

MISSION REPORT -CHOCÓ-

July 2-5, 2019

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*Integrated by:

ABColombia, Broederlijk Delen, Caritas Suiza, Christian Aid, Comité Noruego de Solidaridad con América Latina, Comundo, Fastenopfer, Federación Luterana Mundial, Fokus, Fondo de Acción Urgente para América Latina, Forum Syd, Fundación Sueca por los Derechos Humanos, Grupo de Trabajo Suiza Colombia -ASK!-, Heks-Eper, ICCO, International Action for Peace, Iglesia Sueca, kolko - Menschenrechte für Kolumbien, Latinoamerican Working Group, Llamamiento de Ginebra, Mundubat, Movimiento por la Paz -MPDL-en Colombia, ODHACO, Oxfam, Paz con Dignidad, Peace Brigades International -PBI- (observadora), SweFOR (observadora), Swissaid, Terre des Hommes Suisse



Credit: Germán Moreno / FLM

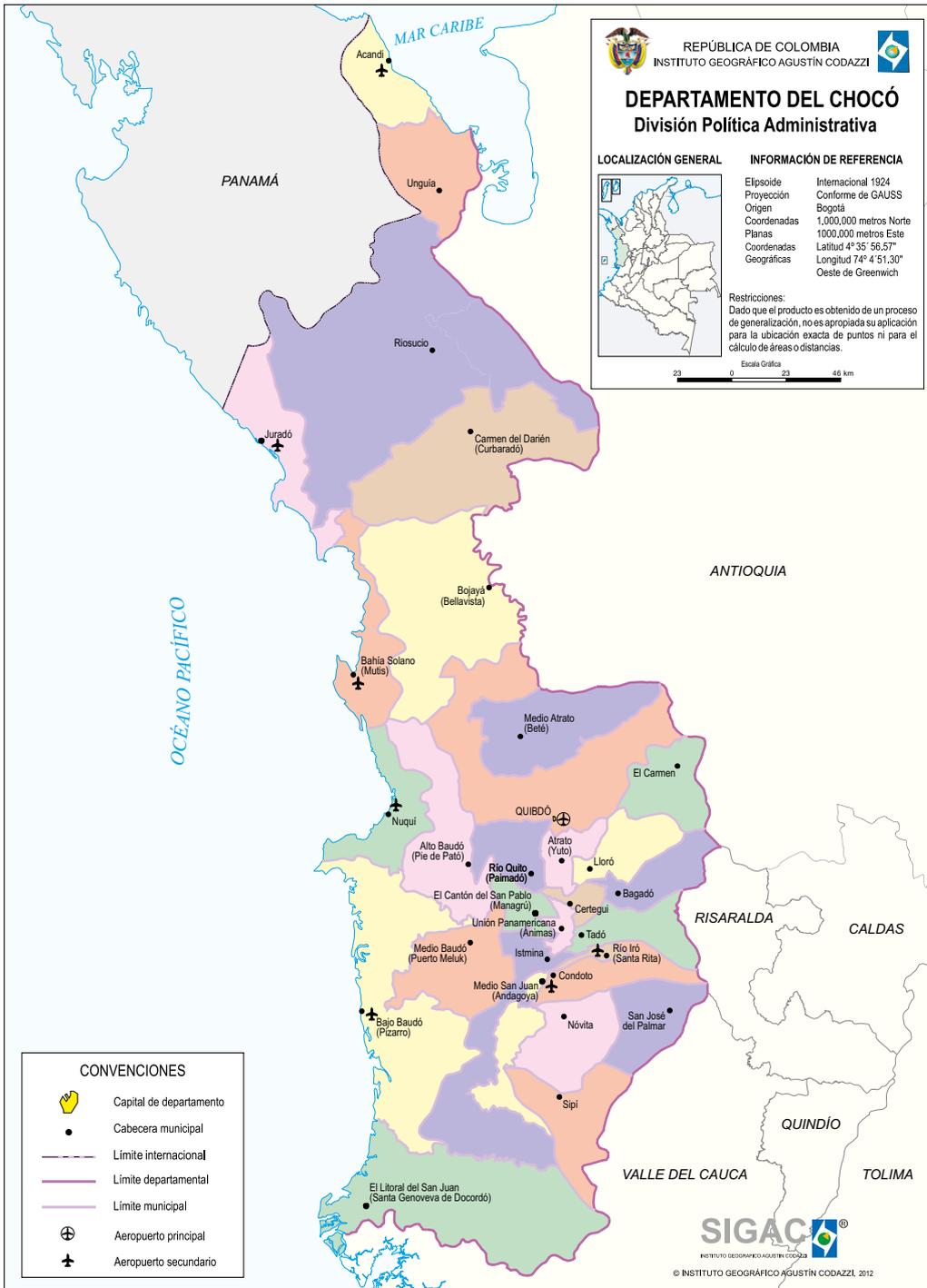
PRESENTATION

BETWEEN JULY 2ND AND 5TH, 2019, A DELEGATION OF INTERNATIONAL CIVIL SOCIETY ORGANIZATIONS PRESENT IN COLOMBIA CONDUCTED A MISSION WITH THE OBJECTIVE OF OBSERVING THE HUMANITARIAN, HUMAN RIGHTS AND SECURITY SITUATIONS FACED

by communities in the department of Chocó. The mission consisted of representatives of the following organizations: Swedish Movement for Reconciliation (SweFOR), Lutheran World Federation (LWF), Diakonie - Colombia Program, ACT Swedish Church, Washington Office on Latin America (WOLA), International Office for Human Rights Action Colombia (OIDHACO) and the

Cooperation Space for Peace platform (ECPP). Members of the mission engaged in dialogue with ethnic-territorial authorities, staff from the Diocese of Quibdó, grassroots and women's organizations as well as with departmental, municipal and local civil authorities in Quibdó and Bellavista (municipality of Bojayá). The results of the mission are detailed in this report.

CONTEXT



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2.1. Characteristics of the region

The Department of Chocó is located on Colombia's Pacific Coast and has a geographic area of 46,530 km². Its capital is the city of Quibdó and it consists of 30 municipalities distributed across five sub-regions in the department: San Juan, Baudó, Alto and Medio Atrato, Pacific Coast, Bajo Atrato and Darién. It borders the country of Panama and the Caribbean Sea to the *north* by, the Departments of Antioquia and Risaralda to the *east*, the Department of Valle del Cauca to the *south* by, and the Pacific Ocean to the *west* by. It includes jungle in the Darien region and the basins of the Atrato, Baudó and San Juan rivers. It has some of the highest rainfall and biodiversity in the world, as well as one of the country's most important water sources, the Atrato River.

