repeatedly denied the benefit of home detention or house arrest by which we might care for our children. Frequently, meanwhile, we see how this benefit is conceded to many male prisoners and other women who are not political prisoners. Especially, this benefit is granted to those who are “white collar” prisoners. To us, the women political prisoners, they burden us with the criteria that we are “dangers” to the administration of justice—that we are a danger to society and “repeat offenders” because we form a conscious part of the political opposition and, thus, they must judge us with severity in regards to the condemned so that we must “pay” only in a jail setting, behind walls. Our rights are thus vulnerable as mothers and especially the fundamental rights of our children, among which is the right that they not be separated from their families.

THE CHILDREN OF DIGNITY:

At this moment six minors, boys and girls, live with us. They are the children of some of the political prisoners. In accordance with the Penitentiary and Incarceration Code, these small ones can live with their mothers in prison until they have completed four years of age. And it is in this way that some of the women have with them their children, yet babies, in the moment of their detention; others were detained being in a state of pregnancy; and others have conceived their children here in the jail. Thus while their time here hurts them, these children can enjoy the love and care of their mothers, although, at the same time it means suffering with their mothers the confinement, the privations, and the bars.

The most heartbreaking experience occurs when these small ones finish their fourth year of life. This means that they must be forcibly separated from their mothers. If these mothers have family, the children remain in their hands; but if they do not have such luck, the children must be handed over for custody at the Institute of Family Welfare.¹ It is an utterly grievous scene when these children and their mothers are ripped away from each other against their will, thinking about the mothers and children and their uncertain futures. In the moment of their separation, you can only hear the screams, crying, and confused laments among those who wish these last hugs and kisses might last forever.... It is the price to pay for thinking distinctly and struggling for a more just country.

Many others of us pass through the same torturous experience when we are detained and separated from those we love most: our children. Fear, tears, and indignation in the little faces of our children: these are the last images of our last minutes of liberty.

Here in prison, with longing, we await visitation day to be able to reencounter and hug again our children. However, some do not even have this little fortune: they are impeded by their poverty and the thousands of kilometers in distance from where their families remain.

Until recently the visits of our children happened every weekend, on Saturdays and Sundays; but now, on account of these incomprehensible prison dispositions, we can only receive the visits of our children who are at least 12 years old, only one time per month, for some few hours and after our families and our small ones have had to suffer the long lines and torturous requirements in order to be permitted entrance.

¹ The Institute of Family Welfare is an entity of the Colombian State charged with the care of minors of age that have been abandoned by their parents, who have suffered maltreatments as infants, or, as in the cases of the women in prison, who are unable to be with their children while they fulfill their sentence.

VOICES OF THE HEARTBROKEN...

ROSARIO has four children in her charge. They are 14, 12, and 11 years old and the youngest is 18 months: "...my daughter of 14 years is the one that in these moments cares for the baby.... He is not showing that he can live without me, since he still should be nursing. Because of the injustice that the Law committed, they violated this right and he is staying very sick.... What I have lived through in the jail is hard and unjust and it is cruel to live without your loved ones." (RNM, Bogotá, November, 2008). LOV²

LUARNY has been in prison for six years: "They deny everything to us women political prisoners. It is a good thing to inform the people about how things are in the prison. They think that someone is in jail for being bad and not for thinking differently. If others have rights, we do, too, and our children also. They also have feelings and even more our children are better taught than many others...."

It is hard to be here when one needed to be with him.... At his three little years, my son waited for me every day in the house and would not permit anyone to close the door because he was waiting for me....

...In his first visit to the jail he hit the bars and cried and said that he was not going to go without his mommy. When he left, I began also to cry.... When he was six years old I explained to my son that this was a jail and that his mama was here not for being bad but for thinking differently and opposing the regime. And my son hugged me and said, "Mommy, I love you very much"....

I want house arrest so I can be with my son, with my family, so that this torture will come to an end, so that I can smile at them again." (RNM, January 2, 2009). LOV.

LILIANA (Not Lilianny Obando Viota): "The first day, my three year old girl arrived angry because they searched her and they tore her pants and she said that she wouldn't come back because she was afraid of the guard. She didn't want to come back. When the time came for her to leave, she cried a lot. The second time she tried to stay. She told me, "Mommy, I will stay here in bed, quietly." Then she told me, "Mommy, let's go to my house." (RNM, Marzo de 2009) LOV.

