LEFT UNDEFENDED
Killings of Rights Defenders in Colombia’s Remote Communities
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Map

Focus areas for Human Rights Watch report

Number of human rights defenders killed between 2016 – 2020

Source: OHCHR.
Cut-off date: January 7, 2021.
Summary

Since 2016, over 400 human rights defenders have been killed in Colombia—the highest number of any country in Latin America, according to the United Nations Office of the High Commissioner for Human Rights (OHCHR).

In November 2016, the Colombian government and the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia, FARC) guerrillas reached a landmark peace accord, leading to the demobilization of the country's then-largest armed group. The agreement included specific initiatives to prevent the killing of human rights defenders. Separately, that year the Attorney General’s Office decided to prioritize investigations into any such killings occurring as of the beginning of 2016.

However, killings of human rights defenders have increased as armed groups have swiftly stepped into the breach left by the FARC, warring for control over territory for coca production and other illegal activities.

The work of some rights defenders—opposing the presence of armed groups or reporting abuses—has made them targets. Others have been killed during armed groups’ broader attacks on civilians. The killings have exposed an underreported pattern of violence and abuse in remote parts of Colombia where law enforcement and judicial processes rarely reach. This absence of state institutions has left countless communities undefended.

Between April 2020 and January 2021, Human Rights Watch interviewed more than 130 people in 20 of Colombia’s 32 states to identify the dynamics behind the killings of human rights defenders, and to assess government efforts to prevent such killings or hold those responsible to account. Interviewees included judicial authorities, prosecutors, government officials, human rights officials, humanitarian workers, human rights defenders, and police officers.

This report documents killings of human rights defenders in six of the areas that have been most affected by such crimes: the northern region of Cauca state, the Catatumbo region of North Santander state, the Southern Pacific region in Nariño state, the Bajo Cauca region of Antioquia state, the Caguán region of Caquetá state, and the foothills region of Arauca.
state. It explains the dynamics of violence leading to the killings of human rights defenders in these areas, as well as regional contexts influencing such crimes.

The report also examines each of the government’s policies to prevent and address killings of human rights defenders, as well as the shortcomings in their implementation.

**Killings of Human Rights Defenders after the Peace Accord**

Authorities’ failure to exercise effective control over many areas previously controlled by the FARC has in large part enabled the violence against human rights defenders. The government has deployed the military to many parts of the country but has failed simultaneously to strengthen the justice system and ensure adequate access to economic and educational opportunities and public services. Human Rights Watch’s research shows that these failures have significantly limited government efforts to undermine armed groups’ power and prevent human rights abuses.

The 2016 peace accord included plans to address illegal economies, lack of legitimate economic opportunities, and weak state presence—factors that have for decades allowed armed groups, including the FARC, to thrive. But implementation of the plans has generally been slow. In June 2020, the Kroc Institute for International Peace Studies—charged under the peace accord with verifying progress in its implementation—concluded that only 33 of the 88 objectives required to be met by 2019 had been completed. Most of the objectives that had been met concerned demobilization of the FARC and reintegration of its fighters into society. Aspects of the accord relating to a comprehensive rural reform, as well as a new drug policy, had met “delays” indicating “a low probability that the objectives [under the accord] will be completed in the mid- and long-term.”

The killing of human rights defenders in Colombia is a multi-faceted problem.

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3. /ibid.
The limited state presence in many, mostly rural, areas means social organizations—including Neighborhood Action Committees, Afro-Colombian community councils, and Indigenous groups—often play a prominent role in performing tasks typically assigned to local government officials, including protecting at-risk populations and promoting government plans. This increases the visibility of the social organizations’ leaders, including human rights defenders, exposing them to risks.

Armed groups often oppress human rights defenders, trying to use them to impose “rules” within communities. That increases the possibility that groups will target them for real or perceived non-compliance or for allegedly supporting an opposing party.

Support by human rights defenders for some initiatives started under the peace accord has also placed them at risk. Human rights defenders have been killed for supporting or participating in projects to replace coca crops—the raw material of cocaine—with food crops. Many peasants in Colombia grow coca because it is their only profitable crop, given weak local food markets, inadequate roads to transport their products for sale, and lack of formal land titles. Government plans to give peasants economic and technical support for crop substitution have often been implemented slowly and face fierce opposition by armed groups, who may use violence and threats to force communities to continue growing coca.

Indigenous leaders are disproportionately represented among those killed. According to OHCHR’s numbers, 69 Indigenous leaders have been killed since 2016, making up approximately 16 percent of the 421 human rights defenders who have been killed in that period. Only 4.4 percent of Colombia’s population is estimated to be Indigenous.

According to OHCHR, 49 women human rights defenders have been killed since 2016. Sixteen women rights defenders were killed in 2019, compared to 10 in 2018. As of December 2020, OHCHR had documented five such killings in 2020, and was verifying 10 others. At least three women human rights defenders have been raped since 2016, according to OHCHR and the Human Rights Ombudsperson’s Office’s Early Warning System.
Government Steps to Address Killings of Human Rights Defenders

To address killings of human rights defenders in a sustained manner over the long term, it is critical that the government tackle the root causes of the problem. That will require a focused effort to permanently reduce the power of armed groups and organized crime through a range of measures, including criminal investigations aimed at dismantling these groups, as well as a more effective and substantial civilian state presence in remote regions. However, because of the immense profitability of the illegal drug trade, and the ability of criminal groups to corrupt authorities—even where there is a state presence—it is likely that new groups will continually step in to replace those that have disappeared, and keep engaging in violence and attacks on human rights defenders. It is crucial that the Colombian government adopt meaningful measures to stem this decades-long cycle, including by considering alternative approaches to drug policy that would reduce the profitability of the illegal drug trade.

At the same time, the government can and should immediately provide adequate protection to human rights defenders, and ensure that crimes against them are effectively investigated. For this report, Human Rights Watch examined each of the government’s systems, plans, and policies to protect human rights defenders.

Mechanisms to Protect Rights Defenders and Prevent Abuses

The Colombian government has two longstanding systems in place that have proven important to the protection of human rights defenders, though both suffer from insufficient funding and other constraints:

- The National Protection Unit, an office under the Ministry of the Interior, has been charged since 2011 with protecting people at risk. To its credit, it has granted individual protection measures to hundreds of human rights defenders, providing cellphones, vehicles, bulletproof vests, or bodyguards. However, while the National Protection Unit provides individual protection schemes in response to reported threats, many community leaders killed had not received threats or been able to report them to prosecutors, as required to access protection.

- The Early Warning System in the National Ombudsperson’s Office has a presence in multiple regions of the country where there are few other state actors, and specifically monitors threats to rights. Colombian law requires authorities to respond rapidly to prevent potential abuses flagged by the office through what are
called “early warnings,” and the office has issued scores of such alerts identifying risks to human rights defenders in hundreds of municipalities in the country. However, national, state, and municipal authorities charged with taking action based on the Early Warning System’s recommendations have repeatedly failed to do so or have reacted in a pro-forma and unsubstantial way, leading to scant impact on the ground.

Additionally, in recent years, Colombian authorities have created an array of other mechanisms, some of which were established under the 2016 peace accord. The administration of President Iván Duque has superficially promoted these mechanisms, often giving the impression that it is taking action, even while most of these systems are barely functional, or have serious shortcomings. The problems with these mechanisms include:

- The large number of protection mechanisms, which diffuses resources and wastefully duplicates efforts.
- Slow implementation of government plans to protect entire at-risk communities and non-governmental organizations that protect rights. The government has yet to implement a 2018 comprehensive Ministry of the Interior protection plan. Efforts by the National Protection Unit to implement its own collective protection programs have faced significant budgetary and other constraints.
- Failure by President Duque’s administration to periodically convene the National Commission of Security Guarantees, a body charged with designing policies to prevent killings of human rights defenders. Their work has to date been unsubstantial and had no concrete results.
- The vague and unclear mandate of a 2018 action plan by the Ministry of the Interior to protect human rights defenders, known as the Timely Action Plan, which has meant it has scant impact on the ground.
- Failure by the Office of the Presidential Advisor for Stabilization and Consolidation to implement a plan announced in 2019 to protect civilians who participate in plans to replace coca crops, including human rights defenders.
- Lack of progress in implementing a 2019 plan by the Ministry of the Interior to protect community leaders in Neighborhood Action Committees.
• Lack of progress in developing a new policy to protect human rights defenders and other community leaders, which has been under discussion between the Ministry of the Interior and human rights groups since August 2018.

**Accountability Efforts**

Efforts to bring perpetrators to justice have been more meaningful. Authorities have passed directives and created specialized units to prosecute killings of human rights defenders, achieving significant progress compared to previous periods in Colombian history.

However, many investigations and prosecutions face significant hurdles, particularly with regard to the “intellectual authors” of many killings. Key shortcomings include:

• Too few prosecutors, judges, and investigators in the areas most affected by these killings.
• Failure to date to create a “special team” of judges President Duque announced in May 2019 to try cases involving killings of human rights defenders.
• Limited capacity of special bodies created under the peace accord to handle these cases—including the Special Investigation Unit and the Police’s Elite Team—, including few staff members; some have faced budget cuts.
• Limited support—often marred by delays—from police officers and the military for prosecutors and investigators visiting crime scenes.

To meet its obligations under international human rights law, the Duque administration should undertake serious efforts to fund and implement policies to prevent the killings of human rights defenders and protect their rights. Authorities should substantially increase the capacity of judicial authorities and prosecutors to bring those responsible for the killings to account.

In the longer term, authorities should initiate a process to simplify and strengthen prevention and protection mechanisms under Colombian law. They should ensure civil society groups and international human rights and humanitarian agencies participate meaningfully in that process. The aim should be to coordinate existing mechanisms, overhauling, or abrogating those that are ineffective or have an unclear mandate.
Unless the government takes serious action, many more human rights defenders are likely to be killed, leaving hundreds of vulnerable communities undefended.
Recommendations

To the Administration of President Iván Duque of Colombia:

- Initiate a process with meaningful participation by civil society groups and international human rights and humanitarian agencies operating in Colombia to simplify and strengthen prevention and protection mechanisms under Colombian law, including by overhauling or abrogating ineffective mechanisms that have an unclear mandate such as the Timely Action Plan (Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos, Líderes Sociales, Comunales y Periodistas, PAO), coordinating other existing mechanisms, and ensuring these mechanisms are responsive to the needs of human rights defenders, regardless of ethnicity, race, gender or other protected status.

- Ramp up efforts to increase state presence in remote areas of the country and address root causes of violence, including by implementing the so-called Territorial Development Programs (Programas de Desarrollo con Enfoque Territorial, PDET), which seek to increase the presence of state institutions in remote municipalities across Colombia.

- Work with the Human Rights Ombudsperson’s Office to develop guidelines that ensure that the Inter-Agency Commission for the Rapid Response to Early Warnings (Comisión Intersectorial para la Respuesta Rápida a las Alertas Tempranas, CIPRAT), which is charged with deciding on responses to early warnings by the Ombudsperson’s office, responds promptly and effectively to early warnings, and to ensure meaningful evaluation of past responses and their impact.

- Improve the operation of the National Protection Unit, including by working with Congress to increase its budget, increasing the number of analysts on staff, transferring protection schemes for government officials to the National Police, easing the requirements to grant protection, working with affected communities to develop protection schemes suitable to rural areas’ risks and conditions, with a focus on ethnicity, gender, sexual orientation and other characteristics that may affect their risk and needs.

- Overhaul the National Protection Unit’s collective protection program, including by transferring it to the Ministry of the Interior, combining it with the Comprehensive
Program of Security and Protection (*Programa Integral de Seguridad y Protección para Comunidades y Organizaciones en los Territorios*), significantly increasing its budget, and easing the requirements to grant protection.

- Implement and work with Congress to fully fund collective protection programs as established under the 2018 Comprehensive Program for Security and Protection, as well as the National Commission of Security Guarantees (*Comisión Nacional de Garantías de Seguridad*) and the National Process of Guarantees (*Proceso Nacional de Garantías*).

- Implement and work with Congress to fund the Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders (*Programa Integral de Garantías para Mujeres Lideresas y Defensoras de Derechos Humanos*), which seeks to address and prevent killings of women human rights defenders, expanding on the existing pilot projects in Putumayo and Bolivar.

- Implement and work with Congress to fund the special team of judges charged with trying cases of killings of human rights defenders and expand the program to include judges charged with overseeing earlier stages of the criminal process (known as “supervisory judges”).

- Ramp up efforts to help develop local prevention plans in all municipalities and states, including by working with Congress to ensure they have an appropriate budget, providing adequate training for local officials in charge of implementing the plans, and establishing a meaningful process for evaluating implementation, with a focus on ethnicity, gender, race, and other characteristics that may affect individuals’ risk and needs integrated throughout.

- Upgrade the rank of the Elite Team, which handles homicides of human rights defenders, within the hierarchy of Colombia's National Police and increase its budget and staff.

- Continue using OHCHR’s tally of human rights defenders killed in the country as the official figure.

- Provide greater support to prosecutors investigating killings of human rights defenders, including by increasing the amount of time military helicopters devote to transporting prosecutors investigating crimes to places that security considerations render difficult to reach.
To the Colombian Congress:

- Ensure adequate budget for agencies and programs in charge of preventing and addressing killings of human rights defenders.
- Reform the Code of Criminal Procedure to ensure that alleged perpetrators of killings of human rights defenders seeking reduced sentences are required to provide exhaustive information on the killing and the armed groups involved, including by identifying people who gave the orders or approved of the crime.

To the Attorney General’s Office:

- Prioritize investigations into “intellectual authors” (people who gave the orders or approved) of killings of human rights defenders, including through plea bargaining with other perpetrators of these crimes.
- Pass an internal directive to ensure that prosecutors offering plea bargains to defendants allegedly involved in killings of human rights defenders require that they provide exhaustive information on the killings and the armed groups involved, including on the “intellectual authors,” while ensuring that perpetrators who cooperate receive protection from retaliation.
- Work with Congress to increase the staff and budget of the Special Investigation Unit, strengthen its capacity to investigate crimes and bolster the implementation of the unit’s investigative projects.
- Increase the number of prosecutors and investigators in areas most affected by killings of human rights defenders, as well as their technical capacity to investigate such crimes.
- Prioritize investigations into the financing sources of armed groups.
- Improve coordination and sharing of information between the Special Investigation Unit and other units within the Attorney General’s Office, including those in charge of “citizen security,” “organized crime,” and “criminal economies.”

To the Superior Council of the Judiciary:

- Work with the executive branch to establish the special team of judges charged with trying the killings of human rights defenders, as well as to increase the
number of judges charged with overseeing criminal investigations (known as “supervisory judges”) in areas most affected by killings of human rights defenders.

- Provide training to criminal judges to ensure that rulings regarding killings of human rights defenders indicate, when possible, the motivation behind the homicide, whether the defendant belonged to an armed group, and the broader context in which the homicide took place.
- Establish a mechanism to assess the work of judges in cases of killings of human rights defenders.
- Establish the category of “human rights defender” in the judicial branch’s statistical information system to ensure that information regarding such cases is publicly available and disaggregated by ethnicity, gender, race, age, and other demographic factors.
- Publish rulings in cases of killings of human rights defenders on the council’s website.

To the Human Rights Ombudsperson’s Office:

- Strengthen the work of the early warning system, including by working with Congress to increase its budget and staff.
- Continue documenting killings of human rights defenders in the country, including by cooperating with OHCHR.
- As the technical secretariat of the National Process of Guarantees, which is charged with establishing measures to prevent abuses against human rights defenders, help ramp up implementation of the process, including by establishing mechanisms to assess implementation of the measures it established, with a focus on ethnicity, gender, race and other factors that may affect the level of risk and needs of human rights defenders.

To the Inspector General’s Office:

- Carry out prompt, exhaustive, and meaningful disciplinary investigations into the conduct of government officials who fail to take action to prevent killings of human rights defenders, in accordance with Directive 2 of 2017.
• Monitor the implementation by local authorities, including police officers, of local prevention plans.

To State and Municipal Governments:

• Work with the Human Rights Ombudsperson’s Office and the Inspector General’s Office to identify and address risks faced by human rights defenders with a focus on ethnicity, gender, race, and other characteristics that may affect their risk.
• Prioritize funds to design and implement local prevention plans.
• Promote the implementation of the Comprehensive Program of Security and Protection, a collective protection program.

To donor governments, including the United States and the European Union:

• Continue supporting key agencies in charge of preventing and addressing killings of human rights defenders in Colombia, particularly the Early Warning System and the Attorney General’s Office Special Investigation Unit.
• Press Colombian authorities to strengthen or overhaul existing prevention, protection and accountability mechanisms in the country, in line with the recommendations in this report, including by conditioning security assistance on reforms that ensure that these mechanisms are meaningfully implemented, have substantial impact on the ground, and meet the specific needs of human rights defenders at risk.
• Condition security assistance to Colombia on verifiable and concrete improvements in human rights in the country, particularly on killings of human rights defenders.
• Assess US drug and security policies and programs in Colombia to ensure that they help to address the root causes of killings of human rights defenders by strengthening the presence of civilian state institutions—not only security forces—in remote regions of the country, and exploring new avenues to reduce the power and corrupt influence of armed groups.
Methodology

Human Rights Watch interviewed more than 130 people in 20 states in Colombia for this report. These included:

- 40 human rights defenders;
- 39 prosecutors or investigators;
- 25 officials of the Human Rights Ombudsperson’s Office or the Inspector-General’s Office;
- 16 officials of international human rights and humanitarian agencies operating in Colombia; and
- 10 officials of the Duque administration.

Interviews were conducted between April 2020 and January 2021. Due to restrictions linked to the Covid-19 pandemic, the vast majority were by telephone. All interviews were in Spanish.

