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QUARTERLY HUMAN RIGHTS UPDATE

January to March 2017

PBI's quarterly human rights update calls attention to critical security situations affecting the persons, organisations and communities, accompanied by Peace Brigades International (PBI), whose work in the defence of human rights results in threats to their personal safety and to the work itself. This publication is of limited distribution and cannot be reproduced without prior authorisation.

Bogotá, 12 May 2017

PEACE AGREEMENT BETWEEN THE COLOMBIAN GOVERNMENT AND THE FARC

Between January and March there was partial progress in the process of implementing the peace agreements between the Colombian Government and the FARC. The FARC moved into the Transitional Normalisation Zones and Points (ZVTN/PTN) under the oversight of the tripartite Monitoring and Verification Mechanism.

Nevertheless, in several of the ZVTN/PTN there were complaints about logistical delays, a lack of medical attention for the FARC members, but also about the insecurity generated by the presence of neo-paramilitary groups in the surrounding areas, for example at the ZVTN of Gallo in Tierralta, Cordoba.¹ Near a convoy which was transporting FARC members to Caño Indio ZVTN, North Santander, in February, the local population denounced the presence of 50 armed men who identified themselves as members of the 'Black Eagles' neo-paramilitary group.² The United Nations Office of Coordination of Humanitarian Affairs (OCHA) later registered the mass displacement of the communities near the ZVTN due to threats.³

The Office of the UN High Commissioner for Human Rights (UNHCHR), in its 2016 Annual Report, highlights that the power vacuums left by the FARC after they moved out of their areas of control, and the scant or weak State presence are risk factors which – amongst other factors – have contributed to the high numbers of murders of community leaders in rural areas during the country's transitional phase.⁴

The Human Rights Ombudsman, in its Report 010-17 of 30 March, also emphasises several risk scenarios which affect not just human rights defenders, but the civilian population in general: dissidence by some of the FARC, the expansion of the National Liberation Army (ELN) and the increase in military operations against it, as well as the expansion and strengthening of the neo-paramilitary group 'Autodefensas Gaitanistas de Colombia' (AGC).⁵

LEGISLATIVE IMPLEMENTATION OF THE PEACE AGREEMENT

The Colombian Congress moved ahead in the legislative implementation of the Peace Agreement; however, by the end of March, only four of the 40 necessary legislative reforms had been approved, which led to the civil society group overseeing the process, Voces de Paz, calling for the pace of implementation to be sped up.⁶ The key process from the human rights perspective was that of regulating the Integral System of Justice, Truth, Reparation and non-Repetition which includes the Special Peace Jurisdiction, the Search Unit for Persons Disappeared in the conflict, and the Commission for Clarifying the Truth, Co-habitation and non-Repetition.⁷

National Commission of Guarantees

In February, the Ministry of Interior issued Decree 154 creating the National Commission of Security Guarantees, which puts into effect chapter 3.4 of the Peace Agreement on security guarantees. The purpose of this high-level mechanism is to fight “against the organisations [...] that attack human rights defenders, social movements or political movements or attack people who are taking part in implementing the agreements and building peace, including the criminal organisations identified as paramilitary successor groups and their support networks”⁸

In spite of the new mechanism, the Minister of Defence, Luis Carlos Villegas, denies the existence and nature of the neo-paramilitary groups.⁹ The human rights union of the Human Rights Ombudsman (Sindhep) affirmed in February that “denying the existence of paramilitarism could be obscuring the persistence of the forms of violence which are maintaining control of several parts of the country under this logic”¹⁰

Search mechanism for disappeared persons

In April, the decree regulating the Search Unit for Disappeared Persons in the armed conflict was emitted.¹¹ The round-table on Enforced Disappearance of the Colombia-Europe-United States Coordination (CCEEU) stated that the Search Unit for Disappeared Persons should be an autonomous entity and replace the National Search Commission,¹² as the latter is not considered to be functional, because its mechanisms such as the National Search Plan and the Urgent Search Mechanism have not been applied in practice.¹³

According to the records of the National Centre for Historical Memory, between 1970 and 2015, 60,630 people in Colombia were forcibly disappeared;¹⁴ and in 92% of cases the families are still waiting to hear the truth about the whereabouts of their loved ones.¹⁵ Against this backdrop, the first meeting of Latin-American Network on Enforced Disappearance was held in Colombia during the first week of April.¹⁶

The risks caused by impunity and a lack of participation by victims

Different sectors of the international community and Colombian civil society have expressed concern that the Peace Agreement's provisions do not meet international standards for transitional justice. The UNHCHR's annual report states that the Amnesty and Pardon Law (1820 of 2016) has a number of ambiguities and lacunae that undermine the central role of victims which had been given to them by the Government and FARC in the Peace Agreement.¹⁷

The report also expressed doubts about how soldiers and guerrillas are being granted conditional release without any specific criteria. These ambiguities could increase the risk that people who committed serious war crimes and crimes against humanity will benefit from impunity. Human rights organisations denounced that victims have been unable to take part in decisions granting conditional release.¹⁸ The Agreement and the Amnesty and Pardon process should guarantee the rights and participation of victims in all procedures under the law.

