

Dra. Paula Gaviria Betancur
Presidential Commissioner for Human Rights
Bogotá

10 October 2017

Dear Dra. Paula Gaviria,

ABColumbia and the delegation of parliamentarians would like to thank you for meeting with us in August in Bogotá. We appreciated the opportunity of discussing with you our concerns in relation to human rights and the security situation of the communities we met, namely the Wounaan Nonam from the villages of Santa Rosa de Guayacán, river Calima and Union Agua Clara, Bajo San Juan River; and the Afro-descendant communities living on collectively owned territory in the Rio Quito, Chocó in Paimadó and San Isidro. As promised, we are now putting the issues raised with you into writing, in order that together we can monitor progress.

1. The Delegation's impressions of progress in relation to peace

The Delegation were very impressed with the achievement of the Peace Accord with the FARC. This deal is far more comprehensive and integrated than other countries have managed to date. The global precedent set by the Colombian Constitutional Court in its landmark ruling T-622 of 2016, was also an impressive global first and has much to contribute beyond Colombia's borders. The recent announcement of a temporary bi-lateral ceasefire with the ELN is also very encouraging and we hope a Peace Accord with them can be obtained before this ends in January 2018. Many of the security issues we saw were due to the actions of the neo-paramilitary groups; we were therefore please to see that on 3 September 2017, the 'Clan del Golfo' stated that they wished to submit themselves to the Justice System. We do hope that you are successful in dismantling the neo-paramilitary groups and their backers.

2. Lack of protection of communities by State Security Forces

The suffering of the communities that we met in Chocó, Buenaventura and along the rivers of Bajo Calima, Bajo San Juan and Rio Quito, was something that we found quite profoundly disturbing. Combats between the ELN and neo-paramilitaries for control of resources is causing particular hardship, as was, the lack of State protection despite the presence of State Security Forces. State Security Forces were present in all the areas we visited, and yet, illegal armed groups appeared to transit with ease.

2.1 Chocó and Rio Quito

In the Rio Quito, neo-paramilitary groups, mainly the *Autodefensas Gaitanistas de Colombia* (AGC); and the ELN guerrilla group, were either operating extortion rackets or directly controlling the mining which was operating illegally in the river. They were also threatening and intimidating

the communities and particularly those representing the communities from the various *consejos comunitarios*. Whilst the delegation was in Chocó, one of the leaders received several menacing calls.

In addition to this, despite several early warning alerts (SATs), there have been extremely high levels of mass displacements in Chocó due to combats and threats with some 2,500 people displaced and about 320 confined in 2016.

2.2 Wounaan Communities in Bajo San Juan and Bajo Calima Rivers

When visiting the Santa Rosa de Guayacán and the Agua Clara villages of the Wounaan Indigenous Peoples along the Bajo San Juan and Bajo Calima rivers, it became quickly evident that they faced a situation of insecurity and vulnerability despite the State Security Forces being present at all the entrances and exits to the Bajo San Juan river. The transiting of the river by the neo-paramilitary group the AGC and the ELN has made combats for control of the rivers more prevalent, communities have been threatened, curfews imposed, and confinement in their territory has meant that they are unable to carry out their normal daily activities of hunting, gathering and cultivating, which has resulted in a situation of food insecurity. High velocity boats, the type used by drug-traffickers and neo-paramilitary groups, transit this river at night, despite there being a curfew in operation and navy checkpoints. In addition, there have been kidnappings and killings, which have generated a well-founded fear in the communities.

The Wounaan Nonam Indigenous villages of Santa Rosa de Guayacán, River Calima and Unión Agua Clara have been forced to displace due to neo-paramilitary incursions and threats by other armed groups. Despite Governemnt policies in place that provide for dignified returns, one of the major issues for these communities has been that the municipal authorities have either not provided an adequately resourced plan and/or not fully implemented the few commitments made. This has left the Wounaan in a precarious situation. By way of an example, only about 5% of the return plan agreed between Santa Rosa and the Municipal Authorities of Buenaventura has been implemented. The community showed the delegation food that had arrived two days before, as part of the commitments in the return plan; it was in a deplorable state: food pulverized or dried-up due to packets being open and much unusable. In this community, it was noticeable that people were hungry and that there was insufficient food to eat

3. Inclusive development, community participation and peace-building

The importance of the Buenaventura Port for international trade was something that caught our attention, especially since the port expansion threatens to displace communities like that of Puente Nayero and Punta Icaco. These two communities are Humanitarian Spaces and due to their special status have succeeded in improving the security situation for those living there. The ideas that the community has for the development and inclusion in the tourist plan for Buenaventura are commendable. Inclusive development is an essential element for peace building and for communities to experience the peace dividend. We do hope that the central, as well as, the municipal government will engage with the Puente Nayero and Punta Icaco Humanitarian Spaces and ensure that they fully participate in planning meetings and that the development ideas they have for their community are incorporated into the municipal development plan.

