

Actions of the Security Forces for the respect, guarantee, promotion and protection of human rights in Colombia.

# Human Rights and the Security Forces 2021



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Human Rights and National Defense Observatory



**Diego Molano Aponte**  
Minister of Defence

**General Luis Fernando Navarro**  
Commander General of the Military Forces

**General Jorge León González Parra**  
Jefe de Estado Mayor Conjunto de las Fuerzas Militares

**Mayor General Eduardo Enrique Zapateiro Altamiranda**  
Commander of the National Army

**Almirante Gabriel Alfonso Pérez Garcés**  
Commander of National Navy

**General Ramsés Rueda Rueda**  
Commander of the Colombian Air Force

**General Jorge Luis Vargas Valencia**  
General Director of the National Police

**Sandra Alzate Cifuentes**  
Vice Minister for Defense and Security Policies

**Jairo Garcia Guerrero**  
Vice Minister for Strategy and Planning

**Gustavo Alonso Niño Furnieles**  
Vice-Minister for Veterans and the Social and Business Group of the Defense Sector - GSED

**John Henry Arango Alzate**  
Director of Human Rights and International Humanitarian Law

**Paola Gomez Campos**  
Director of the Human Rights and National Defence Observatory  
Human Rights and National Defence Observatory Director

**Jhonatta Hoyos**  
Doctrine and Legal Advisory Group Coordinator  
Directorate of Human Rights and International Humanitarian Law

**Carlos Augusto Galeano Gil**  
Advisor of Human Rights and International Humanitarian Law Directorate

**Human Rights and National Defence Observatory Advisors:**

Sidney Yerlein Cruz Pinilla  
Johan Fernando Aldana Cifuentes  
Adriana Maria Hernandez Medina  
IT Pedro Guerra  
IT Sirley Ospina Ortiz  
PT Yuli Paola Triviño Almario  
PT Andrés Cuaran Jojoa  
Juliana Moncada Guayazan  
Laura Paez Achury  
Angela Maria Escobar Salas  
Maria Johanna Alarcon Moreno  
Juan Esteban Dulce  
Maria Clemencia Márquez Barragán  
Daniel Felipe Quiroga Petrelli  
Andres Eduardo Garcia Marquez  
Juan Jose Leguizamón (Pasante)

## Prologue

The Human Rights and Security Forces Report 2021 is the first document of its kind in the history of the Defense Sector, since it records the actions, results and advances of the Security Forces in the face of the human rights situation in the country during 2021, which posed great tests and challenges to the security and defense of Colombians.

Three scenarios of institutional attention are identified: the COVID-19 pandemic, organized crime, illegal economies and social protest activities; therefore, the most representative sectoral actions are registered within the framework of the duty to guarantee and respect human rights. Thus, the reader will find information on prevention and protection measures for the population (which includes social leaders and human rights defenders, ethnic communities, children and adolescents, displaced persons and victims, among others), as well as the advances in human rights training and the administrative measures that were applied for the maintenance and respect of these rights within the Security Forces.

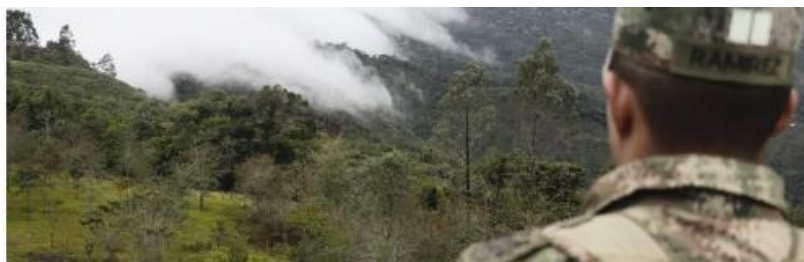
The preparation of this Report was possible thanks to the implementation of the Human Rights and National Defense Observatory (under the process of structural reorganization, guided with the issuing of Decree 1874 of December 30, 2021). Its construction was led by the Vice Ministry for Defense and Security Policies in coordination with the Directorate of Human Rights and International Humanitarian Law of the Ministry of National Defense and the participation of the Human Rights offices of the Military Forces and the National Police.



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# I. Introduction

1. The Ministry of National Defense has formulated and implemented policies to respond to security threats that put at risk the effective enjoyment of the rights of all citizens, as well as to protect populations in vulnerable situations, recover natural resources as the nation's main and prevalent strategic asset and carry out territorial control in places that historically had the presence of armed groups operating outside the law. These types of policies go hand in hand with respect for human rights, which are the force of institutional legitimacy (strategic center of gravity of the Military Forces and the National Police). Accordingly, the Ministry of National Defense takes all decisions within the framework of zero tolerance for human rights violations, the inclusion of gender approaches within the Security Forces and the implementation of educational strengthening, with a view to guaranteeing citizens the service of a prepared, suitable and competent Security Forces, which provide an effective response to the needs present in the national territory and the challenges of the international environment.





