



Bogotá, May 2020

Dr. IVÁN DUQUE MÁRQUEZ
President of the Republic of Colombia

and the Ministry Cabinet members

Nancy Patricia Gutiérrez Castañeda, Presidential Advisor for Human Rights

Alicia Arango Olmos, Minister of the Interior

Carlos Holmes Trujillo, Minister of Defense

Miguel Ceballos Arévalo, High Commissioner for Peace

With a copy to: Carlos Alfonso Negret Mosquera, Ombudsman; Francisco Barbosa Delgado, Attorney General of the Nation; Fernando Carrillo Flórez, Attorney General of the Nation;

And to the diplomatic corps attached to Colombia and international organizations:

Swedish Embassy; German Embassy; Belgian Embassy; Canadian Embassy; Spanish Embassy; French Embassy; Italian Embassy; Norwegian Embassy; Netherlands Embassy; Swiss Embassy; Delegation of the European Union in Colombia; Office in Colombia of the United Nations High Commissioner for Human Rights

Subject: Concern about the high risk faced by ethnic-territorial communities and the ASOREWA, FEDEOREWA and COCOMACIA organizations in Chocó, Middle Atrato subregion.

Dr. Iván Duque Márquez,

Please receive a respectful greeting from the signatory organizations. In July 2019, this group of international civil society organizations, with presence and agendas for peace and human rights in Colombia, carried out an Observation Mission on the humanitarian and human rights situation faced by Indigenous and Afro-descendant communities in the subregion of Middle Atrato Chocano. The results of the observations were included in our Chocó Mission report, presented in October last year in Bogotá before embassies and representatives of the United Nations system, and in February 2020 in the city of Quibdó.

As a result of the mission and the recommendations made by ethnic-territorial organizations to international organizations to continue their accompaniment to the territories, the participating organizations make up the **Chocó Mission Space** (a coordination space) with three initial objectives: **i)** follow-up on the recommendations resulting from the report, **ii)** reiterate and continue to put the humanitarian crisis situation in Chocó on the national and international public agenda, and **iii)** continue accompanying strategic actions by ethnic-territorial organizations.¹

¹ <https://colombia.lutheranworld.org/es/content/organizaciones-internacionales-de-la-sociedad-civil-constituyen-el-espacio-mision-choco-36>

One of the elements of the context observed by the Mission in July 2019, which also defines the regional dynamics, is the permanent presence of illegal armed actors in the territory.²

On this occasion, we write to you to express our deep concern of the events that are aggravating the humanitarian and human rights situation in this region of Chocó, and to alert you of the recent news of a new incursion by the illegal armed group called the Gaitanista Self-Defense Forces (*Autodefensas Gaitanistas de Colombia*, AGC) from the Urrao municipality (Antioquia) to the Vigía del Fuerte municipality through the Arquía River basin. We are concerned about the high risk that this presence implies for the Middle Atrato subregion communities that form part of the ethnic-territorial organizations ASOREWA, FEDEOREWA and COCOMACIA.

Background

Between January 2018 and the current date, the Ombudsman's Office has issued a total of 21 Early Imminence Alerts for 14 municipalities in the Chocó department. We highlight the following elements described in the recent early alerts that account for a situation of increasing risk in the face of the expansion of different illegal armed actors:

- The civilian population of the municipalities of Bojayá and Medio Atrato (Chocó) and Vigía del Fuerte (Antioquia) are at risk "due to the persistence violations of Human Rights and infractions of International Humanitarian Law."³
- The expansion of the ELN and the AGC in Bojayá "has led to the intensification of armed actions with serious repercussions on the rights to life, liberty, personal integrity and security, civil and political liberties and breaches of IHL", which increases the probability of direct affectations and victimizing acts against the population and ethnic authorities.⁴
- High risks in the municipalities of Frontino and Urrao (Antioquia) against the possible expansion of illegal armed actors towards the Pacific coast. The "limited, comprehensive state presence in the sub-regions of the Middle Atrato Chocoano, west and southwest Antioquia [...] has fueled an increase in disputes over territorial and social control between the AGC and the FGO of the ELN."⁵
- In the current year, the Office of the Ombudsman warns "about the impact that the actions of illegal armed actors are having in different parts of the national territory, in the context of the health emergency derived from the COVID-19 pandemic", with impacts "especially burdensome for those communities where there are gaps in institutional presence [...] reflected, among others, in health systems with deficient -

² Informe Misión Chocó (2019)

³ Early Alert No. 011-18

⁴ Early Imminence Alert No. 017-19

⁵ Early Alert No. 027-19

or nonexistent - infrastructure and provision for the care of possible cases of infection.”⁶

- In relation to the AGC "they continue to expand and/or consolidate their control in some sectors of the Pacific" where disputes over territorial control are fought with the ELN and dissident factions of the FARC-EP.⁷

The continuous upsurge in the armed conflict and the increasing presence (territorial, social and cultural control) by illegal armed groups have been denounced in various public pronouncements by social, ethnic-territorial organizations and the Catholic Church in the region.

In September 2018, the ethnic-territorial organizations and the Dioceses that have jurisdiction in the Chocó department alerted in a public document delivered to the High Commissioner for Peace, Legality and Coexistence, about the continued presence and action of illegal armed groups, highlighting various infractions to IHL and human rights such as the forced recruitment of children and adolescents, antipersonnel mines installations, extortion, theft, all of which the communities are victims.⁸ This situation has been exacerbating to date.

