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Peace talks

Negotiations continued between the Colombian government and the FARC-EP with the aim of bringing to an end the armed conflict in Colombia, despite opposition from some political and military sectors.

Progress in the negotiations

As part of these negotiations, the Historical Commission on the Conflict and its Victims (*Comisión Histórica del Conflicto y sus Víctimas - CHCV*) was created on August 5, 2014 by the Havana Dialogue Table, and published its report on the origins and causes of the Colombian conflict (in Spanish), major factors and conditions that facilitate its persistence, and the effects and impacts on the population. The Commission is comprised of twelve experts and two rapporteurs. The Dialogue Table defined this report as “fundamental input to understand the complexity of the conflict and the responsibilities of those who have participated in or had an impact on the conflict, and to uncover the truth” as “basic input for a future truth commission” (in Spanish, unofficial translation), and as a contribution to the discussion under item 5 of the negotiation agenda, regarding victims. Also in Havana, as part of the

Negotiating Table gender subcommittee, six representatives from women’s organisations and LGBTI communities, including Magalys Arocha, Mireia Cano and Hilde Salvesen, presented their vision of a gender perspective in the negotiations.

The de-escalation of the armed conflict continued, with the FARC sticking to their unilateral ceasefire and President Santos ordering his negotiators in Havana to move towards also agreeing a unilateral ceasefire. Likewise, the government and the FARC signed the “*agreement on land clean-up and decontamination from the presence of anti-personnel mines (apms), improvised explosive devices (ieds) and unexploded ordnance (uxos) or explosive remnants of war (erws) in general*”. According to an official statement it has also been agreed that the organisation *Norwegian People’s Aid* (NPA) will lead and coordinate the implementation of a project for the clean-up and decontamination of the explosive elements included in the agreement. This agreement establishes entering into dialogue with affected communities to build confidence in demining operations as well as the future formal handover of decontaminated land to local community

representatives and authorities.

The parties agreed to launch a pilot demining plan in three locations yet to be defined in the departments of Antioquia and Meta.

Added to the unilateral truce decreed by the FARC on December 20, 2014, President Santos ordered the military to cease bombings against the guerrilla on 10 March, which was considered to be an important step towards a bilateral cease fire. Following the FARC attack on a National Army encampment in which 11 soldiers were killed on April 16, President Santos ordered the resumption of bombings against the guerrilla (in Spanish). These unilateral measures by the warring parties have been made without the existence of any institutional or independent international mechanism to verify compliance.

All sources can be seen in the digital version of the newsletter.

See Oidhaco website: www.oidhaco.org

The International Office for Human Rights - Action on Colombia - OIDHACO

A network of 36 organisations based in the EU Member States, Switzerland and Norway, working with the four main coordination groups of Human Rights, Development and Peace organisations in Colombia. Based in Brussels, OIDHACO promotes the Rule of Law, democracy, and comprehensive respect for human rights, peace and sustainable development in Colombia.

Situation of human rights defenders

Colombia continues to be the most dangerous country in the region for human rights defenders. In the first three months of 2015, 295 human rights defenders were victims of the following attacks: 249 threats, 19 murders, 20 attempted killings, 4 arbitrary arrests, 2 cases of arbitrary use of the criminal justice system, and one case of information theft. 78% of these assaults were committed by paramilitary groups, thereby illustrating that the paramilitary phenomenon actively persists in Colombia. Since 2010, the year with the highest number of attacks was 2013: 626 defenders were attacked (71% more attacks than in 2012) and 212 social and human rights organisations. Of the 55 defenders killed in 2014, 31 had been previously threatened which shows the serious shortcomings of the National Protection Unit (*Unidad Nacional de Protección* - UNP), a

call to the European Union and European countries to continue to “*give explicit support to the peace process and clearly condemn all attacks against human rights defenders and social leaders, as these attacks jeopardise the process*”.

