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# PEACE BRIGADES INTERNATIONAL

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## HUMAN RIGHTS UPDATE

January - April 2020

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, April 24, 2020

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#### SPECIAL MENTION:

*PBI Colombia expresses its deep concern regarding the increase in threats, attacks, and the murder of human rights defenders amid the government measures due to the Covid-19 pandemic. The pandemic is on top of the country's existing humanitarian crisis. Vulnerable communities warn of confinement, water shortages, a healthcare crisis, and an absence of measures to prevent Covid-19<sup>1</sup>.*

#### LIMITED ADVANCES ON A HUMANITARIAN AGREEMENT AND GLOBAL AND TRANSITORY CEASEFIRE:

For weeks now, multiple national and international organizations have insisted on the importance of a humanitarian agreement and ceasefire in Colombia.

On 12 March, an indigenous leader from the Uradá Jiguamiandó indigenous reservation in the Bajo Atrato region, delivered several letters to the European Union Delegation and the Ambassador of Ireland<sup>2</sup> requesting a ceasefire in Colombia. These letters were signed by 120 communities and organizations from the departments of Putumayo, Chocó, Antioquia, Cauca, Valle del Cauca, including our accompanied organization the Inter-Church Commission for Justice and Peace (CIJP). This request was later reinforced by declarations from the UN Mission Il<sup>3</sup>, Truth Commission<sup>4</sup>, and has been supported by the Ambassador

of the European Union, Patricia Llombart<sup>5</sup>.

The call for a ceasefire backed the statement from António Guterres<sup>6</sup>, Secretary-General of the United Nations, who called for a world-wide ceasefire, as did Pope Francisco Bergoglio.<sup>7</sup> In Colombia, to date, only the Popular Liberation Army (ELN) has announced a unilateral ceasefire,<sup>8</sup> in addition to some local agreements from parts of the Gaitanistas Self-defense Forces of Colombia (AGC) and FARC dissident groups; however, the Colombia government has not shown support for the proposal<sup>9</sup>.

On 3 April, 29 international organizations that are members of Cooperation Space for Peace (ECP), issued a press release supporting the urgent call for a ceasefire in Colombia<sup>10</sup>. The Defendamos la Paz (Let's Defend Peace) initiative made a similar call on 27 March, urging all of the armed groups, including the military forces, to stop their attacks and respond to the humanitarian action by suspending offensive operations.<sup>11</sup>

The fact that between the 24 March when quarantine measures were introduced and 19 April fourteen defenders have been murdered<sup>12</sup>, in addition to alleged cases of extrajudicial executions, such as the case in Catatumbo<sup>13</sup>, demonstrate the urgency of quickly reaching an agreement for a potential ceasefire. On 9 April<sup>14</sup>, 110 communities from different regions of the country<sup>15</sup> reiterated in a letter to President Duque—as Commander-in-Chief of the armed forces—the importance of advancing towards a multilateral ceasefire. Additionally, a March 2020 legal sentence, from the 45th Civil Court of Bogotá—which ruled in favor of a constitutional action for the protection of social leaders—highlights that in spite of the lockdown due to the COVID-19 emergency, crimes against social leaders continue occurring, “leading one to infer that we could be dealing with a criminal organization that is coordinated for the systematic extermination of this population (...).” The Court highlighted the State’s systematic failure as it did not identify the causes of the threats, define public policies to stop the attacks, or obtain satisfactory results through criminal investigations that allow for access truth, justice, and reparation.<sup>16</sup>

In spite of the 2016 signature of the Peace Agreement between the government and Farc-EP, in 2020 Colombia faces an ongoing internal armed conflict, as confirmed by the International Committee of the Red Cross (ICRC).<sup>17</sup> Both the annual report from the Office of the High Commissioner for Human Rights (OHCHR), and the report on the Colombia visit from the Special Rapporteur for Defenders, Michel Forst. Both reports, which were presented to the UN Human Rights Council on 28 February and 4 March respectively, warn of a critical situation for defenders: according to OHCHR, in 2019, at least 108 human rights defenders were murdered, including a 50% increase in attacks against women human rights defenders, compared to 2018.<sup>18</sup> In the face of this grave situation, the Special Rapporteur reported that “The defenders most at risk are social leaders defending human rights in rural areas, in particular those promoting the implementation of the Peace Agreement and defending land and environmental rights and the rights of ethnic communities.”<sup>19</sup> It should be noted that both reports were harshly criticized by the Colombian Government, generating international concern regarding the need for independence in the UN mechanisms and the importance of genuine openness to and collaboration with these institutions, among others.

