

# Colombie : dissidents FARC et protection de l'État

Renseignement de l'analyse-pays de l'OSAR

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Ce rapport repose sur des renseignements d'expert-e-s et sur les propres recherches de l'Organisation suisse d'aide aux réfugiés (OSAR). Conformément aux standards COI, l'OSAR fonde ses recherches sur des sources accessibles publiquement. Lorsque les informations obtenues dans le temps imparti sont insuffisantes, elle fait appel à des expert-e-s. L'OSAR documente ses sources de manière transparente et traçable, mais peut toutefois décider de les anonymiser, afin de garantir la protection de ses contacts.

# 1 Introduction

Les questions suivantes sont tirées d'une demande adressée à l'analyse-pays de l'OSAR :

1. Qui sont les dissident-e-s des FARC ? Quel est leur nombre et dans quelles parties du pays sont-ils présents ?
2. Quels sont leurs objectifs et leur modus operandi ?
3. Ont-ils tué des journalistes et/ou d'autres personnes perçues comme nuisant à leurs objectifs ?
4. L'État colombien serait-il en mesure de protéger une personne que les dissident-e-s des FARC ont déclarée « cible militaire » ?

L'analyse-pays de l'OSAR observe les développements en Colombie depuis plusieurs années.<sup>1</sup> Sur la base de ses propres recherches ainsi que de renseignements transmis par des expert-e-s externes, elle apporte les réponses suivantes aux questions ci-dessus.

## 2 Les dissidents des FARC

### 2.1 Émergence des dissidents

**La dissidence est née du refus de l'accord de paix, d'une mise en œuvre insatisfaisante de cet accord et d'attaques contre les combattant-e-s FARC démobilisé-e-s. Plus de 300 ex-FARC assassiné-e-s depuis 2016. En août 2019, un groupe de dissident-e-s a annoncé la reprise du combat armé.** Selon *Human Rights Watch* (HRW), en septembre 2016, ce sont plus de 10 000 membres des FARC qui ont rendu les armes. Les dissident-e-s des FARC sont ceux et celles qui ont rejeté l'accord de paix et refusé d'être démobilisé-e-s, ceux et celles qui avaient dans un premier temps participé au programme de démobilisation mais qui ont ensuite repris les armes, ainsi que par de nouvelles recrues (HRW, 22 octobre 2020). Selon le *Département d'État américain* (USDOS), au départ ce sont entre 800 et 1500 combattant-e-s des FARC qui ont refusé de participer au processus de paix. En novembre 2017, de nouvelles recrues et d'ancien-ne-s guérilleros se sont joint-e-s aux dissident-e-s FARC. En août 2019, un petit groupe de dissident-e-s FARC a même appelé à reprendre le combat armé, au motif que le gouvernement n'avait pas respecté ses obligations en vertu de l'accord de paix (USDOS, 31 mars 2021). Selon HRW, en juin 2017, les FARC démobilisés ont annoncé qu'ils avaient formé un parti politique. Toutefois, certain-e-s membres des FARC ont rejeté les termes de l'accord de paix et ont refusé de désarmer. D'autres guérilleros ont dans un premier temps déposé les armes, mais insatisfaits des programmes de réintégration et faisant face à des attaques, ils ont rejoint la dissidence ou créé des nouveaux groupes. HRW relève qu'entre la conclusion de l'accord de paix, en septembre 2016, et août 2020, ce sont plus de 300 ancien-ne-s combattant-e-s des FARC qui ont été tué-e-s (HRW, 13 janvier 2021).

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<sup>1</sup> [www.osar.ch/publications/rapports-sur-les-pays-dorigine](http://www.osar.ch/publications/rapports-sur-les-pays-dorigine)

Pour le *Washington Office on Latin America* (WOLA), une organisation de recherche et de défense des droits humains dans les Amériques, de nombreux-euses ancien-ne-s membres de FARC ont été tué-e-s par des groupes FARC dissidents (WOLA, 24 avril 2020).

## 2.2 Principaux groupes

**Le nombre total de combattant-e-s FARC dissident-e-s est estimé entre 2400 et 2600. Ils constituent entre 23 et 25 groupes différents qui ont des tailles très variables.** Selon *Reuters*, en janvier 2021, l'armée colombienne estimait que les différents groupes FARC dissidents comptaient environ 2500 combattant-e-s (*Reuters*, 5 janvier 2021). Selon HRW, le gouvernement estime que le nombre de dissident-e-s FARC armé-e-s oscille entre 2500 et 2600. A ce chiffre s'ajouteraient entre 1800 et 2000 membres « à temps partiel » qui fournissent un soutien et qui viennent essentiellement des zones urbaines (HRW, 22 octobre 2020). D'après WOLA, les 2400 combattant-e-s FARC dissident-e-s opèrent au sein de 23 groupes FARC dissidents qui sont actifs dans 85 des 1103 municipalités que compte le pays. La taille des groupes varie de quelques douzaines de membres à plusieurs centaines. Ces dissident-e-s sont également appelé-e-s « Reincident Organized Armed Groups (GAOR) », ou encore « Post-FARC Armed Groups » (GAPF en espagnol). HRW estime, sur la base d'une enquête du think tank colombien *Conflict Responses*, qu'il existe aujourd'hui 25 groupes FARC dissidents actifs en Colombie. La taille de ces groupes varie de manière importante. Alors que certains groupes, comme les 18<sup>e</sup> et 28<sup>e</sup> « fronts » comptent moins de 100 membres, d'autres en ont plus de 300 (HRW, 22 octobre 2020).

**Les dissident-e-s FARC sont organisé-e-s en deux structures nationales principales et des groupes indépendants.** Selon WOLA, la majorité des dissident-e-s FARC sont regroupé-e-s en deux structures nationales. En février 2020, la *Fundación Paz y Reconciliación* estimait que sur les 23 groupes du pays, onze étaient regroupés autour de la structure « Premier Front » / « Bloc oriental » associée à Gentil Duarte, quatre étaient regroupés autour de la structure « Deuxième Marquetalia » associée à Iván Márquez, et le reste était indépendant. Selon WOLA, le groupe « Premier Front » / « Bloc oriental », dirigé par Gentil Duarte, est le plus important en termes de contrôle territorial et de nombre de combattant-e-s. Se considérant comme héritier du combat historique des FARC, ce groupe paraît épouser une politique de gauche, mais ne semble pas avoir de programme politique précis ou d'ambition de prendre le pouvoir au niveau national. Le groupe dissident « Deuxième Marquetalia » est celui qui est le plus connu. Annoncée par vidéo en août 2019 par Ivan Marquez, un ancien membre du secrétariat des FARC et négociateur en chef du FARC pendant les discussions de paix avec le gouvernement, la formation de ce groupe a envoyé une onde de choc dans le processus de paix. Il ne semble pas y avoir d'alliance entre le groupe de Gentil Duarte et celui d'Ivan Marquez (WOLA, 24 avril 2020).

## 2.3 Objectifs, modus operandi et financement

**Les groupes dissidents diffèrent en termes de solidité de la chaîne de commandement, du degré de contrôle du territoire et d'engagement armé. Les groupes dissidents s'affrontent parfois entre eux pour le contrôle des ressources.** Selon WOLA, on ne peut pas

généraliser les comportements des groupes FARC dissidents car ils diffèrent de manière significative en termes de solidité de leur chaîne de commandement ou de contrôle effectif de leurs territoires. Les deux principaux groupes dissidents semblent obéir à une hiérarchie à leurs niveaux les plus élevés, mais il n'est pas clair s'ils commandent réellement leurs unités. La plupart des groupes ont tendance à éviter les confrontations ouvertes avec les forces de sécurité, ceci pour éviter d'être tués ou capturés. Certains groupes semblent avoir des accords de non-agression ou des alliances opérationnelles temporaires avec les rebelles de l'*Armée de Libération nationale* (ELN). Les combats sont plus fréquents avec des groupes paramilitaires ou avec d'autres groupes FARC dissidents, souvent pour le contrôle de routes de trafic lucratives ou de zones minières (WOLA, 24 avril 2020). Selon HRW, il existe d'importantes différences entre les groupes FARC dissidents. Les anciennes unités du « Bloc oriental » semblent hautement organisées et combattent souvent les forces gouvernementales. Ce n'est pas le cas d'autres groupes, comme par exemple le 33<sup>e</sup> Front qui a un niveau d'organisation limité, ou encore la « Deuxième Marquetalia » qui ne combat que rarement les forces gouvernementales, mais qui s'oppose parfois à d'autres groupes FARC dissidents. Malgré ces différences, HRW n'exclut pas que ces groupes soient liés entre eux. Toutefois, il serait incorrect de considérer les différents groupes comme un groupe unique, la plupart opérant de manière indépendante. C'est le cas par exemple de la « Deuxième Marquetalia » qui opère indépendamment des unités du « Bloc oriental ». Les huit groupes dissidents qui forment le « Western Coordinating Command » (WCC) dans le sud-ouest de la Colombie, combattent fréquemment les forces gouvernementales, mais sans qu'ils soient liés par une solide chaîne de commandement. Il semble en aller de même avec trois groupes dissidents des FARC, dont le 7<sup>e</sup> Front, qui forment un groupe parapluie appelé le « Front Jorge Briceno ». Selon HRW, chacun de ces groupes semble avoir des règles internes différentes (HRW, 22 octobre 2020). Selon *Insight Crime*, certain-e-s dissident-e-s ont formé des alliances avec des groupes criminels, comme par exemple les dissident-e-s du 18<sup>e</sup> Front, qui dans la municipalité de Ituanga, dans le département d'Antioquia, opéreraient de concert avec le puissant groupe criminel « Urabeños » (*Insight Crime*, 17 octobre 2017).

**Le financement des groupes dissidents provient essentiellement du trafic de drogue et d'autres activités illicites.** Selon WOLA, tous les groupes dissidents sont impliqués à un degré ou à un autre dans le commerce de la drogue et d'autres activités économiques illicites. Ils sont actifs dans la plupart des principales zones de culture de la coca (Nariño, Putumayo, Catatumbo, Meta et Guaviare, Bajo Cauca). Sur les territoires qu'ils contrôlent, les groupes dissidents encouragent les agricultrices et les agriculteurs à planter davantage de coca ou de marijuana. L'autre importante source de revenus est l'extraction illicite de métaux précieux. Les groupes dissidents perçoivent également des paiements d'extorsion sur une grande partie de l'activité économique légale qui a lieu dans les zones qu'ils contrôlent (WOLA, 24 avril 2020).

## 2.4 Présence géographique

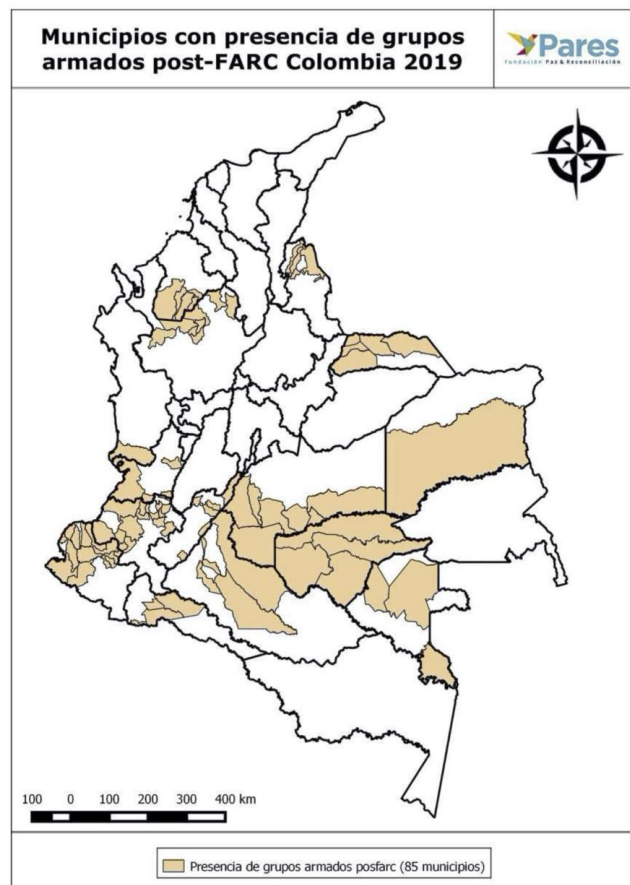
**Les dissident-e-s FARC sont pour la plupart retourné-e-s dans leurs anciens fiefs où leurs groupes se disputent le contrôle des territoires et des ressources.** Pour HRW, la plupart des dissident-e-s occupent les mêmes territoires que ceux contrôlés par les FARC avant l'accord de paix, utilisant parfois les mêmes noms d'unités (HRW, 22 octobre 2020). Pour *Insight Crime*, la plupart des dissident-e-s FARC sont retourné-e-s dans leurs anciens fiefs pour reprendre le contrôle d'activités criminelles très rentables, principalement liées au

trafic de drogue (*Insight Crime*, 17 octobre 2017). Selon WOLA, les deux principales structures dissidentes, le « Premier Front » / « Bloc oriental » et la « Deuxième Marquetalia », ont établi des présences, ou se sont liées à des groupes dissidents existants, dans plusieurs régions du pays, se disputant le contrôle des territoires avec des groupes paramilitaires ou d'autres groupes dissidents « indépendants » (WOLA, 24 avril 2020).

**Le groupe « Premier Front » / « Bloc oriental » est présent dans les départements de Meta, Guaviare, de Vaupès, du Vichada.** Pour WOLA, le groupe « Premier Front » / « Bloc oriental », dirigé par Gentil Duarte, est principalement actif dans les départements de Meta, de Guaviare, de Vaupès, et du Vichada (WOLA, 24 avril 2020). Selon *Insight Crime*, le sud du département de Meta est une région affectée par des combats entre les forces gouvernementales et des groupes FARC dissidents. Le département de Meta était avant l'accord de paix de 2016 contrôlé par les FARC et une grande partie de la région est aujourd'hui contrôlée par le groupe de Gentil Duarte. Un autre groupe de 400 dissidents FARC est présent dans la municipalité de Miraflores, dans le département de Guaviare. Les activités criminelles dans cette région seraient contrôlées par les anciens commandants Gentil Duarte, et Général Garcia Molina, alias John 40. Un autre ex-commandant, Rodrigo Cadete, aurait rejoint Gentil Duarte, pour l'aider à étendre la portée de son organisation criminelle dans le département voisin de Meta (*Insight Crime*, 17 octobre 2017).

**Des groupes dissidents liés au « Premier Front » / « Bloc oriental » sont présents dans les départements de Putumayo, Cauca, Valle del Cauca et d'Arauca.** Selon WOLA, c'est le « Front Carolina Ramirez », lié au « Premier Front » / « Bloc oriental », qui opère dans le département de Putumayo. Celui-ci se trouve à l'est de Nariño, à la frontière de l'Équateur. Ce groupe se bat contre un groupe criminel local, connu sous le nom de « Sinaloa Mafia » (WOLA, 24 avril 2020). Selon *Insight Crime*, au moins 300 dissident-e-s FARC sont présent-e-s dans le département de Putumayo à la frontière avec l'Équateur. Ces dissident-e-s maintiendraient leur emprise sur cette plaque tournante du trafic de drogue, contrôlant la culture de la coca et la transformation de la cocaïne (*Insight Crime*, 17 octobre 2017). Selon WOLA, une unité dissidente, le 30<sup>e</sup> Front, liée à Gentil Duarte, est apparu à la mi-2019 dans la zone Cauca et Valle del Cauca, au nord. Dans le sud du département de Cauca, se trouve la région productrice de cocaïne proche d'Argelia. Celle-ci est dominée par la colonne « Carlos Patiño », dirigée par El Mocho. Ce groupe serait allié au « Premier Front » / « Bloc oriental » et il se bat contre les rebelles de

Grupos Armados Postfarc-GAPF: se consolida la amenaza



Carte de la Fundación Paz y Reconciliación montrant les emplacements des groupes dissidents (WOLA, 24 avril 2020)



l'ELN pour le contrôle des routes de contrebande de drogues vers le Pacifique. Dans le département d'Arauca se trouve le « 10<sup>e</sup> Front Martin Villa », dirigé par Jeronimo qui semble également lié au « Premier Front » / « Bloc oriental » (WOLA, 24 avril 2020).

**Des groupes dissident liés à la « Deuxième Marquetalia » sont présents dans les départements de Nariño et d'Antioquia. Présence également dans ces départements de groupes indépendants.** Selon WOLA, des groupes dissidents ont commencé à être actifs dans le département de Nariño, en particulier dans la municipalité côtière de Tumaco, peu après le début de l'accord de paix. Le premier groupe important qui est apparu dans le département en 2017 est celui du « Front Oliver Sinisterra » (FOS), suivi par celui des « United Guerrillas of the Pacific » (GUP). Les deux groupes se sont affrontés dès 2018. En 2019, le FOS s'est scindé avec la formation d'un nouveau groupe, le groupe « Alfonso Cano Western Bloc », mené par Allende et apparemment lié au groupe « Deuxième Marquetalia » d'Ivan Marquez (WOLA, 24 avril 2020). Pour *Insight Crime*, ce sont 400 dissident-e-s FARC qui opèrent dans la municipalité de Tumaco, dans le sud-est du département de Nariño. Cette municipalité serait le « ground zero » du trafic de cocaïne en Colombie (*Insight Crime*, 17 octobre 2017). Selon WOLA, des groupes dissidents sont actifs dans le nord du département d'Antioquia, dont Medellin est la capitale. Les deux groupes principaux sont le 36<sup>e</sup> Front, un groupe indépendant, dirigé par Cabuyo, et le 18<sup>e</sup> Front, dirigé par Ramiro et qui est aligné avec la « Deuxième Marquetalia ». Le 18<sup>e</sup> Front est né de la scission du 36<sup>e</sup> Front en 2019. Le 18<sup>e</sup> Front est surtout actif dans le nord-ouest du département, notamment autour de la municipalité d'Ituango, tandis que le 36<sup>e</sup> Front est plus actif dans le nord-est, dans la région du Bajo Cauca. Ces deux zones sont des centres de production de cocaïne très disputés (WOLA, 24 avril 2020).

**Les colonnes mobiles « Jaime Martinez » et « Dagoberto Ramos » dominent le département de Cauca.** Selon WOLA, le département de Cauca est celui qui se place en tête des départements avec le plus grand nombre de meurtres de leaders sociaux et de défenseur-e-s des droits humains. Le nord de ce département est une zone de conflit où vit une population indigène sous la forte influence de deux groupes dissidents. La colonne mobile « Jaime Martinez », dirigée par Mayimbu, et la colonne mobile « Dagoberto Ramos », dirigée par El Indio se partagent le territoire. Selon *Insight Crime*, cité par WOLA, il existe un pacte de non-agression entre ces deux groupes qui dominent le commerce de cannabis et de cocaïne dans la région. Ces deux groupes sont responsables de l'assassinat de plusieurs leaders sociaux et politiques (WOLA, 24 avril 2020).

### 3 Situation sécuritaire en Colombie

**Intensification de la violence causée par les activités de groupes armés et de groupes criminels qui se concentre dans certaines régions de la Colombie. La présence limitée de l'État sape sa capacité de protection. Un total de 76 massacres (292 personnes tuées) enregistrés en 2020, le chiffre le plus élevé depuis 2014.** Dans son dernier rapport sur la situation des droits humains en Colombie présenté devant le Conseil des droits de l'homme, le *Haut-Commissariat des Nations unies aux droits de l'homme* (OHCHR) indique qu'au niveau national le pays continue de faire face à une violence endémique. Dans certaines régions du pays, il y a eu une intensification de la violence et un contrôle territorial et



social accru par des groupes armés non étatiques et des groupes criminels. Les taux d'homicides pour 100 000 habitant-e-s sont particulièrement alarmants dans les départements de Cauca (53,71), Chocó (54,31), Putumayo (42,8) et Valle del Cauca (45,17). OHCHR a observé qu'un nombre accru de massacres et de violations des droits humains à l'encontre des défenseur-e-s des droits humains s'est produit principalement dans des municipalités présentant des niveaux élevés de pauvreté multidimensionnelle et où prospèrent des économies illicites qui alimentent la violence endémique. La présence réduite de l'État dans ces régions du pays limite la capacité de celui-ci à s'acquitter de ses obligations de protection envers la population. OHCHR a documenté 76 massacres en 2020, le chiffre le plus élevé depuis 2014, résultant dans la mort de 292 personnes. Cette violence s'est concentrée dans les départements d'Antioquia, Cauca, Nariño et de Norte de Santander (UN HRC, 10 février 2021). Selon OHCHR, en 2019, le taux d'homicide national était de 25 pour 100 000 habitant-e-s et 36 massacres avaient été enregistrés causant la mort de 133 personnes. Les départements les plus affectés par la violence étaient Antioquia, Cauca et Norte de Santander où la principale cause de violence était la lutte pour le contrôle des économies illicites (UN HRC, 8 mai 2020).

