



INTERNATIONAL VERIFICATION
MISSION ON THE SITUATION OF
HUMAN RIGHTS PROTECTION IN
COLOMBIA

November 28 to December 2, 2011



Table of Contents

- List of Acronyms
- **1** Presentation and Acknowledgements
- **2** Introduction and National Context
- **3** Evaluation of the Situation of Human Rights Defenders
 - **3.1** Impunity
 - **3.2** Improper Use of State Intelligence
 - **3.3** Systematic Stigmatization
 - **3.4** Unfounded Judicial Proceedings
 - **3.5** Protection Program
- **4** Conclusions and Recommendations
- Endnotes

List of Acronyms

ASOAGRIJU:	Farmers' Association of Julia
BACRIM:	Criminal Gangs
CAJAR:	Lawyers' Cooperative of José Alvear Restrepo
CIDH:	Regional Corporation for the Defense of Human Rights
CREDHOS:	Corporación Regional para la defensa de los DD.HH.
CTI:	Technical Investigation Body
DAS:	Department of National Security
DICA:	Masters Program in Human Rights and International Armed Conflict Law
ELN:	National Liberation Army
ESMAD:	Mobile Anti-Disturbance Police Squadron
FARC:	Revolutionary Armed Forces of Colombia – People's Army
FENSUAGRO:	National Federation of Agricultural Unions
IACHR:	Inter-American Commission on Human Rights
LGBTI:	Lesbians, Gays, Bi, Transsexuals, and Intersex
MOVICE:	National Movement of the Victims of State Crimes
OACNUDH:	Office of the United Nations High Commissioner for Human Rights (OHCHR)
ILO:	International Labor Organization
REINICIAR:	Corporation for the Defense and Promotion of Human Rights - REINICIAR
SINALTRAINAL:	National Union of Food Industry Workers
UIS:	Industrial University of Santander
UNP:	National Protection Unit



1

Presentation and Acknowledgements:

The International Verification Mission on the Situation of Human Rights Protection in Colombia (the Mission) was carried out between November 28 and December 2, 2011. It benefited from the participation of 40* people from 15 countries, among them legislators, jurists and human rights defenders. The mission was carried out on the invitation of the National and International Campaign “For the Right to Defend Human Rights in Colombia” (the Campaign) in order to verify the situation of human rights defenders in the framework of the five thematic areas identified by the Campaign as key issues for human rights work in Colombia. These five thematic areas are: putting an end to impunity in cases of violations against human rights defenders, systematic stigmatizations, improper

use of state intelligence, unwarranted and unfounded judicial actions, and structural problems with the protection program for at-risk individuals.

The Campaign was generated to increase the visibility of the critical situation of human rights defenders and make recommendations to the Colombian State, in order to change public policies and give greater guarantees to legitimize human rights defense work in the country. The Campaign was launched in Colombia in September 2009, coinciding with the visit of the United Nations Special Rapporteur on human rights defenders, Mrs. Margaret Sekaggya. More than 250 organizations from nearly 20 countries participated in the original campaign.

*The following delegates participated in the Mission:

Bernd Olaf Pickert, journalist, Americas Editor of the newspaper “Die Tageszeitung”; Bridget Petherbridge, Director, Bar Human Rights Committee of England and Wales; Tica Font, Director, Instituto Catalan Internacional por la Paz; Diego Lorente, Coordinator of the Forced Displacement Program of Project Counselling Service (PCS) Camex; Tono Albareda, DCooperation Director, Taula Catalana por la Paz de Colombia; Martín Almada Director, Almada Foundation; Karen Salazar General Secretary, Asociación Francia Colombia Justicia; Albert Galinsoga, Jurist; Olivier Lagarde, CCFD; Diana Arango, Program Director, and Dana Brown, Executive Director, US Office on Colombia (USOC); Cornelis van Beuningen, Director, Socires Foundation; JJoao Malavindele ManuChristian Aid; Karinna Fernández, Head of Mission, Observatorio para la Protección de Defensores (OMCT-FIDH); Mauricio Valiente, Deputy from the Asamblea de Madrid por Izquierda Unida; Denis Langlais, Lawyers without Borders Canadá; Eric Sottas, Ex-Secretary General of the World Organisation Against Torture (OMCT); Mark Wilson, Christian Aid; Vincent Vallies and Delphine Raynal, The International Office for Human Rights - Action on Colombia (OIDHACO); Xavier Sulé, independent journalist; Mirta Baravalle, Madre de la Plaza de Mayo; Laura Lorenzi, International Action for Peace (IAP); Joan Boada, Deputy, Vice President of the Commission for Cooperation and Solidarity; Maria Jesús Pinto, Intern/ Volunteer, Entrepobles Mesa Catalana por la Paz de Colombia; Susana Pimiento, Action Director, Fellowship of Reconciliation; Erenia Vanegas, Coordinator of UDEFEGUA; Christiane Schwarz, Coordinator of KOLKO; Lisa Haugaard, Executive Director, Latin America Working Group; Luis Enrique Eguren, President of Protection International; Charlotte Gill, Colombian Caravana UK Lawyers Group. The Mission was also accompanied by members of Peace Brigades International- Colombia.



The Mission responded to the need to evaluate the state of the recommendations elevated by the Campaign. Specifically, it aimed to analyze whether the work carried out over the past two years has produced structural changes which better the situation of human rights defenders and document new patterns of aggression which impede the free exercise of human rights defense in the country.

The Mission visited eight regions: Antioquia, the Center (Bogotá, Cundinamarca, Boyacá), Chocó, the Caribbean Coast, the Northeast (Santander, Norte de Santander, Arauca), the East (Meta, Casanare, Guaviare), the South Central (Caquetá, Tolima) and the Southwest (Cauca, Valle del Cauca, Risaralda, Putumayo y Nariño). It collected testimonies and interviewed dozens of social and human rights organizations and victims' associations, as well as hundreds of human rights defenders, and local, regional, and national authorities. The Mission also met with international organisms and diplomatic delegates accredited in Colombia.

The present report registered the information gathered in the eight regions visited and, as such, is a reflection of the testimonies, interviews and observations collected by the different members of the Mission. This report complements a number of specific, regional reports, which reflect the testimonies and information received by the Mission in the field.

It is important to highlight that the Mission has adopted a wide definition of human rights defender, consistent with that of the United Nations¹ and reflected in the Campaign declaration.² This definition of defender includes all

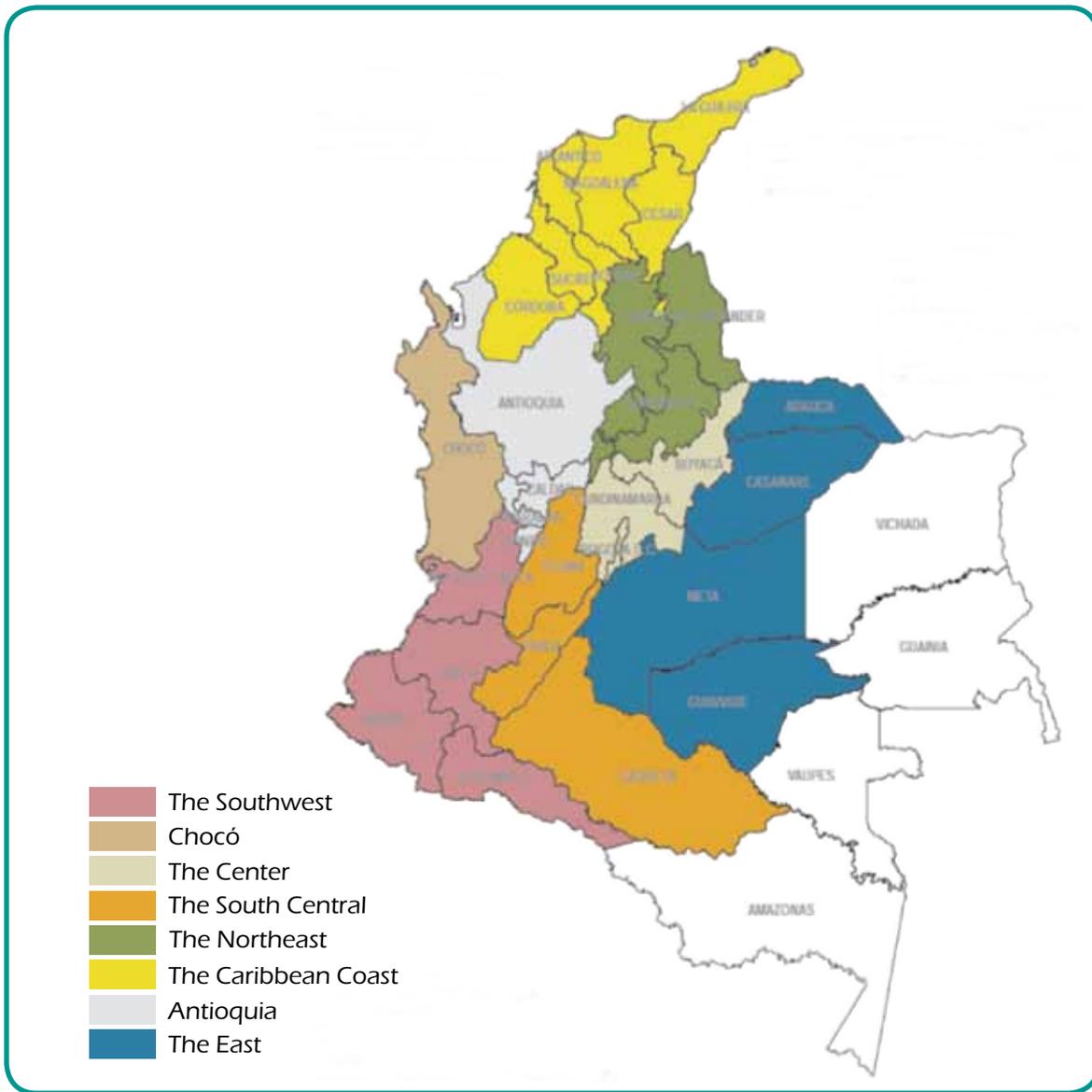
people who, individually or collectively, in a professional or volunteer capacity, act nonviolently to promote or protect human rights.³ This concept can include, among others, union leaders, journalists, leaders of Afro-colombian or indigenous communities, representatives of displaced communities or victims' associations, peasant leaders, lawyers, judges, members of nongovernmental organizations, local political leaders, members of faith-based or religious organizations, women's rights or lesbian, gay, bi-, transsexual, or intersex (LGBTI) activists, as well as teachers, students, and members of youth movements.

The Mission would like to express its thanks to relevant national, regional, and local authorities for their willingness to hold meetings and for the information they provided. The Mission would also like to recognize the deep commitment it observed among many public authorities and civil servants. These individuals labor tirelessly day after day, observing their duty to guarantee the respect for human rights and those who defend them in different regions of the national territory.

More specifically, the Mission would like to thank the hundreds of human rights defenders who shared their situation and concerns, the challenges they face in their work, and the dreams they have for a better country. The Mission is inspired by the diversity and richness of activities carried out in order to improve Colombia's human rights situation. Only if human rights leaders are provided legal guarantees, absolute freedom, and respect to exercise their important and legitimate labor, will it be possible to achieve rule of law and an inclusive and pluralistic democracy in Colombia.



