



HUMAN
RIGHTS
WATCH

LEFT UNDEFENDED

Killings of Rights Defenders in Colombia's Remote Communities



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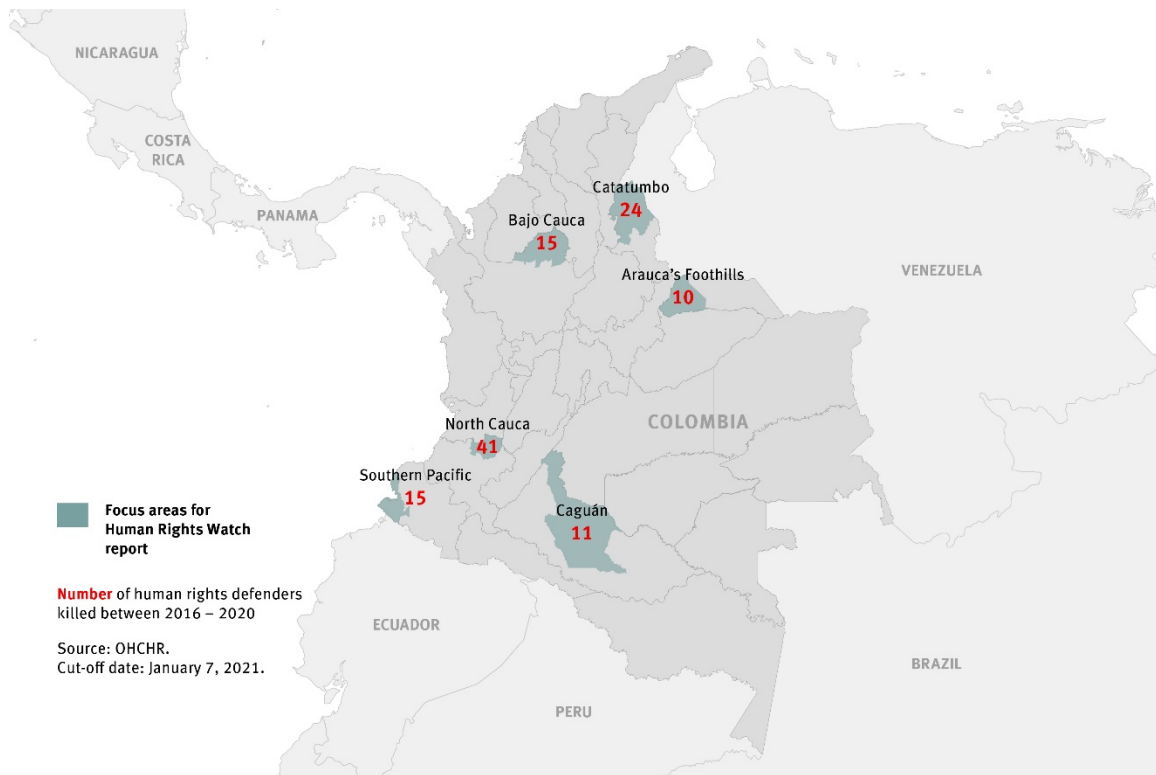
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Map



Summary

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

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

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

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

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

This report documents killings of human rights defenders in six of the areas that have been most affected by such crimes: the northern region of Cauca state, the Catatumbo region of North Santander state, the Southern Pacific region in Nariño state, the Bajo Cauca region of Antioquia state, the Caguán region of Caquetá state, and the foothills region of Arauca

state. It explains the dynamics of violence leading to the killings of human rights defenders in these areas, as well as regional contexts influencing such crimes.

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

Killings of Human Rights Defenders after the Peace Accord

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

The 2016 peace accord included plans to address illegal economies, lack of legitimate economic opportunities, and weak state presence—factors that have for decades allowed armed groups, including the FARC, to thrive.¹ But implementation of the plans has generally been slow. In June 2020, the Kroc Institute for International Peace Studies—charged under the peace accord with verifying progress in its implementation—concluded that only 33 of the 88 objectives required to be met by 2019 had been completed.² Most of the objectives that had been met concerned demobilization of the FARC and reintegration of its fighters into society. Aspects of the accord relating to a comprehensive rural reform, as well as a new drug policy, had met “delays” indicating “a low probability that the objectives [under the accord] will be completed in the mid- and long-term.”³

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

¹ Government of Colombia and Revolutionary Armed Forces of Colombia (FARC), “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace,” November 24, 2016, <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf> (accessed September 10, 2020), chapters 1, 3 and 4.

² Kroc Institute for International Peace Studies, “Three years after the Signing of the Final Agreement of Colombia: Towards Territorial Transformation” (“Tres años después de la firma del Acuerdo Final de Colombia: hacia la transformación territorial”), June 16, 2020, <http://peaceaccords.nd.edu/wp-content/uploads/2020/06/Cuarto-Informe-Final-with-Annex-Link.pdf> (accessed June 17, 2020).

³ *Ibid.*

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

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

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

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

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

Government Steps to Address Killings of Human Rights Defenders

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

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

Mechanisms to Protect Rights Defenders and Prevent Abuses

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

- The National Protection Unit, an office under the Ministry of the Interior, has been charged since 2011 with protecting people at risk. To its credit, it has granted individual protection measures to hundreds of human rights defenders, providing cellphones, vehicles, bulletproof vests, or bodyguards. However, while the National Protection Unit provides individual protection schemes in response to reported threats, many community leaders killed had not received threats or been able to report them to prosecutors, as required to access protection.
- The Early Warning System in the National Ombudsperson's Office has a presence in multiple regions of the country where there are few other state actors, and specifically monitors threats to rights. Colombian law requires authorities to respond rapidly to prevent potential abuses flagged by the office through what are

called “early warnings,” and the office has issued scores of such alerts identifying risks to human rights defenders in hundreds of municipalities in the country. However, national, state, and municipal authorities charged with taking action based on the Early Warning System’s recommendations have repeatedly failed to do so or have reacted in a pro-forma and unsubstantial way, leading to scant impact on the ground.

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

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

- Lack of progress in developing a new policy to protect human rights defenders and other community leaders, which has been under discussion between the Ministry of the Interior and human rights groups since August 2018.

Accountability Efforts

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

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

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

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

In the longer term, authorities should initiate a process to simplify and strengthen prevention and protection mechanisms under Colombian law. They should ensure civil society groups and international human rights and humanitarian agencies participate meaningfully in that process. The aim should be to coordinate existing mechanisms, overhauling, or abrogating those that are ineffective or have an unclear mandate.

Unless the government takes serious action, many more human rights defenders are likely to be killed, leaving hundreds of vulnerable communities undefended.

Recommendations

To the Administration of President Iván Duque of Colombia:

- Initiate a process with meaningful participation by civil society groups and international human rights and humanitarian agencies operating in Colombia to simplify and strengthen prevention and protection mechanisms under Colombian law, including by overhauling or abrogating ineffective mechanisms that have an unclear mandate such as the Timely Action Plan (*Plan de Acción Oportuna de Prevención y Protección para los Defensores de Derechos Humanos, Líderes Sociales, Comunes y Periodistas*, PAO), coordinating other existing mechanisms, and ensuring these mechanisms are responsive to the needs of human rights defenders, regardless of ethnicity, race, gender or other protected status.
- Ramp up efforts to increase state presence in remote areas of the country and address root causes of violence, including by implementing the so-called Territorial Development Programs (*Programas de Desarrollo con Enfoque Territorial*, PDET), which seek to increase the presence of state institutions in remote municipalities across Colombia.
- Work with the Human Rights Ombudsperson's Office to develop guidelines that ensure that the Inter-Agency Commission for the Rapid Response to Early Warnings (*Comisión Intersectorial para la Respuesta Rápida a las Alertas Tempranas*, CIPRAT), which is charged with deciding on responses to early warnings by the Ombudsperson's office, responds promptly and effectively to early warnings, and to ensure meaningful evaluation of past responses and their impact.
- Improve the operation of the National Protection Unit, including by working with Congress to increase its budget, increasing the number of analysts on staff, transferring protection schemes for government officials to the National Police, easing the requirements to grant protection, working with affected communities to develop protection schemes suitable to rural areas' risks and conditions, with a focus on ethnicity, gender, sexual orientation and other characteristics that may affect their risk and needs.
- Overhaul the National Protection Unit's collective protection program, including by transferring it to the Ministry of the Interior, combining it with the Comprehensive

Program of Security and Protection (*Programa Integral de Seguridad y Protección para Comunidades y Organizaciones en los Territorios*), significantly increasing its budget, and easing the requirements to grant protection.

- Implement and work with Congress to fully fund collective protection programs as established under the 2018 Comprehensive Program for Security and Protection, as well as the National Commission of Security Guarantees (*Comisión Nacional de Garantías de Seguridad*) and the National Process of Guarantees (*Proceso Nacional de Garantías*).
- Implement and work with Congress to fund the Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders (*Programa Integral de Garantías para Mujeres Líderesas y Defensoras de Derechos Humanos*), which seeks to address and prevent killings of women human rights defenders, expanding on the existing pilot projects in Putumayo and Bolívar.
- Implement and work with Congress to fund the special team of judges charged with trying cases of killings of human rights defenders and expand the program to include judges charged with overseeing earlier stages of the criminal process (known as “supervisory judges”).
- Ramp up efforts to help develop local prevention plans in all municipalities and states, including by working with Congress to ensure they have an appropriate budget, providing adequate training for local officials in charge of implementing the plans, and establishing a meaningful process for evaluating implementation, with a focus on ethnicity, gender, race, and other characteristics that may affect individuals’ risk and needs integrated throughout.
- Upgrade the rank of the Elite Team, which handles homicides of human rights defenders, within the hierarchy of Colombia’s National Police and increase its budget and staff.
- Continue using OHCHR’s tally of human rights defenders killed in the country as the official figure.
- Provide greater support to prosecutors investigating killings of human rights defenders, including by increasing the amount of time military helicopters devote to transporting prosecutors investigating crimes to places that security considerations render difficult to reach.

To the Colombian Congress:

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

To the Attorney General's Office:

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

To the Superior Council of the Judiciary:

- Work with the executive branch to establish the special team of judges charged with trying the killings of human rights defenders, as well as to increase the

number of judges charged with overseeing criminal investigations (known as “supervisory judges”) in areas most affected by killings of human rights defenders.

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

To the Human Rights Ombudsperson’s Office:

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

To the Inspector General’s Office:

- Carry out prompt, exhaustive, and meaningful disciplinary investigations into the conduct of government officials who fail to take action to prevent killings of human rights defenders, in accordance with Directive 2 of 2017.

- Monitor the implementation by local authorities, including police officers, of local prevention plans.

To State and Municipal Governments:

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

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

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

Methodology

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

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

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

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

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

⁴ Human Rights Watch telephone interview with Presidential Advisor on Human Rights and International Affairs, August 19, 2020.

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

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

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

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

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

⁵ Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>; Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians Including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>; Human Rights Watch, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 22, 2020, <https://www.hrw.org/report/2020/01/22/guerrillas-are-police/social-control-and-abuses-armed-groups-colombias-arauca>.

⁶ UN General Assembly, "Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms," UN Doc. A/RES/53/144, March 8, 1999. See, similarly, Inter-American Commission on Human Rights, "Second Report on the Situation of Human Rights Defenders in the Americas," OEA/Ser.L/V/II, December 31, 2011, para. 12; UN General Assembly, Report of the Special Rapporteur on the situation of human rights defenders, "Situation of human rights defenders," July 23, 2018, para. 15; Inter-American Court of Human Rights, Human Rights Defender et al v. Guatemala, judgment of August 28, 2014, Corte I.D.H.,

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

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

Series C No. 283, para. 129; Inter-American Court of Human Rights, *Luna López v Honduras*, judgment of October 10, 2013, Corte I.D.H., Series C No. 269, para. 122.

⁷ See, e.g., Inter-American Commission on Human Rights, "Second Report on the Situation of Human Rights Defenders in the Americas," OEA/Ser.L/V/II, December 31, 2011, para. 12.

⁸ Colombia's Human Rights Ombudsperson's Office, "Conceptual framework: human rights defenders, social leaders, and their organizations and groups in Colombia" ("Marco conceptual: personas defensoras de derechos humanos, líderes y lideresas sociales, sus organizaciones y colectivos en Colombia"), n.d., pp. 18-22 (copy on file with Human Rights Watch). See, similarly, UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, "Visit to Colombia," UN Doc. A/HRC/43/51/Add.1, December 26, 2019, para. 24; Inter-American Commission on Human Rights, "Human Rights Defenders and Social Leaders in Colombia," OEA/Ser.L/V/II, December 6, 2019, para. 28.

- Victims' rights activists: people who defend rights of victims of the armed conflict, including those seeking justice, truth-telling, reparations and guarantees of non-repetition for abuses committed during the armed conflict and those belonging to groups of victims of forced displacement.
- Women's rights activists: people who defend women's rights, including by asserting gender equality and sexual and reproductive rights.

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

⁹ Colombia's Human Rights Ombudsperson's Office, “Conceptual framework: human rights defenders, social leaders, and their organizations and groups in Colombia” (“Marco conceptual: personas defensoras de derechos humanos, líderes y lideresas sociales, sus organizaciones y colectivos en Colombia”), n.d., pp. 8-9 (copy on file with Human Rights Watch).

I. Background

Colombia has had the highest number of human rights defenders killed since 2016 in any country in Latin America.¹⁰

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

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

- 41 such killings in 2015 (including 39 men and 2 women);
- 61 in 2016 (including 57 men and 4 women);
- 84 in 2017 (including 70 men and 14 women);
- 115 in 2018 (including 105 men and 10 women);
- 108 in 2019¹² (including 92 men and 16 women); and
- 53 as of December 2020 (including 48 men and 5 women), and was verifying 80 others.¹³

¹⁰ UN Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, “Visit to Colombia,” UN Doc. A/HRC/43/51/Add.1, December 26, 2019, para. 20.

¹¹ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date January 7, 2021.

¹² See, for example, Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/31/3/Add.2, June 23, 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/130/34/PDF/G1613034.pdf?OpenElement> (accessed January 27, 2021), para. 79; Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/37/3/Add.3, March 2, 2018, https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A-HRC-37-3-Add_3_EN.pdf (accessed January 27, 2020), para. 8; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019.

¹³ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

The Covid-19 pandemic has slowed verification of cases in 2020 significantly.¹⁴

Other sources report even higher figures. The Human Rights Ombudsperson's Office has documented 710 cases since 2016, while Somos Defensores, a rights group, has reported 600.¹⁵ Both the Human Rights Ombudsperson's Office and Somos Defensores report an increase in killings of human rights defenders between 2019 and 2020.¹⁶

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

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

¹⁴ Human Rights Watch telephone interview with senior human rights official, September 7, 2020.

¹⁵ Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; Somos Defensores, "Annual Report 2019," 2019, <https://drive.google.com/file/d/1jYXd8GjrDjOERyTOJG5gDA4A55UEqYVN/view> (accessed October 5, 2020); Somos Defensores, "Quarterly newsletter July - September 2020" ("Informe trimestral. Julio - septiembre 2020"), November 2020, <https://drive.google.com/file/d/1omlBUmA8mJiST4vetJEx0948MJIXkUmP/view> (accessed December 19, 2020).

¹⁶ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, December 19, 2020; Somos Defensores, "The virus of violence - Half-yearly report. January - June 2020" ("El virus de la violencia - Informe semestral. Enero - junio 2020"), November 2020, <https://somosdefensores.org/2020/11/03/el-virus-de-la-violencia/> (accessed December 19, 2020); Somos Defensores, "Quarterly newsletter July - September 2020" ("Informe trimestral. Julio - septiembre 2020"), November 2020, <https://drive.google.com/file/d/1omlBUmA8mJiST4vetJEx0948MJIXkUmP/view> (accessed December 19, 2020).

¹⁷ Human Rights Watch telephone interview with the Presidential Advisor on Human Rights and International Affairs, August 19, 2020.

¹⁸ *Ibid.*

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

²⁰ Information provided to Human Rights Watch via email by the Human Rights Ombudsperson's Office, August 28, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020.

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

Violence and Armed Conflicts in Colombia

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

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

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

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

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

²² “United Nations Mission receives the balance of individual arms from the FARC-EP in accordance with the 29 May Road Map,” UN Mission in Colombia, June 26, 2017, <https://unmc.unmissions.org/en/united-nations-mission-receives-balance-individual-arms-farc-ep-accordance-29-may-road-map> (accessed September 10, 2020).

²³ Human Rights Watch phone interview with government official, October 24, 2018.

²⁴ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone with judicial investigator, July 16, 2020.

²⁵ See, e.g., Fundación Ideas para la Paz, “The trajectories and territorial dynamics of FARC dissidences” (“Trayectorias y dinámicas territoriales de las disidencias de las FARC”), April 10, 2018, http://ideaspaz.org/media/website/FIP_Disidencias_Final.pdf (accessed September 10, 2020); International Crisis Group, “Colombia’s Armed Groups Battle for the Spoils of Peace,” October 2017, <https://www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/63-colombias-armed-groups-battle-spoils-peace> (accessed September 10, 2020).

Santillana, alias “Gentil Duarte,” mostly in eastern parts of the country.²⁶ They operate under different “fronts,” mainly the 1st, 7th and 40th.²⁷

Other FARC fighters disarmed initially but then joined or created new groups, partly in reaction to inadequate reintegration programs and attacks against former fighters. For instance, in August 2019, Luciano Marín Arango, alias “Iván Márquez,” the FARC’s former second-in-command and top peace negotiator, announced he was taking up arms again.²⁸ He and other former FARC commanders created an armed group called “FARC Second Marquetalia,” after the area where the FARC was created in the 1960s.

FARC dissident groups vary significantly in size, organization, and engagement in violence. Some have been estimated to have over 300 fighters, with a high level of organization.²⁹ Others have a weak chain of command and limited level of organization.³⁰ They also vary in their degree of autonomy.³¹ While some small groups operate autonomously, others have

²⁶ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 13, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with judicial official, August 18, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020; Fundación Ideas para la Paz, “The trajectories and territorial dynamics of FARC dissidences” (“Trayectorias y dinámicas territoriales de las disidencias de las FARC”), April 10, 2018, http://ideaspaz.org/media/website/FIP_Disidencias_Final.pdf (accessed September 10, 2020); International Crisis Group, “Colombia’s Armed Groups Battle for the Spoils of Peace,” October 2017, <https://www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/63-colombias-armed-groups-battle-spoils-peace> (accessed September 10, 2020).

²⁷ International Committee of the Red Cross, “Colombia: Five armed conflicts – What’s happening?,” December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed September 10, 2020).

²⁸ “Iván Márquez, Santrich and El Paisa return to the armed struggle and announce it from the mountains” (“Iván Márquez, Santrich y el Paisa vuelven a la lucha armada y lo anuncian desde el monte”), *Semana*, August 29, 2019, <https://www.semana.com/nacion/articulo/ivan-marquez-santrich-y-el-paisa-vuelven-a-la-lucha-armada-y-lo-anuncian-desde-el-monte/629636> (accessed September 9, 2020).

²⁹ Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 6, 2020; International Crisis Group, “Colombia’s Armed Groups Battle for the Spoils of Peace,” October 2017, <https://www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/63-colombias-armed-groups-battle-spoils-peace> (accessed September 10, 2020).

³⁰ Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>, p. 60.

³¹ See, e.g., International Crisis Group, “Colombia’s Armed Groups Battle for the Spoils of Peace,” October 2017, <https://www.crisisgroup.org/es/latin-america-caribbean/andes/colombia/63-colombias-armed-groups-battle-spoils-peace> (accessed September 10, 2020).

clear connections to larger, more organized armed groups, including other FARC dissident groups.³²

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

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

³² Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, August 6, 2020; Juan Pappier and Kyle Johnson, "Does the FARC still exist? Challenges in Assessing Colombia's 'Post Conflict' under International Humanitarian Law," *EJIL:Talk!*, October 22, 2020, <https://www.ejiltalk.org/does-the-farc-still-exist-challenges-in-assessing-colombias-post-conflict-under-international-humanitarian-law/> (accessed October 27, 2020).

³³ See, e.g., Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 011-2020" ("Alerta Temprana No. 011-2020"), March 13, 2020 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 024-19" ("Alerta Temprana No. 034-16"), October 3, 2019 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 045-19" ("Alerta Temprana No. 045-19"), October 31, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 13, 2020; Fundación Ideas para la Paz, "Organized crime and armed groups sabotaging times of transition: a necessary analysis" ("Crimen organizado y saboteadores armados en tiempos de transición: radiografía necesaria"), July 2017, http://ideaspaz.org/media/website/FIP_crimenorganizado.pdf (accessed on January 17, 2021), pp. 30, 40; Colombia's National Police, "Blow to organized criminal organization 'Puntilleros' and 'Libertadores de Vichada,'" ("Golpe al grupo delictivo organizado 'los puntilleros' y libertadores de Vichada"), February 18, 2020, <https://www.policia.gov.co/noticia/golpe-al-grupo-delictivo-organizado-puntilleros-libertadores-vichada> (accessed September 10, 2020); Attorney General's Office, "Structural blow to 'Rastrojos': alias Brayan, who allegedly ordered the Totumito massacre in Catatumbo, is arrested" ("Golpe estructural a 'Los Rastrojos': cae alias Brayan, señalado determinador de la masacre de Totumito en el Catatumbo"), August 21, 2020, <https://www.fiscalia.gov.co/colombia/crimen-organizado/golpe-estructural-a-los-rastrojos-cae-alias-brayan-senalado-determinador-de-la-masacre-de-totumito-en-el-catatumbo/> (accessed September 10, 2020).

³⁴ "Colombia: Armed Groups' Brutal Covid-19 Measures," Human Rights Watch news release, July 15, 2020, <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures>; information provided to Human Rights Watch via email by the Ministry of Defense, March 27, 2020 (copy on file with Human Rights Watch). See regional case studies on Catatumbo (North Santander state), Tumaco (Nariño) and Bajo Cauca (Antioquia) below.

³⁵ Government of Colombia and United Nations Office on Drugs and Crime, "Alluvial gold mining. Evidence from remote sensing 2018" ("Explotación de oro de aluvión Evidencias a partir de percepción remota 2018"), November 2019, <https://www.minenergia.gov.co/documents/10192/24159317/EVOA+espanol.pdf> (accessed August 21, 2020); Government of Colombia and United Nations Office on Drugs and Crime, "Colombia: Monitoring Territories Affected by Illicit Crops 2019" ("Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019"), July 2020,

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

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

https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020); Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>, p. 1.

³⁶ Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 9, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with senior prosecutor, April 16, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 17, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, August 6, 2020.

³⁷ See, e.g., Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>; Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians Including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>; Human Rights Watch, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 22, 2020, <https://www.hrw.org/report/2020/01/22/guerrillas-are-police/social-control-and-abuses-armed-groups-colombias-arauca>.

³⁸ Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>; Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians Including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>; Human Rights Watch, *"The Guerrillas Are*

Applicable Legal Frameworks

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

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

Additionally, according to the ICRC, fighting between the ELN and the EPL in the northeastern region of Catatumbo amounts to a non-international armed conflict.⁴⁰

It is unclear whether other FARC dissident groups can be considered parties to armed conflict. While they vary significantly in size and level of organization, several FARC

the Police”: Social Control and Abuses by Armed Groups in Colombia’s Arauca Province and Venezuela’s Apure State, January 22, 2020, <https://www.hrw.org/report/2020/01/22/guerrillas-are-police/social-control-and-abuses-armed-groups-colombias-arauca>.

³⁹ International Committee of the Red Cross, “Colombia: Five armed conflicts – What’s happening?,” December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed September 10, 2020). See, similarly, Geneva Academy of International Humanitarian Law and Human Rights, “The War Report 2018,” April 2019, <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20War%20Report%202018.pdf> (accessed September 10, 2020). The Colombian military distinguishes between “organized criminal organizations” (*grupos delictivos organizados*, GDO), covered by human rights law, and “organized armed groups” (*grupos armados organizados*, GAO), covered under the law of conflict. The Ministry of Defense considers that the ELN, EPL, AGC, Caparros, and apparently all FARC dissident groups are organized armed groups. Whether an armed group is a party to an armed conflict is based on an objective determination of the facts. Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed January 13, 2021); Ministry of Defense, Directive 37 of 2017, October 26, 2017 (copy on file with Human Rights Watch); Ministry of Defense, Directive 42 of 2018, December 17, 2018 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the Ministry of Defense, March 27, 2020 (copy on file with Human Rights Watch).