**La situation sécuritaire s'est encore davantage détériorée en raison des mesures de confinement liées au COVID-19.** Selon *City Papers Bogota*, le plus important journal anglophone du pays, qui cite OHCHR, les mesures de confinement adoptées pour lutter contre la pandémie COVID-19 ont été une opportunité pour les groupes criminels et les groupes armés de tuer et de menacer les populations indigènes, les leaders sociaux et les agriculteurs, et de s'emparer du territoire des économies illicites. Selon le porte-parole des Nations-Unies, cité par *City Papers Bogota*, ces groupes ont profité du fait que la plupart des gens étaient confinés pour étendre leur présence et leur contrôle territorial (*City Papers Bogota*, 21 mai 2020). Selon *Carolina Castro et al.*, l'année 2020 a vu une augmentation dramatique du nombre de leaders sociaux et membres de groupes vulnérables assassinés. Cette catégorie comprend aussi bien des agriculteurs, des populations autochtones et des personnes d'origine africaine, mais également d'autres groupes régulièrement pris pour cible comme les journalistes, les femmes, les enseignant-e-s, les étudiant-e-s et les personnes LGBT. En début d'année 2020, le nombre d'assassinats était deux fois plus important que lors de la même période en 2019. L'arrivée de la pandémie, accompagnée de mesures de quarantaine strictes, a dans un premier temps réduit ce nombre, puis lorsque celle-ci s'est normalisée, la situation sécuritaire s'est sérieusement aggravée, avec à la clé une nouvelle augmentation du nombre de morts. Les groupes armés ont profité du confinement et de l'isolation des leaders sociaux pour les intimider et les menacer. Ces groupes armés, y compris des dissident-e-s des FARC, se sont servis de la pandémie comme un prétexte pour mettre en place des stratégies de coercition et de contrôle dans les territoires contestés, parfois en imposant des couvre-feu et des confinements (*Carolina Castro and al.*, 6 octobre 2020). HRW rapporte que dans le département du Cauca, des groupes dissidents des FARC ont menacé, attaqué et tué des personnes qui auraient violé les mesures de confinement imposées par ces groupes (HRW, 13 janvier 2021).

## 4 La situation des défenseurs des droits humains et des journalistes en Colombie

**La Colombie est un des pays au monde les plus dangereux pour les défenseur-e-s des droits humains et les leaders sociaux. Plus de 477 d'entre eux tués depuis 2016. Rien**

**qu'en janvier 2021, ce sont déjà 14 leaders sociaux qui ont été tués, le chiffre le plus élevé depuis 2016. Les assassinats sont concentrés dans les régions où l'État a une présence limitée. Les groupes criminels sont les principaux auteurs de ces crimes.** Pour *Amnesty International* (AI), la Colombie est un des pays au monde les plus dangereux au monde pour les leaders sociaux et les défenseur-e-s des droits humains (AI, 26 mars 2020). Selon *UN News*, qui se base sur des chiffres de la Mission de vérification des Nations unies en Colombie, depuis la signature de l'accord de paix en 2016, plus de 477 défenseur-e-s des droits humains et leaders sociaux ont été tués (*UN News*, 24 novembre 2021). OHCHR indique avoir enregistré l'assassinat de 133 d'entre eux/elles en 2020. Ces assassinats sont concentrés dans les régions où la présence de l'État est limitée, avec 72 pour cent de ces incidents ayant eu lieu dans les régions de Cauca, Choco, Norte de Santander, Putumayo et Valle del Cauca. La grande majorité de ces assassinats a eu lieu dans des zones rurales où l'économie illicite, notamment la production de cocaïne, prospère et qui connaissent de hauts niveaux de pauvreté multidimensionnelle. Dans les cas qui ont pu être vérifiés, les assassinats ont été principalement attribués à des groupes criminels (25 %), des groupes FARC dissidents (15 %), l'Armée de libération nationale - ELN (13 %) et finalement l'armée ou la police (4 %) (UNHRC, 10 février 2021). Selon *Carolina Castro et al.*, qui se réfère à des données collectées par le *Armed Conflict Location & Event Data Project* (ACLED), en avril 2020, il y avait chaque semaine en moyenne six assassinats de leaders sociaux et de membres de groupes vulnérables. A la fin août 2020, lorsque le confinement national a été levé, ce chiffre est passé à dix assassinats par semaine. La grande majorité de ces assassinats a été perpétrée par des groupes armés non identifiés ou anonymes (*Carolina Castro and al.*, 6 octobre 2020). En février 2021, WOLA a rapporté que le début de l'année 2021 représentait l'année la plus violente depuis la signature de l'accord de paix en 2016. WOLA s'est basé sur des informations du *Jurisdicción Especial para la Paz* (JEP), un organisme créée dans le cadre de l'accord de paix, selon lequel quatorze leaders sociaux ont été tués entre le 1<sup>er</sup> et le 26 janvier 2021, soit un leader social tué toutes les 41 heures (WOLA, février 2021).

**Les journalistes et professionnels des médias sont souvent pris pour cible par les différents groupes armés. Ils font également face à des campagnes d'intimidation de la part du gouvernement. Au moins 77 attaques enregistrées entre janvier et septembre 2021.** Selon *Reporters sans frontières* (RSF), la Colombie est l'un des pays au monde les plus dangereux pour les journalistes. Ceux-ci sont fréquemment la cible de menaces de mort, d'agressions physiques, d'enlèvements et de meurtres. Ces menaces et cette violence sont souvent déclenchées par la couverture de sujets tels que l'environnement, les conflits armés, la corruption ou la collusion entre les politicien-ne-s et les groupes armés illégaux. RSF souligne également que depuis l'accession d'Ivan Duque à la présidence en août 2018, les journalistes ont été la cible d'espionnage et de campagnes d'intimidation après avoir rapporté des actes de corruption et des violations des droits humains de la part de membres du gouvernement (RSF, pas de date). RSF indique également que ces deux dernières années les professionnel-le-s des médias ont souvent été la cible de violence de la part de groupes armés, notamment dans le département de Valle del Cauca, un des départements les plus violents en Colombie. En décembre 2020, le journaliste Felipe Guevara a été assassiné à Cali. En avril 2021, le journaliste Luis Carlos Ayala a survécu à une tentative d'assassinat, également à Cali. En septembre 2021, le journaliste Marcos Efrain Montalvo Escobar a été assassiné alors qu'il faisait ses courses dans la ville de Tuluá, dans le district d'Esperanza. Selon la *Foundation for Press Freedom* (FLIP), depuis le début de l'année 2021 au moins 77 attaques ont été enregistrées contre des journalistes dans ce département (RSF, 22 septembre 2021). Selon OHCHR, en 2019, la FLIP a enregistré 113 menaces et 360 attaques

contre les journalistes et professionnel-le-s des médias. OHCHR a également documenté la mort de deux journalistes (UN HRC, 8 mai 2020). Selon *The Guardian*, qui cite également la FLIP, en 2018, 477 attaques ont été documentées contre des journalistes, une augmentation de 53 pour cent par rapport à 2017. Trois journalistes ont été tués, un de plus qu'en 2017 (*The Guardian*, 16 juin 2019).

#### 4.1 Attaques contre des défenseurs de droits humains et journalistes attribuées aux dissidents des FARC

**Un journaliste qui dans son travail couvre la question de la réintégration d'ancien-ne-s membres des FARC peut se retrouver exposé à des menaces et des violences de la part de dissident-e-s FARC.** Selon le courriel envoyé à l'OSAR le 11 novembre 2021 par une *personne de contact qui travaille pour une organisation internationale de défense des droits humains*, la Colombie est un des pays au monde les plus dangereux pour les journalistes. Les dissident-e-s FARC ont été impliqué-e-s aussi bien dans l'assassinat de défenseur-e-s des droits humains et leaders sociaux que dans ceux de journalistes. Selon cette *personne de contact*, il est tout à fait plausible qu'un-e journaliste, qui dans son travail a couvert la question de la démobilisation et de la réintégration d'ancien-ne-s membres des FARC, puisse être déclaré-e « cible militaire » et fasse l'objet de menaces de la part de dissident-e-s FARC. Selon le courriel envoyé à l'OSAR le 12 novembre 2021 par *une personne de contact qui est un chercheur avec une très bonne connaissance de la Colombie*, ce type de menace de la part de dissident-e-s FARC contre des journalistes est également tout à fait crédible. Cette personne indique qu'il y a eu dans le passé des menaces similaires et des violences réelles perpétrées par des dissident-e-s des FARC contre des défenseur-e-s des droits humains, mais aussi contre des journalistes.

**Les groupes FARC dissidents sont responsables de fréquentes attaques et exactions contre les personnes civiles. Des « nettoyages sociaux » visent en particulier les toxicomanes, les indigent-e-s et les petit-e-s délinquant-e-s. Des communautés sont victimes de déplacements forcés. Environ un tiers des assassinats de groupes vulnérables sont attribués aux groupes FARC dissidents. Cas de torture également.** Selon HRW, les groupes FARC dissidents commettent des exactions contre les personnes civiles, y compris des meurtres et des déplacements forcés (HRW, 22 octobre 2020). Pour l'*International Crisis Group* (ICG), de manière générale, les groupes dissidents entretiennent des relations coercitives et d'exploitation avec les populations civiles. Les dirigeant-e-s locaux qui s'expriment contre les groupes dissidents s'exposent à des graves dangers. Dans les régions dominées par les groupes dissidents, la violence contre les personnes civiles est devenue monnaie courante (ICG, 30 novembre 2021). Selon WOLA, tous les groupes dissidents sont responsables d'attaques contre des civil-e-s. Ils procèdent fréquemment à des assassinats sélectifs et à des opérations de dites de « nettoyage social » qui ciblent surtout les toxicomanes, les indigent-e-s, les prostituées ou les petit-e-s délinquant-e-s. Ils sont responsables d'environ un quart des recrutements d'enfants dans le pays. Les combats entre groupes dissidents, ou entre groupes dissidents et groupes paramilitaires, entraînent souvent le déplacement forcé de communautés (WOLA, 24 avril 2020). Selon *Carolina Castro et al.*, plus de 60 assassinats ont été attribués aux différents groupes FARC dissidents. Dans les six mois qui ont suivi le début de la pandémie Covid-19, près d'un tiers (28 %) des attaques contre des groupes vulnérables dont l'auteur est connu ont été perpétrées par des groupes FARC dissidents, une

proportion similaire à celle observée avant le début de la pandémie (*Carolina Castro and al.*, 6 octobre 2020). Selon USDOS, qui cite une information du *Centro de Investigación y Educación Popular* (CINEP), entre janvier et août 2020, les dissident-e-s FARC et des gangs criminels auraient été responsables de neuf cas documentés de torture. Les dissident-e-s FARC ciblent également les représentant-e-s du gouvernement (USDOS, 30 mars 2021). En septembre 2021, *Voice of America* (VOA) a rapporté que cinq personnes avaient été tuées dans le département de Nariño dans une attaque attribuée aux dissident-e-s FARC, notamment la colonne « Urias Rendon » (VOA, 26 septembre 2021).

**Les dissident-e-s FARC sont tenu-e-s responsables de menaces et d'intimidations contre des journalistes. Certain-e-s journalistes sont désigné-e-s comme « objectifs militaires ». Médias alternatifs et communautaires particulièrement visés.** Selon CIVICUS, un réseau international d'organisations de la société civile, en septembre 2020, la *Federación Colombiana de Periodistas* (FECOLPER) a dénoncé de multiples cas de menaces et d'intimidations contre des journalistes qui ont eu lieu entre juin et août 2020. En juin 2020, cinq journalistes travaillant dans le département de Putumayo ont reçu des menaces de mort, ayant été déclarés « objectifs militaires » pour avoir collaboré avec les autorités du département. Les auteur-e-s présumé-e-s des menaces sont des dissident-e-s des FARC. En outre, en août 2020, le journaliste Carlos Alfonso Pérez Cedeño a reçu des menaces de mort de la part d'une personne qui s'est identifiée comme membre d'un groupe FARC dissident. La menace serait liée à des notes publiées par le journaliste concernant la corruption présumée d'un ancien fonctionnaire (CIVICUS, 23 septembre 2020). Selon RSF, les dissident-e-s des FARC s'en prennent en particulier aux médias alternatifs et communautaires qui couvrent leurs activités. Cela entraîne des « trous noirs » de l'information surtout dans les zones rurales et celles proches des frontières équatoriennes et vénézuéliennes (RSF, pas de date).

**Les dissident-e-s FARC sont tenu-e-s responsables d'assassinats de journalistes.** Selon le *Committee to Protect Journalists* (CPJ), une organisation qui promeut la liberté de la presse dans le monde entier et défend les droits des journalistes, en mai 2019, deux hommes en moto ont assassiné Mauricio Lezama Rengifo, un journaliste qui tournait un documentaire dans le département d'Arauca, proche de la frontière vénézuélienne. Pour le gouverneur d'Arauca, les dissident-e-s des FARC sont responsables de cet assassinat. Le gouverneur a émis l'hypothèse que ceux-ci ont pris le journaliste pour un informateur du gouvernement. Selon le CPJ, le département d'Arauca, où les dissident-e-s des FARC compteraient 1700 membres, est une région très dangereuse pour les journalistes. En mai 2019, un journaliste a rapporté avoir dû fuir le département suite à des menaces d'un groupe armé local (CPJ, 13 mai 2019). Selon la BBC, en avril 2018 un groupe de dissident-e-s des FARC, mené par Walter Arizala, aussi appelé Guacho, a revendiqué l'assassinat de deux journalistes équatoriens et de leur chauffeur. Ces derniers avaient été enlevés deux semaines auparavant alors qu'ils enquêtaient sur un pic de violence à Mataje, proche de la frontière colombienne. Le groupe de dissident-e-s des FARC mené par Guacho, aussi désigné sous l'appellation « Oliver Sinisterra Front », a publié un communiqué annonçant que les trois otages avaient trouvé la mort lorsque les forces armées équatoriennes se sont approchées de leur position (BBC, 16 avril 2018). Le journal *El País* ajoute que, selon les résultats d'une enquête de plus de six mois conduite par un consortium de journalistes, les trois otages ont été tués d'une balle derrière la tête tirée à bout portant. Dans son dernier message, envoyé le 7 avril 2018, Guacho aurait menacé de tuer les trois otages (*El País*, 24 octobre 2018).

## 5 Protection de l'État

**La mise en œuvre du cadre juridique est entravée par des problèmes de coordination entre les institutions de l'État.** Selon le courriel envoyé à l'OSAR le 11 novembre 2021 par une *personne de contact qui travaille pour une organisation internationale de défense des droits humains*, les autorités colombiennes n'ont pas mis en place de mesures de protection efficaces pour les personnes à risque, y compris pour les journalistes menacés par des groupes armés. Pour OHCHR, la Colombie dispose d'un cadre juridique pour prévenir et traiter les attaques contre les défenseur-e-s des droits humains. Cependant, un problème majeur est le manque de coordination entre les institutions de l'État - en particulier entre celles des niveaux national et régional - pour assurer la mise en œuvre complète de ce cadre (UN HRC, 8 mai 2020).

### 5.1 Réponse des autorités locales aux menaces contre les leaders sociaux et les personnes s'opposant aux groupes armés

**Les autorités locales manquent de ressources et sont elles-mêmes sous la menace des groupes armés et des groupes criminels. Les mesures de protection ont une efficacité limitée et peuvent même augmenter les risques pour les personnes protégées. Le soutien des autorités tarde souvent à se matérialiser.** Pour OHCHR, la présence policière reste insuffisante dans les zones rurales, en particulier dans les départements de Amazonas, Antioquia, Arauca, Caquetá, Córdoba, Guaviare, Huila, Meta, Nariño, Norte de Santander et Sucre (UN HRC, 8 mai 2020). Selon ICG, d'un point de vue légal, les autorités locales sont les premières à devoir répondre aux menaces contre les leaders sociaux. Celles-ci sont tenues de fournir une protection urgente aux personnes menacées et à leurs familles, comme par exemple un autre logement temporaire. Selon l'ICG, dans la pratique, de telles réponses sont rarement possibles, notamment en raison du manque de ressources ou de menaces et d'intimidations de la part de groupes armés ou de puissants intérêts économiques. En cas de menaces, une des premières mesures de protection consiste pour les policières et policiers à effectuer des patrouilles régulières autour du domicile de la personne menacée. Toutefois, de nombreux leaders sociaux signalent que ces patrouilles peuvent aboutir à ce que le leader soit considéré comme un informateur, ce qui augmente le risque de représailles. Un autre problème est que ces patrouilles finissent par attirer l'attention sur l'emplacement de la personne menacée. En principe, ces réponses locales doivent déclencher le soutien des autorités nationales, à savoir le ministère de l'Intérieur. Toutefois, selon ICG, ce soutien, peut mettre des semaines, voire des mois à se matérialiser, s'il se matérialise. Certains leaders sociaux craignent également qu'en raison de l'implication des forces de sécurité dans les menaces auxquelles ils sont confrontés, déposer plainte à la police peut être risqué (ICG, 6 octobre 2020).

### 5.2 L'Unité nationale de protection (UNP)



**L'UNP est dépassée par les demandes de protection. La majorité des demandes sont rejetées. L'écrasante majorité des défenseur-e-s des droits humains tués en 2019 et 2020 ne bénéficiaient pas de mesures de protection. Cependant, en 2019, six défenseur-e-s des droits humains qui bénéficiaient de mesures de protection ont malgré tout été tués.** Le *Business & Human Rights Resource Center* indique que ces dernières années le travail de l'Unité nationale de protection (UNP) n'a pas pu suivre le grand nombre de demandes de protection, consécutif à une augmentation des attaques contre les défenseur-e-s des droits humains. Le directeur de l'UNP, Pablo Elias Gonzales, cité par cette source, admet notamment que la capacité de l'UNP en termes de protection collective est dépassée en raison du trop grand nombre de demandes de la part des communautés indigènes, noires et rurales (*Business & Human Rights Resource Center*, mars 2020). Selon OHCHR, en 2020, l'UNP a continué de recevoir un nombre très élevé de demandes de protection. Des mesures de protection ont été attribuées à 3749 défenseur-e-s des droits humains et leaders sociaux cette année-là (UN HRC, 10 février 2021). D'après *Human Rights Watch* (HRW), en 2020, l'UNP a reçu plus de 31 000 requêtes pour des mesures de protection, dont plus d'un tiers provenait de défenseur-e-s des droits humains. Pendant l'année, environ 1600 programmes de protection ont été attribués et mis en place pour ces personnes. En 2019, sur les 13 000 demandes de protection provenant de défenseur-e-s des droits humains, seuls 1900 ont été acceptées et mises en œuvre. Selon HRW, la majorité des défenseur-e-s des droits humains et des leaders sociaux qui ont été tué-e-s depuis 2016, ne bénéficiaient pas de programmes de protection. En 2019, sur les 108 défenseur-e-s des droits humains tué-e-s, seuls six bénéficiaient en principe de mesures de protection, mais seuls trois d'entre eux/elles utilisaient ce programme lorsqu'ils/elles ont été tué-e-s. Selon OHCHR, cité par HRW, des programmes de protection n'avaient été octroyés qu'à quatre des 53 militant-e-s des droits humains tué-e-s entre janvier et décembre 2020. Trois d'entre eux/elles n'utilisaient pas entièrement le programme de protection (HRW, février 2021). Selon OHCHR, en 2019, six défenseur-e-s des droits humains ont été tué-e-s, alors qu'ils/elles bénéficiaient de mesures de protection de la part de l'UNP (UNHRC, 8 mai 2020).

**Les retards dans l'attribution des mesures de protection augmentent les risques pour les défenseur-e-s des droits humains et les leaders sociaux** Selon OHCHR, les retards dans la notification des décisions et la mise en œuvre des mesures de protection, ainsi que les questions relatives à leur adéquation, en particulier dans les zones rurales, ont augmenté les risques pour les militant-e-s des droits humains (UNHRC, 10 février 2021). Selon HRW, en vertu du droit colombien, l'UNP dispose de 30 jours pour évaluer le risque d'une personne nécessitant une protection. Cependant, en décembre 2020, l'UNP a admis à HRW qu'en mai 2020, ces analyses de risque avaient été effectuées « en moyenne 160 jours après le délai légal » ; et en décembre, en moyenne 101 jours après le délai légal. Dans quelques cas, des défenseur-e-s des droits humains ont été tué-e-s alors qu'ils/elles attendaient que l'unité accorde ou mette en œuvre des programmes de protection (HRW, février 2021). Selon ICG, les études de risque prennent souvent des mois et l'UNP attribue rarement des mesures de protection urgente. Près de 350 cas sont examinés chaque semaine (ICG, 6 octobre 2020).

**Des ressources et un budget limités pour financer les mesures de protection de l'UNP. La présence limitée de l'UNP dans les zones rurales retarde l'examen des demandes de protection.** Selon HRW, l'UNP fait face à de sérieuses contraintes budgétaires. En 2019, son budget se montait à COP 688 747 241 558, soit environ 158 millions de francs suisses<sup>2</sup>. La

<sup>2</sup> Selon le taux de change du 12 décembre 2021.

moitié de ce montant était dévolu à la protection des autorités gouvernementales. Cette année-là, l'UNP a dépensé COP 200 milliards, soit 46 millions de francs suisses, de plus que son budget original, forçant l'UNP à utiliser les fonds alloués pour l'année suivante. Pour 2020, le budget a été augmenté à COP 939 365 926 632, soit environ 216 millions de francs suisses, mais ce sont près de COP 1 094 449 822 495, ou environ 252 millions de francs suisses, qui ont été dépensés (HRW, février 2021). L'UNP souffre également d'un manque de personnel. L'UNP a indiqué qu'entre juillet 2019 et décembre 2020, elle avait augmenté de 166 à 206 le nombre de fonctionnaires chargé-e-s d'analyser les risques par les personnes demandant des régimes de protection. Cependant, selon HRW, il arrive que les fonctionnaires effectuent leurs analyses par téléphone, au lieu de se rendre dans la communauté de la personne qui demande une protection (HRW, février 2021). HRW souligne également la sous-capacité de l'UNP qui n'a qu'un seul représentant dans le département d'Arauca. Cela retarde l'examen des demandes de protection puisque l'UNP doit envoyer des représentant-e-s depuis Bogota ou depuis d'autres villes pour venir conduire des évaluations de sécurité dans le département. En raison du manque de moyens et de l'insécurité, l'UNP doit souvent se contenter de limiter ses évaluations des risques aux régions urbaines. Par ailleurs, la mise en œuvre des plans de sécurité est réduite en raison de fonds insuffisants (HRW, janvier 2020).

