



COLOMBIA: HOPE AT RISK

THE LACK OF A SAFE SPACE TO DEFEND HUMAN RIGHTS
IN COLOMBIA CONTINUES

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EXECUTIVE SUMMARY



For years, Colombia has been one of the most dangerous countries in the world in which to defend human rights. The people who carry out these activities are usually subjected to extraordinary risks, pressures and a range of attacks. Despite this, the human rights movement in the country has managed to strengthen and it has managed to become a powerful force for change. Amnesty International has been closely monitoring the situation of violence against human rights defenders in the country, as well as state interventions to resolve or mitigate such violence, some more successful than others.

In general, Amnesty International has verified the existence of a wide range of norms, institutions and procedures for the protection of human rights defenders in Colombia. So wide, in fact, that there is a consensus, in line with analyses by other organizations, that the state response has been overly focused on regulation while losing sight along the way of the real impact on the situation of people and communities. Despite Colombia having dozens of normative instruments in place, an average of more than 120 people were killed each year between 2017 and 2022 in relation to their human rights work. This is not simply a crisis, it is a tragedy.

One of the essential components for the protection of human rights defenders is collective protection, especially for those defending land, territory and the environment. This involves creating and maintaining the conditions necessary for the defence of human rights to take place in an enabling environment, and thus address the structural causes of the violence experienced. It is not enough to protect defenders with individual measures – which are almost always material – if actions are not taken to interrupt the cycles of violence and allow human rights defenders to resume normal, risk-free lives.

The other component for the protection of human rights defenders is individual protection, which refers to the measures taken to address an individual's specific risk situation and usually takes the form of material interventions, such as the provision of panic buttons or satellite telephones, the allocation of armoured vehicles, or the design of specific plans together with those in charge of the individual's physical protection. Amnesty International considers that these measures are useful and necessary in many cases, but that they should not replace collective protection and addressing the structural causes of the violence suffered by defenders, as this would entail the unacceptable risk of perpetuating and reinforcing cycles of violence.

In 2020, Amnesty International documented the situation of four human rights defenders who faced risks and attacks as a result of their work defending land, territory and the environment, as well as their communities: the Process of Black Communities (*Proceso de Comunidades Negras, PCN*) in Buenaventura (Valle del Cauca Department); the Catatumbo Social Integration Committee (*Comité de Integración Social del Catatumbo, CISCA*) in Norte de Santander Department; the indigenous community of ASEIMPOME in Meta Department; and the Association for Comprehensive Sustainable Development of La Perla Amazónica (*Asociación de Desarrollo Integral Sostenible de La Perla Amazónica, ADISPA*) in Puerto Asís (Putumayo Department). In the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*, Amnesty International presented their cases, analyzed the general context for implementation of collective protection mechanisms and, on that basis, provided recommendations to the Colombian state to address the gaps in the protection model designed by Colombia. The report's conclusion was that, despite progress made, the central problem was the state's lack of political will to effectively protect defenders. Amnesty International found that the response was reactive, individual and purely normative, which resulted in the perpetuation and consolidation of violence, despite the measures adopted.

In 2022, in the context of a change of national government and a renewal of the agenda for the protection of human rights defenders in the country, Amnesty International decided to follow up on the findings and recommendations contained in the report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*. The reason for this was that the new government, led by Gustavo Petro and Francia Márquez, had promised to adapt

the institutional response to the crisis of violence against human rights defenders. This opened the possibility of finding innovative solutions to a problem that is entrenched in Colombia. Meanwhile, violence and attacks have continued and worsened at certain times and in certain regions. One particular case is that of Magdalena Medio, where pressure from armed groups in recent years has created a space that is not conducive to the defence of human rights.

This report is the result of Amnesty International's monitoring of the situation and shows that the calls and actions of the new government have created an atmosphere of expectation which unfortunately clashes head-on with the reality of continued violence against human rights defenders. Hope is at risk.

DEFENDING HUMAN RIGHTS IN COLOMBIA

Between 2020 and 2023 the crisis of violence against human rights defenders continued, and at times intensified. The state response during this period should be analyzed at two different points in time: the last two years of the government of Iván Duque (from 2020 to July 2022) and the first year of the government led by Gustavo Petro (from August 2022 to July 2023). The reason for this lies in the significant change in the approach to the problem that occurred with the arrival of the new government in August 2022.

