



COLOMBIA: HOPE AT RISK

THE LACK OF A SAFE SPACE TO DEFEND HUMAN RIGHTS
IN COLOMBIA CONTINUES

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CONTENTS

EXECUTIVE SUMMARY	3
1. INTRODUCTION	8
2. METHODOLOGY	14
3. DEFENDING HUMAN RIGHTS IN COLOMBIA	17
3.1 JANUARY 2020 TO JULY 2022: END OF IVÁN DUQUE'S TENURE	20
3.1.1 VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS BETWEEN JANUARY 2020 AND JULY 2022	21
3.1.2 STATE RESPONSE	22
PUBLIC POLICY ON GUARANTEES AND PROTECTION	23
THE NATIONAL PROTECTION UNIT	24
THE EARLY WARNING SYSTEM OF THE OMBUDSPERSON'S OFFICE	26
THE IMPLEMENTATION OF MEASURES DERIVING FROM THE FINAL AGREEMENT FOR ENDING THE CONFLICT AND BUILDING A STABLE AND LASTING PEACE	27
3.2 AUGUST 2022 TO JULY 2023: GUSTAVO PETRO'S TENURE BEGINS	29
3.2.1 VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS BETWEEN 2022 AND 2023	30
3.2.2 STATE RESPONSE	32
PUBLIC POLICY ON GUARANTEES AND PROTECTION	33
THE NATIONAL PROTECTION UNIT	35
THE EARLY WARNING SYSTEM OF THE OMBUDSPERSON'S OFFICE	36
THE IMPLEMENTATION OF MEASURES DERIVING FROM THE FINAL AGREEMENT FOR ENDING THE CONFLICT AND BUILDING A STABLE AND LASTING PEACE, INCLUDING DECREE 660 OF 2018	37
3.3 JANUARY 2020 TO JULY 2023: THE ROLE OF THE ATTORNEY GENERAL'S OFFICE	38
4. ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN THE MAGDALENA MEDIO	41
4.1 ARMED CONFLICT IN THE MAGDALENA MEDIO AND ATTACKS AGAINST HUMAN RIGHTS DEFENDERS TODAY AND IN THE PAST	44
4.2 FEDERATION OF ARTISANAL, ENVIRONMENTAL AND TOURIST FISHERFOLK OF THE DEPARTMENT OF SANTANDER (FEDEPEAN)	48
4.3 REGIONAL CORPORATION FOR THE DEFENCE OF HUMAN RIGHTS (CREDHOS)	52
4.4 STATE RESPONSE TO THE ATTACKS IN THE MAGDALENA MEDIO	57
4.4.1 ON THE IMPLEMENTATION OF THE EMERGENCY PLAN FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS, SOCIAL LEADERS AND PEACE SIGNATORIES	57

4.4.2 ON THE COLLECTIVE PROTECTION OF FEDEPESAN AND CREDHOS PURUSANT TO DECREE 660 OF 2018	58
4.4.3 ON INDIVIDUAL AND COLLECTIVE PROTECTION THROUGH MATERIAL MEASURES FOR FEDEPESAN Y CREDHOS	58
4.4.4 ON THE FUNCTIONING OF THE EARLY WARNING SYSTEM IN THE MAGDALENA MEDIO	58
4.4.5 ON THE CRIMINAL INVESTIGATIONS INTO THE ATTACKS AND THREATS AGAINST FEDEPESAN AND CREDHOS	58
5. ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN CATATUMBO, META AND PUTUMAYO	60
5.1 ON THE SITUATION OF THE CATATUMBO SOCIAL INTEGRATION COMMITTEE (CISCA)	61
5.2 ON THE SITUATION OF THE KUBEO-SIKUANI ANCESTRAL INDIGENOUS SETTLEMENT (ASEIMPOME)	65
5.3 ON THE SITUATION OF THE ASSOCIATION FOR COMPREHENSIVE SUSTAINABLE DEVELOPMENT OF LA PERLA AMAZÓNICA (ADISPA)	68
6. CONCLUSIONS AND RECOMMENDATIONS	72

EXECUTIVE SUMMARY



For years, Colombia has been one of the most dangerous countries in the world in which to defend human rights. The people who carry out these activities are usually subjected to extraordinary risks, pressures and a range of attacks. Despite this, the human rights movement in the country has strengthened and it has managed to become a powerful force for change. Amnesty International has been closely monitoring the situation of violence against human rights defenders in the country, as well as state interventions to resolve or mitigate such violence, some more successful than others.

In general, Amnesty International has verified the existence of a wide range of norms, institutions and procedures for the protection of human rights defenders in Colombia. So wide, in fact, that there is a consensus, in line with analyses by other organizations, that the state response has been overly focused on regulation while losing sight along the way of the real impact on the situation of people and communities. Despite Colombia having dozens of normative instruments in place, an average of more than 120 people were killed each year between 2017 and 2022 in relation to their human rights work. This is not simply a crisis, it is a tragedy.

One of the essential components for the protection of human rights defenders is collective protection, especially for those defending land, territory and the environment. This involves creating and maintaining the conditions necessary for the defence of human rights to take place in an enabling environment, and thus address the structural causes of the violence experienced. It is not enough to protect defenders with individual measures – which are almost always material – if actions are not taken to interrupt the cycles of violence and allow human rights defenders to resume normal, risk-free lives.

The other component for the protection of human rights defenders is individual protection, which refers to the measures taken to address an individual's specific risk situation and usually takes the form of material interventions, such as the provision of panic buttons or satellite telephones, the allocation of armoured vehicles, or the design of specific plans together with those in charge of the individual's physical protection. Amnesty International considers that these measures are useful and necessary in many cases, but that they should not replace collective protection and addressing the structural causes of the violence suffered by defenders, as this would entail the unacceptable risk of perpetuating and reinforcing cycles of violence.

In 2020, Amnesty International documented the situation of four human rights defenders who faced risks and attacks as a result of their work defending land, territory and the environment, as well as their communities: the Process of Black Communities (*Proceso de Comunidades Negras, PCN*) in Buenaventura (Valle del Cauca Department); the Catatumbo Social Integration Committee (*Comité de Integración Social del Catatumbo, CISCA*) in Norte de Santander Department; the indigenous community of ASEIMPOME in Meta Department; and the Association for Comprehensive Sustainable Development of La Perla Amazónica (*Asociación de Desarrollo Integral Sostenible de La Perla Amazónica, ADISPA*) in Puerto Asís (Putumayo Department). In the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, Amnesty International presented their cases, analyzed the general context for implementation of collective protection mechanisms and, on that basis, provided recommendations to the Colombian state to address the gaps in the protection model designed by Colombia. The report's conclusion was that, despite progress made, the central problem was the state's lack of political will to effectively protect defenders. Amnesty International found that the response was reactive, individual and purely normative, which resulted in the perpetuation and consolidation of violence, despite the measures adopted.

In 2022, in the context of a change of national government and a renewal of the agenda for the protection of human rights defenders in the country, Amnesty International decided to follow up on the findings and recommendations contained in the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. The reason for this was that the new government, led by Gustavo Petro and Francia Márquez, had promised to adapt the institutional response to the crisis of violence against human rights defenders. This opened the possibility of finding innovative solutions to a problem that is entrenched in Colombia. Meanwhile, violence and attacks have continued and worsened at certain times and in certain regions. One particular case is that of Magdalena Medio, where pressure from armed groups in recent years has created a space that is not conducive to the defence of human rights.

This report is the result of Amnesty International's monitoring of the situation and shows that the calls and actions of the new government have created an atmosphere of expectation which unfortunately clashes head-on with the reality of continued violence against human rights defenders. Hope is at risk.

DEFENDING HUMAN RIGHTS IN COLOMBIA

Between 2020 and 2023 the crisis of violence against human rights defenders continued, and at times intensified. The state response during this period should be analyzed at two different points in time: the last two years of the government of Iván Duque (from 2020 to July 2022) and the first year of the government led by Gustavo Petro (from August 2022 to July 2023). The reason for this lies in the significant change in the approach to the problem that occurred with the arrival of the new government in August 2022.

As President Iván Duque's term of office drew to a close, the national government persisted in its approach to the protection of human rights defenders, despite continuous calls from human rights organizations, international bodies and Colombian civil society for a change of course. This had several consequences. First, it failed to address the serious problem of institutional duplications and regulatory excess affecting the Colombian protection model. In fact, President Duque's government helped to perpetuate the problem by issuing new regulations and creating institutions and programmes that duplicated those already in place. Second, it failed to continue with the collective protection measures for defenders and communities that had already been created in the framework of the application of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, in particular Decree 660 of 2018. Third, the continued emphasis on the application of material individual protection measures, such as the provision of bulletproof vests and armoured vehicles, or the allocation of protection staff through the National Protection Unit (*Unidad Nacional de Protección*), with no signs of a consistent human-rights based plan to address the structural causes of violence. Fourth, failure to resolve the problem of coordination for an inter-agency response to the early warnings issued by the Ombudsperson's Office, which could significantly improve the impact of state actions.

Meanwhile, violence against defenders in the country did not abate. Regions affected by armed conflict, violence and exclusion bore the brunt of the violence, especially in the Pacific, in areas bordering Venezuela to the east and Ecuador to the south, and in the north of the country, and were constantly hit by killings, attacks and threats against human rights defenders.

The government of Gustavo Petro inherited this situation in August 2022. In accordance with campaign promises, it recognized the existence of a violence crisis against human rights defenders early on and announced the adoption of short-, medium- and long-term measures to mitigate and solve the problem. The first visible step was the adoption of an emergency protection plan which included a wide range of measures for addressing the situation, amongst them the setting up of Unified Command Posts for Life (*Puestos de Mando Unificados por la Vida*) to integrate national and local responses in regions where the violence was particularly serious. While the emergency plan was developed by human rights organizations and platforms, with advice from United Nations agencies, its implementation seemed to have no effective impact on the situation of violence.

Nevertheless, Amnesty International found that in 2023, the national government, and in particular the Human Rights Directorate within the Ministry of the Interior, took new steps to adopt measures to resolve the issues identified years back in the Colombian protection model. This meant, for example, the reactivation of collective protection mechanisms such as Decree 660 of 2018, the reinstatement of spaces such as the National Commission on Security Guarantees, and the start of discussions to unify the various norms, institutions and mechanisms and reduce institutional duplication and excess regulations.

At the same time, violence against defenders continued. The situation did not improve in the second half of 2022 with the implementation of the emergency plan. In July 2023, some organizations recorded a decrease in the number of killings, although it is still too early to consider this a trend. Amnesty International believes that the reason for the lack of improvement in 2022 is not the emergency plan itself, but rather problems in its implementation, and specifically the inter-agency arrangements for adopting protection measures. Thus, despite all the good intentions and the creation of a plan that could potentially mitigate the situation, institutional shortcomings have resulted in a failure to bring about significant changes in the lives of people and communities. Nonetheless, progress in the first half of 2023 indicates a well-focused will to solve the problem, with significant advances, although it is as yet too early to assess whether they have contributed to improving the situation. This is reflected, for example, in the recovery of the collective protection approach, the strengthening of key institutions such as the Ministry of the Interior, the review of critical situations such as that of the National Protection Unit, and others.

Lastly, the impunity prevalent in the country for crimes of this type continued between 2020 and 2023. The Attorney General's Office has taken measures aimed at closing the gap, but the fact is that such measures have been insufficient, and the results achieved are not commensurate with the seriousness of the situation.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN THE MAGDALENA MEDIO

The Magdalena Medio is an extensive valley between the Colombian cordilleras crossed by the Magdalena, Colombia's main river. Oil is a major source of productive activity in the region, with Ecopetrol, a majority state-owned oil company, operating the country's largest refinery at Barrancabermeja, in the heart of the Magdalena Medio. Other productive activities in the area include agroindustry, mining, livestock production and tourism. Due to its location and abundance of valuable resources such as oil and water, the region is considered strategic and has been the subject of ongoing disputes between the state and the armed groups present in the country.

The Magdalena Medio has also been the scene of sustained processes of popular and human rights mobilization for decades. The combination of trade union, feminist, popular and human rights movements has created particularly strong scenarios of demand and resistance. This, together with the dispute for territorial, political and economic control of the region by vested interests and armed groups, has created a breeding ground for violence against human rights defenders that has persisted since at least the 1980s.

In the first half of 2023, worrying levels of violence against the civilian population were recorded in the Magdalena Medio, particularly in terms of homicides. Moreover, risks of violence against human rights defenders were identified in a number of the region's largest municipalities, including Barrancabermeja. All of this took place in a context of reorganization of armed groups in the region, marked by the dominance of the Gaitanist Self-Defense Forces of Colombia (*Autodefensas Gaitanistas de Colombia*), a gradual attempt by the Central General Staff (*Estado Mayor Central*) to establish a presence, and a decrease in the operational capacity of the National Liberation Army (*Ejército de Liberación Nacional*).

The Federation of Artisanal, Environmental and Tourist Fishermen of the Department of Santander (*Federación de Pescadores Artesanales Ambientalistas y Turísticos del Departamento de Santander*, FEDEPESAN) is a group of 37 fisherfolk organizations working to defend the environment in Santander, particularly in the Magdalena Medio region. FEDEPESAN is primarily an organization defending water, the way of life of fisherfolk and *campesinos*, and the territory. During their activities to defend their rights, and after reporting possible corruption in the management of conservation activities in the marshlands around Barrancabermeja, FEDEPESAN and its members started to receive attacks and threats and suffer stigma. Yuly Velásquez, its president, was attacked three times by armed individuals, and Oswaldo Beltrán, a member of the board, had the outboard engines of his fishing boat stolen. Furthermore, FEDEPESAN and its members suffer stigma because of their activities for the conservation and monitoring of the marshes and canals. Despite all this, they continue their work.

The Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos*, CREDHOS) is a non-governmental social organization created in 1987 for the purpose of carrying out actions for the defence, promotion and protection of human rights in the Magdalena Medio. CREDHOS is one of the oldest and most established organizations in the region and has implemented, on its own behalf or in support of other organizations, countless actions in defence of human rights, particularly, though not exclusively, the rights of victims of armed conflict and violence. Because of its work, CREDHOS has become an agent for change in the Magdalena

Medio region, and as such has been the target of attacks and threats practically from the day it was set up. In the last two years, one of its members was killed, an explosive device was found outside its premises, and public threats were received on social media and through printed flyers.

In line with the findings on the general situation of violence against human rights defenders set out above, Amnesty International found the institutional response to the attacks against FEDEPESAN and CREDHOS to be both flawed and inadequate. While some members of the two organizations have received material protection measures through the National Protection Unit, the Colombian state has failed to adopt integrated individual or collective protection measures to protect FEDEPESAN and CREDHOS and, crucially, to eliminate the structural causes of violence to which they are subjected. This includes not only the lack of progress in adopting collective protection measures through mechanisms such as Decree 660 of 2018, but also the lack of action by the judicial system to search for those responsible, investigate the facts, and bring them to justice.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN CATATUMBO, META AND PUTUMAYO

Amnesty International has also been monitoring the situation of the people and communities whose cases were documented in the 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*.

The first case is that of CISCA, a campesino movement working to promote and protect human rights related to the land of campesinos in the Catatumbo region of north-eastern Colombia. In 2020, Amnesty International identified two key collective risk factors for CISCA: the high levels of armed violence in its area of influence, and the implementation of forced eradication of illicit crops by the Colombian security forces. Over the past three years, the situation in Catatumbo has changed, mainly because of the change in government. Firstly, armed violence has decreased, but there is still an environment of tension and risk as violence in the neighbouring regions continues and there is a constant risk that this will spill over into Catatumbo. Secondly, the government of Gustavo Petro decided to stop the forced eradication activities in the region, thus relieving pressure on campesino families. However, this happened at a time of economic crisis due to an oversupply of coca leaf, which has seriously hindered access to social and economic rights for the community, particularly regarding food, housing and water. Unfortunately, the institutional response to this crisis has been slow and uncoordinated.

The second case is that of the Indigenous Settlement of ASEIMPOME, in Puerto Gaitán (Meta). This settlement is made up of families who were forcibly displaced more than thirty years ago and decided to return to their ancestral territory in 2015. Since then, the communities have been subjected to attacks and threats by people claiming ownership of the territory and who have invaded the land, set fire to homes, and generally prevented the Indigenous Settlement of ASEIMPOME from living peacefully on their land. In 2020, Amnesty International identified the lack of legal security over title to the lands making up the ancestral territory of the Indigenous Settlement of ASEIMPOME as the dominant risk factor. In recent months, the Colombian state has taken steps to remedy the situation, moving towards the constitution of an indigenous reserve and requesting precautionary measures of protection before the judicial system for land restitution. However, the community continues to be the target of attacks, threats and intimidation.

The third case is that of the Association for Comprehensive Sustainable Development of La Perla Amazónica (*Asociación de Desarrollo Integral Sostenible de la Perla Amazónica*, ADISPA), a community organization the aim of which is to manage the Peasant Reserve Zone (*Zona de Reserva Campesina*) of La Perla Amazónica, in Puerto Asís (Putumayo). Because of their work in conserving and monitoring biodiversity and water in their territory, ADISPA and its president, Jani Silva, have been the victims of constant threats and harassment since at least 2017. Over the past three years, ADISPA has experienced worrying situations of attacks and stigmatization, forcing it to suspend many of its activities, and leading to the forced displacement of Jani Silva. At present, ADISPA is continuing with its work and, in a context of decreasing intensity of the armed conflict in the region, has been able to regain strength and continue to protect La Perla Amazónica.

CONCLUSIONS

An analysis of the general situation of violence against human rights defenders in Colombia shows changes in the behaviour of both the national government and a large part of the institutional framework. In the period between 2020 and July 2022, Amnesty International observed the continuation of highly questioned measures and their lack of concrete results; however, from August 2022, with Gustavo Petro taking over the presidency, it noted the adoption of courses of action that recognized the urgency of the situation and the need for short-, medium- and long-term action. The emergency measures adopted by Gustavo Petro's government did not have the desired effect, and violence against defenders continued – and, for some months, actually increased. Meanwhile, as of July 2023, the cut-off date for this report, medium- and long-term measures were being developed, raising expectations amongst the country's human rights organizations. Given this scenario, the recommendation is that any process for developing or restructuring the protection model be carried out within the framework of detailed, open and transparent participatory exercises. The protection of human rights defenders must be designed with and for defenders themselves.

Against this backdrop, Amnesty International believes that Colombia is at a historic juncture to correct the course of existing protection measures and rethink its approach to the entire model of protection for human rights defenders. Based on a participatory, transparent and public exercise that takes into account the strengths of existing capacities, a comprehensive analysis of protection needs, and recognition of the potential of collective protection to respond to the crisis of violence against human rights defenders in respect of land, territory and the environment, Colombia can rebuild its protection model.

Based on this analysis and on the findings derived from documenting the cases of FEDEPESAN, CREDHOS, CISCA, the indigenous community of ASEIMPOME and ADISPA, Amnesty International presents in this document a set of recommendations that can contribute to meeting the Colombian state's obligation to protect human rights defenders in the country. This is, ultimately, a testimony of hope at risk.

- **To the President of the Republic:** Establish an interinstitutional process of comprehensive analysis and evaluation of the Colombian model of protection for human rights defenders, with the support of Colombian human rights organizations and platforms, representatives of the United Nations system and donor states. This process should aim at the adoption of a system for the protection of human rights defenders that includes prevention and protection measures, that takes into account an individual and a collective perspective and, in general, that seeks comprehensive protection with a differentiated approach.
- **To the Ministry of the Interior:** Continue to develop activities aimed at harmonizing institutional spaces for the preventive support and protection of human rights defenders, as well as the issuance of a comprehensive public policy of guarantees and protection for the work of human rights defenders. In these activities, the Ministry of the Interior should guarantee the broad and diverse participation of Colombian human rights organizations and, when necessary and relevant, of the United Nations bodies present in the country.
- **To the National Protection Unit:** Continue the process of strengthening the collective protection route for individuals, communities and organizations defending human rights. The UNP should ensure that, in all cases, including those documented in this report where communities and organizations have requested the activation of such a channel, the process can proceed in accordance with the relevant regulations. This applies, for example, to the cases of FEDEPESAN, CREDHOS and the indigenous community of ASEIMPOME.
- **To the Attorney General's Office:** Take urgent measures to streamline investigations into attacks and threats against human rights defenders, particularly but not exclusively those defending land, territory and the environment, including members of FEDEPESAN, CREDHOS, ADISPA and ASEIMPOME. Such investigations must be timely, independent and impartial, with the aim of bringing all those responsible to justice, as a key measure to prevent further attacks. The Attorney General's Office must ensure that the individuals and groups in charge of the investigations are fully resourced and have a workload that allows them to carry out their duties adequately

1. INTRODUCTION

Defending human rights in Colombia involves taking extraordinary risks. It implies, amongst others, risking life, personal integrity, health and personal freedom to defend the rights of individuals and communities throughout the country. Yuly Velásquez, an amphibious fisherwoman and campesino farmer, has been attacked at least twice in less than three years for demanding the conservation of the marshlands that she and her ancestors have lived in for decades. The organization that Yuly represents, the Federation of Artisanal, Environmental and Tourist Fishermen of the Department of Santander (FEDEPESAN), brings together fisherfolk to protect the marshlands and their way of life. Against the odds, FEDEPESAN exists today and makes its voice heard. Jani Silva, a defender of land, territory and the environment, has received constant threats and attacks for leading a campesino movement in Putumayo that promotes organization through peasant reserve zones: Association for Comprehensive Sustainable Development of La Perla Amazónica (ADISPA). Today, Jani's life unfolds amidst measures that, while contributing to her protection, are a permanent testimony of the consequences of her decision to defend the Amazon rainforest and those who live in it. And so ADISPA stands tall, defending its independence and autonomy to administer the La Perla Amazónica Peasant Reserve Zone and protect the environment in the face of strong armed and financial pressure.

The stories of Yuly, Jani and others documented in this report could be anecdotal, isolated events in the midst of Colombia, a country that claims to be moving towards greater pluralism and respect for human rights. But they are not. According to the *Somos Defensores* (We are defenders) programme, a total of 1,000 human rights defenders were killed between 2016 and 2022: an average of one human rights defender killed every 61 hours. This figure reflects the gravity of the situation and the scale of the risk, but it does not adequately reflect the fact that each time the count increases, the life of another human rights defender is ended by violence and exclusion, in a state that, despite its national and international commitments to protect human rights defenders, is failing to prevent and respond to attacks and threats.

The defence of human rights is a right in itself, both internationally and in Colombia. According to the United Nations General Assembly, “everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels”.¹ Technically, Colombian legislation is already in line with international standards, since, according to the Colombian Constitutional Court, the Political Constitution of Colombia not only protects the right to defend human rights, but also establishes the civil duty to “defend and promote human rights as the basis for peaceful coexistence”.² For this reason, “the state must guarantee the free exercise of this right and duty and provide the minimum conditions for it, because when the defence of human rights is impeded, the whole of society is affected”.³

The existence of the right to defend human rights clearly implies that states have an obligation to ensure “the protection by the competent authorities of everyone, individually or collectively, against any violence, threats, retaliation, de facto or *de jure* adverse discrimination, pressure or any other arbitrary action”⁴ relating to the defence of human rights. This obligation applies to Colombia and includes the duty to take “such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms

1. United Nations. General Assembly. 1999. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. A/RES/53/144. 8 March 1999, Art. 1.

2. Political Constitution of Colombia, art. 95.4.

3. Constitutional Court of Colombia. Judgment T-469 of 2020. M.P. Diana Fajardo Rivera.

4. United Nations. General Assembly. 1999. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Op. Cit., art. 12.2.

in practice”.⁵ Or, in the words of the Inter-American Court of Human Rights, states have the obligation to “provide the resources necessary for human rights defenders to conduct their activities freely; to protect them when they are subject to threats [...]; to refrain from setting up hindrances that might make their work more difficult, and to conduct conscientious, effective investigations of violations against them, thus preventing impunity”.⁶ Within this framework is the concept of “collective protection”, which requires full mitigation of the structural causes of violence and comprehensive protection measures for defenders, including individual and collective protection aspects, taking into account the intersectional dimensions of violence and the specific needs of women human rights defenders, Indigenous Peoples, children, minority groups, rural communities and other historically marginalized or discriminated groups.⁷ Addressing the structural causes of violence – including armed violence, impunity and various forms of discrimination – is an essential part of this approach.

In the case of defenders of the right to land, the territory and the environment, the obligation to ensure the adoption of collective protection measures is specific. In 2019, the UN’s Human Rights Council recognized that the safety of these persons is intrinsically linked to that of their communities. Thus, to ensure such safety, comprehensive measures are required to include “both individual and collective protection aspects, and that these measures also function as early warning and rapid response mechanisms that enable human rights defenders, when threatened, to have immediate access to authorities that are competent and adequately resourced to provide effective protective measures.”⁸

Amnesty International has been following the evolution of violence against human rights defenders in Colombia closely and with concern for decades. Recently, this has included documenting cases of attacks on people defending land, territory and the environment in different regions of the country. As a result of this work, in 2020 the organization published the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, which documents the situation of four communities and defenders of land, territory and the environment working to protect such communities: the Process of Black Communities (PCN) in Buenaventura (Valle del Cauca); the Catatumbo Social Integration Committee (CISCA) in Norte de Santander; the indigenous community of ASEIMPOME in Meta; and ADISPA in Puerto Asís (Putumayo).⁹ Based on the documentation of these cases and a detailed investigation on the general situation of violence against those defending land, territory and the environment, the report provided an analysis of the general situation of collective protection in the country. The general conclusion of the report, for the two reasons explained below, was that “the central problem in Colombia is the state’s lack of political will to effectively protect human rights defenders, especially those who defend the land, territory and environment”.¹⁰

Firstly, Colombia is a state that usually responds to complex issues by providing regulatory solutions¹¹ that are only partially implemented, if at all. The violence against human rights defenders was no exception. In 2020, Amnesty International found that, faced with the crisis of violence against defenders, the Colombian state had adopted numerous regulations relating to both individual and collective protection. In the case of collective protection, this included at least fourteen norms addressing the issue both directly and indirectly, and a complex web of institutions, programmes and projects aimed at solving the problem, often competing against each other.

This assessment was recently confirmed by the Ombudsperson’s Office, which noted that the Colombian state’s response to sustained violence has been characterized by a multiplication of norms and public policies “that have not necessarily been developed in a logical manner, with the result that they are mostly disjointed, poorly articulated and lacking a systemic approach to ensure their coherence and effectiveness”.¹² Thus, while norms, institutions and mechanisms were being created, concrete state action, through the adoption of adequate and sufficient protection measures to address the structural causes of violence, was slow, deficient or non-existent. Regulations were not sufficient to protect people from violence.

5. United Nations. General Assembly. 1999. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. Op. Cit., Art. 2.1.

6. Inter-American Court of Human Rights. Case of Nogueira de Carvalho et al. v. Brazil. Preliminary Objections and Merits. Judgment of November 28, 2006. Series C No. 161, par. 77.

7. United Nations. Human Rights Council. 2019. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development. A/HRC/40/L.22/Rev.1. 20 March 2019, par. 9.

8. United Nations. Human Rights Council. 2019. Recognizing the contribution of environmental human rights defenders to the enjoyment of human rights, environmental protection and sustainable development. Op. Cit., par. 9.

9. Amnesty International. 2020. *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. Available at: <https://www.amnesty.org/en/documents/amr23/3009/2020/en/>

10. Amnesty International. 2020. *Why do they want to kill us?* Op. Cit., p. 8.

11. Lemaitre, J. 2009. *El derecho como conjuro: fetichismo legal, violencia y movimientos sociales* [The law as a spell: Legal Fetishism, Violence and Social Movements]. Bogotá: Siglo del Hombre Editores and University of the Andes.

12. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Alerta nacional de riesgo sobre la labor de personas defensoras de DD.HH. (PDDH), líderes y lideresas sociales, sus organizaciones y colectivos [Early Warning 019-2023. National risk alert on the work of human rights defenders, social leaders, their organizations and groups], p. 44.

Secondly, the Colombian model was based primarily on the provision of material protection to defenders or their communities. In the face of threats and attacks, the state's often reactive response has tended to revolve around the provision of items such as transport vehicles, bulletproof vests, satellite phones and panic buttons, or the deployment of security personnel to protect the lives and safety of defenders. This vision, while necessary in many cases, fails to recognize that violence has causes and that addressing those causes to eliminate or mitigate violence would have an impact not only on individual human rights defenders, but also on their communities. Meanwhile, bulletproof vests will not be enough to protect individuals and address the structural causes of violence.

In light of this situation, Amnesty International issued a series of recommendations to the three branches of the Colombian state. It called on the President of the Republic and the Ministry of the Interior to, first, design a comprehensive and binding public policy on prevention and the protection of human rights defenders which included a strong element of collective protection and, second, to implement the collective protection measures contained in the 2016 Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace (AFP). It called on the Congress of the Republic to exercise its role of oversight regarding accountability of the authorities responsible for the issue. And it called on the judiciary, and in particular the Attorney General's Office, to make greater efforts to end impunity for killings, attacks and threats against human rights defenders, and to initiate diligent and prompt investigations of state officials failing to comply with their obligation to protect human rights defenders.

Since publication of the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* in 2020, Amnesty International has continuously monitored the Colombian violence crisis against human rights defenders. This has implied not only following institutional advances and regressions on the issue and the reaction to the recommendations made, but also addressing specific situations of risk and threats against people and communities, some of them relating to the cases documented in the report, while others were unrelated.

2022 was a year of change in the country. With the election of Gustavo Petro and Francia Márquez as president and vice president of the Republic, Colombia saw an opportunity to change the institutional approach to violence against human rights defenders. In its discourse, the new government took responsibility for complying with the AFP, recognizing the seriousness and urgency of the crisis of violence against defenders and its obligation to address it immediately. It also proposed an agenda for this, based on a rights-based approach which was largely in line with the recommendations made by entities such as the Office of the UN High Commissioner for Human Rights, the Colombian Ombudsperson's Office and international and Colombian civil society organizations. In other words, the new government promised not only to comply with the provisions of the AFP, but also to take the measures necessary to protect human rights defenders.

Months after taking office, the first steps were taken to implement the commitments made regarding the protection of human rights defenders. The government of Gustavo Petro adopted an emergency plan prepared by civil society organizations with international advice, which sought to address the crisis urgently through short, medium and long-term measures that could mitigate the effects of the violence and pave the way for a less hostile environment for the defence of rights. At that time, given the possibility of positive change, Amnesty International decided to carry out a new exercise to document the situation and publish a further report on the changes that had occurred since 2020, not only as a result of the actions of the new government, but also those of the preceding one. The aim was twofold. On the one hand, to review the previous government's response to the crisis during the second half of its term, in response to the recommendations made by Amnesty International and many other human rights organizations and platforms. On the other hand, to examine whether the change in discourse and the new government's approach to the crisis have had a positive impact on the overall situation of violence against human rights defenders, both immediately and in the medium and long term. This report is the result of that exercise.

Unfortunately, 2022 ended as yet another year in the ongoing tragedy of defending human rights in Colombia. Despite the measures adopted by the new government, according to the Office of the United Nations High Commissioner for Human Rights (OHCHR) 2022 was "the most violent year for [human rights] defenders since 2012, the year from which... it has records".¹³ During 2022, the *Somos Defensores* programme recorded the killing of 197 defenders,¹⁴

13. Office of the United Nations High Commissioner for Human Rights. 2023. Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022 [UN Human Rights Analysis of trends and patterns of violence against defenders in 2022] (in Spanish). Available at: <https://www.hchr.org.co/documentos/19500-2/>.

14. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia [Shadow Theatre. Annual Report 2021. Information System on Aggressions against Human Rights Defenders in Colombia]. Bogotá: PSD, p. 2. (in Spanish)

the Institute for Development and Peace Studies (INDEPAZ) 189,¹⁵ the Ombudsperson's Office 215¹⁶ and the OHCHR 116.¹⁷ Despite the differences in the figures, which is to be expected when dealing with a problem of such magnitude and complexity, all of these records show one thing in common: homicidal violence increased compared to 2021.

While implementation of the emergency plan does not appear to have had the desired impact, Amnesty International found that Gustavo Petro's government began 2023 with renewed efforts to continue its approach to the protection of human rights defenders. This included several actions. First, strengthening the staff of the Human Rights Directorate of the Ministry of the Interior, which plays a leading role in developing public policy on protection and coordinating institutions to provide a state response to attacks and threats.¹⁸ Second, taking the first steps towards streamlining the regulations governing the protection system and designing the long-awaited protection policy of the Colombian state.¹⁹ Third, initiating the implementation of the instruments derived from the AFP for the protection of defenders, with a strong emphasis on those related to collective protection, which have been strongly supported through the allocation of both human and budgetary resources.²⁰

This is in stark contrast to the previous government. Between 2020 and 2022, the government of Iván Duque stubbornly insisted on a strategy for the protection of human rights defenders that was both procedurally and substantively flawed. Procedurally, the dialogue between the government and human rights organizations was difficult and marked by divisive and, in some cases, stigmatizing interactions on the part of the government. As a result, state action was not very participatory, transparent or coordinated. In terms of substance, the national government chose to create more protection mechanisms, more protection pathways, more decision-making bodies and more regulations. This replicated the general problem of institutional duplication and normative excess, which had been strongly criticized in the past and had not produced any positive results. The failure of the Timely Action Plan (*Plan de Acción Oportuna*, PAO) and lack of information on the implementation of CONPES Document 4063, two of the basic strategies of Iván Duque's government for the protection of human rights defenders (to be explained below), together with the ongoing and intensifying crisis of violence in 2020, show just how flawed this approach was.

Meanwhile, the Attorney General's Office, one of the key elements in the fight against impunity and in ensuring that violence does not recur, continued on a path that seemed impervious to the recommendations, advice and criticism of the human rights community. Between 2020 and 2023, the institution insisted on a discourse that emphasized the progress made, based on its own criteria and failing to recognize the obvious: despite some progress, which Amnesty International recognizes and describes in this report, such as the strengthening of the Working Group on Threats,²¹ impunity remained entrenched, and the judicial system was not up to the scale and gravity of the problem.

Amnesty International believes that Colombia has an unparalleled opportunity to reverse the history of violence against human rights defenders. The government of Gustavo Petro has been explicit in his intention to improve the institutional response to the crisis with a participatory human rights approach, in line with the recommendations that the Colombian state has received over the years. Despite this, it faces a difficult scenario.

Violence in the country continues and indeed intensified at some points in the past year. The various armed groups have strengthened and persist in seeking social, political and economic control, which manifests to a large extent in attacks against defenders and organizational processes. In this sense, the Ombudsperson's Office recently stated that

15. INDEPAZ. Líderes sociales, defensores de DD.HH y firmantes de acuerdo asesinados en 2022 [Social leaders, human rights defenders and agreement signatories killed in 2022]. Available at: <https://indepaz.org.co/lideres-sociales-defensores-de-dd-hh-y-firmantes-de-acuerdo-asesinados-en-2022/>.

16. Ombudsperson's Office. El 2022 marcó un lamentable récord de homicidios a líderes sociales y personas defensoras de derechos humanos [The year 2022 marked a disturbing record in the number of murders of social leaders and human rights defenders]. 23 January 2023. (in Spanish) Available at: <https://www.defensoria.gov.co/-/el-2022-marc%C3%B3-un-lamentable-r%C3%A9cord-de-homicidios-a-l%C3%A9deres-sociales-y-personas-defensoras-de-derechos-humanos#:~:text=La%20Defensor%C3%ADa%20del%20Pueblo%20registr%C3%B3,el%20registro%20sistem%C3%A1tico%20de%20esta>.

