GENERAL OVERVIEW OF THE COMMUNICATIONS SUBMITTED BY THE SPECIAL PROCEDURES TO COLOMBIA BETWEEN 2012 AND 2016

Human Rights Council Sessions 20 – 35

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I. GENERAL OVERVIEW OF THE COMMUNICATIONS ADDRESSED TO COLOMBIA BY THE SPECIAL PROCEDURES BETWEEN 2012 AND 2016

The special procedures of the Human Rights Council are independent human rights experts with mandates to report and advise on human rights. The system of Special Procedures covers all human rights: civil, cultural, economic, political, and social. There are currently 44 thematic and 12 country mandates. These experts send communications to States in which they bring alleged violations or abuses to their attention.

For the last four years, Colombia has received 48 communications from various UN experts of the special procedures. The government did not reply to 11 of them, which represents almost one out of four the communications sent by the experts.

Of these 11 communications, 7 are related to violations committed against human rights defenders or trade union members, 3 concern indigenous communities, and one regards crimes committed against witnesses of extrajudicial killings perpetrated by military forces.
This report is aimed at pointing out which issues are ignored by the State of Colombia. To this effect it provides a detailed account of every unanswered communication.

1. **Lack of participation of indigenous peoples in the peace negotiations, March 2016**

Very recently, the State of Colombia did not reply to a communication exposing the lack of inclusion of organisations and leaders representing indigenous peoples in the peace negotiations, especially when regarding measures that can affect them. The experts have expressed concern regarding the lack of real advances on the application of collective reparations for indigenous peoples.¹

2. **Obstacles to the enjoyment of the right to health of indigenous peoples in Choco, November 2014**

The Colombian State did not reply to allegations of obstructions to the enjoyment of the right to health of indigenous communities living in Choco. The current health care system does not answer to the specific needs of women due to a lack of gender perspective. Furthermore, the experts have pointed out that causes of mortality in these communities are considered evitable and possible to prevent.²

¹ Mandate of the Special Rapporteur on Indigenous Peoples Rights Ref. OL COL 3/2016, 24 March 2016
² Mandates of the Working Group on the issue of discrimination against women in law and in practice, of the Special Rapporteurs on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on the rights of indigenous people and on the right to water and sanitation, AL COL 10/2014: 21st November 2014
3. Death threats against labour union leaders, August 2013

Colombia did not reply to allegations of continuous death threats against sixteen labour union members and their families. Concern has been raised by the experts as these threats happen in a context of total impunity.³

The victims are:
- Juan Carlos Galvis, leader of the Sindicato Nacional de Trabajadores de la Industria de Alimentos (SINALTRAINAL) and of the Comité Ejecutivo de la Subdirectiva Santander de la Central Unitaria de Trabajadores (CUT)
- Héctor Sánchez, leader of the Unión Sindical Obrera de la Industria del Petróleo (USO)
- Estivenson Avila, Edgar Muñoz Araujo, Henry Ayala, César Florez, Juan Aguas Romero, Luis Manuel Mendoza, Yonis Ojeda Lobo, Miguel Corvacho Ortiz, Sabas Brito Mendoza, Horacio Llanos and Sergio Becerra Moreno, all members of the Sindicato Nacional de la Industria Minera, Petroquímica, Agrocombustible y Energética (SINTRAMIENERGETICA)
- Ricardo Machado and Wilder Martínez, both members of the Espacio de Trabajadores y Trabajadoras de Derechos Humanos (ETTDDHH)
- Rubén Morrón Guerrero, member of SINTRAMIENERGETICA.

4. Attacks targeted against Mr Erik Antonio Arellana Bautista, a founding member of the Foundation Nydia Erika Bautista, June 2013

The Colombian government did not reply to a communication addressing the alleged stealing of information and harassment against members of the Foundation Nydia Erika Bautista. Three people have entered the home of M. Erik Antonio Arellana Bautista, a founding member of the Foundation, stealing one computer and two hard drives, which contained information related to the Foundation.⁴ This Foundation is dedicated to the protection and empowerment of women and families of victims of forced disappearances, its members are regularly targeted by attacks, as we shall later highlight.

