

**Mandates of the Working Group of Experts on People of African Descent; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Special Rapporteur on the human rights of internally displaced persons; the Special Rapporteur on minority issues; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and the Working Group on the issue of discrimination against women in law and in practice**

REFERENCE:  
AL COL 6/2018

23 October 2018

Excellency,

We have the honour to address you in our capacities as Working Group of Experts on People of African Descent; Special Rapporteur on extrajudicial, summary or arbitrary executions; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the rights of indigenous peoples; Special Rapporteur on the human rights of internally displaced persons; Special Rapporteur on minority issues; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; and Working Group on the issue of discrimination against women in law and in practice, pursuant to Human Rights Council resolutions 36/23, 35/15, 32/32, 34/5, 33/12, 32/11, 34/6, 34/35 and 32/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning individual cases of attacks against Afro-Colombian minorities and indigenous communities. These highlight specific concerns that continue to affect these communities across Colombia, even after the Final Agreement for the termination of the conflict and subsequent demobilization of the FARC-EP in November of 2016. The current situation is described as one of insecurity in which insufficient measures have been taken to address racial discrimination, poverty, and violations of land and housing rights, or to provide protection, remedy and access to justice for victims. The alleged attacks have been the subject of a number of previous communications to your Excellency's Government (UA COL 3/2017, COL 2/2017, COL 7/2016, COL 6/2016, COL 3/2016, COL 2/2016, COL 1/2014).

According to the information received:

*Threats against, and kidnappings, disappearances and assassinations of Afro-Colombian and indigenous human rights defenders:*

Since the signing of the Final Agreement for the termination of the conflict and following demobilization of the FARC-EP, human rights abuses against community leaders and human rights defenders in Colombia have not ceased. In 2016, observers found that Colombia had the highest rate of assassinations of human rights defenders globally, and killings of human rights defenders continued

to spiral in 2017, with more than 160 social leaders and human rights defenders killed that year. It is reported that in 2018, a social leader has been murdered every 48 hours. Threats and forced disappearances also are prevalent, which often lead to mass-displacement. Afro-Colombian and indigenous human rights defenders are disproportionately represented among the victims. Human rights defenders are subject to smear campaigns and stigmatization, including by public officials, and have been followed, and had their communications tapped. The Constitutional Court found that delayed decisions from the National Protection Unit (UNP) regarding whether human rights defenders and social leaders require protection endangers the lives of applicants for UNP protection measures.

In January 2017, Afro-Colombian activist Ms. **Emilsen Manyoma** and her husband, Mr. **Joe Javier Rodallega** were beaten, stabbed and shot to death in Buenaventura. In Tumaco, at least six Afro-Colombian leaders were killed in the last few months of 2017, and several community leaders and their families had to be urgently relocated due to death threats. Among those killed were community leaders Mr. **Jose Jair Cortez**, and Ms. **Luz Jenny Montaña**, assassinated in October 2017 and November 2017 respectively.

On September 26, 2017, in Manaure, La Guajira department, Ms. **Juana Bautista Almanzo Uriana**, a Wayúu indigenous leader who worked as an educational coordinator at the Camino Verde indigenous school, was killed. Her killing took place following a series of complaints raised against contractors that oversee these projects about the mismanagement of public resources for the education sector.

On 24 October 2017, in Alto Baudó, Chocó department, the governor of the indigenous community of Docasina Mr. **Aulio Isarama Forastero**, was killed. He belonged to the indigenous jurisdiction of Catru, Dubaza and Ancoso of the Embera peoples. The ELN guerilla is present in the region and has been identified as the possible perpetrator.

In November 2017, two Afro-Colombian land-rights activists, Mr. **Hernán Bedoya** from the collective Piedeguita Mancilla territory and Mr. **Mario Castaño Bravo** from Curvaradó, were killed in the span of less than two weeks by paramilitary groups. Both leaders were engaged in activities related to collective land restitution and the rights of displaced communities. The assassinations took place despite the fact that the Unidad Nacional de Protección (UNP) had provided both leaders with some protection measures.