17. Office of the United Nations High Commissioner for Human Rights. 2023. Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022 [UN Human Rights Analysis of trends and patterns of violence against defenders in 2022]. (in Spanish) Op. Cit.

18. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

19. Colombia Europe United States Coordination Group. Forum. ¿Cómo protege el Estado a las personas defensoras de derechos humanos en Colombia? [How does the state protect human rights defenders in Colombia?] 13 July 2023.

20. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

21. The Working Group on Threats was created by the state's Attorney General's Office to prioritize immediate responses to reports of threats against human rights defenders. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 17 May 2022. A/HRC/49/19, par. 45.

“[t]he dynamics of the internal armed conflict and other related violence has been characterized in recent years (2019-2022) by a profound change in the repertoires of violence..., a drop in armed action against the state, and an increase in clashes between armed groups... Unfortunately, this apparent decrease in actions by groups is not reflected in the humanitarian impact, which remains high and tends to increase, as shown by the increase in homicides of [defenders] and social leaders or multiple killings (massacres)” .²²

At the same time, the institutional response to a complex crisis such as that of violence against human rights defenders requires urgent and coordinated interinstitutional action. The development of policies, the streamlining of the regulatory framework or a focus on collective protection schemes will be of no avail if institutions are unable to deliver prompt, integral and complementary solutions and protect the lives of human rights defenders. The apparent lack of impact of the Unified Command Posts for Life (*Puestos de Mando Unificados por la Vida*),²³ created within the framework of the emergency plan, is a result of this historical inability of interinstitutional coordination in the Colombian state. In the words of the Office of the United Nations High Commissioner for Human Rights, the implementation of the command posts have faced “challenges related to the lack of a preventive approach by some local authorities, limitations in the capacity of the national government to accompany local level spaces, lack of trust between authorities and civil society, and the structural causes of violence within the territories”.²⁴ Thus, the state’s lack of capacity to operate in a coordinated manner jeopardizes the opportunity to put in place a truly integrated system for the protection of human rights defenders.

Finally, the crisis of violence against defenders runs alongside long-standing institutional crises that have an impact on the state’s capacity to intervene effectively. The clearest example is that of the National Protection Unit (UNP), which has been the target of serious accusations of alleged corruption and possible involvement of officials in illicit schemes, among other serious incidents.²⁵ At the same time, its approach, based primarily on the provision of individual protection measures, has been called into question. The same is true of the accusations made in recent years of possible collusion between state security forces, which are often involved in the protection of defenders, and armed groups or other powerful actors whose interests are at odds with the exercise of the right to defend human rights.²⁶

In this context, Amnesty International calls on the Colombian state to step up its efforts and adopt short, medium and long-term measures to protect human rights defenders, including those defending land, territory and the environment. This implies putting into practice the commitment to apply a collective protection approach, addressing the shortcomings in inter-institutional operations, and resolving the issue of the lack of binding policies with a human rights perspective to deal with the situation. The grounds for this call can be found in Section three of this report, which provides an analysis of the state response to violence and the application of collective protection mechanisms during the government of Iván Duque (Section 3.1) and so far in the tenure of Gustavo Petro (Section 3.2), as well as the actions of the Attorney General’s Office during the entire period (Section 3.3).

This report also documents the situation of violence against human rights defenders and specific communities. First, it presents the context of risks, threats and attacks faced by FEDEPESAN and the Regional Corporation for the Defence of Human Rights (CREDHOS) in Magdalena Medio, especially in and around Barrancabermeja (Section 4). Secondly, it analyzes the changes in the situation of some of the human rights defenders and communities included in the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, namely CISCA in Norte de Santander, the indigenous community of ASEIMPOME in Meta and ADISPA in Putumayo (Section 5). The reason for this in-depth approach to specific cases of risk, threats and attacks on human rights defenders is to show the human

22. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 26.

23. According to the Ministry of the Interior, the Unified Command Posts for Life were created with aim of coordinating, operationalising and making available to territorial authorities the state capacity required for the protection of human rights defenders. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International’s request for information. July 2023.

24. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. A/HRC/52/25, par. 67.

25. For example: El Espectador. Los episodios de corrupción en la UNP que revelan nexos con el crimen organizado [Episodes of corruption in the UNP that reveal links with organized crime]. (in Spanish) 23 June 2023. Available at: <https://www.elespectador.com/judicial/corrupcion-en-la-unp-revela-nexos-con-el-clan-del-golfo-y-bandas-criminales-en-antioquia/>.

26. For example: El Espectador. “El gobierno es indiferente con la crisis humanitaria del Chocó”: Iglesia [Government indifferent to Chocó’s humanitarian crisis: Church]. 18 November 2021. (in Spanish) Available at: <https://www.elespectador.com/colombia-20/conflicto/el-gobierno-es-indiferente-con-la-crisis-humanitaria-del-choco-iglesia/>.

impact of the crisis and support the work of those who, in the face of violence and exclusion, decide to persist in the defence of a world where all the rights of all people are respected and guaranteed.

In Magdalena Medio, during a documentation process that lasted more than a year, Amnesty International witnessed first-hand the evolution of the armed conflict and the continued existence of paramilitarism and other forms of armed violence associated with economic and political interests that have positioned themselves in the region in recent decades. Both FEDEPESAN and CREDHOS have faced attacks and threats in recent years, the former in connection with their work to defend the marshes, and the latter in their work accompanying people, groups, movements and organizations to defend their rights.

The intensity of violence against both organizations and their members is extremely high. Yuly Velásquez, president of FEDEPESAN, has been attacked by armed individuals on at least two occasions, her artisanal fisherfolk colleagues have had the engines of their boats stolen and, in general, have received direct and indirect threats to stop their demands for protection of the bodies of water surrounding Barrancabermeja. For their part, members of CREDHOS have been the target of campaigns of attacks and threats which evidence how violence is recycled if the state and society fail to act to protect those who defend human rights. As will be seen below, throughout its history CREDHOS has suffered assassination, forced displacement, exile and stigmatization of its members. In the recent past one of its members was assassinated, the organization was declared a “military objective” by armed groups operating in the Magdalena Medio, and a leaflet bomb was found a mere five metres from its headquarters.

In the cases of CISCA, the indigenous community of ASEIMPOME and ADISPA, Amnesty International has been a constant witness of the evolving situation of risk for people and communities who continue their struggles against all odds. In the case of CISCA, military pressure has decreased but the impact of the economic crisis on the deterioration of living conditions has increased and this, together with the possibility of a resumption of the cycle of violence, is an obstacle to effective human rights work. In the case of the indigenous community of ASEIMPOME, Amnesty International noted that some progress had been made by the state institutions in the process initiated by the community and the organizations supporting it to guarantee legal security over the land. However, since these processes have not yet been completed, and therefore state recognition of collective title over the community’s ancestral territory has not been clearly consolidated, attacks and threats against the community continue. Lastly, in the case of ADISPA, the period between 2020 and 2023 has been particularly challenging, with a string of credible threats of attacks and demands from armed groups to disband the organization and cease all activities. Amnesty International has documented the tenacity of Jani Silva and ADISPA, not only in remaining in the territory and continuing to defend human rights, their territory and the environment, but also in growing and strengthening themselves.

In each of the cases, regarding FEDEPESAN and CREDHOS, as well as CISCA, the indigenous community of ASEIMPOME and ADISPA, recommendations are made to the Colombian state institutions to improve their situation, mitigate the risks to which they are exposed and, ultimately, fulfil their international obligations. These, together with the relevant conclusions, are summarized in Section 6 of this report.

This document is the means by which Amnesty International supports and honours the struggle for the defence of human rights in Colombia. It is a call to the Colombian state to take seriously this historic opportunity to establish a human rights-based system of collective protection in a participatory, open and transparent manner. It is also a call to those who still use violence to obstruct human rights work. But, above all, it is proof that hope is at risk.

2. METHODOLOGY



This report is a continuation of Amnesty International's work to document the risks faced by human rights defenders in Colombia, particularly – but not exclusively – those defending land, territory and the environment. It is therefore the result of the process of monitoring the situation since the publication in 2020 of the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, which documented the risks, threats and attacks suffered by four communities and the people defending their rights in different parts of the country.

The report is structured around the analysis carried out in 2020, monitoring the actions taken by the state since then to comply with the international commitments undertaken by Colombia for the collective protection of human rights defenders. It is therefore divided into two main parts. The first is a structural analysis of the effectiveness of the collective protection model implemented by the Colombian state until mid-2023; the second is an analysis of the specific situation of five communities and human rights organizations, including three cases which had already been documented in 2023.

Preparation of the first part revolved around an approach that relied both on assessments carried out between 2020 and 2023 by Colombian human rights organizations, and on Amnesty International's own analysis. The sources of external secondary information were: 1) reports published by reputable national and international organizations that monitor the situation of violence against human rights defenders in Colombia, including the *Somos Defensores* programme, the Centre for Research and Popular Education (*Centro de Investigación y Educación Popular*, CINEP), the Peace and Reconciliation Foundation (PARES), the Ideas for Peace Foundation, and the Consultancy for Human Rights and Displacement (*Consultoría para los Derechos Humanos y el Desplazamiento*, CODHES); 2) reports published by international organizations with a presence in Colombia, in particular the Office of the UN High Commissioner for Human Rights; and 3) reports and early warnings published by the Colombian Ombudsperson's Office. The reading and analysis of these documents was complemented by interviews and informal conversations with some of these actors between 2022 and 2023, to whom Amnesty International is extremely grateful for time and generosity.

Sources of own analysis included an ongoing monitoring exercise of events related to the human rights situation in Colombia carried out by the Regional Office for the Americas since the end of 2022, based on an analysis of media reports and social media. This was complemented by the worrying and constant flow of reports and calls for action from human rights organizations with which Amnesty International has built relationships of trust, shared work and solidarity over the years. These two sources were complemented by the opening of spaces for receiving information from Colombian institutions directly or indirectly responsible for the protection of human rights defenders in the country, using two methodologies. Firstly, in 2022 and 2023, Amnesty International submitted questionnaires to the Ministry of the Interior, the UNP, the Ombudsperson's Office and the Attorney General's Office through written requests for information. The vast majority of the requests were replied to by the authorities and the information provided was included in the report, with due reference. Secondly, Amnesty International delegations visited Colombia in September 2022, November 2022, March 2023 and May 2023. On each of these trips, the delegations held formal meetings with the UNP, the Ombudsperson's Office and the Attorney General's Office to address the crisis of violence against human rights defenders and to hear the views of the different institutions on the issue. Where information has been obtained from one of these institutions, the date of the interview and the institution providing the information are indicated.

For the second part of the report, an approach of documenting cases of human rights violations suffered by individuals and communities was followed. Regarding FEDEPESAN and CREDHOS, Amnesty International delegations visited Barrancabermeja on three occasions between 2022 and 2023. During these visits, two in-depth interviews were conducted with representatives of each organization to obtain first-hand accounts and their own analysis of the context of risk to which they were exposed by reason of their human rights work. The information obtained was checked against an extensive body of documentation on the situations of risk and threat, compiled from the public statements made by both organizations as the risks, threats and attacks materialized, a number of the formal complaints filed with the Colombian authorities, and independent records of the events made by the media and other human rights organizations. In the cases of FEDEPESAN and CREDHOS, Amnesty International does not refer to events that have not been publicly reported or could not be verified by at least two different sources of information. Documentation of the cases was supplemented by reading and understanding the context, based on a secondary review of literature on the Magdalena Medio region, the processes of mobilization in defence of human rights in the region, and the impact of the armed conflict and violence on the people and communities living there, supported by conversations with members of FEDEPESAN and CREDHOS. Amnesty International also sent written requests for information to the institutions responsible for investigating cases of attacks and threats against FEDEPESAN and CREDHOS, in order to verify the information gathered.

The cases of CISCA, the indigenous community of ASEIMPOME and ADISPA are different, given that Amnesty International had already documented these in detail in the 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. Since then, Amnesty International has closely monitored the situation of risk of each of these communities and human rights defenders and has taken action to help mitigate such risks. In-depth interviews and informal discussions were therefore held with human rights defenders and the Colombian human rights organizations supporting them to update these cases and learn about the evolution of the risks they face, to supplement the information on the threats and attacks they have suffered over the years, and to understand their views on the actions that the Colombian state should put in place to guarantee their rights. In addition, Amnesty International delegations visited the territory of the indigenous community of ASEIMPOME and the Peasant Reserve Area of La Perla Campesina, administered by ADISPA, between 2022 and 2023. During these visits, Amnesty International verified the situation of the communities and defenders and listened to their assessments of the situation they were living through. In a number of cases, the information provided by the organizations was checked against information from the state institutions involved. On the one hand, in the case of CISCA, requests for information were made and replied to by the Ministry of Justice and Legal Affairs, the Ministry of Defence and the Territory Renewal Agency. On the other hand, in the case of the indigenous community of ASEIMPOME, public documents reflecting the actions of the Colombian state in the context of the community's process for claiming territorial rights were reviewed in depth.

In the cases of both FEDEPESAN and CREDHOS, as well as in those of CISCA, ASEIMPOME and ADISPA and the human rights defenders who are members of each of these organizations, Amnesty International has taken due care to protect their safety and privacy. Therefore, this report does not include details of their individual protection and self-protection plans, nor specific details of the context in which they work, which could serve to increase the risks they already face in defending human rights in Colombia. Nor does it provide more detail than is necessary about their family and community life, or their customs and traditions.

The report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* included a fourth case that does not feature in this new report, namely that of the Process of Black Communities in Buenaventura (Valle del Cauca) and human rights defender Danelly Estupiñán. Amnesty International has been constantly monitoring Danelly's situation of risk and supporting her claims in the face of attacks, threats and impunity. However, by mutual agreement it was decided not to include her case in this report. This does not mean that Amnesty International will cease to support her or the Process of Black Communities. On the contrary, collaboration on the case continues.

It is also important to clarify that, although this report is published in November 2023, the cut-off date for collecting information and documenting cases is July 2023. Where Amnesty International received material information on any aspect of the report after this date, the decision as to whether it was feasible and necessary to include such information was made on a case-by-case basis. This was not always possible, and the report may therefore contain information on events that have evolved over the past four months and may thus be out of date.

The process of gathering information and documenting cases for this report would not have been possible without the cooperation of human rights defenders, human rights organizations and international institutions present in Colombia. Amnesty International would like to thank all the people who trusted the organization to record the information provided as faithfully as possible and under the strictest standards of verification and reliability. Above all, Amnesty International would like to thank the human rights defenders and their communities and organizations for persevering in the work they carry out in such a hostile environment. It is thanks to them that hope, despite being at risk, remains alive.

3. DEFENDING HUMAN RIGHTS IN COLOMBIA

Colombia has been named on several occasions as one of the most dangerous countries in the world to be and work as a human rights defender, especially if the work focuses on land, territory and the environment.²⁷ Since the signing of the AFP between the Colombian government and the former guerrilla of the Revolutionary Armed Forces of Colombia - People's Army (FARC-EP) in 2016, the issue of attacks on human rights defenders has attracted the attention and raised the alarm of civil society, international organizations, the media and the country's institutions. After more than six years, the figures continue to reflect a hostile environment that seems impervious to state response and intervention. And all the while, individuals and communities implement their own protection measures, benefit from those granted by the state in some cases, and persist in their defence of human rights in the face of adversity, violence and exclusion.

According to the Ombudsperson's Office, when analyzed in relation to time and territory, the number of killings of human rights defenders "... clearly shows a sustained trend, and a gradual increase".²⁸ As can be seen in Graphic 1,²⁹ although the number of murders of human rights defenders recorded in the country varies, the violence tends to remain over time. Annual averages exceed 120 people killed in connection with their human rights work since 2017 and clear peaks of violence can be observed, especially in 2020 and 2022. And this does not take into account the under reporting that occurs when attempting to document an issue that is national in scale, scattered across the territory, and often occurring in areas where control by the state is contested and the presence of human rights institutions and organizations is limited.³⁰

The total number of social leaders killed in 2016, 2017 and 2018 was estimated by the Human Rights Data Analysis Group (HRDAG) and Dejusticia, based on the documentation prepared by human rights organizations, Colombian institutions and international bodies.³¹ This total includes both documented cases and an estimate of those not documented, in other words, it takes into account under reporting.³² According to such estimates, the total for 2016 would lie between 160 and 180 out of 160 documented cases, between 176 and 200 out of 172 documented cases for 2017, and between 280 and 300 out of 280 documented cases for 2018.

27. Global Witness. 2022. Decade of defiance. Ten years of reporting land and environmental activism worldwide. London: GW, p. 9.

28. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 34.

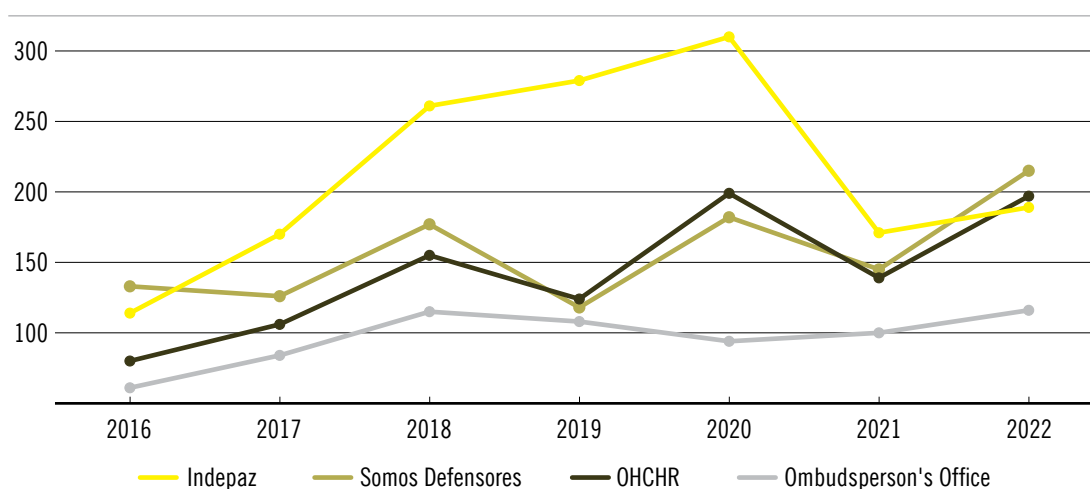
29. Graphic 1 shows the numbers provided by four different sources and contained in the reports published over the year: INDEPAZ, the *Somos Defensores* programme, the Office of the United Nations High Commissioner for Human Rights and the Ombudsperson's Office.

30. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 27.

31. Ball, P., Rodríguez, C. & Rozo, V. 2018. *Asesinatos de líderes sociales en Colombia en 2016-2017: una estimación del universo [Killings of social leaders in Colombia in 2016-2017]*. Bogotá: Dejusticia. Rozo, V. & Ball, P. 2019. *Asesinatos de líderes sociales en Colombia: una estimación del universo – Actualización 2018 [Killings of social leaders in Colombia: an estimate of totals – Update 2018]*. Bogotá: Dejusticia.

32. HRDAG and Dejusticia used the Multiple Systems Estimation method with a 95% confidence interval. Given that the result is an estimation recognizing the existence of uncertainty, it is expressed as a range with lower and upper limits, rather than as a unique number.

Graphic 1 - Killings of human rights defenders in Colombia 2016-2022



	2016	2017	2018	2019	2020	2021	2022
Indepaz	114	170	261	279	310	171	189
Somos Defensores	80	106	155	124	199	139	197
OHCHR	61	84	115	108	94	100	116
Ombudsperson's Office	133	126	177	118	182	145	215

The recurrence of violence against human rights defenders is not new in Colombia. Indeed, different actors have resorted to violence throughout history, including Colombian state security forces and non-state armed groups operating in the territory. The Commission for the Clarification of Truth, Coexistence and Non-Repitition (CEV) recently determined that "... there have been reports of human rights violations [against human rights defenders] since the 1960s... [and] since the mid-1980s, defending human rights has become a high risk occupation..."³³

This violence against human rights defenders is targeted and has specific objectives, the most important of which is to impede work that challenges the obtention and preservation of social, political, economic and territorial power through violent or arbitrary means. This is particularly true when the defence of human rights takes place in the context of armed conflict, as recently highlighted by the Special Rapporteur on the situation of human rights defenders.³⁴ The most prevalent categories of violence in Colombia, according to the records of the Ombudsperson's Office, are threats, with 2,060 cases between September 2019 and December 2022, followed by homicides, with 593 cases, and attacks, with 125 cases.³⁵ These actions reflect the intention of the attacks: to prevent the exercise of leadership and the defence of human rights through intimidation and the elimination of those who carry out such work.

As part of its monitoring of the risk of attacks on human rights defenders in Colombia, the Ombudsperson's Office has developed a national risk hypothesis that has evolved over the years. In 2023, the institution considered that there were two threat factors to human rights work. First, the continuation of non-international armed conflict and the presence, activity and transit of armed groups, as well as the confrontation between them. Second, the persistence of human rights violations directed against human rights defenders.³⁶ These threat factors are in turn influenced by four vulnerability factors: 1) the territorial characteristics of the areas in which defenders work, such as the existence of legal and illicit economies and the interests of regional power players; 2) the stigmatization of defenders; 3) the increased vulnerability of social processes linked to the weakening of processes and external actions that seek to take over organizational spaces; and 4) the ongoing consequences of the Covid-19 pandemic.³⁷

33. Commission for the Clarification of Truth, Coexistence and Non-Repitition. 2022. Hay futuro si hay verdad: Informe Final de la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. Tomo 4. Hasta la guerra tiene límites: violaciones de los derechos humanos, infracciones al derecho internacional humanitario y responsabilidades colectivas [There is a future if there is truth: Final Report of the Commission for the Clarification of Truth, Coexistence and Non-Repitition. Volume 4. Even war has limits: violations of human rights, breaches of international humanitarian law and collective responsibility]. (in Spanish) Bogotá: CEV, p. 731.

34. UN. Human Rights Council. Human rights defenders operating in conflict and post-conflict situations. Report of the Special Rapporteur on the situation of human rights defenders. 30 December 2019. A/HRC/43/51, par. 25.

35. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 31.

36. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 100.

37. Defensoría del Pueblo. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 40-41.

This analysis is largely in line with the information gathered by Amnesty International for this report, although it lacks an analysis of the possible involvement of state agents in the violence against human rights defenders in the country, an issue that was consistently reported by several human rights organizations during the period covered by the review of the Ombudsperson's Office. Thus, for example, the *Somos Defensores* programme recorded 206 aggressions allegedly committed by agents of the Colombian security forces in 2021, making them the third most frequent aggressors of the year, after "unknown actors" and paramilitary groups and organizations.³⁸

In 2020, Amnesty International published an in-depth analysis of the situation of human rights defenders in the country in the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, with a particular focus on those defending land, territory and the environment and their collective protection.³⁹ At the time, the organization believed that the Colombian state lacked the political will to address the situation, despite being aware of the crisis and its impact on the lives of individuals and communities and the closure of civic spaces in which to speak out freely. Amnesty International found that people and communities defending land, territory and the environment, often located in areas of high legal and illicit economic interest, were more vulnerable than ever.

Since then, and in line with the findings of other human rights organizations, Amnesty International has recognized the existence of a comprehensive regulatory response to the protection of human rights defenders by the Colombian state. However, low levels of compliance, the lack of political will, the impact of poorly targeted bureaucracy, the lack of communication between institutions with interdependent functions and the inadequate collective, cultural, ethnic and territorial measures applied have made the state's response to the crisis excessively regulatory and without a real and significant impact on the structural causes of the violence against human rights defenders in the country.

This was even more significant in relation to the collective protection of human rights defenders. Amnesty International identified at least 14 norms that directly or indirectly addressed the issue of collective protection of defenders, particularly those belonging to peasant, Indigenous and Black, Afro-descendant, Raizal and Palenquera communities. Despite this, when analyzing the situation of four communities and the human rights defenders from these communities, Amnesty International noted that "state indifference has meant that for too long no action has been taken and there are no political or legal consequences for those state officials who do not fulfil their protection obligations; human rights defenders are paying for this inaction with their lives".⁴⁰

This section provides a general update on the situation of violence against human rights defenders in Colombia and the institutional response in the implementation of collective protection measures and policies. The analysis covers the period between 2020, the year in which the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* was published, and the first half of 2023 – given that July was the cut-off month for collecting information and documentation. However, it must be emphasized that 2022 was a year of political and social change in Colombia, with Gustavo Petro taking office as president of the Republic. Attacks against human rights defenders had been one of the new president's main concerns during the election campaign, and he accordingly proposed a change of course in state intervention to break the cycle of violence. This section is therefore divided into three parts. The first analyzes the period between January 2020 to July 2022, corresponding to the second half of Iván Duque's tenure. The second part analysis the period from August 2022 to July 2023, the first year of Gustavo Petro's government. The third part examines the response of the Attorney General's Office to the crisis, as this cannot be analyzed within the same timeframe, since the institution is independent of the national government and has been under the same administration since 2020.

38. 2021 was clearly a singular year in this regard, as the programme had recorded 53 aggressions allegedly committed by members of the Colombian security forces in 2020 and 33 in 2022. The explanation for this would lie in the excessive use of force by the Colombian state in response to the national strike of 2021, which resulted in the Mobile Anti-Riot Squad (Escuadrón Móvil Antidisturbios) being mentioned in 76 reports of aggressions against human rights defenders in that year. Similar cases were documented by Amnesty International in the past. See: Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021[Shadow Theatre. Annual Report 2021]. Op. Cit., p. 106. Amnesty International. 2021. Cali: In the epicenter of repression: Human rights violations during the 2021 national strike in Cali, Colombia. Available at: <https://www.amnesty.org/en/documents/amr23/4405/2021/en/>.

39. Amnesty International. 2020. Why do they want to kill us? Op. Cit.

40. Amnesty International. 2020. Why do they want to kill us? Op. Cit.

3.1 JANUARY 2020 TO JULY 2022: END OF IVÁN DUQUE'S TENURE

Amnesty International's report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* was published in October 2020, two months after Iván Duque completed two years as president of the Republic. This update covers the whole of 2020 to provide a sense of continuity, and ends in July 2022, just before the handover to the newly elected president, Gustavo Petro. This period was marked by three major events: the Covid-19 pandemic, the transformation of armed violence and conflict, and the eruption of social unrest.

By the time the report *Why do they want to kill us?* was published, the Covid-19 pandemic had already been declared and states, including Colombia, were taking drastic measures to prevent its spread and save their health systems from collapse. Colombia was no different. By the end of President Duque's tenure, Colombia had come through the worst of the emergency, but the consequences for social and economic unrest and the human rights environment were still being felt.⁴¹

Armed violence and conflict continued to intensify and change in 2020. According to the Ideas for Peace Foundation, for example, in the period between January and May 2020 armed confrontation remained active, the actions of dissident groups from the former FARC-EP were growing, the number of homicides of social leaders continued to rise, forced displacement continued and the forced eradication of coca leaf increased significantly.⁴² In May 2022, with the government's term almost over and in the context of national election campaigns, the Foundation assessed the government's security and defence strategy as follows:

“The result of these four years is an increase in the humanitarian impact in almost all its forms, and a strategic scenario marked by confrontation between armed groups rather than conflict between the state and such groups. A security policy that leads to an increase in violence cannot be considered successful, as it reflects not only an inability to protect, but also the absence of any state deterrence of armed groups and conflicting priorities”.⁴³

Lastly, 2021 was a crucial year in terms of the exercise of the right to protest and the state's response to social and popular mobilization, which was marked by the excessive use of force and human rights violations. Beginning in April of that year, mass demonstrations broke out in different cities across the country, triggered by the government's proposed tax reform, but which ultimately exposed longstanding social demands and grievances. Key demands included the guarantee of economic and social rights such as healthcare, education and employment, as well as the implementation of mechanisms to guarantee equality and the protection of human rights defenders throughout the country.⁴⁴

This section of the text analyzes the situation of violence and attacks against human rights defenders, following on from the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* and based on the three major events mentioned above. It begins with an overview of the situation, focusing on the extent of the problem and its characteristics. This is followed by a detailed account of the state's response to the crisis, taking up the findings presented in 2020 and examining whether there have been any changes in the institutional approach because of the report and the recommendations made.

41. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 8-11.

42. Ideas for Peace Foundation. 2020. Dinámicas de la confrontación armada y su impacto humanitario a mayo de 2020 [Dynamics of the armed confrontation and humanitarian impact as of May 2020]. (in Spanish) Available at:

<https://ideaspaz.org/publicaciones/investigaciones-analisis/2020-07/infografia-dinamicas-de-la-confrontacion-armada-y-su-impacto-humanitario-a-mayo-de-2020>.

43. Ideas for Peace Foundation. 2022. Ni paz ni guerra. Escenarios híbridos de inseguridad y violencia en el gobierno de Iván Duque [Neither peace nor war. Hybrid scenarios of insecurity and violence in Iván Duque's government]. (in Spanish) Bogotá: FIP, p. 5.

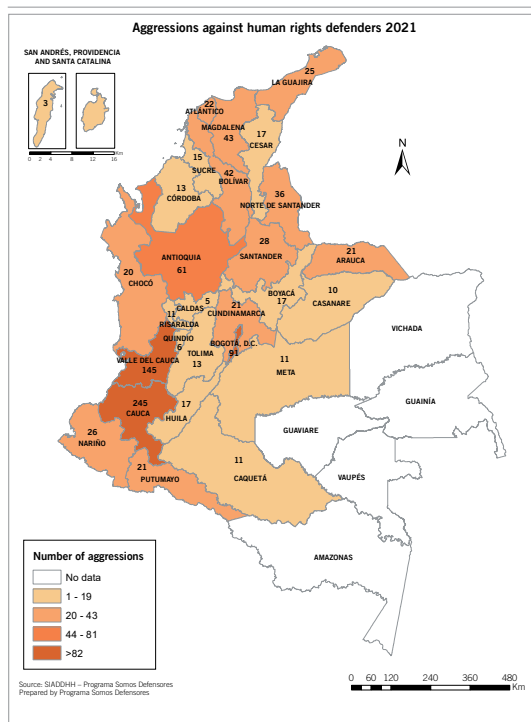
44. Amnesty International. 2021. Cali: In the epicenter of repression. Op. Cit.

3.1.1 VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS BETWEEN JANUARY 2020 AND JULY 2022

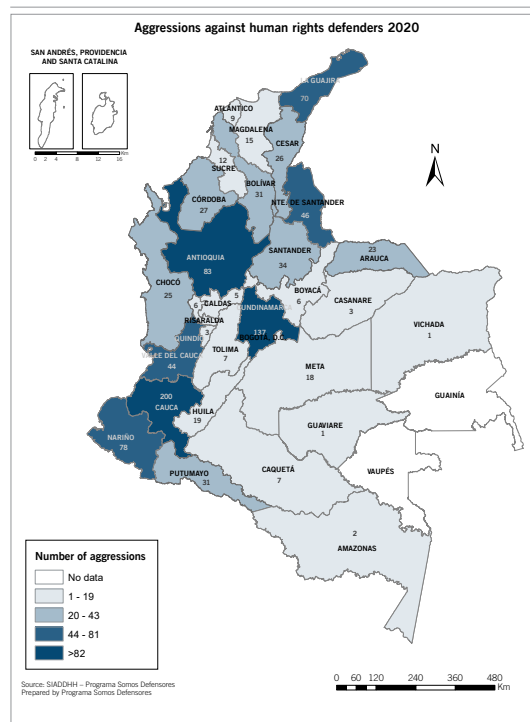
Between 2020 and 2021, attacks against human rights defenders were heavily concentrated in the country's marginalized rural areas, where state presence is lacking in terms of guaranteeing the economic, social, cultural and environmental rights of the population has been lacking; where there is a greater concentration of Indigenous, Black, Afro-descendant, Palenquera, Raizal and peasant communities, and where the armed conflict has had a greater impact. The case of Cauca, in the south-west of the country, is a clear example. In this department, the *Somos Defensores* programme has recorded an increasing trend in the number of documented attacks against human rights defenders: 153 in 2018, 237 in 2019, 193 in 2020 and 245 in 2021.⁴⁵

The data on aggressions recorded by the *Somos Defensores* programme in 2021, shown on Map 1, evidenced a clear concentration of attacks in the Pacific, in areas bordering Venezuela and Ecuador, and in the north of the country,⁴⁶ which is consistent with the above analysis. For 2020, there were similar trends in these areas of the country, as shown on Map 2.⁴⁷

Map 1 - Aggressions against human rights defenders 2021



Map 2 - Aggressions against human rights defenders 2020



The *Somos Defensores* programme documented different types of aggression over this period, ranging from killings and threats – the prevailing categories – to attacks, sexual violence, arbitrary detentions, prosecutions, enforced disappearances and information theft.⁴⁸ The programme also expressed concern about the recurrence of threats, which “aim to intimidate and undermine the work of human rights defenders, and often lead to other violations, such as forced displacement of defenders and their families”,⁴⁹ usually through acts of harassment and intimidation such as persecution and surveillance or messages contained in leaflets, text messages, emails or phone calls.⁵⁰ The Office of the UN High Commissioner for Human Rights has also documented the recurrence of threats and attacks that go

45. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021[Shadow Theatre. Annual Report 2021]. Op. Cit., p. 100.

46. Source of Map 1: Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 99.

47. Source of Map 2: Programa Somos Defensores. 2021. La mala hora. Informe anual 2020. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia [A bad time. Annual Report 2020. Information System on Aggressions against Human Rights Defenders in Colombia]. Bogotá: PSD, p. 82.

48. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 96.

49. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 96.

50. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 116.

beyond killings against human rights defenders.⁵¹ In addition, in certain periods, such as 2021, the OHCHR has also documented the stigmatization of human rights defenders in order to delegitimize their work, create fear and, ultimately, silence their claims.⁵²

In particular, 2021 proved to be one of the most dangerous years for human rights defenders in Colombia, based on the total number of aggressions and not just killings. For 2021, the *Somos Defensores* programme documented the highest number of aggressions in its information system since 2010,⁵³ noting a disproportionate increase in aggressions linked to the role of human rights defenders in the national strike and the disproportionate response of the state security forces.⁵⁴

Finally, the first half of 2022 was marked by a high number of cases of aggression against human rights defenders. The *Somos Defensores* programme noted that most of the 840 individual attacks it recorded for the year occurred in the first quarter of the year (278 incidents) and the first half of the year (442 cases).⁵⁵ The trend during this period was not very different from the context of previous years, with the exception of the presidential elections and the polarization that usually accompanies them. Violence in general was characterized by non-state armed groups as the main aggressors, and the profound vulnerability of defenders of land, territory and the environment, members of community action committees, and Indigenous, Black, Afro-descendant, Raizal, Palenquero and campesino leaders.⁵⁶

3.1.2 STATE RESPONSE

The institutional reaction to the crisis of violence against human rights defenders and its mitigation through collective protection between 2020 and July 2022 continued along the general lines documented by Amnesty International in the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. The government of Iván Duque insisted on developing a separate strategy of protection that did not consider the mechanisms established in the AFP and failed to take effective action to improve existing ones. In 2020, Amnesty International identified several key points for the implementation of effective and appropriate collective protection measures that would address, mitigate and eliminate the structural causes of violence against human rights defenders in Colombia. This section examines each of these and describes the developments that took place between 2020 and July 2022.