Additionally, Human Rights Watch sent information requests to multiple Colombian government agencies, including the Ministries of Interior and Defense, the Attorney General’s Office, the Human Rights Ombudsperson’s Office, the Inspector General’s Office, the National Protection Unit, the Superior Council of the Judiciary, the Office of the Presidential Advisor for Stabilization and Consolidation, the Presidential Advisor on Human Rights, and the Office of the High Commissioner for Peace. The responses we received are reflected in the relevant sections of the report.

The report also draws on official statistics and documents from the Colombian government, publications by international and national humanitarian and nongovernmental organizations (NGOs), and news articles. The report cites OHCHR’s figures of human rights defenders killed in the country, which the Colombian government considers official.4 We also cite figures by Colombia’s Human Rights Ombudsperson’s Office, a government body independent of the executive, which normally reports more cases than OHCHR.

The report builds on findings in previous Human Rights Watch reports, including on Tumaco (December 2018), Catatumbo (August 2019), and Arauca (January 2020).5

Many of the interviewees feared for their security and only spoke to Human Rights Watch on condition that we withhold their names and other identifying information. We also withheld details about their cases or the individuals involved when requested, or when Human Rights Watch believed that publishing the information would put someone at risk. In footnotes, we may use the same language to refer to various interviewees, to preserve their anonymity.

We informed all participants of the purpose of the interview, its voluntary nature, and how the information would be used. Each participant orally consented to be interviewed.

Human Rights Watch did not make any payments or offer other incentives to interviewees. Care was taken with victims of trauma to minimize the risk that recounting their experiences would further traumatize them. Where appropriate, Human Rights Watch provided contact information for organizations offering legal, social, or counseling services, or linked survivors with those organizations.

In accordance with the UN General Assembly’s 1998 declaration on human rights defenders, “human rights defender” is defined broadly in the report as “everyone... [who] individually and in association with others ... promote[s] and ... strive[s] for the protection and realization of human rights and fundamental freedoms at the national and international levels.”6 The definition hinges solely on the tasks carried out by the defender

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and does not require that they be part of a rights group or NGO.7 OHCHR and the Human Rights Ombudsperson’s Office in Colombia also use the declaration’s definition to document killings of rights defenders in the country. In applying the definition to Colombia’s circumstances, the Human Rights Ombudsperson’s Office has identified several categories of rights defenders, including:8

- Communal leaders: people who defend human rights as part of their work on Neighborhood Action Committees, a unit of social organization.
- Indigenous leaders: people who defend Indigenous peoples’ rights; including Indigenous authorities; spiritual Indigenous leaders; and members of the “Indigenous guard,” groups recognized under Colombian law that patrol Indigenous territories armed only with wooden canes that are mostly of symbolic value.
- Peasant leaders: people who defend rights of peasants, including those claiming peasants’ rights to property over their land and restitution of land stolen during the armed conflict, and those promoting programs to replace coca crops with food.
- Afro-Colombian leaders: people who defend rights of Afro-Colombian groups and individuals, including traditional Afro-Colombian authorities and activists on community councils—a form of collective self-government.
- Community leaders: other people in rural areas who defend human rights without belonging to Neighborhood Action Committees, including leading figures in rural areas who formerly belonged to a committee.
- Trade unionists: people who defend rights through trade unions, including those promoting and protecting the right to enjoy just and favorable conditions of work.

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• Victims’ rights activists: people who defend rights of victims of the armed conflict, including those seeking justice, truth-telling, reparations and guarantees of non-repetition for abuses committed during the armed conflict and those belonging to groups of victims of forced displacement.

• Women's rights activists: people who defend women's rights, including by asserting gender equality and sexual and reproductive rights.

Additionally, people in Colombia use the term “social leader” to describe a range of local activists and leaders who may or may not be considered human rights defenders.⁹

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I. Background

Colombia has had the highest number of human rights defenders killed since 2016 in any country in Latin America.\(^ {10} \)

More than 400 human rights defenders have been killed nationwide in Colombia since 2016, according to OHCHR.\(^ {11} \) Despite a peace process with the FARC, reported killings have increased each year as armed groups have stepped into the breach left by the FARC, fighting for control over territory, engaging in illegal activities, and using violence against civilians to enforce their control.

The work of rights defenders, such as opposing the presence of armed groups or reporting abuses, has sometimes made them targets. Some have been killed during broader attacks by armed groups against civilians. OHCHR documented:

- 41 such killings in 2015 (including 39 men and 2 women);
- 61 in 2016 (including 57 men and 4 women);
- 84 in 2017 (including 70 men and 14 women);
- 115 in 2018 (including 105 men and 10 women);
- 108 in 2019\(^ {12} \) (including 92 men and 16 women); and
- 53 as of December 2020 (including 48 men and 5 women), and was verifying 80 others.\(^ {13} \)

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\(^ {13} \) Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.
The Covid-19 pandemic has slowed verification of cases in 2020 significantly.\(^\text{14}\)

Other sources report even higher figures. The Human Rights Ombudsperson’s Office has documented 710 cases since 2016, while Somos Defensores, a rights group, has reported 600.\(^\text{15}\) Both the Human Rights Ombudsperson’s Office and Somos Defensores report an increase in killings of human rights defenders between 2019 and 2020.\(^\text{16}\)

The Colombian government considers OHCHR’s figures to be official.\(^\text{17}\) However, in August 2020, the presidential advisor on human rights, Nancy Patricia Gutiérrez, told Human Rights Watch that her office was working on a unified “protocol” to document these cases and had yet to decide which body would implement it.\(^\text{18}\)

Human rights defenders have also faced other abuses. The Human Rights Ombudsperson’s Office has registered 2,829 threats against human rights defenders occurring between January 2016 and June 2020, including 859 against women human rights defenders.\(^\text{19}\) Most of them were death threats.\(^\text{20}\) At least three women human rights defenders have been raped since 2016, according to OHCHR and the Human Rights Ombudsperson’s Office’s Early Warning System.\(^\text{21}\)


\(^{17}\) Human Rights Watch telephone interview with the Presidential Advisor on Human Rights and International Affairs, August 19, 2020.

\(^{18}\) Ibid.

\(^{19}\) Information provided to Human Rights Watch via email by the Human Rights Ombudsperson’s Office, August 28, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020.


\(^{21}\) Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; Information
Violence and Armed Conflicts in Colombia

Numerous armed groups operate in Colombia. Their size, structure, and origin vary widely.

Prior to its demobilization, which ended in 2017, the FARC was the largest armed group in the country. In June 2017, the UN mission in Colombia verified having received the weapons of the FARC guerrillas who accepted the agreement with the government.22 In total, the government verified that 6,200 former FARC fighters, as well as 3,300 militia members (who provided support to armed groups in urban areas) had demobilized under the accord.23

But other major armed groups were not part of the peace negotiations and continued to operate. These include, most notably, the National Liberation Army (Ejército de Liberación Nacional, ELN), a leftist guerrilla group created in 1964, as well as the Gaitanist Self-Defense Forces of Colombia (Autodefensas Gaitanistas de Colombia, AGC), an armed group that emerged from a flawed demobilization of right-wing paramilitary death squads in the mid-2000s and is also known as “Clan del Golfo,” “Clan Úsuga” and the “Urabeños.”24

Additionally, some armed groups, known in Colombia as “FARC dissident groups,” emerged from the FARC’s demobilization. A minority of FARC fighters rejected the terms of the peace agreement and did not demobilize.25 Most notable are former fighters of the FARC’s Eastern Bloc who continue to operate under the leadership of Miguel Botache


Santillana, alias “Gentil Duarte,” mostly in eastern parts of the country. They operate under different “fronts,” mainly the 1st, 7th and 40th.

Other FARC fighters disarmed initially but then joined or created new groups, partly in reaction to inadequate reintegration programs and attacks against former fighters. For instance, in August 2019, Luciano Marín Arango, alias “Iván Márquez,” the FARC’s former second-in-command and top peace negotiator, announced he was taking up arms again. He and other former FARC commanders created an armed group called “FARC Second Marquetalia,” after the area where the FARC was created in the 1960s.

FARC dissident groups vary significantly in size, organization, and engagement in violence. Some have been estimated to have over 300 fighters, with a high level of organization. Others have a weak chain of command and limited level of organization. They also vary in their degree of autonomy. While some small groups operate autonomously, others have

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clear connections to larger, more organized armed groups, including other FARC dissident groups.\textsuperscript{32}

There are other small armed groups (or criminal organizations) in Colombia. These include groups that emerged from the paramilitary demobilization in the mid-2000s, such as Puntilleros in Meta and Vichada,\textsuperscript{33} as well as other criminal organizations, such as Contadores in Nariño, Rastrojos in North Santander, La Mafia (more recently, called Comandos de la Frontera, or Border Commands) in Putumayo and Caparros in Antioquia.\textsuperscript{34} All of these groups are deeply involved in the drug trade.

Many armed groups stepped into the breach left by the FARC, and they fight each other for control over territory and illegal activities.\textsuperscript{35} The situation in affected areas is highly


dynamic, as the groups battle for control of illegal economies and land, seek to expand their operations, and at times establish mostly temporary alliances.\textsuperscript{36}

Authorities’ failure to exercise effective control over many areas reclaimed from the FARC has in large part enabled this dynamic. The government has deployed the military to many parts of the country but has failed simultaneously to strengthen the justice system, improve protection for the population, and ensure adequate access to economic and educational opportunities and public services.\textsuperscript{37} Human Rights Watch’s research shows that the failures have significantly limited government efforts to undermine armed groups’ power and prevent abuses.\textsuperscript{38}


Applicable Legal Frameworks

The International Committee of the Red Cross (ICRC) lists several groups as parties to continuing armed conflicts, according to thresholds established under international humanitarian law.\(^\text{39}\) In particular, the ICRC notes government forces are engaged in non-international armed conflicts against:

- The National Liberation Army;
- The Gaitanist Self-Defense Forces of Colombia;
- The Popular Liberation Army (Ejército Popular de Liberación, EPL), also known as “Pelusos,” a splinter group from a guerrilla that demobilized in the 1990s; and
- Former fighters of the FARC’s Eastern Bloc (operating mainly through the 1st, 7th and 40th fronts).

Additionally, according to the ICRC, fighting between the ELN and the EPL in the northeastern region of Catatumbo amounts to a non-international armed conflict.\(^\text{40}\)

It is unclear whether other FARC dissident groups can be considered parties to armed conflict. While they vary significantly in size and level of organization, several FARC
dissident groups do not appear to fulfill the thresholds under international humanitarian law to be in and of themselves parties of an armed conflict. Consequently, whether each of them is a party to the conflict depends on the extent to which it is genuinely linked with parties to the conflict, particularly the former Eastern Bloc, or with other FARC dissident groups, in practice creating a single group that satisfies the requirements to be a party to the conflict under international humanitarian law.

Profile of Victims

As of December 2020, OHCHR has documented 421 killings of human rights defenders in Colombia since 2016. The main categories of human rights defenders killed in that period, as identified by OHCHR, include the following (see the Methodology section above for a definition of each category):

- Communal leaders: 130 cases
- Community leaders: 67 cases
- Indigenous leaders: 69 cases
- Peasant leaders: 33 cases
- Afro-Colombian leaders: 18 cases
- Trade unionists: 12 cases
- Victims’ rights activists: 10 cases

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43 Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021. OHCHR was still verifying 80 cases from 2020. Verification of cases in 2020 has been significantly slower due to the Covid-19 pandemic.

Indigenous leaders are disproportionately represented among those killed. According to OHCHR, approximately 16 percent of all the human rights defenders killed since 2016 were Indigenous leaders. Only 4.4 percent of Colombia’s population is estimated to be Indigenous.45

Data from OHCHR and the Human Rights Ombudsperson’s Office suggest that defending human rights homicide in Colombia may put women at a heightened risk of violence. Between 10 and 15 percent of the human rights defenders killed in Colombia since 2016 were women.46 Comparatively, women account for roughly 8 percent of the total number of homicides in the country between 2016 and November 2020.47

45 Presidency of the Republic, “The Indigenous population of Colombia amounts to 1,905,617 people, according to Dane’s census” (“La población indígena en Colombia es de 1’905,617 personas, según Censo del Dane”), https://id.presidencia.gov.co/Paginas/prensa/2019/La-poblacion-indigena-en-Colombia-es-de-1905617-personas-segun-Censo-del-Dane-190916.aspx (accessed January 6, 2020).


There are common patterns in the areas where these killings take place. Of all killings of human rights defenders occurring between 2016 and December 2020, according to OHCHR:\footnote{48}

- 70 percent occurred in rural areas (only 9 percent in Colombia’s 13 “main cities”).\footnote{49}
- 98 percent occurred in municipalities where armed groups operate, including organized crime groups and parties to the armed conflicts.
- 97 percent occurred in municipalities with illegal economies, including drug trafficking and production, illegal mining, extortion, illegal logging, and smuggling.
- 92 percent occurred in municipalities with drug trafficking and production.
- 47 percent occurred in municipalities with illegal mining.
- 91 percent occurred in municipalities with murder rates of over 10 per 100,000 people, which the World Health Organization considers the threshold for “endemic violence.”\footnote{50}
- 100 percent occurred in municipalities with poverty levels (measured on the basis of a government “multidimensional poverty index”) above the national average.\footnote{51}
- 57 percent occurred in municipalities that the government considered in 2017 to be historically the “zones most affect by the armed conflict.”\footnote{52}


• 52 percent occurred in municipalities where the government has announced “Territorial Development Programs” (PDET), an initiative created by the peace agreement with the FARC for areas highly affected by the armed conflict, poverty, lack of state presence, and illegal economies.\(^{53}\)

**Profile of Perpetrators**

Colombian authorities have yet to identify those responsible for many cases of killings of human rights defenders (see section on accountability, below). However, based on progress achieved in investigations and prosecutions of 257 cases of killings occurring between 2016 and December 2020 and documented by OHCHR, the Attorney General’s Office believes that armed groups are responsible for the majority of those cases, 174.\(^{54}\)

Authorities believe public security forces were the perpetrators in another 10 cases (including 6 under investigation in the military justice system), and say that evidence in 78 others points to people who did not have links to armed groups or who acted in their “own interest.”\(^{55}\)

**Cases involving armed groups allegedly include:**\(^{56}\)

• FARC dissident groups;\(^{57}\) 62 cases

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\(^{55}\) Ibid.

\(^{56}\) Ibid.

\(^{57}\) The Attorney General’s Office compiles all the cases allegedly committed by FARC dissident groups into a single category, although there are multiple such groups and many act autonomously. The Attorney General’s Office told Human Rights Watch in January 2021 that the cases were apparently committed by: 48th Front (eight cases); Jaime Martínez Front (six cases); People of Order (five cases); 62nd Front (five cases); Teófilo Forero mobile column (four cases); Dagoberto Ramos mobile column (four cases); Oliver Sinisterra Front (four cases); 1st Front (four cases); 33rd Front (three cases); Tulio Varón Front (one case); Urias Bloc (one case); Martín Villa Front (one case); Carlos Patiño Front (one case). In some cases, the Attorney General’s Office reports that two armed groups were responsible for the same case because the perpetrator told prosecutors he or she belonged to the two groups or because the killing was apparently committed in a joint operation. In particular, the
- Small armed groups (known in Colombia as “groups of ordinary organized crime,” or “type C” groups): 35 cases
- Gaitanist Self-Defense Forces of Colombia: 24 cases
- ELN guerrillas: 23 cases
- EPL: 12 cases
- Caparros: 6 cases
- Organized crime groups (known in Colombia as “organized criminal organizations” or “type B” groups): 11 cases
- Contadores: 1 case

Attorney General’s Office considers that the mobile columns Jaime Martínez and Dagoberto Ramos are jointly responsible for seven cases; the 3rd and 7th fronts, for one case; and the 3rd and 40th fronts, for one other case. In six cases, prosecutors had yet to establish which FARC dissident group was involved. Information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.


II. Regional Case Studies

Since 2016, human rights defenders have been killed in 28 of Colombia’s 32 states and in roughly 20 percent of the country’s municipalities.\(^6^0\)

This section examines the underlying violence connected to the killings of human rights defenders in six of the areas that have been most affected: North Cauca, Catatumbo, Southern Pacific, Bajo Cauca, Caguán, and Arauca’s foothills.\(^6^1\) While these areas suffer some of the largest numbers of killings of human rights defenders, their totals represent only roughly 30 percent of cases committed nationwide between 2016 and 2020.\(^6^2\)

North Cauca (Cauca state)

Cauca state is in southwestern Colombia. The population of its northern region—encompassing the municipalities of Buenos Aires, Caldono, Caloto, Corinto, Guachené,
Jambaló, Miranda, Padilla, Puerto Tejada, Santander de Quilichao, Suárez, Toribío and Villa Rica—has for decades endured abuses by armed groups often seeking to profit from the region’s gold mines and coca fields or from moving drugs.  

Several armed groups operate today in North Cauca, including the ELN and groups that emerged from the demobilization of the FARC.

