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WATCH

“The Guerrillas Are the Police”

Social Control and Abuses by Armed Groups in Colombia’s
Arauca Province and Venezuela’s Apure State



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Arauca Province and Venezuela’s Apure State**

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Summary	1
Recommendations	7
To the Administration of President Iván Duque of Colombia	7
To the Colombian Attorney General’s Office	8
To UN Agencies	8
To the UN Fact-Finding Mission on Venezuela	8
To the US, Canadian, and Latin American Governments and the European Union	9
Methodology	10
Abuses by Armed Groups	12
Unlawful Killings	12
Child Recruitment	17
Kidnappings, Forcible Disappearances, and Forced Labor	20
Threats and Other Forms of Social Control	23
Sexual Violence	28
Landmines and Explosives Attacks	30
Forced Displacement	31
Venezuelan Exiles in Arauca	33
Venezuelan Forced Migration to Colombia	33
Venezuelan Forced Migration to Arauca	34
Protection and Accountability in Colombia	37
Accountability	37
Security Response and Abuses by Security Forces	41
Protection of People at Risk	43
Local Development Programs	45
Protection and Accountability in Venezuela	47
Complicity of Venezuelan Authorities in Armed Group Abuses	47

Accountability.....	48
The Context in Which Armed Groups Operate	50
Arauca Province and Apure State	50
Armed Conflicts and Violence in Arauca and Apure	52
National Liberation Army (Ejército de Liberación Nacional, ELN)	53
FARC Dissident Group	54
Patriotic Forces of National Liberation (Fuerzas Patrióticas de Liberación Nacional, FPLN) ..	56
Fighting and Alliances Between Armed Groups	57
Applicable International Law.....	60
Acknowledgments	64

Summary

In the eastern Colombian province of Arauca and the neighboring Venezuelan state of Apure, non-state armed groups use violence to control peoples' daily lives. They impose their own rules, and to enforce compliance they threaten civilians on both sides of the border, subjecting those who do not obey to punishments ranging from fines to forced labor to killings. Residents live in fear.

Human Rights Watch visited Arauca in August 2019, documenting a range of abuses on both sides of the border. We interviewed 105 people, including community leaders, victims of abuses and their relatives, humanitarian actors, human rights officials, judicial officials, and journalists. We sent information requests to Colombian and Venezuelan authorities, and consulted an array of sources and documents.

We found that armed groups on both sides of the border exercise control through threats, kidnappings, forced labor, child recruitment, and murder. In Arauca, armed groups have also planted landmines and perpetrated sexual violence, among other abuses.

Two armed groups impose social control over the residents of Arauca: the National Liberation Army (*Ejército de Liberación Nacional*, ELN), a guerrilla group formed in the 1960s, and the “Martín Villa 10th Front” dissident group, which emerged from the demobilized Revolutionary Armed Forces of Colombia (*Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo*, FARC-EP or FARC) after the 2016 peace accord, and sometimes identifies itself as FARC-EP.

These two groups also operate in Venezuela's Apure state, where the Patriotic Forces of National Liberation (*Fuerzas Patrióticas de Liberación Nacional*, FPLN) operate as well. This group, whose origins date back to the 1990s, reportedly has a close relationship with Venezuelan authorities in Apure.

The armed groups in both countries have established and brutally enforce on civilians a wide range of rules normally associated with criminal laws enacted and enforced by governments. Members of armed groups do not hold themselves to the same standards. These include curfews; prohibitions on rape, theft, and murder; and regulations governing

everyday activities such as fishing, debt payment, and closing times for bars. In some areas, the groups forbid wearing helmets while riding motorcycles, so that fighters can see travelers' faces. The groups extort money from residents who carry out virtually any type of economic activity.

Some of the armed groups' rules are included in a 2013 manual of "Unified Rules of Conduct and Coexistence," which the FARC and ELN created before the 2016 peace accord. Fighters communicate other rules through megaphones or signs posted along roads.

As part of their strategy to control the social, political, and economic life of Arauca, the groups have in recent years increasingly committed unlawful killings, including against human rights defenders and community leaders. In 2015, when the FARC declared a ceasefire to advance peace talks, the government recorded 96 homicides in Arauca. Since then, homicides have gone up, reaching 161 between January and late-November 2019. Armed groups are responsible for the majority of these homicides, according to Colombia's Institute of Forensic Science and the Human Rights Ombudsperson's Office.

Human Rights Watch has also received credible allegations of killings by armed groups in Apure, but Venezuelan authorities have not released reliable, comprehensive statistics on killings there.

In 2019, at least 16 bodies of civilians found in Arauca had scrawled scraps of paper on them announcing the supposed "justification" for the killing. The texts accused the murdered victims of being "informants," "rapists," "drug dealers," or "thieves," for example. Often, the papers were signed "FARC-EP," suggesting that the Martín Villa 10th Front FARC dissident group claimed responsibility. Residents reported similar killings in 2018.

Armed groups in Arauca and Apure also punish residents with forced labor, requiring them to work for free, sometimes for months, farming, cleaning roads, or cooking in the armed groups' camps, which are often in Venezuela. Human Rights Watch documented at least two cases of forced labor and received credible allegations of three additional cases. Humanitarian actors, human rights officials, residents, and victims told Human Rights Watch that coerced labor is a common punishment for even minor infractions.

The ELN and FARC dissident group also recruit Colombian and Venezuelan children in both Arauca and Apure, according to human rights officials, humanitarian actors, and residents. Armed groups often offer payment, motorcycles, and guns to children to lure them to join. Girls who escaped from armed groups' ranks have reported members of the groups committing sexual violence against them, including rape and forced abortion.

Some 44,000 Venezuelans live in Arauca, most having arrived since 2015, fleeing the devastating humanitarian, political, and economic crisis in their home country. Venezuelans in Arauca often live in precarious economic conditions, sleeping on the street or forming makeshift settlements, struggling to earn money, and lacking access to public services such as comprehensive health care. Thousands have also set out on foot from the border region, hoping to reach destinations such as Bogotá, Colombia's capital. They are often unaware of the dangers along the way, including predation by armed groups.

Venezuelans, many of whom arrive in Arauca from areas without armed groups and who are ignorant of the armed groups' "rules," have numbered among the murder victims. Between January and November 2019, the Colombian National Police recorded 30 Venezuelans killed in Arauca. Community leaders, humanitarian workers, and human rights officials told Human Rights Watch that armed groups murdered many of them for violating the "rules."

Venezuelans have also suffered abuses that are not directly associated with armed groups. Many women are sexually exploited and coerced to sell sex, and often face additional violence. Humanitarian actors have reported cases of human trafficking. Xenophobia in Arauca is notably prevalent and has led to cases of violence against Venezuelans, who are often blamed by local residents for crimes committed there.

Colombian authorities have tried to wrest power from armed groups in Arauca, principally by deploying the military. Several of the military units on duty in Arauca, though, are dedicated to protecting oil infrastructure, which armed groups often attack. In parts of the province, protection of residents is almost entirely lacking.

Security forces are especially ineffective in the countryside. Police presence is often limited to certain urban areas while much of the army presence in rural areas is focused on

oil infrastructure. As one police official told Human Rights Watch, in the remaining areas the guerrillas “are the police.”

Protection for human rights defenders, community leaders, and others particularly at risk of attack by armed groups has been limited. Colombia’s National Protection Unit (*Unidad Nacional de Protección*, UNP) has only one official in Arauca, who is in charge of assigning protection schemes for people at risk. This generates delays and makes it hard to carry out thorough and timely risk assessments. The UNP in Arauca does not itself have protection, or even a car, so is rarely able to visit rural areas.

Security forces in Arauca have also been involved in serious abuses. In one incident in March 2018, soldiers opened fire on four civilians who had gone hunting, killing one of them.

Armed groups appear to feel much freer to operate in Venezuela than they do in Colombia. Groups have at times taken victims kidnapped in Arauca to camps and other facilities they maintain in Venezuela. Rather than combatting them, Venezuelan security forces, as well as local authorities, have colluded with them in at least some cases, according to multiple sources we interviewed, including Apure residents, community leaders, journalists, and humanitarian actors.

Impunity for abuses remains the norm. In Arauca, the Colombian Attorney General’s Office has secured convictions for only eight killings committed since 2017, out of a total of more than 400 now under investigation. None of the eight convictions was of a member of an armed group. Since 2017, the office has not charged, let alone convicted, any member of an armed group for rape, threats, extortion, child recruitment, forced displacement, or the criminal offense of “forcible disappearance,” which under Colombian law covers abductions and involuntary disappearances carried out by armed groups.

The Venezuelan government did not respond to an information request from Human Rights Watch regarding the status of investigations into alleged abuses in Apure. The lack of judicial independence in Venezuela, coupled with widespread fear of reporting crimes, strongly suggests there is little, if any, accountability for crimes committed by armed groups in Apure. Given our sources’ testimony that local authorities and security forces in Apure tolerate and often collude with armed groups, there is no reason to believe that

serious investigations into abuses by armed groups have been conducted or will be in the near future.

The implementation of two policies announced in recent years by the Colombian government could decisively influence the human rights situation in Arauca.

In four municipalities of Arauca, the national government has committed to implementing a “Territorial Development Program” (*Programas de Desarrollo con Enfoque Territorial*, PDET), an initiative created by the peace agreement with the FARC.

As part of the PDET, residents of the four Arauca municipalities have already participated in designing projects to increase accountability, improve protection for community activists, and address the poverty and lack of educational opportunities that have, for years, made it easier for armed groups to thrive. Implementation of the projects in Arauca could help undermine armed groups’ power and prevent human rights abuses.

On the enforcement side, the government announced in August 2019 a “Strategic Zone of Comprehensive Intervention” (*Zona Estratégica de Intervención Integral*) for Arauca, which is currently being designed. In such zones, authorities commit to deploying the military alongside police to dismantle armed groups and improve security. Simultaneously, the government aims, in safer parts of these areas, to improve access to public services and strengthen civilian, including judicial, institutions.

Our research suggests that the situation in Arauca is unlikely to improve if the Colombian government continues to focus its strategy on deploying the military without simultaneously strengthening the justice system, improving protection for the population, and taking steps to ensure adequate access to economic and educational opportunities and public services. Conversely, thorough implementation of PDET provisions—especially those related to strengthening the judiciary, protecting community activists, and providing economic and educational opportunities—could help undermine armed groups’ power and prevent further human rights abuses in Arauca.

Increased international pressure on the government of Nicolás Maduro remains key to preventing abuses and ensuring accountability in Venezuela. A United Nations fact-finding mission created in September to investigate human rights violations in Venezuela should

scrutinize abuses committed by armed groups in Venezuela with the tolerance or connivance of security forces. Relying on findings by the UN fact-finding mission and other credible sources, international organizations and foreign governments—in the Americas and Europe—should impose targeted sanctions, such as asset freezes and travel bans, on senior Venezuelan officials who have been complicit in abuses by armed groups.

Recommendations

To the Administration of President Iván Duque of Colombia:

To prevent abuses, protect people at risk, and support accountability:

- Include in the policy for the Strategic Zones of Comprehensive Intervention in Arauca a rights-respecting strategy for security forces to protect locals from armed groups, and a plan to remove landmines, starting with the villages covered by the policy.
- Provide greater support to ensure security and protection for prosecutors and investigators in Arauca.
- Strengthen the National Protection Unit in Arauca with more personnel, including as part of the implementation of the so-called “Territorial Development Programs” (PDET).
- Design and implement a plan to prevent child recruitment in Arauca of both Colombians and Venezuelans, and strengthen existing prevention mechanisms in the province, including by ensuring access to education.
- Create a policy that allows members of FARC dissident groups to demobilize and join the individual reintegration program.
- Work with the municipal and provincial governments to ensure that survivors of sexual violence receive the aid and protection to which they are entitled under Colombian law.
- Monitor failures to implement current laws and policies related to gender-based violence in Colombia, with a particular focus on sexual violence perpetrated by armed actors.
- Ensure that the PDET is promptly and fully implemented in Arauca.

To protect the rights of Venezuelans fleeing from the crisis in their country:

- Carry out anti-xenophobia campaigns in Arauca, working with local authorities, civil society groups, and the local population.
- Direct the police in Arauca to take steps to protect Venezuelans who are subject to assault, kidnapping, extortion, child recruitment, rape, murder and other crimes, and hold to account authorities who fail in their duty to enforce the law against those who prey upon Venezuelans.

- Carry out a comprehensive assessment to determine the total number of Venezuelans living in Arauca and their needs.

To the Colombian Attorney General's Office:

- Increase the number of prosecutors and investigators working in Arauca on cases related to the armed conflict, including homicides, sexual violence, child recruitment, extortion, and threats against human rights defenders and local officials.
- Increase the number of prosecutors and investigators in Arauca working on corruption and collusion between local governments and armed groups.
- Ensure protection for all prosecutors and investigators in Arauca and provide them with adequate resources to carry out their work.
- Create a special unit to investigate possible cases of human trafficking into sexual exploitation and violence and coercion against both sex workers and people forced to sell sex, including Venezuelan women and girls.

To UN Agencies:

- Design and implement plans that include programs to prevent the recruitment of Colombian and Venezuelan children in Arauca and Apure.
- Seek support from international donors to address the needs of the civilian population of Arauca and Apure through a comprehensive plan to provide support to individuals affected by the armed conflict, with a focus on populations at high risk for abuse or exploitation, including—but not limited to—Venezuelans displaced outside their country.

To the UN Fact-Finding Mission on Venezuela:

- Investigate collusion by Venezuelan security forces in abuses committed by armed groups in Venezuela, including by the ELN, the FPLN, and the FARC dissident group in Apure, as part of the mission's mandate to investigate extrajudicial executions, enforced disappearances, arbitrary detentions, and torture and other cruel, inhumane, or degrading treatment occurring in the country since 2014.

To the US, Canadian, and Latin American Governments and the European Union:

- Impose targeted sanctions, including travel bans and asset freezes, on senior Venezuelan officials who, according to the UN fact-finding mission and other credible reports by other international organizations, are complicit in abuses by armed groups in Venezuela.
- Assist the Colombian government's efforts to provide additional humanitarian aid to Colombians and Venezuelans at risk in Arauca.

Methodology

In researching this report Human Rights Watch carried out interviews with more than 105 people. Interviewees included residents of Arauca and Apure, Venezuelan refugees, Colombians who had returned to their country from Venezuela (often called “returnees” in Colombia), human rights officials, judicial officials, human rights activists, victims of abuse and their relatives, members of humanitarian organizations, and Colombian government officials. Members of armed groups were not interviewed for security reasons.

We conducted most of the interviews during a visit in August 2019 to five of the seven municipalities of Arauca: Arauca City, Arauquita, Saravena, Fortul, and Tame. Some additional interviews for the report were conducted by telephone and in Bogotá. All interviews were in Spanish.

The report also draws on a series of official statistics and documents from the Colombian government, publications by international and national humanitarian and nongovernmental organizations, and news articles. We sent information requests to Colombia’s Ministry of Defense, Attorney General’s Office and Victims’ Unit, as well as to Venezuelan authorities. The responses we received are reflected in the report. Venezuelan authorities did not respond.

This report documents abuses committed both in Colombia and Venezuela. Documenting cases in Venezuela presented difficulties. First, Human Rights Watch conducts limited research inside Venezuela due to security concerns. In 2008, a Human Rights Watch team was detained and expelled from the country, with authorities publicly announcing that our presence would not be “tolerated” there. The security situation for our researchers, and anyone else who carries out human rights work in the country, has only worsened since then. Secondly, Venezuelan authorities do not release reliable statistics or information about crimes in the country and, given the lack of judicial independence in the country, there are no reliable statistics from the justice system on investigations, prosecutions, or convictions either. Finally, only a few humanitarian organizations work on issues linked to armed groups in Venezuela.

Most of the interviewees feared for their security and only spoke to Human Rights Watch on condition that we withhold their names and other identifying information. Details about their cases or the individuals involved, including the location of the interviews, were also withheld when requested or when Human Rights Watch believed that publishing the information would put someone at risk. In footnotes, we may use the same language to refer to different interviewees to preserve their security.

Interviews with victims, their relatives, or witnesses were conducted in confidential settings or through secure means of communication. We informed all participants of the purpose of the interview, its voluntary nature, and how the information would be used. Each participant orally consented to be interviewed.

Human Rights Watch did not make any payments or offer other incentives to interviewees. Care was taken with victims of trauma to minimize the risk that recounting their experiences could further traumatize them. Where appropriate, Human Rights Watch provided contact information for organizations offering legal, social, or counseling services, or linked those organizations with survivors.

In this report, “Arauca” refers to the province of Arauca, in eastern Colombia, also referred to as a “department.” We use “Arauca City” or “Arauca municipality” interchangeably to refer to the municipality of Arauca, the provincial capital.

Under Colombian law, private actors as well as state actors can be held accountable for the criminal offense of “forcible disappearances,” defined as any form of deprivation of liberty in circumstances in which those responsible conceal and refuse to acknowledge the fact of deprivation of liberty or give information about the person’s whereabouts.¹ This use differs from the definition in international law of enforced disappearance.² This report uses the term “forcible disappearance” to refer to the crime under Colombian law.

¹ Law establishing the Criminal Code (Ley por la cual se expide el Código Penal), *Secretaría Senado*, Law 599 of 2000, signed into law on July 24, 2000, http://www.secretariassenado.gov.co/senado/basedoc/ley_0599_2000.html, art. 165.

² “[E]nforced disappearance’ is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.” International Convention for the Protection of All Persons from Enforced Disappearance, adopted December 20, 2006, 2716 U.N.T.S. 3, art. 2, entered into force December 23, 2010; ratified by Colombia July 11, 2012. Venezuela signed the convention on October 21, 2008 but has not ratified it.

Abuses by Armed Groups

Armed groups enjoy significant power and exercise tight control over the population in Arauca and Apure. Members of the groups operating there have committed numerous abuses—including unlawful killings, kidnappings, sexual violence, child recruitment, and forced labor—to assert and maintain this control. They have carried out abuses on both the Colombian and Venezuelan sides of the border.

Many of these abuses are violations of international humanitarian law, which is applicable to non-state armed groups as well as national armed forces. Serious violations of international humanitarian law committed with criminal intent are war crimes.

This section of the report details those abuses. To the extent possible, it also provides data on the numbers of killings and other abuses in recent years. Because few people report violence and abuses for fear of retaliation and because Venezuelan authorities have constantly failed to release information on crime rates in the country, the numbers provided below likely understate the extent of the abuses, and in some cases significantly understate it. Our research suggests that countless victims and their families live in silence.³

Unlawful Killings

Armed groups have committed unlawful killings in Arauca and Apure.

Unlawful killings are on the rise in Arauca. In 2015, the year in which the FARC declared a ceasefire as part of peace negotiations, the Colombian government reported 96 homicides in Arauca.⁴ In 2018, 160 people were killed in the department, a rate of 59 murders for

³ Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with community leader, Arauca, August 10, 2019; Human Rights Watch interview with prosecutor, Arauca, August 13, 2019; Human Rights Watch interview with community leader, Arauca, August 15, 2019.