In January, the prosecutor of the International Criminal Court, Fatou Bensouda, warned that legislation implementing the Peace Agreement's provisions on justice, particularly on chain of command responsi-

bility, must meet the obligations under the Rome Statute. Bensouda refers to the need for clarity on how senior officers will be held responsible for crimes committed by their subordinates in the armed conflict.¹⁹

The Movement of Victims of State Crimes (MOVICE) and the CCEEU expressed concerns over several points in the final text. They underline the lack of means to investigate and prosecute third parties who took part directly or indirectly in funding paramilitary groups, because the law states that only those civilians whose participation in the commission of war crimes and crimes against humanity was "decisive" (determinante) would be prosecuted for financing paramilitarism. This limitation is an impediment to a genuine dismantling of neo-paramilitary structures.²⁰

Another worry is the restriction on the Peace Tribunal using information provided to it by human rights organisations and victims as a basis for calling to account those who are allegedly responsible. There are also concerns over the reasoning expressed during the debate in Congress, which alleged that the restrictions on using information from the organisations was needed to "prevent alleged cartels of false witnesses from functioning", which undermines the rigorous gathering of evidence by organisations and victims over many years by equating it with criminal practices.²¹

Organisations such as CCAJAR, MOVICE and CCEEU have therefore asked the Constitutional Court to conduct an exhaustive review of the Peace Agreement and the amendments made by Congress, in order to guarantee the rights of victims and the constitutionality of the legislature's actions.²²

DIFFICULT START TO NEGOTIATIONS WITH THE ELN

On 7 February, peace dialogues began in Quito (Ecuador) with Colombia's second largest guerrilla group, the National Liberation Army (ELN). This process includes significant participation by civil society which is being organised through the Social Roundtable for Peace initiative. The methodology for participation in the negotiations has yet to be defined, but it will be via regional meetings in seven places around the country which will gather proposals from different sectors of the population.

Whilst there has been progress on how the negotiating table will function, and some humanitarian agreements have been achieved,²³ the Government and the ELN have not been able to make significant advances in negotiations because of differences of opinion about the minimum agreements that must be reached before discussions can start.

Despite the peace negotiations, the violence of the conflict between the ELN and the Government has escalated in recent months, leading human rights organisations in Colombia, including PBI, to call repeatedly for a bilateral cessation of hostilities.²⁴ The ELN has increased its operations in various regions of the country like Catatumbo and Arauca,²⁵ and the National Army has launched military offensives against the ELN, which have had a negative impact on the civilian population caught in the crossfire. In Northeastern Antioquia a civilian was extrajudicially executed as he travelled on a motorcycle with an ELN commander, who was also killed by the Army.²⁶ Human rights organisations have also issued warnings about the mass detentions and prosecutions in Southern Bolivar of social leaders alleged to have links with the ELN.²⁷

Fighting between the neo-paramilitary group 'Autodefensas Gaitanistas de Colombia' (AGC) and the ELN has escalated in different regions causing mass displacements in Valle del Cauca and Choco.²⁸ The vacuum left by the FARC has been filled by these groups in many areas, whilst other areas are in dispute and the communities there are living under severe risks caused by fighting between the groups. The persistence of these armed groups has a serious impact on the safety of many communities throughout the country.

CRITICAL SITUATION FOR HUMAN RIGHTS DEFENDERS

The escalation of the attacks against social leaders and human rights defenders remains critical in the first quarter of 2017, and became so concerning that the international community made public statements on the issue. The Swedish, Norwegian, German, Swiss, UK, Netherlands and European Union ambassadors in Colombia were amongst those who reiterated their support for implementing the peace agreements between the Government and the FARC, but made clear that all these efforts would not be enough unless the lives of social leaders were protected.²⁹

Whilst figures for the number of attacks do vary, official figures by the We Are Defenders Programme show an increase in attacks in all categories, compared to the same period in 2016.³⁰

According to the programme, there were 481 attacks in 2016,³¹ of which 80 were murders and 49 attempted murders; there were 317 cases of threats, and 15 cases of arbitrary detention.³² The international organisation which protects human rights defenders, Front Line Defenders, in 2016 documented the killings of 85 human rights defenders, a number which makes Colombia the country with the highest number of murders of human rights defenders in the world.³³