In 2020, through 27 March, Colombian organizations registered the murder of 71 defenders, in addition to 20 ex-members of the former FARC-Ep guerrilla.<sup>20</sup>

Currently, the restriction of movement for state civil institutions and international entities, such as the Human Rights Ombudsman’s Office and the United Nations Human Rights Office, limits their effective reaction and protection capacities. This reduces activities in remote areas to those of State Security Forces, in particular the National Army, signifying an increased militarization of the regions and an increase in risk factors for the communities. The quarantine’s restrictions also negatively impact the National Protection Unit’s (UNP) already limited physical protection measures. For example, there are reports that the Committee for Evaluation, Risks, and Recommendation of Measures (Cerrem) has not had been meeting with the required frequency.<sup>21</sup> Given this situation, the Inspector General of the Nation, Fernando Carrillo<sup>22</sup>, made a statement on 28 March, urging the UNP to continue protecting social leaders. He

also highlighted that the Government is responsible for inter-institutional agreements to guarantee the protection of defenders.

A direct consequence of the quarantine throughout Colombia, is the impact of confinement on rural communities, as reported by the MAPP/OAS in a press release.<sup>23</sup> According to the Office for the Coordination of Humanitarian Affairs (OCHA), just in one region, at least 3,083 individuals (824 families) belonging to 23 indigenous and Afro-Colombian communities of the Alto Baudó region are under confinement.<sup>24</sup> The inhabitants of Ibudó and Padadó in northern Chocó face a similar situation while they suffer serious health problems, which are aggravated by a lack of government measures for the confined communities.<sup>25</sup> In the rural area of Buenaventura, indigenous communities spoke about the fact that three indigenous children have died<sup>26</sup> due to confinement in less than a week, according to the Commission of Justice and Peace.

Finally, due to overcrowding, the prison population is particularly vulnerable to Covid-19. On 22 March there were multiple and simultaneous riots to protest overcrowding, with 23 individuals registered as dead and dozens injured.<sup>27</sup> In response to this grave situation, organizations like the Committee in Solidarity with the Political Prisoners (FCSP) have promoted several initiatives: for example, 171 organizations and 538 individuals sent an open letter to President Iván Duque, to present a series of proposals on the prison situation<sup>28</sup>. On 14 April the Colombian state released the decree 546 of 2020 which has been valued as insufficient by organizations including the FCSP, organization accompanied by PBI.<sup>29</sup> Accordingly, PBI Colombia supports the message from a group of UN experts who highlighted that “the COVID-19 crisis cannot be solved only with public health and emergency measures; all human rights must be considered.”<sup>30</sup>

## **PUTUMAYO: DISMEMBERMENT AND MULTIPLE MURDERS:**

The department of Putumayo, on the Ecuador border, became a focal point of grave human rights violations during the first semester amid the Covid-19 pandemic. The crimes carried out by illegal armed structures occur in a department heavily militarized by the XXVII Jungle Brigade and Naval Force of the South. To date, there is an absence of effective investigations on the threats, pamphlets, social control, and recent murders, leaving the attacks in total impunity.<sup>31</sup>

In September 2019, the Human Rights Ombudsman’s Office warned in Early Alert N. 040-19<sup>32</sup> of the presence of illegal armed actors, analyzing the presence of and disputes between dissident factions of Fronts 1 and 48 of the Farc-Ep and the armed structure self-named as “La Mafia”. At the same time, ties between the National Army and neo-paramilitary groups and drug traffickers in the department were publicly demonstrated when the Attorney General’s Office captured one of the bosses of a group called “Constru,” which was allegedly being protected in a military facility, thanks to the National Army’s Chief of Staff for Recruitment.<sup>33</sup>

In spite of all the alerts, in 2020 the murder of over 15 social leaders and ex-combatants have been registered in Putumayo alone.<sup>34</sup> On 19 March, Marco Rivadeneira Zabala, a promoter of the peace agreement and crop substitution in Putumayo and regional spokesman for the human rights platform Colombia-Europe-United States Coordination (CCEEU), was assassinated by men who pulled him out of a meeting in rural Puerto Asís.

