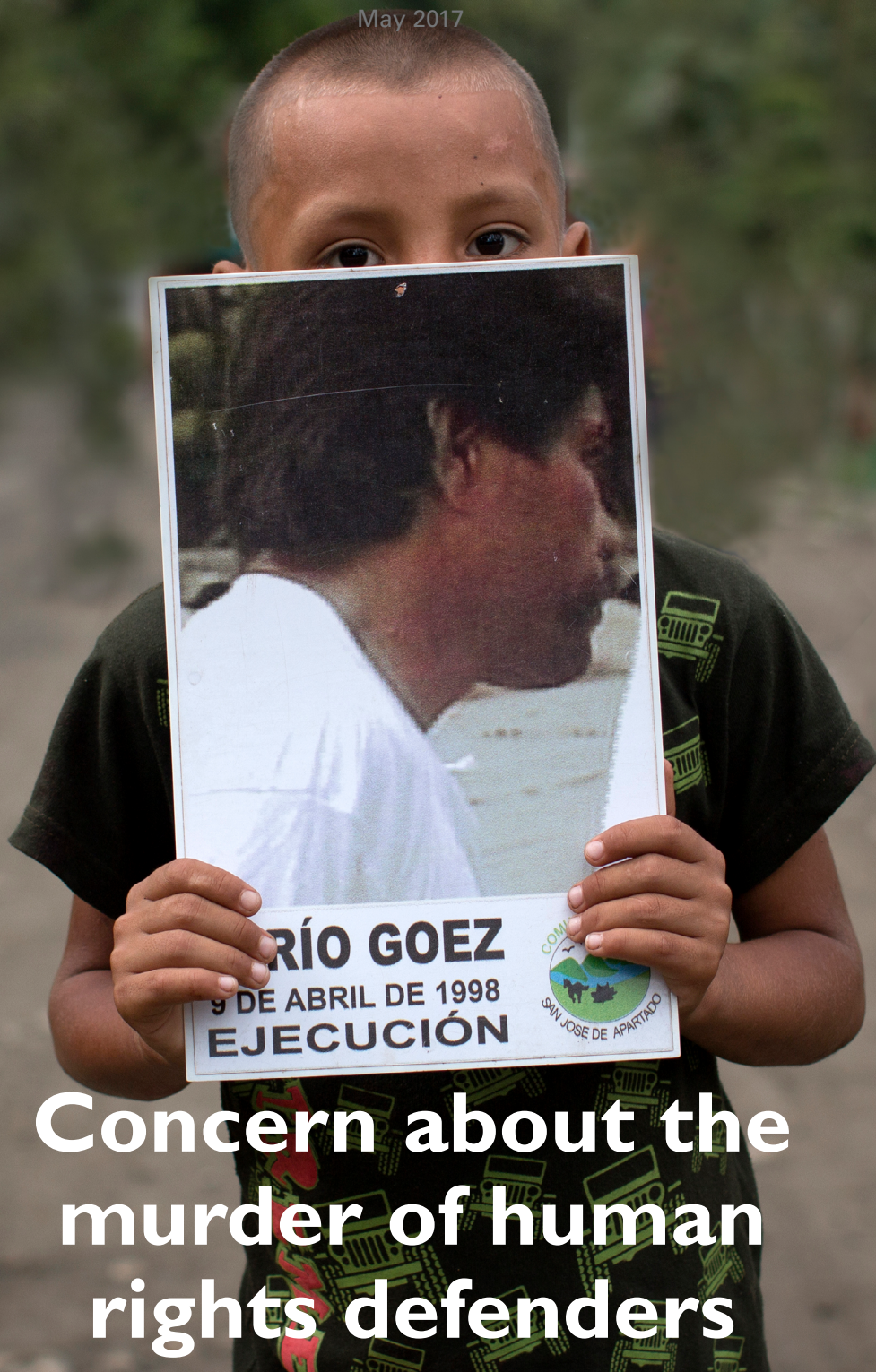


PBI Colombia

May 2017



**Concern about the
murder of human
rights defenders**

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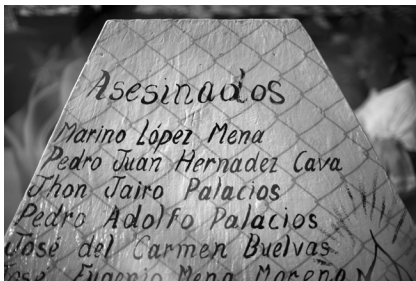
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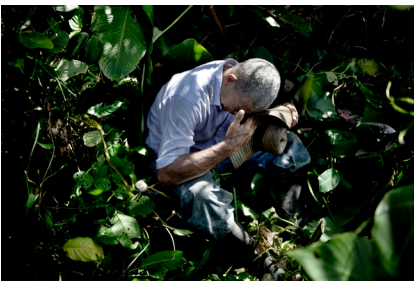
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Concern about the murder of
human rights defenders

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Contact

publicaciones@pbicolombia.net

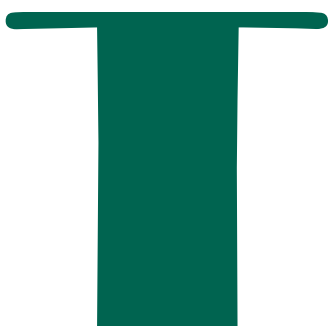
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Concern about the murder of human rights defenders in Colombia

Causes for concern are the wave of assassinations and the serious situation of risk that human rights defenders, social and political leaders are facing in Colombia and the rise of the neo-paramilitary phenomenon in Colombia during the beginning of the post-agreement phase of the peace process.



This document has the purpose of exposing the consequences of the current wave of violence against human rights defenders and social leaders in Colombia. Through the medium of analysis and concrete cases, this document attempts to evidence the actions of

neo-paramilitary groups, and the threat they represent to human rights defenders and the construction of a long-lasting peace in Colombia.

