

Colombia

The government and the Revolutionary Armed Forces of Colombia (FARC) reached an agreement in 2016 to end their 52-year armed conflict. The agreement provides a historic opportunity to curb human rights abuses, but its justice component contains serious shortcomings that risk letting war criminals escape justice. At time of writing, the Special Jurisdiction for Peace, the judicial system the parties created to try wartime abuses, had yet to be put in place.

In June 2017, the United Nations mission in Colombia verified that the FARC had handed over its weapons and demobilized. However, civilians continue to suffer serious abuses by the National Liberation Army (ELN) guerrillas and paramilitary successor groups that emerged after a demobilization process a decade ago. Violence associated with the conflict has forcibly displaced more than 7.7 million Colombians since 1985, generating the world's largest population of internally displaced persons (IDPs). Human rights defenders, trade unionists, journalists, indigenous and Afro-Colombian leaders, and other community activists face death threats and violence, mostly from guerrillas and successor groups. Perpetrators of these abuses are rarely held accountable.

In February 2017, the government and the ELN started peace talks in Quito, Ecuador, after more than two years of exploratory negotiations. In September, days before Pope Francis' visit to Colombia, the parties agreed to hold a bilateral ceasefire between October 2017 and January 2018. The ELN also agreed to stop certain abuses, including recruiting children under 15 and using antipersonnel landmines.

Also in September, "Otoniel," leader of the Gaitanist Self-Defenses of Colombia (AGC), the country's largest paramilitary successor group, said he was willing to negotiate ending the groups' crimes. The reported negotiations remained confidential at time of writing.

Guerrillas

On June 27, 2017, the UN political mission in Colombia verified that FARC guerrillas who accepted the agreement with the government had demobilized and handed their weapons to the mission. In September, the demobilized guerrilla group formally announced its political party, the Revolutionary Alternative Force of the Common People (FARC).

However, a minority of dissident guerrilla fighters rejected the terms of the peace agreement, have not disarmed, and continue to commit abuses. In May, guerrillas of the FARC's dissident First Front kidnapped a consultant of the UN Office on Drugs and Crime (UNODC) in Guaviare province. They released him in July.

The ELN continued in 2017 to commit serious abuses against civilians, including, for example, killings, forced displacement, and child recruitment in the province of Chocó. On October 25, ELN guerrillas reportedly killed an indigenous leader in Chocó, despite having agreed with the government to stop abuses.

The ELN continued in 2017 to use antipersonnel landmines. The government reported that landmines and unexploded ordnances killed four civilians and injured 22 between January and October 2017.

Paramilitaries and Successors

Between 2003 and 2006, right-wing paramilitary organizations with close ties to security forces and politicians underwent a deeply flawed government demobilization process in which many members remained active and reorganized into new groups. These successor groups continue to commit such widespread abuses as killings, "disappearances," and rape. They have at times benefited from the tolerance and even collusion of state agents.

In its conflict with the ELN, the AGC continues to engage in serious abuses in Chocó province. In April, two boat drivers were found dead in an Afro-Colombian community in southern Chocó. Credible evidence indicates that AGC members abducted and killed them.

Implementation of the Justice and Peace Law of 2005, which offers dramatically reduced sentences to demobilized paramilitary members who confess their crimes, has been slow,

despite significant progress since 2014. As of July 2016, 182 of the more than 30,000 paramilitary troops who officially demobilized had been sentenced under the law. The convictions cover a small portion of the more than 4,000 defendants seeking the law's benefits.

In June 2017, the Attorney General's Office sent Santiago Uribe, the brother of former President Alvaro Uribe, to trial on charges of murder and conspiracy for his alleged role in the paramilitary group "The 12 Apostles" in the 1990s.

"Parapolitics" investigations and prosecutions of members of Congress accused of conspiring with paramilitaries continued in 2017. From 2006 through August 2015, 63 legislators were convicted of crimes related to "parapolitics."

