

COLOMBIA 2020

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[Back to Colombia](#)

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Crimes under international law and human rights violations and abuses in the context of the continuing internal armed conflict increased in rural areas where control of territories formerly dominated by the Revolutionary Armed Forces of Colombia (FARC-EP) was disputed. The primary victims continued to be members of rural communities. Sexual violence against women and girls persisted, as did impunity for these crimes. Colombia was widely recognized as the most dangerous country in the world for those who defend human rights. Protection measures for defenders of the territory, land and environment remained limited and ineffective, and impunity for crimes against them continued. In 2020, killings of social leaders reached shocking levels. There were concerns about the withdrawal of protection schemes for human rights defenders, the authorities' excessive use of force when enforcing mandatory quarantines and the failure to guarantee the right to health of Amazonian Indigenous Peoples in the context of the COVID-19 pandemic. The police responded to nationwide protests in September with excessive use of lethal force, killing 10 people, and torture. The Supreme Court of Justice issued a landmark ruling in September, ordering measures to guarantee the exercise of the right to peaceful protest and acknowledging the excessive use of force by state security officials.

Background

The government declared a state of economic, social and environmental emergency on 17 March to curb the spread of COVID-19. The executive approved an unprecedented 164 legislative decrees, some of which the Constitutional Court declared unconstitutional.

In August, the Supreme Court of Justice ordered that former President Álvaro Uribe Vélez be placed under preventive house arrest in the context of judicial proceedings for alleged bribery, fraud and witness tampering. This was lifted in October, but judicial proceedings continued.

The UN Security Council extended the mandate of the UN Verification Mission until 2021.

In October, FARC-EP dissidents intercepted a humanitarian mission of the OHCHR Office in Colombia and the Office of the Ombudsperson in Caquetá department, and then set fire to their vehicle.

According to the Kroc Institute, which monitors compliance with the 2016 Peace Agreement between the FARC-EP and the Colombian state, implementation of the Agreement was slow. The National Commission on Security Guarantees (CNGS) did not make progress in dismantling criminal organizations or ensuring a state presence in the territories hardest hit by the armed conflict, despite pressure from civil society to step up its efforts.

There was no significant progress during the year in implementing comprehensive rural reform and solving the illicit drug problem through programmes for voluntary crop substitution, central parts of the Peace Agreement. Instead, the government set a goal of forcibly eradicating coca production on over 130,000 hectares, led by the military. Despite the health, economic, social and ecological state of emergency, these operations continued in at least seven departments.

Indigenous Peoples' rights

Government measures to curb COVID-19 failed to adequately guarantee the fundamental rights of Indigenous Peoples. Communities have historically lacked adequate access to health, water or food and lacked the sanitary and social conditions to deal with the virus. In addition, isolation measures meant they were unable to access their means of subsistence.¹

Human rights abuses in the context of internal armed conflict

Crimes under international law and human rights violations and abuses in the context of internal armed conflict continued to claim victims, particularly in rural areas which were the focus of territorial disputes between various armed groups. The violence resulted in thousands of people

being forcibly displaced, confined, subjected to sexual violence or becoming victims of targeted killings.

Guerrilla groups – the National Liberation Army (ELN) and Popular Liberation Army (EPL) – and state security forces and paramilitary groups, such as the Gaitanista Self-Defense Forces of Colombia (AGC), all committed acts of violence.

A report by over 500 civil society organizations recorded a notable expansion of rearmed paramilitary groups and estimated that the AGC had a presence in 22 of the country's 32 departments, approximately 90% of Colombian territory. In the south of Córdoba and Antioquia departments, there were clashes between two subgroups of the AGC sparked by a territorial dispute over drug trafficking and mining areas.

In the Catatumbo region, the armed territorial conflict between the ELN and EPL continued. In Cauca, Nariño and Meta departments, FARC-EP dissidents clashed with other armed actors. In Chocó department, the conflict between the ELN and paramilitary groups over control of illegal mining continued.

As a result of armed clashes, 23,128 people belonging to Indigenous and Afro-descendent communities in Chocó department were confined throughout 2020.

At least 69 people, mostly civilians, sustained injuries from landmines. According to some communities, some armed groups laid new anti-personnel mines. The most affected areas were the departments of Nariño, Antioquia, Norte de Santander, Arauca, Guaviare, Cauca, Chocó and Córdoba.

Internally displaced people

According to the UN Office for the Coordination of Humanitarian Affairs (OCHA), as of June, 16,190 people were the victims of mass forced displacement. The department most affected was Nariño, followed by Chocó, Antioquia, Cauca, Caquetá and Norte de Santander. The leading causes were confrontation between armed groups and threats against civilians. Some 100 former FARC combatants were displaced from the Territorial Training and Reincorporation Area (ETCR) of Ituango to Mutatá in Antioquia department. Two massive displacements of more than 1,590 members of the Emberá Dobida Indigenous Peoples were reported.

Unlawful killings

By 15 December, the OHCHR had verified 66 massacres, defined as incidents in which three or more people are killed at the same time and place by the same alleged perpetrator. The civil society organization Indepaz reported 51 massacres of people protected by international humanitarian law between January and September.

On 16 July, the Emberá Indigenous People in Geandó community reported that a nine-year-old girl died after being shot during an armed confrontation between the ELN and the AGC.

The UN Verification Mission reported that 41 former FARC-EP members in the process of reintegration under the terms of the Peace Agreement were killed in the first six months of the year.

There was some progress on justice and victims' rights. The Inter-American Commission on Human Rights reported that the Special Jurisdiction for Peace (JEP) had informed the organization it had issued over 29,000 judicial decisions by July 2020. Seven macro-cases were opened, including into unlawful killings presented as combat casualties by state agents.