The ELN, with roughly 50 armed fighters in the region, operates mostly in the west, towards the Pacific coast. Two FARC dissident groups, the Jaime Martínez and the Dagoberto Ramos mobile columns, have reached an agreement between each other regarding the areas where they operate, according to prosecutors and local human rights officials. They

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66 Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human
have close ties to fighters from the FARC’s former Eastern Bloc, which rejected the peace accord and operates under the leadership of Miguel Botache Santillana, alias “Gentil Duarte,” in mostly eastern parts of the country.67

The Jaime Martínez mobile column operates mostly in western parts of North Cauca, while the Dagoberto Ramos mobile column operates largely in central and northern parts.68 Additionally, some credible reports indicate that fighters of the “FARC Second Marquetalia,” a dissident group led by the FARC former second-in-command Luciano Marín Arango, alias “Iván Marquez,” have recently arrived in some western parts of North Cauca.69 Armed groups have engaged in numerous abuses in North Cauca, including killings, child recruitment, forced displacement, and threats.70

The Duque administration has repeatedly deployed soldiers to the area. In August 2019, the Ministry of Defense announced it would send 1,350 soldiers to Cauca, including


charged with fighting drug trafficking.\textsuperscript{71} In October 2019, President Duque said he would deploy 2,500 additional soldiers, as part of a “rapid deployment force.”\textsuperscript{72} Additionally, in December 2020, the Ministry of Defense told Human Rights Watch that it had increased the number of soldiers in three military units in Cauca.\textsuperscript{73}

However, the situation in North Cauca has not improved. Armed groups continue to control mostly rural areas and engage in heinous abuses.\textsuperscript{74} The region saw a stark increase in the number of recorded homicides, from 155 in 2017 to 379 in 2019.\textsuperscript{75} In 2020, homicides


\textsuperscript{73} Information provided to Human Rights Watch by email from the Ministry of Defense, December 14, 2020 (copy on file with Human Rights Watch).


declined at least in part due to the lockdown measures imposed in connection to the Covid-19 pandemic.\textsuperscript{76} Authorities reported 306 homicides in North Cauca between January and late-November 2020.\textsuperscript{77}

The situation remains highly dynamic, as the many armed groups fight for control over illegal economies and land, and seek to expand their operations.\textsuperscript{78} In past decades, local activists and rights defenders would seek to intervene before armed groups on behalf of their communities, including to end specific abuses or to understand the groups’ “rules.” But in today’s dynamic situation, people often do not know whom they can talk to, or what the groups’ “rules” are.\textsuperscript{79}

\textsuperscript{76} See Fundación Ideas para la Paz, “This is how crime changed during the lockdown in Colombia” (“Así se ha comportado el delito durante la cuarentena en Colombia”), n.d., http://www.ideaspaz.org/media/website/homicidioInfografia_Final.pdf (accessed December 17, 2020).


Armed groups have killed a high number of human rights defenders in North Cauca since 2016. OHCHR had documented 41 cases as of December 2020, while the Human Rights Ombudsperson’s Office had documented 96, as of September 2020.\(^{80}\)

Roughly half of the cases documented by OHCHR and the Human Rights Ombudsperson’s Office involve leaders from the Indigenous Nasa communities.\(^{81}\) Many of them have been killed because they oppose the presence of armed groups, and particularly drug trafficking, in their territories.\(^{82}\) Under Colombian law, Indigenous communities are entitled to arrest and try people who commit crimes on their territories.\(^{83}\)

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\(^{83}\) Constitución de Colombia, art. 246; Colombia’s Human Rights Ombudsperson’s Office, “Special Indigenous Jurisdiction” (“Jurisdicción Especial Indígena”), December 2014, https://www.defensoria.gov.co/public/pdf/04/boletinNr6jurisdiccionEspecialIndigena.pdf (accessed July 9, 2020); Attorney General’s Office, Directive No. 0012 which sets guidelines on matters related to the competence of the special Indigenous jurisdiction (Directiva No. 0012 por medio de la cual se establecen lineamientos sobre asuntos relacionados con la
This includes enforcement by the Nasa “Indigenous guard”—people who patrol their territory with Indigenous wooden staffs or canes that are mostly of symbolic value. The Nasa people have seized weapons and drugs, and have arrested, tried, and convicted members of armed groups in their territory, including for threats and killings. “They [the armed groups] have weapons, cars, and money, they have everything to wage war against us; we only have our Indigenous canes that symbolize our authority, our peaceful resistance, and our defense of the territory,” an Indigenous leader told Human Rights Watch.

**Eider Arley Campo Hurtado**, 20, was killed by members of a FARC dissident group on March 5, 2018. Campo Hurtado, a member of the Indigenous guard, promoted the rights of Indigenous people on local radio and had been a Nasa authority in 2017. On the day he was killed, nine fighters from a FARC dissident group attacked his community and released a fighter who had been imprisoned by the Indigenous community. The fighters fled. Members of the Indigenous guard went after them,
and the armed group opened fire, killing Campo Hurtado. Later that day, the Indigenous guard arrested eight fighters, all Indigenous, for the killing. They were convicted and sentenced to between 20 and 40 years in prison. “This is a vicious cycle [involving] those who bear the weapons and try to use our own people to control Indigenous territory. We are here to impede that; that is why they kill us,” Indigenous authorities said in the ruling in the case. 

Cristina Bautista Taquinás, a 30-year-old Nasa Indigenous authority, was killed on October 31, 2019, after her community was alerted that the Dagoberto Ramos mobile column had taken two community members hostage, according to a survivor and judicial authorities who examined the case. Taquinás, as well as other Indigenous authorities and members of the Indigenous guard, went to the scene and managed to release the hostages. Gerardo Ignacio Herrera, alias “Barbas,” a commander of the Dagoberto Ramos mobile column, was one of the fighters at the scene, and the Indigenous guard parked a car in the middle of the road to block his flight. Members of the armed group then opened fire on the Indigenous guard for roughly 15 minutes, a survivor told the press. “They were firing at us from

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“everywhere,” she said. The fighters killed five Nasa people, including Taquinás, and injured several others. In November 2020, one member of the Dagoberto Ramos mobile column was charged in connection with the killing.93

Peasant leaders have also been targeted in North Cauca. OHCHR has reported 6 killed since 2016; the Human Rights Ombudsperson’s Office has reported 22.94

Armed groups involved in drug trafficking in the region—especially the FARC dissident groups—often attack peasant leaders in retaliation for their support of government plans to replace coca crops with food, peasant leaders and prosecutors told Human Rights Watch.95

Cauca has one of the highest acreages of coca cultivation of any region in Colombia, and several government programs there provide economic and technical support to farmers who replace their coca crops with food.96 Peasant leaders and others involved, as well as


those who want the programs expanded, are “threatened verbally and ordered to leave the region,” or at times, “mentioned in armed groups’ statements as a ‘military objective,’” a peasant leader told Human Rights Watch.97

In January 2021, the Attorney General’s Office told Human Rights Watch that it was investigating 276 threats against human rights defenders and other local leaders in North Cauca occurring since 2016, including 16 against peasant leaders.98 However, prosecutors told Human Rights Watch that the number of investigations is likely much higher. For example, one senior prosecutor in the area said that his office receives roughly 25 reports of threats against human rights defenders a week.99

Armed groups have also targeted Afro-Colombian leaders in North Cauca. OHCHR reports one killed since 2016; the Human Rights Ombudsperson’s Office reports six.100 Many others have been threatened.101 Afro-Colombian leaders are often targeted because they oppose illegal mining and extortion of artisanal miners in the region, prosecutors, Afro-Colombian leaders, and local human rights officials told Human Rights Watch.102

98 Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs.” The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.  
groups extort more than 400 million COP (roughly US$100,000) a day from miners, a prosecutor told Human Rights Watch. Extortion of legal miners, along with illegal mining, is a source of significant economic gain for FARC dissident groups and smaller criminal groups in the region.

Security forces’ tolerance and possible collusion enables illegal mining in the region, prosecutors, human rights officials, and Afro-Colombian leaders told Human Rights Watch. “Backhoes and mining supplies go through police and military checkpoints, and, despite criminal complaints, [authorities] do not conduct control operations,” an Afro-Colombian leader said.

**Catatumbo (North Santander state)**

Catatumbo is a region of the northeastern state of North Santander, on the border with Venezuela. Comprised of 11 municipalities—Ábrego, Convención, El Carmen, El Tarra, Hacarí, La Playa, Ocaña, San Calixto, Sardinata, Teorama, and Tibú—it is an important source of cocaine, which is trafficked to other parts of Colombia and to Venezuela.

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103 Human Rights Watch telephone interview with senior prosecutor, April 7, 2020.
Armed groups in Catatumbo include the ELN, the EPL, and an armed group that emerged from the demobilization of the FARC and calls itself the 33rd Front. Since early 2018, the ELN and the EPL have engaged in brutal fighting over territory, in part because in 2018 the EPL moved toward areas of Catatumbo occupied by the ELN.\textsuperscript{108} In the second half of 2020, fighting among them appeared to reach a halt as the ELN recovered its territory and EPL fighters moved closer to the border.\textsuperscript{109} Additionally, Rastrojos, an organized crime group, operates in the nearby municipalities of Puerto Santander and Cúcuta, where in recent times it has often engaged in fighting with the ELN.\textsuperscript{110}
In October 2018, the Colombian government launched the “Force of Rapid Deployment 3” (Fuerza de Despliegue Rápido No. 3, FUDRA 3), which increased the number of military officers in Catatumbo by 5,600. The new force was added to the army’s 30th Brigade, the 30th Engineer Battalion “José Alberto Salazar Arana,” and the Vulcano Task Force, a special military unit that has operated in Catatumbo since 2011 and has 4,000 officers.

The Ministry of Defense told Human Rights Watch that in 2020 it had increased the number of soldiers in the FUDRA 3 unit.

However, the military strategy has made little impact on the situation in Catatumbo. Homicide numbers in the region rose from 190 in 2017 to 228 in 2019. In 2020, homicides declined at least in part due to the lockdown measures imposed in connection with the COVID-19 pandemic.
to the Covid-19 pandemic. Authorities reported 179 homicides between January and late-November 2020. Armed groups continue to commit serious abuses, including against human rights defenders.

Since 2016, 24 human rights defenders have been killed in Catatumbo, OHCHR reported, including 17 leading figures on local Neighborhood Action Committees. The Human Rights Ombudsperson’s Office reported 29 cases. Some of them were not targeted for their work, but killed during armed groups’ attacks against civilians.

Frederman Quintero Ramírez, a 32-year-old community leader, was killed on July 30, 2018. Around 3 p.m. that day, the perpetrators appeared at a bar and shot indiscriminately, killing 10 people, including Quintero Ramírez. As they left, the

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115 See Fundación Ideas para la Paz, “This is how crime changed during the lockdown in Colombia” (“Así se ha comportado el delito durante la cuarentena en Colombia”), n.d., http://www.ideaspaz.org/media/website/homicidio_infografia_Final.pdf (accessed December 17, 2020).


118 OHCHR was verifying two more cases. Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 2021.


perpetrators shouted that they belonged to the EPL, a ruling against one of them indicates.\textsuperscript{122} Armed men appeared in El Tarra the day after the massacre, ordering residents to leave the area, three statements reviewed by Human Rights Watch asserted.\textsuperscript{123} The July 30 attack appears to have been intended against members of the ELN who had failed to comply with an agreement with the EPL regarding the price of cocaine, a prosecutor told Human Rights Watch.\textsuperscript{124} The EPL fighters were misinformed about the location of the ELN fighters; all the victims were civilians.\textsuperscript{125} As of November 2020, authorities had convicted four EPL members and indicted three others for the massacre.\textsuperscript{126}

Five human rights defenders killed in Catatumbo since 2016 appear to have been targeted because an armed group accused them of links to an opposing party to the conflict, a prosecutor, an investigator, and a local human rights official told Human Rights Watch.\textsuperscript{127} Colombia’s Attorney General’s Office found that none of the victims were members of armed groups.\textsuperscript{128} But both the ELN and the EPL have conducted such killings to threaten
people and ensure that they do not support the other party. In two other cases, human rights defenders appear to have been killed because they interacted with government forces.

**Héctor Santiago Anteliz**, the 52-year old president of a Neighborhood Action Committee, was killed on June 22, 2018. That afternoon, five members of the ELN appeared at his house and ordered him to accompany them, to discuss an issue with their commander. The next day, a man from a nearby community called Anteliz’s family to report that they had found him dead, with four bullet wounds, including one to the mouth. A prosecutor investigating the case says evidence suggests that Anteliz was killed because the ELN suspected he had links to the EPL.

**Nelly María Amaya**, 43, was killed on January 16, 2016. Amaya had in the past been president of a Neighborhood Action Committee and was a well-known community leader in San Calixto. Around 7 p.m. on the day she was killed, two armed men arrived by motorcycle at her store; one shot her five times, and she died at the


Evidence gathered by the Attorney General’s Office suggests that the EPL killed her because she sold food to army soldiers, an investigator told Human Rights Watch. The EPL, which had threatened her in the past, distributed a pamphlet after her death saying that she had been killed for providing food to the army. A member of the EPL is facing trial for the killing.

On February 11, 2018, EPL fighters killed Deiver Quintero Pérez, a community leader who organized sports activities to keep children away from armed groups in El Tarra. Around 1 p.m. that day, two armed men abducted him from his workplace. His body was found a few hours later, by a river, with several bullets in his head. In August 2019, a member of the EPL was sentenced to 25 years in prison for the murder. Evidence gathered by prosecutors indicates that the EPL killed Quintero because they believed he was cooperating with the government.

Armed groups in Catatumbo try to use human rights defenders and other local leaders to exercise control over communities. Several leaders told Human Rights Watch that the ELN,  

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the EPL and the FARC dissident group in the region often summon them to meetings. One of them told Human Rights Watch:

> It is not an invitation.... They come to your house and tell you that you have to be in a given place on a given day, one cannot ask why... and they tell you that if you don’t go... you will bear the consequences.

At the meetings, members of armed groups give local leaders “instructions.” For example, they establish times for circulation on the roads or order them to ensure that strangers, soldiers, and government officials do not enter their communities. They threaten local leaders to ensure compliance. For instance, a communal leader told Human Rights Watch of a meeting in which a member of an armed group said, “X did not obey, and you saw what happened to him; now his widow is trying to collect money to buy a coffin.”

Threats against local leaders have increased in Catatumbo since 2016, prosecutors and human rights officials told Human Rights Watch. Often, armed groups threaten local leaders not to support government crop substitution programs, or not to tell people about the groups’ activities. A community leader told Human Rights Watch:

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They tell us... ‘Be careful, if we see you talking to people you should not be talking to, like snitches... you know, we can easily find you, and you will have to pack your stuff and leave’.... That is why we are afraid to speak, even with you people from human rights [groups].\textsuperscript{150}

In January 2021, the Attorney General’s Office told Human Rights Watch that it was investigating 105 cases of threats against human rights defenders and other local leaders committed in Catatumbo since 2016, including 32 in 2019 and 39 between January and December of 2020.\textsuperscript{151} Colombia’s Human Rights Ombudsperson’s Office said that the number of threats against human rights defenders is much higher than the number being investigated.\textsuperscript{152}

Southern Pacific (Nariño state)

The Southern Pacific region of the southwestern state of Nariño consists of the municipalities of Tumaco and Francisco Pizarro.

Several armed groups operate in the Southern Pacific region, including four that emerged from the FARC: the Oliver Sinisterra Front, United Guerrillas of the Pacific, and, more recently, the Alfonso Cano Western Bloc and the 30\textsuperscript{th} Front.\textsuperscript{153} An armed group called

\textsuperscript{150} Human Rights Watch telephone interview with community leader, May 28, 2020.

\textsuperscript{151} Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs.” The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.


Contadores also operates in the municipality. Tumaco has one of the highest number of hectares with coca in Colombia, and all the armed groups there are deeply involved in producing and trafficking cocaine.\textsuperscript{154}

All armed groups in the region abuse civilians, and the dynamics of violence in the municipality are ever-changing.\textsuperscript{155} “We are subject to the movement of the groups,” an

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afro-Colombian leader told Human Rights Watch. “Before, it was the People of Order, after that the United Guerrillas of the Pacific, then Contadores, now the Oliver Sinisterra Front, and who knows what will come next? They make their alliances, then break them and fight, then make pacts to pit some groups against others ... and all of us have to follow their orders, restrictions, and threats.”

In January 2018, the government launched the “Atlas Campaign,” increasing the number of security officers in Tumaco and Francisco Pizarro and restructuring military and police units already operating. The government announced that a total of 9,000 security officers would protect rural and urban residents of these municipalities and eight others in Nariño.

The military strategy has achieved few results in preventing abuses. In Tumaco, for example, 269 people were killed in 2018, compared to 210 in 2017 and 152 in 2016. Homicides dropped in 2019, in large part due to an agreement that armed groups reached in December 2018 to halt their fighting for control of neighborhoods. Authorities

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reported 175 homicides in Tumaco between January and late-November 2020. Arm
groups continue to control many of Tumaco’s urban neighborhoods and rural areas,
engaging in serious abuses against civilians and imposing their own “rules.”

While OHCHR and the Human Rights Ombudsperson’s Office have not reported killings of human rights defenders in Francisco Pizarro, such killings occur in high numbers in Tumaco. According to OHCHR, Tumaco is the municipality with the highest number of human rights defenders killed since 2016, with 15 such cases. The Human Rights Ombudsperson’s Office ranks Tumaco third since 2016, with 20 cases. Human rights defenders killed in Tumaco include Afro-Colombian, Indigenous, and other local leaders.

In at least three cases, armed groups killed human rights defenders after accusing them of collaborating with the military, the Attorney General’s Office reports.

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163 Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021. OHCHR was verifying seven more cases.


165 Human Rights Watch telephone interview with judicial official, April 6, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, April 21, 2020 (copy on file with Human Rights Watch).

Holmes Alberto Niscué, a 40-year-old leader from Gran Rosario, an Indigenous Awá territory in Tumaco, was killed on August 19, 2018. Two men approached him in a bar and shot him four times, including in the face. Niscué had received death threats from the Oliver Sinisterra Front in June, and the National Protection Unit had moved him out of Tumaco to ensure his protection. On the day he was murdered, Niscué had returned to Tumaco for a meeting. According to press reports and a local prosecutor, the front accused him and other Awá leaders of having called in the army prior to a June 4, 2018, military operation in which six FARC dissidents, including a commander of the front, died. Two members of the Oliver Sinisterra Front were on trial for Niscué’s homicide at time of writing.