First, a **public policy for the protection of human rights defenders**, a basic demand of both Amnesty International and the human rights movement in Colombia, was enacted. During the second half of Iván Duque's term in office, a document outlining his approach to the crisis was issued. This document was criticized for the way it was approved, for not being legally binding, for continuing the tendency to ignore the protection mechanisms established in the AFP, and for contributing to the entrenchment of the fundamental flaw in Colombia's protection model: multiple levels of authority and excessive regulation.

Secondly, **implementation of the individual and collective protection model by the UNP** continued along the same lines as in 2020. Not only did the focus on material protection remain but reports of ineffective or insufficient protection measures continued.

Thirdly, the **Early Warning Systems (EWS) of the Ombudsperson's Office**, which is responsible for compiling, verifying and analyzing information on situations of vulnerability and risk for the Colombian population in relation to armed conflict and violence and to make recommendations to avoid such situations from materializing. In the period under analysis, the central issue identified by Amnesty International in 2020 persisted: coordination to follow up on and implement the recommendations made through the early warnings was lacking.

Lastly, the reluctance of Iván Duque's government to implement the protection measures contained in the AFP persisted and intensified. Regarding collective protection, Amnesty International found no evidence of implementation of Decree 660 of 2018 with regard to the communities and human rights defenders it accompanies, while the

51. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 17 May 2022. Op. Cit., par. 39.

52. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. May 2022. Op. Cit., par. 40.

53. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 2.

54. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 5.

55. Programa Somos Defensores. 2023. Interludio. Informe anual 2022. Sistema de Información sobre Agresiones contra Personas Defensoras de Derechos Humanos en Colombia [Interlude. Annual Report 2022. Information System on Aggressions against Human Rights Defenders in Colombia]. Bogotá: PSD, p. 90.

56. Office of the United Nations High Commissioner for Human Rights. 2023. Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022 [UN Human Rights Analysis of trends and patterns of violence against defenders in 2022]. (in Spanish) Op. Cit.

Ombudsperson's Office, analyzing information on the government's performance, found little progress and few communities impacted in general. At the same time, the National Commission on Security Guarantees,⁵⁷ though it did not officially cease to operate, remained hidden due to the government's determination to use other means to fulfil its functions. Each of these points will be discussed in more detail in this section.

PUBLIC POLICY ON GUARANTEES AND PROTECTION

Among the missions of the Ministry of the Interior is the development and enforcement of public policies relating to human rights, security and citizen coexistence, and care of vulnerable population groups.⁵⁸ Its importance in collective protection and addressing the structural causes of violence lies in its essential role as sectoral policy maker and interinstitutional coordinator. This includes the development of public policy on prevention and protection of human rights defenders. In 2020, officials from the Ministry of the Interior informed Amnesty International that they were working on a policy which would be approved as a National Council for Economic and Social Policy (CONPES) document; this means it would not be legally binding.⁵⁹

CONPES Document 4063 containing the Public Policy on Guarantees and Respect for Human Rights Work and Social Leadership was published in December 2021. There were several issues with this document, as pointed out by various human rights organizations in the country. The analysis on which CONPES Document 4063 was based outlined the situation of human rights defenders in the country and was largely consistent with Amnesty International's report *Why do they want to kill us?*⁶⁰ However, it seemed unaware of the Colombian state's responsibility for attacks against human rights defenders and limited the range of possible perpetrators to non-state actors, especially those linked to the illegal economy.⁶¹ This meant not taking into account the potential for change if the state were to fully comply with its obligation to guarantee a safe environment for the defence of human rights in the country, as well as ignoring the continuing reports of possible active involvement of state actors in attacks and threats against human rights defenders in different regions of the country.

Despite the constitutional obligation to comply in good faith with the commitments contained in the AFP,⁶² the government's analysis in CONPES Document 4063 recognized the existence of the mechanisms established in the AFP but did not address their importance in guaranteeing a safe human rights environment.⁶³ Moreover, it replicated the Colombian state's historical approach to protection through a model of individual and material protection, and downplayed the role of the Public Prosecutor's Office and the Attorney General's Office in fulfilling their obligations in relation to the perpetuation of cycles of violence. In the case of the Public Prosecutor's Office, this relates to the persistence of impunity, despite the progress made, and in the case of the Attorney General's Office, to the failure to exercise disciplinary authority over public officials who fail to fulfil their duties in relation to the protection of human rights defenders.

One of the key points of the analysis was the verification of the existence of a web of norms and regulations for the protection of human rights defenders. CONPES Document 4063 noted that there were too many norms, that many of them were duplications, and that there were no clear criteria for their implementation.⁶⁴ Despite this accurate analysis, the very fact that CONPES Document 4063 was issued perpetuated this state of affairs given that, in conjunction with the enactment of norms such as Decree 2137 of 2018, which created the Timely Action Plan, the CONPES Document only served to entrench this regulatory excess.⁶⁵ Similarly, the University of Notre Dame's Kroc Institute for International Peace Studies pointed out that CONPES Document 4063 perpetuated the trend of implementing uncoordinated and overlapping security and protection strategies.⁶⁶

57. The National Commission on Security Guarantees (Comisión Nacional de Garantías de Seguridad) develops and monitors public and criminal policies on the dismantling of any organization or conduct that may pose a threat to the implementation of the AFP and the building of peace. AFP, point 3.4. Available at: <https://www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final.pdf>.

58. Decree 1066 of 2015, Article 1.1.1.1.

59. Amnesty International. 2020. *Why do they want to kill us?* Op. Cit., p. 41.

60. Programa Somos Defensores. 2022. *Teatro de sombras. Informe anual 2021.* Op. Cit., p. 70.

61. Programa Somos Defensores. 2022. *Teatro de sombras. Informe anual 2021.* Op. Cit., p. 70.

62. See: Legislative Act 02 / 2017, Art. 1.

63. National Planning Department. 2021. CONPES Document 4063. Op. Cit., pages 18-19.

64. National Planning Department. 2021. CONPES Document 4063. Op. Cit., pages 51-52.

65. Programa Somos Defensores. 2022. *Teatro de sombras. Informe anual 2021.* Op. Cit., p.71.

66. Echavarría, J., et. al. 2022. *Cinco años después de la firma del Acuerdo Final: reflexiones desde el monitoreo a la implementación [Five years on from the signing of the Final Agreement: reflections from monitoring to implementation].* Notre Dame: Kroc Institute, p. 156.

Lastly, in 2023 the Ombudsperson's Office pointed out that CONPES Document 4063 was structurally flawed, that it added to the tendency of duplicating spaces and competencies, and that it constituted in itself a factor of vulnerability for human rights defenders.⁶⁷ Months earlier, the *Somos Defensores* programme had stated that "... we have a CONPES that is not going to stop crimes against defenders and social leader, and protection will continue to be provided in the same way, with a focus on physical, material and individual protection...".⁶⁸ Moreover, it also stated that "... CONPES [4063] is not the public policy that is required to guarantee the defence of human rights; it is not designed to prevent violence and crimes against human rights defenders; ... it is not a policy focused on guarantees but on physical and material protection; it does not incorporate a human rights approach; nor does it take into account privileged spaces of participation in its construction, such as the National Roundtable on Guarantees".⁶⁹ Amnesty International agrees with this assessment.

THE NATIONAL PROTECTION UNIT

The National Protection Unit (UNP), attached to the Ministry of the Interior, links, coordinates and implements the provision of services for the protection of the rights to life, liberty, integrity and security of individuals, groups and communities in a situation of extraordinary or extreme risk as a consequence of the exercise of their political, public, social or humanitarian activities.⁷⁰ The work of the UNP is essentially to adopt emergency, prevention and protection measures.⁷¹ The protection options in this approach range from self-protection training and patrols to the implementation of differentiated protection programmes with the allocation of material measures to mitigate risks, including support buttons, bulletproof vests, transport vehicles and protection personnel.

In principle, the description of the UNP's functions would suggest that it should not be involved in adopting measures to address the structural causes of violence against human rights defenders, such as preventing stigmatization, promoting the work of human rights defenders, preventing and addressing armed conflict, tackling impunity or developing and implementing public policies aimed at creating safe spaces for the defence of human rights. In 2020, this view was prevalent among the leadership of the institution, as Amnesty International was able to ascertain from the position of a former director of the UNP, who explained that the unit's mission was to offer protection to individuals and communities at risk, rather than to address the structural causes of the problem.⁷²

However, Decree 2078 of 2017 mandated the UNP, in conjunction with the Ministry of Interior, to adopt a Collective Protection Road Map for providing comprehensive protection measures to communities at risk. This route was to be implemented following a comprehensive collective risk assessment, and the measures to be adopted would be aimed at countering the factors of risk, vulnerability and threat affecting the communities. This would necessarily require an analysis of the structural causes of violence and attacks. But the collective protection model contained in Decree 2078 of 2017 had its limitations. According to the Ombudsperson's Office, in Decree 2078 of 2017 the Colombian state focused on "replicating the model and methodologies of individual material and physical protection, but this time with groups of people",⁷³ by simply allocating material protection measures to communities and groups. In other words, this would be a collectivization of individual protection, rather than collective protection.

It should be noted that Amnesty International's approach to collective protection for human rights defenders and defenders of land, territory and the environment does not imply that individual protection, including collectivized individual protection, is unnecessary or ineffective. On the contrary, in many cases it can be an important component of collective protection schemes, and it is therefore important to analyze the performance of the UNP in the implementation of both individual and collective protection measures derived from the application of Decree 2078 of 2017.

By 2021, the Office of the UN High Commissioner for Human Rights had documented considerable efforts by the UNP to respond to the high number of requests for protection received. Despite this, and consistent with Amnesty International's findings in 2020, the Office noted that while material and individual protection measures are important, "without a comprehensive institutional response and local, gender-sensitive and ethnic perspectives in the approach to risk factors, the measures may be insufficient".⁷⁴ It also documented delays in the processing of requests for collective

67. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 53.

68. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p.77.

69. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 76.

70. Decree 4065 of 2011, Art. 3. Decree 1066 of 2015, Art. 1.2.1.4.

71. Decree 1066 of 2015, Articles 2.4.1.2.9, 2.4.1.2.10 and 2.4.1.2.11.

72. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 43.

73. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 54.

74. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 17 May 2022. Op. Cit., par. 46.

protection measures, with only 16% of the 915 requests submitted between 2016 and 2020 having been granted the required measures.⁷⁵

The Ombudsperson’s Office presented worrying figures on the performance of the UNP in 2020 and 2021. In 2020, the institution received 51,097 requests for protection, and afforded protection to 8,190 individuals; in 2021 it received 46,245 requests and provided protection to 8,100 individuals. The disconnect between the number of requests and the number of people protected shows that, despite the considerable institutional effort involved in protecting more than eight thousand people, the UNP failed to meet the expectations of protection in a much larger universe of potential beneficiaries.⁷⁶ The figures do not allow for precise comparisons, as it is unclear whether a request for protection covers a single person or more than one person; it is also unclear whether they correspond only to human rights defenders or also to other groups. Nevertheless, the Ombudsperson’s assessment seems reasonable. Even if each request corresponded to a single person, the UNP would have covered only 16% to 17% of those requesting protection.

The uncertainty is even greater if the figures provided by the UNP to Amnesty International in July 2023 are considered. According to the UNP’s Planning and Information Advisory Office, between 1 January 2016 and 31 December 2022, the UNP received 30,413 requests for individual protection from human rights defenders and 2,082 requests for collective protection, as shown in Table 1.⁷⁷ Of the 30,413 requests for individual protection, a risk assessment had been initiated for only 6,923; while of the 2,082 requests for collective protection, a risk assessment had been initiated in only 318 of the cases. In other words, the UNP progressed in only 22.8% of the individual protection requests and 15.3% of the collective protection requests.

Table 1. Requests for individual and collective protection received by the UNP between January 2016 and December 2022

	2016	2017	2018	2019	2020	2021	2022
Requests for individual protection with risk assessment initiated	366	766	1083	1100	937	1175	1496
Requests for individual protection without risk assessment initiated	2043	2312	3760	3713	4189	2714	4759
Requests for collective protection with risk assessment initiated	2	72	23	22	15	95	89
Requests for collective protection without risk assessment initiated	218	79	336	270	60	388	413

Thus, while the UNP’s responsibilities in eliminating the structural causes of violence were limited, where it did have a role – in the provision of collective protection plans – it was slow to act. All in a context of increasing violence against human rights defenders that constantly tested the resilience of the protection model implemented by the UNP, which increased its scope over the years. In fact, for 2020, the Consultancy for Human Rights and Displacement (CODHES) and Management Science for Development found that:

“... notwithstanding efforts to expand the reach of the protection programme, its impact in reducing aggressions against human rights defenders has been limited to those who request protection and are granted [such protection] ... since the protection programme is designed to act on demand rather than to identify risks ex officio and offer appropriate protection...”⁷⁸

75. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 17 May 2022. Op. Cit., par. 48.

76. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 48.

77. Source of Table 1: Prepared by the authors with data from: National Protection Unit (UNP). Radicado EXT23-00081563. Reply to request for supplementary information submitted by Amnesty International. 5 July 2023.

78. Consultancy for Human Rights and Displacement and Management Science for Development. 2022. Garantías de papel. Un análisis sobre las oportunidades de mejora de los mecanismos de prevención y protección en Colombia [Paper guarantees. A review of opportunities for improving prevention and protection mechanisms in Colombia]. Bogotá: CODHES, p. 134. (in Spanish)

The issues of programme design and extent of the crisis were compounded by reports of inefficiency and alleged corruption within the UNP. In the period between 2020 and July 2022, Amnesty International received several direct accounts of deficiencies in the implementation of material protection measures: vehicles constantly breaking down, rotating protection personnel who lacked the trust of those being protected, withdrawal or reduction of protection plans in scenarios where the risk had not decreased, unjustified delays in the decision on the granting of measures, among others. These circumstances were documented by other actors such as Human Rights Watch,⁷⁹ the Office of the United Nations High Commissioner for Human Rights,⁸⁰ and others.

THE EARLY WARNING SYSTEM OF THE OMBUDSPERSON'S OFFICE

The early warning system (EWS) is a set of tools administered by the Ombudsperson's Office to collect, verify and technically analyze information on situations of vulnerability and risk of the Colombian population related to the armed conflict or violence.⁸¹ Using the information collected by the EWS, the Ombudsperson's Office alerts the authorities responsible for the protection of the population so that they may coordinate and provide timely and comprehensive attention or prevent possible massive human rights violations.

Prior to the presentation of the report *Why do they want to kill us?*, in 2018 the Ombudsperson's Office had already published Early Warning AT 026-18 on violence against human rights defenders as a national risk with specific situations at the territorial level. It had also issued a follow-up report on this alert in 2019. Pursuant to regulations, the Ombudsperson's Office should have issued a new follow-up report in 2020, but the Office explained that mobility restrictions to contain the spread of SARS-CoV-2 (COVID-19) prevented it from doing so.⁸²

In September 2022, an international delegation from Amnesty International met with officials from the Ombudsperson's Office to follow up on the findings related to the operation and effectiveness of the EWS for the protection of human rights defenders. In that meeting, staff of the Ombudsperson's Delegate Office for Risk Prevention and Early Warning System stated that, although the EWS performed adequately, the institutional response through the Intersectoral Commission for Rapid Response to Early Warnings (CIPRAT) did not.⁸³ In other words, although warnings are issued, there has been no coordinated inter-institutional reaction to prevent risks from materializing.

This assessment only partially coincided with that of other independent organizations and think tanks. On the one hand, there was no agreement regarding the adequacy of the work of the EWS, and concerns were raised from different spaces. For example, CODHES and Management Science for Development found that between 2016 and 2020 there were killings of human rights defenders in 348 municipalities in the country, 226 of which had received early warnings from the Ombudsperson's Office. In other words, in 35.1% of the municipalities the EWS was unable to identify the risk in order to prevent it. They also stated that early warnings tended to be preceded by the killing of human rights defenders, which means that rather than serving as a preventive tool, in many cases the alerts were used as a means of documenting the facts or, in the best of cases, as a tool for identifying impending events. Lastly, they stated that there was no correlation between the groups of people targeted by the EWS recommendations for protection and the groups of homicide victims.⁸⁴ Similarly, in a report published in 2021, the International Federation of Human Rights, the José Alvear Restrepo Collective of Lawyers and the *Somos Defensores* programme showed that between 2018 and 2020, in 130 out of 196 cases (66.3%) a killing occurred following the issue of an early warning.⁸⁵

79. Human Rights Watch. 2021. Líderes desprotegidos y comunidades indefensas. Asesinatos de defensores de derechos humanos en zonas remotas de Colombia [Unprotected leaders and defenceless communities. Killings of human rights defenders in remote areas of Colombia]. (in Spanish) Available at: <https://www.hrw.org/es/report/2021/02/10/lideres-desprotegidos-y-comunidades-indefensas/asesinatos-de-defensores-de>, p. 77-86.

80. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 17 May 2022. Op. Cit., par. 46.

81. Decree 2124 of 2017, Art. 6.

82. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 2.

83. "The CIPRAT is... the national government mechanism in charge of receiving and analyzing early warnings and prompting the implementation of preventive and reactive measures by the relevant authorities." National Planning Department. 2021. CONPES Document 4063. Op. Cit., p. 53. The CIPRAT is made up of the heads of the Ministry of the Interior and the National Defence Ministry, the UNP, the Military, the National Police and the UARIV, or their delegates. See: Decree 2124 of 2017, Art. 9.

84. CODHES and Management Science for Development. 2022. Garantías de papel [Paper guarantees]. Op. Cit., pp. 99-103.

85. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 53. International Federation of Human Rights. 2021. Colombia: Muertes anunciadas. Diagnóstico sobre la prevención de homicidios de población vulnerable (2018-2020) [Deaths foretold. Assessment on the prevention of homicides among vulnerable populations (2018-2020)]. Bogotá: FIDH, p. 29. (in Spanish)

However, there is agreement on the lack of action to prevent the materialization of the risks identified. Thus, CODHES and Management Science for Development found that between 2017 and 2020 “only in 29.7% of the municipalities with early warning was there an effective prevention response which countered the threat identified and prevented the materialization of homicides; a situation that has continued over time”.⁸⁶ Although the period of the review includes only one of the years covered by this report (2020), Amnesty International found no indication that anything substantial had changed to make the results different for the other years.

Beyond these assessments, the information received by Amnesty International in the context of this research does indicate that the early warnings issued by the EWS are a useful tool and an important contribution to the analysis of the risk situation of human rights defenders in the country. Regarding the most recent alerts issued, both the proper functioning of the EWS and the institutional response to its recommendations for preventing the materialization of risk are important steps towards the implementation of an adequate model of collective protection. Addressing the structural causes of violence against defenders and communities must include timely prospective analyses that consider the general situation and the context of risk and its underlying causes, so that the institutions can take action on this basis.

THE IMPLEMENTATION OF MEASURES DERIVING FROM THE FINAL AGREEMENT FOR ENDING THE CONFLICT AND BUILDING A STABLE AND LASTING PEACE

In the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* Amnesty International noted that, as of 2020, the government was failing to comply with commitments contained in the AFP that could help ensure the protection of human rights defenders and communities. These included three decrees on prevention and alerts for rapid reaction in the face of risks (Decree 2124 of 2017), early detection of risks (Decree 2252 of 2017), and security and protection for communities and organizations (Decree 660 of 2018). Furthermore, the National Commission on Security Guarantees had the mandate to develop and monitor public criminal policy for dismantling armed groups that, among other things, targeted human rights defenders (Decree 154 of 2017).

The situation during the second half of Iván Duque’s government, between 2020 and July 2022, did not change significantly from that documented by Amnesty International in 2020. Rather than implementing the measures set out in the AFP, the national government exacerbated the frequently cited problem of regulatory hyperinflation and institutional duplication in the protection of human rights defenders by creating mechanisms such as those mentioned above to the detriment of those contained in the AFP. The best example of this is the Timely Action Plan (PAO), which aims to “pool efforts to respond to the need to generate greater security and support for those who have taken the lead in promoting and safeguarding human rights”.⁸⁷ This was something that did not exist previously and failed to engage with existing scenarios. In the words of the Ombudsperson’s Office, the government

“... developed new public policies to respond to problems that the agreement had already analyzed and designed solutions for... the government in power under-utilized (sic) the instruments created by the agreement to guarantee the rights of [human rights defenders] and social leaders, opting for the construction of new instruments”.⁸⁸

Five years after the signing of the AFP, in November 2021, the Kroc Institute for International Peace Studies at the University of Notre Dame reported that, although implementation of the AFP never ceased, “... this process experienced and continues to face serious internal and external obstacles and... the rate of implementation has not yet entered... a path that ensures that a significant majority of the provisions will be completed within the 15-year period envisaged”.⁸⁹ The Institute also analyzed the difference in the rate of implementation between December 2020 and November 2021 and concluded that there was minimal change in the actual state of implementation. This

86. CODHES and Management Science for Development. 2022. Garantías de papel [Paper guarantees]. Op. Cit., p. 108.

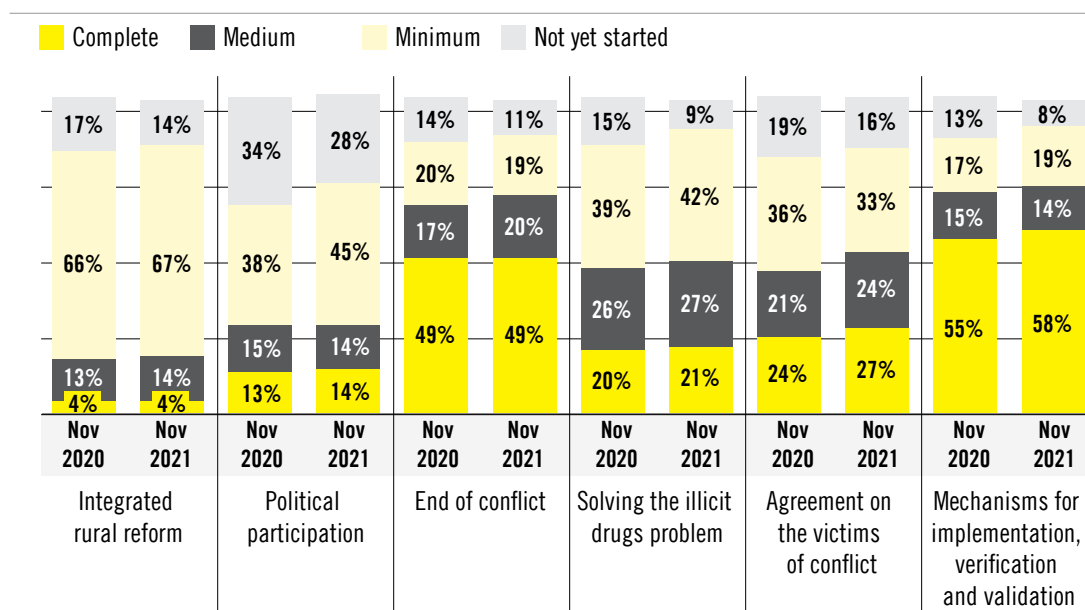
87. Ministry of the Interior. 2018. Plan de acción oportuna de prevención y protección para los defensores de derechos humanos, líderes sociales, comunales y periodistas [Timely action plan for prevention and protection of human rights defenders, social and community leaders and journalists]. Bogotá: Mininterior. (in Spanish) Available at: https://indepaz.org.co/wp-content/uploads/2019/09/plan_de_accion_oportuna_de_prevenccion_y_proteccion_0.pdf.

88. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 30.

89. Echavarría, J., et. al. 2022. Cinco años después de la firma del Acuerdo Final: reflexiones desde el monitoreo a la implementación [Five years on from the signing of the Final Agreement: reflections from monitoring to implementation]. Notre Dame: Kroc Institute, p. 16. (in Spanish)

lack of significant change can be clearly seen in the column on the issue “End of Conflict” in Graphic 2,⁹⁰ which shows the measures contained in point 3.4 of the AFP, relating to security guarantees for human rights defenders, among others. Graphic 2 illustrates a continued trend of non-compliance as had already been pointed out by Amnesty International in 2020.

Graphic 2 - State of implementation for each of the points in the AFP: November 2020 vs November 2021



Regarding the implementation of the mechanisms for collective protection, Amnesty International has indicated since 2020 that it believed Decree 660 of 2018 to be one of the key instruments. Its strength lay primarily in the fact that it provided institutions with tools for addressing the structural causes of violence against human rights defenders and the communities to which they belong. Unfortunately, no indicators for monitoring the implementation of Decree 660 of 2018 were made public until 2021, and it was clear from Amnesty International’s constant monitoring work that the human rights defenders from CISCA, PCN, ADISPA, ASEIMPOME and FEDEPESAN were unaware of the implementation of this instrument in their territories in the period between 2020 and July 2022.

In its report on violence against human rights defenders for the year 2021, the *Somos Defensores* programme stated that “... lack of implementation of [Decree] 660 and, indeed, of information about it, shows the absence of political will to advance in a new paradigm of protection that goes beyond individual and physical measures and enables a more participatory and collective definition of such measures”.⁹¹ Meanwhile, the Ombudsperson’s Office noted that the levels of implementation of Decree 660 of 2018 did not go beyond the construction of assessments and “... the results of the most important components of Decree 660 of 2018 are extremely concerning”.⁹² This conclusion was drawn from its analysis of the information reported by the Ministry of the Interior to the Congress of the Republic in June 2022, which stated that between 2018 and 2022 there had been an impact on only 25 organizations and communities in the framework of the implementation of Decree 660 of 2018.⁹³ For the Ombudsperson’s Office, “[f]or a decree of such political importance and challenges in the transformation of traditional individual protection, having an impact on only 25 organizations over 4 years must be due to budgetary, technical and methodological reasons that are not explicit in the institution’s report”.⁹⁴

90. Source of Image 1: Echavarría, J., et. al. 2022. Cinco años después de la firma del Acuerdo Final [Five years on from the signing of the Final Agreement]. Op. Cit., p. 54.

91. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 53. International Federation of Human Rights. 2021. Colombia: Muertes anunciadas [Deaths foretold]. Op. Cit., p. 84.

92. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 56.

93. Ministry of the Interior. 2022. Informe de gestión al Congreso de la República 2021-2022 [Report to the Congress of the Republic 2021-2022]. Bogotá: Mininterior, p. 44-46. (in Spanish)

94. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 56.

Regarding the National Commission on Security Guarantees, the Kroc Institute for International Peace Studies at the University of Notre Dame reported that between December 2019 and November 2020 the Commission was operational and held technical, territorial and thematic meetings. Following the issuance by the Special Jurisdiction for Peace of an order granting precautionary measures, the Commission's work focused on publishing guidelines and an action plan for public and criminal policies aimed at dismantling criminal organizations or behaviours. Both the authorities and civil society organizations submitted proposals for the policy, but no consensus was reached during the year.⁹⁵

Although the Commission met 18 times during the year, the Kroc Institute explained that no meetings were held between March and August, due to disagreements between the authorities and civil society organizations and the restructuring of the Office of the High Commissioner for Peace, which manages the Commission's technical secretariat. The disagreements were based on the submission by the Office of the High Commissioner for Peace to the Special Jurisdiction for Peace of guidelines and an action plan for public policy on dismantling of armed groups, which civil society organizations considered had not been agreed by consensus and simply replicated the security policy already being promoted by the government. The result at the end of the period was that no policy was approved.⁹⁶ Moreover, in its annual report for 2021, the *Somos Defensores* programme noted that it was still awaiting the design of the public policy on dismantling armed groups, expressed regret that its development had been hindered by Iván Duque's government,⁹⁷ and criticized CONPES Document 4063 for weakening the value of the National Commission on Security Guarantees before it had fulfilled its mission.⁹⁸

3.2 AUGUST 2022 TO JULY 2023: GUSTAVO PETRO'S TENURE BEGINS

In August 2022, the new government received a worsening security situation, marked by the strengthening of different armed groups exercising control and violence in different areas of the country. In July 2022, the Office of the United Nations High Commissioner for Human Rights published a document of recommendations in which it identified 156 municipalities in the country where human rights were being seriously affected by the action of these groups and other criminal organizations.⁹⁹ The Ideas for Peace Foundation had a similar view, stating that: "The government of Gustavo Petro received the country in a critical situation of insecurity and violence with significant humanitarian consequences and the strengthening of armed groups at the national level".¹⁰⁰ In fact, in its 2022 annual report, the Office of the United Nations High Commissioner for Human Rights explained, with regard to violence against human rights defenders and social leaders, that "[t]he violence by armed actors in rural areas and in some urban centres severely affects Indigenous, Afro-descendant and peasant leadership and community life, as well women, girls and members of the LGBTIQ+ community. It is in this context that the majority of killings of human rights defenders are committed, affecting the organizational capacity of communities and their social fabric."¹⁰¹

In its analysis of the first 100 days of the Petro government as of November 2022, the Ideas for Peace Foundation found that actions related to the armed conflict between the state and armed groups decreased, but that local disputes continued and clashes between armed groups increased. Furthermore, according to its records, actions against security forces and attacks on infrastructure and property decreased during the first term of Gustavo Petro's government to the extent that they reached 2016 levels. Although this was a pattern that was already present in the final stages of the government of Iván Duque, the Foundation believed that the "Total Peace" policy seemed to have consolidated it.¹⁰² At the same time, the number of clashes between armed groups between August and October was the highest since the signing of the AFP.¹⁰³ This had a significant humanitarian impact on individuals and communities, despite the fact that

95. Peace Accords Matrix, Barometer Initiative, Kroc Institute for International Peace Studies. 2021. El Acuerdo final de Colombia en tiempos del COVID-19: apropiación institucional y ciudadana como clave de implementación [The Colombian Final Agreement in the Era of COVID 19: Institutional and citizen ownership is key to implementation]. Note Drame: Kroc Institute, p. 111.

96. Echavarría, J., et. al. 2022. Cinco años después de la firma del Acuerdo Final: reflexiones desde el monitoreo a la implementación [Five years on from the signing of the Final Agreement: reflections from monitoring to implementation]. Notre Dame: Kroc Institute, p. 158. (in Spanish)

97. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p.58.

98. Programa Somos Defensores. 2022. Teatro de sombras. Informe anual 2021. Op. Cit., p. 71.

99. Office of the United Nations High Commissioner for Human Rights. 2022. Territorial Violence in Colombia: Recommendations for the New Government. Available at: https://www.hchr.org.co/informes_tematicos/violencia-territorial-en-colombia-recomendaciones-al-nuevo-gobierno/.

100. Ideas for Peace Foundation. 2022. Petro y la estrategia de paz y seguridad. Efectos y alertas. Los 100 días de Petro. Análisis de coyuntura [Petro and the strategy of peace and security. Effects and alerts. Petro's 100 days. Situation analysis]. Bogotá: FIP, p. 6. (in Spanish)

101. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. A/HRC/52/25, par. 10.

102. Ideas for Peace Foundation. 2022. Petro y la estrategia de paz y seguridad [Petro and the peace and security strategy]. Op. Cit., p. 9.

103. Ideas for Peace Foundation. 2022. Petro y la estrategia de paz y seguridad [Petro and the peace and security strategy]. Op. Cit., p. 11.

there were fewer violent events than in the previous year. The Ideas for Peace Foundation noted a significant increase in the number of massacres and homicides of social leaders compared to the period between August and October 2021, and a decrease in the number of forced displacements and detentions, which remained at a worrying level.¹⁰⁴ For its part, the Foundation for Peace and Reconciliation (*Fundación Paz y Reconciliación*) made a similar assessment in terms of the increase in the number of civilians affected by the conflict, noting that the first 100 days of the government saw the highest number of massacres of the year and an increase in cases of forced displacement.¹⁰⁵ Violence against human rights defenders was no exception.

With the implementation of the “Total Peace” policy, the new government seeks to resolve the general context of violence in the country through dialogue and rapprochement with the various armed groups. During its first months in office, the government resumed dialogue with the National Liberation Army (*Ejército de Liberación Nacional*, ELN) and announced talks with other groups, such as the Central General Staff (*Estado Mayor Central*, EMC), the Gaitanista Self-Defence Forces of Colombia (*Autodefensas Gaitanistas de Colombia*, AGC) and the Second Marquetalia. In theory, this rapprochement would lead to an improvement in the situation of violence against human rights defenders. However, at the time of writing (July 2023) these benefits were not yet apparent from an overall perspective.

The arrival of Gustavo Petro’s government was a turning point in the analysis of the situation of violence against human rights defenders. Already during the presidential campaign, the new president recognized the existence and magnitude of the crisis and pledged to adopt measures to solve or mitigate it. This section of the report provides an analysis of the situation of violence and attacks against human rights defenders in the first year of the new administration and details the evolution of the state response to the crisis.

3.2.1 VIOLENCE AGAINST HUMAN RIGHTS DEFENDERS BETWEEN 2022 AND 2023

Three years after publication of the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, the situation of violence and attacks against human rights defenders has not changed substantially. High levels of violence persist, and the state has taken few concrete measures to address the structural causes of the crisis. However, the Colombian context did change significantly in 2022, especially since August.

In its annual report on the situation of human rights in Colombia in 2022, the Office of the United Nations High Commissioner for Human Rights stated that “high levels of violence against human rights defenders continued”.¹⁰⁶ It also recorded an increase in attacks against members of community action groups (*juntas de acción comunal*)¹⁰⁷ and the continuation of attacks against Indigenous authorities and authorities of African descent.¹⁰⁸ In fact, it subsequently stated that “considering the cases verified by the Office up to the end of 2022, no significant decrease has been identified since the new government took office”, given that in the first half of the year 59 cases were verified, and in the second half the number was 58.¹⁰⁹

The Peace and Reconciliation Foundation noted that “2022 ended as one of the most violent years in terms of murders against social leaders” since the signing of the AFP in 2016, second only to 2020, when it recorded the highest number of cases in this period.¹¹⁰ It also noted that “... the most affected leaderships during 2022 were essentially community and Indigenous leaders, by a wide margin”.¹¹¹

104. Ideas for Peace Foundation. 2022. *Petro y la estrategia de paz y seguridad* [Petro and the peace and security strategy]. Op. Cit., p. 17-18.

105. Foundation for Peace and Reconciliation. 2022. *Petro en 100 días* [Petro in 100 days]. Bogotá: PARES, p. 10. (in Spanish)

106. UN. Human Rights Council. *Situation of Human Rights in Colombia*. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 61.

107. The Community Action Groups are socially managed civil society and community organizations made up of individuals living in a particular location (for example, neighbourhoods, hamlets or villages) which aim to achieve integral, sustainable and sustained development. See: Law 743 of 2002, Art. 8.a. The Foundation for Peace and Reconciliation points out that one of the reasons why members of Community Action Groups are attacked is because of their “... fundamental role in the management of consolidated spaces... these leaderships exercise significant management capacity and initiative in the defence of the rights of their communities; however, their work in areas where conflicts associated [with] illicit crops, exploitation of natural resources and economic interests persist, has contributed to their stigmatization”. Foundation for Peace and Reconciliation. 2023. *Silenciando la esperanza*. *Situación de violencia letal contra líderes y lideresas sociales en Colombia 2022-2023* [Silencing hope. Situation of lethal violence against social leaders in Colombia 2022-2023]. Bogotá: PARES, p. 12. (in Spanish)

108. UN. Human Rights Council. *Situation of Human Rights in Colombia*. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 61-63.