⁴ Colombia's National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), "Comportamiento del homicidio. Colombia, 2015" ("Homicides in Colombia, Year 2015"), n.d., <https://www.medicinalegal.gov.co/documents/20143/49523/Homicidios.pdf> (accessed January 10, 2020), p. 91.

every 100,000 people—roughly two times the national rate.⁵ Preliminary statistics from the National Institute of Forensic Science indicate that the numbers continue to rise: 161 people were killed in Arauca between January and November of 2019.⁶

The ELN and the FARC dissident group are responsible for most of the murders in Arauca, as well as for the increase in the murder rates in the province, according to the Ombudsperson's Office, humanitarian organizations, and the Institute of Forensic Science.⁷ According to Colombia's National Institute of Forensic Science, in 2018, the ELN and the FARC dissident group were thought to be responsible for killing at least 93 people in Arauca, 58 percent of the total that year.⁸ The Institute believes that the ELN and the FARC dissident group were responsible for at least 97 killings between January and November 2019, roughly 60 percent of the total.⁹

Venezuelan authorities do not produce comprehensive or reliable statistics on crime rates in the country, making it impossible to determine the full scope of murders by armed groups in Apure state.¹⁰ However, armed groups have also committed unlawful killings in

⁵ Colombia's National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), "Forensis 2018: datos para la vida" ("Forensis 2018"), June 2019, <https://www.medicinalegal.gov.co/documents/20143/386932/Forensis+2018.pdf/be4816a4-3da3-1ff0-2779-e7b5e3962d60> (accessed January 12, 2020), p. 85.

⁶ Colombia's National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), "Lesiones fatales de causa externa en Colombia, enero a noviembre de 2019" ("Homicides in Colombia, January to November 2019"), n.d., <https://drive.google.com/uc?authuser=o&id=1UV1ZFJsNIHH4xEnT16oFIVtlqfwHu5Gj&export=download> (accessed January 3, 2020). According to the Institute, people murdered between January and November 2019 in Arauca included 13 women and 7 children (all boys). Cut-off date: November 30, 2019.

⁷ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Colombian Human Rights Ombudsperson's Office, "Early Alert 29 of 2019" ("Alerta Temprana 029 de 2019"), July 11, 2019 (copy on file with Human Rights Watch).

⁸ Colombia's National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), "Homicidios. Colombia, 2018" ("Homicides in Colombia, Year 2018"), n.d., <https://www.medicinalegal.gov.co/documents/20143/388157/1-Homicidios.+Colombia%2C+2018.xlsx/722560a4-2e77-b155-cc08-2ca513dfc7c0> (accessed January 12, 2020).

⁹ Colombia's National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), "Lesiones fatales de causa externa en Colombia, enero a noviembre de 2019" ("Homicides in Colombia, January to November 2019"), n.d., <https://drive.google.com/uc?authuser=o&id=1UV1ZFJsNIHH4xEnT16oFIVtlqfwHu5Gj&export=download> (accessed January 3, 2020). Cut-off date: November 30, 2019.

¹⁰ The Venezuelan Observatory of Violence (*Observatorio Venezolano de Violencia*, OVV), a reliable think-tank, estimates that the murder rate in Apure in 2018 was 53.1 per 100,000 people. The rate is lower than the national rate, which the OVV estimates at 81.4. OVV estimates that some states, such as the Capital District, Bolivar and Miranda, have rates around or above 100 murders per 100,000 people. The OVV believes that the comparatively lower rates in Apure are in part due to a combination of fear of reporting linked to social control and armed groups' efforts to "disappear" people, including by throwing their bodies into the river. Human Rights Watch telephone interview with OVV staff, October 25, 2019.

Apure.¹¹ In September 2018, for example, the ELN reportedly killed the head of the Scientific, Legal, and Criminalistics Investigation Agency (*Cuerpo de Investigaciones Científicas, Penales y Criminalísticas*, CICPC) in Guasdualito, Apure, after members of the agency allegedly killed a guerrilla commander's child.¹²

Armed groups in Arauca and Apure often kill those who violate their “rules,” according to multiple sources in Arauca and Apure.¹³ In at least 3 cases in 2018 and 16 in 2019 the victim's bodies in Arauca were found with a piece of paper beside them, stating the apparent justification for the killing: being an alleged “informant,” “rapist,” “drug dealer,” or “thief,” for example.¹⁴ In some cases, the FARC dissident group identified itself as responsible on the piece of paper.¹⁵

In some cases, victims were found with their hands tied or showing other signs of torture. Colombia's Institute of Forensic Science told Human Rights Watch that they documented 23 cases of murder with signs of torture—most of which were cases where the victims had their hands tied—between January and mid-August 2019, up from 20 in all of 2018 and 3 in 2017.¹⁶

¹¹ Human Rights Watch telephone interview with journalist, October 4, 2019; Human Rights Watch telephone interview with local resident, October 5, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019.

¹² Human Rights Watch telephone interview with journalist, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Deivis Ramírez Miranda, “Commissary of the CICPC killed by hitmen in hotel in Apure” (“Sicarios asesinan a comisario del Cicpc en hotel de Apure”), *El Universal*, September 30, 2018, <http://www.eluniversal.com/sucesos/21981/sicarios-asesinan-a-comisario-del-cicpc-en-hotel-de-apure> (accessed October 7, 2019).

¹³ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with human rights official, Arauca, August 13, 2019; Human Rights Watch interview with prosecutor, Arauca, August 13, 2019; Human Rights Watch telephone interview with journalist, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with victim, October 4, 2019.

¹⁴ Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch telephone interview with human rights official, October 8, 2019; Human Rights Watch telephone interview with human rights official, January 3, 2020.

¹⁵ Photos of papers left with victims (on file with Human Rights Watch).

¹⁶ Human Rights Watch interview with staff of the Institute of Forensic Science, Arauca, August 16, 2019. Cut-off date: August 16, 2019.

Victims of murder in Arauca include Venezuelan exiles. In 2018, according to the National Police, 25 Venezuelans were killed in the province.¹⁷ Preliminary statistics indicate that 30 Venezuelans were killed in Arauca between January and November 2019.¹⁸ Community leaders, humanitarian workers, and human rights officials told Human Rights Watch that many Venezuelans have been killed by armed groups for violating their “norms.” Many of them come from areas where armed groups are not present, so they often do not know these rules exist nor what they are.¹⁹

In some cases, armed groups first took their Venezuelan or Colombian victims to Venezuela, often to interrogate or “investigate” them before murdering them and leaving their bodies in Arauca.²⁰ For example, in May 2019, members of the ELN kidnapped Andrés Gómez (pseudonym) in Arauca. His mother went to Venezuela where a commander from the ELN told her that they had taken Andrés there for an “interview” and that he would return home the next day. His dead body was found in one of Arauca’s municipalities, on August 1, 2019.²¹

Armed groups have also killed human rights defenders and community leaders in Colombia. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has documented six cases of human rights defenders—a term it uses in Colombia to include community leaders seeking to promote or protect rights—killed in Arauca between

¹⁷ Colombian National Police, “Homicides – 2018” (“Homicidios – 2018”), n.d., <https://www.policia.gov.co/file/201380/download?token=1BKkHjiR> (accessed September 2, 2019).

¹⁸ National Police of Colombia, “Homicides – 2019” (“Homicidios – 2019”), n.d., <https://www.policia.gov.co/file/223545/download?token=yLlqwoTX> (accessed January 3, 2020). Colombia’s National Institute of Forensic Science reports 38 Venezuelans killed in Arauca between January and November 30, 2019 and 28 in 2018. Colombia’s National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), “Tipos de muertes de personas con nacionalidad venezolana. 2017 - noviembre 2019” (“Types of deaths of Venezuelan nationals, 2017 – November 2019”), n.d., <https://www.medicinalegal.gov.co/documents/20143/347827/Venezolanos+2017-2019+a+Noviembre.xlsx/a2b8d674-7f07-9d57-1de8-f5ee05a03397> (accessed January 6, 2020). Cut-off date: November 30, 2019.

¹⁹ Human Rights Watch interview with community leader, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian aid worker, Arauca, September 16, 2019; Colombian Human Rights Ombudsperson’s Office, “Early Alert 29 of 2019” (“Alerta Temprana 029 de 2019”), July 11, 2019 (copy on file with Human Rights Watch).

²⁰ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch telephone interview with human rights official, October 8, 2019.

²¹ Human Rights Watch interview with victim’s relative, Arauca, August 13, 2019.

January and late July 2019, up from four in all of 2018 and one in 2017.²² Four defenders killed in 2019 were working on children's rights issues; OHCHR and the Attorney General's Office are investigating whether some may have been killed because they opposed child recruitment.²³ OHCHR and the Attorney General's Office have indicated that the ELN was responsible for at least one of the murders committed since 2017 in Arauca.²⁴ Additionally, Alfonso Correa, an Arauca human rights defender, was killed in March 2019 in Casanare, a province south of Arauca. Investigations by the Attorney General's Office and the OHCHR point to ELN responsibility in this case as well.²⁵

*On April 27, 2018, armed men kidnapped **María del Carmen Moreno Páez** from her farm in rural Arauquita, Colombia, two relatives told Human Rights Watch.²⁶ The perpetrators sent her family videos and photos, which Human Rights Watch reviewed, of Moreno Páez blindfolded and demanded money for her release. They killed her hours after kidnapping her. Firemen found her body five days later. Soon after her body was found, a video, which Human Rights Watch reviewed, appeared on social media showing two men, with their hands tied and chains around their neck, who confessed to the kidnapping and murder of Moreno Páez. Later that same day, the dead bodies of the two men were found in a town called El Troncal; a note on the bodies read: "These are the authors of the kidnapping and killing of María.... We are applying justice. FARC-EP. The people's army."²⁷*

***Mauricio Lezama**, a filmmaker working on a documentary about victims in Arauca, was drinking juice in front of a small shop in La Esmeralda, a town in rural Arauca, on*

²² Information provided to Human Rights Watch by OHCHR in Colombia, July 30, 2019. The total number may well be higher. The Human Rights Ombudsperson's Office puts the total of social leaders killed since 2017 in the province at 16. Information provided to Human Rights Watch by the Human Rights Ombudsperson's Office, September 23, 2019.

²³ Human Rights Watch telephone interview with OHCHR official, September 25, 2019.

²⁴ OHCHR and the Colombian Attorney General's Office discussed the cases and agreed on the groups allegedly responsible. Human Rights Watch telephone interview with OHCHR official, July 5, 2019.

²⁵ Human Rights Watch telephone interview with OHCHR official, August 15, 2019. A victim's relative told Human Rights Watch that a witness to the planning of the murder told her that the ELN killed Correa. Human Rights Watch interview with victim's relative, Arauca, August 15, 2019.

²⁶ This account is based on Human Rights Watch's group interview with two relatives of María del Carmen Moreno Páez, in Arauca, on September 12, 2019.

²⁷ Photos of the victims (on file with Human Rights Watch).

May 9, 2019, while he waited to start filming a documentary, when two men on a motorcycle drove by and shot him. The shooting killed him instantly and wounded another person.²⁸ His body lay on the street for hours until authorities were able to come and remove it.²⁹ It is unclear who killed Lezama, though investigations by the Attorney General's Office and the OHCHR indicate that the FARC dissident group appears to be responsible.³⁰

Child Recruitment

The FARC dissident group and the ELN recruit Venezuelan and Colombian children in Arauca and Apure. Some recruited children are as young as 12 years old.³¹ Credible sources told Human Rights Watch that both armed groups have established camps in Apure, where they train new recruits, including children.³²

While Venezuelan authorities do not produce reliable statistics on child recruitment, the Victims' Unit in Colombia registered 14 cases of child recruitment in Arauca between 2017 and 2019.³³ Colombia's Attorney General's Office is investigating 21 cases of child recruitment committed since 2017 in Arauca, including 6 victims who were Venezuelan.³⁴ Yet there is significant under-reporting of child recruitment, according to a humanitarian source, two human rights officials, and a government official who works on the issue.³⁵

²⁸ Human Rights Watch interview with witness, Arauca, August 12, 2019.

²⁹ Human Rights Watch interview with community leader, Arauca, August 12, 2019.

³⁰ Human Rights Watch telephone interview with OHCHR official, September 24, 2019.

³¹ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with victim, August 11, 2019; Human Rights Watch interview with victim, Bogotá, September 24, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019.

³² Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019.

³³ Colombian Victims' Unit, "Victims' Registry" ("Registro Único de Víctimas"), September 1, 2019, <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 18, 2019). Cut-off date: August 31, 2019.

³⁴ Information provided to Human Rights Watch by e-mail by the Colombian Attorney General's Office, October 4, 2019 (on file with Human Rights Watch). Cut-off date: September 10, 2019.

³⁵ Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch telephone interview with human rights official, September 23, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch telephone interview with local government official, September 24, 2019.

Indeed, a government official and a humanitarian organization reported the recruitment of 15 children by the FARC dissident group in the municipality of Saravena alone between January and March of 2019.³⁶

Child recruitment by the FPLN appears to be uncommon, according to local community leaders, journalists, and researchers in Apure.³⁷ Human Rights Watch did not document any such cases.

The ELN and the FARC dissident group offer children payment if they join, as well as access to motorcycles and guns, according to humanitarian actors, and community leaders.³⁸ Human Rights Watch received messages from community leaders in Apure through a local reliable source, in which the leaders stated that Colombian armed groups recruit children in the state.³⁹ One of the leaders said the ELN organized soccer games to convince children to join the group's ranks.⁴⁰

Children are recruited to be full-time fighters, living in guerrilla camps and taking part in combat, or to be militia members, living in urban areas and collecting extortion payments, providing information for their rural counterparts, and carrying out small-scale violence, such as grenade attacks.⁴¹

Humanitarian actors in Arauca who have had some form of contact with the armed groups also report that children make up part of the ranks of both armed groups.⁴² In July 2019, 16

³⁶ Information provided to Human Rights Watch by humanitarian actor, August 2019 (on file with Human Rights Watch); Human Rights Watch telephone interview with local government official, September 24, 2019.

³⁷ Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 9, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with journalist, October 9, 2019.

³⁸ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with community leader, Arauca, August 10, 2019; Human Rights Watch interview with victim, Arauca, August 14, 2019.

³⁹ WhatsApp audio messages from Apure community leaders, October 8, 2019.

⁴⁰ Human Rights Watch telephone interview with community leader, October 8, 2019.

⁴¹ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 10, 2016; Human Rights Watch interview with victim, Arauca, August 14, 2019.

⁴² Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019.

members of the FARC dissident group in Arauca handed themselves over to the Armed Forces; six of them were under the age of 18, including one Venezuelan. Almost all of the demobilized fighters were from an indigenous community.⁴³

Children recruited by the FARC dissident group face a precarious situation if they want to escape from the armed group once they become adults. Under Colombian law, there is no legal route if adults wish to demobilize and, unlike ELN fighters, they are not eligible for reintegration programs.⁴⁴

The FARC dissident group has retaliated against members who have tried to escape. One witness to FARC dissident abuses inside a camp in Venezuela said he saw a “revolutionary trial” in which the group tried two fighters—an adult and a child—for trying to escape. He told Human Rights Watch that the fighters voted to kill the adult but gave the child a “second chance” and imposed a sanction that consisted of forcing him to dig trenches.⁴⁵ In August 2019, the army rescued a 2-year-old boy who had been kidnapped by the FARC dissident group in Arauca in April. He is the son of two fighters who had escaped from the group’s ranks and had apparently been kidnapped in retaliation for their escape from the group.⁴⁶

Lina and Natalia (pseudonyms), both 15, took the bus home from school one day in rural Arauca in April 2019. When they got off the bus, ELN members convinced them to go to a guerrilla camp to become fighters. Lina’s mother, along with another community leader, went to the camp as soon as she found out what had happened. There, she was able to convince the commander to let her daughter go, but he did not release Natalia. The commander stated that if Lina ever came back to the guerrillas,

⁴³ “In one week, 16 FARC dissidents demobilized in Arauca” (“En una semana, 16 disidentes de las Farc se desmovilizaron en Arauca”), *El Tiempo*, July 22, 2019, <https://www.eltiempo.com/colombia/otras-ciudades/16-disidentes-de-las-farc-se-han-desmovilizado-en-arauca-391516> (accessed September 17, 2019); “12 FARC dissidents demobilize in Arauca” (“Se desmovilizan 12 guerrilleros de disidencias de las Farc en Arauca”), *El Tiempo*, July 16, 2019, <https://www.eltiempo.com/colombia/otras-ciudades/se-desmovilizan-12-guerrilleros-de-las-disidencias-en-arauca-388974> (accessed September 17, 2019); Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019.

⁴⁴ Human Rights Watch telephone interview with researcher, October 4, 2019.

⁴⁵ Human Rights Watch interview with victim, Arauca, August 11, 2019.

⁴⁶ Human Rights Watch telephone interview with human rights official, August 26, 2019; John Campos, “Kidnapped Indigenous Minor Rescued in Arauca” (“Rescatado menor de edad indígena secuestrado en Arauca”), August 24, 2019, <https://cgfm.mil.co/es/blog/rescatado-menor-de-edad-indigena-secuestrado-en-arauca> (accessed September 25, 2019).

she would stay there for life. According to government officials who spoke with Lina, guerrilla members asked the two girls if they were virgins, and took pictures of them in their underwear. Both Lina and her mother later fled Arauca.⁴⁷

Kidnappings, Forcible Disappearances, and Forced Labor

The ELN and FARC dissident group in Arauca and Apure kidnap civilians, including to subject the victims to forced labor as a punishment for violating the groups' "rules."

Since 2017, 24 people have been kidnapped by armed groups in Arauca, including 13 in 2018 and 5 between January and September 2019.⁴⁸ These include cases in which armed groups demanded extortion payments or subjected the victims to forced labor. Victims include members of the Colombian armed forces.⁴⁹

In Apure, the ELN, and the FARC dissident group kidnap people mostly to force them to carry out forced labor, according to journalists, residents, a human rights activist, and researchers.⁵⁰ Armed groups in Apure also kidnap farmers so they can take over their land.⁵¹

The number of people who have gone missing has increased in Arauca over the past two years. According to Colombia's Institute of Forensic Science, the reported number of

⁴⁷ Human Rights Watch interview with human rights official, Arauca, August 12, 2019; victims' testimony taken by government officials and reviewed by Human Rights Watch [names and dates withheld].

⁴⁸ Information provided to Human Rights Watch by the Defense Ministry via email, on November 19, 2019 (on file with Human Rights Watch). The Human Rights Ombudsperson's Office indicated that 57 people had been kidnaped in Arauca since 2017. Information provided to Human Rights Watch by the Human Rights Ombudsperson's Office, September 24, 2019.