MEPs have also expressed concern about the situation of human rights defenders, by asking the European Commission questions about its measures to support Colombian defenders, and land claimant leaders. On behalf of the Commission, the EU High Representative for Foreign Affairs and Security Policy, Frederica Mogherini, said that she was aware of the attacks and had reacted via the EU delegation in Colombia who had issued tweets of support and agreed to send letters to the Prosecutor via the EU ambassador, among other actions.

Attacks continue

Threats against human rights defenders are linked to their role in the peace negotiations and to their demands for the restitution of land stolen during the armed conflict. Amnesty International launched an urgent action in March after serious threats alleged to have been made by paramilitary groups against human rights defender José Humberto Torres, of the Committee for Solidarity with Political Prisoners (*Comité de Solidaridad con los Presos Políticos* - CSPP), and political analysts León Valencia and Ariel Avila, of the Peace and Reconciliation Foundation (*Fundación Paz y Reconciliación* - PARES), and against three members of the Corporación Nuevo Arco Iris: José Aristizábal García, who returned to Colombia in 2014 after a long period of exile, Fernando Hernández Valencia and Adolfo Bula. Death threats were also directed against several politicians, including Senators Claudia López and Iván Cepeda; the mayor of Bogotá, Gustavo Petro; and the Bogota local government secretary, Gloria Flórez.

Meanwhile, the National Movement of Victims of State Crimes (*Movimiento Nacional de Víctimas de Crímenes de Estado* – MOVICE), reported (in Spanish) new threats by paramilitary groups against human rights and victims’ organisations in the department of Valle del Cauca. On February 23 a pamphlet arrived at the office of the United Workers Union (*Central Unitaria de Trabajadores* - CUT) in Cali, Valle del Cauca, declaring a number of human rights and victims’ organisations in the region to be military objectives. Human rights defenders have asked

the government of President Santos to make a public statement rejecting the threats and recognising the legitimate work of human rights defenders; they also asked the Prosecutor to investigate the threats and provide specific results as a means of preventing attacks. They call upon the International Community to issue an urgent alert demanding guarantees for the life and work of these defenders.



government mechanism created in 2011 to protect human rights defenders. A full report on the failures of the UNP was published by the Non-Governmental Protection Programme for Human Rights Defenders, which made several recommendations to improve the UNP and called upon States and governmental organisations that contribute to the UNP to monitor the use of the resources provided. Indeed, a corruption scandal has revealed the appropriation of resources by public officials.

The response of the European Union

Several European and international organisations sent a letter to President Santos, the governments of the European Union and European countries, expressing concern about increasing threats and attacks against human rights defenders, social leaders, and land claimants in Colombia. Their requests included a



"In the current situation of the Peace Process in Colombia, meanwhile crimes against human rights defenders and the civil population carry on, we consider essential to continue and to increase our advocacy and activities of human rights violation denunciation that occur every day. Therefore, we would like to improve our capacities and guarantee our economical independence". The Friends of Oidhaco will receive information related to the situation in Colombia and to Oidhaco's work (newsletters, analysis documents, events, amongst others).

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The International Office on Human Rights - Action Colombia, Oidhaco represents a network of European organisations. From its headquarters in Brussels, it accompanies Colombian civil society initiatives which work towards the full respect of human rights and international humanitarian law, and a negotiated solution to the internal armed conflict. Oidhaco works with 4 main platforms of human rights, development and peace organisations in Colombia. Since 2012, Oidhaco has been granted Special Consultative Status before the United Nations Economic and Social Council.

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Relations between Europe and Colombia

Concerns regarding impunity and military courts

On August 5, 2014, the EU announced that it had signed a framework agreement on participation in crisis management operations that allows Colombia to participate in military operations and civilian crises managed by the European Union. MEP Javier Cousu Permy asked Ms. Federica Mogherini "how will the EU ensure that members of the Colombian security forces with accusations pending against them do not take part in crisis management operations?" for human rights violations. In her reply, Mogherini stated that according to the agreement "an offer of participation by a third State signatory to the agreement in an operation is only accepted at the prior invitation of the competent EU authorities, who then examine the contribution offered" (in Spanish – unofficial translation). In the same reply she repeated the EU's concerns about the intentions of the Colombian government to extend military jurisdiction to crimes that may be violations of human rights and the effects of this on impunity. OIDHACO insists that there should be a 'filter' mechanism involving human rights organisations in the process of accepting the Colombian military in EU crisis operations.