**Les mesures de sécurité de l'UNP ont été affaiblies depuis mars 2020 et le début de la pandémie Covid-19. Les mesures sanitaires ont limité l'accès des personnes à risque à une protection.** Selon AI, en raison des restrictions causées par la pandémie COVID-19, les mesures de protection de l'État dont bénéficient un certain nombre de défenseur-e-s des droits humains et leaders sociaux, à travers l'UNP, ont été réduites depuis mars 2020. Selon cette source, une des conséquences est que ces personnes ne peuvent plus rester en mouvement et se déplacer d'un endroit à l'autre pour se protéger et elles doivent rester cachées. Ces personnes sont également plus exposées car les groupes qui les menacent savent que les forces de sécurité sont occupées à gérer les effets de la pandémie (AI, 26 mars 2020). Selon le CPJ, le 19 mars 2020, le Comité de recommandation sur l'évaluation des risques et les mesures de protection de l'UNP a décidé de suspendre ses réunions d'évaluation des risques et ceci en raison de la pandémie COVID-19. Ces réunions ont pour but de répondre aux demandes de mesures de protection. En réponse à cette décision, le CPJ a déclaré que l'État ne devait pas utiliser la pandémie comme une excuse pour abandonner sa responsabilité de protéger ses citoyen-ne-s les plus à risque et que celui-ci se devait de trouver des solutions pour permettre aux réunions d'avoir quand même lieu (CPJ, 2 avril 2020). Selon *Carolina Castro et al.*, les mesures sanitaires mises en place pour lutter contre la pandémie ont limité l'accès à une protection pour les personnes à risque. En effet, la plupart des bureaux publics ont été fermés, bloquant l'accès des citoyen-ne-s aux canaux habituels pour signaler des problèmes ou demander une protection. Le travail des ONG de défense des droits humains sur le terrain a également été limité en raison des restrictions de mouvement (*Carolina Castro and al.*, 6 octobre 2020).

**Les mesures de protection sont souvent inadaptées, ce qui augmente les risques pour les personnes protégées. Une approche qui marche mieux en zone urbaine.** Selon HRW, de nombreux défenseur-e-s des droits humains s'inquiètent du fait que les programmes de protection, en particulier les gardes du corps, les véhicules ou les gilets pare-balles, augmentent leur exposition aux risques en attirant l'attention sur eux/elles (HRW, février 2021). Selon ICG, les dispositifs de sécurité varient énormément, allant d'un téléphone portable ou d'un cours d'autoprotection à un bouton de panique et un gilet pare-balles. Selon cette source, cette approche marche mieux dans les zones urbaines, mais elle n'est pas infaillible. Les



leaders sociaux apprécient en générale cette protection, mais s'inquiètent en même temps que cela peut les rendre plus visibles aux yeux des groupes armés ou criminels. Les dirigeant-e-s les plus à risque peuvent être réinstallé-e-s dans leur région et bénéficier d'un ou plusieurs gardes du corps, tandis que les plus menacé-e-s sont installé-e-s en ville avec des voitures blindées, une allocation carburant et un revenu de base. Selon ICG, une proportion importante des leaders sous protection sont invités à se réinstaller ailleurs. Pour éviter d'avoir à abandonner leurs maisons et les causes qu'ils ou elles défendent, de nombreux leaders sociaux s'abstiennent de demander la sécurité, créant plutôt leurs propres réseaux de coordination informels et des systèmes d'alerte précoce communautaires (ICG, 6 octobre 2020). Selon le directeur de l'UNP, cité par le *Business & Human Rights Resource Center*, la réponse apportée à ce jour par l'UNP a été insuffisante et les mesures dans les zones rurales ont manqué d'efficacité. Les schémas de protection utilisés en priorité par l'UNP, à savoir des escortes et véhicules armés très coûteux et des gilets pare-balles, ne coïncident souvent pas avec les besoins des militant-e-s des droits humains. Il souligne également que l'UNP n'est souvent pas en mesure d'affronter des groupes armés contre lesquels seuls les militaires seraient de taille (*Business & Human Rights Resource Center*, mars 2020). Selon OHCHR, en 2020, quatre défenseur-e-s des droits humains ont été tué-e-s dans quatre départements en dépit des mesures de protection (UN HRC, 10 février 2021).

**Les groupes armés, y compris les dissidents FARC, n'hésitent pas à cibler les programmes de protection de l'UNP.** Dans un rapport de janvier 2020 sur la situation sécuritaire dans le département d'Arauca, où les défenseur-e-s des droits humains et leaders communautaires sont la cible de l'ELN et d'un groupe dissident des FARC, HRW indique que de nombreux officiels et leaders communautaires bénéficient d'une forme ou d'une autre de protection de l'UNP. Celle-ci peut inclure des gilets pare-balles, des téléphones portables, des véhicules et, dans des cas extrêmes, des gardes du corps. Loin de décourager les attaques, ces programmes de protection sont eux-mêmes la cible des groupes armés. Selon HRW, entre août 2018 et décembre 2019, ce sont au moins sept véhicules appartenant à l'UNP qui ont été volés, la plupart par des groupes FARC dissidents (HRW, janvier 2020).

## 6 Système judiciaire et accès à la justice pour les victimes des groupes armés

**Malgré certains progrès, l'État continue de faire face à de sérieux obstacles dans l'identification et la poursuite des commanditaires des assassinats des leaders sociaux et des défenseurs des droits humains. L'impunité reste la règle. La corruption est un obstacle dans la lutte contre les groupes armés.** Selon l'ICG, l'ensemble de l'échiquier politique colombien s'accorde à dire que les enquêtes judiciaires sur les violences commises à l'encontre des leaders sociaux sont insuffisantes. Malgré des améliorations, l'impunité est la règle pour ceux qui orchestrent ces crimes (ICG, 6 octobre 2020). OHCHR souligne pour sa part que le gouvernement a fait des efforts louables pour enquêter sur les attaques contre les défenseur-e-s des droits humains. Des progrès ont notamment été fait dans l'enquête de 47 pour cent des cas survenus en 2020 et de 64 pour cent des cas survenus entre 2016 et 2019. Il y a eu 20 condamnations à l'encontre des personnes ayant tué des militant-e-s des droits humains, tandis que 97 autres affaires étaient en attente de jugement en décembre 2020. Toutefois, OHCHR s'inquiète des difficultés persistantes en matière d'identification et de poursuite des commanditaires de ces assassinats (« auteurs intellectuels ») et souligne la

nécessité de démanteler les structures criminelles qui en sont à l'origine (UN HRC, 10 février 2021). Selon OHCHR, la corruption est un autre obstacle important dans la lutte contre les groupes armés. En 2020, OHCHR a reçu des informations concernant des cas possibles de corruption impliquant des membres de la police et de l'armée dans les départements d'Amazonas, Antioquia, Caquetá, Cauca, Cesar, Chocó, Huila, La Guajira, Magdalena, Nariño, Putumayo et Valle del Cauca. Dans le département d'Antioquia, au moins 26 membres de groupes criminels ont été capturés portant des armes avec des permis spéciaux que seuls les militaires peuvent accorder (OHCHR, 8 mai 2020).

**L'accès à la justice est limité, surtout dans les zones rurales où le nombre de juges et de personnel judiciaire est très réduit.** Selon OHCHR l'accès à la justice reste difficile, surtout dans les zones rurales, telles que celles d'Amazonas, Antioquia, Arauca, Caquetá, Cauca, Chocó, Guaviare, Meta, Nariño and Norte de Santander, où le Bureau du Procureur général n'a qu'une présence très limitée. L'accès à la justice est également sérieusement limité par le nombre réduit d'officiers de police judiciaire, les retards dans le traitement des preuves et la charge de travail excessive des procureurs (UN HRC, 10 février 2021). Pour HRW, l'un des principaux problèmes est le nombre limité de juges et de personnel judiciaire dans les régions où les meurtres de défenseur-e-s des droits humains ont lieu. Si de nombreuses enquêtes sont soutenues par les procureurs de Bogota, ces derniers sont généralement tenus, en vertu de la loi colombienne, de porter ces affaires devant les tribunaux locaux. Cependant, ces tribunaux sont peu nombreux et souffrent de retards et d'arriérés importants. En mai 2019, le président Duque a admis que le nombre limité de membres du personnel judiciaire était un obstacle à l'obligation de rendre des comptes pour les meurtres de défenseur-e-s des droits humains. Un autre problème important, selon HRW, est le nombre limité de procureurs et d'enquêteurs chargés d'enquêter sur ces meurtres. Alors que nombre de ces affaires sont traitées par des procureurs spécialisés au sein de l'unité d'enquête spéciale (qui ne s'occupent que d'un nombre limité de crimes), d'autres sont traitées par des procureurs qui s'occupent également de nombreux autres crimes. Certains d'entre eux ont déclaré être confrontés à une charge de travail écrasante. Les procureurs et enquêteurs ont confié à HRW qu'un autre défi était pour eux d'arriver à temps sur le lieu du crime pour protéger les éléments de preuve, de nombreux assassinats se produisant dans des régions reculées et difficiles d'accès. A cela s'ajoute également des risques sécuritaires en raison de la présence de nombreux groupes armés (HRW, février 2021).

## 7 Sources:

AI, octobre 2020:

***« Created in 2011, the National Protection Unit (UNP), attached to the Ministry of the Interior, links, coordinates and implements the provision of services for the protection of the rights to life, liberty, integrity and security of individuals, groups and communities who are in a situation of extraordinary or extreme risk as a direct consequence of the exercise of their political, public, social or humanitarian activities or functions.***

**As of May 2020, the UNP had provided physical protection to 4,890 human rights defenders at risk since it was created. Currently, it has 1,372 employees, organized in six working groups and a budget of 933,864,618,764 Colombian pesos (approximately USD240,000) for the year 2020.**

**The UNP provides protection measures, including security, armoured vehicles and bullet-proof vests, among other things, to individuals. The strategy is similar for communities at risk, who are given the same types of gear, but in greater quantities. [...]**

**People who have been beneficiaries of the programme have reported delays in the application of security measures and problems regarding the quality of the support, including, for example, in the delivery of vehicles without petrol, mobile phones without credit or bullet-proof vests in areas where high temperatures make it impossible to use them, according to testimonies collected by Amnesty International.**

**All the human rights defenders with a leadership role in their communities interviewed by Amnesty International for this report, as well as those who work with these communities, consider the UNP to have a very weak approach to collective protection.**

**They assert that, although the protection measures offered are necessary and important, they are not sufficient to mitigate the risk they experience daily because of their community leadership work.**

**They said, for example, that individual measures, such as the allocation of bullet-proof vests and armoured cars, do not take into account the context or different needs related to age and gender and can sometimes increase the risk in areas of armed conflict, because they make the people granted protection more easily visible. [...]**

**Currently, the UNP is in the process of restructuring its functions in order to make it more efficient and sustainable. However, it is not clear if the restructuring measures are sufficient to ensure that the protection of human rights defenders is effective since they do not envisage enabling the UNP to act to address the causes of violence against defenders, the main demand of civil society in the country. » Source Amnesty International (AI), Why do they want to kill us? Lack of safe space to defend human rights in Colombia, octobre 2020, p. 42-43: [www.ecoi.net/en/file/local/2038799/AMR2330092020ENGLISH.PDF](http://www.ecoi.net/en/file/local/2038799/AMR2330092020ENGLISH.PDF).**

AI, 26 mars 2020:

**« Colombia is one of the world's most lethal countries for human rights defenders and social leaders and, in the context of COVID-19, they now face even greater risks. Due to the restrictions imposed to contain the pandemic, state protection measures have been weakened, they can no longer keep moving from one location to another for their safety, and their attackers know that public security forces are focusing on issues related to the pandemic, » said Erika Guevara-Rosas, Americas director at Amnesty International.**

**“The Colombian authorities cannot let human rights defenders suffer attacks and threats. The state must maintain its protection schemes and must generate collective protection strategies for communities at risk, while implementing preventive measures to contain COVID-19.”**

**Amnesty International has received information that the protective measures offered by the National Protection Unit to at least two defenders have been reduced in recent days. In one case, due to a reduction on the number of his bodyguards, the defender has been forced into hiding for fear of being attacked by armed groups who have threatened him because of his human rights work. Another defender no longer benefits from nightly patrols, which could expose him to attacks.** » Source: Amnesty International (AI), Colombia: Measures against COVID-19 must not be an excuse for neglecting the protection of human rights defenders, 26 mars 2020: [www.amnesty.org/en/latest/news/2020/03/colombia-medidas-contracovid19-desatender-proteccion-personas-defensoras/](http://www.amnesty.org/en/latest/news/2020/03/colombia-medidas-contracovid19-desatender-proteccion-personas-defensoras/).

BBC, 16 avril 2018:

« *Ecuador said it had sent 550 police officers to Mataje, where the journalists were kidnapped on 26 March.*

*Ecuador's President Lenín Moreno confirmed on Friday that the three had been killed but their bodies have not yet been found.*

**A group of dissident Farc rebels said it was responsible for the killing.**

**The group is led by Walter Arízala, who is better known by his alias, Guacho.**

**Guacho was a member of the left-wing Colombian rebel group, Farc, but split off from it when the Farc signed a peace deal with the Colombian government in 2016.**

**Guacho's group, which calls itself the Oliver Sinisterra Front, is estimated to have 70 to 80 members and is active in the Colombia-Ecuador border region.**

*It is believed to control much of the drug trafficking in the area, which has one of the highest densities of coca plantations in Colombia.*

**Reporter Javier Ortega, 32, photographer Paúl Rivas, 45, and their 60-year-old driver Efraín Segarra were kidnapped when they were investigating a spike in violence in Mataje, just across the border in Ecuador.**

**Two weeks after they had been seized, the Oliver Sinisterra Front released a statement saying the three had "died" when the army came close to where they were being held.**

**Their killing caused outrage in Ecuador, which has been largely untouched by the armed conflict that blighted Colombia for decades.**

*President Moreno said Guacho had been placed on Ecuador's most wanted list, and offered a \$100,000 reward (£70,000) for information leading to his capture.*

*Colombian president Juan Manuel Santos said that Guacho would fall "sooner or later".* » Source: BBC, Ecuador and Colombia hunt for reporters' killers, 16 avril 2018: [www.bbc.com/news/world-latin-america-43782871](http://www.bbc.com/news/world-latin-america-43782871).

Business & Human Rights Resource Center, mars 2020 :

« In 2011, Colombia established the **National Protection Unit (UNP, in Spanish)** - a mechanism to protect HRDs. **In recent years, the work of the unit has been overwhelmed by the increase in attacks and the high demand for protection. As the protection model prioritises highly expensive armed escorts and vehicles and body armour – measures which do not necessarily coincide with needs of HRDs – it is seen as untenable for the future.**

Of great concern is the situation in rural areas, where Afro-descendant, indigenous and farming communities require more effective models of protection. **Pablo Elías González, director of the National Protection Unit, says: “The capacity of the Unit in terms of collective protection capacity is overwhelmed. We have many requests from indigenous, black and rural communities.” ...“Our offer is to individuals and, more than anything, to urban HRDs. At the rural level, we have a lot of weakness vis-à-vis armed actors. It is obvious that the only one who can confront them is the Army; we do not have that capacity.” [...]**

**But the response to date has been insufficient. Specific actions in rural areas and for land, territory and environmental HRDs have not been effective, and the risk continues to be too high for them.** The Office of the Ombudsman has pointed out that the proliferation of norms has not resulted in higher levels of commitment from the authorities, and, on the contrary, disperses the responsibilities of the state to protect the fundamental rights of community leaders and HRDs. Source: Business & human rights resource center, Defenders in Colombia, mars 2020: p.5, 7: [https://media.business-humanrights.org/media/documents/files/Business\\_Human\\_Rights\\_Defenders\\_in\\_Colombia.pdf](https://media.business-humanrights.org/media/documents/files/Business_Human_Rights_Defenders_in_Colombia.pdf).

Carolina Castro and al., 6 octobre 2020:

« **The killing of social leaders and members of vulnerable groups in Colombia has seen a dramatic rise in 2020. During the early part of the year, the number of killings was twice as high as during the same months of 2019. The onset of the COVID-19 pandemic and strict quarantine measures initially reduced this trend, leading to a slight decrease in killings. But as the coronavirus crisis became more normalised, a deterioration in the security situation of rural areas led to a new surge in the death toll.**

Although different sources give somewhat different figures for the number of killings, overall trends are similar: **there has been an alarming increase in the killings of social leaders and members of vulnerable groups in recent months, whether in comparison to the pre-pandemic period (January-March 2020) or to the previous year (April-August 2019).**

*Colombia's stalled peace process and COVID-19*

With little sign of progress on implementation of the Havana Agreement, many communities have lost confidence in the government and in state institutions. At the same time, risk factors for leaders supportive of the peace process have increased.

By committing to peace, leaders became the visible face of their communities. This in turn gave armed actors far more information about these leaders once the agreement was signed: where they were, which communities they represented, where they held influence, and how protected they were. This kind of knowledge aggravates the threat to their lives in general, but especially so during lockdown.



*Several leaders found themselves isolated in their homes and communities, often without bodyguards or any other form of protection. This confinement has facilitated intimidation by armed groups, who are well aware of social leaders' location and vulnerability.*

#### *Tracking the killing of social leaders*

*Data from the Armed Conflict Location & Event Data Project (ACLED) allows for the tracking of these trends. Given their very targeted and localised nature, killings of social leaders only tend to make international news or mainstream media when they build up to a tipping point. This makes it difficult for data projects relying on mainstream media to track these phenomena. For this reason, ACLED prioritises local media, supplementing this data with information from NGOs and local community networks. Over ten per cent of ACLED coverage comes from these types of sources.*

*In Colombia, this includes information from the Instituto de Estudios para el Desarrollo y la Paz (INDEPAZ), a Colombian NGO monitoring conflict in Colombia, as well as from Front Line Defenders, an ACLED partner that uses local networks to protect human rights defenders around the world. These non-media sources help to provide details on over a quarter of violent incidents against civilians in Colombia.*

***The events analysed here relate to social leaders and members of vulnerable communities, including farmers, indigenous people, and Afro-descendant people. This category also includes other groups which are frequently targeted, such as current and former members of the government, political parties, journalists, women, teachers, students, and LGBT people. In the context of the peace process, former Revolutionary Armed Forces of Colombia (FARC) and National Liberation Army (ELN) combatants who decided to reintegrate into society are also frequently targeted.***

*How have killings of social leaders changed during COVID-19?*

***ACLED data indicate that in April 2020 there were an average of around six killings of social leaders and members of vulnerable groups reported each week. This average had increased to over ten per week by the end of August 2020, when the nationwide lockdown was lifted (see graph below). [...]***

***A comparison with figures for the same period in 2019 further underlines the significant rise observed in 2020 (see graph below). [...]***

***Although at the beginning of the strict lockdown there was a decrease in the killings of members of vulnerable communities, since May there has been a continuous rise in this trend. In the six months since the onset of the pandemic, the vast majority of attacks against vulnerable groups have been perpetrated by unidentified or anonymous armed groups, just as in the months prior to the pandemic (see graph below). That is, despite a recognition that increased violence against social leaders and vulnerable groups is a serious issue in Colombia's post-conflict context, little effort has been made to uncover links between systematic killings and specific armed groups. [...]***

*The exact reasons for the increase in the killings of social leaders and vulnerable groups is not yet clear, but analysts have largely centred on three explanations.*

*Three hypotheses on the killings of social leaders and members of vulnerable groups*

*The first hypothesis concerns links between the end of the armed conflict and disputes over territories considered abandoned by the FARC. Here, attacks are seen to be linked to implementation of the peace agreement and to disputes between armed groups as their strength waxes and wanes.*

*One of the consequences of this shift in power has been the emergence of new armed groups in disputed territories that aim to control drug trafficking and illegal mining, often attempting to recruit former FARC combatants to bolster their presence. **More than 60 killings have also been attributed to FARC dissident groups themselves, and over 50 more to former paramilitary groups or international cartels.***

*For events in which vulnerable groups are targeted by a known perpetrator, the participation of members of the armed forces is increasingly common: these cases represented 18 per cent of such attacks before the pandemic, rising to 50 per cent after its onset (illustrated by the teal-coloured section of the graph below). Most of these events are directly linked to military coca-eradication operations.*

***In the six months following the onset of the pandemic, nearly a third (28%) of attacks on vulnerable groups with a known perpetrator were perpetrated by FARC dissident groups (light blue in graph below), which is broadly similar to the trend prior to the onset of the pandemic. [...]***

*A second hypothesis, meanwhile, relates to the vulnerability of rural inhabitants involved in government programmes that seek to curb drug trafficking. In 2019 and 2020, there were 16 reported killings of local leaders that were enrolled in coca-substitution programmes. The National Comprehensive Program for the Substitution of Illicit Crops (PNIS) provides funds to farmers and their families so that they can shift to legal crops, such as cocoa or coffee.*