⁴⁹ Human Rights Watch telephone interview with human rights official, September 12, 2019; "Proof of life of soldier kidnapped by FARC dissidents in Arauca revealed" ("Revelan prueba de vida de militar secuestrado por disidencia de las Farc"), *El Espectador*, June 9, 2019, <https://www.elespectador.com/noticias/nacional/revelan-prueba-de-vida-de-militar-secuestrado-por-disidencia-de-las-farc-articulo-865124> (accessed September 8, 2019); "The ELN free three soldiers kidnapped in Arauca" ("ELN dejó en libertad a tres militares que tenía secuestrados en Arauca"), *Semana*, September 5, 2018, <https://www.semana.com/nacion/articulo/el-n-libero-a-militares-secuestrados-en-arauca/582003> (accessed September 9, 2019); Human Rights Ombudsperson's Office, "Early Alert 29 of 2019" ("Alerta Temprana 029 de 2019"), July 11, 2019 (copy on file with Human Rights Watch), p. 33.

⁵⁰ Human Rights Watch telephone interview with journalist, October 4, 2019; Human Rights Watch telephone interview with local resident, October 5, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019. Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch telephone interview with security expert, October 25, 2019.

⁵¹ Human Rights Watch telephone interview with researcher, October 7, 2019.

missing people in the province increased from eight in 2017 to 14 in 2018.⁵² The Institute reported that 12 people went missing in Arauca between January and November 2019.⁵³ Under Colombian law, private actors as well as state actors can be held accountable for the criminal offense of “forcible disappearances”⁵⁴ and the Attorney General’s Office told Human Rights Watch that, as of September 2019, prosecutors had pending investigations into 46 cases of alleged forcible disappearance committed in Arauca since 2017.⁵⁵

Some of the people reported missing have reappeared after months of forced labor in farms or guerrilla camps—a form of punishment imposed by armed groups in Arauca.⁵⁶ Largely in an effort to impose social control, armed groups force people who violate “norms” to work in their camps or on farms reportedly run by people linked to them.⁵⁷

Human Rights Watch documented two cases, described below, of forced labor—one by the ELN and another by the FARC dissident group—and received credible allegations from humanitarian actors and locals about three more.⁵⁸ In both cases documented by Human Rights Watch, the victims stated that they saw or spoke with other people who were also forced to work in the places the armed groups were holding them. In both cases, the victims were held in Venezuela, where they were subject to forced labor. To Human Rights

⁵² Colombia’s National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), “Desaparecidos en Colombia y nacionales en el extranjero, 2017” (“Missing People in Colombia and Nationals Abroad, 2017”), n.d., <https://www.medicinalegal.gov.co/documents/20143/262611/10-Desaparecidos+en+Colombia+y+nacionales+en+el+extranjero%2C+2017.xlsx/fd936ceo-96df-ebcb-ab9b-51989492b2b1> (accessed January 12, 2020); Colombia’s National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), “Desaparecidos en Colombia y en el Extranjero 2018” (“Missing People in Colombia and nationals abroad 2018”), n.d., <https://www.medicinalegal.gov.co/documents/20143/388157/10-Desaparecidos+en+Colombia+y+nacionales+en+el+extranjero%2C+2018.xlsx/dfb9f175-db2c-fb1f-01ae-8b8f92173840> (accessed January 6, 2020).

⁵³ Colombia’s National Institute of Forensic Science (Instituto Nacional de Medicina Legal y Ciencias Forenses), “Información preliminar sobre desaparecidos en Colombia y en el Extranjero, enero a noviembre 2019” (“Preliminary Information on Missing People in Colombia and Nationals Abroad, January to November 2019”), n.d., <https://drive.google.com/uc?authuser=o&id=1v3B1rMjce9EAgbYeTRzTbEmypqP2MILA&export=download> (accessed January 6, 2020).

⁵⁴ Colombian Criminal Code, art. 165.

⁵⁵ Information provided to Human Rights Watch by the Attorney General’s Office via email, on July 11, 2019 (on file with Human Rights Watch). Cut-off date: September 10, 2019.

⁵⁶ Human Rights Ombudsperson’s Office, “Early Alert 29 of 2019” (“Alerta Temprana 029 de 2019”), July 11, 2019 (copy on file with Human Rights Watch), p. 33.

⁵⁷ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with researcher, Arauca, August 11, 2019; Human Rights Ombudsperson’s Office, “Update Note 009-17” (“Nota de seguimiento 009-17”), August 9, 2017 (copy on file with Human Rights Watch), p. 6.

⁵⁸ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019.

Watch's knowledge, Colombian and Venezuelan authorities do not maintain an official record of cases of forced labor, though local observers believe this form of "punishment" by armed groups is more commonly implemented by the ELN than by other armed groups.⁵⁹

Victims of forced labor are not always kidnapped. For example, Human Rights Watch received credible allegations that in late 2017 a group of young men who an armed group accused of robbery was forced to clean up parts of their own town in Apure.⁶⁰

***Miguel Escobar** (pseudonym), a 31-year-old Venezuelan man, told Human Rights Watch that in May 2019 he was summoned to a FARC dissident camp in Venezuela to speak to "Jerónimo," the FARC dissident group commander. Escobar's wife had told the FARC dissident group that he had mistreated her, he said. Escobar told Human Rights Watch that after a short discussion with "Jerónimo," he was forced to work without pay as a cook in the dissident camp for two months. In the camp, he worked with two other civilians who were subjected to the same treatment, he said. Miguel witnessed one murder and received first-hand accounts about four others while he lived in the camp, he said. After he had "served" his two months in the camp as a cook, one commander told him that they were planning to hold him there for two years. Miguel escaped shortly thereafter.⁶¹*

***Carlos Torres** (pseudonym) was at a bar in Arauca in late 2017, where he said he had a small altercation with a young man. The next day, a car pulled up in front of his house; a young man got out, knocked on the front door, and then forced his way into Carlos' home along with three others. All four were armed, Carlos noted. They forced him into the car, blindfolded him, and later put him in a canoe, taking the canoe across the Arauca River into Venezuela, he recalled. There, he worked on a farm for nearly seven months, he claimed, doing various jobs with two other young men. Eventually, when he was released, his captors revealed that they belonged to the ELN and said they had*

⁵⁹ Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch telephone interview with human rights official, September 23, 2019.

⁶⁰ Human Rights Watch telephone interview with local resident, October 5, 2019.

⁶¹ Human Rights Watch interview with victim, Arauca, August 11, 2019.

brought him to do forced labor because the young man he had a problem with at the bar was an ELN fighter. He moved elsewhere after the ELN threatened him after he was released.⁶²

***Luis Menendez** (pseudonym) was kidnapped in Arauca in 2019. That night, he had been at a bar with friends when six armed men arrived. The men said they were FARC dissidents, he recounted, and told him he had to go with them. After he initially refused to go, the men fired two shots at the floor. Menendez told Human Rights Watch that they then brought him to the Arauca River and crossed over to Venezuela. Once in Venezuela they drove him to a house, passing through two checkpoints of the Bolivarian National Guard (Guardia Nacional Bolivariana) of Venezuela without being stopped, he said. Days later, when the FARC dissident group realized his family would not be able to pay the ransom they had requested, they let him go.⁶³*

Threats and Other Forms of Social Control

Armed groups in Arauca and Apure routinely threaten people to ensure social control. These threats are often directed against people who violate the groups' "rules" or to pressure civilians to do as the groups want.

Colombia's Victims' Unit registered more than 2,000 threats related to the armed conflict in Arauca between 2017 and September 1, 2019.⁶⁴ "It's like there are two forms of government," one human rights activist in Apure told Human Rights Watch. "They [the armed groups] threaten you twice and the third time is a death sentence."⁶⁵

Threats can come in multiple forms. For example, both the FARC dissident group and the ELN make threats through pamphlets, announcing "social cleansing" —a term used in Colombia and in Venezuela's Apure to describe the killing of certain people considered

⁶² Human Rights Watch interview with victim, Arauca, August 14, 2019.

⁶³ Human Rights Watch interview with victim, Arauca, August 13, 2019.

⁶⁴ Colombian Victims' Unit, "Victims' Registry" ("Registro Único de Víctimas"), <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 18, 2019).

⁶⁵ Human Rights Watch telephone interview with human rights activist, Apure, October 7, 2019.

“undesirable” for society, including thieves and drug addicts.⁶⁶ These threats occur both in Apure and Arauca.⁶⁷

These pamphlets are consistent with the manual of “Unified Rules of Conduct and Coexistence” created by the FARC and ELN in 2013 after they ended their 2006-2010 conflict. The manual includes rules for both guerrilla fighters and locals.⁶⁸ The “norms” in the manual, which the ELN and the FARC dissident group continue to apply,⁶⁹ are designed to control numerous aspects of daily life: they regulate fishing; prohibit rape, theft, and murder; mandate timely debt payments; and even specify when bars should close. The manual also obliges community members to work one day a month in a community task.⁷⁰ While the manual includes references to “exemplary punishment” and “adequate response” to “serious crimes,” it does not specify the punishments to be imposed for violating the rules. In practice, however, these punishments include death, forced labor, threats, and displacement.

While armed groups apparently do not apply the manual in Apure, Venezuela, the punishments they mete out for comparable “infractions” are the same. The three armed groups operating in Apure punish locals for not following the “rules,” including through threats, forced labor, and occasionally murder.⁷¹

⁶⁶ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with human rights activist, Arauca, August 12, 2019; ELN pamphlet, February 15, 2019 (on file with Human Rights Watch); FARC dissident group “10th front” pamphlet, February 2019 (on file with Human Rights Watch).

⁶⁷ Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with local researcher, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019.

⁶⁸ “Unified rules of conduct and coexistence of the Eastern War Front: Commander Manuel Vázquez Castaño of the ELN and the Commander Jorge Briceño Bloc of the FARC-EP” (“Normas unitarias de comportamiento y convivencia del Frente de Guerra Oriental Comandante en Jefe Manuel Vázquez Castaño y del Bloque Comandante Jorge Briceño de las FARC-EP”), n.d., (copy on file with Human Rights Watch).

⁶⁹ Human Rights Watch interview with human rights official, Arauca, September 10, 2019.

⁷⁰ “Unified rules of conduct and coexistence of the Eastern War Front: Commander Manuel Vázquez Castaño of the ELN and the Commander Jorge Briceño Bloc of the FARC-EP” (“Normas unitarias de comportamiento y convivencia del Frente de Guerra Oriental Comandante en Jefe Manuel Vázquez Castaño y del Bloque Comandante Jorge Briceño de las FARC-EP”), n.d., (copy on file with Human Rights Watch), pp. 9-10.

⁷¹ Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with local resident, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019. Human Rights Watch telephone interview with victim, August 11, 2019; Human Rights Watch telephone interview with journalist, October 15, 2019; Human Rights Watch telephone interview with security expert, October 25, 2019.

Several humanitarian aid workers, human rights officials, and activists told Human Rights Watch that it is more common for the ELN to use pamphlets or threaten people before killing them, while the FARC dissident group tends to kill its victims without warning.⁷²

Government officials are also often threatened, at least in Colombia.⁷³ Five out of seven heads of local *personerías*—municipal human rights offices—in Arauca have been threatened by armed groups, and some have fled the province.⁷⁴

Politicians, including some who ran for governor, mayor, and the municipal council in the October 2019 local elections in Colombia, have also received threats from armed groups.⁷⁵ In a pamphlet in February 2019, for example, the FARC dissident group threatened members of the Democratic Center party, the party led by former President Álvaro Uribe and current President Iván Duque.⁷⁶ Colombia’s Human Rights Ombudsperson’s Office has stated that four of the seven municipalities in Arauca present an “extreme” —the highest— level of risk for electoral violence.⁷⁷ It has noted that the city of Arauca is the municipality in Colombia with the highest number of human rights violations against people who work on electoral campaigns or are candidates themselves.⁷⁸

Armed groups often require people to go to meetings with commanders, where they can be threatened as well.⁷⁹ It is common for groups in Arauca to hand over to victims handwritten

⁷² Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with human rights activist, Arauca, August 12, 2019.

⁷³ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with victim, Arauca, August 14, 2019.

⁷⁴ Human Rights Watch separate interviews with human rights officials, Arauca, August 10, 11 and 12.

⁷⁵ Human Rights Watch interview with victim, Arauca, August 14, 2019; FARC dissident group pamphlet, February 2019 (on file with Human Rights Watch); “Due to Threats, Candidates in Arauca Campaign by Internet” (“Por amenazas, candidatos en Arauca hacen campaña solo por internet”), *El Tiempo*, September 3, 2019, <https://www.eltiempo.com/politica/partidos-politicos/candidatos-en-arauca-hacen-campana-solo-por-internet-por-inseguridad-408186> (accessed September 20, 2019).

⁷⁶ FARC dissident group “10th front” pamphlet, February 2019 (on file with Human Rights Watch).

⁷⁷ For the Human Rights Ombudsperson’s office, municipalities with an “extreme risk level” are those with all the following conditions: (i) confrontations between armed groups or between armed group and government forces; (ii) illegal economies; (iii) conditions of vulnerability for residents; (iv) minimal state presence; and (v) human rights abuses against people involved in electoral campaigns. Human Rights Ombudsperson’s Office, “Early Alert 035-19, Electoral Risk 2019” (“Alerta Temprana 035-19, Riesgo Electoral 2019”), August 31, 2019, http://www.defensoria.gov.co/attachment/2381/AT%20N%C2%Bo%20035-19%20Riesgo%20Electoral_low.pdf (accessed September 2, 2019), p. 8.

⁷⁸ *Ibid.*, p. 38.

⁷⁹ Human Rights Watch separate interviews with victims, Arauca, August 11, 14 and 15, 2019.

notes on small pieces of paper with the armed group's logo, called "*vikingos*" (the Spanish word for "vikings"), calling them to a meeting with a commander.⁸⁰ On other occasions, some people have been told that they have to meet with an armed group by someone who approaches them in public.⁸¹ For example, Human Rights Watch interviewed a politician who received two notes from the ELN. In November 2018, the group extorted him for cash; in July 2019, the ELN demanded he appear at a specific point for unstated reasons.⁸² A member of the group had previously told him that he should do as they say.⁸³

These meetings take place on both the Venezuelan and Colombian sides of the border.⁸⁴ One community leader told Human Rights Watch that he had to cross the border to Venezuela for a meeting, where commanders of the FARC dissident group and the ELN were present. In the meeting, the commanders explained to him the groups' concerns about some government initiatives in his town. According to the leader, who said he had been previously threatened three times by the armed groups, "it would be too dangerous not to go" to the meeting.⁸⁵

In rural areas of Arauca and Apure, armed groups place signs in the streets or use megaphones to communicate their rules to local residents or make public announcements about government policies or programs.⁸⁶ Some, for example, set curfews in rural areas and forbid people to wear helmets while riding motorcycles so that fighters can see their

⁸⁰ Human Rights Watch separate interviews with victims, Arauca, August 11, 12, 14 and 15, 2019. The notes apparently got their name ("*vikingo*") after a famous popsicle sold in the province in the 1980s that the ELN guerrilla once notoriously included with written extortion demands delivered to residents. Human Rights Watch telephone interview with human rights official, October 8, 2019. The expression has even been referred to by the Colombian Supreme Court of Justice. See, for example, Colombian Supreme Court of Justice (Corte Suprema De Justicia), Ruling 26680 (Sentencia 26680), September 16, 2010, judge Alfredo Gómez Quintero, http://legal.legis.com.co/document/Index?obra=jurcol&document=jurcol_98182ee7d487202ceo430a010151202c (accessed January 13, 2020).

⁸¹ Human Rights Watch interview with victim, Arauca, August 12, 2019; Human Rights Watch interview with victim, Arauca, August 15, 2019; Human Rights Watch interview with victim, Arauca, August 14, 2019.

⁸² Human Rights Watch interview with victim, Arauca, August 14, 2019; Human Rights Watch telephone interview with victim, September 20, 2019; notes from the ELN (copy on file with Human Rights Watch).

⁸³ Human Rights Watch interview with victim, Arauca, August 14, 2019.

⁸⁴ Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with victim's relative, Arauca, August 13, 2019; Human Rights Watch interview with victim, Arauca, August 15, 2019; Human Rights Watch interview with humanitarian organization, Arauca, August 14, 2019.

⁸⁵ Human Rights Watch interview with victim, Arauca, August 15, 2019.

⁸⁶ Human Rights Watch interview with humanitarian organization, Arauca, August 14, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; photo of ELN sign provided to Human Rights Watch by humanitarian actor (on file with Human Rights Watch).

faces.⁸⁷ Ironically, a community leader told Human Rights Watch that “using a helmet can be dangerous.”⁸⁸

Armed groups in Arauca and Apure also engage in widespread extortion. Virtually everyone in the province has been a victim of extortion, including poor farmers, according to interviews by Human Rights Watch.⁸⁹ “We don’t produce enough to feed our families and we have to pay [them],” a local farmer told Human Rights Watch.⁹⁰ Nonetheless, few victims appear willing to report such extortion. While multiple sources told Human Rights Watch that extortion is widespread in Arauca, Colombia’s Attorney General’s Office is currently investigating only 263 cases allegedly committed since 2017.⁹¹ Similarly, the Defense Ministry has registered 285 cases of extortion between 2017 and late-September 2019.⁹²

The ELN and the FARC dissident group separately extort people in the same areas and sometimes demand the same amount of money, but it is often unclear whether or when the groups expect residents to pay both. A victim of extortion and a human rights official told Human Rights Watch that people do not have to pay both groups,⁹³ but two residents told Human Rights Watch that they had been forced to do so.⁹⁴ As mentioned above, some people are summoned to meetings in Venezuela to make such payments.⁹⁵

⁸⁷ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with local prosecutor, Arauca, August 13, 2019.

⁸⁸ Human Rights Watch interview with community leader, Arauca, August 15, 2019.

⁸⁹ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with victim, Arauca, August 13, 2019; Human Rights Watch interview with victim, Arauca, August 14, 2019; Human Rights Watch interview with community leader, Arauca, August 15, 2019; Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with local resident, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019. Human Rights Watch telephone interview with victim, October 5, 2019.

⁹⁰ Human Rights Watch interview with community leader, Arauca, August 15, 2019.

⁹¹ Information provided to Human Rights Watch by email by the Colombian Attorney General’s Office, October 4, 2019 (on file with Human Rights Watch). Cut-off date: September 10, 2019.

⁹² Information provided to Human Rights Watch by the Defense Ministry via email, on November 19, 2019 (on file with Human Rights Watch). Cut-off date: September 30, 2019.

⁹³ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019.

⁹⁴ Human Rights Watch interview with victim’s relative, Arauca, August 14, 2019; Human Rights Watch interview with victim, Arauca, August 13, 2019.

⁹⁵ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with victim, Arauca, August 13, 2019.

