



# WHY DO THEY WANT TO KILL US?

LACK OF SAFE SPACE TO DEFEND HUMAN RIGHTS  
IN COLOMBIA

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# EXECUTIVE SUMMARY



The signing of the Peace Agreement between the Colombian government and the Revolutionary Armed Forces of Colombia - People's Army (Fuerzas Armadas Revolucionarias de Colombia - Ejército del Pueblo, FARC-EP) guerrilla group on 24 November 2016 has not had the hoped for impact on human rights because of the failure of the Colombian state to fulfil the terms of the Agreement. On the contrary, the flaws in the implementation of the Agreement, combined with the structural discrimination that many rural, Indigenous and Afro-descendant communities face in Colombia, are endangering the lives of human rights defenders, particularly those defending territories in the country that are richest in natural resources. The sharp increase in the number of human rights defenders killed since 2017 is evidence of this.

Defending human rights in Colombia is a high-risk profession, especially for those who protect and promote rights to the territory, to the environment and those linked to access to land. Colombia is the most dangerous country in the world in which to carry out this legitimate and essential activity, according to the organization Global Witness.<sup>1</sup>

The crisis faced by human rights defenders in Colombia is nothing new but the situation is deteriorating, despite the adoption of a peace agreement and numerous demands from Colombian civil society organizations and the international community that the government address this violence, as the numbers of killings and the hundreds of reports of attacks, harassment and threats faced by defenders clearly illustrate.

Although President Duque has said that under his government killings of civil society leaders have decreased by 25%<sup>2</sup>, figures from reliable sources reviewed by Amnesty International suggest otherwise. At the end of 2017, Somos Defensores, the Ombudsperson's Office and the United Nations Office for Human Rights in Colombia (OUNHR) reported between 96 and 126 killings of defenders throughout the country, depending on the methodology and access to information of each entity. A year later, the figure increased to between 115 and 178. In 2019, between 108 and 118

<sup>1</sup> Global Witness, Defending tomorrow, <https://www.globalwitness.org/en/> Global Witness data is taken from various sources, Global Analysis 2019, 11 January 2020, <https://www.frontlinedefenders.org/en/resource-publication/global-analysis-2019> (last visited 20 May 2020); Press briefing note, Colombia: Human rights activists killings, Office of the United Nations High Commissioner for Human Rights, 14 January 2020, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25461&LangID=E> (last visited 20 May 2020); and Telesurtv, Colombia: Over 10,000 homicides, 230 activists killed in 2019, 31 December 2019, <https://www.telesurenglish.net/news/Colombia-Over-10000-Homicides230-Activists-Killed-in-2019-20191230-0015.html> (last visited 20 May 2020).

<sup>2</sup> El Espectador, 21 July 2020, <https://www.elespectador.com/noticias/politica/duque-dice-que-durante-su-gobierno-los-asesinatos-de-lideres-sociales-han-disminuido-en-un-25/>



killings of human rights defenders were documented and a further 10 to 31 killings that occurred in 2019 are being verified.<sup>3</sup> At the close of this report, on 30 September 2020, OHCHR stated that it had received information regarding 97 murders of human rights defenders, of which, to date, it had verified 45.<sup>4</sup> The Somos Defensores Program recorded 95 murders of human rights defenders up to June 30, 2020.<sup>5</sup>

On 26 December 2019, the then United Nations Special Rapporteur on the situation of human rights defenders, Michel Forst, concluded in his report on Colombia that, “the vast majority of human rights defenders are at risk, and that this risk has increased in the three years since the signature of the Peace Agreement”.<sup>6</sup>

Currently, the COVID-19 pandemic has put human rights defenders at greater risk, hiding from view the contexts of violence they face and the lack of protection they receive from the authorities. Some human rights defenders and civil society leaders told to Amnesty International that the authorities have reduced protection arrangements during this period while at the same time authorizing activities that increase the risk to communities, such as the extraction of natural resources, police operations and the forced eradication the illicit crops.<sup>7</sup>

## THE PEACE AGREEMENT: FROM PAPER TO REALITY

Land disputes were a key factor behind the 60-year armed conflict in Colombia.

For many people, civil society leaders and Afro-descendant, Indigenous and campesino (peasant farming) communities, the Peace Agreement represented a new stage in the history of Colombia, because it includes mechanisms designed to address some of the structural issues that fuelled the decades-long armed conflict. These included, issues around land ownership and control, the substitution of illicit crops, the inequality affecting marginalized communities and the dismantling of armed groups. But many of these have remained paper promises.

Almost four years after the Agreement was signed, only a small percentage of its provisions have been fully implemented, according to research by the University of Notre Dame Kroc Institute.<sup>8</sup>

Although the majority of FARC members have been demobilized in line with the Agreement, a growing number of ex-combatants are rejoining armed groups.<sup>9</sup> Some former FARC leaders have announced a possible return to arms in response to what they termed “the state’s betrayal of the Havana Peace Accords”.<sup>10</sup> As of June 2020, at least 200 former combatants had been killed, according to the Common Alternative Revolutionary Force (Fuerza Alternativa Revolucionaria del Común), the political party formed by demobilized members of the former guerrilla group.<sup>11</sup>

The mechanisms created by the Peace Agreement to dismantle armed groups have also been weakened. The National Commission on Security Guarantees, which was set up to monitor the

3 Somos Defensores, Annual Reports 2017, 2018 and 2019. Ombudspersons’ Office, annual reports 2017, 2018 and 2019. Office of the High Commissioner, Reports, 2017, 2018 and 2019.

4 United Nations, Joint Press Release of the United Nations Country Team in Colombia and the UN Verification Mission in Colombia. Available at: <https://www.hchr.org.co/index.php/informacion-publica/comunicados-de-prensa/450-ano-2020/9422-comunicado-conjunto-del-equipo-de-paises-naciones-unidas-en-colombia-y-la-mision-de-verificacion-de-la-onu-en-colombia>

5 Information provided by the Somos Defensores Program on September 30, 2020

6 United Nations, Report of the Special Rapporteur on the situation of human rights defenders on his visit to Colombia, 26 December 2019 (A/HRC/43/51/Add.1).

7 For more information see: Amnesty International, Colombia’s coca farmers want viable alternatives, not militarization, <https://www.amnesty.org/en/latest/news/2020/03/colombia-coca-farmers-want-viable-alternatives-not-militarization/>; Amnesty International, Colombia’s civil society leaders are still being killed during the quarantine, <https://www.amnesty.org/en/latest/news/2020/06/lideres-sociales-nos-siguen-matando-durante-cuarentena/>; Amnesty International, Colombia: Decision to forcibly eradicate illicit crops could result in human rights violations, <https://www.amnesty.org/en/latest/news/2020/07/colombia-erradicar-cultivos-ilicitos-violaciones-derechos-humanos/>; and Amnesty International, Colombia: Measures against COVID-19 must not be an excuse for neglecting the protection of human rights defenders, <https://www.amnesty.org/en/latest/news/2020/03/colombia-medidas-contracovid19-desatender-proteccion-personas-defensoras/>

8 The University of Notre Dame’s Kroc Institute has primary responsibility for technical verification and monitoring of implementation of the Agreement. For more information, see: <https://peaceaccords.nd.edu/barometer>

9 In June 2020, Defence Minister Carlos Holmes Trujillo informed the Senate that the residual armed FARC groups, known as “dissidents” had doubled in the previous year, reaching 4,600 members, of whom 2,600 were men and women in arms and the rest members of support networks and militias, both rural and urban.

10 CNN en español, Disidentes de las FARC, Iván Márquez, Jesús Santrich y el Paisa retoman las armas en Colombia, <https://www.youtube.com/watch?v=kxApWwHX9Y>

11 On 15 June 2020, the FARC Party posted on social media that 200 ex-combatants had been killed since the signing of the Peace Agreement.

12 Fundación Comité de Solidaridad con los Presos Políticos, Second session of the National Commission on Security Guarantees under the Duque Government, A proposal from Civil Society delegates to the National Commission on Security Guarantees, <http://www.comitedesolidaridad.com/es/content/segunda-sesi%C3%B3n-de-la-comisi%C3%B3n-nacional-de-garant%C3%ADas-de-seguridad-durante-el-gobierno-duque>

dismantling of “criminal organizations responsible for homicides and massacres, that attack human rights defenders” met only twice in 2019<sup>12</sup> and twice in 2020, despite the fact that according to the decree that established the Commission it should meet once a month.<sup>13</sup>

On the other hand, the growth of powerful armed opposition groups, such as the National Liberation Army (Ejército de Liberación Nacional, ELN), paramilitary groups and other armed actors in almost all parts of the country have **intensified criminal activities**, creating new dangers for those defending the land, territory and environment.<sup>14</sup> **The Peace Agreement has not ended other armed conflicts that are ongoing in Colombia; at least five according to the International Committee of the Red Cross (ICRC).**<sup>15</sup>

## IMPACT ON HUMAN RIGHTS DEFENDERS

Against this background, **the people and communities who defend the land, territory and environment, often located in areas of high commercial and criminal interest, are more exposed than ever.** In many cases, they are **leaders of Indigenous Peoples, Afro-descendant and campesino communities who are claiming their collective rights linked to the recognition and protection of their lands.**

The risks they face are directly related to the possession and control of land and natural resources which are disputed by various armed groups or by those who have a major economic interest in them, such as certain non-state actors, including extractive companies.

Those who have taken on prominent roles in the implementation of some aspects of the Peace Agreement related to territory and land, such as comprehensive rural reform and the substitution of illicit crops, are also at grave risk.<sup>16</sup>

**In addition to the killings, human rights defenders in Colombia are also the targets of threats, attacks and forced displacement.** They are also the targets of smear campaigns in the media and on social media. The misuse of the criminal justice system to intimidate and harass them has also had an impact on their work. **Women human rights defenders face additional risks, such as sexual violence and other forms of gender-based violence.**

During 2019, Amnesty International visited four communities that defend the land, territory and environment who are at risk:

- The Proceso de Comunidades Negras (PCN), an Afro-descendant rights organization in Buenaventura, Valle del Cauca Department, where impunity for threats is creating an environment that encourages further attacks against defenders and communities claiming their rights.
- The Catatumbo Social Integration Committee (Comité de Integración Social del Catatumbo, CISCA) in Norte de Santander Department, located in an area with one of the highest levels of coca production in Colombia and where armed groups have a strong presence. Campesinos defending their rights related to land experience high levels of stigmatization, harassment and violence and lack state protection.

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13 Ministry of the Interior, Decree Law 154 of 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf>.

14 For more information see: <https://www.insightcrime.org/news/analysis/el-n-unique-strength-colombia/>

15 International Committee of the Red Cross, Humanitarian Challenges 2020, published on 4 March 2020, available at <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening>

16 For more information on the implementation of the points related to agrarian reform and crop substitution, see: Kroc Institute, Three years after the signing of the Final Agreement in Colombia: Moving Towards Territorial Transformation, <https://kroc.nd.edu/news-events/news/kroc-institute-releases-fourth-report-three-years-after-the-signing-of-the-final-agreement-in-colombia-moving-toward-territorial-transformation/>

- The Kubeo-Sikuani Ancestral Indigenous Settlement (Asentamiento Ancestral Indígena Kubeo-Sikuani, ASEIMPOME) in Meta Department, where the failure to recognize the land rights of Indigenous communities contributes to attacks against leaders and other members of the community. ASEIMPOME's situation also demonstrates the importance of strengthening the cultural rights of Indigenous Peoples as a way of ensuring they can protect themselves effectively.
- The Association for Comprehensive Sustainable Development of La Perla Amazónica (Asociación de Desarrollo Integral Sostenible de La Perla Amazónica, ADISPA) in Putumayo Department. Their experience shows how the armed conflict has taken on a new dynamic following the signing of the Peace Agreement, including the activities of new armed groups, which has created an even more unsafe environment for the defence of human rights, particularly for campesino and Indigenous groups in the region.

Although each of these communities is very different, which makes their individual situations unique, what is clear is that the perception of risk that defenders of the land, territory and environment have is different from that of other groups of human rights defenders. For them, risk is not defined exclusively in terms of a specific threat to a community leader, but rather is linked to threats or attacks on the territory and natural resources that they collectively defend. This is particularly important, because understanding the risk defenders face is key to being able to offer effective and culturally appropriate protection.

**These individuals and communities require collective protection plans, which include an analysis of collective risks and a plan for mitigating them that addresses the structural causes.**

## RESPONSE OF THE COLOMBIAN STATE

In the light of the threats that human rights defenders have faced historically, the Colombian state has adopted a plentiful array of laws and regulations in response. Given that this report highlights the situation of defenders of the land, territory and environment, Amnesty International has focused on analysing the state's response to the collective protection of human rights defenders.

The organization has been able to identify at least 14 laws and decrees that directly or indirectly address the issue of the collective protection of human rights defenders in the country.<sup>17</sup> These norms focus mainly on the need to protect campesino, Indigenous and Afro-descendant communities from human rights violations linked to the armed conflict.

Among the institutions is the National Protection Unit (Unidad Nacional de Protección, UNP) designed to provide effective protection to those who need it most. This institution has been key to the security of many human rights defenders, particularly in urban areas. The UNP's focus is primarily on individual protection, offering bodyguards, armoured cars and other personal security arrangements to threatened defenders. However, the communities interviewed, as well as several civil society organizations, stated that the measures are often inappropriate in rural areas or for campesino, Indigenous and Afro-descendant communities where collective and preventive strategies are needed.<sup>18</sup>

The Ombudsperson's Office is another key institution in the collective protection of defenders, especially through its Early Warning System. However, the alarming extent to which different state entities have failed to comply with the recommendations of these Early Warnings and the fact that

<sup>17</sup>Law 418 of 1997; Decree 978 of 2000; Decree 2788 of 2003; Decree 2816 of 2006; Decree Law 4530 of 2008; Law 1448 of 2011; Decree 4065 of 2011; Decree 4911 of 2011; Decree 2096 of 2012; Decree 1066 of 2015; Decree 1314 of 2016; Legislative Act 05 of 2017; Decree 154 of 2017; Decree 1581 of 2017; Decree 2078 of 2017; Decree 2252 of 2017; Decree 2124 of 2017; Law 1908 of 2018; and Decree 660 of 17 April 2018.

<sup>18</sup> Somos Defensores, Annual Report 2019, A Clockwork Orange, [https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles\\_web.pdf](https://somosdefensores.org/wp-content/uploads/2019/04/informe-somos-defensores-2019-ingles_web.pdf)

those who fail to fulfil their protection obligations do not incur any political or legal consequences, have rendered them ineffective in providing real protection to the communities.

Faced with increasing national and international pressure due to the alarming rise in killings of human rights defenders, the government of President Duque has made a series of announcements about the ostensible concern and the priority that the issue has for the government and introduced a series of measures. Among them is the announcement, on 23 August 2018, by the Ministry of the Interior of a process to develop a public policy on prevention and protecting defenders. However, as of the date this report was published, no public policy had been announced.

Likewise, according to information that the Ministry itself has provided to Amnesty International, this process would not result in a legally binding document, but rather action guidelines for the Executive. Additionally, in November 2018, the government established the Plan for Timely Action (Plan de Acción Oportuna, PAO) for prevention and for the protection of human rights defenders, civil society and community leaders and journalists.<sup>19</sup> This PAO has been criticized by Colombian civil society, for adopting a militarized approach, for not informing defenders of its actions and for the lack of civil society participation both in the development of strategies or in monitoring their implementation. In an interview with Amnesty International, the Director of the PAO <sup>20</sup> admitted that the PAO is not intended to address the structural causes of violence. The Director also pointed out that he considers the presence of the army in the territories important for eliminating violence against civil society leaders. He also mentioned that no requests for collective protection measures had been received in the context of the PAO's actions.