According to the latest DANE census (2018), 515,045 people live in Chocó, of whom 61.2% are Afro-Colombians and 9.7% are indigenous. 49.1% of the population live in Quibdó and 50.9% live in rural areas of the department. The annual growth rate is 1.99%¹. A total of 96% of the department consists of the collective territories of 600 afro-descendant communities, grouped into 70 community councils with collective

ownership of 2,915,339 hectares, and 120 indigenous reserves located in 24 of Chocó's 30 municipalities.²

Despite the fact that Chocó is one of the most biodiverse places in the country and the world, it also has the highest number of inhabitants with unsatisfied basic needs (NBI) in Colombia. 79% of the population have unmet basic needs compared to a national average of 20%³. Factors related to the high NBI deficit are associated with historical problems including marginalization, impoverishment, lack of citizen participation in public decisions and the continued violence of the Colombian armed conflict.

The Mission visited one of the municipalities most affected by the armed conflict in Colombia: Bojayá. Located in the sub-region of Medio Atrato with a population of 10,099 inhabitants⁴, it is a territory that due to its geostrategic location, connects the Bajo Cauca Antioqueño with the Colombian Pacific Coast through rivers. These rivers shape the life of the communities and their exchanges with each other and the outside world. The region is also heavily used for drug traffick-

1 Average projection from 2015 to 2020. ELC, Departmental Briefing for Chocó 2018; DANE Projection 2005-2020.

2 Data from the National Land Agency (ANT). Statistics on collective territories located in Chocó (2008).

3 Population data from DANE, 2015.. See: <https://colaboracion.dnp.gov.co/CDT/Inversiones%20y%20finanzas%20pblicas/Choc%C3%B3%2015.pdf>

4 DANE: Municipal population projections by area 2005-2020. Accessed 1 May 2015.

ing and other illicit economies. In 2002 it suffered one of the most atrocious events in the history of the Colombian armed conflict, *The May 2nd Massacre*, which involved clashes between the Revolution-



Crédito: Milenioscuro | https://es.wikipedia.org/wiki/Archivo:Colombia_-_Choc%C3%B3_-_Bojay%C3%A1.svg

ary Armed Forces of Colombia (FARC-EP by its Spanish acronym) guerrilla group and the United Self-Defence Forces of Colombia paramilitary group (AUC by its Spanish acronym). 79 people were killed when a gas cylinder bomb exploded in the church located in the centre of the town⁵. Despite the fact that the victims' organizations in the municipality have engaged in different processes with public institutions to demand truth, justice, reparation and guarantees of non-repetition, currently they are victims of recurring violence and raised their concerns about the disproportionate worsening of the armed conflict in the zone during recent years. Different statements from ethnic-territorial organizations, churches and the Ombudsman's Office support this claim.