5. Attacks directed at female human rights defenders, May 2013

Colombia did not reply to a communication disclosing allegations of attacks, death threats, intimidation, and assault and battery against 16 female human rights defenders.⁵

⁴ Mandates of the working group on enforced or involuntary disappearances, of the Special Rapporteurs on the rights to freedom of peaceful assembly and association, and on the situation of human rights defenders: UA G/SO 217/1 Assembly & Association (2010-1) G/SO 214 (107-9) COL 6/2013, 7th June 2013
⁵ Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and association, on the situation of human rights defenders, on Extra-Judicial summary or arbitrary executions, and on violence against
The victims are:

- **Martha Elena Díaz Ospino**, president and founder of the Asociación de Familiares Unidos por un Solo Dolor (AFUSODO), also a member of MOVICE, received death threats including one describing her as a military target.

- **Gloria Amparo Suárez**, the legal representative of the Organización Femenina Popular (OFP), received death threats against her and her son.

- Four human rights defenders: **Jackeline Rojas Castañeda, Doris Flórez, Carolina Rubio** and **Ana Teresa Rueda**, all members of Espacio de Trabajadores y Trabajadoras de Derechos Humanos (ETTDDHH), received death threats by e-mail.

- **Yeidy Yeraldin Rojas Chacón**, member of the board of directors of Asociación Regional de Víctimas del Magdalena Medio (ASORVIMM) was drugged and abused by unidentified people.

- **Nancy Julieth Tarriba**, member of the organisation Gente en Acción and LGBT rights defender, was the victim of a murder attempt and subsequently received a death threat.

- **Bernardina Bermúdez**, a family member of a leader of Asociacion Campesina del Valle del Río Cimitarra, was followed and intimidated.

- **Luz Elsia Almanza Suárez**, member of the Asociación de Familiares de Detenidos Desaparecidos (ASFADDES) received a death threat.

- **Andrés Camacho**, member of the Corporación Escuela de Formación Popular Sandra Rondón Pinto, received death threats.

- **Olga Lucía Quintero**, member of Asociación Campesina de Catatumbo (ASCAMCAT), has been followed.

- **José del Carmen Abril, Juan Carlos Quintero, Guillermo Antonio Quintero**, directors of ASCAMCAT were targeted by an attack at their office during a meeting when two unknown individuals threw explosives at the office.

The experts have expressed their serious concerns about the security and physical integrity of the women human rights defenders mentioned in the communication given the context of growing violence and insecurity against human rights defenders in Northern Colombia.

6. Death threats against three human rights defenders, September 2012

The State of Colombia did not reply to allegations of death threats against three human rights defenders:6

- **Ovidio Nieto Jaraba**, a LGBTI activist and member of the NGO Gente en Acción,
- **William Mendoza**, president of Barrancabermeja seat of SINALTRAINAL,
- **Himad Abdala Choser**, a local human rights defender.

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7. Attacks and arbitrary detention against members of a trade union, September 2012

The State of Colombia did not reply to a communication regarding the tracking and intimidation acts committed against three members of a trade union–USO–Unión Sindical Obrera de la Industria del Petróleo:

- **Moisés Barón**, member of the National Direction board of the USO and **Aníbal Bermúdez**, Secretary General of USO in Meta, were victim of an ambush by police and military forces. Both members were detained arbitrarily, and threatened with guns.
- **Marlon Andrés Jaramillo**, a member of USO, was detained by members of the military during a protest.  

8. Increasing vulnerability of indigenous people since the beginning of the armed conflict in Colombia, particularly in the North of Cauca, August 2012

The State of Colombia did not reply to a communication pointing out the growing vulnerability of indigenous peoples in Cauca. Since the beginning of the armed conflict, the presence of armed forces has contributed to a serious climate of violence, which resulted in a vast number of deaths, wounded and damage to indigenous property.

9. Death threats against John Fredy Ortiz Jiménez, a witness of extrajudicial killings perpetrated by the military, July 2012

The State of Colombia did not reply to allegations of death threats against **John Fredy Ortiz Jiménez**, a witness in a case investigating on extrajudicial killings perpetrated by members of the military. He was assaulted and then denied his protection of witness status while he was still being threatened.

10. Attacks directed at a lawyer and member of the Foundation Nydia Erika Bautista, a member of MOVICE and of a lawyer and member of the Comité de solidaridad con presos políticos, March 2012

The Colombian State did not reply to alleged acts of intimidation and death threats against three human rights defenders:

- **Andrea Solangie Torres Bautista** is a lawyer and member of the Foundation Nydia Erika Bautista. She has been spied on by unknown individuals on several occasions and yet she was not granted any protection measure.

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7 Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the rights to freedom of peaceful assembly and association, on the situation of human rights defenders, UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) COL 11/2012, 11th September 2012
- **Hernando José Verbel Ocon**, a member of MOVICE received several death threats.
- **José Humberto Torres**, a lawyer member of *Comité de solidaridad con los presos políticos*, who had recently asked for a criminal investigation of various congress members for alleged links with paramilitary groups and the commission several crimes, received death threats as several paramilitary and members of a criminal gang created a fund to offer a reward for the person who would succeed in killing him.  