Threats against and killings of community leaders and human rights defenders continued into 2018, with twenty people killed across the country in January 2018 alone. On January 27th, Afro-Colombian leader Mr. **Temistoclés Machado** was assassinated in Buenaventura. Mr. Machado, a leader within Black Communities Process (PCN), was a prominent land defender and community leader. He played an instrumental role in a 10-year struggle of seven neighbourhoods against the port administrator company, TC-BUEN that threatens to displace more than 7,000

families with large-scale port expansion and tourist development projects. He also played a leading role in the 2017 civic strike in Buenaventura, protesting a lack of basic services such as water, health, education infrastructure, and the failure of the state to adhere to obligations to address insecurity.

On 6 March 2018, Mr. **Eider Ardey Campo Hurtado**, a community journalist and Nasa indigenous guard from the Pioya community (Caldono municipality-Cauca Department), was killed while pursuing a group of persons who a day before escaped from the indigenous jurisdiction. Former FARC-EP members were reportedly amid the group of armed persons responsible for the killing of Eider. Following the administration of the Nasa indigenous justice system against those responsible of Mr. Campo Hurtado's killing, Nasa authorities and leaders from the Pioya community have been threatened to death.

On 10 March 2018, armed men assassinated Afro-Colombian Mr. **Tomás Barreto** on his plot of land. Tomás was a member of the Afro-Colombian Community Council of San José de Uré, Córdoba and the nephew of a local councilman.

On 19 March 2018, Afro-Colombians Mr. **Javier Bernardo Ortiz** and Mr. **Silvio Duban Ortiz**, -the sons of the human rights defender, Mr. Bernardo Cuero Bravo- were killed in the Avenue of Tumaco municipality, Nariño. They were killed shortly after a public hearing related to the trial of a suspect in their father's assassination, around which Mr. Cuero Bravo's family members and Afro-descendant organizations had mobilized.

On 17 April 2018, three members of the Afro-Colombian Naya Community Council Mr. **Obdulio Angulo Zamora**, Mr. **Hermes Angulo Zamora** and Mr. **Simeón Olave Angulo** disappeared. The men were last seen traveling by boat in the Puerto Merizalde area on the Naya River between Cauca and Valle del Cauca departments. These disappearances occurred a few days after a meeting was held in Bogotá to discuss the status of the Inter-American Commission on Human Rights' request for precautionary measures for this Afro-Colombian community.

On 20 April 2018 in Cali, police authorities arrested two Afro-Colombian women, Ms. **Sara Liliana Quiñonez Valencia** and her mother, Ms. **Tulia Maris Valencia**. The Attorney General has accused the two of having ties to the guerrilla group National Liberation Army (ELN). The Inter-American Commission on Human Rights has requested precautionary measures in favour of Ms. Quiñonez Valencia and she is currently receiving protection measures from Colombia's National Protection Unit (UNP) as a result of the death threats and forced displacement she has faced because of her advocacy on behalf of the collective and territorial rights of Afro-Colombians. Both Ms. Quiñonez Valencia and Ms. Maris Valencia are members of the Black Communities' Process (Proceso de Comunidades Negras, PCN) social movement which defends the individual and collective rights of Afro-Colombians.

On 23 April 2018, in the first hearing, the judge verified the legality of their detention and formalized the arrests, along with criminal charges for rebellion and conspiracy to commit a crime. Ms. Quiñonez Valencia and Ms. Maris Valencia were imprisoned in the Women's Yard (4A) of the Jail of Jamundí, municipality of Jamundí, Valle del Cauca. On 14 August 2018, a hearing should have been held to assess the legality of the evidence against Ms. Quiñonez Valencia seized during the execution of the warrant for search and seizure. The indictment hearing and the final hearing for judgement are yet to be held.

In late April of 2018, Afro-Colombian leader Mr. **Arley Estupiñán** was forced to relocate from Bogotá due to imminent risk after being intimidated by armed individuals who opposed his activist efforts in Bogotá. He was previously displaced to Bogotá from Buenaventura in 2014 due to death threats. Mr. Estupiñán is engaged in helping the 300-plus members of the impoverished San Germán community improve their dire circumstances so they can live a more dignified life. This effort includes an attempt to obtain legal title to the lands on which they reside.

