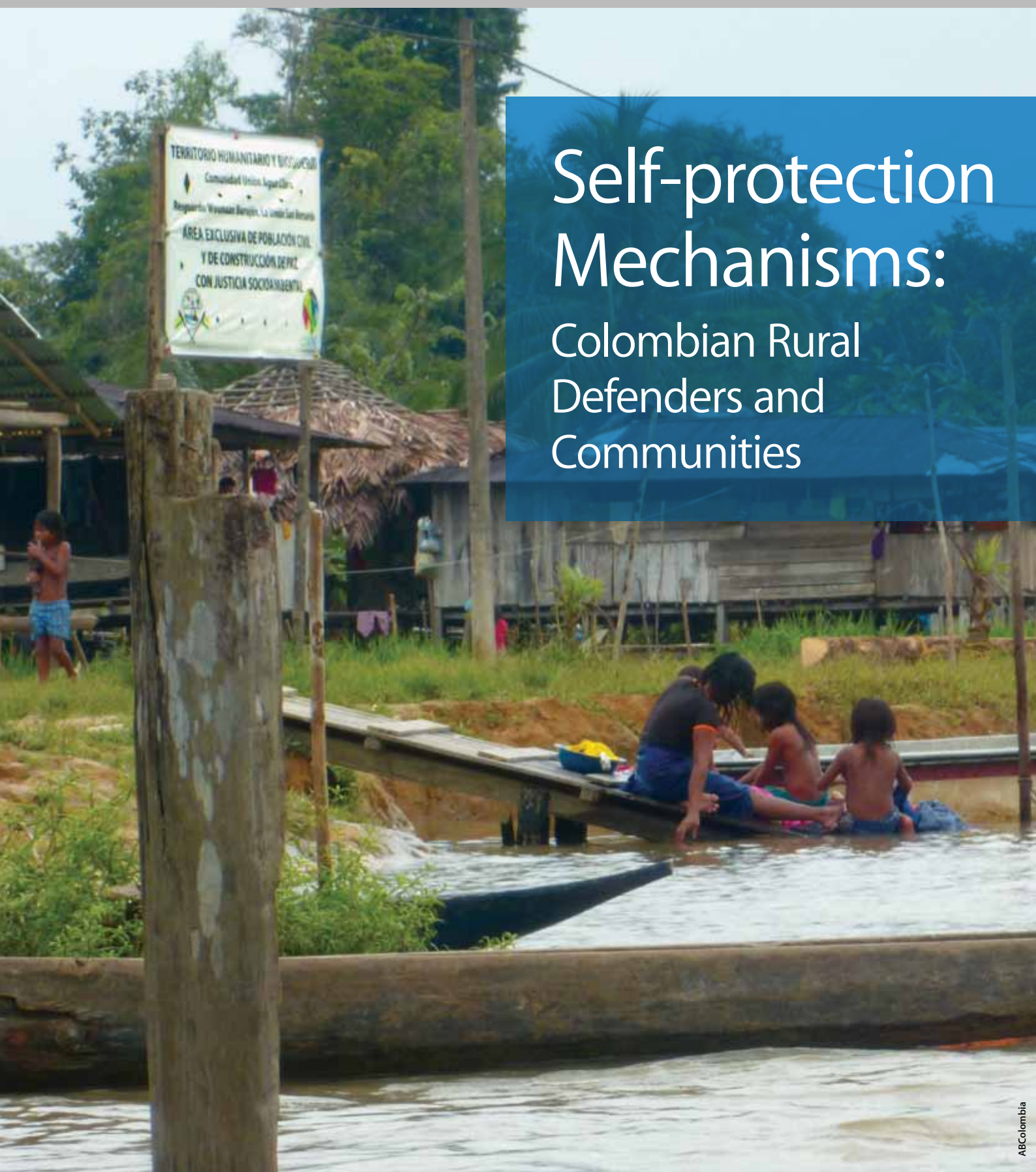


ABC Colombia

CAFOD, Christian Aid, Oxfam GB, SCIAF, Trócaire
Working for Peace and Human Rights in Colombia



Self-protection Mechanisms: Colombian Rural Defenders and Communities



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Executive Summary

For rural HRDs and communities the risks substantially increase when their territorial rights are associated with economic interest in their territory as, for example, in the case of large-scale agriculture and extractives (particularly mining and oil exploitation).

The situation of Colombian human rights defenders has for many years been one of the worst in the world.¹ Since the official start of the Havana Peace Talks (October 2012) between the Colombian Government and the left-wing Guerrilla Group, the *Fuerzas Armadas Revolucionarias de Colombia – Ejército de Pueblo* (FARC), the number of HRDs killed annually has risen year-on-year² and remained the highest in the world in 2015. The HRDs most targeted in these attacks have been working on victims, land and environmental issues; recently attacks have increased against those involved in peace activism and political leadership³.

Rural human rights defenders (HRDs) have suffered disproportionately from being attacked and killed. The non-governmental organisation (NGO) *Somos Defensores* reported that in the last five years, until the end of 2015, the category of HRDs most frequently killed have been Indigenous Peoples.⁴ The situation of women defenders has also deteriorated, with a 160 percent increase in attacks against women HRDs from 2013 to 2014. According to all of the documented evidence the main perpetrators of 66 per cent of the attacks and killings against rural HRDs in 2015⁵ are the right-wing post-demobilised paramilitary groups (PDPG).⁶ In fact the numbers of HRDs attacked by left-wing guerrilla groups is extremely small, less than one per cent in 2015.⁷ Therefore signing a Peace Accord with the FARC will not guarantee that attacks against HRDs will diminish.

A key element to creating a safer and more enabling environment for HRDs is tackling impunity. HRDs have repeatedly requested that the Colombian Government put in place mechanisms that will ensure that this happens. One of the Agreements made in Havana is designed to address impunity associated with attacks on HRDs and political

leaders, this involves a series of mechanisms brought together under the theme of 'Security Guarantees'. These are aimed at dismantling the economic and political structures behind the PDPGs. These mechanisms form part of the Agreements in Havana and their effectiveness can only be judged once they are implemented. They are discussed in greater detail in this report, and whilst they offer reason for hope, this hope should realistically be balanced with Colombia's failure to end impunity in the case of human rights violations.

In order to protect themselves from the violence generated by all armed actors in the conflict, rural HRDs and communities have developed a range of self-protection measures. These mechanisms are essential not only because of the failure on the part of the State to fulfil its responsibility to protect their rights, but also because State Security Forces are implicated in the atrocities committed against communities and in the attacks on HRDs.⁸ The UN Office of the High Commissioner for Human Rights in Bogota (UN-OHCHR) highlights how although the attitudes of State Security Force may be changing in urban areas, they remain the same in rural areas, where the 'counter-insurgency construct' of seeing HRDs and communities engaged in peaceful resistance as 'the enemy' continues to exist and to generate serious risks.⁹

For rural HRDs and communities the risks substantially increase when their territorial rights are associated with economic interest in their territory as, for example, in the case of large-scale agriculture and extractives (particularly mining and oil exploitation). **As a result, the majority of the self-protection models in rural areas developed by communities incorporate the individual, the community and their territory.** For rural defenders, and especially minority groups, cultural integrity is fundamental to their



In the last five years (2010-2015) the defenders most frequently killed year-on-year are Indigenous HRDs

well-being and security. Therefore, the self-protection mechanisms not only address physical protection, but also security in terms of permanence in their territory, which encompasses: economic, political and environmental security, as well as, psychosocial, spiritual and cultural well-being. **Threats to the security of these communities, are not only associated with armed actors, but also include environmental contamination, destruction of territory and loss of land.**

The self-protection mechanisms that are featured in this report, are ones that have been effective throughout the conflict. Those involved in developing and using these mechanisms hold valuable experience for peace-building, as the self-protection models were designed to neutralise violence using non-violent methods. These models also promote the rule of law, insisting that it functions to protect human rights. In addition, rural HRDs, promote

community organisation and provide the technical skills and expertise required to balance the inequality of power and facilitate dialogue with the State and with Companies. All of this expertise is invaluable in peace-building. It is therefore essential that the International Community and the Colombian State support rural HRDs and communities to use that experience.

The information in this report comes from interviews and conversations with local partners of ABColombia members, as well as, from other Colombian NGOs and some inter-governmental organisations working on the ground in Colombia. The self-protection models in this report are ones that partners of ABColombia members have developed. They focus in the main on rural areas, but they are not an exhaustive list of all the self-protection mechanisms used in Colombia.



Human Rights Defenders meet with UK Foreign Office to discuss Colombia

Recommendations

All necessary measures should be taken to ensure that attack against HRDs end, including those listed below:

To the Colombian Government:

- End impunity for violations against human rights defenders: The only substantial way to end threats, harassment and killings of human rights defenders is to carry out full and impartial investigations to identify the perpetrators, including the intellectual authors, and to prosecute them, thus sending a clear signal that violence and persecution will be punished; and guarantee a right to an effective remedy for the victims and their families.
- Effectively and efficiently dismantle the political and economic structures that support PDPGs (Criminal Gangs-BACRIM).
- Effectively and efficiently dismantle links between the Security Forces and the PDPGs\BACRIM; identify and prosecute members of the Security Forces who collaborate with these groups.
- Create an enabling environment for HRDs by promoting a change in attitude and perception of HRDs and their role in a democratic society by:
 - Government officials publicly condemn all attacks against HRDs and their organisations; this should be combined with a plan to proactively promote public recognition of their legitimate work;
 - Ensuring that no Government official makes any declaration that discredits the legitimate work of HRDs and their organisations;
 - Ensuring that all law enforcement officers, including the anti-riot police (ESMAD) are properly vetted, trained and are accountable for all arrests they make; and stop any abuses of the judicial process used as a means of harassing HRDs.
 - Depuration, proper vetting, training and making accountable the Security Forces for their actions.
- Ensure that national protection mechanisms include collective measures and a focus on gender and ethnicity, due to the specific risks of these vulnerable groups.
- Ensure that development projects in Indigenous and Afro-descendant territories proceed only when the affected community has given its free, prior and informed consent.
- Respect and protect the creation of Humanitarian Zones and Spaces, as well as, incorporating and supporting their role in peace-building.
- Support the work of the unarmed *Guardia Indígena* in providing security for Indigenous communities.
- Ensure that victims' ability to exercise their rights to access to land and land restitution is not impaired, particularly with regard to projects implemented by private businesses.
- Ensure that government policies regarding land restitution are fully and effectively implemented: organise collective land restitution in coordination with the provision of adequate housing, services and agricultural projects; and ensure the removal of those who were previously occupying the land.
- Require international business and lending institutions to perform comprehensive human rights due diligence as a condition of operating in the country, and incorporate this requirement into binding legal and administrative measures.

Recommendations to the UK and Irish Governments and the EU

In addition to supporting the Colombian Government, International Cooperation should focus on strengthening Colombian civil society organisations and in the prevention of other social conflicts.

- International donors should focus their support on CSOs whose work:
 - enables victims to claim their rights to truth, justice, reparation and guarantees of non-repetition;
 - monitors compliance with the Peace Accord;
 - engages in the construction of public policies and projects that help to overcome social, political and economic inequalities.
- Funding to CSOs should be:
 - Independent (without the requirement to work with the State or any other actor);
 - Accompanied by political support; this support is key to shielding civil society organisations (CSOs) and HRDs from physical and political attacks by those who see their interests affected by their work;
 - With an emphasis on supporting CSOs working to build peace from the grassroots in rural areas.¹⁰
- Ensure that in all the communications and discussions with Colombian officials on the issue of HRDs has a gender and culture perspective included.
- Ensure that the EU consults with CSOs regarding the EU's Trust Fund, its design and its priorities; as well as, ensuring that CSOs have an official monitoring role over the spending of the EU Trust Fund.
- Monitor European (EU, Irish and UK) businesses to ensure that they carry out human rights due diligence and do not initiate projects without gaining free, prior and informed consent from the affected communities.
- Undertake visits to human rights defenders in areas and communities affected by investment projects, especially if they are located in rural or remote areas.
- Promote the Colombian Government's compliance with all international obligations and norms on land restitution and reparation in order to help create a more secure environment for land restitution leaders and the community.
- Long-term financial and political support should be provided to the UN Office of the High Commissioner for Human Rights in Colombia. It plays a crucial role in observing and reporting on the human rights situation in Colombia because of its legitimacy and independence; the Office should also be supported to play a key role in providing technical support and monitoring human rights during the peace-building phase.
- Support and promote an official visit of the UN Special Rapporteurs on the situation of HRDs, and on Indigenous Peoples to Colombia.