In the first quarter of 2017, We Are Defenders confirmed the following number of attacks against human rights defenders: 193 human rights defenders were the victims of some kind of incident, 24% of which were women. Of these incidents, 20 were murders, 19 were attempted murders, 136 were threats and 13 were arbitrary detentions. The Human Rights Ombudsman's Risk Report on social organisations which was drafted by the Early Warning System (SAT) in March 2017, reports that 111 people "who had some degree of leadership in their communities" were the victims of killings in 2016.³⁴ The report highlights five cases of enforced disappearance and 431 threats against this group. It also warns about the risk levels of at least 310 social organisations, which include more than a dozen organisations accompanied by PBI.³⁵

According to the UNHCHR, effective investigation and punishment of the material and intellectual authors of the attacks against human rights defenders is needed to guarantee their rights and ensure they are not repeated.³⁶ Yet, by March this year there have only been four convictions for the 74 murders registered by the Public Prosecutor between 2016 and 2017.³⁷ The Human Rights Ombudsman has recognised some progress in the investigations but makes clear that impunity for the attacks against human rights defenders continues to determine their risk.³⁸ There is no progress in the investigations into nearly 3000 attacks against defenders and 400 murders of defenders which took place during the administration of Juan Manuel Santos.³⁹

The murder of William Castillo Chima, of the Asociación de Hermandades Agroecológicas y Mineras de Guamocó (Aheramigua), an organisation accompanied by PBI, which was carried out on 7 March 2016 in the Lower Cauca region of Antioquia, was the first crime the judiciary attributed directly to the activity of defending human rights and providing political leadership in the regions.⁴⁰

The Human Rights Ombudsman highlights several systematic aspects of the attacks against defenders and social leaders: 69% of victims were doing community organising, 25% were indigenous leaders, and high numbers of those affected – although also members of organisations – were the leaders of community action boards and of the Patriotic March movement, or the Peoples' Congress.⁴¹ In the same way, We Are Defenders highlights several factors which contributed to the increase in the murder rate: the leaders' participating in the peace process; the impact of the "No" vote in the referendum and the resulting build-up of the far-right sectors; the FARC's transition and reconfiguration of the armed groups; and the absence of the State in many regions.⁴²

Criminalisation of social leaders and defenders

Another concern emerged in relation to judicial safety, because the Peace Agreement initially provided that social activists prosecuted under the Citizen Security Law could be released. However, the Congress changed article 24 in the Peace Agreement to require a connection with political crimes for cases involving social activists. "In other words, citizen protests must be related to political crimes, which denies the legal and lawful right to social protests" as argued by the Jose Alvear Restrepo Lawyers' Collective (CCAJAR).⁴³

INCREASE IN THE PRESENCE OF NEO-PARAMILITARY GROUPS

Under point 3.4 of the Peace Agreement, the State committed itself to adopting the measures needed to shed light on the paramilitary phenomenon, to avoid it being repeated, and to guarantee the dismantling of organisations and criminal conduct responsible for homicides, massacres, and systematic violence (...).⁴⁴ The increase in attacks against human rights defenders and social leaders runs parallel to an increase in reports and warnings from national and international civil society about an upsurge in neo-paramilitary activity in Colombia.

According to We Are Defenders, 66% of attacks against human rights defenders are committed by neo-paramilitaries such as the 'Black Eagles' or the 'Autodefensas Gaitanistas de Colombia'.⁴⁵ The database of the Centre for Research and Popular Education (CINEP) has attributed 550 incidents to the neo-paramilitaries since 2016. CINEP is concerned by the increase in the threats and killings carried out by these groups against social leaders and defenders.⁴⁶

PBI has expressed concern on several occasions for the increase in their presence, visibility and actions against the civilian population and human rights defenders. In recent months, communities in Cacarica, Jiguamiando and the San Jose de Apartado Peace Community, amongst others, have spoken out repeatedly about their presence and the way their members are harassing people in the community, and about fighting between the neo-paramilitaries, the Army and the ELN.⁴⁷

On 21 March, during the 161st period of sessions of the Inter-American Commission on Human Rights (IACHR) in Washington, 13 Colombian social organisations, four of which are accompanied by PBI,⁴⁸ presented evidence of the stigmatisation and systematic attacks directed against social movements and organisations, the need to reform the Colombian Security Forces, and the lack of justice for the crimes committed by State agents.⁴⁹