We are all aware of the importance of community consultation and the problems that arise when this does not happen. We were fortunate to meet the communities in the Rio Quito area, one of

the tributaries of the Atrato River. The level of organisational capacity of these communities, along with their legal knowledge and well-developed initiatives with local, national and international experts for addressing the contamination in the Rio Quito was also very impressive. However, it was concerning to find out that the communities affected by the Constitutional Court's T-622 of 2016 decision in the Rio Quito had not been consulted on the implementation measures, despite plans already drawn up by various entities in relation to this ruling. We would re-iterate our request for you to ensure that the communities fully participate and have a central role in elaborating plans for addressing river contamination and development in their collectively owned territories in Rio Quito. In our experience, community participation is essential to ensure any projects address the needs of the community and are sustainable in the long term.

4. Humanitarian crisis in Chocó

The Bishop of Quibdó gave us a copy of the Humanitarian Accord that Chocó wants to see implemented (Acuerdo Humanitario Ya!). This document includes a series of recommendations, many of which relate to the lack of crucial services in Chocó, such as healthcare. The full implementation of this Accord, and previous commitments made by the Government to Chocó, in terms of local services and infrastructure, is something the delegation promised Bishop Barreto to monitor over the coming months. We would therefore be very grateful for an update on how these commitments and the implementation of the "Acuerdo Humanitario Ya!" is progressing.

5. Human Rights Defenders, social protest and impunity

Also concerning is the number of human rights defenders killed in recent years (458 between 2009 and 2016). According to Somos Defensores 57% of the 51 defenders killed so far in 2017 were killed by neo-paramilitary groups. We heard very similar reports whether leaders were defending environmental, labour or community. All defenders were experiencing stigmatisation, threats and attacks, and most identified the perpetrators as neo-paramilitaries, others the ELN, and there were a large number where the perpetrator was unidentified. In addition, the use of excessive violence by ESMAD during the policing of protest marches was raised both in Buenaventura and Quibdó.

Concerns were specifically expressed about the high levels of impunity for crimes against HRDs: according to one lawyer, who cited a report from the Attorney General's Office, there were only five sentences in 2016 for crimes against defenders and there were 80 defenders assassinated. The continued impunity for these crimes is a major issue in terms of dissuasion.

6. Follow-up to the visit

As discussed with you in the meeting, the delegation is very keen to monitor what is happening in Colombia, especially in the following areas. We would be very grateful if you could keep us informed about the Government's progress at the end of this year (December 2017):

- Progress on the inclusion of the development plans of the communities of Puente Nayero and Punta Icacó in the municipal development plan;
- Progress on the full involvement and participation in the planning of the implementation of the Constitutional Court Order T-622 of 2016 by the community leaders in the Rio Quito along with the Foro Interétnico Solidaridad Chocó (FISCH);

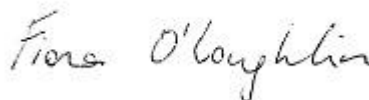
- Update on the full implementation of the return plans for Santa Rosa de Guayacán and Agua Clara, along with an update on the security situation in the rivers of Bajo Calima and San Juan;
- Progress in tackling impunity for crimes against human rights defenders and community leaders, in particular:
 - how the new Unit in the Attorney General's Office, outlined in point 3.4.3 of the Peace Accord, is progressing;
 - a review of the number of people prosecuted and sentenced in 2017 for crimes against human rights defenders

We do thank you once again for what was a very open and frank meeting. We appreciated the time you gave to the delegation to discuss these issues and look forward to hearing how these issues are being progressed.

Yours sincerely,



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Member of the House of Lords, UK Parliament



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Vice-President of the Fianna Fáil Party



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Cc: HE Dr. Peter Tibber, Ambassador to the Republic of Colombia, David Costello, Deputy Head of Mission, Irish Embassy, HE Nestor Osorio, Ambassador to the UK, Patrick Colgan, Senior Adviser, Government of Ireland, Tom Newton, Political Secretary, British Embassy, Angela de la Torre, Second Secretary, Colombian Embassy, Kate Holliday, Head, Andean Team, FCO, Eamon Gilmore, EU Special Envoy to the Peace Process, Rachel Brazier, EU Commission Bogota, Breda Lee, Consejera Politica, EU Commission, Bogota.