One of the elements of the context observed by the Mission was the permanent presence of illegal armed actors in the territory, which is a dominant factor in the configuration of regional dynamics. Based on reports on the humanitarian impact of the armed conflict in Chocó that are periodically published by the Local Coordination Team, with support from the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), the data demonstrates changes in the department following the signing of the Peace Agreement signed between the Colombian Government and FARC-EP. These include a de-

⁵ Victims Unit. 2019.

crease in the number of people affected by forced displacement, reducing from 6,956 in 2017 to 2,465 in 2018⁶, and a total of 1,823 forcibly displaced people between January and September 2019⁷. However, a more worrying trend is the increase in the number of people affected by confinement. This increased to 16,681 from January to September 2019, compared to 15,548 people who suffered confinement in 2018, and 14,433 in 2017.⁸ The Ombudsman's Office report-

ed that 11,300 people from 54 communities were victims of confinement during the first half of 2019.⁹

Among the factors that increase confinement is the presence of illegal groups within or near communities and the imminent risk they represent, as well as armed clashes between illegal groups such as the ELN and the AGC and between these groups and the Colombian military. The confinement events presented in Chocó are related to the presence of mines in the territory. This has forced the civilian population to isolate themselves from the sites of their livelihoods, usually located in rural areas, as well as from the roads they habitually use to consume water or collect food.

6 OCHA. December 2018. See: <https://www.humanitarianresponse.info/en/operations/colombia/document/colombia-briefing-departmental-choc%C3%B3>

7 OCHA. Humanitarian impact of conflict and armed violence in Chocó. January-September 2019. <https://www.humanitarianresponse.info/en/operations/colombia/infographic/impacto-humanitario-por-conflicto-y-violencia-armada-en-el-choc%C3%B3>

8 Departmental Briefing Chocó, December 2018. The figures include facts on restrictions of access and limitations on mobility. The numbers of people affected by confinement includes: 13,263 in 2019, 11,370 in 2018 and zero in 2017.

9 Ombudsman's Office. 2019.

FINDINGS

The Mission identified causes, risks and impacts of the humanitarian crisis in Chocó, specifically on the ethnic peoples of the department. After analysing this information, the Mission categorized the collected information and proposed the following sections: human rights situation and the humanitarian crisis, complete peace, organisational processes at risk, loss of food security, forced recruitment and other effects of the conflict, gender-based violence and the government's response to the humanitarian crisis.

3.1. Humanitarian Crisis and Human Rights Situation

The human rights situation in Chocó has worsened following the signing of

the Peace Agreement between the Colombian government and the FARC-EP. This is because territories previously occupied by the FARC-EP guerrillas are being disputed by other illegal armed actors, such as the National Liberation Army (ELN) and the Gaitanista Self-Defence Forces of Colombia (AGC). This affects local social, political, economic dynamics and destabilises the daily lives of the civilian population in both rural and urban areas. Added to this situation is the increase and worsening of acts of violence following the end of peace dialogues between the national government and the ELN.

The disputes between illegal armed groups over the control of territories have generated breaches of International Humanitarian Law (IHL) and serious violations of

international human rights norms, which has led to an increase in humanitarian emergencies in Chocó by 53%: 58% are from the indigenous population and 40% from the Afro-descendant population. Of the total affected population, 21% are reported as being under the age of 18. In addition, a total of 365 persons were registered because they were victims of other acts of violence related to the conflict such as homicides (23), landmines/unexploded ordnance (6), threats (330), kidnapping (12) and other aggressions (6)¹⁰.

