

Document #2002215

HRW – Human Rights Watch

World Report 2019 - Colombia

The 52-year armed conflict between the Revolutionary Armed Forces of Colombia (FARC) and the government officially ended with a peace accord in 2016, but violence associated with armed groups increased again in 2018 after initial declines after a 2015 FARC ceasefire. Civilians have suffered serious abuses at the hands of the National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists have faced death threats and violence. Violence associated with the conflict has forcibly displaced more than 8.1 million Colombians since 1985.

Impunity for past serious human rights crimes, barriers to land restitution for displaced people, limits on reproductive rights, and conditions faced by Wayuu and other indigenous communities also remain important human rights concerns in Colombia.

In June 2018, Iván Duque was elected president after defeating Gustavo Petro in a run-off election.

Guerrillas and FARC dissidents

In June 2017, the United Nations political mission in Colombia verified that FARC guerrillas who accepted the peace agreement with the government had handed in their weapons to the mission. The demobilized guerrilla group later announced it was forming a political party, the Revolutionary Alternative Force of the Common People.

In September 2018, the UN political mission announced that six former FARC commanders in southwest Colombia had abandoned the sites where they were to be reincorporated into Colombian society. These include Iván Márquez, the FARC's second-in-command and chief peace negotiator, whose location remained unknown at time of writing.

A minority of dissident guerrilla fighters rejected the terms of the peace agreement, have not disarmed, and continue to commit abuses. Others joined or created new groups after disarming, partly in reaction to inadequate reintegration programs. In February, the government estimated that FARC dissident groups had more than 1,400 members.

In the southern municipality of Tumaco, FARC dissident groups have engaged in serious abuses against civilians, including murder, rape, child recruitment, kidnappings, and disappearances.

In March, one of these groups, the Oliver Sinisterra Front, kidnapped three employees of the Ecuadorian newspaper *El Comercio* who were reporting on the group’s operations in Mataje, Ecuador. The group held the men hostage for two weeks, demanding that the Ecuadorian government release three imprisoned Front members. On April 11, the group released a pamphlet announcing that the three hostages were dead. Their bodies were found in rural Tumaco in mid-June.

The ELN continued in 2018 to commit serious abuses against civilians, including killings, forced displacement, and child recruitment. In its fighting with the Popular Army of Liberation (EPL)—a hold-out from a guerrilla group that demobilized in the 1990s—the groups forced over 12,000 people to leave their houses in the northeast area of Catatumbo.

The ELN continued to engage in kidnappings in 2018. On September 7, ELN members kidnapped Mayerli Cortés Rodríguez, 15, whom the group accused of being a government informant. They released her on September 19.

Paramilitaries and Successors

Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians underwent a deeply flawed government demobilization process in which many members remained active and simply reorganized into new groups. These successor groups continue to commit serious abuses, including killings, disappearances, and rape.

Fighting between the Gaitanist Self-Defenses of Colombia (AGC), the largest successor group, and the Caparrapos, a group that splintered from the AGC, caused over 2,000 people to flee from their houses in the Bajo Cauca zone, northern Colombia, between January and March 2018.

In July, Congress passed a law significantly reducing sentences of armed group members who demobilize, recognize the crimes with which they are charged, and provide information about how their groups operate. Then-President Juan Manuel Santos said that the AGC had agreed to demobilize under the new law, but its demobilization had yet to take place at time of writing.

Implementation of the Justice and Peace Law of 2005, which offers reduced sentences to demobilized paramilitary members who confess their crimes, has been slow. Of more than 30,000 paramilitary troops who demobilized, 4,000 have sought to exchange a confession for a lighter sentence. As of March 2018, 215—or about 5 percent—had been sentenced.

Santiago Uribe, brother of former President Alvaro Uribe, continued to face trial on charges of murder and conspiracy for his alleged role in the paramilitary group “The 12 Apostles” in the 1990s.

In July, the Supreme Court summoned former President Uribe to answer allegations that he tampered with witnesses who implicated him in paramilitary atrocities in the 1990s. The hearing was postponed in August and Uribe had not been questioned at time of writing.

Abuses by Public Security Forces

From 2002 through 2008, army brigades across Colombia routinely executed civilians in what have come to be known as “false positive” killings. Under pressure from superiors to show “positive” results and boost body counts in their war against guerrillas, soldiers, and officers abducted victims or lured them to remote locations under false pretenses—such as promises of work—shot them dead, placed weapons on their bodies, and reported them as enemy combatants killed in action. The number of allegations of unlawful killings by security forces has fallen sharply since 2009, though credible reports of some new cases continue to emerge.