In accordance with standards on the protection of human rights defenders, the Colombian authorities have an obligation to listen to the demands of the communities who are principally affected and adapt the protection mechanisms to their needs. It is difficult to see how such a complex problem can be resolved effectively without the participation of the communities at risk.

**This conclusion set out in this report is that the central problem in Colombia is the state's lack of political will to effectively protect human rights defenders, especially those who defend the land, territory and environment.**

Effective protection in these cases must include an analysis of collective risk and a mitigation plan that addresses the structural causes of that risk, which the Colombian state is not doing. The solutions are known, the mechanisms exist, the communities themselves have bravely organized to protect themselves from powerful actors who threaten them. But state indifference has meant that for too long no action has been taken and that there are no political or legal consequences for those state officials who do not fulfil their protection obligations; human rights defenders are paying for this inaction with their lives.

Human rights obligations fall on the three branches of the state. Amnesty International calls on each of them to assume their responsibilities in matters regarding the protection of human rights defenders, in particular:

- The President of the Republic should fully comply with those elements of the Peace Agreement that can promote the collective protection of defenders, in particular ensuring that the National Commission on Security Guarantees and the Crop Substitution Programme (Programa de Sustitución de Cultivos, PNIS) are operational;

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<sup>19</sup> The PAO is a series of linked actions that the state will implement in order to respond to the situation of violence against human rights defenders, civil society and community leaders and journalists, facing any form of risk that originates in Colombian territory. For more information, see: [https://www.mininterior.gov.co/sites/default/files/plan\\_de\\_accion\\_oportuna\\_de\\_prevencion\\_y\\_proteccion\\_0.pdf](https://www.mininterior.gov.co/sites/default/files/plan_de_accion_oportuna_de_prevencion_y_proteccion_0.pdf)

<sup>20</sup> Interview with General Leonardo Barreto, Director of the PAO, on 23 September 2019.



- The Ministry of the Interior should develop binding public policy on prevention and the protection of defenders, in consultation with communities and civil society organizations, which includes the issue of collective protection, as well as implementing the relevant decrees on the issue that already exist and organizing the implementation of Early Warning measures.
- The Congress of the Republic should exercise its oversight role regarding the Executive's obligations regarding the protection of defenders and demand accountability on the issue.
- The judiciary should make greater efforts to end impunity for killings and threats against defenders, as well as diligently investigating state officials who do not fulfil their obligations to protect human rights defenders and initiating the appropriate legal proceedings.
- All three branches of the state at national level and departmental governments should implement the concrete measures, designed by the communities – the PCN, in Buenaventura; CISCA in Norte de Santander Department; ASEIMPOME) in Meta Department and ADISPA in Putumayo Department.

These tools, along with a series of others that Amnesty International details in this report, would be an important first step in ensuring that the defence of the land, territory and environment ceases to be a fatal activity in Colombia.

# 1. ■ METHODOLOGY



In this report, Amnesty International documents the risks faced by human rights defenders working on issues related to the land, territory and environment in Colombia in carrying out their work. It forms part of a series of research documents covering countries throughout the region of Latin America and the Caribbean. The report analyses the effectiveness of the protection measures offered by the authorities at the local and national levels and sets out a number of recommendations for implementing a comprehensive approach to effective protection that complies with Colombia's human rights obligations.

In preparing this report, given the complexity and extent of the problem in Colombia, Amnesty International carried out a comprehensive mapping exercise of the entire country at the beginning of 2019, identifying various communities and groups of people defending the land, territory and environment who were at risk and causes of the risk. From this mapping, it was possible to identify patterns of risk for these human rights defenders and the specific nature of the collective risk faced by people defending the land, territory and environment in Colombia.

To carry out further in-depth research, Amnesty International selected four communities in four different departments in very different parts of the country. These communities have diverse characteristics, both as regards their ethnic composition as well as their different collective claims and the risk factors they face. The four are: the Afro-descendant rights organization Proceso de Comunidades Negras (PCN) in Buenaventura, Valle del Cauca Department; the Catatumbo Social Integration Committee (Comité de Integración Social del Catatumbo, CISCA) in Norte de Santander Department; the Kubeo-Sikuani Ancestral Indigenous Settlement (Asentamiento Ancestral Indígena Kubeo-Sikuani, ASEIMPOME), in Meta Department; and the Amazónica Association for Comprehensive Sustainable Development of La Perla (Asociación de Desarrollo Integral Sostenible de La Perla Amazónica, ADISPA) in Putumayo Department. A central part of the research methodology for producing this report has been to document and undertake an in-depth analysis of these four cases which, unfortunately, are not isolated cases, but rather exemplify situations faced by hundreds of communities and defenders across the country.

The organization made three visits to Colombia in May, June and October 2019. During the visits, an international research team from Amnesty International met with human rights defenders and community leaders in the departments of Putumayo, Valle del Cauca, Meta and in the Catatumbo subregion. The team also conducted multiple interviews in the country's capital, Bogotá, with representatives of civil society<sup>21</sup> and with national authorities at the Department for Human Rights in the Ministry of the Interior, the Plan for Timely Action (Plan de Acción Oportuna, PAO) Directorate, the National Protection Unit (Unidad Nacional de Protección, UNP), the Attorney General's Office and the Ombudsperson's Office. The organization exchanged letters with officials at the Ministry of Defence and with the municipal authorities of the cities of Buenaventura, Puerto Asís, Puerto Gaitán and Ocaña. Amnesty International requested information from each of these institutions.

The international research delegation conducted more than 100 interviews to gather information, analysis and opinions on the issue. These included in-depth interviews with four women leaders and two civil society leaders in the four communities whose cases are highlighted in this report and four collective meetings using participatory research methodologies in their respective communities, each of which lasted approximately between two and four days. During these meetings members of the communities reported the challenges they face collectively and the self-protection measures they have devised.<sup>22</sup>

The conclusions and recommendations in this report have also been informed by, among other things, interviews with civil society leaders, human rights activists and local and international experts, as well as the extensive mapping of reports from national and international civil society organizations, academic institutions, investigative journalism, audiovisual materials and analysis of legislation, jurisprudence, public policies and official data.

The original texts for the legislation and statements quoted for which no official translations into English are available have been translated unofficially by Amnesty International in this English version of the report to ensure accessibility, without prejudice to the original Spanish language version, which remains the only definitive, official version of this Amnesty International report.

Amnesty International would like to thank all the individuals, communities and organizations that have generously collaborated in the preparation of this document. In particular, Amnesty International would like to thank human rights defenders who have taken the time to share their stories of pain, struggle and resistance and their profound knowledge, without which this report would not have been possible. We hope that this publication will contribute in some way to ensuring that the critical work that they do is recognized, respected, valued and protected.

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21 Amnesty International met and was in constant contact with: the Research and Popular Education Centre (Centro de Investigación y Educación Popular, CINEP); the Inter-Church Commission for Justice and Peace (Comisión Intereclesial de Justicia y Paz, CUIP); the Committee for Solidarity with Political Prisoners (Comité de Solidaridad con los Presos Políticos, FCSPP); the Legal Support Group on human rights violations and crimes against humanity (Grupo de Apoyo Jurídico sobre violaciones a los derechos humanos y crímenes de lesa humanidad); the National Movement for Victims of State Crimes (Movimiento nacional de Víctimas de Crímenes de Estado, Móvices); the Association for the Promotion of an Alternative Minga (Asociación para la Promoción Social Alternativa MINGA <http://asociacionminga.org/>); the Corporación Claretiana Normán Pérez Bello; the Somos Defensores Programme; the Association for Research and Social Action (Asociación Para la Investigación y Acción Social, NOMADESC); the National Association for Displaced Afrocolombians (Asociación Nacional de Afrocolombianos Desplazados), PBI (Peace Brigades International) AFRODES (Asociación Nacional de Afrocolombianos Desplazados, AFRODES); PBI (Peace Brigades International); and the National Indigenous Organization of Colombia (Organización Nacional Indígena de Colombia, ONIC).

22 Amnesty International interviewed Jani Silva in the Putumayo region, Danelly Estupiñán and Leyla Andrea in the city of Buenaventura, Maria Ciro in the Catatumbo subregion, Mauro Chiapijae and Joel Chiapijae in the ancestral territory of the ASEIMPOME community in the Meta region.



## 2. INTRODUCTION

Colombia has for many years been experiencing a pandemic of killings and threats targeting human rights defenders. Paradoxically, violence against defenders has been exacerbated by another pandemic, COVID-19.

Attacks on defenders have intensified since the signing of the Peace Agreement between the government and the Revolutionary Armed Forces of Colombia-People's Army (Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo, FARC-EP) on 24 November 2016, due to serious shortcomings in implementation of the Agreement and the response required of the state.

The historical absence of the state in terms of guaranteeing human rights, such as the right to food, water, health and education, in territories formerly controlled by the FARC, coupled with the FARC's withdrawal have left a power vacuum in areas disputed by various armed groups for their natural resources or their strategic geographic location. Thus, the communities most affected by the armed conflict were left defenceless amid disputes between armed groups. This situation exacerbated the structural problems of inequality, exclusion and poverty that affect the majority of the campesino population and Afro-descendant and Indigenous communities, with differentiated impacts based on gender.

In addition, the government is failing to comply with key measures set out in the Peace Agreement that would guarantee protection for the communities most affected by the armed conflict and their leaders, namely agrarian reform, crop substitution, the dismantling of illegal armed groups and a system to ensure truth, justice, reparation and non-repetition, among others.<sup>23</sup> Between December 2018 and November 2019, general progress in implementing the Peace Agreement stood at 6%, which is less than in previous years, according to the University of Notre Dame Kroc Institute barometer.<sup>24</sup>

The Peace Agreement with the FARC has also not ended the other armed conflicts that are ongoing in Colombia. According to the ICRC, there are at least five non-international armed conflicts in Colombia.<sup>25</sup> According to the latest information available from the ICRC, relating to 2019, the outlook

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<sup>23</sup> This situation was reported by more than 500 civil society and non-governmental organizations in 2019 to the European Parliament. See report, *The Apprentice of Charm*, October 2019, [https://www.coljuristas.org/nuestro\\_quehacer/item.php?id=259](https://www.coljuristas.org/nuestro_quehacer/item.php?id=259)

<sup>24</sup> The University of Notre Dame's Kroc Institute has primary responsibility for technical verification and monitoring of implementation of the Agreement. In response to the mandate given by the parties to the Final Peace Agreement in Colombia, the University of Notre Dame Kroc Institute for International Peace Studies periodically produces and disseminates reports containing both qualitative and quantitative analyses of progress made in implementing the 578 provisions of this Agreement. For more information, see: <https://peaceaccords.nd.edu/barometer>

<sup>25</sup> ICRC, *A complex panorama of abuses in Colombia*, published on 4 March 2020, available at <https://www.icrc.org/en/document/complex-panorama-abuses-colombia>

is more complicated and the “growing number of victims of explosive devices and anti-personnel mines, the confinement of communities, ongoing forced displacement and disappearances, attacks on health-care personnel and facilities and breaches of international humanitarian law (IHL) are indicative of a critical backdrop in some regions of the country”.<sup>26</sup>

In this context, the killings of activists and human rights defenders reached historic records.

This has turned Colombia into the most dangerous country in the world for human rights defenders working on issues related to territory, the environment and access to land, according to the organization Global Witness.<sup>27</sup> Entire communities that remain in some of the areas richest in natural resources are harassed by armed groups, criminal organizations and companies seeking to exploit resources or their strategic location.

### **HUMAN RIGHTS DEFENDERS**

Human rights defenders are all those who, individually or collectively, whether or not they are linked to an organization or movement, in cities or rural areas, at the local, national or international level, act to defend, protect and promote human rights using non-violent means.<sup>28</sup>

To explore the various ways in which the need for collective protection manifests itself, Amnesty International has focused research for this report on the four organizations mentioned above working for the collective defence of human rights in Colombia: the PCN, CISCA, ASEIMPOME and ADISPA.

While each of these organizations and their geographic location are very specific and they each face particular challenges and dangers, they have been selected to identify possible common patterns that could point to solutions applicable at the national level.

### **THE RIGHT TO DEFEND HUMAN RIGHTS**

This includes, among other things, the right, individually and in association with others, to submit to governmental bodies and agencies and organizations concerned with public affairs, criticism and proposals for improving their functioning and to draw attention to any aspect of their work that may hinder or impede the promotion, protection and realization of human rights and fundamental freedoms.<sup>29</sup>

## **2.1 WHAT IS COLLECTIVE PROTECTION?**

Collective protection refers to states' obligation to provide protection to individuals and communities that collectively defend human rights by fully mitigating the factors giving rise to violence.

The United Nations Human Rights Council has urged states to ensure that protection measures for defenders are comprehensive, including aspects of individual and collective protection, taking into account the intersectional dimensions of violations and the particular needs of women defenders, Indigenous Peoples, children, members of minority groups and rural and marginalized communities.

<sup>26</sup> ICRC, A complex panorama of abuses in Colombia, published on 4 March 2020, available at <https://www.icrc.org/en/document/complex-panorama-abuses-colombia>

<sup>27</sup> Global Witness, Defending tomorrow, <https://www.globalwitness.org/en/>

<sup>28</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (A/RES/53/144) 8 March 1999, <https://undocs.org/A/RES/53/144>

<sup>29</sup> Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 8.



It also recommends that these measures function as early warning and rapid response mechanisms so that those who need them can access the relevant authorities without delay.<sup>30</sup>

Amnesty International believes that collective protection plans must address the structural factors that increase the risks and attacks faced by human rights defenders and their communities. These include impunity, stigmatization and discrimination, as well as the power of actors whose interests are threatened by efforts to promote and defend human rights.

To be effective, collective plans must be informed by a risk analysis carried out in the place where the group lives and which takes into account the specific characteristics and needs of the group from a comprehensive perspective.

**A collective plan must take into account, as a minimum, the following aspects:**

- The organizational structure of the group at risk;
- Its identity and dynamics;
- The collective claim giving rise to the defence of human rights by the collective;
- The political, social, community and economic context in which it is framed.

Amnesty International believes that the protection of defenders of the territory, environment and human rights linked to the land must always be collective. Individual protection in these cases is generally ineffective because it does not protect all those who may be at risk and because it does not address the very source of the risk, its structural causes.

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30 Human Rights Council, Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development (A/HRC/40/L.22) <https://undocs.org/A/HRC/40/L.22/Rev.1>



# 3. COMMUNITIES AT RISK

## 3.1 PROCESO DE COMUNIDADES NEGRAS AND THE COLLECTIVE RISK OF VIOLENCE

“

**We are ancestral Black people and we practise our traditions in the city because one day they transformed our free territory into a city. It was not something we wanted to happen. We had a free territory, but now we have violence and projects to which we have not consented”.**

Leyla Andrea, Amnesty International interview.

**BUENAVENTURA**  
**VALLE DEL CAUCA**  
**COLOMBIA**



The city of Buenaventura, in Valle del Cauca Department in the Pacific region of Colombia, encapsulates many of the country's paradoxes.

The area is rich in mangroves,<sup>31</sup> essential and irreplaceable ecosystems for the evolution of numerous species of fish that are traded on the Pacific coast.<sup>32</sup> Approximately 80% of the marine species in the area depend on this ecosystem to survive, so its destruction could lead to the destruction of the local ecosystem and affect fishing in the area.<sup>34</sup>

The city is also home to the most important port in Colombia, the Port of Buenaventura. The strategic location of the city and the fact that it is rich in natural resources have made it a central area on the national map of criminal activities including illegal trades such as drugs and arms trafficking, illegal mining and money laundering, among others.<sup>35</sup>

31 The Mangroves of Colombia, Environment Ministry, <https://www.minambiente.gov.co/index.php/component/content/article?id=412:plantilla-bosques-biodiversidad-y-servicios-ecosistematicos-14>

32 A. G. Castellanos-Galindo, M. L. Prieto, C. N. Uribe and L. A. Zapata, Peces de manglar del Pacífico colombiano, Cali, Colombia, World Wide Fund for Nature (WWF) Colombia, 2015.