Rights to health, water and food

There were concerns that spraying operations to eradicate coca production in some areas could also destroy legal crops on which *campesino* communities depend for food. In addition, these operations expose a population with little access to health services to COVID-19 virus. There were repeated calls for the Colombian authorities to urgently take appropriate measures to guarantee the rights of rural communities, including their rights to health, water and food, and to stop forced eradication operations.²

Excessive use of force and extrajudicial executions

In the subregions of Bajo Cauca, northeast of Antioquia and Catatumbo, and the south of Bolívar department, state forces used excessive force when enforcing isolation measures to curb COVID-19.

The Awá Indigenous People of the Pialapí reserve in Nariño condemned the killing of an Indigenous man during a protest against forced eradication of coca in the area.

On 19 May, Anderson Arboleda, a young Afro-descendent man, died in Puerto Tejada, Cauca department, allegedly as a result of being beaten by a member of the National Police.

The Association of Traditional Authorities and U'was Councils (ASOU'WAS) reported that the National Army killed an Indigenous leader in military operations in Chitagá municipality, Norte de Santander department. The community refuted the National Army's claim that he was killed in combat.

In May, the Catatumbo *Campesino* Association (ASCAMCAT) reported two violent incidents in Catatumbo in which security force officials enforcing the forced eradication of coca indiscriminately fired on *campesinos*, as result of which two people died in Teorama municipality.

On 9 September, lawyer Javier Ordóñez died as a result of torture and excessive use of lethal force by National Police in Bogotá.³ On 10 September, the Minister of Defence, who is in charge of the National Police, reported that 403 people were injured, among them 194 members of the security forces, and 10 people were killed (seven in Bogotá and three in Soacha) in the context of protests on 9 and 10 September in response to Javier Ordoñez's killing. An internal investigation into Javier Ordóñez's death was ongoing.

Human rights defenders

Colombia was the most dangerous country in the world to defend environmental rights, according to the NGO Global Witness. On 17 August, the OHCHR stated that it had documented 97 killings of human rights defenders and verified 45 homicides. Those targeted were members of Indigenous Peoples and Afro-descendent communities, people defending the right to land and the environment, and those involved in implementing the Peace Agreement. The Somos Defensores programme reported that between January and December 135 human rights defenders had been killed because of their work and a further 65 homicides were awaiting verification.

In March, the Attorney General's Office reported that there had been progress in 173 of the 317 cases of killings of human rights defenders. These efforts were not sufficient to combat impunity for attacks against defenders.

The Ríos Vivos Movement reported that collective protection measures for human rights defenders were inadequate and did not guarantee its members' right to life and physical integrity because they failed to address the structural causes of the violence and the authorities did not fulfil their commitments.

The Black Communities' Process (PCN) in Buenaventura reiterated that impunity for threats encourages new attacks. The Catatumbo Social Integration Committee (CISCA) reported that *campesinos* defending land-related rights experienced high levels of violence and lack of state protection.

The Kubeo-Sikuani Ancestral Indigenous Settlement in Meta department condemned the failure to recognize the territorial rights of Indigenous Peoples and underscored that this was a key cause of the violence affecting them.

The Association for the Comprehensive Sustainable Development of La Perla Amazónica (ADISPA) highlighted the threat posed by new armed groups since the Peace Agreement.⁴

State security forces continued illegal surveillance and smear campaigns against social leaders, journalists and government opponents. The Inter-Church Commission for Justice and Peace reported in May that the National Army was conducting illegal surveillance of two women human rights defenders, Luz Marina Cuchumbe and Jani Rita Silva. In May, several media outlets and human rights organizations reported that the military was carrying out illegal surveillance of more

than 130 people, including national and international journalists, human rights defenders and politicians.

Rights of women and girls

During the isolation measures imposed to curb COVID-19, reports of gender-based violence increased. According to the Observatory on Femicides in Colombia, between January and November, 568 femicides were reported, including cases in which women were impaled, set on fire, sexually abused, tortured and dismembered.

Venezuelan women in an irregular migratory situation faced barriers in accessing health services.

Organizations that work to defend women's rights reported that the barriers to accessing legal abortion services increased during the year. On 16 September, 91 civil society organizations and 134 activists presented a petition to the Constitutional Court for the crime of abortion to be removed from the Penal Code; this remained pending at the end of the year.

Rights of lesbian, gay, bisexual, transgender and intersex (LGBTI) people

The organization Colombia Diversa reported that in 2020, 71 LGBTI people were killed. Organizations that defend LGBTI people's rights condemned the killing of Juliana Giraldo, a trans woman shot by a soldier in Miranda, Cauca department, in September.

Rights of refugees and migrants

The R4V Coordination Platform for Refugees and Migrants from Venezuela reported in May that 1,764,883 migrants and refugees from Venezuela were living in Colombia, of whom 8,824 applied for refugee status.

Refugees and migrants were subjected to forced evictions during periods in which isolation measures were in place, even though these were prohibited by the government during the state of emergency. Thousands of people returned to Venezuela due to the lack of opportunities in Colombia, despite the risks this posed to their lives. There were also cases of arbitrary detention. The NGO Dejusticia reported that illegal armed groups in La Guajira, Norte de Santander and Arauca departments on the border with Venezuela put at risk the lives and physical integrity of people who had fled from Venezuela to Colombia.

1. [Colombia: Indigenous Peoples will die from COVID-19 or from hunger if the state does not act immediately \(Press release, 17 April\)](#)

2. [Colombia: Decision to forcibly eradicate illicit crops could result in human rights violations \(Press release, 22 July\)](#)
3. [Colombia: Amnesty International condemns torture and excessive use of force by police \(Press release, 11 September\)](#)
4. [Why do they want to kill us?: Lack of safe space to defend human rights in Colombia \(AMR 23/3009/2020\)](#)

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