Regions Visited by the International Verification Mission



Introduction and National Context:

2

The government of Colombian President Juan Manuel Santos—who was elected on a platform of continuity with the policies of democratic security introduced by his predecessor, Álvaro Uribe Vélez—surprised the national international community when it adopted a different discourse, recognizing the importance of human rights and the work of human rights defenders, as well as the existence of an internal armed conflict and its victims. This rhetorical shift was followed by important legislative advances, with the approval of the National Victims' and Land Restitution Law⁴ (Law 1448 of 2011), and the reopening of dialogue and communication with national and regional human rights organizations and victim's associations through the National Round Table on Guarantees.⁵

Despite these advances, it is disturbing that the situation of human rights in the country continues to deteriorate and that the discourse of the President and other high-level government authorities has slowly shifted over the course of the Santos administration. Recent pronouncements by the government favor an armed solution to the current conflict, question judicial rulings, and renew old stigmas against human rights defenders. These actions have serious consequences on the observance and respect for human rights in the country and on possibilities for negotiated solution to its ongoing conflict.

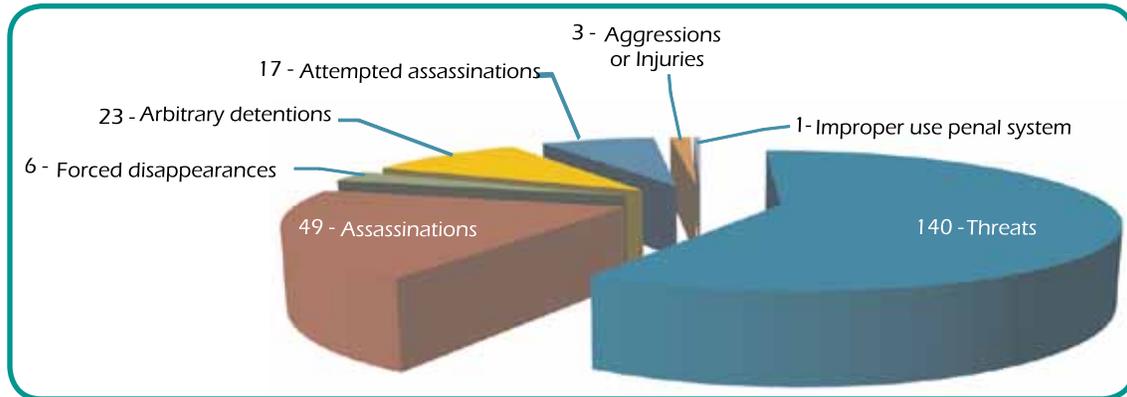
At the same time, the pronouncements of the government in favor of human

rights have not yet been translated into concrete national or regional policies which address the structural causes of violence and consequent violations of human rights and international humanitarian law. On the contrary, massive and systematic violations of human rights continue to occur, and the conditions of the civilian population are getting worse in conflict zones and other areas with high indices of socio-political violence. The Mission observed with great concern the continued attacks, systematic stigmatizations, and unfounded criminal proceedings against those individuals who, individually or collectively, denounce human rights violations and defend the rights and fundamental liberties of communities and victims of violence.

According to the data collected by the Somos Defensores (We are the Defenders) program in 2011, 239 human rights defenders suffered some type of attack or aggression. Among these cases, the program registered 140 threats, 49 assassinations, 6 forced disappearances, 17 attempted assassinations, 23 arbitrary detentions, 3 acts of aggression resulting in wounds, and 1 improper use of the penal system.⁶ This represents an increase of 36% in the number of attacks and aggressions as compared to those registered in 2010 (174).⁷



Acts of aggression against human rights defenders in 2011



Graphic No 1

Using testimonies collected from human rights organizations, victims' associations, and social leaders, as well as conversations with local, regional, and national authorities, the Mission verified that internal armed conflict persists, with harmful consequences for the civilian population.

The intensification of the war on the guerrillas and against drug-trafficking has had a negative impact on the humanitarian situation and the human rights of the civilian population, particularly in communities where the armed forces have a large presence. The Mission received numerous testimonies about the armed forces' violations of the principles of distinction and proportionality enshrined in international humanitarian law. In departments like Chocó, Meta, Cauca, Nariño, Putumayo and Tolima, where there is a heavy presence of armed forces and military bases, the violations recorded included the collection of personal information about civilians, restrictions on mobility, blockades and controls on foodstuffs and medicines, military action amidst civilian populations, and indiscriminate bombing which has resulted in the death of civilians and the forced displacement of communities.

Other violations included indiscriminate fumigations of basic food crops, forced disappearances, use of physical spaces like schools and private homes as shelter and quarters for troops, joint patrols between military and paramilitary forces, public stigmatizations through pamphlets calling for recognized human rights defenders to desist in their actions and accusing them of being guerrilla members. All of this occurs despite the existence of clear guidelines which, according to the Ministry of Defense, prohibit this type of conduct. The Mission was informed of continued cases of extrajudicial executions, frequently referred to as "false positives."

At the same time, the increased militarization in the Zones of Social and Territorial Consolidation⁸ - Montes de María, Nudo de Paramillo (Sur de Córdoba), Buenaventura, Nariño, Sierra Nevada de Santa Marta, Western Antioqueño, Central Cordillera (Sur del Tolima and Valle), Macarena and Río Caguán - has been accompanied by an increase in the number of human rights and international humanitarian law violations.⁹





Source: Acción Social – Presidential Agency for Social Services and International Cooperation

Translation of Previous Chart:

Mobilization Projects in Consolidation Zones

- MONTES DE MARÍA:** Return and restitution of land rights to displaced communities
- NUDO DE PARAMILLO (SUR DE CORDOBA):** Production for Peace initiative
- BUENAVENTURA:** Social service process to facilitate the return of families currently living in the tidal zone, on the Island of Cascajal
- NARIÑO:** Consolidation of legal peasant agriculture models and a culture of peaceful coexistence, through the strategy for voluntary substitution of illicit crops, "Yes We Can"
- SIERRA NEVADA DE SANTA MARTA:** Trustbuilding, indigenous protection, and environmental sustainability initiative, "Construction of an Environmental Belt Santa Marta Mountain Range"
- ORIENTE ANTIOQUEÑO:** Return and restitution of land rights to displaced community
- CORDILLERA CENTRAL (SUR DEL TOLIMA Y VALLE):** Improvement of roadways and regional and national communication
- MACARENA:** Territory free of illicit crops
- RÍO CAGUÁN:** Organization of "Governance Councils" in rural settlements in the Caguán River Basin

(Dark green on map indicates Zones of Social and Territorial Consolidation)



It is also concerning that the national government and particularly the Ministry of Defense refuse to revise the integrated action policy which gives a lead role to military forces in community dialogue and the formulation and implementation of development and infrastructure projects in the consolidation zones. The predominant role of the military in these initiatives has serious implications for the security of the civilian population and for civilian control.¹⁰

The **FARC** and **ELN** guerrilla groups maintain an active presence in a large part of the country, where they exercise control over territories, populations, and resources. The use of anti-personnel mines and the forced recruitment of minors are ongoing problems in these territories, especially in the department of Chocó, where they affect mainly Afro-colombian and indigenous groups. The presence of the armed forces in communities can provoke acts of reprisal by the guerrillas against the civilian population, especially youth. It was reported to the Mission that a large number of youth had been displaced from their communities in fear of forced recruitments carried out by the guerrillas as retaliation for the presence of military troops.

As reported by the Somos Defensores program, 4% of the attacks against Colombia's human rights defenders are attributed to the guerrillas.¹¹ Among the defenders most affected by guerrilla actions are those working to defend land and territory. In Cauca and Meta, the Mission heard testimonies about threats communicated by radio or pamphlets signed by the guerrillas. In Meta, the Mission received information about the March 2011 assassination of one displaced community's leader,

presumably by a "demobilized" member of the **FARC**. In the Northeast and Meta, peasants reported having been stigmatized by the guerrillas as belonging to paramilitary groups. In Caquetá, the Mission registered acts of violence by the same group against communities and leaders who opposed agroindustrial or mining projects. In Chocó, it registered the use of armed "strikes" in which the civilian population is forced to participate under threat. These "strikes" then often provoke retaliation by the armed forces or military groups because the communities are seen to "collaborate" with the guerrillas. At the same time, the "strikes" have serious impacts on the economy of the region, affecting the free movement of people and goods, the communities' food security and their access to basic health services.

On the other hand, it is evident that the demobilization of paramilitary groups has been a failure, since the political and financial support structures that allowed for their creation and expansion remain intact. The Law of Justice and Peace, with which the government aimed to disclose the truth about crimes committed by paramilitaries and punish all responsible parties, has also been a failure. After seven years in effect, only six guilty verdicts have been rendered.¹²

Paramilitary structures, contrary to what has been affirmed by the government, have not disappeared. Instead, these groups have reorganized themselves, acquired new weapons, and continued to strengthen their levels of force and control over large sections of the population in the territories under their influence. Evidence of this situation is the increase in the number of massacres and victims attributed to paramilitary groups in 2011, as recently reported by

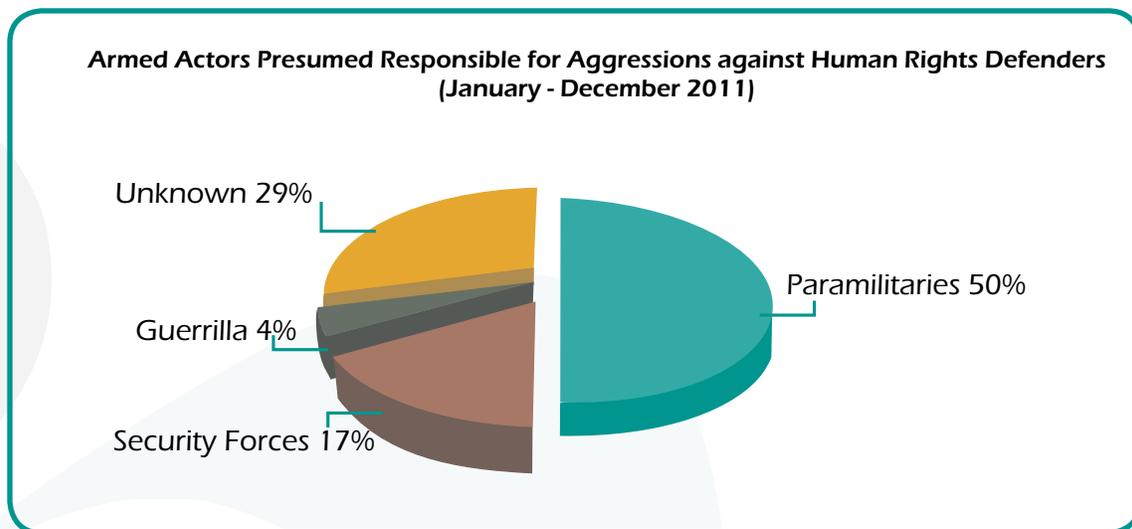


the United Nations High Commission for Human Rights' office in Colombia (OHCHR Colombia).¹³

Despite this evidence, the Colombian government denies the continued existence of paramilitaries, describing such groups as criminal gangs or "BACRIM," dedicated to common crime and drug-trafficking. However, according to the denunciations received by the Mission in the different regions visited, these groups have maintained

their ties to businessmen, politicians, civil servants, and members of the armed forces.¹⁴ The Urabeños, the Rastrojos, the Revolutionary Anticommunist Army, the Paisas, and the Black Eagles (Águilas Negras), among others, have extended their presence in different regions of the country. In these regions they have been responsible for the majority of human rights violations, attacks, and threats against human rights defenders over the past years.