Also, on 9 April, several organizations accompanied by PBI Colombia and other national and international organizations (CEJIL and WOLA), filed a public complaint with President Iván Duque, the Attorney General, Inspector General, and others regarding the multiple murders and other serious human rights violations in the department<sup>35</sup>. These violations include the armed groups’ practice of dismembering their victims in areas heavily militarized by the National Army. The complaint also calls attention to the 26 March assassination plan against Jani Silva, leader of the Peasant Reserve Zone- Perla Amazónica (ZRPCA) and legal representative of the Association for the Sustainable and Comprehensive Development of the Perla Amazónica (ADISPA), which promotes peace, environmental protections, and voluntary crop substitution plans. Jani Silvia had already received repeated threats and is a beneficiary of precautionary

measures from the Inter-American Commission on Human Rights, in addition to receiving support from the Inter-Church Commission for Justice and Peace (CIJP).<sup>36</sup> PBI accompanies CIJP and the Nidya Erika Bautista Foundation in Putumayo in processes to protect indigenous and peasant communities' land and traditions, as well as cases of enforced disappearance. CIJP defender Carlos Fernández, who participated in a European advocacy trip at the end of 2018 with support from PBI,<sup>37</sup> was also a victim of serious threats, intimidation, and attacks due to his work in the defense of human rights. Due to the attacks, he was forced to temporarily leave Putumayo last year.<sup>38</sup>

Putumayo is a region that has historically been hard hit by the armed conflict. There are also illicit crop substitution processes and forced eradication carried out by the national Government amid the national quarantine,<sup>39</sup> even though the MAPP/OAS warned of increased tensions related to this practice.<sup>40</sup> Additionally, the impact of the oil industry is very visible in this region, where several extraction and exploration projects continue to operate, regardless of environmental and health risks.<sup>41</sup> One advance, is the temporary freeze order granted by the Senior Court of England and Wales at the beginning of this year. The order froze three million pounds sterling of the Amerisur Resources oil company's assets (today GeoPark) in response to a collective case filed by affected inhabitants of the 'Perla Amazónica' peasant reserve.<sup>42</sup> The efforts to document evidence for this case have been carried out jointly by the Inter-Church Commission for Justice and Peace (CIJP), an organization accompanied by PBI, and the British lawyers collective "Leigh Day."

## **BAJO ATRATO: LAW OF SILENCE IMPOSED AGAINST COMMUNITIES BY THE GAITANISTAS SELF-DEFENSE FORCES OF COLOMBIA (AGC):**

At the beginning of 2020, the Human Rights Ombudsman's Office issued another Early Alert to bring attention to the serious risk faced by 48,257 inhabitants of the municipality of Ríosucio and 14,851 from the municipality of Carmen del Darién (Bajo Atrato), Chocó.<sup>43</sup> The institution warned of an intensification of the violence, through the "selective murder of indigenous, Afro, and peasant leaders, situations of confinement, forced displacement, the involvement and recruitment of children and adolescents, threats and intimidation."<sup>44</sup> In this context, victims in the region have reiterated that impunity continues to reign regarding the alleged relationship between state security forces, paramilitaries, businesses, and state employees who, over the last decades, participated in land grabbing in the Bajo Atrato region.

This directly affects the ethnic communities that make up the Humanitarian and Biodiversity Zones of the Jiguamiandó, Curvaradó, and Cacarica river basins, which are accompanied by the Commission for Justice and Paz (CIJP). Given this serious situation, the Special Jurisdiction for Peace (JEP) issued urgent precautionary measures in the second half of 2019 for the inhabitants of the Humanitarian and Biodiversity Zones in the Jiguamiandó and Curvaradó river basins.<sup>45</sup> These ethnic communities have taken in ex-combatants from the former Farc-Ep guerrillas and have provided their testimonies for JEP case 004 about the Urabá region.