1.0 Colombian Context and the Situation of Human Rights Defenders

The Colombian armed conflict has been a rural conflict, at the heart of which has been a dispute over land. As a result, rural human rights defenders (HRDs), have been targeted and killed in their hundreds, notably, women, peasant farmers, Indigenous Peoples, Afro-descendent communities and trade union leaders in rural areas. These rural human rights defenders (this generic term will be used throughout this report) do not have high international profiles, and they are frequently the most vulnerable.

The measures offered by the Colombian state for their protection have frequently fallen short of being adequate or efficient and there has been little willingness, until very recently, on the part of the State to offer collective protection measures or change the security measures offered to rural defenders. This is in spite of the feedback and alternative measures that have been suggested by the defenders themselves. Therefore rural, and more recently, marginalised urban communities have developed collective **self-protection measures**. These measures have taken a holistic approach of providing greater security for the community and its leaders. In this report we will explore some of these measures and why communities consider that these measures will continue to be necessary even after the signing of the Peace Accord with the FARC (signed 24 August 2016), and hopefully, in the near future, the ELN, left-wing guerilla groups. **These self-protection measures taken by the communities themselves require the political and financial support of the Colombian State and the International Community. In addition many of the self-protection models can be utilised for understanding how to build peace locally.**

This report does not propose to cover all of the self-protection measures used by civil society organisations (CSOs) and communities in Colombia. It covers those used by ABColombia members’ partner organisations. ABColombia through its member organisations works with around 100 partner groups in Colombia; the majority of whom are Indigenous Peoples, Afro-descendent Communities, Peasant Farmers and women. The

majority of information in this report comes from interviews and conversations with HRDs and rural communities over the last two years, as well as, reports and information provided by ABColombia members’ partner organisations.

Human Rights Defenders

Who are Human Rights Defenders: A human rights defender is anybody who, individually or with others, professionally or voluntarily, **non-violently promotes or protects human rights** (civil, political, economic, social and cultural rights). Trade union leaders, journalists, academics, teachers, artists, church personnel and clergy, lawyers, judges, members of civil society organisations (CSOs) and social movements, leaders of peasant farmer, Indigenous and Afro-descendent communities, women’s organisations and LGBTI rights activists, representatives of Colombia’s millions of internally displaced persons – all can be human rights defenders.



Ireal Aguilar Solano, Chief of the Zenú Indigenous Peoples Speaking at the UN in Geneva

The names of the HRDs killed between end of October 2012 when the Peace Talks began and 22 June 2013 are in the ABColombia Report, Civil Society Voices; were the names of 169 HRDs killed in just over 2 years are listed.

HUMAN RIGHTS DEFENDERS KILLED IN COLOMBIA SINCE 22 JUNE 2013		
<p>11 July 2013 José Segundo Turizo Campesino leader and member of the Junta de Acción Comunal of El Tigre - Bella Doris village, killed by paramilitaries in Tiriquiso, Bolivar.</p>	<p>15 July 2013 Belisario Aya Montaña Community leader and member of the Junta de Acción Comunal of the Chapinero neighbourhood in Bogota, killers unknown.</p>	<p>26 July 2013 Elmer Antonio Serna Usuga Community leader of the Junta de Acción Comunal of La Gloria Village, killed by paramilitaries in Tíerralta, Córdoba.</p>
<p>22 June 2013 Oscar Eduardo Sandino Youth leader from the Fundación Juan Manuel Bermúdez, killed by unknown persons in Bogotá.</p>	<p>14 July 2013 Jhon Alverio Chapal Pascal Indigenous leader of the Awá People, killed by unknown persons in Puerto Caicedo, Putumayo.</p>	<p>24 July 2013 Maria Olivia Alzate Perez Community leader from the community of El Jardín at El Prado neighbourhood, killed by unknown persons in Medellín, Antioquia.</p>



A Community without leaders has no vision and Colombia without organised communities has no way of building and maintaining peace¹¹

According to the Declaration of the Campaign for the Right to Defend Human Rights in Colombia: defending human rights is a moral responsibility aimed at saving lives, preventing grave human rights violations and ensuring that violence does not remain in impunity. Defenders seek to strengthen the rule of law and call for changes in government and state policies.¹²

HRDs are fundamental actors in building more democratic and egalitarian societies; this role is especially important for building a lasting peace in Colombia. Whilst the primary responsibility for the promotion and protection of human rights lies with the state, human rights defenders play a crucial role in holding the state to account for these obligations. What HRDs ask is the enforcement of the rule of law and the legal requirements contained in the 1991 Constitution, as well as, in International Human Rights Treaties and norms.

1.1 The Colombian Context

In the last 20 years (1994–2015) the number of documented killings of HRDs is 729.¹³ This extremely high figure makes Colombia consistently one of the worst countries in the world for the number of HRDs killed annually. Even more shocking is that these crimes, in almost their entirety, remain in **impunity**.¹⁴ According to the expert Colombian NGO, *Somos Defensores*, this does not represent the full picture, since the level of under-reporting of attacks against HRDs at the pinnacle of paramilitarism in Colombia was high. This was because neither the Attorney General, the Government nor Human Rights Organisations had the capacity to document the hundreds of rural community leaders being killed, due to the level of risk and the inaccessibility of many areas.¹⁵

Since the introduction of the Victims and Land Restitution Law 1448 of 2011 there has been a marked increase in the numbers of HRDs being attacked and killed. The 729 HRDs killed on average represents 33 HRDs per year. However, since 2011 the

number of documented killings of defenders annually has been approximately double that average. Despite these extremely worrying statistics the international response, since the start of the Peace Talks, has been very low-key; even when in 2013 there were 78 defenders killed. In 2016, violence against HRDs spiked in a four-week period (February and March) 13 HRDs were killed; on average almost one defender every two days. This resulted in the International Community publically declaring their concerns. Eight Ambassadors to Colombia: the UK, Norway, Sweden, France, Switzerland, Germany, Canada and the USA issued an urgent call to stop killing HRDs and political leaders.¹⁶ In March, the EU issued a public statement, expressing grave concerns. The UN High Commissioner for Human Rights in Colombia, Todd Howland, said, '[w]e believe that the authorities must investigate the facts, understand the context in which [these killings] occur and make a thorough study ...to determine whether or not there is a "centralised program" to attack or to kill these people.'¹⁷

1.2 Responsibility for Attacks and Killings of Defenders

Throughout the conflict the group most responsible for the killings of HRDs has been the far-right paramilitary groups. Until 2005, they were known as the *Autodefensas Unidas de Colombia* (AUC) when over 30,000 of them demobilised. However, the middle ranking section of the AUC continued to operate, and are referred to today by the Colombian Government as Criminal Gangs (BACRIM), or by many NGOs as Post-Demobilised Paramilitary Groups (PDPGs).

In 2015, the CSO, *Comité Permanente por la Defensa de los Derechos Humanos* (CPDH)¹⁸ undertook a survey of HRDs in 12 of Colombia's 32 departments. Whilst their survey identified the PDPGs as the main perpetrator of threats and attacks against rural HRDs they also noted that the Colombian Army was a major aggressor with 42 per cent of those surveyed naming the Army as perpetrating threats against rural HRDs and 19 per cent

1 August 2013

Nelson Cartagena García

Community leader of the Junta de Acción Comunal of Aguas Frías Village, killed by paramilitaries in Apartado, Antioquia.

5 August 2013

Gerardo Pinzon Arevalo

Community leader and member of the Junta de Acción Comunal of El Cauce, Bosa, killed by unknown persons in Bogota.

15 August 2013

Climaco Pernia

Indigenous leader of the Embera Katío, killed by guerrilla in Tierralata, Córdoba.

7 September 2013

John Alexander Valencia

Campeño leader, killed by unknown persons in Tumaco, Nariño.

29 July 2013

Emel Antonio Varela Tuberquia

Campeño leader and member of the Junta de Acción Comunal of La Estrella Village in Zaiza, killed by guerrilla in Tierralata, Córdoba.

4 August 2013

Francisco Javier Ocampo Cepeda

Victims leader from Grupo Calibra, killed by the National Police in Cali, Valle del Cauca.

9 August 2013

Luis Albeiro González Morales

Embera indigenous leader from Totumal Resguardo, killed by unknown persons in Belalcázar, Caldas.

26 August 2013

Juan Carlos León

Youth leader of Pasca sports community, killed by ESMAD in Fusagasugá, Cundinamarca.

8 September 2013

Aurith Bravo Brun

Community leader and member of the Junta de Acción Comunal of La Bonga village, killed by unknown men in Puerto Libertador, Córdoba.

naming the police. This amounts to 61 percent of respondents naming the State Security Forces as being responsible for threats against rural HRDs. The survey goes on to note that in rural areas there is a high-level of under-reporting of attacks against HRDs, with only 56 per cent of women and 70 per cent of men reporting attacks against them; this would mean that under-reporting is as high as 74 per cent (see also Section 1.3: Women Defenders and Peace Activism).

According to the Survey, threats were most frequently made via pamphlets or public statements stigmatising defenders and/or their organisations. In the case of the Police, they were more often made in person. The Survey goes on to identify that stigmatisation was one of the main catalyst for attacks against rural defenders.¹⁹ According to the Inter-American System for Human Rights (IACHR) *'stigmatising statements made by State officials increase the vulnerability of defenders, weaken their reputation and may endanger their lives, particularly when there is an internal conflict and/or armed groups operating outside the law who could consider that the acts of violence aimed at silencing defenders enjoy the acquiescence of governments'*.²⁰

During the Santos Administration certain government officials have publically recognised the importance of the work undertaken by HRDs²¹ but there is a lack of consistent messaging, the defence of the rights of others have more often

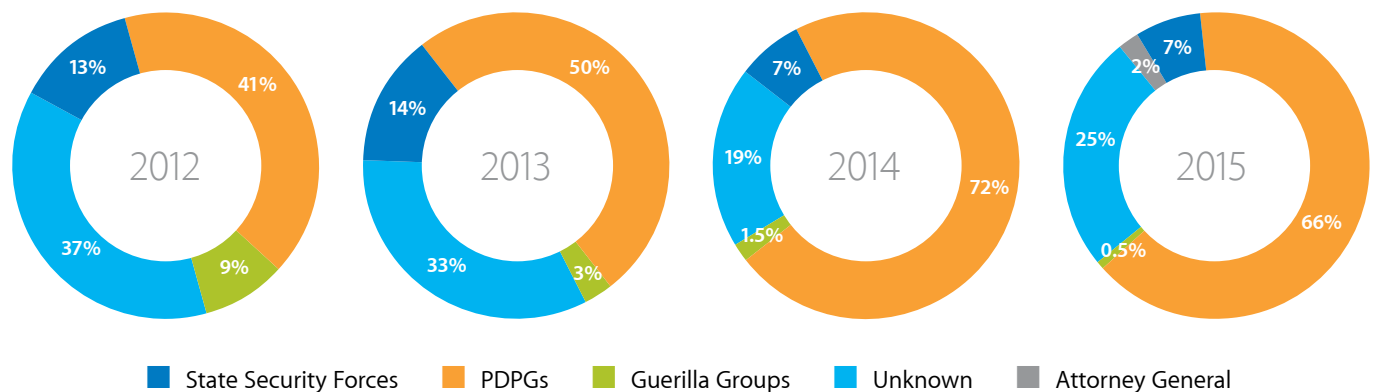
led to stigmatisation by government officials. The importance of the role of defenders for democracy is recognised internationally as is the responsibility of the State to create an enabling environment for their work.

The left-wing Guerrilla Groups (FARC and ELN) also bear responsibility for attacks on rural HRDs but to a lesser extent than the State and the right-wing paramilitaries. The percentage of attacks where the perpetrator is unknown remains high.