The following chart, from the Somos Defensores program report, shows the participation of legal and illegal armed actors in aggressions against human rights defenders in 2011. It shows very clearly that paramilitaries are responsible for 50% of these aggressions.



2011 Annual Report – Somos Defensores Program - Graphic 2

In the meeting held with the Ministry of Defense,¹⁵ the Mission expressed its concern about collusion between the armed forces and paramilitary groups. The ministry representative noted that in departments such as Córdoba this type of corruption is already under investigation by a special, counter-intelligence unit of the armed forces. However, when the Mission mentioned the cases of Curvaradó and Jiguamiandó in the

department of Chocó, the representative expressed the impossibility of taking action until a formal investigation of illegal armed actors in the area is initiated.

The presence of paramilitary groups and their relationships with official security forces, political figures, and economic leaders are particularly evident in ongoing conflicts related to land restitution and extractive industries, such as mining



and agroindustry. In the majority of the regions visited, the Mission confirmed that the struggle for control and utilization of land and territory by both legal and illegal actors is currently the driving force behind violations of human rights and international humanitarian law. The Mission collected testimonies indicating that legal and illegal armed groups which operate in the regions visited sometimes provide direct support to mining and agroindustrial companies. The entry of these companies and their projects is thus facilitated by threats, attacks, and stigmatizations directed at communities that oppose them. In the case of indigenous and Afro-colombian communities, the Mission verified that ILO Convention 169 and jurisprudence of the Colombian Constitutional Court are being consistently violated in the absence of free, prior, informed consent by communities before the approval of projects in collective territories.

In the time elapsed since President Santos assumed office, at least 25 defenders have been killed for protecting their communities' territorial rights or attempting to recover usurped lands.¹⁶ Many of these defenders had requested protection from the national government, although in the vast majority of cases the requests were not responded to promptly or were denied. Even when official protection was granted, it was inadequate or insufficient.

In the departments of Antioquia, Chocó, Caquetá, Valle del Cauca and Cauca, the Mission received numerous reports of attacks, threats, or systematic stigmatizations of land rights or territorial defenders. One example is that of the communities which inhabit the Municipality of Cajamarca, in the department of Tolima. In this municipal district the Colombian government

had granted 600 mining titles to six foreign businesses. The communities that opposed the project had been attacked and threatened by members of state security forces and paramilitary groups. Among other organizations, the National Movement of the Victims of State Crimes (MOVICE) received threats just days before their annual mobilization on March 6, 2012, which aimed to draw special attention to demands for the protection, respect, and total restitution of lands of displaced populations. The threat received on February 28 by a paramilitary group calling itself the "Black Eagles - Capitol Front" expressly stated "stop f_ _ _ ing with the issue of land restitution because anyone attempting this will be assassinated by us."

The Mission fears that these types of attacks and threats will increase and become more widespread under the current development policies of the national government, given that the "engines of growth" are the exploration and exploitation of natural resources and other megaprojects. This situation is likely to deepen existing conflicts around land use and property tenure in the country.

Based on the testimonies collected, the Mission established that the attacks and threats are not limited to land rights and territorial defenders but extend also to environmental activists. For example, the Mission was informed of the case of Sandra Viviana Cuéllar, who was forcibly disappeared on February 17, 2011 in Cali. Sandra Viviana was an environmental engineer and at the time of her disappearance she was working to defend and protect the Cauca River Basin.

The community, indigenous, Afro-colombian, and student leaders who



have mobilized for the protection of the environment and other fundamental rights have been subject to attacks and systematic stigmatizations. One example is the case of protests against the possible open-face gold mine in the páramo (mountain top) ecoregion of Santurbán. In this case, different sectors have mobilized against the authorization of exploration and mineral extraction by the Canadian mining company Greystar since the end of 2010. In February of 2011, a march was organized by an alliance of social organizations and unions in the department of Santander on behalf of the environmental protection of páramo water sources, in opposition to the mine. A number of the participants of the “Defend the Water” march were injured by the Mobile Anti-Disturbance Police Squadron (**ESMAD**) and a large number of protesters were detained.

The students, workers, and teachers who led 2011 mobilizations against proposed reforms to the education system were also the object of numerous aggressions. In the protests carried out over a few months in different cities across the country, there were numerous abuses committed by security forces and particularly by the **ESMAD**. In Cali one medical student died in a protest under circumstances which have not yet been clarified.

In 2010 another 46 union members were killed, among them 25 teachers.¹⁷ In 2011, 29 union members were assassinated, the majority of them representatives of the education sector.¹⁸

The situation in Colombia is representative of grave concerns expressed by the United Nations Special Rapporteur on human rights defenders, who articulated her “high level of concern for the extraordinary risks

faced by different groups of defenders – journalists and media professionals, defenders dedicated to environmental and land use issues, and those who protect the rights of youth and students] for their work in the defense of human rights.”¹⁹

The situation of female human rights defenders is particularly worrisome. The Mission confirmed that attacks and threats against female activists were often extended to include members of their families, especially their children, as a means of intimidation and punishment for the work they carry out. Female human rights defenders in Colombia suffer double discrimination due to their gender and their role as activists. Legal and illegal armed groups may systematically stigmatize, attack, or threaten them based on their patriarchal views about the “proper” role of women in their communities. This situation is compounded in the case of indigenous and Afro-colombian female activists, who face discrimination based on their ethnic characteristics, as well their gender and their role as public dissidents.

Sexual violence used as a tool for intimidation and retaliation against female human rights defenders has also been reported widely. As the Mission observed, such attacks do not constitute isolated incidents but are in fact widespread across all the regions visited. Thus, it must be concluded that sexual violence is systematic, generalized, and used by all armed actors involved in the conflict. The Mission is also quite concerned about the reports it heard about public servants, including members of the armed forces and the police, who abuse female defenders when they approach public offices to denounce violations – effectively revictimizing them.



In addition to the aggressions and threats confronted by female human rights defenders due to their gender, these women are also subject to the same systematic stigmatizations, unfounded judicial proceedings, and attacks as their male counterparts. Almost 23% of the aggressions registered in 2011 by the Somos Defensores Program were against female activists.

It is also important to signal the grave situation of the human rights defenders who are also members of the **LGBTI** community. Like female activists, they

suffer multiple types of discrimination based on their sexual preferences, their gender, and the work that they perform. Among other aggressions suffered by LGBTI activists, armed actors frequently employ sexual violence, harassment, degrading treatment, and physical assault. According to the denunciations received by the Mission, the majority of attacks against this group have been carried out by paramilitary groups, although it is highly concerning to note that public forces, particularly the police, have also been involved in numerous LGBTI rights violations.



International Verification Mission Press Conference



Evaluation of the Situation of Human Rights Defenders

3

3.1 Impunity

The high level of impunity in cases of human rights violations in Colombia is alarming. For violations such as assassinations, forced disappearances, robberies, assaults, and threats against defenders, impunity exceeds 90% in some regions. Furthermore, among the authorities responsible for the investigation and punishment of human rights violations, the Mission observed a number of patterns of behavior which constitute obstacles and prevent access to justice for defenders who have been the victims of rights violations.

Nevertheless, it is important to point out that both the Attorney General's Office (Fiscalía General de la Nación) and the Inspector General's Office (Procuraduría General de la Nación) have adopted guidelines aimed at addressing the alarming levels of impunity for violations involving human rights defenders. Memorandum 030, which was adopted by the Attorney General's Office in August 2011, for example, establishes a series of recommendations for district attorneys' offices, to properly process denunciations and investigations about violations against defenders. At the same time, 2 new public prosecutors have been assigned to the Human Rights and International Humanitarian Law Unit, with the express mandate to investigate crimes perpetrated against human rights defenders. Although the current number of violations requires more personnel,

the Mission celebrates this decision as an important first step. The Mission also recognizes the importance of Directive 012 – dated July 15, 2010 – in which the Inspector General highlights the work of human rights defenders and urges state authorities to investigate denunciations of aggressions directed at them.

While the Mission recognizes the importance of this type of directives and memoranda, it is clear that the levels of impunity in cases related to human rights defenders require a more decisive intervention by the state. This is the only way to put an end to the patterns of behavior and other practices that currently impede effective access to justice by human rights defenders.

In all the regions visited, the Mission heard about cases in which the victim could identify the parties presumably responsible for the attacks and threats by name, but nevertheless the investigations failed to advance. In Antioquia, for example, there were 355 reported cases of aggressions against teachers and in 25 of these cases the presumed perpetrator could be identified. However, at the time of the Mission, these cases had not moved forward and the responsible parties had not been punished. In Chocó, the Quibdó Diocese reported information theft on two occasions. In both cases, the presumed author of the crime was established, yet at the time of



the Mission there had been no arrests made and no sentences.

In all the regions visited, the Mission collected testimonies attesting to the “leaking” of human rights defenders’ denunciations by public employees to the same legal and illegal armed groups responsible for the crimes in question. Such is the case of the leaders of the Paimadó Community Council in the department of Chocó, who have repeatedly been the victims of attacks and threats. These aggressions are the direct result of their work to defend their territory from the mining companies involved in the illegal exploitation of a mine to which the community holds legal title. When council leaders approached local authorities to denounce the company’s abuses, these reports were leaked to armed groups which used them as an intimidation tool against the local leaders. Similar circumstances were observed in the departments of Córdoba and Meta. In Meta, LGBTI defenders reported that only a few days after denouncing abuses by armed groups to the local police, some people on high-powered motorcycles came to their offices and, with an intimidating attitude, demanded information about the complaint filed. The motorcyclists presented themselves as representatives of the Attorney General’s Office but were unable to provide any identification.

This situation generates an understandable distrust towards state institutions among human rights organizations, victims, and communities. This results in an even larger number of violations which go unreported, contributing in turn to greater impunity.

In some departments the Mission registered testimonies confirming the

use of military courts to investigate cases of human rights violations. More often than not, such investigations are simply archived (Antioquia). In other instances the Inspector General’s Office transferred cases over to military jurisdiction (Meta). One such example is the case of the Meta Civil Committee. The offices of this organization were burglarized and the Inspector General’s Office transferred the case to a military court. Such actions violate the Colombian State’s binding obligations on national and international dispositions limiting the use of military jurisdiction.

The Mission is extremely concerned about recent government initiatives, led by the Ministry of Defense, which aim to expand military jurisdiction through constitutional reforms. These efforts represent a step backwards in terms of human rights protection in Colombia. This reversal is particularly disturbing for situations involving the investigation and punishment of military personnel responsible for grave human rights violations and international humanitarian law. If the reform were approved, it would present significant obstacles to victims’ access to justice and would generate a dramatic increase in impunity.