⁴⁰ International Committee of the Red Cross, “Colombia: Five armed conflicts – What’s happening?,” December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed September 10, 2020); Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians Including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>.

dissident groups do not appear to fulfill the thresholds under international humanitarian law to be in and of themselves parties of an armed conflict.⁴¹ Consequently, whether each of them is a party to the conflict depends on the extent to which it is genuinely linked with parties to the conflict, particularly the former Eastern Bloc, or with other FARC dissident groups, in practice creating a single group that satisfies the requirements to be a party to the conflict under international humanitarian law.⁴²

Profile of Victims

As of December 2020, OHCHR has documented 421 killings of human rights defenders in Colombia since 2016.⁴³ The main categories of human rights defenders killed in that period, as identified by OHCHR, include the following (see the Methodology section above for a definition of each category):⁴⁴

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

⁴¹ See, e.g., International Committee of the Red Cross, "Colombia: Five armed conflicts – What's happening?," December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed September 10, 2020); Geneva Academy of International Humanitarian Law and Human Rights, "The War Report 2018," April 2019, <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20War%20Report%202018.pdf> (September 10, 2020).

⁴² See Juan Pappier and Kyle Johnson, "Does the FARC still exist? Challenges in Assessing Colombia's 'Post Conflict' under International Humanitarian Law," *EJIL:Talk!*, October 22, 2020, <https://www.ejiltalk.org/does-the-farc-still-exist-challenges-in-assessing-colombias-post-conflict-under-international-humanitarian-law/> (accessed October 27, 2020).

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

⁴⁴ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

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

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

⁴⁵ Presidency of the Republic, "The Indigenous population of Colombia amounts to 1,905,617 people, according to Dane's census" ("La población indígena en Colombia es de 1'905.617 personas, según Censo del Dane"), <https://id.presidencia.gov.co/Paginas/prensa/2019/La-poblacion-indigena-en-Colombia-es-de-1905617-personas-segun-Censo-del-Dane-190916.aspx> (accessed January 6, 2020).

⁴⁶ Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, November 24, 2020 (copy on file with Human Rights Watch), cut-off date: November 24, 2020.

⁴⁷ Colombia's National Institute of Forensic Science, "Forensis 2016," June 2017, <https://www.medicinalegal.gov.co/documents/20143/49526/Forensis+2016.+Datos+para+la+vida.pdf> (accessed September 16, 2020), p. 110; Colombia's National Institute of Forensic Science, "Forensis 2017," May 2018, <https://www.medicinalegal.gov.co/documents/20143/262076/Forensis+2017+Interactivo.pdf/oa09fedb-f5e8-11f8-71ed-2d3b475e9b82> (accessed September 16, 2020), p. 91; Colombia's National Institute of Forensic Science, "Forensis 2018," June 2019, <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60> (accessed September 16, 2020), p. 74; Colombia's National Institute of Forensic Science, "Homicides. Colombia 2019" ("Homicidios. Colombia 2019"), n.d., <https://www.medicinalegal.gov.co/cifras-de-lesiones-de-causa-externa> (accessed September 16, 2020); Colombia's National Institute of Forensic Science, "Preliminary information on lethal injuries in Colombia. January to November 2020" ("Información preliminar de lesiones fatales de causa externa en Colombia. Enero a noviembre 2020"), December 2, 2020, <https://doc-00-54-docs.googleusercontent.com/docs/securesc/1a7hvf50vnhrr182vbsoarcl4cqvt5b/6jo5vuhiqoql93j9ikek2p96glkmgun/1609968225000/01093797548485264195/12098375173869747588/1Cl5tiekxlv5rUE15P7BLW3FEdlKSFUdc?e=download&authuser=r=0&nonce=2k1fkoc1kqv36&user=12098375173869747588&hash=1qaej5543kog6lmgig9fvqognd9g7rib> (accessed December 17, 2020). For examples of killings of women human rights defenders, see section below on regional case studies analyzing the situation in six zones in the country. Between 2016 and December 2020, OHCHR documented four killings of women human rights defenders in North Cauca, three in Catatumbo, two in Southern Pacific, none in Bajo Cauca, one in Caguán, and two in Arauca's foothills. Between 2016 and September 2020, the Human Rights Ombudsperson's Office reported 13 such cases in North Cauca, four in Catatumbo, three in Southern Pacific, four in Bajo Cauca, one in Caguán, and two in Arauca's foothills. For Human Rights Watch's past work on women human rights defenders in Colombia, see Human Rights Watch, *Rights Out of Reach: Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia*, November 14, 2012, <https://www.hrw.org/report/2012/11/14/rights-out-reach/obstacles-health-justice-and-protection-displaced-victims-gender>, pps. 84-89.

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

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

⁴⁸ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date January 7, 2021.

⁴⁹ Colombia's "main cities" are: Barranquilla, Bogotá, Bucaramanga, Cali, Cartagena, Cúcuta, Ibagué, Manizales, Medellín, Montería, Pasto, Pereira, and Villavicencio. National Administrative Department for Statistics, "Labor market research report" ("Boletín de investigación mercado laboral"), January 2020, https://www.dane.gov.co/files/investigaciones/boletines/ech/ech/pres_web_empleo_rueda_prensa_ene_20.pdf (accessed January 9, 2021).

⁵⁰ See, e.g., World Bank, "Urban violence: a problem with epidemic proportions" ("Violencia urbana: un problema con proporciones de epidemia"), September 16, 2016, <https://www.bancomundial.org/es/news/feature/2016/09/06/urban-violence-a-challenge-of-epidemic-proportions#:~:text=La%20Organizaci%C3%B3n%20Mundial%20de%20la,ha%20alcanzado%20proporciones%20de%20e pidemia> (accessed September 10, 2020).

⁵¹ National Bureau of Statistics, "National Multidimensional Poverty Information 2019," July 14, 2020, <https://www.dane.gov.co/index.php/estadisticas-por-tema/pobreza-y-condiciones-de-vida/pobreza-y-desigualdad/pobreza-monetaria-y-multidimensional-en-colombia-2019#pobreza-multidimensional> (accessed November 10, 2020).

⁵² See Decree 1650 of 2017, signed on October 9, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%201650%20DEL%2009%20DE%20OCTUBRE%20DE%202017.pdf> (accessed September 10, 2020); Office of the President of the Republic, "These are the municipalities of the Zomac" ("Estos son los municipios de las Zomac"), October 9, 2017, <http://es.presidencia.gov.co/noticia/171009-Estos-son-los-municipios-de-las-Zomac> (accessed September 10, 2020).

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

Profile of Perpetrators

Colombian authorities have yet to identify those responsible for many cases of killings of human rights defenders (see section on accountability, below). However, based on progress achieved in investigations and prosecutions of 257 cases of killings occurring between 2016 and December 2020 and documented by OHCHR, the Attorney General’s Office believes that armed groups are responsible for the majority of those cases, 174.⁵⁴

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

Cases involving armed groups allegedly include:⁵⁶

- FARC dissident groups:⁵⁷ 62 cases

⁵³ See Decree 893 of 2017, signed May 28, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20893%20DEL%2028%20DE%20MAYO%20DE%202017.pdf> (accessed September 10, 2020).

⁵⁴ Information provided to Human Rights Watch by email by the Attorney General’s Office, August 28, 2020 (copy on file with Human Rights Watch), cut-off date: August 12, 2020; Attorney General’s Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed January 11, 2021), cut-off date: December 30, 2020; information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ The Attorney General’s Office compiles all the cases allegedly committed by FARC dissident groups into a single category, although there are multiple such groups and many act autonomously. The Attorney General’s Office told Human Rights Watch in January 2021 that the cases were apparently committed by: 48th Front (eight cases); Jaime Martínez Front (six cases); People of Order (five cases); 62nd Front (five cases); Teófilo Forero mobile column (four cases); Dagoberto Ramos mobile column (four cases); Oliver Sinisterra Front (four cases); 1st Front (four cases); 33rd Front (three cases); Tulio Varón Front (one case); Urias Bloc (one case); Martín Villa Front (one case); Carlos Patiño Front (one case). In some cases, the Attorney General’s Office reports that two armed groups were responsible for the same case because the perpetrator told prosecutors he or she belonged to the two groups or because the killing was apparently committed in a joint operation. In particular, the

- Small armed groups (known in Colombia as “groups of ordinary organized crime,” or “type C” groups):⁵⁸ 35 cases
- Gaitanist Self-Defense Forces of Colombia: 24 cases
- ELN guerrillas: 23 cases
- EPL: 12 cases
- Caparros: 6 cases
- Organized crime groups (known in Colombia as “organized criminal organizations” or “type B” groups):⁵⁹ 11 cases
- Contadores: 1 case

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

⁵⁸ Colombian authorities define “groups of ordinary organized crime” (or “type C”) as “a group of three or more people who during certain time act together with the purpose of committing one or more crimes that affect citizen’s security and coexistence.” Colombian National Police, “National System to Fight Organized Crime” (“Sistema Nacional de Lucha contra el Crimen Organizado”), August 2018, <https://policia.gov.co/contenido/sistema-nacional-lucha-contra-crimen-organizado> (accessed September 11, 2020). As of May 2019, Colombian authorities considered that there were 307 such groups in the country. See Government of Colombia, “Basis for the National Development Plan 2018-2022” (“Bases del Plan Nacional de Desarrollo 2018-2022”), May 2019, <https://colaboracion.dnp.gov.co/CDT/Prensa/BasesPND2018-2022n.pdf> (accessed September 11, 2020), p. 95.

⁵⁹ Colombian authorities define “organized criminal organizations” (or “type B”) as a “a group of three or more people who during a certain time act together to commit one or more serious crimes or crimes established pursuant to the Palermo convention [against transnational organized crime] with the purpose of obtaining, directly or indirectly, an economic or material benefit.” Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed January 13, 2021). As of May 2019, Colombian authorities considered that there were 29 such groups in the country. See Government of Colombia, “Basis for the National Development Plan 2018-2022” (“Bases del Plan Nacional de Desarrollo 2018-2022”), May 2019, <https://colaboracion.dnp.gov.co/CDT/Prensa/BasesPND2018-2022n.pdf> (accessed September 11, 2020), p. 95.

II. Regional Case Studies

Since 2016, human rights defenders have been killed in 28 of Colombia's 32 states and in roughly 20 percent of the country's municipalities.⁶⁰

This section examines the underlying violence connected to the killings of human rights defenders in six of the areas that have been most affected: North Cauca, Catatumbo, Southern Pacific, Bajo Cauca, Caguán, and Arauca's foothills.⁶¹ While these areas suffer some of the largest numbers of killings of human rights defenders, their totals represent only roughly 30 percent of cases committed nationwide between 2016 and 2020.⁶²

North Cauca (Cauca state)

Cauca state is in southwestern Colombia. The population of its northern region—encompassing the municipalities of Buenos Aires, Caldono, Caloto, Corinto, Guachené,

⁶⁰ According to OHCHR, killings of human rights defenders between 2016 and 2020 took place in 208 municipalities (18 percent of the country's total). Colombia's Human Rights Ombudsperson's Office reports that the cases occurred in 252 municipalities (22 percent of the total). Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

⁶¹ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

⁶² According to OHCHR, 28 percent of the killings of human rights defenders occurring between 2016 and 2020 took place in these regions. Colombia's Human Rights Ombudsperson's Office reports that 29 percent of the cases took place in these regions. Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

Jambaló, Miranda, Padilla, Puerto Tejada, Santander de Quilichao, Suárez, Toribío and Villa Rica—has for decades endured abuses by armed groups often seeking to profit from the region’s gold mines and coca fields or from moving drugs.⁶³

Several armed groups operate today in North Cauca, including the ELN and groups that emerged from the demobilization of the FARC.⁶⁴

The ELN, with roughly 50 armed fighters in the region, operates mostly in the west, towards the Pacific coast.⁶⁵ Two FARC dissident groups, the Jaime Martínez and the Dagoberto Ramos mobile columns, have reached an agreement between each other regarding the areas where they operate, according to prosecutors and local human rights officials.⁶⁶ They

⁶³ Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 033-16” (“Informe de Riesgo No. 033-16”), October 24, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 005-17” (“Informe de Riesgo No. 005-17”), February 17, 2017 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 024-17” (“Informe de Riesgo No. 024-17”), June 15, 2017 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 032-17” (“Informe de Riesgo No. 032-17”), July 6, 2017 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 034-18” (“Alerta Temprana N°034-18”), April 9, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 035-18” (“Alerta Temprana No. 035-18”), April 9, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 067-18” (“Alerta Temprana No. 067-18”), August 21, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Human Rights Situation in Cauca State - Executive Report” (“Situación de los Derechos Humanos en el departamento de Cauca - Informe Ejecutivo”), November 2018, https://www.defensoria.gov.co/public/pdf/Informe-ejecutivo%20_vicedef.pdf (accessed April 26, 2020); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 033-19” (“Alerta Temprana No. 033-19”), August 15, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 048-19” (“Alerta Temprana No. 048-19”), December 4, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 018-20” (“Alerta Temprana No. 018-20”), April 30, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 019-20” (“Alerta Temprana No. 019-20”), May 8, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 040-20” (“Alerta Temprana No. 040-20”), August 23, 2020 (copy on file with Human Rights Watch).

⁶⁴ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 8, 2020; “The new war between dissidents and ELN that hits Cauca” (“La nueva guerra entre disidentes y ELN que golpea al Cauca”), *Semana*, April 25, 2020, <https://www.semana.com/nacion/articulo/guerra-en-el-cauca-por-la-coca-between-farc-dissidents-and-eln/666027> (accessed April 26, 2020); Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, July 23, 2020.

⁶⁵ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 6, 2020; Human Rights Watch telephone interview with judicial official, November 13, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020.

⁶⁶ Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human

have close ties to fighters from the FARC's former Eastern Bloc, which rejected the peace accord and operates under the leadership of Miguel Botache Santillana, alias "Gentil Duarte," in mostly eastern parts of the country.⁶⁷

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

The Duque administration has repeatedly deployed soldiers to the area. In August 2019, the Ministry of Defense announced it would send 1,350 soldiers to Cauca, including 600

Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 6, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 9, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with judicial official, November 13, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020.

⁶⁷ Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with human rights official, August 6, 2020.

⁶⁸ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; "The new war between dissidents and ELN that hits Cauca" ("La nueva guerra entre disidentes y ELN que golpea al Cauca"), *Semana*, April 25, 2020, <https://www.semana.com/nacion/articulo/guerra-en-el-cauca-por-la-coca-%20between-farc-dissidents-and-eln%20/%20666027> (accessed April 26, 2020); Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020.

⁶⁹ Human Rights Watch telephone interview with senior prosecutor, August 29, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 6, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 9, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020.

⁷⁰ "From Cauca, the Attorney General announced that he will fight against crime in the region" ("Desde el Cauca, Fiscal General de la Nación anunció que luchará contra la criminalidad en la región"), *Attorney General's Office*, February 19, 2020, <https://www.fiscalia.gov.co/colombia/seccionales/desde-el-cauca-fiscal-general-anuncio-que-luchara-contra-la-criminalidad-en-la-region/> (accessed April 24, 2020); Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; information provided to Human Rights Watch via email by the Attorney General's Office, May 4, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020.

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

However, the situation in North Cauca has not improved. Armed groups continue to control mostly rural areas and engage in heinous abuses.⁷⁴ The region saw a stark increase in the number of recorded homicides, from 155 in 2017 to 379 in 2019.⁷⁵ In 2020, homicides

⁷¹ General Command of the Military Forces, “In the coming days, the number of soldiers will increase in Cauca: commitment of the Ministry of Defense” (“En los próximos días aumentará pie de fuerza en el Cauca: compromiso del Mindefensa”), August 21, 2019, <https://www.cgfm.mil.co/es/blog/en-los-proximos-dias-aumentara-pie-de-fuerza-en-el-cauca-compromiso-del-mindefensa> (accessed September 15, 2020); “Government will send 1,350 soldiers to reinforce security in Cauca” (“Gobierno enviará a 1.350 militares para reforzar la seguridad en Cauca”), *El Tiempo*, August 20, 2019, <https://www.eltiempo.com/colombia/cali/gobierno-enviara-1-350-militares-para-reforzar-seguridad-en-el-cauca-402960> (accessed September 15, 2020).

⁷² Presidency of the Republic, “President Duque orders the transfer to Cauca of the Minister of Defense and the Commander of the Military Forces, in the face of new acts of violence” (“Presidente Duque ordena el traslado al Cauca del Ministro de Defensa y del Comandante de las Fuerzas Militares, ante nuevos hechos de violencia”), October 10, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/Presidente-Duque-ordena-traslado-Cauca-Ministro-Defensa-y-Comandante-Fuerzas-Militares-ante-nuevos-hechos-violencia-191031.aspx> (accessed September 15, 2020); “Militarization of Cauca: Government sends 2,500 members of the Rapid Deployment Force (Fudra 4)” (“Militarizan el Cauca: Gobierno envía 2.500 miembros de la Fuerza de Despliegue Rápido (Fudra 4)”), *Semana*, October 10, 2019, <https://www.semana.com/nacion/articulo/militarizan-el-cauca-ivan-duque-envia-2500-miembros-de-la-la-fuerza-de-despliegue-rapido-fudra-4/638391/> (accessed September 15, 2020).

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

⁷⁴ Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020. See, e.g., “Colombia: Armed Groups’ Brutal Covid-19 Measures,” Human Rights Watch news release, July 15, 2020, <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures>; Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 048-19” (“Alerta Temprana No. 048-19”), December 4, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 018-20” (“Alerta Temprana No. 018-20”), April 30, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 019-20” (“Alerta Temprana No. 019-20”), May 8, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 040-20” (“Alerta Temprana No. 040-20”), August 23, 2020 (copy on file with Human Rights Watch).

⁷⁵ Colombia’s National Institute of Forensic Science, “Forensis 2016,” June 2017, <https://www.medicinalegal.gov.co/documents/20143/49526/Forensis+2016.+Datos+para+la+vida.pdf> (accessed September 16, 2020), p. 129; Colombia’s National Institute of Forensic Science, “Forensis 2017,” May 2018, <https://www.medicinalegal.gov.co/documents/20143/262076/Forensis+2017+Interactivo.pdf/0a09fedb-f5e8-11f8-71ed-2d3b475e9b82> (accessed September 16, 2020), p. 107; Colombia’s National Institute of Forensic Science, “Forensis 2018,” June 2019, <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60> (accessed September 16, 2020), p. 88; Colombia’s National Institute of Forensic Science, “Homicides. Colombia 2019” (“Homicidios. Colombia 2019”), n.d., <https://www.medicinalegal.gov.co/cifras-estadisticas/forensis> (accessed September 16, 2020).

declined at least in part due to the lockdown measures imposed in connection to the Covid-19 pandemic.⁷⁶ Authorities reported 306 homicides in North Cauca between January and late-November 2020.⁷⁷

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

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

⁷⁷ Colombia's National Institute of Forensic Science, "Preliminary information on lethal injuries in Colombia. January to November 2020" ("Información preliminar de lesiones fatales de causa externa en Colombia. Enero a noviembre 2020"), December 2, 2020, <https://drive.google.com/u/o/uc?id=1Cl5tiekxlv5rUE15P7BLW3FEdlKSFUdc&export=download> (accessed January 9, 2021).

⁷⁸ Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 9, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with senior prosecutor, April 16, 2020; Human Rights Watch telephone interview with human rights official, April 17, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with human rights official, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with human rights official, August 6, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 6, 2020; Human Rights Watch telephone interview with judicial official, November 11, 2020; Human Rights Watch telephone interview with senior prosecutor, November 13, 2020.

⁷⁹ Human Rights Watch telephone interview with local activist, May 14, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, May 29, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, June 2, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 10, 2020; Human Rights Watch telephone interview with human rights official, August 6, 2020.

Armed groups have killed a high number of human rights defenders in North Cauca since 2016. OHCHR had documented 41 cases as of December 2020, while the Human Rights Ombudsperson's Office had documented 96, as of September 2020.⁸⁰

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

⁸⁰ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021. OHCHR was verifying another 7 cases. Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020.

⁸¹ 18 of the 41 cases documented by OHCHR and 54 of the 96 cases documented by the Human Rights Ombudsperson's Office between 2016 and 2020 in Northern Cauca involved Indigenous leaders from Nasa communities. Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, September 10, 2020 (copy on file with Human Rights Watch), cut-off date: September 10, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

⁸² Human Rights Watch telephone interview with judicial official, April 6, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; Human Rights Watch telephone interview with international human rights official, April 16, 2020; Human Rights Watch telephone interview with human rights official, April 17, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, April 21, 2020 (copy on file with Human Rights Watch); "The murder, kidnapping and rescue that originated the massacre in Tacueyó, Cauca" ("El asesinato, secuestro y rescate que originaron la masacre en Tacueyó, Cauca"), *El País*, October 30, 2019, <https://www.elpais.com.co/judicial/el-asesinato-secuestro-y-rescate-que-originaron-la-masacre-en-tacueyo-cauca.html> (accessed April 7, 2020); Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, July 23, 2020.

⁸³ Constitution of Colombia, art. 246; Colombia's Human Rights Ombudsperson's Office, "Special Indigenous Jurisdiction" ("Jurisdicción Especial Indígena"), December 2014, <https://www.defensoria.gov.co/public/pdf/04/boletinNr6JurisdiccionEspecialIndigena.pdf> (accessed July 9, 2020); Attorney General's Office, Directive No. 0012 which sets guidelines on matters related to the competence of the special Indigenous jurisdiction (Directiva No. 0012 por medio de la cual se establecen lineamientos sobre asuntos relacionados con la

This includes enforcement by the Nasa “Indigenous guard”— people who patrol their territory with Indigenous wooden staffs or canes that are mostly of symbolic value.⁸⁴ The Nasa people have seized weapons and drugs, and have arrested, tried, and convicted members of armed groups in their territory, including for threats and killings.⁸⁵ “They [the armed groups] have weapons, cars, and money, they have everything to wage war against us; we only have our Indigenous canes that symbolize our authority, our peaceful resistance, and our defense of the territory,” an Indigenous leader told Human Rights Watch.⁸⁶

Eider Arley Campo Hurtado, 20, was killed by members of a FARC dissident group on March 5, 2018. Campo Hurtado, a member of the Indigenous guard, promoted the rights of Indigenous people on local radio and had been a Nasa authority in 2017.⁸⁷ On the day he was killed, nine fighters from a FARC dissident group attacked his community and released a fighter who had been imprisoned by the Indigenous community.⁸⁸ The fighters fled. Members of the Indigenous guard went after them,

competencia de la jurisdicción especial indígena), July 21, 2016, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/directiva-012-2016-jurisdiccion-especial-indigena.pdf> (accessed July 9, 2020).

⁸⁴ *Ibid.*

⁸⁵ Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 001-18” (“Alerta Temprana No. 001-18”), January 2, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 033-19” (“Alerta Temprana No. 033-19”), August 15, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 048-19” (“Alerta Temprana No. 048-19”), December 4, 2019 (copy on file with Human Rights Watch); Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” May 8, 2020, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Annual-report-colombia-2019.pdf> (accessed January 27, 2021); Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with Indigenous leader, June 26, 2020; Human Rights Watch telephone interview with senior prosecutor, July 23, 2020.

⁸⁶ Human Rights Watch telephone interview with Indigenous leader, June 25, 2020.

⁸⁷ Indigenous Special Jurisdiction, Case No. 195486000629201800063, ruling of March 8, 2018 (copy on file with Human Rights Watch); Asociación de Cabildos Indígenas del Norte del Cauca, “Armed assault in Pioyá, Caldono, Cauca, leaves communicator and guard Eider Arley Campo Hurtado dead while exercising territorial control” (“Asalto armado en Cabildo de Pioyá Caldono Cauca deja al comunicador y guardia Eider Arley Campo Hurtado muerto en ejercicio de control territorial”), March 5, 2018, <https://nasaacin.org/asalto-armado-en-cabildo-de-pioya-caldono-cauca-deja-al-comunicador-y-guardia-eider-arley-campo-hurtado-muerto-en-ejercicio-de-control-territorial/> (accessed April 6, 2020); Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with Indigenous leader July 15, 2020.