UNITED STATES EVALUATES THE PEACE PROCESS

On 20 January, the inauguration of the new president Donald J. Trump marked the beginning of a new era in the relationship between Colombia and the United States, an era marked by uncertainty. Bernie Aronson, the special envoy to the peace process in Colombia under the Obama administration, stepped down from the position at the end of the administration.⁵⁰ The new Secretary of State, Rex Tillerson, responded to questions by members of the Senate in January by saying he would: "seek to review the details of Colombia's recent peace agreement, and determine the extent to which the United States should continue to support it".⁵¹ More than 30 US civil society organisations, including PBI USA, signed a letter to secretary Tillerson in March urging him to support the peace agreements with the FARC and the negotiations with the ELN.⁵²

Although former president Obama had promised an increase in US assistance to Colombia for 2017, from US\$ 340 to 450 million ("Peace Colombia"), focused on implementing the Peace Agreements, this was not approved by Congress.⁵³ In its place, the legislature decided to maintain the current budget at 2016 levels until 30 April, when a partial increase which included funding for the agreements was approved, although this support is only valid until 30 September.⁵⁴

On 15 March, president Trump presented a preliminary government budget for the fiscal year 2018, which proposed to cut nearly a third of the funding for the State Department, which is normally the largest source of assistance for Colombia.⁵⁵ The bottom line is that resources will depend on Congress; there is vocal opposition by both parties,⁵⁶ as well as by former senior military personnel,⁵⁷ to the proposal to drastically cut the funds allocated for international diplomacy and international assistance.

It is important to add that some members of Congress who are opposed to the Peace Agreements are increasingly concerned by the coca crops in Colombia which in the last year rose to their highest level in history,⁵⁸ concerns they expressed in response to an announcement in March by the White House's Office of National Drug Control Policy.

DURING JANUARY AND MARCH 2017, PBI COLOMBIA HIGHLIGHTS SEVENTEEN THREATS, SIX PUBLIC SMEARS AND INTIMIDATING COMMENTS, SIX INCIDENTS OF DEFENDERS BEING FOLLOWED OR PUT UNDER SURVEILLANCE AND FOUR DETENTIONS OF DEFENDERS AND LEADERS ACCOMPANIED BY PBI.

THREATS AND ATTACKS

- 4 January: threat against the San Jose de Apartado Peace Community from a neo-paramilitary group, saying that “they won’t be running from the s.o.b. Peace Community or their accompaniers, by withdrawing from the places where the Community is or when they speak out about them”, and that they are carrying out a plan to “exterminate the community”.⁵⁹
- 15 January: death threats against two members of the Peace Community in La Union hamlet by a group of neo-paramilitaries.⁶⁰
- 17 January: threat against several members of the Peace Community in Arenas Altas hamlet by a group of neo-paramilitaries who warned that if the Community did not stay quiet they would assassinate their leaders.⁶¹
- 19 January: six neo-paramilitaries were present in Llano Rico, Curbarado, wearing civilian clothes and carrying short-range guns. They demanded to speak to the leaders Sergio Diaz and Guillermo Diaz and said that they were in the territory to stay. The AGC also wrote “AGC Present” on some houses and businesses in Llano Rico.⁶²
- 22 January: threat against the Peace Community in La Esperanza hamlet by neo-paramilitaries who showed a list of names including members of the Community.⁶³
- 27 January: neo-paramilitaries showed a list of people to be killed which included names of members of the Peace Community’s “Luis Eduardo Guerra” Peace Village, in Mulatos.⁶⁴
- 6 February: neo-paramilitaries threatened members of the Peace Community in Nuevo Antioquia.⁶⁵
- 7 February: anonymous threat against the Curbarado land restitution leader, Yomaira Mendoza. As she was leaving an event about the Peace Agreement between the Government and FARC in the Caño Manso Humanitarian Zone, Curbarado, she received a telephone call and text messages threatening to kill her.⁶⁶
- 9 February: two neo-paramilitaries dressed in military clothes, armed with rifles and wearing AGC insignia threatened members of the Peace Community in La Esperanza hamlet.⁶⁷
- 10 February: A group of ten neo-paramilitaries were present in community spaces in Arenas Altas hamlet and threatened the Peace Community leaders. They announced that “their heads are of great interest”.⁶⁸
- 12 February: eight paramilitaries entered the Nueva Esperanza en Dios Humanitarian Zone in Cacarica. They searched the houses and said they were looking for a group of people in order to kill them. They said that “if they didn’t find them, their families would be murdered” and “if they are not here today, we will find them tomorrow”.⁶⁹
- 13 February: incursion by eight armed men wearing camouflage uniforms into the farm of Yomaira Mendoza in Apartadocito, in the Curbarado Collective Territory. After she left the farm to seek protection, Mendoza was followed by two people in a truck. Minutes later she received a death threat in a text message, with several pictures of graffiti the AGC had sprayed on her house.⁷⁰
- 21 February: death threats against Curbarado leader, Yomaira Mendoza. In one of the messages she

received they mentioned the place she passes through between her property and the transportation in Mutata where she is currently displaced (...) "s.o.b. I know you come through Brisas, today is the last day you will live (...)"⁷¹