Another issue of particular concern to the Mission is the physical location of some district attorneys’ offices inside military bases. In Caquetá, Tolima, Huila, Antioquia, Norte de Santander and Arauca, numerous such offices were reported to operate on bases, including the local district attorney office 29—located on site at the Brigade 30 of the Norte de Santander Army—and the district attorney of Arauca—located onsite at the Brigade 18. In Tolima, Huila and Caquetá some district attorneys’ offices are located within the so-called



“security zones,” which are highly militarized. The location and operation of these institutions on military bases jeopardizes the independent, impartial, and effective investigation of crimes committed by members of the armed forces against human rights defenders. It also constitutes an obstacle to the reception of denunciations and the free participation of victims in judicial processes, without fear of retaliation. This is particularly so for local district attorney office 29, which functions within Brigade 30, the same military unit accused of 60 cases of extrajudicial executions.

In numerous regions, the victims of human rights violations reported abuses by the army following their visits to military installations to file initial denunciations. Similarly, some victims reported acts of retaliation by guerrilla groups following their visits to military bases. This dynamic was particularly evident in the department of Tolima.

The Mission is alarmed by the fact that public authorities continue to deny the existence of paramilitary groups. In Cauca, Valle del Cauca, Santander and Antioquia, the Mission collected testimonies in which local authorities dismissed allegations of abuse or threats by paramilitary groups against human rights defenders. In a meeting held with local authorities in Popayán in the department of Cauca, the representatives insinuated that defenders fabricated the threats in order to “get attention and win international trips.” In Santander, representatives of the police and the armed forces stated that there were no illegal armed groups present in their department. For this reason, all reported human rights violations are catalogued as common crime and therefore considered unrelated to the armed

conflict or situations of socio-political violence.

Based on their negation of paramilitary groups, the local authorities in these regions fail to mobilize resources and personnel to combat paramilitary structures and often dismiss calls for help by vulnerable sectors, such as human rights defenders, when they are threatened. Worse yet, as stated by the **IACHR**, “When authorities receive complaints from human rights defenders about acts presumably committed by [the self-described Águilas Negras] they simply deny their existence and do not take action on the investigations; to the contrary, they proceed to initiate criminal proceedings against the complainants for ‘making false accusations.’”²⁰ The supposition that no structure exists behind reported violations or that the reports themselves have been fabricated is paramount to denying the victims’ access to justice.

The investigations conducted within the district attorneys’ offices or the Human Rights and International Humanitarian Law Unit generally fail to consider the context of generalized violence in which the violations occur and the specific nature of the defenders’ activities. The investigation of multiple attacks, threats, or burglaries against the same organization or group of organizations and people in the same region are neither unified nor centralized in order to find patterns and identify the structures behind the violations. The facts are instead considered in an isolated fashion, and investigations are limited to establishing material responsibility for the crimes, without taking into account the context, motivation, or characterization of the victims. In other words, even in such cases where the material authors of the



crime are captured, the right to justice cannot be materialized. Justice, in this sense, requires the full truth regarding motivations and the identification of both the material and intellectual authors behind the violations.

The Mission also took note of cases in which the Attorney General was reluctant to receive denunciations, alluding to its case overload and incapacity to respond because of the sheer volume of work. This was confirmed by the Inspector General's Office. In meetings held with local authorities, especially the offices of the Ombudsman (Defensoría del Pueblo), the Public Defender's office (Personería), and district attorneys' offices, a common theme was the lack of technical resources and personnel to advance on the investigations initiated.

It is impossible to deny that the lack of resources constitutes a significant obstacle in the struggle against impunity. However, it was evident that in some cases the lack of political will amongst the government agencies responsible for investigating and punishing crimes was the main reason for the poor results achieved.

Of particular concern to the Mission is the ineffectiveness of the Colombian judicial system with regards to the full process of opening, carrying out and finalizing investigations regarding the material and intellectual authors of individual and collective threats against human rights defenders. The Mission could not confirm a single case in which the perpetrators of such crimes were found and punished. In this sense, it is worth noting that in the Northeast region of the country one organization waited two years for judicial investigations to advance, with no results. When a private investigator was hired, the person

responsible for the crimes was identified in only a few days. Unfortunately, this situation provides stark contrast with the apparent diligence with which investigations proceed when a human rights defender is the one being accused.

Due to the inefficiency of the judicial system and the alarming levels of corruption within the agencies responsible for investigating and punishing violations against human rights defenders, Colombia is subject to an environment of generalized impunity. This situation stimulates and encourages the commission of new violations. A large number of defenders prefer not to denounce the attacks they suffer because of the justifiable distrust they harbor towards local, regional, and even national institutions. In addition to this, there is a generalized sense of fear about reporting acts of aggression, due to the risk of retaliation by armed groups. This is evidence of the link between state institutions and armed actors present in the region. The most worrisome aspect is the high number of violations carried out by members of the armed forces—as shown in Figure 2—and the fact that many military units still maintain links to paramilitary groups.²¹

The Mission would like to place special emphasis on the high levels of impunity registered for crimes committed against female human rights defenders and defenders of the **LGBTI** population, especially in cases of sexual violence, harassment, and degrading treatment. The Mission took note of numerous instances in which human rights defenders have approached public offices to denounce such violations and have been revictimized by public officials. In some cases, these officials seem to be replicating the same discrimination patterns, while in others there is simply



no clear protocol for action in cases of sexual violence.

The Mission believes that the most important measure of protection and support to the human rights defenders of Colombia is the prompt investigation

and punishment of those responsible for assassinations, threats, robberies, and stigmatizations. The generalized impunity for these crimes is the principal risk factor for human rights defenders today.

3.2 Improper Use of State Intelligence

The Mission recognizes and celebrates the dissolution of the Department of National Security (**DAS**). Nevertheless, the Mission is concerned about some of the provisions contained in the new Intelligence Law. These provisions seem to be aimed more at consolidating the current state of impunity than at preventing illegal acts by state intelligence agencies.

The Mission is particularly concerned by the fact that former employees of the now closed DAS have been transferred indiscriminately to agencies such as the Attorney General's Office, the National Police, and even the Protection Unit for human rights defenders, newly formed within the Ministry of the Interior. It was reported to the Mission that over 600 former DAS agents have been transferred to the Protection Unit.²² Although some judicial advances have been registered in the investigation and punishment of responsible parties, the files on human rights defenders compiled by the DAS have still not been purged. Also, as signaled by the OHCHR, there are still significant challenges ahead in the implementation of the new intelligence law.²³

In the same sense, the Inter-American Commission on Human Rights (IACHR) "has repeatedly expressed its concern over the lack of mechanisms by which individuals can gain access to intelligence

information kept on them and thereby can request that it be corrected, updated, or, if applicable, removed from the intelligence files."²⁴ The Mission shared the concerns of the **IACHR**, since the information collected by the **DAS** may have been leaked by employees of this institution "to individuals, illegal groups, or other interested parties," putting the individuals mentioned in these documents at risk.²⁵ Judicial advances on this front have been very limited.

Similarly, the Mission verified that human rights defenders continue to be followed and have their communication intercepted. The abuses are not limited to the recently dissolved **DAS** but in fact extend to other intelligence agencies associated with the armed forces and the police. In Antioquia, Cauca, Valle del Cauca and Caldas, the Mission heard testimonies from different human rights defenders indicating that their communications were still being intercepted. They reported hearing voices and interferences while speaking on the telephones provided to them as part of their protection measures. They also reported sometimes receiving calls directed at the national police. In Bogotá, the defender Rafael Barrios, an attorney from the Lawyers' Cooperative of José Alvear Restrepo (**CAJAR**), and his wife Kimberly Stanton, also a human rights defender, were victims of communication interceptions. In May 2011, Mrs. Stanton



received an anonymous call which reproduced a conversation she had had with her husband inside the car provided by the Ministry of the Interior as part of their protection measures.

The Mission is concerned by the fact that abuses against human rights defenders by public security forces were reported in all the regions visited. These abuses include spying on them or tracking their movements, communication interceptions, photography and videotaping, illegal raids, and the registration of home addresses. The Mission heard a number of testimonies denouncing the presence of members of security forces in public and private events, meetings, and marches. At these events, the members of security forces were reported to take photographs or videos or, on some occasions, write a list of all the people present. Such is the case of the Regional Committee for Attention to Victims in the Department of Meta, which denounced the presence of local police in an event carried out on July 21- 22, 2011. Not only were the police present, but they requested personal information from the people in attendance, while individuals in civilian clothes took photographs of participants. The Movice Chapter in Norte de Santander also complained that a number of its events had been infiltrated by police. In Antioquia, students and peasants opposed to megaprojects and mining denounced the photography of their events by state agents. In the municipality of Argelia in the department of Cauca, the members of the Inter-Ecclesiastic Commission for Justice and Peace reported being followed. The defenders maintain that the headquarters of the organization is constantly monitored by a vehicle with official plates.

In Cauca, Meta, Córdoba, Tolima and Caquetá, the Mission heard reports of information-collecting by public security forces. It spanned from the request for personal information from leaders at specific events to the house-by-house “census” of entire communities. In the municipality of La Sierra, in the department of Cauca, members of the IV Brigade gathered information about the residents of 13 towns, presumably at the request of the company **CARBOANDES**. However, two weeks later, armed men entered the homes of some of the community leaders, who managed to escape.

Intelligence reports by security forces, including the police, against human rights defenders were registered in the regions visited. In Caquetá, for example, the Mobile Brigade Number 22 issued a military intelligence report in which it claimed that several defenders were “part of the **FARC** guerrilla structure.” After the report was published, these defenders started to be harassed and began receiving threats. These types of reports have also served to initiate judicial proceedings against human rights defenders, despite the existence of clear jurisprudence and guidelines from the National Office for Attorney Generals which prohibit the use of military intelligence as proof in criminal proceedings.

The Mission was informed of the case of Dr. Jahel Quiroga Carrillo, the director of the Corporation for the Defense and Promotion of Human Rights (**REINICIAR**), who for some time has known that her name figures in intelligence archives and “battle orders” of the national army. Said documents falsely identify her as a member of the **FARC**. At the end of 2009, she discovered that the Intelligence Office of the now-extinct **DAS** had



been collecting information about her activities and those of the other members of **REINICIAR** since 2004. Among other “antecedents,” the file noted the case filed by this organization before the **IACHR** for the genocide against the Unión Patriótica, or **UP**. Around the same time, the Intelligence Unit of the National Police made undercover tape recordings during an event and, on a number of occasions, has tried to bring legal proceedings against her on the basis of declarations made by individuals that “agree with” or presumably collaborate with security forces.²⁶

In all the regions visited by the Mission, there were reports of robberies in the headquarters and offices of organizations or associations of human rights defenders. Notably, these cases were systematically registered by authorities as isolated criminal acts and no progress had been made in the search for and punishment of responsible parties. It was evident to the Mission that the robberies were not isolated criminal acts, but instead part of a systematic effort to obtain information about the work of the organizations,

3.3 Systematic stigmatizations

Although President Santos made numerous declarations recognizing the importance of human rights defenders at the start of his administration, calling for the government to “disarm the spoken word,” in keeping with the recommendations of the United Nations Special Rapporteur on human rights defenders, the systematic stigmatization of defenders continues today. This occurs in spite of instruments, such as the Inspector General’s Directive 012— from July 15, 2010²⁷—which urges public servants to respect and guarantee the work of human rights defenders and

access confidential information about the victims, and prevent progress on cases.