## II. Challenges and results

2. The challenges in the current situation are based on three fundamental scenarios: first, the COVID-19 pandemic that has exacerbated endogenous risks for citizens in terms of health, citizen security and public order, which required an important deployment and inter-institutional coordination with national and territorial entities in support of the most remote communities. In this sense, the National Government and the Security Forces maintained the San Roque II operation (see numeral 11), in which about 15 million people have benefited during the different activities (transfer of health personnel, medical supplies, vaccines, delivery of humanitarian aid, installation of field hospitals and accompaniment to the transfer of food, among others); In addition, during 2021, sectoral support was maintained in this purpose with the transport of almost 3 million vaccines within the framework of the National Vaccination Plan.
3. Secondly, organized crime and illegal economies (mainly due to drug trafficking and the illicit extraction of mining deposits) that generated multiple effects on human rights: homicides (including collectives)<sup>1</sup>, forced recruitment of minors, threats against social leaders and human rights defenders, forced displacements and attacks against the Security Forces, among others. This delicate scenario was addressed with the execution of sectoral policies, the strengthening of institutional capacities and the priority attention of early warnings<sup>2</sup> (see paragraphs 8 to 17), which, added to the strategic intelligence of the Security Forces, inter-institutional coordination and citizen information contributed to counteract security threats and the protection of the population in the national territory.
4. In this framework of action, important results<sup>3</sup> were achieved for security, including the capture of alias 'Otoniel' (maximum leader of the organized armed group-GAO<sup>4</sup> Clan del Golfo); in addition, alias 'Marihuano' and 'Pueblo' died in the development of operations and alias 'Cuarentano', 'El Profe', 'Harry' and 'Dimax' were captured; likewise, of the GAO-ELN, alias 'Uriel', 'Fabian' died in the development of operations and alias 'Elefante' and 'Mono Clinton' were captured; of the residual GAOs alias 'Humberto Mora', 'Rodrigo Cadete' and 'Guacho' died in the course of operations, and alias 'Contador', 'Korea', 'Ariel' and 'Angie' were captured; alias 'Pácora' of 'Los Pelusos' died in the course of operations and alias 'Macho' (maximum leader of Los Pelusos), 'Pepe' or 'Pedro', 'Condor' and 'Milton' were captured; alias 'Cain' and 'Flechas' of 'Los Caparros' died in the course of operations; likewise, from other

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<sup>1</sup> In the face of these unfortunate events, the challenge for the Security Forces is to maintain, without any truce, actions against organized crime and other factors of instability. It should be noted that in several of these cases there would be a relationship with disputes between organized armed groups - GAO, being its main trigger drug trafficking.

<sup>2</sup> Issued by the Ombudsman's Office within the framework of Decree 2124 of 2017.

<sup>3</sup> From August 7, 2018 to December 31, 2021

<sup>4</sup> Hereinafter "GAO".

organized criminal groups alias 'Puntilla' died in the course of operations and alias 'Necoclí' was captured; and two drug traffickers, alias 'Mesi' and 'Memo Fantasma' were captured.

5. Actions against organized armed groups that perpetrate violations of the life, integrity and personal security of social leaders and human rights defenders were forceful, achieving the objective of priority protection for these people (defined in the Defense and Security Policy – point 6.2.2.8); in addition, the intersectoral articulation, under the PAO Timely Action Plan (strengthened operationally by the national Government through the issuance of Decree 1138 of 2021). The results of the operational strategy were the dismantling of 8 criminal and criminal structures (Clan del Golfo, Pelusos, Caparros, GAO-r Jorge Briceño, GAO-r E-40, GAO-r E-6, Los Monos and Los Ronda), with the capture of 136 of their members (in the historical recount reported by the Elite Corps of the National Police in coordination with the Attorney General's Office).
6. In the second half of 2021, in the development of the mechanism for the identification and characterization of criminal actors affecting social leaders and human rights defenders (implemented by the National Police in coordination with the Attorney General's Office)<sup>5</sup>, 42 arrests, 12 notifications in prison centers and one death in the course of military operations were achieved; in addition, 108 additional arrest warrants affecting 26 criminal structural components, 14 GAO-r (E-6 Dagoberto Ramos Mobile Column, E-18, E-36, E-37, E-40, E-48 Border Commandos, E-62 Miller Perdomo, SE-30 Rafael Aguilera, Urías Rondón Mobile Column, Jorge Briceño Suárez Structure, Oliver Sinisterra Front, Guerrilas Unidas del Pacífico, Los Contadores and Segunda Marquetalia); GAO ELN – Jaime Toro Obando Company; 5 components and redoubts of the GAO Clan del Golfo (substructure Pablo José Montalvo Cuitiva, Edwin Román Velásquez, Carretera, Carlos Vásquez and Luis Orlando Padierna Peña); GAO Caparros; 5 GDCO<sup>6</sup> (Los Chuma, Mano Negra, Los Hugos, La Secreta, Los Bancos).
7. Finally, the public and peaceful meeting and demonstration<sup>7</sup>, with 15,793 activities in 860 municipalities (between April and September 2021), was affected by various acts of vandalism, road blockades and aggressions against the Security Forces, which tried to destabilize the social order (in multiple cases, as verified by judicial authorities, with training and financing of organized armed groups such as the ELN and dissidents). On the other hand, faced with complaints of excessive use of force in the context of these social mobilizations, the National Police initiated 231 disciplinary inquiries, the Attorney General's Office 188<sup>8</sup> processes and the Military

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<sup>5</sup> Of the List of the Most Wanted for Homicides of Social Leaders and Human Rights Defenders made up of 37 criminals, of which in their historical record (since January 31, 2019) 16 have been captured and 4 killed (among them, alias 'Pácora', 'Smurf' and 'Pollo Gordo'), which allows to evidence an effectiveness over 54% of the total of the cartel.

<sup>6</sup> Organized Common Crime Groups.

<sup>7</sup> Article 37 of the Political Constitution of Colombia.

<sup>8</sup> Source: National Strike White Bulletin 2021 from April 28 to September 15.

Criminal Jurisdiction reported 168 inquiries in the process of investigation (with 6 transfers to the Ordinary Jurisdiction); In addition, according to data from the Attorney General's Office, 29 homicides were identified, of which 17 have been clarified and 19 alleged perpetrators were determined - 9 civilians and 10 members of the Security Forces - (see numeral 35 onwards).