33 Diagnóstico y Zonificación del Ecosistema de Manglar del Pacífico Chocoano, Marnan Copete Hidalgo, Convention on the Agreement between the Pacific Environmental Research Institute (IAP) and the Regional Autonomous Corporation for the Sustainable Development of Choco (CODECHOCO), 2009.

34 The Mangroves of Colombia, Environment Ministry, <https://www.minambiente.gov.co/index.php/component/content/article?id=412:plantilla-bosques-biodiversidad-y-servicios-ecosistematicos-14>

35 National Centre for Historical Memory, Buenaventura: un puerto sin comunidad, Bogotá, CNMH, 2015.

Historically, the Afro-descendant population has been particularly affected by the high levels of inequality and poverty in the area.<sup>36</sup>



Leyla Arroyo, a defender of the territory, explained to Amnesty International that the creation of the urban territory in Buenaventura is the result of Afro-descendant culture and ancestry in the area. In her view, the Afro-descendant population began a process of “filling the territory”, which consisted of using garbage, mud, the bark of timber trees and ballast before the streets were paved.

Over the years, Afro-descendant communities have also carried out important community work through Mingas (Gathering of community members to perform voluntary work in favor of the collective), which includes the development of productive activities for self-sufficiency, the use of ancestral construction techniques associated with the habitat, and the protection of their environment. In this way, a generation of Afro-descendant men and women built their houses and created a community that shares bonds of brotherhood and cultural characteristics and that has its own worldview; that is, a particular way of relating to the environment and of seeing and understanding the world.<sup>37</sup>

Local human rights defenders said that Buenaventura’s strategic location has meant that their communities have been the victims of the violence generated by the armed conflict and the consequences of infrastructure development projects carried out without consultation.<sup>38</sup>

Danelly Estupiñán and Leyla Arroyo from the Proceso de Comunidades Negras (PCN), a Black organizational network that brings together more than 140 grassroots organizations, community councils and individuals, said that the effects on the territory are a major threat to the survival of Afro-descendant communities in Buenaventura.

“The effects on the territory, either through infrastructure works, in particular the existing ports in the city, or through violence that harms them, threatens the continued existence of the Afro-descendant town of Buenaventura because of people leaving the territory or living in very precarious conditions due to the difficult situation in the city,”<sup>39</sup> explained Leyla Andrea.

Amnesty International was able to verify in situ the precarious condition in which Afro-descendant communities live in Buenaventura. There is a neighbourhood with houses made of wood, known in the area as “stilt houses” (palafíticas), that do not have basic sanitary services; a neighbourhood that has an open-air carbon storehouse; and a neighbourhood next to a port where, according to members of the community, the ground moves each time large cargo containers are moved in the port.

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36 According to the National Administrative Department for Statistics (Departamento Administrativo Nacional de Estadística, DANE), 80% of the population lives in poverty, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-y-desigualdad/medida-de-pobreza-multidimensional-de-fuente-censal>

37 Interview with Leyla Arroyo on 5 June 2019.

38 For more information see: Centre for Historical Memory, Un puerto sin comunidad, <https://centrodememoriahistorica.gov.co/micrositios/buenaventura/>

39 Interview with Amnesty International on 6 June.



The Proceso de Comunidades Negras (PCN) is a Black organizational network that brings together more than 140 grassroots organizations, community councils and individuals working to transform the political, social, economic and territorial reality for Black, Afro-descendant and Raizal and Pelanquera communities by defending and demanding their individual, collective and ancestral rights in Colombia.

Amnesty International visited the Palenque Regional El Congal, in the city of Buenaventura, to learn about the work of the PCN and the risks that the Afro-descendant community has been facing. According to human rights defender Danelly Estupiñán, the struggle of the PCN is “contributing to maintaining the diversity of the country... not only its many cultures, but also a great deal of biodiversity that its culture nurtures through its action.”

The PCN has used non-violent means to claim the right to Buenaventura ancestral territory. Estupiñán said that the PCN defends human rights in at least three ways:

1. Discussion: The PCN participates in different meetings with state authorities to guarantee that the voice of the Black people is always present in state activities;
2. Mobilization: The PCN participates and organizes peaceful protests, such as the Buenaventura Civic Strike, to claim ancestral rights;
3. Monitoring the situation of Black people: The PCN is in constant contact with Black people in Buenaventura and collects data to make public complaints.

“

**The only weapon we use is our voice, which is nothing more than the collective hopes of a community”**

*Danelly Estupiñán, PCN, Amnesty International interview.*

Since 1993, the PCN has been developing strategies to defend the Afro-descendant urban territory that include non-violent methods of coordination and collective participation.

Danelly and Leyla have been beneficiaries since 2017 of protection measures by the UNP, which consist of police escorts, a cell phone and a vehicle. Although she recognizes the importance of the measures, Estupiñán says that they are not enough to mitigate the risks they face because they do not address the roots of the violence and they lack a gender focus. She has a driver and a bodyguard who accompany her for half a day respectively.

In an interview with Amnesty International, she said “it is difficult to be a woman and have two men by your side all the time. My private space is shared with men all the time. I wonder what it would



cost the UNP to assign women for my protection? I would feel much more comfortable with such an arrangement”.<sup>40</sup> The measures have not been enough to stop the threats against her.

On 6 July 2019, unidentified people broke into Danelly’s home late at night. Several non-governmental organizations have reported that criminal organizations in the area already have a contract to kill Danelly.<sup>41</sup> In addition, she has received intimidating messages on her mobile phone, saying that if she wants to stay alive, she must keep quiet.

“The struggle annoys businessmen, politicians who have specific economic interests and some government entities and they use different strategies to shut us up. I have been threatened because of the work I do... I live in a situation where I am completely conscious that it could end in... a killing because the order to kill me has already been given”,<sup>42</sup> explained Estupiñán.

In 2019, she filed a complaint with the Attorney General’s Office that she was being followed by unidentified people.<sup>43</sup> At the time this report was published, those responsible for following her had yet to be identified. For Estupiñán, the slow response of the Attorney General’s Office and the lack of sanction by the judicial authorities give carte blanche for attacks against her and other defenders in the country to continue.

Human rights defenders like Estupiñán explained that it is essential that the authorities understand the risk in a comprehensive manner and develop collective protection plans that address the roots of the structural problems of violence and therefore create a safe environment in Buenaventura for the defence of human rights.

### 3.1.1. The PCN’s COLLECTIVE PROTECTION PLAN FOR BUENAVENTURA

Because of the collective risks that the Afro-descendant communities of Buenaventura face and the lack of a collective protection plan by the Colombian authorities, the PCN has developed a collective self-protection plan, which includes three general political, legal and practical measures.

According to the PCN, if these measures were implemented in a comprehensive, coordinated manner and with the proper support from the state authorities, the causes of the violence would be addressed and the state would therefore fulfil its obligation to create a safe and enabling space for the defence of human rights.

#### 1. Political Measures:

- A. **Recognition**, by the municipal, departmental and national executive authorities, of the Afro-descendant communities of Buenaventura as **ancestral communities**.

The Inter-American Court of Human Rights has recognized that ancestral peoples are those who have different social, cultural and economic traditions different from other sections of the national community, identifying themselves with their ancestral territories, and regulating themselves, at least partially, by their own norms, customs, and traditions.<sup>44</sup>

The PCN considers that they have ancestral characteristics that identify them as Black people. Among other things, they cite the fact that the population of Buenaventura is made up of people brought from Africa and enslaved during the colonial period who continue to maintain

<sup>40</sup> In an interview, the Director of the UNP stated that the Unit’s measures do have a gender perspective, but it is not possible to assign female escorts to all women human rights defenders because of a lack of female escorts. Interview with Pablo Gonzalez, Director of the National Protection Unit, September 2019, Colombia.

<sup>41</sup> Complaint filed with the Attorney General’s Office on 7 July 2019.

<sup>42</sup> See, Amnesty International, Colombia: Human rights defender life in danger: Danelly Estupiñán, <https://www.amnesty.org/en/documents/amr23/0874/2019/en/>

<sup>43</sup> Complaint filed with the Attorney General’s Office on 7 July 2019.

<sup>44</sup> Inter-American Court of Human Rights, Case of the Saramaka People. v. Suriname, Preliminary Objections, Merits, Reparations and Costs, Judgment of 28 November 2007 Series C No. 172, para. 79, [https://www.corteidh.or.cr/docs/casos/articulos/seriec\\_172\\_ing.pdf](https://www.corteidh.or.cr/docs/casos/articulos/seriec_172_ing.pdf)



the traditions of their ancestors, such as the construction of wooden stilt houses, the custom of throwing the newborn's umbilicus into the mangrove forest and continuing to increase the territory of Buenaventura through sanitary landfill processes. For the PCN, the recognition of the Afro-descendant communities of Buenaventura would give legal status to the existence of Afro-descendant urban people and, consequently, to their collective rights, such as the right to ancestral territory, and to free, prior and informed consultation and consent.

## **B. Compliance with the agreements of the Civic Strike**

For the PCN, the agreements of the movement known as the “Civic Strike” are a key tool to achieve the collective protection of the Afro-descendant urban communities of Buenaventura. In particular, the agreement on the creation of a new Land Management Plan (Plan de Ordenamiento Territorial, POT), which includes a process of free, prior and informed consultation with the Afro-descendant communities of Buenaventura. For this to occur, the Buenaventura municipal authorities need to call on the Ministry of the Interior to initiate the consultation. However, since April 2018, there has been no progress on this. For the community, a Comprehensive Management Plan would be a key measure of collective protection, since it could set out the intended use of land based on ancestral and Afro-descendant culture rather than port requirements, as the current one does.<sup>45</sup>

## **THE CIVIC STRIKE OF BUENAVENTURA**

According to Berenice Celeita, Director of NOMADESC, the 2017 Civic Strike was a peaceful, mass movement organized by the people of Buenaventura to claim their individual, collective and ancestral rights. For Berenice, the Civic Strike represented the possibility of breaking the silence for a population that for years lived in fear of violence and human rights violations. For 22 days, the population negotiated with government authorities on human rights related responses and measures on issues such as the right to territory, education, water and health, among others.

According to the Colombian Ministry of the Interior, the most important agreement reached between the two parties was the development of a bill to create a special 10-year development plan that would benefit the Buenaventura district by implementing projects, programmes and initiatives financed through an autonomous fund. The bill sets out the projects and programmes, as well as the sources of funding, to achieve the full enjoyment by the inhabitants of the Buenaventura District of their economic, social and cultural rights. It also establishes special mechanisms for the evaluation, social oversight and regular monitoring of the progress of projects and programmes.<sup>46</sup>

However, the PCN and NOMADESC stated that the agreements that came out of the Civic Strike have not been implemented. The organizations believe that the authorities need to put in place a clear plan for complying with the agreements so that the rights of the traditional communities of Buenaventura are respected.

<sup>45</sup> According to the Buenaventura Land Planning Framework (Plan de Ordenamiento Territorial de Buenaventura), the municipality of Buenaventura must be the main Regional and National centre on the Pacific, for which it will develop and integrate fishing, industrial, agro-industrial and ecological tourism activities with those related to port services; promote territorial unity as regards management and leadership of regional development; and promote itself as a municipality-region that is the geostrategic axis of the Pacific and the Buenaventura Western Colombian Territorial Plan. (Agreement 03 of 2001, Article 7.)

<sup>46</sup> Agreements of the Civic Strike of Buenaventura, <https://www.mininterior.gov.co/acuerdos-del-paro-civico-en-el-distrito-de-buenaventura>

### C. Strengthening organization

The leadership of the PCN believes that only a group strengthened internally can face the risks confronting them. Julio Cesar, a member of the PCN, told Amnesty International that “a strengthened collective is capable of developing its own projects for wellbeing in such a way as to achieve a degree of reconciliation in terms of guaranteeing the right to make its own decisions for the future, which includes the protection of the entire movement”.

To achieve this strengthening, the PCN organizes both internal workshops and workshops with Afro-descendant communities in Buenaventura so that they can be aware of, discuss and understand the individual and collective risks they face and, based on this, develop their own protection measures and organize to demand rights and protection measures from institutions

## 2. Legal Measures:

- A. The resolution of the proceedings on overlapping property titles in Buenaventura, since many of the collective risks and threats arise from land disputes.
- B. The application of the “Ethnic Route” (Ruta Étnica) established by Constitutional Court Decree No. 05 of 2009. This is an administrative protection mechanism of a tutelary nature that contributes to the safeguarding of the collective territorial rights of Black communities at risk or who have been displaced, suffered harm or are threatened by the armed conflict or the factors underlying or linked to it, or in whose territories development projects have been initiated without fulfilling the requirements of the fundamental right to prior, free and informed consultation.

## 3. Practical Measures:

- A. Physical measures, which do not mitigate the risk, but help to guarantee the life and physical integrity of members of the PCN and civil society leaders at risk. For example, mobile and satellite phones to facilitate communication and requests for help, security arrangements, protection and security equipment for communities, houses and offices, among others.



## 3.2 THE CATATUMBO SOCIAL INTEGRATION COMMITTEE AND THE COLLECTIVE RISK OF ARMED CONFLICT



Located in the northeast of Norte de Santander Department, which stretches between the Eastern Andes of Colombia and Lake Maracaibo, Catatumbo is one of the areas with the highest coca production in Colombia. Tibú, one of the largest municipalities in the area, for example, has the second highest concentration of coca crops (12,787 hectares), after Tumaco (23,148 hectares), in Nariño, according to the United Nations Office on Drugs and Crime (UNODC).<sup>47</sup>

Extreme poverty<sup>48</sup> high levels of militarization and violence and the lack of access to health, food, education, communication channels, water and housing have created a hostile environment, particularly for civil society leaders, who have been targeted for attack by members of the army and the police.<sup>49</sup> According to the ICRC, there are currently five armed conflicts in Colombia. One of these is between the National Liberation Army (Ejército de Liberación Nacional, ELN) and the Popular Liberation Army (Ejército Popular de Liberación, EPL) in the Catatumbo region.<sup>50</sup>



The area is also rich in natural resources, particularly oil, which have attracted extractive company projects.<sup>51</sup>

By visiting the area and talking with campesino communities that live on different farms in the municipalities of Hacarí, Teorama and El Tarra, Amnesty International was able to verify the high military presence on the streets and farms and traces of both armed groups and FARC dissidents in the houses and on the streets.

47 UNODC, Informe de Monitoreo de Territorios Afectados por Cultivos Ilícitos en Colombia - 2019 Colombia,

48 According to data from the National Administrative Department for Statistics, the Norte de Santander region has a multidimensional poverty index of 31.5%.

49 Centre for Historical Memory, Memorias de Vida y de Dolor, [www.centrodememoriahistorica.gov.co/micrositios/catatumbo/violencia.html](http://www.centrodememoriahistorica.gov.co/micrositios/catatumbo/violencia.html)

50 ICRC, Colombia: Five armed conflicts – What's happening?, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening>

51 Catatumbo-Bari National Natural Park Management Plan, Ministry for the Environment, National Natural Parks of Colombia, 2013, <http://www.parquesnacionales.gov>.

In each municipality visited, Amnesty International was able to observe community meetings, attended by campesinos belonging to CISCA in which the collective risks and threats they face were discussed.<sup>52</sup>

María Ciro, a human rights defender and member of CISCA, said that many campesinos plant coca because they have no other option. “It is due to the absence of a social state that guarantees them access to a job that allows them to live with dignity,” she explained to Amnesty International. The problem, she stated, is a mistaken perception that all Catatumbo campesinos are linked to armed groups and their constantly being labelled as drug traffickers, which puts them in a situation where they are marginalized and extremely vulnerable.