The Ombudsman's Office has warned about the imminent risks that the department's indigenous and afro-descendant communities face, and for this reason has issued 19 Early Warning Alerts¹¹ for 14 municipalities between January 2018 and September 2019. It has warned that 46% of the territory is at risk due to the *“repositioning and expansion of illegal armed groups such as the ELN and the AGC to control routes for the trafficking of arms and drugs to the Pacific Coast and Central America. We request that the relevant institutions take immedi-*

ate action to deal with these risks and stop them from increasing.” (Ombudsman's Office, 2019, AT 017/19).

The Early Warning Alerts issued by the Ombudsman's Office between 2017 and 2019 evidence the presence of illegal armed actors in each of the five sub-regions in the department: San Juan, Baudó, Alto and Medio Atrato, Pacific Coast, Bajo Atrato and Darién. Murders, threats, forced displacements and confinement of the civilian population continue to be a reality for Chocó.

The reconfiguration of the conflict has led to an increase in risks for human rights defenders who are part of ethnic-territorial processes. Some of the identified patterns include: i). Stigmatization by illegal armed actors and security forces; (ii). Threats to their lives and physical safety, as well as the exercising of their leadership and defending rights; (iii). Being accused of crimes; (iv). Strategic confinement to impede their organizational work.

The Mission identified two factors that have led to the increase in violence in Chocó in 2019. First, the gaps in protection caused by the non-implementation of the Peace Agreement signed between the Colombian government and the FARC-EP. Second, the government's decision to suspend the peace dialogues with the ELN following an attack with a car bomb against the Police Cadets' School in Bogotá. In Bojayá, members of the Mis-

10 Humanitarian impact of the conflict and armed violence in Chocó, January - September 2019. <https://www.humanitarianresponse.info/en/operations/colombia/infographic/impacto-humanitario-por-conflicto-y-violencia-armada-en-el-choc%C3%B3>

11 Article 6 of Decree 2124 of 2017 mentions that Early Alert Warnings are a “warning document, of a preventive nature, issued autonomously by the Ombudsman's Office. Their main purpose is to provide timely warning of risks and threats to the rights to life, freedom and personal safety, civil and political liberties and breaches of IHL.

sion spoke with local institutions, organizations and ethnic-territorial leaders who shared their opinions about the risks that the civilian population faces. These risks are caused by two factors: the territorial dispute between the ELN and the AGC to obtain control of routes that connect Bojayá with Juradó and Bahía Solano and were previously operated by the FARC-EP for the trafficking of illicit economies; and the absence of the State in these territories.

Community members also expressed concern about the presence of illegal armed actors such as the AGC that visit people's homes and community stores, travel along rivers and establish camps near collective territories. The people we spoke to attribute the disappearance and homicide of a 30 year-old man and the subsequent gradual displacement of several families to Vigía del Fuerte and Belavista as being committed by this illegal armed group. As for the ELN's method of operating, in 2019 the use of anti-personnel mines (MAP) and/or threats to place them in rivers, hunting areas and food supply areas has increased. The ELN also use the homes of displaced people for patrols, increasing the risks to the lives and physical safety of the community.

3.2. Complete Peace

For the people interviewed by the Mission, there can be no integrated peace

process if it does not include all of the illegal armed actors involved in the conflict. The Ombudsman's Office has issued warnings about the barriers currently faced by victims in accessing their rights, despite the actions implemented by the national government within the framework of the Peace Agreement. It states that "the persistence of forced displacement and the confinement of ethnic peoples impede their socioeconomic stabilization and the reconstruction of the social fabric". This situation is evidenced in the displacement and confinement figures for 2019¹².

For the local population in Chocó, ignoring the structural causes of the conflict, such as the dismantling of illegal armed structures and the fact that the presence of the State to guarantee citizen's rights does not go beyond the militarization of the territories most affected by the armed actors, are the main reasons violence continues.

"The indifference of the State prevents the reconstruction of trust in its public institutions because they do not pay attention to warnings and do not create integrated solutions for emergencies¹³."

12 Ombudsman Resolution 071 of 2019 on the Humanitarian Crisis in the Colombian Pacific region, issued by the Ombudsman's Office.

13 July, 2019. Meeting with leaders from Bojayá in the framework of the International Mission.

The local public institutions in Bojayá told the Mission that the implementation of the Peace Agreement does not have the support of the national government. These local institutions have presented several initiatives to be included in the Development Plans with a Territorial Approach (PDET), such as productive, infrastructure and development projects, but have not received any response¹⁴. In addition, the government did not hire the necessary staff for the implementation of projects in the Medio Atrato region until July 2019.

