

Dr. Luis Ernesto Gómez  
Deputy Minister for Participation and Equal Rights  
Ministry of the Interior  
Bogotá

10 October 2017

Dear Dr. Luis Ernesto Gomez,

ABC Colombia and the delegation of parliamentarians would like to thank you for meeting with us on 29 August in Bogotá. We appreciated the opportunity to discuss with you our concerns in relation to human rights and security. During the delegation, we met with various communities, namely the Wounaan Indigenous Peoples from the villages of Santa Rosa de Guayacán, Bajo Calima and Union Agua Clara, Bajo San Juan; and the Afro-descendant communities living on collectively owned territory in the Rio Quito, Chocó. As promised, we are now putting the issues raised with you into writing.

## **1. The Delegation's impressions of Progress in Relation to Peace**

Firstly, the Delegation was very impressed with the Peace Accord between the Government and the FARC which is more comprehensive and inclusive than other countries have managed to achieve. Secondly, the delegation was very interested in, and impressed by, the global precedent set by the Colombian Constitutional Court in its landmark ruling T-622 of 2016, which recognises the Atrato River as a legal entity with environmental rights that need to be protected alongside the communities' bio-cultural rights.

The recent announcement of a temporary bi-lateral ceasefire with the ELN is also very encouraging and we hope a Peace Accord can be achieved before this ends in January 2018.

Many of the security issues we observed during our visit were due to the actions of the neo-paramilitary groups; we were therefore pleased to hear that on 3 September 2017, that the '*Clan del Golfo*' stated that they wished to submit themselves to the Justice System. We hope that talks on this progress well and that the testimonies of the neo-paramilitaries will enable Colombia to bring to justice, not only the armed actors, but also the neo-paramilitaries political and financial backers.

## **2. Community Consultation, Participation and the Constitutional Court Order**

The delegation was impressed with the level of organizational capacity of the communities they met in Rio Quito (Paimadó and San Isidro) and Quibdó (FISCH). As well as, their legal knowledge and the initiatives they were developing with local, national and international experts (particularly those from the UK) for addressing the contamination in the Rio Quito.

The delegation is acutely aware of the importance of consultation and participation in peace building and governance and the problems that arise when this does not happen. The communities affected in the Rio Quito area, were concerned about the lack of consultation on the Constitutional Court's T-622 of 2016 ruling, with plans already having been drawn up by

various entities without any community consultation. We would therefore reiterate our request to ensure that the communities affected by this decision are able to fully participate and have a central role in elaborating plans for addressing the contamination, and development, in their collectively owned territories. Community participation is going to be essential to ensure that the projects address their needs, and to ensure the sustainability of the remedies provided.

### **3. Security Situation of the Communities**

The suffering of the communities that we met was something that we found quite profoundly disturbing. Of particular concern was that in all of the areas we visited, despite there being a strong presence of State Security Forces, illegal armed groups appear to transit with ease. Also, combats between the ELN and neo-paramilitaries for control of resources were causing particular hardship, as was the lack of full implementation of the “return plans” for the Santa Rosa de Guayacán and Agua Clara Wounaan Indigenous Communities.

#### **3.1 Rio Quito**

In Rio Quito, the illegal armed groups, in particular the neo-paramilitaries *Autodefensas Gaitanistas de Colombia* (AGC), and the ELN are either operating extortion rackets or directly controlling the mining operating in the river. They are also threatening and intimidating communities, and targeting those representing the communities’ interests from the various *consejos comunitarios*. Whilst the delegation was in Chocó, one of the leaders received several menacing calls wanting to know what the parliamentary delegation was doing in the region.

In addition to this, we were concerned to learn that despite several early warning alerts (SATs), there have been extremely high levels of mass displacements in Chocó due to combats between, and threats issued by, the ELN and the neo-paramilitary groups resulting in some 2,500 people displaced and about 320 confined in 2016.

#### **3.2 Santa Rosa de Guayacán and the Agua Clara villages of the Wounaan Indigenous Peoples**

From Buenaventura, we visited the Santa Rosa de Guayacán and the Agua Clara villages of the Wounaan Indigenous Peoples in 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 river.