Part of CISCA’s work to defend the right to land is trying to strengthen the social fabric of the Catatumbo communities and helping them change to another model that does not destroy nature and understands the potential of existing plants for lawful uses. Ciro also explained that part of this transition requires guaranteeing the medicinal and traditional use of coca, for example, for the preparation of medicinal creams.

The CISCA is a campesino movement that works for the human rights related to the land of campesinos in the Catatumbo region of Colombia.

The campesino communities of Catatumbo are demanding human rights linked to the land, in particular the right to food, work, a healthy environment and the recognition of campesinos as rightsholders. For them, defending human rights is something they do day in day out by remaining on their lands and through the Community Action Groups where they come together to demand their rights from state institutions.

The Community Organization is the mechanism through which the communities decide how to organize themselves to lead and promote the work in the life of the communities through communal processes in neighbourhoods and on the streets and participation.

The issue of the high level of violence in Catatumbo was addressed in the three community assemblies that Amnesty International was able to attend in the region. Those who participated talked about the fear generated by the presence of armed groups and the Army in the area. According to the leader of a community action group, “peace did never arrived here [in Catatumbo]. We experience violence every day, and when we campesinos try to report it, when we try to demand our rights, they threaten us”.<sup>53</sup>

A campesino told Amnesty International: “we know how difficult it is to stay on our lands, but we also know how important the land is to us, so we are not going to leave this place. We will stay here on our lands, but we need protection because they want to kill those of us who try to defend our lands and the Catatumbo”.<sup>54</sup>



**The land gives us everything, it feeds us, it gives us work and it also gives us friends, because here in the countryside the land is where social relations take place”**

María Ciro, member of the CISCA political team, during a women’s meeting organized in El Tarra.

co/portal/es/organizacion/planes-de-manejo-areas-del-sistema-de-parques-nacionales-naturales-de-colombia/

<sup>52</sup> For security reasons, people’s names have been withheld.

<sup>53</sup> Interview with Amnesty International. For security reasons, the person’s name has been withheld.

<sup>54</sup> Interview with Amnesty International. For security reasons, the person’s name has been withheld.



In response to the high levels of violence in the area, the Colombian state has deployed a large number of military personnel. However, the apparent lack of communication with the campesino communities and the failure to address their needs have created a high degree of mistrust.

The high levels of violence in the area have been reported by CISCA and the Minga Association. According to both organizations, in the first half of 2020 there were 32 homicides, two of which were in the context of forced crop eradication operations in the municipalities of Sardinata, Tibú and Hacarí.<sup>55</sup>

Ciro said that there is a general fear of the presence of the Army in the Catatumbo area among the campesino community.<sup>56</sup> The Army presence also means that confrontations with armed groups may break out, so at any moment the situation in Catatumbo could explode and they will be caught in the crossfire.

Local communities have also complained about the collective impact of extractive projects, particularly oil, as a source of risk due to contamination of the soil and water sources, as well as the presence of people who do not belong to the communities. “From the beginning of the 20th century to the present day, the colonial vision has not changed, just as in the past, the aim continued to be to extract natural resources at the expense of local people, yesterday it was Indigenous Peoples, today it is campesinos and Indigenous Peoples. The national government was working on this plan up to the beginning of this year with the blind intention of imposing fracking by force in three pilot projects nationwide, one of them in Catatumbo,” explained Ciro.

**“We do not need security forces here, we need social investment, we need them to invest so that campesinos stop cultivating coca, but it needs to be something realistic, not half-baked”**

*Campesino woman, member of CISCA, during a women's meeting organized in El Tarra.*



In February 2018, the Ombudsperson's Office issued an Early Warning resolution because of the risk faced by several communities in the area of displacement and violations of human rights and international humanitarian law, in particular armed attacks on civilians by armed groups in the area.<sup>57</sup>

However, the Early Warning, which should act as a call to action to various levels and institutions of government, resulted in little by way of implementation by municipal, departmental and national authorities.<sup>58</sup>

<sup>55</sup> CISCA and Asociación Minga, Boletín de Derechos Humanos, Catatumbo region, January-June 2020.

<sup>56</sup> People who have been victims of homicides perpetrated by state agents, mainly by the military, and falsely presented as combat casualties are called “false positives”.

<sup>57</sup> The Ombudsperson's Office, Early Warning No. 26, 28 February 2018.

<sup>58</sup> Interview with the Deputy Ombudsperson in September 2019.



In February 2020, the ELN called a 72-hour national armed strike which, CISCA informed Amnesty International, resulted in the forced confinement of the campesino communities.<sup>59</sup>

According to a leader of a Catatumbo Community Action Group, “being a civil society leader here is almost a death sentence, there are risks every day. And there is no effective response from the authorities”.<sup>60</sup>

#### 4.2.1. COLLECTIVE PROTECTION PLAN FOR CATATUMBO

The successful collective protection of human rights defenders in Catatumbo requires a holistic approach that includes measures to alleviate the humanitarian crisis preventing the effective defence of human rights and implementation of the relevant aspects of Peace Agreement.

Regarding the Peace Agreement, it is essential that it be implemented in a manner that takes into account the specific circumstances in the territory. In particular, the substitution of illicit crops can help reduce the risks faced by communities and human rights defenders, since this issue is directly linked to the presence of armed groups, the army and the crisis of the right to food and other social rights. Furthermore, it could represent a more effective measure than eradication or glyphosate fumigation, as it is a measure that in theory respects human rights. The Territorial Development Plans (Los Planes de Desarrollo con Enfoque Territorial, PDET),<sup>61</sup> which are part of the Peace Agreement, must also be implemented effectively and as a matter of urgency in Catatumbo.

#### THE CROP SUBSTITUTION PROGRAMME<sup>62</sup>

The comprehensive national illicit crop substitution programme (Programa Nacional Integral de Sustitución de Cultivos Ilícitos, PNIS) is contained in Point 4 (Solution to the Illicit Drug Problem) of the Peace Agreement. It is based on the principles of the Comprehensive Rural Reform (Reforma Rural Integral); the joint participatory and concerted creation of a differential approach according to the conditions in each territory; and respect and application of the principles and norms of the state civil rule of law and civic coexistence and of the voluntary substitution of crops.

The substitution programme has several objectives, including: overcoming poverty in campesino communities by creating conditions of well-being and a good life in the territories; the promotion of the voluntary substitution of crops for illicit use by promoting comprehensive municipal and community substitution and alternative development plans; creating productive policies and opportunities for growers, by promoting an economy based on collective effort and solidarity; and the strengthening of the institutional presence of the state in the territories affected by crops for illicit use, promoting comprehensive development and the satisfaction of the rights of all citizens. The programme establishes that these objectives are achieved by guaranteeing security, coexistence and respect for and protection of human rights.

The main components of a comprehensive crop substitution plan are: an immediate plan to focus on and develop productive projects; rapid delivery of social infrastructure works; a sustainability and environmental recovery component; a plan

<sup>59</sup> ELN, Public statement 02, 10 February 2020, <https://eln-voces.net/comunicado-2/>

<sup>60</sup> Interview with a leader of a Community Action Group in Catatumbo.

<sup>61</sup> The PDET is a 10-year process of construction and participation, which will reflect a collective vision of actors on the ground and therefore the active participation of the communities is fundamental, since the PDET seeks to claim a leading role in promoting their own development.

<sup>62</sup> The Peace Agreement, Point 4.

to formalize ownership; plans for remote sparsely inhabited areas, and timetables, goals and indicators.

The Ideas for Peace Foundation (Fundación Ideas para la Paz), one of the organizations that has been monitoring implementation of the programme, believes that there are structural and contextual problems preventing its effective implementation.

They explained, for example, that PNIS funding does not include families in collective agreements; it lacks sufficient operational capacity; technical assistance has been slow and intermittent; and the situation in PNIS areas continues to deteriorate, putting leaders and communities at risk.

They also said that factors such as the delaying elements of the PNIS, among other things, could create tensions and lead to people abandoning the programme, increasing the risk of replanting.

The project includes recommendations for investment in social projects, regularizing legal cases related to land tenure and illicit crops substitution, among other things.<sup>63</sup>

In the absence of a comprehensive protection plan for communities that are the targets of attacks, the communities have put protection plans in place themselves.

CISCA, together with the communities, has developed two strategies that could serve as the basis for the comprehensive collective protection plan that the Colombian state should develop for Catatumbo:

## 1. Process of return to a campesino economy

In response to the failure to implement Point 4 of the Peace Agreement in the region (Solution to the Problem of Illicit Drugs), since 2019 CISCA has been working with 50 campesinos from Catatumbo on transitioning to cultivation for lawful use in the framework of a change in the economic model of the campesino community.

Through this process, CISCA seeks to restore the traditional campesino economy that allows small farmers to maintain their food autonomy hand in hand with agroecology, without agrochemicals, and the fosters community exchanges that prioritize the right to healthy, quality food and are culturally appropriate. The objective of the pilot project is to create the conditions that foster reduced dependence on coca leaf.

For CISCA, the process of restoring the campesino economy is an effective alternative, because it helps create a situation where campesinos can guarantee their right to work and food autonomy in a dignified manner.

## 2. Road improvement thanks to community tolls

Rural communities have developed a community toll system in Catatumbo with the aim of restoring and improving roads in the area. According to Jesus Noé Carrascal, President of the El Asserio Community Action Group (Junta de Acción Comunal de El Asserio), community tolls represent a form of self-protection for communities, since, before tolls, the roads were in terrible condition, condemning many people to constant confinement and delaying the arrival of humanitarian aid.

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<sup>63</sup> Amnesty International interview with the Mayor of El Tarra, June 2019.

Maria Ciro, from CISCA, says that tolls have facilitated communication and increased the security of communities, particularly because even in times of conflict they are still able to move around.

“Before the community toll and road restoration, for example, the journey from Ocaña to El Tarra took on average nine hours, but now it takes about four,” she explained.

For CISCA, it is essential that the state recognize the community toll as a form of self-protection for the communities and that it strengthens it through economic incentives for restoring the roads and donates basic equipment for the full operation of the tolls, such as, for example, tractors.

### 3.3 THE INDIGENOUS ASEIMPOME COMMUNITY – THREATS LINKED TO THE FAILURE TO RECOGNIZE ANCESTRAL TERRITORY



Located in the Llanos Orientales region, in the central zone of Colombia, Meta is one of the departments with the highest level of food production in the country, thanks to its fertile land and diverse flora and fauna.<sup>64</sup>

The region is also home to the Sierra de la Macarena, one of the oldest mountain ranges in the world and with vast environmental diversity.<sup>65</sup> The Caño Cristales basin is rich in water, with numerous tributaries, and contains one of the main natural parks in the country.<sup>66</sup> The vast majority of amphibian and reptile species that inhabit the Sierra play a fundamental role in regional ecosystems and are highly susceptible to changes in the environment.<sup>67</sup>

Despite its great wealth in natural resources, the Meta region has high rates of poverty, particularly in rural areas. More than 75% of the population lack basic services and necessities, including education, employment, health and food,<sup>68</sup> reflecting the lack of a state presence in the area. This contributes to the encroachment onto Indigenous lands and territories and the presence of armed groups in the region.



<sup>64</sup> Nuestro departamento, Meta Department, Government of Colombia, 2015, <https://www.meta.gov.co/web/content/nuestro-departamento>.

<sup>65</sup> Nuestro departamento, Meta Department, Government of Colombia, 2015, <https://www.meta.gov.co/web/content/nuestro-departamento>.

<sup>66</sup> Meta: Análisis de conflictividades y construcción de paz, Omar Gutiérrez Lemus, United Nations Development Programme (UNDP), 2015.

<sup>67</sup> Fauna de Caño Cristales, Sierra de la Macarena, Meta, Colombia, Carlos A. Lasso, Monica A. Morales-Betancourt, Serie Editorial Fauna Silvestre Neotropical, Colombia, Bogota, Alexander von Humboldt Biological Resources Research Institute, Corporation for Sustainable Development of La Macarena-Cormacarena Special Management Area, 2017.

<sup>68</sup> Information available on the page of the Office for Information and Statistics of the Administrative Department of Departmental Planning, <https://meta.gov.co/web/>

One of the areas most affected by structural poverty and the consequences of the actions of armed groups is Inspección El Porvenir, in the Municipality of Puerto Gaitán. This is made up of Indigenous and campesino communities who are demanding respect for their human rights linked to the land and ancestral territory and to be recognized as legitimate inhabitants of their lands.<sup>69</sup> In 2016, the Colombian Constitutional Court ruled in favour of regularizing the situation of the community.<sup>70</sup> However, no plan to do so has yet been put in place.

During the preparation of this report, Amnesty International visited the ASEIMPOME. The settlement is made up of 42 families in the communities of San Fernando, Keko and Los Siete Rodríguez, who returned to their ancestral territory in 2015, after almost 30 years of forced displacement because of the high levels of violence.

In an interview with Amnesty International, community leader Mauro Chipiaje Gaitán said that the ancestral territory of ASEIMPOME was historically inhabited by Indigenous members of his ethnic group.

However, since around 1690, these Indigenous communities have been displaced by settler land dispossession and violence by armed state groups in what was later named El Porvenir. After they were displaced, the communities settled on the eastern border in the El Tomo plains reserve in the municipality of La Primavera, Vichada, where from about 1990 armed groups, such as guerrillas and paramilitaries, engaged in violence and forced recruitment. Community members told Amnesty International that the fear generated forced the community to move back to the urban area of the municipality of “La Primavera”.



Members of the community and the Corporación Claretiana organization explained that, at that time, a local businessman, Víctor Carranza, took advantage of the situation to accumulate land in the area and implement a model of large-scale intensive livestock farming.<sup>71</sup>

In 2016, following a land claim process pursued by human rights defender Miguel Briceño on behalf of the campesino community, it was shown that Carranza had acquired lands using fraudulent documentation.<sup>72</sup> As a result of the process, carried out with the help of the Yira Castro Legal Corporation and Senator Iván Cepeda, it was possible to show that the Carranza family had acquired land through improper means.<sup>73</sup>

On 30 July 2015, the Colombian Institute for Rural Development (Instituto Colombiano de Desarrollo Rural, INCODER) issued a resolution annulling the validity of the property titles in the name of Víctor

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sites/default/files/Ficha%20Departamental%20del%20Meta%202017.pdf

69 Amnesty International, A land title is not enough: Ensuring sustainable land restitution in Colombia, <https://www.amnesty.org/en/documents/AMR23/031/2014/en/>

70 Constitutional Court of Colombia, Judgment SU426/16, 11 August 2016.

71 For more information, see: Corporación Claretiana, Tierra y Despojo en los Llanos, [https://corporacionclaretiana.org/wp-content/uploads/2019/09/Tierra-y-despojo-en-los-Llanos\\_compressed.pdf](https://corporacionclaretiana.org/wp-content/uploads/2019/09/Tierra-y-despojo-en-los-Llanos_compressed.pdf)

72 INCODER, Resolution 6423 of 30 July 2014.

73 INCODER, Resolution 6423 of 30 July 2014.



Carranza.<sup>74</sup> However, the land reclamation process of the 32 property rightsholders has yet to be completed.

According to the statements of five people who lived in La Primavera during the years of displacement, the time they spent outside their ancestral territory was very difficult for them, because Indigenous people never adapted to urban living and faced constant discrimination.

Lack of access to land made it difficult for them to grow food or find work. Children lost their language and access to a traditional education.

The lack of contact with their sacred sites was one of the factors that caused a loss of Indigenous ancestral customs.

The community leader explained to Amnesty International that many Indigenous people became ill because they did not have access to medicinal plants and fruits.

Víctor Carranza died in 2013. According to Mauro Chipiaje, leader of the ASEIMPOME Indigenous community, the news of Carranza's death encouraged them to do something that displaced families have long wanted to do: return to their territory and rescue their ancestry.