In 2017, the military actions caused by the conflict were reduced to historically low levels, meanwhile violence against human rights defenders and social leaders increased to levels not seen for the last ten years.[1] This wave of violence has culminated in, during the period between the signing of the Peace Agreement and the 31 of January, the assassination of 17 human rights defenders, community leaders and members of Communal Action Councils (Juntas de Acción Comunal, JACs).[2] In February, the scenario continued, and there was also an increase in the number of death threats, aggressions, assassination attempts and attacks, amongst other security incidents, perpetrated against the population sector previously mentioned.[3]

Particularly alarming is the situation of the male and female members of the Marcha Patriótica: of the social leaders who have been assassinated since the signing of the final peace agreement in November 2016, the majority have belonged to that movement. Furthermore, since the beginning of the movement in 2012 they have reported the assassination of about 130[4] of its

members. However, despite this the aggressions, threats and assassination attempts continue. In the first 40 days of the year, five female leaders who were members of the Marcha Patriótica,[5] were assassinated. This is evidence that socio-political violence in Colombia did not finish with the signing of the Peace Agreement with the FARC-EP.

These assassinations occur in a context where the victims and communities have publicly denounced the increase of the presence of neo-paramilitary groups. Despite the positive steps that have been taken to put an end to the armed conflict between the Colombian state and the FARC-EP, and the installation of negotiating table between representatives of the Colombian government, and the National Liberation Army (ELN), the assassinations of human rights defenders and social and political leaders, as well as the increase of neo-paramilitary activity, all create a very actual and difficult challenge in the construction of a real and long-lasting peace in Colombia.

ANALYSIS OF THE SECURITY SITUATION OF HUMAN RIGHTS DEFENDERS

The finalising of the Peace Agreement has brought on a violent offensive against social leaders, peasant farmers, human rights defenders and student leaders all over the country. Frontline Defenders have registered 85 deaths, and their report states that “in Colombia, the progression of the peace process and the creation of a definitive ceasefire between the government and the Revolutionary Forces of Colombia (FARC), together with the beginning with a peace dialogue with the National Liberation Army (ELN) has increased the level of violence experienced by human rights defenders.”[6]

There is no official figure of the assassinations of human rights defenders that have been committed during 2016, and several different human rights organisations have come up with different figures. The Agrarian Forum (Cumbre Agraria) stated that in 2016 there were 94 community leaders and human rights defenders assassinated.[7] The We are Defenders Program (Somos Defensores) registered 80 homicides (of which 31 took place before the bilateral and definitive ceasefire began),[8] and INDEPAZ registered 117 homicides [9] of social leaders and human rights defenders.

Front Line Defenders, an international human rights organisation

that works on the issue of protecting human rights defenders, documented 85 assassinations of human rights defenders in Colombia in 2016, a statistic that makes Colombia the country with the highest number of assassinations of human rights defenders in the world.[10]

The statistics vary due to the different definitions of what is a human rights defender. However, the fact that the statistics vary does not deny the fact that in the last few years there has been a definite increase in assassinations of human rights defenders. This goes against a trend of generally decreasing homicides after the bilateral ceasefire between the FARC-EP and the government. It is also important to underline the fact that the collecting, registering and reporting of these attacks is being carried out by international and national NGOs and local Colombian communities (therefore putting themselves at risk) as well as institutions such as the OHCHR. However, the Colombian state still doesn't have an official register that can be used as a tool to monitor these cases.

In 2017, the situation doesn't seem to be any better. Up until the 18th of February, at least 20 social leaders and human rights defenders had been

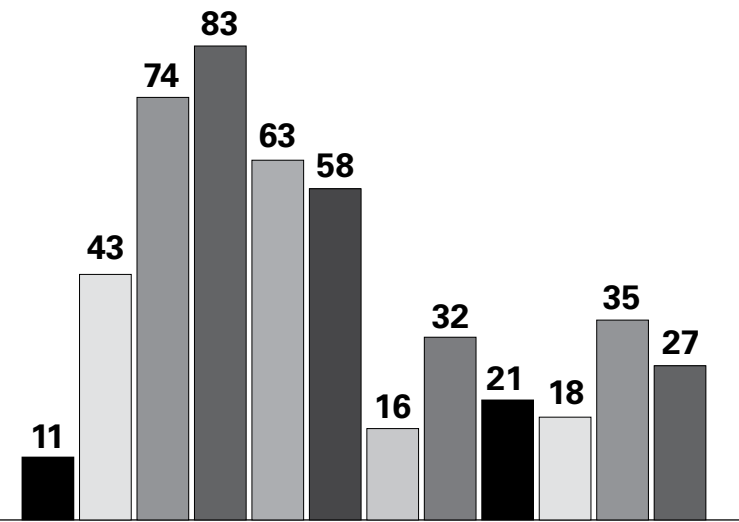
assassinated in different parts of the country, many of these people were working on issues to do with the defence of territory and peacebuilding.[11] The departments which have suffered the most aggressions and assassinations are Cauca, Antioquia, Valle del Cauca, Norte de Santander and Bogotá D.C. One can observe that the majority of the assassinations have taken place in rural areas and have targeted three main groups:

- » Defenders of environmental, land and territorial rights and opposition to mega-projects (extractive, agro-industrial, infrastructure etc.);
- » Victims and the organisations that accompany them in their search for truth, justice and reparation. The individuals who are particularly vulnerable are those who put forward land restitution claims, in these cases the land has been usurped by violence perpetrated by paramilitary groups or national or international companies.
- » Those who mobilise under the banner of Peace, in particular Territorial Peace (are members of organisations, communities, Communal Action

Committees) and those who head processes of social and political support.

