

Bogotá, 20 November 2017

ABColumbia
55 Westminster Bridge Road
London SE1 7JB

Dear Sirs,

Subject: Response to concerns about communities in Chocó and Buenaventura and Human Rights Defenders

I have the pleasure of responding to your kind letter, sent following our meeting in my office, in which you expressed your concern about the situation of communities in Chocó and Buenaventura and of Human Rights Defenders.

Initially, I want to thank you for the interest you have taken in this issue and to reaffirm that the Colombian State maintains its commitment to respect, guarantee and protect human rights. Considering the historic moment, the country is experiencing, the State, in its totality, is fully committed to protecting the Peace Accord and its implementation, those working on peace building and, of course, the communities in general. We are convinced that the end of the conflict with the FARC, the announcement of the bilateral ceasefire with the ELN, and the interest expressed by the *Clan del Golfo* to initiate a process of submitting itself to justice, have created a favourable environment for advancing the construction of a new country with better opportunities for those living in rural communities. Nevertheless, we are not unaware of the challenges that exist. We are aware of the changes in the dynamics of the conflict since the Peace Accord with the FARC was signed, and that in some parts of the country it has led to a spike in confrontations due to the economic and territorial interests of certain illegal armed groups. However, we are working tirelessly from one day to the next so that we can deal with all these situations, taking due account of the lessons we have learnt from the many decades of conflict in this country. In this sense, the Government has been able to put into operation all the spaces that were agreed in the Peace Accord and strengthen the ones that previously existed. Through the different instruments of public policy and the participation of communities, we have provided institutional strengthening on a regional level with a focus on the population, in line with the objectives and principles of the State.

In relation to your observations regarding the vulnerable situation of the communities in the region of Chocó, let us inform you that the National Government, in close cooperation with the regional entities, has assessed the risks that these communities face because of the new threats created by the end of the armed conflict¹. This assessment was made in accordance with the process of interinstitutional coordination as outlined in the Victims and Land Restitution law 1448 of 2011, specifically those outlined in the framework of the Committee of Transnational Justice and the Subcommittee on Prevention, Protection and Guarantees of No Repetition, where the territorial institutions together with the national Government, evaluate the risks that confront the communities

¹ For the sake of clarity, ABColumbia understands that this refers to the end of the armed conflict between the Government and the FARC, as no peace deal had been reached with the ELN or other illegal armed actors at the time of writing.

as a result of the new threats that have arisen since the end of the armed conflict and have defined the institutional tools necessary to confront the security situation in Chocó. As a result of institutional commitment and coordinated work, we have advanced in the creation of comprehensive protection and prevention plans for the department and the different municipalities of Chocó, with a special emphasis on the prevention of child recruitment, abuse and sexual violence against girls and boys, demining and the prevention of new forms of violence associated with the termination of the conflict. Taking into account that the region of Chocó has specific sub-regional dynamics, for the sub-regions of Bajo San Juan and Bajo Calima, through a process of regional and inter-institutional coordination, led by the departmental governments of Valle del Cauca and Chocó, we have developed a process of validation and prioritisation of tasks, and continue to offer coordinated institutional services from the different levels of the State.

In relation to the situation in Buenaventura. In 2014 an emergency plan was created to address the needs of the population in the district of Buenaventura. This plan has been strengthened through dialogue with the communities and has allowed us to reach specific achievements, such as the approval of a law that created the *Fondo Patrimonio Autónomo* (The Autonomous Heritage Fund) to finance Buenaventura's special ten-year Development Plan; the planning and implementation of National Government priority investment projects worth 1,592,014,000 million pesos; the issuing of a ministerial circular about the recognition of the legitimate participation and interlocution of the *Comite de Paro cívico* (Civic Strike Committee); the issuing of the Decree for the Truth and Monitoring Commission and the continuation of the roundtable discussion on each of the thematic issues.

Regarding the risks for Human Rights Defenders, according to the United Nations Office of the High Commissioner for Human Rights in Colombia, 46 Human Rights Defenders were killed between 1 January and 16 October 2017. It is important to highlight that, the diverse factors of vulnerability combined with the plurality of the alleged perpetrators of violence, as well as, the high number of leaders affected, present the biggest challenges for the State in establishing and implementing an effective strategy of prevention and protection. To confront these challenges, we have created spaces for dialogue, such as *El Puesto de Mando Unificado* (Unified Command Post) and the *Subcomisión de Garantías* (Sub-commission of Guarantees), where all state entities, together with civil society, are developing ideas to respond holistically to these challenges.

We have been promoting, coordinating and participating in interlocution spaces at a national and local level, with the objective of the prevention and protection of Human Rights Defenders and communities like Tumaco-Nariño, to address the risks faced by those participating in the Programme for the substitution of illicit crops. These spaces include the local roundtable talks for guarantees for Human Rights Defenders, CERREM and consultation meetings with the country's indigenous and *campesino* communities. In compliance with the Peace Accord, the Colombian State created the Elite Police Unit, which consists of over 900 men. This Unit is charged with integrating and articulating all the police capabilities, to fight against the criminal organisations and criminal acts responsible for the homicides and massacres that are attempted against Human Rights Defenders, members of social movements, as well as, politicians and people who participate in the implementation of the peace process. This Elite Unit has undertaken investigations into the homicides of the 46 Human Rights Defenders and, to date, has achieved valuable results, such as the capture of 100 people presumed responsible for these homicides. Further strengthening the institutional response is the Special Investigation Unit for the Dismantling of Criminal Organisations and Criminal Acts in the Public Prosecutor's Office, approved by Decree 898 of May 2017. This Special Investigation Unit will have a Director of Prosecution, five professional experts, five specialist officers, a managing professional, five

managing professionals,² sixteen public Prosecutors between the delegates before the Superior Tribunal of the Judicial District, specialists, regional sections and locals with sixteen prosecutor assistants and fifty officers of the Judicial Police, amongst others.

We are working, and we will continue working together, using all the tools within our reach, for the effective protection of everyone's human rights. This includes the creation, promotion and strengthening of the spaces of dialogue at a national and regional level to build sustainable peace in Colombia.

Yours Sincerely,

Paula Gaviria Betancur

Presidential Advisor for Human Rights, Colombian Government

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² Repetition in original: "un profesional de gestión, cinco profesionales de gestión".