

April 11, 2022

Secretary of State Antony Blinken
The State Department
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken,

We write to you as organizations deeply concerned with the human rights and humanitarian situation in Colombia. We believe U.S. policy must be reshaped to prioritize human rights, racial justice, rights-respecting security, and full implementation of Colombia's fraying peace accords. The 2016 accords, a legacy of President Obama's and Vice President Biden's support for negotiations, provide a path to address the corrosive inequality and brutal violence against people organizing for their rights that today still characterize Colombia. The United States should work with whoever the Colombian people elect as their next president to fulfill the peace accords' historic promise.

We greatly appreciate USAID's strategic support for peace accord implementation and human rights programming in Colombia and its commitment to consultation with civil society in Colombia and in the United States. We also appreciate that the Biden Administration removed the demobilized FARC from the terrorist list, a long-overdue and essential step to support reintegration of ex-combatants and to recognize the commitment of the great majority of the former guerrillas to peace.

However, since January 2020, diplomacy on human rights and peace has been overshadowed by USG messages celebrating the U.S.-Colombian bilateral relationship and security collaboration. Diplomacy encouraging progress on human rights issues and lagging peace accord implementation often appears as an afterthought, at least in public messaging. We are especially disappointed in the U.S. government response to the brutal repression by police of nationwide protests in 2021.

Colombia's National Police committed grave human rights violations in the context of the protests, using lethal and dangerously-deployed nonlethal weapons against protesters, human rights defenders, journalists, and medical personnel. Colombian human rights groups documented at least [44 people killed](#) by actions of the police during the protests. Hundreds were wounded, including suffering damage to their eyes. Abuses by the police included extrajudicial killings, excessive use of force, torture, and sexual violence. While many abuses were committed by the anti-riot squad ESMAD, other members of the Colombian National Police also committed serious abuses. Today,

protest leaders, victims and victims' families are facing persecution and reprisals for exerting their right to protest, a right that should be respected in healthy democracies.

There have been few advances in justice for these abuses. According to the [Colombian Defense Ministry](#), of 231 police disciplinary cases, 193 have already been dismissed, and only 9 resulted in disciplinary sanctions. No member of the police has yet been convicted in a criminal court for violations committed during the 2021 protests, although a handful of cases are advancing. Meanwhile, excessive legal charges are being brought against young people for incidents that occurred during the protests, including cases that appear to be based on insufficient evidence. The government has not implemented thorough police reform, with limited changes failing to create external controls over the police or to relocate the police under a civilian ministry.

The U.S. government response to this pervasive police brutality has been weak. Your own clear [statement](#) on the need for accountability has not been echoed by other U.S. officials. Indeed, a February 2022 bilateral press conference featured unalloyed U.S. praise for police. President Biden's March 2022 decision to grant major non-NATO ally status to Colombia rewarded the government with closer security ties at precisely the wrong moment. The U.S. message on the security forces' human rights record has been so watered down that the Colombian press recently reported that U.S. security aid comes with no strings attached—even though the U.S. Congress reaffirmed human rights conditions on military aid and added new conditions on aid to the police. When Ambassador Phillip Goldberg clarified that security aid conditions remain and that the USG does not provide assistance to ESMAD, the Colombian Defense Minister publicly contradicted him, [claiming](#) that U.S. aid can be used even for ESMAD. Moreover, the U.S. government seems to have accepted the limited police reforms offered by the Duque Administration rather than pressing for more structural reforms.

A constructive feature of U.S. engagement with Colombia is efforts to protect the rights of ethnic minorities (Afro-Colombians, indigenous, palenqueros, raizales and rom) in the country. U.S. diplomatic engagement helped open the door for the integration of the Ethnic Chapter in the final peace accord. A U.S.-Colombia Racial Action Plan was negotiated and USAID created and expanded a pioneering program funding Afro-Colombian and indigenous communities. While U.S. officials were previously more outspoken, since the Duque Administration, the U.S. government has lowered its public profile on these issues at the time when we see the growing violence and humanitarian situation disproportionately affecting these populations.