## III. Capacity of the Security Forces to protect Human Rights

### A. Plans, special operations and main achievements that favor the protection of human rights

8. The capacities of the Security Forces were strengthened with an operational deployment in critical areas with the Specific Command of Norte de Santander - CENOR, the Metropolitan Police Region of La Sabana, the Command against Drug Trafficking and Transnational Threats - CONAT, the Brigade of Engineers of Attention and Prevention of Disasters and the incorporation of 10,500 police officers of criminal investigation; in addition, the direction of plans and special operations such as the Plan Horus de la Libertad, Artemisa, Agamenón, Atalanta, Atlas, Aquiles, Esparta, Ninfa, Osiris, Plan Muralla, San Roque, Orión and the 'Símbolos del Mal' campaign. Thanks to this, 8,155 neutralizations were achieved<sup>9</sup> (46% more than in 2020, highlighting 38 leaders of organized crime, 6 of national level, 30 regional and 2 articulators of drug trafficking). These measures and results contributed to the consolidation, in the periods between 2018 – 2021, of the lowest homicide rate recorded in 4 decades<sup>10</sup>.
9. Institutional achievements against organized crime structures (generally linked to all types of serious crimes such as homicides, kidnappings, forced displacement, attacks and threats against social leaders and human rights defenders, drug trafficking and forced recruitment of minors, among others) contributed to strengthening the fight against impunity, guarantees of non-repetition, the prevention of new acts of violence and improving security conditions in territories; below, some of the most representative cases during 2021 are referenced:
  - a. Alias 'Otoniel' and 'Marihuano' main leaders of the GAO Clan del Golfo, to whom serious violations of the human rights of individuals and communities are attributed, mainly in Chocó, Córdoba, Antioquia and Norte de Santander. 'Otoniel', according to figures from the Attorney General's Office, had 6 convictions (including 40- and 50-year prison terms), 7 security measures and 122 arrest warrants for different crimes such as aggravated homicide, homicide of a protected person, forced disappearance, forced displacement, illegal recruitment of minors, illegal carrying of weapons and drug trafficking<sup>11</sup>.

<sup>9</sup> From January 1 to December 31, 2021. The term "neutralized" includes demobilized, subdued, captured and killed in the course of operations of the Security Forces.

<sup>10</sup> Source: [https://twitter.com/Diego\\_Molano/status/1478123859240964100?s=20](https://twitter.com/Diego_Molano/status/1478123859240964100?s=20)

<sup>11</sup> This information was officially provided by the Attorney-General's Office and is available at <https://www.fiscalia.gov.co/colombia/noticias/capturado-alias-otoni-el-senalado-maximo-cabecilla-del-grupo-armado-clan-del-golfo/>

- b. Alias 'Fabián'<sup>12</sup> (GAO ELN), who had at least 450 men under his command, had 15 investigative processes, 20 arrest warrants and 3 INTERPOL notices, a red notice since August 2009; accused of aggravated kidnapping for extortion, manufacture and trafficking of firearms or ammunition, illicit recruitment, aggravated homicide, drug trafficking, among others.
- c. Alias 'El Indio'<sup>13</sup> (GAO ELN), accused of frightening the population with threats and other criminal acts; had a criminal record of more than 15 years and would be in charge of coordinating and carrying out kidnappings for extortion and drug trafficking purposes.
- d. Alias 'Ratón'<sup>14</sup> (GAO ELN), who intimidated the inhabitants of southern Bolivar, accused of his alleged responsibility in homicides against social leaders, extortion and forced displacement.
- e. Alias 'Chambalá'<sup>15</sup> (GAO ELN), designated as the leader of the commission of the ELN's terrorist support network - 'Luis José Solano Sepúlveda' front, who would be occupying that place after the killing of alias 'Ratón'; linked by his alleged responsibility in the murder of a social leader.
- f. Alias 'El Burro'<sup>16</sup> (GAO ELN), identified as allegedly responsible for attacks on more than 30 members of the security forces and against social leaders and human rights defenders in several regions of the country.
- g. Alias 'Hugo'<sup>17</sup> (GAO-R 'Adán Izquierdo'), identified as allegedly responsible for committing criminal acts in the department of Valle and its bordering area; among them, the murder of members of the Security Forces, social and environmental leaders; in addition, attacks against personnel of the Unit for Attention and Reparation to Victims - UARIV and uniformed personnel who carried out protection and prevention activities for the population through humanitarian demining.
- h. Alias 'Víctor'<sup>18</sup> (GAO-R 'Adán Izquierdo'), one of the leaders of this structure, indicated as allegedly responsible for the murder of an environmental leader.
- i. Alias 'Kevin'<sup>19</sup> (GAO-R 'Adán Izquierdo'), alleged material author of the murder of Second Lieutenant Cristian Calderón (in September 2021). Linked to the murder is a social leader in rural Seville; in addition, as the alleged main perpetrator of kidnappings and a collective homicide in Valle del Cauca; this subject

12 See the statement of the Minister of National Defense <https://www.youtube.com/watch?v=ZKUpbGFFq20>

13 See <https://www.ejercito.mil.co/ejercito-nacional-neutraliza-a-alias-el-indio-del-eln-en-el-norte-del-valle-del-cauca/>

14 See <https://twitter.com/IvanDuque/status/1352709795627872260?s=20>

15 Source: [https://twitter.com/search?q=chambal%C3%A1%20capturado&src=recent\\_search\\_click&pf=on](https://twitter.com/search?q=chambal%C3%A1%20capturado&src=recent_search_click&pf=on)

16 See <https://twitter.com/IvanDuque/status/1397578525696221196?s=20>.

17 See <https://twitter.com/IvanDuque/status/145845062547011755?s=20> and <https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido/noticiamdn?idXml=d0727ec3-6c24-3a10-39b0a92afa8a4aaf&date=10102021>

18 See: <https://twitter.com/mindefensa/status/1382365891170566146?s=20>.

19 See: <https://www.cgfm.mil.co/es/blog/ejercito-nacional-neutralizo-alias-kevin-cuarto-cabecilla-del-gao-residual-adan-izquierdo>