The Mission is extremely concerned about the case of Jacqueline Rojas Castañeda, of the Popular Women’s Organization, and her husband, Carlos Galvis, a union leader of **SINALTRAINAL**, both of whom live in the department of Santander. On November 9, 2011, armed men entered the couple’s home, threatening their daughter with a firearm, and proceeded to tie them up, vandalize the house, and destroy computer hard drives and USB sticks. The vandals questioned Jacqueline Rojas various times regarding the whereabouts of her husband.

Similarly, robberies were reported by other organizations such as the Diocese of Quibdó in Chocó (two times), the Movice Chapter of Caldas, the Permanent Committee for the Defense of Human Rights of Caldas, the Association of the Displaced in the province of Ocaña (Santander), Open Workshop (Valle del Cauca), and the Network for Life and Human Rights (Cauca).

their organizations and to abstain from any conduct that could delegitimize, disqualify, damage, or encourage the harassment or stigmatization of defenders.

The systematic stigmatization against human rights defenders by public officials is evidence of the unwillingness of state institutions to comply with obligations related to human rights and the work of defenders. At the same time, these attitudes tarnish the public image of human rights defenders in Colombian society and put their physical integrity



and safety at risk. This has been observed by international organizations such as the **IACHR**.

One resounding example of the negative impact and danger presented by public officials' systematic stigmatization of human rights defenders is the August 2010 assassination of Norma Irene Pérez, in the municipality of Macarena, in the department of Meta. On July 22, 2010, the National Senate called a public audience to denounce human rights violations in the eastern plains region, and Norma Irene Pérez participated in the hearing. On July 25, 2010, then-president Álvaro Uribe Vélez visited the area and stated that "terrorism has spokespersons calling for peace, and others who come here to the Macarena to discredit the public forces." On August 7, 2010, Norma Irene Pérez was disappeared and on August 13 her body was found.

In all the regions visited, the Mission collected testimonies about systematic stigmatizations of human rights defenders by public officials, especially the armed forces. In the city of Ibagué, in Tolima, only a few days before the Mission arrived, the newspaper *El Nuevo Día* published an interview with a retiring commander from the VI Brigade in which he affirmed that the main challenge of the incoming commander would be to dismantle the clandestine structures of the FARC within human rights organizations and unions. In Putumayo, the mayor of Mocoa called the 5,000 people who participated in the Patriotic March "subversives." The march had been organized by social organizations, indigenous groups, peasant organizations, and Afro-colombians from Putumayo.

In Río Blanco, Tolima, the Mission registered the testimony of one human

rights defender who confirmed having received a number of telephone calls inciting him to "demobilize" for the sum of 450 million pesos. The same defender had been subject to harassment, presumably by members of Brigade 66, which is present in the zone of Río Blanco. The Human Rights Committee of the Department of Atlántico described systematic stigmatizations of human rights defenders by the Barranquilla mayor's office, which insinuated that their work threatened public order. The same organization reported stigmatization by the army against defenders who refused to provide personal information in the context of illegal data-gathering operations. Such is the case of the military quarters located near the Cohembi military base in the department of Putumayo, where personal information is often collected about the civilians in transit on roadways. On November 8, 2011, members of the indigenous guard (*guardia indígena*) refused to provide personal information to military officials who promptly registered them as guerrilla fighters.

Using testimonies collected in different regions, the Mission determined that a new wave of stigmatizations against land rights activists and environmental defenders was occurring in the context of the growing extractive industry interests. One example is that of the mobilizations around the páramo mine in Santurbán, in the department of Santander. It is profoundly troublesome that public forces are involved in this wave of stigmatization and that, in many cases, seem to be operating in conjunction with the companies with stake in natural resource exploitation in these areas.

In the departments of Chocó, Antioquia, Santander and Cauca, the Mission collected innumerable testimonies from



defenders denouncing stigmatizations by public security forces, local and regional public authorities, and private companies. These defenders were indiscriminately accused of being “obstacles to development,” “friends to subversives,” and “enemies of progress.” In Frontino, in the department of Cauca, one Community Council leader suffered sustained harassment, presumably by the Community Action Association. She was accused of being the one who “doesn’t let the money come in,” in an allusion to the proposed entry of a mining company in collectively held territories. In Putumayo, the Mission heard reports of systematic stigmatizations of peasants and indigenous groups by security forces and employees of petroleum companies, who qualified them as members of the guerrillas or accomplices.

Another example of this situation is the case of the Santander Industrial University (UIS). It is public knowledge that the university director was approached by a well known paramilitary leader, who goes by the alias “Félix.” The university director was asked to provide a list of names of left-leaning students and professors so that the “pistol plan” could be executed. It is important to note that only a few days before this conversation occurred the former director of DAS, Felipe Muñoz, claimed that the UIS was infiltrated by the guerrillas. These stigmatizations have occurred in the context of protests led by students and professors to denounce the water contamination generated by corporate mining operations in the department.

The Mission was deeply concerned about testimonies confirming that, in rural areas with significant presence of insurgents, some security forces have been distributing pamphlets with the names and pictures of leaders or

making radio announcements calling for entire communities to “demobilize.” The Mission heard reports that Army Brigade III, in the department of Valle del Cauca, had distributed pamphlets accusing local leaders and entire communities of being members of the guerrilla. The distribution of such flyers calling for the demobilization of civilian populations puts these populations in the line of fire, at risk of retaliation by armed actors, both the guerrillas and paramilitary groups. When the Mission expressed its concern in a meeting held with the Ministry of Defense, the institution’s representative insisted that the “invitations for demobilization” are an effective strategy in the struggle against insurgency, clarifying that such calls should be directed at the general population rather than at specific individuals. The Inspector General’s Office, to date, reports no punishment for military leaders responsible for these types of actions.

The Mission is also deeply alarmed by the unfounded accusations made by certain public authorities and members of the armed forces that human rights organizations are waging a “legal war” against members of the security forces. It is of profound concern that the legitimate denunciations put forth by these organizations, signaling human rights violations and breaches of international humanitarian law by members of the armed forces, should be delegitimized based on the argument that this is a “legal war” being waged by human rights defenders with links to insurgents or drug-trafficking groups. Even more worrisome is the fact that this strategy is being led by Brigadier General Puentes Torres, the director of the Masters program in Human Rights and International Armed Conflict Law (**DICA**) at the Escuela Superior de Guerra,



the school responsible for education and training of Colombia's military officers.²⁸

Throughout its time in Colombia, the Mission heard many disparaging remarks about human rights defenders in meetings with regional and local public officials. The Mission also observed a growing tendency to qualify victims and the organizations that accompany them as "opportunistic" or bent on taking undue advantage of public funding. Such was the case of the community of Las Pavas, in the department of Bolívar, and of the massacre in Mapiripán.²⁹ The Mapiripán case was affirmed by a sentence from the Inter-American Court of Human Rights.

For the Mission, it is clear that in cases of human rights violations Colombia's state institutions have the ultimate responsibility for establishing the circumstances in which actions occurred, correctly identifying the victims, and guaranteeing their right to truth, justice,

and reparation. For this very reason, it is deeply troubling that high-level officials of the Colombian state would disqualify or delegitimize both the victims and the organizations that defend their search for justice in this fashion. A recent report by the **IACHR** makes reference to the Mapiripán case, saying that it "considers that statements such as these, made before conducting proper investigations, can have a negative impact in the work of Colombian human rights organizations, which over these last decades have carried out their work of defending human rights in situations of serious risk and has cost many lives, which has led the Inter-American Commission to repeatedly ask the Colombian State to respect and protect their efforts."³⁰

The Mission registered no cases in which public authorities or members of the armed forces had been punished for systematically stigmatizing human rights defenders.

3.4 Unfounded criminal proceedings

The Mission found that the initiation of unfounded criminal proceedings against human rights defenders is still a common practice in Colombia. These judicial proceedings against defenders are generally built on the basis of intelligence reports and uncorroborated testimonies by demobilized or supposedly demobilized armed actors, members of either paramilitary groups or the guerrillas.

In a few of the regions visited, the Mission observed an increase in the number of unfounded criminal proceedings, especially detentions and collective accusations. This occurs in spite of the Inspector General's Directive 012, which

urges public servants to abstain from false accusations or charges which might jeopardize the security, honor, or public reputation of human rights defenders. It is also worth noting that Colombia has clear jurisprudence which warns of the dangers of biased testimonies from demobilized individuals pertaining to any armed group.

In a number of cases, first circuit courts have established the innocence of human rights defenders charged with criminal conduct. Nevertheless, the Mission noted with concern that on other occasions, officials from the Inspector General's Office or the Attorney General's Office have decided to appeal



court rulings and reopen case files, even when previous investigations have been unable to establish the veracity of testimonies or intelligence reports. Such is the case of Príncipe Gabriel González, from the Northwest region, who is now serving a seven-year prison sentence for rebellion. Príncipe Gabriel González, who is part of the Committee in Solidarity with Political Prisoners, had been absolved by a first circuit judge, but was later found guilty by another court, after the case was appealed by the Attorney General. Consequently, he is now serving time for unfounded criminal accusations.

The Mission heard testimonies indicating that, even after being found innocent, human rights defenders continue to suffer harassment from security forces. One example is the case of José Samuel Rojas Mora, the Vice President of the Regional Committee for Human Rights Protection of Guayabero, in Meta, who was detained by two policemen on June 6, 2011, without an arrest warrant and accused of being a member of the guerrillas. He was taken to the police station and threatened with judicial actions. José Samuel Rojas Mora had been detained previously, on September 10, 2010, by members of the Technical Investigation Unit (CTI), on the basis of a warrant issued by the district attorney 43 of Villavicencio on July 29, which accused him of rebellion. He was absolved in February 2011 based on lack of evidence.

The Mission also received information about unfounded judicial proceedings against human rights defenders based on uncorroborated testimonies by demobilized paramilitaries, hoping to reap the benefits of Law 975 for Justice and Peace. The cases mentioned included the following:

* Winston Gallego, a human rights defender who works with vulnerable communities in the department of Antioquia and is a member of the Sumapaz Foundation, who was arrested and charged with subversion on the basis of a military intelligence report and an agreement with the Attorney General's Technical Investigation Unit.

* David Rabelo, a member of the Board of Directors of the Regional Corporation for the Defense of Human Rights, in Barrancabermeja, who was accused by a demobilized paramilitary member of instigating the death of Barrancabermeja's Secretary of Public Works. Although the defense has proven that the testimonies are false, the charges have not been dropped and threats against the defender and his family continue.