Argemiro Manuel López Pertuz, 46, was killed on March 17, 2019, in the rural area of Guayacana, in Tumaco. Around 9 p.m., two men arrived at his house and shot him 12 times, killing him and injuring his wife and sister. López Pertuz was president of Guayacana’s Neighborhood Action Committee and led the crop substitution program for 200 families. Evidence gathered by prosecutors suggests he was killed by members of the Contadores who accused him of collaborating with the military. In April 2019, the Attorney General’s Office announced the arrests of

167 Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020.
two members of the Contadores in connection with the killing.\textsuperscript{174} They were awaiting trial at time of writing.\textsuperscript{175}

In three other cases, prosecutors believe armed groups killed human rights defenders because they supposedly failed to comply with the groups’ orders or “rules,” including not to collaborate with opposing armed groups. An Afro-Colombian leader told Human Rights Watch:

\begin{quote}
Whoever opposes their [drug trafficking] business is killed, whoever reports [them] to the army is killed, whoever fails to comply with their orders is killed, whoever behaves like a snitch with the opposing [armed group] is killed.\textsuperscript{176}
\end{quote}

\textbf{Jose Cortés Sevillano}, 55, president of a Neighborhood Action Committee, was killed on the night of September 6, 2019, when two armed men appeared at a bar and shot him.\textsuperscript{177} Evidence suggests that the Oliver Sinisterra Front killed him, having accused him of providing information to the Contadores.\textsuperscript{178}
Rodrigo Salazar Quiñones, 44, an Awá Indigenous leader from the Piguambí Palangala in Tumaco, was killed on July 9, 2020. Around 11:30 p.m., two men approached him when he was leaving his home, and shot him. Salazar Quiñonez had reported multiple threats from armed groups since 2014 and the National Protection Unit had granted him three bodyguards and an armored car. But in 2020, the National Protection Unit decreased his protection scheme to just one bodyguard and a cellphone. When Salazar Quiñonez was killed, his bodyguard was not with him. Prosecutors told Human Rights Watch that Contadores killed Salazar Quiñonez. Evidence gathered by the Attorney General's Office indicates that Salazar Quiñonez had placed a fence in the access road to his indigenous territory in order to prevent the spread of Covid-19. Contadores apparently killed him because the fence limited the movement of their fighters in the area. As of November 2020, prosecutors had charged one Contadores fighter in connection with the murder.

In addition to killings, threats against human rights defenders in Tumaco have increased since 2016, judicial investigators, humanitarian workers, and community leaders report.

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The Human Rights Ombudsperson’s Office has registered 44 threats against human rights defenders in Tumaco since 2016, including 11 against women. The many threats are connected to community leaders’ support for coca crop substitution plans, or to their opposition to armed groups’ presence on their land, community leaders and local human rights officials reported.

In January 2021, the Attorney General’s Office told Human Rights Watch that it had open 61 investigations into threats against human rights defenders and other local leaders occurring in Tumaco since 2016. However, a local senior prosecutor told us the number of such investigations is much higher.

**Bajo Cauca (Antioquia state)**

Bajo Cauca, a region in the north of Antioquia state, comprises six municipalities: Cáceres, Caucasia, El Bagre, Nechí, Tarazá, and Zaragoza.

Several armed groups operate in Bajo Cauca, including the Gaitanist Self-Defense Forces of Colombia (AGC), which emerged from the demobilization of right-wing paramilitaries; the Caparros, a splinter of the AGC formed around 2017; the ELN; and the so-called 18th Front and 36th Front, two groups that emerged from the FARC.
Bajo Cauca has illegal gold mines and significant coca production. All five armed groups are disputing territory, mostly to control coca crops, drug trafficking routes, and illegal gold mines—and to extort businesses. Violence connected to armed groups’ disputes has
increased since 2017, yielding a surge in the number of killings, threats, and forced displacement, as well as an expansion of violence to the neighboring state of Córdoba.\textsuperscript{193}

OHCHR documented 15 killings of human rights defenders in Bajo Cauca occurring between 2016 and 2020, while the Human Rights Ombudsperson’s Office documented 34.\textsuperscript{194} At least nine of the human rights defenders were members of Neighborhood Action Committees.\textsuperscript{195} Other defenders killed included peasant and community leaders.\textsuperscript{196}

Members of Neighborhood Action Committees are often at risk because both armed groups and government forces try to use them to learn what is going on in rural communities, and to communicate messages to the communities.\textsuperscript{197} Consequently, armed groups often


\textsuperscript{194} Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021. OHCHR was verifying five more cases.

\textsuperscript{195} Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021. OHCHR was verifying two more cases. Information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020.


accuse them of collaborating with the opposing party or of failing to comply with their own “orders.” 198

In four cases, armed groups apparently killed human rights defenders because they supposedly did not obey their “orders,” including to pay extortion or to refrain from supporting government forces or other armed groups. 199

On February 16, 2017, members of the AGC killed Eberto Julio Gómez Mora, 47, president of a Neighborhood Action Committee in the municipality of Cáceres. Two men arrived at Gómez Mora’s house around 7 p.m. and shot him. In February 2018, two members of the AGC were sentenced to almost 18 years in prison for the homicide. The court concluded that they had killed Gómez Mora because the owner of the land he was working had not made an extortion payment. 200

Winston Manuel Cabrera, the 47-year-old president of a Neighborhood Action Committee in El Bagre, was killed on the morning of June 29, 2016, when a man approached him as he was leaving his house and shot him six times. On September 25, 2019, a court sentenced a member of the AGC to almost 18 years in prison for

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the homicide. The court concluded that the group had ordered him killed for being a “collaborator of the guerrillas.”

In at least eight other cases, armed groups killed human rights defenders who were involved in coca crop substitution plans, prosecutors told Human Rights Watch. In three of the eight cases, evidence indicates that part of the reason for the killings was that the human rights defenders opposed armed groups’ extortion of the beneficiaries of coca substitution plans. Armed groups extort beneficiaries, forcing them to pay roughly 10 percent of the COP 2,000,000 (US$ 518) that they receive every two months under the plans, according to prosecutors, judicial investigators, local human rights officials and community leaders. In other cases, armed groups killed human rights defenders because of their support for or participation in the plans. A communal leader described the situation to us this way:

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201 Fourth Criminal Court of the Antioquia Specialized Circuit, Case No. 052506109280201680246, ruling of September 25, 2019 (copy on file with Human Rights Watch).
We want to support [coca] substitution, but they [the armed groups] do not let us, they threaten us, they do not let us leave our situation of poverty and, in addition, the government has failed us, so we do not have any other option than to sow [coca] or they will kill us or, worse, we will have to pack up and take our wife and children who knows where.205

Miguel Emiro Pérez Villar, 45, president of a Neighborhood Action Committee and a widely known promoter of coca crop substitution plans, was killed on October 22, 2017.206 Around 1:30 p.m., three members of the Caparros entered Pérez Villar’s house, and one of them shot him. The court that convicted the shooter concluded that Pérez Villar was killed because he supported crop substitution plans despite an “order” from the Caparros that no one should take part in such plans.207 The shooter was sentenced to over 20 years in prison.

Eladio de Jesús Posso Espinosa, 38, a Neighborhood Action Committee member who participated in the coca crop substitution program, was killed on October 31, 2018.208 Days before his killing, Posso Espinosa had received a coca substitution

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payment, which he still had in a pocket when he was found dead.\textsuperscript{209} Judicial authorities believe he was killed because he refused to make an extortion payment.\textsuperscript{210} “His homicide was a message” to other beneficiaries of the coca substitution program, an investigator said.\textsuperscript{211} In November 2020, police killed Emiliano Alcides Osorio Macena, “Caín,” the then-commander of Caparros, for whom there was an outstanding arrest warrant for Posso Espinosa’s homicide.\textsuperscript{212}

Threats against human rights defenders have increased in Bajo Cauca since 2016, local human rights officials and prosecutors told us. Many are related to the implementation of coca crop substitution plans.\textsuperscript{213} In some cases, armed groups tell civilians either to “comply [with their orders] or leave the area.”\textsuperscript{214} In January 2021, the Attorney General’s Office told Human Rights Watch that it had opened 16 investigations into threats made against human rights defenders and other local leaders in Bajo Cauca since 2016.\textsuperscript{215} But a


\textsuperscript{211} Human Rights Watch telephone with investigator of the Technical Investigation Unit (CTI), August 25, 2020.


\textsuperscript{215} Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of
local senior prosecutor and a judicial official indicated that the number of investigations is higher.\textsuperscript{216} They said that many cases do not appear in the Attorney General’s Office records.\textsuperscript{217}

Caguán (Caquetá state)

Caguán, an area in the southwestern state of Caquetá, comprises the municipalities of San Vicente del Caguán and Cartagena del Chairá.

The FARC guerrillas historically controlled big swaths of Caguán. The vacuum created by their demobilization was soon filled by FARC dissident groups known as the 7th, 40th and 62nd fronts.\textsuperscript{218} Since mid-2017, the groups have coordinated their activities, including by agreeing on division of control over territory in Caguán, according to judicial investigators, analysts, and the Human Rights Ombudsperson’s Office.\textsuperscript{219} Additionally, some credible reports indicate that fighters from the “FARC Second Marquetalia,” have recently arrived in some western parts of San Vicente del Caguán bordering the state of Meta.\textsuperscript{220}

\begin{flushleft}
\textsuperscript{217} Ibid.
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The 7th and 62nd fronts today mostly operate in the southern area of Yarí, while the 40th Front operates in the municipality of San Vicente del Caguán. Some sources believe that the three fronts are in the process of joining forces as the Jorge Briceño Front. As part of their efforts to control the population and drug trafficking routes, the groups have engaged in serious abuses, including killings, child recruitment, and threats.

Between 2016 and 2020, OHCHR documented 11 killings of human rights defenders in Caguán, while the Human Rights Ombudsperson’s office documented 14. Most victims

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were members of Neighborhood Action Committees, which, given limited government presence in the area, often conduct tasks normally associated with local officials.

In three cases, human rights and judicial officials believe community leaders were killed because FARC dissident groups suspected them of links to former FARC guerrillas whose demobilization they consider a betrayal of their cause.

In three other cases, human rights and judicial officials believe community leaders were killed because they did not comply with armed groups’ “orders,” including to pay extortion fees. Like the FARC in the past, FARC dissident groups have distributed “manuals” establishing “rules” for civilians, local human rights officials and leaders of Neighborhood Action Committees told us, and have imposed severe punishments on those failing to comply.

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Yunier Moreno Jave, 47, a Neighborhood Action Committee member, was killed on the morning of September 8, 2019. Two armed men appeared at his house and shot him six times. Prosecutors, aid workers, and a local human rights official say the killers were apparently from the 62nd Front, which had accused Moreno Jave of selling marijuana, an activity the group has banned. Since early 2019, the 62nd Front had circulated pamphlets announcing a “social cleansing” of people who broke their “rules,” including bans on selling drugs and stealing.

Leaders of Neighborhood Action Committees are frequently threatened and attacked because of their support for coca crop substitution plans. As in other regions, the government has asked communal leaders in Caguán to complete a range of tasks required to implement the plans, including convening community meetings and communicating program details. Such tasks have increased their visibility, often increasing their risk. Armed groups also extort people participating in coca substitution plans, forcing them to pay a portion of the government benefits, a communal leader, a local human rights official

231 Ibid.
232 Ibid.
and a member of a humanitarian organization told Human Rights Watch. At times, the armed groups have coerced communal leaders into extorting beneficiaries on the groups’ behalf. “Those who refuse to do it are threatened or killed,” a communal leader who fled Caguán told Human Rights Watch.

In January 2021, the Attorney General’s Office told Human Rights Watch that it had 212 open investigations into threats against human rights defenders and other local leaders occurring in Caquetá since 2016, including 37 against leaders in Cartagena del Chai rã and San Vicente del Caguán. However, a prosecutor with detailed knowledge of the cases said the number of cases under investigation is over 400. Like others, the prosecutor said that many cases are not registered in the Attorney General’s Office records. Human rights officials believe the number of threats is even higher, as many cases are never reported.

Arauca’s foothills (Arauca state)

Saravena, Fortul, and Tame are municipalities in an area of the state of Arauca known as the foothills.

Two armed groups operate in Arauca: the ELN and the Martín Villa 10th Front, which emerged from the FARC. They enjoy significant power and exercise tight control over the population. Members have committed numerous abuses—including killings, kidnappings, sexual violence, child recruitment, and forced labor—to assert and maintain control.


238 Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs.” The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.


241 Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 017-17 (“Informe de riesgo No. 017-17”), April 17, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Follow up note No. 009-17
OHCHR has documented 10 killings of human rights defenders in Arauca’s foothills since 2016, while the Human Rights Ombudsperson’s office has documented 12 since 2016.\textsuperscript{242}

According to judicial investigators and local human rights officials, armed groups killed three human rights defenders because they did not comply with “norms” the groups had established.\textsuperscript{243} In three other cases, armed groups appear to have killed human rights defenders because they opposed child recruitment.\textsuperscript{244}

\textbf{Demetrio Barrera Díaz}, a 32-year-old Indigenous leader, was killed around noon on February 24, 2019, in Tame. Two men approached on a motorbike, as he was riding his own motorbike with his sister. They asked his name and shot him seven times, as he responded.\textsuperscript{245} His sister survived. Relatives and acquaintances of Barrera Díaz told judicial authorities that the FARC dissident group operating locally had asked

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Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 12, 2020;

\textsuperscript{242} Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019;


him to send them Indigenous children to join their ranks—and had threatened him when he refused.\textsuperscript{246}

Armed groups have threatened human rights defenders in Arauca state. In January 2021, the Attorney General’s Office told Human Rights Watch that it had 53 open investigations into threats against human rights defenders in Arauca since 2016, including 9 against peasant leaders and 6 against Indigenous leaders.\textsuperscript{247} However, a prosecutor with detailed knowledge of the cases and a human rights official said that the total under investigation was higher—and that many additional cases are never reported.\textsuperscript{248} In many cases, armed groups threaten human rights defenders to ensure compliance with the groups’ “rules,” such as attending the groups’ meetings, paying extortion fees, or rejecting operations by the army.\textsuperscript{249}


\textsuperscript{247} Information provided to Human Rights Watch via email by the Attorney General’s Office, August 4, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs.” The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.


III. Government Action to Prevent Abuses and Protect Defenders

Colombia has a broad range of policies, mechanisms, and laws designed to prevent abuses against human rights defenders and other people at risk. However, implementation has been inadequate. Each of the policies and the shortcomings in implementation are discussed below.

The large number of mechanisms causes duplication and diffusion of efforts, undermining prevention, according to government officials, human rights defenders and humanitarian workers.250 “There are transitional justice committees, security committees, prevention subcommittees, sessions of the Inter-Agency Commission for Rapid Response to Early Warnings, meetings of the Program of Early Action…. We talk a lot but implement little,” an official from the Human Rights Ombudsperson’s Office told Human Rights Watch.251


Lack of coordination among the mechanisms is also a problem, humanitarian workers and human rights and other government officials told Human Rights Watch. Government officials participating in the mechanisms are often unaware of discussions carried out under other mechanisms. The functions of each of the mechanisms is often confused. An official from the Human Rights Ombudsperson’s Office told Human Rights Watch:

The only aspect in which we coordinate is that we are seated in the same meeting and share the same concern.... But at the time of taking action, there are no clear roadmaps. Local authorities report that X or Y situation has already been discussed in another meeting, and no one knows what happened. It is very hard to articulate a comprehensive response.

Another factor undermining efforts is that civil society groups lack trust in government officials. The lack of trust is understandable. For instance, under some of the


mechanisms, the Duque administration has failed to hold meetings as often as required by law.\textsuperscript{256}

The administration has also appointed officials who are not perceived by rights groups as reliable interlocutors. For example, in January 2019, the administration appointed Gen. Leonardo Barrero as director of the Timely Action Plan for Prevention and the Protection of Human Rights Defenders, Community and Social Leaders and Journalists (PAO)—a mechanism created in 2018 to protect human rights defenders and other at-risk groups.\textsuperscript{257} In 2014, when General Barrero headed the Colombian armed forces, he asked a lieutenant colonel implicated in extrajudicial killings to “create a mafia to file criminal complaints against prosecutors” that investigate human rights violations by the army.\textsuperscript{258} The lieutenant colonel’s phone had been wiretapped by court order, and once the news media exposed the conversation, General Barrero acknowledged his role in it.\textsuperscript{259}

Government efforts to address the underlying conditions of violence in the country have also been limited. In August 2019, President Duque launched a new security policy called “Future Zones,” or “Strategic Zones for Comprehensive Intervention.” The government

\begin{itemize}
\item \textsuperscript{256} See, for example, the assessment below on the so-called National Commission of Guarantees.
\item \textsuperscript{257} “The questioning to General Barrero, the one designated to protect social leaders” (“Los cuestionamientos al general Barrero, el designado para proteger a líderes sociales”), El Espectador, January 29, 2020, https://www.elespectador.com/co... (accessed August 20, 2020); “General Leonardo Barrero is no longer the director of the plan to protect social leaders” (“El general Leonardo Barrero ya no es el director del plan para proteger a líderes sociales”), El Espectador, January 31, 2019, https://www.elespectador.com.... (accessed July 21, 2020).
\item \textsuperscript{258} Human Rights Watch, On Their Watch: Evidence of Senior Army Officers’ Responsibility for False Positive Killings in Colombia, June 24, 2015, https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-armyofficers-responsibility-false-positive-killings
\end{itemize}
designated five such areas— including the Southern Pacific, Bajo Cauca, Caguán, Arauca’s foothills, and parts of Catatumbo—where it planned to prioritize sending military and police forces to “confront and dismantle criminal networks” and lay a foundation for strengthening civilian institutions. Within these five areas, the government intended to identify the most dangerous villages, where the presence of military and police forces would be prioritized. In villages deemed less risky, plans to develop civilian institutions, related to education or agriculture, for example, would begin. In December 2020, the Ministry of the Interior told Human Rights Watch that the policy’s implementation had only begun in the Southern Pacific, where authorities had, amongst other actions, increased the number of judicial investigators, “improved 40 schools” and “refurbished 15 parks.”