According to the UN OHCHR, attacks and killings of defenders in 2015 focussed principally on four areas²²:

- Conflicts over land, particularly Afro-descendent and indigenous territories, in the context of opposition to illegal and legal mining and actions to protect their territories
- Defenders demanding justice for the victims: victims' representatives are targeted, especially those that litigate human rights violations by State actors. Surveillance and information theft against HRDs coincide with key moments in criminal proceedings.
- Social and political leadership
- Peace activists – people and organisations that participated in victims' dialogues in Havana

Graph 1: Presumed responsible for attacks on HRDs



Source: Somos Defensores

<p>11 September 2013 Edison Alberto Molina Human Rights lawyer, killed by unknown persons in Puerto Berrio, Antioquia.</p>	<p>30 September 2013 Adelina Gomez Gaviria Campesino leader and member of the organisation Proceso de Mujeres Macicenas del CIMA, killed by unknown persons in Almaguer, Cauca.</p>	<p>6 October 2013 Milciades Cano Campesino leader and member of the Union Patriótica and MOVICE, both killed by unknown persons in Algeciras, Huila.</p>	<p>10 October 2013 Ricardo Rodriguez Cajamarca Human rights lawyer from MOVICE, killed by unknown persons in Acacias, Meta.</p>	<p>30 October 2013 Edier Otero Community leader from Marcha Patriótica, killed by unknown persons in Genova, Quindío.</p>
<p>17 September 2013 Nelson Giraldo Posada Land leader from the Rios Vivos Movement, killed by unknown persons in Ituango, Antioquia.</p>	<p>6 October 2013 Nancy Vargas Campesino leader and member of the Red de Mujeres Algecirenas por la Paz y el Desarrollo, killed by unknown men in Algeciras, Huila.</p>	<p>6 October 2013 Carlos Eduardo Olmos Land leader and member of the Municipal committee for transitional justice, killed by paramilitaries in Los Palmitos, Sucre.</p>	<p>22 October 2013 Diana Marcela Morales Arenas Leader of victims and member of the Mesa Municipal de Participación de Víctimas de Medellín, killed by unknown persons in Angostura, Antioquia.</p>	

1.3 Women Defenders and Peace Activism

'In 2014: reported attacks against women HRDs increased on 2013 by 160 per cent'

Colombia has generally seen male defenders reporting **attacks** in much higher numbers than women HRDs. However, this balance has radically changed since 2014 when reported attacks against women HRDs, increased by 160 per cent. This trend continued until by March 2016 there was an almost 50/50 split with female defenders registering 49 per cent of all attacks.²³

CPDH identified in their study that only about half of **rural women defenders** (56 per cent) reported attacks against them. They tended to ignore subtle aggressions and indirect threats, such as, being followed or harassed). One of the reasons given by those surveyed was the importance of counteracting historical and discriminatory stereotypes, which suggested that women were weak. Woman defenders considered it important to demonstrate that they were 'strong' leaders and saw reporting indirect threats as demonstrating weakness.²⁴

The number of reported killings of male defenders is higher than that of female HRDs.²⁵ However, it is noticeable that in 2014 all of the killings of women HRDs occurred in the last six months of the year, amounting on average, to one a month. According to Somos Defensores all these women defenders were all well-known at the local level. The majority were grassroots environmental HRDs working in areas of mineral and oil exploitation, other mega-

development projects, or on Community Action Councils (Juntas de Acción Comunal - JACs). JACs will play a key role in peace-building and the implementation of the Peace Accords.

The increase in attacks against women HRDs between 2013 and 2016 may also be linked to the work that women's organisations have initiated in relation to the Peace Talks in Havana. According to the UN, peace activism has generated persecution of HRDs and CSOs.²⁶ Women's networks have actively presented their proposals to the peace negotiators, securing a Gender Sub-commission (7 September 2014) and a commitment in the Accord on Transitional Justice from the negotiators to no amnesties for conflict related sexual violence (2015). There has been considerable opposition to the Peace Talks from the PDPGs, ultra-right politicians and some elites.²⁷ Many members of the victim's delegations to Havana received threats upon their return to Colombia.²⁸

CPDH identified in their Survey²⁹ that women leaders have to confront particular difficulties in rural areas. A quarter of all respondents to the Survey stated that there had been an attack against the sexual integrity of a member of their organisations or community, this figure is likely to be very low given the evidence that sexual violence is under-reported due to the fear that comes with reporting such crimes in Colombia and owing to the resulting stigma.³⁰

1.4 Land and Environmental Defenders

*2015 was the fifth year running that Indigenous leaders, out of all defenders, had been killed in the greatest numbers.*³¹

Many of those who seek to defend their rights to territory in Colombia live in mineral rich and highly biodiverse regions. According to the data available Colombia holds one of the world's worst records for the killings of environmental and land defenders with the accumulative total of reported killings in the last 5 years (2010-15) standing at 105.³² Megaprojects in biodiverse regions mostly impact on Indigenous Peoples, Afro-descendant communities living on collectively owned land and peasant farmers. 2015 was the fifth consecutive year that Indigenous defenders had been killed in the greatest numbers. According to the Special Rapporteur for Minority Groups, Afro-descendant communities have been particularly effected by megaprojects: *'[e]conomic development "megaprojects" have [also] increasingly led to the dispossession of Afro-Colombian*



Embera Peoples

2 November 2013
Cesar García

Campeño leader from the Environmental Committee Conciencia Campesina, killed by unknown persons in Cajamarca, Tolima.

10 November 2013
Arley Artunduaga

Campeño leader from the corregimiento San Rafael, killed by guerrilla in Tulua, Valle del Cauca.

17 November 2013
Sergio Ulcue Perdomo

Campeño leader in Caloto Cauca, killers unknown.

18 November 2013
Roberto Córtez

Campeño leader from Marcha Patriótica, killed by unknown persons in Campolegre, Huila.

31 October 2013
Silvino Lopez

Community leader and member of the Junta de Acción Comunal of the Vista Hermosa neighbourhood, killed by unknown persons in Bogotá.

8 November 2013
Samuel Ortiz

Community leader, member of the Junta de Acción Comunal of San Jose de los Campos, killed by unknown persons in Cartagena, Bolivar.

15 November 2013
Miguel Conda

Leader of the Nasa Indigenous community, killed by the guerrilla in Jambalo, Cauca.

17 November 2013
Gildardo Padilla Ortega

Land leader of Asociación Tierra y Vida, killed by paramilitaries in Valencia, Córdoba.

29 November 2013
Juan Alvaro Nastacuas Pai

Indigenous leader of the Awá People and the Resguardo Inda Guacaray, killed by unknown persons in Tumaco, Nariño.

collective territories. These projects have been associated with brutal forced displacement, mass violence and selected killings. Persistent reports indicate that armed groups collude with national and foreign companies (including palm oil and mining companies), and often with local government and business actors to acquire and control land and resources.³³

Land and environmental defenders are vulnerable because their claims compete with economic interests; many of these interests such as agri-businesses and extractives also form part of the national development plans and are therefore frequently defended not only by powerful business actors but also the State.³⁴ The presence of PDPGs with links to businesses, security forces and local government officials in several areas of the country, together with the near total impunity for attacks and killings of defenders, increases their vulnerability.³⁵ The Inter-American Commission of Human Rights highlighted that 70 land restitution leaders were killed between 2007 and 2015.³⁶

Indigenous Peoples, Afro-descendants and Peasant Farmers have been the main target of violence by all armed groups – legal and illegal. The Victims and Land Restitution Law 1448 is in

the process of returning land to victims of forced displacement, this process is being implemented very slowly. At the same time the government is introducing policies³⁷ that appear to create obstacles to the possibility of land restitution; these are related to the extractives and agro-industries. One of the results of these conflicting policies is that community leaders working to protect territorial rights are threatened and attacked. The UN-OHCHR in 2013 stated that their records showed that of 39 defenders killed, 36 had been rural defenders.³⁸

The UN-OHCHR points out that whilst urban HRDs have seen changes in attitude, particularly in the case of the Security Forces, this is not the situation in rural areas where ‘many rural HRDs still confront hostility and a “counter-insurgency construct”’.⁴⁰ This counter-insurgency construct means that rural defenders continue to be viewed by many state actors as ‘enemies of the state’ resulting in greater vulnerability, including to judicial persecution. According to the UN-OHCHR, ‘criminal investigations of community leaders for their alleged connection with armed groups, despite insufficient grounds for prosecution, [are] recurrent.’⁴⁰



Curvaradó community threatened by agro-industry

30 November 2013

Robinson David Mazo

Land leader from the Rios Vivos movement, killed by unknown persons in Toledo, Antioquia.

4 December 2013

Carlos Edmundo García Herreros

Union leader from Fondo de Empleados Fenaser, killed by unknown persons in Cucuta, Norte de Santander.

6 December 2013

Pedro Alejandro Campero

Union leader from Fondo de Empleados Fenaser, killed by unknown persons in Sadinata, Norte de Santander.

1 January 2014

Jhon Braulio

Indigenous leader of the Embera Chami, killed by paramilitaries in El Dovio, Valle del Cauca.

4 January 2014

Gerson Martinez

Youth leader, killed by unknown persons in Distrito Capital.

2014

3 December 2013

José Luis Rolon

Indigenous leader of the Zenú, killed by unknown persons in Tuchin, Córdoba.

4 December 2013

Lida Olivero Mejía

Community leader from the Sacarias community council, killed by unknown persons in Buenaventura, Valle del Cauca.

12 December 2013

Jesús Rodríguez Cortes

Community leader killed by unknown persons in Samaniego, Nariño.

1 January 2014

Berlain Sagama Gutierrez

Indigenous leader of the Embera Chami, killed by paramilitaries in El Dovio, Valle del Cauca.

Case study 1: Land and Environmental Defender

“It might seem a small thing because we are far away in our fields, trying to survive but we are also fighting a fight for people [in London]. We are fighting for the right to have a healthy environment”⁴¹

HRD Jani Silva is a community leader from the south-western Putumayo department and the legal representative of the Integral Sustainable Development Association-Amazon Pearl (Adispa) and as such has denounced serious human rights violations, breaches of humanitarian law and environmental destruction affecting the Peasant Farmer Reserve Zone (zona de reserva campesina – ZRC) of the Amazon Pearl (ZRCPA). According to ZRCPA, the state has given in mining concessions 70 per cent of their ZRC to two multinational oil companies, which they maintain has effected the rights of the communities and resulting in allegations of serious environmental damage. Although ZRCPA started to lodge complaints three years ago against one of these oil companies, for environmental damage to the water supply, more oil companies are starting to move into this area.

Jani has received many threats due to the work she does as a HRD on land and environmental rights for Adispa and the ZRCPA. She explained to ABColombia how about three years ago she started to receive threatening phone messages. The first time this happened she was really afraid and started to call the various numbers she had for the local Defensoría (Human Rights Ombudsman) but there was no answer. She then decided to call the Bogotá-based NGO that had been working with the community, the Inter-Church Commission for Justice and Peace (Comisión Intereclesial de Justicia y Paz –CIJP). Having discussed the threats and received advice she hung up. Then her mobile phone rang and she heard the whole conversation word-for-word being played back to her. Her phone was being tapped. The threats did not stop there, some friends warned her, ‘Jani take care because they are looking for you to kill you.’ People not known to the

community had been looking for her. It was at this point that she decided to relocate for a few weeks to Bogotá.

CIJP facilitated her move to Bogotá and arranged meetings with Colombian government officials and the diplomatic community in order to raise awareness of what was happening in the remote region of Putumayo where the ZRCPA is situated. ‘This helped, publicising it’, she was able to return and continue working. ‘The situation is not easy for any of the social leaders in Putumayo’; she went on to explain that although she was the representative of the organisation, she did not, and could not, do the work alone, there are many others supporting and undertaking the work alongside her and they are also at risk.

The importance of publicising the threats against Jani, both nationally and internationally, is one of the methods defenders use to help generate protection. The links between local and national organisations are essential to help document the information and denounce the human rights violations before government officials and the international community. As well as, systematising the information in order to present it before national and international courts (e.g. IACHR). CIJP also works with networks of international and solidarity organisations to ensure that this information is published as widely as possible to help raise awareness.

In many areas of the country throughout the conflict HRDs working at national and regional levels have risked their own lives going to remote areas of the country to deliver human rights workshops. These visits served several purposes, including enabling communities to document and denounce human rights abuses, to no longer feel alone, and ensure that abuses did not remain under a cloak of invisibility – thus helping to deter the perpetrators.

“Three years ago, I was threatened, when the people we thought were threatening us realised that [I] was supported, and my name was known, they went quiet,” Jani Silva.⁴²

4 January 2014

Ever Luis Marin Rolong

Union leader from Cerveceria Bavaria, killed by paramilitaries in Soledad, Atlántico.