109. Office of the United Nations High Commissioner for Human Rights. 2023. *Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022* [UN Human Rights Analysis of trends and patterns of violence against defenders in 2022]. Op. Cit.

110. Foundation for Peace and Reconciliation. 2023. *Silenciando la esperanza* [Silencing hope]. Op. Cit., p. 4.

111. Foundation for Peace and Reconciliation. 2023. *Silenciando la esperanza* [Silencing hope]. Op. Cit., p. 12.

In 2022, the trend in the territorial distribution of murders of human rights defenders in Colombia was similar to 2020 and 2021, as can be seen in Map 3, which reflects the information collected by the Foundation for Peace and Reconciliation's Observatory for the Defence of Life on killings of social leaders in the country.¹¹² In 2022, the pattern in the territorial distribution of murders of human rights defenders in Colombia was similar to 2020 and 2021, as can be seen in Map 3, which reflects the information collected by the Foundation for Peace and Reconciliation's Observatory for the Defence of Life on killings of social leaders in the country.

Map 3 - Number of murders of social leaders in 2022, by department



For 2023, through its Early Warning 019-23, the Ombudsperson's Office noted the existence of risks to life, personal integrity and the work of human rights defenders in 706 municipalities and 16 non municipal areas in 32 departments of Colombia. Of these, 120 municipalities are at extreme risk, 258 at high risk, 203 at medium risk and 125 at low risk.¹¹³ In other words, human rights defenders are at risk in approximately 60% of the country's municipalities, with the risk being extreme in around 10% of municipalities.

Moreover, in its annual report for 2022, the *Somos Defensores* programme recorded a worrying 42% increase in the murder of human rights defenders compared to 2021.¹¹⁴ Between August and December of that year, the programme recorded 73 murders,¹¹⁵ with the period from October to December being the second most violent of the year, at a time when Gustavo Petro's government was already in place.¹¹⁶ In fact, one of its findings is a hard-to-explain increase in cases between July and August 2022, exactly when the change of government took place.¹¹⁷ Lastly, the programme noted a 16% decrease in cases of aggression against human rights defenders, a concept covering all human rights violations recorded, not only killings. However, it is important to bear in mind that, according to the programme, "a high percentage of the aggressions that occurred in 2021 took place in the context of the National Strike, a period in which there was intense repression and persecution against defenders and social leaders who participated in or promoted social protest".¹¹⁸

Finally, according to figures from INDEPAZ and an analysis carried out by Cuestión Pública [a digital media outlet for investigative journalism], as of 31 July 2023 there was a slight decrease in the number of human rights defenders killed during the first year of Gustavo Petro's government compared to the first year of Iván Duque's government. While 187 human rights defenders were murdered during the first year of the Duque government, the number

112. Source of Map 3: Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 6. (in Spanish)

113. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 72-73.

114. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 66.

115. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 71.

116. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 90.

117. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 90.

118. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 89.

in the first year of the Petro government was 167, a decrease of approximately 10%.¹¹⁹ The Office of the United Nations High Commissioner for Human Rights also reported a decrease in the number of murders of human rights defenders in the first three months of 2023, with 46 cases, compared to 57 in the same period in 2022, a decrease of approximately 19%.¹²⁰ While these figures are significant, it is important that the reduction in cases is maintained and increases over time.

3.2.2 STATE RESPONSE

In August 2022, Gustavo Petro took over the national government of Colombia as President of the Republic, with Francia Márquez as Vice-President. Since the election campaign, which took place during the first half of the year, both presented the crisis of violence against human rights defenders as one of their main concerns. At the start of its tenure, the new government decided to implement an emergency plan for the protection of human rights defenders, social leaders and peace signatories with short and medium-term actions to address and mitigate the crisis.

This first initiative was accompanied by a clear shift in the government's public approach to the issue, as it acknowledged the existence of the crisis and adopted measures aimed at addressing it together with human rights organizations and platforms. In addition, the Congress of the Republic advanced the approval of the Regional Agreement on Access to Information, Public Participation and Access to Justice in Latin America and the Caribbean, known as the Escazú Agreement, which as of July 2023 was subject to automatic constitutional review before the Constitutional Court.

At the same time, the national government adopted a comprehensive strategy known as "Total Peace" which sought, among other objectives, to "... reduce the level of violence in the country and provide humanitarian relief"¹²¹ through the resumption of negotiations with the ELN and talks with various armed groups, with the aim of achieving provisional ceasefires and, ultimately, peace agreements or processes of submission to justice. Unfortunately, as pointed out by the Foundation for Peace and Reconciliation, the expectations initially raised by this strategy, together with the above-mentioned emergency plan, "... have been gradually eroded as a result of the continued violence by armed groups against the population and social leaders in the territories".¹²²

The first attempt at resolving the crisis of violence against human rights defenders in the country does not appear to have been very successful. In the absence of a comprehensive, transparent and participatory evaluation, various human rights organizations and think tanks agree that the emergency plan has not achieved the desired results and that the violence is not only continuing but seems to be increasing. Nevertheless, Amnesty International has received information from the national government, backed up by public statements from institutions such as the Ombudsperson's Office and organizations such as the *Somas Defensores* programme, that the government continues to work on the design and implementation of a comprehensive public policy of protection and guarantees for human rights defenders, including the strengthening of the collective approach. This is a necessary step that was recommended by Amnesty International in its 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*.

Meanwhile, concerns remain on several issues analyzed in 2020 and reviewed in the previous section. First, there are serious doubts regarding the functioning of the UNP and the lack of effectiveness of the model it applies in terms of both individual and collective protection. Second, problems persist with the lack of implementation of the recommendations made by the Ombudsperson's Office in its early warnings. Third, although in some cases there is evidence of an intention to maximize the protection measures contained in the AFP, such as in Decree 660 of 2018, in other cases there are concerns over government actions and attitudes that contradict its initial intentions, particularly about the National Commission on Security Guarantees. This section discusses each of these issues in more detail.

119. Cuestión Pública. Asesinatos de líderes y masacres sin tregua en el gobierno Petro [Killings of leaders and massacres show no respite with the Petro government]. 5 August 2023. (in Spanish) Available at: <https://cuestionpublica.com/asesinatos-de-lideres-y-masacres-sin-tregua-en-el-gobierno-petro/>.

120. UN Human Rights, Colombia. Presentación del análisis de la situación de #DDHH en Colombia en el primer semestre de 2023 [Presentation on the analysis of the human rights situation in Colombia for the first quarter of 2023]. 15 August 2023. Available at: <https://www.youtube.com/watch?v=QVTSb6oYgol>.

121. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 3.

122. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 4.

PUBLIC POLICY ON GUARANTEES AND PROTECTION

In August, Gustavo Petro's government received what the previous government considered a Public Policy on Guarantees and Respect for Human Rights Work and Social Leadership, contained in CONPES Document 4063. As already mentioned, the process of approval of the policy, the regulatory instrument selected to develop it and the actual content of the policy had flaws that were pointed out on various occasions. Indeed, in May 2023 the Ombudsperson's Office recommended that the National Planning Department and other entities "[c]arry out a review, adjustment and improvement of CONPES 4063, through the National Commission on Security Guarantees".¹²³

The new government recognized the existence of a crisis of violence against human rights defenders and took on the responsibility of reforming the existing regulatory framework to resolve the problems of institutional duplication and regulatory excess and develop an appropriate public policy on protection and guarantees. On the first point, the *Somos Defensores* programme noted that at the end of 2022 the government had still not made progress in repealing the decrees that supported the previous administration's flawed model, such as those underpinning the PAO, including Decree 2137 of 2018.¹²⁴ And on the second, as of May 2023 the Ombudsperson's Office reported that the Ministry of the Interior had hired the services of "... two specialized consultancies... one to work on the harmonization of institutional spaces for the preventive attention and protection of [human rights defenders] and social leaders, and the other to build a comprehensive public policy on guarantees for human rights defenders. It is hoped that they will be able to resolve the crisis that has developed over the years with the excessive but ineffective regulations that have been issued in this area".¹²⁵ This information was confirmed in the 2022 annual report of the *Somos Defensores* programme, which highlighted the progress made in the participatory development of a comprehensive policy on guarantees for human rights defenders, with talks already underway between the government and human rights platforms.¹²⁶ At an event promoted by the *Somos Defensores* programme, the Colombia Europe United States Coordination Group, Sisma Mujer and the Foundation for Press Freedom, a representative from the Human Rights Directorate of the Ministry of the Interior publicly confirmed this information.¹²⁷

Although the delay in the implementation of measures to develop and apply the public protection policy is worrying, it is important to note that the government did put in place measures to address the crisis in the short and medium term while the policy was being developed. This was reflected in the adoption of the "Emergency Plan for the Protection of Human Rights Defenders, Social Leaders and Signatories of the Peace Agreement" in 64 municipalities and 3 departmental capitals in the country. The plan was drawn up jointly by civil society organizations, human rights platforms and the Peace Commission of the Congress of the Republic, with technical assistance from United Nations agencies present in Colombia.¹²⁸ The plan was based on six key areas and 49 short- and medium-term measures (for the first 100 days of implementation and for 2023, respectively).¹²⁹

According to the Foundation for Peace and Reconciliation, the plan "... envisaged a more comprehensive vision of protection scenarios for social leaders, incorporating instances of the Peace Agreement, collective protection components, and actions of symbolic impact regarding de-stigmatization (sic) and the transformation of perceptions".¹³⁰ As such, it was based on four basic principles: 1) taking immediate action for prevention and protection; 2) activating the mechanisms foreseen in the AFP; 3) carrying out territorial prioritization exercises in response to high-risk contexts; and 4) activating scenarios for dialogue, consultation and participation of social organizations and communities.¹³¹

The institution with the greatest responsibility for the implementation of the plan was the Ministry of the Interior, which took on 17 actions, followed by the Presidency of the Republic with 14, the National Defence Ministry with 9, the UNP with 7 and the Office of the High Commissioner for Peace with 4.¹³² In principle, the Ministry of the Interior was to play an essential role in coordination, a key consideration for such a complex plan to be implemented. Unfortunately, this did not happen, according to the *Somos Defensores* programme, due to "the weakened state of the Human Rights Directorate within the Ministry of the Interior [which] did not provide the necessary capacity to achieve this".¹³³

123. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 128.

124. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 77.

125. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 63-64.

126. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 85

127. Colombia Europe United States Coordination Group. Foro. ¿Cómo protege el Estado a las personas defensoras de derechos humanos en Colombia? [Forum. How does the state protect human rights defenders in Colombia?] 13 July 2023.

128. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

129. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 60.

130. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 16.

131. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 74.

132. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 74.

133. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 77.

According to information provided by the Ministry of the Interior to the Ombudsperson's Office, as of 28 February 2023 a total of 235 Unified Command Posts for Life had been established in 203 municipalities, with the signing of 464 commitments of which 27.2% have been fulfilled – according to the Ombudsperson's Office –, while 65% of the deadlines for implementation of activities have already expired.¹³⁴ The Ministry of the Interior informed Amnesty International directly that it had held 242 meetings of Unified Command Posts for Life between August 2022 and March 2023 and that, in order to address the emergencies reported in these spaces, it had created the Emergency Action Group (*Grupo de Atención a Urgencias*).¹³⁵ For the Office of the United Nations High Commissioner for Human Rights, however, this was the most visible governmental action in the implementation of the emergency plan and meant the opening of “operational spaces at the local level for the adoption of concrete prevention and protection measures”.¹³⁶ The OHCHR also explained in its annual report on the situation in Colombia that correct implementation of these spaces has faced “challenges related to the lack of a preventive approach by some local authorities, limitations of the national government to accompany local level spaces, lack of trust between authorities and civil society, and the structural causes of violence in the territories”.¹³⁷ In the research for this report, Amnesty International found no evidence of positive effects in the medium and long term of the establishment of the Unified Command Posts for Life. For its part, the Foundation Ideas for Peace stated that the strategy “did not generate the desired impact, nor did it substantially minimize violence against social leaders”, given that the killings of social leaders did not decrease, nor was there a significant reduction in other crimes such as threats and extortion, but only a reduction in homicides in general.¹³⁸

Another important measure that represented a shift from the Colombian government's previous strategy was the component aimed at combating the stigmatization of human rights defenders in the country, one of the structural causes of violence against them. According to the Foundation for Peace and Reconciliation, “these measures did not materialize within the first 100 days, let alone after that, at least not in a visible way”.¹³⁹ However, Amnesty International has heard first-hand accounts of a de-escalation of language and a more respectful attitude on the part of the Colombian state towards human rights defenders and their organizations, for example in the region of Catatumbo, as explained below in the documentation on the CISCA case.

Furthermore, in response to a request submitted by Amnesty International in May 2023, the UNP provided information on the measures implemented as part of the emergency plan.¹⁴⁰ These measures include the prioritization of requests for protection and information from human rights defenders in the 65 municipalities and six capital cities prioritized in the emergency plan, with a particular focus on the five municipalities with the highest levels of violence against human rights defenders in the country: Argelia (Cauca), Roberto Payán (Nariño), Tumaco (Nariño), Tibú (Norte de Santander) and Ituango (Antioquia). The Territorial Committee for Risk Assessment and Recommendation of Measures was also convened for a face-to-face meeting.¹⁴¹

The government's emphasis on the establishment of the Unified Command Posts for Life may reflect what the *Somos Defensores* programme calls the problem of “institutional concentration on the implementation of only one of the measures”¹⁴² included in the plan. Thus, according to its evaluation, during the first months of implementation “the rest of the measures envisaged in the other areas seem to have been put on the back burner”.¹⁴³

Implementation of the emergency plan raised expectations that attacks against human rights defenders and social leaders would decrease. Unfortunately, after 100 days, at the end of the first phase of the plan, there was no joint assessment by the government and civil society organizations detailing the results achieved.¹⁴⁴ In May 2023 Amnesty

134. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 60-63.

135. According to the Ministry of the Interior, the purpose of the Emergency Action Group is to “respond to emergencies reported by the command posts and monitor compliance with the measures adopted by the institutions...”. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

136. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 67.

137. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 67.

138. Ideas for Peace Foundation. 2023. Paz Total, disputas e inseguridad en el primer año del gobierno Petro [Total Peace, disputes and insecurity in Petro's first year in office]. Bogotá: FIP, p. 21. (in Spanish)

139. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 19.

140. National Protection Unit (UNP). Radicado EXT23-00057129. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to request for supplementary information submitted by Amnesty International]. 20 June 2023.

141. The mission of the Committee for Risk Assessment and Recommendation of Measures is to carry out a comprehensive risk assessment and recommend protection and complementary measures in the context of the protection pathway for persons at risk. Decree 1066 of 2015, Art. 2.4.1.2.38. National Protection Unit (UNP). Directive DIR22-00000001. 21 September 2022.

142. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 76.

143. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 76.

144. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 74.

International requested information from the Ministry of the Interior on the achievements, lessons learned and opportunities for improvement resulting from the implementation of the emergency plan. The Human Rights Directorate provided extensive information on its role in the implementation of the plan, but no clear assessment of the results.¹⁴⁵

Indeed, records from various organizations monitoring the situation show that there has been no reduction in the number of attacks, at least at the macro level. For example, the Foundation for Peace and Reconciliation noted that “... since the Petro government took office, there have been a total of 128 homicides. In other words, the levels of violence against this population have remained unchanged and show no significant variations in the trend”.¹⁴⁶ INDEPAZ registered 22 homicides of social leaders in April 2023, the highest number for the year according to its data,¹⁴⁷ and the Ideas for Peace Foundation pointed out that “the measures implemented to reduce the number of killings of leaders have proved ineffective”.¹⁴⁸

In the words of the *Somos Defensores* programme, after the initial months of implementation of the emergency plan, the following must be recognized: “1) aggressions against human rights defenders, social leaders and peace signatories continue; 2) the institutional framework for implementation of the Emergency Plan need to be streamlined; and 3) the government and the [human rights] organizations that drafted the plan must jointly review its strengths, weaknesses and the adjustments that need to be made”.¹⁴⁹ Amnesty International agrees with this assessment.

THE NATIONAL PROTECTION UNIT

Upon taking office, the new government recognized that the UNP’s work on protection should be framed within the broader concept of human safety on which its security and defence policy would be based. In a meeting with an international delegation from Amnesty International in September 2022, the newly appointed director and his working group acknowledged the need for a structural change in the way the UNP operated, as they considered the current model to be inadequate, lacking a preventive approach and raising serious questions about its effectiveness and efficiency. Subsequently, in response to a request for information submitted by Amnesty International in April 2023, the institution confirmed that it would restructure its operations in accordance with the provisions of the National Development Plan 2023-2026.¹⁵⁰

The need to evaluate the model of protection applied by the UNP, both individually and collectively, has been raised by human rights organizations as well as by Amnesty International in its 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. For example, with regard to the inadequacy of the protection model, the Ombudsperson’s Office noted in 2023 that “... the UNP has received more than 4.5 billion [Colombian] pesos in four years (approximately one billion dollars, in the absence of official figures for 2022) to protect a small number of people compared to the high volume of protection requests received”.¹⁵¹

The general figure of public expenditure related to the protection model implemented by the UNP is qualified by persistent complaints about the quality of the measures received by human rights defenders. Amnesty International has received accounts of shortcomings in material protection measures, in particular regarding the vehicles provided for human rights defenders, which constantly suffer from mechanical and electrical faults or are unsuited to the area in which they live, as well as of failure to adapt the accompaniment provided by protection personnel to the routines of human rights defenders, such that, for example, they risk losing their protection if they have to travel out of the city and per diems for protection personnel have not been authorized. The Office of the UN High Commissioner for Human Rights confirmed this situation in its 2022 annual report, in which it noted that it had “received a high number of complaints regarding the implementation of individual and collective protection schemes. The complaints refer to delays in the implementation of protective measures, the tendency to decrease the level of risk in risk analysis studies, the lack of adaptation of the measures to the realities of the territories, the weak incorporation of ethnic and gender perspectives and operational failures”.¹⁵²

145. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International’s request for information. July 2023.

146. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 16

147. El Espectador. 2023. Abril: el mes más violento para los líderes en Colombia en lo que va del año [April: so far this year, the most violent month for leaders in Colombia]. (in Spanish) Available at: <https://www.elespectador.com/justicia-inclusiva/abril-el-mes-mas-violento-para-los-lideres-en-colombia-en-lo-que-va-del-ano/>.

148. Ideas for Peace Foundation. 2022. Ni paz ni guerra [Neither peace nor war]. Op. Cit., p. 35.

149. Programa Somos Defensores. 2023. Interludio. Informe anual 2022. Op. Cit., p. 73-74.

150. National Protection Unit (UNP). Radicado EXT23-00057129. Respuesta a solicitud de información remitida por Amnistía Internacional Internacional [Reply to request for supplementary information submitted by Amnesty International]. 20 June 2023.

151. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 48.

152. UN. Human Rights Council. Situation of Human Rights in Colombia. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 69.

Nevertheless, the UNP continues to be an essential component of the protection model of human rights defenders historically implemented by the Colombian state. This is evidenced by the number of individual and collective requests for protection received by the institution in recent years. According to the UNP's response to a request for information submitted by Amnesty International in April 2023, it received 6,255 individual protection requests from human rights defenders and 502 collective protection requests in 2022, and 2,734 individual and 124 collective requests between January and May 2023. In a supplementary reply sent at the request of Amnesty International, the UNP clarified that of the 6,255 individual protection requests received in 2022, a risk assessment had not been initiated for 4,759 of them and 413 of the 502 collective protection requests were in the same situation. Similarly, of the 2,734 applications for individual protection received between January and May 2023, a risk assessment had not been initiated for 2,225 of them, and 100 of the 124 applications for collective protection were in the same situation.¹⁵³ According to the UNP, the absence of a risk assessment for the protection requests means that “they do not meet the minimum requirements for such an assessment and therefore the Citizen Services Group of the Planning and Information Advisory Office has contacted the applicants to request additional information”.¹⁵⁴

Lastly, complaints of alleged corruption and mismanagement within the UNP escalated with the arrival of the new government, in part because of allegations made by the new director regarding events that occurred in previous administrations.¹⁵⁵ In May 2023, the Ombudsperson's Office described the situation as follows: “... the continuous reports and investigations from various sources... regarding major shortcomings in the proper and effective provision of services, entrenched webs of corruption within the institution, questions regarding the transparency of risk assessment procedures, and even the use of protection schemes and mechanisms for illicit purposes, are cause for concern...”.¹⁵⁶

THE EARLY WARNING SYSTEM OF THE OMBUDSPERSON'S OFFICE

According to information provided by the Ombudsperson's Office to the *Somos Defensores* programme, 31 early warnings and 35 follow-up reports related to risks against human rights defenders were issued in 2022.¹⁵⁷ The situation regarding compliance with the recommendations followed the trend not only of the second half of Iván Duque's government but also that identified at the time of publication of the 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. In fact, in its assessment of the situation in Colombia as of July 2023, the United Nations Human Rights Committee insisted on the need for the state to continue and intensify its efforts “... to ensure that the recommendations of the Ombudsperson's Office relating to the risk reports and the follow-up notes issued under the Early Warning System are implemented. In particular, the State party should strengthen the working methodology of the Intersectoral Commission for Rapid Response to Early Warnings...”.¹⁵⁸ In an interview with an Amnesty International delegation in Bogotá in 2022, a team from the Ombudsperson's Office stated that its mission was to issue early warnings, but responsibility for their implementation rested with the Ministry of the Interior.

In May 2023, the Ombudsperson's Office published Early Warning 019-2023, “National Early Warning on risks against human rights defenders, social leaders, their organizations and collectives”. This new alert was preceded by Early Warning 026-2018 and its 2019 follow-up report analyzing the period between September 2019 and December 2022. On reviewing the recommendations made in the 2019 follow-up report, the Ombudsperson's Office confirmed what had already been reported by various organizations and highlighted by Amnesty International in its report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*: the institutions responsible for implementing the recommendations have a low response rate, even in the face of aggravated risk.¹⁵⁹

In response to a request for information from Amnesty International in May 2023, the Ministry of the Interior stated that it had taken steps to strengthen the implementation of the recommendations contained in the early warnings issued by the Ombudsperson's Office. In particular, it noted that, as the technical secretariat of the CIPRAT, it had carried out follow-up activities on the 25 early warnings issued in 2023 (up to 30 June 2023). It also noted that, together with the UNP, it had implemented a strategy of “Regional workshops for life. Information on the individual and collective protection pathway for community leaders in the context of early warnings”, which included 11 technical sessions with presidents of community action groups in municipalities in Norte de Santander. Lastly, it also explained that it

153. National Protection Unit (UNP). Radicado EXT23-00081563. Respuesta a solicitud de información complementaria remitida por Amnistía Internacional [Reply to request for supplementary information submitted by Amnesty International]. 5 July 2023.

154. National Protection Unit (UNP). Radicado EXT23-00081563. Respuesta a solicitud de información complementaria remitida por Amnistía Internacional [Reply to request for supplementary information submitted by Amnesty International]. 5 July 2023.

155. Cambio. Los casos de corrupción en la UNP sobre los que su director podría hablar en la Fiscalía [The cases of corruption within the UNP about which its director could speak to the Prosecutor's Office]. (in Spanish) 25 May 2023. Available at: <https://cambiocolombia.com/poder/los-casos-de-corrupcion-en-la-unp-sobre-los-que-su-director-podria-hablar-en-la-fiscalia>.

156. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 48.

157. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 84.

158. UN. Human Rights Committee. Concluding observations on the eighth periodic report of Colombia. CCPR/C/COL/CO/8. 26 July 2023, para. 7.

159. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 100-101.

had organized eight technical sessions with a differentiated approach for people in the process of reintegration in the departments of Cauca, Valle del Cauca, Meta, Chocó and Nariño.¹⁶⁰

In response to a request for information submitted by Amnesty International in April 2023, the UNP stated that between August 2022 and May 2023 it had dealt with 36 early warning documents issued by the EWS and managed 68 recommendations. The UNP also noted that, as a prevention strategy against the risks identified in the early warnings, it had provided technical support to department, mayoral and municipal authorities by sending information on the programmes it was responsible for and had conducted 54 training sessions.¹⁶¹ Much of the period covered by this information does not coincide with the timeframe of Early Warning 019-2023, and should therefore not have been included in the analysis carried out by the Ombudsperson's Office on the UNP's compliance with its recommendations, but the fact that there is an awareness of the power of early warnings to improve the performance of the UNP is certainly encouraging. Amnesty International asked the Ombudsperson's Office whether the institutional response had changed in the period not included in the timeframe of Early Warning 019-2023, but the reply was that monitoring of compliance was still ongoing.¹⁶²

The reasons for the lack of institutional responsiveness are manifold, ranging from the consequences of centralism in (lack of) local capacity building to stigmatization and lack of political will. However, one of the most important factors lies in the functioning of CIPRAT, the body responsible for coordinating the national government's inter-institutional response to EWS alerts.¹⁶³ If CIPRAT succeeds in consolidating itself as a space for effective institutional dialogue and coordination, the impact of the prevention and protection measures resulting from the early warnings would be enhanced.

THE IMPLEMENTATION OF MEASURES DERIVING FROM THE FINAL AGREEMENT FOR ENDING THE CONFLICT AND BUILDING A STABLE AND LASTING PEACE, INCLUDING DECREE 660 OF 2018

When it took office, the government of Gustavo Petro repeatedly declared its commitment to implementing the AFP and took steps that were seen as confirming this intention. However, several human rights organizations monitoring the process have pointed out that this commitment "... is not so tangible in practice and seems to be fading in the face of the myriad fronts involved in the implementation of Total Peace".¹⁶⁴ However, the emergency plan implemented by the government from 2022 onwards also included some of the measures set out in section 3.4 of the AFP on security guarantees.¹⁶⁵

First, the government ordered the full reactivation of the National Commission on Security Guarantees, a space the importance of which was highlighted by the United Nations Human Rights Committee in its final observations on Colombia in July 2023.¹⁶⁶ The Commission met in October and December 2022 and began discussions for the development of its work. However, in 2023 there were calls for this progress to start translating into concrete actions for the design and implementation of a public criminal policy for the dismantling of armed groups.¹⁶⁷ The Ministry of the Interior informed Amnesty International that 10 sessions of the sub-committee of the National Commission on Security Guarantees were held in 2022 and that progress has since been made on approving "the first part of the public policy document on the dismantling of criminal organizations and behaviours, which includes the concept of what dismantling means, its objectives, components and guidelines".¹⁶⁸ It also stated that a drafting committee for the public policy was set up in 2023, comprising representatives from the Ministry of the Interior, the National Defence Ministry, the National Police, the United Nations and the National Planning Department. According to the Ministry of the Interior, this drafting committee has made progress on the remaining aspects of the public policy and the draft will be available for approval at the next session of the National Commission on Security Guarantees, to be attended by President Gustavo Petro.¹⁶⁹ This information was publicly confirmed by the Human Rights Director of the Ministry of the Interior in August 2023.¹⁷⁰ In September 2023, the "Public policy for dismantling criminal organizations that threaten the construction of peace, including the so-called successors of paramilitarism and their support networks" was approved within the framework of

160. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

161. National Protection Unit (UNP). Radicado EXT23-00057129. Reply to request for information submitted by Amnesty International. 20 June 2023.

162. Ombudsperson's Office. Contestación TG AMR 23/2023.4277 Solicitud de información. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to request for information submitted by Amnesty International]. 19 August 2023.

163. CODHES and Management Science for Development. 2022. Garantías de papel [Paper guarantees]. Op. Cit., p. 106.

164. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 70.

165. AFP, section 3.4. Available at: <https://www.jep.gov.co/Documents/Acuerdo%20Final/Acuerdo%20Final.pdf>.

166. UN. Human Rights Committee. Concluding observations on the eighth periodic report of Colombia. CCPR/C/COL/CO/8. 26 July 2023, para. 3.

167. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 21.

168. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

169. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

170. UN Human Rights, Colombia. Presentación del análisis de la situación de #DDHH en Colombia en el primer semestre de 2023 [Presentation on the analysis of the human rights situation in Colombia for the first quarter of 2023]. 15 August 2023. Available at: <https://www.youtube.com/watch?v=QVTSb6oYgol>.

the National Commission on Security Guarantees, after the research deadline for this report.¹⁷¹ As the policy was issued after the cut-off date for this investigation, it was not possible to include a detailed analysis of its contents.

Nevertheless, some alarms have been raised regarding the government's attitude towards the National Commission on Security Guarantees. For example, the Ombudsperson's Office pointed out that the fact that Gustavo Petro's government submitted a bill to the Congress of the Republic to bring criminal groups to justice without consulting the National Commission on Security Guarantees did not bode well for the Commission's effectiveness.¹⁷² The *Somos Defensores* programme echoed this concern in its 2022 annual report, adding that the creation of a high-level body for verification, characterization and qualification of armed structures within the framework of the Total Peace process was also a cause for concern, since this function could well be carried out by the Commission.¹⁷³

Second, the emergency plan focused strongly on collective protection through Decree 660 of 2018 and the implementation of the Comprehensive Security and Protection Programme for Communities and Organizations in the Territories. This created high expectations, which continued at the closing of this report.¹⁷⁴ In response to a request for information sent by Amnesty International in May 2023, the Ministry of the Interior stated that the Ministry's Human Rights Directorate team formally started its work on the application of Decree 660 of 2018 in April of that year.

As a first step, the Ministry stated that it had conducted an assessment which confirmed that in the five years since the decree came into force, no financial or human resources had been allocated to its implementation, despite the fact that 43 organizations had started the collective protection route and 20 of them had already drawn up integrated prevention plans. In addition, the assessment found that by the end of 2022, 89 people had been appointed as promoters for the implementation of Decree 660 of 2018, "without meeting the criteria contained in the decree... or belonging to organizations benefiting from the measures envisaged".¹⁷⁵

As a second step, the Ministry claimed that the Human Rights Directorate had allocated a budget of COP 6,857,000,000¹⁷⁶ for the implementation of Decree 660 of 2018 in 2023. With these resources, a dedicated working group was set up, prioritization and targeting criteria were established, application forms were designed for requesting access to the measures contemplated in Decree 660 of 2018 and for updating the comprehensive prevention plan, and criteria were established for the selection of new promoters for the implementation of the decree.¹⁷⁷

Lastly, the Ministry of the Interior stated that, as of July 2023, it had initiated 35 training workshops and the development of new comprehensive prevention plans with organizations that had requested their inclusion in the measures provided for in Decree 660 of 2018. In the words of the Ministry's Human Rights Directorate, this implied a "commitment to double the number of organizations benefiting in this year [2023], while also continuing to guarantee the budget allocation that will allow us to maintain, and if possible expand, the working group that has been set up".¹⁷⁸ In August 2023, the director of human rights at the Ministry of the Interior publicly announced that the aim was for 300 organizations to receive protection through the measures envisaged in Decree 660 of 2018 by the end of the year.¹⁷⁹

3.3 JANUARY 2020 TO JULY 2023: THE ROLE OF THE ATTORNEY GENERAL'S OFFICE

One of the essential components of collective protection, understood as addressing the root causes of violence against human rights defenders and their communities, is ending impunity. When those responsible for threats and attacks face the consequences of their actions within a justice system that guarantees their right to due process, not only they but society as a whole will better understand the special gravity of attacks on those who dedicate their lives to defending human rights.

171. El Espectador. Así funcionará la política con la que Petro busca dismantlar a grupos criminales [This is how Petro's policy to dismantle criminal groups will work]. 9 September 2023. (in Spanish) Available at: <https://www.elespectador.com/colombia-20/paz-y-memoria/gobierno-petro-lanza-politica-de-desmantelamiento-de-organizaciones-criminales-asi-funciona/>.

172. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 54.

173. Programa Somos Defensores. 2023 Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 70.

174. Ombudsperson's Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 56.

175. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

176. USD 1,744,876 as per exchange rate of 31 July 2023.

177. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

178. Ministry of the Interior. Human Rights Directorate. Reply to Amnesty International's request for information. July 2023.

179. UN Human Rights, Colombia. Presentación del análisis de la situación de #DDHH en Colombia en el primer semestre de 2023 [Presentation on the analysis of the human rights situation in Colombia for the first quarter of 2023]. 15 August 2023. Available at: <https://www.youtube.com/watch?v=QVTSb6oYgol>.

In 2020, Amnesty International acknowledged the progress made by the Attorney General's Office in incorporating international standards into its internal practices and appointing regional prosecutors to conduct investigations. However, it believed that these efforts were not sufficient to combat impunity for attacks against human rights defenders. At the time, the Attorney General's Office had informed Amnesty International that, as of 31 March 2020, there had been "some progress" in the investigation of 173 of the 317 cases of killings of human rights defenders documented by the Office of the United Nations High Commissioner for Human Rights between 24 November 2017 and December 2019. Of these, 49 had final convictions, 69 were at the trial stage, 10 were under investigation, and 45 were under investigation with arrest warrants in force.¹⁸⁰

In the words of the *Somos Defensores* programme, as of 2022, "[t]he impunity of criminal acts against [human rights] defenders continues to be a determining factor in their persistence".¹⁸¹ A particularly telling statistic on the situation emerged from an investigation carried out by the programme with the media outlet Verdad Abierta: "... from a list of 1,333 cases submitted through the right of petition and included in the database of murders committed between 2002 and 2022, which is part of the *Somos Defensores* information system, the Attorney General's Office responded to 484 cases, of which only 75 cases resulted in a conviction, a little more than 5% in 20 years".¹⁸² The *Somos Defensores* programme and Verdad Abierta were able to identify a further 104 cases in which a conviction had been obtained but had not been included in the response from the Attorney General's Office. Thus, although the number of convictions was higher, it was clear that the institution in charge of investigating the murders of human rights defenders was not collecting complete information on these cases and, therefore, it was impossible for it to adequately measure its performance.

In response to a request for information submitted by Amnesty International in May 2023, the Attorney General's Office provided figures that are similar to the findings of the *Somos Defensores* programme and Verdad Abierta. According to the information provided, between 24 November 2016 and 12 July 2023, the Attorney General's Office received information on 779 killings of human rights defenders and social leaders. Of these, it stated that investigations had progressed in 458 cases (26 fewer than those identified by the *Somos Defensores* and Verdad Abierta). In terms of convictions, however, there does appear to have been progress in 2023: while the Attorney General's Office reported 75 cases for the *Somos Defensores* and Verdad Abierta investigations, the number reported to Amnesty International was 101 cases.¹⁸³

Table 2. Inventory of progress in investigations into the killings of human rights defenders between 24 November 2016 and 12 July 2023

Progress towards resolution	Total
Execution of sentences – Convictions	101
Trial	147
Investigation	75
Investigation with arrest warrant	109
Preclusion – Agreement between the parties	1
Preclusion – Inability to continue criminal prosecution	1
Preclusion – Death of the accused	23
Restitution of rights	1
Total	458

180. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 48.

181. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 82.

182. Programa Somos Defensores. 2023. Interludio. Informe anual 2022 [Interlude. Annual report 2022]. Op. Cit., p. 82.

183. Attorney General's Office. Respuesta a la solicitud de información sobre la situación general de violencia contra personas defensoras de derechos humanos en Colombia. Radicado 20231700057601. [Response to the request for information on the general situation of violence against human rights defenders in Colombia.] 10 August 2023. Note: This document is the source for Table 2.