- coordinated an ambush against the Security Forces where 3 soldiers and a police officer were injured with an improvised explosive device in Tuluá.
- j. Alias 'Pablito'<sup>20</sup> (GAO-R 'Adán Izquierdo'), designated as the third ringleader, would be in charge of the finances of this structure, accused of aggravated extortion and allegedly responsible for vandalism in Valle del Cauca.
  - k. Alias 'Alirio'<sup>21</sup> (GAO-R 'Los Contadores'), identified as allegedly responsible for the murder of a community leader and a FARC reinstated. He was included in the cartel of the most wanted for affecting the demobilized FARC population and for whom a reward of up to \$500 million pesos was offered.
  - l. Structural coup against the GAO 'Los Caparros'<sup>22</sup> (within the framework of Operation San Antonio V) with the neutralization of 8 of its main leaders, who commit crimes and affected the population in Antioquia and Córdoba.
  - m. Alias 'Moyo'<sup>23</sup>, who after fleeing the ranks of the dissidents (GAO-R sixth structure Jaime Martínez) formed his own criminal group; indicated as an alleged motivator of a multiple homicide in the village of Munchique, Buenos Aires - Cauca (which occurred in September 2020); allegedly responsible for threats to social leaders, councilors and personalities of this department and was considered an objective of the Timely Care Plan - PAO, for which a reward was offered.
  - n. Alias 'Jerónimo'<sup>24</sup> (GAO Clan del Golfo), leader of this GAO in La Guajira, included in the cartel of the most wanted in the department; accused of drug trafficking and as alleged responsible for attacking social leaders and members of the Security Forces in the area.
  - o. Alias 'Dimax'<sup>25</sup> (GAO Clan del Golfo), accused of controlling drug trafficking in Urabá and Medellín - Antioquia.
  - p. Alias 'Macho'<sup>26</sup>, linked as allegedly responsible for a collective homicide and for 50 terrorist actions against the Security Forces and the civilian population in Norte de Santander.
10. To guarantee the protection of water, biodiversity and environmental quality, operation Artemisa<sup>27</sup> is maintained as the great strategy of the National Government, achieving intervention to protect more than 22,627 hectares of forest (13,376 in 2021), in coordination with the responsible entities; 13 operations in 5 national natural parks and nature reserves and 15,663 captures for crimes that affect the environment<sup>28</sup>; more than 115,000 m<sup>3</sup> of timber seized; 7.3 million trees planted, 68,000 environmental prevention activities and 187 forest nurseries built. The results

<sup>20</sup> See: [https://twitter.com/Diego\\_Molano/status/1417864739296878593?s=20](https://twitter.com/Diego_Molano/status/1417864739296878593?s=20)

<sup>21</sup> See <https://twitter.com/infopresidencia/status/1382031328594464771?s=20>

<sup>22</sup> See [https://www.youtube.com/watch?v=JMJeIN\\_NLwg](https://www.youtube.com/watch?v=JMJeIN_NLwg).

<sup>23</sup> See: [https://twitter.com/COL\\_EJERCITO/status/1351877638491521028?s=20](https://twitter.com/COL_EJERCITO/status/1351877638491521028?s=20)

<sup>24</sup> See: [https://twitter.com/Diego\\_Molano/status/1465110378317242370?s=20](https://twitter.com/Diego_Molano/status/1465110378317242370?s=20)

<sup>25</sup> See: <https://twitter.com/DirectorPolicia/status/1365779336255651844?s=20>

<sup>26</sup> See: <https://twitter.com/mindefensa/status/1406401412993404930?s=20>

<sup>27</sup> Source: [https://twitter.com/diego\\_molano/status/1480597417984675845?s=27](https://twitter.com/diego_molano/status/1480597417984675845?s=27)

<sup>28</sup> Source: Data presented at the Strategic Conversation 2022

represent a 34% reduction in the potentially deforested area, especially in the departments of Meta, Guaviare, Caquetá and Putumayo. The more than 22,300 uniformed personnel who participate in this purpose ratify the commitment of the sector with Colombia, the planet and future generations. This campaign will be permanent and is included in the strategic plans of the sector.

11. Operation San Roque II was launched in the throes of the health emergency due to COVID-19, (deployed in 4 main lines: preservation of the Force, maintenance of operational capabilities, border control and support to the civil authority - humanitarian attention to the population), in coordination with national, regional and local authorities. It is the largest logistics operation on recent record, benefiting nearly 15 million people<sup>29</sup> with more than 2 million humanitarian aid, supporting in a massive, organized and timely manner the distribution of vaccines, supplies, hospital installation, transport of personnel and other supplies necessary to address the pandemic. In addition, the coordination of this operation also made it possible to speed up response activities in the process of reconstruction and recovery of the archipelago of San Andrés, Providencia and Santa Catalina, after the emergency due to the passage of Hurricane Iota. In 2021, support for the National Vaccination Plan was maintained and the transport of 2,928,779<sup>30</sup> vaccines, 5.5 tons of cargo, 125 aeromedical transfers of 39,979 people and supplies and the delivery of 4,929 food parcels were registered.
12. Sectoral policies deploy capacities to combat organized crime and also reach out to those who wish to move away from crime and take the step towards legality. In this

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<sup>29</sup> San Roque Operation Report, Synthesis of the Contribution of the Military Forces of Colombia to the National Government's Strategy to Face the COVID-19 Pandemic.

<sup>30</sup> Source: Report San Roque II Colombian Air Force to 16/12/21 and National Navy



area, 398 people submitted to justice, 940 members of the ELN demobilized and disassociated themselves within the framework of the Route for Legality. The department of Chocó stands out where 64 people (GAO Clan del Golfo among them 7 leaders) decided to abandon criminality and had institutional accompaniment at the beginning of this process.

13. The security of the Colombian countryside is a sectoral priority, which is why the major operation Horus de la Libertad was maintained, contributing to the governability of the territories with the coverage of 137 municipalities, 492 villages, 13 rivers and a gulf, in 21 departments (an effort involving more than 7,000 men and women of the Security Forces); also, the Integrated Rural Security System – SISER (in 5 lines of preventive and operational work together with the Attorney General's Office) in order to promote alternatives of legal and sustainable economy, preservation of the environment and the recovery and consolidation of the territory. Likewise, the basic units of the carabineros – UBICA (destined to support the police units installed in each jurisdiction) and 2,600 men of the Security Forces that guarantee the security of members of the FARC in 24 A-ETCR<sup>31</sup>.



14. The Security Forces contributed to the work of recovering territories suspected of containing explosive devices through humanitarian demining. In 2021<sup>32</sup> the Brigade

<sup>31</sup> Under Decree 299-17, 448 pedagogical activities and self-protection workshops are recorded, 111 journals to beneficiaries residing in the A-ETCR, 185 displacement coordinations and 27 security roundtables for this population. Source: DIJIN - UNIPEP PONAL.