As President Iván Duque's term of office drew to a close, the national government persisted in its approach to the protection of human rights defenders, despite continuous calls from human rights organizations, international bodies and Colombian civil society for a change of course. This had several consequences. First, it failed to address the serious problem of institutional duplications and regulatory excess affecting the Colombian protection model. In fact, President Duque's government helped to perpetuate the problem by issuing new regulations and creating institutions and programmes that duplicated those already in place. Second, it failed to continue with the collective protection measures for defenders and communities that had already been created in the framework of the application of the Final Agreement for Ending the Conflict and Building a Stable and Lasting Peace, in particular Decree 660 of 2018. Third, the continued emphasis on the application of material individual protection measures, such as the provision of bulletproof vests and armoured vehicles, or the allocation of protection staff through the National Protection Unit (*Unidad Nacional de Protección*), with no signs of a consistent human-rights based plan to address the structural causes of violence. Fourth, failure to resolve the problem of coordination for an inter-agency response to the early warnings issued by the Ombudsperson's Office, which could significantly improve the impact of state actions.

Meanwhile, violence against defenders in the country did not abate. Regions affected by armed conflict, violence and exclusion bore the brunt of the violence, especially in the Pacific, in areas bordering Venezuela to the east and Ecuador to the south, and in the north of the country, and were constantly hit by killings, attacks and threats against human rights defenders.

The government of Gustavo Petro inherited this situation in August 2022. In accordance with campaign promises, it recognized the existence of a violence crisis against human rights defenders early on and announced the adoption of short-, medium- and long-term measures to mitigate and solve the problem. The first visible step was the adoption of an emergency protection plan which included a wide range of measures for addressing the situation, amongst them the setting up of Unified Command Posts for Life (*Puestos de Mando Unificados por la Vida*) to integrate national and local responses in regions where the violence was particularly serious. While the emergency plan was developed by human rights organizations and platforms, with advice from United Nations agencies, its implementation seemed to have no effective impact on the situation of violence.

Nevertheless, Amnesty International found that in 2023, the national government, and in particular the Human Rights Directorate within the Ministry of the Interior, took new steps to adopt measures to resolve the issues identified years back in the Colombian protection model. This meant, for example, the reactivation of collective protection mechanisms such as Decree 660 of 2018, the reinstatement of spaces such as the National Commission on Security Guarantees, and the start of discussions to unify the various norms, institutions and mechanisms and reduce institutional duplication and excess regulations.

At the same time, violence against defenders continued. The situation did not improve in the second half of 2022 with the implementation of the emergency plan. In July 2023, some organizations recorded a decrease in the number of killings, although it is still too early to consider this a trend. Amnesty International believes that the reason for the lack of improvement in 2022 is not the emergency plan itself, but rather problems in its implementation, and specifically the inter-agency arrangements for adopting protection measures. Thus, despite all the good intentions and the creation of a plan that could potentially mitigate the situation, institutional shortcomings have resulted in a failure to bring about significant changes in the lives of people and communities. Nonetheless, progress in the first half of 2023 indicates a well-focused will to solve the problem, with significant advances, although it is as yet too early to assess whether they

have contributed to improving the situation. This is reflected, for example, in the recovery of the collective protection approach, the strengthening of key institutions such as the Ministry of the Interior, the review of critical situations such as that of the National Protection Unit, and others.

Lastly, the impunity prevalent in the country for crimes of this type continued between 2020 and 2023. The Attorney General's Office has taken measures aimed at closing the gap, but the fact is that such measures have been insufficient, and the results achieved are not commensurate with the seriousness of the situation.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN THE MAGDALENA MEDIO

The Magdalena Medio is an extensive valley between the Colombian cordilleras crossed by the Magdalena, Colombia's main river. Oil is a major source of productive activity in the region, with Ecopetrol, a majority state-owned oil company, operating the country's largest refinery at Barrancabermeja, in the heart of the Magdalena Medio. Other productive activities in the area include agroindustry, mining, livestock production and tourism. Due to its location and abundance of valuable resources such as oil and water, the region is considered strategic and has been the subject of ongoing disputes between the state and the armed groups present in the country.

The Magdalena Medio has also been the scene of sustained processes of popular and human rights mobilization for decades. The combination of trade union, feminist, popular and human rights movements has created particularly strong scenarios of demand and resistance. This, together with the dispute for territorial, political and economic control of the region by vested interests and armed groups, has created a breeding ground for violence against human rights defenders that has persisted since at least the 1980s.

In the first half of 2023, worrying levels of violence against the civilian population were recorded in the Magdalena Medio, particularly in terms of homicides. Moreover, risks of violence against human rights defenders were identified in a number of the region's largest municipalities, including Barrancabermeja. All of this took place in a context of reorganization of armed groups in the region, marked by the dominance of the Gaitanist Self-Defense Forces of Colombia (*Autodefensas Gaitanistas de Colombia*), a gradual attempt by the Central General Staff (*Estado Mayor Central*) to establish a presence, and a decrease in the operational capacity of the National Liberation Army (*Ejército de Liberación Nacional*).