This graph shows the periods which register the largest increases in aggressions, (April, August, and November). These periods coincide with those moments where the peace process with the FARC-EP in 2016 was advancing at a more consequential rate. In effect, on the 23rd of March it was announced that the signing of the agreement would take place, it was then postponed; on the 29th of August, the bilateral ceasefire began; and on the 24th of November the final and definitive agreement was signed after the NO campaign rejected the first attempt. In 2017 so far, there has been persistent aggression and assassinations: once more coinciding with a fundamental part of the process. In other words, the beginning of the mobilisation process of the members of the FARC-EP to the Transitional Local Zones for Normalisation (Zonas Veredales Transitorias de Normalización – ZVTN) that was originally planned for the 2nd of December and then postponed until the 31st of January.

Aggressions between January and December 2016



THOSE RESPONSIBLE FOR THE AGGRESSIONS

The main culprits of these aggressions are neo-paramilitary groups.[12] However high-level representatives of the Colombian state from the Ministries of Defence and the Interior and the Public Prosecutor's Office, publicly state that the assassinations, attempted assassinations and death threats against human rights defenders "do not show any type of systematic features that we can use to establish with certainty that there is an invisible black hand that is affecting the human rights leaders." [13] This is despite the average of more than 50 assassinations in the last few years,[14] and with the statistics from 2016 being the highest, meanwhile in Colombia, the general homicide rate is at its lowest since 1974.[15]

The persistence of these groups and the lack of advances in their dismantling creates a real obstacle in the progress to build a long-lasting peace in Colombia. The first quarterly report presented before the United Nations Security

Council by the UN Mission in Colombia details "a concrete example of the problems that the country is facing in its transition towards peace, the fact that several armed groups, paramilitaries or others are taking over the areas abandoned by the FARC, where they can possibly exert violent control." [16] INDEPAZ has pointed out that "the presence of paramilitary groups has increased, especially in the areas where the FARC-EP have or had control in the past, and currently the threats against members of social organisations are permanent." [17] The FARC-EP have reported on "paramilitary harassment" where demobilisation is planned.[18]

The We Are Defenders Program identifies neo-paramilitary groups as responsible in 45 cases of homicide against human rights defenders in 2016. This is an important change from the previous year when in the majority of the cases the material authors of the crimes could not be identified.[19]



A SUMMARY OF THE EVOLUTION OF THE COLOMBIAN CONFLICT THAT EXPLAINS THE CURRENT CONTEXT

The internal armed conflict in Colombia has lasted more than half a century, being the longest conflict of the Western Hemisphere. There have been 8.3 million victims, which represent approximately 15% of the population of the country. The main actors of the conflict have been members of the Colombian state, paramilitary and neo-paramilitary groups, left-wing guerrilla groups and third parties such as businesses.[20]

The birth of the guerrilla groups

The guerrilla groups appeared in Colombia parallel to the social and left-wing movements that were so prevalent during the sixties in Latin America. These social movements in almost all cases suffered persecution under the right-wing dictatorships of the era. In Colombia, the FARC-EP were born in 1964, and later the National Liberation Army (ELN) was also born. These two groups took up arms and exhibited socialist agendas to confront

the social injustice suffered by the rural and poor peasant farmer population. In the same way, other smaller armed guerrilla groups were formed, for example the Popular Liberation Army (EPL) and the 19th of April Movement (M 19). Confronted by the creation of these different groups, the Colombian state began a military strategy of counter-insurgency, the objective was the destruction of these groups.[21]

Formation of paramilitary groups

As part of the Colombian government's counter-insurgency strategy, it passed a law 48 in 1968 which gave the legal basis for the formation of "self-defence" groups that were trained by the Colombian Security Forces with the purpose of supporting the Colombian state in its fight against the insurgencies.[22] During the eighties, a death squad known as "Death to Kidnappers" (MAS) was created in response to a series of kidnappings that had been carried out by the guerrilla groups. This death squad not only assassinated individuals supposedly involved in

kidnapping, but also people considered to be threats. Amongst those who were considered threats were, human rights defenders, trade unionists and political and social leaders. The first of these paramilitary groups began to expand into large parts of the country and its main objective could be summarised as being: the promotion of the political interests of the Colombian state and large economic powers; the defence of illegal activities such as drug trafficking, the accumulation of land; and carrying out violent acts that would sow terror amongst the population.[23]

The Genocide of the Patriotic Union

In 1984, during the agreement of La Uribe, the Colombian government signed a ceasefire with the FARC-EP, and in 1985 the Patriotic Union political party (Unión Patriótica, UP) was created. It was a "political movement that would serve as a platform to promote the social, economic and political transformations necessary for the creation of peace with social justice." [24] However, only five years after its creation, at least 2000 of the party's members had been assassinated

by a wave of violence that is now referred to as a political genocide. Amongst the thousands of victims, there were "two presidential candidates, nine members of congress, 70 council members and dozens of deputies, mayors, members of communal councils, trade union leaders, student leader and members from the education and culture sectors as well as other professionals and hundreds of grass roots political activists." [25]

The supposed demobilisation of the paramilitary groups and the creation of the neo-paramilitary groups

In the nineties, the different paramilitary groups that had been formed united under the banner of the United Self-Defence Forces of Colombia (AUC).[26] Between 2003 and 2006, there was a demobilisation process dictated by law 975 of 2005, also known as the Law of Justice and Peace, that had been promoted by the government of then president Alvaro Uribe, that included the giving up of arms and the demobilisation of more

than 31,000 paramilitaries, according to official figures.[27] The demobilisation of the AUC has been heavily criticised by Colombian civil society groups as well as international organisations for not complying with the four basic pillars of transitional justice, truth, justice, reparation and guarantees of no-repetition.[28]

After the failed demobilisation process, and linked to the lack of fulfilment of the fourth pillar of transitional

justice in terms of guarantees of non-repetition, neoparamilitary groups such as the Rastrojos, Urabeños and Aguilas Negras (Black Eagles) amongst others, began to emerge. These groups were denominated Criminal Groups (Bandas Criminales) or BACRIM by the government of Alvaro Uribe. Although the government of ex-president Uribe as well as the current president Juan Manuel Santos, has denied political motivation being a factor, as well as the existence of links between these groups and elements within the Security Forces, the way they act and their modus operandi, which replicates that of the paramilitary groups, shows us otherwise.[29]