* Carmelo Agámez, a member of the National Movement of the Victims of State Crimes (MOVICE) in Sucre, who was accused of belonging to a paramilitary group – the same groups which, in his lifelong labor as an activist, he has been dedicated to denouncing. Carmelo was recently freed for having completed his punishment, despite having never received a sentence.

* Yira Bolaños, the president of the SUYANA Lawyers' Collective, who was arrested in June 2011 for rebellion and for supposedly forming part of the FARC. After the Mission requested permission to visit this human rights defender, Yira was transferred to the Jamundí jail in the city of Popayán, only days before the Mission arrived.

* Carolina Rubio, member of the Committee in Solidarity with Political Prisoners of Santander, who at the time of her arrest was eight months pregnant. Carolina was accused of belonging to the FARC. The case was subsequently archived in August 2011.

The Mission also heard denunciations in numerous departments about detentions and collective judicial proceedings against



human rights defenders. In Putumayo, 80 arrest warrants were issued against social leaders. In the same department, four members of the Departmental Roundtable were illegally detained. En Meta, the Mission heard reports about the detention of 17 people, on October 16, 2011, in the municipalities of Mesetas and Uribe. Among the individuals detained were Rubén Darío Osorio, President of the Farmers' Association of Julia (ASOAGRIJU), Carlos Julián Useche, a member of the ASOPROAJU affiliated organization, **FENSUAGRO**, and José Querubín Ramírez, Vice President of the Neighborhood Council of Manantial, in the municipality of Mesetas. Similar situations were observed in the departments of Antioquia, Santander, Caquetá and Tolima, while in the northwest region of the country, the Mission noted an increase in the number of unfounded criminal proceedings against defenders of land, territory, and environmental rights.

The use of paid informants by the armed forces has also been utilized to initiate judicial proceedings against human rights defenders. Such is the case of some indigenous communities in Chocó, which have seen their leaders accused of belonging to the **FARC** by young people paid by the army. Payment to informants often occurs in areas where young people have limited or nonexistent opportunities for employment. These payments therefore constitute a system of resource transfer independent of any aim to access truthful information about activities related to public security. It is therefore extremely worrisome that local, regional, and national authorities fail to investigate the information provided by paid informants before initiating legal proceedings against the human rights defenders in question.

The Mission expressed its concern to the Ministry of Defense about the system of informants used against human rights defenders but, unfortunately, the Ministry maintains its position that the armed forces have made great progress on the basis of information provided by civilians. The Human Rights and International Humanitarian Law Unit of the Ministry of Defense maintains that its payment policy offers rewards to informants only once information has been verified by intelligence services and the corresponding arrest warrant has been issued by the Attorney General. However, numerous testimonies about unfounded criminal proceedings against human rights defenders indicated that the use of false or unverified information continues to be a generalized practice.

The Mission took note of various cases of individual detentions or collective proceedings against defenders exercising their legitimate rights to mobilization and social protest, in opposition to mining or infrastructure projects, conflicts around land and territory, or youth participating in education-related protests, among others. Such is the case of Caquetá, where the Attorney General mandated the detention of five human rights defenders accused with crimes of rebellion. Although the proceedings against the defenders have not yet begun, they are still being detained. The Mission received reports of collective criminal proceedings in the departments of Antioquia, Meta, and Putumayo. In Antioquia, in the municipality of Ituango, it heard reports of proceedings against an entire community opposed to a local hydroelectric project. In Putumayo, at the time of the visit, arrest warrants were pending for the capture of 80 leaders. In the same department, the Mission also received information pertaining to the capture and illegal detention



of four members of the Departmental Roundtable on Guarantees for Human Rights Defenders, between February and November, 2011.

The Mission detected a high degree of concern among defenders about the enactment of the Citizens' Security Law³¹ which establishes multiple-year prison sentences for crimes such as "interference with official acts" or "the obstruction of public roads which jeopardizes the public order." This law opens the door for even more criminal proceedings against human rights defenders or individuals who choose to participate in peaceful protests on behalf of the protection and defense of fundamental rights. The criminalization of protests by means of the Citizens' Security Law creates an environment of increased social stigmatization against vulnerable sectors of Colombian society, including poor youth and the working class, groups that in the spirit of the law have been transformed into "potential criminals."

As mentioned previously, the velocity at which the judiciary body proceeds in criminal cases brought against human rights defenders is in stark contrast to the general impunity which characterizes cases in which they are

the victims. In a meeting with the Attorney General's Office, the Mission was presented with Memorandum 030 of 2011, which establishes a protocol for the investigation of cases brought against human rights defenders. The Mission celebrates this memorandum and earnestly hopes that it will be shared widely within the Attorney General's Office and its regional sites, that public prosecutors will receive effective training with regards to its implementation, and that it will be applied immediately in existing judicial proceedings against human rights defenders.

As highlighted in the previous section on systematic stigmatizations, and has also been noted by international organizations like the **IACHR**, when criminal proceedings are implemented in such a way as to publicly harass human rights defenders, this jeopardizes their physical and moral integrity and may delegitimize their work in the public eye. Such proceedings also place obstacles in the path of legitimate labor carried out by human rights and community organizations, by forcing them to invest time and scarce resources to the defense of their members. Lastly, these actions clearly serve to intimidate defenders and may dissuade other activists from continuing their work.

3.5 Protection programs

The protection program for individuals-at-risk is extremely important and has undoubtedly helped to save lives. Nevertheless, the Mission regrets that the program is limited to physical and material measures, and precludes other actions which are necessary and fundamental for the protection of human

rights defenders. Complementary actions could include public statements by local or national authorities, recognizing the efforts of the defenders, especially in cases of stigmatizations or unfounded criminal proceedings, or measures that encourage the prompt investigation and punishment of any attacks on them.



The Mission verified the need to cater protection measures to the specific needs and differentiated risks faced by different types of human rights defenders. It took note of various cases where the protection measures provided did not meet the needs of female defenders, activists from the **LGBTI** community, or indigenous or Afro-colombian leaders. For example, in Chocó, white bodyguards were assigned to an Afro-colombian leader, making the protection strategy extremely obvious. In other cases, bullet-proof vests were issued in areas with hot and humid climates. In one case, indigenous human rights defenders were assigned cellular phones as a measure of protection but had to walk a minimum of five to eight kilometers to get reception.

The Mission also heard reports on a number of cases in which female or **LGBTI** defenders were denied protection after reporting sexual harassment as a risk factor. The Mission worries that the current offer of protection measures does not address specific considerations of gender, sex, or ethnicity, and that they exclude defenders' families, even their children. The Mission verified that the differentiated risks faced by female defenders and defenders from the **LGBTI** population are not taken into account when evaluating cases, which means that these individuals face situations of double discrimination when soliciting protection from the state.

The situation of land and territorial defenders and the communities they represent is an area of particular concern to the Mission. It is evident that these groups have been seriously affected by attacks and threats in the last two years. In this context, it is vital to move forward on the design and implementation of individual and collective protection programs which respond to the specific

needs of communities seeking to return to their lands and territories, especially given the recent passage of the Law of Victims and Land Restitution. In this vein, the Mission commends new norms generated by the Ministry of Agriculture and Rural Development related to the protection of community leaders reclaiming land rights.³²

In the case of protection programs, the Mission observed that risk evaluations were often carried out in a slow and bureaucratic fashion. This often generates great discrepancies between the high levels of risk perceived by defenders and their organizations and the low levels of risk assigned by the program. In the cases of some human rights defenders—particularly Afro-colombian, indigenous, and land rights leaders—the ministry has offered no response, despite the imminent risk faced by these individuals. In the departments of Chocó, Meta and Caquetá, the Mission discovered that the grand majority of requests for protection had been denied based on evaluations that found the levels of risk to be “ordinary.” This occurred even in a number of cases in which the human rights leaders in question had suffered assassination attempts. The Mission also noted that, on many occasions, the protection measures provided were insufficient, given the level of the individual. Such was the case of Edgar Montilla González, a lawyer from the Human Rights Protection Committee of Nariño – **CPDH**, who was attacked, threatened, and had two computers stolen from his office, but was nevertheless denied increased protection measures. In Meta, the Mission recorded the case of a defender who, in the face of imminent risk, needed to leave the region within 24 hours, but who was instead relocated eight days after presenting his request for protection.



The Mission heard testimonies about requested protection measures which were implemented only after the defender in question suffered further aggression. It is clearly problematic that risk evaluations are carried out by the police in cases where they are presumably the aggressor. The Mission also heard stories from human rights defenders who had received a letter from the ministry, inexplicably announcing the withdrawal of protection measures, without any explanation of the motives for the decision. In the majority of such cases, the defenders were still in situations of risk.

The Mission learned of other cases in which the defenders were attacked by the same guards assigned to protect them. In Santander, one defender was beaten by a bodyguard and another was extorted by members of his security detail. The Mission would like to draw particular attention to the case of Martha Giraldo, a human rights defender from the Valle Chapter of Movice, who has been threatened on various occasions and whose trusted bodyguard was suddenly changed. The new bodyguard assigned was later found to be under investigation for his presumed participation in the kidnapping of a union leader. There are continued reports of security details being used to carry out intelligence-gathering activities aimed at human rights defenders. Such are the cases of the organization Sembrar and the Lawyers' Cooperative of José Alvear Restrepo.

In October 2011, the National Government published Decree 4065, thereby creating the National Protection Unit (UNP). This unit falls under the authority of the Ministry of the Interior and has the mandate to “articulate,

coordinate, and provide protection services,” unifying the other existing protection services.³² It is important to note that this decree incorporates many recommendations put forth by human rights organizations and defenders. However, the Mission considers it vitally important to maintain and improve the protection measures aimed specifically at human rights defenders, despite the broader reach of the UNP under the new law. One notable characteristic of Decree 4065 is the creation of decentralized protection units in each of Colombia's departments. Before the reformulation of protection programs, access to these measures was generally oriented towards large organizations in urban areas, rather than smaller organizations in isolated or rural zones. Hopefully, new decentralization initiatives will rectify this problem. There is one final issue which was raised repeatedly in meetings with local and regional authorities and must not be ignored: funding. In order to be successful, the decentralization of protection strategies must be allocated appropriate resources and personnel.

In December 2011, the Colombian government emitted Decree 4912, which structures the Prevention and Protection Program of the Ministry of the Interior and the UNP. This decree defines central concepts such as differential treatment, risk, threat, capacity, temporality, and complementarity. It also defines the strategies of prevention and protection, specifying, among other things, the use of UNP personnel and the national police for the protection of human rights defenders and union leaders. This strategy responds to the recommendations put forth by defenders opposed to the privatization of security measures, as had been suggested in earlier reforms.



Nevertheless, it is vital to point out that more than 600 employees of the now-shuttered **DAS** were awarded posts within the new National Protection Unit, without any type of previous filtering or investigation process to guarantee that these individuals had not taken part in the abuses committed by the dissolved institution. This is extremely worrisome, given public knowledge of the illegal wiretapping, threats, and attacks carried out by the **DAS** against human rights defenders, opposition leaders, journalists, and Supreme Court judges. Defenders are, yet again, exposed to high risks when “protection” is afforded by the same individuals presumably responsible for previous attacks against them.