22 January 2014

Heriberto Mora Muñetón

Community leader of the Junta de Acción Comunal Vereda Minas Blancas, killed in San Vicente del Caguán, Caquetá.

26 January 2014

Carlos Enrique Ruíz Escarraga

Social leader from the Organización cultural Entre Redes, killed in Bogotá.

5 February 2014

Luis Alberto Restepo Vallejo

Community leader of the Junta de Acción Comunal of the village Arcacaj, killed in Mistrató, Risaralda.

4 January 2014
Giovany Leitón

President of the Junta de Acción Comunal and member of Mesa Nacional de Interlocución y Acuerdo Agropecuaria, killed by unknown persons in San Jose del Palmar, Chocó.

10 January 2014
Alberto de Jesús Díaz Mercado

Community leader of the population of Plato Magdalena, shot by an unknown killer in Plato Magdalena, Magdalena.

25 January 2014
Miguel Segundo Díaz Soto

Community leader from the La vereda Cemelias Community, killed in Puerto Asis, Putumayo.

26 January 2014
Duvis Antonio Galvis

Campeño leader from the Asociación Campesina del Catatumbo – ASCAMCAT, killed in Sardinata, Norte de Santander.

1 March 2014
Juan Alberto Causado Priolo

Land restitution leader, shot by an unidentified killer in Barranquilla, Atlántico.

2.0 State Response to Attacks on Human Rights Defenders

According to the UN-OHCHR, from August 2015 Colombia experienced the least intense offensive actions in 50 years of armed conflict due to the Peace Talks. For example in 1999 the annual per capita homicide rates was 62 per 100,000 people, by 2014 this had declined to 27 per 100,000 people; and the annual number of kidnappings decreased from over 3,000 in 1999 to less than 300 in 2014. However, in direct contrast to this declining trend of conflict violence has been the number of attacks against HRDs, these have been increasing sequentially year on year since 2010. Annual records of attacks against HRDs, documented by the NGO *Somos Defensores*, shows an escalation in the killings of HRDs from 32 in 2010 to 63 in 2015 and in the first six months of 2016, 35 HRDs were killed.⁴³

2.1 The National Protection Unit

The **National Protection Unit** (Unidad Nacional de Protección-UNP) provides protection measures for HRDs but it has only a limited role in the security of HRDs, in that it only offers protection and not **preventative measures**. Whilst this programme has saved the lives of some, and rural defenders have benefitted from its provisions, it has major weaknesses, this is especially true in the case of rural defenders. Some of the serious weaknesses include not being designed to respond to: the local rural context, the differential needs of minority groups and women, or take into account the factors generating risk. Their measures, until very recently, have been directed at the **individual** rather than **collective** - that is, designed to protect a whole community or organisation. They have also offered measures that were more suited to urban rather than rural settings.⁴⁴

Standard protection measures offered to HRDs, whether they are rural or urban, are: a bulletproof vest, mobile phone and a transport subsidy. Defenders in rural areas say these are insufficient. According to threatened leaders, the bulletproof vest draws attention to them (increasing rather than decreasing their risk); mobile phones in rural areas frequently don't work because there is too little or no signal; and transport subsidies frequently do not cover the cost of a return trip to the local town.

2.2 Protection measures

Protection measures are mistakenly seen by the State as the first line of defence rather than a response to the failure of prevention. The ever increasing attacks and threats against HRDs are in no small part due to the State's failure to address the issue of **impunity**. Of 219 assassinations which occurred between 2009 and 2013, 95 per cent of investigations did not proceed past the preliminary phase, and only one case resulted in the sentencing of those responsible.⁴⁵ This lack of prosecution of those responsible for crimes against HRDs is in direct contrast to the rapid action taken by the State against HRDs, for example, accusing them of rebellion, that is having links to guerrilla groups.⁴⁶



Leaders from Curvaradó in UK Parliament

- | | | | | |
|--|---|---|---|--|
| <p>3 March 2014
Epifanio Latin Ñuscue
Leader of the Nasa Indigenous people, killed by the FARC in Miranda, Cauca.</p> | <p>6 April 2014
Miguel Ángel Parra
Community leader from the Comunidad Localidad de Kennedy, killed in Bogotá.</p> | <p>9 April 2014
Jesús Adán Quinto
Land restitution leader of the displaced community of Cacarica-Chocó, killed by two hitmen in Turbo, Antioquia.</p> | <p>10 April 2014
Luis Albeiro Guetio
Senior Advisor of the Association of traditional authorities of the Nasa Cxancha indigenous group, killed by unknown persons in Puerto Asís, Putumayo.</p> | <p>21 April 2014
Luis Javier Campo Méndez
Indigenous leader from the Movimiento Juvenil Álvaro Ulcué Chocue, tortured and killed in Suárez, Cauca.</p> |
| <p>11 March 2014
Evelio Obando Campo
Community leader of the Junta de Acción Comunal of El Placer, killed in Tambo, Cauca.</p> | <p>6 April 2014
Faustino Acevedo Gaitán
Community leader of El Morro in Yopal killed by the ELN in Yopal, Casanare.</p> | <p>10 April 2014
Douglas Zuluaga
President of the Junta de Acción Comunal of the village Cartagenita in Norte de Santander and member of ASCAMCAT, killed by unknown persons in Convención, Norte de Santander.</p> | <p>14 April 2014
Olmedo Jimenez Guamanga
Campesino leader and member of Comité de Integración del Macizo Colombiano -CIMA, killed by unknown persons in Santa Rosa, Cauca.</p> | |

Threats and violence against HRDs directly impact the rights of all as they have a chilling effect on their ability to defend human rights.



David Ravelo Crespo HRD currently imprisoned

2.3 Criminalisation of Defenders

Criminalisation of Defenders has been a factor recorded by the OHCHR, 'HRDs are repeatedly arrested and deprived of their liberty for up to a number of years, only to be freed for lack of evidence. Arbitrary and illegitimate use of justice administration to impede or punish human rights action not only violates human rights but also undermines democracy, the rule of law and judicial independence.'⁴⁷ HRDs in rural areas have repeatedly reported the dangers of arbitrary arrest especially when attending protest marches. During the agrarian social protests in 2013 four HRDs were charged with kidnapping 26 police. However, the 'OHCHR and the Ombudsperson's Office

had directly observed those demonstrations and verified that those leaders had ensured the liberation of the police retained **by others**.⁴⁸ The Public Prosecutor's Office, Counter-Terrorism Directorate according to the OHCHR opened six investigations in one year (2015) against HRDs based on inadmissible military intelligence or informant information.⁴⁹

CSOs insist that investigation and prosecution for crimes **against HRDs** should be at forefront of the Government's agenda and well resourced. This continued insistence resulted in the Prosecutor General's Office (*Fiscalía General de la Nación*) introducing the strategic analysis unit to examine systematic crimes. Despite this,

26 April 2014
Édgar Bravo González

Community leader of the Junta de Acción Comunal of Barrio Reinaldo Matiz, killed in Neiva, Huila.

12 May 2014
Wilson Hernando Guanga Nastacuas

Indigenous leader from the the Awá Indigenous group, killed by paramilitaries in Barbaocoas, Nariño.

17 June 2014
José Arlex Avendaño Arango

Campesino leader of the Junta de Acción Comunal of la Siria, killed by unknown persons in Tuluá, Valle del Cauca.

27 July 2014
Pablo García Llano

Community leader of the Asociación de Usuarios Campesinos - ANUC, killed in La Virginia, Risaralda.

26 April 2014
Patricio Fernando Mejía Urzola

Community leader from the Asociación de Usuarios de Servicios Públicos y de la Salud, killed in Barranquilla, Atlántico.

9 May 2014
Tomas Rodríguez Cantillo

Union leader of the 'Sindicato Nacional de Trabajadores de la Industria Agropecuaria -SINTRAINAGRO', killed by unknown persons in Ciénaga, Magdalena.

16 May 2014
Pablo Emilio Aponte

Union leader from SINTRAEMSEDES, killed by unknown persons in Cartago, Valle del Cauca.

24 July 2014
Reinel de Jesús Cano

Community leader from Asociación de Usuarios Campesinos - ANUC, killed in La Virginia, Risaralda.

14 August 2014
Eduardo Alarcón Díaz

Campesino leader from the Comité Permanente por la Defensa de los Derechos Humanos (CPDH), killed in Campoalegre, Huila.

in terms of crimes against HRDs, there have been no concrete results. The UN OHCHR states that for any progress to be made ‘proper incentives and a culture change for prosecutors and investigators, away from counterinsurgency dynamics to one where all victims are equal before the law, are needed...’⁵⁰

Another effective prevention measure would be to focus on the **economic and political structures** of the paramilitary groups. The majority of killings and attacks against HRDs come from right-wing paramilitary groups. CSOs have been insisting for years that the only way in which to effectively dismantle the paramilitaries is to prosecute the authors and financiers of the crimes. Despite years of insistence there had been no comprehensive plan for achieving this - that is until June 2016.

The lack of security for the FARC left-wing guerilla groups in the light of the continued activities of the PDPGs, threatened to create a stumbling block to the signing of the final Peace Accord. FARC considered that surrendering their arms whilst the PDPGs continued to operate would leave them extremely vulnerable. As a result the Colombian Government needed a credible plan for tackling these groups. Consequently, a comprehensive plan has been constructed, in Havana, to investigate and prosecute the authors and financiers of paramilitarism in Colombia (see **Box 1: Security Guarantees’ Agreement reached in Havana**). Gustavo Gallon, Director of the Colombian Commission of Jurists said of these Security Agreements: *There has never been so many, or such well-articulated mechanisms, nor have they ever included the President, or a national political pact. Hopefully these developments are indicative of real will to eradicate political violence and guarantee finally peaceful coexistence in Colombia.*⁵¹ In addition, there are other some other good reasons to hope that these mechanisms will be effective. The Special Investigation Unit will have dedicated and independent resources and its own investigating team. Lack of resources has been one of the downfalls of the current Context Analysis Unit previously charged with investigations of crimes against HRDs. According to the Agreement the independent resources will be agreed and written into the national budget. Such a detailed plan together with an official committee to monitor the work of the Unit which includes CSOs and the FARC are all positive signs.

However, the effectiveness of these Security Agreements will depend on their full implementation. Colombia has a reputation for outstanding policies and its failure to implement such policies. These policies will need to be fully resourced and applied if guarantees for non-repetition and progress towards a sustainable peace are to be achieved in Colombia.



Human Rights Defender in bullet-proof vest given to him by the State National Protection Unit

- | | | | | |
|--|--|--|---|--|
| <p>18 August 2014
Carmelo Gutiérrez Padilla
Community leader of the Comunidad del Barrio Nuevo éxito - Colegio Francisco de Paula Santander de Galapa, killed in Soledad, Atlántico.</p> | <p>29 August 2014
Edith Santos
Community leader of the Asociación Comunitaria CEJAID and trade union SINPROSEG, killed in Acacías, Meta.</p> | <p>6 September 2014
Flor Nibe Rodríguez Rocha
Community leader from the community of El Cable o La Cabaña, killed in El Castillo, Meta.</p> | <p>12 September 2014
Ernelio Pacheco Tunay
Indigenous leader of the Organización Indígena del Chocó – OICH, killed in Alto Baudó, Chocó.</p> | <p>14 September 2014
Ancizar Ruiz Ceballos
Displaced leader from the Comité Patriótico Departamental from the Partido Verde, killed in Armenia, Quindío.</p> |
| <p>26 August 2014
Diego García
Community leader of the Comunidad de la vereda El Morro, killed in El Peñón, Antioquia.</p> | <p>2 September 2014
Joaquín Gómez Muñoz
Community leader for the Nasa Indigenous Peoples, killed in Caloto, Cauca.</p> | <p>12 September 2014
Miguel Becheche Zarco
Indigenous leader of the Asociación de Cabildos Indígenas de Alto Baudó - ACIAB, killed in Alto Baudó, Chocó.</p> | <p>13 September 2014
Miguel Angel Rodríguez
Community leader from the San Miguel neighbourhood in Soacha, killed in Soacha, Cundinamarca.</p> | |

Box 1: Security Guarantees' Agreement reached in Havana

On 23 June 2016 the Security Guarantees' Agreement reached in Havana was published. This sets out how the parties plan to eradicate political violence in Colombia. Along with a variety of mechanisms for dismantling PDPGs including:

National Commission to Guarantee Security⁵² (the full title of this Commission is endnoted owing to its length, paraphrased it is for: the dismantlement and prosecution of those responsible for attacks on defenders notably paramilitary successor groups):

- The Commission will be formed before the signing of the Final Agreement in Havana. It will design and coordinate an institutional action plan to dismantle paramilitarism
- Members of this Commission will include the President, the Home, Defence and Justice Ministers, the Public Prosecutor, the director of the Prosecutor's Special Unit, the Human Rights Ombudsman (*Defensoría*), the Commander of the Military Forces, the director of police, two FARC representatives, two representatives from the human rights networks and one representative from other political groups.
- The Commission has a range of powers e.g. it will be able to create mechanisms in order to perform background checks on public servants to verify any involvement they may have had with paramilitary groups. It will also design strategies to identify the funding sources and patterns of organisational criminal activity.