In their 2015 annual report about the situation of human rights in Colombia the Office of the United Nations High Commissioner for Human Rights (OHCHR) warned of the permanent hindrance that these post-demobilisation groups created

in the implementation of the Peace Agreement.[30] In their 2013 report about the human rights situation in Colombia, the Inter-American Commission of Human Rights (CIDH) pointed out that “the violence is a result of the lack of an effective and complete dismantling of the armed structures of the paramilitary groups, which seriously affects the rights of Colombian citizens”. The Commission also identified “elements of continuity between the previous self-defence forces (paramilitaries) and what the government now refers to as BACRIM.[31]

Up until the 30th of September 2016, only 180 paramilitaries (of the more than 30,000 that supposedly demobilised) have been put on trial for human rights violation under Law 975 of 2005 (the Justice and Peace Law). The majority of them have not been subject to this law, instead they have received a de facto amnesty.[32]

Negotiations and the Peace Agreement between the Colombian government and the FARC-EP

On the 4th of September, the President of Colombia, Juan Manuel Santos, and the leader of the FARC-EP, Timoleón Jiménez, announced a general agreement to initiate a peace process. This came after carrying out a series of secret meeting in Havana, Cuba.[33] After more than four years, on the 26th of September a Peace Agreement was signed. However, on the 2nd of October the agreement was rejected by a tiny percentage of 50.21% against the 49.79% who voted “Yes”. The vote participation was

37.43%.[34] During the following week, both teams of negotiators examined the rejected agreement and made several adjustments, which culminated in the signing of a second agreement on the 24th of November 2016. The passing of the legislation contained in the new agreement was carried out on the 1st of December (with 250 votes in favour and 0 against), legitimising the agreement and giving the first step towards the fast track implementation process.

Demobilisation of the FARC-EP

The 7000 members of the FARC-EP had grouped themselves in pre-concentration zones at the end of September waiting for the results of the 2nd of October referendum which would signal the beginning of the demobilisation process. After the referendum, the members of the FARC-EP stayed in these concentration zones until the passing of the legislation within the new agreement. Since the end of January 2017, the members of the FARC have started the process of moving to the ZVTN where the process of handing over of arms and the reintegration into

civil society would begin. The giving up of arms will be monitored by a tripartite mission composed of representatives of the Colombian government, the FARC-EP and the United Nations. The United Nations Monitoring and Verification Mechanism will maintain permanent presence in each of the ZVTN during the process of handing over of arms and the reintegration to civilian life of the ex-combatants. According to what has been acknowledged in the Peace Agreement, the demobilisation process will be finished in four months.

Peace Negotiations between the Colombian Government and the ELN

On the 7th of February 2017, the public phase of the peace dialogue between the Colombian government and the ELN began in Quito, Ecuador. On the 30th of March 2016, both parties announced their intentions to begin these conversations as soon as possible, after two years of closed door negotiations.[35]. Despite this, the beginning of the talks was postponed on several occasions due to the Colombian government's pre-condition that the ELN liberate the Member of Congress Odín Sánchez Montes de Oca who had been kidnapped by the rebel group. On the 29th of January, the government liberated two ELN commanders, showing their willingness to achieve an agreement, and on the 2nd of February Mr Sánchez and two other prisoners held by the ELN were released. This act opened the way for further advances in the peace negotiations. The international community will play an important role in this process, given that several Latin American and European countries have declared their intention to accompany the negotiations.[36]

The first issues to be discussed at the negotiating table in Quito will be humanitarian actions and the participation of Colombian civil society in the construction of peace. With this methodology, the proposals of civil society will be of vital importance and this is why it is crucial that the Colombian state gives all the guarantees necessary for the actual participation of civil society, in particular, of the human rights and environmental organisations and the communities most affected by the conflict. In November 2016, the Social Table for Peace was created. It is a platform of social and political organisations that have organised themselves to form a space for dialogue and negotiation for peace and democracy. The idea is based on the participation of civil society at the negotiating table of the government and the ELN.[37]

INCREASE IN THE PRESENCE OF NEO-PARAMILITARY GROUPS

As part of point 3.4 of the Peace Agreement, the Colombian state agrees to adopt the measures necessary to guarantee the clarification of the paramilitary phenomenon, to avoid its repetition and to guarantee the dismantling of the criminal organisations and practices that have resulted in these, homicides, massacres and systematic violence(...).[38] Parallel to the increase in aggression against human rights defenders and social leaders there has also been an increase of reports and alerts originating from national and international civil society on the increase of the neoparamilitary phenomenon in Colombia. While the Colombian state still denies existence of this phenomenon, For the last ten years reports from national and international human rights organisations (Human Rights Watch, Amnesty International etc.) have monitored and reported on the fact that these groups have not been dismantled. These organisations have also identified their regions of influence, their political and economic interests as well as other dynamics that characterise them. For example, investigations conducted by INDEPAZ[39] conclude that:

» There is a recurrence and continuation at national level of the paramilitary phenomenon, with diverse expressions according to the region and the different levels of alliances with the Colombian state that exist. This doesn't mean that there is a control centre at national level, but there does exist a certain level of collusion with the state institutions and economic powers.

» Like the previous paramilitaries, the current structures are born from organised crime networks and their aim is to dominate geographical area and control drug trafficking routes,

to organise private armies, to make alliances with business and large landowners and profit the Colombian state.

» There exists a paramilitary culture in sectors of the Colombian Security Forces which cannot be eliminated without the cleansing of these entities.

» Illegal mining, especially gold, is an important source of their income.