*However, the state has also been engaging in eradication by military-led fumigation rather than focusing on voluntary programmes. By focusing on the weakest link in the chain of drug-trafficking activities – coca and marijuana farmers – the government exposes rural people to violence from the armed groups that make most of the profit from the business. And although most of these killings are perpetrated by illegal armed groups, some are linked directly to state-led eradication efforts.*

*The third and final common hypothesis concerns land disputes and environmental issues, both of which relate in turn to the previous two hypotheses. Essentially, the current process of land restitution in disputed territories puts at risk those farmers who are returning after having been displaced by conflict. In 2020, nine victims were part of the land-restitution process. Meanwhile, environmental leaders who fight against controversial construction projects and the exploitation of natural resources are made more vulnerable by rising tensions amongst the numerous armed groups vying for territorial control. According to the recent *Defending Tomorrow* report by the NGO Global Witness, Colombia ranks first in the world for killings of environmental leaders, with 64 reported deaths in 2019.*

*Alternative explanations: COVID-19, the economic crisis, and territorial control*

***In recent months, the public arena has been focused squarely on addressing the consequences of the COVID-19 crisis. The pandemic has absorbed the time, debate, and resources of the state and human rights NGOs, particularly through issues like restrictions***



*on movement, public health, and the economic effects of quarantine. In the midst of a crisis that has disrupted the operations and priorities of state actors and NGOs, structural problems like systematic violence in rural areas have been pushed into the background.*

*Most public offices have been closed, blocking citizens' access to the usual channels for reporting problems or seeking protection. Similarly, the activities of human rights NGOs have been severely limited by nationwide restrictions on movement, making it particularly hard to engage in fieldwork. The severe effects of the pandemic for vulnerable populations have in any case forced many NGOs to refocus their attention on more basic issues like food security and health.*

*Meta, for example, has more reintegration areas than most departments, boasting three Territorial Spaces for Reintegration and Incorporation (ETCR). In the six months following the onset of the pandemic, five times as many events targeting vulnerable groups were reported in Meta than in the six months prior. Many of these incidents involve the killing of former FARC combatants living in reintegration camps. Analysts had already raised concerns about the government's ability to guarantee the safety of former combatants living in the camps, especially as the temporary arrangements establishing these camps already expired without the government having released plans to turn them into permanent facilities or settlements.*

*Another aspect to consider is the lack of attention paid to the safety of social leaders in public discourse. Despite the fact that the situation of vulnerable groups in the country has deteriorated considerably in 2020, the issue has largely fallen out of public sight. News channels have instead begun to focus on COVID-19 and its impacts. Indeed, rural security issues, the protection of social leaders, and human rights violations have been displaced in public discourse by health and economic issues that have also significantly affected vulnerable populations.*

*As a result, communities living in remote areas are increasingly neglected from the national discussion, which only serves to isolate them further and to reinforce their vulnerability. Diminishing levels of information, research, and attention around this issue may also lead to weaker legal and social sanctions against armed actors that target vulnerable groups.*

*One indirect way to illustrate the decline in media attention is to analyse search trends on Google. These show a notable increase in searches related to the effects of the health crisis (on topics such as the economy and unemployment) and a decline in searches relating to human rights. As such, the onset of the pandemic and quarantine restrictions in Colombia has shifted the public's focus on to the health crisis, leading to a decrease in protection and safeguards for vulnerable groups.*

*A second alternative hypothesis relates to the relationship between the pandemic and new opportunities for territorial control by non-state armed groups. Specifically, **the coronavirus pandemic itself has sometimes been used as an excuse for armed groups to implement strategies of coercion and control in disputed territories. Armed groups enforced curfew and lockdown measures in at least 11 departments of Colombia, including long-troubled departments like Antioquia, Cauca, and Nariño. Dissident groups of the former FARC threatened to kill quarantine breakers in Cauca, while in Nariño measures were established by several groups, including dissident FARC combatants, the ELN, and the Gulf Clan.***

### *Structural factors in Colombia's southwest*

*Beyond pandemic-related explanations, structural issues have also contributed to a particular intensification of violence in the southwest of Colombia.*

*Nariño, for instance, is one of the main coca-production areas, principally because of its physical conditions and its access to the Pacific Coast and Ecuador, through which much of the product can be distributed to the United States and other international markets. According to local authorities, the killings taking place in Nariño can be attributed both to an increase in the local production of coca and to the escalation of a territorial dispute between the ELN and other armed groups that are exploiting the lack of state presence in the area. The ELN used to control several territories in Nariño, but its dominance has recently been challenged by the arrival in strategic areas of the Gulf Clan and different FARC dissident groups.*

*The increase in civilian targeting in Nariño can be seen in the maps below, which reflect a threefold increase in the targeting of social leaders in Nariño since the onset of the pandemic. [...]*

*Beyond these hotspots, **the targeting of vulnerable groups also expanded into Colombian departments that had not reported such problems in the lead-up to the pandemic, such as Guaviare, Vichada, and Tolima.***

*The departments of Cauca and Valle del Cauca (highlighted in orange below) have been hotspots of armed conflict since the emergence of the Cali Cartel, with high production of coca and good access to the Pacific Coast. In the northern area of Cauca, meanwhile, opposition to coca production amongst large indigenous and Afro-Colombian communities has made them increasingly vulnerable to attacks by different armed groups in the region. [...]*

*The targeting of members of vulnerable groups in the Cauca region from January and August 2020 has been twice as intense as during the same period of 2019. While 54 members of vulnerable groups were reported killed from January to August 2019, the grim figure for the same period in 2020 was 101.*

### *The absent state*

***This new wave of killings speaks to the tension and complexity of today's Colombia, with historical, structural disputes aggravated by contestation over production of illicit crops, drug trafficking, and illegal mining. In the first instance, the state should be actively investigating these killings and bringing in measures that safeguard the rights of social leaders and vulnerable groups. In the longer term, these disputes will need to be addressed in a comprehensive, joined-up manner, with a renewed focus on the strongest actors in illicit production and distribution chains. This kind of integrated approach could at last help to protect those small farmers, indigenous people, and Afro-descendant communities whose defence of their lands too often costs them their lives.*** » Source: Carolina Castro and al., Understanding the killing of social leaders in Colombia during COVID-19, 6 octobre 2020: <https://blogs.lse.ac.uk/latamcaribbean/2020/10/06/understanding-the-killing-of-social-leaders-in-colombia-during-covid-19/>.

City Papers Bogota, 21 mai 2020:

**« [...] Since the start of this year, 100 social leaders have been killed by paramilitaries, FARC dissidents, ELN guerrilla and other criminal groups protecting lucrative drug routes. Among the departments most affected are Cauca, Antioquia, Norte de Santander, Valle del Cauca, Nariño, Córdoba and Magdalena. [...]**

**According to the UN High Commissioner for Human Rights, Colombia's "confinement measures have become an opportunity to kill and threaten indigenous people, social leaders and farmers, and seize territory of illicit economies." The international organization references the precarious situation of public order in Cauca where 13 civic leaders have been killed so far in 2020, among them, Hugo de Jesús Giraldo on April 22 as lockdown completed a first month.**

**That same weekend, two other social leaders, Mario Chilhueso and Teodomiro Sotelo Anacona, were also killed in Santiago de Quilichao. "The COVID-19 pandemic and restrictions imposed by the government and by communities themselves to avoid the spread of the virus seem to have aggravated an already violent and volatile situation," states UN spokesperson Robert Colville. "Armed groups as well as criminal groups appear to be taking advantage of the fact that most of the people are in lockdown to expand their presence and control over the territory," he said. [...]** » Source: The City Paper, Quarantine marred by killings of Colombia's social and environmental leaders, 21 mai 2020: <https://thecitypaperbogota.com/news/quarantine-marred-by-killings-of-colombias-social-and-environmental-leaders/25121>.

CIVICUS, 23 septembre 2020:

**« [...] In addition, the Federación Colombiana de Periodistas (Colombian Federation of Journalists - FECOLPER), has denounced multiple cases of intimidation and threats between June and August 2020, some of which are summarised here:**

**On 19th June 2020, FELCOPER denounced that six communicators had received death threats through pamphlets from alleged armed groups. The first case was registered in the Putumayo department, where five journalists were declared military objectives, threatened with death and accused of collaborating with the departmental government. Four of the journalists threatened were from the same city, Mocoa. The presumed authors of the threats are FARC dissidents.**

**The second incident took place in the rural area of Montañitas, department of Caquetá. Journalist César Augusto Useche Losada was threatened through a pamphlet, apparently signed by members of the armed group "Águilas Negras". In the pamphlet, the reporter was insulted and given 48 hours to leave the region or be killed.**

**Also in June 2020, journalist Gerson Gil Ortiz received threats through social networks following a publication on alleged overspending in the purchase of uniforms by the municipal administration. Ortiz was director of the digital media Sahagún 180 Degrees but decided to shut it down following these threats. According to FECOLPER, seven people working with the portal were let go in these circumstances.**

*In August 2020, three journalists received death threats in Ipiales, department of Nariño, through calls and WhatsApp messages. The threatened reporters said that intimidating messages had begun after they began investigations related to illegal immigration and the irregular transport of migrants at the border with Ecuador during the pandemic.*

*On 7th August 2020, eight journalists from Santa Marta, in Magdalena Province, received pamphlets with death threats. Although the leadership of the National Liberation Army (ELN) has denied sending the intimidating pamphlets, their circulation is still a concern. FELCOPER requested that authorities and state security agencies carry out the necessary exhaustive investigations on their authorship.*

***On 15th August 2020, journalist Carlos Alfonso Pérez Cedeño received death threats from a person who identified himself as a member of the FARC dissident group. He is the director of regional outlet La Lupa Araucana and correspondent for Caracol Televisión in the department of Arauca. The threat was allegedly linked to notes the journalist published in Lupa Araucana regarding alleged corruption by a former public official of sanitation company Aseo Arauca.*** » Source: CIVICUS, Colombia on alert with increasing massacres, social leaders killed and repression of protests, 23 septembre 2020: <https://monitor.civicus.org/updates/2020/09/23/colombia-alert-increasing-massacres-social-leaders-killed-and-repression-protests/>.

CPJ, 2 avril 2020:

*« In response to the Colombian National Protection Unit's announcement that it would be suspending the country's Risk Assessment and Protection Measures Recommendation Committee, which grants protective measures to journalists, in light of the COVID-19 pandemic, the Committee to Protect Journalists issued the following statement:*

***“While we understand that the Colombian response to the coronavirus pandemic has made in-person meetings impossible, there is no reason the National Protection Unit cannot find a remote solution that will allow the committee to continue working,” said CPJ Central and South America Program Coordinator Natalie Southwick. “At a moment of increasing deadly violence against human rights defenders and journalists across Colombia, the state cannot use the coronavirus as an excuse to abandon its responsibility to protect its most at-risk citizens.”***

***The committee suspended meetings to conduct risk assessments and respond to requests for protective measures on March 19, and announced the decision on March 31, according to a report by the Bogotá-based Foundation for Press Freedom (FLIP). The committee said it plans to resume meeting once there are “conditions necessary” for relevant officials to participate, according to that report.***

*The National Protection Unit, founded in 2011, guards hundreds of people under threat, including union leaders, human rights activists, politicians, and journalists, according to CPJ research.* » Source: Committee to protect journalist (CPJ), Colombian protection unit suspends risk assessments 'indefinitely' due to coronavirus, 2 avril 2020: <https://cpj.org/2020/04/colombia-suspends-journalist-protection-program-ov/>.

CPJ, 13 mai 2019:

**« On May 9, two gunmen on a motorcycle shot and killed Lezama in the village of La Esmeralda, a violence-plagued region near the Venezuelan border in Arauca department, while the filmmaker was conducting interviews, according to news reports.**

A camera operator, Ricardo Llain, was grazed by a bullet in the attack and was transferred to a hospital; he was later released, according to those reports.

**“The killing of Mauricio Lezama Rengifo is the latest and most alarming incident in a pattern of threats and violence against those reporting near Colombia’s border with Venezuela,”** said CPJ South and Central America Program Coordinator Natalie Southwick in New York. **“Colombian authorities must undertake a thorough investigation into Lezama’s death and ensure that journalists are able to report safely in this tense region.”**

Lezama was working on a film about Mayo Villareal, a political activist and nurse from the region who treated victims during Colombia’s long-running guerrilla conflict, according to the Arauca newspaper *El Mirador*. Lezama also worked as a film consultant to the Arauca government, according to the newspaper.

**In a video posted on Twitter, Arauca Governor Ricardo Alvarado blamed the killing on members of the Revolutionary Armed Forces of Colombia (FARC). After a decades-long insurgency, the leftist FARC disarmed under a 2016 peace treaty, but several thousand of its former fighters have since re-armed, with an estimated 1,700 now operating in Arauca, according to news reports.**

**Alavarado told reporters that the FARC may have mistaken Lezama for a government informant, according to those reports.**

Colombian Defense Minister Guillermo Botero condemned the attack on Twitter and said that additional government troops as well as investigators from the attorney general’s office have been dispatched to the area.

CPJ emailed the attorney general’s office in Arauca for comment on the case and did not immediately receive a response.

**Arauca has long been a dangerous area for journalists due to the presence of guerrillas and drug trafficking groups, according to CPJ research. Daniel Martínez, Arauca correspondent for Colombian broadcaster RCN Televisión, told CPJ that he fled the region on May 1 after receiving a death threat from the National Liberation Army, a local guerilla group.** » Source: Committee to Protect Journalists (CPJ), Documentary filmmaker Mauricio Lezama shot and killed in Colombia, 13 mai 2019: <https://cpj.org/2019/05/documentary-filmmaker-mauricio-lezama-shot-and-kil/>.

El Pais, 24 octobre 2018:

**« El secuestro y posterior asesinato de tres ecuatorianos víctimas de un grupo de narcotráfico disidente de las FARC en la frontera con Colombia el pasado abril, un crimen que conmocionó a Ecuador, siempre estuvo rodeado del silencio oficial de Quito sobre las negociaciones para liberarlos. Ese misterio ha sido develado este miércoles, al menos parcialmente, cuando una**



*alianza periodística publicó una exhaustiva investigación sobre lo ocurrido con el equipo del diario El Comercio.*

*El fotógrafo Paúl Rivas, de 45 años; el redactor Javier Ortega, de 32 años; y el conductor Efraín Segarra, de 60 años, "fueron asesinados con disparos en la nuca, a quemarropa, bajo una noche oscura y lluviosa en medio de la selva colombiana", afirma el informe Frontera Cautiva, producto de la investigación que durante seis meses adelantó un consorcio de varias organizaciones periodísticas sobre los motivos y las circunstancias de aquel crimen.*

*"Las versiones de los gobiernos de Colombia y Ecuador son contradictorias e insuficientes y en muchos casos solo ha existido silencio", subraya la pesquisa. "Hay evidencia de que las autoridades de ambos países se prepararon para una liberación de los periodistas", que nunca se pudo concretar.*

*Los trabajadores de El Comercio habían sido secuestrados el 26 de marzo por el autodenominado Frente Oliver Sinisterra, una de las mayores disidencias de las otrora Fuerzas Armadas Revolucionarias de Colombia (FARC), hoy desarmadas y convertidas en partido político. Esa estructura opera a ambos lados de la convulsa frontera bajo el mando de Walther Patricio Arizala, mejor conocido con su alias de Guacho.*

*Ortega, Rivas y Segarra fueron retenidos en la provincia ecuatoriana de Esmeraldas. En ese punto de la línea limítrofe, Ecuador sufrió un inédito ataque con bomba cuando el Frente Oliver Sinisterra voló a comienzos de año un cuartel de policía. De acuerdo con la exhaustiva reconstrucción de los hechos, el 26 de marzo, en el sector fronterizo de Mataje, los periodistas fueron abordados por una persona a la que siguieron, según los testimonios recopilados. Se embarcaron en una canoa que los llevó hasta el otro lado, y fue entonces cuando comenzó su cautiverio. Esa misma tarde, Guacho envió hacia las cinco de la tarde su primer mensaje de texto a la policía ecuatoriana adjudicándose el secuestro.*

*Los familiares fueron contactados esa misma noche, pero solo hasta el siguiente día el secuestro se dio a conocer oficialmente en Ecuador, "en una rueda de prensa donde no se mencionaron los nombres de los plagiados. Así empezó el secretismo oficial que se mantiene hasta hoy", sostiene la investigación.*

*Del lado colombiano, el departamento de Nariño acumula más de 45.000 de las 171.000 hectáreas de hoja de coca que convierten al país en el mayor productor y exportador mundial de cocaína, de acuerdo con las cifras del Sistema Integral de Monitoreo de Cultivos Ilícitos de Naciones Unidas (Simci). La cacería contra Guacho - considerado una prioridad militar tanto en el tramo final del gobierno de Juan Manuel Santos como en el comienzo del de Iván Duque, que asumió su cargo el 7 de agosto- ha sido intensa, pero su esperada caída no se ha materializado. A mediados de septiembre, Duque anunció que Guacho había sido gravemente herido tras una operación militar, pero el despliegue para ubicar al disidente más buscado no logró hallarlo.*

#### *Las negociaciones*

*El Gobierno de Lenín Moreno y la banda de Guacho mantuvieron una comunicación constante, detalla el informe. "Durante la larga negociación establecida entre el Gobierno ecuatoriano y*

los secuestradores, hubo mensajes cruzados y múltiples amenazas vía WhatsApp. Las autoridades de Ecuador recibieron imágenes de los periodistas cautivos, encadenados, y por lo menos un vídeo sigue sin hacerse público”. Guacho llegó a exigir la liberación de tres presos de su grupo y la anulación de un tratado entre Bogotá y Quito.

El Gobierno de Ecuador “no ha divulgado hasta ahora que el 28 de marzo de 2018, cuando circuló el rumor de que los periodistas serían liberados, se preparó en efecto un operativo de rescate”, apunta el informe. La liberación incluso se llegó a informar como un hecho inminente en ambos países, pero al final nunca se concretó.

“Las autoridades ecuatorianas ya tenían un canal de comunicación abierto con Guacho, incluso desde antes del secuestro”, explica Nathan Jaccard, parte del equipo de 20 periodistas de distintas nacionalidades que trabajó bajo estrictos protocolos de seguridad. “Los gobiernos han sido muy herméticos, no solo con nosotros como periodistas sino con las familias y con la fiscalía, lo que deja muchas preguntas sin resolver”, se lamenta.

“Guacho llegó a creerse un interlocutor del presidente Moreno”, agrega Jaccard. El disidente envió su último mensaje el 7 de abril: amenazaba con asesinar a los periodistas y continuar los ataques con explosivos. Seis días después, el propio mandatario confirmó las muertes, pero tuvieron que pasar más de dos meses para que las autoridades pudieran rescatar los cuerpos. » Source: El País, Los periodistas ecuatorianos asesinados por disidentes de las FARC fueron ejecutados “a quemarropa”, 24 octubre 2018: [https://elpais.com/internacional/2018/10/24/colombia/1540382630\\_722809.html](https://elpais.com/internacional/2018/10/24/colombia/1540382630_722809.html).

HRW, février 2021:

**« Since 2016, the National Protection Unit has significantly increased the number of protection schemes granted to people it considers human rights defenders. (The unit is also in charge of providing protection to government authorities.) In 2020, the unit received over 31,000 requests for such schemes, including over 11,000 for people whom the unit considers human rights defenders. The unit granted and implemented approximately 1,600 such measures, although it is unclear how many people benefited from them. In 2019, 1,900 human rights defenders received protection schemes out of 13,000 who requested them; the remaining requests were denied. Measures included granting cell-phones, “panic buttons,” bullet-proof vests and, in extreme cases, bodyguards and armored cars.**

**The National Protection Unit faces significant budgetary constraints. In 2019, its budget amounted to COP 688.747.241. (roughly US\$209 million), of which roughly half was used to protect government authorities. The unit spent COP 200 billion (roughly US\$61 million) more than its original budget for that year, using funds assigned to its 2020 budget. In 2020, the unit’s budget increased to COP 939.365.926.632 (roughly US\$ 274 million), but it spent at least COP 1.094.449.822.495 (roughly US\$ 320 million). The unit’s schemes help protect rights defenders at risk, yet the overwhelming majority of rights defenders killed since 2016 did not have protection schemes. In 2019, only 6 of the 108 rights defenders killed had been granted protection schemes, including 3 who were using a scheme when killed. According to OHCHR, 4 of the 53 rights defenders killed between January and December 2020 had been granted protection schemes; of those, 3 were not using their entire scheme when they were killed.**



**Part of the problem is that schemes are only provided in response to specific risks, including threats, but many of the rights defenders who have been killed had not filed criminal complaints about threats. To provide a protection scheme, the National Protection Unit requires that people file a criminal complaint about a threat with the Attorney General's Office, and then provide a copy of the complaint to the unit. However, many human rights defenders face significant obstacles in filing complaints with the Attorney General's Office, including the absence of prosecutors' offices in their municipalities where they could file the complaint. So they report threats to other authorities, such as municipal human rights offices, known as personerías, or the Human Rights Ombudsman's Office. [...]**

**Many human rights defenders are also concerned that the security schemes, particularly bodyguards, vehicles or vests, draw attention and expose them to greater dangers. This makes some who have left their communities unwilling to return, even with protection schemes. Indeed, some abandon protective gear they have received elsewhere before returning home. For example, in October 2017, José Jair Cortés, a community leader in Tumaco, was killed in the rural area of Alto Mira y Frontera. The National Protection Unit had granted him a bulletproof vest, but on the day of the killing, he was not wearing it, apparently because he thought doing so would draw attention to himself and expose him to greater danger. [...]**

**The National Protection Unit also has insufficient staff. Between July 2019 and December 2020, the unit reported it had increased from 166 to 206 the number of officials charged with analyzing risks faced by people requesting protection schemes. However, at times, officials conduct their analyses by phone, instead of visiting the community of the person requesting protection.**

**Delays in granting security schemes have undermined protection. Under Colombian law, the National Protection Unit has 30 days to assess the risk of a person who requires protection. However, in December 2020, the National Protection Unit told Human Rights Watch that, in May 2020, such risk analyses were carried out "on average 160 days after the legal deadline;" and in December, on average 101 days after the legal deadline. In a few cases, human rights defenders have been killed while waiting for the unit to grant or implement protection schemes. [...]**

**Since 2019, the National Protection Unit has been conducting a "reengineering process," with support from USAID. The process seeks to speed up the response to protection requests, as well as to "coordinate the response with other prevention strategies" implemented by Colombian authorities. In December 2020, the National Protection Unit told Human Rights Watch that, as part of the "reengineering process," it had developed five "handbooks," concerning internal indicators, risk assessment, and a comprehensive service policy. The unit also said it had decreased the backlog of pending requests for security schemes, though it admitted having approximately 1,500 protection requests whose deadlines had been passed. [...]**

**Colombian authorities have in recent years made efforts to prosecute killings of human rights defenders, achieving significant progress compared to previous periods in Colombian history.**

However, **many investigations face significant hurdles, and convictions, particularly of the “intellectual authors” who ordered or approved such crimes, have been limited.** [...]