As of March 2018, the Attorney General’s Office was investigating more than 3,600 alleged unlawful killings by army personnel from 2002 through 2008, and had achieved convictions in cases against more than 1,600 mid and low-level soldiers, including convictions against the same individual in different cases.

Authorities have largely failed, however, to prosecute senior army officers involved in the killings and instead have promoted many of them through the military ranks. Cases against 19 army generals under investigation for false-positive killings have seen scant progress.

In April 2018, the Colombian magazine *Semana* revealed that in 2017 General Rodríguez Barragan, who at the time commanded the Colombian armed forces, asked other officers to establish cyber surveillance and monitoring of Human Rights Watch Americas Director José Miguel Vivanco and discussed ways to censor his tweets.

In October 2017, eight farmers were killed in the southern municipality of Tumaco during a peaceful protest against delays in the implementation of programs to replace illicit crops. The Defense Ministry initially said that FARC dissidents had shot at protesters; survivors blamed the police. At time of writing, no one had been charged in relation to the killings.

Violence Against Community Activists, Trade Unionists, and Journalists

Indigenous, Afro-Colombian, and other community activists continue to be targeted with threats and attacks. Despite an Interior Ministry program that assigns protection to human rights defenders, trade unionists, and journalists, the Office of the UN High Commissioner for Human Rights (OHCHR) documented the killings of 53 prominent activists from January through September 2018.

In April, a group of armed men kidnapped three relatives of community leader Iber Angulo Zamora. On May 5, as employees of the human rights ombudsman’s office were taking Angulo Zamora by boat up the Naya River to a safe haven, armed men grabbed him. In June, men claiming to belong to a FARC dissident group called the “United Force of the Pacific” released a video announcing that all of the kidnapped men had been killed.

Most of these killings have occurred in five areas where illegal economic activities, such as drug production and trafficking, are common: the southern provinces of Cauca and Nariño; the northeastern zone of Catatumbo, on the border with Venezuela; and the northwestern areas of Bajo Cauca and Urabá.

In July, the Attorney General’s Office reported it had issued arrest warrants against individuals believed responsible for about half of the murders of indigenous, Afro-Colombian, and other community activists reported by the OHCHR since January 2016. The Attorney General’s Office said 71 people were detained in connection with these abuses and perpetrators had been convicted in five cases.

In August, President Duque announced that the government would introduce new programs to prevent such murders and ensure that those responsible are held to account.

Peace Negotiations and Accountability

The peace agreement between the Colombian government and the FARC provided for the creation of a “Special Jurisdiction for Peace” to try those responsible for gross human rights violations committed during the conflict. FARC guerrillas and members of the armed forces responsible for crimes against humanity and serious war crimes who

fully cooperate with the new jurisdiction and confess their crimes are subject to as much as eight years of “effective restrictions on freedoms and rights,” but no prison time.

Throughout 2018, Special Jurisdiction magistrates prioritized four situations for analysis: kidnappings committed by the FARC; false-positive killings; army and FARC abuses against Afro-Colombian and indigenous people in three municipalities in the southern province of Nariño between 1990 and 2016; and FARC and army abuses committed in the northern zone of Urabá between 1986 and 2016.

In July, lawmakers passed a law containing a provision that suspends, unless defendants request otherwise, Special Jurisdiction prosecutions of soldiers of the Colombian Armed Forces until the government creates a “special and differentiated process” for them. The provision, which was proposed by the Democratic Center—the party of Uribe and Duque—and was being reviewed by the Constitutional Court at time of writing, could halt prosecutions for false positive killings.

Throughout 2018, the Democratic Center introduced in Congress other bills that would seriously undermine prosecutions against members of the armed forces, including by allowing soldiers to receive sentencing benefits regardless of whether they confess their crimes. But these proposals had for the most part been withdrawn or fixed by lawmakers at time of writing.

The Democratic Center has falsely accused Special Jurisdiction for Peace magistrates of being biased against the armed forces. A bill that would name 14 additional judges in the Special Jurisdiction remained pending in Congress at time of writing.

Internal Displacement and Land Restitution

Conflict-related violence has displaced more than 8.1 million Colombians since 1985, government figures reveal. More than 48,000 were displaced between January and September 2018.

The government’s implementation of land restitution under the 2011 Victims’ Law continues to move slowly. The law was enacted to restore millions of hectares of land that were left behind by or stolen from internally displaced Colombians during the many years of conflict. As of November 2018, the courts had issued rulings in only 8,200 of more than 116,000 claims received.