Prevention and Protection Program

In 2015, the Colombian government created the so-called “Program of prevention and protection of the rights to life, liberty, integrity and security of people, groups and communities that are in a situation of extraordinary or extreme risk” (Programa de Prevención y Protección de los Derechos a la Vida, la Libertad, la Integridad y la Seguridad de Personas, Grupos y Comunidades que se Encuentran en Situación de Riesgo Extraordinario o Extremo).

The program, led by the country’s Ministry of the Interior and National Police, established prevention measures, including plans geared to specific communities, self-protection courses, and police patrolling around risk areas. As part of the program, the National Protection Unit offers individual and group protection schemes to at-risk people, including human rights defenders.

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261 Ibid.


Protection Measures

Since 2016, the National Protection Unit has significantly increased the number of protection schemes granted to people it considers human rights defenders. The unit is also in charge of providing protection to government authorities.) In 2020, the unit received over 31,000 requests for such schemes, including over 11,000 for people whom the unit considers human rights defenders. The unit granted and implemented approximately 1,600 such measures, although it is unclear how many people benefited from them. In 2019, 1,900 human rights defenders received protection schemes out of 13,000 who requested them; the remaining requests were denied. Measures included granting cellphones, “panic buttons,” bullet-proof vests and, in extreme cases, bodyguards and armored cars.

The National Protection Unit faces significant budgetary constraints. In 2019, its budget amounted to COP 688,747,241,558 (roughly US$209 million), of which roughly half was used to protect government authorities. The unit spent COP 200 billion (roughly US$61 million) more than its original budget for that year, using funds assigned to its 2020

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264 These include community leaders, members of civil society organizations, victims of human rights abuses, current and former human rights officials and members of the Colombian Communist Party and the Patriotic Union, a political party created by the FARC in the 1980s that suffered pervasive abuses in the 1980s and 1990s. The UNP granted individual protection schemes to 1,927 such people in 2019; 1,778 in 2018; 1,185 in 2017; and 1,212 in 2016. Information provided to Human Rights Watch via email by the National Protection Unit, February 22, 2019 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the National Protection Unit, March 10, 2020 (copy on file with Human Rights Watch).


266 Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch), cut-off date: November 30, 2020.

267 Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch), cut-off date: November 30, 2020.

268 Information provided to Human Rights Watch by email by the National Protection Unit, March 10, 2020 (copy on file with Human Rights Watch).


270 Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.
budget. In 2020, the unit’s budget increased to COP 939,365,926,632 (roughly US$ 274 million), but it spent at least COP 1,094,449,822,495 (roughly US$ 320 million).

The unit’s schemes help protect rights defenders at risk, yet the overwhelming majority of rights defenders killed since 2016 did not have protection schemes. In 2019, only 6 of the 108 rights defenders killed had been granted protection schemes, including 3 who were using a scheme when killed. According to OHCHR, 4 of the 53 rights defenders killed between January and December 2020 had been granted protection schemes; of those, 3 were not using their entire scheme when they were killed.

Part of the problem is that schemes are only provided in response to specific risks, including threats, but many of the rights defenders who have been killed had not filed criminal complaints about threats. To provide a protection scheme, the National Protection Unit requires that people file a criminal complaint about a threat with the Attorney General’s Office, and then provide a copy of the complaint to the unit. However, many human rights defenders face significant obstacles in filing complaints with the Attorney General’s Office, including the absence of prosecutors’ offices in their municipalities where they could file the complaint. So they report threats to other

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271 Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.
authorities, such as municipal human rights offices, known as *personerías*, or the Human Rights Ombudsperson’s Office.\textsuperscript{277}

A former official of the National Protection Unit told Human Rights Watch:

> In rural areas, many people do not understand these formal [requirements], and they go to the *personería* or speak with a local official of the Human Rights Ombudsperson’s Office, thinking that they’ve presented a criminal complaint…. Most of the time, the *personerías* and the Human Rights Ombudsperson’s Office do not send a copy of the reports to the Attorney General’s Office, so people do not have evidence that they have presented them—that happens a lot.\textsuperscript{278}

Moreover, some protection schemes are not well suited to the challenges of rural areas, where most killings of human rights defenders take place.\textsuperscript{279} For example, some community leaders told Human Rights Watch that they have been granted cellphones

\textsuperscript{277} Human Rights Watch telephone interview with local human rights official, July 7, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

\textsuperscript{278} Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020.

although there is no phone reception in their communities, or panic buttons, although the nearest town with police is several hours from their homes.\textsuperscript{280} One of them said:

They seem to think I live in the capital, when they know I work here in the communities, in small towns connected by rivers.... I told that to the official who interviewed me, but I don’t know what he told [officials] in Bogotá, because the [protection schemes] they sent are useless.\textsuperscript{281}

Many human rights defenders are also concerned that the security schemes, particularly bodyguards, vehicles or vests, draw attention and expose them to greater dangers.\textsuperscript{282} This makes some who have left their communities unwilling to return, even with protection schemes. Indeed, some abandon protective gear they have received elsewhere before returning home. For example, in October 2017, José Jair Cortés, a community leader in Tumaco, was killed in the rural area of Alto Mira y Frontera. The National Protection Unit had granted him a bulletproof vest, but on the day of the killing, he was not wearing it, apparently because he thought doing so would draw attention to himself and expose him to greater danger.\textsuperscript{283}

Women human rights defenders have also reported that security schemes are often not suited for their specific needs.\textsuperscript{284} Since its creation in 2011, the UNP has taken concrete steps to ensure a gender-sensitive approach to protection, including by ensuring consultation of women’s rights groups in its Committee for Evaluation of Risk and Recommendation of Measures (CERREM) and establishing a “cross-cutting” gender-policy

\begin{itemize}
  \item \textsuperscript{280} Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with community leader, August 12, 2020.
  \item \textsuperscript{281} Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020.
\end{itemize}
in the unit’s operations.\textsuperscript{285} However, many shortcomings remain. For instance, women human rights defenders at risk are often unable to have women as bodyguards, partly because of the limited number of women hired by the UNP.\textsuperscript{286} Additionally, there is currently only one official, a woman, in charge of implementing the unit’s gender policy, and gender-sensitive training is lacking among many of its officials.\textsuperscript{287}

In November 2020, the National Protection Unit adopted a specific protocol on how to assess the risks faced by women human rights defenders.\textsuperscript{288} If appropriately implemented, the protocol, which was carried out in consultation with some women’s rights groups, could help to address some of the unit’s shortcomings in ensuring a gender-sensitive approach.\textsuperscript{289}

The National Protection Unit also has insufficient staff.\textsuperscript{290} Between July 2019 and December 2020, the unit reported it had increased from 166 to 206 the number of officials charged with analyzing risks faced by people requesting protection schemes.\textsuperscript{291} However, at times, 

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officials conduct their analyses by phone, instead of visiting the community of the person requesting protection.\textsuperscript{292}

Delays in granting security schemes have undermined protection. Under Colombian law, the National Protection Unit has 30 days to assess the risk of a person who requires protection.\textsuperscript{293} However, in December 2020, the National Protection Unit told Human Rights Watch that, in May 2020, such risk analyses were carried out “on average 160 days after the legal deadline;” and in December, on average 101 days after the legal deadline.\textsuperscript{294} In a few cases, human rights defenders have been killed while waiting for the unit to grant or implement protection schemes.\textsuperscript{295}

In July 2018, Tumaco community leader \textbf{Argemiro Manuel López Pertuz} requested the aid of the National Protection Unit.\textsuperscript{296} Three months later, in October, the unit granted him a bodyguard, a vest, and a cellphone. The bodyguard arrived in February 2019, but López rejected the person, explaining that armed groups in his


\textsuperscript{294} Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).


\textsuperscript{296} The account is based on Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020.
region had forbidden outsiders and considered them a “military objective.” A few
days later, the unit modified the scheme, informing López Pertuz on March 13 that it
would provide economic support for him to move. Four days later, before any funds
for the move reached him, López Pertuz was killed by members of the armed
group Contadores.297

The National Protection Unit also implements collective protection measures, including,
for example, granting vehicles and cellphones to the members of the Indigenous guard.298
These measures could help address some of the limitations of individual protection
schemes, including that they are only granted in reaction to specific threats. However, the
budget to implement collective protective measures is extremely limited. In 2019, the
budget for group measures was COP 1,365,117,000 (roughly US$351,000), just 0.22
percent of the unit’s entire budget, according to OHCHR.299 In 2020, it was COP
825,104,132 (roughly US$241,000), only 0.08 percent of the unit’s entire budget.300 The
National Protection Unit told Human Rights Watch in December 2020 that its main
challenge in implementing collective protection measures was the unit’s
“budget deficit.”301

297 Attorney General’s Office, “Crime against illegal crop substitution leader in Tumaco solved” (“Esclarecido crimen de líder
de sustitución de cultivos ilícitos en Tumaco”), April 15, 2019, https://www.fiscalia.gov.co/colombia/crimenorganizado/esclarecido-crimen-de-lider-de-sustitucion-de-cultivos-ilicitos-en-tumaco/ (accessed August 10, 2020); Human

298 On February 12, 2020, Human Rights Watch sent a letter to the Ministry of the Interior requesting its assessment on the
collective measures implemented in 2019. On March 13, 2020, the Ministry sent a response indicating that “[t]he measures
implemented for communities mitigate identified risks and vulnerabilities, creating safer conditions in the areas. The
government has identified the challenge of carrying out the implementation in a timely manner in order to deal with risk
situations which many times are imminent.”


300 Information provided to Human Rights Watch by email from the Ministry of the Interior, March 10, 2020 (copy on file with
Human Rights Watch); National Protection Unit, “Appropriations report” (“Informe de apropiación y ejecución”), October 31,
December 17, 2020).

301 Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file
with Human Rights Watch).
Communities appear to face significant hurdles in obtaining such measures. Between 2017 and 2019, the National Protection Unit has rejected over 90 percent of the more than 1,100 collective protection measures requested.\textsuperscript{302} Between January and November 2020, the unit only admitted 53; none of them had been implemented as of mid-December.\textsuperscript{303} In some cases, the unit says it has rejected requests because communities failed to prove that they were “organized and adequately united” or because they did not have a copy of a criminal complaint reporting specific threats.\textsuperscript{304}

The National Protection Unit has trouble implementing collective protection measures, or even assessing whether they have been implemented, because many require action by other government agencies or ministries, former unit officials told Human Rights Watch.\textsuperscript{305} The unit “falls short,” one of them said, for budgetary reasons and because it lacks legal competence to implement certain measures. “We coordinate with other entities, but it is very hard to get them to respond, because they have their own plans and budgets. So the measures end up being just promises.”\textsuperscript{306}

Since 2019, the National Protection Unit has been conducting a “reengineering process,” with support from USAID.\textsuperscript{307} The process seeks to speed up the response to protection requests, as well as to “coordinate the response with other prevention strategies”

\textsuperscript{302} Information provided to Human Rights Watch via email by the National Protection Unit, February 22, 2019 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

\textsuperscript{303} Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).


\textsuperscript{305} Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020; Human Rights Watch telephone interview with official of the National Protection Unit, July 3, 2020.

\textsuperscript{306} Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

\textsuperscript{307} Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).
implemented by Colombian authorities.\textsuperscript{308} In December 2020, the National Protection Unit told Human Rights Watch that, as part of the “reengineering process,” it had developed five “handbooks,” concerning internal indicators, risk assessment, and a comprehensive service policy.\textsuperscript{309} The unit also said it had decreased the backlog of pending requests for security schemes, though it admitted having approximately 1,500 protection requests whose deadlines had been passed.\textsuperscript{310}

\textit{Prevention Measures}

As part of the Prevention and Protection Program, the Ministry of Defense told Human Rights Watch that it oversaw the following nation-wide measures between January and mid-December 2020:\textsuperscript{311}

\begin{itemize}
  \item police patrols (\textit{patrullaje}) benefiting 201 social leaders\textsuperscript{312};
  \item police rounds (\textit{rondas policiales}) benefiting 783 social leaders\textsuperscript{313};
  \item self-protection classes for 598 social leaders; and
  \item established a so-called “godfather plan” (\textit{plan padrino}), in which a police officer is in constant communication, usually by phone, with a person at risk, for 88 social leaders.
\end{itemize}


\textsuperscript{309} Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).

\textsuperscript{310} Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).

\textsuperscript{311} Information provided to Human Rights Watch by email from the Ministry of Defense, December 14, 2020 (copy on file with Human Rights Watch).

\textsuperscript{312} Colombian law defines “police patrols” (\textit{patrullajes}) as measures taken by the police “in a broad manner to ensure citizens’ coexistence and security and targeted at identifying, countering and neutralizing threats.” See Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), art. 2.4.1.2.10.

\textsuperscript{313} Colombian law defines “police rounds” (\textit{rondas policiales}) as “periodic patrols... carried out to provide security to the surroundings of the residence of a victim or witness or the location of the office to which he or she belongs.” See Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), art. 2.4.1.1.29.2.
In some areas with high numbers of killings of human rights defenders the number of measures taken by the Defense Ministry in 2020 was very limited. For example:

- No such measures were granted to social leaders in Cagúan;
- In Arauca’s foothills only four social leaders benefited from these measures; three were assigned a police round and one, a police patrol;
- In Bajo Cauca, only six social leaders benefited from these measures; all were police rounds;
- In the Southern Pacific, only 16 social leaders benefited from these measures;
- In Catatumbo, 122 social leaders benefited from these measures, including 44 who received self-protection classes, 37 who benefited from police patrols, and 41, from police rounds;
- In North Cauca, 108 social leaders benefited from these measures, including 92 who benefited from self-protection classes.

Under the same program, the Ministry of the Interior told Human Rights Watch that it supported 55 mayor’s offices in designing prevention plans in 2019. This represents only 5 percent of the more than 1,100 municipalities in Colombia.

Under the program, local authorities, as well as the Ministries of the Interior and Defense, are required to prepare “risk maps” to guide prevention of abuses, including against human rights defenders. However, authorities are apparently not creating risk maps concerning human rights defenders, human rights officials and a human rights defender told us.

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314 Information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch). On November 24, 2020, Human Rights Watch sent an email to the Ministry of the Interior requesting information on how many mayor’s offices it had supported in designing prevention plans in 2020. The Ministry said it had assisted “local governments in the entire country” through an “online tool of technical assistance” and that it had “prioritized 17 states”: Antioquia, Córdoba, Atlántico, Magdalena, Sucre, Chocó, Valle del Cauca, Cauca, Nariño, Meta, Guaviare, Arauca, Norte de Santander, Bolívar, Cesar, Putumayo and Caquetá. It did not indicate how many mayor’s offices it had supported. Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).


Early Warning System

Under Colombian law, the Human Rights Ombudsperson’s Office is required to issue “early warnings” when it identifies “risks and threats” to human rights or a risk of potential international humanitarian law violations. 317

When an early warning is issued, municipal, provincial, and national authorities are required to mount a “rapid” response to prevent abuses. 318 The response is coordinated by the Ministry of the Interior, including through the Inter-Agency Commission for the Rapid Response to Early Warnings (*Comisión Intersectorial para la Respuesta Rápida a las Alertas Tempranas*, CIPRAT), which issues recommendations to relevant government offices. 319 (Prior to a December 2017 reform, the Human Rights Ombudsperson’s Office issued “risks reports” and “follow-up notes” that the Ministry of the Interior could use to issue “early warnings”). 320

The early warnings are issued by the Early Warning System of the Human Rights Ombudsperson’s Office, which receives funding from the United States’ Agency for International Development (USAID). 321 Between 2016 and December 2020, the Early Warning System issued 278 early warnings, risk reports, and follow-up notes concerning risks to human rights defenders, including 50 in 2019 and 49 in 2020. In them, the office

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identified risks to human rights defenders in 549 of the country’s 1,122 municipalities. Defenders were killed in over 30 percent of these cases after an early warning was issued.322

Additionally, in December 2020, the Human Rights Ombudsperson’s Office launched a new plan to issue early warnings focused on risks faced by human rights defenders in 119 municipalities in the country. The plan, called “We Are with You” (Estamos Contigo), receives funding from USAID, the European Union and the Norwegian government.323

Under Colombian law, local authorities must convene meetings immediately after an alert is issued, to adopt protective measures.324 However, government officials and officials from the Human Rights Ombudsperson’s Office told Human Rights Watch that local authorities often fail to convene such meetings.325

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323 Human Rights Ombudsperson’s Office, “‘We Are with You’ is more than the name of this strategy, it is my commitment to serve you with rigor, vigor and perseverance” (‘‘Estamos Contigo’ es más que el nombre de esta estrategia, es mi compromiso de servirles con rigor, vigor y constancia”), December 9, 2020, https://www.defensoria.gov.co/es/nube/destacados/9758/Estamos-contigo-es-m%C3%A1s-que-el-nombre-de-esta-estrategia-es-mi-compromiso-de-servirles-con-rigor-vigor-y-constancia-lideres-sociales-Defensor%C3%ADa-derechos-humanos-estamos-contigo.htm#:~:text=%E2%80%9CEstamos%20Contigo%E2%80%9D%20es%20m%C3%A1s%20que%20el%20nombre%20de%20esta-estrategia%20es%20mi%20compromiso%20de%20servirles%20con%20rigor%20vigor%20y%20constancia%20lideres-sociales-Defensor%C3%ADa%20derechos-humanos.&text=Reconocimiento%20de%20Defensor%C3%ADa%20derechos%20humanos., December 9, 2020; Tweet by the Human Rights Ombudsperson’s Office, December 9, 2020, https://twitter.com/DefensoriaCol/status/1336806813275205634 (accessed December 14, 2020); Tweet by Human Rights Ombudsperson’s Office, December 9, 2020, https://twitter.com/DefensoriaCol/status/1336755551743672233 (accessed December 14, 2020).