We urge the State Department to lead other U.S. government agencies to ensure coordinated diplomacy for forward momentum on peace accord implementation, human rights, and racial justice. The State Department should:

Encourage implementation of the peace accords' Ethnic Chapter and the cross-cutting gender provisions. The Colombian government should convene the Special High-Level Mechanism with Ethnic Peoples (IANPE), mandated by the accords, to discuss the best methods to implement the Ethnic Chapter and should work with Afro-Colombian and indigenous authorities and civil rights groups to guarantee its consolidation at the local and regional level. Please urge the Colombian government to implement humanitarian accords with communities, such as the "Humanitarian Accord Now" in Chocó and other areas, that serve to protect such communities, ensure aid and protection to internally displaced persons, and address racial discrimination. The State Department should also revitalize the U.S.-Colombian Racial Action Plan (CAPREE) to develop a joint U.S.-Colombian strategy with specific steps to address structural racism. The State Department should also support women's participation and leadership at all levels and urge the Colombian government to prioritize implementation of the cross-cutting gender provisions, which are being implemented at a relatively slower pace.

Urge implementation of the accords' comprehensive rural reforms. Point 1 of the accords, which sets out a structural transformation of the countryside to address the roots of the conflict, is the area of least progress, even though it would make up about [85](#) percent of the cost of a properly implemented peace accord. According to the most recent [quarterly report](#) of the Kroc Institute's Colombia Barometer Initiative that assesses implementation through December 2021, only 4 percent of Point 1's stipulations were fully implemented, while nearly 81 percent were not initiated or only achieved minimal progress. This is alarming for U.S. goals in Colombia: Chapter 1 is essential to sustain peace and to achieve the long-delayed goal of governance in long-abandoned areas of the countryside where violence and illicit crops thrive. Implementing it is a far more promising long-term means to reduce coca crops than forced eradication.

The State Department should urge the Colombian government to accelerate implementation of these rural reforms, address obstacles, and ensure adequate funding for institutions responsible as well as to enable meaningful participation of local communities, particularly rural women and ethnic peoples, in decision-making processes. Political will is needed to democratize access to land, to make more land available for the Land Fund and expedite its distribution, to ensure the multi-purpose cadaster proceeds transparently and as the accord intended to avoid formalizing dispossession, and to advance development programs with a territorial focus (PDETs) in the 16 regions most affected by the conflict where poverty continues to rise. In this and other peace implementation areas, the State Department should encourage government transparency and USAID should support civil society monitoring, including budget tracking of how resources are spent. We urge the State Department to

emphasize the importance of the gender approach to ensure women's access to land and strengthen their rights.

Amplify diplomatic support and funding for the tripartite transitional justice system.

U.S. financial support for the Truth Commission and the Search Unit for Persons Presumed Disappeared have been essential. The Biden Administration's more recent decision to fund and show support for the Special Jurisdiction for Peace was a wise step. We urge continued financial support for all three institutions, including for the Truth Commission to publicly disseminate its report and monitor implementation of its recommendations. We urge strong diplomatic support as the organizations reach critical moments in their work that can lead to threats and attacks against their personnel as well as against victims who provided testimony, such as in the immediate aftermath of the presentation of the Truth Commission's report.

Urge and condition aid on rights-respecting security. We ask you to use vigorous diplomacy and leverage conditions on security assistance, including by freezing targeted security aid, to insist on accountability—through investigations and prosecutions in civilian courts, including of those with command responsibility, as well as through disciplinary measures—for the grave human rights abuses committed in the context of the 2021 protests as well as other possible grave human rights violations such as the events in Puerto Leguizamo referred to below. We urge you to press the government to implement serious police reforms, based on a broad societal consultation. Such reforms must consider a differentiated approach that includes gender, women, ethnic minorities, and LGBTQ+ rights. Colombian civil society organizations are calling for reforms that include dismantling the ESMAD, adopting external controls—such as civilian review boards—over the police, and moving the police to a civilian ministry. We also urge you to clarify that the United States does not provide training or aid to ESMAD and to prohibit licenses for commercial arms and riot-control exports, such as tear-gas launchers, to ESMAD.

Observers agree that Colombia must increase government presence in conflicted areas to address surging violence by illegal armed groups. But security must be civilian-led and rights-respecting; it must not just dominate territory militarily but also provide comprehensive protection for communities at risk from illegal armed actors as well as from abusive state actors. To this end, the government must advance more rapidly in extending a civilian government presence in conflicted areas, including the justice system, the Ombudsman's office, social services, agricultural extension services, education, and health care.

We are following the situation in Puerto Leguizamo, Putumayo, in which at least 11 people were reported killed by members of Colombia's Counternarcotics Trans-National

Threats Division (CONAT) on March 28th. While the Colombian Defense Ministry claims the deceased were members of the 48th Front, a FARC dissident group, community testimonies transmitted through Colombian media and human rights organizations claim that the killers presented themselves as guerrillas, opened fire unprovoked, and were carried away by military aircraft. According to witness testimonies, military vests and weapons were placed next to the corpses of victims such as the Indigenous governor Pablo Perduro Coquinche. Family members of a number of those killed deny the victims were members of an illegal armed group or that there was a fire-fight. Given the gravity of the accusations, the State Department should use the leverage of U.S. assistance to press for an independent, transparent investigation.