Throughout 2015, the 42 families who had been displaced gradually returned to their ancestral territory. When they returned, they found that, although Carranza's company was no longer operating, the land, which no longer had the same flora and fauna as a result of intensive cattle ranching, had been occupied by armed groups and new campesinos.

Mauro Chipiaje believes that the campesino families that occupy the Indigenous territory are people who were the victims of fraud. "They bought their land thinking that it was land that belonged to no one, but this is our territory".

**“ We want to stay in our territory...  
because it identifies us, our culture, our blood  
and our identity, our history and our culture,  
our food, all are part of the territory”**

Joel Chipiaje, defender of the territory of the ASEIMPOME community, in an interview with Amnesty International.

Chipiaje and other members of the ASEIMPOME Indigenous community described how their return was met with violence and threats. They said that armed groups and others who occupied their ancestral lands accused them of being invaders.

As a result, in 2018, the community filed two petitions with the UNP for individual and collective protection measures.<sup>75</sup> However, a series of administrative obstacles – including a request by the UNP to the Puerto Gaitán municipal authorities to verify the existence of the Indigenous community, which was finally carried out in January 2020<sup>76</sup> – left the community without protection for almost two years.

74 INCODER, Resolution 6423 of 30 July 2014.

75 ASEIMPOME request for Individual and Collective Protection Measures to the UNP, Copy on file with Amnesty International.

76 Puerto Gaitán municipal authorities, Recognition document from the Municipal Governor of the Porvenir Indigenous Settlement, 1 January 2020.

During all that time, the community has been a victim of constant threats and attacks. At least two families have had their houses burned down by unidentified people, community leaders reported receiving telephone threats and the constant presence of two unknown armed men near the ASEIMPOME Indigenous Settlement on the road that leads to the village of El Porvenir.<sup>77</sup> One of the most recent incidents took place on 24 April 2020 when a man reportedly tried to burn down one of the houses in the Indigenous settlement.<sup>78</sup>

#### 4.3.1. A COLLECTIVE PROTECTION PLAN FOR THE ASEIMPOME INDIGENOUS COMMUNITY

In response to the threat created by the presence of armed groups in the territory and the inaction of the state authorities, the community decided to coordinate itself to deal with the violence through **three self-protection measures**. These could form the basis of a collective protection plan, which the authorities should develop in consultation with the community after obtaining their free, prior and informed consent:

##### 1- Legal protection of the territory and creation of the Indigenous Reserve

Since returning to their ancestral territory in 2015, the ASEIMPOME communities, through their Indigenous authorities and with the support of the Corporación Claretiana Norma Pérez Bello, have initiated the legal process of Protection of Ancestral Territories set out in Decree 2333 of 2014, and the creation of an Indigenous reserve, in accordance with Decree 1071 of 2015.

Reserves are a legal and socio-political institution with a special character, made up of one or more Indigenous communities who have a collective property title that has the same guarantees as private property. The communities own their territory and are self-governing, managing the land and their internal life through autonomous organizations protected by Indigenous jurisdiction and their own regulatory system.<sup>79</sup>

It is one of the mechanisms created by the Colombian state for the effective protection and legal security of ancestral or traditional lands and territories occupied or owned by Indigenous Peoples.<sup>80</sup>

Amnesty International was able to verify that one of the processes had reached its final stage. However, due to a precautionary measure in favour of a third party who is claiming part of the ancestral territory, it has now stalled. Documents relating to the other process, the creation of a reserve, are apparently lost in the archives of the National Land Registry, the body which awards reserve status, according to information from Corporación Claretiana.



<sup>77</sup> Corporación Claretiana Norma Pérez Bello, Public Complaint No. 032, <https://corporacionclaretiana.org/2020/04/28/denuncia-publica-no-32-continua-persecucion-a-comunidades-de-el-porvenir-denunciamos-quema-de-viviendas-al-interior-del-asentamiento-indigena-ASEIMPOME-puerto-gaitan-meta/>  
<sup>78</sup> Corporación Claretiana Norma Pérez Bello, Public Complaint No. 030, <https://corporacionclaretiana.org/2020/04/15/denuncia-publica-no-30/>

Resolving the processes to recognize the ancestral rights of the Indigenous Peoples of Porvenir could reduce the risks they face. As stated by the United Nations Rapporteur on Defenders and the Rapporteur on Indigenous Peoples, “one of the root causes of abuses suffered by environmental human rights defenders is the lack of legal recognition of land rights, in particular for indigenous communities and those affected by post-colonialism, conflict and other causes of forced displacement”.<sup>81</sup>

## 2 – Legal recognition and strengthening of the Indigenous Guard

According to the National Indigenous Organization of Colombia (Organización Nacional del Indígena de Colombia, ONIC), Indigenous Guards are mechanisms created by Indigenous Peoples in Colombia to protect their territory from threats from third parties. They form part of the autonomy that Indigenous Peoples have in managing and defending their territory. The establishment of Indigenous Guards is based on Article 246 of the Constitution, which states that: “The authorities of the indigenous peoples may exercise their jurisdictional functions within their territorial jurisdiction in accordance with their own laws and procedures as long as these are not contrary to the Constitution and the laws of the Republic”.<sup>82</sup>

In the case of ASEIMPOME, the Indigenous Guard was formed to protect the territory from the constant threats and attempted invasions by people from outside the community. When Amnesty International visited the community, it was able to verify the way in which the ASEIMPOME Indigenous Guard operates: the people on duty are always identified with vests, carry bows, arrows and radio devices for communication, as there is no effective mobile phone signal in the area. People on duty make constant rounds and are accountable to the community leader.

**“The Indigenous Guard is made up of men and women who enable us to protect ourselves. They are trusted Indigenous people who serve the community”**

*Julian Chipiaje Rodríguez in an interview with Amnesty International.*

The leader of the Indigenous Guard stated that they use peaceful methods to protect the territory. Faced with a violent attack, the Indigenous Guard informs the relevant authorities who can resolve the conflict. The community leader told Amnesty International that the “Indigenous Guard is necessary because there is a total violation of the rights of Indigenous People” and that before “many people, including the authorities, moved freely in Indigenous territory, without the proper permission from traditional authorities”.

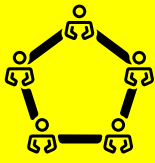
The Indigenous Guard is not formally recognized by the authorities. For this to happen, the state would have to formally recognize the Indigenous territory of ASEIMPOME.

## 3 – Rescuing culture as a form of protection

According to the community leader, the notion of self-protection is directly linked to the Indigenous worldview. Since returning to their territory in 2015, the community has tried to recover its ancestry as a way to protect itself. For the community, Indigenous education, the preservation of their sacred sites and the strengthening of Indigenous culture are elements of self-protection that help them to continue working to defend their ancestral territory.

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<sup>81</sup> United Nations. General Assembly. A/71/281. Situation of Human Rights Defenders. Available at: [Avundocs.org/A/71/281](http://Avundocs.org/A/71/281)  
<sup>82</sup> Colombian Constitution, Art. 246.



## WORLDVIEW

Worldview is a central concept in the experience, culture and organization of Indigenous Peoples and can be a critical component of their self-protection. It is the way you see life and the world, and understand your relationship with the earth and the universe. Knowledge about politics, economics, society, spirituality or any other topic arises from the worldview. Each community cultivates, nurtures and emphasizes its worldview as it wishes.

The cultural rights of Indigenous Peoples derived from their existing connection with their ancestral territory have been the subject of various binding judgments by the Inter-American Court of Human Rights,<sup>83</sup> whose jurisdiction Colombia has recognized. These decisions have established that the close relationship that Indigenous People have with the land must be recognized and understood as the fundamental basis of their cultures, their spiritual life, their integrity and their economic system. For Indigenous communities, the relationship with the land is not only a matter of possession and production, but a material and spiritual element that they must fully enjoy, including preserving their cultural legacy and transmitting it to future generations.

International Labour Organization (ILO) Convention No. 169 also establishes that governments are responsible for developing, with the participation of the peoples concerned, coordinated and systematic action to protect the rights of these peoples and to guarantee respect for their integrity, promoting the full realization of the social, economic and cultural rights of these peoples with respect for their social and cultural identity, their customs and traditions and their institutions.<sup>84</sup>

### Indigenous education:

Amnesty International was able to interview an Indigenous woman<sup>85</sup> linked to the ASEIMPOME Indigenous school. She described how Indigenous education is key to protecting the Indigenous Peoples of the community. During the interview, she stated that: “teaching and studying Indigenous culture allows us to understand our relationship with the territory, it allows us to learn the Indigenous language, it allows us to understand our culture. Now there is an Indigenous Guard in the community, and that is the result of understanding our culture and our rights. The language allows us to communicate with each other and to express ourselves fully. And all this allows us to strengthen our bond with our territory and never leave here”.

### Artisanal crafts:

An Indigenous artisan<sup>86</sup> from the community explained to Amnesty International that “crafts are a protection tool for the community. We make and sell our artisanal crafts, so outsiders know that we exist and that we inhabit an ancestral territory. Making Sikuni crafts allows white people to characterize us as Indigenous and the recognition of our existence as Indigenous makes us stronger and more protected”. For the artisan, it is also a source of economic income for those who make and sell handicrafts, particularly women.

83 Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs, Judgment of August 31, 2001, Inter-American Court. Case of the Moiwana Community v. Suriname, Preliminary Objections, Merits, Reparations, and Costs, Judgment of June 15, 2005, Series C No. 124, I/A Court H.R. Case of the Yakye Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of June 17, 2005, Series C No. 125, Case of the Yakye Axa Indigenous Community v. Paraguay, Interpretation of the Judgment of Merits, Reparations and Costs, Judgment of February 6, 2006, Case of the Sawhoyamaya Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of March 29, 2006, Case of the Saramaka People, v. Suriname, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 28, 2007, Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and reparations, Judgment of June 27, 2012.

84 International Labour Organization, Convention No. 169, Art. 2.1

85 For security reasons, the person's name has been withheld.

86 For security reasons, the person's name has been withheld.



## Spirituality:

According to the community leader, spirituality is key to self-protection, since, during religious rituals, the ancestors communicate with him and with other members of the community to protect them from the threats they face. For the leader, it is essential that their sacred sites, such as the forest and rivers, are protected from occupation by invaders, armed groups and extractive companies, so that Indigenous Peoples can maintain contact with the sacred spaces that allow them to be in contact with divine beings.

In an interview with Amnesty International, the leader said that “anyone who enters here without our permission may damage our sacred sites, and that would put us in a vulnerable situation, because here we receive blessings from our ancestors and protect ourselves from the daily threats that we suffer”.

# 3.4 ASSOCIATION FOR COMPREHENSIVE SUSTAINABLE DEVELOPMENT OF LA PERLA AMAZÓNICA – THE THREAT FROM ARMED GROUPS



EPutumayo, located in the south of Colombia, is one of the departments that make up the Amazon region of the country. It is one of the areas of the country with the greatest diversity of fauna<sup>87</sup>. The tropical rainforest helps regulate the climate<sup>88</sup> and is home to the greatest complexity of ecosystems in the Colombian Amazon, including various water sources.<sup>89</sup>

Its wealth in natural resources, including oil, and strategic location have made this area very attractive for armed groups and exploitation projects.

In 1996, in order to promote and stabilize the campesino economy, overcome the causes of social conflicts affecting them and create the conditions for achieving peace and social justice in the area,<sup>90</sup> the Colombian government created the Campesino Reserves Zone (Zona de Reservas Campesina, ZRC).



The ZRC covers an area of approximately 22,000 hectares. Currently, some 700 families live in the ZRC,<sup>91</sup> most of whom settled on the banks of the Putumayo River and its tributaries, the Toayá, Cuembí, Lorenzón, La Piña, Chufiyá and Mansoyá. The La Perla ZRC, which was recognized by the Colombian Institute for Agrarian Reform in 2013,<sup>92</sup> is located in the village of La Perla Amazónica, municipality of Puerto Asís, Putumayo Department. It is part of the Amazon Plain or Bajo Putumayo, which is extremely rich in biodiversity and water sources.

87 Putumayo: Analysis of conflicts and peacebuilding, Roberto Ramírez, United Nations Development Programme (UNDP), 2016.

88 Climate Change in the Amazon Region, Commitment of the Amazon Cooperation Treaty Organization (ACTO), Michael Scholze, Brasília, Brazil: Amazon Regional Programme (BMZ-DGIS-GIZ), 2014.

89 Construyendo Agenda 21 para el Departamento de Putumayo: Una construcción colectiva para el Desarrollo Sostenible de la Amazonia Colombiana, Guillermo Martínez, Bogotá, Colombia: Amazon Institute of Scientific Research-Sinchi, 2007.

90 Ministry of Agriculture and Rural Development, Decree 1777 of 1996. Art. 1.

91 The families are spread over an area in 23 villages: Agualongo, Alea, Angostura, Bajo Cuembí, Bajo Mansoyá, Bajo Lorenzón, Baldío, Belén, Bocana del Cuembí, Buen Samaritano, Camios, Comandante, Chufiyá, Guadalupe, Juvenil, La Española, La Frontera, La Piña, La Rosa, Puerto Playa, San Salvador, Sevilla and Toayá.

92 Resolution 309 of 2013.

ADISPA, which began work in 2008 and has been formalized since 2012, is a campesino community organization that manages the ZRC.



Currently, defender of the environment and human rights linked to the land Jani Silva is ADISPA's legal representative. According to Silva, the ZRC was created as a way of protecting campesinos and the environment of La Perla Amazónica because before its creation the campesino movement was not united. This left them in a situation of vulnerability in the face of the challenges they faced, in particular the lack of access to economic and social rights such as food and water, among others, and armed violence.

But in Putumayo, as in the rest of Colombia, defending human rights related to the land and the environment is an highly dangerous activity.

Since at least 2017, Silva has received numerous threats and harassment because of her work, so much so that at the end of 2017 she had to leave her home.<sup>93</sup> But that was not enough to stop the threats.

In January 2020, an unidentified person followed her to her home and to her workplace. Silva filed a complaint with the Attorney General's Office, but to date no investigation has been conducted to determine responsibility for the threats. In July 2020, the Inter-Church Commission for Justice and Peace (Comisión Intereclesial de Justicia y Paz) received information about a plan by an armed group to kill Silva.<sup>94</sup>

A few months later, in May 2020, it was revealed that Silva was one of the victims of a computer monitoring programme, carried out by an army cyber-intelligence unit. The army unit accessed personal information and illegally intercepted the communications of at least 130 people, including national and international journalists, human rights defenders and politicians.<sup>95</sup>

Because of the threats, since 2017, Silva has a personal protection arrangement made up of a conventional vehicle and two security men or women. In addition, she has been assigned a means of communication and a bullet-proof vest.<sup>96</sup> Although these measures offered by the state through the UNP are crucial and have a deterrent effect, they do not contribute to risk mitigation. And the threats and harassment continue.

Amnesty International believes that practical measures for the individual protection of defenders of the land, territory and environment are necessary. However, they must be part of a collective plan that seeks to address the causes of violence effectively. In the case of ADISPA and the La Perla Amazónica ZRC, the organization considers that the fact that Jani Silva has UNP measures does

<sup>93</sup>In September 2020, the Attorney General denied Jani Silva the status of forcibly displaced person, (notification No. ESPEGAULA03-162-2020).

<sup>94</sup>Inter-Church Justice and Peace Commission, New plans to attack leader Jani Silva, <https://www.justiciapazcolombia.com/nuevos-planes-para-atentar-contra-lideresa-jani-silva/>. See also Risk of attack against leader Jani Silva, <https://www.justiciapazcolombia.com/riesgo-de-ataque-en-contra-de-lideresa-jani-silva/>

<sup>95</sup> Revista semana "Las carpetas secretas" ("Secret files") <https://www.semana.com/nacion/articulo/espionaje-del-ejercito-nacional-las-carpetas-secretas-investigacion-semana/667616>

<sup>96</sup> UNP, Resolution 193/2017.

not offer effective protection, since they do not mitigate the collective risk faced by her and other members of the collectives.