High Level Integrated Security Policy System:

- This is a monitoring committee. It will also create a space for dialogue regarding the safety and protection of members of political and social movements, including the FARC.
- Members of this Commission include: the President, the Home and Defence Ministers, the Presidential Adviser on Human Rights, the Commander of the Armed Forces, the Police Director, together with the participation from social and political movements and victims and human rights organisations.
- Technical Secretary will be a Presidential Delegate, responsible for planning, information, monitoring, coordination and follow-up of the protection and security measures.
- There will be two complimentary mechanisms: a Technical Committee for Safety and Security that will develop a Strategic Plan on this subject, and a Special Sub-division for Safety and Security in the National Protection Unit.

A Special Investigation Unit (in the Prosecutor General's Office) for the dismantling of paramilitarism, led by a qualified lawyer, appointed for 6 years, with direct responsibility for a judicial police and technical investigation unit, with its resources specified and secured in the national budget.

New Early Warning System: in the Human Rights Ombudsman's Office (*Sistema de Alertas Tempranas*) with **autonomy** to issue reports on the presence and activities of paramilitary successor organisations.

A Body of Elite Police.

29 September 2014
Nair Edilia Tay Torres

Indigenous leader from the Organización Indígena Murui del Amazonas – OIMA – OPIAC, killed in Puerto Legizamo, Putumayo.

7 October 2014
Norman Ortiz

Community leader, Fundación Impulsar - ASOJUNTAS de Maguí Payán, killed in Policarpa, Nariño.

15 October 2014
Johanna Quintero Pabón

Community leader from the Asociación de Vivienda, killed in Ocaña, Norte de Santander.

24 October 2014
Álvaro Osnas

Indigenous leader, Resguardo Nasa Jerusalén San Luis Alto Picudito, killed in Villagarzón, Putumayo.

26 September 2014
Wilber Chamarra Carpio

Indigenous leader from the Wounaan Resguardo Bella Vista Pitalito, killed in Pizarro, Chocó.

29 September 2014
Pedro Augusto Arisala

Afro-Colombian leader from the Comunidades Afrodescendientes en Barbaecos, killed in Barbaecos, Nariño.

7 October 2014
Daniel Humberto Sánchez Avendaño

Environmental leader from the Colectivo Social Ambiental Juvenil Cajamarcono COSAJUCA, killed in Cajamarca, Tolima.

17 October 2014
Nelson Medina Ortega

Union leader from the Asociación Sindical Petrolera Arcas, killed in Acacías, Meta.

28 October 2014
Fabio José Alegría Dagua Conda

Indigenous leader of the Nasa People and for the Colombian Red Cross, killed in Caloto, Cauca.

3.0 Self-Protection Models

As a response to the risks faced by communities and their lack of confidence in the State's Protection mechanisms, many rural HRDs together with the community have designed measures which provide for their own protection. For rural communities there is an interconnectedness between the individual, the community and their territory in the provision of security; and this incorporates cultural integrity which is fundamental to their well-being. It is therefore important not only to address the physical protection needs of the defender and the community, but also security in terms of permanence in their territory, which encompasses: economic, political and environmental security, as well as, psychosocial and cultural well-being. Threats to these communities come not only from armed actors but also from environmental contamination, destruction of their territory and loss of land. The factors that most often trigger risks for rural human rights defenders are related to territorial rights.

If communities manage to ensure that armed actors stay out of their territory it reduces considerably the risk to the leaders and the community. If one armed actor enters the community's territory they can find themselves caught in the crossfire or being used as a shield. In addition, the polarisation generated by the conflict means that communities are seen as being either 'for or against' a particular side; this is independent of the fact that when an armed actor tells a civilian or a village to do something they are unable to refuse. In Colombia even providing a glass of water to one armed actor can be viewed as being aligned with that actor and has generated reprisals.

For indigenous, Afro-descendant and peasant farmer communities their culture, spirituality, livelihoods and way of life are all intricately entwined with their territory. Forced displacement frequently holds for them abject poverty, isolation, further violence and loss of land, culture and identity.⁵⁴ Self-protection measures developed by Indigenous Peoples, Afro-descendants and peasant farmers (living in Peasant Farmer Reserve Zones) usually incorporate measures that promoted the

possibility of the community staying in their territory. Territory signifies social, economic and political life not only for the existing population but also for future generations. Caring for and safeguarding the biodiversity of their territory is intertwined with their cultural perspective.

Over the period of the conflict communities started to realise that there were economic interests behind the land grabs. It is, therefore, not surprising that communities living on collectively owned land in Colombia: Indigenous Peoples (*Indigenous Resguardo*), Afro-descendants (*collectively owned territory under Law 70*) and Peasant farmers (*Peasant Farmer Reserves*) when devising self-protection measures had at the heart of these their territory and its biodiversity. The models looked at here are some that ABColombia members' partners have developed.



Collectively owned land of Pedaguíta Mancilla Community. The sign reads: Biodiversity Zones for the defence of territory

ABColumbia

5 November 2014
Manuel Tumiñá

Nasa Indigenous leader, killed in Toribio, Cauca.

23 November 2014
Ángel Antonio Muñoz Villalarga

Community leader of the Junta de Acción Comunal of Vereda de Buenos Aires, killed in San Juan de Arama, Meta.

26 November 2014
Amalia Fernanda Meza

Community leader of the Junta de Acción Comunal of Barrio Boyacá, killed in Fortul, Arauca.

9 December 2014
Elkin Darío Mompotes Quira

Indigenous leader of the Kokonuco Resguardo de Purace, killed in Popayán, Cauca.

9 January 2015
Camila Flores

LGBT activist from Mecanismo Coordinador de País (MCP) / Fondo Mundial de prevención de VIH/SIDA, killed by unknown persons in Sucre.

5 November 2014
Daniel Coicue

Indigenous leader, killed in Toribio, Cauca.

26 November 2014
Leydi Milena Méndez

Community leader of the Junta de Acción Comunal of Puerto San Salvador, killed in Fortul, Arauca.

26 November 2014
Edgar Fernando Gómez Burbano

Campesino leader of the Asociación de Trabajadores Campesinos Pro constitución de Zona de Reserva Campesina del Municipio de Caloto, killed in Caloto, Arauca.

7 January 2015
Cenén Namundia

Indigenous leader and traditional doctor of the Embera Chamí indigenous people in Risaralda, killed by unknown persons in Risaralda.

2015

90 per cent of rural HRDs surveyed in 2015 had suffered some form of violation but only 36 per cent requested protection from the State's National Protection Programme, instead they have preferred to develop self-protection measures.⁵³

This first set of self-protection models are supported by legal mechanisms and internationally recognised norms, such as, International Humanitarian Law (IHL) and the 'principle of distinction' – that is, distinguishing between the civilian population and armed actors.

There are three similar models used by Afro-descendant, Indigenous and Peasant farmer communities: **Humanitarian and Biodiversity Zones, Humanitarian Spaces** and **a Humanitarian Refuge**. In different ways all of these models have effectively used the following measures for protection and security of the HRDs (leaders), the community and their territory:

3.1 Humanitarian and Biodiversity Zones

The Humanitarian Zones (HZs) is a concept that is used in Colombia by rural communities, whereby they cordon-off an area, often in a smaller portion of their territory, and as a temporary measure, the community lives in this area. They obtain special protection measures from the Inter-American System for Human Rights (IACHR) and post signs around the cordon stating that this area is for the civilian population only and no armed actors are permitted to enter – legal or illegal.

3.1.1 Legal strategies used for protection

- Principle of distinction between civilians and combatants
- Special protection measures from the Inter-American System for Human Rights (IACHR) ensuring that the Government has to report on how it is addressing the abuse to a legal authority, that is respected internationally and by Governments.
- Documenting, reporting and prosecuting human rights abuses: those accompanying the communities and/or the

community leaders themselves spend time documenting the history of the community, the human rights abuses they have suffered, the damage to their territory and where possible who was responsible (this includes, national and multinational companies, legal and illegal armed groups) in order that the community can make complaints and demand prosecution of the perpetrators.

3.1.2 National and international accompaniment used for protection

- International Accompaniment includes: provision of independent observation, like that of Peace Brigades International (PBI) which ensures that other governments, diplomatic missions and the public in other countries are informed of any human rights abuses. This attention helps to protect the human rights defenders and the community.
- Accompaniment of International Development Agencies, includes: provision of funding for subsistence crops, technical support and tools for communities to remain in their territory.
- International support can also come from businesses with ethical and sustainability principles. For example, the Peace Community of San Jose de Apartadó benefits from the support of an International Business – Lush - that buys fairly traded cacao. Lush have also run public awareness campaigns in their shops in Europe about the situation of communities from whom they buy their raw materials.
- National Accompaniment, includes: ensuring communities are not alone; that they understand their rights; any abuses attract publicity, locally, nationally and internationally; organise humanitarian missions or verification commissions and provide professional expertise.

23 January 2015

Isaias Moreno Cabrera

Cultural leader, killed by unknown persons in Antioquia.

26 January 2015

Nicasio Sánchez Guanay

Community leader from Comunidad de la Vereda Puerto Gaitán - Tame, killed by unknown persons in Arauca.

3 February 2015

Arturo Juanias

Indigenous leader from Comunidad de la Localidad de Usme y Tolima, killed by Los Rastrojos in Bogotá.

8 February 2015

Gerardo Velasco

Indigenous leader from the Nasa Indigenous People, killed by the Aguilas Negras in Cauca.

19 January 2015

Carlos Alberto Pedraza Salcedo

Social leader from Proyecto Nunca Más/ Movimiento de Víctimas de crímenes de Estado, killed by unknown persons in Bogotá.

25 January 2015

José Joaquín Herrera Utría

LGBT activist from La Brigada LGBT, killed by unknown persons in César.

30 January 2015

Jaminton Andrés Ávila

Social leader of the Junta de Acción Comunal of El Porvenir, killed by unknown persons in Antioquia.

4 February 2015

Heriberto Narváez Hoyos

Political leader from Agropemca, killed by unknown persons in Cauca.

8 February 2015

Emiliano Silva

Indigenous leader of the Nasa Indigenous People, killed by Aguilas Negras in Cauca.



ABC Colombia

Sign reads: Wounaan Humanitarian and Biodiversity Zone - Area exclusively for the civilian population and the construction of peace with social and environmental justice

As communities see the difference that HZs make to the security of the community and its leaders they are beginning to adopt this self-protection model for themselves. Many communities have started to form Humanitarian and Biodiversity Zones. These have grown in number throughout the Peace Talks, for example, in area like the San Juan River with the Wounaan Indigenous Peoples. Communities see these HZs offering security and protection even after the signing of a Peace Accord.

3.2 Humanitarian Refuge⁵⁶

The Peasant Farmer Reserve Zones (Zona de Reserva Campesino - ZRC) due to the threats against their lives and livelihoods, created the mechanism of a humanitarian refuge (*refugio humanitario*). The humanitarian refuge is a space where communities move to when they have an urgent need to protect their lives and integrity from a critical situation of human rights abuses. Unlike the HZs these camps are not permanent and the mechanisms for the protection of the community spring into action when the people move to this area. This camp does not have a definite timeline, it is a preventative refuge whilst the violent actions diminish in their villages. It is formed to call attention to the situation and to promote dialogue between the community

and the Colombian Government. It continues until security and protection agreements are reached with the Government.