⁸⁸ Indigenous Special Jurisdiction, Case No. 195486000629201800063, ruling of March 8, 2018 (copy on file with human Rights Watch); Attorney General’s Office, “Eight captured for the homicide of an Indigenous community member in Cauca”

and the armed group opened fire, killing Campo Hurtado. Later that day, the Indigenous guard arrested eight fighters, all Indigenous, for the killing. They were convicted and sentenced to between 20 and 40 years in prison. “This is a vicious cycle [involving] those who bear the weapons and try to use our own people to control Indigenous territory. We are here to impede that; that is why they kill us,” Indigenous authorities said in the ruling in the case.⁸⁹

Cristina Bautista Taquinás, a 30-year-old Nasa Indigenous authority, was killed on October 31, 2019,⁹⁰ after her community was alerted that the Dagoberto Ramos mobile column had taken two community members hostage, according to a survivor and judicial authorities who examined the case.⁹¹ Taquinás, as well as other Indigenous authorities and members of the Indigenous guard, went to the scene and managed to release the hostages. Gerardo Ignacio Herrera, alias “Barbas,” a commander of the Dagoberto Ramos mobile column, was one of the fighters at the scene, and the Indigenous guard parked a car in the middle of the road to block his flight. Members of the armed group then opened fire on the Indigenous guard for roughly 15 minutes, a survivor told the press.⁹² “They were firing at us from

(“Ocho capturados por homicidio de comunero indígena en el Cauca”), March 6, 2018, <https://www.fiscalia.gov.co/colombia/seccionales/ocho-capturados-por-homicidio-de-comunero-indigena-en-el-cauca/> (accessed April 7, 2020); Human Rights Watch telephone interview with judicial official, July 24, 2020.

⁸⁹ Indigenous Special Jurisdiction, Case No. 195486000629201800063, ruling of March 8, 2018 (copy on file with human rights official); Attorney General’s Office, “Eight captured for the homicide of an Indigenous community member in Cauca” (“Ocho capturados por homicidio de comunero indígena en el Cauca”), March 6, 2018, <https://www.fiscalia.gov.co/colombia/seccionales/ocho-capturados-por-homicidio-de-comunero-indigena-en-el-cauca/> (accessed April 7, 2020); Human Rights Watch telephone interview with judicial official, July 24, 2020.

⁹⁰ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with Indigenous leader, June 26, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020.

⁹¹ “The murder, kidnapping and rescue that originated the massacre in Tacueyó, Cauca” (“El asesinato, secuestro y rescate que originaron la masacre en Tacueyó, Cauca”), *El País*, October 30, 2020, <https://www.elpais.com.co/judicial/el-asesinato-secuestro-y-rescate-que-originaron-la-masacre-en-tacueyo-cauca.html> (accessed April 6, 2020); Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior prosecutor, July 23, 2020.

⁹² “The murder, kidnapping and rescue that originated the massacre in Tacueyó, Cauca” (“El asesinato, secuestro y rescate que originaron la masacre en Tacueyó, Cauca”), *El País*, October 30, 2020, <https://www.elpais.com.co/judicial/el-asesinato-secuestro-y-rescate-que-originaron-la-masacre-en-tacueyo-cauca.html> (accessed April 6, 2020).

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

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

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

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

⁹³ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior prosecutor, July 23, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020; Human Rights Watch telephone interview with judicial official, November 13, 2020.

⁹⁴ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

⁹⁵ Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with peasant leader, April 15, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020.

⁹⁶ “The PNIS only ‘landed’ in two Indigenous reservations in northern Cauca” (“El PNIS sólo ‘aterizó’ en dos resguardos indígenas del norte de Cauca”), *Verdad Abierta*, December 19, 2019, <https://verdadabierta.com/pnis-solo-aterizo-dos-resguardos-indigenas-del-norte-cauca/> (accessed July 24, 2020); Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicit

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

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

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

os_2019.pdf (accessed July 29, 2020); p. 19; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with Indigenous leader, July 28, 2020.

⁹⁷ Human Rights Watch telephone interview with peasant leader, April 15, 2020.

⁹⁸ Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs.” The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.

⁹⁹ Human Rights Watch telephone interview with judicial official, April 8, 2020.

¹⁰⁰ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia’s Human Rights Ombudsperson’s Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

¹⁰¹ Human Rights Watch telephone interview with Afro-Colombian leader, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; information provided to Human Rights Watch via email by the Attorney General’s Office, August 4, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the Human Rights Ombudsperson’s Office, August 28, 2020 (copy on file with Human Rights Watch).

¹⁰² Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview

groups extort more than 400 million COP (roughly US\$100,000) a day from miners, a prosecutor told Human Rights Watch.¹⁰³ Extortion of legal miners, along with illegal mining, is a source of significant economic gain for FARC dissident groups and smaller criminal groups in the region.¹⁰⁴

Security forces' tolerance and possible collusion enables illegal mining in the region, prosecutors, human rights officials, and Afro-Colombian leaders told Human Rights Watch.¹⁰⁵ "Backhoes and mining supplies go through police and military checkpoints, and, despite criminal complaints, [authorities] do not conduct control operations," an Afro-Colombian leader said.¹⁰⁶

Catatumbo (North Santander state)

Catatumbo is a region of the northeastern state of North Santander, on the border with Venezuela. Comprised of 11 municipalities—Ábrego, Convención, El Carmen, El Tarra, Hacarí, La Playa, Ocaña, San Calixto, Sardinata, Teorama, and Tibú—it is an important source of cocaine, which is trafficked to other parts of Colombia and to Venezuela.¹⁰⁷

with Afro-Colombian leader, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020.

¹⁰³ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020.

¹⁰⁴ Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, July 30, 2020; Human Rights Watch telephone interview with human rights official, August 6, 2020.

¹⁰⁵ "The calluses that Afro leaders tread on in northern Cauca" ("Los callos que pisan los líderes afro en el norte del Cauca"), *La Silla Vacía*, May 6, 2019, <https://lasillavacia.com/silla-pacifico/los-callos-pisan-los-lideres-afro-norte-del-cauca-71445> (accessed April 8, 2020); Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with judicial official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, July 30, 2020; Human Rights Watch telephone interview with human rights official, August 6, 2020.

¹⁰⁶ Human Rights Watch telephone interview with Afro-Colombian leader, April 8, 2020.

¹⁰⁷ "Mexican cartels stalk Catatumbo" ("Carteles mexicanos acechan al Catatumbo"), *Semana*, April 10, 2020, <https://www.semana.com/nacion/articulo/carteles-mexicanos-y-desplazamiento-en-catatumbo/662816> (accessed April 10,

Armed groups in Catatumbo include the ELN, the EPL, and an armed group that emerged from the demobilization of the FARC and calls itself the 33rd Front. Since early 2018, the ELN and the EPL have engaged in brutal fighting over territory, in part because in 2018 the EPL moved toward areas of Catatumbo occupied by the ELN.¹⁰⁸ In the second half of 2020, fighting among them appeared to reach a halt as the ELN recovered its territory and EPL fighters moved closer to the border.¹⁰⁹ Additionally, Rastrojos, an organized crime group, operates in the nearby municipalities of Puerto Santander and Cúcuta, where in recent times it has often engaged in fighting with the ELN.¹¹⁰

2020); Human Rights Watch telephone interview with local human rights official, April 8, 2020; Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020), p. 81.

¹⁰⁸ Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 039-16” (“Alerta Temprana No. 039-16”), November 24, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 034-16” (“Informe de Riesgo No. 034-16”), November 8, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 027-16” (“Informe de Riesgo No. 027-16”), July 26, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 021-16” (“Informe de Riesgo No. 021-16”), June 8, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 032-18” (“Alerta Temprana No. 032-18”), April 4, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 040-18” (“Alerta Temprana No. 040-18”), April 19, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 011-19” (“Alerta Temprana No. 011-19”), February 15, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 014-19” (“Alerta Temprana No. 014-19”), March 12, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 024-19” (“Alerta Temprana No. 024-19”), June 2, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 018-20” (“Alerta Temprana No. 018-20”), April 30, 2020 (copy on file with Human Rights Watch); Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>; Human Rights Watch telephone interview with judicial officer, April 6, 2020; Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; information provided to Human Rights Watch via email by the Attorney General’s Office, May 4, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with former official of the municipal human rights office, July 23, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 034-20” (“Alerta Temprana No. 034-20”), August 4, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 050-20” (“Alerta Temprana No. 050-20”), November 26 2020 (copy on file with Human Rights Watch).

¹⁰⁹ Human Rights Watch telephone interview with senior prosecutor, November 6, 2020; Human Rights Watch telephone interview with local human rights official, November 10, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020.

¹¹⁰ Human Rights Ombudsperson’s Office, “Early Warning No. 011-2020” (“Alerta Temprana No. 011-2020”), March 13, 2020 (copy on file with Human Rights Watch); OCHA, “Colombia: mass displacement in Cúcuta and Tibú (North Santander)”

In October 2018, the Colombian government launched the “Force of Rapid Deployment 3” (*Fuerza de Despliegue Rápido No. 3*, FUDRA 3), which increased the number of military officers in Catatumbo by 5,600.¹¹¹ The new force was added to the army’s 30th Brigade, the 30th Engineer Battalion “José Alberto Salazar Arana,” and the Vulcano Task Force, a special military unit that has operated in Catatumbo since 2011 and has 4,000 officers.¹¹² The Ministry of Defense told Human Rights Watch that in 2020 it had increased the number of soldiers in the FUDRA 3 unit.¹¹³

However, the military strategy has made little impact on the situation in Catatumbo. Homicide numbers in the region rose from 190 in 2017 to 228 in 2019.¹¹⁴ In 2020, homicides declined at least in part due to the lockdown measures imposed in connection

(“Colombia: Desplazamientos Masivos en Cúcuta y Tibú (Norte de Santander)”), July 31, 2020, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/31072020_flash_up_date_no_1_desplazamientos_masivos_en_cucuta_y_tibu_vf.pdf (accessed October 5, 2020); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 050-20” (“Alerta Temprana No. 050-20”), November 26 2020 (copy on file with Human Rights Watch).

¹¹¹ Presidency of the Republic, “President Duque activated the Rapid Deployment Force to liberate Catatumbo ‘once and for all from violence, kidnapping, extortion and homicide’” (“Presidente Duque activó Fuerza de Despliegue Rápido para liberar al Catatumbo ‘de una vez por todas de la violencia, el secuestro, la extorsión y el homicidio’”), October 28, 2020, <https://id.presidencia.gov.co/Paginas/prensa/2018/181028-Presidente-Duque-activo-Fuerza-Despliegue-Rapido-liberar-Catatumbo-violencia-secuestro-extorsion-homicidio.aspx> (accessed September 15, 2020); “With 5,000 more soldiers, Duque responds to the war that drowns the Catatumbo” (“Con 5.000 militares más, Duque responde a la guerra que ahoga el Catatumbo”), *Semana*, October 29, 2018, <https://www.semana.com/nacion/articulo/con-5000-militares-duque-responde-a-la-guerra-que-ahoga-el-catatumbo/588790/> (accessed September 15, 2020); Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>.

¹¹² Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 040” (“Alerta Temprana No. 040”), April 19, 2018 (copy on file with Human Rights Watch); “General Villegas apologizes for the death of Dimar Torres” (“General Villegas pide perdón por muerte de Dimar Torres”), YouTube clip, uploaded on April 28, 2019, <https://www.youtube.com/watch?v=A8Ynp1VW7ag> (accessed January 13, 2021).

¹¹³ Information provided to Human Rights Watch by email from the Ministry of Defense, December 14, 2020 (copy on file with Human Rights Watch).

¹¹⁴ Colombia’s National Institute of Forensic Science, “Forensis 2016,” June 2017, <https://www.medicinalegal.gov.co/documents/20143/49526/Forensis+2016.+Datos+para+la+vida.pdf> (accessed September 16, 2020), p. 129; Colombia’s National Institute of Forensic Science, “Forensis 2017,” May 2018, <https://www.medicinalegal.gov.co/documents/20143/262076/Forensis+2017+Interactivo.pdf/0a09fedb-f5e8-11f8-71ed-2d3b475e9b82> (accessed September 16, 2020), p. 107; Colombia’s National Institute of Forensic Science, “Forensis 2018,” June 2019, <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60> (accessed September 16, 2020), p. 88; Colombia’s National Institute of Forensic Science, “Homicides. Colombia 2019” (“Homicidios. Colombia 2019”), n.d., <https://www.medicinalegal.gov.co/cifras-estadisticas/forensis> (accessed September 16, 2020).

to the Covid-19 pandemic.¹¹⁵ Authorities reported 179 homicides between January and late-November 2020.¹¹⁶ Armed groups continue to commit serious abuses, including against human rights defenders.¹¹⁷

Since 2016, 24 human rights defenders have been killed in Catatumbo, OHCHR reported, including 17 leading figures on local Neighborhood Action Committees.¹¹⁸ The Human Rights Ombudsperson's Office reported 29 cases.¹¹⁹ Some of them were not targeted for their work, but killed during armed groups' attacks against civilians.¹²⁰

Frederman Quintero Ramírez, a 32-year-old community leader, was killed on July 30, 2018. Around 3 p.m. that day, the perpetrators appeared at a bar and shot indiscriminately, killing 10 people, including Quintero Ramírez.¹²¹ As they left, the

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

¹¹⁶ Colombia's National Institute of Forensic Science, "Preliminary information on lethal injuries in Colombia. January to November 2020" ("Información preliminar de lesiones fatales de causa externa en Colombia. Enero a noviembre 2020"), December 2, 2020, <https://drive.google.com/u/o/uc?id=1Cl5tieklv5rUE15P7BLW3FEIdIKSFUdc&export=download> (accessed January 9, 2021).

¹¹⁷ Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>; Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 034-20" ("Alerta Temprana No. 034-20"), August 4, 2020 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 050-20" ("Alerta Temprana No. 050-20"), November 26 2020 (copy on file with Human Rights Watch).

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

¹¹⁹ Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020.

¹²⁰ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020.

¹²¹ Inter-American Commission of Human Rights, "IACHR Condemns Death of Nine Persons in Colombia," August 9, 2018, <http://www.oas.org/es/cidh/prensa/comunicados/2018/176.asp> (accessed January 13, 2021); "Massacre in El Tarra: one of the survivors speaks" ("Masacre en El Tarra: habla uno de los sobrevivientes"), *Noticias Caracol*, youtube clip, uploaded on August 1, 2018, <https://www.youtube.com/watch?v=1-y88xaAlSM> (accessed January 13, 2021); Colombia's Human Rights

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

Five human rights defenders killed in Catatumbo since 2016 appear to have been targeted because an armed group accused them of links to an opposing party to the conflict, a prosecutor, an investigator, and a local human rights official told Human Rights Watch.¹²⁷ Colombia's Attorney General's Office found that none of the victims were members of armed groups.¹²⁸ But both the ELN and the EPL have conducted such killings to threaten

Ombudsperson's Office, "Early Warning No. 011-19" ("Alerta Temprana No. 011-19"), February 15, 2019, p. 14 (copy on file with Human Rights Watch).

¹²² First Criminal Court of Cúcuta Circuit, Case No. 54250610612420188511116, ruling of August 16, 2019, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/CUI/FredermanQuinteroMartinez.pdf> (accessed May 19, 2020).

¹²³ Victims' testimony taken by government officials [names and dates withheld] (copy on file with Human Rights Watch).

¹²⁴ Human Rights Watch telephone interview with judicial official, April 6, 2020.

¹²⁵ Human Rights Watch telephone interview with judicial official, April 6, 2020.

¹²⁶ Human Rights Watch telephone interview with judicial official, August 7, 2020. See also Attorney General's Office, "Attorney General's Office identified and prosecuted all of those responsible for the 'El Tarra' massacre" ("Fiscalía identificó y judicializó a todos los responsables de la masacre de 'El Tarra'"), November 7 de 2019, <https://www.fiscalia.gov.co/colombia/noticias/fiscalia-identifico-y-judicializo-a-todos-los-responsables-de-la-masacre-de-el-tarra/> (accessed, April 9, 2020); Human Rights Watch telephone interview with judicial official, November 10, 2020.

¹²⁷ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020.

¹²⁸ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020.

people and ensure that they do not support the other party.¹²⁹ In two other cases, human rights defenders appear to have been killed because they interacted with government forces.¹³⁰

Héctor Santiago Anteliz, the 52-year old president of a Neighborhood Action Committee, was killed on June 22, 2018. That afternoon, five members of the ELN appeared at his house and ordered him to accompany them, to discuss an issue with their commander.¹³¹ The next day, a man from a nearby community called Anteliz's family to report that they had found him dead,¹³² with four bullet wounds, including one to the mouth. A prosecutor investigating the case says evidence suggests that Anteliz was killed because the ELN suspected he had links to the EPL.¹³³

Nelly María Amaya, 43, was killed on January 16, 2016. Amaya had in the past been president of a Neighborhood Action Committee and was a well-known community leader in San Calixto.¹³⁴ Around 7 p.m. on the day she was killed, two armed men arrived by motorcycle at her store; one shot her five times, and she died at the

¹²⁹ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with human rights official, April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020.

¹³⁰ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020.

¹³¹ Human Rights Watch telephone interview with local human rights official, July 21, 2020; "The price of living in Catatumbo amid the war between guerrillas" ("El precio de vivir en el Catatumbo en medio de la guerra entre guerrillas"), *La Silla Vacía*, August 5, 2018, <https://lasillavacia.com/silla-santandereana/el-precio-de-vivir-en-el-catatumbo-en-medio-de-la-guerra-entre-guerrillas-67230> (accessed July 21, 2020).

¹³² Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 25, 2020.

¹³³ Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 25, 2020.

¹³⁴ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

scene.¹³⁵ Evidence gathered by the Attorney General's Office suggests that the EPL killed her because she sold food to army soldiers, an investigator told Human Rights Watch.¹³⁶ The EPL, which had threatened her in the past, distributed a pamphlet after her death saying that she had been killed for providing food to the army.¹³⁷ A member of the EPL is facing trial for the killing.¹³⁸

On February 11, 2018, EPL fighters killed **Deiver Quintero Pérez**, a community leader who organized sports activities to keep children away from armed groups in El Tarra.¹³⁹ Around 1 p.m. that day, two armed men abducted him from his workplace.¹⁴⁰ His body was found a few hours later, by a river, with several bullets in his head.¹⁴¹ In August 2019, a member of the EPL was sentenced to 25 years in prison for the murder.¹⁴² Evidence gathered by prosecutors indicates that the EPL killed Quintero because they believed he was cooperating with the government.¹⁴³

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

¹³⁵ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone with interview with senior prosecutor, August 4, 2020.

¹³⁶ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020.

¹³⁷ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

¹³⁸ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 25, 2020.

¹³⁹ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020.

¹⁴⁰ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

¹⁴¹ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

¹⁴² Human Rights Watch telephone interview with senior prosecutor, November 10, 2020.

¹⁴³ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), July 13, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

the EPL and the FARC dissident group in the region often summon them to meetings.¹⁴⁴ One of them told Human Rights Watch:

It is not an invitation.... They come to your house and tell you that you have to be in a given place on a given day, one cannot ask why... and they tell you that if you don't go... you will bear the consequences.¹⁴⁵

At the meetings, members of armed groups give local leaders “instructions.” For example, they establish times for circulation on the roads or order them to ensure that strangers, soldiers, and government officials do not enter their communities.¹⁴⁶ They threaten local leaders to ensure compliance. For instance, a communal leader told Human Rights Watch of a meeting in which a member of an armed group said, “X did not obey, and you saw what happened to him; now his widow is trying to collect money to buy a coffin.”¹⁴⁷

Threats against local leaders have increased in Catatumbo since 2016, prosecutors and human rights officials told Human Rights Watch.¹⁴⁸ Often, armed groups threaten local leaders not to support government crop substitution programs, or not to tell people about the groups’ activities.¹⁴⁹ A community leader told Human Rights Watch:

¹⁴⁴ Human Rights Watch telephone interviews with community leaders and local Neighborhood Action Committees representatives, May 25-28, 2020.

¹⁴⁵ Human Rights Watch telephone interview with leader of the local Neighborhood Action Committee in El Tarra, May 25, 2020.

¹⁴⁶ Human Rights Watch telephone interview with community leader, April 9, 2019; Human Rights Watch telephone interviews with community leaders and local Neighborhood Action Committees representatives, May 25-28, 2020.

¹⁴⁷ Human Rights Watch telephone interview with leader of the local Neighborhood Action Committee in El Tarra, May 25, 2020.

¹⁴⁸ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 8, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

¹⁴⁹ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020. On coca crops in the region, see Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020).

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

In January 2021, the Attorney General’s Office told Human Rights Watch that it was investigating 105 cases of threats against human rights defenders and other local leaders committed in Catatumbo since 2016, including 32 in 2019 and 39 between January and December of 2020.¹⁵¹ Colombia’s Human Rights Ombudsperson’s Office said that the number of threats against human rights defenders is much higher than the number being investigated.¹⁵²

Southern Pacific (Nariño state)

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

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

¹⁵⁰ Human Rights Watch telephone interview with community leader, May 28, 2020.

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

¹⁵² Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 28, 2020.

¹⁵³ Colombia’s Human Rights Ombudsperson’s Office, “Follow-up note to risk report, No. 015-16” (“Nota de Seguimiento al Informe de Riesgo No. 015-16”), November 8, 2016 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 014-17” (“Informe de Riesgo No. 014-17”) April 6, 2017 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 0143-17” (“Informe de Riesgo No. 043-17”), October 8, 2017 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 044-18” (“Alerta Temprana No. 044-18”), May 6, 2018 (copy on file with Human Rights Watch); Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia’s Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>; Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 045-19” (“Alerta Temprana No. 045-19”), October 31, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 001-20” (“Alerta Temprana No. 001-20”), January 23, 2020 (copy on file with Human Rights Watch); Colombia’s Human Rights

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

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

Ombudsperson’s Office, “Early Warning No. 018-20” (“Alerta Temprana No. 018-20”), April 30, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with former international human rights official, April 9, 2020; Human Rights Watch telephone interview with local human rights official, April 9, 2020; Human Rights Watch telephone interview with judicial official, April 10, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 10, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 28, 2020; information provided to Human Rights Watch via email by the Attorney General’s Office, May 4, 2020 (copy on file with Human Rights Watch); “For coca, ‘Gentil Duarte’ and ‘Iván Márquez’ are fighting each other in Nariño” (“Por coca, están enfrentados ‘Gentil Duarte’ e ‘Iván Márquez’ en Nariño”), *El Tiempo*, May 13, 2020, <https://www.eltiempo.com/justicia/conflicto-y-narcotrafico/la-cocaina-enfrento-a-disidentes-de-las-farc-en-narino-494436> (accessed May 14, 2020); Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with human rights official, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 20, 2020; Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020; Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020.

¹⁵⁴ Criminal Court of Tumaco Circuit, Case No. 28356000000201800070, ruling of September 26, 2019, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/CUI/JoseJairCortesGodoy.pdf> (accessed May 19, 2020); General Command of the Military Forces, “Military Forces located gigantic complex for the production of cocaine” (“Fuerzas Militares localizaron gigantesco complejo para la producción de cocaína”), April 24, 2020, <https://www.cgfm.mil.co/es/blog/fuerzas-militares-localizaron-gigantesco-complejo-para-la-produccion-de-cocaina> (accessed August 12, 2020); “For coca, ‘Gentil Duarte’ and ‘Iván Márquez’ are facing each other in Nariño” (“Por coca, están enfrentados ‘Gentil Duarte’ e ‘Iván Márquez’ en Nariño”), *El Tiempo*, May 13, 2020, <https://www.eltiempo.com/justicia/conflicto-y-narcotrafico/la-cocaina-enfrento-a-disidentes-de-las-farc-en-narino-494436> (accessed May 14, 2020); Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020), p. 66; “The story of the “Contadores,” one of the groups that handles drug trafficking in Nariño” (“La historia de los “Contadores,” uno de los grupos que maneja el narcotráfico en Nariño”), *El Espectador*, August 18, 2020, <https://www.elespectador.com/noticias/judicial/la-historia-de-los-contadores-uno-de-los-grupos-que-maneja-el-narcotrafico-en-narino/> (accessed January 10, 2021); General Command of the Military Forces, “Military Forces and the Attorney General’s Office destroy gigantic complex for cocaine production in Tumaco” (“Fuerzas Militares y Fiscalía destruyen gigantesco complejo para producción de cocaína en Tumaco”), August 24, 2020, <https://www.cgfm.mil.co/es/blog/fuerzas-militares-y-fiscalia-destruyen-gigantesco-complejo-para-produccion-de-cocaina-en> (accessed August 25, 2020).