**Efforts to ensure accountability for killings of human rights defenders have been marred by multiple shortcomings and face numerous challenges. A key problem is the limited number of judges and judicial staff in areas where killings of human rights defenders take place. While many investigations are supported by prosecutors in Bogotá, prosecutors are generally required under Colombian law to bring such cases before local courts. However, they are few in number and troubled by significant delays and backlogs.** [...]

**In May 2019, President Duque acknowledged that the limited number of judicial staff was an obstacle to achieving accountability for killings of human rights defenders.** He announced the creation of a “special team” of judges in charge of trying such cases. But, as of December 2020, the special team had yet to be created. In March 2020, the Ministry of the Interior told Human Rights Watch that it had designed, with the Council of the Judiciary, a “proposal” for establishing 19 courts in various parts of the country. In December 2020, the Ministry of the Interior told Human Rights Watch that the Ministry of Economy had approved a budget for 2021 that “will guarantee the creation and permanent operation” of 13 such courts, and that they expected to create six others in 2022. But the Superior Council of the Judiciary told Human Rights Watch that the budget would be used to create 11 courts, of which only six would “prioritize” killings of human rights defenders. These six courts, which had yet to be created as of December 2020, are expected to have between three and five officials each and would be located in mostly mid-sized cities: Cúcuta (North Santander state), Buenaventura (Valle del Cauca), Medellín (Antioquia), Montería (Córdoba), Popayán (Cauca), and Quibdó (Chocó).

The new criminal courts will be charged with trying cases. Yet the limited number of judges charged with overseeing earlier stages of the criminal process (known as “supervisory judges”) in many areas of Colombia also creates important delays in cases of homicide of human rights defenders.

The limited number of prosecutors and investigators charged with investigating killings of human rights defenders is another significant hurdle. While many of these cases are handled by specialized prosecutors within the Special Investigation Unit (who only handle a limited number of crimes), some others are handled by prosecutors who also handle many other crimes. Some of them said they face an overwhelming caseload. For example, one told Human Rights Watch he had a total of 1,200 cases covering a range of crimes. He was “prioritizing among the already prioritized cases,” he said. [...]

**A big challenge for prosecutors and investigators is arriving at the scene of a crime in time to protect the evidence,** several told Human Rights Watch. Many killings occur in remote areas far from the nearest prosecutor’s office. Prosecutors face serious security risks in many areas. Often, they receive support from the Army, but some communities have asked soldiers to stay away, fearing that armed groups will accuse them of calling the army and attack them in retaliation. In addition, prosecutors, investigators, and other judicial authorities told Human Rights Watch that soldiers assigned to aid investigators often lack adequate training for the task, and they tell judicial authorities that they cannot ensure investigators’ safety.

**Delays in arriving at a crime scene often result in funeral establishments or community members removing corpses without following standard procedures for investigation. Armed groups' intimidation of communities further impedes investigations.** Witnesses often will not provide information, for fear of being killed or forced to leave their land, should armed groups learn that they have testified. Some do not trust police or prosecutors either, fearing they may leak information to armed groups or fail to make progress in investigations.

Local prosecutors, CTI investigators and staff of the Institute of Legal Medicine, which provides forensic support to criminal investigators, sometimes lack technical capacity to analyze forensic evidence on the killings, and this has marred investigations. "We don't have technical means to process evidence," an investigator in charge of cases of homicide of human rights defenders said. "We have to ask Legal Medicine for support, but sometimes it takes them months to respond. All that impacts the investigation." » Source: Human Rights Watch (HRW), Left undefended: Killings of Rights Defenders in Colombia's Remote Communities, février 2021, p.72-80, 116-122: [www.hrw.org/sites/default/files/media\\_2021/02/colombia0221\\_web\\_0.pdf](http://www.hrw.org/sites/default/files/media_2021/02/colombia0221_web_0.pdf).

HRW, 13 janvier 2021:

« The peace accord in 2016 between the Revolutionary Armed Forces of Colombia (FARC) and the government ended a 52-year armed conflict and brought an initial decline in violence. But conflict-related violence has since taken new forms, and serious abuses continue. Violence associated with the conflicts has forcibly displaced more than 8.2 million Colombians since 1985.

**In 2020, civilians in various parts of the country suffered serious abuses at the hands of National Liberation Army (ELN) guerrillas, FARC dissidents, and paramilitary successor groups. Human rights defenders, journalists, indigenous and Afro-Colombian leaders, and other community activists face pervasive death threats and violence. The government has taken insufficient steps to protect them. [...]**

Impunity for past abuses, barriers to land restitution for displaced people, limits on reproductive rights, and the extreme poverty and isolation of indigenous communities remain important human rights concerns in Colombia.

*Guerrillas and FARC Dissidents*

**In June 2017, the United Nations political mission in Colombia verified that FARC guerrillas who accepted the peace agreement with the government had handed over their weapons to the mission. The demobilized guerrilla group later announced it was forming a political party.**

**But a minority of dissident guerrilla fighters rejected the terms of the peace agreement, refused to disarm, and continue to commit abuses. Fighters of the guerrillas' former Eastern Bloc, which never demobilized, continue to operate in several parts of the country under the leadership of Miguel Botache Santillana, known as Gentil Duarte.**

**Other FARC fighters disarmed initially but joined or created new groups, partly in reaction to inadequate reintegration programs and attacks against former fighters. As of August 2020, more than 300 former FARC fighters had been killed.**

***In August 2019, Luciano Marín Arango, known as Iván Márquez, the FARC's former second-in-command and top peace negotiator, announced he was taking up arms again. He and other former FARC commanders created the FARC Second Marquetalia, named after the area where the FARC were created in the 1960s.***

***In the southern state of Cauca, FARC dissident groups have committed serious abuses, including murder, child recruitment, and forced displacement. They also imposed their own measures to slow the spread of Covid-19, including lockdowns, and threatened, attacked, and killed some for allegedly not complying.***

*The ELN continued, in 2020, to commit war crimes and other serious abuses against civilians, including killings, forced displacement, and child recruitment.*

*In Chocó state, on the country's west coast, fighting continued between the ELN and the Gaitanist Self-Defense Forces of Colombia (AGC)—a group that emerged from right-wing paramilitaries. Fears of landmines, threats by armed groups, and the hazards of crossfire limited the ability of nearly 4,000 people in Chocó to leave their communities in August, a situation known as "confinement." In already poor communities, confinement often undermines access to food.*  
» Source: HRW, World report 2021: Colombia, 13 janvier 2021: <https://www.ecoi.net/en/document/2043549.html>.

HRW, janvier 2020:

***« Community leaders and human rights defenders have been targets of both the ELN and the FARC dissident group in Arauca.***

***Many officials and community leaders have some sort of protection scheme provided by Colombia's National Protection Unit (Unidad Nacional de Protección, UNP). These can include bulletproof vests, cellphones, vehicles, and, in extreme cases, bodyguards. In Arauca, the protection schemes themselves have been targeted by armed groups. Between August 2018 and December 2019, armed groups stole at least seven vehicles belonging to the UNP. The FARC dissident group was allegedly responsible in most cases. In August, young men claiming to be members of the FARC dissident group arrived at an activist's house, and at gunpoint stole the UNP car he shared with 14 other members of a local organization.***

***The UNP has only one official in Arauca, so UNP officials must travel from Bogotá or other cities to assess the risk faced by people in Arauca. This generates delays and makes it harder to carry out a thorough analysis because they are less knowledgeable about the situation in Arauca, a government official told Human Rights Watch. When UNP staff are in Arauca they do not have protection, or even a car, so most risk analyses are carried out in urban areas. They also lack sufficient funds to implement security schemes in cases of emergency.*** » Source: Human Rights Watch (HRW), "The Guerrillas Are the Police": Social Control and Abuses by Armed Groups in Colombia's Arauca Province and Venezuela's Apure State, 22 janvier 2020, p.3-5, 43-44: [www.hrw.org/sites/default/files/report\\_pdf/colombia0120\\_web.pdf](http://www.hrw.org/sites/default/files/report_pdf/colombia0120_web.pdf).

HRW, 22 octobre 2020:

**« Three years ago last month, the Revolutionary Armed Forces of Colombia (FARC) guerrillas formally completed demobilization, marking the end of their 53-year conflict with the Colombian government.**

**Over 10,000 FARC members demobilized and handed in weapons in a process verified by a United Nations mission in the country. Nonetheless, some FARC fighters rejected the peace process or rearmed. Myriad armed groups, often called “FARC dissident groups,” emerged.**

*This piece analyses these FARC dissident groups through the lens of international humanitarian law. After presenting the current “post-conflict” scenario, it discusses the government’s characterization of FARC dissident groups, and the challenges in making such an assessment.*

*This is not just a technical debate. The Colombian government has recently been criticized for the military nature of its security strategy. However, this debate has largely ignored the critical question of how to characterize the situation in the country. Whether the groups meet the international legal standards to be parties to an armed conflict will determine whether the government is using the appropriate rules of engagement against them, including in controversial operations in which alleged child soldiers have been killed. It should also inform discussions of whether and against whom a military strategy may be appropriate.*

#### *The Current Situation*

*Several armed conflicts continue in Colombia. There is wide agreement that the fighting between the government and the guerrillas of the National Liberation Army (ELN), created in the 1960s, amounts to a non-international armed conflict. Additionally, in the view of the government and International Committee of the Red Cross, the Gaitanist Self-Defense Forces of Colombia (AGC) and the Popular Liberation Army (EPL) appear to be parties to armed conflicts, though the UN Office of the High Commissioner for Human Rights disagrees. The AGC emerged in large part from a flawed paramilitary demobilization in the 2000s. The EPL is a holdout from a guerrilla group with the same name that partly demobilized in the 1990s.*

***There is less agreement on how to characterize “FARC dissident groups” and whether hostilities between the groups and the government can be said to rise to the level of an armed conflict. Members of these groups include former FARC fighters who never demobilized, others who participated in the demobilization process but returned to arms, and new recruits.***

***Most well-known, in August 2019, Luciano Marín Arango, known as “Iván Márquez,” the FARC’s former second-in-command and top peace negotiator, announced he was taking up arms again. He and other former FARC commanders created a group called the “Second Marquetalia,” named after an area held in the 1960s by groups that eventually formed the FARC.***

***Currently, 25 FARC dissident groups operate throughout the country, according to a survey by Conflict Responses, a Colombian think tank. The groups often operate in the same territory FARC units controlled before the demobilization process, at times using***



*the units' names. Many of them engage in fighting with government forces, and are responsible for abuses, including killing civilians, forced displacement, and threatening violence to control daily life in numerous parts of the country.*

*According to government estimates, the various FARC dissident groups total 2,500 – 2,600 fighters in arms, with another 1,800 – 2,000 “part-time” members who live in urban areas and provide support, a high-level government official told one of us. Yet, the groups vary significantly in size. Some groups, like the so-called 28th and 18th “fronts,” probably have fewer than 100 members; others appear to have more than 300.*

*Assessing FARC Dissident Groups under IHL*

*Various assessments have been made regarding FARC dissident groups.*

*The UN Office of the High Commissioner for Human Rights considers that these groups do not fulfill the intensity and organization requirements to be parties to a conflict with government forces. The ICRC considers that fighters from the FARC's former Eastern Bloc, which did not accept the peace deal and operate mainly through the 1st, 7th and 40th “fronts,” are parties to a conflict with government forces. It has not publicly concluded that any other FARC dissident groups, including the “Second Marquetalia,” are parties to a conflict.*

*In contrast, the government has taken the position, since 2017, that all FARC dissident groups are parties to a conflict with its forces and subject to rules of engagement under IHL. The conclusion is inconsistent with the government's denial, at a more political level, of an armed conflict in the country, and its repeated claims that the FARC and its dissident groups are criminal gangs, though in line with its strategy to deploy the military to troubled areas.*

*The government has not clearly explained its conclusion about these groups. The government resolution making the determination three years ago that they were parties to a conflict, Directive 37 of 2017, said that the groups had “command and control” that the government claimed was increasingly unified and engaged in hostilities, but it failed to identify any FARC dissident group in particular, seemingly treating all FARC dissident groups as one. Moreover, the government has expanded the characterization to new groups as they emerged, seemingly without carrying out an individualized analysis of the new group's level of organization and hostilities, as well as its relationship to the others.*

*Under international law, the determination as to whether a situation of violence amounts to an armed conflict is an objective one—not to be determined by the relevant government. When it comes to FARC dissident groups, they may be considered parties to a conflict in three ways:*

*If the specific group fulfills in and of itself the levels of organization and hostilities required under IHL;*

*If two or more (sub)groups that fail to fulfill in and of themselves such requirements have genuine links among themselves, in practice creating a single group that satisfies the requirements under IHL.*

*If a group that fails to fulfill in and of itself such requirements has genuine links with a group that satisfies the requirements.*

*So far, the ICRC and the Geneva Academy have concluded that only the FARC's former units in of the Eastern Bloc fulfill in and of themselves the levels of organization and hostilities required under IHL (option 1 above).*

*Indeed, former units of the Eastern Bloc appear to be highly organized and often engage in fighting with government forces. However, the same is not true for other FARC dissident groups. For example, Human Rights Watch found that, at least by August 2018, the 33rd Front had a "limited level of organization" suggesting that it did not fulfill the requirements to be a party to the conflict. Similarly, the Second Marquetalia appears to have rarely engaged in fighting with government forces, though it has engaged in fighting with other FARC dissident groups.*

*Alternatively, it may be possible that several or—as the government's position seems to suggest—even all FARC dissident groups have genuine links among themselves such that they can be treated as a single group, and that taken together they fulfill the organization and hostilities requirements under IHL (options 2 and 3).*

*Scholars have suggested that the relevant test for such links is whether some sort of centralized command exercises "overall control" over several armed groups (option 2 above) or whether an armed group exercises such control over another armed group (option 3 above). That argument is based on the test developed in Tadic before the International Criminal Tribunal for the former Yugoslavia (ICTY) for determining whether an armed conflict has internationalized due to a state's role in 'organizing, coordinating or planning the military actions' of a non-state armed group in another state.*

*International case law has built on the Tadic test when determining whether different armed groups form a single party to the armed conflict. The ICTY's Trial Chamber found that small groups belonged to a single larger organized armed group in Haradinaj et al. (para. 89), in a situation in which it could establish the 'initial phases of a centralized command' exercising authority over the (sub)groups. At least in Tilman Rodenhauer's interpretation, this standard does not require that the controlling group or the at least incipient centralized command must be able to issue specific orders or command each military operation, but it does require that they coordinate military activities and determine the overall military objectives and the internal rules that all subgroups have to follow.*

*It appears inaccurate to treat all FARC dissident groups as a single group. Indeed, many FARC dissident groups operate independently. The Second Marquetalia, for one, operates independently from the former Eastern Bloc's units and has even engaged in fighting with other FARC dissident groups.*

*At the same time, there is some evidence that a subset of FARC dissident groups that fail to fulfill in and of themselves the organization and hostility requirements have genuine links among themselves that may create a single group that may satisfy the requirements under IHL (option 2). For example, the "Western Coordinating Command" (WCC) brings together eight dissident groups in southwestern Colombia. While many of them frequently engage in fighting with government forces, there is no clear evidence that they have a solid chain of command, based on our interviews with humanitarian sources.*



*The eight groups reportedly have a commander who coordinates them, a member of the WCC told one of us. Two of these groups fight alongside each other against government forces and ELN guerrillas, according to WCC's news releases. Nonetheless, the nature of this actual coordination and the level of autonomy of each group is unclear. **As far as we can determine, the clearest evidence of any coordination are news releases. While these suggest that the groups have the ability to speak with one voice, a relevant factor in the assessment, there is no clear evidence that these statements reflect the facts on the ground.***

*There are also indications that some FARC dissident groups that don't fulfill in and of themselves the organization and hostility requirements have genuine links with a group that satisfies such requirements (option 3). For instance, in February 2019, the "Western Coordinating Command" released a statement saying that some of its armed groups were "linked to" the 1st Front, which the ICRC considers to be a party to the conflict. They said that the 1st Front was "leading a process of reorganization of the FARC." Yet on the ground, it is far from clear what that actually means. **There is little evidence that 1st Front commanders are able to determine the varying military strategies and the internal rules of these groups, based on our interviews with humanitarian workers and local experts.***

*Similarly, three FARC dissident groups, including the 7th front, which the ICRC considers a party to the conflict, are part of an umbrella group called "Jorge Briceño Front," based on our interviews with local prosecutors and other officials. But each of them appears to have different internal rules, based on our interviews with local experts and journalists.*

#### *Conclusion*

*After the peace accord, fluid and multiplying armed groups emerged in Colombia, alongside armed groups that have been fighting for decades. There are strong reasons to doubt that the government is correctly assessing these new groups as a single armed group to which international humanitarian law applies; rather, different assessments likely apply to different groups. These groups present serious legal and factual challenges, which need to be taken seriously to ensure that international humanitarian law is appropriately applied. Such an analysis should also inform the assessment as to whether military or other strategies are appropriate to address the various situations of violence in the country. » Source: Human Rights Watch (HRW), Does the FARC still exist? Challenges in Assessing Colombia's 'Post Conflict' under International Humanitarian Law, 22 octobre 2020: <https://www.hrw.org/news/2020/10/22/does-farc-still-exist-challenges-assessing-colombias-post-conflict-under#>.*

ICG, 30 novembre 2021:

*« Dissident factions have now taken over the role that the FARC once played across swathes of Colombia. While diverse in character and still deeply fractured, dissidents generally have coercive, exploitative relationships with civilian residents. Many demobilised FARC fighters express shock at their behaviour, which they claim to be more violent and arbitrary than what they used to do. Locals often refer colloquially to dissident groups as paramilitaries, in recognition of their cruelty and fixation on illicit profit.*

**Most dissident factions are geared toward criminal rackets and control of turf.** Whereas the FARC, at least theoretically, viewed illicit business as a way to support its political crusade, and regulated these rackets accordingly, for at least some dissidents profit appears to be an end in itself. One sign of this shift is visible in coca production. Whereas the former FARC had regularly imposed limits on how many hectares of coca campesinos could grow, encouraging them to also plant food crops, a number of dissident factions today are imposing coca monoculture on small-hold farmers. Rising rates of deforestation also indicate that land clearance, previously restricted in many FARC-run areas (in part out of a desire to maintain operational cover), is now being encouraged by some dissidents.

**Communities have reported numerous incidents of coercion by dissident outfits seeking to neutralise resistance. The Dagoberto Ramos Front, which operates in northern Cauca, has sought to establish control of the marijuana trade in Toribio municipality, including not just buying and trafficking the plant but also increasing their power over farmers who grow it. Local leaders who disagree or speak out against dissident rule can be exposed to grave danger.**

Armed factions focus their attention on the leaders of neighbourhood Community Action Councils, whom they try to harness to work on their behalf. Some Council leaders are prepared to accept certain dissident demands in order to secure concessions in other domains. A Council president in Tibú explained: I made it clear to the commander that we are one of the most vulnerable communities, and I would appreciate if they do not recruit [our young people]. I can neither support nor oppose the groups. There are rules here. I can't change that. Other Council members who have tried to defend their autonomy from the dissidents have been threatened or killed, adding to the death toll among Colombian social leaders since the peace accord. In areas where more than one armed group is present, community leaders find themselves in an even worse predicament, as negotiating humanitarian requirements with one group could provoke the wrath of another. "Even if we wanted to, we could not talk to them because of the quantity of groups. If you talk to one, that is seen as bad by the others".