In September, a Democratic Center senator introduced a bill in Congress that would limit land restitution to land that was stolen and in the meantime sold.

Migration from Venezuela

The continuing human rights and humanitarian crisis in Venezuela has generated the largest migration crisis in recent Latin American history. Colombia has received by far the largest number of Venezuelan migrants. At least a million people moved from Venezuela to Colombia between March 2017 and June 2018 alone.

In July 2017, the Colombian government created a special permit that allows Venezuelan citizens who enter the country legally but overstay their visas to regularize their status and obtain work permits and access to basic public services. In 2017 and during the first months of 2018, 180,000 Venezuelans were granted such a permit. In July 2018, the Colombian government granted more than 400,000 Venezuelan irregular immigrants who had registered in a government survey access to basic public services, work permits, and school enrollment for their children.

Women’s and Girls’ Rights

Gender-based violence is widespread in Colombia. Lack of training and poor implementation of treatment protocols impede timely access to medical services and create obstacles for women and girls seeking post-violence care and justice. Perpetrators of violent, gender-based crimes are rarely held accountable.

Abortion is illegal in Colombia except when the life or health of the women or girl is at risk, the pregnancy is the result of rape, or the fetus suffers complications incompatible with life outside the womb. In October, a majority of Constitutional Court magistrates rejected a magistrate’s proposal to limit legal abortion to the first 24 weeks of pregnancy.

Women and girls often face barriers accessing legal abortion, including long delays and a shortage of doctors willing to provide abortions.

Sexual Orientation and Gender Identity

In recent years, authorities have taken several steps to recognize the rights of lesbian, gay, bisexual, and transgender (LGBT) people. In June 2015, the Justice Ministry issued a decree allowing people to revise the gender noted on their identification documents without prior judicial approval. In November 2015, the Constitutional Court ruled that Colombians cannot be barred from adopting a child because of their sexual orientation. In 2016, the court upheld the right of same-sex couples to marry.

Indigenous Rights

Indigenous people in Colombia suffer disproportionate levels of poverty that greatly impede their ability to fulfill their social and economic rights. From January through early-November 2018, at least 43 children under age five—the majority of them belonging to Wayuu indigenous communities—died in the province of La Guajira of causes associated with malnutrition. Many of these deaths are caused by limited access to drinking water. The Inter-American Commission of Human Rights (IACHR) had asked the government as early as December 2015 to take measures to prevent such deaths.

Key International Actors

The United States remains the most influential foreign actor in Colombia. In March 2018, the US Congress approved more than US\$390 million in aid, mostly for development and drug enforcement. A portion of US military aid is subject to human rights conditions. The US Department of State has not rigorously enforced these conditions.

The Office of the Prosecutor (OTP) of the International Criminal Court (ICC) continues to monitor Colombian investigations of crimes that may fall within the court’s jurisdiction. OTP staff visited Colombia in March, May, and November 2018 to obtain information about relevant national proceedings.

In 2016, at the request of the government of then-President Juan Manuel Santos, the UN Security Council established a political mission in Colombia to monitor and verify implementation of the FARC peace accord. In September 2018, the Security Council extended the mandate of the UN Verification Mission in Colombia until September 25, 2019.

The Office of the UN High Commissioner for Human Rights continues to play a key role in defending and promoting human rights in Colombia. In March 2018 Alberto Brunori was named the new representative of the office in Colombia. Initially, the government granted him a short-term work permit, which limited his capacity to work in Colombia. The permit was extended in May.

The Colombian government continues to support regional efforts to address the human rights crisis in Venezuela. In 2018, Colombia remained a member of the Lima Group—a coalition of governments in the region that is monitoring Venezuela's crisis.

On September 26, the governments of Colombia, Argentina, Canada, Chile, Peru, and Paraguay referred the situation in Venezuela to the ICC prosecutor, Fatou Bensouda, for investigation.

ecoi.net summary:

Annual report on the human rights situation in 2018



Country:

Colombia

Source:

HRW – Human Rights Watch [\(/en/source/11207.html\)](/en/source/11207.html)

Original link:

<https://www.hrw.org/world-report/2019/country-chapters/colombia> (<https://www.hrw.org/world-report/2019/country-chapters/colombia>)

Document type:

Periodical Report

Language:

English

Published:

17 January 2019

Document ID:

2002215

Austrian Red Cross

Austrian Centre for Country of Origin and Asylum Research
and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien

T (Telefon) +43 1 589 00 583

F (Fax) +43 1 589 00 589

info@ecoi.net

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.