¹⁵⁵ Human Rights Watch telephone interview with local Neighborhood Action Committee representative, June 2, 2020; Human Rights Watch interview with community leader, Tumaco, December 17, 2020; Human Rights Watch interview with women’s rights activist, Tumaco, December 17, 2020; Human Rights Watch interview with local Neighborhood Action Committee representative, Tumaco, December 17, 2020.

afro-Colombian leader told Human Rights Watch. “Before, it was the People of Order, after that the United Guerrillas of the Pacific, then Contadores, now the Oliver Sinisterra Front, and who knows what will come next? They make their alliances, then break them and fight, then make pacts to pit some groups against others ... and all of us have to follow their orders, restrictions, and threats.”¹⁵⁶

In January 2018, the government launched the “Atlas Campaign,” increasing the number of security officers in Tumaco and Francisco Pizarro and restructuring military and police units already operating. The government announced that a total of 9,000 security officers would protect rural and urban residents of these municipalities and eight others in Nariño.¹⁵⁷

The military strategy has achieved few results in preventing abuses.¹⁵⁸ In Tumaco, for instance, 269 people were killed in 2018, compared to 210 in 2017 and 152 in 2016.¹⁵⁹ Homicides dropped in 2019, in large part due to an agreement that armed groups reached in December 2018 to halt their fighting for control of neighborhoods.¹⁶⁰ Authorities

¹⁵⁶ Human Rights Watch telephone interview with Afro-Colombian leader, May 29, 2020.

¹⁵⁷ Presidency of the Republic, “Tumaco is not alone: we will continue to strengthen security and social action in the region” (“Tumaco no está solo: seguiremos fortaleciendo la seguridad y la acción social en la región”), October 21, 2017, <http://es.presidencia.gov.co/noticia/171021-Tumaco-no-esta-solo-seguiremos-fortaleciendo-la-seguridad-y-la-accion-social-en-la-region> (accessed January 13, 2021); “The new Plan for Tumaco is similar to the old Plan for Tumaco” (“El nuevo plan para Tumaco es parecido al viejo plan para Tumaco”), *La Silla Vacía*, October 25, 2017, <https://lasillavacia.com/silla-pacifico/el-nuevo-plan-para-tumaco-es-parecido-al-viejo-plan-para-tumaco-63146> (accessed January 13, 2021); Presidency of the Republic, “With 9 thousand men the Joint Task Force ‘Hercules’ is activated” (“Con 9 mil hombres se activa la Fuerza de Tarea Conjunta ‘Hércules’”), January 12, 2018, <http://es.presidencia.gov.co/noticia/180112-Con-9-mil-hombres-se-activa-la-Fuerza-de-Tarea-Conjunta-Hercules> (accessed January 13, 2021); “Time runs against Naranjo in Tumaco” (“El tiempo corre en contra de Naranjo en Tumaco”), *La Silla Vacía*, January 11, 2018, <https://lasillavacia.com/silla-pacifico/el-tiempo-corre-en-contra-de-naranjo-en-tumaco-64152> (accessed January 13, 2021).

¹⁵⁸ See, e.g., Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia’s Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>.

¹⁵⁹ Colombia’s National Institute of Forensic Science, “Forensis 2016,” June 2017, <https://www.medicinalegal.gov.co/documents/20143/49526/Forensis+2016.+Datos+para+la+vida.pdf> (accessed September 16, 2020), p. 129; Colombia’s National Institute of Forensic Science, “Forensis 2017,” May 2018, <https://www.medicinalegal.gov.co/documents/20143/262076/Forensis+2017+Interactivo.pdf/oa09fedb-f5e8-11f8-71ed-2d3b475e9b82> (accessed September 16, 2020), p. 107; Colombia’s National Institute of Forensic Science, “Forensis 2018,” June 2019, <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60> (accessed September 16, 2020), p. 88.

¹⁶⁰ Colombia’s National Institute of Forensic Science, “Homicides. Colombia 2019” (“Homicidios. Colombia 2019”), n.d., <https://www.medicinalegal.gov.co/cifras-estadisticas/forensis> (accessed September 16, 2020). See José Miguel Vivanco, “The Abandoned Women of Tumaco,” *La Silla Vacía*, March 25, 2019, <https://www.hrw.org/news/2019/03/25/abandoned>.

reported 175 homicides in Tumaco between January and late-November 2020.¹⁶¹ Armed groups continue to control many of Tumaco's urban neighborhoods and rural areas, engaging in serious abuses against civilians and imposing their own "rules."¹⁶²

While OHCHR and the Human Rights Ombudsperson's Office have not reported killings of human rights defenders in Francisco Pizarro, such killings occur in high numbers in Tumaco. According to OHCHR, Tumaco is the municipality with the highest number of human rights defenders killed since 2016, with 15 such cases.¹⁶³ The Human Rights Ombudsperson's Office ranks Tumaco third since 2016, with 20 cases.¹⁶⁴ Human rights defenders killed in Tumaco include Afro-Colombian, Indigenous, and other local leaders.¹⁶⁵

In at least three cases, armed groups killed human rights defenders after accusing them of collaborating with the military, the Attorney General's Office reports.¹⁶⁶

women-tumaco (accessed September 17, 2020); Kyle Johnson, "Is the Truce Working in Tumaco?" ("¿Está funcionando la tregua en Tumaco?"), *La Silla Vacía*, June 9, 2019, <https://lasillavacia.com/silla-llena/red-pacifico/esta-funcionando-la-tregua-tumaco-71077> (accessed September 17, 2020).

¹⁶¹ Colombia's National Institute of Forensic Science, "Preliminary information on lethal injuries in Colombia. January to November 2020" ("Información preliminar de lesiones fatales de causa externa en Colombia. Enero a noviembre 2020"), December 2, 2020, <https://drive.google.com/u/o/uc?id=1Cl5tiekxlv5rUE15P7BLW3FEIdIKSFUdc&export=download> (accessed January 9, 2021).

¹⁶² See, e.g., "Colombia: Armed Groups' Brutal Covid-19 Measures," Human Rights Watch news release, July 15, 2020, <https://www.hrw.org/news/2020/07/15/colombia-armed-groups-brutal-covid-19-measures>; Human Rights Watch interview with community leader, Tumaco, December 17, 2020; Human Rights Watch interview with women's rights activist, Tumaco, December 17, 2020; Human Rights Watch interview with local Neighborhood Action Committee representative, Tumaco, December 17, 2020.

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

¹⁶⁴ Information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020.

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

¹⁶⁶ Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020; Human Rights Watch telephone interview with senior prosecutor, April 10, 2020; Human Rights Watch telephone interview with judicial official, April 10, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 10, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

Holmes Alberto Niscué, a 40-year-old leader from Gran Rosario, an Indigenous Awá territory in Tumaco, was killed on August 19, 2018. Two men approached him in a bar and shot him four times, including in the face. Niscué had received death threats from the Oliver Sinisterra Front in June, and the National Protection Unit had moved him out of Tumaco to ensure his protection.¹⁶⁷ On the day he was murdered, Niscué had returned to Tumaco for a meeting.¹⁶⁸ According to press reports and a local prosecutor, the front accused him and other Awá leaders of having called in the army prior to a June 4, 2018, military operation in which six FARC dissidents, including a commander of the front, died.¹⁶⁹ Two members of the Oliver Sinisterra Front were on trial for Niscué's homicide at time of writing.¹⁷⁰

Argemiro Manuel López Pertuz, 46, was killed on March 17, 2019, in the rural area of Guayacana, in Tumaco. Around 9 p.m., two men arrived at his house and shot him 12 times, killing him and injuring his wife and sister.¹⁷¹ López Pertuz was president of Guayacana's Neighborhood Action Committee and led the crop substitution program for 200 families.¹⁷² Evidence gathered by prosecutors suggests he was killed by members of the Contadores who accused him of collaborating with the military.¹⁷³ In April 2019, the Attorney General's Office announced the arrests of

¹⁶⁷ Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020.

¹⁶⁸ Human Rights Watch telephone interview with senior prosecutor, August 20, 2020.

¹⁶⁹ "Holmes Niscué knew that Guacho was going to kill him" ("Holmes Niscué sabía que Guacho lo iba a matar"), *La Silla Vacía*, August 22, 2018, <https://lasillavacia.com/silla-pacifico/holmes-niscue-sabia-que-guacho-lo-iba-matar-67557> (accessed January 13, 2021); Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

¹⁷⁰ Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

¹⁷¹ Human Rights Watch telephone interview with former international human rights official, July 10, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

¹⁷² Human Rights Watch telephone interview with human rights official, July 10, 2020; Human Rights Watch telephone interview with former international human rights official, July 10, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

¹⁷³ Attorney General's Office, "Crime against illegal crop substitution leader in Tumaco solved" ("Esclarecido crimen de líder de sustitución de cultivos ilícitos en Tumaco"), April 15, 2019, <https://www.fiscalia.gov.co/colombia/crimen-organizado/esclarecido-crimen-de-lider-de-sustitucion-de-cultivos-ilicitos-en-tumaco/> (accessed August 10, 2020); Human

two members of the Contadores in connection with the killing.¹⁷⁴ They were awaiting trial at time of writing.¹⁷⁵

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

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

Jose Cortés Sevillano, 55, president of a Neighborhood Action Committee, was killed on the night of September 6, 2019, when two armed men appeared at a bar and shot him.¹⁷⁷ Evidence suggests that the Oliver Sinisterra Front killed him, having accused him of providing information to the Contadores.¹⁷⁸

Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

¹⁷⁴ Attorney General's Office, "Crime against illegal crop substitution leader in Tumaco solved" ("Esclarecido crimen de líder de sustitución de cultivos ilícitos en Tumaco"), April 15, 2019, <https://www.fiscalia.gov.co/colombia/crimen-organizado/esclarecido-crimen-de-lider-de-sustitucion-de-cultivos-ilicitos-en-tumaco/> (accessed August 10, 2020); Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

¹⁷⁵ Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

¹⁷⁶ Human Rights Watch telephone interview with Afro-Colombian leader, May 29, 2020.

¹⁷⁷ Human Rights Watch telephone interview with former international human rights official, July 10, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 20, 2020.

¹⁷⁸ Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

Rodrigo Salazar Quiñones, 44, an Awá Indigenous leader from the Piguambí Palangala in Tumaco, was killed on July 9, 2020.¹⁷⁹ Around 11:30 p.m., two men approached him when he was leaving his home, and shot him. Salazar Quiñonez had reported multiple threats from armed groups since 2014 and the National Protection Unit had granted him three bodyguards and an armored car.¹⁸⁰ But in 2020, the National Protection Unit decreased his protection scheme to just one bodyguard and a cellphone. When Salazar Quiñonez was killed, his bodyguard was not with him.¹⁸¹ Prosecutors told Human Rights Watch that Contadores killed Salazar Quiñonez.¹⁸² Evidence gathered by the Attorney General's Office indicates that Salazar Quiñonez had placed a fence in the access road to his indigenous territory in order to prevent the spread of Covid-19.¹⁸³ Contadores apparently killed him because the fence limited the movement of their fighters in the area. As of November 2020, prosecutors had charged one Contadores fighter in connection with the murder.¹⁸⁴

In addition to killings, threats against human rights defenders in Tumaco have increased since 2016, judicial investigators, humanitarian workers, and community leaders report.¹⁸⁵

¹⁷⁹ Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020.

¹⁸⁰ Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020; Human Rights Watch telephone interview with international human rights official, November 26, 2020.

¹⁸¹ Human Rights Watch telephone interview with international human rights official, November 26, 2020.

¹⁸² Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020.

¹⁸³ Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020.

¹⁸⁴ Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 11, 2020.

¹⁸⁵ Human Rights Watch telephone interview with human rights official, April 9, 2020; Human Rights Watch telephone interview with local human rights official, April 9, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 10, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 28, 2020; Human Rights Watch telephone interview with local activist, May 14, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, May 29, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, June 2, 2020; Human Rights Watch interview with community leader, Tumaco, December 17, 2020; Human Rights Watch interview with women's rights activist, Tumaco, December 17, 2020; Human Rights Watch interview with local Neighborhood Action Committee representative, Tumaco, December 17, 2020.

The Human Rights Ombudsperson's Office has registered 44 threats against human rights defenders in Tumaco since 2016, including 11 against women.¹⁸⁶ Many are connected to community leaders' support for coca crop substitution plans, or to their opposition to armed groups' presence on their land, community leaders and local human rights officials reported.¹⁸⁷

In January 2021, the Attorney General's Office told Human Rights Watch that it had open 61 investigations into threats against human rights defenders and other local leaders occurring in Tumaco since 2016.¹⁸⁸ However, a local senior prosecutor told us the number of such investigations is much higher.¹⁸⁹

Bajo Cauca (Antioquia state)

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

Several armed groups operate in Bajo Cauca, including the Gaitanist Self-Defense Forces of Colombia (AGC), which emerged from the demobilization of right-wing paramilitaries; the Caparros, a splinter of the AGC formed around 2017; the ELN; and the so-called 18th Front and 36th Front, two groups that emerged from the FARC.¹⁹⁰

¹⁸⁶ Information provided to Human Rights Watch via email by the Human Rights Ombudsperson's Office, August 28, 2020 (copy on file with Human Rights Watch).

¹⁸⁷ Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 045-19" ("Alerta Temprana No. 045-19"), October 31, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights official, April 9, 2020; Human Rights Watch telephone interview with local human rights official, April 9, 2020; Human Rights Watch telephone interview with Indigenous leader, April 10, 2020.

¹⁸⁸ Information provided to Human Rights Watch via email by the Attorney General's Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General's Office indicated that the figures covered the following categories: "human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of indigenous organizations, and leaders of coca crop substitution programs." The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.

¹⁸⁹ Human Rights Watch telephone interview with judicial official, August 20, 2020.

¹⁹⁰ "The ups and downs of violence in Bajo Cauca antioqueño" ("Los vaivenes de la violencia en el Bajo Cauca antioqueño"), *El Espectador*, January 10, 2020, <https://www.elespectador.com/colombia2020/pais/los-vaivenes-de-la-violencia-en-el-bajo-cauca-antioqueno-articulo-899192> (accessed April 10, 2020); Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 007-16" ("Informe de Riesgo No. 007-16"), March 8, 2016; Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 009-18" ("Alerta Temprana No. 009-18"), January 22, 2018 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 028-18" ("Alerta Temprana No. 028-18"), March 5,

Bajo Cauca has illegal gold mines and significant coca production.¹⁹¹ All five armed groups are disputing territory, mostly to control coca crops, drug trafficking routes, and illegal gold mines— and to extort businesses.¹⁹² Violence connected to armed groups’ disputes has

2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 031-18” (“Alerta Temprana No. 031-18”), April 4, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 003-19” (“Alerta Temprana No. 003-19”), January 9, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 020-19” (“Alerta Temprana No. 020-19”), April 17, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 045-20” (“Alerta Temprana No. 045-20”), August 31, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 6, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020; Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone with judicial investigator, November 23, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020.

¹⁹¹ Government of Colombia and United Nations Office on Drugs and Crime, “Alluvial gold mining. Evidence from remote sensing 2018” (“Explotación de oro de aluvión Evidencias a partir de percepción remota 2018”), November 2019, <https://www.minenergia.gov.co/documents/10192/24159317/EVOA+espanol.pdf> (accessed August 21, 2020); Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Fundación Paz y Reconciliación, “The Bajo Cauca region in Antioquia: Three Years of War and Pain” (“El bajo cauca antioqueño: tres años de guerra y dolor”), June 26, 2020, <https://pares.com.co/2020/06/26/el-bajo-cauca-antioqueno-tres-anos-de-guerra-y-dolor/> (accessed August 21, 2020); Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020).

¹⁹² “The ups and downs of violence in Bajo Cauca antioqueño” (“Los vaivenes de la violencia en el Bajo Cauca antioqueño”), *El Espectador*, January 10, 2020, <https://www.elspectador.com/colombia2020/pais/los-vaivenes-de-la-violencia-en-el-bajo-cauca-antioqueno-articulo-899192> (accessed April 10, 2020); Colombia’s Human Rights Ombudsperson’s Office, “Risk Report No. 007-16” (“Informe de Riesgo No. 007-16”), March 8, 2016; Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 009-18” (“Alerta Temprana No. 009-18”), January 22, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 028-18” (“Alerta Temprana No. 028-18”), March 5, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 031-18” (“Alerta Temprana No. 031-18”), April 4, 2018 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 003-19” (“Alerta Temprana No. 003-19”), January 9, 2019 (copy on file with Human Rights Watch); Colombia’s Human Rights Ombudsperson’s Office, “Early Warning No. 020-19” (“Alerta Temprana No. 020-19”) April 17, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

increased since 2017, yielding a surge in the number of killings, threats, and forced displacement, as well as an expansion of violence to the neighboring state of Córdoba.¹⁹³

OHCHR documented 15 killings of human rights defenders in Bajo Cauca occurring between 2016 and 2020, while the Human Rights Ombudsperson's Office documented 34.¹⁹⁴ At least nine of the human rights defenders were members of Neighborhood Action Committees.¹⁹⁵ Other defenders killed included peasant and community leaders.¹⁹⁶

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

¹⁹³ Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 11, 2020; information provided to Human Rights Watch via email by the Attorney General's Office, May 4, 2020 (copy on file with Human Rights Watch).

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

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

¹⁹⁶ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; Human Rights Watch telephone interview with international human rights official, April 16, 2020; Human Rights Watch telephone interview with human rights official, April 17, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, April 21, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

¹⁹⁷ Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 11, 2020; Human Rights Watch telephone interview with local activist, April 20, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020

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

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

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

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

¹⁹⁸ Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with local activist, April 20, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020; Human Rights Watch telephone with judicial investigator, November 23, 2020.

¹⁹⁹ Human Rights Watch telephone with judicial investigator, July 16, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020; Human Rights Watch telephone with investigator of the Technical Investigation Unit (CTI), August 25, 2020.

²⁰⁰ Criminal Judge of Cauca Circuit, 2018, Case No. 051206100192201780015, ruling of February 5, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/CUI/EbertoJulioGomezMora.pdf> (accessed May 20, 2020); Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

the homicide. The court concluded that the group had ordered him killed for being a “collaborator of the guerrillas.”²⁰¹

In at least eight other cases, armed groups killed human rights defenders who were involved in coca crop substitution plans, prosecutors told Human Rights Watch.²⁰² In three of the eight cases, evidence indicates that part of the reason for the killings was that the human rights defenders opposed armed groups’ extortion of the beneficiaries of coca substitution plans.²⁰³ Armed groups extort beneficiaries, forcing them to pay roughly 10 percent of the COP 2.000.000 (US\$ 518) that they receive every two months under the plans, according to prosecutors, judicial investigators, local human rights officials and community leaders.²⁰⁴ In other cases, armed groups killed human rights defenders because of their support for or participation in the plans. A communal leader described the situation to us this way:

²⁰¹ Fourth Criminal Court of the Antioquia Specialized Circuit, Case No. 052506109280201680246, ruling of September 25, 2019 (copy on file with Human Rights Watch).

²⁰² Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone interview with judicial official, April 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020. On coca crops in the region, see Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2018” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2018”), August 2019, https://www.unodc.org/documents/colombia/2019/Agosto/Informe_de_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_en_Colombia_2018_.pdf (accessed April 7, 2020); Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020); Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020; Human Rights Watch telephone with judicial investigator, November 23, 2020.

²⁰³ Human Rights Watch telephone with judicial investigator, July 16, 2020; Human Rights Watch telephone interview with judicial official, April 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020.

²⁰⁴ Human Rights Watch telephone interview with peasant leader, June 8, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone interview with local activist, April 20, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

We want to support [coca] substitution, but they [the armed groups] do not let us, they threaten us, they do not let us leave our situation of poverty and, in addition, the government has failed us, so we do not have any other option than to sow [coca] or they will kill us or, worse, we will have to pack up and take our wife and children who knows where.²⁰⁵

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

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

²⁰⁵ Human Rights Watch telephone interview with local Neighborhood Action Committee representative, June 4, 2020.

²⁰⁶ "What is behind the murder of a cocalero leader in Tarazá?" ("¿Qué hay detrás del asesinato de un líder cocalero en Tarazá?"), *Verdad Abierta*, October 24, 2017, <https://verdadabierta.com/que-hay-detras-del-asesinato-de-un-lider-cocalero-en-taraza/> (accessed April 11, de 2020); Human Rights Watch telephone with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

²⁰⁷ Fourth Criminal Court of Antioquia Specialized Circuit, Case No. 057906100194201780227, ruling of November 21, 2018, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/CUI/Miguel%20Emiro%20Perez.pdf> (accessed May 20, 2020); Attorney General's Office, "Former leader of Caparrapos convicted for the murder of coca crop substitution leader in Antioquia's Bajo Cauca" ("Condenado excabecilla de Los Caparrapos por homicidio de líder de sustitución de cultivos del Bajo Cauca Antioqueño"), November 23, 2018, <https://www.fiscalia.gov.co/colombia/seccionales/condenado-excabecilla-de-los-caparrapos-por-homicidio-de-lider-de-sustitucion-de-cultivos-del-bajo-cauca-antioqueno/> (accessed April 12, 2020); Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

²⁰⁸ Human Rights Watch telephone with judicial investigator, July 16, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020.

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

Threats against human rights defenders have increased in Bajo Cauca since 2016, local human rights officials and prosecutors told us. Many are related to the implementation of coca crop substitution plans.²¹³ In some cases, armed groups tell civilians either to “comply [with their orders] or leave the area.”²¹⁴ In January 2021, the Attorney General’s Office told Human Rights Watch that it had opened 16 investigations into threats made against human rights defenders and other local leaders in Bajo Cauca since 2016.²¹⁵ But a

²⁰⁹ Human Rights Watch telephone with judicial investigator, July 16, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020.

²¹⁰ Human Rights Watch telephone with judicial investigator, July 16, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020.

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

²¹² Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior prosecutor, November 10, 2020; Human Rights Watch telephone with judicial investigator, November 23, 2020; Attorney General’s Office, “Alias Caín, head of ‘Los Caparros’ and one of those most responsible for crimes against human rights defenders, is killed” (“Cae alias Caín, máximo cabecilla de ‘Los Caparros’ y uno de los principales responsables de crímenes contra defensores de derechos humanos”), November 17, 2020, <https://www.fiscalia.gov.co/colombia/defensores/cae-alias-cain-maximo-cabecilla-de-los-caparros-y-uno-de-los-principales-responsables-de-crimenes-contra-defensores-de-derechos-humanos/> (accessed November 23, 2020).

²¹³ Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with human rights official, April 11, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, July 29, 2020.

²¹⁴ Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

²¹⁵ Information provided to Human Rights Watch via email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020. The Attorney General’s Office indicated that the figures covered the following categories: “human rights defenders, human rights activists, leaders of peasant organizations, leaders of community organizations, land restitution leaders, human rights defenders who have been victims of abuses, leaders of

local senior prosecutor and a judicial official indicated that the number of investigations is higher.²¹⁶ They said that many cases do not appear in the Attorney General's Office records.²¹⁷

Caguán (Caquetá state)

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

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

indigenous organizations, and leaders of coca crop substitution programs." The office noted that some cases may involve more than one victim and that a single victim may fall into more than one category.

²¹⁶ Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 24, 2020.

²¹⁷ *Ibid.*

²¹⁸ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020.

²¹⁹ Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 038-16" ("Alerta Temprana N°038-16"), November 24, 2016 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 0001-17" ("Informe de Riesgo No. 001-17"), January 18, 2020 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 050-17" ("Informe de Riesgo N°050-17"), November 23, 2017 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 001-19" ("Informe de Riesgo N°001-19"), January 4, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with senior prosecutor, April 13, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020; Human Rights Watch telephone interview with senior prosecutor, November 9, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020.

²²⁰ Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020; Human Rights Watch telephone interview with journalist, November 17, 2020.

The 7th and 62nd fronts today mostly operate in the southern area of Yarí, while the 40th Front operates in the municipality of San Vicente del Caguán.²²¹ Some sources believe that the three fronts are in the process of joining forces as the Jorge Briceño Front.²²² As part of their efforts to control the population and drug trafficking routes, the groups have engaged in serious abuses, including killings, child recruitment, and threats.²²³

Between 2016 and 2020, OHCHR documented 11 killings of human rights defenders in Caguán, while the Human Rights Ombudsperson's office documented 14.²²⁴ Most victims

²²¹ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020; Human Rights Watch telephone interview with senior prosecutor, November 9, 2020; Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020; Human Rights Watch telephone interview with armed conflict researcher, November 13, 2020; Human Rights Watch telephone interview with journalist, November 17, 2020.