In their report, released in March 2016, the Office of the United Nations High Commissioner for Human Rights (OHCHR) was emphatic in underlining the fact that the "post-demobilisation groups and actors directly undermine human rights and citizen security, the administration of justice and the construction of peace including land restitution. The lack of de-articulation of the groups that maintain control on dispossessed land through means of violence or threats, creates a permanent challenge in achieving peace." [40]

While the FARC-EP leave the areas, which are mainly rural and isolated, that they have controlled for several decades the local population demand the immediate presence of the Colombian state due to the fact that there are serious worries that the power vacuum left by the FARC-EP will be occupied by other neo-state armed actors.[41]

Several rural communities all over Colombia, from Tumaco in the South West of the country to Catatumbo in the North East and Urabá in the North West, have denounced the presence of these illegal armed groups, who have high calibre weapons and who dress in camouflage fatigues, presenting themselves as members of the Gaitanista Self-Defence Forces (AGC) or the Aguilas Negras, among other

groups.[42] They move in groups of up to 200 men,[43] and they act and are organised on the same lines as the military; creating bases, transitory routes, controlling strategic areas, meeting with local communities and sowing terror.[44] The walls of public spaces in these areas have been painted with the names and initials of these groups and threatening leaflets have been distributed.[45] Despite these acts being reported during an interview with the Defence Minister, Luis Carlos Villegas, the Colombian government still declares publicly that paramilitarism doesn't exist. They say that calling it paramilitarism would give political recognition to a group of bandits who dedicate themselves to delinquency and organised crime.”[46]

The Trade Union of Workers of the Human Rights Ombudsman's Office, (El Sindicato de Defensores y Defensores de Derechos Humanos de la Defensoría del Pueblo, SINDHEP) has responded publicly to the denial by the current Human Rights Ombudsman, Carlos Negret Mosquera, of the existence of paramilitarism in Colombia. The SINDHEP mentions the fact that many agencies such as the MAPP-

OEA, INDEPAZ, the now defunct National Commission of Reparation and Reconciliation, and even the Human Rights Ombudsman's Office, has documented “the continuing paramilitary phenomenon by former members who are re-arming, groups that never demobilised, the continuity of counter-insurgency violence and the development of a new phase of reinforcement and consolidation of the order already established in many regions where on the scorched and dispossessed land there still exist prosperous mining, agro-industrial and cattle farming businesses.[47] In response to the Ombudsman's hypothesis that for paramilitarism to exist it has to be anti-subversive and be directly related to the Security Forces,[48] the SINDHEP highlighted the fact that among the characteristics of paramilitarism are “on one hand, its large capacity to mutate and adapt to new contexts that arise, and on the other hand, the diversity in its form, content and repertoire”, furthermore “its functionality as a determined political project which is hidden behind the illegal activities under its control.”[49]

**AS PART OF POINT 3.4 OF THE PEACE
AGREEMENT, THE COLOMBIAN STATE AGREES
TO ADOPT THE MEASURES NECESSARY
TO GUARANTEE THE CLARIFICATION OF
THE PARAMILITARY PHENOMENON, TO
AVOID ITS REPETITION AND TO GUARANTEE
THE DISMANTLING OF THE CRIMINAL
ORGANISATIONS AND PRACTICES THAT HAVE
RESULTED IN THESE, HOMICIDES, MASSACRES
AND SYSTEMATIC VIOLENCE**

BACRIM versus Neo-paramilitaries

The lack of recognition from the Colombian state of the links at local, regional and national level between political and economic elites and sectors of the Security Forces and these groups, as well as the lack of progress in the investigations of the death threats and assassinations committed by the members of neo-paramilitary groups, increases the risk faced by human rights defenders, social leaders, trade unionists and, in general all those who look for the creation of the construction of a country in peace with social justice.

According to SINDHEP “paramilitarism is more alive than ever, surrounding rural communities it works side by side with the Security Forces, protects the dispossession of land, assassinates, makes false accusations, stigmatises and disappears people, traffics drugs, has an influence in the election of mayors and governors, while enriching, politicians’ landowners and businessmen that benefit from the situation of violence.”[50] Although a lot of analysis points out there are regional difference in relation to the dynamics of the violence, it is widely acknowledged that the neo-paramilitary structures that can now be seen in Colombia don’t necessarily present a joint national structure, the “paramilitary phenomena” keeps its relations both legal and illegal in order to pursue economic gains.[51]

The OHCHR highlights the perception that there are certain actors who see human rights defenders as obstacles in pursuing their economic and political interests, there are also disputes between illegal groups for control of the illegal economies in the areas, usually rural, that are being left by the FARC.[52] INDEPAZ also argues that there exists a national threat of armed violence that seeks to reconfigure powers in regions where there are high levels of for conflict over for example land, natural resources and illegal economies.

» The high levels of armed conflict in the last few years with presence from the FARC-EP and other armed illegal groups.

» The social conflict

» The high presence of organised communities.

» The existence of illegal economies and large economic interests.

» Weak and disputing local government

» High presence of the Security Forces and counter-insurgency plans.[53]

The lack of recognition from the Colombian state of the links at local, regional and national level between political and economic elites and sectors of the Security Forces and these groups, as well as the lack of progress in the investigations of the death threats and assassinations committed by the members of neo-paramilitary groups, increases the risk faced by human rights defenders, social leaders, trade unionists and, in general all those who look for the creation of the construction of a country in peace with social justice.

CASE STUDY ANALYSIS

The following cases are concrete examples of what has been previously analysed in this document, and more specifically they show the context in relation to different regions in the country. These cases are based on reports from the local communities, national human rights organisations, the media, human rights reports and observations made by Peace Brigades International on the ground.



THE URABÁ REGION (ANTIOQUIA, CÓRDOBA AND CHOCÓ DEPARTMENTS): NEO-PARAMILITARY GROUPS AND CONTROL OF TERRITORIES AND ROUTES

National and international organisations as well as local communities have constantly reported on the presence of neo-paramilitary groups and the death threats, aggressions and assassinations perpetrated by them. Despite these reports, these groups continue to act without the Colombian state taking the necessary measures to confront them. The Colombian state should also be carrying out exhaustive investigations to clarify the links and interests with political, economic and military elites, which further adds to their lack of fulfilment in the task of protecting the civil population.

