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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[11 February 2019]

* Issued as received, in the language(s) of submission only.



The current situation in Colombia after the peace agreement and the risks of the Human Rights Defenders

The Associazione Comunità Papa Giovanni XXIII (APG23) has been present in Colombia for 10 years with its Nonviolent Peace Corps of Operation Colomba (OC), monitoring activities and international accompaniment to the Peace Community of San José de Apartadó - CdP (Antioquia) and to other communities and realities of Colombian civil society.

Despite the undeniable results achieved with the signing of the Peace Agreement between the Government and the FARC-EP (November 2016), the current situation of the country remains difficult.

Following the monitoring activity of our volunteers in the field, the numerous reports given by many organizations, the Alertas Tempranas of the Defensoria del Pueblo and the end of mission statement by the UN Special Rapporteur Michel Forst on the situation of Human Rights defenders (on an official visit to Colombia from 20 November to 3 December 2018), APGXXIII-OC wants to express to the UN High Commissioner Michelle Bachelet, its concern for:

- **the expansion in almost the whole country**, especially in rural areas, **of illegal armed groups**, such as neo-paramilitary groups (called Autodefensas Gaetanistas de Colombia-AGC, Gulf Clan, Los Rastrojos, Los Caparrapos, ...), dissenting groups of the FARC and guerrilla groups of the ELN and the EPL¹. Most of the areas abandoned by the FARC, due to the lack of an integral and incisive presence of the Colombian State (not exclusively armed, but also civil and administrative), were immediately occupied by these groups that often contend with each other for control, also through gunfights that in some cases caused the displacement of hundreds of people², with purposes related to illegal economies and the exploitation of resources. In particular, in the area of the Community of Peace of San Jose de Apartadó (in the Urabá sub region, between the regions of Antioquia and Cordoba), the community has been denouncing the total control of the area by the neo-paramilitary group of the AGC through threats, extortion, presence of informers in all the veredas, small armed groups in plain clothes moving among villages imposing bribes (on land, livestock, wood) and rules on the civilian population that is forced to submit or displace³.
- **the relentless rise of killings of human rights defenders**, social leaders, peasants and indigenous peoples, of people reclaiming land and of those who work to demand and carry out the implementation of the Peace Agreements. The year 2018, according to the Front Line Defenders report, ended with Colombia at the top of the list of the most dangerous countries in the world for those involved in the defence of human rights⁴, with the toll of 164 social leaders and human rights defenders killed, according to what was reported by the Defensoria del Pueblo⁵, while 2019 opened with the tragic record of almost one defender per day killed in the first week of the year⁶. The Special Rapporteur Michel Forst in his end of mission statement⁷, after meeting more than 200 realities across the country, including the CdP he personally visited on 26 November 2018⁸,

¹ <http://www.indepaz.org.co/conflictos-armados-focalizados/>;

² <https://codhes.wordpress.com/2018/09/20/se-agrava-situacion-humanitaria-en-colombia/>;

https://amp.elespectador.com/noticias/nacional/mas-de-1300-dezplazados-por-violencia-este-ano-en-colombia-articulo-836600?_twitter_impression=true

³ <http://www.cdpsanjose.org/node/152>; <http://www.cdpsanjose.org/node/154>; <http://www.cdpsanjose.org/node/158>; <http://www.cdpsanjose.org/node/159>;

⁴ https://www.frontlinedefenders.org/sites/default/files/global_analysis_2018.pdf

⁵ <http://www.defensoria.gov.co/es/nube/noticias/7706/En-2018-han-sido-asesinados-164-1%C3%ADderes-sociales-y-defensores-de-derechos-humanos-Defensores-de-DDHH-Cauca-Antioquia-Defensor%C3%ADDa-del-Pueblo-Carlos-Negret-Mosquera-1%C3%ADderes-sociales.htm>

⁶ <https://www.elespectador.com/noticias/nacional/ellos-son-los-lideres-asesinados-en-la-primera-semana-de-2019-video-832990>

⁷ https://www.ohchr.org/Documents/Issues/Defenders/StatementVisitColombia3Dec2018_EN.pdf

⁸ <https://twitter.com/cdpsanjose/status/1067082803672694785?s=03>

denounced how the defenders are “subject to threats, intimidation, displacement, forced disappearances and killings, especially in rural areas (the most affected regions are Cauca, Antioquia, Valle del Cauca, Norte Santander, Nariño, Córdoba, Meta and Caquetá).