Mr. **Víctor Chechegamo Tocobio** and Mr. **Amilkar Yagarí Siagama** were both traditional doctors (shamans) from the Embera Chamí Indigenous People in El Dovio municipality-Valle del Cauca Department. Amilkar was also a former governor of an indigenous reserve in El Dovio municipality. Mr. Yagarí Siagama was killed on 28 May 2018 and Mr. Chechegamo Tocobio was killed on 6 August 2018. In 2017 the IACHR had granted precautionary measures to the Embera Chami indigenous peoples from el Dovio municipality after the disappearance of four of its members.

On 31 May 2018, the Afro Cultural Assets Foundation of Colombia (La Fundación Colombiana Activos Culturales Afro, (ACUA) reported the murder of Mr. **Delmayro Reyes** in the Dagua municipality in the department of the Valle del Cauca. Mr. Reyes was an Afro-colombian social leader and teacher. According to ACUA, Mr. Reyes was attacked in front of his students. He died on the way to the local hospital.

On 2 June 2018, Mr. **Carlos Jimmy Prado Gallardo**, a prominent Afro-Colombian human rights activist and national delegate for the Afro-Colombian, Raizal, Black, and Palenquero communities in the department of Nariño was killed. He died in the Olaya Herrera-Satinga municipality and was last seen participating in a government-sponsored activity the day before.

On 10 July 2018, Mr. **Ibes Trujillo** an Afro-Colombian leader from the Consejo Comunitario Cuenca río timba Marilópez (Buenos Aires municipality, Cauca Department), leader of different associations and social movements, such as the Marcha Patriótica, and the Victims Association "Renacer SIGLO XXI", was

kidnapped by a group of armed men. On 17 July, members of his community found Mr. Trujillo dead whilst searching for him.

On 21 July 2018, Congreso de los Pueblos, a social and political movement to discuss issues of human rights defenders being persecuted and assassinated, took place. During the event, participants of this seminar were threatened by people on motorcycles.

In August and September 2018, one of the paramilitary groups the Black Eagles, circulated several death threats containing lists of activists it considers to be military targets. Ms. **Luz Marina Becerra**, President of AFRODES, an NGO that advocates from the rights of displaced Afro-Colombians, was threatened by the Black Eagles and accused of having ties with guerrillas. The Black Eagles stated that nothing will stop them, not even protective measures, from exterminating these persons and their families.

On 9 August 2018, three leaders of Community Councils in Cauca, an advocacy group for Afro-Colombian communities, Mr. **Luis Alfredo Bonilla**, Mr. **Gary Escobar**, Ms. **Rossana Mejía Caicedo**, and a legal representative for the Association of Community Councils of Norte del Cauca (ACONC), Mr. **Víctor Hugo Moreno Mina**, received death threats via text messages for their advocacy on behalf of the territorial rights of the Afro-Colombian community of Santa Rosa. Prior to this incident, there was a pattern of threats against other Afro-Colombian human rights defenders in the north of the department of Cauca, including Afro-Colombian women's organizational leader and environmentalist Ms. **Clemencia Carabalí Rodallega**.

Among those repeatedly targeted by the Black Eagles are the Association of Indigenous Councils of Northern Cauca (ACIN). On 10 August 2018, Mr. **Emiliano Trochez Yonda**, a leader of the Nasa indigenous peoples from the northern region of Cauca Department, coordinator of education in the Guadualito indigenous reserve (Santander de Quilichao municipality), former governor of the *Guadualito* reserve and former authority of the Cxhab Wala Kiwe-Association of Indigenous Councils of Northern Cauca, was killed while he was on his way to the local school. Indigenous authorities are currently investigating this case which seems to be related with Emiliano's opposing armed groups and illegal activities in indigenous territories.