The Mission received information about four civil society peacebuilding initiatives in Chocó that work to oversee and strengthen public organizational structures:

i). *Humanitarian Accord Now*. This network seeks to reduce the impact of the armed conflict and demand the fulfillment of 11 points in a Peace Agreement with the ELN. These points are framed

in International Humanitarian Law and propose alternatives for the negotiated resolution of the conflict. The platform is led by the ethnic-territorial organizations of Chocó that actively participated in the peace dialogues with ELN.

(ii). The *Permanent Committee of Dialogue and Agreement for Indigenous Peoples in the Department of Chocó*. The Committee facilitates political dialogue and advocates for public policy that supports the following indigenous groups: Embera Dobida, Embera Chamí, Embera Katio and Wounaan. The Committee proposes collective protection actions against the assassinations of indigenous leaders in the region.

(iii). The strengthening of internal regulations in the *COCOMACIA Community Councils* to strengthen mechanisms that prevent recruitment by armed actors and support the defence of territorial autonomy.

(iv). *Pacific Inter-Ethnic Truth Commission*. “The purpose of this report is to highlight the violations of human rights that have occurred in the context of the armed conflict. The truth that is established is based on the perspective of the victims and does not have the value of a judicial truth, but is instead shared historical observation of the construction of a society.¹⁵”

¹⁴ Decree 983 of 2017 created the Development Programs with a Territorial Approach (PDET). This is a 10-year sub-regional Comprehensive Rural Transformation Programme through which Comprehensive Rural Reform is implemented more rapidly in the territories most affected by armed conflict, poverty, illicit economies and institutional weakness. An Action Plan for Regional Transformation (PATR) was created for the Chocó sub-region, consisting of 14 PDETs from the following municipalities: Unguía, Acandí, Bojayá, Riosucio, Carmen del Darién, Medio Atrato, Condoto, Istmina, Medio San Juan, Murindó, Novita, Vigía del Fuerte, Sipí and Litoral de San Juan.

¹⁵ CIVP Primer

3.3. At-risk Organizational Processes

The Mission expressed its concern regarding the reports from various leaders of threats against their lives while defending and voicing their rights. In some cases, this intimidation has forced them to move from their territories, creating risks for organizational processes. This also increases the risk of vulnerability for the rest of the population, who, perceiving fear and anxiety, do not dare to report or oppose the control exercised by the armed actors.

Armed actors isolate leaders, and delegitimize and harass ethnic authorities because they see them as an obstacle to their control of the territory.

“To demand our rights we have to pay with our lives.”¹⁶

The ethnic-territorial organizations highlight the situation in the Buey River, Municipality of Medio Atrato in the COCOMACIA territory, as well as incidents with the ELN in the Municipality of Medio Atrato, some of which go unreported due to fear. For COCOMACIA, these events are a direct attack on their organizational processes because they reduce community participation, weaken community assemblies and ignore internal regulations.

It has been identified that since 2018 in the Buey River, the armed control of the territory by the National Liberation Army (ELN) has weakened local authorities and ethnic organizations and has resulted in widespread fear in communities. This situation affects participation in community activities and leads to sub-reporting of human rights violations or acts of violence due to fear of reprisals. During the last year, the Ombudsman’s Office has documented cases of forced recruitment of minors and acts of gender-based violence against women caused by the presence of the ELN in this region.

3.4. Loss of food security

One of the most serious effects of confinement and mobility restrictions is related to the impact on the right to food security, due to limitations on the exercising of productive activities, the use of traditional spaces for fishing, hunting and visiting sacred spaces¹⁷. It is also too dangerous for these communities to hunt animals in the upper areas of rivers, work on plots that are a significant distance from populated centres and cut down wood for daily cooking.

¹⁶ July, 2019. Meeting with leaders of Bojayá in the framework of the International Mission.

¹⁷ Ombudsman’s Office Resolution 071 of 2019 on the Humanitarian Crisis in Colombia’s Pacific region.

In addition, there have been incidents such as the looting of community shops and the theft of farm animals. Although the number of landmine explosions reported in Chocó is minimal compared to the number of warnings issued about the use of this weapon by illegal armed actors, the communities have decided to abandon and regulate their productive activities and use water sources that are closer to their homes as a self-protection mechanism. This is caused by the fear and anxiety generated by the presence of landmines, unexploded ordnance (UXO) and IEDs in their territories¹⁸.

