



Brussels, 11th April 2019

Your Excellency President Iván Duque Márquez,
Your Excellency EU High Representative Federica Mogherini,

The undersigned Members of the European Parliament send you this communication to manifest our serious concerns regarding a progressive weakening of Colombia's peace policies and the implications this has on the humanitarian situation, specifically in the regions, in relation to guarantees for human rights defenders and in general for the millions of victims of the country's armed conflict as they demand truth, justice, reparation, and guarantees of non-repetition.

As you know, the European Parliament has been committed to supporting Colombia's search for a political solution to the internal armed conflict. Hence, we welcomed the agreements signed between the Colombian State and the FARC-EP in November 2016, which resulted from negotiations between the parties and we are committed to supporting the implementation of these agreements.ⁱ At the same time, this Parliament has encouraged the government and ELN to find a way to advance in peace conversations.ⁱⁱ

Nevertheless, in spite of the hope deposited in the Agreement, we manifest our greatest concern regarding the lack of advances in its implementation, in particular, with respect to comprehensive rural reform, which has been accompanied by the European Union and addresses one of the conflict's structural causes that must be overcome. Hence, a lack of implementation for point 3 on Guarantees and point 5 on the Comprehensive System for Truth, Justice, Reparation, and Guarantees of Non-Repetition is worrisome.

Also, Mr. President, we have learned of your decision to object to some articles in the Statutory Law which establishes the procedural rules for the Special Jurisdiction for Peace (JEP). Not sanctioning the statutory law not only generates uncertainty for victims but also has additional consequences, such as legal instability for those who decided to lay down their arms and join the political realm and the military members who have committed to providing their testimonies. Accordingly, we add our support to the concerns previously expressed by international entities, such as the United Nations System and the Inter-American System of the OAS, and those of multiple European Union member countries, trusting that there will be rapid advances regarding this issue.

Further, this Parliament continues to be worried by the systematic violence and criminalizationⁱⁱⁱ against human rights defenders in Colombia, while social protests increase^{iv} in Colombia. The statistics presented by diverse governmental and non-governmental institutions on aggression against defenders are alarming^v and indicate that Colombia continues to be the most dangerous country in the world for human rights defenders.^{vi} The fight against impunity is one of the greatest challenges, as the Office of the Attorney General has not shown true advances in an identification of the masterminds behind these attacks.

In the face of this dramatic situation for Colombian defenders, we find it concerning that the measures adopted are not sufficient, timely, or comprehensive. On the contrary measures have been adopted that limit effective prevention and protection for this population and some measures agreed upon in the Peace Agreement for the protection of defenders have not been implemented, such as Decree 660/2018 on collective measures. Moreover, the recently approved Timely Action Plan for Prevention and Protection of Human Rights Defenders, Social and Community Leaders, and Journalists (PAO) shifts the collective approach to comprehensive protection towards a military approach within the protection programs, mainly tied to public safety issues. Likewise, it does not recognize the points foreseen in the Peace Agreement or the functions attributed to the National Commission on Security Guarantees (CNGS) in relation to guarantees, a dismantling of paramilitary successor groups, and comprehensive protection, as it would be subordinated to the PAO without an evident explanation.

We are also concerned about the lack of results from the Office of the Attorney General's Special Investigation Unit. This entity is partially financed by European funds and has functions established in the peace agreement that must be strengthened and respected. It is necessary to advance in a dismantling of the successor paramilitary structures and identify the ties between armed groups and political, economic, and military elites in the regions. These groups are the main responsible parties in attacks against defenders and in particular against the most vulnerable communities such as ethnic and small-scale farmer communities. Due to the prior, and convinced that the Colombian people deserve and can build a future with peace, free from an armed conflict, and with full respect from human rights, respectfully Mr. President:

- We urge for a full implementation of the agreements that arose out of the Havana negotiations, including legal guarantees for those agreements, and with a special focus on the transitional justice mechanisms, as well as an allocation of the financial resources that are necessary and have already been earmarked for the institutions created in this framework.
- We request an implementation of comprehensive and collective protection measures for those who defend human rights, with particular attention on the groups that are most vulnerable and historically affected by the conflict. This should include the necessary legislative adjustments to prevent the criminalization defenders and promote respect for social protest in Colombia.
- Moreover, to ensure transparency and monitoring, we request greater clarity from Ms. Mogherini regarding the resources allocated to implement the Peace Agreement in Colombia and even more so the results achieved to date. To achieve this it is fundamental for civil society to be included in monitoring mechanisms.

Finally, we recommend that both respect the timelines established for EU/Colombia Dialogues on Human Rights, and we hope that the next dialogue space in Bogotá, scheduled for 8 April, is an opportunity to advance in addressing the structural causes of violence in Colombia.

We appreciate your attention and we hope that your Government will be able to fulfill the national and international expectations of building truly a lasting and sustainable peace.

Yours faithfully,

Tania González Peñas (Spain)
Gabriele Zimmer (Presidente GUE/NGL Germany)
Marina Albiol Guzmán (Spain)
Martina Anderson (Ireland)
Xabier Benito Ziluaga (Spain)
Lynn Boylan (Ireland)
Matt Carthy (Ireland)
Eleonora Forenza (Italy)
Kostadinka Kuneva (Greece)
Patrick Le Hyaric (France)
Paloma López Bermejo (Spain)
Liadh Ni Riada (Ireland)
Younous Omarjee (France)
Lola Sánchez Caldentey (Spain)
Barbara Spinelli (Italy)
Josep-María Terricabras (Spain)
Estefanía Torres Martínez (Spain)
Miguel Urbán Crespo (Spain)
Marie-Christine Vergiat (France)
Marie Pierre Vieu (France)
Julie Ward (United Kingdom)

ⁱ European Parliament. [Resolution in support of the peace process in Colombia](#). 20 January 2016.

ⁱⁱ European Parliament. [Resolution on EU political relations with Latin America](#). 13 September 2017.

ⁱⁱⁱ At least 65 social leaders and defenders of human rights, the land and territory, the environment, and representatives of recognized social movements throughout the country are facing an improper use of criminal law.

^{iv} In agreement with statistics from the human rights organization Comité de Solidaridad con los Presos Políticos, in the first three months of the current administration there were 348 demonstrations, which signifies a 59% increase in comparison with the number of protests during the same period in 2017.

^v For 2018, the Human Rights Ombudsman's Office refers to 172 social leaders and human rights defenders assassinated whereas the Office of the United Nations High Commissioner for Human Rights registered 110 cases of homicides against defenders.

^{vi} See the Front Line Defenders report. [Global Analysis 2018](#). January 2019.