Also, since early 2020, the communities have announced the presence of the neo-paramilitary group Gaitanista Self-defense Forces of Colombia (AGC), which has implemented a so-called law of silence: prohibiting complaints from members of the Humanitarian and Biodiversity Zones about the group's presence and their corresponding criminal activities. The communities, the Catholic Church<sup>46</sup> and the Truth Commission<sup>47</sup> have indicated a high degree of connivance between the State Security Forces and the AGC in this context.

The Nueva Vida Humanitarian Zone in Cacarica is especially hard hit by the control of AGC informants in the community (called "puntos") who intimidate and threaten the women leaders,<sup>48</sup> and camouflaged troops from the same group that move around the zone,<sup>49</sup> as the region is a strategic corridor for human and drug trafficking. The State Security response has mostly ignored the principle of distinction between combatants and noncombatants, locating troops inside the Humanitarian Zone,<sup>50</sup> which is also a lack of compliance with the Inter-American Human Rights System's resolutions and rulings on Cacarica.

Lastly, at the end of March there were military operations in the Cacarica river basin, ignoring the

communities' call for a cessation of hostilities to contain the Covid-19 pandemic.<sup>51</sup> According to witnesses, hooded and uniformed individuals were used.<sup>52</sup> The fact that there was another murder, on 29 March, in nearby Jiguamiandó<sup>53</sup> shows the urgency of reaching a prompt agreement for a multilateral ceasefire.

## **CATATUMBO: CONCERNING IMPACTS ON COMMUNITIES DUE TO THE ARMED CONFLICT**

Catatumbo, in the department of Norte de Santander, is a highly militarized region where legal and illegal armed groups have historically disputed control of the region. It is currently facing an intensification of the humanitarian, social, and institutional crisis,<sup>54</sup> and the ongoing murder of social leaders: three cases have already been registered in 2020.<sup>55</sup> On top of the armed conflict and militarization are the economic and social challenges generated by the measures taken by authorities in response to the Covid-19 pandemic. There have been numerous warnings about the humanitarian crisis from the Human Rights Ombudsman's Office's Early Alert System<sup>56</sup> and this situation was included in the last report from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA).<sup>57</sup>

Organizations from the region, such as ASCAMCAT have stated that "(...) while millions are confined in the cities, president Iván Duque ordered military operations and forced eradication in several regions of the country."<sup>58</sup> On 26 March, three days after the national quarantine was declared, a 20 year old was murdered in the municipality of Sardinata. According to the complaints, members of the Battalion of Ground Operations N° 9 shot the young man, after the National Army had threatened to open fire on those who opposed the forced manual eradication that began on 11 March, 2020.<sup>59</sup> On 2 April, several organizations, politicians, and civil employees requested that the Government and authorities implement all the necessary actions to clarify the young man's death.<sup>60</sup>

It is worth noting that a year ago, on 22 April, 2019, in the rural community of Carrizal-Santander, the extrajudicial execution of Dimar Torres, ex- member of the Farc-Ep, was carried out by National Army Second Corporal Daniel Eduardo Gómez Robledo,<sup>61</sup> who was sentenced to 20 years in prison as the material author. During the indictment hearing—finally held on 23 January, 2020, after months of delays from the defendant—the Attorney General's Office stated that Colonel Pérez Amezquita, Batallón Commander, was responsible for the crime as "his orders to his subordinates to kill were concrete and direct."<sup>62</sup> The Attorney General's Office also pressed charges against three other soldiers who were also implicated, as accomplices.<sup>63</sup> None of the accused parties accepted the charges. In March 2020, the Inspector General's Office formulated a list of charges against five members of the Battalion implicated in the crime, requesting an arrest warrant after provisionally describing "the alleged conduct of the members of the State Security Forces as a very serious and premeditated misconduct."<sup>64</sup>