²²² Human Rights Watch telephone interview with senior prosecutor, April 13, 2020; Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²²³ Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 0001-17" ("Informe de Riesgo No. 001-17"), January 18, 2020 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 001-19" ("Informe de Riesgo N°001-19"); January 4, 2019 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020.

²²⁴ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021.

were members of Neighborhood Action Committees,²²⁵ which, given limited government presence in the area, often conduct tasks normally associated with local officials.²²⁶

In three cases, human rights and judicial officials believe community leaders were killed because FARC dissident groups suspected them of links to former FARC guerrillas whose demobilization they consider a betrayal of their cause.²²⁷

In three other cases, human rights and judicial officials believe community leaders were killed because they did not comply with armed groups' "orders," including to pay extortion fees.²²⁸ Like the FARC in the past, FARC dissident groups have distributed "manuals" establishing "rules" for civilians, local human rights officials and leaders of Neighborhood Action Committees told us, and have imposed severe punishments on those failing to comply.²²⁹

²²⁵ Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, September 9, 2020 (copy on file with Human Rights Watch), cut-off date: June 30, 2020; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, November 5, 2020 (copy on file with Human Rights Watch), cut-off date: September 30, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date: January 7, 2021; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020.

²²⁶ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²²⁷ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with senior prosecutor, April 13, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²²⁸ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with senior prosecutor, April 13, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with judicial official, April 16, 2020; Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²²⁹ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 14, 2020.

Yunier Moreno Jave, 47, a Neighborhood Action Committee member, was killed on the morning of September 8, 2019.²³⁰ Two armed men appeared at his house and shot him six times.²³¹ Prosecutors, aid workers, and a local human rights official say the killers were apparently from the 62nd Front, which had accused Moreno Jave of selling marijuana, an activity the group has banned.²³² Since early 2019, the 62nd Front had circulated pamphlets announcing a “social cleansing” of people who broke their “rules,” including bans on selling drugs and stealing.²³³

Leaders of Neighborhood Action Committees are frequently threatened and attacked because of their support for coca crop substitution plans.²³⁴ As in other regions, the government has asked communal leaders in Caguán to complete a range of tasks required to implement the plans, including convening community meetings and communicating program details. Such tasks have increased their visibility, often increasing their risk.²³⁵

Armed groups also extort people participating in coca substitution plans, forcing them to pay a portion of the government benefits, a communal leader, a local human rights official

²³⁰ Human Rights Watch telephone interview with senior prosecutor, July 15, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²³¹ *Ibid.*

²³² Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with senior prosecutor, July 15, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²³³ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), August 21, 2020.

²³⁴ “Caguán’s social and community leaders on alert due to threats” (“Líderes sociales y comunitarios del Caguán, en alerta por amenazas”), *Semana Rural*, February 17, 2019, <https://semanarural.com/web/articulo/lideres-sociales-de-san-vicente-del-caguan-en-riesgo/830> (accessed April 13, 2020); Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 14, 2020. On coca crops in the region, see Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2018” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2018”), August 2019, https://www.unodc.org/documents/colombia/2019/Agosto/Informe_de_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_en_Colombia_2018_.pdf (accessed April 7, 2020); Government of Colombia and United Nations Office on Drugs and Crime, “Colombia: Monitoring Territories Affected by Illicit Crops 2019” (“Colombia: Monitoreo de territorios afectados por cultivos ilícitos 2019”), July 2020, https://www.unodc.org/documents/colombia/2020/Julio/Informe_Monitoreo_de_Territorios_Afectados_por_Cultivos_Illicitos_2019.pdf (accessed July 29, 2020).

²³⁵ Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020.

and a member of a humanitarian organization told Human Rights Watch.²³⁶ At times, the armed groups have coerced communal leaders into extorting beneficiaries on the groups' behalf. "Those who refuse to do it are threatened or killed," a communal leader who fled Caguán told Human Rights Watch.²³⁷

In January 2021, the Attorney General's Office told Human Rights Watch that it had 212 open investigations into threats against human rights defenders and other local leaders occurring in Caquetá since 2016, including 37 against leaders in Cartagena del Chairá and San Vicente del Caguán.²³⁸ However, a prosecutor with detailed knowledge of the cases said the number of cases under investigation is over 400. Like others, the prosecutor said that many cases are not registered in the Attorney General's Office records.²³⁹ Human rights officials believe the number of threats is even higher, as many cases are never reported.²⁴⁰

Arauca's foothills (Arauca state)

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

Two armed groups operate in Arauca: the ELN and the Martín Villa 10th Front, which emerged from the FARC. They enjoy significant power and exercise tight control over the population. Members have committed numerous abuses—including killings, kidnappings, sexual violence, child recruitment, and forced labor—to assert and maintain control.²⁴¹

²³⁶ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with human rights official, April 13, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020.

²³⁷ Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020.

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

²³⁹ Human Rights Watch telephone interview with senior prosecutor, August 28, 2020.

²⁴⁰ Human Rights Watch telephone interview with judicial official, August 25, 2020; Human Rights Watch telephone interview with human rights official, August 26, 2020.

²⁴¹ Colombia's Human Rights Ombudsperson's Office, "Risk Report No. 017-17 ("Informe de riesgo No. 017-17"), April 17, 2020 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Follow up note No. 009-17

OHCHR has documented 10 killings of human rights defenders in Arauca's foothills since 2016, while the Human Rights Ombudsperson's office has documented 12 since 2016.²⁴²

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

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

regarding Risk Report No. 031-12" ("Nota de seguimiento No. 009-17 al Informe de Riesgo N°031-12"), August 9, 2017 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 006-18" ("Alerta Temprana No. 006-18"), January 15, 2018 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 029-19" ("Alerta Temprana No. 029-19"), July 11, 2019 (copy on file with Human Rights Watch); Colombia's Human Rights Ombudsperson's Office, "Early Warning No. 018-20" ("Alerta Temprana No. 018-20"), April 30, 2020 (copy on file with Human Rights Watch); Human Rights Watch, *"The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State*, January 22, 2020, <https://www.hrw.org/report/2020/01/22/guerrillas-are-police/social-control-and-abuses-armed-groups-colombias-arauca>; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 12, 2020; Human Rights Watch telephone interview with local human rights official, November 12, 2020.

²⁴² Information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, April 14, 2020 (copy on file with Human Rights Watch), cut-off date: December 31, 2019; information provided to Human Rights Watch via email by Colombia's Human Rights Ombudsperson's Office, April 21, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with armed conflict researcher, June 4, 2020; information provided to Human Rights Watch via email by the Office in Colombia of the United Nations High Commissioner for Human Rights, January 7, 2021 (copy on file with Human Rights Watch), cut-off date January 7, 2021.

²⁴³ Human Rights Watch telephone interview with senior prosecutor, April 16, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 21, 2020; Human Rights Watch telephone interview with police investigator, April 22, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with judicial official, November 17, 2020.

²⁴⁴ Human Rights Watch telephone interview with local human rights official, April 14, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 14, 2020; Human Rights Watch telephone interview with local human rights official, April 15, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with local human rights official, November 12, 2020; Human Rights Watch telephone interview with judicial official, November 17, 2020.

²⁴⁵ Human Rights Watch telephone interview with senior prosecutor, April 16, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 21, 2020; Human Rights Watch telephone interview with police investigator, April 22, 2020; Human Rights Watch telephone interview with judicial official, August 5, 2020.

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

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

²⁴⁶ Human Rights Watch telephone interview with judicial official, August 5, 2020; Human Rights Watch telephone interview with local human rights official, August 6, 2020; Human Rights Watch telephone interview with local human rights official, August 7, 2020.

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

²⁴⁸ Human Rights Watch telephone interview with judicial official, August 25, 2020; Human Rights Watch telephone interview with human rights official, August 26, 2020.

²⁴⁹ Human Rights Watch telephone interview with senior prosecutor, August 20, 2020; Human Rights Watch telephone interview with judicial official, August 25, 2020.

III. Government Action to Prevent Abuses and Protect Defenders

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

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

²⁵⁰ Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 22, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 8, 2020; Human Rights Watch telephone interview with officials of the Human Rights Ombudsperson’s Office, June 10-13, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 18, 2020; Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 19, 2020; Human Rights Watch telephone interview with humanitarian actor, June 20, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 6, 2020; Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson’s Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with local human rights official, November 10, 2020; Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 12, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

²⁵¹ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 25, 2020.

Lack of coordination among the mechanisms is also a problem, humanitarian workers and human rights and other government officials told Human Rights Watch.²⁵² Government officials participating in the mechanisms are often unaware of discussions carried out under other mechanisms. The functions of each of the mechanisms is often confused.²⁵³ An official from the Human Rights Ombudsperson's Office told Human Rights Watch:

The only aspect in which we coordinate is that we are seated in the same meeting and share the same concern.... But at the time of taking action, there are no clear roadmaps. Local authorities report that X or Y situation has already been discussed in another meeting, and no one knows what happened. It is very hard to articulate a comprehensive response.²⁵⁴

Another factor undermining efforts is that civil society groups lack trust in government officials.²⁵⁵ The lack of trust is understandable. For instance, under some of the

²⁵² Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 17, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 10, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 18, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 19, 2020; Human Rights Watch telephone interview with humanitarian actor, June 20, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 6, 2020; Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson's Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with local human rights official, November 10, 2020; Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 12, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, November 13, 2020; Human Rights Watch telephone interview with local human rights official, November 13, 2020.

²⁵³ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 17, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 11, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 18, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 19, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson's Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with local human rights official, November 10, 2020; Human Rights Watch telephone interview with international organization official, November 12, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

²⁵⁴ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 11, 2020.

²⁵⁵ Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 17, 2020; Human Rights Watch telephone interview with local

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

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

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

activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 8, 2020; Kroc Institute for International Peace Studies, “Three Years After the Signing of the Final Agreement of Colombia: Towards Territorial Transformation” (“Tres años después de la firma del Acuerdo Final de Colombia: hacia la transformación territorial”), June 16, 2020, <http://peaceaccords.nd.edu/wp-content/uploads/2020/06/Cuarto-Informe-Final-with-Annex-Link.pdf> (accessed June 17, 2020); Human Rights Watch telephone interview with international organization official, June 19, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

²⁵⁶ See, for example, the assessment below on the so-called National Commission of Guarantees.

²⁵⁷ “The questioning to General Barrero, the one designated to protect social leaders” (“Los cuestionamientos al general Barrero, el designado para proteger a líderes sociales”), *El Espectador*, January 29, 2020, <https://www.elespectador.com/colombia2020/pais/los-cuestionamientos-al-general-barrero-el-designado-para-proteger-lideres-sociales-articulo-857592/> (accessed August 20, 2020); “General Leonardo Barrero is no longer the director of the plan to protect social leaders” (“El general Leonardo Barrero ya no es el director del plan para proteger a líderes sociales”), *El Espectador*, January 31, 2019, <https://www.elespectador.com/colombia2020/pais/el-general-leonardo-barrero-ya-no-es-el-director-del-plan-para-proteger-lideres-sociales-articulo-857598/> (accessed July 21, 2020).

²⁵⁸ Human Rights Watch, *On Their Watch: Evidence of Senior Army Officers’ Responsibility for False Positive Killings in Colombia*, June 24, 2015, <https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-armyofficers-responsibility-false-positive-killings>, p. 75.

²⁵⁹ Human Rights Watch, *On Their Watch: Evidence of Senior Army Officers’ Responsibility for False Positive Killings in Colombia*, June 24, 2015, <https://www.hrw.org/report/2015/06/24/their-watch/evidence-senior-armyofficers-responsibility-false-positive-killings>, p. 75.

designated five such areas— including the Southern Pacific, Bajo Cauca, Caguán, Arauca’s foothills, and parts of Catatumbo—where it planned to prioritize sending military and police forces to “confront and dismantle criminal networks” and lay a foundation for strengthening civilian institutions.²⁶⁰ Within these five areas, the government intended to identify the most dangerous villages, where the presence of military and police forces would be prioritized. In villages deemed less risky, plans to develop civilian institutions, related to education or agriculture, for example, would begin.²⁶¹ In December 2020, the Ministry of the Interior told Human Rights Watch that the policy’s implementation had only begun in the Southern Pacific, where authorities had, amongst other actions, increased the number of judicial investigators, “improved 40 schools” and “refurbished 15 parks.”²⁶²

Prevention and Protection Program

In 2015, the Colombian government created the so-called “Program of prevention and protection of the rights to life, liberty, integrity and security of people, groups and communities that are in a situation of extraordinary or extreme risk” (*Programa de Prevención y Protección de los Derechos a la Vida, la Libertad, la Integridad y la Seguridad de Personas, Grupos y Comunidades que se Encuentran en Situación de Riesgo Extraordinario o Extremo*).²⁶³

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

²⁶⁰ Presidency of the Republic, “Words of President Iván Duque in the launch of the ‘Future Zones’ Initiative” (“Palabras del Presidente Iván Duque en el lanzamiento de la iniciativa ‘Zonas Futuro’”), August 8, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190808-Palabras-Presidente-Ivan-Duque-en-el-lanzamiento-de-la-iniciativa-Zonas-Futuro.aspx> (accessed January 13, 2021).

²⁶¹ *Ibid.*

²⁶² Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

²⁶³ Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020).

Protection Measures

Since 2016, the National Protection Unit has significantly increased the number of protection schemes granted to people it considers human rights defenders.²⁶⁴ (The unit is also in charge of providing protection to government authorities.)²⁶⁵ In 2020, the unit received over 31,000 requests for such schemes, including over 11,000 for people whom the unit considers human rights defenders.²⁶⁶ The unit granted and implemented approximately 1,600 such measures, although it is unclear how many people benefited from them.²⁶⁷ In 2019, 1,900 human rights defenders received protection schemes out of 13,000 who requested them; the remaining requests were denied.²⁶⁸ Measures included granting cellphones, “panic buttons,” bullet-proof vests and, in extreme cases, bodyguards and armored cars.

The National Protection Unit faces significant budgetary constraints. In 2019, its budget amounted to COP 688.747.241.558 (roughly US\$209 million),²⁶⁹ of which roughly half was used to protect government authorities.²⁷⁰ The unit spent COP 200 billion (roughly US\$61 million) more than its original budget for that year, using funds assigned to its 2020

²⁶⁴ These include community leaders, members of civil society organizations, victims of human rights abuses, current and former human rights officials and members of the Colombian Communist Party and the Patriotic Union, a political party created by the FARC in the 1980s that suffered pervasive abuses in the 1980s and 1990s. The UNP granted individual protection schemes to 1.927 such people in 2019; 1.778 in 2018; 1.185 in 2017; and 1.212 in 2016. Information provided to Human Rights Watch via email by the National Protection Unit, February 22, 2019 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the National Protection Unit, March 10, 2020 (copy on file with Human Rights Watch).

²⁶⁵ Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), art. 2.4.1.2.1.

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

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

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

²⁶⁹ National Protection Unit, Resolution 001 of 2020, January 2, 2020, <https://www.unp.gov.co/wp-content/uploads/2020/02/1resolucion-001-del-02-de-enero-de-2020-desagregacion-presupuesto.pdf> (accessed December 17, 2020); information provided to Human Rights Watch by email by the National Protection Unit, March 10, 2020 (copy on file with Human Rights Watch).

²⁷⁰ Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

budget.²⁷¹ In 2020, the unit's budget increased to COP 939.365.926.632 (roughly US\$ 274 million), but it spent at least COP 1.094.449.822.495 (roughly US\$ 320 million).²⁷²

The unit's schemes help protect rights defenders at risk, yet the overwhelming majority of rights defenders killed since 2016 did not have protection schemes. In 2019, only 6 of the 108 rights defenders killed had been granted protection schemes, including 3 who were using a scheme when killed.²⁷³ According to OHCHR, 4 of the 53 rights defenders killed between January and December 2020 had been granted protection schemes; of those, 3 were not using their entire scheme when they were killed.²⁷⁴

Part of the problem is that schemes are only provided in response to specific risks, including threats, but many of the rights defenders who have been killed had not filed criminal complaints about threats.²⁷⁵ To provide a protection scheme, the National Protection Unit requires that people file a criminal complaint about a threat with the Attorney General's Office, and then provide a copy of the complaint to the unit.²⁷⁶ However, many human rights defenders face significant obstacles in filing complaints with the Attorney General's Office, including the absence of prosecutors' offices in their municipalities where they could file the complaint. So they report threats to other

²⁷¹ Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

²⁷² National Protection Unit, Resolution 001 of 2020, January 2, 2020, <https://www.unp.gov.co/wp-content/uploads/2020/02/1resolucion-001-del-02-de-enero-de-2020-desagregacion-presupuesto.pdf> (accessed December 17, 2020); National Protection Unit, Appropriations report ("Informe de apropiación y ejecución"), October 31, 2020, <https://www.unp.gov.co/wp-content/uploads/2020/12/ejecucion-presupuestal-a-octubre-2020.xlsx> (accessed December 17, 2020).

²⁷³ See, for example, Office of the UN High Commissioner for Human Rights, "Situation of human rights in Colombia," UN Doc. A/HRC/40/3/Add.3, February 4, 2019, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A-HRC-40-3-Add-3-ENG.pdf> (accessed January 27, 2021), para. 29; Human Rights Watch telephone interview with official of the National Protection Unit, July 3, 2020; Human Rights Watch telephone interview with local human rights official, July 7, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

²⁷⁴ Human Rights Watch telephone interview with local human rights official, December 15, 2020.

²⁷⁵ Human Rights Watch telephone interview with local human rights official, September 4, 2020.

²⁷⁶ National Protection Unit, "Form to request individual protection" ("Formulario de Solicitud de Protección Individual"), n.d., <https://www.unp.gov.co/atencion-al-ciudadano/formularios-de-solicitud-de-proteccion/formulario-de-solicitud-de-proteccion-individual/> (accessed July 7, 2020); Human Rights Watch telephone interview with local human rights official, July 7, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020.

authorities, such as municipal human rights offices, known as *personerías*, or the Human Rights Ombudsperson's Office.²⁷⁷

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

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

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

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

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

²⁷⁹ Office of the UN High Commissioner for Human Rights, "Situation of human rights in Colombia," UN Doc. A/HRC/40/3/Add.3, February 4, 2019, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A-HRC-40-3-Add-3-ENG.pdf> (accessed January 27, 2021), para. 29; Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with local human rights official, April 7, 2020; Human Rights Watch telephone interview with official from the Human Rights Ombudsperson's Office, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with official from the Human Rights Ombudsperson's Office, April 9, 2020; Human Rights Watch telephone interview with Indigenous leader, April 10, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with official of the National Protection Unit, July 3, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020; Human Rights Watch telephone interview with former international human rights official, July 10, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with former official of the municipal human rights office, July 23, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, July 30, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020; Human Rights Watch telephone interview with community leader, August 12, 2020.

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

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

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

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

²⁸⁰ Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with community leader, August 12, 2020.

²⁸¹ Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020.

²⁸² Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with woman human rights defender, November 27, 2020.

²⁸³ Human Rights Watch, *Recycled Violence: Abuses by FARC Dissident Groups in Tumaco on Colombia's Pacific Coast*, December 13, 2018, <https://www.hrw.org/report/2018/12/13/recycled-violence/abuses-farc-dissident-groups-tumaco-colombias-pacific-coast>, p. 25.

²⁸⁴ Human Rights Watch telephone interview with local Neighborhood Action Committee representative, April 13, 2020; Human Rights Watch telephone interview with community leader, May 14, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with woman human rights defender November 27, 2020; Human Rights Watch telephone interview with woman human rights defender, December 1, 2020; Human Rights Watch telephone interview with woman human rights defender, December 1, 2020.

in the unit's operations.²⁸⁵ However, many shortcomings remain. For instance, women human rights defenders at risk are often unable to have women as bodyguards, partly because of the limited number of women hired by the UNP.²⁸⁶ Additionally, there is currently only one official, a woman, in charge of implementing the unit's gender policy, and gender-sensitive training is lacking among many of its officials.²⁸⁷

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

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

²⁸⁵ Human Rights Watch telephone interview with woman human rights defender November 27, 2020; Human Rights Watch telephone interview with official of the Inspector General's Office, December 2, 2020; Human Rights Watch telephone interview with local human rights official, December 2, 2020.

²⁸⁶ Somos Defensores, "Women Defenders: Voices of Life and Resistance" ("Defensoras: Voces de vida y resistencia"), September 2020, <https://www.sismamujer.org/wp-content/uploads/2020/10/informe-Defensoras.pdf> (accessed on December 1, 2020); Human Rights Watch telephone interview with local human rights official, December 2, 2020.

²⁸⁷ Human Rights Watch telephone interview with local human rights official, December 2, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, December 2, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, December 2, 2020.

²⁸⁸ National Protection Unit, "Risk Level Analysis Protocol for Women Leaders and Women Defenders" ("Protocolo de Análisis de Nivel del Riesgo para Mujeres Líderesas y Defensoras de Derechos Humanos"), November 4, 2020, <https://www.unp.gov.co/unidad-nacional-de-proteccion-lanza-protocolo-de-analisis-de-riesgo-para-mujeres-lideresas-y-defensoras-de-dd-hh/> (accessed December 1, 2020).

²⁸⁹ Human Rights Watch telephone interview with human rights defender November 27, 2020; Human Rights Watch telephone interview with human rights defender, December 1, 2020; Human Rights Watch telephone interview with women human rights defender, December 1, 2020.

²⁹⁰ Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch); National Protection Unit, "Reengineering of the General Prevention and/or Protection Program in charge of the UNP" ("Reingeniería del Programa General de Prevención y/ o Protección de competencia de la UNP"), July 8, 2019, <https://www.unp.gov.co/wp-content/uploads/2019/07/reingenieria-unp-2019-2.pdf> (accessed August 11, 2020), p. 80.

²⁹¹ National Protection Unit, "Reengineering of the General Prevention and/or Protection Program in charge of the UNP" ("Reingeniería del Programa General de Prevención y/ o Protección de competencia de la UNP"), July 8, 2019, <https://www.unp.gov.co/wp-content/uploads/2019/07/reingenieria-unp-2019-2.pdf> (accessed August 11, 2020); information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).

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

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

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

²⁹² Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 11, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 13, 2020; Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with human rights defender, July 01, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 6, 2020; Human Rights Watch telephone interview with local human rights official, August 7, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with local human rights official, September 4, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, September 8, 2020; Human Rights Watch telephone interview with local human rights official, November 6, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson’s Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with local human rights official, November 10, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

²⁹³ Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), art. 2.4.1.2.35.3.

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

²⁹⁵ See, for example, Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/40/3/Add.3, February 4, 2019, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A-HRC-40-3-Add-3-ENG.pdf> (accessed January 27, 2021), para. 28.

²⁹⁶ The account is based on Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020.

region had forbidden outsiders and considered them a “military objective.” A few days later, the unit modified the scheme, informing López Pertuz on March 13 that it would provide economic support for him to move. Four days later, before any funds for the move reached him, López Pertuz was killed by members of the armed group Contadores.²⁹⁷

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

²⁹⁷ Attorney General’s Office, “Crime against illegal crop substitution leader in Tumaco solved” (“Esclarecido crimen de líder de sustitución de cultivos ilícitos en Tumaco”), April 15, 2019, <https://www.fiscalia.gov.co/colombia/crimen-organizado/esclarecido-crimen-de-lider-de-sustitucion-de-cultivos-ilicitos-en-tumaco/> (accessed August 10, 2020); Human Rights Watch telephone interview with senior prosecutor, July 28, 2020.

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

²⁹⁹ Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/43/3/Add.3, May 8, 2020, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Annual-report-colombia-2019.pdf> (accessed January 27, 2021), para. 27.

³⁰⁰ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 10, 2020 (copy on file with Human Rights Watch); National Protection Unit, “Appropriations report” (“Informe de apropiación y ejecución”), October 31, 2020, <https://www.unp.gov.co/wp-content/uploads/2020/12/ejecucion-presupuestal-a-octubre-2020.xlsx> (accessed December 17, 2020).

³⁰¹ Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).

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

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

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

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

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

³⁰⁴ Human Rights Watch telephone interview with local human rights official, September 4, 2020; Human Rights Watch telephone interview with senior human rights official, September 7, 2020. On the UNP’s requirements to grant collective protection measures, see National Protection Unit, “Form to request collective protection” (“Formulario de Solicitud de Protección Colectiva”), n.d., <https://www.unp.gov.co/atencion-al-ciudadano/formularios-de-solicitud-de-proteccion/formulario-de-solicitud-de-proteccion-colectiva/> (accessed July 7, 2020).