For the defender, the dynamic created by the armed conflict after the signing of the Peace Accords, and her ongoing defence of the ZRC, are the causes of the attacks against her and other members.

In an interview with Amnesty International, the defender said that “Before there were only the FARC, but after the signing [of the Agreement] and the departure of the guerrillas, the State was not established a presence here. There is only the army and the company, but they do not serve to bring peace. The army contributes to fear and the company causes contamination”.

### 3.4.1 A COLLECTIVE PROTECTION PLAN FOR THE LA PERLA AMAZÓNICA ZRC

According to ADISPA, measures that can be taken for the collective protection of ADISPA and the ZRC include:

#### 1. Implement the Peace Agreement

The implementation of the Peace Agreement between the Colombian government and the FARC established a series of mechanisms that can contribute to mitigating the risks faced by members of the ZRC and their representatives. These include the National Commission on Security Guarantees (Comisión Nacional de Garantías de Seguridad) for dismantling organizations and criminal activities responsible for homicides and massacres and that attack human rights defenders and social movements.<sup>97</sup>

#### 2. Social Investment and implementation of the Alternative Land Use Plan

The La Perla Amazónica ZRC has created an Alternative Land Use Plan for the Protection of the ZRC.<sup>98</sup> According to defender Jani Silva, the Plan will enable structural problems in the area to be resolved. “Here in the ZRC our human rights are not fully guaranteed because there is no state investment. So the armed groups multiply, the area becomes militarized and we do not receive what we need, which is education, health, work and housing. If there are guaranteed rights, there is protection, because a structural cause is being addressed, which is abandonment [by the state],” she explained in an interview with Amnesty International.

In addition, the proposed Land Use Plan addresses protection of the environment through environmental conservation zones, which would stop the exploitation of natural resources.



<sup>97</sup> The National Commission on Security Guarantees is established in point 3.4.3 of the Peace Agreement.

<sup>98</sup> ADISPA, Plan de Ordenamiento Territorial Alternativo para la Protección de la Zona.



# 4.



## INTERNATIONAL OBLIGATIONS REGARDING HUMAN RIGHTS DEFENDERS

People who defend and promote the **rights to territory and the environment**, and those linked to access to land, including those who belong to Indigenous Peoples and Afro-descendants, seek respect, protection and guarantees of their rights. The territory, which is closely linked to their culture, their way of life and their worldview, includes the ancestral land on which they have lived and the natural resources found on it.

**The right to territory** is based on various international human rights instruments.<sup>99</sup> Likewise, the Inter-American Court of Human Rights, through an interpretation of the international instruments for the protection of human rights, has stated that Article 21 of the American Convention on Human Rights protects the right to property in a sense that includes, among other things, the rights of members of Indigenous and tribal communities within the framework of communal property.<sup>100</sup>

Those who work to ensure that human rights are respected in the context of individual and collective actions to gain **access to land** are also often environmental defenders. **The right to the environment** is recognized in Article 12 of the International Covenant on Economic, Social and Cultural Rights; Article 29 of the United Nations Declaration on the Rights of Indigenous Peoples; and Article 11 of the Additional Protocol to the American Convention on Human Rights in Area of Economic, Social and Cultural Rights.

They often also seek, individually and collectively, respect of the human rights to **food, decent housing, health and work**,<sup>101</sup> among others.

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<sup>99</sup> Among them, Article 17 of the Universal Declaration of Human Rights, on the right to property and Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. It is also referred to in Articles 3, 10, 25 and 26 of the United Nations Declaration on the Rights of Indigenous Peoples and in ILO Convention No. 169, the Indigenous and Tribal Peoples Convention.

<sup>100</sup> Inter-American Court of Human Rights, Case of the Mayagna (Sumo) Awas Tingni Community v. Nicaragua, Merits, Reparations and Costs, Judgment of 31 August 2001, paragraph 87; Case of the Moiwana Community v. Suriname, Preliminary Objections, Merits, Reparations, and Costs, Judgment of June 15, 2005, Series C No. 124; Case of the Yakye Axa Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of June 17, 2005, Series C No. 125; Case of the Sawhoyamaya Indigenous Community v. Paraguay, Merits, Reparations and Costs, Judgment of March 29, 2006; Case of the Saramaka People v. Suriname, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 28, 2007; Case of the Kichwa Indigenous People of Sarayaku v. Ecuador, Merits and reparations, Judgment of June 27, 2012; Case of the Afro-descendant Communities Displaced from the Cacarcia River Basin (Operation Genesis) v. Colombia, Preliminary Objections, Merits, Reparations, and Costs, Judgment of November 20, 2013; Case of the Kuna Indigenous People of Madungandí and Emberá Indigenous People of Bayano and their members v. Panama, Preliminary Objections, Merits, Reparations, and Costs, Judgment of October 14, 2014; Case of the Garífuna Punta Piedra Community and its members v. Honduras, Preliminary Objections, Merits, Reparations, and Costs, Judgment of October 08, 2015; Case of the Kalina and Lokono Peoples v. Suriname, Merits, Reparations and Costs, Judgment of November 25, 2015; and Case of the Xucuru Indigenous People and its members v. Brazil, Preliminary Objections, Merits, Reparations, and Costs, Judgment of February 5, 2018. Series C No. 346.

<sup>101</sup> These rights are explicitly recognized in the International Covenant on Economic, Social and Cultural Rights and in the Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights, to which Colombia is a state party.

People and communities that demand respect and protection of the environment or restitution and reparation for environmental damage suffered in the areas where they live, are human rights defenders.

## 4.1 INTERNATIONAL FRAMEWORK FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS

In the context of the UN, the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders) is the main document that sets out the rights related to human rights defenders.

According to the Declaration, states have the **prime responsibility** and duty to **protect, promote and implement all human rights** and fundamental freedoms, inter alia, by adopting **such steps as may be necessary to create all conditions necessary** in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, **individually and in association with others**, are able to enjoy all those rights and freedoms in practice.<sup>102</sup>

The Declaration on Human Rights Defenders establishes a series of state obligations, within the framework of the protection, promotion and guarantee of the various human rights that are related to the defence of human rights, such as:

- A. Ensure the protection of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration.<sup>103</sup>
- B. Conduct a prompt and impartial investigation or adopt the necessary measures to ensure that an inquiry takes place whenever there are reasonable grounds to believe that a violation of human rights and fundamental freedoms has occurred in any territory under its jurisdiction.<sup>104</sup>
- C. Guarantee the right that everyone has at the national and international level to peacefully assemble, to form organizations, associations and to communicate with national and international organizations.<sup>105</sup>
- D. Fulfil the right of everyone to access, study, debate and disseminate information related to human rights.<sup>106</sup>
- E. Enable, on a non-discriminatory basis, effective participation in the government of their country and in the management of public affairs.

Since 2000, the UN has had a Rapporteur specifically dedicated to the issue of human rights defenders to support the implementation of the Declaration in the member states of the organization. The Rapporteur has prepared several thematic and country reports that have helped to interpret the rights contained in the Declaration and to create a better understanding of the situation of human rights defenders around the world.

In the framework of these reports, the Rapporteur has called on states to protect defenders

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<sup>102</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 2.

<sup>103</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 12.

<sup>104</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 9.2.

<sup>105</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Art. 5.

<sup>106</sup> UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Arts 6 and 7.

belonging to groups in vulnerable situations, in particular women<sup>107</sup> ydefenders and those who work on issues related to the defence of the land, territory and environment.<sup>108</sup> According to the then United Nations Rapporteur, in 2016, the increase in violence against defenders of the land, territory and environment throughout the world indicated a situation of global crisis.<sup>109</sup>

For its part, the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, known as the **Escazú Agreement**,<sup>110</sup> recognizes the special need to recognize, protect and facilitate the work of human rights defenders working on issues related to the environment through the creation of an enabling environment for their work in the region. In addition to encouraging states to take appropriate, effective, and timely measures to prevent, investigate, and punish attacks, threats, or intimidation that human rights defenders working on issues related to the environment may suffer while exercising the rights set out.

## 4.2. INTER-AMERICAN HUMAN RIGHTS SYSTEM

On the issue of defenders, the Inter-American Court of Human Rights requires that states to “adopt all appropriate measures to protect and preserve the right to life (positive obligation), in accordance with the duty to guarantee the full and free exercise of rights of all persons under its jurisdiction”.<sup>111</sup>

These obligations to prevent abuses encompass legal, political, administrative and cultural measures that “promote the protection of human rights and ensure that any violations are considered and treated as illegal acts, which, as such, may lead to the punishment of those responsible and the obligation to indemnify the victims for damages”.<sup>112</sup>

Under Article 1 of the American Convention on Human Rights, states also have an obligation to guarantee the application of any type of special measures that arise from the particular needs of certain members of society.

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107 UN, A/HRC/40/60, Situation of women human rights defenders, 10 January 2019.

108 UN, A/71/281, Situation of human rights defenders, 3 August 2016.

109 UN, A/71/281, Situation of human rights defenders, 3 August 2016.

110 Economic Commission for Latin America and the Caribbean (ECLAC), Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean, Art. 9.

111 Inter-American Court of Human Rights, Case of Human Rights Defender and others v. Guatemala, Preliminary Objections, Merits, Reparations, and Costs, Judgment of August 28, 2014.

112 Inter-American Court of Human Rights. Case of Velásquez Rodríguez v. Honduras. Merits. Judgment of July 29, 1988. Series C No. 4.



Colombia has numerous standards and institutions for the protection of the work and activities of human rights defenders. It was, for example, the first country in the Americas to have a specific institution<sup>113</sup> for this work, created in 2011: the National Protection Unit (Unidad Nacional de Protección, UNP), attached to the Ministry of the Interior.<sup>114</sup> The UNP's focus is primarily on individual protection, offering bodyguards, armoured cars and other personal security arrangements for threatened defenders.

Colombia also has collective protection systems. During preparation for this report, Amnesty International identified at least 14 pieces of legislation<sup>115</sup> that directly or indirectly address the issue of collective protection of human rights defenders in the country. These mostly address the need to protect campesino, Indigenous and Afro-descendant communities from human rights violations linked to the armed conflict.

Over the years, the Ministry of the Interior has also passed a series of decrees to address this problem. Decree 2078 of 201<sup>116</sup> and Resolution 1085 of 2018<sup>117</sup>, for example, establish the Collective Protection Road-Map (**Ruta de Protección Colectiva**) that the Colombian state must follow to offer collective measures to communities at risk. These regulations establish that collective protection measures are a response to the comprehensive assessment of collective risk and are aimed at countering risk, vulnerability and threats arising from the collective's activities.

113 For more information on the mechanisms for the protection of defenders in the Americas, see Americas: The situation of state protection mechanisms for human rights defenders, <https://www.amnesty.org/en/documents/amr01/8912/2018/en/>

114 The UNP designs, coordinates and implements the provision services to protect the rights to life, liberty, integrity and security of people, groups and communities that are in situations of extraordinary or extreme risk as a direct consequence of the exercise of their political, public, social or humanitarian activities or functions. For more information, see Decree 4912 of 26 December 2011 and Decree 1066 of 26 May 2015.

115 Law 418 of 1997; Decree 978 of 2000; Decree 2788 of 2003; Decree 2816 of 2006; Decree Law 4530 of 2008; Law 1448 of 2011; Decree 4065 of 2011; Decree 4911 of 2011; Decree 2096 of 2012; Decree 1066 of 2015; Decree 1314 of 2016; Legislative Act 05 of 2017; Decree 154 of 2017; Decree 1581 of 2017; Decree 2078 of 2017; Decree 2252 of 2017; Decree 2124 of 2017; Law 1908 of 2018; and Decree 660 of 17 April 2018.

116 Ministry of the Interior, Decree 2078, Art. 2.4.1.5.5.

117 Ministry of the Interior, Resolution 1085, art. 4.



These measures should be implemented in conjunction with the relevant national and local entities, through a series of actions including individual protection, physical infrastructure support for comprehensive collective protection, organizational and community strengthening, the strengthening of links with institutions and the formulation and implementation of strategies aimed at countering the causes of risk.<sup>118</sup> Measures are also proposed to provide communities with tools for individual or collective psychosocial care, with a gender focus, and strategies aimed at strengthening self-protection and countering stigmatization, among others.<sup>119</sup>

**While historically efforts of the Colombian state to address the issue of violence against human rights defenders have been positive, the number of laws and decrees have not been sufficient to address a situation which continues to deteriorate.<sup>120</sup>**

One of the difficulties is the heavy emphasis on individual rather than collective protection and reacting to threats rather than dismantling the structural causes of risk for human rights defenders in Colombia. Despite the fact that theoretically there is a Collective Protection Road-Map that recognizes the collective risks that defenders face, it seems that its implementation is inadequate. These tools lack oversight mechanisms in the state institutions that are required to carry out some aspects of the measures, which they often fail to do without incurring any consequences for them but with dramatic consequences for the defenders who are threatened.

**Colombia lacks a public policy regarding prevention in relation to the collective protection of communities at risk, the implementation of which is a state priority and which has a comprehensive perspective and a differentiated approach as required, to guarantee effective protection.**

Although it is true that there is a Policy for the Prevention of Violations of the Rights to Life, Liberty, Integrity and Security of People, Groups and Communities, this does not include the necessary elements as regards prevention and protection for human rights defenders, since it is focused in general on police protection issues and does not include prevention and collective protection.<sup>121</sup>

According to the UN Human Rights Council, a public policy on defenders must include:

- 1) A comprehensive risk analysis for human rights defenders and communities under threat ;
- 2) Protection measures that function as early warning mechanisms which allow human rights defenders to have immediate access to authorities that are competent and adequately resourced to provide effective protection measures;
- 3) Guidelines to address the causes of attacks against defenders and the barriers they face in carrying out their work; and
- 4) 4) Coordination within the national government and between the national and local authorities to implement the right to defend human rights.<sup>122</sup>

On 23 August 2018, the Ministry of the Interior announced that there would be a public policy on human rights defenders. However, by the date this report was published, the final version of this policy had yet to be issued. In addition, officials at the Ministry of the Interior<sup>123</sup> informed Amnesty International that the public policy on human rights defenders would be a “CONPES document”.<sup>124</sup>

118 The Committee for Assessing Risk and Recommending Measures (Comité de Evaluación de Riesgo y Recomendación de Medidas, CERREM) is the state mechanism for evaluating requests for collective measures. For more information, see Decree 2018, Art. 2.4.1.5.7.

119 Ministry of the Interior, Decree 2018, Art. 2.4.1.5.13.

120 Frontline Defenders, Global Analysis 2019, [https://www.frontlinedefenders.org/sites/default/files/global\\_analysis\\_2019\\_web.pdf](https://www.frontlinedefenders.org/sites/default/files/global_analysis_2019_web.pdf)

121 The Programme establishes the duty of the state to afford special protection to people who are in a situation of extraordinary or extreme risk of suffering harm to their life, integrity, liberty or personal safety. Such protection extends to human rights defenders, particularly those who defend the right to a healthy environment, as prescribed by the Colombian Constitution. For more information, see Decree 4912 of 26 December 2011.

122 UN, Human Rights Council, Resolution A/HRC/40/L.22/ and General Assembly Resolution A/C.3/74/L.31/R.

123 Interview conducted by Amnesty International with officials from the Ministry of the Interior on 23 October 2019.

124 The National Council for Economic and Social Policy (Consejo Nacional de Política Económica y Social, CONPES), is a consultative and coordinating body of the

These documents are public policy guidelines or guides for the Executive Branch, not mandatory, since they lack binding legal effect.<sup>125</sup> Therefore cases of non-compliance could not be pursued through the courts, as would be the case if it was a law or ministerial decree.

