



Advocacy for Human Rights in the Americas

Dr. Ivan Velásquez
Minister of Defense
Bogotá, Colombia

November 28, 2022

Dear Dr. Velasquez,

We appreciate the invitation to meet with you today to discuss the security issues that WOLA addresses. Our organization works with a broad group and network of non-governmental organizations, victims, Afro-Colombians, Indigenous people and women. We welcome the steps taken to dialogue with illegal groups and the ELN guerrilla because of the continuing massacres, insecurity and attacks against civil society, social leaders, and ethnic authorities particularly in the territories of the Pacific, Arauca, Catatumbo, Cauca, Valle del Cauca, Norte de Santander and Putumayo are of great concern. Among many threats, we are concerned about recent death threats from the AGC against environmental defenders, social leaders, and the religious Claretians in Meta and ask that you take action in this regard.

Two recent cases that we highlight are first, the combat between the Comandos de la Frontera and the Carolina Ramirez front on November 19 that resulted in the death of at least 18 people. Second, on November 26, the National Afro-Colombian Peace Council (CONPA) warned that civilian populations in several Community Councils are confined and suffering a crisis due to clashes between the Jaime Martinez Mobile Column and the Second Marquetalia.

Last week we issued an urgent action that compiles all the situations received by WOLA from September through November 17 that require attention, action and justice (see attached). In relation to the ELN, we ask that the humanitarian agreements in process and a bilateral ceasefire be a priority in this agenda. It is also recommended to have a wounded soldier at the negotiation table with the ELN, taking into account that in the previous process the Armed Forces base had no representation.

Today we take this opportunity to ask you some comments and questions that come after consulting with civil society and we would appreciate receiving more information about them.

Colonel Bonilla

We understand that attorney Jorge Eliecer Molano Rodriguez wrote to you on November 21 asking you to reconsider the appointment made in favor of Colonel Gabriel Bonilla Gonzalez, an active officer of the National Police as deputy of the National Police at the Colombian Embassy to the United Kingdom. We as WOLA support this request because we have been working for

justice in the case of the extrajudicial execution of Valle del Cauca student Jhonny Silva Aranguren on September 22, 2005.

Structural changes police, ESMAD, and relationship with the U.S.

We would like to know how the processes of transferring the National Police under the Minister of the Interior and the dismantling of the ESMAD are progressing. Additionally, what reforms are being made to guarantee that there is no collusion or omission on the part of members of the armed forces in areas such as Chocó with illegal armed groups? Do they plan to make any changes in the military cooperation agreements with the United States? Under the government of Gustavo Petro, what is the orientation regarding Colombia's special presence in NATO?

Forced Eradication and the Drug Chapter of the 2016 Peace Accord

One of our allies, Viso Mutop, has documented human rights effects caused by terrestrial forced eradication in Putumayo, Nariño, Cauca, Guaviare, Caquetá and Catatumbo. We understand that they have personally given you this information. Given these abuses we would like to understand why they continue with this strategy that only increases distrust in the public forces. Related to this we ask:

- a) How will the Ministry of Defense deal with the peasant blockades that occur in many places before military operations, such as what happened in Macarena Meta, Solano Caquetá and Briceño Antioquia this month?
- b) How does the ministry plan to attend and repair police officers, civilian contractors and members of communities that were affected by the spraying of glyphosate for more than 20 years? We are aware of the case of a retired police sergeant who acquired Parkinson's disease when he participated in the fumigations in Guaviare and who, after not being assisted by the police, preferred euthanasia.
- c) How to ensure that the fleet of helicopters donated by the US and named "the guacamayas" installed in Guaviare does not become a new focus of discontent due to the militarization of the environmental agenda, as already happened with the Artemisa operation?
- d) Regarding the forced eradication of so-called industrial crops: what is the criterion for distinction? What is the restructuring of the measures for consultation with small producers if the PNIS remains frozen and it has been said that the immediate action plan will not be

expanded beyond closing the program with those who signed a substitution contract in 2017-2018?

Role of the Armed Forces in Environmental Issues

We work closely with INDEPAZ and they recently came out with a report entitled Gorgona: Natural Park or "Coast Guard Station." While we find it positive that the armed forces are acting to protect the environment and not war, we have many concerns about how this is being done and allegations of abuses committed against civilians. As a result, we would like to receive more information about the reorientation of Plan Artemisa and alternatives to the militarization of environmental protection zones. Also, what is the ministry's opinion on the request of several organizations to suspend the Duque project of a Navy post or base in Providencia?

Protection of Social Leaders and Coordination with Peace Agreement Instances

In relation to the issue of protection of human rights defenders, social leaders and former combatants, could you explain what is the relationship between the "security and defense policy" formulated (or in process of elaboration) in the Ministry of Defense and the public policy of the State that must be delivered by the National Commission of Security Guarantees by legal mandate (DL 154/2017) and that is elaborated by the government jointly with the Prosecutor's Office, Ombudsman, Attorney General's Office and delegates of civil society. We understand that the Unified Command Posts (PMU) were defined as part of a 100-day emergency plan. Now that the 100 days are over, what's next after the PMU?

One criticism we have heard from many is that the National Commission for Security Guarantees, which should be in charge of formulating, implementing and following up on measures to address the serious security situation, is not being taken seriously. It was formally installed and a meeting of third level officials was convened only to respond to the urgency of responding to a judicial order of the Special Jurisdiction for Peace (JEP).