<sup>32</sup> Source: Office of the High Commissioner for Peace - Decontaminates Colombia <http://www.accioncontraminas.gov.co/Estadisticas/Paginas/Estadisticas-DH.aspx> <https://www.portalparalapaz.gov.co/publicaciones/1840/dieciseis-municipios-entregados-como-libres-de-sospecha-de-minas-antipersonal-cumplimos-y-seguimos-avanza/>

of Humanitarian Demining Engineers No. 1 intervened and declared 10 municipalities free of suspicion of contamination by antipersonnel mines, while the Explosives and Demining Group of the Marine Corps - AEDIM performed this work in 6 municipalities. In these activities, the neutralization of 134 explosive devices and the delivery of 179,570,490,753 of m<sup>2</sup> were achieved as free of suspicion of contamination by said devices. In turn, the intervention of 1'112,411 of m<sup>2</sup> with humanitarian demining tasks in 60 municipalities assigned to the National Capacity in Humanitarian Demining - CCCM. These achievements contribute to ensuring safe areas and facilitating the return of communities to their territories.

15. Regarding the world drug problem, the eradication of 103,290 hectares of coca crops was achieved (contributing significantly to the eradication of 358,566 hectares during the government of President Iván Duque), the seizure of 669.3 tons of cocaine, 491 tons of marijuana, 5779 laboratories for the processing of destroyed narcotics (10% more than in 2020) and 21,000 million dollars that criminal groups will not receive; also, the immobilization and seizure of 56,474 tons of solid inputs (27% more than in 2020), 11,100 gallons of liquid inputs (28% more than in 2020), 26 aircraft and 354 vessels (40% more than in 2020). Likewise, against the crime of illegal extraction of mining deposits 3895 mines intervened, 1815 captures, 371 seizures of yellow machinery and 668 other machinery.

#### B. Institutional performance vis-à-vis the Rapid Reaction Prevention and Alert System within the framework of the CIPRAT Commission<sup>33</sup>.

16. The Ministry of National Defense remains committed to the guarantee and respect of human rights and international humanitarian law throughout the national territory, with special emphasis on responding quickly and in an articulated manner to the early warnings issued by the Office of the Ombudsman. These warnings are an institutional priority since it is recognized that their due attention contributes to the prevention and mitigation of violent acts against the population; in this sense, sectoral guidelines have been issued (3<sup>34</sup> of them updated during 2021) to address

<sup>33</sup> Intersectoral Commission for Rapid Response to Early Warnings 8 Decree 2124 of 2017).

<sup>34</sup> 1. Permanent Directive of the FF.MM. 0121001624802/MDN-COGFM-JEMCO-SEMOC-CGDJ3-DIPOI-25.31 of May 11, 2021, General instructions for the direction, follow-up, attention, response and rapid reaction to the Early Warnings issued by the Ombudsman's Office, state actions issued by the Ministry of the Interior and participation in the (CIPRAT).

2. Plan 00009077 of March 3, 2021 where instructions are given within the National Army for the attention to the Prevention and Alert System for Rapid Reaction within the framework of Decree 2124 of 2017, in order

them in a rapid and comprehensive manner through work plans, preventive and operational measures; the development of the Operational Matrix for the Reduction of Crime – MORED, the Table of Minimum Actions Required for the Control of the Territory – TAMIR<sup>35</sup>, the reinforcement of security devices, military control of the area and offensive action, checkpoints, accompaniment activities, patrols, intelligence and integral action in the areas subject to risk were also recorded; additionally, the permanent follow-up to the institutional response in the SIGOB-CIPRAT<sup>36</sup> platform (in 1153 recommendations<sup>37</sup> assigned to the Defense Sector) reiterating the commitment of the sector to support institutional initiatives aimed at the prevention of human rights violations and breaches of international humanitarian law.

17. Within the rapid reaction component (Decree 2124/17), 226 early warnings (of which there were 29 in 2021) have been attended for 323 municipalities in 370 sessions of the CIPRAT<sup>38</sup> commission. In compliance with the defense recommendations



work plans, preventive measures for social leaders and human rights defenders were implemented (AT 026-18); capacities were strengthened in Buenaventura (AT 003-21), the National Model of Community Surveillance by Quadrants and the payment of the public order premium in Soacha (AT 039-20); progress was made in the construction of the police facilities in Ocaña (AT 034-20) and the verification by

to establish preventive measures, of rapid action and response to each early warning. This plan replaced and rendered plan 001655 of February 18, 2019 ineffective.

3. Directive 025 of 2021 Strategy of Attention to Populations in Situation of Vulnerability ESPOV of the National Police, which establishes the institutional and inter-institutional route before the components and instances of the Prevention and Alert System for Rapid Reaction and the attention of these warnings (Which updates Directive 013 of 2019 ESPOV).

<sup>35</sup> Implemented by the Colombian National Police.

<sup>36</sup> These institutional response measures are presented at the sessions of the CIPRAT Commission and registered on the SIGOB-CIPRAT platform administered by the Ministry of the Interior.

<sup>37</sup> Related to strengthening institutional capacities, strength, operations against illegal armed groups, security measures for the population, preventive measures and coordination in favor of social leaders and human rights defenders, security measures for former FARC and ETCR combatants, humanitarian and military demining, human rights training and implementation of ministerial directives in ethnic territories, among others.

<sup>38</sup> From December 18, 2018 to December 31, 2021.

the Integrated Information and Intelligence Centers and Intelligence Against Terrorism and Organized Crime (CI3T - CI3CO), the increase in the strength and capacity in Bogotá D.C. (AT 010-21 and others); and, results against organized crime in different departments (alias 'Cabezas', 'El Viejo' and 'El Gurre' in Cauca - AT 001-18, 026-18, 010 and 018-20; of 'Los Locales' - AT 051-19, of alias 'Jainover' of the GAO-R E-18 - AT 004-20 in Antioquia, of alias 'Pluma' in Córdoba AT 053-18 and the seizure of narcotics in Chocó (AT 019 and 068 of 2018)<sup>39</sup>.