The Attorney General's Office also informed Amnesty International about the implementation of the strategy for the investigation and prosecution of crimes against human rights defenders and the prioritization of these cases within the framework of the Strategic Plan 2020-2024. According to the institution, this involved strengthening the investigation of criminal threats through priority investigation projects within the Special Investigation Unit for the Dismantling of Criminal Organizations Responsible for Homicides and Massacres against Human Rights Defenders, Social Movements and Political Movements (UEI), the creation of mechanisms for receiving reports of threats that are operational 24 hours a day, the design of training and capacity building programmes, and the preparation of contextual analysis reports aimed at understanding the dynamics of violence in the regions.¹⁸⁴

As in 2020, Amnesty International acknowledges the progress made by the Attorney General's Office in implementing strategies and mechanisms to investigate, prosecute and sanction those responsible for the murders of human rights defenders in Colombia. However, it believes that the situation of impunity continues to violate the international commitments made by the Colombian state in this regard. Based on the information provided by the institution, which, as mentioned above, has been challenged as incomplete by the *Somos Defensores* programme and *Verdad Abierta*, it appears that, of the total number of homicide cases reported to the Attorney General's Office, progress has only been made in only 58.8% of them (458 out of 779 cases). Moreover, only 22.1% of these cases have resulted in a conviction (101 out of 458) and 23.8% are still at the investigation stage, although arrest warrants are in force (109 out of 458). The fact that only a little over half of the cases reported to the Attorney General's Office show progress is a problem in itself, suggesting that investigation efforts do not extend to a significant proportion of the cases reported. Furthermore, a large number of the cases that show progress (around half) are still only in the early stages of investigation

Regarding threats, Amnesty International welcomes the work carried out by the Working Group on Threats and the UEI, as well as the increase in resources and tools within the Attorney General's Office. However, as in the case of homicides, the institutional response still falls short of the gravity of the situation, especially because the failure to address the structural causes of violence means that threats continue to be made.

Finally, the view of the Attorney General's Office regarding its role in preventing public officials from breaching their duty to protect defenders at risk of serious human rights violations by non-state actors, which in many cases is a crime in itself, is of particular concern. In May 2023, Amnesty International asked the Attorney General's Office what steps it had taken, between 2020 and the date of its response to this request, to investigate possible crimes committed by public officials who violate their duty to protect human rights defenders at risk. The reply was that the UEI was considering assessing the links of state actors in later stages of the investigation of cases, and that they were seeking not only to attribute criminal responsibility to members of criminal organizations "but also to link public officials and third parties when the investigation yields material evidence of their criminal responsibility in crimes against human rights defenders...".¹⁸⁵

Amnesty International highlights the need to review the role of those who represent the state in the protection of human rights defenders, not only as possible direct perpetrators or enablers of attacks and threats, but also in their role as guarantors when they have knowledge of the possible materialization of the risk of serious human rights violations against a human rights defender by a non-state actor. The Attorney General's Office did not provide information on progress in this area, despite being requested to do so and despite having received recommendations in this regard for many years, including from Amnesty International in 2020.

184. Attorney General's Office. Respuesta a la solicitud de información sobre la situación general de violencia contra personas defensoras de derechos humanos en Colombia. Radicado 20231700057601. [Response to the request for information on the general situation of violence against human rights defenders in Colombia.] 10 August 2023.

185. Attorney General's Office. Respuesta a la solicitud de información sobre la situación general de violencia contra personas defensoras de derechos humanos en Colombia. Radicado 20231700057601. [Response to the request for information on the general situation of violence against human rights defenders in Colombia.] 10 August 2023.

4. ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN THE MAGDALENA MEDIO



A region of particular concern due to the lethal incidence of attacks against human rights defenders in Colombia is the Magdalena Medio, an extensive valley between the Colombian cordilleras crossed by the Magdalena River and encompassing municipalities corresponding to the departments of Antioquia, Bolívar, Boyacá, Caldas, Cesar, Cundinamarca and Santander. One of the main features of this region is the richness of its natural resources and the concentration of biodiversity in water bodies such as rivers, marshlands and wetlands. The way in which the Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV) described the region is a good illustration of this:

“The Magdalena Medio region is made up of municipalities from seven departments in the heart of the country... The 87 municipalities that make up the department of Santander cover an area of almost 50,000 square kilometres, with mountains, savannah, marshlands and rivers. Many of these rivers have their source in the foothills of the Central cordillera, such as the San Lucas mountain range, others in the Eastern cordillera at the top of the Santurbán and Almorzadero moorlands, and all flow into the Magdalena River, the main artery that crosses the region from south to north, connecting people and facilitating social and commercial relations”.¹⁸⁶

The rich natural resources of the Magdalena Medio have allowed the development of a wide range of extractive and productive activities, including oil exploitation, mining, agroindustry and livestock farming.¹⁸⁷ Barrancabermeja, the region's largest city, is in fact considered an enclave, given the close relationship between the development of industry, especially oil, and its growth and urbanization.¹⁸⁸

Oil is one of the main sources of productive activity in the region. Ecopetrol, one of the companies with the largest presence in the Magdalena Medio, is a majority state-owned oil company and operates Colombia's largest refinery, located in Barrancabermeja. Extractive activities have historically generated social and environmental conflicts in the Magdalena Medio region. From complaints of environmental damage caused by oil spills, such as the one in 2018 at the Lizama 158 well,¹⁸⁹ to tensions over exploratory work for the implementation of fracking activities.¹⁹⁰ In the context of human rights claims arising from this type of activity, human rights defenders and social leaders frequently suffer threats or attacks.¹⁹¹

186. Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV). 2022. Hay futuro si hay verdad: Informe Final de la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. Tomo 11. Colombia adentro: relatos territoriales sobre el conflicto armado. Volumen 7: Magdalena Medio [There is a future if there is truth: Final Report of the Commission for the Clarification of Truth, Coexistence and Non-Repetition. Tome 11. Inside Colombia: Territorial accounts of the armed conflict. Volume 7: Magdalena Medio]. (in Spanish). Bogotá: CEV, p. 33.

187. Barón Villa, M. 2011. Apogeo y caída de las autodefensas de Puerto Boyacá: Del paramilitarismo a los señores de la guerra en el Magdalena Medio [The rise and fall of the self-defence groups of Puerto Boyacá: from paramilitarism to warlords in the Magdalena Medio region]. (in Spanish) Bogotá: National University, p. 25.

188. Serrano Besil, J. E. 2013. “Industria y ciudad. Crecimiento urbano de Barrancabermeja, 1926-1936”. Anuario de Historia Regional y de las Fronteras 18(1) [“Industry and the city. Urban growth in Barrancabermeja, 1926-1936”. Yearbook of regional and border history, p. 129-130. April-September, J. 1997. Génesis de Barrancabermeja [Creation of Barrancabermeja]. Bucaramanga: University Institute for Peace, p. 1-3.

189. Colombia National Radio. Cormagdalena alerta por posible contaminación de más fuentes hídricas [Cormagdalena alert for possible pollution of more water sources]. 26 March 2018. (in Spanish) Available at: <https://www.radionacional.co/cultura/cormagdalena-alerta-por-posible-contaminacion-de-mas-fuentes-hidricas>. Semana. El triste panorama que dejó el derrame de petróleo en el pozo La Lizama [The dismal landscape left behind by the oil spill at the La Lizama well]. 1 April 2018. (in Spanish) Available at: <https://www.semana.com/nacion/articulo/derrame-de-petroleo-pozo-la-lizama-ecopetrol/562150/>. La F.M. Defensoría del Pueblo: tragedia ambiental por derrame de crudo violaría derechos humanos [Ombudsperson's Office: environmental tragedy due to oil spill is a violation of human rights]. 27 March 2018. (in Spanish) Available at: <https://www.lafm.com.co/medio-ambiente/defensoria-del-pueblo-tragedia-ambiental-por-derrame-de-crudo-violaria-derechos-humanos>.

190. Orduz Salinas, N. et. al. 2019. La prohibición del fracking en Colombia como un asunto de política pública [A ban on fracking in Colombia as a matter of public policy]. (in Spanish) Bogotá: Heinrich Böll Stiftung, p. 70. El Espectador. La comunidad de Puerto Wilches sigue protestando contra el fracking [The Puerto Wilches community continues its protest against fracking]. (in Spanish) 22 July 2022. Available at: <https://www.elespectador.com/colombia/mas-regiones/la-comunidad-de-puerto-wilches-sigue-protestando-contra-el-fracking/>. José Alvear Restrepo Collective of Lawyers. Por ausencia de consulta previa presentamos tutela contra pilotos de fracking [Due to lack of prior consultation, we are filing a protection order against fracking pilots]. (in Spanish) 31 March 2022. Available at: <https://www.colectivodeabogados.org/por-ausencia-de-consulta-previa-presentamos-tutela-contra-pilotos-de-fracking/>.

191. For example: El Espectador. Lideresa de Puerto Wilches (Santander) salió del país por amenazas de muerte [Leader of Puerto Wilches (Santander) left the country following death threats]. (in Spanish) 21 February 2022. Available at: <https://www.elespectador.com/colombia/mas-regiones/lideresa-de-puerto-wilches-santander-salio-del-pais-por-amenazas-de-muerte/>.

The Magdalena Medio is also a strategic region due to its location in the centre of the country. This is reflected, for example, in the 2008 CONPES Document 3547, on national logistics policy,¹⁹² where it was considered a strategic area for the country's connectivity, given the convergence of the Magdalena River, the railway line and the dual carriageway road.¹⁹³ However, it has also been characterized as a border area.

“In Colombia, border areas are generally considered to be beyond the reach of the state. In the Magdalena Medio, however, the strategic importance of oil for national development and the export economy has created a unique form of state presence. The local state, particularly the municipal government and its institutions, has worked with social and trade union movements for much of the city's history. Although not always an easy partnership, they shared common interests. The national state, represented in Barranca by Ecopetrol, the military and the judicial authorities have played conflicting roles. At times, national government officials have acted to resolve labour disputes. Significant investments have also been made in response to popular mobilization by oil workers and the wider community. In contrast, the city and region have also received an extraordinary amount of negative attention from the national government.”¹⁹⁴

This scenario has been the breeding ground for the concentration in the region of several non-state armed groups that have interacted with the national military institutions in various ways, from direct confrontation in the case of some of the guerrilla groups that occupied certain areas of Barrancabermeja in the past, to the collusion of the security forces with the paramilitary groups that occupied the area at the beginning of the 21st century. Thus, economic, political and military interests intersect in the Magdalena Medio region in a way that has few parallels in the rest of the country, and for this reason the defence of land, territory, the environment and human rights in general are seen as activities that entail serious risks for defenders, social leaders and communities. Challenging spaces of power from the frontline, using the language of human rights and social and popular mobilization, has historically involved, and continues to involve, facing serious risks of attacks or threats.

The links between armed violence and extractive activities in the case of the Magdalena Medio region have been widely reported. In the case of Cesar, for example, the Centre for Research and Popular Education (*Centro de Investigación y Educación Popular*) recently stated that “[t]he militarization of everyday life in extractive environments is a phenomenon that can be seen... as justified by state rhetoric on the grounds of the persistence of the armed conflict. However, this militarization has also come about as a response to environmental and labour conflicts, in a sense waging war against environmentalists and peasant and trade union leaders”.¹⁹⁵ As a result, companies such as Ecopetrol have been accused of involvement in human rights violations related to the armed conflict and sociopolitical violence in the region.¹⁹⁶ The company has denied these allegations, stating that it operates within the law and that upholding human rights is an integral part of its business.¹⁹⁷

192. CONPES Document 3547 was updated through CONPES Document 3982 of 2020.

193. Cited in: Centre for Research and Popular Education. 2016. Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia 54, p. 57 [Night and Fog. Overview of human rights and political violence in Colombia 54]. (in Spanish)

194. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos: violencia y protesta en la capital petrolera de Colombia, 1919-2010 [The social origins of human rights: violence and protest in the oil capital of Colombia]. (in Spanish) Bogotá: Editorial Universidad del Rosario, p. 308.

195. Centre for Research and Popular Education. 2016. Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia 65, p. 48 [Night and Fog. Overview of human rights and political violence in Colombia 65]. (in Spanish)

196. For example, in 2021 CREDHOS submitted the report Estado: Ecopetrol, Guerra y Petróleo [State: Ecopetrol, War and Oil] to the Special Jurisdiction for Peace; a year earlier, the José Alvear Restrepo Collective of Lawyers submitted to the CEV the report El rol de las empresas en el conflicto armado y la violencia sociopolítica [The role of business in armed conflict and sociopolitical violence]. The CREDHOS report is not publicly available. An executive summary of the Collective of Lawyers report can be accessed at: José Alvear Restrepo Collective of Lawyers. 2020. El rol de las empresas en el conflicto armado y la violencia sociopolítica [The role of business in armed conflict and sociopolitical violence]. Available at: https://www.colectivodeabogados.org/wp-content/uploads/2020/05/resumen_ejecutivo_informe_a_la_cev.pdf.

197. For example, in response to the report submitted by the José Alvear Restrepo Collective of Lawyers: Business & Human Rights Resource Center. Respuesta de Ecopetrol [Reply from Ecopetrol]. (in Spanish) 19 June 2020. Available at: <https://www.business-humanrights.org/en/latest-news/respuesta-de-ecopetrol-10/>.

For decades, numerous leaders, communities and groups have been organizing to preserve and defend land, territory and the environment in the region, while resisting state and private initiatives for oil exploitation, mining extraction and the use of bodies of water for industrial purposes. This has been accompanied by a much more diverse scenario of social and political mobilization in the region, marked by trade unionism in the oil industry and agricultural and campesino mobilization since the 1920s.¹⁹⁸ It has been argued, for example, that Barrancabermeja is “doubly affected by certain important and exogenous influences, counterbalanced by the presence of the world of work, a thriving industrial proletariat made up of traditional rural migrants from different regions”.¹⁹⁹

Amnesty International has been following the situation in Magdalena Medio with concern for years. In fact, it published its first report on the region in April 1999, focusing on the massacre perpetrated by paramilitaries on 16 May 1998 in Barrancabermeja and the counterinsurgency operations that followed. There, Amnesty International found a clear link between the paramilitary action and the state security forces, as well as shortcomings in the investigation into what took place.²⁰⁰ Since 2020, Amnesty International has been closely following the evolution of armed violence in the region and has accompanied CREDHOS on several occasions in its reports and calls for action to protect its rights and those of the organizations it supports. This was how it came to know about the case of FEDEPESAN, a federation of artisanal fisherfolk who have been subjected to constant attacks and threats because of their work to protect the marshes around Barrancabermeja from pollution and occupation by armed groups. CREDHOS has been instrumental in helping FEDEPESAN to carry out its work and become stronger.

This section describes the situation of violence faced by both FEDEPESAN and CREDHOS in Magdalena Medio. Firstly, it is necessary to understand the general context of FEDEPESAN’s work in the defence of land, territory and the environment. In the case of Barrancabermeja, this involves understanding the role of violence, armed conflict and extractive activities in the shaping of the territory. There follows an account of the risks, attacks and threats faced by two groups of human rights defenders and defenders of land, territory and the environment. The first is Yuly Velásquez and other members of FEDEPESAN, an association of artisanal fisherfolk fighting to protect the bodies of water around Barrancabermeja. The second is CREDHOS, an organization with an integrated human rights approach that supports other grassroots organizations and activists to grow stronger and thrive in the face of an unfavourable environment. And lastly, the section provides a description of the state’s response to the risk situation of these two organizations, with a particular focus on collective protection and addressing the structural causes of violence.

4.1 ARMED CONFLICT IN THE MAGDALENA MEDIO AND ATTACKS AGAINST HUMAN RIGHTS DEFENDERS TODAY AND IN THE PAST

The Magdalena Medio has been severely affected by the armed conflict and violence in Colombia. So much so that its first characterization as a region can be traced back to the 1950s and the decision by the armed forces to consider the municipalities comprising the region as a single unit for the purpose of designing a strategy to address the political and social conflict.²⁰¹ In the context of cycles of colonization and forced displacement throughout the 20th century, various state and non-state armed groups, including the military and national police, guerrillas, paramilitary groups and criminal gangs, have concentrated in the region.

In the 1980s and 1990s, the presence of guerrilla groups increased and the first paramilitary groups appeared. In fact, the first military activity of the ELN guerrillas took place in Simacota in 1964, and the FARC EP guerrillas also operated in the area.²⁰² Moreover, one of the country’s counterinsurgency “laboratories of war” was located in Santa Helena del Opón in 1981, and by 1982 there were several paramilitary and self-defence groups in the region.²⁰³ At the same time, the guerrilla presence grew and gained strength in the 1990s.²⁰⁴

198. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. (in Spanish) Bogotá: CINEP.

199. Aprile-Gnisset, J. 1997. Génesis de Barrancabermeja [Creation of Barrancabermeja]. Op. Cit., p. 3.

200. Amnesty International. 1999. Colombia: Barrancabermeja: A city under siege. Available at: <https://www.amnesty.org/en/documents/amr23/036/1999/en/>.

201. Barón Villa, M. 2011. Apogeo y caída de las autodefensas de Puerto Boyacá [The rise and fall of the self-defence groups of Puerto Boyacá]. Op. Cit., p. 24.

202. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 35.

203. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 42-43.

204. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 50.

The escalation of armed violence in Magdalena Medio was strongly influenced by the implementation of the paramilitary counterinsurgency model in different areas and the strengthening of these groups, initially with the creation of the Convivir²⁰⁵ and subsequently with consolidated armed groups.²⁰⁶ At the same time, the state increased its military and police presence, especially through the navy and the army, for example with the creation of the 14th Brigade in Puerto Berrío.²⁰⁷ In fact, according to Barón, the army was the central authority for state intervention in the region, with autonomy and freedom even in areas outside the scope of its functions. The definition of the Magdalena Medio as a “public order zone” allowed it to do so, and implied, among other things, that even mayors could be members of the military.²⁰⁸

Clashes between guerrilla and paramilitary groups and the Colombian security forces for control of the region led to the perpetration of numerous crimes under international law, including violations of international humanitarian law and serious human rights abuses. During this period, kidnappings and assassinations continued in the Magdalena Medio. Examples include the massacres of the 19 Traders and La Rochela²⁰⁹ and those of 16 May 1998²¹⁰ and 28 February 1999 in Barrancabermeja.²¹¹

At the same time, widespread social, campesino and trade union mobilizations were taking place in the region, particularly in Barrancabermeja, as well as initiatives for the defence of territory and the environment. From the 1980s, the right to life was added to their claims.²¹² Movements such as the Peasant Coordinating Committee of Magdalena Medio and the Coordinating Committee of Popular and Social Organizations emerged and joined other more established organizations such as the Workers’ Union (*Unión Sindical Obrera*) and the National Association of Peasant Users (*Asociación Nacional de Usuarios Campesinos*). Many of them were severely repressed by the security forces and attacked by armed groups. In the words of the Ombudsperson’s Office, the creation of a vibrant ecosystem of social and human rights organizations, together with the prominent role of the community action groups, is currently manifesting itself “in effective leadership capacities for peace and development among the population, in collaboration with government and international cooperation institutions. This has been the case for at least the last twenty years”.²¹³

The presence of armed groups in the region has continued since 2000. While some groups have been disbanded or demobilized, others have undergone changes and some new ones have emerged. Their distribution within the region has also changed. This is despite significant events, such as the demobilization of various paramilitary groups between 2004 and 2007 as a result of negotiations between them and the national government, then headed by President Álvaro Uribe, and the subsequent recycling of the groups. In the words of the Ombudsperson’s Office, “[t]he Magdalena Medio region has been experiencing a period of silent violence since the demobilization of the Bloque Central Bolívar (BCB) of the Self-Defence Forces in 2006. This situation mainly affects the rural areas of the larger municipalities: Barrancabermeja, Yondó, Aguachica, Puerto Wilches

205. According to the CEV, for the national armed forces, the Convivir were a strategy to promote cooperation between private associates and the security forces with the aim of maintaining public order. However, the army itself acknowledged to the CEV that the initiative “became a double-edged sword for the government since, by allowing the creation of private security units with access to information and arms, existing self-defence groups created several Convivir in areas of the country where they had particular interests, thus strengthening their organizations over these years”. CEV. Legado. No matarás. Convivir, base para el surgimiento de las AUC. [Legacy. Thou shalt not kill. Convivir, the basis for the emergence of the AUC.] Available at: <https://www.comisiondelaverdad.co/convivir-base-para-el-surgimiento-de-las-auc>. Further information: National Centre for Historical Memory (CNMH). 2018. Paramilitarismo. Balance de la contribución del CNMH al esclarecimiento histórico [Paramilitarism. Assessment of the CNMH’s contribution to the understanding of history]. (in Spanish) Bogotá: CNMH, p. 48-49.

206. National Centre for Historical Memory (CNMH). 2019. El Estado suplantado. Las Autodefensas de Puerto Boyacá. Informe No. 4. Serie Informes sobre el origen y las actuaciones de las agrupaciones paramilitares en las regiones [A State supplanted. The Self-Defence Forces of Puerto Boyacá. Report 4. Series “Reports on the origins and operations of paramilitary groups in the regions”]. (in Spanish) Bogotá: CNMH. Barón Villa, M. 2011. Apogeo y caída de las autodefensas de Puerto Boyacá. Op. Cit., p. 27.

207. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 50.

208. Barón Villa, M. 2011. Apogeo y caída de las autodefensas de Puerto Boyacá [The rise and fall of the self-defence groups of Puerto Boyacá]. Op. Cit., p. 28.

209. National Centre for Historical Memory (CNMH). El Estado suplantado [A State supplanted.]. Op. Cit., p. 208-224. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 52.

210. Amnesty International. 1999. Colombia: Barrancabermeja: A city under siege. Available at: <https://www.amnesty.org/en/documents/amr23/036/1999/en/>.

211. Commission for the Clarification of Truth, Coexistence and Non-Repitition (CEV). 2022. Hay futuro si hay verdad: Informe Final de la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. Tomo 11. Colombia adentro: relatos territoriales sobre el conflicto armado. Volumen 7: Magdalena Medio [There is a future if there is truth: Final Report of the Commission for the Clarification of Truth, Coexistence and Non-Repitition. Tome 11. Inside Colombia: Territorial accounts of the armed conflict. Volume 7: Magdalena Medio]. (in Spanish). Bogotá: CEV, p. 145.

212. Molano Bravo, A. 2009. En medio del Magdalena Medio [In the midst of the Magdalena Medio]. Op. Cit., p. 54.

213. Ombudsperson’s Office. 2022. Alerta Temprana No. 027-2022. Alerta temprana sobre la situación de derechos humanos en Barrancabermeja, Puerto Wilches, Simacota y Yondó [Early warning on the human rights situation in Barrancabermeja, Puerto Wilches, Simacota and Yondó], p. 19-20.

and Puerto Berrío”.²¹⁴ Indeed, between 2018 and 2022, the institution issued at least six early warnings (AT) on the risks of human rights violations in the area: AT 026 18, AT 076 18, AT 118 20, AT 035 19, AT 004 22 and AT 027 22.

“Gabriel García Márquez said, back in 1983 that, despite its plentiful water and vast territory, paramilitarism had created in the Magdalena Medio a hell in the very heart of Colombia”.

Member of CREDHOS, interview with Amnesty International, May 2023

A key moment in the restructuring of the armed presence in the Magdalena Medio was the signing of the AFP in 2016. With the demobilization of the FARC-EP guerrilla, several armed groups moved in to vie for control of the region’s municipalities, with a resulting increase in violence, particularly against social leaders and defenders of land, territory, the environment and human rights in general.²¹⁵ This is reflected in the historical record of cases. For example, according to the CEV, a total of 414 social leaders were murdered in the region between 1986 and 2018.²¹⁶

Analysis by CREDHOS of the armed context and the situation in the region clearly shows the dynamics of an area where de facto power went unchecked, and the state was slow to intervene in the conflict. According to CREDHOS, between 2017 and 2019, following demobilization of the FARC-EP, “political and military operations of the illegal armed groups were aimed at extending their control over former FARC-EP territories, including alliances and territorial pacts to ensure that the cycle of illicit economies was not affected”.²¹⁷ Subsequently, during the pandemic, the AGC took the initiative and began a process of territorial expansion and control that went unchallenged by the state security forces operating in the area, in particular the Marte Joint Task Force. The AGC reached territorial agreements with the ELN and other armed groups at certain times and in certain places, while in others they engaged in active confrontation.²¹⁸

In its analysis of the situation in the region between 2018 and 2022, the Ombudsperson’s Office described a scenario of increased risk for the defence of human rights in the Magdalena Medio due to “the use of methods and means aimed at intimidating the population, selective homicides, disappearances, death threats and attacks on the life, physical integrity and personal freedoms of leaders... human rights defenders, women’s organizations, representatives of victim support organizations and displaced populations, farmers, fisherfolk and ex-combatants of the FARC who are in the process of social, political and economic reintegration”.²¹⁹ This was in addition to the direct consequences of the armed conflict and recurrent confrontations, such as forced displacement, the illegal recruitment of children and young persons, and restrictions on mobility.

Barrancabermeja, the main city in the region, has been controlled almost exclusively by the AGC since 2021 and their power has extended to other urban centres such as Puerto Wilches, Cimitarra, San Pablo, Simití, Santa Rosa del Sur, Montecristo and Puerto Berrío.²²⁰ In 2022, the Ombudsperson’s Office reported a situation of structural risk for the populations of Barrancabermeja, Simacota, Puerto Wilches and Yondó due to “the evident dispute between the [Gaitanista Self-Defence Forces of Colombia], the [National Liberation Army] and organized

214. Ombudsperson’s Office. 2022. Alerta Temprana No. 027-2022. Op. Cit., p. 7.

215. Regional Corporation for the Defence of Human Rights. 2023. Boletín Especial: El paramilitarismo en el Magdalena Medio. Expansión, disputas y control territorial posterior a la firma del Acuerdo de Paz (2017-2023) [Special Bulletin: Paramilitarism in the Magdalena Medio. Expansion, disputes and territorial control after the signing of the Peace Agreement (2017-2023)]. Barrancabermeja: CREDHOS, p. 2.

216. Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV). 2019. ¿Cuáles son los nuevos factores de riesgo que los líderes sociales enfrentan en el Magdalena Medio? [What are the new risk factors facing social leaders in the Magdalena Medio?]. (in Spanish) Available at: <https://web.comisiondelaverdad.co/actualidad/noticias/por-que-siguen-asesinando-a-lideres-sociales-la-comision-cuarto-dialogo-por-la-no-repeticion>.

217. Regional Corporation for the Defence of Human Rights. 2023. Boletín Especial: El paramilitarismo en el Magdalena Medio [Special Bulletin: Paramilitarism in the Magdalena Medio]. Op. Cit., p. 2.

218. Regional Corporation for the Defence of Human Rights. 2023. Boletín Especial: El paramilitarismo en el Magdalena Medio Medio [Special Bulletin: Paramilitarism in the Magdalena Medio]. Op. Cit., p. 3.

219. Ombudsperson’s Office. 2022. Alerta Temprana No. 027-2022. Op. Cit., p. 21.

220. Regional Corporation for the Defence of Human Rights. 2023. Boletín Especial: El paramilitarismo en el Magdalena Medio Medio [Special Bulletin: Paramilitarism in the Magdalena Medio]. Op. Cit., p. 5.

criminal groups”.²²¹ According to this institution, “... the most notorious violations and abuses of [human rights] and breaches of [international humanitarian law] are concentrated in Barrancabermeja and Puerto Wilches. Homicides are the most alarming of these violations, followed by threats and forced displacement”.²²² However, there are equally worrying patterns of violence, such as the 239 cases of enforced disappearances between 2018 and 2021.²²³

In the first half of 2023, the CREDHOS Human Rights, Peace and Environment Observatory recorded 243 acts of violence against the civilian population in the context of the armed conflict in the Magdalena Medio region. Of these, 152 were homicides, most of them concentrated in Barrancabermeja (69 cases). CREDHOS attributes this upward trend in the homicide rate (by June 2023, the number of cases had already reached 73.07% of the total for 2022) to the expansion and positioning of the AGC in the departments of Santander and Antioquia in Magdalena Medio and in Sur de Bolívar.²²⁴ The Ombudsperson’s Office agreed with this assessment in 2022, stating that “... most of the homicides [in Barrancabermeja] were probably committed by the combo-franchise-gang structures at the service of the [Gaitanista Self-Defence Forces of Colombia]”.²²⁵ However, CREDHOS has verified the presence in the area of the ELN and the Central General Staff, a dissident group of the former FARC-EP,²²⁶ as has the Ombudsperson’s Office.²²⁷ The Unified Risk Monitoring Mechanism of the Integral System for Peace has also provided information on the worrying human rights situation in the Magdalena Medio region. Between 1 December 2016 and 6 March 2022, it documented 66 targeted killings, 65 threats and 38 attacks against the life and integrity of the people in the region.²²⁸

In several municipalities of Magdalena Medio, the Ombudsperson’s Office identified extreme and high levels of risk to life, physical integrity and human rights work. These include Barrancabermeja, Yondó, Puerto Berrío, Cantagallo, San Pablo, Santa Rosa del Sur, Simití, Arenal, Barranco de Loba, Montecristo, Morales, Norosí, Ríoviejo, Tiquisio, La Gloria, San Alberto, San Martín, Tamalameque and Puerto Wilches, all identified as being at extreme risk.²²⁹ Already in 2022, the Office of the United Nations High Commissioner for Human Rights had documented 12 cases of killings of human rights defenders in 11 municipalities in Magdalena Medio, most of them defenders of land and the environment or members of community action groups.²³⁰ According to data from the *Somos Defensores* programme’s Information System on Aggressions against Human Rights Defenders in Colombia, between January 2022 and February 2023, there were killings of human rights defenders in at least nine of the following municipalities: Cantagallo (3 cases); Barrancabermeja, San Martín and San Pablo (2 cases in each); and Barranco de Loba, Norosí, Puerto Wilches, Simití and Tamalameque (1 case in each).²³¹ The programme also registered one case in Río de Oro, a municipality that had not been identified by the Ombudsperson’s Office as being at extreme risk.

Regarding violence against human rights defenders in the region, CREDHOS recorded 27 cases of threats, 25 cases of collective attacks and 12 cases of forced displacement in the first half of 2023, many of which were related and linked to AGC leaflets. In the case of the ELN, CREDHOS recorded one instance of personal threats and one of collective attack,²³² but by May 2023 the organization believed that the ELN’s presence had decreased, while the Central General Staff was trying to increase its presence. Clashes between the three groups were also frequent, although CREDHOS noted regional and local alliances between them, most of them ad hoc and temporary.

221. Ombudsperson’s Office. 2023. Alerta Temprana No. 027-2022. Alerta temprana sobre la situación de derechos humanos en Barrancabermeja, Puerto Wilches, Simacota y Yondó [Early warning on the human rights situation in Barrancabermeja, Puerto Wilches, Simacota and Yondó], p. 7.

222. Ombudsperson’s Office. 2023. Alerta Temprana No. 027-2022. Op. Cit., p. 11.

223. Ombudsperson’s Office. 2023. Alerta Temprana No. 027-2022. Op. Cit., p. 26.

224. Regional Corporation for the Defence of Human Rights. 2023. Boletín Semestral No. 001 Enero – Junio 2023 [Biannual Bulletin 001 January – June 2023]. Barrancabermeja: CREDHOS, p. 3.

225. Ombudsperson’s Office. 2023. Alerta Temprana No. 027-2022. Op. Cit., p. 11.

226. Regional Corporation for the Defence of Human Rights. 2023. Boletín Especial: El paramilitarismo en el Magdalena Medio [Special Bulletin: Paramilitarism in the Magdalena Medio]. Op. Cit., p. 2.

227. Ombudsperson’s Office. 2023. Alerta Temprana No. 027-2022. Op. Cit., p. 43.

228. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. 19 May 2022, para. 80.

229. Ombudsperson’s Office. 2023. Alerta Temprana No. 019-2023. Op. Cit., p. 137-144.

230. Office of the United Nations High Commissioner for Human Rights. 2023. Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022 [UN Human Rights Analysis of trends and patterns of violence against defenders in 2022] (in Spanish). Op. Cit.

231. Information provided by the *Somos Defensores* programme to Amnesty International in July 2023.

232. Regional Corporation for the Defence of Human Rights. 2023. Boletín Semestral No. 001 Enero – Junio 2023 [Biannual Bulletin 001 January – June 2023]. Op. Cit., p. 6.

In an interview with a delegation from Amnesty International in May 2023, members of CREDHOS described the situation in the Magdalena Medio as a continuation of the process of expansion and positioning of armed actors in the region. The main concern was the presence and strengthening of the AGC, which was taking over spaces previously occupied by other expressions of paramilitarism. There was also concern regarding possible collusion between these groups and the state security forces, as armed groups were found to have set up camps near facilities belonging to the security forces. CREDHOS members believe that the paramilitary structure in the Magdalena Medio has managed to evolve and survive by maintaining the networks that were established following the arrival of paramilitary groups in the region in the late 1990s and early 2000s. The effects of this process are still being felt today, despite the demobilization of large paramilitary groups between 2004 and 2007, which was theoretically intended to guarantee that such events would not be repeated, but which in practice only transformed the problem, without succeeding in making it disappear.²³³

4.2 FEDERATION OF ARTISANAL, ENVIRONMENTAL AND TOURIST FISHERFOLK OF THE DEPARTMENT OF SANTANDER (FEDEPESAN)

“The rivers in this region have witnessed the rise of a riparian culture, but they have also witnessed the passing of the bodies of thousands of missing persons and the tears of their families, who still navigate their waters in search of loved ones”.²³⁴

FEDEPESAN is a group of 37 fisherfolk organizations working for the defence of the environment in Santander. Several members of FEDEPESAN have been attacked for protecting the water sources of Barrancabermeja, in particular – though not exclusively – the San Silvestre wetland. This wetland is one of the largest bodies of water in the region and provides ecosystem services as a natural habitat for different species, as a water catchment area for the city and rural areas of Barrancabermeja, and even for supplying some of Ecopetrol’s activities.²³⁵ Due to its importance, in 2011 it was declared a Regional Integrated Management District, a status aimed at managing, planning and regulating the use of renewable natural resources.²³⁶

“Our association is a grassroots movement to protect our ecosystems, which are under threat from corporate activity here in the Magdalena Medio and from armed groups with links to these companies. Our resistance in the territory is a way of protecting the environment. No one knows the area better than we do, we are part of it and have been living here for generations.”

Yuly Velásquez, president of FEDEPESAN, interview with Amnesty International, August 2022

Over the years, and despite its status as a Regional Integrated Management District, several land, environmental and human rights organizations have reported the degradation of the San Silvestre wetland. For example, according to CREDHOS, a report by the Environmental Secretariat of Barrancabermeja, the Conservation Network Corporation (*Corporación Red Conservar*) and the Pontifical Bolivarian University (UPB) highlighted the problem of sedimentation


233. Amnesty International has been expressing similar concerns since 2005, when the legislative framework that would apply to the demobilization process was being discussed. See: Amnesty International. 2005. Colombia: Justice and Peace Law will guarantee impunity for human rights abusers. Available at: <https://www.amnesty.org/en/documents/amr23/012/2005/en/>.