**Hostilities between Indigenous authorities and dissident factions have grown particularly intense in northern Cauca, one of Colombia's most conflict-affected areas. Whereas the FARC guerrillas respected a certain level of autonomous Indigenous governance, dissident factions have sought to impose their own political and social leadership. Preying upon poverty among the Indigenous, dissidents have recruited "en masse" in northern Cauca while also setting up football and recreation clubs.**

Traditional leaders who have tried to reassert their authority, particularly with young people, face reprisals. They point to the assassinations in 2021 of three prominent, outspoken Indigenous women who had resisted the dissidents' influence. Additionally, FARC dissidents increasingly deploy forced confinement as a way to establish control over communities, particularly in disputed areas. Suspicious that any new faces in a given area could belong to rival groups, dissidents place strict limits on who can enter and leave. In Nariño's Telembí Triangle, a region with lucrative fluvial trafficking routes, several dissident groups have planted landmines at entrances and exits to villages, told residents they cannot tend their crops, or warned them that moving home would result in permanent expulsion from their land. The Carlos Patiño Front in Cauca reportedly issued identity cards to residents of some villages and now requires they be shown at checkpoints.

*Violence against civilians, meanwhile, has become commonplace in areas under dissident dominion. Residents of Catatumbo, Cauca and Nariño report incidents of dissidents opening fire without regard to civilian casualties. During its push into Nariño, the 30th Front clashed with rivals in rural neighbourhoods, using houses as sniper nests. Dissidents in Catatumbo have placed explosives on street corners, intending to hit police on patrol but often killing or wounding civilians. Factions in all three areas have used landmines to cordon off territory they control to prevent coca eradication or to stop civilians from fleeing. Women and youth have suffered disproportionately from the dissident expansion. Child recruitment is common and has expanded significantly during the pandemic. For young people who cannot attend school online, or whose families need them to work, dissidents in northern Cauca offer tantalising sweeteners: mobile phones, rumours of monthly salaries up to three times the national minimum wage, motor cycles and social clout. Girls are also increasingly being drawn into these factions as informants, girlfriends or recruiters to help lure young men. "Children who decline to join are threatened. ... The mothers cannot even denounce or protest. It weakens the entire family, which is the dissidents' strategy". » Source: International Crisis Group (ICG), A Fight by Other Means: Keeping the Peace with Colombia's FARC, 30 novembre 2021, p.24-31: [https://d2071andvip0wj.cloudfront.net/092-a-fight-by-other-means%20\(2\).pdf](https://d2071andvip0wj.cloudfront.net/092-a-fight-by-other-means%20(2).pdf).*

ICG, 6 octobre 2020 :

*« The current approach to preventing violence is split between responding to specific threats and improving general security conditions. **Local authorities are legally the first responders to threats against social leaders. Governors or mayors are required to provide emergency protection to threatened individuals and their families, such as alternative temporary lodging. In practice, such responses are rarely possible. Local officials lack resources and may be subject to the same threats and intimidation – from armed groups or powerful economic interests – as the leaders they are charged with protecting. One common initial reaction to reported threats is for police officers to conduct regular patrols around a leader's home, until their case can be evaluated for more permanent protection. While patrols are intended to deter, numerous social leaders report that they can result in the leader being seen as an informant, causing an additional risk of retaliation. Police patrols also expose and call attention to the threatened person's location.***

*Local responses should trigger support from national authorities, namely the interior ministry and the Plan for Opportune Action's coordination committee. Some attendees nevertheless say the committee meetings offer little concrete follow-up. Triggering a high-level response can take weeks or months, if it happens at all. Leaders note that filing police reports (denuncias) is a time-consuming activity that often requires shuttling from office to office. Denouncing threats can also be a danger in and of itself, as watchful armed groups or other assailants can retaliate against the victim for speaking out. In some cases, leaders believe that members of the security forces are involved in threats against them, making police reports particularly hazardous. Women also face greater obstacles to reporting sexual violence, which is often invisible or misunderstood by authorities. As a female social leader said:*

*In order to denounce [a threat], a woman has to first overcome her fear, second make the decision to denounce, and third find and successfully get access to justice mechanisms so that they file a report.*

***In addition, the government is meant to respond to generalised risks reported to them through the Ombudsman's early warning system. More than 90 per cent of alerts since 2017 have included specific references to threatened social leaders. The interior ministry is meant to coordinate a response each time the Ombudsman issues an alert. Ministry officials, however, say personnel are overstretched and unable to follow up with the large quantity of active commitments.***

#### *Protection Schemes for Social Leaders*

***Protection schemes – including everything from bulletproof jackets to armoured cars and bodyguards – were initially intended as the last resort for the most endangered leaders. But as the number of threatened figures has continued to rise, and authorities have been unable to investigate threats quickly enough to thwart them, the government has deployed thousands of these measures. As of May 2020, 4,966 social leaders had state-provided security, representing 69 per cent of all people provided with such schemes in Colombia. This infrastructure works in many settings, particularly urban areas, though it may create some new risks and is far from foolproof. Some leaders with protection appreciate the buffer against attacks but still worry that it places a target on their backs. As one indigenous leader suggested: “Any car from the [government protection agency] is now a military objective [for armed groups]”.***

***The National Protection Unit is responsible for assigning and managing protection schemes, spending much of its \$250 million budget protecting social leaders. Police, local authorities, the state Ombudsman or the UN can recommend cases to the unit, which evaluates their merit. Risk studies often take months and risk analysts rarely recommend urgent interim protection. Each completed risk analysis is brought before a weekly meeting of the Committee for Evaluation of Risk and Recommendations for Collective Measures which determines if and what protection should be provided in as many as 350 cases per week. Security schemes vary enormously, from a mobile phone or self-protection course to a panic button and a bulletproof jacket. More at-risk leaders might be relocated within their region and given one or more bodyguards, while the most imperilled are moved into town with armoured cars, a fuel allowance and a basic income.***

***While details of security schemes are kept confidential, officials familiar with the system suggest that a significant proportion of leaders under protection are asked to relocate. In those instances, safeguarding a social leader can undermine that community's interests. To avoid having to abandon their homes and the causes they advocate, many social leaders have refrained from requesting security, instead creating their own informal co-ordination networks and community early warning systems.***

***The interior ministry also assigned collective protection to 34 groups in 2019, through schemes that largely mirrored individual protection provisions – for example, giving a civil society organisation an armoured car or self-protection training for its staff. Communities that are not registered as NGOs report particular challenges in meeting the conditions to qualify for protection, such as providing original copies of police reports documenting past threats to the group. The protection unit is involved in reforms aimed at ensuring that it allocates more collective protection schemes.***

#### *D. Judicial Investigations*

***There is agreement across Colombia's political spectrum that judicial probes into violence against social leaders are falling short. Despite improvements, impunity is the rule for those who orchestrate these crimes. By late 2019, the Attorney General's Office said it had established the assailant's identity in 55 per cent of cases against human rights defenders. Compared to the equivalent statistic for all national homicides – roughly 28 per cent – this identification rate points to substantial progress. Even so, few of those cases have led to convictions, and even fewer to sentences for the masterminds rather than just the individuals who pulled the trigger on another's orders.***

***The Attorney General's Office acknowledges the challenges it faces and is working to improve its ability to pin down the individuals who order the killings.*** A special investigative unit for human rights defenders, now staffed with more than 100 people, has sought to bring its work up to international standards with EU support. It has created rapid response units that can deploy to remote crime scenes from Bogotá, and investigators are increasingly deployed to the field permanently. The special unit coordinates with prosecutors working on organised crime, enabling investigators to connect attacks upon human rights defenders or other citizens. The unit has launched eleven investigations aimed at linking cases to particular armed groups in a single municipality or region. Three serial perpetrators of violence against social leaders and six alleged Gaitanistas involved in assassinations were arrested in the first six months of 2020.

Coordination between local and national investigators is not always fluid, however, and communities and independent observers note that ***armed groups have been able to infiltrate some local prosecutors' offices. A high caseload limits what is possible: "The capacity of prosecutors cannot match the speed of homicides in this country".***

***Cases that advance to judicial hearings face additional challenges. Investigators say witnesses who were willing to speak with prosecutors may be scared to do so in court as there is often little protection from reprisal. Judges in high-conflict regions are overburdened and public defenders are in short supply to represent the accused.*** » Source: International Crisis Group (ICG), Leaders under Fire: Defending Colombia's Front Line of Peace, 6 octobre 2020, p.29-32 : <https://d2071andvip0wj.cloudfront.net/082-colombia-leaders-under-fire.pdf>.

Insight Crime, 14 octobre 2021:

***« The governor of Colombia's central department of Meta has survived back-to-back assassination attempts, a rare case of a continued targeted assault against a senior public official by Colombian guerrillas.***

***On October 10, a sniper fired at the car that Governor Juan Guillermo Zuluaga was driving as he toured various towns in the south of Meta, an area that has seen repeated violence between government forces and the ex-FARC Mafia, dissidents from the now-demobilized Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC). The car was struck by one bullet but nobody was hurt.***



**The next day, an explosive device was detonated as the governor's convoy drove past in the municipality of La Macarena. Two people were injured, including a six-year-old child. One of the police vehicles accompanying Zuluaga was damaged.**

Zuluaga was touring the municipalities of La Macarena, Mesetas and Uribe, where dissident guerrilla forces under the command of Miguel Botache Santillana, alias "Gentil Duarte," have long had a strong presence.

**"FARC dissidents, clearly, are those operating in this area. There is a confluence of several issues, drug trafficking, deforestation, common criminality but the FARC dissidents want to have territorial control," Zuluaga said in an interview with Colombian news outlet, Caracol, after the attacks.**

In late September, one Colombian soldier was killed and another injured after walking in a minefield reportedly planted by Duarte's forces in La Macarena, according to army sources. A week earlier, three gunmen loyal to Gentil Duarte were arrested in La Macarena after allegedly killing farmers and merchants who refused to make extortion payments, army officers told the Colombian media.

And in November 2020, armed men threw a fragmentation grenade at the police station in La Macarena, injuring two police officers. [...]

The department of Meta is vital to the criminal economies controlled by Duarte and his dissident guerrillas. La Macarena and surrounding municipalities are home to coca plantations, cocaine production facilities and deforestation, showing why Duarte is willing to attack a senior official to maintain control of the area.

While Meta did show a 16 percent decline in coca crops between 2019 and 2020, according to data from the United Nations Office on Drugs and Crime (UNODC), the Sierra de la Macarena National Park has one of the highest concentrations of coca crops in the country, with 1,008 hectares.

Duarte is reportedly trying to stimulate further cocaine production in the area. In September, InSight Crime reported that Duarte's guerrillas were offering up to 5 million Colombian pesos (\$1,400) to farmers for every hectare cleared for coca cultivation in the Tinigua National Park, which sits next to La Macarena.

This, in part, led to the department of Meta being the worst place in Colombia for deforestation in 2020, losing 35,556 hectares of forest cover.

**Illegal logging is essential to clear lands to plant coca, while criminal groups also profit from illicitly selling off the timber. Duarte and his allies have been accused of orchestrating large-scale deforestation since the FARC demobilized, with arrest warrants issued against them for illegal logging in the Amazon rainforest between La Macarena and San José del Guaviare**

**The Meta department was historically controlled by the FARC, prior to rebel group's 2016 peace agreement with the government, but much of the area is firmly in Gentil Duarte's**



**hands and is critical to funding his attempts to reunite disparate ex-FARC units into a cohesive group.**

**While attacks on soldiers by Colombian guerrillas remain commonplace, targeting a governor represents an escalation rarely seen since the FARC demobilized. It remains to be seen if this will lead to a more focused attempt to go after Duarte, who has so far resisted all attempts to capture him.** » Source: Insight Crime, Dissident FARC Guerrillas Repeatedly Try to Assassinate Colombia Governor, 14 octobre 2021: <https://insightcrime.org/news/ex-farc-mafia-repeatedly-try-assassinate-colombia-governor/>.

Insight Crime, 17 octobre 2017:

*« The Colombian government has released estimates indicating that only a small percentage of former FARC guerrillas have abandoned the peace process. But InSight Crime field research indicates that the actual number of dissidents is much higher, and could be growing due to issues related to the implementation of a November 2016 peace agreement with the rebel group.*

**The director of the Colombian agency in charge of reintegrating former guerrillas of the Revolutionary Armed Forces of Colombia (Fuerzas Armadas Revolucionarias de Colombia - FARC), Joshua Mitrotti, recently told Verdad Abierta that just 6 percent of fighters have refused to join the peace process.**

**"Dissidence, according to the latest reports, is no more than 6 percent of the original FARC ranks. Which is to say, it is a small minority that is doing a lot of damage to the process," Mitrotti said.**

*In August, Defense Minister Luís Carlos Villegas provided a similar estimate of 5 to 7 percent to RCN Radio. Based on this figure, Villegas said there are "about 400 people" involved in what he describes as "residual crime."*

**However, according to extensive field work conducted by InSight Crime in several departments across Colombia, the true percentage of former FARC guerrillas who have dissented is likely more than double the government estimates. And their numbers appear to be growing.**

**InSight Crime estimates that there are approximately 1,000 to 1,500 dissidents who have abandoned the peace process for various reasons, accounting for around 15 percent of the total number of FARC ex-combatants.**

**Many of the dissidents identified by InSight Crime have returned to their past strongholds to regain control of highly profitable criminal activities, mainly tied to drug trafficking, though there are a range of reasons why former fighters are abandoning the peace process. [...]**

**In the southwestern department of Putumayo on the border with Ecuador, InSight Crime has identified about 300 dissidents who formerly belonged to the FARC's 38th and 42nd Fronts. These dissidents, whose presence has also been confirmed by the Colombian**

*military, are purportedly maintaining a hold over the long-time drug trafficking hub, controlling coca cultivation and cocaine processing.*

*Another 400 dissidents are estimated to be operating in the municipality of Tumaco in the southeastern department of Nariño, which InSight Crime has described as "ground zero" of Colombia's cocaine trade. Authorities have recently accused the newly formed organized crime groups in Tumaco of supporting protests against coca eradication and playing a role in a bloody incident that left dozens of civilians wounded or killed, though the dissidents have denied it.*

*Several dissident mid-level commanders have also returned to areas once controlled by their fronts in order to reestablish control. This dynamic is perhaps most evident in Colombia's Eastern Plains region, a longtime stronghold for various armed groups.*

*InSight Crime has identified at least 400 FARC dissidents in the Miraflores municipality in the department of Guaviare, one of the areas in the Eastern Plains thought to have a presence of former 1st and 7th Front fighters.*

*Former commanders Miguel Botache Santanilla, alias "Gentil Duarte," and Géner García Molina, alias "John 40" or "Jhon 40," as well as a few other commanders expelled from the FARC allegedly maintain leadership over criminal operations in this region. These ex-commanders have also been recently joined by former 27th Front Commander Rodrigo Cadete who is allegedly helping Gentil Duarte expand his criminal organization's reach into the neighboring department of Meta.*

*There are also some dissidents who are forming alliances with or being recruited by other organized crime groups, particularly in areas where the FARC once held territorial control. For example, in the municipality of Ituango in the northern department of Antioquia, dissidents from the 18th Front, which previously controlled the area, are reportedly operating in conjunction with the powerful Urabeños crime group.*

#### *InSight Crime Analysis*

*Dissidence is a common challenge following peace processes with armed groups, as has been observed in Colombia with the United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia - AUC) and as far away as Northern Ireland with the Irish Republican Army (IRA). However, the Colombian government's estimates of FARC dissidence fall well below those observed on the ground by InSight Crime, and these numbers will likely increase if issues with the implementation of last year's peace deal remain unaddressed.*

*Mitrotti himself recognizes that it would be "naive" to anticipate "100 percent success." But he and other officials have downplayed concerns about dissidence, saying that many former fighters are leaving to return home to their families or to engage in political activities or work outside of the zones.*

*In fact, the majority of FARC dissidents seem to be largely motivated by increasing frustrations with the government's noncompliance with key aspects of the peace accord and the appeal of reentering the criminal realm.*

Former FARC commander-in-chief Rodrigo Londoño Echeverri, alias "Timochenko," expressed concern last month that the government has so far not followed through with several important aspects of the agreement, including improving conditions in zones where former fighters are supposed to concentrate, as well as providing basic income stipends and advancing agricultural and development projects. Issues like these have led many ex-guerillas to leave concentration zones in recent months, though official figures of this desertion are in flux.

InSight Crime research suggests that the Colombian government would have more success stemming the tide of dissidence by focusing on fulfilling peace accord promises such as crop substitution and rural development projects, rather than emphasizing military operations and coca eradication which have in many cases proven ineffective. » Source: Insight Crime, Is Colombia Underestimating the Scale of FARC Dissidence?, 17 octobre 2017: <https://insight-crime.org/news/analysis/is-colombia-underestimating-scale-farc-dissidence/>.

Reuters, 5 janvier 2021:

**« Colombian illegal armed groups lost roughly 5,120 members in 2020 as the country's armed forces continued operations amidst the coronavirus pandemic to weaken them and stop them from growing in size and territory, said General Luis Fernando Navarro.**

The figure includes combat deaths, captures, and desertions affecting the National Liberation Army (ELN), dissidents of the demobilized Revolutionary Armed Forces of Colombia (FARC) who rejected a 2016 peace deal, and other armed groups including Clan del Golfo, Los Caparros, and Los Pelusos, Navarro said.

All five armed groups are linked to drug trafficking and illegal mining, he added.

**“The remnants (FARC dissidents) have lost some 1,100 men. The ELN lost more than 700 men due to legitimate state action in targeted strikes,” Navarro, commander of Colombia's armed forces, told Reuters in an interview.**

Colombia's military is authorized to bomb the groups, which hold strategic areas in the country's jungles and mountains for producing cocaine and illegally mining metals, mainly gold.

“They don't have the capacity to recover from the damage done by Colombian authorities, which is why we believe their plans are focused on containment and our objective is to take them to a turning point,” Navarro said.

**Excluding the members lost, the five groups finished 2020 with around 6,800 combatants, according to an intelligence report seen by Reuters. Armed groups' year-end membership last year was similar to that at the end of 2019 partly due to the number of members lost and despite the groups' recruitment efforts, Navarro said.**

**FARC dissidents and the ELN accounted for 2,500 combatants and 2,450 combatants respectively.**

The result came during a year when the armed forces undertook operations to reinforce border security and deliver food and aid to people in need amid the coronavirus pandemic, Navarro added.

*"We believe we've met our objectives, and will continue to meet them, with our strategy to keep diminishing these armed groups," Navarro said, adding that Colombia's military will have more territorial control in 2021 as part of its offensive against criminal organizations. » Source: Reuters, Colombia's illegal armed groups lost more than 5,000 members in 2020 -military commander, 5 janvier 2021: [www.reuters.com/article/us-colombia-security-idUSKBN29A1ED](http://www.reuters.com/article/us-colombia-security-idUSKBN29A1ED).*

RSF, 22 septembre 2021:

***« Marcos Efraín Montalvo Escobar, 68, was gunned down on the evening of 19 September while shopping in the Esperanza district of the city of Tuluá. Security camera footage shows a man in a motorcycle helmet walk into a store, fire several shots, and then make his getaway on the back of a motorcycle driven by an accomplice. Montalvo died within minutes from the gunshot injuries he sustained in the attack.***

***The Diario Occidente newspaper said Montalvo had recently received threats in connection with his reporting. Several sources told RSF that he was an expert on local politics and was often very outspoken in his criticism of local political corruption and violence. The local authorities said an investigation was under way but did not say if they thought the murder motive was linked to his journalism.***

*"We urge the local authorities to conduct an exhaustive investigation into journalist Marcos Efraín Montalvo Escobar's murder and to not use any pretext for neglecting the possibility that he was killed in connection with his journalism," said Emmanuel Colombié, the head of RSF's Latin America bureau.*

*"At the same time, the vulnerability of journalists working in the Valle del Cauca department is extremely worrying. Both the local and national authorities must guarantee the safety of reporters in this region, because their work is vital for the population." [...]*

***Valle del Cauca department has seen many land conflicts and violent clashes between armed groups (ex-FARC, ELN and Clan del Golfo), drug traffickers and the military in recent years. According to the Colombian NGO Indepaz, 12 civil society leaders have been murdered and four massacres have taken place so far this year in Valle del Cauca, which is one of Colombia's most violent departments (along with Chocó, Cauca and Nariño).***

***The media have often been among the targets of this violence in the past two years. Freelance journalist Luis Carlos Ayala survived a murder attempt in Cali, the departmental capital, in April 2021, while Felipe Guevara, a journalist with the daily newspaper Q'hubo, was murdered in Cali on 21 December 2020.***

***Valle del Cauca, in particular Cali, was one of the epicentres of protests during the recent national strike, during which Colombia's Press Freedom Foundation (FLIP) and RSF tallied some 68 attacks against the media. Threats forced five journalists to flee the region in 2019 and 2020, and at least 77 attacks against journalists have been registered since the start of 2021, according to the FLIP.***

**Colombia is ranked 134th out of 180 countries in RSF's 2021 World Press Freedom Index.**

» Source: Reporters sans frontières (RSF), RSF calls for thorough investigation into journalist's murder in western Colombia, 22 septembre 2021: <https://rsf.org/en/news/rsf-calls-thorough-investigation-journalists-murder-western-colombia>.