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

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

³⁰⁷ Information provided to Human Rights Watch by email by the National Protection Unit, December 15, 2020 (copy on file with Human Rights Watch).

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

Prevention Measures

As part of the Prevention and Protection Program, the Ministry of Defense told Human Rights Watch that it oversaw the following nation-wide measures between January and mid-December 2020³¹¹:

- police patrols (*patrullaje*) benefiting 201 social leaders³¹²;
- police rounds (*rondas policiales*) benefiting 783 social leaders³¹³;
- self-protection classes for 598 social leaders; and
- established a so-called “godfather plan” (*plan padrino*), in which a police officer is in constant communication, usually by phone, with a person at risk, for 88 social leaders.

³⁰⁸ National Protection Unit, “Reengineering of the general program for prevention and/or protection by the National Protection Unit” (“Reingeniería del programa general de prevención y/o protección de competencia de la UNP”), 2019, <https://www.unp.gov.co/wp-content/uploads/2019/07/reingenieria-unp-2019-2.pdf> (accessed December 20, 2020), p. 31.

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

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

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

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

³¹³ Colombian law defines “police rounds” (*rondas policiales*) as “periodic patrols... carried out to provide security to the surroundings of the residence of a victim or witness or the location of the office to which he or she belongs.” See Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), art. 2.4.1.1.29.2.

In some areas with high numbers of killings of human rights defenders the number of measures taken by the Defense Ministry in 2020 was very limited. For example:

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

Under the same program, the Ministry of the Interior told Human Rights Watch that it supported 55 mayor's offices in designing prevention plans in 2019.³¹⁴ This represents only 5 percent of the more than 1,100 municipalities in Colombia.

Under the program, local authorities, as well as the Ministries of the Interior and Defense, are required to prepare "risk maps" to guide prevention of abuses, including against human rights defenders.³¹⁵ However, authorities are apparently not creating risk maps concerning human rights defenders, human rights officials and a human rights defender told us.³¹⁶

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

³¹⁵ Ministry of the Interior, Decree 1066 of 2015, signed on May 26, 2015, https://www.mininterior.gov.co/sites/default/files/decreto_1066_de_2015_unico_reglamentario_del_sector_administrativo_del_interior.pdf (accessed April 24, 2020), arts. 2.4.1.2.13 ff.

³¹⁶ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 10, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, August 6, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the

Early Warning System

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

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

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

Human Rights Ombudsperson's Office, August 26, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020. On February 13, 2020, Human Rights Watch sent a letter to the Ministry of Defense requesting information on the "maps of risks" created in 2019 concerning human rights defenders. On March 27, the Ministry of Defense indicate that the maps were being carried out by the Office of the Presidential Advisor on Human Rights and International Affairs. On August 19, Human Rights Watch sent a letter to the office requesting information on these maps. The office had not responded as of January 2021.

³¹⁷ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), art. 1.

³¹⁸ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), arts. 4, 8, and 14.

³¹⁹ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), arts. 9 and 10.

³²⁰ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed September 6, 2020).

³²¹ Human Rights Watch telephone interview with former official of the Human Right Ombudsperson's Office, December 11, 2020.

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

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

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

³²² Information provided to Human Rights Watch by e-mail from the Human Rights Ombudsperson's Office, March 2, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email from the Human Rights Ombudsperson's Office, April 21, 2020 (copy on file with Human Rights Watch); Human Rights Ombudsperson's Office, "Early Warnings," n.d., <https://alertastempranas.defensoria.gov.co/?page=1> (accessed January 12, 2021).

³²³ Human Rights Ombudsperson's Office, "'We Are with You' is more than the name of this strategy, it is my commitment to serve you with rigor, vigor and perseverance" ("‘Estamos Contigo’ es más que el nombre de esta estrategia, es mi compromiso de servirles con rigor, vigor y constancia"), December 9, 2020, <https://www.defensoria.gov.co/es/nube/destacados/9758/Estamos-contigo-es-m%C3%A1s-que-el-nombre-de-esta-estrategia-es-mi-compromiso-de-servirles-con-rigor-vigor-y-constancia-lideres-sociales-Defensor%C3%ADa-derechos-humanos-estamos-contigo.htm#:~:text=%E2%80%9CEstamos%20Contigo%E2%80%9D%20es%20una%20estrategia,personas%20defensoras%20de%20derechos%20humanos.&text=Reconocimiento%20de%20la%20Defensor%C3%ADa%20del,defensoras%20de%20los%20DD.HH> (accessed December 14, 2020); Tweet by the Human Rights Ombudsperson's Office, December 9, 2020, <https://twitter.com/DefensoriaCol/status/1336806813275205634> (accessed December 14, 2020); Tweet by Human Rights Ombudsperson's Office, December 9, 2020, <https://twitter.com/DefensoriaCol/status/1336755155174367233> (accessed December 14, 2020).

³²⁴ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), arts. 12 and 13.

³²⁵ Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 25, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 28, 2020; Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson's Office, August 19, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, August 28, 2020.

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

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

³²⁶ Decree 2124 of 2017, signed on December 18, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), arts. 11 and 14.

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

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

³²⁹ Human Rights Watch telephone interview with Indigenous leader, April 10, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 17, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 28, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, May 15, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 20, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 22, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with community leader, May 26, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, May 29, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 4, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, June 4, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 5, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 12, 2020; Human Rights Watch telephone interview with official from the Human Rights Ombudsperson’s Office, June 13, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 28, 2020; Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson’s Office, August 19, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Inspector General’s Office, December 11, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

the ground.³³⁰ In one case, local authorities in Risaralda state said they had “vaccinated and sterilized dogs” in one municipality, in response to an alert.³³¹

Additionally, security officers have at times downplayed the risks identified in the early warnings or questioned their findings without providing evidence, human rights officials told us.³³² “They laughed about my sources... they even said that people made up things, and I was echoing that in my alert,” an official of the Human Rights Ombudsperson’s Office said, describing a CIPRAT meeting she attended in 2019.³³³

³³⁰ Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>, p. 50; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 28, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, May 15, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 20, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 22, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 24, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 6, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, November 6, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson’s Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³³¹ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 19, 2020.

³³² Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 10, 2020; Human Rights Watch telephone interview with local human rights official, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 17, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 28, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 20, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 22, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 4, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 5, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 11, 2020; Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson’s Office, August 19, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson’s Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

³³³ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 4, 2020.

Sometimes, CIPRAT meetings result in no new measures to address the risks identified in the relevant early warning.³³⁴ When new measures are adopted, they usually concern the military and police, although the Human Rights Ombudsperson's Office typically recommends broader measures, including to protect children at risk or to assist displaced people.³³⁵

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

The [2019] meeting on the early warning [on Tolima] lasted for 12-and-a-half hours.... No one from the Ministry [of Interior] tried to ensure that the meeting was meaningful.... It was that long because the army and police commanders spent lots of time reading a list of military and police operations they had conducted in the state since [several] years back... all to conclude by saying that the information in the early warning about armed groups was not true. After all that time, [the people in the meeting] did not assess the actions that authorities had conducted regarding [our] concrete recommendations.³³⁶

³³⁴ Human Rights Watch telephone interview with international human rights official, April 16, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, May 20, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 24, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson's Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020; Human Rights Watch telephone interview with official of the Inspector General's Office, December 11, 2020.

³³⁵ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 17, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 28, 2020; Human Rights Watch telephone interview with local Neighborhood Action Committee representative, May 15, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, May 20, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 12, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson's Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

³³⁶ Human Rights Watch telephone interview with official from the Human Rights Ombudsperson's Office, May 20, 2020. Account corroborated through Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson's Office, August 19, 2020.

The CIPRAT is required to use a “series of indicators” to assess the response to early warnings. The Ministry of the Interior told us that it assesses the response on the basis of its “timeliness,” “efficiency,” and “focus.”³³⁷ However, only the Ministry of the Interior has access to its assessments.³³⁸

National Process of Guarantees

In 2009, the national government and human rights organizations initiated the so-called National Process of Guarantees. The National Process of Guarantees establishes a Ministry of the Interior-led “dialogue” among human rights groups, the government, and international humanitarian and human rights agencies to “build trust” among the parties and agree on measures to prevent abuses against human rights defenders. The dialogue is conducted through a periodic meeting called the National Table of Guarantees (*Mesa Nacional de Garantías*), as well as regional meetings in several parts of the country. In addition, national subcommittees are charged with addressing protection of human rights defenders, investigation of abuses, and abuses against women human rights defenders.³³⁹

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

³³⁷ Decree 2124 of 2017, signed on December 18, 2017,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%202124%20DEL%2018%20DE%20DICIEMBRE%20DE%202017.pdf> (accessed January 13, 2021), arts. 17; information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

³³⁸ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, May 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 24, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with former official of the Human Rights Ombudsperson’s Office, August 19, 2020; Human Rights Watch interview with official of the Human Rights Ombudsperson’s Office, Bogotá, November 9, 2020; Human Rights Watch telephone interview with official of the Inspector General’s Office, December 11, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³³⁹ United Nations Development Programme, “National Process of Guarantees” (“Proceso Nacional de Garantías”), July 2019, https://www.undp.org/content/dam/colombia/docs/Paz/procesogarantias/UNDP_Co_PAZ_Publicaciones_ResumenGarantias_Dec1_2019_ISintesis.pdf (accessed April 21, 2020); information provided to Human Rights Watch by email from the Human Rights Ombudsperson’s Office, August 20, 2020 (copy on file with Human Rights Watch).

stigmatization.³⁴⁰ However, implementation of the National Process of Guarantees has slowed down since President Duque took office in August 2018.³⁴¹

The Ministry of the Interior convened the National Table of Guarantees only once in 2019, in Cauca on May 30.³⁴² Civil society groups in attendance asked the government to speed up implementation of several initiatives already provided for under Colombian law, such as a program to protect women human rights defenders (discussed below) and a directive to fight stigmatization of human rights defenders.³⁴³

Several human rights officials and human rights defenders who participated told Human Rights Watch that government representatives did not provide any details on the actions they had taken on these and other plans, and that they promised to take action but did not provide any specific timelines.³⁴⁴ Regarding some of the programs, the government asked civil society groups to “outline specifically the commitments [adopted by the national government] and the meetings in which they were adopted.”³⁴⁵

³⁴⁰ United Nations Development Programme, “National Process of Guarantees” (“Proceso Nacional de Garantías”), July 2019, https://www.undp.org/content/dam/colombia/docs/Paz/procesogarantias/UNDP_Co_PAZ_Publicaciones_ResumenGarantias_Dec1_2019_ISintesis.pdf (accessed April 21, 2020); Human Rights Watch telephone interview with human rights advisor, April 18, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

³⁴¹ Human Rights Watch telephone interview with human rights advisor, April 18, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

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

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

³⁴⁴ Human Rights Watch telephone interview with peasant leader, April 15, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 17, 2020; Human Rights Watch telephone interview with human rights advisor, April 18, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

³⁴⁵ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, July 01, 2020.

None of the national subcommittees of the National Process of Guarantees met during 2019.³⁴⁶ Similarly, the government only convened six regional meetings, in various parts of Colombia, in 2019; and three were simply to explain the work of the mechanism.³⁴⁷

Human rights defenders who have attended meetings conducted since 2019 told us that they were often unproductive.³⁴⁸ In some cases, government officials in attendance were not aware of the decisions that had apparently been taken in previous meetings, rights defenders said.³⁴⁹

In March 2020, a court in Bogotá ordered the government to “re-establish” the National Table of Guarantees, as well as the regional tables, in part by holding meetings every three months.³⁵⁰ In May, a higher court confirmed the ruling.³⁵¹ Since the initial ruling, the Ministry of the Interior has convened nine regional tables in different parts of Colombia, as

³⁴⁶ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

³⁴⁷ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights advisor, April 18, 2020; Human Rights Watch telephone interview with international human rights official, May 18, 2020; Human Rights Watch telephone interview with former international human rights official, July 10, 2020; information provided to Human Rights Watch by e-mail from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

³⁴⁸ Human Rights Watch telephone interview with peasant leader, April 15, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with local activist, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020.

³⁴⁹ Human Rights Watch telephone interview with peasant leader, April 15, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with local activist, June 10, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020.

³⁵⁰ Civil Court of Bogotá, Óscar Gerardo Salazar and others, Case No. 110013103045202000025-00, ruling of March 25, 2020, https://www.dejusticia.org/wp-content/uploads/2020/04/Sentencia_El_Derecho_a_Defender_Derechos_V.01.pdf (accessed July 25, 2020).

³⁵¹ Superior Court of Bogotá, Óscar Gerardo Salazar and others, Case No. 045202000025-01, ruling of May 11, 2020, https://www.dejusticia.org/wp-content/uploads/2020/05/SENTENCIA-SEGUNDA-INSTANCIA-ELDERECHOADEFENDERDERECHOS_ANONIMIZADA.pdf (accessed July 25, 2020).

well as one National Table of Guarantees meeting on July 8.³⁵² The meetings did not achieve any concrete results.³⁵³

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

In March 2020, the Ministry of the Interior told Human Rights Watch that it had established two “pilot projects,” one in Putumayo state and another in the Montes de María region of

³⁵² Human Rights Watch telephone interview with human rights defender, September 22, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³⁵³ Human Rights Watch telephone interview with senior human rights official, January 12, 2021; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³⁵⁴ Human Rights Watch telephone interview with local human rights official, July 7, 2020; Human Rights Watch telephone interview with human rights defender September 10, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020; Human Rights Watch telephone interview with lawyer of the women’s rights group Sisma Mujer, September 10, 2020.

³⁵⁵ Ministry of the Interior, Resolution 0845 of 2018, June 14, 2018, <http://www.equidadmujer.gov.co/ejes/publicaciones/Resolucion-0845-14-junio-2018.pdf> (accessed September 11, 2020); “Comprehensive Program of Guarantees for Women Leaders and Human Rights Defenders,” n.d., <http://www.equidadmujer.gov.co/ejes/publicaciones/programa-integral-garantias.pdf> (accessed September 11, 2020); Human Rights Watch telephone interview with a representative of the women’s rights organizations Corporación Mujer Sigue Mis Pasos and Red Nacional de Mujeres Defensoras de Derechos Humanos, December 1, 2020; Human Rights Watch telephone interview with a representative of the women’s rights organization Cumbre Nacional de Mujeres y Paz, December 1, 2020.

³⁵⁶ Human Rights Watch telephone interview with human rights defender November 27, 2020; Human Rights Watch telephone interview with a representative of the women’s rights organizations Corporación Mujer Sigue Mis Pasos and Red Nacional de Mujeres Defensoras de Derechos Humanos, December 1, 2020; Human Rights Watch telephone interview with a representative of the women’s rights organization Cumbre Nacional de Mujeres y Paz, December 1, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, December 7, 2020.

Bolívar state, to begin implementing the program.³⁵⁷ The Ministry of the Interior reported that, as part of the pilot projects, since mid-2018, it had helped organize six workshops and other meetings with women human rights defenders, to provide instruction in “self-protection” and “training for women leaders.”³⁵⁸ In December 2020, the Ministry of the Interior said that it was working to expand the pilot projects to two other states, Chocó and Cauca.³⁵⁹

National Commission of Security Guarantees

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

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

³⁵⁷ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020.

³⁵⁸ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020.

³⁵⁹ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

³⁶⁰ Decree 154 of 2017, signed on February 3, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf> (accessed on August 14, 2020), art. 1.

³⁶¹ Decree 154 of 2017, signed on February 3, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf> (accessed on August 14, 2020), art. 3.

³⁶² Decree 154 of 2017, signed on February 3, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf> (accessed on August 14, 2020), art. 2.

Under Colombian law, the CNGS is required to meet at least once a month.³⁶³ Yet the commission met twice in 2019 and three times in 2020.³⁶⁴ As of December 2020, members of the commission were still discussing the commission's "internal bylaws."³⁶⁵

The CNGS originally had four commissions, charged with addressing legal affairs; financing of armed groups; indicators and follow-up; and territorial, ethnic and gender focuses; as well as a technical unit and a subcommittee led by the vice-president.³⁶⁶ The Duque administration unilaterally created four new subcommittees, charged, respectively, with technical affairs, territorial issues, ethnic issues, and gender, and abrogated the remaining units.³⁶⁷

In 2019, the ethnicity subcommittee met two times; the territorial subcommittee, five times; the technical subcommittee, one time; and the gender subcommittee, three.³⁶⁸ In 2020, the technical subcommittee met 20 times; the gender subcommittee, 15; the territorial subcommittee, four; and the ethnicity subcommittee; three.³⁶⁹ The government

³⁶³ Decree 154 of 2017, signed on February 3, 2017,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%20154%20DEL%2003%20FEBRERO%20DE%202017.pdf> (accessed on August 14, 2020), arts. 2 and 5.

³⁶⁴ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch).

³⁶⁵ Human Rights Watch telephone interview with official of the Inspector General's Office, December 2, 2020; Human Rights Watch telephone interview with official of the Inspector General's Office, December 11, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020; Inspector General's Office, "Second Report to Congress on the progress of the implementation of the Peace Agreement" ("Segundo informe al Congreso sobre el estado de avance de la implementación del Acuerdo de Paz"), September 2020,

<https://www.procuraduria.gov.co/portal/media/file/Segundo%20Inf%20al%20Congreso%20sobre%20el%20estado%20del%20avance%20de%20la%20implementaci%C3%B3n%20Acuerdo%20de%20Paz.pdf> (accessed December 14, 2020).

³⁶⁶ Presidency of the Republic, "Inauguration of technical commissions" ("Activación de comisiones técnicas"), December 20, 2017 (copy on file with Human Rights Watch).

³⁶⁷ Human Rights Watch telephone interview with senior human rights official, October 27, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³⁶⁸ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, July 01, 2020.

³⁶⁹ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch).

usually reports meetings by these subcommittees as meetings of the CNGS, although high-level officials rarely participate in them.³⁷⁰

The government slashed the commission's budget from 576 million Colombian pesos (roughly US\$175,000) in 2019 to 49 million Colombian pesos (roughly US\$13,000) in 2020—a reduction of nearly 90 percent.³⁷¹

Three years after its creation, the commission has achieved extremely limited progress in pursuing its main objective under Colombian law, that is, to design and conduct a policy to dismantle armed groups that attack human rights defenders. In April 2020, Colombia's high commissioner for peace, Miguel Ceballos, announced a draft decree of a policy to dismantle armed groups by seeking their voluntary submission to authorities.³⁷² The CNGS had not discussed the decree.³⁷³ In May, civil society representatives on the CNGS sent the government comments on the draft.³⁷⁴ For example, they urged that the decree should only

³⁷⁰ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, August 28, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020.

³⁷¹ Human Rights Watch telephone interview with human rights defender, July 1, 2020; information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, September 1, 2020 (copy on file with Human Rights Watch).

³⁷² Colombia's High Commissioner for Peace, "President of the Republic assigns tasks concerning the submission to legality of members of organized armed groups to the High Commissioner for Peace" ("Presidente de la República asigna al Alto Comisionado para la Paz funciones para buscar el sometimiento a la legalidad de los integrantes de todos los Grupos Armados Organizados (GAO)"), April 28, 2020, <http://www.altocomisionadoparalapaz.gov.co/prensa/presidente-de-la-republica-asigna-comisionado-paz-funciones-para-sometimiento-legalidad-grupos-armados-organizados> (accessed April 30, 2020); Decree 601 of 2020, signed on April 28, 2020, <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%20601%20DEL%2028%20DE%20ABRIL%20DE%202020.pdf> (accessed April 30, 2020); Ministry of Justice, "Draft Decree Number XX of 2020 by which Chapter 8 is added to Title 5 of Part 2 of Book 2 of Decree 1069 of 2015 and measures are adopted for the individual submission to justice of members of Organized Armed Groups (GAO), and other provisions are issued" ("Borrador Decreto Número XX de 2020 por el cual se adiciona el Capítulo 8 al Título 5 de la Parte 2 del Libro 2 del Decreto 1069 de 2015 y se adoptan medidas para el sometimiento individual a la justicia de los integrantes de los Grupos Armados Organizados (GAO), y se dictan otras disposiciones"), May 14, 2020, https://www.minjusticia.gov.co/Portals/o/Proyectos_Decreto_Agenda_Regulatoria_MJD/Proyecto%20de%20Decreto%20-%20Sometimiento%20individual%20a%20la%20justicia%20de%20los%20integrantes%20de%20los%20GAO.pdf (accessed June 8, 2020).

³⁷³ Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 24, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with judicial official, July 28, 2020.

³⁷⁴ Human Rights Watch telephone interview with human rights defender, July 1, 2020.

grant demobilization benefits to fighters who tell the truth and help ensure victims' rights. On July 7, 2020, President Duque signed the final decree. Even though the CNGS never convened to discuss the decree, the final version asserts that designing the policy to dismantle armed groups was "one of the functions" of the CNGS.³⁷⁵ The decree did not appear to include most of civil society's recommendations.³⁷⁶

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

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

³⁷⁵ Decree 965 of 2020, signed on July 7, 2020,

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=134523> (accessed August 20, 2020); Human Rights Watch telephone interview with human rights defender, July 01, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

³⁷⁶ Decree 965 of 2020, signed on July 7, 2020,

<https://www.funcionpublica.gov.co/eva/gestornormativo/norma.php?i=134523> (accessed August 20, 2020); Human Rights Watch telephone interview with human rights defender, July 01, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³⁷⁷ Special jurisdiction for Peace, First Instance Chamber in Cases of Absence of Acknowledgement of Truth and Responsibility, Case No. 202003005124, ruling of July 29, 2020.

³⁷⁸ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, October 28, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

³⁷⁹ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, November 12, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020; Inspector General's Office, "Second Report to Congress on the progress of the implementation of the Peace Agreement" ("Segundo informe al Congreso sobre el estado de avance de la implementación del Acuerdo de Paz"), September 2020, <https://www.procuraduria.gov.co/portal/media/file/Segundo%20Inf%20al%20Congreso%20sobre%20el%20estado%20del%20avance%20de%20la%20implementaci%C3%B3n%20del%20Acuerdo%20de%20Paz.pdf> (accessed December 14, 2020); Human Rights Watch telephone interview with senior human rights official, December 11, 2020.

³⁸⁰ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with senior human rights official, December 11, 2020.

task was unilaterally eliminated by the Duque administration.³⁸¹ In March, the Ministry of the Interior told Human Rights Watch that together with the Ministry of the Economy it had “designed a roadmap” to identify armed group’s source of financing.³⁸² Yet the Attorney General’s Office, which is charged with investigating illegal sources of financing and prosecuting those involved, indicated that it was not aware of such a “roadmap.”³⁸³ In December, Colombia’s Office of the High Commissioner for Peace told Human Rights Watch it was still “discussing” proposals by civil society groups to identify armed groups’ sources of financing.³⁸⁴

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

³⁸¹ Human Rights Watch telephone interview with human rights defender, October 5, 2020.

³⁸² Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

³⁸³ Human Rights Watch telephone interview with senior judicial official, July 28, 2020.

³⁸⁴ Information provided to Human Rights Watch by email from the Office of the High Commissioner for Peace, December 10, 2020 (copy on file with Human Rights Watch).

³⁸⁵ Human Rights Watch telephone interview with official of the Ministry of the Interior, December 7, 2020; Human Rights Watch telephone interview with woman human rights defender of Cumbre Nacional de Mujeres y Paz, December 7, 2020.

³⁸⁶ Human Rights Watch telephone interview with lawyer of the women’s rights group Sisma Mujer, December 7, 2020; Human Rights Watch telephone interview with woman human rights defender, December 7, 2020; Human Rights Watch telephone interview with woman human rights defender of Cumbre Nacional de Mujeres y Paz, December 7, 2020.

³⁸⁷ Human Rights Watch telephone interview with lawyer of the women’s rights group Sisma Mujer, December 7, 2020; Human Rights Watch telephone interview with woman human rights defender, December 7, 2020; Human Rights Watch telephone interview with woman human rights defender of Cumbre Nacional de Mujeres y Paz, December 7, 2020.

³⁸⁸ Human Rights Watch telephone interview with lawyer of the women’s rights group Sisma Mujer, December 7, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, December 7, 2020; Human Rights Watch telephone interview with human rights defender, October 28, 2020; Human Rights Watch telephone interview with woman human rights defender of Cumbre Nacional de Mujeres y Paz, December 7, 2020.