C. Support of the Security Forces in the processes of return, relocation of the displaced population and land restitution.

18. The Security Forces deployed measures to provide security guarantees and coordinate immediate humanitarian actions to address the events of forced displacement; in the case that occurred in Ituango - Antioquia (in July 2021), the capture of aliases 'Santiago' or 'Machín' and 'Cotorro' was achieved. In February 2021, the Military Forces deployed measures in Chocó for the return of more than 900 people from indigenous communities (displaced in December 2020); Likewise, they strengthened security devices in areas of Baudó and San Juan and the maintenance of operations in Magüi Payán and Roberto Payán - Nariño, which contributed to securing the territory and facilitating the return of those affected. On the other hand, within the framework of the land restitution processes, 5538 accompaniments and 327 sessions of the Integrated Land Restitution Center - CI2RT<sup>40</sup> were carried out.
19. Likewise, in the processes of return and/or relocation of the population victims of forced displacement, and in complementarity to the security guarantees, the Security Forces issued security assessments and met additional requirements within the framework of the principles of security and voluntariness, agreed through the Territorial Committees of Transitional Justice, instance in which the municipal representative participates as a representative of the Public Ministry. Likewise, the Ministry of National Defense, in addition to having policy guidelines for the protection of the population victims of forced displacement, with permanent directives No. 026<sup>41</sup> of 2014 and 020<sup>42</sup> of 2015 includes guidelines for the Security Forces, in a coordinated manner, to contribute and participate in the processes of return or relocation of the population victims of forced displacement by violence. On the other hand, the orders issued by the Constitutional Court and its follow-up orders on the phenomenon of forced displacement were complied with (Judgment T-025 of 2004).

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<sup>39</sup> Source: [www.cgf.mil.co/es/tags/ejercito-nacional-lloró-choco-GAO-clan-del-golfo](http://www.cgf.mil.co/es/tags/ejercito-nacional-lloró-choco-GAO-clan-del-golfo)

<sup>40</sup> Source: URT

<sup>41</sup> Guidelines for the evaluation of security conditions by the Security Forces in the processes of returns and relocations of the population victims of forced displacement by violence. (Permanent Directive Update No. 01 of 2007).

<sup>42</sup> Clarification and partial amendment of Directive No. 026 of 2014 on guidelines for the evaluation of security conditions by the Security Forces in the processes of returns and relocations of the population victims of forced displacement by violence.

20. Among the results against the criminal structures linked to the crime of forced displacement, among others, is the neutralization of alias 'Domicile', of the GAO-R (dissidents); alias 'Pepo' from 'Los Shotas'; aliases 'El Viejo' and 'Shumager', from the GAO ELN; alias 'Omar' of the GAO Clan del Golfo; alias 'El Chino'; 'Mono Balín' or 'Matabrujas', alleged leader of 'los Caparros'; aliases 'Carlitos La Avioneta', 'Daniel' and 'El Enfermero' from Los Pelusos; In this regard, information is provided on some of the most relevant achievements:
- a. Alias 'Domicilio'<sup>43</sup>, one of the main leaders of the "Jaime Martínez" column of the FARC dissidents in Jamundí - Valle del Cauca. Identified as allegedly responsible for homicides, extortion, terrorist acts and forced displacement.
  - b. Alias 'Pepo'<sup>44</sup>, identified as the leader of the criminal group 'Los Shotas', who was part of the cartel of the most wanted in Buenaventura, linked to the crimes of extortion, kidnapping, conspiracy to commit a crime, qualified theft and forced displacement.
  - c. Alias 'El Viejo'<sup>45</sup>, alleged member of the general staff of the ELN's Western War Front, considered one of the ELN's icons for his activities against the Security Forces; he had multiple arrest warrants for homicide of a protected person, kidnapping, extortion and forced displacement of different communities in Valle del Cauca and Chocó.
  - d. Alias 'Omar'<sup>46</sup>, designated as the second head of the 'Roads' substructure of the GAO Clan del Golfo, allegedly responsible for mass displacements in Chocó.
  - e. Alias 'El Chino'<sup>47</sup>, accused of the crimes of conspiracy to commit an aggravated crime for the purpose of homicide, forced displacement, drug trafficking and extortion.
  - f. Alias 'Mono Balín' or 'Matabrujas'<sup>48</sup>, alleged leader of 'los Caparros', accused of aggravated conspiracy to commit a crime for the purpose of homicide, forced displacement, drug trafficking and extortion in the municipalities of southern Córdoba and Bajo Cauca Antioquia.
  - g. Alias 'Carlitos La Avioneta', 'Daniel' and 'El Enfermero'<sup>49</sup> (Los Pelusos), accused of their alleged responsibility in the crimes of conspiracy to commit an aggravated crime for the purpose of homicide and forced displacement.
  - h. Alias 'Shumager'<sup>50</sup>, who would have assumed as second leader of the Ernesto Che Guevara Front of the ELN and was part of that guerrilla structure for 19 years. Accused as the alleged perpetrator of multiple homicides, kidnappings, forced displacements, recruitment of minors and terrorist actions against the Security Forces in Chocó.