- 14 March: the AGC threatened seven leaders from the Jiguamiando Collective Territory, including Ar gemiro Bailarin, Erasmo Sierra and Manuel Denis Blandon, who is the legal representative of the Community Council.⁷²
- 19 March: the AGC threatened Manuel Denis Blandon and other leaders from Jiguamiando.⁷³
- 25 March: the 'Urabeños' neo-paramilitary group threatened leader Yasmani Grueso Sinesterra, manager of the Puente Nayero Humanitarian Space and leader of the Network of Communities Building Peace in their Territories (Compaz). The leader was approached at his home in District 3 in Buenaventura by two men wearing civilian clothes and carrying short-range guns. They told him that there was an order saying that they would not allow another Humanitarian Space to be set up in that part of Buenaventura.⁷⁴
- 30 March: the leader Yasmani Grueso Sinesterra received a note at his house, addressed to his partner which said: "Listen you who's supporting your husband at the humanitarian zone tell that s.o.b. snitch yasmani to leave la playita humanitarian zone because if he doesn't you and your son you bitch we already know where all of you are. He chooses! The order has already been given by the commanders".⁷⁵

DEFAMATION AND INTIMIDATION

- 27 January: incursion by a neo-paramilitary group in the 'Luis Eduardo Guerra' Peace Village in Mulatos. They took photographs of members of the Community and announced they would kill "the snitches" and that the civilian population would be forced to accept their presence in the region. They also announced that they would be "infiltrating" and dividing the local civilian population from the Peace Community. They said that they "have guns and weapons to humiliate the Community's families until they turn to dust". This neo-paramilitary incursion happened in the presence of international accompaniers who were at the site at the time of the incident.⁷⁶
- 28 January: incursion by five neo-paramilitaries in La Esperanza hamlet of the Peace Community where they retained two Community members for several minutes, announcing that they would not abide by snitches in the region and asking them to leave the Peace Community.⁷⁷
- 6 February: Defamation of Rommel Duran of the Equipo Juridico Pueblos (EJP) by a policeman. When the policeman found out that Rommel Duran is the lawyer for a detained farmer he said that he was "the lawyer for all the imprisoned guerrillas" and it was "strange that a simple farmer would be attended to by a lawyer from another city".⁷⁸
- 9 February: two neo-paramilitaries indirectly intimidated Peace Community members and international accompaniers in La Esperanza hamlet. Referring to an encounter between neo-paramilitaries and international accompaniers in Mulatos hamlet, they said that "these s.o.b. gringos are screwing it up", because their presence was preventing them from carrying out their plan in San Jose de Apartado. They said that they were tempted to "shoot each s.o.b. gringo a couple of times".⁷⁹
- 10 February: incursion by a group of 40 neo-paramilitaries in La Esperanza hamlet. The group camped out a few metres from the houses of Peace Community families and announced that they were there to stay.⁸⁰
- 3 March: The lock of the bullet-proof car assigned to journalist Claudia Julieta Duque by the National Protection Unit (UNP) was forced while she was in a shopping centre in Bogota. The incident happened at the time when the court hearing was taking place for the prosecution of several former members of the disbanded Department of Administrative Security (DAS) for the crime of Duque's aggravated torture.⁸¹

MONITORING AND SURVEILLANCE

- End of January: surveillance of the offices of Equipo Juridico Pueblos (EJP) in Bucaramanga (Santander). During the final months of 2016, a supposed homeless person was begging near the entrance to EJP's offices. His presence always coincided with the times that one of the EJP lawyers was working; when the person realised that they had been noticed they stopped their surveillance of the office.⁸²
- 4 February: at a shopping centre in Bogota the EJP lawyers Leonardo Jaimes Marin and Gloria Silva Tovar were followed by two men wearing civilian clothes who were watching the lawyers the whole time they were together. This also happened on 17 February at another meeting between the lawyers.⁸³
- 7 February: an unknown individual took photographs of the office of the Social Corporation for Community Advisory and Training Services (COS-PACC), a building that is home to the offices of other social organisations in Yopal (Casanare).⁸⁴
- 18 February: two men on a motorcycle were doing surveillance and taking photographs of COS-PACC's offices in Yopal (Casanare).
- 22 February: throughout out the day an individual was standing on the opposite pavement watching EJP's offices in Bucaramanga. EJP's members have a photograph of the surveillance being carried out.⁸⁵
- 7 March: a person on a motorcycle followed Danilo Rueda, a member of CIJP, near his home.⁸⁶