Free trade agreement under observation

On March 3, one year since the Free Trade Agreement between Colombia and the European Union started to be implemented, the Parliamentary Group of the European United Left GUE / NGL, with the support of European and Colombian organisations, held an event in the European Parliament on the impact of the treaty on human rights and on the impacts of trade itself. Speaking at the event were MEPs Helmut Scholz, Lola Sánchez Caldentey, Richard Howitt, Jude Kirton-Darling and Jordi Sebastia. Speakers from Colombia included Dan Hawkins (Escuela Nacional Sindical), Danilo Urrea (CENSAT Agua Viva) and Rosa Flórez (Colombian Confederation of Workers). The event was attended by representatives from five political groups of the EP. Following this event,

several MEPs sent questions to Ms. Mogherini on how EU mechanisms will verify compliance with Article I of the Agreement which promotes respect for democracy, human rights and the rule of law; about how the rights of workers and trade union leaders will be protected; on the need for EU public statements on attacks against human rights defenders, and on the situation of human rights defenders.

United Nations

The Office in Colombia of the United Nations High Commissioner for Human Rights (OHCHR - Colombia) presented its 2014 annual report during the sessions of the Human Rights Council, on 25 March 2015. OHCHR's mandate was renewed until October 31, 2016. The report presents the human rights situation and the challenges facing the country especially in a scenario where the armed conflict may be ended through dialogue. The report insists on the need to combat inequalities. The report notes that the right to prior consultation is being "widely violated" in the implementation of economic projects in indigenous and Afro-Colombian territories; that the broad social mobilisation that took place during 2014 to demand economic, social and cultural rights means that it is necessary to guarantee the right to peaceful protest. Also discussed are the implementation of the Victims' and Land Restitution Law; violations of human rights and international humanitarian law by the different actors in the armed conflict and the State's response to such violations; the situation of human rights defenders; the public security situation and the system for the administration of criminal justice.

The High Commissioner's Office in Colombia makes recommendations calling for the effective participation of those affected by the armed conflict in the peace negotiations, to guarantee their rights to truth, justice and reparation. The Office also makes recommendations to guarantee these rights and to make progress towards post-conflict situations. They remind the guerrilla to be respectful of human rights and international humanitarian law and call upon the Colombian government to answer for the actions of post-conflict groups linked to organised crime. The Office also urges the Public Prosecutor to take steps to investigate patterns of human rights crimes, prioritising cases. For the High Commissioner, the State must step up efforts to protect human rights defenders, and to use the

Victims' and Land Restitution Law to bring about social change for the victims. They also make recommendations about economic, social and cultural rights and in favour of indigenous people, Afro-Colombians, women and children. The Office also invites the State to adopt a policy on business and human rights and to ratify the Additional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment.

During the presentation of OHCHR's report, the Republic of Latvia, on behalf of the European Union, recognised the crucial role of the Office of the High Commissioner in Colombia. Norway for its part called on the government to provide greater guarantees for human rights defenders and stated its support for a negotiated peace agreement. Spain acknowledged the progress in the search for peace, and called for recognition of the victims and guarantees for their rights to truth, justice, reparation and guarantees of non-repetition. Switzerland expressed concern about attacks on human rights defenders and welcomed the adoption by Colombia of the directives on business and human rights and the action plan announced by the government.

OIDHACO and CETIM gave an oral statement to the Human Rights Council highlighting the government's intention to extend military jurisdiction to crimes that constitute human rights violations. The statement also mentioned attacks on human rights defenders, the lack of results in investigations against the perpetrators of these attacks and the prosecutions brought against defenders as a means of persecution.