Urge protection of human rights and environmental defenders. [One hundred murders](#) of human rights defenders in 2021 were verified by the UN High Commissioner for Human Rights office in Colombia. Front Line Defenders documented more killings of human rights defenders in Colombia in [2021](#) and [2020](#) than in any other country in the world. Colombia is one of the world's deadliest places for those working to defend their rights to land and their environment, as defenders are targeted as they speak out against illegal economies and projects harming local communities and the environment. We ask you to urge investigation and prosecution of threats and attacks against human rights defenders, including the intellectual authors of such attacks. The State Department should also urge the Colombian government to regularly convene the National Commission on Security Guarantees established by the accords, which should include participation by civil society, government, and ex-combatants, to develop and implement a plan for dismantling paramilitary and other illegal armed networks and for providing security to human rights defenders, communities, and ex-combatants. This long-delayed commitment, central to bring rights-respecting security to conflict zones, must advance. Finally, we urge you to uplift the Escazú Agreement, an important commitment by states towards protecting environmental defenders' lives and rights.

Defend labor rights and ensure compliance with labor rights commitments. We remain deeply concerned about the failure of the Colombian government to live up to the obligations in the United States-Colombia Trade Promotion Agreement (CTPA), the Labor Action Plan (LAP), the peace accords, and other international commitments Colombia has made on labor rights compliance and enforcement. As noted in the U.S. Labor Department's Second Periodic Review of Progress of Colombia (October 2021), Colombia has failed to achieve sufficient progress in fulfilling its commitments to ensure that labor rights are fully protected. Violence against trade unionists, illegal subcontracting, lack of freedom of association, and an overall failure to enforce labor laws remain serious problems. The situation for Colombian workers and trade unionists continues to deteriorate as the Colombian government has enacted regressive policies that actively undermine labor rights, while through a lack of political will it has failed to

promote the necessary transformations for labor rights improvement. We urge a renewed commitment and emphasis by the State Department, Labor Department, and USTR to address the failure of the Colombian government to uphold its commitments outlined in the LAP, as well as the labor provisions of the CTPA and the peace accords, and to ensure that these commitments for labor rights improvement are effectively complied with and implemented.

Implement the Biden Administration’s announcement of a more holistic counternarcotics approach. We welcome the [announcement](#) of a new U.S. approach that defines “broader measures of success for counternarcotics efforts in rural communities to include metrics on access to state services, institutional presence, income for licit producers, as well as eradication of coca.” We believe the central pillar should be working with farming communities to voluntarily eradicate and replace coca as per the accords’ drug chapter. The United States should not encourage forced eradication methods, including aerial spraying, that are ineffective and violate the terms of the peace accord. In fact, restarting now would be illegal under Colombian law. In February 2022, Colombia’s Constitutional Court [ruled](#) that the government could not restart aerial spraying until it had consulted with affected communities, giving the government one year, with a 6-month extension, to carry out consultations. The U.S should respect the judicial decisions made by the country.

We also urgently ask you to ensure a neutral U.S. posture towards elections and avoid any appearance of support for the incumbent party. As Colombian presidential elections approach, **we urge the U.S. government to send a clear message that the United States will work with the elected Colombian president, whoever it may be.** The USG should also speak out against racist rhetoric against ethnic minority candidates. Should an opposition ticket win, the U.S. should not respond to heated rhetoric from rightist Colombian politicians or hardline members of the security or intelligence forces. Instead, the United States should take advantage of the opportunity to work with the new government on issues that are likely to be central to its agenda, many of which mesh well with Biden Administration priorities, such as advancing peace, including reviving flagging peace accord implementation and negotiations with the ELN; advancing human rights and rights-respecting security; ethnic minorities’ rights; addressing climate change; and advancing racial, gender, and social equity.

Finally, we ask that the State Department reinstitute regular consultations with human rights groups regarding Colombia, which have been organized since the start of Plan Colombia in 2000 but have lapsed recently. The last such consultation took place in November 2020.

Thank you for your attention to our concerns.

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American Friends Service Committee
Amazon Watch
Center for International Environmental Law
Center for Gender & Refugee Studies
Chicago Religious Leadership Network on Latin America
Colombia Human Rights Committee
FOR Peace Presence
Latin America Working Group
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