The Ministry of the Interior is legally bound to convene a CIPRAT meeting 10 days after issuance of an early warning, to “follow up” on and “complement” measures taken by local authorities.326 Although the ministry has convened these meetings,327 many factors have undermined their effectiveness.328

Many human rights defenders and human rights officials who have attended such meetings told us they focus in large part on a description by local authorities and security forces of measures already taken.329 Often, these consist of convening meetings or “sending messages” to other government agencies, measures that have little impact on


327 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

328 On February 12, 2020, Human Rights Watch sent a letter to the Ministry of the Interior requesting information of the actions taken in response to the early warnings issued by the Human Rights Ombudsperson’s Office. On March 13, 2020 the Ministry responded. It indicated that the measures taken in response to the early warnings were “classified.” On November 24, 2020, Human Rights Watch sent a second letter to the Ministry of the Interior requesting such information. The Ministry explained the legal process to adopt measures in response to an early warning, but did not indicate which measures authorities had taken in practice. Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

the ground. In one case, local authorities in Risaralda state said they had “vaccinated and sterilized dogs” in one municipality, in response to an alert.

Additionally, security officers have at times downplayed the risks identified in the early warnings or questioned their findings without providing evidence, human rights officials told us. “They laughed about my sources... they even said that people made up things, and I was echoing that in my alert,” an official of the Human Rights Ombudsperson’s Office said, describing a CIPRAT meeting she attended in 2019.

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Sometimes, CIPRAT meetings result in no new measures to address the risks identified in the relevant early warning. When new measures are adopted, they usually concern the military and police, although the Human Rights Ombudsperson’s Office typically recommends broader measures, including to protect children at risk or to assist displaced people.

An official of the Human Rights Ombudsperson’s Office described an illustrative CIPRAT meeting:

The [2019] meeting on the early warning [on Tolima] lasted for 12-and-a-half hours.... No one from the Ministry [of Interior] tried to .... ensure that the meeting was meaningful.... It was that long because the army and police commanders spent lots of time reading a list of military and police operations they had conducted in the state since [several] years back... all to conclude by saying that the information in the early warning about armed groups was not true. After all that time, [the people in the meeting] did not assess the actions that authorities had conducted regarding [our] concrete recommendations.
The CIPRAT is required to use a “series of indicators” to assess the response to early warnings. The Ministry of the Interior told us that it assesses the response on the basis of its “timeliness,” “efficiency,” and “focus.” However, only the Ministry of the Interior has access to its assessments.

National Process of Guarantees

In 2009, the national government and human rights organizations initiated the so-called National Process of Guarantees. The National Process of Guarantees establishes a Ministry of the Interior-led “dialogue” among human rights groups, the government, and international humanitarian and human rights agencies to “build trust” among the parties and agree on measures to prevent abuses against human rights defenders. The dialogue is conducted through a periodic meeting called the National Table of Guarantees (Mesa Nacional de Garantías), as well as regional meetings in several parts of the country. In addition, national subcommittees are charged with addressing protection of human rights defenders, investigation of abuses, and abuses against women human rights defenders.

Since its creation, the National Process of Guarantees has resulted in a range of policies to prevent abuses against human rights defenders, including campaigns against their

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stigmatization. However, implementation of the National Process of Guarantees has slowed down since President Duque took office in August 2018.

The Ministry of the Interior convened the National Table of Guarantees only once in 2019, in Cauca on May 30. Civil society groups in attendance asked the government to speed up implementation of several initiatives already provided for under Colombian law, such as a program to protect women human rights defenders (discussed below) and a directive to fight stigmatization of human rights defenders.

Several human rights officials and human rights defenders who participated told Human Rights Watch that government representatives did not provide any details on the actions they had taken on these and other plans, and that they promised to take action but did not provide any specific timelines. Regarding some of the programs, the government asked civil society groups to “outline specifically the commitments [adopted by the national government] and the meetings in which they were adopted.”

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342 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

343 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by e-mail from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch).


None of the national subcommittees of the National Process of Guarantees met during 2019. Similarly, the government only convened six regional meetings, in various parts of Colombia, in 2019; and three were simply to explain the work of the mechanism.

Human rights defenders who have attended meetings conducted since 2019 told us that they were often unproductive. In some cases, government officials in attendance were not aware of the decisions that had apparently been taken in previous meetings, rights defenders said.

In March 2020, a court in Bogotá ordered the government to “re-establish” the National Table of Guarantees, as well as the regional tables, in part by holding meetings every three months. In May, a higher court confirmed the ruling. Since the initial ruling, the Ministry of the Interior has convened nine regional tables in different parts of Colombia, as

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346 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).
well as one National Table of Guarantees meeting on July 8.\textsuperscript{352} The meetings did not achieve any concrete results.\textsuperscript{353}

The National Process of Guarantees’ plan to protect women human rights defenders—the “Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders” (\textit{Programa Integral de Garantías para Mujeres Lideresas y Defensoras de Derechos Humanos})—has hardly been implemented, human rights officials and women’s rights group say.\textsuperscript{354} The program, created in June 2018, is intended to help “strengthen women’s leadership;” establish “adequate” protective measures, with a gender perspective; and fight impunity in cases of abuse against women human rights defenders.\textsuperscript{355} Over two-and-a-half years after the creation of the program, in February 2020, national and state authorities adopted the program’s “action plan,” establishing over 140 “measures” that the government commits to take before 2023 to prevent abuses against women human rights defenders and protect those at risk.\textsuperscript{356}

In March 2020, the Ministry of the Interior told Human Rights Watch that it had established two “pilot projects,” one in Putumayo state and another in the Montes de María region of
Bolívar state, to begin implementing the program.\textsuperscript{357} The Ministry of the Interior reported that, as part of the pilot projects, since mid-2018, it had helped organize six workshops and other meetings with women human rights defenders, to provide instruction in “self-protection” and “training for women leaders.”\textsuperscript{358} In December 2020, the Ministry of the Interior said that it was working to expand the pilot projects to two other states, Chocó and Cauca.\textsuperscript{359}

**National Commission of Security Guarantees**

In 2017, the government established a National Commission of Security Guarantees (CNGS). The main objective of the commission, which was mandated under the 2016 peace accord with the FARC, is to design and monitor the implementation of a policy to dismantle armed groups that attack human rights defenders.\textsuperscript{360} The commission is required to design strategies to identify armed groups’ “sources of financing,” as well as “patterns of criminal activities.”\textsuperscript{361}

The commission is composed of the president of Colombia, key cabinet members, the human rights ombudsperson, the attorney general, the inspector-general, military and police commanders, civil society representatives, and members of international organizations operating in the country.\textsuperscript{362}

\begin{itemize}
  \item Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020.
  \item Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020.
  \item Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).
\end{itemize}
Under Colombian law, the CNGS is required to meet at least once a month. Yet the commission met twice in 2019 and three times in 2020. As of December 2020, members of the commission were still discussing the commission’s “internal bylaws.”

The CNGS originally had four commissions, charged with addressing legal affairs; financing of armed groups; indicators and follow-up; and territorial, ethnic and gender focuses; as well as a technical unit and a subcommittee led by the vice-president. The Duque administration unilaterally created four new subcommittees, charged, respectively, with technical affairs, territorial issues, ethnic issues, and gender, and abrogated the remaining units.

In 2019, the ethnicity subcommittee met two times; the territorial subcommittee, five times; the technical subcommittee, one time; and the gender subcommittee, three. In 2020, the technical subcommittee met 20 times; the gender subcommittee, 15; the territorial subcommittee, four; and the ethnicity subcommittee; three. The government

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usually reports meetings by these subcommittees as meetings of the CNGS, although high-level officials rarely participate in them.\footnote{Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, August 28, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020.}

The government slashed the commission’s budget from 576 million Colombian pesos (roughly US$175,000) in 2019 to 49 million Colombian pesos (roughly US$13,000) in 2020—a reduction of nearly 90 percent.\footnote{Human Rights Watch telephone interview with human rights defender, July 1, 2020; information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, September 1, 2020 (copy on file with Human Rights Watch).}

Three years after its creation, the commission has achieved extremely limited progress in pursuing its main objective under Colombian law, that is, to design and conduct a policy to dismantle armed groups that attack human rights defenders. In April 2020, Colombia’s high commissioner for peace, Miguel Ceballos, announced a draft decree of a policy to dismantle armed groups by seeking their voluntary submission to authorities.\footnote{Colombia’s High Commissioner for Peace, “President of the Republic assigns tasks concerning the submission to legality of members of organized armed groups to the High Commissioner for Peace” (“Presidente de la República asigna al Alto Comisionado para la Paz funciones para buscar el sometimiento a la legalidad de los integrantes de todos los Grupos Armados Organizados (GAO)”), April 28, 2020, http://www.altocomisionadoparalapaz.gov.co/prensa/presidente-de-la-republica-assigna-comisionado-paz-funciones-para-sometimiento-legalidad-grupos-armados-organizados (accessed April 30, 2020); Decree 601 of 2020, signed on April 28, 2020, https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20601%20DEL%2028%20DE%20ABRIL%20DEL%202020.pdf (accessed April 30, 2020); Ministry of Justice, “Draft Decree Number XX of 2020 by which Chapter 8 is added to Title 5 of Part 2 of Book 2 of Decree 1069 of 2015 and measures are adopted for the individual submission to justice of members of Organized Armed Groups (GAO), and other provisions are issued” (“Borrador Decreto Número XX de 2020 por el cual se adiciona el Capítulo 8 al Título 5 de la Parte 2 del Libro 2 del Decreto 1069 de 2015 y se adoptan medidas para el sometimiento individual a la justicia de los integrantes de los Grupos Armados Organizados (GAO), y se dictan otras disposiciones”), May 14, 2020, https://www.minjusticia.gov.co/Portals/o/Proyectos_Decreto_Agenda_Regulatoria_MJD/Proyecto%20de%20Decreto%20-%20Sometimiento%20individual%20a%20la%20justicia%20%20integrantes%20GACO.pdf (accessed June 8, 2020). } The CNGS had not discussed the decree.\footnote{Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 24, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with judicial official, July 28, 2020.} In May, civil society representatives on the CNGS sent the government comments on the draft.\footnote{Human Rights Watch telephone interview with human rights defender, July 1, 2020.} For example, they urged that the decree should only
grant demobilization benefits to fighters who tell the truth and help ensure victims’ rights. On July 7, 2020, President Duque signed the final decree. Even though the CNGS never convened to discuss the decree, the final version asserts that designing the policy to dismantle armed groups was “one of the functions” of the CNGS.\textsuperscript{375} The decree did not appear to include most of civil society’s recommendations.\textsuperscript{376}

On July 29, 2020, the Special Jurisdiction for Peace, a judicial system established under the 2016 peace accord, ordered the CNGS to create a public policy to dismantle criminal organizations by mid-October.\textsuperscript{377} The technical subcommittee of the CNGS met seven times during the first half of October in order to meet the deadline, but did not agree on a policy.\textsuperscript{378} As of December, the policy had not been presented.\textsuperscript{379}

The commission has made little, if any, progress in identifying armed groups’ sources of financing—another of its main objectives.\textsuperscript{380} A subcommittee of the CNGS assigned to this

\begin{itemize}
\item \textsuperscript{377} Special jurisdiction for Peace, First Instance Chamber in Cases of Absence of Acknowledgement of Truth and Responsibility, Case No. 202003005124, ruling of July 29, 2020.
\item \textsuperscript{380} Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, December 11, 2020.
\end{itemize}
task was unilaterally eliminated by the Duque administration.381 In March, the Ministry of the Interior told Human Rights Watch that together with the Ministry of the Economy it had “designed a roadmap” to identify armed group’s source of financing.382 Yet the Attorney General’s Office, which is charged with investigating illegal sources of financing and prosecuting those involved, indicated that it was not aware of such a “roadmap.”383 In December, Colombia’s Office of the High Commissioner for Peace told Human Rights Watch it was still “discussing” proposals by civil society groups to identify armed groups’ sources of financing.384

As mentioned above, the gender subcommittee has been convened more frequently than others.385 The subcommittee, where women’s rights groups participate, is in charge of ensuring that CNGS’ decisions and policies have a focus on gender.386 Women human rights defenders who participate in the subcommittee told Human Rights Watch in December that the subcommittee was finalizing guidelines on how to incorporate a gender perspective into the CNGS’s future plans.387 However, the subcommittee has achieved few results because the CNGS has yet to make any meaningful progress in designing its policies and plans.388

Comprehensive Program of Security and Protection

In April 2018, the government decreed a “Comprehensive Program of Security and Protection.” The program, mandated under the 2016 peace accord with the FARC, seeks to establish “comprehensive” measures to protect communities and organizations at risk, and to enhance reporting of abuses by armed groups.\(^{389}\)

In June 2018, the Santos administration announced a plan for four “pilot programs” to protect specific communities and groups in San José de Uré (Córdoba state), Guapi (Cauca state), Tumaco (Nariño state) and El Tarra (North Santander state).\(^{390}\) In July of that year, the administration announced that it would expand to 10 pilot programs.\(^{391}\) However, in June 2019, the Duque administration told Human Rights Watch that it had decided to “complete the four pilot programs and advance towards nationwide implementation.”\(^{392}\) Yet as of December 2020, the four initial pilot projects had been barely implemented.\(^{393}\)

In March 2020, the Ministry of the Interior told Human Rights Watch that it had “begun boosting” several aspects of design of the program.\(^{394}\) For example, it reported having

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\(^{394}\) Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).
established “technical committees” and approved their bylaws, and it reported progress in
designing a “proposal to define the criteria of prioritization in the implementation of
the program.”

In August, the ministry informed Human Rights Watch that it had completed only two of the
28 “actions” it had identified to implement the four pilot projects. The two actions, both in
El Tarra, consisted of “promoting activities to prevent child recruitment” and conducting a
“process of strengthening Neighborhood Action Committees.” In November 2020,
Human Rights Watch sent a letter to the Ministry of the Interior requesting information on
progress made regarding these four pilot plans; the Ministry did not report any progress in
its response.

Additionally, the Ministry of the Interior announced that it had started 16 initiatives to
assist groups and communities at risk in developing their own prevention and self-
protection plans. In December 2020, the Ministry told Human Rights Watch that in seven
cases it was still carrying out a “risk diagnosis” of the specific communities and groups,
and it was designing prevention and self-protection plans in another seven cases. The
Ministry said it had begun implementing two of the 16 initiatives, concerning Marcha
Patriotica, a social movement, and Ruta Pacífica de la Mujer, a women’s rights group.
Yet it did not report any specific action taken to implement them, and rights defenders told
Human Rights Watch they were not aware of any.

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395 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with
Human Rights Watch).
396 Information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with
Human Rights Watch).
397 Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file
with Human Rights Watch).
398 Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file
with Human Rights Watch).
399 Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file
with Human Rights Watch).
400 Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file
with Human Rights Watch).
401 Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file
with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, November 13, 2020;
Under the Comprehensive Program of Security and Protection, the Ministry of the Interior is also required to establish “promoters of peace and coexistence,” who are in charge of helping address local conflicts and promoting the defense of human rights in remote communities. In 2019, a “technical committee” charged with implementing this program met only three times and agreed on a “proposal to define the criteria of prioritization in the implementation” of the program.

In March 2020, a court in Bogotá ordered the government to implement the program of promoters. The “technical committee” met two times between January and mid-December 2020, in May and July. According to the Ministry of the Interior, the committee defined its own “bylaws,” and approved two pilot programs in Putumayo and Cauca states, as well as a “certification” for “promoters” in five zones of the country. “That’s not what leaders need in remote areas,” a human rights defender told Human Rights Watch. “What they need is security guarantees.”

The UN Mission in Colombia, OHCHR, Human Rights Watch, the Human Rights Ombudsperson’s Office, the Inspector General’s Office, and Colombian civil society groups have repeatedly called on the government to speed up implementation of the program.

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403 Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).


Timely Action Plan

A few months after taking office, President Iván Duque created the so-called “Timely action plan for prevention and protection of human rights defenders, community and social leaders, and journalists” (PAO). The PAO seeks to “articulate, orient and coordinate” the government’s activities to prevent abuses against human rights defenders and other people at risk.409

Under Colombian law, the PAO is operationalized through a commission formed by the president, several ministers and presidential advisors, the heads of the armed forces, the director of the National Protection Unit, the attorney general, the inspector general, and the human rights ombudsperson.410 Unlike other mechanisms created to protect human rights defenders, the PAO commission does not allow participation by civil society groups.

The PAO’s mandate is vague, and it is unclear what it does, government officials, human rights defenders, human rights officials, prosecutors, and staff from the Human Rights Ombudspersons’ Office told Human Rights Watch.411


In February 2020, Human Rights Watch asked the Ministry of the Interior, which leads the PAO, for information regarding the program’s actions to protect human rights defenders. In its March response, the ministry included a long list of government actions.412

However, many of the initiatives cited were conducted by bodies such as the Attorney General’s Office, which, under Colombian law, are independent of the government. Similarly, progress in prosecuting perpetrators of killings of human rights defenders is often presented as resulting from the PAO’s work, although the PAO is not involved in such prosecutions, a high-level prosecutor and officials from the Human Rights Ombudsperson’s Office told Human Right Watch.413


The Ministry of the Interior also indicated that the PAO was responsible for some policies that were established prior to the PAO’s creation. For example, the ministry cited a telephone hotline for threatened human rights defenders, created in August 2018, three months before the creation of the PAO.