11. **Attacks against members of MOVICE, January 2012**

Colombia did not reply to a communication concerning death threats received by *Martha Giraldo* following her public denunciation of military’s responsibility in her father’s death, who was the victim of an extrajudicial execution. She also denounced the inaction of the judges regarding those allegations. Her uncle has also been the victim of an attack; he was shot in the head by an unknown shooter.

The same communication also states that eight members of MOVICE, a collective of several human rights organisations whose mission is to fight against abuses committed within the context of the armed conflict, have received death threats by e-mail. The victims are:

- **Ingrid Vergara**
- **Verónica Montaño**
- **Malena Martínez**
- **Candelaria Barrios**
- **Juan David Díaz**
- **Adolfo Verbel**
- **Adil Melendres**
- **Jorge Velásquez**

Further remarks

From this list, we can highlight that the State of Colombia did not reply to several communications regarding attacks directed at MOVICE’s members. This organisation has been the object of four communications sent by special procedures in the past four years. The Colombian Government did not acknowledge the two first communications. It recently replied to the last two communications, yet without bringing any concrete answer to the issue. Indeed, it merely stated that they could not provide further information as the case was awaiting trial.

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10 Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, and on Extra-Judicial summary or arbitrary executions; UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) COL 3/2012, 27th March 2012

11 Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on freedom of peaceful assembly and association, and of on the situation of human rights defenders, UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) COL 1/2012 31st January 2012
II. GENERAL OVERVIEW OF THE MAIN ISSUES RAISED BY THE COMMUNICATIONS:

1. Violations committed against human rights defenders and other social leaders:

(i) The main type of violations perpetrated against human rights defenders, contained in the communications:

- Death threats (20)
- Murders (10)
- Harassment (3)
- Assault and battery (3)
- Defamation (1)
- Arbitrary detentions (1)
- Stealing of information (1)

Regarding the communications sent during the last 15 sessions of the Human Rights Council, we can observe a clear pattern of attacks perpetrated against human rights defenders. The experts have pointed out allegations of death threats, harassment, tracking, intimidating, killings, forced disappearances, false accusations, defamation and unlawful detentions of human rights defenders in Colombia.
All these attacks constitute a violation of their freedom of assembly and association and of their freedom of opinion and expression, both cornerstones of human rights which are primordial for human rights defenders and journalists to carry out their work.

One particular communication from 2014 reveals that between the 8th and the 9th of September, 87 human rights defenders have received death threats by e-mail in Colombia.12

(ii) Main causes endorsed by human rights defenders victims of attacks

The victims targeted by these attacks belong to organisations defending different causes: Protection of political detainees, protection of victims of state crimes, defence of property rights, environmental activism, fight against impunity, promotion of right of victims of the armed conflict, land restitution, access to land and natural resources, female human rights defenders.

Some organisations are the object of several communications sent by the special procedures to Colombia; as explained earlier, members of MOVICE are constantly being threatened.13 The existing pattern of attacks shows that Colombia did not take immediate effective measures in order to put an end to the issue, as the violations did not cease since the first communication was sent to the Colombian Government.

Furthermore, property and land activists are also constantly targeted by various attacks.14 Recent reports have shown that the number of murders of environmental activists in

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12 Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on the situation of human rights defenders, and on Extra-Judicial summary or arbitrary executions, UA COL 8/2014: 24th September 2014

13 Mandates of the Special Rapporteurs on promotion and protection of freedom of opinion and expression, on freedom of peaceful assembly and association, on the situation of human rights defenders, and on Extra-Judicial summary or arbitrary executions, UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) COL 1/2012, 31st January 2012; Mandates of the Special Rapporteurs on promotion and protection of freedom of opinion and expression, on the situation of human rights defenders, on the independence of judges and lawyers, and on Extra-Judicial summary or arbitrary executions, UA G/SO 214 (67-17) G/SO 214 (107-9) G/SO 214 (3-3-16) G/SO 214 (33-27) COL 3/2012 27th March 2012; Mandates of the working group on enforced or involuntary disappearances, of the Special Rapporteurs on promotion and protection of freedom of opinion and expression, on freedom of peaceful assembly and association, on the situation of human rights defenders, and on Extra-Judicial summary or arbitrary executions, UA G/SO 217/1 G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) COL 8/2013, 2nd August, 2013; Mandates of the Special Rapporteurs on promotion and protection of freedom of opinion and expression, on freedom of peaceful assembly and association on the situation of human rights defenders, and on Extra-Judicial summary or arbitrary executions, UA G/SO 214 (67-17) Assembly & Association (2010-1) G/SO 214 (107-9) G/SO 214 (33-27) COL 2/2014, 27th January 2014; Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, on freedom of peaceful assembly and association,
Colombia has increased as the country currently ranks second in the world regarding the murders per year of environmental activists.\textsuperscript{15}