## 5.1 THE NATIONAL PROTECTION UNIT

Created in 2011, the National Protection Unit (UNP), attached to the Ministry of the Interior, links, coordinates and implements the provision of services for the protection of the rights to life, liberty, integrity and security of **individuals, groups and communities who are in a situation of extraordinary or extreme risk as a direct consequence of the exercise of their political, public, social or humanitarian activities or functions.**

As of May 2020, the UNP had provided physical protection to 4,890 human rights defenders at risk since it was created.<sup>126</sup> Currently, it has 1,372 employees, organized in six working groups and a budget of 933,864,618,764 Colombian pesos (approximately USD240,000) for the year 2020.

The UNP provides protection measures, including security, armoured vehicles and bullet-proof vests, among other things, to individuals. The strategy is similar for communities at risk, who are given the same types of gear, but in greater quantities.

Between November 2016 and December 2019, the UNP received 178 requests for collective protection, according to data provided by the institution. Of these, 75 were evaluated and 16,147 collective protection measures were granted, benefiting 58 groups.

Questions have been raised regarding the scope of the programme and the way in which it is implemented.

The organization Somos Defensores,<sup>127</sup> for example, has said that UNP figures do not reflect the real situation in the country and the monitoring carried out by the organization on the situation of human rights defenders at risk in Colombia has found that the UNP has not granted sufficient measures to effectively counter the risk to all human rights defenders in Colombia.

People who have been beneficiaries of the programme have reported delays in the application of security measures and problems regarding the quality of the support, including, for example, in the delivery of vehicles without petrol, mobile phones without credit or bullet-proof vests in areas where high temperatures make it impossible to use them, according to testimonies collected by Amnesty International.

**All the human rights defenders with a leadership role in their communities interviewed by Amnesty International for this report, as well as those who work with these communities, consider the UNP to have a very weak approach to collective protection.**

They assert that, although the protection measures offered are necessary and important, they are not sufficient to mitigate the risk they experience daily because of their community leadership work. They said, for example,<sup>128</sup> that individual measures, such as the allocation of bullet-proof vests and armoured cars, do not take into account the context or different needs related to age and gender and can sometimes increase the risk in areas of armed conflict, because they make the people granted protection more easily visible.

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Executive Branch and, as its name indicates, it is the main adviser on economic and social development.

125 Guía metodológica para la elaboración y seguimiento de documentos CONPES, National Planning Department of Colombia, 2019; p. 8, <https://www.dnp.gov.co/CONPES/Paginas/conpes.aspx>

126 Information provided by UNP on 7 April 2020.

127 Phone interview with Leonardo Díaz, coordinator of the organization Somos Defensores on 15 July 2020.

128 In an interview with Amnesty International on 11 June 2019, human rights defender Erlendy Cuero stated that a panic button is ineffective in countering violence, as it is impossible to activate the panic button if there is a person with a gun pointed at your head; human rights defender Danelly Estupiñán reported that it is not possible to walk around wearing a bullet-proof vest all the time because it draws a lot of attention, is heavy and is inappropriate for the activities that she carries out

Members of the Movimiento Ríos Vivos – a national group of grassroots civil society organizations affected by mining-energy projects in Colombia who are beneficiaries of collective protection measures applied through the Collective Protection Road-Map – said that the measures do not have the potential to eradicate the structural causes of the violence they experience. They said that the measures granted are not part of a comprehensive protection plan that takes into account the collective risks faced by communities that oppose mining and energy projects or the presence of armed groups and the state does not fulfil agreements and, as a result, the attacks against defenders of the Movement persist.

**“ The collective measures for the Movimiento [Ríos Vivos] are a step forward in terms of protection because they recognize the collective risks that we face. However, there are two problems: one is that the measures are insufficient to address the causes of violence and the other is implementation, since the institutions responsible do not fulfil their commitments”.**

Isabel Zuleta, from Movimiento Ríos Vivos in an interview with Amnesty International.

In an interview with Amnesty International, the former director of the UNP, Pablo González,<sup>129</sup> explained that the UNP was not designed to grant measures that address the structural causes of the problem, but to offer protection to individuals and communities who, because of their work in defence of human rights, are at risk. The former UNP director affirmed that the obligation to address the structural causes of violence in Colombia is part of the mission of the Ministry of the Interior, which can adopt preventive measures, in addition to having the human and financial resources to do so.

Currently, the UNP is in the process of restructuring its functions in order to make it more efficient and sustainable.<sup>130</sup> However, it is not clear if the restructuring measures are sufficient to ensure that the protection of human rights defenders is effective since they do not envisage enabling the UNP to act to address the causes of violence against defenders, the main demand of civil society in the country.

## 5.2 OMBUDSPERSON'S OFFICE EARLY WARNING SYSTEM

The Early Warning System (Sistema de Alertas Temprana, SAT) is the mechanism through which the Ombudsperson's Office collects, verifies and carries out a technical analysis of information related to situations in which the civilian population faces vulnerability and risk as a consequence by the armed conflict. The SAT also advises the authorities responsible for protection so that they can coordinate and provide timely and comprehensive support to people and communities at risk. The SAT also informs the competent authorities in advance of potential massive human rights violations with the aim of preventing them.<sup>131</sup>

In February 2018, the Ombudsperson's Office issued an Early Warning (**Alerta 026 of 2018**), on the situation of human rights defenders in Colombia. This stated that leaders throughout the country were in a grave situation because of multiple human rights violations in Colombia, such as killings, threats, displacement, etc. The Ombudsperson's Office found that the most vulnerable groups were those defending the territory, those working for the implementation of the Peace Agreement and those opposing legal and illegal economic interests.

on a day-to-day basis; and Leonardo Díaz from the Somos Defensores organization reported that the measures for community leaders in the interior of the country are incompatible with reality, because they offer cell phones, but there is minimal coverage for making calls, for example.

129 Pablo Elías González was the director of the UNP until 17 February 2020. On 20 February, Daniel Palacios became head of the organization and was replaced by Alfonso Campos in June 2020.

130 This restructuring consists of expanding the number of analysts (risk evaluators) from 166 to 175; reducing response times by 50%; merging the committee of the Preliminary Assessment Group (Grupo de Valoración Preliminar, GVP) with CERREM and creation of a second CERREM; and putting in place a strategic plan and an action plan: the entity envisages that achieving its strategic objectives through its Strategic Plan "A pact for prevention and protection" ("Un pacto por la prevención y la protección"), made up of 26 strategies and 212 activities.

131 Colombian Ombudsperson's Office, SAT, <https://www.defensoria.gov.co/es/public/atencionciudadanoa/1469/Sistema-de-alertas-tempranas---SAT.htm>

Early Warnings contain a series of recommendations to address violence against civil society leaders at risk. One of them calls on the Ministry of the Interior to implement the “Policy for the Prevention of Violations of the Rights to Life, Liberty, Integrity and Safety of Individuals, Groups and Communities”, as well as comprehensive prevention and protection plans, with the effective and meaningful participation of human rights defenders, civil society and women’s organizations, civil society and political movements and Afro-Colombian and Indigenous communities at risk. It also calls for the UNP to adopt collective measures to protect people and groups at risk in the country.

The Deputy Ombudsperson, Paula Robledo Silva,<sup>132</sup> considers Alerta 026 essential to ensure that all government institutions can act to address the situation that human rights defenders face in the country. However, she stated that there had been a very low level of compliance with the Early Warning, since, to date, President Iván Duque has not publicly recognized the work of human rights defenders in the country; the Ministry of the Interior has not approved a public policy for prevention and protection; and there continues to be a high level of impunity for attacks on civil society leaders. In addition, the UNP has not been able to grant effective collective measures to guarantee the collective protection of people and communities at risk. Also, officials in the Ombudsperson’s Office highlighted the lack of investigations into the individual responsibilities of officials who, knowing that a risk has been identified through the SAT, do not take action to ensure protection, contributing to the continuation of the risk.

Amnesty International believes the existence of an SAT is essential in the Colombian context and reflects UN recommendations on collective protection. However, the mechanism must be strengthened and the authorities involved must work together to guarantee that the recommendations are implemented. If implemented effectively, the SAT could become a key mechanism for addressing the causes of violence against defenders and help prevent attacks against defenders and protect people at risk. Clearly, this system would be bolstered if there were personal consequences for officials in national and local government who repeatedly fail to fulfil their duty to protect.

### 5.3 PROTECTION MECHANISMS CREATED BY THE PEACE AGREEMENT

The Peace Agreement includes a series of measures aimed at overcoming a number of historical problems that are the structural causes of the risks faced by human rights defenders: the problem of land distribution for those who do not have or have insufficient land; the problem of illicit drugs that includes both drug trafficking and generating opportunities for campesino communities to make a transition from crops for illicit use to legal ones; and the problem of the historical absence of the state in the territories most affected by the armed conflict.<sup>133</sup>

The effectiveness of the Agreement, on these issues, depends on creating conditions of meaningful and effective equality, taking into account territorial, differentiated and gender approaches. A territorial approach recognizes and takes into account the needs, characteristics and economic, cultural and social specificities of territories and communities, guaranteeing socio-environmental sustainability, and aims to implement the different measures in a comprehensive and coordinated manner, with the participation of communities.<sup>134</sup>

In pursuance of the Peace Agreement, three decrees relating to the protection of defenders have been issued:

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<sup>132</sup> Interview with Amnesty International on 23 October 2019.

<sup>133</sup> Fourth Kroc Institute report, Three years after the signing of the Final Agreement in Colombia: Moving Towards Territorial Transformation, covering the period between December 2018 and November 2019, reports 3 August 2020 <https://peaceaccords.nd.edu/barometer/colombia>

<sup>134</sup> Fourth Kroc Institute report, Three years after the signing of the Final Agreement in Colombia: Moving Towards Territorial Transformation, covering the period between



## 1. Decree 660 of 2018

Decree 660,<sup>135</sup> issued on 17 April 2018, creates and regulates the Comprehensive Security and Protection Programme for Communities and Organizations in the Territories (**Programa Integral de Seguridad y Protección para las Comunidades y Organizaciones en los Territorios, PISPCOT**).

The Decree aims to define and adopt comprehensive protection measures for communities and organizations, including their leaders, representatives and activists involved in a wide range of issues – social, popular, ethnic, women's, gender, environmental, community, LGBTI – and human rights defenders in the territories.

The objective of the PISPCOT is to adopt prevention measures aimed at **identifying the risk factors** for violations of the rights to life, liberty, integrity, security and the impacts of coexistence on communities and organizations in the territories and their leaders, representatives and activists in the territories, taking into account the particular situation of women. It also seeks to put into practice strategies for building trust between public entities and communities, through local and national coordination, and to adopt measures aimed at strengthening reporting by human rights organizations in the territories.

Officials at the Ministry of the Interior informed Amnesty International that they did not have indicators to describe Decree 660 actions in the country.

The organization was able to verify that Decree 660 had not been implemented in any of the four communities whose situations are documented in this report – the PCN, CISCA, ASEIMPOME and ADISPA – although their leaders said that work on preventing violence was needed and that non-militarized measures are key to this.

**Amnesty International believes that Decree 660 is a key document for the collective protection of communities in Colombia, as it contains elements that contribute to addressing the structural causes of violence against human rights defenders.**

Among these are the need to recognize the legitimate work of human rights defenders in the country, combat stigmatization, promote the presence of the state in the territories, establish prevention and protection plans in coordination with communities, in addition to adopting targeted measures to address and minimize risk factors against defenders.

## 2. Decree 2252 of 2017

Decree 2252,<sup>136</sup> issued on 29 December 2017, establishes that state and municipal authorities, within the framework of their powers and with the support of the Ministry of the Interior, the Ministry of National Defence and the Public Prosecutor's Office, should act as first responders in the early detection of situations that pose a risk to leaders of civil society and community organizations and movements and human rights defenders.

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December 2018 and November 2019, reports 3 August 2020 <https://peaceaccords.nd.edu/barometer/colombia>

135 Ministry of the Interior, Decree 660 of 2018. This establishes among things that the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace includes in the introduction to Point 3.4 "Agreement on guarantees of security and the fight against criminal organisations and criminal acts that are responsible for or that bring about homicides and massacres that attack human rights advocates, social movements or political movements or that threaten or attack persons taking part in the implementation of the accords and peacebuilding, including criminal organisations that have been labelled as successors of paramilitarism and their support networks"; includes measures such as the National Political Pact; the National Commission on Security Guarantees; the Special Investigation Unit; the Elite Corps in the National Police; the Comprehensive Security System for the Exercise of Politics; the Comprehensive Security and Protection Programme for Communities and Organizations across the Country's Territories; and Measures Prevention and Fight Against Corruption. It also notes that the Peace Agreement, in point 2, provides that the consolidation of peace requires the "promotion of peaceful coexistence, tolerance and non-stigmatisation, ensuring conditions of respect for democratic values." <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20660%20DEL%2017%20DE%20ABRIL%20DE%202018.pdf>

136 Ministry of the Interior, Decree 2252. Among its considerations, it establishes that section 2.1.2.2 (c) of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace refers to "Strengthening the programme for individual and group protection of leaders of social movements and organisations and those defending human rights and who find themselves in a situation of risk. The individual and group protection programme will adopt an equity- and gender-based approach." protection which must extend also to community leaders." <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202252%20DEL%2029%20DE%20DICIEMBRE%20DE%202017.pdf>

According to the decree, in the context protection road-maps and the public policy for the prevention of violations of the rights to life, integrity, liberty and security of individuals, groups and communities, with the support of the national government, the state and municipal authorities are responsible for: devising and implementing actions to strengthen early prevention in the strategic operation of the Territorial Security Councils (Consejos de Seguridad Territoriales); adapting and/or creating institutional mechanisms to prevent situations of risk arising that affect leaders of civil society and community organizations and movements, and human rights defenders; carrying out cultural strategies encouraging a rejection of the use of weapons and promoting voluntary disarmament; establishing a plan to strengthen and link up actions aimed at guaranteeing the presence of state protection programmes in the territories, in terms of protection programmes established in law, without creating new programmes not provided for in law; developing strategies aimed at building the capacities of groups and communities for identifying and analysing risk and strengthening their own prevention practices and individual and collective protection, which allow them to access the relevant authorities so their rights can be safeguarded and possible actions implemented, with a differential approach based on gender and ethnicity, to counteract or mitigate them; and activate individual or collective protection routes for leaders of civil society and community organizations and movements and human rights defenders at risk.

According to the Decree municipal authorities should designate at least one person to be responsible for guaranteeing the channel of communication with the police authorities and the national government; activating, if necessary, any of the mechanisms permitted by the National Police and Coexistence Code (Código Nacional de Policía y Convivencia) as the principal police authorities in their respective territories; and devise and implement control and oversight systems for all the actions they adopt at the local level to fulfil their responsibilities.

**Amnesty International believes it worrying that the police is the institution in charge of the collective protection of defenders, as it could suggest a policing approach rather than a comprehensive protection perspective which goes beyond the police guaranteeing life and physical integrity.**

The responsibilities that municipal authorities with few resources have to fulfil is also a matter of concern. Officials from two municipalities in the Catatumbo subregion informed Amnesty International that they do not have sufficient resources to meet the high demand related to threats to civil society leaders in their areas of responsibility.

### 3. Decree 2124 of 2017

Decree 2124,<sup>137</sup> issued in 2017, aims to regulate the prevention and warning system for rapid reaction to risks and threats to the rights to life, integrity, personal liberty and security, civil and political liberties, and breaches of International Humanitarian Law. In particular, the Decree deals with risks and threats due to the presence, actions and/or activities of armed groups and organized crime and new risk factors that affect the population and the activities of civil society organizations or political parties and movements.