Humanitarian Refuges help prevent displacements and are critical for the communities to remain in control over their territories. They know that if they leave, there is a significant risk they will never be able to return. They also provide a legal and political alternative to enable communities to face the threats whilst remaining in their territory. When the camps are utilised, they trigger a series of mechanisms aimed at acquiring a response from the State including: using IHL norms, specifically implementing the 'principle of distinction' and insisting that all armed actors remain outside of the refuge; publicity and denouncements – to prevent invisibility; **accompaniment from national and international organisations** - these organisations act as observers, ensuring that the rights of the civilian population are upheld, they rapidly publicise any violations of IHL and human rights.

3.3 Humanitarian Space

This differs from the HZ in that it is in an urban area and State armed actors are allowed into the HS. At present there is only one HS and that is in Buenaventura. It is a relatively new model.

10 February 2015

Héctor William Cabrera Suárez

Community leader from Asociación de Parceleros Brisas de San Pedro, killed by unknown persons in Caquetá.

15 February 2015

Jesús David Pérez Luján
(Juliana Andrea Pérez Luján)

LGBT activist from the LGBTI community San Pedro de los Remedios, killed by unknown persons in Antioquia.

2 March 2015

Édgar Quintero

Human Rights activist from Radio Luna, killed by unknown persons in Valle del Cauca.

17 March 2015

Luis De Jesús Rodríguez Parada

Campesino leader from Comunidad de la Española - Zona de Reserva Campesina Perla Amazónica, killed by unknown persons in Putumayo.

30 March 2015

José Joaquín Pinzón

Nasa indigenous leader from the Triunfo Cristal Páez community, killed by unknown persons in Florida, Valle del Cauca

14 February 2015

Luis Antonio Peralta Cuellar

Human Rights activist from Linda Stereo Radio Station, killed by unknown persons in Caquetá.

27 February 2015

Gersaín Fernández Rivera

Indigenous leader from the Nasa Indigenous People (Resguardo Pitayó), killed by the National Armed Forces in Cauca.

5 March 2015

Ever López

Campesino leader from Sindicato de Trabajadores Agrícolas Independientes del Meta, killed by the National Armed Forces in Meta.

24 March 2015

Elizabeth Méndez Sánchez

Community leader from the Barrio Egipto Community, killed by unknown persons in Bogotá.

Case Study 2: Puente Nayero Humanitarian Space - Buenaventura

Buenaventura, a town of 400,000 inhabitants, expanded its port with a major injection of foreign investment (FDI) to become the busiest in Colombia. It manages approximately 60 per cent of Colombia's internationally traded goods. At the same time more than 80 per cent of the population lives in poverty, and supplies of electricity and water are unreliable⁵⁷, it is one of the country's least developed cities. Despite being a highly militarised town the PDPGs groups have a strong presence. According to official figures (Attorney General's Office and the Interior Ministry 2015), in the last 20 years Buenaventura has seen, 26 massacres, 160,000 persons forcibly displaced and more than 6,000 people killed, in a struggle for territorial, economic, and social control.⁵⁸

In this context and at a time when the violence was increasing with the introduction by the PDPGs of what were known as 'Chop Houses' (casas de pique) where people were taken forcibly by the PDPGs and dismembered alive. The population of a few streets which contained traditional fishing houses built on stilts in the river asked the Inter-Church Commission for Justice and Peace (Comisión Intereclesial de Justicia y Paz -CIJP) to set up a Humanitarian Space.

The Puente Nayero Humanitarian Space, located in the neighbourhood of La Playita in the town of Buenaventura, is a series of waterfront streets where houses are on stilts in the sea with raised walk ways. The Afrodescendent community live off artisanal fishing and logging. The State authorities want to remove these communities from the area to make way for a modern development with hotels and cafés that is being constructed along the whole of the waterfront. This would impact on the community's traditional



Children of the Puente Nayero Humanitarian Space put a hand print on this picture as a commitment not to be violent; they gave up their toy guns in exchange for musical instruments

5 April 2015

Wallis del Carmen Barriosnuevo Posso

Community leader from the Junta de Acción Comunal (Community Action Council) of El Corcobavo, killed by paramilitaries in Achí, Bolívar

8 April 2015

Edward Alexis Granados Flores

Union leader of the UTP, killed by unknown persons in Cúcuta, Norte de Santander

27 April 2015

Luis Fernando Wolff Isaza

Professor and peace leader and of the Antioquia, Broad Front for Peace, killed by unknown persons in Medellín, Antioquia

3 May 2015

Viviana Agudelo Zapata

Social leader of the Junta Administradora Local (Community of local administration) in San Antonio de Prado, killed by unknown persons in Medellín, Antioquia.

5 April 2015

Herlen de Jesús Barriosnuevo Posso

Communal leader from the Junta de Acción Comunal (Community Action Council) of El Corcobavo, killed by paramilitaries in Achí, Bolívar

7 April 2015

Fernando Salazar Calvo

Emberá Chamí indigenous leader of ASOMICAR, killed by unknown persons in Supía, Caldas

10 April 2015

Siberston Guillermo Pavi Ramos

Youth indigenous leader from the Vereda El Pilamo, killed by the National Police (ESMAD), in Caloto, Cauca

3 May 2015

Nelson de Jesús Ríos Santamaría

Land leader of the process of land restitution of the farm El Carpintero, killed by unknown persons in Cumural, Meta

9 May 2015

Gustavo Bañol Rodríguez

Emberá Chamí indigenous leader, killed by unknown persons in Anserma, Caldas



Puente Nayero Humanitarian Space

way of life and leave them without a viable livelihood. Instead they are asking to be incorporated into the planned development of the area.

This Humanitarian Space has offered HRDs and the local population living in the HS protection from extortion and widespread violence. Whilst, in general, safety has increased dramatically for the people living in the HS there are still threats. One of the community leaders'

sons, 15 year old Christian David Aragón Valenzuela, was killed outside of the HS, about 500 metres from the entrance, on 19 July 2015 he was with his friend, Sol Angel Mina, who was badly injured. Despite this extremely sad incident the HS is demonstrating in a town, where populations were controlled and terrorised by illegal armed groups, that change is possible. The HS no longer has a 'chop house'; it has been dismantled, extortion of shop keepers in these streets does not happen, and other families have moved there for their protection.

National and international accompaniment, special protection measures from the IACHR, documenting and denouncing abuses, networks of publicity- generating a high profile and attention, visits from the diplomatic community and a general raising of the profile of this community has increased their and their leaders' security. Providing a beacon of hope that change is possible.

Buenaventura is a relatively straight forward example of how the introduction of multinational corporations in the construction and functioning of the port and international trade did not challenge the violence or the human rights abuses suffered by the local communities in the town. The port expansion and tourist development plans appears to have exacerbated the violence. International investment in such situations should only be undertaken when companies also have a plan for supporting local communities and challenging human rights abuses; otherwise they can exacerbate the human rights abuses.

The UK helped Colombia to draft a National Action Plan on Business and Human Rights to implement the UN Guiding Principles on Business and Human Rights launched in December 2015. 'Nevertheless, a public policy to define the legal framework for business respect for human rights is still required and will be even more pressing given the central role that the private sector should have in the sustainability of peace efforts. Clear guidelines on environmental protection, prior consultation and labour rights, as well as business commitments to the progressive advancement of economic, social and cultural rights, are also needed'.⁵⁹

<p>9 May 2015 Edwin Bañol Álvarez Emberá Chamí indigenous leader, killed by unknown persons in Anserma, Caldas.</p>	<p>31 May 2015 Alex Fabián Espinosa Carvajalino Union leader of the Asociación Nacional de Empleados y Funcionarios de la Rama Judicial (Asonal) y MOVICE, killed by unknown persons in Cúcuta, Norte de Santander.</p>	<p>5 June 2015 Ernesto Pejendino Pejendino Quillacinga Indigenous leader, killed by unknown persons in Yacuanquer, Nariño</p>	<p>25 June 2015 Sandro Arley González Leader of LGBTI victims, killed by unknown persons in El Bagre, Antioquia</p>	<p>13 July 2015 Luís Miguel Claros Union leader of Agua de Bogotá, killed by unknown persons in Bogotá</p>
<p>27 May 2015 Juan David Quintana Duque Human Rights defender of the Mesa de Derechos Humanos del Valle de Aburrá, killed by unknown persons in Medellín, Antioquia.</p>	<p>31 May 2015 María Luz Lucero Figueroa Social leader of the Mesa de Inversion Social, killed by unknown persons in Valle del Guamuez, Putumayo</p>	<p>17 June 2015 Eder Manuel Mielés Tejada (Paloma) LGBTI leader of the global fund for combating HIV/Aids killed by unknown persons in San Marcos, Sucre</p>	<p>13 July 2015 Gabriel Padilla Jiménez Union leader of Agua de Bogotá, killed by unknown persons in Bogotá</p>	

3.4 Indigenous Women Defenders Self-Protection Mechanisms⁶⁰

For indigenous women to assume the role of HRDs it is an extension of the task of caring for and defending the lives of sons and daughters and all of their Peoples. Self-protection is viewed from a broad and comprehensive perspective: protection of the individual, the collective (community) and the territory which they share with all beings that inhabit it, as they have done traditionally.

The process of organisation, resistance and defence of indigenous territories, recently has been assumed in greater numbers and with greater force by women leaders, as traditional authorities, governors, council members in the Reserve (*resguardo*) and as leaders of indigenous organisations. The Nasa women from ACIN - Indigenous Councils of Northern Cauca - have repeatedly reported that this leadership has increasingly exposed them to risks, and that they receive constant threats and attacks on account of the work they are undertaking in defence of human and collective rights.

A recurring feature of threats directed at women is that they extend to, or contact, their families in an effort to intimidate and silence them. Those who threaten indigenous women are knowledgeable about indigenous communities, about the courage and love the women have for their children and the sacrifices they are willing to make, and they use this in a strategy of intimidation.

Indigenous women use some practices for self-protection that are common to women HRDs, such as, public denouncements shared with their Indigenous networks, the International Community and International organisations; and register complaints with judicial and state officials.

They also use measures that are widely practised to ensure safe mobility, such as, making changes to their normal routines, activating communication networks, working with International and National solidarity organisations whose focus is the protection of women, and in the case of Indigenous Peoples accompaniment from the *Guardia Indígena*.



Wounaan Indigenous Governor

But perhaps most important for Indigenous women HRDs is the strengthening of traditional protection practices accompanied by traditional medicine and doctors who, from their traditional knowledge, perform rituals in sacred places that are identified in each *Pueblo* (village) where they perform refreshment and harmonization rituals; rituals that are needed to balance and harmonize the whole person, body and soul and invoke the protective powers of spirits and superior beings who care for life and territory: self-protection is the concept that is the basis of these practices: to be well means you are able to work well.

Protection and self-protection of Indigenous women HRDs is an internalised practice, the fact of being indigenous, being part of a people with an identity, a culture and particular practices permeates the protection of HRDs in their own style according to their own culture and traditions of care.

19 July 2015

Hernán Torres Cabrera

Peasant leader of the Comité de Integración del Macizo Colombiano – CIMA (Integration Committee of the Macizo Colombiano), killed by unknown persons in San Lorenzo Nariño

27 July 2015

Liliana Ramos Largo

Nasa indigenous leader from Tacueyó, killed by unknown persons in Toribio, Cauca

3 August 2015

Gilmar Genaro García Rodríguez

Afro-colombian leader of the Alto Mira and Frontera Community Council, killed by unknown persons in Tumaco, Nariño

25 August 2015

Wilson Arboleda Blandón

Afro-colombian leader of the Rio Gualajo Community Council, killed by unknown persons in Tumaco, Nariño

17 July 2015

José Alirio Prieto Ramírez

Social leader of Bello in the sectors Fontidueño, Las Vegas y La Camila killed by unknown persons in Bello, Antioquia

24 July 2015

Diego Villadiego Sánchez

LGBTI human rights defender in the community of LGBTI and sexual workers community of Sahagún, killed by unknown persons in Sahagún, Córdoba

31 July 2015

Alfonso González Quintero

Community leader from the Junta de Acción Comunal (Community Action Council) vereda Bertania, killed by unknown persons in Carmen de Viboral, Antioquia

4 August 2015

Diego Iván Aguirre

Community leader of the Junta de Acción Comunal (Community Action Council) Vereda bajo Corinto, killed by unknown persons in Manizales, Caldas

28 August 2015

Willington García

Victims leader of IDPs from Cali, killed by unknown persons in Cali, Valle del Cauca

3.5 The Indigenous Guard (Guardia Indígena), Peaceful Resistance and Self-protection

The *Guardia Indígena* is an organised unarmed authority based on traditional teachings aimed at abstaining from violence whilst asserting the communities’ rights. It was created in response to the dynamics of the internal conflict in Colombia to reject the intrusion of armed groups into their territorial lands and to refuse any support from these groups. They are indigenous women, men and young people who have committed to defend the rights of the community without the use of fire-arms - even at the cost of their own lives. They are able to mobilise their members very quickly and rely on their strength-in-numbers approach to confront armed actors with only the use of their ceremonial batons.