An analysis carried out by the ethnic-territorial organizations within the framework of the Humanitarian Agreement Now! platform for Chocó details the following situation:

“The practice of confinement constitutes a form of violation of multiple fundamental rights, both individual and collective. In practically all five sub-regions of the department there have been recorded actions of confinement of communities that result in the loss of traditional agricultural, fishing and hunting practices. These activities are an essential part of their subsistence and contribute to the survival of cultural practices. This is the

case with traditional medicine, which requires the use of plants that they can't access due to the presence of landmines”. According to Early Warning Alert 068 issued by the Ombudsman's Office, “these confinements constitute a counterinsurgency strategy implemented by the AGC with the purpose of reducing the ELN's access to supplies by controlling the mobility of the civilian population and the transport of food and medicine¹⁹.

¹⁸ Anti-Personnel Mine, Unexploded Ordnance and Improvised Explosive Devices.

¹⁹ The proposal for Humanitarian Agreement Now! in Chocó was conceived by the organizations that created this platform (the Chocó Interethnic Solidarity Forum, the Permanent Committee for Dialogue and Agreement with the Indigenous Peoples of Chocó, the Dioceses of Apartadó, Quibdó and Istmina-Tadó, the Victims' Committee and social organizations) as the minimum of conditions that are necessary for the Peace Agreement signed with the FARC-EP and the peace dialogues with the ELN to be fully implemented in a territory like Chocó that is systematically affected by different forms of violence. This platform was conceived as a basic humanitarian mechanism to alleviate the suffering of the population, stop the worsening complex humanitarian crisis and guarantee the individual and collective human rights of communities and respect for IHL in the territory.

Table 1. Registered displacements and confinements in Chocó between January and September 2019

Municipalities affected by displacement	No. People	No. Families	Municipios afectados por Confinamiento	No. People	No. Families
Juradó	971	141	Carmen del Darién	3190	800
El Litoral del San Juan	417	97	Bojayá	2778	878
Medio San Juan	307	98	Medio San Juan	2051	510
Nuquí	84	26	Itsmina	1765	392
Bojayá	60	15	Río Quito	1649	406
Total	1.839	377	Riosucio	1394	322
			Litoral de San Juan	1299	168
			Juradó	981	216
			Medio Baudó	800	228
			Bajo Baudó	340	68
			Bahía Solano	325	77
			Quibdó	109	22
			Total	16.681	4087

Source: Victims Unit, Municipal Ombudsman's Offices. (OCHA. Flash Update, 2019).

3.5. Forced recruitment and other actions

Since 2018, and with a notable increase in 2019, ethnic groups in Chocó have perceived an increase in the forced recruitment of minors by the National Liberation Army (ELN) and the Gaitanista Self-Defence Forces of Colombia (AGC). These illegal armed groups seek

to increase their presence in the territories, guarantee their expansion and use children under the age of 18 to carry out their illegal activities. The recruitment and forced use of minors by armed actors documented in the cases of children and adolescents recruited into the ranks of armed actors and sometimes used as informants in communities.

According to OCHA, in 2018 there were 26 cases of forced recruitment of minors by the ELN, concentrated in the municipalities of Tadó and Bojayá²⁰. In 2019, there have been three (3) cases so far, including the recruitment of a 13-year-old girl. According to testimonies collected by the Mission, the armed groups entice children and young people with money and false promises of work and drugs, while the girls are seduced and impregnated as a strategy based on emotional manipulation.

The Ombudsman's Office states that "the factors that influence forced recruitment are the lack of educational opportunities, remuneration by armed actors and access to psychoactive substances²¹. In terms of the increase in drug use in the communities, the Mission documented that during 2019 there have been seven (7) cases of young people with problems of drug use and addiction in Bojayá. Concerns were expressed about the possible connection between members of the Colombian military and drug distribution in the area.

3.6. Gender-Based Violence

For Afro-descendant and indigenous women, the dynamics of the armed conflict,

especially confinement, affect their lives through a number of factors. The first is the loss of food security. Second, is the weakening of cultural identity among new generations due to forced recruitment, in which armed actors use the practice of seducing and involving girls and young women in their actions, offering them gifts and establishing affective relationships so that they join the group. Third is the emotional damage and breakdown of support networks for women who have been victims of some type of sexual violence from the armed actors. This is one of the most invisible forms of violence.