One year later, on November 17, 2019, the Diocese of Quibdó, COCOMACIA, the Inter-Ethnic Forum of Solidarity Chocó, FEDEOREWA and the Indigenous Working Group of Chocó, within the framework of the delivery of the bodies of the Bojayá massacre, sent an open letter to the President of the Republic, Iván Duque Márquez, about the imminent risk of a new massacre in the municipality of Bojayá, requesting that it comply with and implement the Peace Agreement, in a timely and comprehensive manner, specifically in relation to the ethnic chapter and to provide constitutional guarantees to the Afro and Indigenous people of Bojayá.⁹

On January 2 of the current year, the Inter-Ethnic Truth Commission of the Pacific Region - CIVP - denounced the arrival of some 300-armed people from the AGC illegal group to the Pogue community in the Bojayá municipality.¹⁰

In particular, we want to highlight the most recent events in the Middle Atrato subregion that occurred during the quarantine that was decreed by the National Government on March 24 due to the COVID-19 health emergency. There have been two confrontations between illegal armed groups in the Bojayá municipality. Likewise, on April 15, the Office for the

⁶ Defensoría del Pueblo AT N° 18-20

⁷ Defensoría del Pueblo AT N° 18-20

⁸ <https://verdadabierta.com/wp-content/uploads/2018/10/INFORME-CRISIS-HUMANITARIA-EN-EL-CHOCO%CC%81-FINAL.pdf>

⁹ <https://www.eltiempo.com/uploads/files/2019/11/17/Carta%20abierta%20al%20Presidente%20de%20la%20Republica%20sobre%20el%20inminente%20riesgo%20-13-11-2019.pdf>

¹⁰ <https://verdadpacifico.org/rechazamos-amenaza-de-muerte-a-leyner-palacio/>



Coordination of Humanitarian Affairs - OCHA - reported the massive displacement of at least 393 Embera indigenous people and almost 1,000 people confined¹¹ in eight affected communities.¹² Since last April 27, the arrival of around 200 armed men belonging to the AGC has been recorded in the collective Afro and Indigenous territories in and around the Arquíá River basin.¹³ These facts account for the continuity and exacerbation of the dynamics described above.

These dynamics of violence affect in different ways the different populations and ethnic-territorial organizations mentioned above. In the three follow-up reports to the Chocó Humanitarian Agreement NOW!, there is an alert of the high-level risk for women, girls, adolescents and the LGBTIQ community of being victims of sexual and gender-based violence, in the context of the armed conflict, due to the presence of illegal armed actors such as the ELN and the AGC.¹⁴

Gathering the background and pronouncements of civil society set forth in this letter, in a respectful manner, we reiterate the recommendations included in our report that continue to be relevant:

1. **To the National Government:** implement the protection and prevention measures from the Peace Agreement for communities and human rights defenders, including those concerning the dismantling of successor groups to paramilitarism, such as the National Commission for Security Guarantees, the Special Unit of Investigation of the Prosecutor's Office, the strengthening of the Early Warning System of the Ombudsman's Office, and collective protection measures.
2. **To the National Government:** to recognize, respect, and integrate into the institutional response the points contained in the Humanitarian Agreement NOW! as a valid proposal from civil society organizations to put limits on the war and generate humanitarian relief in the Chocoano territory.
3. **To the National Government:** apply and follow up on the recommendations made by the Ombudsman's Office in Early Imminence Alert No. 017-19 and in Early Alert No. 027-19 of 2019.
4. **To the National Government:** to prioritize the actions of civil institutions, bearing in mind that the militarization of the territory would put the civilian population at high risk of being trapped in armed conflict.

¹¹ According to the Victims Law 1448 of 2011, it is the conduct directed against the civilian population and mobility restrictions of a subject or a group in a specific geographical area caused by threats from illegal groups, that leads to a lack of access to essential goods for personal and group survival.

¹² Flash Update No. 1 – 15/04/2020. Oficina de Coordinación de Asuntos Humanitarios – OCHA – ONU.

¹³ <https://www.lafm.com.co/colombia/familias-indigenas-fueron-desplazadas-por-llegada-masiva-de-paramilitares-urrao>

¹⁴ 1) <https://verdadabierta.com/wp-content/uploads/2020/01/I-Informe-de-seguimiento-AHY-Feb-2019.pdf>

2) <https://verdadabierta.com/wp-content/uploads/2020/01/II-Informe-de-seguimiento-AHY-May-2019.pdf>

3) <https://verdadabierta.com/wp-content/uploads/2020/01/III-Informe-de-seguimiento-AHY-Nov-2019.pdf>



5. **To the Ministry of the Interior and the National Protection Unit**, in fulfillment of their functions, to provide adequate protection to the civilian population facing the serious humanitarian crisis in the territory immediately. Build and apply prevention and collective protection plans for social leaders and communities associated with ethnic-territorial organizations.
6. **To the Ministry of the Interior**, to urge national, departmental and local entities to carry out actions to assist the civilian population, build and implement prevention and collective protection plans for leaders and social leaders and communities associated with ethnic-territorial organizations.
7. **To the Ministry of Defense**, guarantee respect for international humanitarian law, especially the principles of distinction and proportionality.
8. **To the diplomatic corps assigned in Colombia and international organizations**, within the framework of their functions and mandates, to follow up on the case of the affected communities, requesting the National Government to fulfill its obligations to protect and guarantee human rights and to move forward the commitments in the 2016 Peace Agreement.
9. **To the diplomatic corps assigned in Colombia and international organizations**, according to their mandates and functions and when health conditions allow it, to carry out a mission to verify the situation of human rights and the protection of communities and social leaders in Chocó.

We respectfully request a meeting space where you can discuss the specific measures taken to address the serious at-risk situation.

Thank you very much for your attention.

Cordially,

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