The Federation of Artisanal, Environmental and Tourist Fishermen of the Department of Santander (*Federación de Pescadores Artesanales Ambientalistas y Turísticos del Departamento de Santander*, FEDEPESAN) is a group of 37 fisherfolk organizations working to defend the environment in Santander, particularly in the Magdalena Medio region. FEDEPESAN is primarily an organization defending water, the way of life of fisherfolk and *campesinos*, and the territory. During their activities to defend their rights, and after reporting possible corruption in the management of conservation activities in the marshlands around Barrancabermeja, FEDEPESAN and its members started to receive attacks and threats and suffer stigma. Yuly Velásquez, its president, was attacked three times by armed individuals, and Oswaldo Beltrán, a member of the board, had the outboard engines of his fishing boat stolen. Furthermore, FEDEPESAN and its members suffer stigma because of their activities for the conservation and monitoring of the marshes and canals. Despite all this, they continue their work.

The Regional Corporation for the Defence of Human Rights (*Corporación Regional para la Defensa de los Derechos Humanos*, CREDHOS) is a non-governmental social organization created in 1987 for the purpose of carrying out actions for the defence, promotion and protection of human rights in the Magdalena Medio. CREDHOS is one of the oldest and most established organizations in the region and has implemented, on its own behalf or in support of other organizations, countless actions in defence of human rights, particularly, though not exclusively, the rights of victims of armed conflict and violence. Because of its work, CREDHOS has become an agent for change in the Magdalena Medio region, and as such has been the target of attacks and threats practically from the day it was set up. In the last two years, one of its members was killed, an explosive device was found outside its premises, and public threats were received on social media and through printed flyers.

In line with the findings on the general situation of violence against human rights defenders set out above, Amnesty International found the institutional response to the attacks against FEDEPESAN and CREDHOS to be both flawed and inadequate. While some members of the two organizations have received material protection measures through the National Protection Unit, the Colombian state has failed to adopt integrated individual or collective protection measures to protect FEDEPESAN and CREDHOS and, crucially, to eliminate the structural causes of violence to which they are subjected. This includes not only the lack of progress in adopting collective protection measures through mechanisms

such as Decree 660 of 2018, but also the lack of action by the judicial system to search for those responsible, investigate the facts, and bring them to justice.

ATTACKS AGAINST HUMAN RIGHTS DEFENDERS IN CATATUMBO, META AND PUTUMAYO

Amnesty International has also been monitoring the situation of the people and communities whose cases were documented in the 2020 report *Why do they want to kill us? The lack of a safe space to defend human rights in Colombia*.

The first case is that of CISCA, a campesino movement working to promote and protect human rights related to the land of campesinos in the Catatumbo region of north-eastern Colombia. In 2020, Amnesty International identified two key collective risk factors for CISCA: the high levels of armed violence in its area of influence, and the implementation of forced eradication of illicit crops by the Colombian security forces. Over the past three years, the situation in Catatumbo has changed, mainly because of the change in government. Firstly, armed violence has decreased, but there is still an environment of tension and risk as violence in the neighbouring regions continues and there is a constant risk that this will spill over into Catatumbo. Secondly, the government of Gustavo Petro decided to stop the forced eradication activities in the region, thus relieving pressure on campesino families. However, this happened at a time of economic crisis due to an oversupply of coca leaf, which has seriously hindered access to social and economic rights for the community, particularly regarding food, housing and water. Unfortunately, the institutional response to this crisis has been slow and uncoordinated.

The second case is that of the Indigenous Settlement of ASEIMPOME, in Puerto Gaitán (Meta). This settlement is made up of families who were forcibly displaced more than thirty years ago and decided to return to their ancestral territory in 2015. Since then, the communities have been subjected to attacks and threats by people claiming ownership of the territory and who have invaded the land, set fire to homes, and generally prevented the Indigenous Settlement of ASEIMPOME from living peacefully on their land. In 2020, Amnesty International identified the lack of legal security over title to the lands making up the ancestral territory of the Indigenous Settlement of ASEIMPOME as the dominant risk factor. In recent months, the Colombian state has taken steps to remedy the situation, moving towards the constitution of an indigenous reserve and requesting precautionary measures of protection before the judicial system for land restitution. However, the community continues to be the target of attacks, threats and intimidation.