On 18 August, 2018, armed actors assassinated Mr. **Luis Alberto Rivas Gómez**, a prominent Afro-descendant community leader with the organizations Black Communities' Process (PCN), and ANAFRO.

On 3 September 2018, Mr. **Miguel Hoyos** was informed by the Curvaradó River Community Council that his family will be stripped of the 40 hectares of land that belong to them and the Quebrada Montería community. In 2008, his brother,

Walberto Hoyos, was assassinated by paramilitaries for defending his family's land rights.

*Sexual, Gender-Based and Other Violence committed against Afro-Colombian and indigenous women*

Conflict-related sexual violence has continued in Colombia, including during peace negotiations and after achievement of a peace agreement with the FARC. The Ombudsperson's Office registered 361 cases of conflict-related sexual violence between January and October 2017. The office repeatedly warned communities of a heightened risk of sexual violence as a result of the demobilization of FARC and by other illegally armed groups, which were filling up the security vacuum in areas that are mostly inhabited by Afro-Colombians and indigenous peoples.

Kidnappings, threats and other physical and lethal violence have led to increased forced displacement, and contributed to a heightened risk of sexual violence. The Ombudsperson's office reported a total of 17,825 displaced in the first of 2018, again with Afro-descendant and indigenous communities significantly impacted. Lack of protection for Afro-Colombian and indigenous female human rights defenders leaves them susceptible to conflict-related sexual violence and exacerbates the vulnerabilities of their communities to sexual violence. From January to August 2017 the Ombudsperson's Office registered 118 cases of women who were threatened or at risk, including being threatened with sexual and gender-based violence, because of their work as human rights defenders.

According to some Afro-Colombian organizations, the presence of armed actors means homicides are a daily occurrence in both rural and urban areas of Tumaco, Nariño, mainly inhabited by Afro-Colombians and indigenous peoples. Despite the presence of two military bases, bodies are found on river banks nearly every day. Sex workers are increasingly found among the dead, as well as young men that have also been killed by armed groups. Women in and around Tumaco report feeling particularly impacted by ongoing pervasive insecurity, finding that it prevents them from moving about and earning a living. Women and girls face heightened risk of sexual violence at the hands of drug traffickers and armed groups, with little recourse to protection and justice.

For Afro-Colombian and indigenous women victims, barriers to accessing justice include pervasive discrimination, based not only on gender stereotypes, but also on their race or ethnicity and socio-economic status. The vast majority of human rights violations committed against them are never punished. Afro-Colombian and indigenous women often lack access to information about the resources and procedures available for reporting gender-based violence. In rural areas inhabited by Afro-Colombians and indigenous peoples, victim services are severely lacking, despite heightened vulnerability to sexual violence for Afro-Colombian and indigenous women living outside urban centres. The Government has failed to

dedicate adequate implementation funding for the Victims Law, particularly with regard to Afro-descendant and indigenous communities. In 2017, only two percent of 634 court-documented cases of conflict-related sexual violence resulted in convictions.

*Lack of consultation with Afro-Colombian and indigenous peoples and non-compliance with the Peace Accord as it relates to these population groups*

The Ethnic Chapter of the Peace Accord reaffirms Afro-Colombian and indigenous peoples' right to free, prior and informed consent regarding policies and projects that affect their territories, including all of those proposed under the Accord.

In 2017, the Special High Level Body for Ethnic Peoples, meant to serve as a first-order consultant on peace implementation in Indigenous and Afro-Colombian territories, met with the Commission for Monitoring, Advance, and Verification of the Final Accord (CSIVI). Both parties designed indicators to measure the progress and outcomes of peace implementation policies and programs in Afro-descendant and indigenous territories.

The Government, however, has yet to allocate resources to the implementation of this plan, and failed to provide the enabling conditions for meaningful participation of Afro-descendant and indigenous communities, including Afro-Colombian and indigenous women, in peace implementation. With the suspension of key parts of CSIVI's powers on March 7, 2018, it is unclear what government entity will effectively ensure that these indicators are monitored, and their correlating initiatives funded and implemented alongside the remainder of the framework plan.