As well as asserting their neutrality, by patrolling their territories and demanding that armed actors leave the territory, the

women, men and young people of the *Guardia* strive to protect community members from becoming involved in the conflict, particularly the young who are at risk from forced recruitment; and act to protect indigenous territories, community members and livelihoods. In addition, they promote food security and human rights and develop protection mechanisms, such as, early warning systems to alert communities to the presence of armed actors. Members of the *Guardia Indígena* also play an important role during peaceful demonstrations by ensuring that indigenous protestors do not react with violence when faced by violent repression.

‘The protection strategy of the government is only a military one. We need protection to be integrated incorporating psychosocial and spiritual as well as physical. For example, if we receive a threat, then [others] enact a ritual to protect us, which gives us strength. Then the next day we are more relaxed to design a protection strategy...’⁶¹



Guardia Indígena welcome UK embassy to the Alto San Jorge Resguardo of the Zenú Indigenous Peoples

The Colombian State, under Decree Law 4633 of 2011 also explicitly acknowledges the use of the *Guardia Indígena* for the Protection of Indigenous Communities as legitimate. The 1991 Colombian Constitution provided that the indigenous peoples’ authorities may exercise jurisdictional functions within their territory and in accordance with their own laws and procedures, provided they are not contrary to the Constitution and the laws (Article 246). The *Guardia* is part of a process of peaceful resistance and survival of the territories, based on the right to autonomy enshrined in the ‘91 Constitution Art. 7.330 and 246.

Somos Defensores recorded over the last 5 years (2010-2015) that Indigenous HRDs are those who have been killed in the highest numbers.⁶² This statistic is even more concerning when you take into consideration that the Indigenous Peoples only make up around 5 per cent of the Colombian population. The *Guardia Indígena* has been important for the leaders, as it is the *Guardia* that accompanies them for their protection as they move around the *resguardo*, as well as, when they travel to other locations. It is the method that many indigenous tribes in Colombia have chosen to protect their communities.

10 september 2015
Flor Alba Núñez

Communicator and Human rights defender of the radio station La Preferida Stereo, killed by unknown persons in Pitalito, Huila

20 September 2015
Luis Iván Roa Castro

Community leader of the Junta de Acción Comunal (Community Action Council) vereda Monterral, killed by unknown persons in Aguazul, Casanare

21 September 2015
Ernesto Guzmán

Peasant leader from the Peace Community of San José de Apartadó, killed by paramilitaries in Apartadó, Antioquia

11 October 2015
Benicio Flor Belalcázar

Social leader from the Movimiento Marcha Patriótica, killed by unknown persons in Suárez, Cauca

9 November 2015
John Jairo Ramírez Olaya

Afro-colombian leader of Rostros & Huellas del Sentir Humano, killed by paramilitaries in Buenaventura, Valle del Cauca

15 September 2015
José Armando Calderón Álvarez

LGBTI Human Rights defender of Khinirius Foundation - Mesa LGBTI of Barranquilla, killed by unknown persons in Barranquilla, Atlántico

20 September 2015
Luis Iván Roa Castro

Community leader of the Junta de Acción Comunal (Community Action Council) vereda Monterral, killed by unknown persons in Aguazul, Casanare

22 September 2015
Héctor García Sandoval

Community leader of the Arauquita Community, killed by unknown persons in Arauquita, Arauca

19 October 2015
Alfredo Bolaños Laso

Indigenous leader of the Resguardo de Puracé, killed by the National Army in Popayán, Cauca

Case Study 3: Zenú Peoples Indigenous Guard

*‘There hasn’t been a year gone by when I haven’t been written to, spoken to or texted with death threats. I know the threats are not idle, the 46 murders in my community show that...But it’s not just me that is at risk, my family has also been threatened. While my wife was in hospital, my daughters were visiting her and they were followed and my son, who was seven years old at the time, was approached by two men on motorcycles who wanted to know where I was and what I was doing. **Irreal Aguilar Solano Governor of the Zenú Indigenous Peoples of the Alto San Jorge Resguardo***⁶³

The resguardo of the Zenú Peoples of Alto San Jorge is situated in Córdoba on land that is both agriculturally and mineral rich. The Zenú Resguardo (Reserve) is composed of 47 communities,

numbering 3,850 families (19,022 persons) who are distributed across the following areas: San José de Uré, Puerto Libertador and Montelibano in Cordoba. Since 2000, there have been countless acts of violence against the leaders and members of the Zenú Peoples, due to their endeavours to remain in their ancestral territory (following previous forced displacements and returns). The violent acts against them are attributed to all armed actors – legal and illegal.

The Zenú community have also been engaged in efforts to obtain legal recognition of their ancestral territories⁶⁴, as well as, raising the issue of the alleged impacts of the nearby South 32 Cerro Matoso ferronickel mine and processing plant on the health of the Zenú People and the alleged contamination of the environment.⁶⁵



Bishop of Montelibano accompanied by the Zenú Guardia Indígena

13 November 2015
Daniel Abril

Environmentalist Human Rights Defender of la Voz de la Tierra y Movimiento Nacional de Víctimas de Estado (MOVICE), killed by unknown persons in Trinidad, Casanare

15 December 2015
Robert Venecia Vega

Union Leader of Sindicato Sutimac killed by unknown persons in Cartagena, Bolívar

10 January 2016
Willinton Andrés Bañón

Social leader of the Fundación Amor y Fe killed by unknown persons in Pereira, Risaralda

16 January 2016
Nelly Amaya Pérez

Communal leader of the Junta de Acción Comunal (Community Action Council) of Guamalito, killed by unknown persons in San Calixto, Norte de Santander

2016

10 November 2015
Uriel Humberto Amaya Correa

Communal leader of the leader from the JAC (Community Action Council) of the Vereda La Loma from the corregimiento de San Cristóbal, killed by unknown persons in Medellín

13 November 2015
Luis Francisco Hernández González

Afro-colombian leader of Asociación Afrodescendiente Afrotay, killed by unknown persons in Tierralta, Córdoba

26 December 2015
Ofelia Mosquera

Victims leader of OIM, killed by unknown persons in Acandí, Chocó

14 January 2016
Mario Alexi Tarache Pérez

Communal leader of the Junta de Acción Comunal (Community Action Council) vereda Arenitas killed by unknown persons in San Luis de Palenque, Casanare

24 January 2016
Johan Alexis Vargas

Afro-Colombian leader of the Coordinación Nacional de Organizaciones y Comunidades Afrodescendiente, killed by FARC rebels in Tumaco, Nariño

In 2015, three members of the Zenú Peoples were killed, adding to the tally of 46 Zenú leaders and members assassinated since 2009. **All these crimes remain in impunity.** The Zenú Peoples have, over the years, petitioned the Colombian Government to investigate and punish these crimes, to no avail. Leaving them unpunished has created a culture of impunity that has fuelled further violence and killings. The Zenú Indigenous Peoples decided that the only way to protect their territory and the lives of their community was to strengthen the Guardia Indígena.

'[o]ur crime in the eyes of the perpetrators is that we live on land that is deemed 'strategically important. What this means is that the land we have historically lived on is rich in resources – gold and nickel.'⁶⁶ There have been '...direct actions against the life and the dignity of the community at the hands of illegal armed groups and extractive companies... The illegal armed actors and multinational companies are involved in the struggle over political and economic power and the exploitation of natural resources.'67

On 1 December 2013 the National Protection Unit agreed to provide certain collective protection measures to the Guardia Indígena to help them carry out the protection of the community. These measures included, uniforms (so their authority role was clearly identifiable by people from outside of the community), small motorbikes, radio and mobile phone communications. This equipment would allow them to patrol the extensive perimeter of the resguardo and to move quickly to any area where there is a problem. However, with the exception of five mobile phones 'received in March 2014 which after four months no longer worked', these measures were not implemented until 2016. Before their implementation three more indigenous leaders were killed and the head of the Guardia Indígena had to re-locate for a short while due to the increased level of threats.

The Indigenous Peoples consider that State support for the use of the Guardia Indígena in Indigenous territory for their security and protection following the signing of the Peace Accord will be essential. In the past, demobilisation of both Guerrilla Groups and Paramilitaries saw an increase in attacks against the community. The lack of trust in State Security Forces also suggests that this is going to be essential.

The Zenú Community through Pastoral Social in Montelibano, became part of a CAFOD/SNPS EU funded project which aims to

improve their security and strengthen their organisational capacity. This project works with the Zenú Peoples to promote greater awareness nationally and internationally of their security situation, through speaking tours in Europe, meetings with the International Community, a visit of an International Commission (2015) to their territory and supporting increased local accompaniment by Pastoral Social of the Catholic Church. UK MPs responded to the information received from the Zenú by writing to the Colombian Ambassador (March 2015) and tabling parliamentary questions.



Guardia Indígena

AfColombia

<p>29 January 2016 Robinson Ávila Ortiz Community leader of the Community of Bajo Quebradón de Algeciras, killed by unknown persons in Algeciras, Huila</p>	<p>28 February 2016 Marisela Tombe Peasant and environmental leader of the Asociación Campesina Ambiental de Playa Rica, killed by unknown persons in El Tambo, Cauca</p>	<p>2 March 2016 Willam Alexander Oimé Alarcón Indigenous leader of the Resguardo indígena de Río Blanco, killed by unknown persons in Popayán, Cauca</p>	<p>7 March 2016 William Castillo Chima Peasant and environmental leader from the Asociación de Hermandades Agroecológicas y Minerías de Guamocó Aheramigua killed by unknown persons in El Bagre, Antioquia</p>	<p>15 March 2016 James Balanta Afro-colombian leader of the Caloto Afro Community killed by unknown persons in Caloto, Cauca</p>
<p>18 February 2016 Aníbal Coronado Community and environmental leader from the community of Santa Lucía Ciénaga de Oro, killed by unknown persons in Ciénaga de Oro, Córdoba.</p>	<p>2 March 2016 Hernando Pérez Iriarte Land leader of the land restitution process in Los Palmitos, killed by unknown persons in Los Palmitos, Sucre</p>	<p>6 March 2016 Klaus Zapata Youth leader of the Soacha Youth Network, killed by unknown persons in Soacha, Cundinamarca</p>	<p>10 March 2016 Gil de Jesús Silgado Peasant leader of the Peasant Association of Arauca, killed by unknown persons in Arauca, Arauca</p>	

3.6 Pastoral Social, the security of rural communities and HRDs

According to Father Sterlin Londoño (Pastoral Social Quibdó): the first step in building self-protection measures for communities is to analyse the context, study what actors are in the territory and their interests. Pastoral Afro in Quibdó engaged in workshops with the communities to examine the realities they faced in their territory. This information forms the basis for constructing personal and community self-protection strategies.⁶⁸ Having undertaken this work with Afro-descendant communities the analysis indicated the need to support and strengthen their organisational capacities to enable communities to claim

their rights, to denounce corruption and all other forms of violence. '...As a result [of strengthening the organisational capacity of the ethnic-territorial organisations] communities were able to denounce threats that came from ... companies and their activities and claim their rights.'⁶⁹ In the case of mining companies the Diocese sought experts from national Colombian CSOs, academic institutions, and from international organisations to give the communities the information they needed to collectively establish their position and take concrete actions in order to be able to remain in their territory.