Human Rights Watch also requested that the Ministry of the Interior share a copy of its 2019 diagnosis of threats against human rights defenders, which the PAO is legally bound to create. The ministry responded that the PAO had “conducted the diagnosis,” and did not share it without giving a reason. Several sources told Human Rights Watch the diagnosis was never conducted. Instead of sharing any diagnosis, the ministry reiterated figures of human rights defenders killed since 2016, according to OHCHR’s tally, and said they are “caused mainly by illegal armed groups.” The ministry also mentioned that the number of killings was higher in five states: Antioquia, Cauca, North Santander, Valle del Cauca and Caquetá.

Coordination Plan for the Security of People Involved in Coca Crop Substitution

In July 2019, the government announced a new plan to strengthen security for people involved in coca crop substitution plans. The stated intent was to coordinate efforts by

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several government agencies to reduce risks to communities involved in the coca crop substitution plans—and their leaders.\textsuperscript{420}

In March 2020, the Office of the High Presidential Advisor on Stabilization, which leads the crop substitution plans, told Human Rights Watch that the security plan was still “being designed.”\textsuperscript{421} The office estimated that design would be finalized by that month and anticipated that it would cover 628 people nationwide. Yet in December 2020, the office told Human Rights Watch that the plan was still “in the final stages of its design.”\textsuperscript{422}

As of August 2020, the Office of the High Presidential Advisor on Stabilization had conducted 12 “workshops” for communities and local authorities in various regions, to design the security programs.\textsuperscript{423} Yet more than a year after the plan’s announcement, it had yet to provide any protection for communities involved in coca crop substitution plans. A peasant leader who participated in two of the 12 workshops described them:

> I went to some of those meetings, but it is just that—meetings and nothing else. [We discussed] the methodology, the [security] measures, the context—that’s what officials do all the time, but there’s nothing concrete. Many of us have been threatened because we supported the National Comprehensive Program of Coca Substitution [crop substitution program], even at the expense of [risks from] armed groups, and we are still facing the same situation, without [security] guarantees and without answers from the state [authorities].\textsuperscript{424}

\begin{footnotesize}

\textsuperscript{421} Information provided to Human Rights Watch by email from Office of the Presidential Advisor for Stabilization and Consolidation, March 9, 2020 (copy on file with Human Rights Watch).

\textsuperscript{422} Information provided to Human Rights Watch by email from the Office of the Presidential Advisor for Stabilization and Consolidation, December 1, 2020 (copy on file with Human Rights Watch).

\textsuperscript{423} Information provided to Human Rights Watch by email from the Office of the Presidential Advisor for Stabilization and Consolidation, March 9, 2020 (copy on file with Human Rights Watch).

\textsuperscript{424} Human Rights Watch telephone interview with peasant leader, June 10, 2020.
\end{footnotesize}
Strategy to Strengthen Communal Action

In December 2018, Colombia’s National Council for Economic and Social Policy—the country’s highest authority for policy planning—approved a four-year strategy to “strengthen” the work of Neighborhood Action Committees. Alongside other goals, the strategy seeks to improve protections for the committees’ activists, who are among those most often killed since 2016.\(^{425}\)

The strategy has six “components,” which are divided in several “actions.” The council assigned the Ministry of the Interior a budget of roughly 61 billion COP (roughly US$16 million) to implement them.\(^{426}\) But most have yet to be implemented, human rights officials told Human Rights Watch.\(^{427}\)

In February 2020, Human Rights Watch sent a letter to the Ministry of the Interior, requesting information on progress made throughout 2019 in implementing the strategy. The Ministry said in its March response that it had fully implemented only one of the six actions of the “security component”: carrying out five “security meetings” with communal leaders.\(^{428}\) The five “security meetings” appear to have been accomplished in the context of other meetings because, by the Ministry of the Interior’s own account, no funds were spent to conduct them.\(^{429}\) The Ministry did not report any progress in implementing the


remaining five actions of the “security component” in 2019, including in providing funding for the protection of Neighborhood Action Committees.\(^{430}\)

The Ministry reported it carried out one additional “security meeting” in 2020.\(^{431}\) It did not report providing any funding for the protection of Neighborhood Action Committees.\(^{432}\)

Regarding the other components of the strategy, the Ministry said that in 2020 it had taken action to “train” communal leaders and promote the participation of people in Neighborhood Action Committees, including by creating “methodological guides” for leaders, establishing a program for them to plant trees, and creating a YouTube channel to promote “10 videos that give visibility to action taken by communal leaders and their good practices.”\(^{433}\)

**Policy for the Comprehensive Protection of Social Leaders and Human Rights Defenders**

In August 2018, the Duque administration announced it would approve a policy to ensure the comprehensive protection of social leaders and human rights defenders.\(^{434}\)

Throughout 2019, the Ministry of the Interior held multiple meetings with other government agencies and human rights defenders to design the policy.\(^{435}\) However, in November 2019, many participating rights groups complained that the government was showing no real
interest in stopping the killings, and that it was limiting its response to troop deployment. The groups announced they would no longer participate in the meetings.436

In December 2019, President Duque announced “guidelines” for the policy.437 In July 2020, the high presidential advisor on human rights, Nancy Patricia Gutierrez, said the policy would launch in August 2020.438 But, as of December, the government had not approved a policy.439

Shock Plan to Mitigate Risks Faced by Rights Defenders

In December 2020, the Ministry of the Interior told Human Rights Watch that it was working on the design of a new program, called a “Shock plan to mitigate risks faced by rights defenders” (Plan de Choque para la Mitigación de los Riesgos a los que están Expuestos los Defensores y Defensoras).440

The Ministry said that as part of the plan it would carry out a “diagnosis” of the risk faced by human rights defenders in 28 municipalities in the country, establish symbolic “citizen’s pacts” against stigmatization of rights defenders in seven states, and provide

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multiple “workshops” and “classes” for rights defenders on issues such as peace building and human rights.\footnote{Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).}
IV. Government Action to Ensure Accountability

Colombian authorities have in recent years made efforts to prosecute killings of human rights defenders, achieving significant progress compared to previous periods in Colombian history. However, many investigations face significant hurdles, and convictions, particularly of the “intellectual authors” who ordered or approved such crimes, have been limited.

Progress in Investigations and Prosecutions

From a total of 421 cases involving killings of human rights defenders documented by OHCHR, prosecutors have achieved 59 convictions. Additionally, the Indigenous justice system has achieved convictions in 6 other cases. As of December 2020, another 97 cases were being tried in the ordinary justice system, and at least one perpetrator has been charged in each of 33 other cases. The Attorney General’s Office considers that

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442 Information provided to Human Rights Watch by email by the Attorney General’s Office, April 30, 2020 (copy on file with Human Rights Watch); Attorney General’s Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, https://www.fiscalia.gov.co/columbia/avances-esclarecimiento/ (accessed January 11, 2020), cut-off date: December 30, 2020; information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. As of December 2020, the Attorney General’s Office was investigating or had completed investigations into 404 of the 421 cases of homicide of human rights defenders documented by OHCHR. The remaining 17 cases were being handled by the Indigenous justice system (11 cases) or the military justice system (6 cases). Under the ordinary justice system, the prosecutorial steps are the following: Prosecutors can charge (imputar) defendants when their criminal responsibility can be “reasonably inferred,” and indict them (acusación) when there is “likelihood” of their criminal responsibility. Code of Criminal Procedure, arts. 286, 336. Defendants can face pre-trial detention or other restrictions, such as house arrest or electronic surveillance, to ensure their cooperation once they have been charged. After being indicted, defendants are brought to a public and oral trial. Code of Criminal Procedure, art. 366. In addition, defendants can obtain reduced sentences if they admit responsibility before a judge or reach a plea bargain with a prosecutor. Code of Criminal Procedure, arts. 283, 293. Ley por la cual se expide el Código de Procedimiento Penal (Law establishing the Code of Criminal Procedure), Secretaría de Estado, Law 906 of 2004, signed into law on September 1, 2004 (Code of Criminal Procedure), http://www.secretariasenado.gov.co/senado/basedoc/ley_0906_2004.html (accessed July 29, 2020).


over 60 percent of the cases have been “clarified,” meaning, that it has at least issued an arrest warrant.\footnote{445}

While limited, progress in these cases is significant compared to prior periods.\footnote{446} As a point of comparison, authorities had, as of December 31, 2020, achieved 37 convictions in a total of 369 cases of homicide of human rights defenders committed between 2010 and 2015. Twenty-two other cases were being tried.\footnote{447}

Under Colombian law, defendants can obtain a reduced sentence if they admit responsibility before a judge or reach a plea bargain with a prosecutor.\footnote{448} The majority, 39, of the 59 convictions for killings of human rights defenders were achieved through plea bargains.\footnote{449} Prosecutors within the Special Investigation Unit, which is in charge of handling many cases of killings of human rights defenders, normally require that


\footnotetext{447}{Information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office was investigating or had completed investigations into 361 of the 369 cases of homicide of human rights defenders reported by social organizations. The remaining 8 cases were being handled by the Indigenous justice system (5 cases) or the military justice system (3 cases).}

\footnotetext{448}{Code of Criminal Procedure, arts. 283, 293, 348-54.}

defendants, in addition to admitting their responsibility, provide information on the structure of the armed group they belong to, admit to committing other crimes, indicate the motivation in killing the human rights defender or identify the “intellectual author.” However, in most plea bargains, defendants provided information on the structure of armed groups or admitted to other crimes, but did not identify the “intellectual author” or the motivations behind the killings. Additionally, prosecutors who do not work for the special unit often only require that defendants admit their responsibility in the killing. In 10 other cases, defendants obtained reduced sentences after admitting responsibility before a judge. However, Colombian law does not require that perpetrators provide information on the armed group or identify the “intellectual author” in these cases.

Little progress has been made in recent years in convicting those who order or encourage the homicide of human rights defenders. In January 2021, the Attorney General’s Office told Human Rights Watch that it had “identified” the “intellectual authors” (known as “determinadores” in Colombia) allegedly responsible for 57 of the over 400 killings of human rights defenders documented by OHCHR since 2016. The Attorney General’s Office indicated that, in total, it had identified 85 “intellectual authors,” including 10 who had been convicted, 12 who had been indicted, and 11 who had been charged.

Another weakness in prosecutions of those responsible for killing human rights defenders appears to be the quality of the judges’ rulings, according to Human Rights Watch’s review

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452 Human Rights Watch telephone interview with former senior judicial official, January 12, 2021.


454 Code of Criminal Procedure, arts. 283, 293.


of 34 convictions in the ordinary criminal justice system.\textsuperscript{457} Shortcomings, which may at least in part be attributed to the Attorney General’s Office, include:

- In 19 of the 34 rulings (roughly 56 percent), the judge did not indicate the motivation behind the homicide.
- In 25 of the 34 rulings (74 percent), the judge did not indicate whether the defendant belonged to an armed group, or whether others, in addition to the defendant, may be implicated.
- In 27 of the 34 rulings (almost 80 percent), the judge did not include an analysis of the broader context in which the homicide was committed, including presence of armed groups and other situations of risk.
- In only 4 of the 34 rulings (12 percent) the judges applied an aggravating factor under Colombian criminal law applicable when a “human rights defender” is killed due to his or her work.\textsuperscript{458}

The Attorney General’s Office has achieved much less when it comes to abuses against human rights defenders other than killings. There has been no accountability in the three cases of rape against women human rights defenders reported by OHCHR and the Ombudsperson’s Office’s Early Warning System occurring since 2016. One case occurring in 2017 has been closed because prosecutors could not identify the perpetrator.\textsuperscript{459} Another one, occurring in 2018, remains under investigation and charges had not been presented as of November 2020.\textsuperscript{460} The third case was never investigated because the victim did not present a criminal complaint.\textsuperscript{461}

\textsuperscript{457} Human Rights Watch reviewed a total of 40 rulings, including 34 rendered by the ordinary justice system and 6 by the Indigenous justice system. On May 21, 2020, Human Rights Watch sent a letter to the Superior Council of the Judiciary requesting copies of the rulings. On June 9, 2020, the Superior Council of the Judiciary informed Human Rights Watch that it had forwarded the request to each of the judges. As of January 2021, Human Rights Watch had received copies of the rulings for two convictions. Another 38 rulings were shared by the Attorney General’s Office.

\textsuperscript{458} Code of Criminal Procedure, arts. 103, 104.

\textsuperscript{459} Information provided by telephone to Human Rights Watch by the Attorney General's Office, December 1, 2020 (copy on file with Human Rights Watch).

\textsuperscript{460} Information provided by telephone to Human Rights Watch by the Attorney General’s Office, December 1, 2020 (copy on file with Human Rights Watch).

\textsuperscript{461} Information provided by telephone to Human Rights Watch by the Attorney General's Office, December 1, 2020 (copy on file with Human Rights Watch).
The Attorney General's Office has received at least 3,731 reports of threats against human rights defenders and other local leaders occurring since 2016, including 3,584 occurring since 2017. In January 2021, the Attorney General's Office told Human Rights Watch that it had achieved six convictions for threats against human rights defenders under a 2017 strategy to prosecute these crimes. (It is possible that some prosecutors who are not charged with implementing the strategy may have achieved additional convictions in these cases.) While the number of convictions is extremely small compared to the total number of cases, the strategy has achieved significant progress in comparison to previous periods in Colombian history.

The Inspector General's Office, which conducts disciplinary investigations of government officials, has not made any meaningful progress in investigating and prosecuting killings of human rights defenders.

In June 2017, the office passed a directive prioritizing investigations of abuses against human rights defenders, as well as of officials failing to take appropriate action to prevent such crimes. As of March 2020, the office had opened 17 disciplinary investigations into killings of human rights defenders and other activists, including 9 killings of defenders documented by OHCHR. Sixteen investigations concerned officials alleged to have played an active role in the homicide and one in which the official under investigation

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462 Information provided to Human Rights Watch by email by the Attorney General's Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. Prosecutors told Human Rights Watch that the total number of reports of threats may be higher. Prosecutors said that some of these cases do not appear in the Attorney General's Office registry because they are labeled under crimes different to threats and because some prosecutors do not register the victims as “human rights defenders.”


allegedly failed to comply with his “legal duty to protect.”\textsuperscript{467} All of the cases remained in preliminary phases; nobody had been charged.\textsuperscript{468}

Moreover, six soldiers suspected in killings of human rights defenders are being investigated by the military justice system, even though under regional human rights norms, grave human rights violations should not be tried before military courts.\textsuperscript{469} Nobody had been charged in any of the six cases at time of writing.\textsuperscript{470}

**Efforts to Increase Accountability**

Colombian authorities have taken multiple steps to bolster accountability for killings of human rights defenders.

In 2016, the Attorney General’s Office “prioritized” investigations into killings of human rights defenders committed since January of that year.\textsuperscript{471} The office also issued multiple “directives” guiding the work of those prosecuting homicides of human rights defenders.\textsuperscript{472} Most significantly, Directive 2, issued in November 2017, requires prosecutors to assume, as a first hypothesis, that any homicide of human rights defenders

\textsuperscript{467} Ibid.

\textsuperscript{468} In November 2020, Human Rights Watch requested updated information concerning disciplinary investigations involving killings of human rights defenders. On December 7, 2020, the Human Rights Unit of the Inspector General’s Office told Human Rights Watch that in total it had opened 23 investigations into abuses (including killings and other disciplinary infractions) committed against human rights defenders. The unit reported it had charged a government official in one case. Human Rights Watch was not able to determine whether the only case where charges had been issued corresponded to a case of a killing of a human rights defender.


\textsuperscript{470} Information provided to Human Rights Watch by email by the Attorney General’s Office, July 31, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, August 28, 2020.


was motivated by their work protecting rights.\textsuperscript{473} It also requires prosecutors to assess the “role played by” defenders in their “territory and environment,” as part of any investigation.

The Attorney General’s Office also created a Special Investigation Unit (\textit{Unidad Especial de Investigación}), as mandated by the 2016 accord with the FARC.\textsuperscript{474} The unit, which receives funding from the European Union, is composed of 24 prosecutors, 16 analysts, 47 investigators from the Technical Investigation Unit (\textit{Cuerpo Técnico de Investigación}, CTI)—the branch of the office charged with providing investigative and forensic support to prosecutors in criminal cases—and eight members of administrative personnel.\textsuperscript{475}

Countrywide, the unit conducts many investigations into killings of human rights defenders, attacks against former FARC fighters and, more recently, massacres.\textsuperscript{476} It also supports prosecutors from other units who are conducting investigations into such crimes.\textsuperscript{477} The unit has a team in Bogotá, three “territorial teams”—in Apartadó (Antioquia state), Popayán (Cauca state) and Tumaco (Nariño state)—and seven “itinerant teams” in Cúcuta (North Santander state), Medellín (Antioquia state), Villaviciencia (Meta state), Cali and Buga (Valle del Cauca state), Pasto (Nariño state), Florencia (Caquetá state) and Mocoa (Putumayo state).\textsuperscript{478} The unit seeks to bolster investigations by connecting killings of human rights defenders to other abuses by similar armed groups, as well as by


\textsuperscript{478} Information provided to Human Rights Watch by email by the Attorney General’s Office, August 28, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with judicial official, November 10, 2020.
conducting comprehensive investigations into armed groups, including their finances. Additionally, since 2019, the unit has been conducting 12 “investigative projects” into multiple armed groups in various municipalities.

The Attorney General’s Office has benefited from close cooperation with OHCHR. The OHCHR office in Colombia has for years supported prosecutors in investigations of abuses against human rights defenders. That cooperation has increased since 2016. The OHCHR office documents killings of human rights defenders and reports them directly to the Attorney General’s Office, to ensure proper investigations. The OHCHR office has often helped the Attorney General’s Office connect with communities that mistrust authorities.

