

**Mandates of the Working Group of experts on people of African descent; the Special Rapporteur on extreme poverty and human rights; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on violence against women, its causes and consequences**

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Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group of experts on people of African descent; Special Rapporteur on extreme poverty and human rights; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on violence against women, its causes and consequences pursuant to Human Rights Council resolutions 27/25, 26/3, 25/18, 25/5, 25/32, 26/12, and 23/25.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **individual cases of human rights violations as well as specific concerns particularly affecting the Afro-Colombian community in the municipality of Buenaventura, Valle del Cauca department.**

According to information received:

Since 2014, public security forces have increased their presence in the city. Nonetheless, criminal organized groups such as "La Empresa" and "El Clan Usuga" – former "Urabeños" – exercise a strong social, economic and local control over the lives and activities of the inhabitants of various neighborhoods of the city, controlling the right to circulate freely– implementing "invisible frontiers" and imposing "curfew" in some of the neighborhoods. These groups are said to be responsible for criminal activities such as extortion, death threats,

murder, enforced disappearances, imposition of various types of punishments, sexual violence against women and girls, child recruitment and forced displacement, aimed at taking control of the territory and the different communities living in the urban area of Buenaventura.

According to the Urgent Alert System of the Ombudsman's Office, 81 of the 161 neighborhoods of the city have been attacked and civilian population affected by diverse forms of violence. Currently, one of the most conflict-affected areas is "Comuna 12", due to the confrontations between criminal organized groups – "La Empresa" vs. "Clan Usuga" – who are both seeking the social control of this *area* which counts approximately 24 neighborhoods. Police has informed that due to the creation of new settlements this number may rise to 34 neighborhoods. It is important to mention that "Comuna 12" is located in a strategic area, not only because it is at the entrance of the city, giving to the criminal organized groups the possibility to control the entrance and exits of all goods and products, but also it is an area benefiting from development projects, mainly towards port infrastructure.

The organised criminal groups are said to be creating and maintaining fear among the inhabitants of the city by committing acts of torture including dismembering victims during or after the killings. In several neighbourhoods, residents report the existence of *casas de pique*—or "chop-up houses"—where the groups slaughter their victims. Three cases of killing with dismemberment were reported in 2014, and nine cases allegedly committed in 2015; more recently, in 2016, information received suggests one new case of killing with dismemberment.

On 10 February 2016, several unionized professors of the Trade Union for Workers and Employed Professors (ARSUV) in the University of Valle del Cauca, in Buenaventura engaged in advocating for the university to end the practice of sub-contracting received death threats.

On 19 February 2016 armed groups were allegedly present in the Puente Nayero humanitarian space in Buenaventura, and armed group leader "Chapulín" entered the humanitarian space on 7 and 9 February with others to allegedly demand money from the community and intimidate community leaders. On both occasions, armed groups were able to enter and exit the humanitarian space without going through police or military security controls, allegedly with plans to assassinate the humanitarian space leaders Orlando Castillo and Nora Isabel Castillo and to enter the community by sea, where the humanitarian space has not had military presence since September 2015. These actions come during a time when violence in Buenaventura is increasing. In 2016, a shopkeeper who refused to pay extortion payments to paramilitaries was killed and his dismembered body was found in a trash bag in "Comuna 12."

On 31 January 2016, Perfecto Anchico, a member of the Afro-Colombian community council, was allegedly killed by soldiers of the 54th infantry group,. Mr. Anchico was killed in the community of Calle Honda at 1:00 a.m. Events leading to his death remain unclear.

Buenaventura has become the municipality with the highest rates of sexual violence in the Valle del Cauca department, representing the 50% of the cases. In 2015, the database of the National Public Health Surveillance System (SIVIGILA) registered 139 cases of gender-based violence in the city, where 70 cases were for sexual violence and 69 cases for intra-familial violence, of which 66 cases for physical violence and three for negligence.

According to the *Unidad para las Víctimas*, an institution created by the Government for comprehensive assistance to victims of the internal armed conflict, during 2013 and 2014, a total of 19,636 and 16,635 persons respectively were subjected to forced internal displacement in Buenaventura. Many of the displacements occurred within the city, from one neighbourhood to another generally due to the violent actions such as death threats, intimidation, recruitment of children, violence against women and girls and perpetrated by the criminal organized groups controlling the communities. Many of these families have been displaced for a second or third time due to the current situation.

Around 62% of Buenaventura population, mainly Afro-Colombians are living under poverty in comparison with 26% of the department of Valle del Cauca. This figure is overwhelming especially taking into account that the city holds one of the main port infrastructures of the country,. Reportedly, the lack of access to water supply is limited with availability for only three to four hours a day. In settlement zones, particularly built by victims of forced displacement, that have arrived in the city from various areas of the pacific coast of the country, there is allegedly no supply system and tanks are used to collect rainwater.

The urban infrastructure projects, such as the construction of a touristic esplanade in the low-tide areas, where Afro-descendants settlements are located, and the expansion of the port have reportedly been a source of great social conflict between communities, authorities and, in particular, companies interested in investing in the city. Although communities recognise themselves as Afro-descendants, there is no guarantee to exercise their right of previous, free and informed consultation or the right to participation in relation to the implementation of development projects affecting the lives of these communities. With regard to the right to adequate housing, allegations include the application of forced evictions in the city.