<sup>43</sup> Source: <https://twitter.com/FuerzasMilCol/status/1445800456744312836?s=20>

<sup>44</sup> Source: [https://twitter.com/CCON2\\_FFMM/status/1374498595630555141?s=20](https://twitter.com/CCON2_FFMM/status/1374498595630555141?s=20)

<sup>45</sup> Source: [https://twitter.com/Diego\\_Molano/status/1451658863950848000?s=20](https://twitter.com/Diego_Molano/status/1451658863950848000?s=20)

<sup>46</sup> Source: <https://twitter.com/JGarciaG1/status/1453722516392853514?s=20>

<sup>47</sup> Source: <https://twitter.com/FiscaliaCol/status/1441084877261004801?s=20>

<sup>48</sup> Source: <https://twitter.com/mindefensa/status/1319609521979805696?s=20>

<sup>49</sup> Source: [https://twitter.com/COL\\_EJERCITO/status/1441722397913092102?s=20](https://twitter.com/COL_EJERCITO/status/1441722397913092102?s=20)

<sup>50</sup> Source: <https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido/noticiamdn?idXml=603fdcc6-d62e-3a10-19b0-c78673eed21d&date=23102021>

## IV. Advances in training, education and instruction in human rights and international humanitarian law for the Security Forces



21. Respect for human rights and fulfillment of the rules of international humanitarian law are guarantees of legitimacy and form part of the essential education, doctrine and behavior of all the men and women of the Security Forces; therefore, during 2021 this Ministry promulgated and implemented the Sectoral Policy on Education for the Security Forces (PEFup) and strengthened important instruments such as the Strategic Plan of the Educational System (PESE), the Single Pedagogical Manual (MUP) and the Institutional Educational Project (PEI).

### A. Education Policy for the Security Forces (PEFup) 2021-2026, in pro of a differential and quality education

22. In the line of prioritized policies, this policy emerged as a result of the application of a serious formulation methodology and an analysis of the advances of the Security

Forces in the field of education. Its purpose is to establish guidelines for the consolidation of a differential and quality education, which responds to the challenges of the national and international environment<sup>51</sup>.

23. In its differential nature, the policy defines that military and police education is understood and configured with the differential processes in training, education, instruction, preparation, retraining and research; this is in accordance with the taxonomy of capacity planning, developed by the Human Capital Directorate and the different forces; in turn, 6 areas of specific capacity were determined that comprise the educational structure of the Security Forces and converge with 5 tools developed and appropriate by each force: i) Educational project, ii) Educational institutions, iii) Educational quality, iv) Regulations and v) Strategic plans. The vision of the policy is circumscribed in that by 2026 the Security Forces will have a differential educational structure that appropriates, generates and transfers significant knowledge, based on a culture of quality.
24. Finally, the policy defined 5 strategic lines: i) Leadership and integral development of military and police, ii) Military and Police Education that responds to the challenges and threats of the country, iii) Formative and Applied Research, Sustainable Military and Police Development and Innovation of National and International Projection, iv) Teaching, Learning and Certification of one or more languages for the Military Forces and the National Police and v) Use and Appropriation of Technologies of the Information and Communications applied to military and police education, which have been implemented through at least 64 initiatives monitored and evaluated with 37 performance indicators.

## B. Integrity Strategy with all the Security Forces



25. It was developed with 6 actions for training in the ethical sense and internalization of human rights and international humanitarian law:

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<sup>51</sup> MDN (2021). Education Policy for the Security Forces (PEFup) 2021-20216 (sic). Resolution number 00455 of March 11, 2021.

1. Virtual Learning Object - OVA and face-to-face workshop on the promotion and guarantee of the rights of children, adolescents and young people - NNAJ, and prevention of forced recruitment; 2. Integrity with All Forces Course; 3. virtual diploma of Promotion and Guarantee of the Rights of NNAJ; 4. Training of instructors of training units in human pedagogy; 5. Strengthening and technical follow-up to human rights tracks<sup>52</sup> - Learning by Doing methodology and the infrastructure of training units; 6. Virtual course Fundamentals of Integrity in Defense and Security, in alliance with NATO.

### C. Plans for the strengthening of extracurricular training in Human Rights of the Security Forces.



26. In compliance with the Annual Training Plan, the education and training of 95,573 uniformed personnel was achieved curricularly and 433,340<sup>53</sup> extracurricularly (which includes the results of the Training Plan of the Permanent Ministerial Directive No. 11 of 2019 related to the guidelines for the strengthening of the annual extracurricular training plans for the Security Forces in human rights and international humanitarian law, with 53 activities at the national level)<sup>54</sup>. The activities led by the Ministry of Defense were supported by the International Committee of

<sup>52</sup> In coordination with the National Strategy for the Guarantee of Human Rights 2014 - 2034 of the National Government, the Military Forces have contributed with the effort of their soldiers of land, sea, rivers and air in the construction of peace in Colombia. Currently there are fixed demonstration tracks, mobile tracks and virtual tracks, tactical cases, virtual polygons, pedagogical structures among others, whose purpose is to recreate scenarios so that staff can familiarize themselves and learn in a didactic way, how to approach similar situations. This allows the staff to keep the staff in constant retraining to strengthen the suitability in cases that they may face in the fulfillment of their service.

<sup>53</sup> Training is constant so that uniformed personnel can receive these topics on several occasions.

<sup>54</sup> With 5321 participants. Source: Directorate of Human Rights and IHL MDN - Coordination of Instruction and Training as of October 28, 2021.





the Red Cross - ICRC and other entities. Likewise, in line with the policy and strategy of zero tolerance to sexual violence and gender-based violence, the Plan of Awareness and Prevention Days was carried out, aimed at regular soldiers, soldiers and marines professionals of the Military Forces at the national level. The objective was to raise awareness of prevention among these personnel and also on the aspects to be taken into account for the identification of cases of gender-based violence and sexual violence, the procedure to be carried out and the disciplinary and legal consequences for those who incur in such behaviors. 19 municipalities were prioritized in 13 departments and 7 days were advanced with the participation of 798 uniformed personnel.