Viviana Sánchez (pseudonym) owned a small shop in rural Arauca. Colombian Army soldiers would occasionally patrol the hamlet and stop in her shop, she told Human Rights Watch. The ELN threatened her because of her contact with the soldiers, she said. She told Human Rights Watch that a low-level guerrilla fighter would often go to her store, drink beer, and make unwanted sexual advances against her, which she consistently rejected. In July 2019, she received a pamphlet saying she had to leave the hamlet. She went to meet with the commander in the area, she recounted, where a guerrilla fighter put a pistol against her head as another one asked her various questions about her relationship with the soldiers. She was allowed to stay in the village under certain conditions, such as no longer selling anything to members of the Army. Soon after, the fighter who had sexually harassed her rose in the ranks in the area, and went back to her shop to drink, and she once again rejected his unwanted sexual advances. An ELN militia member whom she knew later told her that her harasser had ordered her killing because she had rejected him, and said the order included that she be killed in front of her daughter and that the killing be filmed. Sánchez fled the village with the help of the same ELN militia member and was afraid of returning when Human Rights Watch interviewed her.⁹⁶

Sexual Violence

Armed groups have committed numerous acts of rape and other sexual violence. Colombia's Victims' Unit registered 25 cases of sexual violence linked to the armed conflict in Arauca between January 2017 and September 2019.⁹⁷

A humanitarian source told Human Rights Watch about a case in which a woman was kidnapped by the ELN in Arauca and taken to Venezuela, where members of the guerrillas raped her. They then brought her back to Colombia and threatened to rape her daughter, whose age Human Rights Watch was not able to ascertain, if she did not pay a debt she owed the group.⁹⁸

⁹⁶ Human Rights Watch interview with victim, Arauca, August 11, 2019.

⁹⁷ Colombian Victims' Unit, "Victims' Registry" ("Registro Único de Víctimas"), September 1, 2019, <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 20, 2019). Cut-off date: August 31, 2019. On December 6, 2019, Human Rights Watch sent the Victims' Unit a letter inquiring whether victims of the FARC dissident group were included in the registry. They had not responded at the time of writing.

⁹⁸ Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019.

Humanitarian actors told Human Rights Watch that girls as young as 14 years old in armed groups' ranks are often subject to sexual violence and abuse.⁹⁹ For example, a 15-year-old Venezuelan girl who escaped from the FARC dissident group in 2019 told authorities that her commander raped her.¹⁰⁰ Similarly, a 14-year-old girl who escaped in August 2019 from an armed group that was holding her in Venezuela reported that the group's fighters raped her, as described below.¹⁰¹

Carolina (pseudonym), 14, was recruited in early 2019 by an armed group operating in Arauca and was taken to Venezuela. A few months later, she escaped and made it back to Colombia. She told humanitarian actors that she had been recruited to be a fighter and was raped by various members of the armed group. During her time with the group, she became pregnant. She said that members of the armed subjected other girls in the group to sexual violence, including rape and forced abortions.¹⁰²

While all of the different types of abuse documented in this report are likely undercounted for the reasons noted above, a number of specific factors contribute to what is likely significant underreporting of sexual violence. In a 2012 report on gender-based violence in Colombia, Human Rights Watch identified a range of obstacles displaced women and girls faced when seeking justice after gender-based violence, including mistreatment by authorities, evidentiary challenges, poor referrals, economic barriers, and fear of reporting.¹⁰³

⁹⁹ Human Rights Watch interview with humanitarian actor, Arauca, August 12 and 16, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with health official, Arauca, August 16, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019.

¹⁰⁰ Human Rights Watch interview with human rights official present at the time the victim gave her testimony to authorities, Arauca, August 12, 2019.

¹⁰¹ Human Rights Watch interview with health official who took testimony from the victim, Arauca, August 16, 2019.

¹⁰² Ibid.

¹⁰³ Human Rights Watch, *Rights Out of Reach: Obstacles to Health, Justice, and Protection for Displaced Victims of Gender-Based Violence in Colombia*, November 14, 2012, <https://www.hrw.org/report/2012/11/14/rights-out-reach/obstacles-health-justice-and-protection-displaced-victims-gender#533cae>.

Landmines and Explosives Attacks

The 1997 Mine Ban Treaty, to which Colombia is a party, comprehensively bans antipersonnel landmines.¹⁰⁴ The armed groups have continued to plant landmines in Arauca.

According to Colombian government statistics, 23 people have been wounded by landmines in Arauca, including 10 civilians and 13 members of the Armed Forces, since 2017.¹⁰⁵ The ELN has publicly acknowledged that it uses antipersonnel mines in Arauca, though it claims only to do so against state forces.¹⁰⁶ Yet landmines are inherently indiscriminate weapons, meaning that when using them, armed forces and armed groups cannot differentiate between civilians and combatants. A humanitarian actor and a community leader who works with landmine victims reported that the FARC dissident group also plants landmines.¹⁰⁷

ELN and the FARC dissident group in Arauca also carry out attacks with bombs and mortar-like gas cylinders filled with explosives. The police reported that between 2017 and September 2019, armed groups carried out 85 attacks with explosives in Arauca, including 63 in 2019.¹⁰⁸ Armed groups do not appear to carry out this type of attack in Apure.¹⁰⁹

¹⁰⁴ United Nations Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, adopted September 18, 1997, 2056 U.N.T.S. 211, entered into force March 1, 1999; ratified by Colombia September 6, 2000, and by Venezuela April 14, 1999, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtldsg_no=XXVI-5&chapter=26&clang=_en (accessed October 11, 2019).

¹⁰⁵ Direction of Comprehensive Action Against Antipersonnel Mines, “Situation of Victims of Antipersonnel Mines in Colombia” (“Situación víctimas minas antipersonal en Colombia”), December 17, 2019, <http://www.accioncontraminas.gov.co/estadisticas/Documents/1911-Base-Victimas-por-minas.zip> (accessed January 6, 2020). Cut-off date: December 17, 2019.

¹⁰⁶ “No more soldiers fit in Arauca” (“Ya no caben más militares en Arauca”), Eastern War Front of the ELN, April 8, 2019, https://eln-voces.net/wp-content/uploads/2019/03/insu_679.pdf (accessed September 23, 2019); “The combats on our 55th Anniversary” (“Los combates del aniversario 55”), ELN, August 1, 2019, <http://www.cedema.org/ver.php?id=8395> (accessed September 23, 2019).

¹⁰⁷ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with community leader, Arauca, August 14, 2019.

¹⁰⁸ Colombian National Police, “Crime Statistics: Terrorism, 2017” (“Estadística delictiva: Terrorismo, 2017”), n.d., <https://www.policia.gov.co/file/162217/download?token=upbPT7UU> (accessed October 9, 2019); Colombian National Police, “Crime Statistics: Terrorism, 2018” (“Estadística delictiva: Terrorismo, 2018”), n.d., <https://www.policia.gov.co/file/201402/download?token=Kg-mb9A9> (accessed October 9, 2019); Colombian National Police, “Crime Statistics: Terrorism, 2019” (“Estadística delictiva: Terrorismo, 2019”), n.d., <https://www.policia.gov.co/file/223569/download?token=5x6YmYXF> (accessed January 6, 2020). Cut-off date: November 30, 2019.

¹⁰⁹ Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019.

These weapons are indiscriminate and unlawful when used in civilian populated areas. In July 2019, an armed group wounded three civilians, including a girl, during a cylinder bomb attack on a military base in Saravena.¹¹⁰ In August 2019, members of an armed group left a bomb behind the Fortul police station, in the town center. Four civilians were injured, including a 4-year-old girl.¹¹¹

Alexis Torres, 42, and his wife were driving in their car along the road that connects Saravena to the nearby town of Cubará, on March 1, 2019. As they drove along, they noticed a group of soldiers along the side of a bridge. Upon driving up onto the bridge, a bomb placed by an armed group exploded under it.¹¹² Their car was destroyed. Torres suffered severe wounds on his face and a fractured skull, while his wife suffered minor injuries, Torres told Human Rights Watch. Torres required two surgeries to repair his face and skull, while his wife suffered severe psychological effects from the explosion.¹¹³

Forced Displacement

Forced displacement of civilians is less visible in Arauca than in many other areas of Colombia because mass internal displacement is relatively rare.¹¹⁴ According to Colombia's Victims' Unit, 2,366 people were forcibly displaced from their homes in Arauca in 2018, up from 1,684 people in 2017. Preliminary data shows that over 1,100 people were forcibly displaced between January and August 31st, 2019.¹¹⁵

¹¹⁰ Human Rights Watch interview with victim, Arauca, August 13, 2019; "Attack against the Army leaves three civilians injured in Saravena, Arauca" ("Ataque contra el Ejército deja 3 civiles heridos en Saravena, Arauca"), *El Tiempo*, July 17, 2019, <https://www.eltiempo.com/colombia/otras-ciudades/3-civiles-heridos-en-ataque-terrorista-contra-el-ejercito-en-saravena-389644> (accessed October 9, 2019).

¹¹¹ Human Rights Watch telephone interview with victim, August 22, 2019.

¹¹² Human Rights Watch interview with victim, Arauca, August 13, 2019; Human Rights Watch interview with human rights official, Arauca, August 13, 2019.

¹¹³ Human Rights Watch interview with victim, Arauca, August 13, 2019; photos provided to Human Rights Watch by victim (on file with Human Rights Watch).

¹¹⁴ Local Coordination Team, "Departmental Briefing" ("Briefing Departamental"), December 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/briefing_regional_arauca_hum_vf.pdf (accessed September 12, 2019). Colombian law defines "mass displacement" as the displacement of 50 or more people or 10 or more families in a single incident through the use of "violence." Decree 2569 of 2000, signed on December 12, 2000, art. 12.

¹¹⁵ Colombian Victims' Unit, "Victims' Registry" ("Registro Único de Víctimas"), September 1, 2019, <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 20, 2019). Cut-off date:

Leading causes of forced displacement in Arauca and in Apure include the killing of a family member, threats, and extortion.¹¹⁶ If someone does not obey the rules, “he must leave or [he will] die,” a community leader told Human Rights Watch.¹¹⁷ As mentioned above, there are credible allegations that armed groups in Apure forcibly displace farmers in order to steal their land.¹¹⁸

Rafael Ortíz (pseudonym), 20, worked with a local community organization in Arauca. He told Human Rights Watch that as the organization grew in visibility, the armed groups in Arauca began to pay attention to him. In early 2019, FARC dissidents called him, saying he would be held to account if any member of his organization got out of line. Later, members of the ELN forcibly took him to a village in rural Arauca, he said, where a commander offered him \$700,000 Colombian pesos (about US\$210) for every child 12 years old and over that he recruited for the group. When he rejected the offer, the commander told him that he would have to “face the consequences.” Ortíz left the meeting and fled Arauca immediately after.¹¹⁹

August 31, 2019. On December 6, 2019, Human Rights Watch sent the Victims’ Unit a letter inquiring whether victims of the FARC dissident group were included in the registry. They had not responded at the time of writing.

¹¹⁶ Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Ombudsperson’s Office, “Early Alert 029” (“Alerta Temprana 029”), July 11, 2019 (on file with Human Rights Watch).

¹¹⁷ Human Rights Watch interview with community leader, Arauca, August 12, 2019.

¹¹⁸ Human Rights Watch telephone interview with researcher, October 7, 2019.

¹¹⁹ Human Rights Watch interview with victim, September 24, 2019 [location withheld].

Venezuelan Exiles in Arauca

Venezuelan Forced Migration to Colombia

According to the United Nations High Commissioner for Refugees (UNHCR) more than 4.7 million Venezuelans have fled their country in recent years.¹²⁰

By official counts, as of October 2019, roughly 1.6 million Venezuelans lived in Colombia.¹²¹ The number may be much higher, given that many use the more than 300 irregular crossings along Colombia's border.¹²²

The Colombian government has adopted a series of measures to provide arriving Venezuelans access to health care for urgent needs and to enroll Venezuelan children in schools. Other initiatives, in coordination with UN agencies and local humanitarian groups, provide meals, vaccination, and shelter, amongst others.

The Colombian government created a special permit, known as “Special Staying Permit” (*permiso especial de permanencia*), which allows Venezuelan citizens who enter the country legally but overstay their visas to regularize their status and gain work permits and access to the social security system.¹²³ In total, Colombian authorities granted this permit to over 740,000 Venezuelans between July 2017 and July 2019.¹²⁴

¹²⁰ UNHCR, “Response for Venezuelans: Coordination platform for Refugees and Migrants from Venezuela,” December 5, 2019., <https://data2.unhcr.org/en/situations/platform> (accessed January 8, 2020).

¹²¹ Information provided by Felipe Muñoz, head of the Colombian government's efforts at the border, January 3, 2020 (on file with Human Rights Watch). Cut-off date: October 31, 2019.

¹²² OCHA, “Humanitarian Context – North Santander” (“Contexto Humanitario – Norte de Santander”), n.d. (copy on file with Human Rights Watch).

¹²³ Colombian Foreign Affairs Ministry, “Foreign Affairs Ministry and Immigration Colombia announce resolution to regularize Venezuelans in Colombia” (“Cancillería y Migración Colombia anuncian resolución para regularizar venezolanos en Colombia”), July 28, 2018, <http://www.migracioncolombia.gov.co/index.php/es/prensa/comunicados/comunicados-2017/julio-2017/5091-cancilleria-y-migracion-colombia-anuncian-resolucion-para-regularizar-venezolanos-en-colombia> (accessed May 24, 2019).

¹²⁴ Human Rights Watch telephone interview with Felipe Muñoz, head of the Colombian government's efforts at the border, July 18, 2019.

Venezuelan Forced Migration to Arauca

Roughly 44,000 Venezuelans currently live in Arauca province; the vast majority crossed the border since 2015.¹²⁵ Poverty and lack of access to basic services make many of them vulnerable to abuse, while their lack of familiarity with rules imposed by armed groups is often the direct cause of being victimized.

Hundreds of Venezuelans also transit through the province every day, many of them walking to other parts of Colombia.¹²⁶ One humanitarian actor reported that they had given aid to over 7,000 Venezuelans walking along the roads in Arauca in a period of five months in 2019.¹²⁷ Many of them do not know how far their final destination is, nor the difficult terrain and weather conditions they may face along the way.¹²⁸

Many Venezuelans in Arauca City live in informal settlements, without access to basic services such as running water.¹²⁹ Some of these settlements were created over a decade ago by internally displaced populations and are controlled by armed groups, which impose their rules and recruit Colombians and Venezuelans.¹³⁰ Other Venezuelans sleep in the streets or by the banks of the Arauca river.¹³¹

Access to health services is also very limited for Venezuelans in Arauca. The Colombian government grants all Venezuelans free access to emergency health services. Yet in Arauca hospitals often interpret this provision narrowly, limiting Venezuelans to only some emergency health services.¹³² Venezuelans who have a “Special Staying Permit” are

¹²⁵ Human Rights Watch interview with humanitarian actor, Arauca, August 11, 2019; Information provided by Felipe Muñoz, head of the Colombian government’s efforts at the border, January 3, 2019 (on file with Human Rights Watch). Cut-off date: October 31, 2019.

¹²⁶ Human Rights Watch interview with humanitarian actor, Arauca, August 13, 2019.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Human Rights Watch interview with community leader, Arauca, August 10, 2019; Colombia Humanitarian Team, “Final MIRA Report: Municipality of Arauca (Arauca, Colombia), Border Situation: Human Settlements of Pescadito and Jerusalén” (“Informe Final MIRA: Municipio de Arauca (Arauca), Colombia. Situación de Frontera: Asentamientos Humanos Pescadito y Jerusalén”), June 8, 2018, https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/assessments/informe_final_mira_arauca_-_asentamientos_humanos_jerusalen_y_pescadito_vf.pdf (accessed October 5, 2019).

¹³⁰ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with community leader, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019.

¹³¹ Human Rights Watch interview with Venezuelan exiles, Arauca, August 10, 2019.

¹³² Human Rights Watch interview with humanitarian actor, Arauca, August 11, 2019.

eligible for subsidized health insurance, but, as with Colombians, the process to obtain the health insurance is slow.¹³³ Additionally, in Arauca, the health system does not have sufficient capacity and resources to attend to the increasing influx of Venezuelans, who often resort to international humanitarian organizations for aid.¹³⁴

Many desperate Venezuelan women engage in sex work in Arauca.¹³⁵ And many Venezuelan girls are sexually exploited and abused. Two humanitarian sources estimate that over 90 percent of female individuals selling sex in the department are Venezuelans.¹³⁶

While the Colombian Attorney General's Office is not currently investigating any cases of human trafficking occurring in Arauca at least since 2017, Human Rights Watch received credible allegations from humanitarian actors about several such cases of trafficking into sexual exploitation.¹³⁷ Victims are tricked or forced to sell sex. In some cases, once they arrive at a brothel in Arauca, their documents are withheld, and they are given clothes, food, and "housing" which they must pay for through their work. The amounts they are charged can be so exorbitant they will never be able to pay off the debt.¹³⁸

Xenophobia against Venezuelans is particularly prevalent in Arauca.¹³⁹ Several Colombian interviewees expressed xenophobic sentiments while talking to Human Rights Watch, including by blaming Venezuelans for an increase in crime rates in Arauca and suggesting that is why more Venezuelans are getting killed by armed groups.¹⁴⁰

¹³³ Human Rights Watch interview with humanitarian actor, Arauca, August 13, 2019.

¹³⁴ Ibid.

¹³⁵ Human Rights Watch interview with health official, Arauca, August 16, 2019.

¹³⁶ Human Rights Watch interview with humanitarian actor, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 13, 2019.

¹³⁷ Information provided to Human Rights Watch by the Attorney General's Office via email, on October 5, 2019 (on file with Human Rights Watch; cut-off date: September 10, 2019); Human Rights Watch interview with health official, Arauca, August 16, 2019; Human Rights Watch telephone interview with human rights official, January 3, 2020; Human Rights Watch interview with human rights defender, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actors, Arauca, August 13 and 14, 2019.

¹³⁸ Human Rights Watch interview with health official, Arauca, August 16, 2019; Human Rights Watch telephone interview with human rights official, October 17, 2019.

¹³⁹ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 13, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with health official, Arauca, August 16, 2019; Human Rights Watch interview with human rights activist, Arauca, August 12, 2019.

¹⁴⁰ Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with prosecutor, Arauca, August 13, 2019; Human Rights Watch interview with community leader, Arauca, August 14, 2019.

In one incident in November 2018, locals accused a Venezuelan man of killing a shop-owner in Arauca City. The day after the killing, a group of locals joined up and physically and verbally attacked Venezuelans living on the street. According to humanitarian and human rights sources with direct knowledge of the case, the police did not intervene to prevent the violence against Venezuelans.¹⁴¹ Various Venezuelans in Arauca told Human Rights Watch that members of the Colombian police verbally and even physically abused them, insulting or hitting them, or destroyed their belongings.¹⁴²

¹⁴¹ Human Rights Watch interview with humanitarian actor and human rights officials, Arauca, August 10, 2019. See also “Migrants in Arauca: an emergency call” (“Migrantes en Arauca: un llamado de emergencia”), *Semana*, November 24, 2018, <https://www.semana.com/nacion/articulo/migrantes-en-arauca-un-llamado-de-emergencia/592243> (accessed September 29, 2019).

¹⁴² Human Rights Watch interviews with Venezuelan migrants, Arauca, August 10, 2019.

Protection and Accountability in Colombia

Accountability

Authorities in Arauca fail to provide justice for victims of abuses committed by armed groups. Their failure to do so, coupled with more general policing failures, also contributes to the perception among some residents of Arauca that armed groups are more “effective” than the government in solving problems among residents.¹⁴³

The Attorney General’s Office reported to Human Rights Watch that, as of September 2019, it was investigating 422 cases of murder committed in Arauca since January 2017.¹⁴⁴ Prosecutors had indicted 78 people, including five ELN members, and secured just eight convictions, none of which were against members of armed groups.¹⁴⁵ The office reported it had not charged, let alone convicted, any member of armed groups for child recruitment; threats intended to cause alarm, anxiety, or terror in the community; forcible disappearance; forced displacement; extortion; or rape committed since January 2017.¹⁴⁶

¹⁴³ Human Rights Watch telephone interview with human rights official, October 8, 2019.