As required by the 2016 peace accord with the FARC, the government, in June 2017, created an Elite Team within the National Police to pursue “immediate action” against armed groups and to help “dismantle” them. The Elite Team now has 248 officials, including 235 who support the work of the Attorney General’s Special Investigation Unit. Roughly half of the 235 are assigned to regional teams in Valle del Cauca, Cauca, Meta, Nariño,
Putumayo, Norte de Santander, Antioquia, Caquetá, Córdoba and Huila.\textsuperscript{486} In November 2020, the Elite Team told Human Rights Watch that it would establish teams in the states of Arauca and Chocó in January 2021.\textsuperscript{487}

Police of the Elite Team meet with prosecutors from the Special Investigation Team every week to review progress in investigations of killings of human rights defenders and to discuss additional action in these cases—a practice that prosecutors say has helped moved the investigations forward.\textsuperscript{488} Additionally, the Elite Team has taken action to respond rapidly to new killings of human rights defenders,\textsuperscript{489} including those reported through a WhatsApp group it created with human rights organizations.\textsuperscript{490}

Moreover, in December 2020, the Ombudsperson’s Office announced that as part of its new “We Are with You” plan it will work to improve human rights defenders’ access to justice, including by providing legal and psychological support to human rights defenders who are victims of crimes and analyzing rulings in cases of killings of human rights defenders to promote good practices in investigations and prosecutions.\textsuperscript{491}

\textsuperscript{486} Human Rights Watch interview with senior police official, Bogotá, September 4, 2020.

\textsuperscript{487} Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.


\textsuperscript{491} Human Rights Ombudsperson’s Office, “‘We Are with You’ is more than the name of this strategy, it is my commitment to serve you with rigor, vigor and perseverance” (“Estamos Contigo’ es más que el nombre de esta estrategia, es mi compromiso de servirles con rigor, vigor y constancia”), December 9, 2020, https://www.defensoria.gov.co/es/nube/directivos/135863/Estamos-contigo-12-m%C3%A1s-que-el-nombre-de-la-estrategia-es-mi-compromiso-de-servirles-con-rigor-vigor-y-constancia (accessed December 14, 2020); Tweet by Human Rights Ombudsperson's Office, December 9, 2020, https://twitter.com/DefensoriaCol/status/1336806813275205634 (accessed December 14, 2020); Tweet by Human Rights Ombudsperson’s Office, December 9, 2020, https://twitter.com/DefensoriaCol/status/133675515574367233 (accessed December 14, 2020).
Challenges and Shortcomings

Efforts to ensure accountability for killings of human rights defenders have been marred by multiple shortcomings and face numerous challenges.

A key problem is the limited number of judges and judicial staff in areas where killings of human rights defenders take place. While many investigations are supported by prosecutors in Bogotá, prosecutors are generally required under Colombian law to bring such cases before local courts. However, they are few in number and troubled by significant delays and backlogs. Examples of limited judicial capacity in areas with high numbers of killings of human rights defenders include:

- There are no criminal courts in the Cagúan area that try cases. (Crimes committed in Cagúan are tried in Florencia, Caquetá’s capital.) The two municipalities—San Vicente del Cagúan and Cartagena del Chairá—each have one court charged with overseeing investigation (“supervisory judges”) and between four and five officials, including the respective judges.

- Only one municipality, Ocaña, of all 11 in the Catatumbo region, has criminal courts that try cases. These three courts have between three and five officials each, including judges. Additionally, there are 13 courts charged with overseeing investigations in Catatumbo.

- There are two criminal courts that try cases in Bajo Cauca. They are located in Caucasia and El Bagre and each have between three and four officials, including the judges. Additionally, there are seven criminal courts charged with overseeing investigations in the region.

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• Three of the thirteen municipalities in northern Cauca have at least one criminal court in charge of trying cases, for a total of four. They have between four and five officials each, including one judge each. Additionally, there are 16 criminal courts charged with overseeing investigations in the region.

In May 2019, President Duque acknowledged that the limited number of judicial staff was an obstacle to achieving accountability for killings of human rights defenders.\textsuperscript{495} He announced the creation of a “special team” of judges in charge of trying such cases. But, as of December 2020, the special team had yet to be created.\textsuperscript{496}

In March 2020, the Ministry of the Interior told Human Rights Watch that it had designed, with the Council of the Judiciary, a “proposal” for establishing 19 courts in various parts of the country.\textsuperscript{497} In December 2020, the Ministry of the Interior told Human Rights Watch that the Ministry of Economy had approved a budget for 2021 that “will guarantee the creation and permanent operation” of 13 such courts, and that they expected to create six others in 2022.\textsuperscript{498} But the Superior Council of the Judiciary told Human Rights Watch that the budget would be used to create 11 courts, of which only six would “prioritize” killings of human rights defenders.\textsuperscript{499} These six courts, which had yet to be created as of December 2020, are expected to have between three and five officials each and would be located in mostly mid-sized cities: Cúcuta (North Santander state), Buenaventura (Valle del Cauca), Medellín (Antioquia), Montería (Córdoba), Popayán (Cauca), and Quibdó (Chocó).\textsuperscript{500}

\textsuperscript{497} Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).
\textsuperscript{498} Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).
\textsuperscript{499} Information provided to Human Rights Watch by email from the Superior Council of the Judiciary, December 21, 2020 (copy on file with Human Rights Watch).
\textsuperscript{500} Information provided to Human Rights Watch by email from the Superior Council of the Judiciary, December 21, 2020 (copy on file with Human Rights Watch).
The new criminal courts will be charged with trying cases. Yet the limited number of judges charged with overseeing earlier stages of the criminal process (known as “supervisory judges”) in many areas of Colombia also creates important delays in cases of homicide of human rights defenders.

The limited number of prosecutors and investigators charged with investigating killings of human rights defenders is another significant hurdle. While many of these cases are handled by specialized prosecutors within the Special Investigation Unit (who only handle a limited number of crimes), some others are handled by prosecutors who also handle many other crimes. Some of them said they face an overwhelming caseload. For example, one told Human Rights Watch he had a total of 1,200 cases covering a range of crimes. He was “prioritizing among the already prioritized cases,” he said.

The Special Investigation Unit faces certain similar limitations. Nine of the unit’s 10 regional teams have only one prosecutor; one, in Medellín, has two. All of the teams have one CTI investigator and up to five Elite Team police investigators. This is insufficient, several prosecutors told Human Rights Watch. For instance, the unit does not have enough staff to listen, 24 hours a day, to telephone wiretaps authorized for investigations.

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Part of the reason for the limited staff is that the decree establishing the unit provides that it will be composed of only 16 prosecutors and 16 assistants. The Attorney General’s Office has transferred additional staff from other units, but only on a temporary basis.\textsuperscript{508} Prosecutors told Human Rights Watch that coordination with other units within the Attorney General’s Office is often limited, undermining the Special Unit’s access to information on the armed groups it needs to target.\textsuperscript{509}

The Elite Team of police faces deficits in funding and personnel, and it lacks appropriate authority within the police hierarchy. When the team was created in June 2017, the administration of President Santos said it would have “1,088 of the best police” in the country, as well as “120 experts in criminal investigations” and “40 analysts.”\textsuperscript{510} The team never achieved those numbers. It began by deploying police investigators who had already been assigned to cases of homicide, as well as many other crimes. In 2019, the Duque administration appointed full-time officials.\textsuperscript{511} However, with 248 members, the team is not even a quarter the size of what was originally promised.\textsuperscript{512}

 Authorities have drained the Elite Team’s budget. A budget of COP 10,229,000,000 (US$ 3,460,419) in 2018 was dramatically reduced to COP 1,253,000,000 (US$ 381,895) in 2019 and COP 1,154,635,200 (US$ 310,887) in 2020.\textsuperscript{513} A senior police officer told Human Rights Watch that the latest budget “barely covers the operational and maintenance costs” of the team.\textsuperscript{514}

Some of the inefficacies of the Elite Team stem from its low rank in the hierarchy of the National Police. The Elite Team reports to the Direction of Criminal Investigation and

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\textsuperscript{508} Human Rights Watch telephone interview with senior human rights official, August 28, 2020.
\textsuperscript{511} Human Rights Watch telephone interview with senior police official, September 2, 2020.
\textsuperscript{512} Human Rights Watch telephone interview with senior police official, September 2, 2020.
\textsuperscript{513} Human Rights Watch interview with senior police official, Bogotá, September 4, 2020; Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.
\textsuperscript{514} Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.
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Interpol (Dirección de Investigación Criminal e Interpol, DIJIN), which in turn reports to the Police Subdirectorate. That position curtails the number of officials the team can hire and requires the team’s head to request authorization for many decisions. Police officers, prosecutors, and judicial officials said this can cause delays.

A big challenge for prosecutors and investigators is arriving at the scene of a crime in time to protect the evidence, several told Human Rights Watch. Many killings occur in remote areas far from the nearest prosecutor’s office. Prosecutors face serious security risks in many areas. Often, they receive support from the Army, but some communities have asked soldiers to stay away, fearing that armed groups will accuse them of calling the army and attack them in retaliation. In addition, prosecutors, investigators, and other judicial

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520 Special Jurisdiction for Peace, Order No. AI-008-2020, Case No. 202003005124, ruling of July 29, 2020 (copy on file with Human Rights Watch).
authorities told Human Rights Watch that soldiers assigned to aid investigators often lack adequate training for the task, and they tell judicial authorities that they cannot ensure investigators’ safety.\textsuperscript{522}

Delays in arriving at a crime scene often result in funeral establishments or community members removing corpses without following standard procedures for investigation.\textsuperscript{523}

Armed groups’ intimidation of communities further impedes investigations. Witnesses often will not provide information, for fear of being killed or forced to leave their land, should armed groups learn that they have testified.\textsuperscript{524} Some do not trust police or prosecutors either, fearing they may leak information to armed groups or fail to make progress in investigations.\textsuperscript{525}

Local prosecutors, CTI investigators and staff of the Institute of Legal Medicine, which provides forensic support to criminal investigators, sometimes lack technical capacity to analyze forensic evidence on the killings, and this has marred investigations.\textsuperscript{526} “We don’t have technical means to process evidence,” an investigator in charge of cases of homicide

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of human rights defenders said. “We have to ask Legal Medicine for support, but sometimes it takes them months to respond. All that impacts the investigation.”

The CTI investigator illustrated some of the challenges:

We learned that the case had happened [because] the [local] organizations called, the Human Rights Ombudsperson’s Office alerted us, and the UN [OHCHR office] reported the case. From the central office [in Bogotá].... they told us we had to go to the place [of the crime], but to get there from the state’s capital, it is a five-hour ride on a rough road, and we had to coordinate with Indigenous authorities, because it is an Indigenous area. There was no army presence in the area, and we know that the ELN operates there.... We could not send our men like that. It took us two days, until the army got there, and the CTI could gain access. At this point, the community [members] had already moved the body, because the ELN told them they could.... We had to reconstruct everything.

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Colombia is a party to core international human rights treaties that protect the rights to life, to physical integrity, and to liberty, among others.⁵²⁸

Governments are obligated to protect these rights effectively, including by taking adequate preventive measures to protect individuals from reasonably foreseeable threats to their lives from non-state actors, including criminals, organized crime, and armed groups.⁵²⁹ As part of this obligation, governments need to disband irregular armed groups that are responsible for deprivations of life.⁵³⁰

Governments are also obligated to ensure effective remedies for victims of violations of human rights.⁵³¹ This includes effectively, promptly, thoroughly and impartially investigating violations and holding those responsible abuses to account as well as ensuring access to justice and reparations for the victims.⁵³²

While states’ obligations apply to all people within their jurisdiction, the Inter-American Court of Human Rights has recognized increased duties to protect the life and personal


⁵²⁹ See, for example, UN Human Rights Committee, “General Comment No. 36, on article 6 of the International Covenant on Civil and Political Rights, on the right to life,” UN Doc. CCPR/C/CG/36, September 3, 2019, para. 21.

⁵³⁰ Ibid.


integrity of human rights defenders and ensure their ability to do their work, particularly
taking into account their heightened vulnerability as a result of their work.\textsuperscript{533}

The disproportionate impact of the killings of human rights defenders on Indigenous
people in Colombia also raises concerns about \textit{de facto} discrimination under international
human rights law, which guarantees the right to equal treatment and protection under the
law.\textsuperscript{534} The International Convention on the Elimination of All Forms of Racial
Discrimination, which Colombia has ratified, prohibits policies and practices that have
either the purpose \textit{or effect} of restricting rights on the basis of ethnicity.\textsuperscript{535}

In Colombia, international humanitarian law applies to hostilities between government
forces and some non-state armed groups. The intensity of the hostilities and the level of
organization of specific armed groups—including the ELN, EPL, AGC, and former fighters of
the FARC’s Eastern Bloc—rise to the level of a non-international armed conflict.\textsuperscript{536}

\begin{itemize}
\item \textsuperscript{533} Inter-American Court of Human Rights, Human Rights Defender et al. v. Guatemala, judgment of August 28, 2014, Corte
\item \textsuperscript{534} International Covenant on Civil and Political Rights, art. 26; International Convention on the Elimination of All Forms of
\item \textsuperscript{535} Under the ICERD, governments may not ignore the need to secure equal treatment of all racial and ethnic groups, but
rather must act affirmatively to prevent or end policies with unjustified discriminatory impacts. ICERD, art. 2(1)(a). The
Committee on the Elimination of Racial Discrimination, which provides authoritative interpretations of ICERD, has recently
expressed concern about the disproportionate impact of the armed conflict in Colombia on Indigenous and Afro-Colombian
people and urged the government to redouble its efforts to secure protection for these communities. It also expressed
concern about the government’s failure to seriously respond to the Early Warning System’s risk reports. Committee on the
Elimination of Racial Discrimination (CERD), “Concluding observations on Colombia,” UN Doc. CERD/C/COL/CO/17-19,
\item \textsuperscript{536} International Committee of the Red Cross, “Colombia: Five armed conflicts – What’s happening?,” December 6, 2018,
Colombian military distinguishes between “organized criminal organizations” \textit{(grupos delictivos organizados}, GDO), covered
by human rights law, and “organized armed groups” \textit{(grupos armados organizados}, GAO), covered under the law of conflict.
The Ministry of Defense considers that the ELN, EPL, AGC, Caparros, and apparently all FARC dissident groups are organized
armed groups. Whether an armed group is a party to an armed conflict is based on an objective determination of the facts.
Ministry of Defense, Directive 15 of 2016, April 22, 2016,
Watch); Ministry of Defense, Directive 42 of 2018, December 17, 2018 (copy on file with Human Rights Watch); information
provided to Human Rights Watch via email by the Ministry of Defense, March 27, 2020 (copy on file with Human Rights
Watch).
\end{itemize}
Applicable law includes Common Article 3 to the Geneva Conventions of 1949 and other treaty and customary laws of war, which apply to non-state armed groups as well as national armed forces. International human rights law also applies at all times, including during armed conflict.\textsuperscript{537}

The government of President Duque has at times denied the existence of armed conflicts in Colombia.\textsuperscript{538} Authorities have argued that the ELN, in particular, cannot be considered a party to an armed conflict because its members seek to “obtain illegal benefits” and are “not political.”\textsuperscript{539} However, the motivation of an armed group is irrelevant to the determination of whether a situation constitutes an armed conflict.\textsuperscript{540}

During armed conflicts, all parties to the conflict, whether state forces or non-state armed groups, are bound by applicable international humanitarian law. Individuals who commit serious violations of the laws of war with criminal intent—intentionally or recklessly—are responsible for war crimes,\textsuperscript{541} which states have an obligation under international law to


\textsuperscript{538} See, for example, Office of the Presidential Advisor for Human Rights and International Affairs, “Presentation of Advisor Francisco Barbosa in the Ordinary Session of the Human Rights Council” (“Intervención del Consejero Francisco Barbosa en la Sesión Ordinaria del Consejo de Derechos Humanos”), February 27, 2019, http://www.derechoshumanos.gov.co/Prensa/2019/Paginas/Intervenci%C3%B3n-del-Consejero-Francisco-Barbosa-en-la-Sesi%C3%B3n-Ordinaria-del-Consejo-de-Derechos-Humanos.aspx (accessed September 10, 2020).


investigate, prosecute, and punish. The laws of war prohibit willful killings and deliberate and indiscriminate attacks on civilians.

Commanders who knew or should have known about violations but failed to stop them or punish those responsible may be criminally responsible, as a matter of command responsibility.  


543 See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 86-87; Rome Statute of the International Criminal Court, art. 28.
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LEFT UNDEFENDED
Killings of Rights Defenders in Colombia’s Remote Communities

Since 2016, over 400 human rights defenders have been killed in Colombia—the highest number of any country in Latin America, according to the United Nations Office of the High Commissioner for Human Rights.

Left Undefended documents killings of human rights defenders in the country, as well as the serious shortcomings in the government’s efforts to prevent abuses, protect defenders, and hold those responsible to account.

The report explains the dynamics of violence leading to killings of human rights defenders in six of the most affected areas: the northern region of Cauca state, the Catatumbo region of North Santander state, the Southern Pacific region in Nariño state, the Bajo Cauca region of Antioquia state, the Caguán region of Caquetá state, and the foothills region of Arauca state.

Colombia has a broad range of policies, mechanisms, and laws designed to prevent abuses against human rights defenders and other people at risk. However, implementation of these plans has often been poor. The administration of President Iván Duque has superficially promoted many of these plans, often giving the impression that it is taking action, even while most of these systems are barely functional or have serious shortcomings.

Efforts to bring perpetrators to justice have been more meaningful. However, many investigations and prosecutions face significant hurdles, and authorities have usually failed to hold accountable people who ordered or approved many of the killings.

To meet its obligations under international human rights law, the Duque administration should undertake serious efforts to fund and implement effective policies to prevent the killings of human rights defenders and protect their rights. The government should substantially increase the capacity of judicial authorities and prosecutors to bring all those responsible for the killings to account.

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