In this context, the Mission had serious concerns about the fear and risks that women in Bojayá are exposed to by the presence of the AGC. In the past this group committed serious abuses and acts of sexual violence against women as public punishment for hiding members of the FARC-EP in their homes. The women also discussed the sexual harassment that they have received, not just from illegal armed actors, but also from members of the Colombian military who are present in their territories.

In other communities in the Medio Atrato region, acts of sexual violence against women committed by members of the National Liberation Army (ELN) have been reported in the COCOMACIA territories.

Based on information from the Chocó Local Coordination Team, "the absence of sex-disaggregated data continues to

20 OCHA. Chocó Departmental Briefing. 2018. See: <https://www.humanitarianresponse.info/en/operations/colombia/document/colombia-briefing-departamental-choc%C3%B3>

21 Ibid.

be one of the main limitations when it comes to highlighting the situation faced by women and girls in the department. In terms of public policies, these continue to be deficient in questions of gender and in the provision of emergency assistance caused by violence and natural disasters. Women do not have differentiated spaces that guarantee them protection²².

3.7. The State's response to the humanitarian crisis

“Bojayá doesn't cry today, not because she doesn't hurt, but because she doesn't have any tears left.”²³

Regarding the State's response to the grave human rights situation caused by the violent actions of illegal armed actors, community members told the Mission that the work of government agencies and public institutions disarticulated and insufficient to respond in a timely manner to the needs generated by a humanitarian emergency.

The Mission identified gaps in the government's work in taking declarations on confinement events and forced displacement, problems with articulating the implementation of Contingency Plans, the

lack of credibility and effectiveness of the Territorial Transitional Justice Committees (CTJT), and the incapacity of territorial entities to provide food assistance in emergency contexts.

For the communities affected by the armed conflict in Chocó, the State's permanent presence as a guarantor of human rights has not yet come. The State's answer to mitigate violent actions has been the militarization of ethnic territories, such as the Napipi and Opogadó Rivers in Bojayá, a situation in which the right to prior consultation has been ignored. The government is also interested in creating a Army battalion in Bojayá, ignoring local ethnic groups' internationally recognized collective rights. This could also lead to possible infractions of International Humanitarian Law by involving the civilian population in the implementation of military actions.

The Mission observed that the current humanitarian emergency in Bojayá is exacerbated by the lack of an adequate institutional response involving reparations for victims a year before the *Victims' and Land Restitution Law* is due to expire. Firstly, this is because, the collective reparations processes for afro-descendent communities and indigenous peoples has faced difficulties in terms of consultation, coordination, and financing. Between 2011 and 2019, public institutions have only made progress in administrative procedures with two out of the three communities that are entitled to collective reparations.

22 OCHA. Chocó Departmental Briefing, December 2018. See: <https://www.humanitarianresponse.info/en/operations/colombia/document/colombia-briefing-departamental-choc%C3%B3>

23 July, 2019. Meeting with Bojayá leaders in the framework of the International Mission.

***“The Committee for the Human Rights of the Victims of Bojayá, which has worked for collective reparations for victims in Bellavista, indigenous communities and Community Councils, has concluded that there is not enough political will from the national government to complete and implement the established reparations plans because of a lack of financial resources²⁴.*”**

Second, in relation to the exhumation process, the local community faces challenges for the full recognition of the people who were disappeared because of the Bojayá massacre following 17 years of inaction by the Colombian state. Community members stated that:

***“In the case of Bojayá, the damage caused by the massacre in Bellavista remains invisible. The State still does not recognize many people who disappeared and were murdered on May 2nd, 2002. The statistics and reparation methods that have been used do not represent true justice for victims, survivors and relatives²⁵.*”**

Data from the Unit for Assistance and Integrated Reparation for Victims (UARIV) shows that between 2011 and 2019, progress was made with collective reparations for 36 cases of ethnic communities in Chocó. 19 of those cases are currently in the Institutional and Community Readiness Phase of the Comprehensive Plan for Col-

lective Reparations, 1 case is in the Design and Formulation Phase, and 14 cases are in the Implementation Phase of the Plan.