We wish to express our serious concern regarding the allegations described in the information received concerning violations to the right to life and physical integrity, and to economic, social and cultural rights of Afro-Colombians – who form a significant majority in Buenaventura (82.5%) – which affect women disproportionately and cases of violence against women and girls, including sexual violence. We are gravely concerned by the allegations of killings and death threats targeting people of African descent, including women and human rights defenders. We call for action to investigate, prosecute and bring to justice the perpetrators and for serious and immediate measures to prevent such killings and death threats in the future. We are also concerned by the alleged persistent structural discrimination faced by Afro-Colombians, in particular women, which affects the enjoyment of their fundamental rights including the right to life, the right to dignity and economic, social, cultural and environmental rights.

While we do not wish to prejudge the actions described in the above information, the alleged acts appear to be in contravention of international human rights law to which Colombia is obligated, including the right to life, protection from violence and intimidation against human rights defenders, protection from forced displacement, rightful ownership of land, as well as the enjoyment of civil and political rights, economic social, cultural and environmental rights that have been impinged. The above-stated allegations have also brought to the fore the need to address manifestations of racial discrimination faced by Afro-Colombians, including women within the justice system.

We wish to draw the attention of the Government of His Excellency on the standards set forth in Articles 6, 12, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Colombia on 29 October 1969, which guarantees the right of every individual to life and personal security and establishes that these rights must be protected by law and that no one shall be arbitrarily deprived of their life, as well as the rights to freedom of opinion and expression, freedom of association. The Human Rights Committee has said it considers that Article 6 (1) of the ICCPR must include the States parties to take measures to prevent and punish deprivation of life by criminal acts.

In this respect, the Principles on the Effective Prevention and Investigation of Extra-legal, arbitrary or summary executions effective resolution adopted by the Economic and Social Council 1989-1965 (Principle 4) explicitly require States to provide "effective protection through legal or other means that individuals and groups who are in danger of extralegal, arbitrary or summary executions, including those who receive death threats".

We would also like to draw your Excellency's Government attention to international standards relevant to the protection and promotion of the rights of minorities, in particular to the 1992 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1 of the Declaration

refers to the obligation of States to protect the existence and identity of national or ethnic, cultural, religious and linguistic minorities within their territories and to adopt the appropriate measures to achieve this end. Furthermore, States are required to ensure that persons belonging to minorities may exercise their human rights without discrimination and in full equality before the law (article 4.1). We would further like to recall Articles 2.1 (a,d), 2.2, 5 (a,b) and 6 of the International Convention on the Elimination of All Forms of Racial Discrimination ratified by Colombia and would like to bring to Your Excellency's attention Article 4 (c & d) of the United Nations Declaration on the Elimination of Violence against Women, which notes the responsibility of States to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons.

We would also like to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 9 and 12.

We would also like to refer to Human Rights Council Resolution 13/13, which urges States to put an end to and take concrete steps to prevent threats, harassment, violence and attacks by States and non-State actors against all those engaged in the promotion and protection of human rights and fundamental freedoms.

We also would like to draw your Excellency's Government attention to the recommendations of the seventh session of the Forum on Minority Issues on "Preventing and addressing violence and atrocity crimes targeted against minorities" (2014), in particular recommendation 28, which states that "particularly in societies in which violence or conflict have previously broken out, risk assessment methodologies should be employed, built upon analysis of past violent events to assess the extent to which certain communities may face renewed threats of violence"; recommendation 46, reminding that States have the primary responsibility to protect their populations from violence and atrocity crimes irrespective of national, ethnic, religious, linguistic or other identity, and should take immediate action in compliance with national and international law to stop violence as rapidly as possible and by all appropriate and proportionate means; and number 44, which calls on States to recognize that women belonging to minorities may be exposed to gender-specific forms of violence and to take appropriate steps to protect women from the risks and threats of such violence, including deliberate targeting from rape and sexual assault used as a "weapon" in conflict situations.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information on concrete measures taken by your Government to address the serious situation of violence including sexual violence, impunity and to provide security to the Afro-Colombian community, in particular to women and girls. Please indicate if complaints have been lodged? And if so, please describe how these have been processed and what has been the outcome. In how many cases have those responsible been brought to justice? If no inquiries have taken place, or if they have been inconclusive, please explain why. What steps have been taken to address the situation in Buenaventura and to end the violence,
3. Please provide the details, and where available the results, of any investigation and judicial or other inquiries which may have been carried out in relation to the above stated areas. Please provide figures on the number of disappeared persons, number of killings with dismembering, and number of cases of sexual violence that occurred in Buenaventura since 2014, disaggregated by sex and age.
4. Please provide information on how local authorities have been supporting the processes of exhumation? How cultural elements have been taken into consideration in the processes of exhumation and how organizations of victims have been included in these processes?
5. Please provide information on how the right to justice, truth and reparation were observed for the victims of killings with dismembering, enforced disappearances and sexual violence that occurred in Buenaventura since 2014 have been guaranteed? Please indicate what measures have been taken to ensure that human rights defenders, including civil society and activists, can operate in Buenaventura, and carry out their legitimate activities without fear for their wellbeing.

6. Please provide information on the status of the access to drinking water and what actions have been taken by the authorities to address the serious situation faced by the population of Buenaventura?

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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