¹⁴⁴ Information provided to Human Rights Watch by the Attorney General’s Office via email, on October 5, 2019 (on file with Human Rights Watch). The figures on “murder” include three different crimes under Colombian law: ordinary murder (art. 103 of the Criminal Code), aggravated murder (art. 104), and murder of protected person (art. 135). The vast majority of the cases, 403, were being investigated as ordinary murders. Only 13 cases were being investigated as “homicide of protected person,” defined as the murder of a civilian or other person protected by international humanitarian law committed during, and in connection to, the armed conflict. The Attorney General’s Office indicated that the information was current as of September 10, 2019. It also clarified that it was “possible” that a single event may be included in more than one case under investigation, and that a case can include more than one event or crime. It also indicated that their records have a “significant under registration” (i.e., limited information) on the location where crimes were committed, as well as alleged perpetrators and victims.

¹⁴⁵ Information provided to Human Rights Watch by the Attorney General’s Office via email, on October 5, 2019 (on file with Human Rights Watch). Under the applicable Code of Criminal Procedure, the prosecutorial steps are the following: Prosecutors can charge (*imputar*) defendants when their criminal responsibility can be “reasonably inferred,” and indict them (*acusación*) when there is “likelihood” of their criminal responsibility. Defendants can face pre-trial detention or other measures to ensure their cooperation once they have been charged. After being indicted, defendants are brought to a public and oral trial. Law establishing the Code of Criminal Procedure (Ley por la cual se expide el Código de Procedimiento Penal), Secretaría Senado, Law 906 of 2004, signed into law on September 1, 2004, http://www.secretariasenado.gov.co/senado/basedoc/ley_0906_2004.html (accessed July 12, 2019), arts. 282, 286, 336, 287.

¹⁴⁶ Information provided to Human Rights Watch by the Attorney General’s Office via email, on October 4, 2019 (on file with Human Rights Watch). As of September 10, 2019, the Attorney General’s Office was investigating 953 cases of threats, 46 cases of forcible disappearances, 21 cases of child recruitment, 261 cases of extortion, 276 cases of forced displacement, and 248 cases of rape (including 185 against girls under 14) occurring since January 2017. The Attorney General’s Office reported it has secured one conviction for threats, one for forced displacement, four for rape, three for extortion, and none for forcible disappearance and child recruitment. Yet none of these convictions involved members of armed groups, according to the office. These figures refer to the following crimes: “threats” (art. 347 of the Criminal Code), “forcible

One of the main challenges is limited staff. Prosecutors who work on crimes such as threats, homicides, and sexual violence (known as “sectional prosecutors”) often have hundreds and, at times, thousands of cases.¹⁴⁷ A prosecutor who had over 2,000 cases showed a Human Rights Watch researcher 24 boxes with active cases, and said she did not know what they were about, due to the large volume of cases she handles.¹⁴⁸ In Saravena, there are just two prosecutors investigating murders, threats, sexual violence, and other serious crimes.¹⁴⁹ In Tame, there are five prosecutors, two of whom investigate crimes such as homicides and sexual violence: one has 900 cases; the other has 700.¹⁵⁰

In addition to the prosecutors listed above, at least two other prosecutors in Arauca province are based inside Army battalion facilities: one in Arauca and one in Saravena.¹⁵¹ They belong to the regular justice system (not the military justice system) and investigate serious crimes, such as homicide. Two judicial authorities told Human Rights Watch that one of the main areas of focus of these two prosecutors is crimes committed against the oil pipeline.¹⁵² In recent years, the Attorney General’s Office has signed several agreements with the state-owned oil company Ecopetrol in the area, whereby the company pays to receive “special attention” by prosecutors, including the “prioritization” of crimes against the company such as bombings against the pipeline or oil infrastructure in general, and theft of oil.¹⁵³

disappearance” (art. 165), “illegal recruitment” (art. 162), “extortion” (art. 244), “forced displacement” (art. 180), “rape of protected person” (art. 138), “rape against girls under 14 years” (art. 208) and “rape” (art. 210). Under Colombian law, anyone can be criminally liable for a forcible disappearance, irrespective of whether the person is a private individual, a participant in an armed conflict, a state agent, or someone acting with the support or acquiescence of state agents. “Illegal recruitment” is defined as “in the context and during the armed conflict, recruiting or forcing a person under 18 years to participate directly or indirectly in hostilities or armed actions.” “Forced displacement” is defined as “arbitrarily, through violence or other coercive acts directed against a part of the population, causing that one or more members [of the population] modifies its place of residency.” Cut-off date: September 10, 2019.

¹⁴⁷ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019; Human Rights Watch interview with judicial authority, Arauca, August 15, 2019.

¹⁴⁸ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019.

¹⁴⁹ Information provided to Human Rights Watch by the Attorney General’s Office via email, October 4, 2019 (on file with Human Rights Watch).

¹⁵⁰ Human Rights Watch interview with judicial authority, Arauca, August 15, 2019; Information provided to Human Rights Watch by email by the Attorney General’s Office, on October 4, 2019 (on file with Human Rights Watch).

¹⁵¹ Human Rights Watch telephone interview with judicial authority, October 7, 2019; Human Rights Watch telephone interview with judicial authority, October 9, 2019.

¹⁵² Human Rights Watch interview with judicial authority, Arauca, August 13, 2019; Human Rights Watch interview with judicial authority, Arauca, August 15, 2019.

¹⁵³ See “Oil and Mine Companies Finance the Armed Forces and Attorney General’s Office” (“Petroleras y mineras financian a la Fuerza Pública y a la Fiscalía”), *Rutas del Conflicto* and *Liga Contra el Silencio*, n.d.,

The number of prosecutors investigating crimes with lighter punishments (known as “local prosecutors”) is also limited. They handle such crimes as robberies, domestic violence, failure to pay child support, and injuries.¹⁵⁴ There is only one prosecutor in Arauquita and another in Fortul; each of their teams are composed solely of one assistant.¹⁵⁵

The number of investigators that support the work of prosecutors is also insufficient. In six of the seven municipalities of Arauca, there are no investigators of the Technical Investigation Unit (*Cuerpo Técnico de Investigaciones*, CTI)—the body charged with providing investigative and forensic support to prosecutors in criminal cases—to assist them.¹⁵⁶ So prosecutors have to rely on police investigators, who often carry out multiple roles that go far beyond investigating, such as aiding in captures or standing guard at the police station.¹⁵⁷ In Tame and Saravena, there is only one police investigator per prosecutor.¹⁵⁸ In Arauquita, there are just two police investigators.¹⁵⁹ In Fortul, there are no police investigators, so the prosecutor has to request support from police investigators working with other prosecutors in Saravena, who, at times, take between three and four months to respond.¹⁶⁰

Security risks undermine prosecutors’ and investigators’ ability to investigate crimes. Traveling to rural areas is extremely risky, and most investigators simply do not go, unless they are accompanied by military personnel.¹⁶¹ In some urban areas, such as Tame and

<http://rutasdelconflicto.com/convenios-fuerza-justicia/node/437> (accessed September 25, 2019); “Cooperation Agreement No. 1 – Part of Framework Agreement No. 3011412” (“Acuerdo de Cooperación -AC -No. 1 – Derivado del Convenio Marco -CM- No. 3011412”), Attorney General’s Office, Ecopetrol and Colombian National Police, October 17, 2017, http://rutasdelconflicto.com/convenios-fuerza-justicia/sites/default/files/C_PROCESO_18-4-7852000_121006003_40281782_compressed.pdf (accessed September 30, 2019).

¹⁵⁴ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019; Human Rights Watch interview with judicial authority, Arauca, August 15, 2019; Human Rights Watch interview with judicial authority, Arauca, August 12, 2019; Human Rights Watch interview with judicial authority, Arauca, August 14, 2019.

¹⁵⁵ Human Rights Watch interview with judicial authority, Arauca, August 12, 2019; Human Rights Watch interview with judicial authority, Arauca, August 14, 2019.

¹⁵⁶ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019; Information provided to Human Rights Watch by email by the Attorney General’s Office via email, October 4, 2019 (on file with Human Rights Watch).

¹⁵⁷ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019.

¹⁵⁸ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019.

¹⁵⁹ Human Rights Watch interview with judicial authority, Arauca, August 12, 2019.

¹⁶⁰ Human Rights Watch interview with judicial authority, Arauca, August 14, 2019.

¹⁶¹ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019; Human Rights Watch interview with judicial authority, Arauca, August 15, 2019; Human Rights Watch interview with judicial authority, Arauca, August 14, 2019.

Saravena, investigators do not go to certain neighborhoods due to security concerns.¹⁶² In the words of one official, “[e]very day, I come straight from my home to the office, and go straight from the office, home.”¹⁶³ In rural areas in Arauca, funeral homes, not forensic experts, carry out the removal of bodies.¹⁶⁴ This can lead to destruction or improper handling of evidence and it too impedes prospects for serious investigations.

Protection for authorities is extremely precarious. One prosecutor told Human Rights Watch that because the Attorney General’s Office has not made a car available for him when he has to travel to neighboring municipalities for hearings, he takes a shared taxi in which anyone can ride with him.¹⁶⁵ Another prosecutor had received written instructions from his superiors to avoid leaving his home due to security risks. But in another letter from the Attorney General’s Office, he was instructed to visit crime scenes despite the security risks and lack of a protection scheme.¹⁶⁶

A shortage of judges also undermines the government’s capacity to pursue criminal offenses and abuses by armed groups in Arauca. In Saravena, there are only two judges; a third, the sole judge for criminal cases in the city, was moved to Arauca City in 2019 after she was attacked with a grenade.¹⁶⁷ In Tame, there is one judge, who must hear every case in the municipality, including hundreds of “tutelas,” lawsuits any citizen can present before authorities to protect their rights.¹⁶⁸ We were told that cases ready to go to trial in August 2019 would be heard only in March or April 2020.¹⁶⁹

Underreporting of abuses is extremely common in Arauca, given armed groups’ tight control and residents’ fear of being seen as collaborating with the government, as mentioned above.¹⁷⁰ Venezuelans there also fear reporting the crimes against them due to

¹⁶² Human Rights Watch interview with judicial authority, Arauca, August 15, 2019; Human Rights Watch interview with judicial authority, Arauca, August 13, 2019.

¹⁶³ Human Rights Watch interview with judicial authority, Arauca, August 14, 2019.

¹⁶⁴ Human Rights Watch interview with judicial authority, Arauca, August 15, 2019.

¹⁶⁵ Ibid.

¹⁶⁶ Human Rights Watch interview with judicial authority, Arauca, August 15, 2019.

¹⁶⁷ Human Rights Watch interview with judicial authority, Arauca, August 13, 2019.

¹⁶⁸ Human Rights Watch interview with judicial authority, Arauca, August 15, 2019.

¹⁶⁹ Ibid.

¹⁷⁰ Human Rights Watch interview with human rights official, Arauca, August 12, 2019; Human Rights Watch interview with judicial official, Arauca, August 13, 2019.

fear of being deported, according to humanitarian sources.¹⁷¹ Underreporting may help give the impression that the situation in Arauca is not as troubling as it really is. “What really counts are the complaint records,” a police official told Human Rights Watch, “and there are no complaints here, so it appears that nothing happens.”¹⁷²

Security Response and Abuses by Security Forces

The Colombian Army and National Police have failed to adequately protect residents in Arauca and ensure security in the province. Under Colombian law, the responsibility to protect the population rests primarily with the police, while the armed forces are largely charged with combating armed groups.¹⁷³

The XVIII Brigade of Colombia’s Army and the Quirón Task Force—a unit charged with combating the ELN and the FARC dissident group—operate in the province.¹⁷⁴ Yet many soldiers are not tasked with protecting the local population. Six of the twelve units of the XVIII Brigade are charged with protecting oil infrastructure, including five “Special Road and Energy Battalions,” military units specifically mandated to protect oil and other infrastructure.¹⁷⁵ Like the Attorney General’s Office, the Defense Ministry has signed several agreements with oil companies in the area, in which the companies pay to receive

¹⁷¹ Human Rights Watch interview with humanitarian actor, Arauca, August 11, 2019; Human Rights Watch interview with community leader, Arauca, August 10, 2019.

¹⁷² Human Rights Watch interview with police official, Arauca, August 12, 2019.

¹⁷³ Constitution of Colombia, arts. 217, 218.

¹⁷⁴ “Quirón Task Force” (“Fuerza de Tarea Quirón”), *Eighth Division*, n.d., <https://www.octavadivision.mil.co/?idcategoria=321083> (accessed September 21, 2019).

¹⁷⁵ Colombian Ministry of Defense, “The Defense Sector is Committed” (“El sector defensa comprometido”), n.d., <http://proyectos.andi.com.co/Documents/CEE/Colombia%20Genera%202015/Viernes/JoseJavierPerez.pdf> (accessed October 1, 2019). The other six units include an Army Engineers Battalion, an Artillery Battalion, a “Service and Support for Combat” Battalion, a “Training, Retraining and Instruction” Battalion, an urban special forces battalion and an anti-extortion and anti-kidnapping unit of the Army. “18th Brigade” (“Decimo Octava Brigada”), Colombian Army, n.d., <https://www.ejercito.mil.co/index.php?idcategoria=241269> (accessed September 20, 2019). On September 19, 2019, Human Rights Watch sent a formal information request to the Defense Ministry, in accordance with the Colombian law regulating access to information, requesting information on how many soldiers are present in Arauca and how many belong to units tasked with protecting oil infrastructure. The ministry replied that these questions had been remitted to specific branches of the Army and Police in order for them to respond. Human Rights Watch had not received a response at the time of writing. Response to information request No. 0119007457502 sent to Human Rights Watch by the Colombian Ministry of Defense, October 2, 2019 (copy on file with Human Rights Watch).

“special attention” from the Army in Arauca.¹⁷⁶ Recently, authorities announced that a unit of the Army that works in urban areas will soon begin operating in Arauca as well.¹⁷⁷

The police have stations in the urban center of each municipality, as well as in two towns in rural Arauca.¹⁷⁸ They rarely venture into the countryside. In some places, like Fortúl and Saravena, police are frequently attacked by armed groups.¹⁷⁹

A police official in one Arauca municipality described the situation as follows: the 30 police in the city only patrol two or three blocks, the Army is focused on protecting oil infrastructure and roads, and in the rest of the territory “the other police,” meaning the guerrillas, “rule.” “They are the police,” he said.¹⁸⁰

In August 2019, President Duque launched a new security policy called “Future Zones,” or “Strategic Zones for Comprehensive Intervention.” The government designated five such areas—Arauca province is one—where it will prioritize sending military and police forces to “confront and dismantle criminal networks,” creating a basis for strengthening Colombian civilian institutions in the future.¹⁸¹ Within these five areas, the government will identify the most dangerous villages where the presence of military and police forces will be prioritized. In villages deemed less risky, plans to develop civilian institutions, related to

¹⁷⁶ “Oil and Mine Companies Finance the Armed Forces and Attorney General’s Office” (“Petrobras y mineras financian a la Fuerza Pública y a la Fiscalía”), *Rutas del Conflicto* and *Liga Contra el Silencio*, n.d., <http://rutasdelconflicto.com/convenios-fuerza-justicia/node/437> (accessed September 25, 2019).

¹⁷⁷ “New Urban Operative Unit of the Army will patrol and control in Arauca” (“Nueva unidad operativa urbana del Ejército hará patrullaje y control en Arauca”), *Meridiano 70*, September 23, 2019, <https://meridiano70.co/operativa-ejercito-unidad-arauca/> (accessed October 4, 2019).

¹⁷⁸ “Contact Directory” (“Directorio de Contactos”), *Colombian National Police*, n.d. <https://www.policia.gov.co/arauca/directorio> (accessed September 21, 2019). On September 19, 2019, Human Rights Watch sent a formal information request to the Defense Ministry, in accordance with the Colombian law regulating access to information, requesting information on how many police are present in Arauca and where. The ministry replied that these questions had been remitted to the Colombian National Police in order for them to respond. Response to information request No. 0119007457502 sent to Human Rights Watch by the Colombian Ministry of Defense, October 2, 2019 (copy on file with Human Rights Watch). Human Rights Watch had not received a response at the time of writing.

¹⁷⁹ Human Rights Ombudsperson’s Office, “Early Alert 29 of 2019” (“Alerta Temprana 029 de 2019”), July 11, 2019 (copy on file with Human Rights Watch), p. 6.

¹⁸⁰ Human Rights Watch interview with police official, Arauca, August 12, 2019.

¹⁸¹ “Words of President Iván Duque in the launch of the “Future Zones’ Initiative” (“Palabras del Presidente Iván Duque en el lanzamiento de la iniciativa ‘Zonas Futuro’”), August 8, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190808-Palabras-Presidente-Ivan-Duque-en-el-lanzamiento-de-la-iniciativa-Zonas-Futuro.aspx> (accessed September 21, 2019).

education or agriculture, for example, may begin.¹⁸² The policy, however, has yet to be implemented in Arauca.¹⁸³

There is credible evidence that the Army in Arauca has been involved in serious abuses. In March 2018, for example, soldiers opened fire on four civilians who had gone hunting, killing Ciro Alfonso Manzano Ariza and wounding Andrés Fabián Salcedo Rincón.¹⁸⁴ One witness told Human Rights Watch that the soldiers accused the men of being guerrillas.¹⁸⁵ Survivors were detained for two days until a judge ordered their release because the soldiers' accounts of events were inconsistent.¹⁸⁶ In October 2018, the Attorney General's Office charged one officer and seven soldiers with "aggravated homicide" and "attempted homicide."¹⁸⁷

There is also credible evidence of instances of police abuse. As mentioned above, various Venezuelans in Arauca told Human Rights Watch they had been verbally and even physically abused by some members of the Colombian police, and credible sources said police failed to protect Venezuelans when local residents attacked them.¹⁸⁸

Protection of People at Risk

Community leaders and human rights defenders have been targets of both the ELN and the FARC dissident group in Arauca.

Many officials and community leaders have some sort of protection scheme provided by Colombia's National Protection Unit (*Unidad Nacional de Protección*, UNP). These can

¹⁸² Ibid.

¹⁸³ Human Rights Watch telephone interview with government official, September 24, 2019; Human Rights Watch telephone interview with human rights official, January 3, 2020.

¹⁸⁴ Human Rights Watch interview with a witness, Arauca, August 14, 2019.

¹⁸⁵ Ibid.

¹⁸⁶ Ibid.

¹⁸⁷ "Eight Soldiers Captured for their Presumed Participation in the Killing of a Peasant in Arauca" ("Capturados ocho militares por su presunta participación en el homicidio de campesino en Arauca"), Attorney General's Office, October 23, 2018, <https://www.fiscalia.gov.co/colombia/noticias/capturados-ocho-militares-por-su-presunta-participacion-en-el-homicidio-de-campesino-en-arauca/> (accessed September 20, 2019).