National and International Accompaniment of HRDs in Chocó

17 March 2016
Luis Elviar Vergel

Junta de Acción Comunal (Community Action Council) from Los Fundadores, killed by unknown persons in Santa Marta, Magdalena

22 March 2016
Carlos Ariza

Community leader of the Zipaquirá Community, killed by unknown persons in Zipaquirá, Cundinamarca

27 March 2016
Samuel Caicedo Portocarrero

Cultural leader of the Grupo Folclórico de la Universidad Libre de Cali, killed by unknown persons in Cali, Valle del Cauca

10 March 2016
Oswaldo Hernández Gutiérrez

Union leader from the Health and Social Security Union – SINDESS, killed by unknown persons in San Sebastian, Magdalena

17 March 2016
Luis Enrique Ramírez Rivera

Victims and IDPs leader of the Asociación de desplazados del Zulia Asofazul, killed by unknown persons in El Zulia, Norte de Santander

18 March 2016
Adrián Quintero

Afro-colombian leader of CONAFRO y Plataforma Antorcha ciudadana, killed by the paramilitares in Buenaventura, Valle del Cauca

26 March 2016
Víctor Andrés Flórez

Peasant leader of the Asociación de Trabajadores Campesinos de ZRC del Municipio de Corinto – ASTRAZON, killed by unknown persons in Corinto, Cauca

2 March 2016
Esteban Rodríguez

Community leader of the corregimiento Las Mercedes killed by unknown persons in Sardinata, Norte de Santander

14 March 2016
Jesús Adilio Mosquera Palacios

Afro colombian leader of the Consejo Comunitario Real de Tanando, killed by unknown persons in Quibdó, Chocó

Case Study 4: Paquemás⁷⁰

Paquemás is a rural peasant farmer community in the municipality of Turbo. In 1994, the then Colombian Institute of Agrarian Reform (INCORA)⁷¹ awarded over 1,000 hectares of land to 98 families in Paquemás. These thousand hectares of land were divided up in smallholdings; one for each family. In September 1995 the AUC paramilitaries, threatened the Paquemás population with being 'chopped into little pieces' unless they left. Resistance proved to be fatal: 173 were killed; 30 forcibly disappeared; and 85 families fled - almost the entire community. Allegedly, cattle-ranchers and businessmen in collusion with an official from INCORA took advantage of this opportunity forcing Paquemás farmer to sign blank documents. It was then recorded that the villager had resigned their right to the land title; these were then allegedly adjudicated mainly to cattle-ranchers and traders living in Turbo with links to the AUC.⁷²

AUC leaders in the Justice and Peace Process confessed to forcing Paquemás families from their territory since then the State has been supporting them under the Victims Law 1448 to return. However, those who have returned are in appalling conditions: families are living in temporary structures, delays in delivery of seeds, tools and fertilisers for subsistence crops, as well as, threats from those behind their displacement, all are causing severe hardship and fear. The police protection allocated on their return has slowly disappeared and the State is failing to fulfil the commitments given in the Paquemás Return Plan (Plan Retorno).

Measures that would increase the Security of the Paquemás Community and its leaders

'We were given the land collectively, we fled for our lives at the same time, so why don't they return our land collectively? It is our community ...having our neighbours... that provides us with security.'⁷³ The long delays between each of the family plots being returned leave the peasant farmers vulnerable. As those who occupied the land after the forced displacement remain in the area and on the land yet to be restored. 'The people who occupy the land have a lot of power and wealth and in any moment can take action against us. They will not allow themselves to be ousted from

it so easily and we feel very vulnerable.' The PDPGs are particularly strong in this region of the country and their links to landowners who were behind the forced displacements are well documented.

Self-protection Measures

The experience of ABColombia members' partner group, Pastoral Social has enabled them to support the community to organise, this includes running workshops on communities rights, supporting them to form legally recognised organisations, all of which has led to empowerment of members of these communities to demand the full enjoyment of their rights.

Strengthening of organisational processes

A strategy with rural defenders of territorial and environmental rights has been based on strengthening of their knowledge of their rights and the formation of, and/or strengthening of, their social organisation.

In 2014 the Paquemás community created ASOPAQUEMAS, this association has provided the opportunity for empowerment of the community. Through ASOPAQUEMAS they have a collective legal identity, giving them access to, and the right to, be represented on committees of official bodies, such as the victim's municipal roundtable, the local committee on transitional justice etc. Collective representation on these bodies has increased the community's access to decision-makers, provided greater visibility, increased their autonomy, and their ability to position their development proposals and security needs, as well as, increasing their potential for self-determination. By increasing the visibility of the community, it provides greater physical protection as it increases the political costs of such attacks; attacks can no longer be carried out under a cloak of silence. In addition to the documentation and denunciations made, strategies are used to strengthen the network of contacts. An organisational structure allows for the work to be undertaken by more than one person, spreading the security risks. Paquemás has national and international accompaniment and the profile of the leaders have been raised through speaking tours in Europe, as well as, through meetings with State officials.

28 March 2016
Wilson Hoyos

Community leader of the community of the corregimiento of Puerto Claver, killed by the paramilitares in El Bagre, Antioquia

5 May 2016
José Albino Solarte

Peasant leader of peasant community of the Vereda El Guadual, killed by unknown persons in Bolívar, Cauca

13 May 2016
Arvinson Flórez González

LGBTI leader of the vereda Sanaguare of the corregimiento of Pueblo Nuevo, killed by unknown persons in Córdoba Tetón, Bolívar

20 May 2016
Manuel Chimá Pérez

Zenú Indigenous leader of the resguardo Los Almendros, killed by unknown persons in El Bagre, Antioquia

31 May 2016
Arnulfo González Velázquez

Peasant leader of the Fondo de Inversión y Reactivación del Sector Agropecuario y Microempresarial del Municipio de Cimitarra (Firamci), killed by the paramilitares in Cimitarra, Santander

4 May 2016
Manuel Dolores Pino Perafán

Communal leader of the Junta de Acción Comunal (Community Action Council) of the vereda Fondas, killed by unknown persons in El Tambo, Cauca

12 May 2016
Gonzalo Rentería Mosquera

Communal leader of the Junta de Acción Comunal (Community Action Council) of Barrio El Plumón, killed by unknown persons in Pereira, Risaralda

15 May 2016
Orlando Olave

Afro colombian leader of CONAFRO, killed by unknown persons in Buenaventura, Valle del Cauca

30 May 2016
Willington Quibarecama Naquirucama

Embera Indigenous leader of the resguardo Dachini, killed by unknown persons in Trujillo, Valle del Cauca



Community Leader with British and German Embassy Representatives

3.7 Self-protection and peace-building

According to the communities that ABColombia has spoken to, there will be an on-going need for these self-protection mechanisms even after the signing of a Peace Accord with the Guerrilla Groups. Hopefully, this will be achieved with both the FARC and the ELN. But the security of rural communities and HRDs will continue to be an issue. The majority of threats do not come from the Guerrilla Groups, rather the PDPGs which continue to operate and they are not part of the Peace Deal with the FARC.

On the 24 August 2016 the Peace Accord was signed with the FARC. This is the first step in a long process of peace-building which will rely on the active participation of civil society. Essential to giving peace a chance will be an agreement with the ELN and

for the Colombian Government to fully dismantle the economic, political and military structures of the PDPGs.

The rural HRDs and communities mentioned in this report and those using these models of self-protection have learnt important lessons on how to confront violence using non-violent methods; to promote the rule of law; promote and support community organisation; to engage in dialogue with officials around the construction and implementation of public policy. These are the skills that are needed in order to help balance the inequality of power and facilitate dialogue between citizens and the State and between citizens and corporations. All of this expertise will be essential for peace-building. It is, therefore, important that the International Community and the Colombian State support grassroots CSOs, communities and rural defenders in peace-building in Colombia.

2 June 2016
Gersaín Cerón

Nasa Indigenous leader of the resguardo Las Mercedes, killed by unknown persons in Caldoño, Cauca

6 June 2016
Ramón Eduardo Acevedo Rojas

Comunitarian leader of Human Rights Table of the Comuna 10 - Municipal Committee of Human Rights for peacebuilding in Medellín, killed by unknown persons in Medellín

22 June 2016
Amado Gómez

Embera Indigenous leader of the Dojura resguardo, killed by unknown persons in Chigorodo, Antioquia

26 June 2016
Wilson Manuel Cabrera Mendoza

Comunitarian leader of the mototaxi group of the vereda La Coquera, killed by unknown persons in El Bagre, Antioquia

2 June 2016
Marco Aurelio Díaz

Nasa Indigenous leader of the resguardo La Aguada, killed by unknown persons in Caldoño, Cauca

12 June 2016
Yolay Róbinson Chica Jaramillo

Social leader and councillor of the community of the corregimiento La Honda, killed by unknown persons in Liboriana, Antioquia

26 June 2016
Luis Fernando Ortega Rubio

Comunitarian leader of the community Barrio Oasis - Comuna 4 /Junta de Acción Comunal Barrio Oasis, killed by unknown persons in Soacha, Cundinamarca

Source: Programa Somos Defensores Reports: D de Defensa, 2013; La Divina Comedia, 2014; El Cambio, 2015; and Este es el Fin, January to June 2016.

Endnotes

- 1 This claim is based on global data collected annually on the numbers of HRDs killed, by organisations like Frontline Defenders; however, data is not readily available in all countries e.g. in 2014 Asia was incomplete
- 2 With the exception of 2014 when it fell slightly below those of 2013 and then rose again in 2015. 2013, was the year with the highest number recorded that of 78 HRDs killed. For further information see ABColombia Reports: Colombia: Security of Human Rights Defenders and Communities, June 2016 & Civil Society Voices: Agendas for Peace in Colombia, May 2015
- 3 UN Annual Report of the United Nations High Commissioner for Human Rights, Addendum, Situation of human rights in Colombia, 15 March 2016. Advanced unedited version
- 4 Programa Somos Defensores, El Cambio, 2015, p28
- 5 Programa Somos Defensores, El Cambio, 2015
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- 9 Annual Report, UN High Commissioner for Human Rights on the Situation of Human Rights in Colombia, 23 January 2015
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- 11 Programa Somos Defensores, Los Nadies, January to June report, 2015
- 12 The Campaign the Right to Defend Human Rights was launched in 2009 and ran for 3 years. For more information see: <http://www.abcolombia.org.uk/subpage.asp?subid=369&mainid=22>
- 13 ONU, En 2015, se superó el promedio de homicidios de Defensores registrado en los últimos 20 años, November 2015
- 14 Ibid; and Programa Somos Defensores, Informe Enero – Junio 2015: Los Nadies, August, 2015, p. 31.
- 15 Programa Somos Defensores, El Cambio, Informe 2015
- 16 Semana, La sentida súplica de los embajadores, 4 June 2016
- 17 Ibid
- 18 Comité Permanente por la Defensa de los Derechos Humanos (CPDH), Protection of Human Rights Defenders in Rural Contexts: the survey covered 12 Departments in 5 regions of Colombia
- 19 CDPH, Protection of Human Rights Defenders in Rural Contexts: the survey covered 12 Departments in 5 regions of Colombia. There is no date on the report but it was published in 2015 or 2016
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- 21 El País.com.co, Gobierno pide resultados para conocer autores de amenazas a defensores de derechos humanos, May 27, 2015; Republic of Colombia. Progress in the promotion, guarantee and defense of Human Rights in Colombia. First semester of 2015. Note S-GAID-15-088842, September 14, 2015, p. 61
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- 24 CDPH, Protection of Human Rights Defenders in Rural Contexts, Bogotá 2015
- 25 55 HRDs were killed of those 89 per cent were male (49) and 11 percent (six) were female.
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- 27 See ABColombia report
- 28 El Espectador, Delegaciones de víctimas que viajaron a la Habana continúan siendo amenazadas, 1 November 2014
- 29 CDPH, Protection of Human Rights Defenders in Rural Contexts, Bogotá 2015
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- 31 Somos Defensores, El Cambio, 2015
- 32 Global Witness 2015 Report: Brazil (207) Honduras (109) Colombia (105)
- 33 Report of the independent expert on minority issues, Gay McDougall, addendum Colombia, 25 January 2011
- 34 See: SENTENCIA T-769 de 2009 Referencia: Expediente T-2315944: State defence of MNC in the appeal on the Constitutional Court Decision related to the Mande Norte Mining Project
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- 38 UN OHCHR 24 January 2014. This figure was the number of killings registered by the UN as of December 2013, however it appears to be a partial one as the final figure of killings of HRDs in 2013 documented by Somos Defensores was 78.
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About us

ABColombia is a group of leading UK and Irish organisations with programmes in Colombia. We work on questions of human rights, sustainable development and forced displacement. ABColombia's members are CAFOD, Christian Aid (UK and Ireland), Oxfam, SCIAF, and Trócaire. Amnesty International and Peace Brigades International are observer members. ABColombia develops the collective advocacy work of its members. Our members work with around 100 partner organisations in Colombia, most of them are marginalised communities with little access to decision-making forums nationally or internationally.

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