Most of these victims were carrying out pacifist actions and were targeted by these attacks precisely because they were leading a human rights campaign, movement, or organisation. This information is highly worrying as it reveals that there is a systematic repression of human rights defenders in Colombia.

2. **Indigenous peoples’ rights:**

(i) **Main violations contained in the communications concerning indigenous peoples**

Constant violations of indigenous peoples’ rights are the second most reoccurring issue when analysing the communications of the last four years. The following graphic shows the type of violations revealed in the communications regarding indigenous peoples.

<table>
<thead>
<tr>
<th>Main violations perpetrated against indigenous peoples</th>
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<tbody>
<tr>
<td>Killings (4)</td>
</tr>
<tr>
<td>Interference with their right to health (2)</td>
</tr>
<tr>
<td>Damage to property (1)</td>
</tr>
<tr>
<td>Interference with their right to access to water (1)</td>
</tr>
<tr>
<td>Excessive use of force (1)</td>
</tr>
<tr>
<td>Exclusion from decisions which impact their rights (1)</td>
</tr>
<tr>
<td>Situation of vulnerability caused by the conflict (1)</td>
</tr>
</tbody>
</table>

Most communications expose the killings and obstacles to the enjoyment of their right to health.

\textsuperscript{15} Defenders of the earth, *Global killings of land and environmental defenders in 2016*, Global witness
The limited access to water of the Wayúu community in La Guajira, December 2016

Colombia failed to take sufficient measures (preventive and remedial) to prevent the negative impact of the dewatering of Rio Rancheria, caused by the El Cerceda dam’s construction, on the Wayúu peoples’ human rights. Up to 10,000 people were affected by this dam. The lack of preventive and remedial measures taken by the State have resulted in a limited access to water for a huge number of indigenous people from the Wayúu community, in the department of La Guajira. There has thus been a violation of the principle of the prioritisation of the use of water resources for human consumption, before any other use. It should be emphasized that huge quantities of water have been used for commercial purposes instead. Furthermore, the lack of water quality control strongly affects the Wayúu people, thus causing grave damage to their access to the right to health, particularly for children.16

In February 2017, the government replied with an extensive report of 33 pages detailing the measures taken by the Colombian State in La Guajira and pointing out that they are following the precautionary measures ordered by the Inter American Commission on Human Rights (IACHR) in 2015. However, on January 26, 2017, the IACHR decided to extend this precautionary measure, and therefore requested that “Colombia adopt the necessary measures to protect the life and personal integrity of pregnant and nursing women of the Wayúu indigenous community”. Specifically, the Commission asked Colombia to “ensure the availability, accessibility, and quality of health services, with a comprehensive and culturally appropriate approach, and access to clean drinking water and food in sufficient quantity and quality to meet their nutritional needs in a way that is culturally relevant”.17 This extension of the measures indicates that the State did not take sufficient action to protect the Wayúu people’s human rights since the adoption of the precautionary measures in 2015.

Jakeline Romero, a Wayúu community activist has stated that “Indigenous communities around Colombia’s largest coal mine, La Guajira, have been forced off their land and had their traditional way of life devastated. They have been beaten by security forces – and moved to land they cannot farm”.18

The most worrying concern raised is the disappearance of this community. As the State of Colombia is not taking any measure to protect them and guarantee their survival as a community. Instead, they are targeted by several attacks, displaced by security forces and are placed in a situation of extreme vulnerability. Since she has expressed this message, Ms Romero has received several death threats.

16 Mandates of the Special Rapporteurs on right to food, on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, on rights of indigenous people, on extreme poverty and human rights, and on the right to water and sanitation, AL COL 8/2016, 22nd December 2016.
17 Resolution 3/17 PM 51/15 – Pregnant and Nursing Women of the Wayúu Indigenous Community, Colombia
18 Colombia: New Global Witness video on the situation of Wayúu indigenous peoples fighting Cerrejón’s La Guajira coal mine; includes company comments, business and human rights resource centre, at: https://business-humanrights.org