The assassinations mainly affect peasant, indigenous and community leaders who promote the Peace Agreement or who fight for the defence of the environment and of the territory”. On 29 December 2017 the same CdP was attacked by the new paramilitary group of the AGC: four armed men entered the community with the aim of assassinating the legal representative, German Graciano, and a member of the internal council, Roviro Lopez, and failed only thanks to the timely intervention of the members of the CdP as well as to the presence of international supporters⁹. As reported by the Special Rapporteur, “most of the murders, due to the widespread corruption and often also to the stigmatization to which the work of the defenders is subjected, remains unpunished”.

The so-called “Plan de Acción Oportuna”, presented as a key priority of the new administration to protect human rights defenders does not yet seem to work to prevent the defenders’ murders¹⁰. After months of delays¹¹, the UN Security Council stressed the importance of making it operational, as well as welcomed the convening of the “Comisión de Garantías de Seguridad” at the end of January 2019 (envisaged by the Peace Agreements in order to dismantle criminal organizations or conducts that attack social leaders and defenders)¹².

- **the breakdown of the dialogue between the Government and the ELN guerrillas**, following the terrible attack on 17 January 2019 at the *Escuela de Cadetes de Policía General Santander* in Bogotá. APGXXIII-OC rejects any violent action for the resolution of conflicts and condemns in the most absolute manner what happened. For the same reason, the break-up of the dialogue, that is the interruption of a negotiated and peaceful way to solve the armed conflict with the ELN, is a real concern and raises fears of an increase in violence and gunfights, above all to the detriment of the civilian population.

For these reasons, APG23-OC recommends to the UN High Commissioner Michelle Bachelet that:

- the European institutions monitor the rapid and effective implementation of the Peace Agreement in Colombia, from a legal point of view (the final agreement was deposited with the Swiss Federal Council in Bern under the provisions of the IHL, art. 3 of the Geneva Convention), the political aspect (the agreement was handed over to the UN Security Council as the guarantor of its implementation) and the economic aspect (considering that 19 European countries have provided economic aid through the EU Trust Fund and UN post-conflict MPTF for Colombia). It is essential that this monitoring activity involve communities and organizations that are devoted to the protection of human rights.
- to strongly renew the recommendations expressed in the last UPR 2018 to the Colombian Government, in particular as regards the rural areas where the communities continue to be victims of serious human rights violations and forced displacement due to the presence of armed groups.
- to recognize and strongly support, at all levels, all the recommendations made by the Special Rapporteur Michel Forst to the Colombian Government regarding the protection of human rights defenders.

⁹ <http://comisioninternacional.org/ataque-a-la-comunidad-de-paz-de-san-jose-apartado/>;

<http://www.indepaz.org.co/comunicado-publico-de-la-comunidad-de-paz-de-san-jose-de-apartado/>;

¹⁰ <https://verdadabierta.com/quien-protegera-plan-accion-oportuna-defensores-derechos-humanos/>;
<https://colombia2020.elespectador.com/pais/el-plan-para-proteger-lideres-es-totalmente-militarista-plataformas-de-ddhh>

¹¹ <https://colombia2020.elespectador.com/pais/por-que-el-presidente-ivan-duque-no-convoca-la-comision-nacional-de-garantias-de-seguridad>;

¹² <https://colombia.unmissions.org/comunicado-de-prensa-del-consejo-de-seguridad-sobre-colombia>

- to insist with the Colombian government to adopt immediate and effective protection measures for human rights defenders in order to stop the killings. In this regard, the opportunities of dialogue envisaged with civil society (such as the Mesa de Garantías - Table of guarantees) should immediately be reactivated, as well as the preventive and protective measures provided for in the Peace Agreement for defenders, organizations and communities should be rapidly implemented.
- to urge the Colombian government to resume negotiations with the ELN as soon as possible.