234. Commission for the Clarification of Truth, Coexistence and Non-Repetition (CEV). 2022. Hay futuro si hay verdad: Informe Final de la Comisión para el Esclarecimiento de la Verdad, la Convivencia y la No Repetición. Tomo 11. Colombia adentro: relatos territoriales sobre el conflicto armado. Volumen 7: Magdalena Medio [There is a future if there is truth: Final Report of the Commission for the Clarification of Truth, Coexistence and Non-Repetition. Tome 11. Inside Colombia: Territorial accounts of the armed conflict. Volume 7: Magdalena Medio]. (in Spanish). Bogotá: CEV, p. 33.

235. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio. Entre la degradación ambiental y la resistencia comunitaria [Social and environmental conflicts in the Magdalena Medio region. Between environmental degradation and community resistance]. Barrancabermeja: CREDHOS, p. 14-15.

236. Regional Autonomous Council of Santander. Agreement 181 of 2011.



↑  Bodies of water around Barrancabermeja, Colombia © Amnesty International

in the marsh and its consequences in terms of alterations in the water quality.²³⁷ In 2017, following a request for protection submitted by several organizations and activists, the Constitutional Court ordered an evaluation of compliance with the obligations contained in the environmental management plan and compensation for the operation of a sanitary landfill in the area. Among others, the Court found evidence of “poor management of the separation, collection, conduction and treatment of ‘rainwater, wastewater and leachate, as well as inadequate installation and operation of the leakproofing system...’ which has led to ‘direct contamination of the soil and other underground elements and resources...’”²³⁸ FEDEPESAN publicly reported these issues in 2019, although Ecopetrol, the owner of the refinery, denied any involvement in the pollution, pointing to the city’s waste management as the cause.²³⁹ In 2020, the Office of the Comptroller General of the Republic stated that it had found evidence of repeated incidents of water pollution in the Magdalena River and Caño El Rosario (a tributary of the Miramar wetland), linked to the operation of the Barrancabermeja refinery.²⁴⁰

FEDEPESAN has been involved in the filing of reports against the deteriorating water quality in the San Silvestre wetland since 2020. Initially, advocacy activities were carried out by the Association of Fisherfolk and Agricultural Producers of Caño San Silvestre (ASOPESCASAN) and the Association for the Stewardship of Water, Flora and Fauna (ASOGEAFF), which eventually became part of FEDEPESAN.²⁴¹ They have also lobbied Ecopetrol and the Regional Autonomous Council of Santander against corruption and for the proper use of public resources in activities to restore the San Silvestre wetland.²⁴²

“... before, you could drink the water, the fish were healthy, you could wash your clothes in the marsh, but everything has changed since companies and business groups arrived. Many of the fish are sick, their numbers are decreasing every year, and the water has a foul smell. It is very difficult to make a living from the marsh. And because there are few options, we have no choice but to risk getting sick.”

Yuly Velásquez, president of FEDEPESAN, interview with Amnesty International, August 2022

237. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio [Social and environmental conflicts in the Magdalena Medio region]. Op. Cit., p. 16-17.

238. Constitutional Court. Sentence T-227 of 2017. M.P. Luis Guillermo Guerrero Pérez.

239. Caracol News. El caño de El Rosario languidece por culpa del hombre y los hidrocarburos [The El Rosario tributary is languishing because of humans and hydrocarbons]. 9 April 2019. Available at: <https://noticias.caracoltv.com/colombia/el-cano-de-el-rosario-languidece-por-culpa-del-hombre-y-los-hidrocarburos>.

240. Office of the Comptroller General of the Republic. Informe Auditoría de Cumplimiento. Seguimiento Planes de Contingencia y Atención de Emergencias en Eventos de Derrames de Hidrocarburos en Cuerpos de Agua y Afectaciones Ambientales en Proyectos Hidroeléctricos. Refinería de Barrancabermeja – Central Hidroeléctrica Bajo Anchicayá [Compliance Audit Report. Monitoring of Emergency Contingency and Emergency Response Plans for Hydrocarbon Spills in Water Bodies and Environmental Impacts in Hydroelectric Projects. Barrancabermeja Refinery - Bajo Anchicayá Hydroelectric Plant]. Bogotá: CGR, p. 31.

241. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio [Social and environmental conflicts in the Magdalena Medio region]. Op. Cit., p. 16-17.

242. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio [Social and environmental conflicts in the Magdalena Medio region]. Op. Cit., p. 17-18.



↑  Yuly Velásquez, president of FEDEPESAN © Amnesty International

FEDEPESAN's work in defence of the environment has led to a series of threats in relation to which Yuly Velásquez sees “inaction on the part of the state to identify the aggressors”, as she explained in an interview with an Amnesty International delegation in September 2022. The threats and attacks began in the context of FEDEPESAN's advocacy work to scrutinize a public tender process for the restoration of several sections of the San Silvestre wetland.²⁴³ However, the situation of risk is not linked solely to this event, but to the general context of monitoring and activism carried out by FEDEPESAN and its members in the bodies of water around Barrancabermeja.

Yuly Velásquez is an environmental defender who considers herself an amphibious woman, living as she does both on the water and on the land. As part of her work, she serves as president of FEDEPESAN and is the legal representative of ASOGEAFF.

On 4 November 2020, Yuly was included in a collective threat that was signed by a group called “Águilas Negras - Bloque Magdalena Medio” (Black Eagles - Magdalena Medio Block) and directed against environmental leaders and human rights defenders in Barrancabermeja.²⁴⁴ Months later, in January 2021, two unidentified persons attacked Yuly and her family in their home, but they managed to shelter inside the house. After they left, they documented four bullet holes in the front door and the front window.²⁴⁵ Also in August of 2021, during a protest by artisanal fisherfolk, Yuly and another member of FEDEPESAN were intimidated by unidentified men who claimed they wanted to talk to them “separately”, without their fellow protesters.²⁴⁶ As a result of the incidents described above, the UNP granted individual protection measures to Yuly in that same year.

In an interview with a delegation from Amnesty International in September 2023, Yuly described the risks that exist around the San Silvestre wetland. According to her account, the place is full of companies and armed actors who collude to use the wetland as a corridor for drug and human trafficking, and to exploit the water. For this reason, she explains that the local population lives in constant fear, knowing that if they report the exploitation and pollution of the wetland, they risk being attacked by armed groups.

On 5 July 2022, Yuly was the victim of another attack. After a meeting with members of FEDEPESAN and while on her way to the San Silvestre wetland to meet with other leaders, Yuly received an alert from the bodyguard assigned to her by the UNP: “Yuly, run”. Two unidentified individuals on a motorbike shot at her and wounded her bodyguard. Despite appealing for help and calling the police, the only support received was from her own colleagues from FEDEPESAN and from workers at a construction site on the road.²⁴⁷ Together with CREDHOS, Yuly reported the incident to the Attorney General's Office.²⁴⁸

243. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio [Social and environmental conflicts in the Magdalena Medio region]. Op. Cit., p. 16-17. Regional Corporation for the Defence of Human Rights.. 2021. Informe de visita técnica de inspección ocular a la ciénaga San Silvestre [Report of the technical visit for visual inspection of the San Silvestre wetland]. Barrancabermeja: CREDHOS.

244. Regional Corporation for the Defence of Human Rights. 2021. Conflictos socioambientales en la región del Magdalena Medio [Social and environmental conflicts in the Magdalena Medio region]. Op. Cit., p. 16-17.

245. Attorney General's Office. Formato Único de Noticia Criminal. 680816000136202100386. 20 January 2021. Regional Corporation of the Defence of Human Rights. Declaración por tentativa de homicidio [Statement for attempted homicide]. 22 January 2021.

246. Regional Corporation for the Defence of Human Rights. Solicitud de investigación por amenaza [Request for investigation into threats]. 4 August 2021.

247. Regional Corporation for the Defence of Human Rights. Acción urgente por la vida, integridad, seguridad y permanencia en el territorio de Yuly Velásquez lideresa social y ambiental de FEDEPESAN [Urgent action for the life, physical integrity, safety and permanence in the territory of Yuly Velásquez, social and environmental leader of FEDEPESAN]. July 2022.

248. Regional Corporation for the Defence of Human Rights. Denuncia por atentado a lideresa de FEDEPESAN en Barrancabermeja [Complaint for the attack on a FEDEPESAN leader in Barrancabermeja]. 6 July 2022.

For Yuly, the attack was no coincidence. She had, around that time, filed environmental complaints and reported the presence of armed groups in Caño San Silvestre, a tributary that feeds into the wetland. In fact, already on 31 May 2022, a group of four environmental defenders from FEDEPESAN, including herself, was attacked with firearms by unidentified assailants while they were assessing potential environmental damage in the area. Again, the intervention of the bodyguard assigned by the UNP was instrumental in repelling the attack. The Ombudsperson's Office included the incident in the general context of the risk of human rights violations in Barrancabermeja in 2022.²⁴⁹ CREDHOS also reported the incident to the Attorney General's Office on behalf of FEDEPESAN.²⁵⁰

“I have a strong relationship with the land because I was born here and learned to live in the traditional way, thanks to the teachings of my ancestors. My parents and grandparents taught me to live according to what nature provides.”

Yuly Velásquez, president of FEDEPESAN, interview with Amnesty International, August 2022

Other members of FEDEPESAN have also been attacked for their work in defence of territory and the environment. Oswaldo Beltrán, a member of FEDEPESAN's board of directors, described the attack in an interview with Amnesty International in September 2022. On 25 July 2022, at dusk, his home and that of Luidmila Gutiérrez was broken into. Armed men subdued Luidmila and her young son, then tied her hands for almost an hour, during which time the assailants searched the premises and stole money and some engines. The attack on Luidmila and Oswaldo took place three days after he had taken part in an inspection visit requested by FEDEPESAN, CREDHOS and the Observatory for Territorial Development Corporation to enable the Barrancabermeja district administration, the environmental authority and the Ombudsperson's Office to verify environmental damage in the San Silvestre wetland and the Rosario and San Silvestre tributaries. It is believed that this damage is linked to the expansion of recreational and commercial facilities and agricultural and livestock activities within the wetland's buffer zone, the presence of hydrocarbons in the tributaries, and the dumping of sludge and polluted water in the area.²⁵¹

This was the third attack on Luidmila Gutiérrez and Oswaldo Beltrán, who had already had their boat engines stolen on other occasions. In February 2021, for example, they had asked the Attorney General's Office to assist in a complaint filed following the theft of one of their engines. According to Oswaldo's account, on 22 January, while they were preparing the boat's engine for cleaning the wetland, four armed individuals who identified themselves as members of the ELN overpowered Luidmila, the engine mechanic and himself, and stole the engine.²⁵² This happened just days after Yuly Velásquez and her family were attacked in their home.

“Stealing our boat engines is an attack on our presence in the territory. Without our engines, our everyday activities such as fishing become more difficult, and so does our monitoring of the marsh. It's almost as if they had broken our legs. Without us, the area is left open for invasion and occupation by other people.”

Oswaldo Beltrán, member of FEDEPESAN, interview with Amnesty International, August 2022

In 2023, Yuly Velásquez and her family have been subjected to intimidation and attacks that she believes are linked to her work defending the San Silvestre wetland and the people who carry out artisanal fishing activities in the region. In February, Yuly was chased by a person on a motorcycle. One of the staff on the security detail assigned

249. Ombudsperson's Office. 2023. Alerta Temprana No. 027-2022. Op. Cit., p. 35.

250. Regional Corporation for the Defence of Human Rights. Denuncia por atentado a lideresas y líderes de FEDEPESAN en Barrancabermeja [Complaint for the attack on FEDEPESAN leaders in Barrancabermeja]. 31 May 2022.

251. Regional Corporation for the Defence of Human Rights, Observatory for Territorial Development Corporation and Federation of Artisanal, Environmental and Tourist Fisherfolk of the Department of Santander. Denuncia pública por persecución, hostigamiento y amenazas contra familia de pescadores artesanales de FEDEPESAN [Public complaint for persecution, harassment and threats against the family of artisanal fisherfolk of FEDEPESAN]. 28 July 2022.

252. Regional Corporation for the Defence of Human Rights. Declaración por amenazas y hurto [Statement on threats and robbery]. 25 February 2021. Attorney General's Office. Formato Único de Noticia Criminal. 680816000136202100127. 22 January 2021.

to her by the UNP assessed the situation and decided to take evasive action. Despite this, when they stopped, they realized that the person was still following them and taking photographs of the security detail before they managed to lose him. Days later, while resting at home with her husband, son and son-in-law, she noticed a man outside the house who seemed to be watching them, as he was constantly looking into the house. Yuly's family immediately called the police, and her husband confronted the man, demanding to know what he was doing. The reply was: "Watching the area, boss". The police unit assigned to the area where Yuly and her family live did not arrive until two hours after the incident.²⁵³

In an interview with a delegation from Amnesty International in May 2023, Yuly and Oswaldo explained that the risk situation in the marshes had worsened due to the strengthening of the armed groups in the region. This materialized, for example, in threats made against artisanal fisherfolk in the rural area of Puerto Wilches (Santander) in that same month. The fisherfolk were forced to leave the area due to the seriousness of the risk.²⁵⁴

The situations of risk faced by Yuly and FEDEPESAN as a result of their work in defence of territory and the environment intersect with the risks linked to their identity and way of life as artisanal fisherfolk. In 2022, the Ombudsperson's Office identified a risk scenario of human rights violations for this population group in Santander and Sur del Cesar due to "the complex intersection between the conflict over land and the armed conflict".²⁵⁵ This is because the bodies of water that they live in and protect tend to be a transit corridor for armed groups and illicit economies, creating a risk to their lives, their physical integrity and their organizational capacity.

4.3 REGIONAL CORPORATION FOR THE DEFENCE OF HUMAN RIGHTS (CREDHOS)

"(...) CREDHOS was not born out of the blue. It was absolutely not born out of the blue. It was born in the heat of the myriad things that were happening: on the one hand, the violence; on the other, the need to create the infrastructure that Barrancabermeja deserves as a rich city; on the other, the social organizations that were stepping up the struggle".²⁵⁶

CREDHOS is a non-governmental social organization that has been working since 1987 to defend, promote and protect human rights and ensure strict compliance with international humanitarian law in the context of the armed conflict that has historically plagued the Magdalena Medio region. Its work currently covers the municipalities of Barrancabermeja, Puerto Wilches, Sabana de Torres, Cimitarra, San Vicente de Chucurí, Santa Rosa del Sur, San Pablo, Cantagallo and Yondó. According to information provided by CREDHOS to Amnesty International, as of July 2023, its grassroots work involved approximately 900 people, 65% of whom were women.

CREDHOS is one of the oldest and most established human rights organizations in the region and was created "... at a time when military and paramilitary repression threatened to overturn the hard-won gains of local popular movements".²⁵⁷ Thus, with the emergence of CREDHOS, the social movement in the Magdalena Medio adopted a rights-based approach focusing on the causal links between inequality and violence²⁵⁸ and seeking to "... expose those

253. Regional Corporation for the Defence of Human Rights. Denuncia presentada ante la Fiscalía General de la Nación. Denuncia por hostigamiento a lideresa Yuly Andrea Velásquez Briceño de FEDEPESAN en Barrancabermeja [Complaint filed with the Attorney General's Office. Complaint of harassment against leader Yuly Andrea Velásquez Briceño of FEDEPESAN in Barrancabermeja]. Radicado DSMM-MC-GIT-No. 20237420008932. 28 February 2023.

254. Regional Corporation for the Defence of Human Rights. Acción urgente por la vida, integridad, seguridad y permanencia en el territorio de la comunidad campesina y de pescadores artesanales en el corregimiento de Bocas del Rosario del municipio de Puerto Wilches, Santander [Urgent action for the life, physical integrity, safety and permanence in the territory of the campesino community and artisanal fisherfolk in the village of Bocas del Rosario, municipality of Puerto]. 9 May 2023.

255. Ombudsperson's Office. 2022. Alerta Temprana No. 027-2022. Op. Cit., p. 7.

256. Quote attributed to Rafael Gómez Serrano, trade unionist and human rights activist, in: Van Isschot, L. 2020. Orígenes sociales de los derechos humanos [The social origins of human rights]. Op. Cit., p. 1.

257. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos. Op. Cit., p. 2.

258. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos. Op. Cit., p. 29.



↑  Member of CREDHOS © César Solarte/CREDHOS

who violate human rights, advocate on behalf of the victims and their families, and call on the state to protect citizens, while addressing the broader economic and social inequalities...”.²⁵⁹

In the course of its work, CREDHOS participates in many of the national and regional spaces for advocacy and dialogue on human rights, including the National Roundtable for Guarantees, and is a member of various social organization networks and platforms such as the Colombia Europe United States Coordination, the Alliance of Social and Related Organizations, the Humanitarian Roundtable of the Magdalena Medio, the Regional Human Rights Network of the Magdalena Medio and the Magdalena Medio Regional Women’s Coordination. It also engages with national government institutions, departmental and local governments, the Attorney General’s Office, the justice system, the Ombudsperson’s Office, and the Public Prosecutor’s Office, among others.

CREDHOS’ work within the social movement is structured in five areas: communications, counselling, management and lobbying, legal accompaniment, and education and training.²⁶⁰ Based on an integral approach to the defence of human rights, CREDHOS accompanies campesino, Afro-Colombian, artisanal fisherfolk, Indigenous, youth, women and LGBTIQ+ communities and processes, as well as environmental and territorial defenders and peace signatories, in their strategies for action and advocacy, including FEDEPESAN. CREDHOS provides support and accompaniment in different situations, from domestic violence to human rights violations committed in the context of the armed conflict.

One of the distinctive features of CREDHOS’ work in the Magdalena Medio region is the setting up of Municipal Human Rights Committees in some of the locations in its area of influence. The general strategy behind the idea of the municipal committees is the creation and strengthening of the Magdalena Medio Regional Human Rights Network.²⁶¹ As of July 2023, committees had been established in Barrancabermeja, Cimitarra, Puerto Wilches, Sábana de Torres, Santa Rosa del Sur, Cantagallo and Yondó. These committees were re-established as part of the implementation of the collective reparation plan drawn up in collaboration with the Special Administrative Unit for Comprehensive Assistance and Reparation to Victims (UARIV), following their closure as a result of persecution and attacks on CREDHOS and its members in the past.²⁶²

In recent years, one of the most important areas of work for CREDHOS has been its engagement with the Special Jurisdiction for Peace, where it has submitted reports,²⁶³ represented victims in court and, in some cases, participated directly.²⁶⁴ In addition, in November 2022 CREDHOS was recognized as a collective victim in one of the cases being heard by the Judicial Panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts

259. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos. Op. Cit., p. 174.

260. Regional Corporation for the Defence of Human Rights. ¿Qué hacemos? [What we do]. Available at: <http://credhos.org/servicios>.

261. Regional Corporation for the Defence of Human Rights. Solicitud de medidas de protección colectivas para CREDHOS [Request for collective protection measures for CREDHOS]. 21 December 2022.

262. Special Jurisdiction for Peace. Judicial Panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ CDG-08-001 of 2022. 1 November 2022, para. 57.

263. As of May 2022 CREDHOS had submitted six reports to the Special Jurisdiction for Peace relating to serious human rights violations and breaches of international humanitarian law in the north east of Antioquia, Bajo Cauca and the Magdalena Medio; resilience in the face of paramilitary violence in the Magdalena Medio; the victimization of the Industrial University of Santander; the responsibility of Ecopetrol in the context of the armed conflict; and the impact of enforced disappearances in the Magdalena Medio. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR No. 161 of 2022. 19 May 2022, para. 51.

264. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR No. 161 of 2022. Op. Cit., para. 54.



↑  Official submission of report to the Special Jurisdiction for Peace © CREDHOS

of the Special Jurisdiction for Peace.²⁶⁵ In general, the strategic focus of CREDHOS' engagement with this institution is to prevent impunity for crimes committed by the former FARC-EP and by members of the security forces, other state agents or in association with paramilitary groups and civilian third parties.²⁶⁶

In an interview with a delegation from Amnesty International in May 2023, members of CREDHOS stated that their involvement with the Special Jurisdiction for Peace was the cause of some of the risks, threats and attacks they faced, especially immediately after the filing of reports on crimes committed in the Magdalena Medio region. The team within the Investigation and Prosecution Unit of the Special Jurisdiction for Peace responsible for the identification and timely warning of risks and threats agreed with this assessment in 2022 and considered that, although the situation of risk for CREDHOS predates its involvement in this transitional system, the level of risk has increased due to its accompaniment and legal representation of victims, as well as its efforts to bring new cases to trial. This is reflected in the veto issued by FARC-EP dissidents against members of CREDHOS in Bajo Cauca, Northeast Antioquia and Sur de Bolívar in 2019, the surveillance of a CREDHOS team by members of the ELN in the same year, the ban on entering rural areas of Simití issued by the AGC against a CREDHOS team in 2021, and the designation of one of the organization's members as a military target in 2022.²⁶⁷

Since its creation, CREDHOS has also been actively involved in accompanying the families of victims of enforced disappearances, documenting their cases and searching for their loved ones.²⁶⁸ As of 2016, CREDHOS expanded this line of work and formally set up a team to search for missing persons. Search activities entail risks for the individuals who are part of the teams, especially when working in the field. In these circumstances, the presence of armed actors in the Magdalena Medio and the limited accessibility and lack of an unarmed institutional presence in the areas where the teams work often place them in a position of vulnerability that extends to the families and communities searching for their loved ones. As part of this activity, CREDHOS has submitted reports to the Colombian search authorities²⁶⁹ and participates in the Regional Humanitarian Search Pact in Barrancabermeja and the Magdalena Medio.²⁷⁰

The risks faced by CREDHOS also stem from its work of monitoring and publicly reviewing the law and order situation in the region. Monitoring law and order is at the heart of what CREDHOS is and does. The organization was born out of an effort to create a regional human rights advocacy network working in rural areas to collect data and information

265. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ CDG-08-001 of 2022. Op. Cit., para. 63. El Espectador. Credhos, el costo de defender los derechos humanos en la guerra del Magdalena Medio [Credhos, the cost of defending human rights in the Magdalena Medio war]. 27 November 2022. Available at: <https://www.elespectador.com/colombia-20/jep-y-desaparecidos/credhos-el-costo-de-defender-los-derechos-humanos-en-la-guerra-del-magdalena-medio/>.

266. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., para. 47.

267. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Auto JLR 161 of 2022. Op. Cit., para. 93.

268. Centre for Research and Popular Education. 2004. Noche y Niebla. Caso Tipo No. 3. Banco de Datos de Violencia Política [Night and Fog. Case Study 3. Databank of Political Violence].

269. Enlace Televisión. Credhos entregó informe a la Unidad de búsqueda de personas dadas por desaparecidas [Credhos submits report to the Search Unit for Persons Presumed Disappeared]. 22 July 2021. Available at: <https://www.enlacetelevisión.com/2021/07/22/credhos-entregó-informe-a-la-unidad-de-búsqueda-de-personas-dadas-como-desaparecidas/>.

270. Search Unit for Persons Presumed Disappeared (UBPD). Unidad de Búsqueda lidera Pacto Regional Humanitario por la búsqueda de más de 2.500 personas en Barrancabermeja y la región [Search Unit leads Regional Humanitarian Pact in the search for over 2,500 people in Barrancabermeja and the region]. 10 December 2021. Available at: <https://ubpdbusquedadesaparecidos.co/actualidad/pacto-regional-busqueda-barrancabermeja-2021/>.

to document the situation in the region.²⁷¹ The CREDHOS Observatory for Human Rights, Peace and the Environment currently publishes newsletters reporting on the state of the armed conflict and sociopolitical violence in the region.²⁷² As this work includes references to the activities of the different state and non-state armed groups in the region, it places them in a position of vulnerability. In an interview with an Amnesty International delegation in May 2023, members of CREDHOS explained that their monitoring and reporting work was key to the context of risk they faced at the time.

In the course of its human rights work, CREDHOS has been the target of attacks by various armed groups and the Colombian state itself. In their own words:²⁷³

“Through a complex and organized apparatus of power, in which military forces, public officials and paramilitaries converged, the state designed and implemented a strategy to victimize human rights defenders by means of threats, torture, extrajudicial executions, enforced disappearances, forced displacement, exile, prosecutions and stigmatization campaigns.”

Indeed, CREDHOS has been recognized by the UARIV as a collective victim of the internal armed conflict, and by the Ombudsperson’s Office in 2022 as a “population at risk” in its Early Warning 027-2022 on the situation in Barrancabermeja, Puerto Wilches, Simacota and Yondó.²⁷⁴

The history of attacks against CREDHOS is not recent, but the cycles of violence are constantly renewed. In fact, the organization has divided the violence it has experienced since its creation into four periods: 1) 1987-1994, creation of the organization and first phase of victimization; 2) 1995-1999, expansion of the paramilitary project and stigmatization of human rights defenders; 3) 2000-2005, paramilitary takeover of Barrancabermeja; and 4) 2006-2016, consolidation of threats and harassment to attack the organization.²⁷⁵

Exploring the history of victimization of CREDHOS is painful, both because of the nature and the scale of the human rights violations committed against it. Some examples from the early years of its work are telling. In 1991, a few years after the organization was created, Álvaro Bustos and José Humberto Hernández, members of CREDHOS and of other political and social organizations, were murdered.²⁷⁶ In 1992, Blanca Valero, secretary of CREDHOS, was murdered,²⁷⁷ This was followed by the murders of Ismael Jaimes, Julio César Berrío and Ligia Patricia Cortez in the same year.²⁷⁸ By 1993 five of its most prominent members had been forced into exile to protect their lives.²⁷⁹

Yet CREDHOS has continued its work and has grown stronger amid the wave of violence generated by the armed conflict, the increase in paramilitarism, and the stigmatization of the social movement in Barrancabermeja. The attacks and the context have changed, but the risks for CREDHOS in its defence of human rights have remained over the years. In fact, in 2000, the Inter-American Commission on Human Rights issued precautionary measures to protect the life and physical integrity of its directors and staff, after copies of a message of condolences signed by the United

271. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos [The social origins of human rights]. Op. Cit., p. 220.

272. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Auto JLR 161 of 2022. Op. Cit., para. 50.

273. Regional Corporation for the Defence of Human Rights. 2018. Hoy como ayer: Informe sobre victimización a personas defensoras de derechos humanos de la región del Magdalena Medio en el marco del conflicto armado (1987-2016) [Then and now: Report on the victimization of human rights defenders in the Magdalena Medio region in the context of the armed conflict (1987-2016)]. Barrancabermeja: CREDHOS, p. 11. Cited in: Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ CDG-08-001 of 2022. Op. Cit., para. 59.

274. Ombudsperson’s Office. 2022. Alerta Temprana No. 027-2022. Op. Cit., p. 4.

275. Regional Corporation for the Defence of Human Rights. 2018. Hoy como ayer: Informe sobre victimización a personas defensoras de derechos humanos de la región del Magdalena Medio en el marco del conflicto armado (1987-2016) [Then and now: Report on the victimization of human rights defenders in the Magdalena Medio region in the context of the armed conflict (1987-2016)]. Barrancabermeja: CREDHOS, p. 29-30. Cited in: Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ CDG-08-001 of 2022. Op. Cit., para. 58.

276. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos humanos [The social origins of human rights]. Op. Cit., p. 257.

277. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos humanos [The social origins of human rights]. Op. Cit., p. 259.

278. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos humanos [The social origins of human rights]. Op. Cit., p. 261-262.

279. Van Isschot, L. 2020. Orígenes sociales de los derechos humanos humanos [The social origins of human rights]. Op. Cit., p. 256.

Self-Defence Forces of Colombia was found at a training course held in Barrancabermeja.²⁸⁰ In 2016, CREDHOS submitted information to the Special Jurisdiction for Peace on the attacks and victimization of more than 80 human rights defenders associated with the organization, including 16 cases of extrajudicial execution and 10 cases of forced displacement.²⁸¹

In 2015, CREDHOS applied for recognition as a subject of collective reparation, based on the serious human rights violations it had experienced in the context of the armed conflict. The attacks sustained as an organization and those suffered by its members were recognized in 2016 by the Special Administrative Unit for Comprehensive Attention and Reparation to Victims (UARIV). CREDHOS was recognized as a subject of collective reparation, and this set in motion the implementation of the collective reparation plan.²⁸²

CREDHOS notes that, at least since 2021, the organization, its members and its work teams have been the victims of attacks and threats by various armed groups with a presence in the region, in particular the AGC. In fact, these groups have publicly and repeatedly stated that CREDHOS is a “military target”.

Threats against CREDHOS have materialized in different ways. One of the most serious incidents was the murder of Filadelfo Anzola, a member of the CREDHOS Municipal Human Rights Committee of San Pablo (Bolívar) on 6 December 2022.²⁸³ Filadelfo was also the president of the Comenfalco neighbourhood community action group, a leader for land restitution in the Los Alpes community, and a candidate for the San Pablo (Bolívar) Municipal Council in 2015. CREDHOS publicly attributed the murder of Filadelfo Anzola to the AGC.²⁸⁴

Months later, in April 2023, the National Police deactivated an explosive device left in the Camilo Torres Restrepo park in Barrancabermeja, about five metres from CREDHOS’ offices, which at the time was attributed to the ELN.²⁸⁵ Just one day later, the CREDHOS legal team took part in a police proceeding, having been invited by the authorities and one of the parties to the dispute. At the end of the first part of the proceeding, the delegation including the CREDHOS legal team was attacked by a group of people. The National Police intervened and found that the group was carrying firearms, presumably without the mandatory licence; as a result, they were arrested and the weapons seized.²⁸⁶

CREDHOS has also been publicly stigmatized and threatened at different times in the recent past by armed groups operating in the region. For example, on 27 October 2022, a video appeared on social media showing a group of heavily armed individuals calling themselves “Bandas Criminales de Barrancabermeja” (Criminal Gangs of Barrancabermeja). They accused CREDHOS of having pacts or agreements with armed groups and called on the people of Barrancabermeja to “refrain from maintaining links with these persons or organizations in order to avoid being declared military targets in all the neighbourhoods”.²⁸⁷ CREDHOS publicly denounced this incident, which took place just a few days after an intervention in the Congress of the Republic, where the organization presented its analysis of the human rights situation in the Magdalena Medio, the launch of the Humanitarian Roundtable of the Magdalena Medio, and a public complaint made the day before.²⁸⁸ In the statement, CREDHOS repeated other complaints it had made relating

280. Inter-American Commission on Human Rights. Precautionary Measure 134-00. 15 September 2000. The measures were partially lifted in 2016.

281. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ CDG-08-001 of 2022. Op. Cit., para. 44.

282. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., para. 49.

283. Blu Radio. Asesinan a líder social Filadelfo Anzola Padilla en el sur de Bolívar [Social leader Filadelfo Anzola Padilla murdered in Sur de Bolívar]. 7 December 2022. Available at: <https://www.bluradio.com/blu360/santanderes/asesinado-el-lider-social-filadelfo-anzola-padilla-en-el-sur-de-bolivar-rg10>.

284. Regional Corporation for the Defence of Human Rights. ¡Asesinado defensor de los derechos humanos de la Corporación CREDHOS en el municipio de San Pablo, Sur de Bolívar! [Human rights defender from CREDHOS murdered in the municipality of San Pablo, Sur de Bolívar!]. 6 December 2022.

285. Blu Radio. Hallan artefacto explosivo cerca de sedes de la Personería y de la ONG Credhos en Barrancabermeja [Explosive device found near the offices of the Ombudsperson’s Office and the NGO Credhos in Barrancabermeja]. 10 April 2023. Available at: <https://www.bluradio.com/blu360/santanderes/hallan-artefacto-explosivo-cerca-de-sedes-de-la-personeria-y-de-la-ong-credhos-en-barrancabermeja-rg10>. Regional Corporation for the Defence of Human Rights. 2023. Comunicado público. ¡Denunciamos la instalación de artefacto explosivo frente a sede de la Corporación CREDHOS! [Public statement: We denounce the planting of an explosive device outside the offices of CREDHOS!] Available at: <http://credhos.org/documents/comunicados/COMUNICADO-P%C3%9ABLICO-10-04-23.pdf>.

286. Regional Corporation for the Defence of Human Rights. Acción urgente por la vida, integridad, seguridad y permanencia en el territorio de defensores/as de DDHH pertenecientes a la Corporación CREDHOS [Urgent action for life, physical integrity, security and permanence in the territory of human rights defenders from CREDHOS]. 14 April 2023.

287. Canal Telepetróleo. #EdiciónDigital ALARMA POR VIDEO DE “BACRIMIN” BANDAS CRIMINALES DE BARRANCABERMEJA [#DigitalEdition ALARM OVER VIDEO OF “BACRIMIN” BARRANCABERMEJA CRIMINAL BANDS]. 28 October 2022. Available at: <https://www.facebook.com/watch/?v=1380056875732136>.

288. Regional Corporation for the Defence of Human Rights. Acción urgente por la vida, integridad y seguridad de las y los integrantes de la Corporación CREDHOS [Urgent action for life, physical integrity and security of members of the CREDHOS organization]. 28 October 2022.

to threats against its members by armed groups such as the AGC, which have targeted both the organization and some of its most prominent members.²⁸⁹

These types of threats were repeated in 2023. On 27 January, another post appeared on social media, signed by the AGC, announcing that it was declaring CREDHOS and other organizations present in the Magdalena Medio a military target for “interfering in the affairs of our organization”.²⁹⁰

The continuum of threats and attacks against CREDHOS has evolved over time but has not stopped. Despite protection and self-protection measures, the structural causes of violence remain and change as the armed conflict in Barrancabermeja and the Magdalena Medio evolves. The resilience of CREDHOS and its ability to navigate the regional and local context has allowed it to resist and grow in the face of adversity, but state action, when not directly involved in the violence or obstructing the work of CREDHOS, has been insufficient to protect it. In 2022, for example, the Special Jurisdiction for Peace stated that “... the members of the CREDHOS organization face risks that warrant the adoption of necessary and urgent measures for the protection of life and physical integrity”.²⁹¹ In addition, the same court noted that the Colombian state was aware of the existence of “plans to attack members of the [CREDHOS] organization”, based on information received from intelligence agencies”.²⁹²

4.4 STATE RESPONSE TO THE ATTACKS IN THE MAGDALENA MEDIO

Colombia has extensive legislation and a relatively strong institutional framework for the protection of human rights defenders. This was already documented by Amnesty International in its report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia* and remains the case three years after its publication. However, when analyzed on a detailed case-by-case basis, state intervention has shown a tendency to be weak, ineffective and lacking in interinstitutional cooperation. In an interview with Amnesty International, Ivan Madero, director of CREDHOS, explained that “... the state does act in certain cases, but there is a lack of effectiveness in addressing the structural causes of the problem”.