*A context of excessively violent disputes over land and territory*

The killings of Afro-Colombians and indigenous social leaders and others are taking place within a context dominated by violent conflicts over the recognition of ancestral territory and land rights and violent forced evictions, by security forces or by unknown armed elements, some of which are allegedly associated with the security forces. The allegations above indicate that the State is also failing to protect these communities against violent encroachment over their lands, to enforce their legitimate land rights, or to ensure a fair and safe process to review their claims over land or housing.

For instance, on 15 May 2018, the Iceci University and the Center of Historical Memory warned that there is a high risk of mass displacement of the Bojaya communities located in the Medio Atrato River region. The Gaitanist Self-Defense Forces of Colombia (AGC) and the ELN guerrillas are likely to engage in combat operations. Such combat is likely to displace Afro-Colombian communities that belong to the Greater Community Council of the Atrato Peasant

Association (COCOMACIA) and the indigenous reserves present in the area. In Nariño, territorial disputes between illegal armed groups have forcibly displaced Afro-descendant communities, and armed actors have repeatedly threatened or assassinated community members. On August 31, 2018 the Ombudsperson's Office issued an Early Warning noting the high level of risk faced by Afro-descendant leaders and Community Council representatives in Nariño as a result of illegal armed groups operating in the region.

We are gravely concerned by the allegations of countless killings and death threats targeting Afro-Colombian minorities and indigenous peoples, including women activists, social leaders and human rights defenders in Colombia. We are also worried that these grave violations go unpunished and that victims seldom get access to justice. It is regrettable that despite our communication (UA COL 3/2017), in which we asked the Government of Colombia to provide information on the measures the National Protection Unit (UNP) took to address threats against other members of AFRODES and reparation measures for the relatives of the victims affected by the alleged assassination of Mr. Bernardo Cuero Bravo, his sons Mr. Javier Bernardo Ortiz and Mr. Silvio Duban Ortiz were killed on 19 March 2018. We call for action to investigate, prosecute and bring to justice the perpetrators of the numerous killings and for immediate measures to prevent future killings and death threats.

We wish to express our serious concern regarding the prosecution and detention of leaders and human rights defenders and the particular targeting of afro-descendant and indigenous activists in this regard.

We wish to express our serious concern regarding the allegations of violence against Afro-Colombian and indigenous women and girls, including sexual violence. Structural racism faced by Afro-Colombians and indigenous peoples, in particular women, and the persistent impunity of those who cause them harm, affects the enjoyment of their fundamental rights including the right to life, the right to dignity and economic, social, cultural and environmental rights.

We would like to highlight that while the signing of the Peace Accord with the FARC in 2016 represented an important step towards ending armed conflict in Colombia, there is a lack of guarantees regarding the protection and participation for Afro-Colombians and indigenous peoples in the implementation of the Peace Accord.

While we do not wish to prejudge the actions described in the above information, we are concerned that the alleged acts infringe 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 other civil and political rights and economic social, cultural and environmental rights. The above allegations have also brought to the fore the need to address manifestations of racial discrimination faced by Afro-Colombians and indigenous peoples, including women, within the justice system.