The Decree aims to coordinate the response and rapid reaction of the national government to Early Warnings from the Ombudsperson's Office, with the participation of the local entities, coordinated by the Ministry of the Interior. The Deputy Ombudsperson said that, despite the fact that there municipal and Ministry of the Interior protocols for responding to the Early Warnings, the system is still weak and compliance is not guaranteed.

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<sup>137</sup> Ministry of the Interior, Decree 2124 of 2017.

The Deputy Ombudsperson said that, despite the existence of the Decree, which regulates the response to Early Warnings, the Ministry of the Interior has a very limited focus on the protection of defenders that is based almost exclusively on the measures granted by the UNP.

**Amnesty International believes that the collective protection of people and communities at risk requires that all state institutions assume their responsibilities and that the different institutions in charge of protecting defenders must fulfil their obligations as established in national and international norms. The organization welcomes the existence of a decree that allows the Ministry of the Interior to provide an adequate response to the Early Warnings issued by the Ombudsperson's Office** that, if fulfilled, could effectively address some of the structural causes of violence against civil society leaders in the country and prevent many deaths and injuries. **However, despite requests, Amnesty International has not had access to any official document that shows that these measures are indeed being implemented. On the contrary, according to civil society organizations, communities and the Ombudsperson's Office, compliance with Early Warnings is very limited. Likewise, there appear to be no political or legal consequences for state officials who do not carry out their protection work, while the consequences for human rights defenders can be literally fatal.**

## 5.4 INVESTIGATIONS BY THE ATTORNEY GENERAL'S OFFICE

Since 2017, the Attorney General's Office has designated the investigation of violence against populations, including human rights defenders, as one of its strategic objectives.<sup>138</sup>

In this context, on 30 November 2017, the Attorney General's Office published a directive establishing guidelines on the investigation of crimes committed against human rights defenders in Colombia. The directive, written with the technical support of the Inter-American Commission on Human Rights, aims to ensure that investigations into crimes against human rights defenders are carried out in accordance with international standards of due diligence, using the UN definition of human rights defenders and the guidelines for the investigation of cases of homicide of defenders.<sup>139</sup>

The Attorney General's Office designated seven regional prosecutors from the Special Investigation Unit (Unidad Especial de Investigación) to gather all the proceedings relating to killings of human rights defenders and former combatants involved in criminal organizations in the regions with the highest number of victims.

As of 31 March 2020, the Attorney General's Office reported that “there is some progress” in the investigation of 173 of the 317 cases of killings of human rights defenders that the Office of the United Nations High Commissioner for Human Rights in Colombia reported between 24 November 2016 and December 2019.<sup>140</sup> According to this official data, in 49 of the cases a final judgment has been reached, 69 are the subject of ongoing trials, 10 are under investigation and 45 are under investigation and the subject of active arrest warrants.<sup>141</sup>

Amnesty International welcomes the progress made by the Attorney General's Office in relation to the issue of human rights defenders in the country, in particular the incorporation of relevant international standards. It also recognizes the importance of assigning regional prosecutors who can be closer to the victims and thus gain a better understanding of the local context.

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138 Attorney-General's Office, Resolution 0738, 24 February 2017, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Direccionamiento-Estrat%C3%A9gico-2016-2020Vd.pdf>

139 Attorney-General's Office, Directive 0002, 30 November 2017, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Directiva-002-2017.pdf>

140 Attorney-General's Office, Response to right of petition filed 202010000004695, 12 May 2020.

141 Attorney-General's Office, Response to right of petition filed 202010000004695, 12 May 2020.

**However, the organization believes that efforts have not been sufficient to combat impunity for attacks against defenders.**

According to the information provided by the Attorney General's Office, there have been only 49 final convictions for killings related to human rights defenders.<sup>142</sup> Despite Amnesty International's requests, the Attorney General's Office has not provided information on the number of convictions or ongoing investigations where there has been some progress in relation to other types of attacks and threats, the investigation of which is key if there is a genuine interest in preventing further killings of defenders.

In two of the cases of threats documented by Amnesty International, that of Jani Silva from ADISPA (who has filed five complaints about threats in the last four years) and Danelly Estupiñán from the PCN in Buenaventura (who has filed eight reports of threats during the last four years), the Attorney General's Office has opened investigations, but no significant progress has been made; even the material authors have yet to be identified.

In contrast, the Attorney General's Office has made progress and concluded proceedings regarding a complaint by Jani Silva of forced displacement; it has refused her the status of forcibly displaced person.

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<sup>142</sup> Attorney-General's Office, Response to right of petition filed 202010000004695, 12 May 2020.



# 6 CONCLUSIONS AND RECOMMENDATIONS

Defenders of the land, territory and environment continue to carry out their vital work in Colombia in hostile contexts and at great risk.

In the most lethal country in the world to carry out this work, the Colombian state has responded with a wide range of laws and institutions, but this has not been effective. Despite its requests, Amnesty International has not received official information on the effectiveness of the various measures taken by the state. There are no transparent accountability programmes and civil society organizations with expertise on the issue do not have official information that allows them to analyse what works and what needs to be changed. The normative fabric is so extensive, complex and overlapping that the majority of the defenders of the land, territory and environment interviewed were not aware of many of the decrees and programmes supposedly designed to protect them and it is clear that those programmes had not reached them, with the exception of the individual protection provided the UNP.

Reliable evidence obtained by Amnesty International makes it clear that the number of defenders killed and threatened continues to grow at an alarming rate in Colombia. This is despite the Executive Branch's rhetoric about its concern and prioritization of the issue; despite the number of norms that guarantee collective protection; despite the historical and new institutions created for protection; and despite the fact that the Attorney General's Office has prioritized the investigation of these killing. None of these measures have been shown to have had clear results as regards the reality of the lives of human rights defenders in the country.

Although the communities and their contexts are very different, the risks faced by the four communities that are the subject of Amnesty International's research follow the same general pattern: harassment and attacks on those who carry out work for the collective defence of rights to the land and its natural resources, the environment, self-determination and food, among other things and live in areas rich in natural resources. In these four communities the state has failed drastically to meet the needs of collective protection. This has left them in a situation of great vulnerability, having to depend exclusively on their own mechanisms of self-protection. Sadly, they are an example of a pattern, with the same characteristics, that is replicated throughout the country.

**The structural causes of these risks** are also shared by communities throughout Colombia: impunity for the actions of armed groups, criminal organizations and economic projects that seek to take advantage of the strategic location and the natural wealth of the areas where the communities live. Structural poverty and inequality in access to economic and social rights with respect to other



regions of Colombia, especially urban areas. The stigmatization and lack of value put on the work of human rights defenders and the systematic impunity enjoyed by those who intimidate and kill them illustrate the structural problems they face in Colombia.

In none of the four communities has there been a comprehensive response to address structural violence against defenders, even though they have filed complaints with various state bodies and despite the decisions of international organizations, such as the Inter-American Commission on Human Rights.

**As this report documents, as long as the structural causes of violence against defenders of the land, territory and environment are not addressed, the situation will continue to deteriorate.** In a country like Colombia, which has already taken steps to implement protection measures for human rights defenders, strategies to protect communities at risk are possible.

Each of the communities that Amnesty International visited in preparing this report has collectively developed measures to protect themselves and their leaders and to continue to fight for their rights. The authorities should take these positive examples of self-protection and comply with their respective obligations in each of these plans so that implementation is increasingly achievable and collective protection possible.

At a more structural level, despite the existence of norms, institutions, programmes and measures, as this report shows, the Colombian state has not responded adequately to the risks faced by defenders of land, territory and the environment. Part of the reason for this is that the **state still has a reactive, individual and purely normative perception of protection**. In other words, it does not act preventively and does not address the structural causes of violence against defenders, which are collective.

**The National Protection Unit (La Unidad Nacional de Protección, UNP)**, the main institution in charge protecting human rights defenders, has a very limited focus on action on individual, rather than collective and structural, protection issues. The extent and complexity of the Colombian crisis suggest that entrusting the protection of human rights defenders to a single institution is insufficient.

**The response to the structural causes of risk provided by the Colombian state has focused on rules, not facts.** The state has issued a series of decrees and regulations on the issue, but the implementation and proper linking up of the state apparatus for their effective implementation, with the required consultation with the communities, is still lacking or flawed.

The state must instruct the different institutions to work to address the structural causes of violence against human rights defenders and the communities they defend. The development of **a national public policy on prevention and the protection of defenders**, with legal standing, which is comprehensive and encompasses the different state institutions, at the national and departmental level, which should be involved, would also be desirable in order to organize the state response. This policy should have an intersectional perspective on protection, which requires an understanding all the challenges that people at risk face as a whole. It should also involve various key state institutions effectively, understanding that some institutions are overburdened with work and the lack of involvement of state institutions in core problems that can be key to the protection of people and communities at risk (such as the Environment Ministry, for example) and create comprehensive protection plans, in consultation with the communities themselves. Such a public policy should ideally have legal standing so that non-compliance has consequences for officials in charge and these can be pursued through the courts.

**However, the lack of a comprehensive policy is no excuse for inaction. One of the main problems in Colombia in this area is the lack of implementation of the existing mechanisms to address the structural causes of the risk that human rights defenders face.** As this report has detailed, there are mechanisms such as the Early Warnings of the Ombudsperson's Office, a fundamental

tool for the prevention of human rights violations including assassinations of defenders, that are not implemented effectively.

**Likewise, the Peace Agreement has key provisions on this for the protection of human rights defenders. If fully complied with, this could help to significantly reduce the risk faced by human rights defenders**, as established in the UN Declaration on Defenders. The Peace Agreement deals with the need to address problems related to land, through a transformation of the countryside, eliminating social divisions between the countryside and the city, and creating conditions of well-being for Afro-descendant, campesino and Indigenous communities living in rural areas. This is essential to ensure that communities can have access to their economic, social and cultural rights through the presence of the state and guarantees that the claims of traditional communities will be addressed.

In addition, the Peace Agreement establishes measures that allow the causes of violence against defenders generated by armed groups in the country to be addressed. The National Commission on Security Guarantees, whose tasks include analysing the economic networks of paramilitaries and who is supporting them and developing a public policy for dismantling them, is a key instrument for achieving this. The cases documented in this report, in addition to the hundreds of cases of human rights defenders at risk with whom Amnesty International and organizations in Colombia have been working, demonstrate that armed groups are responsible for threats and killings.

**Despite statements of concern by high-level officials, including President Iván Duque, about the killings of human rights defenders, there does not appear to be a genuine political will among the Colombian authorities to address the structural causes that put them at risk.** This reflected in the failure to comply with the Early Warnings of the Ombudsperson's Office, with the provisions of the Peace Agreement, as well as multiple other regulations designed to solve these structural problems. There are also no political or legal consequences for state officials who fail to fulfil with their protection and prevention obligations.

Human rights obligations fall on the three branches of the state. **Congress should exercise its oversight role regarding the Executive Power's obligations to protect human rights defenders. Amnesty International calls for the creation in the National Congress of a commission to verify guarantees for defenders.** . This Commission, in exercise of the powers of political control that Congress has, should demand accountability regarding what the different institutions of the Executive Power are doing to address this scourge, whether the measures are effective and how they are being adapted. It should place emphasis on measures to prevent killings and threats targeting human rights defenders, especially those working on issues related to the land, territory and environment, who are those most at risk. It should demand and monitor compliance with the measures that address the structural causes of violence that, as has been stated, are key to significant progress in the protection of defenders in Colombia. This accountability must be systematic and periodic and must be capable of ensuring that there are consequences for those who do not fulfil their protection obligations.

Such a mechanism would be an important first step to ensure that defending the land, territory and the environment ceases to be a lethal activity in Colombia, demonstrating the country's true political will in the face of this very real crisis.

In the light of these conclusions, Amnesty International makes the following recommendations:

**1. To the President:**

- Publicly acknowledge the legitimacy of work carried out by human rights defenders working on issues related to the land, territory and the environment;
- Promote and widely disseminate the United Nations Declaration on Human Rights Defenders

- Comply with the Peace Agreement regarding the National Commission on Security Guarantees;
- Ensure constant dialogue and consultation with human rights organizations, civil society movements and people and communities that defend human rights, including those who work on rights related to land, territory and the environment, during the process of adopting legislation, plans, programmes and policies to guarantee the right to defend human rights.

## **2. 2. To the National Congress:**

- Create a commission for oversight of guarantees for defenders, in the terms set out, that demands systematic and periodic accountability of the Executive Power on the progress in effective collective protection and that is capable of ensure there are consequences for those who do not fulfil their protection obligations.
- Promptly adhere to the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (Escazú Agreement), without reservations, and incorporate it in domestic law.

## **3. 3. To the Ministry of the Interior:**

- Develop a comprehensive, binding and coordinated policy with civil society that includes gender and ethnic perspectives for the protection of human rights defenders in the legislation, plans, programmes and policies created on the issue, in such a way that measures can be taken to combat the structural causes that increase the risks to and attacks against defenders, such as impunity, stigmatization and discrimination.
- Implement the decrees related to the collective protection of defenders, in particular Decree 660, in communities at risk, and in particular in the communities mentioned in this report, without further delay.
- Respond in full to Early Warnings from the Ombudsperson's Office.
- Develop public campaigns acknowledging the work of human rights defenders throughout the entire country and guarantee their wide dissemination.

## **4. To the National Protection Unit:**

- Guarantee that individual and collective protection measures are analysed as quickly as possible.
- Oversee the implementation of the measures and present the appropriate complaints in cases of non-compliance.

## **5. To the Attorney General's Office:**

- Take urgent measures to advance investigations into allegations of attacks and threats against human rights defenders working on issues related to the environment and territory and those linked to access to land, and initiate prompt, independent and impartial investigations to bring to justice all those responsible as a key measure to prevent further killings.
- Initiate an impartial investigation into how state officials are fulfilling their obligation to protect human rights defenders.

**In relation to the communities the realities of whose situation are highlighted in this report, the authorities must work together to address the structural causes of violence, and also engage in a dialogue to address the communities' needs in matters of collective protection, in particular:**

- **For the Proceso de Comunidades Negras (PCN):**
  - o Form an implementation and monitoring group, with the participation of the PCN, for its Collective Protection Plan.
  - o Ensure that the investigations into the attacks against the human rights defender Danelly Estupiñán are taken forward.

- **For the Catatumbo Social Integration Committee (CISCA):**
  - o Promote a non-militarized strategy for public security and the fight against organized crime in the Catatumbo sub-region, save for exceptionally serious circumstances in which the authorities cannot depend solely on civilian law enforcement agencies.
  - o Prioritize the voluntary substitution of illicit crops, in accordance with the guidelines established in the 2016 Peace Agreement.
  - o Launch a campaign that recognizes CISCA's important work as an organization for the defence of the human rights of campesino communities in the Catatumbo sub-region.
  
- **For the Kubeo-Sikuani Ancestral Indigenous Settlement (ASEIMPOME):**
  - o Establish a culturally appropriate collective protection plan for the ASEIMPOME Indigenous community. This should include immediately processing requests for individual and collective protection requested by Indigenous members of the community.
  - o Assign without delay the Indigenous territory of the community, in accordance with the recommendation of the Constitutional Court of Colombia.
  
- **For the Association for the Comprehensive Sustainable Development of La Perla Amazónica (ADISPA):**
  - o Make operational the National Commission on Security Guarantees, established in the 2016 Peace Agreement.
  - o Set up an implementation and monitoring group, with the participation of ADISPA, for its Alternative Land Use Plan.
  - o Establish a Collective Protection Plan for ADISPA members that incorporates a comprehensive, collective, gender and ethnic perspective on the protection of human rights defenders.

**AMNESTY INTERNATIONAL IS A  
GLOBAL MOVEMENT FOR HUMAN  
RIGHTS. WHEN INJUSTICE  
HAPPENS TO ONE PERSON, IT  
MATTERS TO US ALL.**