In the cases of FEDEPESAN and CREDHOS, Amnesty International has found the following:

4.4.1 ON THE IMPLEMENTATION OF THE EMERGENCY PLAN FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS, SOCIAL LEADERS AND PEACE SIGNATORIES

Implementation of the emergency plan launched by the national government in the second half of 2022 involved the opening of several Unified Command Posts for Life in Barrancabermeja – three according to information provided to Amnesty International by the Ministry of the Interior in July 2023²⁹³ –, established after the Ombudsperson’s Office had warned of an increase in attacks against human rights defenders in the Magdalena Medio. CREDHOS told Amnesty International during a telephone interview in June 2023 that it believed that the implementation of the Unified Command Posts for Life had had neither a positive nor a negative impact on the situation of risk and threat to human rights defenders in the city or the region. In other words, for CREDHOS, the general context of risks and threats remained largely unchanged after these events. There may be several reasons for this, in line with those that explain the lack of impact of the Unified Command Posts for Life strategy, namely the lack of a preventive approach on the part of the local authorities, the limitations within the national government to offer continuous support on the ground, and the lack of trust between authorities and civil society.²⁹⁴

289. Regional Corporation for the Defence of Human Rights. *Acción urgente por la vida, integridad y seguridad de las y los integrantes de la Corporación CREDHOS* [Urgent action for life, physical integrity and security of members of the CREDHOS organization]. Op. Cit.

290. Regional Corporation for the Defence of Human Rights. *Acción urgente por la vida, integridad, seguridad y permanencia en el territorio de lideresas – líderes sociales, defensoras – defensores de DDHH y el territorio en la región del Magdalena Medio* [Urgent action for life, physical integrity, security and permanence in the territory of social leaders and human rights and territory defenders in the Magdalena Medio region]. 30 January 2023.

291. Special Jurisdiction for Peace. *Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts*. Writ JLR. 161 of 2022. Op. Cit., para. 98.

292. Special Jurisdiction for Peace. *Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts*. Writ JLR. 161 of 2022. Op. Cit., para. 105.

293. According to the Ministry of the Interior, the Unified Command Posts for Life in Barrancabermeja took place on 12 September, 11 November and 12 December 2022. See: Ministry of the Interior. Human Rights Directorate. *Response to request for information submitted by Amnesty International*. July 2023.

294. UN. Human Rights Council. *Situation of Human Rights in Colombia*. Report of the United Nations High Commissioner for Human Rights. 27 February 2023. Op. Cit., par. 67.

4.4.2 ON THE COLLECTIVE PROTECTION OF FEDEPESAN AND CREDHOS PURSUANT TO DECREE 660 OF 2018

According to information provided by the Ministry of the Interior in 2022, Decree 660 of 2018 had not been applied in the case of FEDEPESAN. CREDHOS, which assists FEDEPESAN with this and other applications, also informed Amnesty International that it had not received a reply as of the closing date of this report. CREDHOS itself had also applied to join the collective protection programme provided under Decree 660 of 2018. As of the closing date of this report, it had not received any official information from the Ministry of the Interior on the progress of this application.

4.4.3 ON INDIVIDUAL AND COLLECTIVE PROTECTION THROUGH MATERIAL MEASURES FOR FEDEPESAN Y CREDHOS

In the case of FEDEPESAN, the UNP has acted to put in place material individual protection measures. These measures have served to protect the life and physical integrity of Yuly Velásquez in the face of attacks of the utmost gravity against her.

In the case of CREDHOS, some members have been granted material individual protection measures by the UNP, although some of these, in particular vehicles, break down frequently and put human rights defenders at risk. In addition, Amnesty International heard of one case where the UNP had officially granted protection measures to a member of CREDHOS, but more than seven months later these had still not been implemented. CREDHOS has also requested collective protection measures from the UNP.²⁹⁵ At the time of closing of this report, no decision had yet been taken on whether or not such measures should be granted, although more than six months had elapsed since the formal request was submitted.

Furthermore, regarding the precautionary measures granted to CREDHOS by the Inter-American Commission on Human Rights, the Ministry of the Interior carried out “security adaptations at the organization’s offices in the city of Barrancabermeja,”²⁹⁶ and the National Police declared before the Special Jurisdiction for Peace that it was carrying out surveillance and patrols around the CREDHOS offices and the homes of board members.²⁹⁷ Lastly, the Special Jurisdiction for Peace granted CREDHOS precautionary protection measures due to the risk associated with its involvement in the transitional criminal justice system. However, as of the closing date of this report, and more than a year after the decision was issued, CREDHOS informed Amnesty International that no precautionary measures had yet been implemented.

4.4.4 ON THE FUNCTIONING OF THE EARLY WARNING SYSTEM IN THE MAGDALENA MEDIO

The Ombudsperson’s Office issued Early Warning 027 of 2022 on the situation in Santander and Antioquia, noting the persistence of threats against social, environmental and community leaders and human rights defenders, as well as intimidation of the civilian population. The Ombudsperson’s Office found that there was a high level of risk for communities and leaders in the municipalities of Barrancabermeja, Simacota and Puerto Wilches in Santander, and Yondó in Antioquia. At the closing date of this research, no follow-up report was available, and it was therefore not possible to determine what actions had been taken by the authorities responsible for implementation.

4.4.5 ON THE CRIMINAL INVESTIGATIONS INTO THE ATTACKS AND THREATS AGAINST FEDEPESAN AND CREDHOS

The Attorney General’s Office has opened an investigation into the attacks against members of FEDEPESAN. However, as of the closing date of this report, the legal team assisting the organization reported that neither the perpetrators nor those ordering the attacks had been identified. In an interview with Amnesty International in 2022, officials from the Attorney General’s Office stated that they were working in accordance with national and international standards for cases such as that of FEDEPESAN, and that the time taken was commensurate with the complexity of the cases.

295. Regional Corporation for the Defence of Human Rights. Solicitud de medidas de protección colectivas para CREDHOS [Request for collective protection measures for CREDHOS]. 21 December 2022.

296. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., para. 107.

297. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., para. 136.

They added that the situation in the Magdalena Medio is difficult because it is a region made up of municipalities from different departments, which complicates the work of the Attorney General's Office.

In the case of CREDHOS, in 2021 the First Prosecutor's Office of the Support Structure for the Magdalena Medio Branch informed the Special Jurisdiction for Peace that, with only one prosecutor in place, it had "an active workload of 2,035 cases, of which 1,256 were threats and 779 were homicides, corresponding to crimes against human rights defenders and threats against any person, for which it had only one police officer working on the criminal investigation of the cases involving human rights defenders, with another criminal investigation officer working with at least four other prosecutors in the case of threats"²⁹⁸. For this reason, the Special Jurisdiction for Peace urged the Attorney General's Office to assign the investigations into attacks and threats against CREDHOS members to a prosecutor's office with the necessary resources to carry out the investigations.²⁹⁹ CREDHOS backed this request in October 2022.³⁰⁰

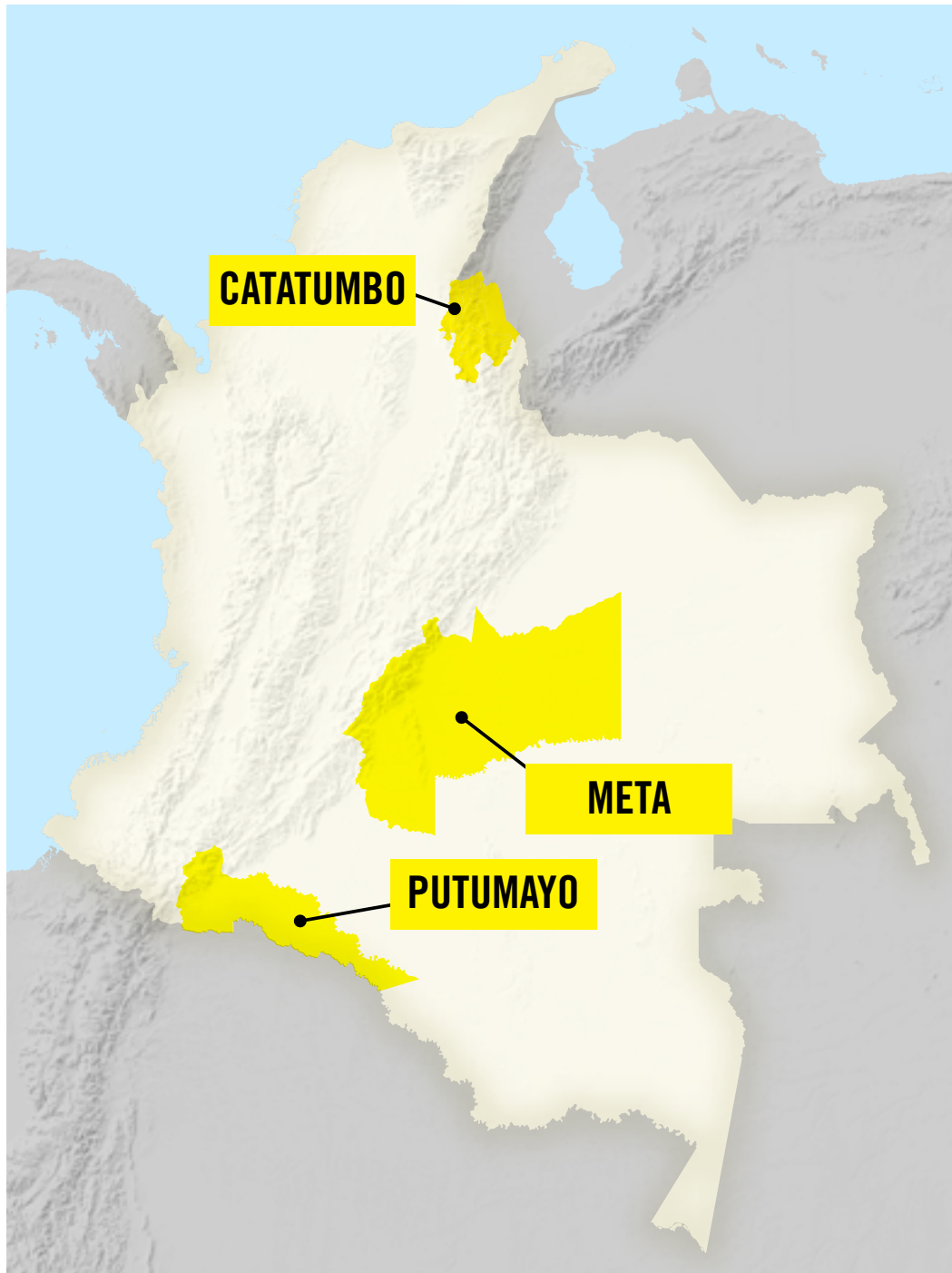
Despite the above, at the closing date of this report the Attorney General's Office had not provided CREDHOS with any information on the progress of the investigations into the cases of attacks and threats reported by the organization. Instead, CREDHOS has been able to establish that there are discussions within the Attorney General's Office as to which unit should carry out the investigations. This is hindering progress, rather than helping it. CREDHOS informed Amnesty International that this dispute is between the Special Investigation Unit (UEI) and the Working Group on Threats.

298. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., p. 6.

299. Special Jurisdiction for Peace. Judicial panel for the Acknowledgement of Truth, Responsibility and Determination of Facts and Conducts. Writ JLR 161 of 2022. Op. Cit., para. 127.

300. Regional Corporation for the Defence of Human Rights. Acción urgente por la vida, integridad y seguridad de las y los integrantes de la Corporación CREDHOS [Urgent action for life, physical integrity and security of members of the CREDHOS organization]. Op. Cit.

5. ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN CATATUMBO, META AND PUTUMAYO



5.1 ON THE SITUATION OF THE CATATUMBO SOCIAL INTEGRATION COMMITTEE (CISCA)

CISCA is a campesino movement working to promote and protect human rights related to the land of farmers living in the region of Catatumbo, in the northeast of Colombia. CISCA and the communities it supports advocate for rights such as the right to food, to employment and to a healthy environment, as well as for their recognition as rightsholders.³⁰¹

Since 2020, Amnesty International has pointed out that CISCA's human rights work is hindered by two major collective risk factors: the high levels of violence in its area of influence, particularly against those in positions of social leadership, and the activities of forced eradication of illicit crops, which are the main source of income in the region. Amnesty International has also recognized that extreme poverty and lack of access to economic and social rights such as health, food and housing create a tense and hostile environment, particularly for social leaders.³⁰² Between 2020 and 2023, the situation changed, especially when the new government took office.

Regarding the situation of violence in Catatumbo, Amnesty International received information about a relative decrease in military action in the region by both state security forces and armed groups by July 2023.³⁰³ However, the long history of militarization and the humanitarian impact of the armed conflict have not allowed for the consolidation of a safe environment for social mobilization and human rights work, especially considering that the actions of armed groups have continued or even intensified in neighbouring areas.

As of July 2023, CISCA had not requested collective protection measures from the Ministry of the Interior, as it considered that the state did not have the necessary tools to draw up plans that would effectively address the structural causes of violence in the area.

“... there is a lack of trust in the state. As long as it continues to promote extractive projects, fails to take proper care of nature, and does not consider campesino farmers as partners in the fight against climate change, a collective protection plan for CISCA and social movements in Colombia cannot be put in place. And while the area is purely militarized, without proper social investment, there will be no safe space for anyone, least of all for human rights defenders.”

María Ciro, member of CISCA, interview with Amnesty International, February 2023

However, the arrival of Gustavo Petro's government did bring about a change in the risk situation for CISCA and other organizations in the region. In interviews with Amnesty International, several people mentioned that the context of stigmatization of the work of human rights defenders in Catatumbo, including CISCA, had decreased in relation to the actions of the national government. Thus, although decades of stigmatization still had social and cultural effects, the change in the approach of the national government began to reverse this trend.

Despite the risks involved in carrying out activities of forced eradication of illicit crops, and despite repeated calls to implement a drug policy with a rights-based approach to ensure that vulnerable communities are not affected, the Colombian state continued with the forced eradication of coca leaf crops in Catatumbo between 2020 and 2022, a course of action that persisted even after the declaration of a national health emergency due to the Covid-19 pandemic. Indeed, in April 2021 Amnesty International issued an urgent action in this regard.³⁰⁴ In response to a request submitted by Amnesty International in May 2023, the Ministry of Justice and Law provided information from the National Defence Ministry detailing the number of hectares of coca leaf eradicated by the

301. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 22.

302. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 21-26.

303. Amnesty International online interview with members of the MINGA association. July 2023.

304. Amnesty International. Colombia: Rural communities and environment at risk. 16 April 2021. Available at: <https://www.amnesty.org/en/documents/amr23/3995/2021/en/>.



↑  María Ciro, member of CISCA © Duncan Tucker/Amnesty International

Colombian security forces between 2017 and 2022 in the municipalities making up the Catatumbo region, as shown in Table 3.³⁰⁵

Table 3. Hectares of coca leaf crops manually eradicated by the security forces in Catatumbo between 2017 and May 2023

Municipality	2017	2018	2019	2020	2021	2022	2023 (May)
Ábrego	3	22	-	45	-	-	-
Convención	241	201	137	610	230	62	-
El Carmen	29	156	260	660	158	8	-
El Tarra	35	128	179	589	394	89	-
Hacarí	33	15	59	324	123	4	-
La Playa	3	24	-	4	-	-	-
Ocaña	31	62	8	8	1	-	-
San Calixto	24	22	148	295	92	-	-
Sardinata	514	311	124	2870	461	322	-
Teorama	59	253	221	641	336	137	-
Tibú	164	290	286	3300	2246	1419	-
Total	1135	1483	1422	9346	4040	2042	-

Some examples of the negative impact of these activities on the life and security of the communities occurred in 2021, when the army carried out forced eradication operations of coca leaf crops in villages in the municipalities of Sardinata, Tibú and Haracá. Two days after mandatory isolation was decreed due to Covid-19, Alejandro Carvajal, a farmer, was killed by a member of the army in the village of Santa Teresita in the municipality of Sardinata during a forced eradication operation.³⁰⁶ The case of Emérito Digno Buendía Martínez, who was in a humanitarian camp with other farmers to demand that the government implement programmes for the voluntary substitution of illicit crops, was similar.³⁰⁷ In both cases, the tensions generated as a result of a militarized intervention in the territory with no consultation seem to have led to an unacceptable escalation of the situation and, ultimately, to violence.

305. Source of Table 3: Ministry of Justice and Law. Oficio MJD-OFI23-0022186-SEA-30330. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to a request for information submitted by Amnesty International]. 23 June 2023.

306. El Espectador. La condena contra el soldado que mató al campesino Alejandro Carvajal en Catatumbo [Sentence handed down to the soldier who killed campesino farmer Alejandro Carvajal in Catatumbo]. 24 February 2023. Available at: <https://www.elespectador.com/colombia-20/conflicto/la-condena-contra-el-soldado-que-mato-al-campesino-alejandra-carvajal-en-catatumbo/>.

307. MINGA. Llamado urgente ante la crítica situación de violencia, DDHH y humanitaria en el Catatumbo y Área Metropolitana de Cúcuta, Norte de Santander [Urgent appeal in view of the critical humanitarian and human rights situation and violence in Catatumbo and the metropolitan area of Cúcuta, in Norte de Santander]. 1 August 2020. Available at: <https://asociacionminga.co/llamado-urgente-ante-la-critica-situacion-de-violencia-ddhh-y-humanitaria-en-el-catatumbo-y-area-metropolitana-de-cucuta-norte-de-santander/>.

In July 2023, Amnesty International received information that operations for the forced eradication of coca leaf in Catatumbo had ceased. In response to a request for information submitted by Amnesty International in May 2023, the National Defence Ministry reported that the eradication of illicit crops was continuing at the time in different parts of the country, in accordance with the Defence, Security and Citizen Coexistence Policy approved by the government of Gustavo Petro. However, this was only the case “for industrial-scale plantations, in areas where communities are unwilling to accept agreements on non-expansion, substitution and conversion of crops, and in areas where such agreements are not being observed”.³⁰⁸ The figures provided by the Ministry of Justice and Law, shown in Table 3, confirm that state security forces have not carried out forced manual eradication of coca leaf in the Catatumbo region since May 2023. Amnesty International verified this information through human rights defenders and organizations in Catatumbo.

The suspension of forced eradication is undoubtedly a necessary first step towards ending the threatening environment created by the drug policies implemented in Colombia over the last decades. There is now an opportunity to move forward with productive conversion processes that will allow communities to transition to other economies in a way that guarantees their economic and social rights. Unfortunately, in July 2023 Amnesty International learned that the national government has not supported its decision to suspend eradication with other measures in a timely and adequate manner.

Firstly, the voluntary crop substitution strategy contained in the AFP, which showed serious flaws in 2020, has only been implemented in the Catatumbo region in the municipalities of Tibú and Sardinata. According to information provided to Amnesty International by the Territorial Renewal Agency’s Directorate for the Substitution of Illicit Crops, by December 2022 a total of 2,696 families in Tibú and 302 in Sardinata had been included in the National Programme for the Substitution of Illicit Crops. Of these, 1,691 already had productive projects in place, and 1,159 hectares of crops had been replaced voluntarily.³⁰⁹ Amnesty International learned that, since the change of government, measures have been taken in the Catatumbo region to strengthen the National Programme for the Substitution of Illicit Crops and fulfil the commitments previously made by the state to affected families. However, in interviews with human rights organizations working in the region, Amnesty International heard complaints about the lack of credibility of the programme, given past instances of non-compliance, and the slow pace of implementation following the change of government.

Meanwhile, in Catatumbo and other regions with economies linked to the coca leaf, a crisis began to unfold that continued up to the closing date of this report. In April 2023, *El País* reported that, for the first time in history, national coca leaf production exceeded global demand for cocaine, creating a situation of oversupply.³¹⁰ This meant that families and communities whose basic livelihoods depended largely on the sale of coca leaf found themselves in a situation of unprecedented social and economic vulnerability. Indeed, Amnesty International received information on the lack of access to basic commodities such as food and healthcare due to a lack of economic resources. *Mutante* and *Connectas* portrayed the hunger caused by the coca crisis in different parts of the country, including Catatumbo.³¹¹ *El País* explained the situation very simply: “first basic prices fell, causing producers to sell at a loss; then, when many expected prices would recover and [therefore] invested in harvesting the crop at the end of the year, demand collapsed. From the beginning of the year [2023], the lack of buyers put the brakes on the collection of coca leaves, the plants were not harvested and the *raspachines* [coca leaf collectors] were left without anyone to hire them”.³¹² In the case of Catatumbo, as CISCA members explained to Amnesty International, the crisis began earlier than in other areas of the country and lasted for more than a year. At the time of closing of this report, the situation had not changed significantly.

The crisis in the sale of coca leaf is the perfect complement to the scenario of opportunities for the conversion of production in the region. Meanwhile, campesino families are growing cocoa and coffee to guarantee a decent income for themselves that will provide food and livelihoods. Although President Petro visited Catatumbo twice in 2022, an institutional response to take advantage of this opportunity and promote conversion does not seem to be forthcoming, and the economic situation is critical. CISCA agrees with this assessment. María Ciro explained to Amnesty International that they have intensified their strategy of searching for productive reconversion, but that unfortunately they are limited by a lack of resources and the slow institutional response in filling the space and guaranteeing a viable alternative that will ensure a dignified life for the campesino community.

308. National Defence Ministry. Oficio RS20230623064816. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to a request for information submitted by Amnesty International]. 23 June 2023.

309. Territorial Renewal Agency. Radicación 20232300050102. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to a request for information submitted by Amnesty International]. 27 June 2023.

310. El País. Crisis cocalera [The coca crisis]. 24 April 2023. Available at: <https://elpais.com/america-colombia/2023-04-24/crisis-cocalera.html>.

311. Mutante and Connectas. Los rostros del hambre tras la crisis de la coca en Colombia [The faces of hunger following the coca crisis in Colombia]. 13 May 2023. Available at: <https://www.connectas.org/especiales/crisis-de-la-coca-en-colombia/>.

312. El País. Crisis cocalera [The coca crisis]. 24 April 2023. Available at: <https://elpais.com/america-colombia/2023-04-24/crisis-cocalera.html>.

Amnesty International requested information from the Colombian state on the implementation of productive conversion programmes in the Catatumbo region. The Territorial Renewal Agency's Directorate for the Substitution of Illicit Crops stated in response that the new government's National Development Plan 2022-2026 establishes the objective of implementing a new alternative model referred to as "substitution of illicit economies" through the productive conversion of coca, cannabis and poppy crops in order to support the areas affected by illicit crops".³¹³ In June 2023, when Amnesty International received this response, the Directorate for the Substitution of Illicit Crops was still in the process of designing the model and its implementation had not yet begun. This coincides with information emerging from Catatumbo, where the crisis was escalating, and the institutional response was slow and uncoordinated. Meanwhile, the social and economic vulnerability of the population in the region is increasing, and the lack of a timely response from the state confirms the communities' perception of state inefficiency.

However, CISCA has observed a change in the new government's attitude towards the campesino population. Not only has stigmatization been reduced, but steps have been taken towards the realization of the historical demands of the Colombian campesino community. The most visible of these is the push for constitutional reform to acknowledge, firstly, that campesinos are rightsholders and deserve special protection and, secondly, that campesino communities have a special relationship with the land, based on the process of food production. For CISCA, this reform, which was approved in the debate held by the Congress of the Republic on 13 June 2023³¹⁴ and is included in Legislative Act 01 of 2023, is an important tool for their collective protection, as it could open up spaces to facilitate access to land for campesino farmers and guarantee the rights associated with the land, such as housing and food. CISCA is awaiting the regulations of the reform and, in the meantime, is continuing its mobilization and human rights activities.

In this new context, the situation of risk for CISCA, María Ciro, other members of the organization and the communities necessarily involves the recognition of the general impact of the drug policy implemented by the Colombian state. First, it is particularly worrying that in the years following the publication of the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, the forced eradication of illicit crops has continued, even during the Covid-19 pandemic. New developments regarding a change in policy by the new government and the effective suspension of operations in Catatumbo in 2023 are undoubtedly good news. Second, the lack of a timely, integrated and holistic government response to fill the vacuum left by the coca crisis is worrying and was still the case in July 2023. Although the Colombian government informed Amnesty International that it was making progress in designing a new alternative model to promote productive conversion, the fact is that at the cut-off date of this report it was not possible to verify any real impact of state intervention in this regard, and the crisis was having serious negative consequences in terms of access to food, healthcare, housing and other economic and social rights.

The deterioration in the living conditions of individuals and communities, together with violence that, although reduced, still continues, creates spaces that are not conducive to the defence of human rights. Accordingly, and following on from the recommendations made in 2020, Amnesty International calls on the Colombian authorities to:

- Urgently take adequate measures to guarantee the rights of rural communities, especially those related to health, water and food. This requires a coordinated institutional response that goes beyond a military presence in the territories and focuses on compliance with the provisions of the AFP.
- Implement, in coordination with CISCA and other campesino organizations working in the territory, programmes for productive conversion and a return to the campesino economy, as well as for the regulation of a legal market for coca leaf, to ensure decent and autonomous livelihoods for campesino communities.
- Implement programmes for improvement of road infrastructure in the region, with the aim of strengthening the presence of campesino farmers in the region and facilitating the transition to a viable campesino economy that guarantees the autonomy of the communities.
- Take concerted measures to guarantee the security of the people and communities living in the Catatumbo region in the face of possible incursions and the strengthening of armed groups in the territory and surrounding areas.

313. Territorial Renewal Agency. Radicación 20232300050102. Respuesta a solicitud de información remitida por Amnistía Internacional [Reply to a request for information submitted by Amnesty International]. 27 June 2023.

314. El Espectador. Campesinado como sujeto político de derechos aprobado en último debate en Congreso [Campesinos as political rightsholders approved in the last debate in Congress]. 13 June 2023. Available at: <https://www.elespectador.com/politica/campesinado-como-sujeto-politico-de-derechos-fue-aprobado-en-ultimo-debate-en-congreso/>.

5.2 ON THE SITUATION OF THE KUBEO-SIKUANI ANCESTRAL INDIGENOUS SETTLEMENT (ASEIMPOME)

The Ancestral Indigenous Settlement of ASEIMPOME, located in the El Porvenir *inspección* [hamlet] of the municipality of Puerto Gaitán, in the department of Meta, is made up of several families divided into three communities. In 2022, the National Land Registry recorded a census of 54 families and a total of 226 individuals as members of the indigenous community of ASEIMPOME.³¹⁵ These families currently live on their ancestral land, having returned in 2015 after being forcibly displaced more than thirty years previously. Since their return, ASEIMPOME and its traditional leaders have been advocating for the recognition of their right to the land and their ancestral territory.³¹⁶

Since 2020, Amnesty International has highlighted that the lack of legal security of tenure over their ancestral territory is one of the structural causes of the context of risk and the threats and attacks to which the community has been subjected over the years. Harassment by unidentified individuals allegedly working for those claiming ownership of the land has been persistent, and in some cases has included the burning of the homes of community members. Although security of tenure over the land has improved for the community between 2022 and 2023, the context of risk and attacks continues. In an interview with an Amnesty International delegation in September 2023, representatives of ASEIMPOME stated that their main concern is currently to ensure the physical integrity and security of the community and its members. In the face of attacks, threats and incursions by people from outside the territory, as well as the worsening security situation in the surrounding areas, ASEIMPOME calls for more and improved measures from the state authorities, in coordination with their own governance mechanisms and traditional authorities.

Between 2020 and 2023, Amnesty International has documented the persistence of violence against human rights defenders and the ASEIMPOME community, particularly due to continued encroachment on their territory and the threat of eviction by those who claim ownership of the land. The lack of protection of the right to territory is directly linked to the increase in collective risk. By failing to provide such protection, despite the submission of complaints and requests, Colombia is in breach of its obligation to guarantee effective protection to the ASEIMPOME community.

On 23 November 2020, Luis Fernando Chipiaje and Ferney Moncada, members of the Sikuaní ethnic group, were approached by four armed men in civilian clothing while they were working within the ASEIMPOME settlement, in the village of El Porvenir, on the banks of the Meta River. According to Luis Fernando and Ferney, the men, who were not from the area, accused them of being on private land belonging to their “boss”, a “very bad-tempered” drug lord who had received property titles from the INCODER [Colombian Institute for Rural Development]. Luis Fernando and Ferney replied that the community was in the process of creating a reserve and that they had protection over this ancestral territory. The men immediately left and fired shots in the air about 100 metres from where Luis Fernando and Ferney were standing. On the following day, the community, accompanied by police officers from El Porvenir and members of the army, found that their crops had been torched.³¹⁷

On 9 July 2021, the Norman Pérez Bello Claretian organization was informed by the community of El Porvenir that the police post located near the indigenous community was going to be “dismantled”. This implied a clear risk of lack of protection for the community and its members. In an interview with an Amnesty International delegation in September 2023, members of the indigenous community of ASEIMPOME pointed to the absence of a nearby police post as one of the fundamental shortcomings in the state’s efforts to guarantee security in the area, and thus their rights. In general, the community told Amnesty International that they do not have effective communication with Colombian security forces to coordinate the defence of their ancestral territory, both because of the lack of institutional presence and because limited access to telecommunications networks in the area.

On 17 January 2022, the body of Luz Marina Arteaga Henao, a campesino leader from the village of Matarratón, was found on the banks of the Meta River, following her disappearance on 12 January. Luz Marina was a leader of the lands adjacent to those of ASEIMPOME and was in regular contact with the indigenous council of ASEIMPOME because of her leadership role.³¹⁸


315. Ministry of the Interior. Directorate for Indigenous, Roma and Minority Affairs. Radicado 2023-2-002105-006279. 1 March 2023, p. 12.

316. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 27-28.

317. Norman Pérez Bello Claretian Organization. Acción urgente no. 53 Grupo armado de encapuchados incendió vivienda Indígena, amenazó a sabio y la comunidad Indígena del Provenir (Puerto Gaitán, Meta) [Urgent Action 53. Armed group of hooded men set fire to indigenous home, threaten elder and the indigenous community of El Porvenir (Puerto Gaitán, Meta)]. 31 March 2023. Available at: <https://corporacionclaretiana.org/2023/03/31/accion-urgente-no-53/>.

318. Norman Pérez Bello Claretian Organization. Asesinada la lideresa Luz Marina Arteaga Henao. Médica, reclamante de tierras y defensora de



↑  Members of the indigenous guard of ASEIMPOME © ASEIMPOME

“Security should be for everyone.”

Member of the indigenous community of ASEIMPOME, interview with Amnesty International, September 2023

In February 2023, the Norman Pérez Bello Claretian organization, which supports the ASEIMPOME community, reported “... the recurring presence of armed men in the savannas of the community, and areas occupied by third parties not belonging to the communities”.³¹⁹ The organization stated that it had received information about the presence of “... armed men, dressed in civilian clothes and sometimes with balaclavas covering their faces”.³²⁰ Just one day after this report was published, the ASEIMPOME community suffered “... forcible entry, intimidation, threats and harassment by members of the army...”.³²¹ According to accounts from the community and the Norman Pérez Bello Claretian organization, on 8 February 2023 a captain and indigenous guard from the settlement was stopped by a group of army soldiers, who then entered one of the neighbouring houses without a warrant and, after verbally intimidating [the residents] and pointing their weapons at them, left the area.³²²

In March 2023, the community was again attacked on two occasions. In the first, a resident of the settlement was stopped on his way back to the community by six heavily armed individuals who claimed they were there to “socially cleanse” the leaders and residents of the area.³²³ On the second occasion, a group of hooded individuals entered one of the communities of the ASEIMPOME settlement and set fire to the home of a community member. A woman

derechos humanos y ambientales del municipio de Puerto Gaitán, departamento del Meta (Colombia) [Murder of leader Luz Marina Arteaga Henao. Doctor, land claimant and human and environmental rights defender from the municipality of Puerto Gaitán, department of Meta (Colombia)]. 20 January 2022. Available at: <https://corporacionclaretiana.org/2022/01/20/asesinada-la-lideresa-luz-marina-arteaga/>. Agencia Prensa Rural. Hallada sin vida la lideresa Luz Marina Arteaga Henao [Leader Luz Marina Arteaga Henao found dead]. 18 January 2022. Available at: <https://prensarural.org/spip/spip.php?article27574>.

319. Norman Pérez Bello Claretian Organization. Presencia de hombres encapuchados, de civil y armados en las sabanas comunitarias del Porvenir Pto. Gaitán Meta [Presence of hooded, armed men wearing civilian clothes in the community savannas of Porvenir Pto. Gaitán Meta]. 8 February 2023. Available at: <https://corporacionclaretiana.org/2023/02/08/presencia-de-hombres-encapuchados-de-civil-y-armados-en-las-sabanas-comunitarias-del-porvenir-pto-gaitan-meta/>.

320. Norman Pérez Bello Claretian Organization. Presencia de hombres encapuchados, de civil y armados en las sabanas comunitarias del Porvenir Pto. Gaitán Meta [Presence of hooded, armed men wearing civilian clothes in the community savannas of Porvenir Pto. Gaitán Meta]. 8 February 2023. Available at: <https://corporacionclaretiana.org/2023/02/08/presencia-de-hombres-encapuchados-de-civil-y-armados-en-las-sabanas-comunitarias-del-porvenir-pto-gaitan-meta/>.

321. Norman Pérez Bello Claretian Organization. Denuncia pública no. 53 Fuerza Pública ingresa violentamente y agrede a la comunidad Indígena de ASEIMPOME, vereda El Porvenir (Puerto Gaitán, Meta) [Public complaint 53 Security forces violently enter and attack the indigenous community of ASEIMPOME, El Porvenir (Puerto Gaitán, Meta)]. 9 February 2023. Available at: <https://corporacionclaretiana.org/2023/02/09/denuncia-publica-no-53/>.

322. Norman Pérez Bello Claretian Organization. Denuncia pública no. 53 Fuerza Pública ingresa violentamente y agrede a la comunidad Indígena de ASEIMPOME, vereda El Porvenir (Puerto Gaitán, Meta) [Public complaint 53 Security forces violently enter and attack the indigenous community of ASEIMPOME, El Porvenir (Puerto Gaitán, Meta)]. 9 February 2023. Available at: <https://corporacionclaretiana.org/2023/02/09/denuncia-publica-no-53/>.

323. Norman Pérez Bello Claretian Organization. ¡Alerta temprana! Acción urgente no. 52 Grupo armado al margen de la ley amenaza e intimida a la comunidad Indígena de ASEIMPOME, vereda El Porvenir (Puerto Gaitán, Meta) [Early warning! Urgent action 52 Illegal armed group threatens and intimidates the indigenous community of ASEIMPOME, El Porvenir (Puerto Gaitán, Meta)]. 30 March 2023.

who was in the house managed to get out but could not prevent it from being burnt to the ground.³²⁴ On that same day, according to the report filed by the community, two unidentified persons entered the area to enquire as to the whereabouts and the home of the community elder and historical leader, who has suffered regular persecution and intimidation in recent years.³²⁵

The Norman Pérez Bello Claretian organization submitted a request for collective protection measures in favour of ASEIMPOME to the UNP. However, in July 2023, the organization informed Amnesty International that the Ministry of the Interior had neither implemented a collective protection plan for the community, nor visited the area to carry out a risk assessment, and that the UNP had also failed to make progress in implementing protection measures.

One of the structural causes of violence against human rights defenders and the ASEIMPOME community identified by Amnesty International in 2020 was the lack of legal security regarding property rights over their ancestral territory. Since their return in 2015, the ASEIMPOME communities, through their indigenous authorities and with the support of the Norman Pérez Bello Claretian organization, have initiated the processes for the protection of ancestral territories established by Decree 2333 of 2014, and for the constitution of an indigenous reserve established by Decree 1071 of 2015. A successful resolution of both processes could reduce the risk faced by the indigenous community of ASEIMPOME.