In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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 abovementioned persons 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/or comment(s) you may have on the above-mentioned allegations.
2. 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 killings of Ms. **Emilsen Manyoma**, Mr. **Joe Javier Rodallega**, Mr. **Jose Jair Cortez**, Ms. **Luz Jenny Montaña**, Mr. **Hernán Bedoya**, Mr. **Mario Castaño Bravo**, Mr. **Temistoclés Machado**, Mr. **Tomás Barreto**, Mr. **Javier Bernardo Ortíz**, Mr. **Silvio Duban**, Mr. **Delmayro Reyes**, Mr. **Carlos Jimmy Prado Gallardo**, Ms. **Juana Bautista Almanzo Uriana**, Mr. **Aulio Isarama Forastero**, Mr. **Eider Ardey Campo Hurtado**, Mr. **Víctor Chechegamo Tocobio**, Mr. **Amilkar Yagarí Siagama**, Mr. **Emiliano Trochez Yonda**, and Mr. **Luis Alberto Rivas Gómez**; the disappearances of Mr. **Obdulio Angulo Zamora**, Mr. **Hermes Angulo Zamora**, Mr. **Simeón Olave Angulo**; and threats against Ms. **Luz Marina Becerra**, Mr. **Miguel Hoyos**, Mr. **Luis Alfredo Bonilla**, Mr. **Gary Escobar**, Ms. **Rossana Mejía Caicedo**, Mr. **Víctor Hugo Moreno Mina** and Ms. **Clemencia Carabalí Rodallega**. Please indicate the specific status of the respective investigations and whether the investigations have been assigned to any special unit of the Attorney-General's Office.
3. Regarding the disappearances of Mr. **Obdulio Angulo Zamora**, Mr. **Hermes Angulo Zamora**, and Mr. **Simeón Olave Angulo**, please indicate: (i) if and when did relevant authorities started the "urgent search mechanisms" (ii) please provide information on the current activities/strategy undertaken by relevant authorities to find the bodies of the four disappeared persons and in this context could you please confirm if and when civil authorities responsible for the investigation travelled to the region where the people disappeared (iii) could you please also provide information on the measures implemented in order to comply with the IACHR precautionary measures for the *Naya Consejo Comunitario* community particularly in the current context?

4. Please provide information on the factual and legal basis for the arrest and detention of Ms. **Sara Liliana Quiñónez Valencia** and Ms. **Tulia Maris Valencia**, the due process guarantees afforded to them, and how these measures are compatible with Colombia's international human rights obligations as well as regional human rights obligations regarding precautionary measures granted by the Inter-American Commission.
5. Please indicate what measures of prevention and protection, were taken-including by the Ministry of the Interior, the national protection unit, the Attorney-General's Office, the national police, and the regional and local authorities- to ensure that Afro-Colombian and indigenous human rights defenders are able to carry out their legitimate work in a safe and enabling environment in Colombia, without fear of threats or acts of intimidation and harassment of any sort.
6. Please also indicate how the aforementioned entities applied a gender-sensitive perspective recognizing the intersecting forms of discrimination faced by Afro-Colombian and indigenous women defenders in the context of the heightened threats and risks faced by women human rights defenders, including formally responding to complaints, granting adequate protection and preventative measures, as well as in the investigation of the alleged crimes committed against them and availability of remedies. Please also indicate any measures that have been taken to address the impact of harmful gender, racial and socio-economic stereotyping in law enforcement.
7. Please provide detailed information on measures taken to protect the human rights of Afro-Colombian minorities and indigenous peoples throughout the country, including their right to be protected against arbitrary displacement and claims over land and ancestral territories, along with their housing rights against forced evictions. Kindly indicate what assistance has been provided to those who have allegedly been forcibly displaced as a result of a multitude of human rights violations.
8. Please also provide details of national legislation, policies or programmes directly relevant to protection of Afro-Colombians and indigenous peoples facing internal displacement in Colombia. Could you please also provide information on the actions undertaken in order to guarantee the administration of the indigenous peoples' justice systems, as well as whether support has been provided for the 'guardia indígena' or other indigenous proper mechanisms of protection?
9. Please provide documentation of the effects of temporary suspension of the Commission for Monitoring, Advance, and Verification of the Final Accord (CSIVI) especially with regards to the inclusion of Afro-Colombians and indigenous peoples in peace implementation.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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(s) responsible for the alleged violations.