HELENA: "When my 20 month old daughter first arrived, she was angry with me. So I began to indulge her, to play with her. She just looked at me and continued being angry. When it was time to separate, it was the most horrible. She screamed and cried and grabbed hold of my neck. I felt that the love of a mother pulls more than anything else and that they and their children are one and that no one has a reason to separate them from each other. What fault is it that one has different ideals....? I cried hard and when I called her by telephone, she did not want to talk to me. I had never left her alone. She was very close to me. I left her at 17 months.

...The following day I told her that she had to go away with her grandfather because I had to stay because I was in jail. For her farewell I had to put her to sleep. Yet it was hard that way because for three days she would not talk to me.

...In six months this visit was the only time that I had seen her because my family lives far away and didn't have money to come.

...This doesn't have to be this way just because we have different ideals. We have the right to house arrest. We also have the right to have our children.... What I feel is rage that they have separated me from my daughter. The experience of these months has seemed horrible because it goes against human dignity, for all of us, especially the mothers who are heads of family. Why do they have to take away mothers' rights, to be with our children and to be revolutionaries?" (RNM, Marzo, 2009) LOV

NORA: "The most difficult thing for me has been the distance from my family, because my children and my grandchildren have never been left alone. In the thirteen months that I have been here, I have

² Testimony taken by Lilianny Obando Villota, henceforth: LOV.

only seen my youngest daughter, for a few moments, just the one time. The oldest and my granddaughters have not seen me.

...When my youngest daughter, 16 years old, came to see me, at first she couldn't enter because she didn't have her identification card. Then, when she finally came in, she tried to throw herself on me and hug me, but a guard interposed herself and impeded her. I grabbed hold of one of my compañeras and cried inconsolably to see such injustice because of the inhumane attitude of the guard. Finally, after crying, shouting, and fighting for my rights, they allowed me to hug my daughter. It was an interview of 20 minutes and for this my daughter had to travel for some 24 hours.

...I have requested home detention because I am a mother, head of family. I feel very bad because my daughters and my granddaughters are suffering emotionally and economically. If they were to give me home detention, at least I could work and, more importantly, I would be near my family.... Also I have asked for "proximity to my family"³ but neither has this been possible. My case continues and thus I am denied these benefits. I feel that they are violating my rights...." (RNM, March, 2009)
LOV

LILIANY: "In my case, I was detained by heavily armed men of the DIJIN (Colombian National Police unit in charge of intelligence and court procedures) and the DIPOL (Political Police) in front of my two children of 15 and 5 years. My son felt anger and indignation and could ascertain in the face and the little eyes of my youngest the fear the situation was producing for her. Here in the jail, my children came for their first visit. At first my daughter looked at me and didn't talk. She was angry for having been left. Little by little and with all my love and patience I was able to get her to talk to me and to return a smile a few instances. At the time of departure, she thought that she was going to stay with me and cried bitterly to discover it was not so. They had to use force to separate her little hugs from around my neck and I told her I would see her soon. She didn't understand the reason.

In her next visit, I had to explain to her that her mommy was confined in a prison and that for the moment could not return with her, and that she was not here because she had done something bad, but because she wanted a better country for her children and for others. My daughter understood in her own way, and soon comprehended that the sound of the whistle signified a new and sad farewell. Ever since, every time she hears it, she falls in my arms and begins to cry. Then, there is the farewell at the barred door, her bitter weeping, and I am barely able to contain myself, feeling a thick lump in my throat. From the moment of my detention, I promised myself that I would not shed even one tear before my jailers. Rather, my convictions and my courage would grow with the injustice.

On another occasion my little girl brought me an envelope made with her own little hands and on the inside was a letter written by her, with just two lines that broke my heart: "I miss you. I don't want you to go away without me." And my son also wrote to me saying: "Hi, Lili, how are you? First, I don't have to tell you--I am very proud to be your son and to be passing through these moments, because it doesn't make me sad, it gives my force and courage." His raised my spirits, my commitment.... Like many others of my compañeras, I am a mother, "head of family" and like so many of them I have been denied on five occasions yet, the right to home detention so that I can be able to go on caring for my children. Without legal arguments, this negative Prosecutor 19 that accuses me, with the paradox that she is another woman, obeys a clear case of political persecution and subjective and arbitrary evidence that can constitute justice in Colombia."

For us, the women political prisoners and the women "heads of families", it is clear that this vengeful treatment makes us pay with the grief of our children for our option to think distinctly and to struggle for a country with social justice. We are various generations of women who could not escape a country at war and thus, although behind bars, we make ourselves heard on behalf of a land at peace for our children.

³ "Proximity to Family" is a benefit that can concede to those persons deprived of their liberty that they be placed in a prison near to the place where their families live.