In April 2021, the Norman Pérez Bello Claretian organization applied for registration of the indigenous community of ASEIMPOME with the Ministry of the Interior's Directorate for Indigenous, Roma and Minority Affairs, with the aim of guaranteeing their rights and preventing further harm. At the time of closing of this report the process had exceeded its statutory timeframe. In August 2021, the Ministry of the Interior informed Amnesty International that the application did not appear in the institution's information system. Despite this, in March 2023 the Director for Indigenous, Roma and Minority Affairs at the Ministry of the Interior issued a prior favourable opinion on the constitution of the ASEIMPOME Cokokü Kajönaë Indigenous Reserve in Puerto Gaitán (Meta), in accordance with the provisions of Decree 1071 of 2015.³²⁶ Following on from such opinion, the process of constitution of the reserve should end with an official resolution of constitution, restructuring or extension of the reserve. This document constitutes the property title and must be recorded in the relevant page of the land registry for the reserve to be properly registered.³²⁷ Only then will the Colombian state act to fulfil its obligation to guarantee the territorial rights of the indigenous community of ASEIMPOME. In August 2023, Amnesty International received information on the approval of the resolution constituting the indigenous reserve, but neither the indigenous community of ASEIMPOME nor the Norman Pérez Bello Claretian organization had been officially informed of the decision until the end of that month.

The indigenous community of ASEIMPOME, with the support of the Norman Pérez Bello Claretian organization, has also sought to obtain the restitution of its territorial rights in accordance with Decree 4633 of 2011, which established reparation measures for indigenous peoples for events related to the armed conflict. In February 2023, on the basis of such process, the Second Civil Court of the Specialized Circuit on Land Restitution of Villavicencio (Meta) confirmed the need to immediately adopt measures to protect the collective territorial rights of the community.³²⁸ The court found that "... there is no doubt that it is necessary to mitigate or eliminate the possible causes that affect and/or threaten and/or violate the rights of this indigenous community as a collective rightsholder, and of its members, and the state must act in order to avoid greater harm to the community at risk, which means that the protection of its territory is feasible, urgent and unavoidable".³²⁹ It therefore ordered the adoption of measures by the UNP, the state security forces, various national, departmental and municipal authorities, and the Ombudsperson's Office.

324. Norman Pérez Bello Claretian Organization. Acción urgente no. 53 Grupo armado de encapuchados incendió vivienda Indígena, amenazó a sabio y la comunidad Indígena del Provenir (Puerto Gaitán, Meta) [Urgent Action 53. Armed group of hooded men set fire to indigenous home, threaten elder and the indigenous community of El Porvenir (Puerto Gaitán, Meta)]. 31 March 2023. Available at: <https://corporacionclaretiana.org/2023/03/31/accion-urgente-no-53/>.

325. Norman Pérez Bello Claretian Organization. Acción urgente no. 53 Grupo armado de encapuchados incendió vivienda Indígena, amenazó a sabio y la comunidad Indígena del Provenir (Puerto Gaitán, Meta) [Urgent Action 53. Armed group of hooded men set fire to indigenous home, threaten elder and the indigenous community of El Porvenir (Puerto Gaitán, Meta)]. 31 March 2023. Available at: <https://corporacionclaretiana.org/2023/03/31/accion-urgente-no-53/>.

326. Ministry of the Interior. Directorate for Indigenous, Roma and Minority Affairs. Radicado 2023-2-002105-006279. 1 March 2023.

327. Ministry of the Interior. Directorate for Indigenous, Roma and Minority Affairs. Radicado 2023-2-002105-006279. 1 March 2023, p. 4-5.

328. Second Civil Court of the Specialized Circuit on Land Restitution of Villavicencio. Radicado 50001312100220220003700. Precautionary measure – Restitution of territorial rights of indigenous communities (Decree-Law 4633 of 2011). 2 February 2023.

329. Second Civil Court of the Specialized Circuit on Land Restitution of Villavicencio. Radicado 50001312100220220003700. Precautionary measure – Restitution of territorial rights of indigenous communities (Decree-Law 4633 of 2011). 2 February 2023, p. 15.

In June 2023, the Land Restitution Unit reported that it was at the stage of systematizing and analyzing the information collected during the technical visit conducted by the technical team, in order to prepare the relevant documents for the report on the characterization of the territorial impact and the claim for restitution.³³⁰

The lack of legal security of tenure over the ancestral lands of the indigenous community of ASEIMPOME, added to a general context of risk, threats and attacks by armed groups and others with economic interests in the territory, create hostile spaces for the defence of their human rights. Pursuing an agenda of defending the right to occupy their ancestral territory has meant that the indigenous community of ASEIMPOME and its traditional authorities have had to endure constant intimidation and attacks. In the first months of 2023, Amnesty International has seen positive changes in the national government's approach to the community's situation, particularly from the Ministry of the Interior and the Land Restitution Unit. However, much remains to be done to mitigate or, ideally, eliminate the context of risk. For this reason, and following on from the recommendations made in 2020, Amnesty International calls on the Colombian authorities to:

- Guarantee legal security for the indigenous community of ASEIMPOME regarding ownership of their ancestral territory. This requires that both the process of establishing the indigenous reserve and the process of land restitution proceed without delay.
- Establish a culturally appropriate collective protection plan for the indigenous community of ASEIMPOME and, within this plan, process the individual and collective protection requests that have already been submitted. This plan should include considerations of capacity building for the autonomous defence of the rights of the indigenous community of ASEIMPOME to its territory.
- Establish a mechanism to monitor the security situation of the indigenous community of ASEIMPOME bringing together the Ministry of the Interior, the Ministry of Defence, the Land Restitution Unit, the National Land Registry, the Ombudsperson's Office and the Attorney General's Office in a preventive manner and allowing them to make joint decisions and act collaboratively to provide appropriate responses to the community's situation.

5.3 ON THE SITUATION OF THE ASSOCIATION FOR COMPREHENSIVE SUSTAINABLE DEVELOPMENT OF LA PERLA AMAZÓNICA (ADISPA)

ADISPA is a community organization the aim of which is to manage the Peasant Reserve Zone of La Perla Amazónica, located on the banks of the Putumayo River and several of its tributaries. It is home to more than 700 families. This peasant reserve zone is part of the Amazon plain and is rich in biodiversity and water. Jani Silva, its president and legal representative, has been the victim of constant threats and harassment since at least 2017, when the situation deteriorated to the point that at the end of the year she was forced to leave her home. But the attacks have not stopped.³³¹

In 2020 Amnesty International pointed out that the context of risk surrounding the continued impact on Jani Silva and ADISPA was a consequence of "... the dynamics created by the armed conflict after the signing of the Peace Agreement", as well as the fierce defence of the peasant farmer's reserve zone.³³² ADISPA and the peasant reserve zone are examples of cooperation and collaboration between the campesino community living in the area. As Jani Silva explained to Amnesty International in 2020, previously the peasant movement was not united, and this made them vulnerable to armed violence, lack of access to economic and social rights, and the deterioration of their living conditions.

The situation of armed violence in Putumayo has changed since 2020, albeit with local variations, especially between the northern and southern parts of the department. In general, the Foundation for Peace and Reconciliation noted that 2022 was a particularly violent year in the department of Putumayo for social leaders, and especially for those who were members of community action groups (14 cases of murders).³³³ The Office of the United Nations High Commissioner for Human Rights, similarly reported that "Putumayo was the department with the second highest number of murders


330. Land Restitution Unit (URT). Radicado DTMV2-202302542. 29 de mayo de 2023.

331. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 34-35.

332. Amnesty International. 2020. Why do they want to kill us? Op. Cit., p. 36.

333. Foundation for Peace and Reconciliation. 2023. Silenciando la esperanza [Silencing hope]. Op. Cit., p. 7.



↑  Jani Silva, legal representative of ADISPA © VMLY&R/WHISKY

of human rights defenders in 2022, with 18 cases... Of these, 15 were murders of members of [community action groups]... These murders occurred in the context of disputes over territory and control of enclaves and drug trafficking routes between the Border Commandos (*Comandos de la Frontera*) and the FARC-EP dissident group Carolina Ramírez".³³⁴

Meanwhile, in the first months of 2023, the Foundation for Peace and Reconciliation recorded an 87.5% drop in the number of homicides in Putumayo. An Amnesty International delegation visited Puerto Asís and the peasant reserve zone of La Perla Amazónica in May 2023 and was able to verify that the intensity of armed violence had decreased by then, after a worrying escalation at the end of 2022.³³⁵ However, the situation was one of uneasy calm rather than peace and improved living conditions and security for the people of the region, and in particular for the members of ADISPA and those living in the campesino reserve. As the months went by, the situation deteriorated, and in June 2023 the Inter-Church Justice and Peace Commission (*Comisión Intereclesial de Justicia y Paz*) reported new murders within the territory of the peasant reserve zone of La Perla Amazónica: two on 5 June and one on 11 June.³³⁶ According to information received by Amnesty International, crime rates have also increased in Puerto Asís. At the same time, violence continued in other areas of the department, with constant clashes between armed groups.³³⁷ In fact, following the massacre of four adolescents in May 2023, the national government decided to partially suspend the ceasefire it had reached with the Central General Staff.³³⁸

At the same time, Puerto Asís (and other areas of Putumayo) was living through an economic crisis caused by an oversupply of coca leaf similar to that documented in the case of Catatumbo, although it began later in Putumayo. By July 2023, *El País* reported the collective social and economic impoverishment of at least 400,000 coca-growing families in departments such as Nariño, Putumayo and Norte de Santander.³³⁹ During a visit to Puerto Asís in May 2023, an Amnesty International delegation heard first-hand accounts of the impact of the coca crisis on the families living in the region, as well as of their intentions to move towards legal economies, despite the lack of institutional support for the conversion. The scenario of state action to address the economic crisis, guarantee access of the population to economic and social rights, and seek productive conversion is also similar

334. Office of the United Nations High Commissioner for Human Rights. 2023. Análisis de ONU-Derechos Humanos sobre las tendencias y patrones de violencia en contra de personas defensoras en 2022 [UN Human Rights Analysis of trends and patterns of violence against human rights defenders in 2022]. Op. Cit.

335. *El País*. La violencia en Putumayo, el gran reto de la paz total [Violence in Putumayo, the greatest challenge for total peace]. 23 November 2022. Available at: <https://elpais.com/america-colombia/2022-11-23/la-violencia-en-putumayo-el-gran-reto-de-la-paz-total.html>.

336. Contagio Radio. Preocupa el recrudecimiento de la violencia en Colombia. En Putumayo se registraron dos nuevos asesinatos [Concern around the resurgence of violence in Colombia. Two new murders registered in Putumayo]. 16 June 2023. Available at: <https://www.contagioradio.com/preocupa-el-recrudecimiento-de-la-violencia-en-putumayo-se-registro-un-nuevo-asesinato/>.

337. *El Colombiano*. Puerto Leguízamo: así se vive entre la coca represada y la violencia desatada [Puerto Leguízamo: Living amidst the repression of coca and violence unleashed]. 17 June 2023. Available at: <https://www.elcolombiano.com/colombia/puerto-leguizamo-asi-se-vive-entre-la-coca-represada-y-la-violencia-desatada-DD21772001>.

338. *El País*. El conflicto latente en Putumayo que se esconde tras el asesinato de cuatro adolescentes [The latent conflict behind the murders of four adolescents]. 24 March 2023. Available at: <https://elpais.com/america-colombia/2023-05-24/el-conflicto-latente-en-putumayo-que-se-esconde-tras-el-asesinato-de-cuatro-adolescentes.html>.

339. *El País*. El negocio de la coca colapsa y asfixia a la Colombia rural [The coca trade collapses and strangles rural Colombia]. 22 July 2023. Available at: <https://elpais.com/america-colombia/2023-07-23/el-negocio-de-la-coca-colapsa-y-asfixia-a-la-colombia-rural.html>.

to that of Catatumbo, as the same institutions are responsible for the same functions. Once again, the crisis is an opportunity to advance in the implementation of productive projects that will allow campesino farmers to participate in other markets.

In this context, the work of Jani Silva and ADISPA in the defence of human rights and the right to land, territory and the environment has faced challenges associated with the context of risk, threats and attacks, as well as the economic crisis itself. Between 2020 and 2023, Jani Silva has navigated a hostile landscape for her work, while seeking not only the continuation but also the strengthening of ADISPA and the peasant reserve zone of La Perla Amazónica.

In July 2020, Amnesty International issued an urgent action for the protection of the life and physical integrity of Jani Silva. According to information gathered at the time, the Inter-Church Justice and Peace Commission, an organization that supports Jani and ADISPA, had received confidential information regarding a plot to assassinate Jani.³⁴⁰ Less than a year later, Amnesty International again issued an urgent appeal on Jani Silva's case. Once again, the Inter-Church Justice and Peace Commission received information on a plot being developed to assassinate members of ADISPA, but in this case the community also reported the presence of an armed group in their territory which was threatening them.³⁴¹

February 2021, an armed group publicly ordered the board of directors of the peasant reserve zone of La Perla Amazónica, the women's committees, the environmental committees and ADISPA as a whole to resign from their work in the organization. In the words of the Inter-Church Justice and Peace Commission, "today in the [peasant reserve zone] we are being left only with the law of silence, of submission and exile, and sometimes with the voices of members of [the armed groups] who vent their own realities when they are unable to sleep because in some part of their conscience they are troubled by the injustice they are committing".³⁴² This threat struck at the very heart of ADISPA, and for a considerable period of time hindered its work in defending the territory and the environment. A clear example of this was the almost total dissolution of the women's group during this period. In May 2023, an Amnesty International delegation participated in a meeting of the group, where it was noted that the period after the threat marked a temporary halt in activities; when they resumed, the women began to meet in very small groups. These groups only grew and came closer to what they had been before through perseverance and hard work. Whereas at first the women only met in groups of 7 or 8, by the time Amnesty International visited the area the group had grown to more than 120 members. This in the context of insufficient state support for the implementation of the alternative land use plan for the peasant reserve zone.

In April 2021, only two months after the first threats, the Inter-Church Justice and Peace Commission received information on new death threats against Jani Silva.³⁴³ As time went by, the persistence of the threats and their verification by the organizations that accompanied her forced Jani Silva to leave Puerto Asís in order to mitigate the risk.³⁴⁴ She was eventually able to return to Puerto Asís, but only to the urban area, and not to the peasant reserve. However, in March 2022, she again received news of surveillance against both her and members of the security detail assigned to her by the Colombian state through the UNP.³⁴⁵

In May 2023, after months in which the intensity of the threats had diminished, fear and anxiety returned. At night, while resting at home, Jani Silva noticed two people at the back of the building. They left immediately on realizing they had been spotted. This happened in a general context of increasing urban violence in Puerto Asís and the strengthening of armed groups in the area.³⁴⁶

340. Amnesty International. Colombia: Further information: Protect human rights defender at risk. 8 July 2020. Available at: <https://www.amnesty.org/en/documents/amr23/2665/2020/en/>.

341. Amnesty International. Colombia: Protect Human Rights Organization at Risk: ADISPA. 12 February 2021. Available at: <https://www.amnesty.org/en/documents/amr23/3690/2021/en/>.

342. Inter-Church Justice and Peace Commission. Paramilitares ordenan disolver la Zona de Reserva Campesina Perla Amazónica [Paramilitaries order the dissolution of the peasant reserve zone of La Perla Amazónica]. 10 February 2021. Available at: <https://www.justiciapazcolombia.com/paramilitares-ordenan-disolver-la-zona-de-reserva-campesina-perla-amazonica/>.

343. Inter-Church Justice and Peace Commission. Nuevas amenazas contra la integridad de lideresa Jani Silva [New threats against the physical integrity of leader Jani Silva]. 25 April 2021. Available at: <https://www.justiciapazcolombia.com/nuevas-amenazas-contra-la-integridad-de-lideresa-jani-silva/>.

344. Inter-Church Justice and Peace Commission. Ante plan de asesinato Jani Silva obligada a salir del Putumayo [In the face of an assassination plot, Jani Silva forced to leave Putumayo]. 27 July 2021. Available at: <https://www.justiciapazcolombia.com/ante-plan-de-asesinato-jani-silva-obligada-a-salir-del-putumayo/>.

345. Inter-Church Justice and Peace Commission. Nuevos seguimientos contra lideresa Jani Silva [New instances of surveillance against leader Jani Silva]. 27 March 2022. Disponible en: <https://www.justiciapazcolombia.com/nuevos-seguimientos-contra-lideresa-jani-silva/>.

346. Inter-Church Justice and Peace Commission. Riesgo contra la integridad de lideresa Jani Silva y Hugo Miramar [Risk for the physical integrity of leader Jani Silva and Hugo Miramar]. 15 May 2023. Available at: <https://www.justiciapazcolombia.com/informe-riesgo-contra-la-integridad-de-lideresa-jani-silva-y-hugo-miramar/>.

Since 2020, Amnesty International has verified that the UNP had approved individual protection measures for Jani Silva, which were still in place as of the cut-off date of this report. In addition, between 2020 and 2023, the UNP also approved the adoption of collective protection measures for ADISPA to ensure their safety when moving around Puerto Asís and the peasant reserve zone. During a visit in May 2023, an Amnesty International delegation found that the measures, though still in place, were not fully adequate to the context and needs, in particular due to the frequent breakdown of the vehicles assigned to Jani and ADISPA.

The constant threats and the general context of risk created by the presence of armed groups in the areas where they live make it difficult for Jani Silva and ADISPA to carry out their work in defence of the territory and the environment in the peasant reserve zone of La Perla Amazónica. This is in addition to the consequences of the government's failure to implement the National Programme for the Substitution of Illicit Crops which was created after the signing of the AFP, and the coca-related economic crisis that is affecting entire families of campesino farmers in the region. Although ADISPA has grown stronger in recent years, this has been the result of its own determination rather than of coordinated support from the Colombian state to enable it to defend its territory and the environment. Amnesty International therefore calls on the Colombian authorities to:

- Immediately and permanently correct the shortcomings in the material protection measures assigned to Jani Silva and ADISPA. In particular, ensure that the vehicles used are in optimum condition and appropriate to the context of Puerto Asís and the peasant reserve zone of La Perla Amazónica.
- Take steps to contribute to the implementation of the Alternative Land Use Plan for the Peasant Reserve Zone of La Perla Amazónica, especially with regard to the protection of the environment and the territory.
- Act to guarantee the full presence of the state in Puerto Asís, with civil authorities acting on the principle of maintaining the independence and autonomy of the organizational processes taking place in the area.

6. CONCLUSIONS AND RECOMMENDATIONS

Defenders of land, territory, the environment and human rights in general remain vulnerable to attacks from various actors in Colombia. Moreover, despite the intentions expressed by the government of Gustavo Petro, the Colombian state has not been able to take sufficient measures to address the structural causes of violence and to guarantee a safe space for the exercise of this activity in the country. The Magdalena Medio region is a clear example of this. Several civil society, grassroots, public and international organizations have expressed concern regarding the increase in violence against human rights defenders and social leaders in the area, but the situation has not improved significantly.

An analysis of the general situation shows changes in the behaviour of the national government. In the period between 2020 and July 2022, Amnesty International observed the continuation of highly questioned measures and their lack of concrete results; however, from August 2022, with Gustavo Petro taking over the presidency, it noted the adoption of courses of action that recognized the urgency of the situation and the need for short-, medium- and long-term action. Unfortunately, the emergency measures implemented did not have the desired effect; indeed, violence against human rights defenders continued – and, in some months, actually increased. Meanwhile, as of July 2023, the cut-off date for this report, medium- and long-term measures were still being developed, raising expectations amongst the country's human rights organizations. Against this backdrop, Amnesty International has on several occasions heard a call that it shares: any process for designing or restructuring the Colombian protection model must be carried out within the framework of detailed, open and transparent participatory exercises. The protection of human rights defenders must be designed with and for defenders themselves.

Measures such as the reactivation of the National Commission on Security Guarantees, the effective implementation of Decree 660 of 2018, and the construction of a public policy for the protection of human rights defenders are good first steps for changing course in the face of the Colombian state's historical inability to meet its international obligations in this area. This does not mean, however, that Colombia has done nothing to protect human rights defenders in recent decades. Rather, the analysis carried out by Amnesty International in 2020, and confirmed in this report, shows that the Colombian state has adopted so many norms, created so many institutions and opened so many support routes, that ultimately this bureaucratic web leads to a lack of protection for human rights defenders. Despite this, there are values within the web of institutions and norms that are worth protecting and promoting. For example, the Colombian state has a wealth of experience in adopting and implementing individual protection measures that should be built upon.

Against this backdrop, Amnesty International believes that Colombia is at a historic juncture to not only correct the course of existing protection measures, but also to rethink its approach to the entire model of protection for human rights defenders. Based on a participatory, transparent and public exercise that considers the strengths of existing capacities, a comprehensive analysis of protection needs, and recognition of the potential of collective protection to respond to the crisis of violence against human rights defenders in respect of land, territory and the environment, Colombia can rebuild its protection model. Amnesty International's call is consistent with recent proposals by Colombian human rights organizations and takes a similar view to that expressed by the United Nations Human Rights Committee in its assessment of the situation in Colombia in July 2023, in which it recommended that the Colombian state should “[r]eform the protection framework, including the National Protection Unit, through a participatory process with the aim of establishing a system that prioritizes prevention and collective and community

protection, focuses on the territories with the highest levels of violence and adopts differential, ethnic, gender, feminist and intersectional approaches".³⁴⁷

Regarding the individual cases documented in this report, despite the alerts and the change of government, there does not appear to be any specific plan to assist the human rights defenders being attacked in the Magdalena Medio. While it is true that there are ongoing efforts to end the armed conflicts through dialogue between the state and the different groups, it is important to understand that the risks faced by human rights defenders require immediate attention, rather than medium- or long-term measures. What is needed now, whether or not progress is made in the processes of dialogue, negotiation and accountability before the justice system, are comprehensive measures that recognize and effectively address the multiple risks faced by human rights defenders. Amnesty International has been able to verify that some measures have been implemented to protect human rights defenders under the emergency plan, including the establishment of three Unified Command Posts for Life in Barrancabermeja in 2022. However, the impact of these measures has been minimal, and the situation of risk to human rights defenders in the Magdalena Medio continues.

From the conclusions presented by Amnesty International in previous reports and the review of the institutional measures provided to FEDEPESAN and CREDHOS, it seems clear that the Colombian state is still failing to fulfil its international protection obligations, for the following reasons:

- The protection granted to FEDEPESAN and CREDHOS **is individual, not collective**. This means that, rather than encompassing the group and its context, it is a perspective aimed at specific individuals. Several spaces and platforms have made it clear that protection in these cases must include a collective approach, which is more appropriate and effective. This requires looking at protection from a broader perspective and adopting measures to protect individuals and their territory. Amnesty International nevertheless recognizes the importance of individual protection measures and their impact on the protection of individuals in the face of violent events. However, the fact that measures such as the assignment of protection personnel and armoured vehicles need to be used in specific cases reflects the state's inability to eliminate the structural causes of violence against human rights defenders.
- The protection granted to FEDEPESAN and CREDHOS **is reactive, not preventive**. The tools currently available to FEDEPESAN and CREDHOS for their protection are a consequence of previous attacks and not a reflection of the state's willingness to provide a protection plan with the potential to effectively prevent threats. In fact, there are fears that the material measures put in place may not be able to mitigate existing risks or prevent new threats.
- The protection granted to FEDEPESAN and CREDHOS **is purely material**. The Colombian state's vision of protection for FEDEPESAN and CREDHOS is that such protection is the responsibility of a few institutions, including the UNP, and that the requirements are purely material. There is no coordinated and effective vision for the development of meaningful plans to address the structural causes of violence against human rights defenders. The case of CREDHOS is special, as it has also been granted protection measures by the Special Jurisdiction for Peace. However, as of the closing date of this report, these measures have not yet been implemented, thus confirming the above assessment. At the same time, progress in the investigations by the Attorney General's Office is very slow, and this contributes to a climate of impunity that exacerbates existing threats.
- The protection granted to FEDEPESAN and CREDHOS **is largely normative but fails to meet the expectations raised by the measures provided for in existing legislation, given their lack of comprehensive implementation**. The Colombian state has in place a significant regulatory and institutional protection framework. In meetings with Amnesty International, the various institutions have pointed to these regulations as evidence of progress in the protection of human rights defenders in the country. However, from its ongoing review of the situation on the ground, as documented in this report in the case of the Magdalena Medio, Amnesty International can only conclude that very little of what is written actually translates into the lives of those at risk.

Monitoring of the situation of risk for other communities and defenders, namely CISCA, the indigenous community of ASEIMPOME and ADISPA, also revealed concerns that need to be addressed by the Colombian state to ensure that it fulfils its obligation to create safe spaces for the defence of human rights. Firstly, in the case of both CISCA and ADISPA, Amnesty International was able to observe the impact of the economic crisis on the communities, particularly as a result of the decline of the coca-growing economy and the failure of the Colombian state to respond in a timely and coordinated manner by providing alternatives for productive conversion. Secondly, in the case of

347. UN. Human Rights Committee. Concluding observations on the eighth periodic report of Colombia. CCPR/C/COL/CO/8. 26 July 2023, para. 35.

the indigenous community of ASEIMPOME, Amnesty International has received positive news on progress in the processes for restitution of their territorial rights, which could contribute to mitigating their risks. However, there are as yet no firm decisions that would provide legal security to the community, and as a result, they continue to receive threats and attacks for their defence of the ancestral territory of which they were once deprived by violence and the armed conflict.

Finally, a common feature of most of the cases documented in this report is the lack of decisive action by the Attorney General's Office. Amnesty International has not received any information to suggest that the complaints filed by FEDEPESAN, CREDHOS, the indigenous community of ASEIMPOME or ADISPA regarding the threats and attacks made against them have been adequately processed, or that any significant progress has been made in the investigations. Ending impunity is an essential component of addressing the structural causes of violence against human rights defenders in Colombia. For this to happen, an active role by the Attorney General's Office is essential.

The Colombian state's response to the situation of violence against defenders in the Magdalena Medio, Catatumbo, Meta and Putumayo, as well as in the rest of the country, is still far from what is required by applicable human rights standards. The collective protection measures adopted to address the structural causes of violence can take different forms, depending essentially on the context of each community. The instruments currently available to Colombia provide opportunities for the adoption of protection plans and programmes that could positively change this situation, open up spaces for the defence of human rights, and thus better guarantee human rights for all.

Some of these measures include prevention, security and protection, such as the strengthening of spaces for institutional dialogue, raising the status of human rights work, strengthening internal communication mechanisms within communities, preventing stigmatization and discrimination, and building capacity in protection and self-protection measures. In addition, there are measures that, in the absence of the state, the communities themselves have set up over the years, such as peace communities and indigenous, *cimarrona* or campesino guards. These initiatives would benefit greatly from state support that is respectful of local autonomy.

In general, the key requirements for collective protection measures to have the desired impact are a proper understanding of the context, a comprehensive risk analysis, and continuous inter-institutional coordination. All of this must take place within a framework of dialogue, consensus-building and consultation with communities and human rights defenders.

Amnesty International presents in this section a series of recommendations to the Colombian authorities. The recommendations are of two types: those relating to the general situation of collective protection for human rights defenders in Colombia, and those concerning each of the communities and cases documented in this report. It is important to bear in mind that the case-specific recommendations reflect the measures that could potentially be included in an appropriate collective protection programme for defenders and their communities, but that these would always be subject to change or improvement as part of a process of dialogue, consensus-building and consultation between the relevant authorities and the individuals and communities themselves.

Amnesty International makes the following recommendations to the Colombian authorities:

TO THE PRESIDENT OF THE REPUBLIC:

On the general situation of violence against human rights defenders

- Put in place an inter-institutional process of diagnosis and comprehensive evaluation of the Colombian protection model for human rights defenders, with the participation of Colombian human rights organisations and platforms, representatives of the UN system and cooperating states. This process must aim at reforming the system for the protection of human rights defenders in order to avoid regulatory excess, which is an obstacle to effective protection, and should include preventive and protective measures that take into account both individual and collective dimensions, and, in general, provide comprehensive protection with a differentiated approach.
- Publicly recognize the legitimate work carried out by human rights defenders in general and by those defending land, territory and the environment, including FEDEPESAN, CREDHOS, CISCA, the indigenous community of ASEIMPOME and ADISPA.
- Following review by the Constitutional Court of the draft law approving the Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters in Latin America and the Caribbean (the Escazú Agreement), proceed to its prompt and unreserved ratification and promote its implementation in domestic legislation.

On the situation of violence against human rights defenders in the Magdalena Medio

- Convene an inter-ministerial working group at the highest level to address the situation of violence against human rights defenders in the Magdalena Medio. This group must also include the Ombudsperson's Office and human rights organizations working in the region, including FEDEPESAN and CREDHOS.
- Make a personal visit to Barrancabermeja and the San Silvestre wetland to gain first-hand knowledge of the situation in the area.

On the situation of violence against human rights defenders in Catatumbo and Putumayo

- Convene an inter-ministerial working group at the highest level to address the economic crisis in the regions of the country where the coca leaf economy is most prevalent. This group must also include the Ombudsperson's Office and human rights organizations working in the regions, including CISCA and ADISPA. The group must analyze and promote the implementation of programmes to improve road infrastructure conditions in the regions, including Catatumbo and Putumayo, with the aim of strengthening the presence of farmers and facilitating the transition of communities to viable campesino economies, while respecting their autonomy.
- Ensure the continued implementation of the decision to prioritize the voluntary substitution of illicit crops, as well as compliance with the agreements adopted within the framework of the National Programme for the Substitution of Illicit Crops. The President of the Republic must instruct the Ministry of Justice and Law, the National Defence Ministry and the Territorial Renewal Agency accordingly.

TO THE MINISTRY OF THE INTERIOR:

On the general situation of violence against human rights defenders

- Continue to develop activities aimed at harmonizing institutional spaces for the preventive support and protection of human rights defenders, as well as the issuance of a comprehensive public policy to guarantee and protect the work of human rights defenders. In these activities, the Ministry of the Interior must guarantee the broad and diverse participation of Colombian human rights organizations and, when necessary and relevant, of the United Nations bodies present in the country.
- Continue to implement, promptly and without further delay, the legal provisions on the collective protection of human rights defenders, in particular Decree 660 of 2018, for communities at risk. This must include, with prior consultation and agreement, its application to FEDEPESAN and CREDHOS.

- Ensure continued functioning of the National Commission on Security Guarantees and promote the adoption of a criminal public policy for dismantling criminal organizations or behaviours. The Ministry of the Interior must ensure that the policy is discussed widely and transparently prior to its approval.
- Continue the process of strengthening and improving the coordinated inter-institutional response to early warnings issued by the Ombudsperson's Office. This must include improving the way CIPRAT operates.
- Carry out public awareness campaigns throughout the country in recognition of the work of human rights defenders and ensure they are widely disseminated.

On the situation of violence against human rights defenders in the Magdalena Medio

- Adopt the measures recommended by the Ombudsperson's Office in its early warnings on the situation in the Magdalena Medio.
- Carry out public awareness campaigns in recognition of the work of human rights defenders and organizations in the Magdalena Medio region, including FEDEPESAN and CREDHOS.

On the situation of violence against human rights defenders in Meta

- Establish a mechanism to monitor the security situation of the indigenous community of ASEIMPOME that brings together the Ministry of the Interior, the Defence Ministry, the Land Restitution Unit, the National Land Registry, the Ombudsperson's Office and the Attorney General's Office with the indigenous community of ASEIMPOME in a preventive way. Decisions must be taken jointly so that the institutions can act in a coordinated manner to provide adequate responses to the community. This mechanism must include considerations of capacity building for the defence of the territory by the indigenous community of ASEIMPOME, while respecting its autonomy.

On the situation of violence against human rights defenders in Catatumbo

- Adopt the measures recommended by the Ombudsperson's Office in its early warnings on the situation in Catatumbo.
- Carry out public awareness campaigns in recognition of the work of human rights defenders and organizations in Catatumbo, including CISCA.

TO THE NATIONAL PROTECTION UNIT:

On the general situation of violence against human rights defenders

- Continue the process of strengthening the collective protection route for individuals, communities and organizations defending human rights. The UNP must ensure that in all cases, including those documented in this report where communities and organizations have requested the activation of such a route, the process can proceed in accordance with the relevant regulations. This applies, for example, to the cases of FEDEPESAN, CREDHOS and the indigenous community of ASEIMPOME.
- Ensure that the material protection measures to be implemented are appropriate to the realities faced by FEDEPESAN, CREDHOS and ADISPA. This includes verifying that the measures already granted to the members of both organisations are continued and ensuring that events such as the breakdown of protection vehicles, the lack of resources to mobilize defenders with their security detail, or shortcomings in the initial implementation of the measures do not place them in a situation of vulnerability.
- Continue the process of internal reform of the institution and ensure that service delivery is human rights-based, efficient and effective, and that corruption and mismanagement are prevented.
- Establish effective mechanisms to monitor the implementation of the protection measures under its responsibility and take the necessary steps to determine accountability in the event of non-compliance.

On the situation of violence against human rights defenders in the Magdalena Medio

- Conduct new risk assessments for CREDHOS members who request them, as we consider them to be in situations of exceptional risk that require the adoption of individual protection measures.

TO THE ATTORNEY GENERAL'S OFFICE:

On the general situation of violence against human rights defenders

- Take urgent steps to expedite investigations into attacks and threats against human rights defenders, particularly but not exclusively those defending land, territory and the environment, including members of FEDEPESAN, CREDHOS, ADISPA and ASEIMPOME. Such investigations must be timely, independent, impartial and aimed at bringing all those responsible to justice, as a key measure to prevent further attacks. The Attorney General's Office must ensure that the individuals and groups in charge of the investigations are fully resourced and have a workload that allows them to carry out their duties adequately.
- Conduct impartial investigations into the compliance of state officials with their obligation to protect human rights defenders when at risk of serious human rights abuses by non-state actors.

On the situation of violence against human rights defenders in the Magdalena Medio

- Regularly update FEDEPESAN on the progress of the investigations launched in relation to the complaints filed by them.

TO THE SPECIAL JURISDICTION FOR PEACE:

On the situation of violence against human rights defenders in the Magdalena Medio

- Take urgent steps to verify compliance with the orders issued in the context of the precautionary measures granted to protect CREDHOS. This must include, but is not limited to, the holding of a public hearing to monitor compliance with such orders by all relevant authorities that have received them.

TO THE NATIONAL LAND REGISTRY:

On the situation of violence against human rights defenders in Meta

- Complete the process for the constitution of the ASEIMPOME Cocokü Kajönaë Indigenous Reserve in Puerto Gaitán (Meta) and issue the official resolution of constitution.

TO THE LAND RESTITUTION UNIT:

On the situation of violence against human rights defenders in Meta


- Continue the process of land restitution through the preparation of the report on the characterization of the territorial impact suffered by the indigenous community of ASEIMPOME and the presentation of the land restitution claim.



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COLOMBIA: HOPE AT RISK

THE LACK OF A SAFE SPACE TO DEFEND HUMAN RIGHTS IN COLOMBIA CONTINUES

Three years after the publication of its last report on the situation of violence against human rights defenders in Colombia, Amnesty International has again analyzed the context and assessed state actions to address the crisis, particularly with regard to the collective protection of individuals and communities. As of July 2023, Amnesty International found that, with the arrival of a new government, the Colombian state has adopted emergency measures for the protection of human rights defenders and taken decisive steps to implement medium- and long-term measures. Nevertheless, violence continues and the space to defend human rights in Colombia remains limited and fraught with obstacles. .

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