DETENTIONS AND PROSECUTIONS

- 23 January and 13 March: Fremio Sanchez, who backed up the testimony given by Mario Jaimes Mejia, alias 'el Panadero', in the prosecution of human rights defender David Ravelo, was ordered to appear before the Ninth Criminal Circuit Court of Bucaramanga to be charged with perjury. Sanchez refused to appear and announced that his lawyer would be the same as 'el Panadero's'. The case was adjourned until 13 March, but that day the lawyer failed to appear. According to El Espectador, Sanchez' strategy is clear: to delay the proceedings.⁸⁷
- 5 February: retention of German Graciano Posso, the Peace Community of San Jose de Apartado's legal representative, in Mulatos, near to El Barro, by soldiers. According to the Peace Community's statement, the corporal in charge threatened him and retained him for several minutes saying that he had an order to detain him. They wanted to take him by helicopter to the Army's 17th Brigade barracks in Carepa, Antioquia, but several members of the community protested against his detention.⁸⁸
- 4 March: detention of the leader of the Jiguamiando Community Council, Felix Alvarado, at a police checkpoint. The leader is accused of sedition and of the homicide of a protected person, an accusation which was initiated four years ago in by a Public Prosecutor in Bogota.⁸⁹
- 23 March: soldiers retained human rights defenders Enrique Chimonja and Carlos Fernandez for an hour and a half in La Carbonera, El Cairo municipality (Valle del Cauca). The defenders were in a UNP provided car after taking part in some protection workshops. The driver and bodyguard presented his accreditation documents; the soldiers nevertheless asked the defenders to produce their identity documents and asked them to get out of the car.⁹⁰
- 23 March: Carlos Morales, leader of Cahucopana Corporation, was retained twice by the police on the way from Barrancabermeja to Medellin. The police asked for the documents for his car, which had been provided as part of his protection measures from the UNP. Once he arrived at the Medellin office another two policemen, guns in hand, put his bodyguard against the wall and took away his service pistol, and spent an hour searching them; they wrote down their identity numbers, searched the car, checked their papers and recorded the proceedings without giving any reason for the search. Finally, Morales was taken to a police station where the Captain told him that he had five more hours to verify the information.

They took with them the recordings, Carlos' information, the bodyguard's information and the office's address.⁹¹

CIVILIAN POPULATION IN THE MIDST OF ARMED CONFLICT

Confinement and forced displacement in the rural areas of Buenaventura and Litoral de San Juan (Valle del Cauca)

In February, the Human Rights Ombudsman warned of the risk of confinement and forced displacement affecting at least 500 people in rural areas near Buenaventura (Valle del Cauca) and Litoral de San Juan (Choco). Between January and March the afro-descendant and indigenous communities in the region were forcibly displaced several times: on 11 February, 31 families from the Wounaan indigenous Reservation of Santa Rosa de Guayacan were forced to be displaced to Buenaventura because of operations by neo-paramilitary groups. After the displacement they called on the Security Forces to dismantle the neo-paramilitary structures in the region. On 25 March there was another displacement, this time of the afro-descendant Carra community. Armed men murdered five people during the incursion; 15 families from Carra then fled to Buenaventura in search of protection.⁹² PBI has a presence in the Buenaventura and San Juan communities through its accompaniment of the Inter-Church Justice and Peace Commission (CIJP).

Neo-paramilitaries in the San Jose de Apartado Peace Community (Antioquia)

Between January and March, according to reports by the Peace Community, there was fighting between the Army and neo-paramilitary groups very near to Peace Community settlements which put the civilian population at risk.⁹³ The Community also reported that the Army entered and set up camp inside Community territory.⁹⁴ AGC neo-paramilitaries announced their intention to charge extortion in several hamlets and threatened to assassinate Peace Community members if they spoke out about the group's presence and activities.⁹⁵ According to the Peace Community, the neo-paramilitaries intend to create divisions between the Peace Community and the local civilian population which hasn't joined the Peace Community, to impose their interests.

The Peace Community affirms that a statement appeared on the Armed Forces' General Command website saying that the Community is cooperating with the Army to guarantee security in the region. The Peace Community denies this and explains that it does not collaborate with Security Forces,⁹⁶ and states that since its creation in 1997 it declared itself neutral in the internal armed conflict, rejecting the presence of any armed actor, whether legal or illegal. The Peace Community explains that the statement by the Army puts its members at risk. The Community is the beneficiary of provisional measures of protection from the Inter-American Court of Human Rights.