¹⁸⁸ Human Rights Watch interviews with Venezuelan migrants, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 10, 2019; "Migrants in Arauca: an emergency call" ("Migrantes en Arauca: un llamado de emergencia"), *Semana*, November 24, 2018, <https://www.semana.com/nacion/articulo/migrantes-en-arauca-un-llamado-de-emergencia/592243> (accessed September 29, 2019).

include bulletproof vests, cellphones, vehicles, and, in extreme cases, bodyguards.¹⁸⁹ In Arauca, the protection schemes themselves have been targeted by armed groups. Between August 2018 and December 2019, armed groups stole at least seven vehicles belonging to the UNP. The FARC dissident group was allegedly responsible in most cases.¹⁹⁰ In August, young men claiming to be members of the FARC dissident group arrived at an activist's house, and at gunpoint stole the UNP car he shared with 14 other members of a local organization.¹⁹¹

The UNP has only one official in Arauca, so UNP officials must travel from Bogotá or other cities to assess the risk faced by people in Arauca. This generates delays and makes it harder to carry out a thorough analysis because they are less knowledgeable about the situation in Arauca, a government official told Human Rights Watch.¹⁹² When UNP staff are in Arauca they do not have protection, or even a car, so most risk analyses are carried out in urban areas.¹⁹³ They also lack sufficient funds to implement security schemes in cases of emergency.¹⁹⁴

Government efforts to protect children at risk of recruitment have also been insufficient. Some children who escaped from armed groups have later been killed or recruited again back into the armed groups, various sources said.¹⁹⁵ One former child combatant was killed by the FARC dissident group after he left the group and was living in a village in rural Arauca.¹⁹⁶ In another case, a young girl who had left the FARC as a child in 2015 returned to the province in late 2018 after the peace deal, believing she would be safe. The FARC

¹⁸⁹ Human Rights Watch interview with police official, Arauca, August 12, 2019; Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with human rights activist, Arauca, August 12, 2019; Human Rights Watch interview with government official, Arauca, August 11, 2019.

¹⁹⁰ Human Rights Watch telephone interview with human rights official, October 17, 2019; Human Rights Ombudsperson's Office, "Early Alert 29 of 2019" ("Alerta Temprana 029 de 2019"), July 11, 2019, p. 41; "Bodyguard kidnapped by presumed FARC dissidents freed in Arauca" ("Liberan a escolta secuestrado por presuntas disidencias de las Farc en Arauca"), *El Espectador*, September 11, 2019, <https://www.elespectador.com/noticias/nacional/liberan-escolta-secuestrado-por-presuntas-disidencias-de-las-farc-en-arauca-articulo-880504> (accessed September 12, 2019).

¹⁹¹ Human Rights Watch interview with human rights activist, Arauca, August 12, 2019.

¹⁹² Human Rights Watch interview with government official, Arauca, August 11, 2019.

¹⁹³ Information provided by OHCHR to Human Rights Watch via email, September 24, 2019 (copy on file with Human Rights Watch).

¹⁹⁴ Ibid.

¹⁹⁵ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Watch interview with victim, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019.

¹⁹⁶ Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019.

dissident group kidnapped her in December 2018, submitted her to a “revolutionary trial,” found her “guilty” of having deserted, and then killed her.¹⁹⁷

Local Development Programs

Armed groups have taken advantage of lack of effective governance in Arauca—including lack of state presence in rural areas—to exert their authority in the province. Poverty and the lack of work and educational opportunities, especially in rural areas, facilitate recruitment by armed groups in Arauca.¹⁹⁸

Historically, the guerrillas have used the lack of state institutions in the countryside to instill their own order, resolving conflicts between local residents and imposing their own rules where the state does not enforce the rule of law.¹⁹⁹ The ELN and FARC dissidents continue to take advantage of these conditions.²⁰⁰

A key government policy to address these historic governance weaknesses are the “Territorial Development Programs” (PDET).²⁰¹ These programs, created under the peace accord with the FARC, allow local citizens to help create plans to improve state and economic development in their regions. The first step is a design phase for PDETs with citizen participation that is intended to create an overall plan to ensure greater state

¹⁹⁷ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019.

¹⁹⁸ Human Rights Watch telephone interview with government official, September 24, 2019; Human Rights Ombudsperson’s Office, “Early Alert 29 of 2019” (“Alerta Temprana 029 de 2019”), July 11, 2019 (copy on file with Human Rights Watch), p. 37; Information provided to Human Rights Watch by humanitarian actor, August 2019 (on file with Human Rights Watch).

¹⁹⁹ Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Omar Jaime Gutiérrez Lemus, “Arauca: Space, conflict and institutions” (“Arauca: espacio, conflicto e institucionalidad”), *Conflicto y territorio en el oriente colombiano*, Fernán González (Ed.), pp. 317-321; “Unified norms of conduct and coexistence of the Eastern War Front: Commander Manuel Vázquez Castaño of the ELN and the Commander Jorge Briceño Bloc of the FARC-EP” (“Normas Unitarias de comportamiento y Convivencia del Frente de Guerra Oriental Comandante en Jefe Manuel Vásquez Castaño y del Bloque Comandante Jorge Briceño de las FARC-EP”), n.d. (on file with Human Rights Watch).

²⁰⁰ Human Rights Ombudsperson’s Office, “Risk Report 017-17” (“Informe de riesgo 017-17”), April 10, 2017 (copy on file with Human Rights Watch), p. 17.

²⁰¹ Ideas for Peace Foundation (Fundación Ideas para la Paz), “Territorially Focused Development Programs: Change the Course to Avoid Sinking” (“Programas de Desarrollo con Enfoque Territorial: cambiar el rumbo para evitar el naufragio”), June 2018, http://ideaspaz.org/media/website/sirirPDET_Final.pdf (accessed September 23, 2019), p. 8-9.

presence and legitimacy.²⁰² Once local communities and the national government agree on the plans, the government has to implement them over the next 10 to 15 years.²⁰³

One PDET covers four municipalities in Arauca: Saravena, Tame, Fortúl, and Arauquita. Between September 2017 and July 2018, the government organized a series of meetings with local residents that led to various initiatives to stimulate local development and improve community well-being.²⁰⁴ Residents proposed initiatives to improve access to education in the countryside, in part because it would help undermine armed groups' ability to recruit children. The government also agreed to carry out measures to improve access to basic services, such as water and sanitation, and to increase and improve economic opportunities for people living in rural areas, including by paving roads or investing in economic projects and businesses.²⁰⁵ Other plans included in the PDET address shortcomings identified throughout this report, including the need to strengthen the capacity of the Attorney General's Office and the judiciary, as well as to improve security measures for community leaders.²⁰⁶

In December 2019, the government said it had begun to implement some PDET projects in Arauca.²⁰⁷

²⁰² Ibid, pp. 9, 18. United Nations Development Program (UNDP), "National Human Development Report: 2011" ("Informe Nacional de Desarrollo Humano"), September 18, 2011, http://www.co.undp.org/content/colombia/es/home/library/human_development/informe-nacional-de-desarrollo-humano-2011.html (accessed September 23, 2019), p. 323.

²⁰³ See, for example, "Action Plan for Regional Transformation: Subregion Arauca" ("Plan de acción de transformación regional – PATR: Subregión Arauca"), Territorial Renovation Agency, August 3, 2018, <http://www.renovacionterritorio.gov.co/descargar.php?idFile=23287> (accessed September 20, 2019).

²⁰⁴ "Action Plan for Regional Transformation: Subregion Arauca" ("Plan de acción de transformación regional – PATR: Subregión Arauca"), Territorial Renovation Agency, August 3, 2018, <http://www.renovacionterritorio.gov.co/descargar.php?idFile=23287> (accessed September 20, 2019). See "Municipal Pacts: Arauca" (Pactos municipales: Arauca), Territorial Renovation Agency, June 25, 2019, http://www.renovacionterritorio.gov.co/Documentos/planes_estrategicos/programas_de_desarrollo_con_enfoque_territorial_pdet/pactos_municipales/Arauca (accessed September 21, 2019).

²⁰⁵ "Action Plan for Regional Transformation: Subregion Arauca" ("Plan de acción de transformación regional – PATR: Subregión Arauca"), Territorial Renovation Agency, August 3, 2018, <http://www.renovacionterritorio.gov.co/descargar.php?idFile=23287> (accessed September 20, 2019), pp. 11-17.

²⁰⁶ Ibid., pp. 16-17.

²⁰⁷ Presidential Advisory Office for Stabilization and Consolidation (Consejería Presidencial para la Estabilización y Consolidación), Annual report ("Informe de gestión"), December 2019 (copy on file with Human Rights Watch).

Protection and Accountability in Venezuela

Complicity of Venezuelan Authorities in Armed Group Abuses

The ELN and the FARC dissident group appear to feel safer and more open to operate in Venezuela than they do in Colombia.²⁰⁸ The ELN and the FARC dissident group maintain camps in Apure, multiple credible sources told Human Rights Watch.²⁰⁹ And, as shown above, both armed groups often take their victims to Venezuela or summon them to meetings there.

Many sources told Human Rights Watch that government security forces and local authorities in Venezuela tolerated and at times colluded with armed groups.²¹⁰ These sources included residents, journalists, researchers, community leaders, security experts, and a human rights activist. “Sometimes it’s unclear if local mayors control the FPLN or if the FPLN controls mayors,” said a researcher from a Venezuelan security think-tank.²¹¹

Human Rights Watch obtained information suggesting complicity of Venezuelan authorities in abuses by the ELN, the FARC dissident group, and the FPLN.²¹² One victim of kidnapping reported passing through two checkpoints of the Bolivarian National Guard in Apure without any hindrance.²¹³ In one check point, the FARC dissident group members were hooded and carrying assault weapons. Similarly, credible sources indicated that members of the Bolivarian National Guard work together with armed groups to extort

²⁰⁸ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights official, October 8, 2019.

²⁰⁹ Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019.

²¹⁰ Human Rights Watch telephone interview with local resident, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with researcher, October 4, 2019; Human Rights Watch telephone interview with victim, October 4, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with local researcher, October 16, 2019; Human Rights Watch telephone interview with security expert, October 22, 2019; Human Rights Watch telephone interview with security expert, October 25, 2019.

²¹¹ Human Rights Watch telephone interview with security expert, October 25, 2019.

²¹² Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch interview with victim, Arauca, August 13, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019.

²¹³ Human Rights Watch interview with victim, Arauca, August 13, 2019.

people taking goods across the border.²¹⁴ Officials also tolerate likely abusive activities without taking action: another victim reported being in a large FARC dissident camp very close to a Venezuelan military base for more than two months without any interference by Venezuelan authorities.²¹⁵

Human Rights Watch sent a letter to Venezuela's Foreign Minister Jorge Arreaza requesting information on the alleged presence of armed groups in Venezuela and what policies were being put in place to protect the population from abuses. We had received no response at time of writing.

Accountability

Unlike in Colombia, where a body of relevant data is publicly available and authorities generally respond to requests for information, Human Rights Watch is unable to closely assess what measures, if any, Venezuelan authorities are taking to provide justice for victims of abuses by armed groups in Apure state. Government data is not available and, as noted above, Venezuelan authorities have not responded to our requests for information on investigations and prosecutions. There are indications, however, that accountability for abuses by armed groups in Apure may be minimal, if not absent altogether.

First, there is no judicial independence in Venezuela. After the political takeover of the judiciary by then-President Hugo Chávez and his allies in the National Assembly in 2004, the justice system stopped functioning as a check on executive power. Currently, judges and officials within the Attorney General's Office make no pretense of independence.²¹⁶

²¹⁴ Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch telephone interview with human rights official, October 8, 2019.

²¹⁵ Human Rights Watch interview with victim, Arauca, August 11, 2019.

²¹⁶ Human Rights Watch, *A Decade Under Chávez: Political Intolerance and Lost Opportunities for Advancing Human Rights in Venezuela*, September 3, 2008, <https://www.hrw.org/sites/default/files/reports/venezuela0908web.pdf>; Human Rights Watch, *Tightening the Grip: Concentration and Abuse of Power in Chávez's Venezuela*, July 17, 2012, <https://www.hrw.org/report/2012/07/17/tightening-grip/concentration-and-abuse-power-chavez-venezuela>.

Apure is not likely to be an exception. A reliable media investigation indicates that over 90 percent of the 71 judges in the state do not have permanent positions, which makes them very vulnerable to political pressure.²¹⁷

Secondly, victims of abuse by armed groups rarely report their crimes due to fear of retaliation and a perception that their complaints will be futile.²¹⁸ “Unfortunately, fear rules in [Apure],” a local human rights activist told Human Rights Watch, “no one says anything, no one knows anything.”²¹⁹

Finally, even if people wanted to report crimes, the justice system in Apure is concentrated in cities such as Guasdualito and San Fernando, making access to justice difficult for many victims of abuse that are not close to locations where judicial authorities are available.²²⁰

Given these difficulties, many people in Apure, as in Arauca, go to the armed groups to have their problems “resolved.”²²¹ One resident told Human Rights Watch that authorities in Guasdualito told a relative in 2015 to go to armed groups to have her situation of domestic violence solved.²²² “That happens almost daily, with issues of fighting in bars, with family issues, with issues of domestic violence, with robbery of motorcycles,” he told Human Rights Watch. “They [the authorities] immediately send you there [with the armed groups], because they are the ones who address those issues.”

²¹⁷ “The rule of the Judicial Branch: The poorer the province, the more chavista the judges” (“La ley del Poder Judicial: mientras más pobre la provincia, más chavistas son los jueces”), *Armando Info*, July 7, 2019, <https://armando.info/Reportajes/Details/2581> (accessed January 6, 2020).

²¹⁸ Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with resident, October 4, 2019.

²¹⁹ Human Rights Watch telephone interview with human rights activist, October 7, 2019.

²²⁰ Human Rights Watch telephone interview with resident, October 4, 2019; Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with researcher, October 5, 2019.

²²¹ Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with local resident, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with victim, October 5, 2019.

²²² Human Rights Watch telephone interview with victim, October 5, 2019.

The Context in Which Armed Groups Operate

Arauca Province and Apure State

A 420-kilometer international border separates Colombia's Arauca province from Venezuela's Apure state. A river for most of its length, the border is extremely porous, enabling irregular migration as well as abuses because the perpetrators can cross the border without being questioned.²²³ While there is one official border crossing to Venezuela from Arauca—the José Antonio Páez bridge in Arauca City—there are more than 50 informal points to cross the border.²²⁴

Arauca is home to about 240,000 people, who live in seven municipalities: Arauca City (the provincial capital), Arauquita, Cravo Norte, Fortúl, Puerto Rondón, Saravena, and Tame.²²⁵

A large part of the population in Arauca suffers from poverty, especially in rural areas. Around 36 percent face unmet basic needs, according to the most recent available data, from 2011; in the countryside, this number is around 64 percent.²²⁶ In rural Arauca, just under one-third of the population lives in extreme poverty.²²⁷

Oil production is extremely important for Arauca. The Caño-Limón oil field in the province was decisive in Colombia's ability to export oil in the 1980s and 1990s.²²⁸ As of 2018, oil

²²³ Ministry of Commerce, Industry and Tourism (Ministro de Comercio, Industria y Turismo), "Departmental Tourism Plan – Arauca" ("Plan de Desarrollo Turístico – Departamento del Arauca"), April 2012, http://www.citur.gov.co/upload/publications/documentos/158.Plan_de_desarrollo_turistico_de_Arauca.pdf (accessed September 14, 2019), p. 141.

²²⁴ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019.

²²⁵ National Administrative Statistics Department (Departamento Administrativo Nacional de Estadística), "How Many Are we?" ("¿Cuántos somos?"), n.d., <https://sitios.dane.gov.co/cnpv/#/> (accessed September 14, 2019).

²²⁶ Government of Colombia, National Planning Department, "Results of 2005 Census – unmet basic needs as of December 31, 2011" ("Resultados censo general 2005– necesidades básicas insatisfechas a 31 de diciembre de 2011"), n.d., http://www.dane.gov.co/files/censo2005/NBI_desagregadas_cab_resto_mpio_nal_30jun11.xls (accessed September 14, 2019).

²²⁷ Ibid.

²²⁸ Juan David Gutiérrez Rodríguez, "Oil and State Capture: The Subnational Links Between Oil Revenues and Armed Conflict in Colombia," December 25, 2018, https://ora.ox.ac.uk/objects/uuid:5dd5aadb-86do-4709-a950-2ea3084fec09/download_file?file_format=pdf&safe_filename=THESIS%2BJDGutierrez%2BBodleian%2B.pdf&type_of_work=Thesis (accessed September 14, 2019), pp. 24-5.

production represented 39 percent of the province's gross domestic product.²²⁹ The Caño Limón oil pipeline, which connects the oil field with Colombia's main port for oil exports in Coveñas, on the Atlantic coast,²³⁰ begins in Arauca, and has been a constant target of guerrilla attacks.²³¹

Almost 460,000 people live in Apure, according to the latest official figures, from 2011.²³² The province is divided into seven municipalities: San Fernando (the provincial capital), Achaguas, Biruaca, Muñoz, Páez, Pedro Camejo, and Rómulo Gallegos. Historically, Apure has been one of Venezuela's poorest provinces.²³³ Its economy is mainly agricultural, and cattle-raising is the principal economic activity.²³⁴

²²⁹ National Administrative Statistics Department (Departamento Administrativo Nacional de Estadística), "GDP by Department, 2018 preliminary: Results by Department" ("Resultados PIB departamental 2018 preliminar (Base 2015), Resultados por departamento"), n.d., https://www.dane.gov.co/files/investigaciones/pib/departamentales/B_2015/2018-preliminar-Departamento-resultado.xlsx (accessed September 14, 2019).

²³⁰ "A Port with History" ("Un Puerto con historia"), Ecopetrol, November 9, 2014, <https://www.ecopetrol.com.co/wps/portal/es/ecopetrol-web/nuestra-empresa/quienes-somos/lo-que-hacemos/transporte/covenas/un-puerto-con-historia> (accessed September 20, 2019).

²³¹ For example, Colombia's High Commissioner for Peace, Miguel Ceballos, stated in July 2019 that the pipeline had been attacked more than 1,500 times since 2000. RCN, "Caño Limón – Coveñas Pipeline has registered 1,500 attacks since 2000, according to the government" ("Oleoducto Caño Limón Coveñas registra 1.500 voladuras desde el año 2000, según el Gobierno"), July 16, 2019, <https://noticias.canalrcn.com/nacional-pais/oleoducto-cano-limon-covenas-registra-1500-voladuras-desde-el-ano-2000-segun-el> (accessed September 14, 2019). Ideas for Peace Foundation (Fundación Ideas para la paz), "The ELN and the Oil Industry: Attacks against Oil Infrastructure in Arauca" ("El ELN y la industria petrolera: Ataques a la infraestructura en Arauca"), April 2015, <http://cdn.ideaspaz.org/media/website/document/55411b8a3ccab.pdf> (accessed September 14, 2019).