On the 31st of March 2016, the Clan Úsuga (also known as the “Urabeños” or the AGC) declared an armed strike

of 24 hours in the entire country. According to reports from different local and national sources, a large part of the economic activities of several regions in the country ceased, as well as public transport, schools and other local activities.[54]

Since September 2015 the Human Rights Ombudsman’s Office has warned the national government about the entrance of armed paramilitary groups into the Salaquí, Truandó and Cacarica river basins. In these areas, the Gaitanista Self-Defence Forces (AGC) operate freely despite the presence of check points operated by the Colombian Navy. The Bajo Atrato region has been taken by neo-paramilitarism in the midst of the demobilisation of the FARC-EP.[55]



PEACE COMMUNITY OF SAN JOSÉ DE APARTADÓ

In the last few months the Peace Community, finalist in the European Parliament Sakharov Prize in 2011 and beneficiary of provisional measures of the Inter-American Court of Human Rights, has publicly denounced several incursions of neo-paramilitary groups in its territory and death threats to members of the community. The neo-paramilitary groups have entered several times in the Aldea de Paz, an important space for the community because of a 2005 massacre perpetrated by the paramilitaries and the Colombian military that occurred there. Of the eight people killed in the massacre one of them was one of the founders of the Peace Community, Luis Eduardo Guerra.[56] The following death threats have been made to the Peace Community recently: on the 22nd of December 2016, members of a neo-paramilitary group were looking for Gildardo Tuberquia (founding member

of the Peace Community);[57] on the 4th of January 2017, they confirmed that they were executing a plan to “exterminate the Peace Community;”[58] on the 19th of January they said that controlled the who area except for the plots owned by the Peace Community and if those “Peace Community sons of bitches” didn’t give in they had the “green light” to finish them off.

In the first few days of February the Peace Community reported that the presence of neo-paramilitaries in their territory continued. The aggressors complained about the presence of “gringos”, referring to the international companions who were present. They stated that the “their presence was impeding the execution their plan in the area of San José”. While this was occurring, the commanders of the Colombian Army, were still denying the existence of “armed groups in these places.”[59]



CACARICA

According to reports from members of the communities[60] and Colombian organisations,[61] on the 12th of February, eight armed neo-paramilitaries entered the Humanitarian Zone of Nueva Esperanza en Dios (recognised by the Inter-American Court of Human Rights and beneficiary of precautionary measures), several other armed men stayed outside the community. The armed men entered several houses arguing that they were looking for a group of people that were going to be assassinated because their names were on a list. The neo-paramilitaries were permanently communicating by a radio with their commander and they told the community that “if they didn’t find them their family would be assassinated” (...) “If they are not here today, tomorrow we will find them”. They were present in the Humanitarian Zone for about two and a half hours

The communities and the Inter-Church Justice and Peace Commission (CIJP) had been reporting the neo-paramilitary presence for weeks in the collective territory of Cacarica, denouncing death threats and the forced displacement of the civilian population. However, despite the reports the Colombian Security Forces were not present at this moment to control the situation.



CURBARADÓ

This presence and control has also happened in the collective territory of Curbaradó.[62] In Brisas de Curbaradó, only 30 minutes from the ZVTN “La Florida”, there have been neo-paramilitary movements.[63] In Llano Rico, where the 54th Jungle Battalion military base is located, on the 19th of January members of the population saw a group of neo-paramilitaries dressed in civilian clothing who were

looking for two local leaders: Sergio Díaz and Guillermo; the latter is brother of Argenito Díaz, a land claimant leader who was assassinated on the 13th of January 2010. They stated that they had arrived in the territory and that they were going to stay whether the local inhabitants “liked it or not.” This same day, in the same town of Llano Rico, the group painted on the walls of the houses and shops “AGC presente.”[64]





BAJO CAUCA REGION (ANTIOQUIA) AND MINING

The Bajo Cauca region is an area that is of great geo-strategic importance for narco-trafficking routes as it connects the areas where coca crops are grown in the south of Bolívar Department to the areas where it is commercialised or exported out of the country in the Urabá region. Furthermore, it is a territory with extensive illegal crops, and immense gold resources which are exploited mainly in an informal way. The economic interests in the region make it particularly vulnerable to the presence of illegal armed actors, and since the recent exit of the FARC-EP the region is at the mercy of the neo-paramilitary groups that since 2016 have been present and have been the perpetrators of several assassinations of leaders and the forced displacement of the civil population.

According to reports from AHERAMIGUA and the report of the Verification Commission carried out in January, the first incursion of the AGC

in the municipality of El Bagre occurred on the 7th of January 2016 and took place in several hamlets in the area. This provoked massive displacement in the main town of Puerto Claver, death threats and two cases of forced disappearance. The second incursion took place on the 17th of January again in Puerto Claver. It happened only two hours after the visit of a Commission formed by distinct organisations and state and international authorities who were there to evaluate the scale of the humanitarian situation. This incursion created a second displacement, this time toward El Bagre; about 500 people are still displaced in a humanitarian refuge in Puerto Claver.[65]

On the 7th of March 2016, in the small town of El Bagre William Castillo Chima, the co-founder and current treasurer of AHERAMIGUA was assassinated. He had reported on the forced displacement of peasant farmers in the region by neo-paramilitary groups.



[66] Ten days after the assassination, the Delegation of the European Union in Colombia with its member states and Switzerland published a press release expressing concerns for, and at the same time condemning, the wave of assassinations against human rights defenders. They highlighted the case of William Castillo. The representatives of the diplomatic corps called for the competent authorities to investigate these assassination cases in order to bring those responsible to justice.[67]

On the 17th of May two more peasant farmers were assassinated in El Bagre and Zaragoza.[68] According to AHERAMIGUA, these assassinations happened after approximately 80 neo-paramilitaries presented a list of people that they were going to assassinate. Several of these death threats were eventually carried out: two peasant farmers were assassinated the same day, one of them tortured, his limbs were cut off and then thrown in the river.[69] This was followed by Jesús Antonio Chima a young indigenous man who was a guard for the Los Almendros indigenous reservation (El Bagre).