1

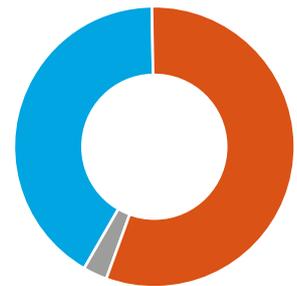
caso en Fase de Diseño y Formulación de las medidas de reparación

14

casos en Fase de Implementación del Plan Integral de Reparación Colectiva

19

casos en Fase de Alis-tamiento institucional y comunitario



The guarantees of non-repetition demanded by victims in the case of Bojayá remain unattended to by the State. 17 years since the massacre in the church of Bellavista, anxiety about the social and armed conflict continues. Community testimonies evidence the current situation:

***“With the departure of the FARC, the State did nothing, which is why the other illegal actors arrived. The Army comes through here and stays for two months and then leaves. The communities where the Army stayed are signalled as supporters of the government, and then they don’t have any protection against the armed groups who carry out reprisals against them for helping the military²⁶.*”**

²⁴ Ibid.

²⁵ Ibid.

²⁶ Ibid.

RECOMMENDATIONS

To the Colombian Government

1. Humanitarian Agreement Now! dialogue, and negotiated settlement for the conflict with the ELN

- Comply with the principles and limitations contained in the Humanitarian Agreement Now! proposal, recognizing and respecting it as a valid initiative designed by civil society organizations to overcome the conflict in Chocó.
- Seek a negotiated solution to the conflict with the ELN.
- The Colombian military must guarantee human rights and respect for International Humanitarian Law in the preparation and implementation of its operations.

- The Intersectoral Commission for the Prevention of the Recruitment and Use of Children and Adolescents, must improve its articulation and response capacity for cases of recruitment and use of children and adolescents in Chocó.

2. Comply with the Final Peace Agreement in good faith.

- Make progress with implementing the proposal for dismantling paramilitary structures presented by the delegates from civil society platforms to the National Commission for Security Guarantees.
- Adopt measures to prevent the recruitment of children and adolescents
- The Ministry of the Interior urgently and effectively designs and imple-

ments collective prevention and protection plans with an ethnic approach for the department of Chocó.

- Promote prevention and protection processes for landmines, UXO, and humanitarian demining.
- The Unit for Integrated Assistance and Reparations to Victims (UARIV) makes progress with collective reparation processes and implements effective measures for integrated reparations to all victims of the armed conflict agreed on in a participatory manner with the affected communities.
- The Presidential Advisory Office for Women's Equity ensures that government institutions in the department meet the needs of women and ensure the fulfillment of their fundamental rights.

To the International Community

1. Ensure compliance with the Final Peace Agreement in good faith

Urge the relevant Colombian entities to guarantee the allocation of the necessary resources to implement what has been agreed on in the Development Plans with a Territorial Approach (PDETs) and guarantee sufficient staff for their implementation, as well as the permanent participation of communities in this process.

Reduce the impact of the conflict

- Urge the Colombian authorities, especially the Ministry of the Interior, to urgently and effectively draw up and implement collective prevention and protection plans with an ethnic approach for the Department of Chocó.

Ending the conflict

- Urge the Colombian Government and its relevant entities to implement effectively the measures included in the Final Peace Agreement between the Government and the FARC-EP.
- Urge the Colombian Government to take the necessary action to dismantle the illegal armed groups that operate in the territory and whose presence continues to increase the risks faced by communities.
- Urge the Colombian Government to respect and guarantee the rights to truth, justice, reparation and guarantees of non-repetition for victims of the armed conflict in the Department of Chocó.
- Maintain a presence in the territory through international missions and continue with the accompaniment and support of afro-descendent and indigenous councils, social organizations, churches, and communities in the department of Chocó in their promotion and defence of their human rights, territories and the environment.

- Support and promote processes for mental health and psychosocial care, especially for women affected in the context of armed conflict.
- Insist on the importance of dialogue and a political solution to the conflict with the ELN and respect for the Humanitarian Agreement Now! proposal by the communities and social organizations of Chocó.
- Urge the Colombian government to recognize the legitimacy of ethnic authorities in collective territories as part of the Colombian State and to respect the internal regulations governing those territories.
- Support the strengthening of self-government, recognition, and respect for the Life Plans and Strategic Plans that have been designed by afro-descendent and indigenous communities.
- Urge the Colombian government and the ELN to resume peace talks that will lead to complete peace in the territories and definitively end the armed conflict in Colombia.

Following the finalization of this report, an open letter to President Iván Duque Márquez was published, signed by the Diocese of Quibdó and social and ethnic-territorial organizations in Chocó, alerting the president to the grave humanitarian crisis and the “imminent risk of a new massacre in the Municipality of Bojayá”, reconfirming various points that were identified during the mission.