²³² Venezuelan National Institute of Statistics, "XIV Population and Housing Census: Results for the Federal and Municipal Entities of the State of Apure" ("XIV Censo nacional de población y vivienda: Resultados por entidad federal y municipio del Estado Apure"), December 2014, <http://www.ine.gov.ve/documentos/Demografia/CensodePoblacionyVivienda/pdf/apure.pdf> (accessed October 3, 2019), p. 9.

²³³ Neritza Alvarado Chacín, "Poverty and Crisis in Venezuela" ("Pobreza y crisis en Venezuela"), *Espacio Abierto*, vol. 3 (1994), no. 5, <https://produccioncientificaluz.org/index.php/espacio/article/download/2335/2334> (accessed October 7, 2019), pp. 91-92; Venezuelan National Institute of Statistics, "Poverty and Extreme Poverty by Federal Entity" ("Pobreza y Pobreza Extrema por Entidad Federal"), n.d., <http://www.ine.gov.ve/documentos/Demografia/CensodePoblacionyVivienda/xls/PobrezaEntidad.xls> (accessed October 4, 2019).

²³⁴ Venezuelan National Institute of Statistics, "XIV Population and Housing Census: Results for the Federal and Municipal Entities of the State of Apure" ("XIV Censo nacional de población y vivienda: Resultados por entidad federal y municipio del Estado Apure"), December 2014, <http://www.ine.gov.ve/documentos/Demografia/CensodePoblacionyVivienda/pdf/apure.pdf> (accessed October 3, 2019), p. 9; Venezuelan National Institute of Statistics, "Apure", n.d., <http://www.ine.gov.ve/documentos/see/sintesisestadistica2014/estados/Apure/documentos/situacionfisica.htm> (accessed January 8, 2020).

Armed Conflicts and Violence in Arauca and Apure

Two armed groups operate in Arauca: the National Liberation Army (ELN) and the Martín Villa 10th Front FARC dissident group. These two groups, as well as the FPLN, operate in Apure.

The International Committee of the Red Cross (ICRC) reported in December 2018 that the conflict between the ELN and the Colombian government is a non-international armed conflict under international humanitarian law.²³⁵ The ICRC has not made a public determination as to whether the FARC dissident group operating in Arauca is party to an armed conflict.²³⁶ Whether or not the FARC dissident group is also a party to the conflict depends on the extent to which it is genuinely linked through hierarchical relationships or certain types of cooperation with other parties to the conflict in Colombia.²³⁷

Human Rights Watch has not reached a determination that fighting in Apure amounts to a non-international armed conflict. To Human Rights Watch's knowledge, so far, no reliable humanitarian or academic institution has made such determination publicly.²³⁸

²³⁵ International Committee of the Red Cross, "Colombia: Five armed conflicts – What's happening?," December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed May 26, 2019).

²³⁶ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019.

²³⁷ Whether an armed group is a party to an armed conflict is based on an objective determination of the facts. The Colombian government considers the FARC dissident group in Arauca to be an "organized armed group," covered by international humanitarian law. The Colombian military distinguishes between "organized criminal organizations" (*grupos delictivos organizados*, GDO), covered by human rights law, and "organized armed groups" (*grupos armados organizados*, GAO), covered under international humanitarian law. In July 2018, the Council of National Security determined that the ELN is a GAO. Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed July 10, 2019); Ministry of Defense, Defense and Security Public Policy ("Política de Defensa y Seguridad"), January 2019 (copy on file with Human Rights Watch), p. 23. On September 19, 2019, Human Rights Watch sent a formal information request to the Defense Ministry, in accordance with Colombian law regulating access to information, asking whether the Ministry of Defense categorizes the FARC dissident group in Arauca as an "organized armed group." The ministry replied listing the criteria it uses to establish whether an armed group is considered an "organized armed group," without stating what determination it had made regarding this specific FARC dissident group. Response to information request No. 0119007457502 sent to Human Rights Watch by the Colombian Ministry of Defense, October 2, 2019 (copy on file with Human Rights Watch). Official information available online, however, indicates that the group is considered an "organized armed group." See, for example, "We captured alleged members of the ELN and the GAOR in the municipality of Saravena" ("Capturamos a presuntos integrantes del ELN y GAOR en el municipio de Saravena"), Colombian National Police, August 27, 2019, <https://www.policia.gov.co/noticia/capturados-presuntos-integrantes-del-eln-y-gaor-municipio-saravena> (accessed October 13, 2019).

²³⁸ See, for example, "The War Report 2018," Geneva Academy of International Humanitarian Law and Human Rights, <https://www.geneva-academy.ch/joomlatools-files/docman-files/The%20War%20Report%202018.pdf> (accessed October 8, 2019). The report provides a non-official list and classification of situations of armed violence that amount to armed conflicts under international humanitarian law. While the Geneva Academy identified a non-international armed conflict in Colombia involving the ELN and state forces, it has not identified any armed conflicts in Venezuela.

National Liberation Army (Ejército de Liberación Nacional, ELN)

The ELN was founded in 1964 in northeastern Colombia by a small group of students. It has a left-wing ideology based on socialism with a strong influence of liberation theology. The group no longer looks to overthrow the Colombian government but instead claims to implement a strategy of “armed resistance” against the state and multinational corporations.²³⁹

In February 2017, the government of then-President Juan Manuel Santos and the ELN began formal peace talks in Quito, Ecuador. Colombian president Iván Duque suspended those peace talks indefinitely after the ELN took responsibility for a car-bombing in Bogotá in January 2019 that killed 22 police cadets.²⁴⁰

The ELN has been active in Arauca since 1980.²⁴¹ The group’s Domingo Laín Front operates in the province and is reported to have at least 500 men there.²⁴² The ELN is widely perceived as the strongest armed group in the province.²⁴³ The Eastern War Front, and its leader, alias “Pablito,” are considered by many experts to be the staunchest opponents to the peace talks within the ELN.²⁴⁴ The Eastern War Front has been able to influence

²³⁹ See, for example, International Crisis Group, “The Missing Peace: Colombia’s New Government and Last Guerrillas,” July 12, 2018, [https://d2o71andvipowj.cloudfront.net/o68-the-missing-peace%20\(2\)_o.pdf](https://d2o71andvipowj.cloudfront.net/o68-the-missing-peace%20(2)_o.pdf) (accessed September 19, 2019), pp. 3-4.

²⁴⁰ “President Duque asks the Government of Cuba to hand over members of the ELN in that country so that justice can be served” (“Presidente Duque pide al Gobierno de Cuba que entregue a miembros del Eln que están en ese país para que se haga justicia”), Presidency of Colombia, January 19, 2019, <https://id.presidencia.gov.co/Paginas/prensa/2019/190119-Presidente-Duque-pide-Gobierno-Cuba-que-entregue-a-miembros-del-Eln-que-estan-en-ese-pais-para-que-se-haga-justicia.aspx> (accessed October 14, 2019).

²⁴¹ The ELN’s first attack in Arauca was in September 1980, though the group claims to have been organized as an insurgency in the province since 1978. See ELN, “Story of the creation of the Domingo Laín Front” (“Crónica del surgimiento del Frente Domingo Laín”), January 14, 2007, <http://www.cedema.org/ver.php?id=1734> (accessed September 12, 2019); ELN, “The Domingo Laín Front: 28 years of history” (“Frente Domingo Laín: 28 años de historia”), September 16, 2008, <http://www.cedema.org/ver.php?id=2823> (accessed September 12, 2019).

²⁴² Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019.

²⁴³ Human Rights Watch separate interviews with humanitarian actor, Arauca, August 11 and 16, 2019.

²⁴⁴ International Crisis Group, “The Missing Peace: Colombia’s New Government and Last Guerrillas,” July 2018, [https://d2o71andvipowj.cloudfront.net/o68-the-missing-peace%20\(2\)_o.pdf](https://d2o71andvipowj.cloudfront.net/o68-the-missing-peace%20(2)_o.pdf) (accessed September 14, 2019), p. 6; Luis Eduardo Celis, “Why does the ELN continue at war?” (“¿Por qué el ELN sigue con la guerra?”), *Las 2 Orillas*, January 16, 2018, <https://www.las2orillas.co/por-que-el-eln-sigue-con-la-guerra/> (accessed September 17, 2019); Carlos Medina Gallego, “Pablito: The Man of War in the ELN” (“Pablito: el hombre de Guerra del ELN”), *Razón Pública*, February 4, 2019, <https://www.razonpublica.com/index.php/conflicto-drogas-y-paz-temas-30/11738-pablito-el-hombre-de-guerra-del-eln.html> (accessed September 17, 2019).

decisions by politicians and officials in Arauca and infiltrate local governments.²⁴⁵ In 2016, for example, the Supreme Court convicted a former Arauca governor who, it said, had followed ELN orders when granting several contracts during his term in office.²⁴⁶

The ELN's Domingo Laín Front also operates in Apure.²⁴⁷ Its presence there is not recent; it dates back to the 1990s.²⁴⁸

FARC Dissident Group

Until the 2016 peace accord, the main FARC units operating in Arauca were the 10th and 45th fronts, as well as one smaller unit known as the "Alfonso Castellanos mobile column." The group's 28th Front also operated, albeit occasionally, in southern Arauca.²⁴⁹

After the accord was signed, the vast majority of FARC fighters operating in Arauca demobilized.²⁵⁰ They went to Filipinas, a hamlet in Arauquita, where a cantonment for disarmament was built; the peace accord calls this and other such cantonments Transitional Local Zones for Normalization (*Zona Veredal Transitoria de Normalización*). There, they handed in their weapons to the UN mission in Colombia.

In early 2017, a group of around 15 fighters, including some former commanders, created a new armed group. Several sources indicate that these fighters left the transitional zone because they perceived a lack of progress in implementation of the program to

²⁴⁵ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with researcher, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019. See "The ELN's Contracts with the Governor's Office of Arauca" ("Los contratos del Eln con la gobernación de Arauca"), *Verdad Abierta*, April 16, 2016, <https://verdadabierta.com/los-contratos-del-eln-con-la-gobernacion-de-arauca/> (accessed September 29, 2019).

²⁴⁶ "The ELN-politics exgovernor and his Uribista brother, the mayor" ("El ex gobernador elenopolítico y su hermano el alcalde uribista"), *La Silla Vacía*, <https://lasillavacia.com/historia/el-ex-gobernador-elenopol%C3%ADtico-y-su-hermano-el-alcalde-uribista-55465> (accessed September 25, 2019).

²⁴⁷ Insight Crime, "The ELN in Venezuela" ("ELN en Venezuela"), March 1, 2019, <https://es.insightcrime.org/venezuela-crimen-organizado/eln-en-venezuela/> (accessed October 1, 2019).

²⁴⁸ Ibid.

²⁴⁹ "Terrorist Threat System" ("Sistema de amenaza terrorista"), Colombian intelligence (copy on file with Human Rights Watch).

²⁵⁰ Some covert, urban fighters, known as militias, did not demobilize. Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Human Rights Ombudsperson's Office, "Risk Report 017-17" ("Informe de Riesgo 017-17"), April 10, 2017 (copy on file with Human Rights Watch), p. 4.

reincorporate former guerrilla fighters to society.²⁵¹ This group now calls itself the “Martín Villa 10th Front,” mainly in pamphlets, while in some cases, it simply says, “FARC-EP.” Its current commander, alias “Jerónimo,” was released from prison in May 2017 due to the amnesty law passed as part of the peace agreement with the FARC.²⁵² Soon after being released, he took control of the group and began recruiting new fighters, including FARC ex-combatants.²⁵³

The FARC dissident group now operates in every municipality of Arauca, and has around 150 fighters, as well as another 150 urban militia members (these often extort residents and businesses for cash and can carry out small-scale violence, such as grenade attacks).²⁵⁴ The group seeks to control the areas formerly occupied by the FARC in both Colombia and Venezuela, and, according to humanitarian actors and a human rights official, has recruited both Colombians and Venezuelans.²⁵⁵ Humanitarian sources in Arauca also indicate that the group has a weak chain of command beyond its top commanders.²⁵⁶ The group operates in areas where the ELN is also present, but the two normally do not engage in fighting among themselves.²⁵⁷

²⁵¹ Ideas for Peace Foundation (Fundación Ideas para la Paz), “Trajectories and territorial dynamics of FARC dissidents” (“Trayectorias y dinámicas territoriales de las disidencias de las FARC”), April 2018, http://ideaspaz.org/media/website/FIP_Disidencias_Final.pdf (accessed September 14, 2019), p. 104. Human Rights Ombudsperson’s Office, “Risk Report 017-17” (“Informe de Riesgo 017-17”), April 10, 2017 (copy on file with Human Rights Watch), p. 4; “The Dissidents Terrorizing Arauca” (“La disidencia que atemoriza Arauca”), *La Silla Vacía*, April 29, 2018, <https://lasillavacia.com/silla-santandereana/la-disidencia-que-atemoriza-arauca-65804> (accessed September 17, 2019).

²⁵² Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019; “Who is Jerónimo, the dissident who operates from Venezuela” (“¿Quién es ‘Jerónimo’, el jefe disidente que manda desde Venezuela?”), *El Tiempo*, February 11, 2019, <https://www.eltiempo.com/justicia/investigacion/alias-jeronimo-el-disidente-de-las-farc-que-delinque-desde-venezuela-325276> (accessed September 17, 2019); High Court of the Judicial District of Bogotá, Case 110012252000201400110, May 22, 2017, <https://www.ramajudicial.gov.co/documents/6342228/o/L+2014+00110+Gonz%C3%A1lez%26Jim%C3%A9nez+%2822+May+2017+Apelada%29%20-AFMG.pdf/adf61208-a38b-4c1e-b955-852da366fcab> (accessed September 14, 2019).

²⁵³ Ideas for Peace Foundation (Fundación Ideas para la Paz), “Trajectories and territorial dynamics of FARC dissidents” (“Trayectorias y dinámicas territoriales de las disidencias de las FARC”), April 2018, http://ideaspaz.org/media/website/FIP_Disidencias_Final.pdf (accessed September 14, 2019) p. 104.

²⁵⁴ Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 16, 2019; Colombia’s Human Rights Ombudsperson’s Office, “Early Alert 081” (“Alerta Temprana 081”), November 18, 2018 (copy on file with Human Rights Watch), p. 5.

²⁵⁵ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with victim, August 11, 2019; Human Rights Watch interview with human rights official, Arauca, August 12, 2019.

²⁵⁶ Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 14, 2019.

²⁵⁷ Human Rights Watch interview with human rights official, Arauca, August 11, 2019; Human Rights Ombudsperson’s Office, “Early Alert 029” (“Alerta Temprana 029”), July 11, 2019 (copy on file a Human Rights Watch).

The FARC dissident group also operates in Apure where it has numerous camps.²⁵⁸ Credible sources indicate that “Jerónimo,” the group’s leader, lives in Apure and runs the group from there.²⁵⁹

Patriotic Forces of National Liberation (Fuerzas Patrióticas de Liberación Nacional, FPLN)

The FPLN is an armed group that has operated in Apure since the early 1990s.²⁶⁰ Some locals still refer to it as the “Bolivarian Liberation Front” (*Fuerzas Bolivarianas de Liberación*, FBL), the name it used until the late 2000s, when the group split.²⁶¹ Currently, it supports the Venezuelan government. According to several credible sources, it works together with local authorities and security forces.²⁶²

The size and structure of the FPLN is unclear.²⁶³ According to a researcher and a local journalist, many FPLN members are former members of armed pro-government gangs, called “colectivos” in Venezuela, and of pro-government political grassroots groups created during Chávez’s administration.²⁶⁴

²⁵⁸ Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019; Human Rights Watch interview with victim, Arauca, August 11, 2019.

²⁵⁹ Human Rights Watch interview with victim, Arauca, August 11, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019. “Who is alias Jerónimo, the dissident boss who runs things from Venezuela” (“¿Quién es ‘Jerónimo’, el jefe disidente que manda desde Venezuela?”), *El Tiempo*, February 11, 2019, <https://www.eltiempo.com/justicia/investigacion/alias-jeronimo-el-disidente-de-las-farc-que-delinque-desde-venezuela-325276> (accessed October 7, 2019).

²⁶⁰ Human Rights Watch telephone interview with security expert, October 25, 2019; Human Rights Watch telephone interview with security expert, October 22, 2019; Human Rights Watch telephone interview with journalist, October 21, 2019; Insight Crime, “FBL/FPLN,” July 17, 2019, <https://es.insightcrime.org/venezuela-crimen-organizado/fbl-fpln/> (accessed October 7, 2019).

²⁶¹ Human Rights Watch telephone interview with journalist, October 3, 2019; Bolivarian Liberation Front, “A Necessary Clarification” (“Una aclaración necesaria”), May 29, 2009, <http://www.cedema.org/ver.php?id=3305> (accessed October 8, 2019).

²⁶² Human Rights Watch telephone interview with local resident, October 4, 2019; Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 3, 2019; Human Rights Watch telephone interview with journalist, October 5, 2019; Human Rights Watch telephone interview with human rights activist, October 7, 2019; Human Rights Watch telephone interview with researcher, October 4, 2019; Human Rights Watch telephone interview with victim, October 4, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with community leader, October 8, 2019; Human Rights Watch telephone interview with political party official, October 19, 2019; Human Rights Watch telephone interview with security expert, October 22, 2019.

²⁶³ Insight Crime, a group investigating organized crime in the Americas, claims the group has between 1,000 and 4,000 members. Insight Crime, “FBL/FPLN,” July 17, 2019, <https://es.insightcrime.org/venezuela-crimen-organizado/fbl-fpln/> (accessed October 7, 2019).

²⁶⁴ Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019.

The FPLN operates in the Venezuelan states of Apure, Barinas, Guarico, and Táchira.²⁶⁵ Recent media reports assert that the group trains civilians in military tactics and the use of weapons.²⁶⁶

Fighting and Alliances Between Armed Groups

Between 2006 and 2010, the FARC and the ELN engaged in a conflict with each other in Arauca and Apure.

The conflict was initially about coca crops—the raw material used to make cocaine. The FARC controlled coca crops in Arauca province, and the ELN wanted them to be eradicated. Violence was sparked in 2006 when an ELN commander led an ambush against a FARC commander following a meeting between the two groups, killing him.²⁶⁷ Throughout the conflict, the FPLN essentially sided with the FARC, including by helping train its troops in Apure.²⁶⁸

The conflict between the FARC and the ELN displaced over 58,000 people from their homes in Arauca—nearly 25 percent of the population in the province at the time.²⁶⁹ At least 868

²⁶⁵ Insight Crime, “FBL/FPLN,” July 17, 2019, <https://es.insightcrime.org/venezuela-crimen-organizado/fbl-fpln/> (accessed October 7, 2019).

²⁶⁶ Sebastiana Barráez, “This is how Chavism trains civilians in handling weapons along the border between Venezuela and Colombia” (“Así entrena el chavismo a civiles en el manejo de armas en la frontera entre Venezuela y Colombia”), *Infobae*, June 9, 2019, <https://www.infobae.com/america/venezuela/2019/06/09/asi-entrenan-guerrilleros-chavistas-a-civiles-en-el-manejo-de-armas-en-la-frontera-entre-venezuela-y-colombia/> (accessed October 9, 2019); Insight Crime, “Pro-government guerrilla mixes political and criminal interests in Venezuela” (“Guerrilla pro-gobierno combina intereses políticos y criminales en Venezuela”), June 17, 2019, <https://es.insightcrime.org/noticias/analisis/guerrilla-pro-maduro-combina-intereses-politicos-y-criminales-en-venezuela/> (accessed October 9, 2019).