A press release published by AHERAMIGUA and other press sources

mentioned in June that a group of 50 men with large calibre rifles were walking around the municipality of Puerto López with a list containing the names of 70 individuals who they were threatening to kill.[70] The situation has stayed the same throughout the year. At the end of January 2017, the communities alerted that a group of about 15 neo-paramilitaries had been spotted patrolling the shores of the Bagre; identified as “Autodefensas Gaitanistas”, they were wearing military uniforms, and they had assault rifles and other heavy weaponry.[71] In February AHERAMIGUA again reported on the presence of heavily armed neo-paramilitaries who were wearing military uniforms, in the small towns of El Bagre and Nechi. The men identified themselves as “Autodefensas Gaitanistas” and claimed to control the area. They threatened the communities saying that they have to collaborate with them.[72] The municipality of El Bagre is currently one of the most serious cases in terms of human rights violations in Colombia. According to the OHCHR in 2016 there were 40 assassinations in the municipality.[73]



CATATUMBO (NORTE DE SANTANDER DEPARTMENT)

According to members of the communities that live in the Catatumbo region, on Thursday the 9th of February about 50 men wearing black uniforms arrived at the 40 km point on the road that goes to La Gabarra, where they intimidated the sixty families that live there. The men identified themselves as Aguilas Negras (Black Eagles). [74] The Marcha Patriótica formalised the report on the arrival of these men to the “place where one finds the caravan that accompanied the members of the 33rd Front of the FARC-EP to the ZVTN Caño Indio”. However, General Hugo Alejandro López who is the commander of the Vulcan Task Force and General Hugo Alejandro López who is the commander of the Second Division of the Army, claimed that they had no reports of paramilitary presence and that their troops had occupied the areas that the FARC-EP had left in the region. The military officials insist that paramilitary groups don’t exist there and that the reason they are deployed there is to combat the EPL and the ELN. [75]

Due to the threats from this armed group, several peasant farmer families have been displaced. The Human Rights Commission of the Frente Fronterizo por La Paz reported that “between Friday the 10th and Saturday the 11th there was a situation where were being displaced and heading towards the Venezuelan side of the border” from “La Cooperativa” in Colombia to El Cruce – Municipality Jesús María Semprún (Zulia) – Venezuela.” [76] The Office of the United Nations High Commissioner for Refugees (UNHCR) confirmed the forced displacement. [77] Also, the Association of Traditional Authorities of the Barí People denounced the presence of neo-paramilitaries at points known as KM. 40, Las Timbas and La Ye. [78]

Parallel to this situation, a humanitarian refuge was created a few kilometres from the ZVTN in the small town of Caño Indio, where every day peasant farmers are arriving. The refuge has the intention of offering protection in the scenario of fear created by the presence of the neo-paramilitary groups, as well as documenting the serious situation in Catatumbo and demand that the Colombian state implement the agreement with guarantees that there will be a real and effective dismantling of the neo-paramilitary structures that are currently in their territory. [79]

The military called a security council which was attended by the presidents of the JACs of La Gabarra, and representatives of the Catholic Church and of the Colombian state, to plan and carry out actions with the local administration in order to guarantee security in this area of the Catatumbo region. The UN Mission in Colombia announced that they were deploying a commission to La Gabarra, stating that they were worried about what was happening and they had taken a decision to send a high-level delegation from their base in Bogotá to help in the continuation of this important movement.” [80] After all this, between the 17th and the 19th of February, there was an Extraordinary Verification Commission in Solidarity with Catatumbo, convened by several different social organisations who were concerned about the security situation which was being reported by the communities of the area. [81]

During a three-day period, the Verification Commission visited the communities that had reported neo-paramilitary presence: the small towns of Sapadhana (the community from the cooperative); Caño Tomás (the Bellavista community); Las Timbas, km 40, km

60; and Caño Indio. The communities ratified the reports that they had made previously to the Commission and rejected the Colombian state response of militarising the area, due to the fact that there already exists mistrust in the Security Forces because of the massacre of La Gabarra in 1999. [82] The Commission took statements of the direct witnesses to the arrival of these armed groups who presented themselves to the communities as "paramilitaries". The inhabitants of the area are extremely worried due to the fact that the Catatumbo region is known for being abandoned by the Colombian state, but at the same time a strong presence of Colombian Security Forces, which is the opposite

to what the communities are asking for, which is more unarmed presence of the Colombian state. The last stop for the Verification Commission was the humanitarian refuge in the small town of Caño Indio where they also took witness statements of people who had been present during the acts that were denounced publicly and that caused them to create the refuge. The communities also proposed the removal of the refuge, proposing that instead the Colombian state should respond with a series of measures that guarantee the security of the peasant farmers in Catatumbo and request that the Colombian government implement effectively the Peace Agreement that was signed with the FARC-EP.[83]



RECOMMENDATIONS

» It is fundamental that the Colombian government, with the support of the international community, attends to the risk situation that civil society is facing, in particular those who defend human rights. In order to do this, the Colombian government should implement what was agreed in point 3.4 of the Peace Agreement. This includes the creation of a National Commission of Guarantees (whose implementation was announced by President Santos on the 23rd of February 2017) and other mechanisms such as the National Political Pact, and better coordination between different entities of the Colombian state. If this doesn't occur, the possibility of reaching a real and long lasting peace could become far-fetched.

» In this initial stage of negotiations with the ELN, it is important to assure the support of the international community so that the process is safeguarded and to avoid that those who are against the end of the armed conflict can endanger the negotiating process. This new negotiating table is complementary to the agreements that already exists between the government and the FARC-EP, and it is important to state that successful advances in this process will contribute in an essential way to the construction of a long lasting and sustainable peace process in Colombia. On the other hand, the failure of this process could not only prolong the conflict between the Colombian state and the ELN, but also affect the implementation of the Peace Agreement that was signed in Havana. This is why we consider it important that the international community gives its support to this process and insists that the parties do everything possible to bring the negotiations to a happy end.