Abuses by Public Security Forces

From 2002 through 2008, army brigades across Colombia routinely executed civilians. Under pressure from superiors to show "positive" results and boost body counts in their war against guerrillas, soldiers and officers abducted victims or lured them to remote locations under false pretenses—such as promises of work—and killed them, placed weapons on their bodies, and reported them as enemy combatants killed in action. There has been a dramatic reduction in cases of alleged unlawful killings attributed to security forces since 2009, though credible reports of some new cases continue to emerge.

As of September 2017, the Attorney General's Office was investigating more than 3,600 alleged unlawful killings from 2002 through 2008, and had achieved convictions in cases against more than 1,200 mid and low-level soldiers, including convictions against the same individual in different cases.

Authorities have largely failed, however, to prosecute senior army officers involved in the killings and instead have promoted many of them through the military ranks. In November, the Defense Ministry proposed to elevate in rank five officers against whom there is credible evidence of involvement in "false positives." The process before the Senate remained pending at time of writing.

Gen. Rodríguez Barragan continued, at time of writing, to command the armed forces, despite strong evidence implicating him in false-positive killings. Retired Gen. Jaime Alfonso Lasprilla Villamizar was Colombia's defense attaché in Washington between November 2015 and May 2017. According to the Attorney General's Office, he commanded a brigade likely responsible for the killing of 55 civilians between 2006 and 2007.

In January, the Attorney General's Office sent retired Gen. Henry William Torres Escalante to trial for his alleged role in the killing of two farmers in 2007. No meaningful progress had been achieved in other cases against generals allegedly responsible for false-positive killings. In March 2016, prosecutors summoned retired Gen. Mario Montoya Uribe, who commanded the army when killings peaked, for a hearing in which he was to be charged. The Attorney General's Office later backtracked; Montoya had yet to be charged at time of writing.

In April 2017, however, Gen. Alberto José Mejía Ferrero, the current head of the army, organized an event to honor the "principles and values" of Sgt. Carlos Eduardo Mora, who in 2007 disobeyed an order to commit a "false positive" and later became a star witness in the prosecution of such cases.

In May, policemen used excessive force against people in Buenaventura who were participating in street demonstrations the protesters called a "civic strike" to demand better living conditions, including access to basic public services, economic opportunities, and justice. The Ombudsman's Office received 161 reports of alleged police abuses during the protests, including of 20 individuals who said they were shot with rubber bullets.

In October, seven farmers were killed in the southern municipality of Tumaco during a peaceful protest against delays in the implementation of programs to replace illicit crops. The Defense Ministry initially said FARC dissidents had shot at protesters; survivors blamed the police. Days later, the National Police announced it had suspended four officers who had "allegedly triggered firearms" during the protest.

Peace Negotiations and Accountability

The peace agreement provided that a Special Jurisdiction for Peace should be created to try those responsible for gross human rights violations committed during the conflict, including FARC guerrillas and members of the armed forces. Individuals responsible for crimes against humanity and serious war crimes who fully cooperate with the new jurisdiction and confess their crimes will be subjected to up to eight years of “effective restrictions on freedoms and rights,” but no prison time.

In December 2016, Congress passed an amnesty law, with the stated purpose of excluding human rights violations from amnesty. The law, however, has language that could allow people responsible for atrocities to benefit from amnesties. As of September, the Constitutional Court was reviewing the law’s constitutionality.

In April 2017, lawmakers passed a constitutional amendment creating the Special Jurisdiction for Peace. The amendment establishes a definition of “command responsibility”—the rule that determines when superior officers can be held responsible for crimes of their subordinates—for the armed forces that departs from established norms of international law in a way that could severely weaken accountability. In November, the Constitutional Court ruled that the “command responsibility” definition was constitutional.

Human Rights Defenders, Journalists, and Trade Unionists

Rights advocates and journalists continue to be targeted with threats and attacks. Despite an Interior Ministry program that assigns protection to human rights defenders, trade unionists, and journalists, the Office of the UN High Commissioner for Human Rights (OHCHR) documented the killings of 53 prominent rights advocates and community activists from January through October 2017. In July, the Attorney General’s Office said it had achieved convictions in 5 of more than 80 killings documented by the OHCHR since January 2016.