The transiting of the river by the neo-paramilitary group the *Autodefensas Gaitanistas de Colombia* (AGC) and other drug trafficking groups, along with the ELN has made combats for control of the river 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.

In addition, 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 despite the Navy checkpoints. There have also been kidnappings and killings which have generated a well-founded fear in these communities.

### **4. State Support for Dignified Returns**

The Wounaan Nonam Indigenous villages of Santa Rosa de Guayacán, River Calima and Union Agua Clara have been forced to displace due to neo-paramilitary incursions and threats by other armed groups. Despite Government 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 minimal commitments

made in said return plan. This has left the Wounaan in a precarious situation. By way of an example, 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.

#### **5. Inclusive Development 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. We were pleased to hear the difference that a Humanitarian Space had created in terms of increasing the safety of those living there. The ideas that the community has for the development of their community and its 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 communities and ensure that they fully participate in planning meetings and that their development ideas for their community are incorporated into the municipal development plan.

#### **6. Humanitarian Crisis in Chocó**

We met with a wide range of civil society organisations, including] Pastoral Social and Bishop Juan Carlos Barreto when we were in Quibdó. Bishop Barreto gave us a copy of the Humanitarian Accord that Chocó wants to see implemented (*Acuerdo Humanitario Ya!*). This document includes a series of recommendations. The full implementation of this Accord is something the delegation supports, and we promised Bishop Barreto that we would monitor this over the coming months (copy enclosed with this letter).

#### **7. Human Rights Defenders, Impunity and Social Protest**

The other issue that was of concern to the delegation was the number of human rights defenders that have been killed: 51 in 2017. According to Somos Defensores, 57% were killed by neo-paramilitary groups. When talking to communities and CSOs, we heard reports of stigmatisation, threats, attacks, killings, displacements and kidnappings, most perpetrators were identified as neo-paramilitaries, others as members of the ELN, and there were many cases where the perpetrator was unidentified. In addition, the issue of excessive violence by ESMAD during the policing of peaceful protest marches was raised both in Buenaventura and Quibdó.

Concerns were specifically expressed about the high levels of impunity for attacks against defenders: 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.

#### **8. Follow-up**

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 inform us regarding progress on these issues at the end of the year (December 2017):

- Progress on the inclusion of the development plans of the communities of Puente Nayero and Punta Icaco in that of the municipal development plan;

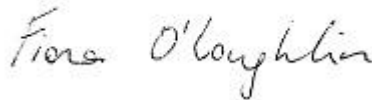
- Progress on the full involvement and participation in the planning and implementation of the Constitutional Court Order T-622 of 2016 by the community leaders in the Rio Quito along with the Foro Interétnico Solidaridad Chocó (FISCH);
- Update on the full implementation of the return plans for the communities of 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 HRD and community leaders
  - how the new Unit in the Attorney General's Office, outlined in point 3.4.3 of the Peace Accord, is progressing.
  - Review of the number of people prosecuted and sentenced in 2017 for crimes against defenders
- The Colombian Government's response to the recommendations in the document "Acuerdo Humanitario Ya!"

We would like to thank you once again for a very helpful meeting and for your willingness to provide follow-up information on these issues.

Yours sincerely,



**Baroness Jean Coussins**  
Member of the House of Lords, UK Parliament



**Fiona O'Loughlin TD**  
Vice-President of the Fianna Fáil Party



**Senator Catherine Noone**  
Deputy Leader of Seanad Éireann  
Irish Fine Gael Party



**Thomas Mortensen**  
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**Mark Camburn**  
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**Jennifer Higgins**  
Policy Advisor  
Christian Aid Ireland



**Louise Winstanley**  
Programme and Advocacy Manager  
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Cc: HE Dr. Peter Tibber, UK 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 of the Andean Team, FCO; Eamon Gilmore, EU Special Envoy to the Peace Process; Rachel Brazier, EU Commission Bogotá; Breda Lee, Consejera Política EU Commission Bogotá.