EU policy recommendations

» The EU and the Colombian government, in the process of monitoring and following up what has been evidenced by some state institutions as well as the OHCHR, international organisations, Colombian organisations and communities, should recognise the existence and continuity of the paramilitary phenomenon. They should also recognise the links that these organisations have at a local regional and national level with political and economic elites as well as sectors of the Colombian Security Forces. Only the recognition of this phenomenon can allow that effective measures are taken to combat it.

» The EU has to decisively recommend that the Colombian government attends the reports received from civil society and national and international organisations; carries out exhaustive investigations that clarify the interests and links of neo-paramilitary groups and Colombian political, economic and military elites; and involves itself in the work of gathering, registering, and reporting the crimes of these groups, a job that until now has been carried out by NGOs and Colombian communities, and that creates risks for the civilian population.

» The EU, in its monitoring of the Fiduciary Fund, should assure the increase of the presence of the

Colombian state, in particular the civil institutions) in the areas that have been abandoned by the FARC-EP due to its demobilisation. This is to avoid that these areas fall under the control of new armed actors of a neo-paramilitary character therefore protecting the communities that live in these territories.

» The EU should provide more economic and political support to the fundamental work that the OHCHR carries out in Colombia and the role that they have in monitoring the current context. They should also support the inclusion of a human rights component in the United Nations Monitoring and Verification Mechanism in Colombia.

» Despitethepositivestepstowards an end to the armed conflict between the Colombian state and the FARC-EP, and the beginning of negotiations with the ELN, the assassinations of human rights defenders and social and political leaders, as well as the increase in neo-paramilitarism, create a huge challenge in the construction of a real and long lasting peace in Colombia. The Colombian state and the international community should take into account the risk factors of socio-political violence in moments of negotiation and implementation of peace agreements, especially when history provides ample evidence.

U.S. Policy Recommendations

PBI makes the following requests of the U.S. government

- » Honor the commitments made during the peace negotiations to provide critical financial, technical and diplomatic support for the implementation of the peace accords, particularly the security guarantees for human rights defenders (HRDs) and community leaders, the transitional justice mechanisms that uphold victim's rights, and the demining efforts already underway.
- » Target U.S. assistance for judicial reform to measures that improve investigations and sanctions of crimes committed by neoparamilitary groups, in order to dismantle these groups and reduce impunity for their attacks on HRDs, and provide direct assistance to civil society actors under threat for their legal and legitimate work under international law.
- » Monitor the efforts by civil society to track, document and denounce crimes against HRDs, particularly those crimes attributed to neoparamilitary actors, and undertake field visits to regions with the highest levels of attacks against community and social leaders.
- » Consult with HRDs regularly regarding their safety, raise their concerns in bilateral meetings and dialogues with Colombian authorities and issue public statements condemning attacks against them.
- » Maintain current political and economic support for the United Nations' mandate in Colombia, and encourage the creation of a second UN political mission to verify security measures for ex-combatants, HRDs and territorial leaders, with an independent mandate that includes monitoring of Colombia's human rights situation by the UN Office of the High Commissioner for Human Rights (UNHCHR).
- » Declassify U.S. archives related to the Colombian conflict, and encourage President Santos to protect and ensure full access to relevant Colombian archives in order to support the Truth Commission and the Special Jurisdiction for Peace;
- » Offer strong diplomatic support to the Colombian government's efforts to finalize an agreement on a bilateral cease fire with the National Liberation Army (ELN) and to bring peace negotiations with the rebel group to a successful conclusion.
- » Utilize the U.S. military's close relationship with the Colombian armed forces to support a smooth transition to a post-conflict scenario, emphasizing the need to investigate military responsibility and ensure justice for human rights violations, while preventing retaliation against witnesses, victims, and human rights defenders.

Additionally, PBI asks the U.S. government to urge the Colombian authorities to

- » Ensure the increased presence of civilian state institutions in regions recently abandoned by the FARC , in order to prevent territorial control by other illegal armed groups, and immediately implement effective protection for members of local communities who have denounced threats against them and are at risk of further attacks.
- » Publicly recognize the systematic nature of attacks against HRDs and social leaders, and implement all previously agreed measures for their protection in a manner that is coordinated between the relevant Colombian state institutions.
- » Ensure the human and financial resources necessary to achieve urgently needed results from comprehensive, independent investigations undertaken by the Special Investigation Unit in the Public Prosecutor's Office, as agreed in point 3.4 of the peace accords, in order to fully dismantle paramilitary successor groups.
- » Publish a high-level report to identify the support networks for neoparamilitary groups in regions where they are most present, and the risks they pose to HRDs in these areas, and apply meaningful sanctions against any politicians, economic elites or sectors of the security forces with continued links to these groups.
- » Undertake thorough investigations, dismissals and prosecutions of military, police and other state agents linked to human rights violations and defamation of HRDs.
- » Purge intelligence files and military and police doctrines that identify HRDs, journalists and the political opposition as "the internal enemy."
- » Implement mechanisms to protect the right to peaceful social protest in a manner that is in line with standards elaborated by the Offices of the UN High Commissioner for Human Rights.

Footnotes:

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Making space for peace in Colombia

Peace Brigades International is a non-governmental organisation recognised by the United Nations, which has maintained a team of international observers/accompaniers in Colombia on an ongoing basis since 1994. PBI's mission is to protect the working environment of human rights defenders, who face repression due to their nonviolent human rights activities.

www.pbicolombia.org

PBI Delegation in Colombia
Bogotá, Colombia
Tel. (+57) 1287 0403
coin@pbicolombia.net

PBI Colombia Project in
Europe
Tel. (+34) 647 748 680
coordinacion.europa@pbicolombia.net

PBI Colombia Project
Washington, USA
Tel. (+1) 202 747 4780
repusa@pbicolombia.net