²⁶⁷ “The War between the FARC and ELN left its Mark on Violence in Arauca” (“La guerra entre Eln y Farc marcó la violencia en Arauca”), *El Espectador*, September 24, 2019, <https://www.elespectador.com/colombia2020/justicia/verdad/la-guerra-entre-eln-y-farc-marco-la-violencia-en-arauca-articulo-882544> (accessed October 9, 2019).

²⁶⁸ New Rainbow Corporation (Corporación Nuevo Arcoiris), “Arauca: The Stronghold of the ELN” (“Arauca: el gran fortín del ELN”), April 2012, <http://www.arcoiris.com.co/2012/04/arauca-el-gran-fortin-del-eln/> (accessed October 8, 2019); Ariel Fernando Ávila and Sofía León, “Border Arauca – Apure” (“Frontera Arauca – Apure”), in *The Hot Border between Colombia and Venezuela (La frontera caliente entre Colombia y Venezuela)*, Ed. Ariel Ávila, April 2012, (Bogotá: Random House Mandadori), p. 143; Human Rights Watch telephone interview with security expert, October 25, 2019.

²⁶⁹ Colombian Victims’ Unit, “Victims’ Registry” (“Registro Único de Víctimas”), September 1, 2019, <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 20, 2019); Colombia’s National Administrative Statistics Department, “Population Estimates 2006 – 2007” (“Estimados de población 2006 – 2007”), May 2007, https://www.dane.gov.co/files/investigaciones/poblacion/proyepobla06_20/Estima_municipales_06_07.pdf (accessed October 9, 2019), p. 19.

civilians were killed by armed groups in Arauca during the conflict years, according to Colombia's Victims' Unit.²⁷⁰

In 2010, the groups agreed to put an end to the conflict, and have been loosely cooperating with each other since then, including through guidance provided in a 2013 manual addressing how fighters should interact with members of the other group.²⁷¹

After its agreement with the FARC, the ELN remained the dominant group in Arauca. When the FARC demobilized in 2017 as part of the peace accord, the vacuum left behind was relatively small because much of the territory had been and remained under ELN control. Still, the ELN looked to fill the void.²⁷²

During 2018, as the FARC dissident group in Arauca gained strength, commanders of the group reportedly met with ELN commanders to agree on how they would operate to avoid hostilities.²⁷³ Since then, each group appears to let the other act in what has historically been the former's strongholds, as long as neither commits violence against the other. They do not carry out joint attacks or operations, according to local actors.²⁷⁴ Some interviewees expressed concern that the alliance between the two groups could break apart, triggering a new conflict between them.²⁷⁵

²⁷⁰ Colombian Victims' Unit, "Victims' Registry" ("Registro Único de Víctimas"), September 1, 2019, <https://www.unidadvictimas.gov.co/es/registro-unico-de-victimas-ruv/37394> (accessed September 20, 2019).

²⁷¹ Ideas for Peace Foundation (Fundación Ideas para la Paz), "Armed Conflict Dynamics and their Territorial Impact in Arauca" ("Dinámicas del conflicto armado en Arauca y su impacto humanitario"), June 2014, <http://cdn.ideaspaz.org/media/website/document/53e2ac3725816.pdf> (accessed September 14, 2019).

²⁷² Human Rights Ombudsperson's Office, "Early Alert 081" ("Alerta Temprana 081"), November 18, 2018 (copy on file with Human Rights Watch), p. 8.

²⁷³ "Arauca: Besieged by insecurity and FARC dissidents" ("Arauca, asediado por la inseguridad y la disidencia de las Farc"), *Verdad Abierta*, June 12, 2018, <https://verdadabierta.com/arauca-asediado-la-inseguridad-la-disidencia-las-farc/> (accessed September 16, 2019); "The ELN and dissidents coordinate" ("El ELN y las disidencias están coordinadas"), *La Silla Vacía*, December 3, 2018, <https://lasillavacia.com/el-eln-y-las-disidencias-estan-coordinadas-69119> (accessed September 14, 2019).

²⁷⁴ Human Rights Watch interview with human rights official, Arauca, August 10, 2019; Human Rights Watch interview with humanitarian actor, Arauca, August 12, 2019; Human Rights Watch interview with community leader, Arauca, August 15, 2019.

²⁷⁵ Human Rights Watch interview with human rights official, Arauca, August 13, 2019; Human Rights Watch interview with community leader, Arauca, August 12, 2019.

At the time of writing, the three armed groups appear to have agreed on how they divide their control over different parts of Apure. The FPLN continues to have a good relationship with the FARC dissident group and its past conflicts with the ELN appear to be over.²⁷⁶

²⁷⁶ Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019; Insight Crime, “FBL/FPLN,” July 17, 2019, <https://es.insightcrime.org/venezuela-crimen-organizado/fbl-fpln/> (accessed October 7, 2019); Human Rights Watch telephone interview with researcher, October 7, 2019; Human Rights Watch telephone interview with journalist, October 8, 2019; Human Rights Watch telephone interview with journalist, October 3, 2019.

Applicable International Law

Colombia and Venezuela are parties to core international human rights treaties that protect the rights to life, to physical integrity, to liberty, and to be free from forced labor, among others.²⁷⁷

Governments are obligated to effectively protect these rights, including by taking adequate preventive measures to protect individuals against reasonably foreseen threats to individuals' rights by criminals, organized crime, and armed groups.²⁷⁸

Governments also need to take reasonable steps to hold perpetrators of human rights abuses to account and guarantee the rights of victims to an effective remedy and reparation.²⁷⁹ Investigations and prosecutions should be conducted in an impartial manner by judicial authorities, whose independence and impartiality governments are required to safeguard.²⁸⁰

In Colombia's Arauca, international humanitarian law, or the laws of war, applies to the hostilities between government forces and non-state armed groups, notably the ELN. The

²⁷⁷ See, for example, American Convention on Human Rights ("Pact of San José, Costa Rica"), adopted November 22, 1969, O.A.S. Treaty Series No. 36, 1144 U.N.T.S. 123, ratified by Colombia on May 28, 1973, reprinted in Basic Documents Pertaining to Human Rights in the Inter-American System, OEA/Ser.L.V/II.82 doc.6 rev.1 at 25 (1992); International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force February 10, 1972, ratified by Colombia on August 29, 1969 and by Venezuela on May 10, 1978. Venezuela denounced the American Convention on Human Rights in 2012. It entered into force on September 10, 2013. See Inter-American Commission of Human Rights, "IACHR Deeply Concerned over Result of Venezuela's Denunciation of the American Convention," September 10, 2013, http://www.oas.org/en/iachr/media_center/PReleases/2013/064.asp (accessed October 13, 2019).

²⁷⁸ See, for example, UN Human Rights Committee, "General Comment No. 36, on article 6 of the International Covenant on Civil and Political Rights, on the right to life," UN Doc. CCPR/C/CG/36 (2008), para. 21.

²⁷⁹ See, for example, Inter-American Court of Human Rights, Godínez Cruz case, judgement of January 20, 1989, Corte I.D.H., Series C. No. 5, para. 175; Castillo Páez case, judgement of November 3, 1997, Corte I.D.H., Series C. No. 34, para. 90; Blake case, judgement of January 24, 1998, Corte I.D.H., Series C. No. 36, paras. 91-95; Inter-American Court of Human Rights, Bulacio case, judgement of September 18, 2003, Corte I.D.H., Series C. No. 5, paras. 110-121; UN Human Rights Committee, "General Observation 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant," UN Doc. CCPR/C/21/Rev.1/Add.13 (2004).

²⁸⁰ See, for example, UN Human Rights Committee, "General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial," UN Doc. CCPR/C/CG/32 (2018); Inter-American Court of Human Rights, La Cantuta case, judgment of November 29, 2006, Corte I.D.H., Series C. No. 162, para. 110; Inter-American Court of Human Rights, Rochela Massacre v. Colombia, Judgment of May 11, 2007, Inter-Am. Ct. H.R., (Ser. C) No. 163 (2007), para. 200; Inter-American Court of Human Rights, Escue-Zapata v. Colombia, Judgment of July 4, 2007, Inter-Am. Ct. H.R., (Ser. C) No. 165, para. 105; Inter-American Court of Human Rights, Zambrano Velez v. Ecuador, Judgment of July 4, 2007, Inter-Am. Ct. H.R., (Ser. C) No. 166, para. 66.

intensity of the hostilities and the ELN's level of organization rise to the level necessary for there to be a non-international armed conflict in Colombia.²⁸¹ Applicable law includes Common Article 3 to the Geneva Conventions of 1949 and other treaty and customary laws of war, which apply to non-state armed groups as well as national armed forces. International human rights law also applies at all times, including during armed conflict.²⁸²

Human Rights Watch has not determined whether the situation in Apure could be classified as a non-international armed conflict. Whether or not the situation in Apure is itself an armed conflict, international humanitarian law applies to acts committed in Venezuela as part of the armed conflict in Colombia. For instance, non-state armed groups operating in Colombia that abduct people and transport them to detain them in Venezuela have committed violations of international humanitarian law through acts in both countries.

During armed conflicts, all parties to an armed conflict, whether state forces or non-state armed groups, are bound by applicable international humanitarian law.²⁸³ Individuals who

²⁸¹ International Committee of the Red Cross, "Colombia: Five armed conflicts – What's happening?," December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed October 13, 2019). The Colombian Defense Ministry considers the situation to be an "organized armed group," covered by international humanitarian law. The Colombian military distinguishes between "organized criminal organizations" (*grupos delictivos organizados*, GDO), covered by human rights law, and "organized armed groups" (*grupos armados organizados*, GAO), covered under the law of conflict. In July 2018, the Council of National Security determined that the ELN is a GAO. Ministry of Defense, Directive 15 of 2016, April 22, 2016, https://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Prensa/Documentos/dir_15_2016.pdf (accessed October 13, 2019); Ministry of Defense, Defense and Security Public Policy (Política de Defensa y Seguridad), January 2019 (copy on file with Human Rights Watch), p. 23.

²⁸² UN Human Rights Committee, "General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant," UN Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 11; International Court of Justice, *Advisory Opinion on the Threat or Use of Nuclear Armed Weapons*, July 8, 1996, para. 25.

²⁸³ The Colombian Defense Ministry appears to consider the "FARC 10th Front – Martín Villa" to be an "organized armed group," covered by international humanitarian law. Ministry of Defense, Defense and Security Public Policy (Política de Defensa y Seguridad), January 2019 (copy on file with Human Rights Watch), p. 23. On September 19, 2019, Human Rights Watch sent a formal information request to the Defense Ministry, in accordance with Colombian law regulating access to information, asking whether the Ministry of Defense categorizes the FARC dissident group in Arauca as an "organized armed group." The ministry replied listing the criteria it uses to establish whether an armed group is considered an "organized armed group," without stating what determination it had made regarding this specific FARC dissident group. Response to information request No. 0119007457502 sent to Human Rights Watch by the Colombian Ministry of Defense, October 2, 2019 (copy on file with Human Rights Watch). Official information available online, however, indicates that the group is considered an "organized armed group." See, for example, "We captured alleged members of the ELN and the GAOR in the municipality of Saravena" ("Capturamos a presuntos integrantes del ELN y GAOR en el municipio de Saravena"), Colombian National Police, August 27, 2019, <https://www.policia.gov.co/noticia/capturados-presuntos-integrantes-del-eln-y-gaor-municipio-saravena> (accessed October 13, 2019). The ICRC has publicly determined that other FARC dissident groups, namely those of the former 1st, 7th and 40th Fronts, are parties to the armed conflict, but it has not made such a determination

commit serious violations of the laws of war with criminal intent—that is, intentionally or recklessly—are responsible for war crimes,²⁸⁴ which states have an obligation under international law to investigate, prosecute, and punish.²⁸⁵ Commanders who knew or should have known about violations but failed to stop them or punish those responsible may be liable as a matter of command responsibility.²⁸⁶

The laws of war prohibit deliberate and indiscriminate attacks on civilians and summary executions, torture and other ill-treatment, sexual violence, and looting. Rape and any other form of sexual violence, including forced abortion or forced prostitution, are serious violations of the laws of war.²⁸⁷ The abduction of civilians during an armed conflict is unlawful. Detaining someone to compel another party to take action to obtain their release is hostage-taking, which is a war crime.²⁸⁸ Uncompensated or abusive forced labor is prohibited.²⁸⁹

The recruitment and use of children under the age of 15 years as soldiers, and their participation in active hostilities is prohibited under international humanitarian law and is a war crime.²⁹⁰ The Convention on the Rights of the Child and the Additional Protocols to the 1949 Geneva Conventions prohibit any recruitment or use in armed conflict of children under the age of 15.²⁹¹ In 2000, the United Nations adopted an Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

regarding the 10th Front. ICRC, “Colombia: Five armed conflicts – What’s happening?” December 6, 2018, <https://www.icrc.org/en/document/colombia-five-armed-conflicts-whats-happening> (accessed October 13, 2019). Participation in the fighting by the 10th Front would be covered by the laws of war.

²⁸⁴ See ICRC, “Customary International Law. Rule 89,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule89 (accessed December 17, 2019); Rome Statute of the International Criminal Court, July 17, 1998, <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (accessed October 13, 2019), art. 8.

²⁸⁵ See, for example, ICRC, “Customary International Law. Rule 158,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule158 (accessed October 13, 2019); Human Rights Watch, *Selling Justice Short: Why Accountability Matters for Peace*, July 7, 2009, https://www.hrw.org/sites/default/files/reports/ijo709webwcover_1.pdf, pp.10-19.

²⁸⁶ See Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), arts. 86-87; Rome Statute of the International Criminal Court, art. 28.

²⁸⁷ ICRC, Customary International Humanitarian Law, rule 93; Rome Statute of the International Criminal Court, art. 8(e)(vi).

²⁸⁸ Common article 3 to the Geneva Conventions of 1949; ICRC, Customary International Humanitarian Law, rule 96.

²⁸⁹ See, for example, ICRC, Customary International Humanitarian Law, rule 95; Convention concerning Forced or Compulsory Labour, June 10, 1930, 39 U.N.T.S. 55 (entered into force May 1, 1932; ratified by Colombia March 4, 1969, and by Venezuela November 20, 1944); Abolition of Forced Labour Convention, June 25, 1957, 320 U.N.T.S. 291 (entered into force January 17, 1959; ratified by Colombia June 7, 1963, and by Venezuela November 16, 1964); ICCPR, art. 8.

²⁹⁰ ICRC, “Customary International Law. Rule 136,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule136 (accessed October 13, 2019); Rome Statute of the International Criminal Court, art. 8(e)(vii).

²⁹¹ Additional Protocol I, Art. 77(2); Additional Protocol II, Art. 4(3)(c); Rome Statute of the International Criminal Court, article 8(2)(b)(xxvi) and (e)(vii); Convention on the Rights of the Child, Art. 38(3).

raising the minimum age for forced recruitment, conscription, or direct participation in hostilities to age 18.²⁹² The protocol also obliges nongovernmental armed groups to refrain from any recruitment or use of children under age 18. Colombia and Venezuela are parties to the Optional Protocol.²⁹³ Colombia is also a party to the International Labour Organization Worst Forms of Child Labor Convention, which prohibits the forced recruitment of children under 18 for use in armed conflict as one of the worst forms of child labor.²⁹⁴

Forced displacement of civilian populations violates both international humanitarian law and human rights protections. The prohibition of forced displacement includes displacement “in situations of armed conflict, unless the security of the civilians involved or imperative military reasons so demand.”²⁹⁵ In the event of forced displacement, the UN Guiding Principles on Internal Displacement provide that the authorities should ensure displaced people “at a minimum” have safe access to essential food and potable water, basic shelter and housing, appropriate clothing, and essential medical services and sanitation.²⁹⁶

²⁹² Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, adopted May 25, 2000, G.A. Res. 54/263, Annex I, 54 U.N. GAOR Supp. (No. 49) at 7, U.N. Doc. A/54/49, Vol. III (2000), ratified by Colombia on May 25, 2005, and by Venezuela on September 23, 2003, entered into force February 12, 2002, art. 4.

²⁹³ United Nations Treaty Collection, “11. b Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,” https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-b&chapter=4&clang=_en (accessed on October 13, 2019).

²⁹⁴ ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Worst Forms of Child Labour Convention), adopted November 19, 2000, ratified by Colombia on January 28, 2005 and by Venezuela on October 26, 2005.

²⁹⁵ ICRC, “Customary International Law. Rule 129,” https://ihl-databases.icrc.org/customary-ihl/eng/docs/v1_rul_rule129 (accessed October 13, 2019).

²⁹⁶ UN High Commissioner for Refugees, Guiding Principles on Internal Displacement, 22 July 1998, <https://www.refworld.org/docid/3c3dao7f7.html> (accessed October 13, 2019).

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“The Guerrillas Are the Police”

Social Control and Abuses by Armed Groups in Colombia’s Arauca Province and Venezuela’s Apure State

In the eastern Colombian province of Arauca and the neighboring Venezuelan state of Apure, non-state armed groups use violence to control peoples’ daily lives. They impose their own rules and subject those who do not obey to punishments ranging from fines to forced labor to killings. Residents live in fear.

“The Guerrillas Are the Police” documents abuses by the National Liberation Army, the Patriotic Forces of National Liberation, and a group that emerged from the demobilized Revolutionary Armed Forces of Colombia. Abuses include murder, forced labor, child recruitment, and rape and are often committed as part of the groups’ strategy to control the social, political, and economic life of Arauca and Apure.

The report documents credible allegations that Venezuelan security forces and local authorities have at times colluded with armed groups. Armed groups appear to feel much freer to operate in Venezuela, where they maintain camps and have taken victims kidnapped in Arauca.

Colombian authorities have tried to wrest power from armed groups, but impunity for serious abuses remains the norm and protection for residents is limited. The Colombian government should increase protection for people at risk, further support accountability, and implement local development plans, which could help prevent human rights abuses.

Increased international pressure on Venezuelan authorities remains key to preventing abuses and ensuring accountability for abuses committed in Venezuela. The United Nations fact-finding mission on Venezuela should examine the role of Venezuelan armed forces and authorities in abuses by armed groups in Apure. International organizations and foreign governments should impose targeted sanctions on any senior Venezuelan officials complicit in these abuses.

[above] Colombian Soldier Fredy Moreno (center) who was kidnaped by National Liberation Army (ELN), is seen next to ELN members before his release in Arauca, Colombia, on February 6, 2017. © AFP / Daniel MARTINEZ

[front cover] Graffiti in Arauca that reads “FARC-EP 55 years fighting” and “ELN 55.” 2019 was the 55th anniversary of the creation, in 1964, of the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP) and the National Liberation Army (ELN) guerrilla groups. The ELN and a group that emerged from the demobilized FARC-EP still operate in Colombia’s Arauca province. Arauca, August 2019. © Human Rights Watch