The Foundation for a Free Press, a Colombian nongovernmental organization (NGO) that monitors press freedoms, reported that 1 journalist was killed and 136 suffered threats between January and October 2017.

Former President Uribe, currently a senator, continued in 2017 to lash out against journalists and other critics, accusing them, without evidence, of being complicit with guerrilla groups.

Internal Displacement and Land Restitution

More than 7.7 million Colombians have been internally displaced by conflict-related violence since 1985, government figures reveal. More than 48,000 were displaced between January and November 2017. Nationwide, forced displacement has significantly decreased since 2015, although it remains high in many areas. In Litoral de San Juan, in southern Chocó, the number of people displaced in 2016 represented 20 percent of the population.

The government's implementation of land restitution under the 2011 Victims' Law continues to move slowly. The law was enacted to restore millions of hectares of land that was abandoned or stolen during the many years of conflict to internally displaced Colombians. As of August 2017, the courts had issued rulings in just 5,400 of more than 106,000 claims received.

Gender-Based Violence

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

In July 2015, “femicide”—defined, in part, as the murder of a woman because of her gender—became a crime. The law established comprehensive measures to prevent and prosecute gender-based violence, including recognizing the rights of victims and their relatives to specialized legal assistance.

Sexual Orientation and Gender Identity

In recent years, authorities in Colombia have taken several steps to recognize the rights of lesbian, gay, bisexual, and transgender (LGBT) people. In June 2015, the Justice Ministry issued a decree allowing people to revise the gender noted on their identification

documents without prior judicial approval. In November 2015, the Constitutional Court ruled that no one can be barred from adopting a child because of their sexual orientation. In April 2016, the court upheld the right of same-sex couples to marry. In May 2017, lawmakers rejected a legislative proposal to hold a referendum that would have put progress in jeopardy by asking voters to decide whether same-sex couples and single people should be allowed to adopt children.

Indigenous Rights

Indigenous people in Colombia suffer disproportionate limitations on their enjoyment of social and economic rights. From January through August 2017, at least 24 children indigenous—the majority of them belonging to Wayuu communities—died in the province of La Guajira of causes associated with malnutrition. Many of these deaths are caused by limited access to drinking water. The Inter-American Commission of Human Rights (IACHR) had asked the government in December 2015 to take measures to curb these deaths. In January 2017, the IACHR expanded the request to cover pregnant and breastfeeding women.

Key International Actors

The United States remains the most influential foreign actor in Colombia. At time of writing, the US Congress was moving forward with approval of more than US\$390 million in aid; mostly for development and drug enforcement. A portion of US military aid is subject to human rights conditions, which the US Department of State has not rigorously enforced.

The Office of the Prosecutor of the International Criminal Court (ICC) continues to monitor Colombian investigations of crimes that may fall within the court's jurisdiction, and the prosecutor, Fatou Bensouda, conducted a mission to the country in September 2017. Upon request of the Constitutional Court, in October, Bensouda issued an *amicus curiae* before the court expressing concern about the definition of “command responsibility” and flaws in the amnesty law.

In September 2017, Pope Francis visited Colombia. He supported the peace process with the FARC and asked Colombians to “welcome every person who has committed offences, who admits their failures, is repentant and truly wants to make reparation.”

In January 2016, the UN Security Council, at the government's request, established a political mission under a tripartite mechanism—the UN, the government, and FARC—to monitor and verify the peace agreement's definitive bilateral ceasefire and cessation of hostilities, and the laying down of arms. In July 2017, the Security Council created a second mission in charge of verifying the reintegration of FARC guerrillas.

In 2017, the Colombian government supported regional efforts to help solve the human rights crisis in Venezuela. In August, Colombia's foreign affairs minister signed, along with those of 11 other nations, the Lima Declaration, a comprehensive statement condemning the rupture of democratic order and the systematic violation of human rights in Venezuela.

Since 2014, when the crisis started to deepen, thousands of Venezuelans have migrated to Colombia. In July 2017, the Colombian government created a special permit that allows Venezuelan citizens who entered the country legally, but have overstayed their visas, to regularize their status.