Comprehensive Program of Security and Protection

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

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

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

³⁸⁹ Decree 660 of 2018, signed on April 17, 2018,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%20660%20DEL%2017%20DE%20ABRIL%20DE%202018.pdf> (accessed April 22, 2020).

³⁹⁰ Ministry of the Interior, “Colombia has a rights-respecting government” (“Colombia tiene un gobierno de derechos”), July 9, 2018, <https://www.mininterior.gov.co/sala-de-prensa/noticias/colombia-tiene-un-gobierno-de-derechos> (accessed May 8, 2020).

³⁹¹ Presidency of the Republic, “Words by President Juan Manuel Santos after the National Commission of Security Guarantees” (“Declaración del Presidente Juan Manuel Santos al término de la Comisión Nacional de Garantías de Seguridad”), July 10, 2018, <http://es.presidencia.gov.co/discursos/180710-Declaracion-del-Presidente-Juan-Manuel-Santos-al-termino-de-la-Comision-Nacional-de-Garantias-de-Seguridad> (accessed January 9, 2021); Human Rights Watch telephone interview with official of the Ministry of the Interior, June 18, 2020.

³⁹² Information provided to Human Rights Watch by email from the Ministry of the Interior, June 21, 2019 (copy on file with Human Rights Watch); Ministry of the Interior, “Response to Political Control” (“Respuesta a Control Político”), November 18, 2020, <http://www.secretariasenado.gov.co/index.php/legislatura-2020-2021/debates-de-control-politico/garantias-de-seguridad-pactadas-con-firmantes-de-paz/2131-of12020-41122-mininterior/file> (accessed December 11, 2020).

³⁹³ Information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, June 25, 2020; Human Rights Watch telephone interview with human rights defender, July 1, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Inspector General’s Office, December 11, 2020.

³⁹⁴ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

established “technical committees” and approved their bylaws, and it reported progress in designing a “proposal to define the criteria of prioritization in the implementation of the program.”³⁹⁵

In August, the ministry informed Human Rights Watch that it had completed only two of the 28 “actions” it had identified to implement the four pilot projects. The two actions, both in El Tarra, consisted of “promoting activities to prevent child recruitment” and conducting a “process of strengthening Neighborhood Action Committees.”³⁹⁶ In November 2020, Human Rights Watch sent a letter to the Ministry of the Interior requesting information on progress made regarding these four pilot plans; the Ministry did not report any progress in its response.³⁹⁷

Additionally, the Ministry of the Interior announced that it had started 16 initiatives to assist groups and communities at risk in developing their own prevention and self-protection plans.³⁹⁸ In December 2020, the Ministry told Human Rights Watch that in seven cases it was still carrying out a “risk diagnosis” of the specific communities and groups, and it was designing prevention and self-protection plans in another seven cases.³⁹⁹ The Ministry said it had begun implementing two of the 16 initiatives, concerning Marcha Patriótica, a social movement, and Ruta Pacífica de la Mujer, a women’s rights group.⁴⁰⁰ Yet it did not report any specific action taken to implement them, and rights defenders told Human Rights Watch they were not aware of any.⁴⁰¹

³⁹⁵ Information provided to Human Rights Watch by e-mail from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

³⁹⁶ Information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch).

³⁹⁷ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

³⁹⁸ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

³⁹⁹ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁰⁰ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁰¹ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, November 13, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

Under the Comprehensive Program of Security and Protection, the Ministry of the Interior is also required to establish “promoters of peace and coexistence,” who are in charge of helping address local conflicts and promoting the defense of human rights in remote communities.⁴⁰² In 2019, a “technical committee” charged with implementing this program met only three times and agreed on a “proposal to define the criteria of prioritization in the implementation” of the program.⁴⁰³

In March 2020, a court in Bogotá ordered the government to implement the program of promoters.⁴⁰⁴ The “technical committee” met two times between January and mid-December 2020, in May and July.⁴⁰⁵ According to the Ministry of the Interior, the committee defined its own “bylaws,” and approved two pilot programs in Putumayo and Cauca states, as well as a “certification” for “promoters” in five zones of the country.⁴⁰⁶ “That’s not what leaders need in remote areas,” a human rights defender told Human Rights Watch. “What they need is security guarantees.”⁴⁰⁷

The UN Mission in Colombia, OHCHR, Human Rights Watch, the Human Rights Ombudsperson’s Office, the Inspector General’s Office, and Colombian civil society groups have repeatedly called on the government to speed up implementation of the program.⁴⁰⁸

⁴⁰² Decree 660 of 2018, signed on April 17, 2018,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%20660%20DEL%2017%20DE%20ABRIL%20DE%202018.pdf> (accessed April 22, 2020), art. 2.4.1.7.3.1.

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

⁴⁰⁴ Civil Court of Bogotá, Óscar Gerardo Salazar and others, Case No. 110013103045202000025-00, ruling of March 25, 2020, https://www.dejusticia.org/wp-content/uploads/2020/04/Sentencia_EL_Derecho_a_Defender_Derechos_V.01.pdf (accessed July 25, 2020).

⁴⁰⁵ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁰⁶ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁰⁷ Human Rights Watch telephone interview with human rights defender, December 11, 2020.

⁴⁰⁸ Human Rights Ombudsperson’s Office, “XXVI Report of the Human Rights Ombudsperson’s Office to Congress of the Republic” (“XXVI Informe del Defensor del Pueblo al Congreso de la República”), July 19, 2019, <https://www.defensoria.gov.co/public/pdf/XXVI-Informe-del-Defensor-del-Pueblo-al-Congreso.pdf> (accessed August 27, 2020); Inspector General’s Office, “First Report to Congress on the Status of Progress of the Implementation of the Peace Agreement 2016-2019” (“Primer informe al Congreso sobre el estado de avance de la implementación del Acuerdo de Paz 2016-2019”), August 2019, <https://www.procuraduria.gov.co/portal/media/file/Primer%20informe%20al%20Congreso%20sobre%20el%20estado%20de%20avance%20de%20la%20Implementaci%C3%B3n%20del%20Acuerdo%20de%20Paz%202016%20-%202019.pdf>

Timely Action Plan

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

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

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

(accessed August 27, 2020); Dejusticia, Tutela lawsuit by Óscar Gerardo Salazar and others, December 10, 2019, <https://www.dejusticia.org/wp-content/uploads/2019/12/Tutela-Lideres-Sociales-1.pdf> (accessed July 25, 2020); Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/43/3/Add.3, May 8, 2020, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Annual-report-colombia-2019.pdf> (accessed January 27, 2021); United Nations Verification Mission in Colombia, “Report of the Secretary-General,” UN Doc. S/2020/239, December 29, 2020, https://colombia.unmissions.org/sites/default/files/sp_n2037704.pdf (accessed January 20, 2021); Human Rights Watch, *The War in Catatumbo: Abuses by Armed Groups Against Civilians including Venezuelan Exiles in Northeastern Colombia*, August 8, 2019, <https://www.hrw.org/report/2019/08/08/war-catatumbo/abuses-armed-groups-against-civilians-including-venezuelan-exiles>, p. 6; information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch).

⁴⁰⁹ Decree 2137 of 2018, signed on November 19, 2018,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%202137%20DEL%2019%20DE%20NOVIEMBRE%20DE%202018.pdf> (accessed April 23, 2020), art. 3.

⁴¹⁰ Decree 2137 of 2018, signed on November 19, 2018,

<http://es.presidencia.gov.co/normativa/normativa/DECRETO%202137%20DEL%2019%20DE%20NOVIEMBRE%20DE%202018.pdf> (accessed April 23, 2020), art. 3.

411 Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with senior prosecutor, April 7, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 8, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, April 8, 2020; Human Rights Watch telephone interview with local human rights official, April 8, 2020; Human Rights Watch telephone interview with official of the municipal human rights office, April 9, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 9, 2020; Human Rights Watch telephone interview with Indigenous leader, April 10, 2020; Human Rights Watch telephone interview with senior prosecutor, April 11, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, April 13, 2020; Human Rights Watch telephone interview

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

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

with peasant leader, April 15, 2020; Human Rights Watch telephone interview with international human rights official, April 16, 2020; Human Rights Watch telephone interview with human rights advisor, April 18, 2020; Human Rights Watch telephone interview with local activist, April 18, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 28, 2020; Human Rights Watch telephone interview with local human rights official, May 28, 2020; Human Rights Watch telephone interview with local activist, June 03, 2020; Human Rights Watch telephone interview with peasant leader, June 10, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 18, 2020; Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with official of the Ministry of the Interior, June 19, 2020; Human Rights Watch telephone interview with peasant leader, June 24, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 25, 2020; Human Rights Watch telephone interview with Indigenous leader, June 25, 2020; Human Rights Watch telephone interview with Afro-Colombian leader, June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with human rights defender, July 01, 2020; Human Rights Watch telephone interview with official of the National Protection Unit, July 3, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, July 8, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with international organization official, July 24, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 5, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020; Human Rights Watch telephone interview with senior prosecutor, August 20, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with judicial official, August 24, 2020; Human Rights Watch interview with local Neighborhood Action Committee representative, Tumaco, December 17, 2020; Human Rights Watch interview with community leader, Tumaco, December 17, 2020.

⁴¹² Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴¹³ Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, June 11, 2020; Human Rights Watch telephone interview with senior judicial official, June 26, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, July 24, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson's Office, August 26, 2020.

The Ministry of the Interior also indicated that the PAO was responsible for some policies that were established prior to the PAO's creation.⁴⁴⁴ For example, the ministry cited a telephone hotline for threatened human rights defenders, created in August 2018, three months before the creation of the PAO.⁴⁴⁵

Human Rights Watch also requested that the Ministry of the Interior share a copy of its 2019 diagnosis of threats against human rights defenders, which the PAO is legally bound to create.⁴⁴⁶ The ministry responded that the PAO had "conducted the diagnosis,"⁴⁴⁷ and did not share it without giving a reason. Several sources told Human Rights Watch the diagnosis was never conducted.⁴⁴⁸ Instead of sharing any diagnosis, the ministry reiterated figures of human rights defenders killed since 2016, according to OHCHR's tally, and said they are "caused mainly by illegal armed groups." The ministry also mentioned that the number of killings was higher in five states: Antioquia, Cauca, North Santander, Valle del Cauca and Caquetá.⁴⁴⁹

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

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

⁴⁴⁴ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴⁴⁵ Tweet by the Attorney General's Office, August 8, 2018, <https://twitter.com/FiscaliaCol/status/1027307799469010944> (accessed April 23, 2020); information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴⁴⁶ Decree 2137 of 2018, signed on November 19, 2018, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%202137%20DEL%2019%20DE%20NOVIEMBRE%20DE%202018.pdf> (accessed April 24, 2020), art. 3.

⁴⁴⁷ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴⁴⁸ Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with former official of the National Protection Unit, August 11, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

⁴⁴⁹ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

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

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

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

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

⁴²⁰ Presidency of the Republic, “National Government presents plan that reinforces security measures for leaders of the Program for the Substitution of Illicit Crops” (“Gobierno Nacional presenta plan que refuerza medidas de seguridad para líderes del Programa de Sustitución de Cultivos Ilícitos”), July 16, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190716-Gobierno-Nacional-presenta-plan-refuerza-medidas-seguridad-lideres-Programa-Sustitucion-Cultivos-Ilicitos.aspx> (accessed April 24, 2020).

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

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

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

⁴²⁴ Human Rights Watch telephone interview with peasant leader, June 10, 2020.

Strategy to Strengthen Communal Action

In December 2018, Colombia’s National Council for Economic and Social Policy—the country’s highest authority for policy planning—approved a four-year strategy to “strengthen” the work of Neighborhood Action Committees. Alongside other goals, the strategy seeks to improve protections for the committees’ activists, who are among those most often killed since 2016.⁴²⁵

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

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

⁴²⁵ National Council for Economic and Social Policy, “Strategy to strengthen communal action in Colombia” (“Estrategia para el fortalecimiento de la acción comunal en Colombia”), December 31, 2018, <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3955.pdf> (accessed September 8, 2020). On killings of members of Neighborhood Action Committees, see sections above on background and regional case studies.

⁴²⁶ National Council for Economic and Social Policy, “Strategy to strengthen communal action in Colombia” (“Estrategia para el fortalecimiento de la acción comunal en Colombia”), December 31, 2018, <https://colaboracion.dnp.gov.co/CDT/Conpes/Econ%C3%B3micos/3955.pdf> (accessed September 8, 2020).

⁴²⁷ Human Rights Watch telephone interview with local human rights official, April 13, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, April 14, 2020; Human Rights Watch telephone interview with local human rights official, July 10, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, July 10, 2020; Human Rights Watch telephone interview with local human rights official, July 17, 2020; Human Rights Watch telephone interview with local human rights official, July 21, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 6, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 26, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 28, 2020.

⁴²⁸ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴²⁹ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

remaining five actions of the “security component” in 2019, including in providing funding for the protection of Neighborhood Action Committees.⁴³⁰

The Ministry reported it carried out one additional “security meeting” in 2020.⁴³¹ It did not report providing any funding for the protection of Neighborhood Action Committees.⁴³²

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

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

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

Throughout 2019, the Ministry of the Interior held multiple meetings with other government agencies and human rights defenders to design the policy.⁴³⁵ However, in November 2019, many participating rights groups complained that the government was showing no real

⁴³⁰ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴³¹ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴³² Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴³³ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴³⁴ Ministry of the Interior “Pact for Life and Protection of Social Leaders and Human Rights Defenders” (“Pacto por la vida y la protección de los líderes sociales y las personas defensoras de derechos humanos”), August 23, 2018, <https://www.mininterior.gov.co/sala-de-prensa/noticias/pacto-por-la-vida-y-la-proteccion-de-los-lideres-sociales-y-las-personas-defensoras-de-derechos-humanos> (accessed April 24, 2020).

⁴³⁵ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

interest in stopping the killings, and that it was limiting its response to troop deployment. The groups announced they would no longer participate in the meetings.⁴³⁶

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

Shock Plan to Mitigate Risks Faced by Rights Defenders

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

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

⁴³⁶ Minga Association, “Human rights platforms and social movements suspend participation in the formulation of human rights public policy” (“Plataformas de DDHH y Movimientos sociales suspenden participación en formulación de Política Pública de DH”), November 6, 2019, <https://asociacionminga.co/ante-incapacidad-y-falta-de-voluntad-del-gobierno-colombiano-plataformas-de-ddhh-y-movimientos-sociales-suspenden-participacion-en-formulacion-de-politica-publica-para-labor-de/> (accessed April 24, 2020).

⁴³⁷ Presidency of the Republic, “President Duque explained the guidelines of the Framework for Public Policy for the Comprehensive Protection of social leaders and human rights defenders” (“Presidente Duque explicó lineamientos del Marco de la Política Pública de Protección Integral para líderes sociales y defensores de derechos humanos”), December 10, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/Presidente-Duque-explico-lineamientos-Marco-Politica-Publica-Proteccion-Integral-para-lideres-sociales-defensores-191210.aspx> (accessed October 5, 2020).

⁴³⁸ Information provided to Human Rights Watch by email from the Ministry of the Interior, August 6, 2020 (copy on file with Human Rights Watch).

⁴³⁹ Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 26, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020; information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁴⁰ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

multiple “workshops” and “classes” for rights defenders on issues such as peace building and human rights.⁴⁴¹

⁴⁴¹ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

IV. Government Action to Ensure Accountability

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

Progress in Investigations and Prosecutions

From a total of 421 cases involving killings of human rights defenders documented by OHCHR, prosecutors have achieved 59 convictions.⁴⁴² Additionally, the Indigenous justice system has achieved convictions in 6 other cases.⁴⁴³ As of December 2020, another 97 cases were being tried in the ordinary justice system, and at least one perpetrator has been charged in each of 33 other cases.⁴⁴⁴ The Attorney General’s Office considers that

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

⁴⁴³ Human Rights Watch telephone interview with judicial official, November 10, 2020; Attorney General's Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed January 11, 2020), cut-off date: December 30, 2020.

⁴⁴⁴ Information provided to Human Rights Watch by email by the Attorney General's Office, May 4, 2020 (copy on file with Human Rights Watch); Attorney General's Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed November 24, 2020), cut-off date: November 24, 2020; information provided to Human Rights

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

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

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

Watch by email by the Attorney General's Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.

⁴⁴⁵ Human Rights Watch telephone interview with judicial official, August 7, 2020; Attorney General's Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed January 11, 2021), cut-off date: December 30, 2020.

⁴⁴⁶ OHCHR and Colombian NGOs have commended this progress. See, for example, Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/34/3/Add.3, March 14, 2017, https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/A_HRC_34_3_Add%203_AUV.pdf (accessed April 28, 2020), paras. 59 and 60; Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/37/3/Add.3, March 2, 2018, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/informe-anual-2017.pdf> (accessed April 28, 2020), para. 17; Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/40/3/Add.3, February 4, 2019, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Informe-anual-colombia-2018-ESP.pdf> (accessed April 28, 2020), para. 30; Office of the UN High Commissioner for Human Rights, “Situation of human rights in Colombia,” UN Doc. A/HRC/43/3/Add.3, May 8, 2020, <https://www.hchr.org.co/documentoseinformes/informes/altocomisionado/Annual-report-colombia-2019.pdf> (accessed January 27, 2021), para. 28; Somos Defensores, “Half-yearly report January - June 2019 Defenders the Endgame?” (“Informe semestral enero-junio de 2019 Defensores ¿El Juego Final?”), 2019, <https://somosdefensores.org/wp-content/uploads/2019/10/informe-Somos-defensores-ENERO-JUNIO-2019-oct-8-web-final.pdf.pdf> (accessed April 28, 2020), p. 73.

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

⁴⁴⁸ Code of Criminal Procedure, arts. 283, 293, 348-54.

⁴⁴⁹ Attorney General's Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed January 11, 2021), cut-off date: December 30, 2020.

defendants, in addition to admitting their responsibility, provide information on the structure of the armed group they belong to, admit to committing other crimes, indicate the motivation in killing the human rights defender or identify the “intellectual author.”⁴⁵⁰ However, in most plea bargains, defendants provided information on the structure of armed groups or admitted to other crimes, but did not identify the “intellectual author” or the motivations behind the killings.⁴⁵¹ Additionally, prosecutors who do not work for the special unit often only require that defendants admit their responsibility in the killing.⁴⁵² In 10 other cases, defendants obtained reduced sentences after admitting responsibility before a judge.⁴⁵³ However, Colombian law does not require that perpetrators provide information on the armed group or identify the “intellectual author” in these cases.⁴⁵⁴

Little progress has been made in recent years in convicting those who order or encourage the homicide of human rights defenders.⁴⁵⁵ In January 2021, the Attorney General’s Office told Human Rights Watch that it had “identified” the “intellectual authors” (known as “*determinadores*” in Colombia) allegedly responsible for 57 of the over 400 killings of human rights defenders documented by OHCHR since 2016. The Attorney General’s Office indicated that, in total, it had identified 85 “intellectual authors,” including 10 who had been convicted, 12 who had been indicted, and 11 who had been charged.⁴⁵⁶

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

⁴⁵⁰ Human Rights Watch telephone interview with senior prosecutor, January 12, 2021; Human Rights Watch telephone interview with former senior judicial official, January 12, 2021.

⁴⁵¹ Human Rights Watch telephone interview with senior prosecutor, January 12, 2021; Human Rights Watch telephone interview with former senior judicial official, January 12, 2021.

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

⁴⁵³ Attorney General’s Office, “Progress in clarifying homicides of human rights defenders” (“Avance de Esclarecimiento: Homicidio a Defensores”), December 30, 2020, <https://www.fiscalia.gov.co/colombia/avances-esclarecimiento/> (accessed January 11, 2021), cut-off date: December 30, 2020.

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

⁴⁵⁵ Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior advisor of the Attorney General’s Office, July 7, 2020.

⁴⁵⁶ Information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.

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

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

The Attorney General's Office has achieved much less when it comes to abuses against human rights defenders other than killings. There has been no accountability in the three cases of rape against women human rights defenders reported by OHCHR and the Ombudsperson's Office's Early Warning System occurring since 2016. One case occurring in 2017 has been closed because prosecutors could not identify the perpetrator.⁴⁵⁹ Another one, occurring in 2018, remains under investigation and charges had not been presented as of November 2020.⁴⁶⁰ The third case was never investigated because the victim did not present a criminal complaint.⁴⁶¹

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

⁴⁵⁸ Code of Criminal Procedure, arts. 103, 104.

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

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

⁴⁶¹ Information provided by telephone to Human Rights Watch by the Attorney General's Office, December 1, 2020 (copy on file with Human Rights Watch).

The Attorney General's Office has received at least 3,731 reports of threats against human rights defenders and other local leaders occurring since 2016, including 3,584 occurring since 2017.⁴⁶² In January 2021, the Attorney General's Office told Human Rights Watch that it had achieved six convictions for threats against human rights defenders under a 2017 strategy to prosecute these crimes.⁴⁶³ (It is possible that some prosecutors who are not charged with implementing the strategy may have achieved additional convictions in these cases.) While the number of convictions is extremely small compared to the total number of cases, the strategy has achieved significant progress in comparison to previous periods in Colombian history.⁴⁶⁴

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

In June 2017, the office passed a directive prioritizing investigations of abuses against human rights defenders, as well as of officials failing to take appropriate action to prevent such crimes.⁴⁶⁵ As of March 2020, the office had opened 17 disciplinary investigations into killings of human rights defenders and other activists, including 9 killings of defenders documented by OHCHR.⁴⁶⁶ Sixteen investigations concerned officials alleged to have played an active role in the homicide and one in which the official under investigation

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

⁴⁶³ Information provided to Human Rights Watch by email by the Inspector General's Office, January 25, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.

⁴⁶⁴ Human Rights Watch telephone interview with senior human rights official, November 12, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020.

⁴⁶⁵ Inspector General's Office, Directive 002 of 2017, signed on June 14, 2017, https://www.procuraduria.gov.co/relatoria/media/file/flas_juridico/1721_PGN%20Directiva%20002%20DE%202017.pdf (accessed May 5, 2020).

⁴⁶⁶ Information provided to Human Rights Watch by email by the Inspector General's Office, March 4, 2020 (copy on file with Human Rights Watch).

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

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

Efforts to Increase Accountability

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

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

⁴⁶⁷ *Ibid.*

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

⁴⁶⁹ See, for example, Inter-American Court of Human Rights, Rochela Massacre case, judgment of May 11, 2007, Corte I.D.H., Series C. No. 5, para. 200. The UN Human Rights Committee has also questioned the independence and impartiality of these courts, expressing concern about impunity in these cases. UN Human Rights Committee, “Concluding Observations,” Colombia, UN Doc. CCPR/C/79/Add.76, May 3, 1997, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F79%2FAdd.76&Lang=en (accessed January 22, 2021), para. 34.

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

⁴⁷¹ Attorney General’s Office, “Estrategia Plan 2016-2020” (“Plan Estratégico 2016-2020”), <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Plan-estrategico-2016-2020-003-.pdf> (accessed September 11, 2020).

⁴⁷² Attorney General’s Office, Directive 0008 of 2016, signed on March 27, 2016 (copy in file with Human Rights Watch); Attorney General’s Office, Directive 0011 of 2016, signed on July 11, 2016 (copy in file with Human Rights Watch).

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

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

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

⁴⁷³ Attorney General’s Office, Directive No. 0002 of 2017, <https://www.fiscalia.gov.co/colombia/wp-content/uploads/Directiva-002-2017.pdf> (accessed April 28, 2020).

⁴⁷⁴ Decree 898 of 2017, signed on May 29, 2017, <http://es.presidencia.gov.co/normativa/normativa/DECRETO%20898%20DEL%2029%20DE%20MAYO%20DE%202017.pdf> (accessed April 28, 2020).

⁴⁷⁵ Attorney General’s Office. “Attorney General’s Office and European Union Launch a Project to Support Investigations Into Killings of Social Leaders” (“Fiscalía General de la Nación y Unión Europea lanzan proyecto para apoyar investigaciones de asesinatos de líderes sociales”), July 7, 2019, <https://www.fiscalia.gov.co/colombia/fiscal-general-de-la-nacion/fiscalia-general-de-la-nacion-y-union-europea-lanzan-proyecto-para-apoyar-investigaciones-de-asesinatos-de-lideres-sociales/> (accessed December 11, 2020); Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020; information provided to Human Rights Watch by email by the Attorney General’s Office, January 23, 2021 (copy on file with Human Rights Watch), cut-off date: December 31, 2020.