The third case is that of the Association for Comprehensive Sustainable Development of La Perla Amazónica (*Asociación de Desarrollo Integral Sostenible de la Perla Amazónica*, ADISPA), a community organization the aim of which is to manage the Peasant Reserve Zone (*Zona de Reserva Campesina*) of La Perla Amazónica, in Puerto Asís (Putumayo). Because of their work in conserving and monitoring biodiversity and water in their territory, ADISPA and its president, Jani Silva, have been the victims of constant threats and harassment since at least 2017. Over the past three years, ADISPA has experienced worrying situations of attacks and stigmatization, forcing it to suspend many of its activities, and leading to the forced displacement of Jani Silva. At present, ADISPA is continuing with its work and, in a context of decreasing intensity of the armed conflict in the region, has been able to regain strength and continue to protect La Perla Amazónica.

CONCLUSIONS

An analysis of the general situation of violence against human rights defenders in Colombia shows changes in the behaviour of both the national government and a large part of the institutional framework. In the period between 2020 and July 2022, Amnesty International observed the continuation of highly questioned measures and their lack of concrete results; however, from August 2022, with Gustavo Petro taking over the presidency, it noted the adoption of courses of action that recognized the urgency of the situation and the need for short-, medium- and long-term action. The emergency measures adopted by Gustavo Petro's government did not have the desired effect, and violence against defenders continued – and, for some months, actually increased. Meanwhile, as of July 2023, the cut-off date for this report, medium- and long-term measures were being developed, raising expectations amongst the country's human rights organizations. Given this scenario, the recommendation is that any process for developing or restructuring the protection model be carried out within the framework of detailed, open and transparent participatory exercises. The protection of human rights defenders must be designed with and for defenders themselves.

Against this backdrop, Amnesty International believes that Colombia is at a historic juncture to correct the course of existing protection measures and rethink its approach to the entire model of protection for human rights defenders. Based on a participatory, transparent and public exercise that takes into account the strengths of existing capacities, a comprehensive analysis of protection needs, and recognition of the potential of collective protection to respond to the crisis of violence against human rights defenders in respect of land, territory and the environment, Colombia can rebuild its protection model.

Based on this analysis and on the findings derived from documenting the cases of FEDEPESAN, CREDHOS, CISCA, the indigenous community of ASEIMPOME and ADISPA, Amnesty International presents in this document a set of recommendations that can contribute to meeting the Colombian state's obligation to protect human rights defenders in the country. This is, ultimately, a testimony of hope at risk.

- **To the President of the Republic:** Establish an interinstitutional process of comprehensive analysis and evaluation of the Colombian model of protection for human rights defenders, with the support of Colombian human rights organizations and platforms, representatives of the United Nations system and donor states. This process should aim at the adoption of a system for the protection of human rights defenders that includes prevention and protection measures, that takes into account an individual and a collective perspective and, in general, that seeks comprehensive protection with a differentiated approach.
- **To the Ministry of the Interior:** Continue to develop activities aimed at harmonizing institutional spaces for the preventive support and protection of human rights defenders, as well as the issuance of a comprehensive public policy of guarantees and protection for the work of human rights defenders. In these activities, the Ministry of the Interior should guarantee the broad and diverse participation of Colombian human rights organizations and, when necessary and relevant, of the United Nations bodies present in the country.
- **To the National Protection Unit:** Continue the process of strengthening the collective protection route for individuals, communities and organizations defending human rights. The UNP should ensure that, in all cases, including those documented in this report where communities and organizations have requested the activation of such a channel, the process can proceed in accordance with the relevant regulations. This applies, for example, to the cases of FEDEPESAN, CREDHOS and the indigenous community of ASEIMPOME.
- **To the Attorney General's Office:** Take urgent measures to streamline investigations into attacks and threats against human rights defenders, particularly but not exclusively those defending land, territory and the environment, including members of FEDEPESAN, CREDHOS, ADISPA and ASEIMPOME. Such investigations must be timely, independent and impartial, with the aim of bringing all those responsible to justice, as a key measure to prevent further attacks. The Attorney General's Office must ensure that the individuals and groups in charge of the investigations are fully resourced and have a workload that allows them to carry out their duties adequately



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Three years after the publication of its last report on the situation of violence against human rights defenders in Colombia, Amnesty International has again analyzed the context and assessed state actions to address the crisis, particularly with regard to the collective protection of individuals and communities. As of July 2023, Amnesty International found that, with the arrival of a new government, the Colombian state has adopted emergency measures for the protection of human rights defenders and taken decisive steps to implement medium- and long-term measures. Nevertheless, violence continues and the space to defend human rights in Colombia remains limited and fraught with obstacles. .

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