Increase in the neo-paramilitary presence in Curbarado, Pedeguita and Mancilla, and La Larga Tumarado (Choco)

The presence of neo-paramilitaries from the AGC is increasing in the Curbarado, la Larga Tumarado and Pedeguita and Mancilla river basins. According to the Inter-Church Justice and Peace Commission (CIJP), AGC troops, wearing either military camouflage or civilian clothes, are retaliating against people who speak up about their actions.⁹⁷ On 3 March, a group of men entered a farm belonging to the Pedeguita and Mancilla Community Council and set fire to a plantain plantation and to 70 borojo trees.⁹⁸ On 21 March, five men entered the Pedeguita and Mancilla territory⁹⁹ and destroyed 50 hectares of native forest. According to local inhabitants, the action was carried out to secure the lands for agribusiness and business interests.¹⁰⁰ During the last week in March, the communities saw 15 men destroy subsistence food crops and 16 men used chainsaws to cut down trees in Pedeguita and Mancilla. According to a public statement by CIJP, the Board of Pedeguita and Mancilla Community Council signed a document handing over 20,000 hectares of land for a period of 100 years without consulting the community or obtaining its consent.¹⁰¹

More neo-paramilitaries in Jiguamiando (Choco)

In the Jiguamiando river basin, the security situation of people living in the Humanitarian Zones and the indigenous Reservations has got worse in the first quarter of 2017, due to increases in the presence and actions of neo-paramilitary groups in the region. On 8 March, 40 armed neo-paramilitaries wearing AGC camouflage uniforms entered a farm in Jiguamiando and said they were going to stay in the territory and the inhabitants must not tell anyone of their presence. According to a statement by CIJP, "the neo-paramilitaries are carrying out operations to control the Embera Urada Jiguamiando indigenous Reservation and the territories of Jiguamiando's black communities.¹⁰² On 16 March, 40 neo-paramilitaries were seen in Jiguamiando,¹⁰³ and on 27 March, 250 were spotted.¹⁰⁴ According to reports by CIJP, "neo-paramilitaries are trying to recruit young people to their ranks, and offering financial rewards to people willing to serve as guides to enter certain areas of the Jiguamiando Collective Territory.¹⁰⁵

Neo-paramilitaries present in Cacarica (Choco)

The communities living in the Humanitarian Zones in Cacarica are afraid that the cycle of violence is returning. On 25 January, a group of 60 neo-paramilitaries wearing armbands of the AGC's Darien Choco Front entered the Bijao community in Cacarica and left the following messages: "We are here to stay"; "We won't kill anybody", and "We are here to work". As a result, seven families displaced themselves to the Nueva Esperanza en Dios Humanitarian Zone. In February, the neo-paramilitaries entered the Nueva Esperanza en Dios Humanitarian Zone (near to Bijao). They were eight men in total, all of them in black long-sleeved shirts, carrying pistols and rifles. They came onto the football pitch in the Humanitarian Zone, searched the houses and the wells, telling people that they were looking for some specific individuals. They prevented anyone from leaving the Humanitarian Zone for the two hours they were there.¹⁰⁶ The neo-paramilitaries stayed in Bijao community in Cacarica until 17 March. They carried out activities designed to gain social control including bringing presents for the children¹⁰⁷ and telling people that they could provide education, health, sports and cultural development in the absence of the State.¹⁰⁸ According to CIJP's statement, approximately 100 neo-paramilitaries were also in Los Katios National Park in March, a few hours walk from Cacarica.¹⁰⁹

Neo-paramilitaries in the Buenaventura Humanitarian Space (Valle del Cauca)

On 11 March, ten men, including four men known to be neo-paramilitaries, came into the Puente Nayero Humanitarian Space (HS) on motorcycles.¹¹⁰ On 19 March, eight alleged neo-paramilitaries entered the HS and remained at the entrance during three hours.¹¹¹ On 30 March, two alleged neo-paramilitaries threatened the human rights defenders Mira Eugenia Mosquera and Laura Olaya in the HS as they circled on their motorcycles around the car which had been provided for the defenders' protection.¹¹²

RECOMMENDATIONS

In response to these incidents, PBI asks the international community to:

- Request that a second UN political mission be created, with the objective of verifying the security measures granted to the FARC, to social and political leaders, to human rights defenders and to peace activists in the territories. The mission should have an explicit role for the UNHCHR but also maintain independent and wide-reaching monitoring of the human rights situation in Colombia.
- Publicly and decisively condemn the attacks against human rights defenders, social leaders and environmental defenders.
- Give visible support to those who are defending human rights, for example by visiting communities and the offices of social organisations, and attending court hearings in the prosecutions of human rights defenders.
- Express particular concern over the risk to environmental and land rights defenders in Colombia who are monitoring the national and transnational companies operating in Colombia, and support initiatives to promote binding instruments on business and human rights.
- Give full political support to the implementation of the Peace Agreement between the Government of Colombia and the FARC, in particular the implementation of mechanism to dismantle neo-paramilitary structures and provide guarantees for human rights defenders, in accordance with points 2.1, 2.2 and 3.4 of the Peace Agreement.
- Support and promote initiatives for civil society oversight regarding the implementation of the Peace Agreement, and guarantee oversight by international cooperation to ensure the agreements are implemented.
- Give all necessary political support to peace negotiations between the Colombian Government and the National Liberation Army (ELN), with a special emphasis on securing a bilateral ceasefire between the parties as soon as possible.
- Support active participation by civil society in the Peace Negotiation Tables between the Colombian Government and the ELN in relation to preventing risks for human rights defenders and social organisations.

PBI asks the international community to urge the Colombian State to:

- Immediately implement effective measures to protect and prevent risks to human rights defenders and communities who have spoken out about threats, and are at risk of further attack, and strengthening the focus on implementing preventative measures and strategies.
- To move forward on independent investigations of murders and threats against human rights defenders, in the context of the risks they face.
- To urgently set up the Prosecutor General's Special Investigation Unit, as provided by point 3.4 of the Peace Agreement, and ensure that adequate human and financial resources are provided to enable independent investigations for the dismantling of paramilitary successor organisations and their support networks.

- To press ahead with verification commissions in areas where there are high numbers of reports of neo-paramilitary groups, and effectively implement the requirements set out in the Risk Reports of the Human Rights Ombudsman in the affected regions, in particular the most recent Risk Report No. 010-17 of 30 March 2017.
- To give special attention at this time to the risk situation of those communities most affected by the conflict and of human rights organisations that work in rural areas.

PBI appreciates your continued support for our work to protect human rights defenders and displaced communities.

PBI Colombia



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- 3 Telesur, [ONU confirma desplazamiento de colombianos hacia Venezuela](#), 17 February 2017
- 4 UNHCHR: [Annual Report of the UN High Commissioner for Human Rights on the situation of human rights in Colombia 2016](#), 14 March 2017
- 5 Ombudsman's Office: Informe de riesgo no. 010-17 A.I., 30 March 2017
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- 7 Presidencia de la República: [Aprobado acto legislativo que crea el Sistema Integral de Verdad, Justicia, Reparación y No Repetición](#), 28 March 2017
- 8 Ministerio del Interior, Decreto 154 del 3 February 2017
- 9 El Colombiano: ["En Colombia no hay paramilitarismo"](#), Ministro de Defensa, 11 January 2017
- 10 Sindicato de defensores y defensoras de derechos humanos de la Ombudsman's Office: [Carta al Defensor del Pueblo](#), 8 February 2017
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- 12 CCEEU: [Con la creación de la Unidad de Búsqueda para Personas dadas por Desaparecidas la actual Comisión Nacional de Búsqueda de Personas debe dejar de existir](#), 17 March 2017
- 13 MVOICE: [El MVOICE exige que la Unidad de Búsqueda de Personas Desaparecidas sea un ente autónomo y rechaza la continuidad de la Comisión Nacional de Búsqueda ante su inoperancia durante 17 años](#), 13 March 2017
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- 18 Contagio Radio: [Corte revisará constitucionalidad de modificaciones del Congreso al Acuerdo Final de paz](#), 30 March 2017
- 19 Semana: [El acuerdo de paz de Colombia demanda respeto, pero también responsabilidad](#), 21 January 2017; Semana: ["La JEP debe tener en cuenta el Estatuto de Roma"](#), 25 January 2017
- 20 CCEEU y MVOICE: [Un sistema integral con sabor agrio para las víctimas de crímenes de Estado](#), 15 March 2017
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- 22 Contagio radio: [Corte revisará constitucionalidad de modificaciones del Congreso al Acuerdo Final de paz](#), 30 March 2017
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- 24 Oidhaco
- 25 La Silla Vacía: [El desgane con el proceso del ELN se siente más en Arauca](#), 19 March 2017
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- 52 Latin America Working Group: [Press Statement](#): US civil society organisations send letter to Secretary of State Rex Tillerson call for his support for peace in Colombia, 30 March 2017
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