



International Network for Economic, Social & Cultural Rights
Red Internacional para los Derechos Económicos, Sociales y Culturales
Réseau international pour les droits économiques, sociaux et culturels
الشبكة العالمية للحقوق الاقتصادية و الاجتماعية و الثقافية

TO:

HE. Mr. Juan Manuel Santos Calderón, President of the Republic of Colombia

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Office in Colombia of the United Nations High Commissioner for Human Rights
UN Special Rapporteur on the situation of human rights defenders
UN Special Rapporteur on human rights and the environment

July 14, 2016

Your Excellency,

The International Network for Economic, Social, and Cultural Rights (ESCR-Net) is the largest global network of organizations and activists dedicated to obtaining economic, social, and environmental justice through human rights, consisting of over 270 organizational and individual members in 70 countries.

We are writing to express our profound, collective concern regarding the recurring threats, and more recently, those received last week, by human rights and environmental organizations in the Tolima department. According to information received from reliable sources, on July 8, 2016, el Colectivo Socio-Ambiental Juvenil de Cajamarca (Socio-Environmental Youth Collective of Cajamarca, or COSAJUCA) received a threat written with letters cut from newspapers and/or magazines and glued to a paper, forming the following message “good children go to bed early, we put the rest to bed ourselves.”

We are aware that this threat follows another incident that took place one month ago, in which a paramilitary group called Águilas Negras leveled threats against the Comité Ambiental en Defensa de la Vida (Environmental Committee in Defense of Life), the mayor of Ibagué, Guillermo Alfonso Jaramillo, and other civil society organizations gathered in the Cumbre Agraria, Campesina, Étnica y Popular (Agrarian, Peasant, Ethnic, and Popular Summit). This occurred a day after the ‘VIII Marcha Carnaval en defensa de la vida’ (VIII March in Defense of Life), a peaceful protest on held on June 3rd against mining projects being carried out in the department of Tolima, including the “La Colosa” open-pit mine, operated by Anglo Gold Ashanti.

In this connection, we are particularly concerned by the recurring and continuous threats against individuals and grassroots organizations critical of the La Colosa project. The death of three people who opposed this project between 2013 and 2014, Daniel Humberto Sánchez, Juan Camilo Pinto and Cesar García, casts doubt on the ability or willingness of the Colombian government to guarantee protection for people who participate the defense of human rights and the environment in Tolima. We also note with concern the lack of a public position by Anglo Gold Ashanti regarding these threats and attacks that have occurred in the context of the project that this company operates.

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Executive Director

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We remind your Excellency that, as a State party to the International Covenant on Civil and Political Rights (ICCPR), Colombia has the obligation to respect, among other rights, the right to life. This includes the general obligation to investigate any violation committed by state or non-state actors, and to provide protection, via legal and/or other measures, to any person whose right to life is at risk. The ICCPR also recognizes the right to peaceful assembly and the right to freedom of association, rights that Colombia has the duty to guarantee for environmental and human rights defenders working in the country.

Colombia is also a party to the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which recognizes every person's right to an adequate standard of living. This includes the right to a healthy environment and to the highest possible level of physical and mental health, the right to water and the right to food, among others. According to the information we have received, all of these rights are threatened by the open-pit mine in the area.

Colombia is also obligated to fulfill the standards the UN Declaration on Human Rights Defenders contemplates, which recognizes the right of all people to promote and pursue the protection and fulfillment of human rights. Specifically, the Declaration contemplates "*the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights*" of human rights defenders.

The recent Report of the Special Rapporteur on the situation of human rights defenders to the UN Human Rights Committee,¹ noted with concern the serious challenges facing human rights defenders who work on issues related to the right to land and the right to prior consultation of indigenous peoples and Afro-descendants. In its Report, the Special Rapporteur encouraged the Colombian government to take all necessary measures to ensure that human rights defenders may continue to carry out their activities without fear of reprisal of any nature, and reiterated his concern with the level of impunity that prevails in cases of attacks and violations perpetrated against human rights defenders in Colombia. Finally, the Special Rapporteur urged Colombia to undertake all measures necessary in order to encourage a safe and favorable climate for environmental and human rights defenders. In Colombia's second review under Universal Periodic Review, held on April 21, 2013, various recommendations regarding the need to ensure the protection of human rights defenders were made, including the need for independent and impartial investigations and the prosecution of human rights violations against them.²

However, according to Global Witness, during 2015, 26 environmental defenders were assassinated in Colombia; seven of which were involved in opposition to extractive industries. This places Colombia as the third most dangerous country for environmental, territory, and water defenders. The International Federation of Human Rights (FIDH) has also concluded that Colombia was the most dangerous country in the world for the exercise of the defense of human rights in 2013.³ Meanwhile, the Sistema de Información sobre Agresiones contra Defensores y Defensoras de Derechos Humanos (Colombian Information System on Aggressions against Human Rights Defenders) registered a 9 percent increase in individual aggressions against defenders in 2015, in comparison to 2014, and documented 682 victims of aggressions that put the lives and physical integrity of rights defenders at risk and/or hindered their legitimate human rights work in Colombia during 2015.⁴

¹ United Nations, Human Rights Council, Report of the Special Rapporteur on the situation of human rights defenders, Addendum: Observations on communications transmitted to Governments and replies received, A/HRC/31/55/Add.1 (February 22, 2016)

² United Nations, General Assembly, *Report of the Working Group on the Universal Periodic Review: Colombia*, A/HRC/24/6 (4 July 2013), available from undocs.org/A/HRC/24/6. See, in particular, §116.19, §116.73, §116.74 §116.75, §116.76, §116.77, §116.80, §116.81, §116.82 and §116.83

³ Fédération internationale des droits de l'Homme (FIDH), *Colombia: resolutions on human rights defenders, peace and carceral and political prisoners' situation*, Resolution adopted by the 38th Congress (May 23-27, 2013) in Istanbul, Turkey. See: <https://www.fidh.org/en/region/americas/colombia/colombia-situation-of-human-rights-defenders-peace-and-carceral-and-13773>

⁴ Programa Somos Defensores, *El Cambio: Informe Anual SIADDHH 2015 sobre Agresiones contra Defensores de Derechos Humanos en Colombia*, (2016), Bogotá, available at: <http://somosdefensores.org/attachments/article/137/el-cambio-informe-somosdefensores-2015.pdf>, page 21

In view of the seriousness of the aforementioned threats faced by human rights and environmental defenders, we urge the government of Colombia to:

1. Carry out an independent, impartial, and prompt investigation to clarify the intellectual and material authors of the various threats against the members of el Colectivo Socio-Ambiental Juvenil de Cajamarca (Socio-Environmental Youth Collective of Cajamarca, or COSAJUCA), the Comité Ambiental en Defensa de la Vida (Environmental Committee in Defense of Life), the Network of Environmental Committees of Tolima, and the mayor of Ibagué, Guillermo Alfonso Jaramillo; as well as prosecute and sanction those responsible for these acts.
2. Provide protection, including security measures for human rights and environmental defenders so that they may continue carrying out their work without harassment, persecution, threats, or interference of any kind, including protection of the members of the aforementioned organizations.
3. Commission the Prosecutor General, Tolima branch, to disclose the results of the investigations of the threats against human rights and environmental defenders that have been reported in recent years, as well as of the aforementioned deaths.
4. Provide all the necessary guarantees to enable civil society organizations to carry out prior consultations in the municipality of Ibagué regarding the decision to permit gold mining in that locality, including via protection measures for the leaders of this initiative.

Finally, we respectfully request to be informed of the developments of this case.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Grove', is written over a light gray rectangular background.

Chris Grove,

Executive Director