At the time of the Mission, it was too early to judge the impacts of the new decrees on the ground. However, the Mission was alerted to cases demonstrating that the provision of protection measures is still quite slow and that they continue to fall short of the standards required, given the extraordinary levels of risk faced by many human rights defenders. The Mission is deeply moved by the case of Manuel Ruiz and his 15-year-old son, Samir, both of whom were disappeared and later murdered on March 23, 2012. Manuel Ruiz was the leader of a land restitution process in the Curvaradó and Jiguaminadó river basins in the department of Chocó, and was active in the national census being promoted by the national government. He had reported being the victim of threats on various occasions, which the ministry responded to by providing him a cellular phone.

Despite recent changes in the program, the protection measures offered still fail to respond to the differential needs of the many human rights defenders

who solicit them. In the context of the new decentralization process, it is important for local and regional entities to consult with beneficiaries about the specific risks and needs they have, with special attention to issues of gender and ethnicity. The push for decentralization must be accompanied by budget allocations which provide for the effective implementation and functioning of the program in each of the different regions.

The Mission is convinced that the best way to defend at-risk human rights defenders is the investigation and punishment of those who are responsible for attacks and threats against them. Material protection measures are worth little if aggressions against defenders can still be committed with impunity. With respect to this issue, the Inter-American Court of Human Rights is clear when outlining the need for sufficient and effective measures at the provisional stage, saying:

93. (...) The Court believes that the Colombian State must immediately and effectively adopt all measures necessary to protect the right to life, integrity, and personal security (...). It is not enough for the State to simply adopt determined protection measures, unless these measures and their implementation are effective in eliminating threats and harassment and allow the beneficiaries to carry on with their normal lives without fear.³⁴

Of equal importance, local, regional, and national authorities must abstain from making public declarations against human rights defenders, human rights organizations, victims, and the associations that defend them. Respect and support for the work carried out by defenders in the face of public opinion constitutes an important measure for their protection in Colombia.



Conclusions and Recommendations:

The Mission verified that despite the changes introduced by the new administration, the situation of human rights defenders in Colombia is still critical. Defenders continue to suffer attacks, aggressions, threats, assassinations, systematic stigmatizations, spying and wiretapping, and unfounded criminal proceedings.

The generalized impunity surrounding attacks and aggressions against human rights defenders creates an environment conducive to the perpetration of new violations, as well as contributing to the defenders' justifiable mistrust of state institutions. To the Mission, it is clear that the principal tool for protection and respect for the work carried out by human rights defenders in the country is the effective investigation and punishment of the material and intellectual authors of all crimes, including attacks, aggressions, and threats.

The legislative reforms on transitional justice and the expansion of military jurisdiction currently under consideration in Colombia may, in fact, increase current levels of impunity. These measures constitute a large step backwards in terms of human rights protection. The application of prioritization and selection criteria to investigations of serious violations of human rights or humanitarian law, as proposed in the Legal Framework for Peace, would allow the state to abdicate its obligation to investigate and punish those responsible

for these types of actions. In the case of grave violations, this framework would allow for greater impunity among the guerrillas, paramilitary groups, and even public security forces. In the case of military jurisdictions, negative results of the reform would include a reversal of progress in terms of investigating and punishing those members of the armed forces who are responsible for serious violations of human rights and international humanitarian law. Unfortunately, members of Colombia's security forces are still responsible for a large part of the attacks, aggressions, and threats against human rights defenders. Thus, widening the legal jurisdiction of the military sphere would threaten the victims' access to justice in cases of abuse by members of the armed forces.

The Mission saw that, despite the existence of guidelines and memoranda published by several state agencies mandating public officials to respect and support the work of human rights defenders, many of these directives are not implemented. Another initiative that has not been respected is the promise to "disarm the spoken word." The Mission took note of numerous stigmatizations of defenders by high-level government officials of the Santos administration, and even the President himself. It is deeply troubling that the Mission found no evidence of investigations or punishments by the Attorney General's Office or the Inspector General's Office against public officials who have



knowingly threatened the physical and moral integrity of human rights defenders using public declarations to discredit them.

The Mission is extremely concerned about the public stigmatization by individuals and companies against communities and leaders opposed to the implementation of mining or agroindustrial projects in their territories. The Mission believes that this wave of stigmatization constitutes a new pattern of aggression by said actors who, in some cases, collaborate directly with illegal armed groups or—more troublesome still—with state armed forces.

There are still many cases of unfounded criminal proceedings being brought against human rights defenders. Despite pleas from national and international organizations, the Attorney General's Office continues to use intelligence reports and uncorroborated testimonies by demobilized troops as proof in these judicial processes. The Mission is alarmed at reports of the same defender being charged multiple times for the same supposed crime and of defenders being held without a sentence, in violation of the right to due process. Unfounded criminal proceedings constitute a risk for defenders and an obstacle for work of legitimate organizations and associations on behalf of the protection and promotion of human rights.

Although the **DAS** has been dismantled by the national government in response to the scandals surrounding it, the improper use of state intelligence against human rights defenders is still common practice. What this indicates is that intelligence-gathering programs focusing on defenders were not limited to the **DAS** but in fact included other intelligence agencies, such as the armed

forces and the police. Examples of this problem are the registries of personal information gathered by the army and the police during events organized by human rights organizations, spying, illegal “census” activities in communities, and the persistent interception of telephone calls and emails.

Recent modifications to the protection program have incorporated some of the recommendations put forth by relevant organizations and associations. Nevertheless, the situation of many human rights defenders continues to be quite precarious, especially in non-urban areas. There are problems related to risk assessments; the protection measures provided do not respond to the distinct needs of different types of defenders; and there are delays in the provision of emergency protection services. Clearly, the improvement of protection programs requires a clearer division of roles and responsibilities at the local and regional level, as well as more resources to carry out the decentralization process. Lastly, the Mission is concerned about the presence of former employees of **DAS** who are under investigation for attacks or acts of aggression against human rights defenders in the key institutions responsible for these defenders' protection.

The Mission is also extremely concerned about the increase in attacks, harassment, and threats against land rights and territorial activists in the past two years. It is vitally important that the national government implement a protection policy that responds to the needs of these leaders, as well as other individuals and communities struggling for land restitution. These measures are especially urgent to ensure the implementation of the Law of Victims and Land Restitution.



Protection measures are worth little if the attacks, harassment, and stigmatization of human rights defenders remain in impunity. What Colombia requires is a true policy of respect and protection for the labor of defenders, including public acknowledgement of their work, protection measures that respond to the different levels of risk and distinct needs of different defenders, and the prompt investigation and punishment of those responsible for crimes against them.

To the Mission it is evident that armed groups at the margin of the law continue to exercise control over the population and resources in numerous parts of the country. These groups include both the guerrillas and paramilitaries, and their presence generates grave impacts on the situation of human rights and international law on the local civil population. Many authorities in the different regions of Colombia visited denied the presence of paramilitary groups in their jurisdictions. This constitutes an obstacle for the protection

of human rights defenders and one of the defining factors for continued impunity.

The persistence of war and the increased militarization of community life have given way to numerous violations of human rights and international humanitarian law. Violations to the principles of distinction, necessity, and proportionality are common. This situation is particularly critical in the zones of territorial consolidation.

The Mission urges the Colombian government to develop clear strategies to effectively dismantle paramilitary groups, without resorting to the militarization of entire regions and communities. In this regard, it is important to design strategies aimed at dissolving all ties between paramilitary structures and other actors, including public officials, local and national politicians, business leaders, and, most importantly, members of the police and the armed forces.

You have the right to: DEFEND HUMAN RIGHTS

International Verification Mission
on the situation of Human Rights
PROTECTION in Colombia

Colombia, November 28
to December 2, 2011



Finally, the Mission calls on the Colombian state to respect judicial rulings related to cases of abuse by members of the security forces and to abstain from referring to efforts to attain justice as “legal warfare.”

When his administration began, President Santos made a promise to “disarm the spoken word” and to respect the work of human rights defenders in the country. The Mission hopes that he

will fulfill this promise by translating it into concrete actions at national and regional levels. These concrete actions are needed to effectively protect and promote the work of human rights defenders to construct a more equal, just, and democratic Colombian society. través de señalamientos y declaraciones públicas ponen en riesgo la integridad física y moral de los defensores/ras



International Verification Mission

Recomendaciones

Manifesting its solidarity and unconditional support for the actions and proposals of Colombian human rights defenders and the victims they protect, in keeping with its own observations and

the testimonies collected, the Mission puts forth the following recommendations to the Colombian government and the international community:



1. PUT AN END TO IMPUNITY for the violations suffered by victims and those who defend their rights. This demand translates into the following recommendations:

- * That relevant public authorities responsible in coordination with the Special Unit of the Attorney General, promptly investigate and centralize all investigations for violations against human rights defenders, grouping cases to better identify patterns and determine the criminal chain of command, following up on all cases until justice is served, and making public the results of these investigations.

- * That all district attorneys' offices be withdrawn from military bases, in order to ensure their independence and impartiality, offering resources and guarantees so that both victims and human rights defenders have complete access to justice.

- * That all investigations and judicial proceedings for violations of human rights and international humanitarian

law committed by members of the security forces be processed in the civilian justice system. The various legislative and constitutional reform proposals that would expand the jurisdiction of military courts and remove members of the military accused of grave human rights crimes from the jurisdiction of civilian courts should be withdrawn.

- * That the Colombian authorities abstain from presenting or adopting reforms which could result in impunity for violations of human rights or international humanitarian law committed by different armed actors (state agents, paramilitaries, guerrillas)—such as the “legal framework for peace”—given that these reforms run contrary to the jurisprudence of the Constitutional Court, the Inter-American system, and the instruments of the United Nations.

2. PUT AN END TO SYSTEMATIC STIGMATIZATION:

- * That the President of the Republic and other high-level public officials publicly recognize the legitimacy and importance of the work carried out by human rights defenders, abstaining from making declarations that would discredit or delegitimize this work, condemning all attacks against them, and generating a normative framework that requires all public authorities to respect and protect their labor.

- * That the President of the Republic, in his role as chief of the armed forces, ensure that military leaders abstain from publicly stigmatizing human rights defenders.

- * That the Inspector General's Office initiate disciplinary processes for all public authorities and civil servants who,

by action or omission, promote or permit violations of the rights of defenders of the victims they support, and that it fully apply Directive 012 of 2010.

- * That public authorities and mass media act responsibly before unconfirmed accusations of fraud against human rights or victims' associations in cases of grave human rights violations or in cases of supposed links between defenders, organizations, or social movements and drug-trafficking or guerrilla groups, respecting the principles of presumed innocence and good faith, informing themselves adequately before emitting opinions, and avoiding generalizations that impact the reputation of victims and defenders, putting them at even higher risk.



3. PUT AN END TO THE IMPROPER USE OF STATE INTELLIGENCE:

* That human rights defenders are given access to the information contained in intelligence archives, that no further information about their legitimate work is collected through intelligence, and that existing intelligence not be used as evidence in penal proceedings against them, as well as being cleansed and corrected in keeping with recommendations made by the IACHR.³⁵ In this sense, it is recommended that archives from the Department of National Security (DAS) be declassified and made open to the public, following the example of other countries in the region, and that Colombia comply with the IACHR recommendation which “urge the State to review the time periods for classifying the information as confidential so that these are proportionate, and with regard to information leaks, it reiterates that the State is responsible for the custody, archiving, and management of the information in its possession.”