RSF, pas de date:

**« Colombia continues to be one of the western hemisphere's most dangerous countries for journalists, who are still the frequent targets of death threats, physical attacks, abduction and murder. Coverage of such subjects as the environment, public order, armed conflicts, corruption or collusion between politicians and illegal armed groups elicits systematic harassment, intimidation and violence. Journalists also continue to be permanently threatened by "bacrim," gangs of former paramilitaries now involved in drug trafficking. Rebel armed groups such as the ELN and FARC dissidents try to silence alternative and community media that cover their activities, leading to the creation of information "black holes," especially in rural areas and areas near the Venezuelan and Ecuadorean borders. The media's close links to Colombia's business empires and political class undermines editorial independence and reinforces self-censorship. Since conservative politician Iván Duque's installation as president in August 2018, journalists and media outlets have been the targets of espionage, intimidation campaigns and harassment, including a great deal of judicial harassment, after reporting that members of his government had been involved in fraud, corruption and human rights violations. »** Source: RSF, Violence and self-censorship, pas de date: <https://rsf.org/en/colombia>.

The Guardian, 16 juin 2019:

**« Last year, the Bogotá-based Foundation for Press Freedom (or Flip) documented 477 attacks and threats against journalists, up 53% on 2017; three Colombian journalists were killed, up from one in 2017.**

*A 2016 peace deal with the leftist rebels of the Revolutionary Armed Forces of Colombia (Farc) was supposed to usher in a peaceful chapter in Colombia, but violence still rages as dissident guerrilla factions and rightwing paramilitaries battle for control of territory once held by Farc.*

*Activists and social leaders have been targeted at unprecedented levels: 702 have been murdered since the accord was signed, while 135 ex-combatants have also been killed.*

*Meanwhile, Colombia's president, Iván Duque, has been accused of undermining the implementation of the accords, attacking the special reconciliatory tribunal it created and its provisions for rural development.*

*This is against a backdrop of increasingly difficult territory for journalists.*

*"This is particularly worrying as these are places where armed groups are most present and information is harder to access," said Flip's Pedro Vaca. "In Colombia there are few national media outlets, so local reporting becomes more vital, and attacks against one journalist lead to a culture of self-censorship."*



**International media have also had their work impeded: the New York Times correspondent Nicholas Casey and photographer Federico Ríos Escobar were forced to leave the country after a revealing a military order that encouraged kill quotas for enemy combatants.**

Members of the governing Democratic Centre party attacked Casey on Twitter, with one senator, María Fernanda Cabal, accusing him of having links to the rebels. » Source: The Guardian, Journalist finally brings attackers to justice but warns: 'Colombia's sliding backwards', 16 juin 2019: [www.theguardian.com/world/2019/jun/16/colombia-journalist-threats-violence](http://www.theguardian.com/world/2019/jun/16/colombia-journalist-threats-violence).

UN HRC, 10 février 2021:

« **5. Colombia continued to face endemic violence**, despite a reduction of the national homicide rate from 25 to 23.7 per 100,000 persons from 2019 to 2020. **In various parts of Colombia, there has been an intensification of violence and increased territorial and social control by non-state armed groups and criminal groups.** The National Liberation Army (ELN) responded to the call by the United Nations Secretary-General of 23 March for a global ceasefire, but only for one month. **The homicide rates for every 100,000 inhabitants reported by the National Police are particularly alarming in the departments of Cauca (53.71), Chocó (54.31), Putumayo (42.8) and Valle de Cauca (45.17).**

**6. The lack of a comprehensive State presence in these parts of the country limits the State's capacity to comply with its duty to protect the population**, including the right to life, economic, social and cultural rights, access to justice and participation. **OHCHR observed that an increased number of massacres and human rights violations against human rights defenders primarily occurred in municipalities with high levels of multidimensional poverty, where illicit economies that fuel endemic violence flourish.** [...]

**9. In 2020, OHCHR documented 76 massacres, involving 292 deaths, including 23 women, six girls, 18 boys, seven indigenous people and 10 Afro-descendants. Five additional cases are still in the process of being documented. In 66 per cent of the cases, the alleged perpetrators were criminal groups. The number of massacres has grown constantly since 2018, with 2020 recording the highest number since 2014. The departments most affected were Antioquia, Cauca, Nariño and Norte de Santander, with 62 per cent of the incidents. The Government informed OHCHR that it had established a special unit to coordinate the State response to these cases.** [...]

12. OHCHR is concerned about the lack of progress in the adoption of a public and criminal policy - as foreseen in the peace agreement - to dismantle criminal organizations, including those referred to as successors of paramilitarism and their support networks. While the National Commission on Security Guarantees (mandated under the peace agreement to develop this policy) convened meetings, 10 to date, the Government and civil society actors represented in that entity did not agree on a policy. The Government suggested that existing public policies are sufficient, while civil society elaborated and proposed a new set of "Public Policy guidelines for the dismantling of criminal groups in accordance with Decree 154 of 201711" for consideration by the Commission. [...]

**21. Defending human rights remains a high-risk activity in Colombia. In 2020, OHCHR registered the killing of 133 human rights defenders. Due to restrictions related to the**

*pandemic, OHCHR was only able to document 53 of these cases<sup>15</sup> and continues to verify 80.16 Of the documented cases, 9 per cent of the victims were women, 21 per cent were indigenous peoples, and 4 per cent were Afro-descendants.*

*22. The killings of human rights defenders occurred primarily in areas with insufficient State presence: 72 per cent of cases occurred in Cauca, Chocó, Norte de Santander, Putumayo and Valle del Cauca<sup>17</sup>; 77 per cent in rural areas; 91 per cent in municipalities with high levels of multidimensional poverty; 94 per cent in municipalities where the homicide rate indicates the existence of endemic violence; 96 per cent in municipalities where illicit economies flourish; 85 per cent in departments where the United Nations Office on Drugs and Crime identified “enclaves of cocaine production”.*

*23. Of the verified cases, 25 per cent were reportedly committed by criminal groups, 15 per cent by FARC dissident groups, 13 per cent by ELN, and 4 per cent by the police or military.*

*[...]*

*25. OHCHR appreciates the efforts of the Office of the Attorney General to investigate reports of attacks against human rights defenders. It noted progress with the investigation of 47 per cent of the cases that occurred in 2020 and 64 per cent of the cases that occurred between 2016 and 2019<sup>20</sup>. OHCHR welcomes the 20 convictions achieved in 2020 against those who killed human rights defenders; while another 97 cases awaited adjudication as at December 2020. While welcoming the arrest of the intellectual author in 10 cases of attacks against human rights defenders in 2020, OHCHR is concerned about persistent challenges in the identification and prosecution of intellectual authors and underscores the need to dismantle the criminal structures behind them.*

*26. The Ministry of the Interior’s National Protection Unit continued to receive numerous requests for protection measures, and OHCHR recognizes its efforts to respond to these demands; in 2020, the National Protection Unit assigned protection measures to 3.749 human rights defenders and social leaders. However, delays in the notification of decisions and implementation of the protection measures, and issues about their suitability, especially in rural areas, increased risks for human rights defenders. In 2020, four human rights defenders were killed in four departments despite protection measures. [...]*

*50. To break the cycles of impunity that foster violence, access to justice must be guaranteed for all, including in rural areas. OHCHR continued to observe the limited presence of the Office of the Attorney General in rural areas of Amazonas, Antioquia, Arauca, Caquetá, Cauca, Chocó, Guaviare, Meta, Nariño and Norte de Santander. The reduced number of judicial police officers, delays in processing evidence and the excessive prosecutorial workloads are affecting access to justice. In 40 per cent of the homicides in Arauca, the removal of the bodies was carried out by funeral homes. » Source: UN Human Rights Council (UN HRC), Situation of human rights in Colombia, Report of the United Nations High Commissioner for Human Rights, 10 février 2021, p.2-3, 5, 9: <https://reliefweb.int/sites/reliefweb.int/files/resources/Situation%20of%20human%20rights%20in%20Colombia%20-%20Report%20of%20the%20United%20Nations%20High%20Commissioner%20for%20Human%20Rights%20%28A-HRC-46-76%29%20%28Advance%20edited%20version%29.pdf>.*

UN HRC, 8 mai 2020:

« 5. OHCHR recognizes the efforts made by the Government and FARC-EP to advance with the reintegration of ex-combatants. According to the latest report of the United Nations Verification Mission in Colombia, the number of former FARC-EP members who were in academic activities had risen from 2,461 in January 2019 to 5,059 in October 2019. While the vast majority of former members of FARC-EP remained committed to the peace process, OHCHR was deeply concerned that a number of former commanders, including two head negotiators, had returned to arms.

6. OHCHR continued to observe persistently high levels of violence generating serious human rights violations. Of particular concern were attacks against human rights defenders and indigenous peoples, and an increase in the number of cases of alleged arbitrary deprivation of life, as well as of grave human rights violations committed against children in the context of violence and armed conflict. OHCHR consistently highlighted the need to address, especially in rural areas, structural causes of violence, which are linked to lack of access to human rights.

**7. According to the police, the national homicide rate in 2019 was 25 per 100,000 persons, which reflects an endemic level of violence. OHCHR recorded 36 massacres, involving 133 deaths, the highest number that it had recorded since 2014. The departments most affected were Antioquia, Cauca and Norte de Santander, where ongoing disputes to control illicit economies were a major cause of this violence. [...]**

**9. Other violent groups continued to perpetrate threats, homicides and other serious human rights abuses, and to cause displacement. OHCHR observations on the criteria of intensity and organization indicate that such groups, for example the Popular Liberation Army (EPL) in Cauca and Norte de Santander, and groups composed of former members of FARC-EP in Caquetá, Meta and Guaviare, would not currently be categorized as armed groups under international humanitarian law. [...]**

**23. In 2019, the country's Foundation for Press Freedom (Fundación para la Libertad de Prensa) registered 113 threats and 360 attacks against media workers. OHCHR documented the killing of two journalists in Arauca and recorded attacks against journalists in Bogotá, Cesar and Magdalena.**

24. In 2019, several mechanisms, such as Round Tables for Life (Mesas por la Vida), the Life Leads campaign (Campaña Lidera la Vida) and the Summit for Social Dialogue, explored how to better protect human rights defenders and build consensus on key challenges. **Colombia has a legal framework to prevent and address attacks against human rights defenders. However, coordination among State institutions – particularly between those at the national and the regional levels – to ensure the full implementation of this framework, remained a serious challenge.** The Timely Action Plan, initiated by the Ministry of the Interior in December 2018, was developed to improve such coordination. To increase the effectiveness of this plan, broader and more sustained participation of regional authorities and civil society should be prioritized.

25. Colombia maintained other mechanisms relevant to the protection of human rights defenders. The National Commission on Security Guarantees should be more regularly convened in order to fulfil its full role pursuant to the peace agreement, particularly concerning the disman-

tlement of criminal groups that succeeded the paramilitary organizations and were often responsible for killings of human rights defenders. The Intersectoral Commission for Rapid Response to Early Warnings should sharpen its focus on human rights defenders, especially by defining coordinated and concrete measures to implement actions based on recommendations from the Ombudsman's early warning system.

**26. The National Protection Unit, of the Ministry of the Interior, made significant efforts to respond to the extraordinarily high demand for individual protection measures. Still, the measures granted were not always adequate in the rural contexts in which most human rights defenders were killed. In 2019, six human rights defenders were killed in rural areas of Cauca, Chocó, Nariño and Risaralda, despite protection measures. Prevention and early warning should be prioritized over temporary, individual and reactive protection measures, which do not address the structural causes behind the attacks.**

28. OHCHR appreciated the efforts of the Office of the Attorney General to investigate the cases that it had reported, **and noted some progress in 55 per cent of those cases, all of which had occurred between 2016 and 2019.** However, **challenges persisted in regard to the prosecution of intellectual authors of attacks against human rights defenders. [...]**

**57. As far as corruption is concerned, OHCHR received information regarding possible cases involving members of the police and the military in Amazonas, Antioquia, Caquetá, Cauca, Cesar, Chocó, Huila, La Guajira, Magdalena, Nariño, Putumayo and Valle del Cauca. This possible corruption could have compromised the effectiveness of the fight against ELN, criminal groups and other violent groups. One of the most serious cases occurred in Antioquia, where at least 26 members of criminal groups were captured carrying weapons with special permits that only the military can grant.**

58. OHCHR noted that the **police presence remained insufficient in most rural areas, especially in Amazonas, Antioquia, Arauca, Caquetá, Córdoba, Guaviare, Huila, Meta, Nariño, Norte de Santander and Sucre.** The State must strengthen the institutional capacity of the police with the objective of increasing its presence in rural areas, including through the deployment of specialized units. Additionally, effective internal oversight mechanisms and the inclusion of a human rights-based approach in the execution of police duties are essential. OHCHR stands ready to provide additional technical assistance in this regard. » Source: UN Human Rights Council (UN HRC), Situation of human rights in Colombia, 8 mai 2020, p.2-3, 5, 10: <https://undocs.org/A/HRC/43/3/Add.3>.

UN News, 24 novembre 2021:

« [...] Yet, despite the solid progress, the Secretary-General cautioned that all sides “must be clear about the risks” that may threaten the long-term sustainability of the agreement.

“Ethnic communities and women and girls are always particularly affected,” said the UN chief, also spotlighting other factors that could contravene the deal, including violence by armed groups in connection with drug trafficking; threats and murders of ex-combatants, social leaders and human rights defenders, often women and indigenous populations; displacement and confinement; violence against women and sexual violence; and the recruitment of children.

**Since the signing of the Peace Agreement, more than 300 ex-combatants and 477 human rights defenders and civic leaders have been killed, according to data from the United Nations Verification Mission in Colombia.**

“Each death is itself a tragedy,” Mr. Guterres continued. “Each death sends a devastating message to these communities that still await the promises of the Accord.”

“I am confident of the President's determination to ensure that the security provisions of the Agreement will be fully implemented, as well as all the [articles] on rural reform, solving the problem of illicit drug trafficking and all the complexity that comes from the implementation of the Peace Agreement,” the Secretary-General stated. » Source: UN News, Colombia's peace process is taking 'deep roots', but all sides must work together to overcome lingering challenges, 24 novembre 2021: <https://news.un.org/en/story/2021/11/1106542>.

USDOS, 30 mars 2021:

« The government and the FARC, formerly the country's largest guerrilla insurgency group, continued to implement the 2016 peace accord. **In 2017 the FARC completed its disarmament, and as of November 3, nearly 14,000 former members had begun reincorporation activities, including the formation of a political party. An estimated 800 to 1,500 FARC dissident members did not participate in the peace process from the outset. As of November FARC dissident numbers had grown to approximately 2,600 due to new recruitment and some former combatants who returned to arms. Some members of the FARC who did participate in the peace process alleged the government had not fully complied with its commitments, including ensuring the security of demobilized former combatants or facilitating their reintegration, while the government alleged the FARC had not met its full commitments to cooperate on counternarcotics efforts. In August 2019 a small group of FARC dissidents called for a return to armed conflict, alleging the government had not lived up to its obligations under the peace agreement. This did not result in a significant response from former FARC combatants who have been participating in the peace process.** Following the signing of the 2016 peace accord, three transitional justice mechanisms were established and were operational throughout the year: the Commission for the Clarification of Truth, Coexistence, and Nonrepetition; the Special Unit for the Search for Disappeared Persons; and the JEP. [...]

*Killings: The military was accused of some killings, some of which military officials stated were “military mistakes” (see section 1.a.). In other cases military officials stated they believed an individual was fighting on behalf of an illegal armed group, while community members stated the victim was not a combatant. On May 18, media reported members of the army's Second Division killed Emerito Digno Buendia Martinez in Cucuta and injured three other rural farmers. According to a statement from the army, soldiers in the area engaged in illicit crop eradication efforts were fired upon first. Community leaders and NGOs disputed the army's account and denounced the killing.*

**Armed groups, notably the ELN, FARC dissidents, and the Gulf Clan, committed unlawful killings, primarily in areas with illicit economic activities and without a strong government presence. Government officials assessed that most of the violence was related to narcotics trafficking enterprises.**



**Independent observers raised concerns that inadequate security guarantees facilitated the killing of former FARC militants. According to the UN Verification Mission, as of November 3, a total of 232 FARC former combatants had been killed since the signing of the 2016 peace accord.** The Attorney General's Office reported 22 cases with convictions, 15 in the trial stage, 17 under investigation, and 44 with pending arrest warrants. The United Nations also reported the government began to implement additional steps to strengthen security guarantees for former FARC combatants, including deploying additional judicial police officers and attorneys to prioritized departments, promoting initiatives for prevention of stigmatization against former combatants, and establishing a roadmap for the protection of political candidates, including the FARC political party. [...]

**Physical Abuse, Punishment, and Torture: From January through August, CINEP reported FARC dissidents and organized-crime gangs were responsible for nine documented cases of torture.**

The ELN, FARC dissidents, and other groups continued to lay land mines. According to the Integral Action against Land Mines of the High Commissioner for Peace, there were 13 persons killed and 74 wounded as the result of improvised explosive devices and land mines between January 1 and September 1.

**Child Soldiers:** There were reports the ELN, FARC dissident groups, the Gulf Clan, and other illegal armed groups recruited persons younger than age 18. According to the Child and Family Welfare Department, 6,860 children separated from armed illegal groups between November 16, 1999, and July 31, 2020. The government concluded a program to counter recruitment of child soldiers that had reached 500 at-risk villages, an estimated 28,250 minors, and 15,000 families. It announced the next iteration of the child recruitment prevention program in July that expanded the definition of recruitment measures, including the use of children for illicit economies and sexual coercion. Government and NGO officials confirmed rates of child recruitment increased with the appearance of COVID-19 and related confinement measures. [...]

**Political Parties and Political Participation: Organized-crime gangs, FARC dissidents, and the ELN threatened and killed government officials** (see section 1.g.). As of June 31, the NPU, under the Ministry of Interior, was providing protection to 421 mayors, 20 governors, and 787 other persons, including members of departmental assemblies, council members, judges, municipal human rights officers, and other officials related to national human rights policies. By decree the CNP's protection program and the NPU assume shared responsibility for protecting municipal and district mayors.

As part of the 2016 peace accord, the FARC registered a political party in 2017 under the name People's Alternative Revolutionary Force, maintaining the same acronym. The accord guaranteed the FARC political party 10 seats in Congress—five each in the Senate and in the House of Representatives—in the 2018 and 2022 elections.

**Participation of Women and Members of Minority Groups:** No laws limit the participation of women or members of minority groups in the political process, and they did participate. » Source: US Department of State (USDOS), 2020 Country Report on Human Rights Practices: Colombia, 30 mars 2021: [www.ecoi.net/en/document/2048118.html](http://www.ecoi.net/en/document/2048118.html).

VOA, 26 septembre 2021:

**« Five people were killed in an attack by suspected dissident members of Colombia's FARC rebels, officials said Sunday.**

**The deadly incident took place at a "public establishment" in a rural area of Tumaco, in the southern department of Narino, the army said.**

*Colombia is experiencing some of the worst attacks by armed groups since a peace deal was signed with the Revolutionary Armed Forces (FARC) in 2016.*

**Suspected FARC dissidents belonging to the Urias Rendon column "arrived at the establishment in a vehicle, firing several shots indiscriminately," an army statement said.**

**Two people were killed at the scene and another three died of gunshot wounds after being taken to a hospital.**

**Six other people were injured.**

*According to Colombian observer group Indepaz, one of the victims was a 15-year-old girl.*

*The non-governmental organization estimates there have been 73 attacks in the country so far in 2021. In each attack, one to nine people were killed, Indepaz said on its website.*

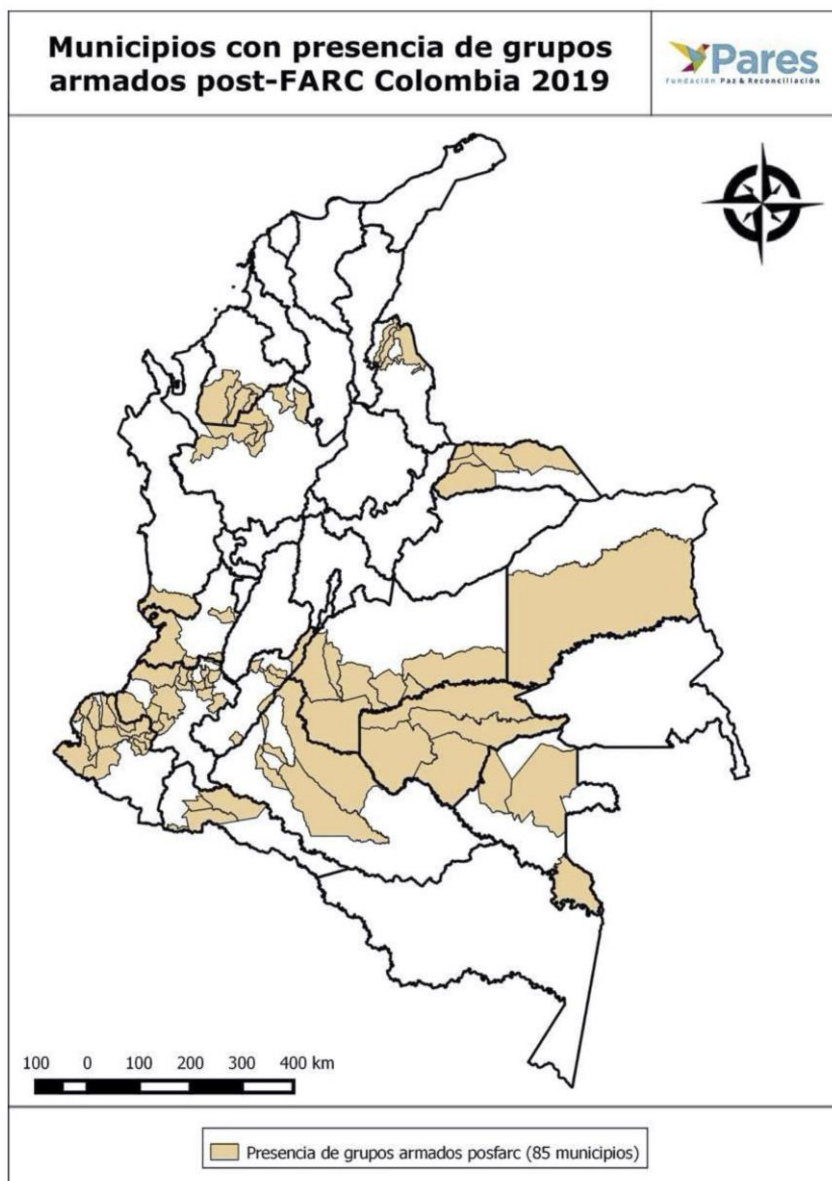
*Major General Alvaro Perez said the attack was being investigated. He added there had been a recent uptick in armed confrontations in the region, which is one of the largest areas under drug cultivation in the world. » Source: VOA, Five Dead in Attack by Suspected FARC Dissidents in Colombia, 26 septembre 2021: [www.voanews.com/a/five-dead-in-attack-by-suspected-farc-dissidents-in-colombia/6246773.html](http://www.voanews.com/a/five-dead-in-attack-by-suspected-farc-dissidents-in-colombia/6246773.html).*

WOLA, 24 avril 2020:

**« [...] The Revolutionary Armed Forces of Colombia (FARC), which signed a peace accord in 2016 and demobilized in 2017, is no exception. While 13,185 FARC members formally demobilized, perhaps 800 rejected the peace accord entirely and refused to participate in the process. Of those who went through the demobilization process, the Fundación Paz y Reconciliación estimated that, as of late 2019, approximately 830 had taken up arms again. If correct, this level of recidivism—about 6.4 percent of the total who demobilized, plus a similar number that refused to demobilize in the first place—is within the norm for post-conflict transitions.**

**These approximately 1,600 former FARC members who remain in arms, the Fundación asserted in January 2020, operate within 23 FARC "dissident" groups active in 85 of Colombia's 1,103 counties (municipalities). To these must be added an unclear number of new recruits with no guerrilla background: perhaps 600 to 800, which would make for a total dissident membership of about 2,400 fighters scattered across these 23 groups, each of which range in size from a few dozen to a few hundred members. [...]**

Grupos Armados Postfarc-GAPF: se consolida la amenaza



Fundación Paz y Reconciliación map of dissident groups' locations in August 2019

[...]