⁴⁷⁶ Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020.

⁴⁷⁷ Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020.

⁴⁷⁸ Information provided to Human Rights Watch by email by the Attorney General’s Office, August 28, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with judicial official, November 10, 2020.

conducting comprehensive investigations into armed groups, including their finances.⁴⁷⁹ Additionally, since 2019, the unit has been conducting 12 “investigative projects” into multiple armed groups in various municipalities.⁴⁸⁰

The Attorney General’s Office has benefited from close cooperation with OHCHR. The OHCHR office in Colombia has for years supported prosecutors in investigations of abuses against human rights defenders. That cooperation has increased since 2016.⁴⁸¹ The OHCHR office documents killings of human rights defenders and reports them directly to the Attorney General’s Office, to ensure proper investigations.⁴⁸² The OHCHR office has often helped the Attorney General’s Office connect with communities that mistrust authorities.⁴⁸³

As required by the 2016 peace accord with the FARC, the government, in June 2017, created an Elite Team within the National Police to pursue “immediate action” against armed groups and to help “dismantle” them.⁴⁸⁴ The Elite Team now has 248 officials, including 235 who support the work of the Attorney General’s Special Investigation Unit.⁴⁸⁵ Roughly half of the 235 are assigned to regional teams in Valle del Cauca, Cauca, Meta, Nariño,

⁴⁷⁹ Information provided to Human Rights Watch via email by the Attorney General’s Office, April 30, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email by the Attorney General’s Office, August 28, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with judicial official, November 10, 2020.

⁴⁸⁰ Information provided to Human Rights Watch by email by the Attorney General’s Office, August 28, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with judicial official, November 10, 2020. The armed groups targeted are: 18th Front and 36th Front and the Gaitanist Self-Defense Forces of Colombia in Antioquia; the Dagoberto Ramos, Jaime Martínez and Carlos Patiño mobile columns in North Cauca; the United Guerrillas of the Pacific/Contadores in Tumaco, Nariño; the 10th Martín Villa Front in Arauca; the Gaitanist Self-Defense Forces of Colombia in Riosucio, Chocó; Caparros in south of Córdoba and Bajo Cauca; 48th Front in Putumayo; EPL in Catatumbo; the Teófilo Forero FARC dissident group in Huila; the ELN in south of Bolívar; the 62nd Front in Caquetá; and the 40th Front in Meta. Information provided to Human Rights Watch via email by the Attorney General’s Office, May 4, 2020 (copy on file with Human Rights Watch).

⁴⁸¹ Human Rights Watch telephone interview with international human rights official, June 19, 2020; Human Rights Watch telephone interview with senior human rights official, September 7, 2020.

⁴⁸² Human Rights Watch telephone interview with senior human rights official, August 28, 2020.

⁴⁸³ Human Rights Watch telephone interview with senior prosecutor, July 14, 2020.

⁴⁸⁴ National Police, “With 1,088 Police Officers, the Elite Team for Peace is Launched” (“Con 1.088 policías, se pone en marcha Cuerpo Élite para la paz”), June 16, 2017, <https://www.policia.gov.co/noticia/1088-policias-se-pone-marcha-cuerpo-elite-paz> (accessed September 4, 2020); Government of Colombia and Revolutionary Armed Forces of Colombia (FARC), “Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace,” November 24, 2016, <http://especiales.presidencia.gov.co/Documents/20170620-dejacion-armas/acuerdos/acuerdo-final-ingles.pdf> (accessed September 10, 2020), p. 90.

⁴⁸⁵ Human Rights Watch interview with senior police official, Bogotá, September 4, 2020.

Putumayo, Norte de Santander, Antioquia, Caquetá, Córdoba and Huila.⁴⁸⁶ In November 2020, the Elite Team told Human Rights Watch that it would establish teams in the states of Arauca and Chocó in January 2021.⁴⁸⁷

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

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

⁴⁸⁶ Human Rights Watch interview with senior police official, Bogotá, September 4, 2020.

⁴⁸⁷ Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.

⁴⁸⁸ Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020.

⁴⁸⁹ Human Rights Watch telephone interview with local activist, June 3, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with official of the Human Rights Ombudsperson’s Office, August 26, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

⁴⁹⁰ Human Rights Watch interview with senior police official, Bogotá, September 4, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

⁴⁹¹ Human Rights Ombudsperson’s Office, “‘We Are with You’ is more than the name of this strategy, it is my commitment to serve you with rigor, vigor and perseverance” (“‘Estamos Contigo’ es más que el nombre de esta estrategia, es mi compromiso de servirles con rigor, vigor y constancia”), December 9, 2020, <https://www.defensoria.gov.co/es/nube/destacados/9758/Estamos-contigo-es-m%C3%A1s-que-el-nombre-de-esta-estrategia-es-mi-compromiso-de-servirles-con-rigor-vigor-y-constancia-lideres-sociales-Defensor%C3%ADa-derechos-humanos-estamos-contigo.htm#:~:text=%E2%80%9CEstamos%20Contigo%E2%80%9D%20es%20una%20estrategia,personas%20defensoras%20de%20derechos%20humanos.&text=Reconocimiento%20de%20la%20Defensor%C3%ADa%20del,defensoras%20de%20los%20DD.HH> (accessed December 14, 2020); Tweet by Human Rights Ombudsperson’s Office, December 9, 2020, <https://twitter.com/DefensoriaCol/status/1336806813275205634> (accessed December 14, 2020); Tweet by Human Rights Ombudsperson’s Office, December 9, 2020, <https://twitter.com/DefensoriaCol/status/1336755155174367233> (accessed December 14, 2020).

Challenges and Shortcomings

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

A key problem is the limited number of judges and judicial staff in areas where killings of human rights defenders take place. While many investigations are supported by prosecutors in Bogotá, prosecutors are generally required under Colombian law to bring such cases before local courts.⁴⁹² However, they are few in number and troubled by significant delays and backlogs.⁴⁹³ Examples of limited judicial capacity in areas with high numbers of killings of human rights defenders include:⁴⁹⁴

- There are no criminal courts in the Cagúan area that try cases. (Crimes committed in Cagúan are tried in Florencia, Caquetá's capital.) The two municipalities—San Vicente del Cagúan and Cartagena del Chairá—each have one court charged with overseeing investigation (“supervisory judges”) and between four and five officials, including the respective judges.
- Only one municipality, Ocaña, of all 11 in the Catatumbo region, has criminal courts that try cases. These three courts have between three and five officials each, including judges. Additionally, there are 13 courts charged with overseeing investigations in Catatumbo.
- There are two criminal courts that try cases in Bajo Cauca. They are located in Caucasia and El Bagre and each have between three and four officials, including the judges. Additionally, there are seven criminal courts charged with overseeing investigations in the region.

⁴⁹² Code of Criminal Procedure, art. 14.

⁴⁹³ Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with judicial official, July 24, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with judicial official, August 5, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020; Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with judicial official, November 10, 2020. On April 2, 2020, Human Rights Watch sent a letter to the Council of the Judiciary requesting information on the approximate time taken to try these killings. In its May 8, 2020 response, the Council indicate that it did not have “specific studies that allow [the Council] to carry out such estimation.”

⁴⁹⁴ Information provided to Human Rights Watch via email by the Superior Council of the Judiciary, May 8, 2020 (copy on file with Human Rights Watch).

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

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

In March 2020, the Ministry of the Interior told Human Rights Watch that it had designed, with the Council of the Judiciary, a “proposal” for establishing 19 courts in various parts of the country.⁴⁹⁷ In December 2020, the Ministry of the Interior told Human Rights Watch that the Ministry of Economy had approved a budget for 2021 that “will guarantee the creation and permanent operation” of 13 such courts, and that they expected to create six others in 2022.⁴⁹⁸ But the Superior Council of the Judiciary told Human Rights Watch that the budget would be used to create 11 courts, of which only six would “prioritize” killings of human rights defenders.⁴⁹⁹ These six courts, which had yet to be created as of December 2020, are expected to have between three and five officials each and would be located in mostly mid-sized cities: Cúcuta (North Santander state), Buenaventura (Valle del Cauca), Medellín (Antioquia), Montería (Córdoba), Popayán (Cauca), and Quibdó (Chocó).⁵⁰⁰

⁴⁹⁵ Presidency of the Republic, “President Duque announces the creation of a body of judges for the rapid prosecution and exemplary condemnation of the murderers of our social leaders” (“Presidente Duque anuncia creación de cuerpo de jueces para la rápida judicialización y condena ejemplarizante de los asesinos de nuestros líderes sociales”), May 7, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190507-Presidente-Duque-creacion-cuerpo-jueces-rapida-judicializacion-condena-ejemplarizante-asesinos-lideres-sociales.aspx> (accessed April 23, 2020).

⁴⁹⁶ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch); information provided to Human Rights Watch by email from the Superior Council of the Judiciary, May 8, 2020 (copy on file with Human Rights Watch); Human Rights Watch telephone interview with human rights defender, July 01, 2020; Human Rights Watch telephone interview with senior human rights official, August 22, 2020.

⁴⁹⁷ Information provided to Human Rights Watch by email from the Ministry of the Interior, March 13, 2020 (copy on file with Human Rights Watch).

⁴⁹⁸ Information provided to Human Rights Watch by email from the Ministry of the Interior, December 11, 2020 (copy on file with Human Rights Watch).

⁴⁹⁹ Information provided to Human Rights Watch by email from the Superior Council of the Judiciary, December 21, 2020 (copy on file with Human Rights Watch).

⁵⁰⁰ Information provided to Human Rights Watch by email from the Superior Council of the Judiciary, December 21, 2020 (copy on file with Human Rights Watch).

The new criminal courts will be charged with trying cases.⁵⁰¹ Yet the limited number of judges charged with overseeing earlier stages of the criminal process (known as “supervisory judges”) in many areas of Colombia also creates important delays in cases of homicide of human rights defenders.⁵⁰²

The limited number of prosecutors and investigators charged with investigating killings of human rights defenders is another significant hurdle. While many of these cases are handled by specialized prosecutors within the Special Investigation Unit (who only handle a limited number of crimes), some others are handled by prosecutors who also handle many other crimes. Some of them said they face an overwhelming caseload.⁵⁰³ For example, one told Human Rights Watch he had a total of 1,200 cases covering a range of crimes. He was “prioritizing among the already prioritized cases,” he said.⁵⁰⁴

The Special Investigation Unit faces certain similar limitations. Nine of the unit’s 10 regional teams have only one prosecutor; one, in Medellín, has two.⁵⁰⁵ All of the teams have one CTI investigator and up to five Elite Team police investigators. This is insufficient, several prosecutors told Human Rights Watch.⁵⁰⁶ For instance, the unit does not have enough staff to listen, 24 hours a day, to telephone wiretaps authorized for investigations.⁵⁰⁷

⁵⁰¹ Presidency of the Republic, “MinJusticia announces the creation of 19 specialized judges to try crimes against the life and integrity of social leaders” (“MinJusticia anuncia creación de 19 jueces especializados para el juzgamiento de delitos contra la vida y la integridad de líderes sociales”), August 12, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190812-MinJusticia-creacion-19-jueces-especializados-juzgamiento-delitos-contra-vida-integridad-lideres-sociales.aspx> (accessed September 11, 2020).

⁵⁰² Human Rights Watch telephone interview with judicial official, August 7, 2020.

⁵⁰³ Human Rights Watch telephone interview with senior judicial official, June 26, 2020; Human Rights Watch telephone interview with former senior judicial official, June 30, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020.

⁵⁰⁴ Human Rights Watch telephone interview with senior prosecutor, July 14, 2020.

⁵⁰⁵ Human Rights Watch telephone interview with judicial official, August 7, 2020.

⁵⁰⁶ Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with senior human rights official, August 28, 2020; Human Rights Watch telephone interview with judicial official, July 7, 2020; Human Rights Watch telephone interview with judicial official, January 12, 2020.

⁵⁰⁷ Human Rights Watch telephone interview with senior human rights official, August 28, 2020.

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

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

Authorities have drained the Elite Team's budget. A budget of COP 10,229,000,000 (US\$ 3,460,419) in 2018 was dramatically reduced to COP 1,253,000,000 (US\$ 381,895) in 2019 and COP 1,154,635,200 (US\$ 310,887) in 2020.⁵¹³ A senior police officer told Human Rights Watch that the latest budget “barely covers the operational and maintenance costs” of the team.⁵¹⁴

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

⁵⁰⁸ Human Rights Watch telephone interview with senior human rights official, August 28, 2020.

⁵⁰⁹ Human Rights Watch telephone with investigator of the Technical Investigation Unit (CTI), August 25, 2020; Human Rights Watch telephone interview with judicial official, June 18, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020.

⁵¹⁰ National Police, “With 1,088 Police Officers, the Elite Team for Peace is Launched” (“Con 1.088 policías, se pone en marcha Cuerpo Élite para la paz”), June 16, 2017, <https://www.policia.gov.co/noticia/1088-policias-se-pone-marcha-cuerpo-elite-paz> (accessed September 4, 2020).

⁵¹¹ Human Rights Watch telephone interview with senior police official, September 2, 2020.

⁵¹² Human Rights Watch telephone interview with senior police official, September 2, 2020.

⁵¹³ Human Rights Watch interview with senior police official, Bogotá, September 4, 2020; Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.

⁵¹⁴ Human Rights Watch interview with senior police official, Bogotá, November 30, 2020.

Interpol (*Dirección de Investigación Criminal e Interpol*, DIJIN), which in turn reports to the Police Subdirectorate.⁵¹⁵ That position curtails the number of officials the team can hire and requires the team's head to request authorization for many decisions.⁵¹⁶ Police officers, prosecutors, and judicial officials said this can cause delays.⁵¹⁷

A big challenge for prosecutors and investigators is arriving at the scene of a crime in time to protect the evidence, several told Human Rights Watch.⁵¹⁸ Many killings occur in remote areas far from the nearest prosecutor's office.⁵¹⁹ Prosecutors face serious security risks in many areas.⁵²⁰ Often, they receive support from the Army, but some communities have asked soldiers to stay away, fearing that armed groups will accuse them of calling the army and attack them in retaliation.⁵²¹ In addition, prosecutors, investigators, and other judicial

⁵¹⁵ Human Rights Watch interview with senior police official, Bogotá, September 4, 2020; Human Rights Watch telephone interview with senior human rights official, November 12, 2020.

⁵¹⁶ Human Rights Watch telephone interview with senior human rights official, August 22, 2020; Human Rights Watch telephone interview with senior police official, September 2, 2020; Human Rights Watch interview with senior police official, Bogotá, September 4, 2020; Human Rights Watch telephone interview with human rights defender, December 11, 2020.

⁵¹⁷ Human Rights Watch telephone interview with senior prosecutor, July 17, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with police official, August 26, 2020; Human Rights Watch telephone interview with senior human rights official, August 28, 2020; Human Rights Watch telephone interview with human rights defender August 28, 2020; Human Rights Watch telephone interview with senior police official, September 2, 2020; Human Rights Watch interview with senior police official, Bogotá, September 4, 2020.

⁵¹⁸ Human Rights Watch telephone interview with senior prosecutor, June 18, 2020; Human Rights Watch telephone interview with senior prosecutor, June 24, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with former senior judicial official, June 30, 2020; Human Rights Watch telephone interview with senior prosecutor, July 7, 2020; Human Rights Watch telephone interview with senior judicial official, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with judicial official, August 5, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020; Human Rights Watch telephone interview with judicial official, August 20, 2020.

⁵¹⁹ Human Rights Watch telephone interview with senior investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 27, 2020; Human Rights Watch telephone interview with former senior judicial official, June 30, 2020.

⁵²⁰ Special Jurisdiction for Peace, Order No. AI-008-2020, Case No. 202003005124, ruling of July 29, 2020 (copy on file with Human Rights Watch).

⁵²¹ Human Rights Watch telephone interview with senior prosecutor, June 18, 2020; Human Rights Watch telephone interview with senior prosecutor, June 24, 2020; Human Rights Watch telephone interview with senior investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with senior prosecutor, June 27, 2020; Human Rights Watch telephone interview with senior prosecutor, July 7, 2020; Human Rights Watch telephone interview with senior prosecutor, July 14, 2020; Human

authorities told Human Rights Watch that soldiers assigned to aid investigators often lack adequate training for the task, and they tell judicial authorities that they cannot ensure investigators' safety.⁵²²

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

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

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

Rights Watch telephone interview with senior prosecutor, July 28, 2020; Human Rights Watch telephone interview with senior prosecutor, August 4, 2020; Human Rights Watch telephone interview with judicial official, August 7, 2020.

⁵²² Human Rights Watch telephone interview with judicial official, April 6, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 8, 2020; Human Rights Watch telephone interview with senior prosecutor, April 9, 2020; Human Rights Watch telephone interview with former international human rights official, April 9, 2020; Human Rights Watch telephone interview with local human rights official, April 9, 2020; Human Rights Watch telephone interview with judicial investigator, April 11, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), April 13, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior investigator of the Technical Investigation Unit (CTI), June 25, 2020.

⁵²³ Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior investigator of the Technical Investigation Unit (CTI), June 25, 2020.

⁵²⁴ Human Rights Watch telephone interview with senior prosecutor, June 24, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior investigator of the Technical Investigation Unit (CTI), June 25, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020.

⁵²⁵ Human Rights Watch telephone interview with senior with prosecutor, June 26, 2020; Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020.

⁵²⁶ Human Rights Watch telephone interview with senior prosecutor, June 18, 2020; Human Rights Watch telephone interview with senior prosecutor, June 24, 2020; Human Rights Watch telephone interview with senior prosecutor, June 26, 2020; Human Rights Watch telephone interview with former senior judicial official, June 30, 2020; Human Rights Watch telephone interview with senior prosecutor, July 7, 2020.

of human rights defenders said. “We have to ask Legal Medicine for support, but sometimes it takes them months to respond. All that impacts the investigation.”⁵²⁷

The CTI investigator illustrated some of the challenges:

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

⁵²⁷ Human Rights Watch telephone interview with investigator of the Technical Investigation Unit (CTI), June 25, 2020.

V. International Law

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

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

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

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

⁵²⁸ See, for example, American Convention on Human Rights ("Pact of San José, Costa Rica"), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, ratified by Colombia on May 28, 1973, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force February 10, 1972, ratified by Colombia on August 29, 1969.

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

⁵³⁰ *Ibid.*

⁵³¹ ICCPR, art. 2(3). American Convention on Human Rights, arts. 1, 25. UN Human Rights Committee, "General Observation 31. The Nature of the General Legal Obligation Imposed on States Parties to the Covenant," UN Doc. CCPR/C/21/Rev.1/Add.13, May 26, 2004, paras. 15; UN General Assembly, "Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law," UN Doc. A/RES/60/147, December 16, 2005, <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx> (accessed May 27, 2020).

⁵³² *Ibid.* See also Inter-American Court of Human Rights, *Godínez Cruz v. Honduras*, judgment of January 20, 1989, Corte I.D.H., Series C. No. 5, para. 175; Inter-American Court of Human Rights, *Castillo Páez v. Peru*, judgment of November 3, 1997, Corte I.D.H., Series C. No. 34, para. 90; Inter-American Court of Human Rights, *Blake v. Guatemala*, judgment of January 24, 1998, Corte I.D.H., Series C. No. 36, paras. 91-95; Inter-American Court of Human Rights, *Bulacio v. Argentina*, judgment of September 18, 2003, Corte I.D.H., Series C. No. 5, paras. 110-121.

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

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

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

⁵³³ Inter-American Court of Human Rights, *Human Rights Defender et al. v. Guatemala*, judgment of August 28, 2014, Corte I.D.H., Series C No. 283, paras. 141–42, 157, 263.

⁵³⁴ International Covenant on Civil and Political Rights, art. 26; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by Colombia on September 2, 1981, art. 1(1).

⁵³⁵ Under the ICERD, governments may not ignore the need to secure equal treatment of all racial and ethnic groups, but rather must act affirmatively to prevent or end policies with unjustified discriminatory impacts. ICERD, art. 2(1)(a). The Committee on the Elimination of Racial Discrimination, which provides authoritative interpretations of ICERD, has recently expressed concern about the disproportionate impact of the armed conflict in Colombia on Indigenous and Afro-Colombian people and urged the government to redouble its efforts to secure protection for these communities. It also expressed concern about the government’s failure to seriously respond to the Early Warning System’s risk reports. Committee on the Elimination of Racial Discrimination (CERD), “Concluding observations on Colombia,” UN Doc. CERD/C/COL/CO/17-19, January 22, 2020, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/016/38/PDF/G2001638.pdf?OpenElement> (Accessed January 22, 2021).

⁵³⁶ International Committee of the Red Cross, “Colombia: Five armed conflicts – What’s happening?,” December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed September 10, 2020). The Colombian military distinguishes between “organized criminal organizations” (*grupos delictivos organizados*, GDO), covered by human rights law, and “organized armed groups” (*grupos armados organizados*, GAO), covered under the law of conflict. The Ministry of Defense considers that the ELN, EPL, AGC, Caparros, and apparently all FARC dissident groups are organized armed groups. Whether an armed group is a party to an armed conflict is based on an objective determination of the facts. Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed January 13, 2021); Ministry of Defense, Directive 37 of 2017, October 26, 2017 (copy on file with Human Rights Watch); Ministry of Defense, Directive 42 of 2018, December 17, 2018 (copy on file with Human Rights Watch); information provided to Human Rights Watch via email by the Ministry of Defense, March 27, 2020 (copy on file with Human Rights Watch).

Applicable law includes Common Article 3 to the Geneva Conventions of 1949 and other treaty and customary laws of war, which apply to non-state armed groups as well as national armed forces. International human rights law also applies at all times, including during armed conflict.⁵³⁷

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

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

⁵³⁷ UN Human Rights Committee, “General Comment No. 31. The Nature of the General Legal Obligation Imposed on States Parties to the Covenant,” UN Doc. CCPR/C/21/Rev.1/Add.13, March 29, 2004, para. 11; International Court of Justice, “Advisory Opinion on the Threat or Use of Nuclear Armed Weapons,” July 8, 1996, para. 25.

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

⁵³⁹ “Why does the government deny the existence of an armed conflict with the ELN?” (“¿Por qué el Gobierno niega la existencia de un conflicto armado con el ELN?”), *W Radio*, February 28, 2019, <https://www.wradio.com.co/noticias/actualidad/por-que-el-gobierno-niega-la-existencia-de-un-conflicto-armado-con-el-eln/20190228/nota/3870312.aspx> (accessed September 10, 2020).

⁵⁴⁰ See, for example, Prosecutor v. Fatmir Limaj and others, ICTY Case No. IT-03-66-T, November 30, 2005, <http://www.icty.org/x/cases/limaj/tjug/en/lim-tj051130-e.pdf> (accessed September 10, 2020), para. 170. See also Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed January 9, 2021) (“the motivation with which the group acts will not be relevant for the application of lethal force under international humanitarian law”).

⁵⁴¹ See International Committee of the Red Cross, “Customary International Law. Rule 89,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule89 (accessed January 13, 2021); Rome Statute of the International Criminal Court, July 17, 1998, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed January 13, 2021), article 8.

investigate, prosecute, and punish.⁵⁴² The laws of war prohibit willful killings and deliberate and indiscriminate attacks on civilians.

Commanders who knew or should have known about violations but failed to stop them or punish those responsible may be criminally responsible, as a matter of command responsibility.⁵⁴³

⁵⁴² See, e.g., International Committee of the Red Cross, “Customary International Law. Rule 158,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule158 (accessed January 13, 2021); Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 7, 2009, <https://www.hrw.org/report/2009/07/07/selling-justice-short/why-accountability-matters-peace>, pp. 10-19.

⁵⁴³ See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 86-87; Rome Statute of the International Criminal Court, art. 28.

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LEFT UNDEFENDED

Killings of Rights Defenders in Colombia's Remote Communities

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

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

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

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

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

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

(above) "Quebrantos," an installation by the Colombian artist Doris Salcedo that records the names of human rights defenders killed in the country, in Plaza Bolívar, Bogotá, Colombia, on June 10, 2019.

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(front cover) Indigenous peoples and others participate in a demonstration calling for better government protection to people in the country's remote communities, on October 21, 2020, in Bogotá, Colombia.

Indigenous people have been disproportionately affected by killings of human rights defenders in Colombia.

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