* That state authorities revise and exclude from information any false data that incriminates or prejudices any individual, especially human rights defenders, investigating and advancing

legal proceedings brought against public officials implicated in illegal wiretapping, as intellectual or material authors. The transfer of former DAS employees to other state entities should also be halted until they have been investigated and punished for previous crimes, in order to prevent such crimes from recurring.

* That effective and regular controls be established so that the new National Intelligence Unit and other state institutions in Colombia cannot commit abuses related to intelligence-gathering. It is also fundamental to adopt measures which guarantee that the information collected by these means cannot be leaked to armed actors or utilized for purposes different from those established in the constitution.

* That state authorities abstain from intelligence-gathering about human rights defenders and their work and that effective controls be established so that the National Intelligence Unit and other public institutions can not commit abuses intelligence activities.

4. PUT AN END TO UNFOUNDED CRIMINAL PROCEEDINGS:

* That investigations already underway be continued in a prompt and independent fashion, based on solid evidence, that any unfounded charges against human rights defenders be dropped, and that any defenders being detained arbitrarily be immediately released.

* That citizens' rights to peaceful social protest be protected and that such activities may not be criminalized or linked to armed actors in the ongoing conflict, through the rescission or modification of legal provisions or any other means that facilitate criminalization.

* That any public official who violates the law through unfounded investigations or the use of biased or unverified information in criminal proceedings

against human rights defenders be subject to penal investigation and disciplinary action, with corresponding administrative and penal punishments applied accordingly.

* That public authorities dismiss any testimony which is clearly false or that is provided by informants with doubtful credibility.

* That Memorandum 030 of 2011 be implemented effectively and immediately, in order to generate strategies for the investigation of cases involving human rights defenders. This memorandum should not only be applied to future cases but also utilized in criminal proceedings currently being advanced against defenders.



5. MAKE STRUCTURAL IMPROVEMENTS TO PROTECTION PROGRAMS FOR AT-RISK INDIVIDUALS:

- * That the changes announced and initiated to strengthen the protection programs of the Ministry of the Interior—by improving risk analysis, protection measures, efficiency and response time—be evaluated in the coming months together with nongovernmental organizations to verify their efficacy and results. The Mission considers it is particularly important to actively involve nongovernmental organizations, make changes that respond to the specific needs of human rights defenders in different regions of the country, and apply distinct approaches with sensitivity to the needs of women, the LGBTI population, and indigenous and Afro-colombian groups.
- * That the protection program be holistic, allowing human rights defenders to continue their work, and that it include political, social, and prevention measures, which recognize and legitimate the work of defenders.
- * That protection programs guarantee that the drivers and bodyguards assigned to human rights defenders do not have and have never had links to illegal armed groups, and that they are not used for the purpose of intelligence-gathering.
- * That all protection programs and measures have access to sufficient human and financial resources so as to guarantee the effective protection of human rights defenders.
- * That policies and specific measures for collective protection be designed and implemented for territorial claims and land restitution processes.
- * That commitments and agreements reached regarding prevention, protection, and the fight against impunity be honored at both a national and a regional level, in the framework of the National Round Table on Guarantees.



International Verification Mission Press Conference



Recommendations for the International Community:

* That the international community prioritize, in its dialogue with the Colombian government, the insistence that the Colombian government implement effective means to protect human rights defenders. This dialogue should include the recommendations put forth by the Mission, by the National and International Campaign for the Right to Defend Human Rights in Colombia, and by the United Nations Special Rapporteur on human rights defenders. Recommendations include putting an end to impunity for attacks on human rights defenders, improving protection programs, and putting an end to systematic stigmatization, improper use of state intelligence, and unfounded criminal proceedings.

* That the international community prioritize, in its international aid strategy, support for nongovernmental and social organizations that protect and promote human rights and international humanitarian law and provide accompaniment to victims and at-risk communities.

* That the international community implement, for its international aid programs with the Colombian government, strict mechanisms of control and accountability to insure the advance of these five recommendations for the protection of human rights defenders.





Endnotes

- 1 United Nations, Fact Sheet 29 – “Human Rights Defenders: Protecting the Right to Defend Human Rights, <http://www.ohchr.org/EN/Issues/SRHR/Defenders/Pages/SRHRDefendersIndex.aspx>.
- 2 Colombia: Defensores de Derechos Humanos Bajo Amenaza, <http://www.colombiadefensores.org/downloads/Declaration.pdf>.
- 3 Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, Resolution 53/144 Approved by the United Nations General Assembly, 1998.
- 4 The objective of Law 1448 on Reparation to Victims and Restitution of Lands is to compensate the victims of internal armed conflict in Colombia through symbolic and administrative reparations. The law includes a section on the restitution of lands that were abandoned by or stolen by violence from displaced populations.
- 5 The National Round Table on Guarantees is a space of dialogue initiated during the Uribe administration in response to the grave situation of human rights defenders in the country, on the request of international human rights organizations and victims’ associations. The Roundtables began in April 2009, but were later suspended, only to be reopened under the Santos Administration.
- 6 Somos Defensores Program, Claroscuro: Informe Anual 2011. Bogotá, 2012. <http://www.somosdefensores.org/index.php?option=com.content&view=article&id=105:2011-cada-8-dias-fue-asesinado-un-defensor-de-derechos-humanos-en-colombia-&catid=20:informe-siaddhh-2011&Itemid=11>.
- 7 Ibid.
- 8 Presidential Directive 001 on Coordination of the National Government for the implementation of the National Plan for Territorial Consolidation, published on March 20, 2009.
- 9 Codhes Informa: Informational Bulletin Number 77 of the Consultoría para los Derechos humanos y el Desplazamiento. Bogotá, February 15, 2011. ¿Consolidación de Qué? Informe sobre Desplazamiento, Conflicto Armado y Derechos Humanos en Colombia en 2010. One section of the document states that: “In the 86 municipalities of the CCAI zones there were 19 massacres and a tragic total of 92 people assassinated. 176 more were the victims of selective assassinations, among them 11 indigenous leaders, 7 public servants, 4 community leaders, 1 human rights defender, 1 Afro-colombian leader, and one journalist. Additionally, 87 civilians were hurt or lost their lives in the crossfire of armed conflict. Another 81 civilians were hurt, mutilated, or lost their lives due to anti-personnel mines. 15 people were kidnapped. There were 5 attempted assassinations and clandestine groups emitted at least 6 death threats against social organizations and human rights defenders...”
- 10 Directive 001 of 2009 was adopted as a constitutional norm by the government of Juan Manuel Santos upon its incorporation in Chapter V of the National Development Plan.
- 11 Somos Defensores Program, Claroscuro: Informe Anual 2011. Bogotá, 2012 <http://www.somosdefensores.org/index.php?option=com.content&view=article&id=105:2011-cada-8-dias-fue-asesinado-un-defensor-de-derechos-humanos-en-colombia-&catid=20:informe-siaddhh-2011&Itemid=11>.
- 12 Report by the United Nations High Commissioner for Human Rights (OHCHR) on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012.
- 13 Ibid. According to OHCHR, “From January to November, 32 massacres were registered; 15 occurred in Antioquia.”
- 14 In this sense, the 2011 annual report of the OHCHR states that there is still “alarming evidence of collusion between some local authorities and members of security forces with these groups.”
- 15 Meeting held on December 1, 2011, with Elena Turbay, Director of the Human Rights and International Humanitarian Law Unit of the Ministry of Defense.
- 16 Somos Defensores Program, Claroscuro: Informe Anual 2011. Bogotá, 2012, http://www.somosdefensores.org/index.php?option=com_content&view=article&id=105:2011-cada-8-dias-fue-asesinado-un-defensor-de-derechos-humanos-en-colombia-&catid=20:informe-siaddhh-2011&Itemid=11.
- 17 CUT, Continúan los asesinatos contra educadores en Córdoba en el 2011, January 14, 2011, http://www.cut.org.co/index.php?option=com_content&view=article&id=513:continuan-los-asesinatos-contra-educadores-en-cordoba-en-el-2011&catid=48:departamento-derechos-humanos-y-solidaridad&Itemid=112
- 18 <http://www.ens.org.co/index.shtml?apc=a-;1-;:;&x=201166830>.
- 19 Report by Margaret Sekaggya, United Nations Special Rapporteur on human rights defenders, December 21, 2011. A/HRC/19/55.
- 20 Inter-American Court of Human Rights (CIDH), Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, OEA/Ser.L/V/II, <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>.
- 21 For more information, consult the Report by the United Nations High Commissioner for Human Rights (OHCHR) on the situation of human rights in Colombia, A/HRC/19/21/Add.3, January 31, 2012.
- 22 <http://wsp.presidencia.gov.co/Normativa/Decretos/2011/Documents/Octubre/31/dec406731102011.pdf>
- 23 OHCHR Report. Ibid.
- 24 Inter-American Court of Human Rights (CIDH), Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, OEA/Ser.L/V/II, <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>.
- 25 Ibid
- 26 Because of this situation, beginning on March 22, 2011, case 12.807 was initiated before the IACHR (Jahel Quiroga Carrillo) vs Colombia. Admissibility report N° 6/11.
- 27 Directive 012 of July 15, 2012 in which the Inspector General imparts guidelines which guarantee the rights of human rights defenders to carry out their work.
- 28 “La guerra invisible. Los derechos humanos como arma de guerra y lucrativo negocio,” Revista de las Fuerzas Armadas 218, June 2011, http://www.esdegue.mil.co/index.php?option=com_content&view=article&id=832:revista-fuerzas-armadas-218&catid=44:fuerzasarmadasc&Itemid=54.
- 29
- 30 Inter-American Court of Human Rights (IACHR), Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, OEA/Ser.L/V/II, <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>.
- 31 Law 1453 of June 24, 2011, “Through which the rules over extinction and dominion in the Penal Code, the Penal Procedural Code, the Code for Youth and Adolescents are reformed and other provisions related to security are established.”
- 32 Ministerial Directive N° 01 of August 23, 2011 directed at INCODER, Regional Offices of the Land and Patrimony Protection Project, Departmental Agriculture Secretaries, Municipal Mayors’ Offices, and other authorities. The directive provides orientation for the treatment of high-risk claimants in cases of land restitution.
- 33 This decree replaces Decree 1740 of 2010, established by the previous administration to reformulate the protection program. This decree was subject to numerous criticisms by human Rights defenders because it curtailed and eliminated some of the measures conceded in the protection schemes.
- 34 CIDH, Case 19 Comerciantes vs Colombia, resolution on Monitoring Compliance with Judgment and Provisional Measures. July 8, 2009.
- 35 Inter-American Court of Human Rights (IACHR), Second Report on the Situation of Human Rights Defenders in the Americas, December 31, 2011, OEA/Ser.L/V/II, <http://www.oas.org/en/iachr/defenders/docs/pdf/defenders2011.pdf>.