**“Dissidents” are also often referred to as “Reincident Organized Armed Groups” (GAOR in Spanish) or Post-FARC Armed Groups (GAPF in Spanish). While all profit from the drug trade and other illegal economies, they vary in the extent to which they identify as “FARC” or ex-FARC. The two largest networks maintain many of the symbols and slogans of the old guerrilla group, with iconography featuring the images of deceased FARC leaders. Others do little to disguise their criminal nature, their memberships may include people with paramilitary backgrounds, and they may benefit from relationships with corrupt security-force personnel.**

**The overwhelming majority of rank-and-file ex-guerrillas have remained within the demobilization process; as of January 2020 Colombia’s National Reincorporation Agency**

**claimed to be unable to locate only 821 ex-guerrillas. Most low-ranking fighters have been occupied by starting families, availing themselves of educational opportunities, and involving themselves in farming or other legal money-making projects.**

**More at risk of recidivism are former mid-ranking FARC commanders: those who held high positions in fronts or were involved in financing the guerrillas' operations via illicit economies. For many mid-level commanders, demobilization brought the temptation of profiting from their past networks in, or past control of, territories that are strategic for building illicit incomes, like drug trafficking routes and illegal mining sites.**

#### *Financing*

**Dissident groups' illicit income streams differ little from those of other armed groups in Colombia. They are involved in the drug trade, particularly the purchase of coca leaf or coca paste from farmers, the production of cocaine, and sales to transnational criminal groups that move the product overseas. They encourage farmers to plant more coca or marijuana in some territories they control. Illicit precious metals mining is a principal income source. Dissident groups also collect extortion payments on much legal economic activity that takes place in areas they control. Some units appear to be more involved in illegal logging than the FARC were. While they make money from cross-border contraband smuggling, dissident groups' presence in Venezuela, though significant, is most likely smaller than that of the National Liberation Army (ELN).**

**Drug trafficking, mainly cocaine, is almost certainly their largest income source. Dissident groups are active in most major coca-growing areas (Nariño, Putumayo, Catatumbo, Meta and Guaviare, Bajo Cauca) and at key transshipment points along coasts and borders. Like most other Colombian traffickers, they control few, if any, international smuggling routes into markets like the United States: they sell the product to other groups, like Mexican and Brazilian cartels, inside Colombia.**

#### *How the Dissidents Operate*

**It is impossible to generalize behaviors across groups that are very different. Dissident bands vary widely in the solidity of their command and control, their actual control of territory, and the extent to which they resemble armies more than gangs. The two principal national dissident organizations appear to obey a hierarchy at their highest levels, but it is not clear whether they truly command their far-flung component units, or whether it is more accurate to describe them as "aligned."**

**In general, though, dissident groups tend to avoid open confrontations with the much stronger security forces. Ambushes and attacks on military or police personnel are infrequent. Dissident leaders whose actions attract too much attention from the security forces, like alias "Guacho" in Nariño discussed below, face a high probability of death or capture.**

**It is also uncommon for dissident groups to fight the ELN. FARC dissidents operating in ELN strongholds near the Venezuelan border, like Arauca and Catatumbo, appear to be honoring a sort of non-aggression pact with the guerrilla group, according to local analysts whom WOLA has interviewed since mid-2019. We have heard of similar behavior between ELN units and**

small FARC dissident groups in Chocó's Atrato River basin. "None of the national dissident factions has solid accords with the ELN," Colombia's *Fundación Ideas para la Paz* found in January 2020, "though there are different types of relations between both armed groups." These include non-aggression arrangements, or transitory operational alliances to confront paramilitaries.

**Dissident groups do fight often with paramilitary groups, and with other dissidents. Several regions of Colombia suffer from territorial conflicts with more than two armed actors, usually for control of lucrative trafficking routes or illicit mining zones. In some cases, dissident groups have fragmented, and the component factions fight each other. Examples abound in the territorial discussions below.**

#### *Human Rights*

**All dissident groups have very poor human rights records. They routinely violate the personal integrity of civilian non-combatants. Though it is uncommon for them to commit attention-grabbing massacres—3 or more homicides at once—or ransom kidnappings, dissidents frequently carry out selective killings and so-called "social cleansing" operations targeting drug addicts, indigent people, prostitutes, or petty criminals. They are responsible for a significant portion of child recruitment, about a quarter of cases in a limited recent study carried out by the Observatory for the Protection of Rights and Welfare of Children (OPROB). Combat between dissidents, or between dissidents and paramilitary groups, often displaces communities, as happened to more than 2,300 people in Olaya Herrera, Nariño, in December 2019 and January 2020.**

**Dissident groups are frequent killers of demobilized FARC members, their former comrades. The Prosecutor General's Office's Special Investigative Unit, created by the peace accord, was able to attribute responsibility for 93 cases of ex-guerrillas murdered between 2017 and 2019; it blamed 36 of these, the largest single portion, on FARC dissident groups. Colombian security forces blame dissident groups for a wave of threats against inhabitants of a former FARC demobilization site (ETCR) in Ituango, Antioquia, and for an apparent plot to kill maximum FARC political party leader Rodrigo Londoño in January 2020. Leaders of the accused FARC faction deny involvement in that plot.**

*Dissident groups have drawn much attention for crimes against the environment. The group led by alias Gentil Duarte (see next section) stands accused of ejecting guards from national parks in southern Colombia, and tolerating or encouraging deforestation, cattle ranching, and cultivation of coca in parklands. This includes arrangements with large landholders: "Under Gentil Duarte there has been permissiveness toward large-scale property that didn't exist under the previous FARC," Colombian environmental researcher Estefanía Ciro observed in March 2020.*

#### **Principal Dissident Groups**

**A majority of FARC dissidents are loosely confederated into two national structures. In February 2020, Colombia's *Fundación Paz y Reconciliación* estimated that, of 23 "post-FARC" groups in the country, 11 were grouped around the "First Front" or "Eastern Bloc"**



**structure associated with Gentil Duarte, 4 were grouped around the “Second Marquetalia” structure associated with Iván Márquez, and the rest were independent, “dedicated to narco-trafficking,” and “in a process of decomposition.”**

**The extent to which component dissident groups are truly under the command of national structures is far from clear. Groups believed to be within one of the two national structures, however, rarely fight each other. While that may be changing, combat is far more frequent between the “independent” dissident groups and those aligned with the national structures.**

*First Front / Eastern Bloc*

**During much of its 52 years of armed existence, the FARC divided itself into seven geographic blocs around the country. The largest, the Eastern Bloc, operated in a vast region stretching from south of Bogotá across Colombia’s eastern plains to the Venezuelan border. In 2016, as negotiators in Havana were nearing agreement on a final accord, a few key units of the Eastern Bloc declared themselves dissident, rejecting the peace process. These centered on the FARC’s 1st Front (Armando Ríos Front), headed by Néstor Gregorio Vera Fernández alias Iván Mordisco, who declared his dissent in a June 2016 letter to the FARC’s negotiating team.**

*Iván Mordisco allied with Miguel Botache Santillana alias Gentil Duarte, who commanded the Eastern Bloc’s 7th Front. When Iván Mordisco went dissident in mid-2016, the FARC made Duarte, who had been a negotiator in Havana in 2015, the commander of the 1st Front and sent him to confront Mordisco. However, Mordisco convinced him to abandon the process, which he did months later, in late 2016, before demobilizations began. Their group, a confederation centered on Duarte, consolidated a presence in parts of the departments of Meta, Guaviare, Caquetá, and in sparsely inhabited wilderness regions further east and south to the Venezuelan and Brazilian borders. Today, Duarte tends to operate in Meta, the Eastern Bloc’s old rearguard; Mordisco, according to InsightCrime, operates in the far eastern plains of Guaviare, Vaupés, and Vichada; and Géner Medina alias Jhon 40, who was a key fixture in the FARC’s cocaine transshipment operations, is active in Vichada and along eastern border zones.*

**Today, Gentil Duarte is arguably Colombia’s most powerful dissident leader in terms of territorial control and number of fighters believed to be under his command. He has worked to align dissident groups into a new guerrilla structure, sending emissaries or small groups around the country, with some success near the Venezuela border in Arauca, Catatumbo, and elsewhere. His emissary to Catatumbo was reportedly Jhon 40.**

**The First Front / Eastern Bloc structure considers itself a continuation of the FARC’s fight: its statements espouse leftist politics, and its imagery is similar to that of the old FARC. It does not appear to have a detailed political program, though, or an ambition to take national power. In February 2020, a judge permitted preventive detention for six people whom prosecutors charge with committing acts of violence and vandalism, on behalf of Gentil Duarte and alias “Jerónimo” in Arauca, during Bogotá’s November 2019 political protests. If accurate, the allegations would be an uncommon example of behavior motivated more by politics than profit.**

## *Second Marquetalia*

**Though larger, the First Front / Eastern Bloc is not the dissident network with the highest profile. The best-known national FARC dissident group was launched in late August 2019 by Iván Márquez, a former member of the FARC's seven-person secretariat and the group's chief negotiator during the full duration of the 2012-16 Havana peace dialogues. Márquez's announcement of the formation of a new dissident group, flanked by several other top former FARC leaders in an August 29, 2019 video, sent a shock wave through the peace process.**

**To the extent that this group has a name, it appears to be referring to itself as the “Segunda Marquetalia,” a reference to the armed community of communist campesinos in southern Tolima department that became the FARC after undergoing a 1964 aerial attack by Colombia's armed forces. In March 2020, Márquez published a book with the same title, about his journey back into clandestinity. [...]**

*In mid-July 2018, after they first disappeared, Márquez and “El Paisa” met with Gentil Duarte, leader of the First Front / Eastern Bloc dissidence, in the Yarí plains of Meta department. Márquez's book praises Duarte as “a good, revolutionary man,” adding that Duarte helped him and “El Paisa” to avoid being captured by the government. However, **there is no alliance between Márquez's group and Duarte's.** “Everything indicates that Márquez's rearmament announcement didn't strengthen the dissident groups, it divided them,” wrote the Fundación Paz y Reconciliación's Ariel Ávila in January 2020. [...]*

## *Selected Territories*

**These two national dissident networks are establishing presences, or linking up with existing dissident groups, in several regions of the country. There, they often violently dispute territorial control with paramilitary groups or other “independent” dissident groups.**

### *Nariño*

*One of the most complex and confusing scenarios is the department of Nariño, in Colombia's southwestern corner, the country's leading producer of coca with a long Pacific coastline and international border coveted by traffickers. **Dissident groups, with heavy participation of former FARC militia members—part-time guerrillas with less political indoctrination—have been active in Nariño since shortly after the peace accord's inception. They have been especially present in the large coastal municipality of Tumaco.***

**The first large dissident groups to emerge in Nariño, in 2017, were the Oliver Sinisterra Front (FOS) and the United Guerrillas of the Pacific (GUP). Throughout 2017 and 2018, parts of Nariño suffered fighting between the two bands. The FOS was headed by Walter Arizala alias “Guacho,” an Ecuadorian citizen who had joined the FARC in 2007 and become deeply involved in its cocaine transshipment activities. The GUP's leader, Víctor David Segura alias “David,” took over after the FARC, in its final days, killed his brother, the group's founder, known as “Don Y.”**

*In 2017 and early 2018, “Guacho” attracted national attention, and much pursuit by the security forces, by carrying out high-profile attacks on military targets, especially on the Ecuadorian side of the border. In March 2018 his men kidnapped, and later killed, two journalists and their driver from one of Quito’s principal newspapers, in what would turn out to be a major issue in Colombia’s relations with Ecuador. Their high profiles drew intense attention from Colombia’s security forces, who killed David in September 2018 and Guacho in December 2018.*

***The FOS and the GUP continue to exist, and to fight, though they are at least partially observing non-aggression pacts. But the picture has grown still more complicated in Nariño.***

***Sometime in late 2019, a large portion of the FOS split off and formed a new group, the Alfonso Cano Western Bloc, headed by alias “Allende” and apparently linked to Iván Márquez and “El Paisa’s” Second Marquetalia network. A dissident unit linked to Gentil Duarte, the 30th Front, has meanwhile been arriving since mid-2019 from its rearguard zone in Cauca and Valle del Cauca to the north. The Alfonso Cano and the 30th, whose areas of operation overlap little, do not appear to be fighting, and both appear to be endeavoring—with little success in Nariño so far—to unite the fragmented dissident groups.***

*Both are contesting territory with the FOS (now headed by alias “Gringo”), the GUP, and a paramilitary organization called Los Contadores that is linked to the FOS. The Contadores’ commander was captured in February. Another, smaller Nariño group made up of former FARC members that dates back to 2017, the Gente del Orden, appears now to be tied to the Alfonso Cano structure, according to analyst Kyle Johnson, who met with dissident leaders in late 2019.*

Cauca

***North of Nariño is the Pacific and highland department of Cauca, which leads the country in murders of social leaders and human rights defenders.***

***Northern Cauca, a conflictive area with a large and well-organized indigenous population, is under heavy influence of two dissident groups, both descended from elements of the FARC’s 6th Front that rejected the peace accord before it was signed. The Jaime Martínez Mobile Column, headed by Leider Johani Noscue alias “Mayimbú,” and the Dagoberito Ramos Mobile Column, headed by Fernando Israel Méndez Quitumbo, alias “El Indio,” share territorial control, possibly calling themselves the Joint Western Command New Sixth Front.***

*It is not clear whether one of these two columns is dominant over the other, though “Mayimbú” has a higher profile. InsightCrime describes their relationship as a “non-aggression pact” more than a confederation. They “may have a direct relationship” with, or “respond to” the command of, the First Front / Eastern Bloc dissident network headed by Gentil Duarte, depending on the source.*

***The two groups have come to dominate the cannabis trade in several northern Cauca municipalities, and much cocaine transshipment via the Naya River valley region. They appear to have fought off a splinter of the Popular Liberation Army (EPL), a remnant of a guerrilla group that demobilized in 1990 yet remained active across the country in the Catatumbo region.***

*These structures are responsible for massacres and killings of social and political leaders in northern Cauca, including the September 2019 ambush and murder of mayoral candidate Karina García in Suárez municipality. This act has made “Mayimbú”—who was captured in 2014 but released when he demobilized in 2017— a top target of Colombia’s security forces.*

***Further south in Cauca, in the cocaine producing region around Argelia, is the Carlos Patiño Column, also known as the 30th Front, a dissident group headed by alias “El Mocho,” also active in Nariño, that may be allied with the First Front / Eastern Bloc network. This group has been fighting the ELN for control of trafficking routes to the Pacific. It may also maintain disagreements with the 6th Front group headed by “Mayimbú.” Several social leaders have been murdered in the vicinity of Argelia since 2019.***

*Military and FARC sources told La Silla Vacía that, in December 2019, Iván Márquez of the Second Marquetalia national dissident network sent an emissary to northern Cauca to seek an alliance with “Mayimbú” and the 6th Front dissidents. This emissary was apparently rebuffed, as they maintain some relationship with the First Front / Eastern Bloc.*

*Fighting between dissidents and other armed groups has fallen very hard on Cauca’s indigenous, Afro-descendant, campesino, and other social leaders, who tend to be very well organized and resistant to criminal domination in this part of Colombia. As disputes worsen, the frequency of threats and murders is likely to increase further.*

#### *Putumayo*

***To the east of Nariño, also bordering Ecuador, the department of Putumayo is another longtime zone of heavy coca and cocaine production. During the conflict, the FARC’s 32nd and 48th Fronts, part of its Southern Bloc, had a strong presence.***

***Dissidents from the 48th, linked to the First Front / Eastern Bloc network, are operating as the Carolina Ramírez Front. They are fighting a local criminal group known variously as the Mafia, the Sinaloa Mafia, or the “Constru,” which can trace its lineage to paramilitary groups but has recruited a significant number of former FARC fighters, especially from the 32nd Front.***

*Some of the main victims of the violence have been Putumayo’s social leaders, particularly those involved in coca substitution programs under the peace accord’s fourth chapter. The Bogotá think tank INDEPAZ counted 10 murders of social leaders in Putumayo between January and April 2020. Two, Gloria Ocampo and Marco Rivadeneira, were widely known in Colombia’s national peace and human rights movements.*

#### *Antioquia*

***Dissident groups are active in the northern part of Antioquia, the populous department of which Medellín is the capital. Two main groups exist: the 36th Front, an independent group headed by Ricardo Abel Ayala, alias “Cabuyo,” who had commanded that front; and the 18th Front, aligned with Iván Márquez’s Second Marquetalia dissident network and headed by Erlison Chavarría alias “Ramiro.” The 18th split from the 36th in late 2019.***

***The two groups' territories overlap significantly, though the 18th appears to be more active in the northwest of Antioquia, around the municipality of Ituango, and the 36th appears to be more active in the northeast, in Antioquia's Bajo Cauca region. Both areas are hotly contested centers of cocaine production and transshipment.***

*The Bajo Cauca region, together with the adjoining southern part of Córdoba department, is one of Colombia's most violent zones. It is contested between at least four groups: the 36th Front dissidents; the Gulf Clan national paramilitary network; the Caparros, a local paramilitary splinter group; and the ELN.*

*Gentil Duarte's First Front / Eastern Bloc network does not appear to have a presence in Antioquia.*

*Arauca and Catatumbo*

*The ELN is the predominant armed group in these regions along the Venezuelan border. Both, however, have small but growing dissident forces tied to national networks. Both have some form of non-aggression agreements in place with the larger, more rooted ELN.*

***In Arauca, the Martín Villa 10th Front is under the command of alias "Jerónimo." It is considered part of the First Front / Eastern Bloc structure headed by Gentil Duarte. In late 2019, reports indicated that a faction of "Jerónimo's" group, headed by alias "Porrón," may have split off and allied itself with Iván Márquez's Second Marquetalia network. This schism may have involved fighting on the Venezuelan side of the border. If accurate, this would be a rare example (so far) of fighting between groups aligned with the two national dissident networks.***

*In 2018 Duarte reportedly sent top leader "Jhon 40" as an emissary to Catatumbo, where some former fighters from the FARC's 33rd Front had formed a dissident presence. This attempt was unsuccessful, La Silla Vacía explains, "mainly because the dissidents in that zone had already closed agreements with [Mexico's] Sinaloa Cartel, and Duarte wanted them to do business with Brazilian cartels, which buy much of the coca that is produced in the country's south." The same article points out that a former mid-level FARC commander from Catatumbo, Enrique Muñoz, appears in Iván Márquez's August 2019 video inaugurating the Second Marquetalia group. » Source: Advocacy for human rights in the Americas (WOLA), FARC Dissident Groups, 24 avril 2020: <https://colombiapace.org/farc-dissident-groups/>.*

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