



July 6, 2017

Fernando Carrillo Flórez  
Inspector- General of Colombia  
Bogota, Colombia

Dear Mr. Flórez

We appreciate the opportunity to dialogue with you at Freedom House on July 5, 2017. Your expressed interest in improving protection and justice for human rights defenders and the new directive is very welcome. We very much hope that this exchange marks the beginning of an on-going dialogue on issues and cases of concern to WOLA (the Washington Office on Latin America). We, again, thank you for naming Richard Moreno as regional inspector general for the Chocó. This was a very good choice and also one that has already brought about some positive advances. Mr. Moreno played a crucial role in solidifying agreements between the governmental entities and the civic strike committees of Quibdó (Chocó) and Buenaventura. We hope that your office will continue to amplify its staff's ethnic and gender diversity. As you stated, Afro-Colombian and indigenous communities experience a high rate of abuses and it is key that those with whom they work with to address these injustices in your office respect and understand their communities' dynamics. An inspector-general designated to ethnic issues is also a very welcome development. We look forward to the appointment of such a person and in being in contact with them in the future.

As a follow up, I wanted to reiterate our requests and add a few more that time did not permit me to mention:

- 1) Guarantee the transversal implementation of the Ethnic Chapter in the peace accord. This would first require the inclusion of the ethnic minorities' representatives' recommendations in the fast-track mechanisms. For example, it is necessary to incorporate their perspectives on the illicit crops substitution programs. We understand that for the above to take place, the creation of a legally constituted previous consultation mechanism that is agreed upon with ethnic minorities' representatives is required. While this may be controversial, we ask that you work with these communities to establish a mechanism that upholds their rights and is suitable to them. Furthermore, ethnic minorities must be included in all of the structures created by the post-conflict scenario including the Special Jurisdiction for Peace, Truth Commission, Unit to Search for Disappeared Persons and others. All of these

entities must also include a gender balance that incorporates Afro-Colombian and indigenous women.

- 2) Related to the above, is that you take steps to include the Palenque de San Basilio in the *Programas de Desarrollo con Enfoque Territorial (PDET)*. For this to happen, the Palenque de San Basilio would need to be recognized as a special municipality for peace. This Palenque is one of Colombia's historical, linguistic and cultural treasures. As such, its autonomy and specific traditions and perspectives required it to be considered differently than other municipalities in this region. Another related issue is that of the Indigenous Reserve on Ondas of Cafre de Mesetas, Meta whereby the FARC has appropriated part of the territory. The territory was legally constituted in 1999 but since 2004 the FARC illegally purchased land here. Now with the transitory normalization zone, the community has been told they will not budge. This was reported to the UN Special Verification Mission, Attorney General and Inspector-General's office.
- 3) Act to assure that the measures recommended to Colombia by the OAS's Inter-American Commission on Human Rights (IACHR) regarding Wayuu children and lactating mothers, as well as the Electoral Council's Decisions regarding the Afro-Colombian *curules*, are fully applied.
- 4) Direct the newly established Investigation Committee associated with the Human Rights Defenders Directive to look into the National Protection Unit (UNP) determination of risk process regarding Afro-Colombian and indigenous leaders. In particular, it must be investigated why the UNP repeatedly denied now deceased Afro-Colombian leader Bernardo Cuero of AFRODES appropriate protection measures. Also, why they continue this pattern of denial with AFRODES's Vice President Erlendy Cuero Bravo. It is important to figure out what went wrong so that such situations do not reoccur in the future. Beyond the AFRODES situation, Cauca should be a geographical priority area in terms of different institutions' responses to protection demands from defenders and social leaders.
- 5) Continue to take bold steps to implement the Constitutional Court's decision on the Atrato River in the Chocó and addressing the illegal mining, mercury poisoning and environmental damage in this region. Our partners inform us that your office is doing a good job on this so far. We hope that this work is sustained moving forward.
- 6) Look into the naming of members of the military as deputy mayors in Antioquia.
- 7) Investigate the actions of labor inspectors and the Ministry of Labor (who were added due to the US-Colombia Labor Action Plan) when it comes to sub-contracting. In particular,

there is concern of inactivity and/or corruption of authorities when it comes to the port sector (Buenaventura, Turbo and Cartagena).

- 8) Recent acts of violence by armed groups in Bogota are deplorable. WOLA condemns acts like the attack in the Andino mall or the attack in La Macarena earlier this year. However, we would like to encourage your office to pay close attention to the case of Mateo Gutiérrez León. Mr. Gutiérrez León is accused of being a member of the *Movimiento Revolucionario del Pueblo (MRP)* and of participating in the detonation of low intensity bombs in the Bogota metropolitan area. His case seems to be plagued with questionable evidence from prosecutors and members of civil society have expressed concern about the brisk actions by police to present charges. We ask that your office stay vigilant in this case, that will be followed closely by many including WOLA.

Finally we ask that you prioritize addressing four issues: prevention and protection of human rights defenders and social leaders, ESMAD abuses, recruitment of minors into illegal armed groups and severing links between members of the public forces, politicians and governmental employees and organized crime. Attached to this letter are our most recent urgent actions regarding human rights defenders and social leaders. We urge you to put in place this directive and guarantee justice in these cases.

Recent abusive actions by the ESMAD in the civic protests in the Pacific require a response. The forced recruitment of ethnic minorities into the ranks of the illegal armed groups such as the Clan del Golfo in the Pacific Region remains a problem. Again, we appreciate your interest and look forward to ongoing discussions about these topics.

Sincerely,



Gimena Sanchez- Garzoli  
Senior Associate for the Andes  
WOLA