Within the framework of the Program "Prevention and Protection Plan for Human Rights Defenders in Northeastern Colombian,"<sup>65</sup> composed by several organizations from the region<sup>66</sup> and the INGO International Action for Peace - IAP, carried out a verification mission between 21 and 25 February in the municipality of El Carmen to analyze the risks and human rights situation in the region. There was participation from the Human Rights Ombudsman's Office, the Dioceses Commission for Peace and Reconciliation, and national and international media outlets.<sup>67</sup> In this mission,<sup>68</sup> during which PBI accompanied the organizations ACVC and CAHUCOPANA, community leaders expressed their concern about the loss of the peasant economy due to an economic blockade imposed by the legal and illegal armed actors, in addition to calling attention to the region's humanitarian crisis. Additionally, they highlighted generalized limits on fundamental rights,<sup>69</sup> such as access to healthcare, education, and the restrictions placed on the humanitarian aid being sent to the territory to alleviate the armed conflict's consequences. In response to this situation, the Minister of Defense, Carlos Holmes Trujillo, announced an increased military presence in the region<sup>70</sup>. However, the community and social leaders, as well as the human rights organizations that PBI Colombia accompanies, manifested their preference for a negotiated solution to the conflict over increased militarization. Hence, they showed their concern about the State Security Force's harassment, forced registration, and constant accusations against the community of collaborating with illegal armed groups.<sup>71</sup>

## PETITIONS:

Given this situation, PBI asks the international Community to urge the Colombian government to:

- Decree a “global ceasefire” in Colombia, including a National Army ceasefire and a call to the illegal armed groups to join the ceasefire.
- Coordinate a comprehensive response to the humanitarian crises faced, in particular, by ethnic and peasant communities in the regions.
- Implement a plan to immediately respond to the humanitarian needs identified by OCHA, national organizations, and the communities themselves, especially in relation to food security, sources of livelihood, protection, healthcare, and education; and to prevent higher impacts.
- Coordinate with the social organizations and communities for individual and collective protection measures, establishing a clear response plan in cases of attacks and threats within the context of Covid-19 restrictions, removing all obstacle that could prevent the adequate operation of the National Protection Unit (UNP) as well as advancing in the implementation of Decree 660/2018.
- Follow up on all Early Alerts issued by the Human Rights Ombudsman’s Office and fulfill all obligations to implement the necessary measures to protect and guarantee the civil population’s fundamental rights in a timely fashion.
- Put into effect Directive No. 002/2017 issued by the Inspector General of the Nation, which urges civil servants to respect human rights defenders and their organizations and “to abstain from conducts that delegitimize, disqualify, attack or incite attacks, or stigmatize their work,” and generate the conditions to initiate the respective disciplinary investigations and present real results.
- Advance in the implementation of the Peace Agreement signed on November 2016 between the National Government and the Farc-Ep. We highlight the central nature of the mechanisms that seek to generate guarantees for the defense of human rights (including the National Commission on Security Guarantees, the Special Investigation Unit of the Attorney General’s Office, and the Human Rights Ombudsman’s Office’s Early Alert System), which must be accompanied by reestablishing the greatest urgency of the Guarantees Working Group and measures that allow for new agreements<sup>72</sup> between civil society and the Government to advance in the definition and implementation of a Comprehensive Public Policy to Respect and Guarantee the defense of human rights.
- Collaborate in a genuine, open, and respectful way with the different United Nations human rights mechanisms, respecting their independence and impartiality.
- Immediately implement the recommendations presented in the reports of the High Commissioner for Human Rights (OACNUDH), the UN Special Rapporteur for Human Rights Defenders Michel Forst and the InterAmerican Human Rights System.
- Along these lines, extend invitations for official visits (to be held as soon as possible) from the Special Rapporteurs who for years have shown their willingness to visit the country (including the Special Rapporteurs on Extrajudicial Executions, Right to Water, Violence against Woman etc.)

Also, PBI requests that the International Community:

- In spite of global limitations, maintain attention on Colombia and, in particular, on human rights defenders, whose efforts continue to be a pillar of Rule of Law.
- Show public and private support and increase the visibility of defenders, strongly condemning all attacks against them.
- Ensure that International Cooperation does not face major cuts due to a potential economic crisis

generated by the health emergency, remember that human rights defenders act in defense of life and basic needs.

- Ensure that the necessarily **high-levels of accountability before International Cooperation Agencies take into account the special circumstances** under which a majority of the social organizations and communities are operating in this period.

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