We reserve the right to publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

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

Michal Balcerzak  
Chair-Rapporteur of the Working Group of Experts on People of African Descent

Agnes Callamard  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Clement Nyaletsossi Voule  
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Victoria Lucia Tauli-Corpuz  
Special Rapporteur on the rights of indigenous peoples

Cecilia Jimenez-Damary  
Special Rapporteur on the human rights of internally displaced persons

Fernand de Varennes  
Special Rapporteur on minority issues

E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

Ivana Radačić  
Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice

**Annex**  
**Reference to international human rights law**

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following international legal norms and standard:

We wish to draw the attention of Your Excellency's Government to the standards set forth in Articles 6, 9, 12, 14, 19, 21, 22, 26 and 27 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, to a fair trial before a competent, independent and impartial tribunal as well as the rights to freedom of opinion and expression, freedom of association, freedom from discrimination and the right of persons belonging to ethnic, religious or linguistic minorities to enjoy, in community with the other members of their group, their own culture, to profess and practice their own religion, or to use their own language. 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 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, which state that everyone has the right to promote the protection and realization of human rights, that each State has the responsibility to implement all human rights, that everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights, and that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone against violence, threats and retaliation as a result of their human rights work

We would also like to refer to Human Rights Council Resolution 31/132, which calls upon all States to combat impunity by investigating and pursuing accountability for all attacks and threats by State and non-State actors against any individual, group or organ of society that is defending human rights, including against family members, associates and legal representatives, and by condemning publically all cases of violence, discrimination, intimidation and reprisals against them.

In this regard we would particularly also like to call Your Excellency's Government's attention to the Convention on the Elimination of all Forms of Discrimination against Women, ratified by Colombia on 17 July 1980, which provides for the right of women to participate in political and public life without discrimination. We would also like to draw your attention to General Assembly resolution 68/181, whereby States expressed particular concern about systemic and structural discrimination and violence faced by women human rights defenders. States should take all necessary measures to ensure the protection of women human rights defenders and to integrate a gender perspective into their efforts to create a safe and enabling environment for the defence of human rights.

We would like to remind your Government of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, ratified by Colombia on 2 September 1981, which defines racial discrimination as "any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin [...]" (article 1 (1)). In particular, we recall article 2 on the obligation of States to prohibit and eliminate any act or practice of racial discrimination against persons and/or groups by public authorities or any other person, group or organization. Article 5 requires States Parties to guarantee the right of everyone, without distinction, to equality before the law in the enjoyment of their human rights. This includes the right to personal security and protection by the State against violence or bodily harm, regardless of whether harm is inflicted by government officials or by any individual group or institution (article 5 (b)). In accordance with article 6, States must not only ensure the effective protection against racial discrimination of everyone within their jurisdiction, but also provide access to remedies and adequate reparation to victims. We also make reference to General Recommendation 34 by the Committee for the Elimination of All forms of Racial Discrimination which in paragraph 35 requests States to take all the necessary steps to secure equal access to justice for people of African descent including by providing legal aid, facilitating individual or group claims, and encouraging non-governmental organizations to defend their rights.

We 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.

The United Nations Declaration on the Rights of Indigenous Peoples adopted by the General Assembly in 2007, elaborates upon existing binding rights in the specific cultural, historical, social and economic circumstances of indigenous peoples. Article 7 of the Declaration provides that indigenous individuals have the rights to life, physical and mental integrity, liberty and security of person. In addition, Article 10 of the Declaration affirms that indigenous peoples 'shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.'

We would also like to refer your Excellency's Government to the 1998 Guiding Principles on Internal Displacement, which establishes that every human being shall have the right to be protected against being arbitrarily displaced from his or her home including due to gross human rights violations, discrimination and fear of persecution (Principle 6). We would like to particularly draw your attention to Principle 9, which highlights that States are under a particular obligation to protect against the displacement of minorities. Principle 18.2 and 24-27 moreover identifies rights and guarantees relevant to the protection and assistance of IDPs during displacement as provided by international humanitarian law. Internally displaced persons moreover have the right to assistance from competent authorities in voluntary, dignified and safe return, settlement elsewhere or local integration, including help in recovering lost property and possessions. When restitution is not possible, the Guiding Principles call for compensation or just reparation (Principles 28-30).

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 5 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).

In this connection, we also refer your Excellency's Government to the report of the former Independent Expert on minority Issues, Ms. Gay MacDougall, who issued a series of important conclusions and recommendations in her country visit report on Colombia, in which she focused on the situation of Afro-Colombians (A/HRC/16/45/Add.1).