Transitional Justice and Non-Repetition

In relation to the issue of transitional justice, we wanted to know how the declassification of intelligence files is progressing, and how the Ministry of the Interior is incorporating the conclusions of the Truth Commission to ensure justice for victims and non-repetition of abuses such as extrajudicial executions.

Since the transitional justice process has moved forward, WOLA has met several courageous former soldiers who stood up against crimes and abuses such as extrajudicial executions. One

thing they all have in common is that they face persecution in the form of threats to their lives and those of their families and have nowhere to turn to ensure their protection. Also, almost all have suffered all kinds of reprisals for doing the right thing and many have been marginalized. One such case is that of Atila 1, where a group of military personnel were removed for refusing to commit an extrajudicial execution. President Petro promised these military men that he would review their case during the campaign. What has been the progress of that review?

Veterans

WOLA works closely with the Veterans Corporation for Colombia and we welcome the fact that ex-combatants are working to improve human rights in the country and reform the armed forces to prevent future abuses and ensure the labor rights of its members. We have held several panels to advance these goals, including one that looked at gender and harassment in the armed forces and another on how to prevent former members from ending up as mercenaries in situations such as the assassination of the president of Haiti. On the issue of gender and sexual harassment in the armed forces and national police, could you share with us your policy to prevent and act on these issues?

Here we ask you to take all necessary actions to ensure the protection of veterans where there is evidence that they are being followed by intelligence and counterintelligence personnel and receiving harassment from retired members of the armed forces.

The problems of the veteran sector of the public forces, the decrease in their salaries, and recruitment by foreign security companies are of concern. The reincorporation into civilian life of those in uniform after 20 years of service requires more attention from Colombian institutions. Finally, we ask that you provide Veterans for Colombia with open information on the number of uniformed men and women because it is not updated on the ministry's website.

Ethnic Groups

WOLA works closely with multiple ethnic networks, groups and authorities. We would like to highlight some of the suggestions made by the Afro-Colombian Peace Council (CONPA) on how to improve security and the performance of the armed forces in Colombia. The CONPA reiterates what multiple groups have mentioned to WOLA: now that Colombia is moving towards peace, the theory of the internal enemy must be changed, and the armed forces must implement a rural territorial control where the rights of the civilian population are guaranteed in a dignified manner for those who live in those areas. The right to protest should be

respected, and one way to do this is to guarantee that the militarization of cities will not be the first option to confront urban disturbances. Strategies are required that generate solutions and contribute to rebuilding citizens' confidence in democracy and in their governments at all levels of state organization and in their public forces. The doctrine of the internal enemy and the neutralization of that enemy must be changed to a security doctrine based on the protection of the civilian population, their property and their territories. The intelligence and counterintelligence of the Armed Forces and the National Police should be focused on dismantling corruption cartels within the Public Force, since acts of corruption undermine the confidence of the civilian population.

Afro-descendant authorities and activists have also demanded that the public force should be multiethnic and multicultural as stated in the Colombian Constitution, not only in the rank-and-file soldiers and police but also in the high command. The diversification of the armed forces and their sensitization to issues of racism, discrimination and respect within and outside of Afro-descendants and Indigenous communities is crucial in order to advance the U.S.-Colombia Racial Action Plan (CAPREE). They ask that the armed forces respect ethnic authorities in the territories and guarantee their participation. CONPA requests that the armed forces support the Humanitarian Agreements and the humanitarian roundtables, that some are organized in the National Humanitarian Coordinator, that they participate in the peace dialogues, and demand to promote compliance with the final peace agreement.

In the total peace negotiations with the ELN and the other CONPA groups, CONPA asks that the contribution of civilians in the territories be recognized and integrated and that measures be implemented to de-escalate the conflict that generate confidence and are transparent for the citizens. In its negotiations, the government should demand that the armed groups immediately suspend the planting of anti-personnel mines and the use of improvised explosive devices to protect the civilian population.

In relation to the multilateral humanitarian fire with illegal armed groups, they highlight that Gustavo Petro's government has made important announcements such as "the graduation in the use of force and the reduction of operations in which lethal force is used as a first measure, specifically not carrying out bombings." But they ask that illegal groups also give signals and commit themselves not to violate the rights of the civilian population, respect ethnic territories and not to engage civilians in their conflicts.

In relation to ethnic groups and territories, what will be the strategy to improve relations between the rural indigenous, Afro-descendant and peasant communities and the public forces in order to improve trust and credibility in the armed forces?

Case of the Palace of Justice

We appreciate that you have been an ally in the case of the Palace of Justice, a decisive case for Colombia. In terms of this case, we have the following question:

What is your position on the retired military personnel who were directly involved in the Palace of Justice massacre? Civilians could have access to military archives that would give them the possibility after 37 years to unravel the drawn curtain so that society will clearly know what happened on those days of November 6 and 7, 1985 and what this unleashes for the future of the country.

Thank you for your attention and we look forward to your answers. We are very critical and ask many questions that are quite sensitive in order to see how we can improve the security situation for civilians. Please let us know what recommendations you have for WOLA on how we can help them to advance these issues in order to improve the human rights situation in the country.

Sincerely,

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