## V. Administrative measures for maintaining discipline and respect for human rights and international humanitarian law



## A. Strengthening the internal regulations of the Security Forces

27. In the framework of the social mobilizations that began on April 28, 2021 and the complaints of excessive use of force, the Ministry of National Defense reiterated instructions to the National Police in 3 priorities and axes of attention: 1. The Security Forces respect and guarantee the right of assembly and peaceful demonstration enshrined in the Constitution and ratified international treaties for Colombia; 2. Actions for the fulfillment of the guarantee and protection of human rights by the Security Forces; 3. The National Government has a zero-tolerance policy for human rights violations.
28. Circular 306 of May 7, 2021, addressed to the General Commander of the Military Forces, National Army, National Navy, Colombian Air Force and Director General of the National Police, was issued regarding the application of the Military Assistance police environment<sup>55</sup>, reiterating that 'the action of the Security Forces must be exercised in compliance with the constitutional duty, aimed at maintaining the necessary conditions for the exercise of public rights and freedoms and the constitutional order, in accordance with international human rights law (...)'
29. In addition, Circular 363 of June 1, 2021 (also addressed to the commanders of the Security Forces) was issued, in application of Decree 575 of May 28, 2021<sup>56</sup>; there, 3 instructions were reiterated with scope for the prevention of human rights violations: '(...) c. That in carrying out their constitutional mandate, the Military Forces and the National Police shall perform their mission with strict adherence to human rights; d. That according to the Comprehensive Policy on Human Rights and IHL of the Ministry of National Defense, every soldier and police, as a representative of the authority, has her or his first obligation the protection and respect of human rights;

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<sup>55</sup> Numeral 15 of the material means of police conceived in article 149 of Law 1801 of 2016 National Code of Security and Coexistence. Defined in turn in article 170 Ibid. 'It is the legal instrument that can be applied when acts of serious alteration of security and coexistence require it, or in the face of imminent risk or danger, or to face emergency or public calamity, through which the President of the Republic may have, temporarily and exceptionally, the assistance of military force. However, the Governors and Municipal or District Mayors may request such assistance from the President of the Republic, who will evaluate the request and make the decision. Military assistance shall be governed by the protocols and specialized rules on the matter and in coordination with the police commander of the jurisdiction'. Police means in force in the domestic legal system that enjoys a presumption of constitutionality and legality, however, to the presentation of public actions of unconstitutionality that are in progress, until there is no pronouncement to the contrary by the highest constitutional court in Colombia.

<sup>56</sup> That decree has been the subject of an action for protection and public actions for annulment before the contentious and administrative courts with a history of a precautionary measure of provisional suspension in July 2021 and subsequent revocation of that measure in November 2021, in the face of legal reasoning of the fourth and second sessions of the Council of State. In any case, at present the rule enjoys a presumption of legality and it is up to the competent authorities to issue administrative acts that ensure its eventual application with strict respect for human rights.



- e. That in accordance with the guidelines issued by the President of the Republic and this ministry, there is a policy of zero tolerance for human rights violations."
30. The National Police issued Resolution 01716 of May 31, 2021 to reiterate and consolidate the parameters regarding the use of weapons, ammunition, elements and less lethal devices, in the exercise of police activity (which are added to resolutions 03002<sup>57</sup> and 2903<sup>58</sup> of 2017). In the same sense, in order to strengthen the guarantees in the application of the means of Police Transfer for Protection (in observance of international standards for the prevention of forced disappearance) issued resolutions 01681<sup>59</sup> and 01682 of May 28, 2021 (Information System for the Registration of Police Actions -SIRAP, which allows the Attorney General's Office - through a web service-, exercise its function of control and supervigilance of administrative actions in real time), which ratifies the willingness to provide channels for institutional transparency.

## B. Zero tolerance for human rights violations: disciplinary actions and sanctions

31. The Ministry of National Defense and the Security Forces are based on a policy of zero tolerance for human rights violations and breaches of international humanitarian law and any act of corruption. The alleged violation of human rights involves criminal, disciplinary and administrative investigations and the legal duty is maintained to provide due support to the competent authorities in clarifying individual responsibilities. In this regard, in the event of complaints of excessive use of force in the context of social mobilizations in 2021, the National Police initiated 231<sup>60</sup> disciplinary inquiries, of which 193 were closed<sup>61</sup>, 38 are in force and 23 were the subject of a request and transfer to the Attorney General's Office<sup>62</sup>; likewise, 9 disciplinary sanctions have been recorded. On the other hand, the Attorney General's

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<sup>57</sup> 'Whereby the Manual for service in demonstrations and riot control for the National Police is issued'

<sup>58</sup> 'Regulations for the use of force and the use of weapons, ammunition, less lethal elements and devices, by the National Police'

<sup>59</sup> By which the protocol of verification in cases of captures and transfers for the protection of persons during the development of any rally, meeting, or act of protests, signed between the Office of the Attorney General of the Nation and the National Police, is adopted.

<sup>60</sup> Source: National Police INSGE- SEPRI - data message 6339 between April 28 and November 29, 2021.

<sup>61</sup> The closure or termination of a disciplinary process proceeds in the events that the authority with disciplinary powers assesses is in front of the presuppositions enshrined in article 73 of Law 734 of 2002: 'Termination of the disciplinary process. At any stage of the disciplinary proceedings in which it is fully demonstrated that the act attributed did not exist, that the conduct is not provided for by law as a disciplinary offence, that the person under investigation did not commit it, that there is a ground for exclusion of responsibility, or that the action could not be initiated or continued, the knowledge officer, by reasoned decision, it shall so declare and order the proceedings to be definitively closed'. (Emphasis added outside the original text)

<sup>62</sup> In compliance with the principle of preferential power (which governs disciplinary action).

- Office initiated 188<sup>63</sup> proceedings (184 preliminary inquiries and 4 disciplinary investigations).
32. With regard to the promotion of criminal investigations,<sup>64</sup> the Military Criminal Jurisdiction reported 34 proceedings and 6 transferred to the Ordinary Jurisdiction<sup>65</sup>. After December 31, that Jurisdiction reported 168 inquiries in the process of investigation<sup>66</sup>; in turn, the Attorney General's Office opened 429 criminal events for alleged abuses of authority and personal injury in the face of 498 cases of injured civilians<sup>67</sup>; similarly, 970 criminal events were opened for injuries to 1,063 uniformed personnel. Between April 28 and August 13, 2021, according to data from the Attorney General's Office<sup>68</sup>, 29 homicides were identified, of which 17 have an advance of clarification of 58.62%, 19 alleged perpetrators (9 civilians and 10 members of the Security Forces).
  33. Support for the criminal investigation, in specific cases of alleged police excesses, is overwhelming, and this is evidenced by the results of the Attorney General's Office with the indictment of two officers and a patrol officer of the National Police, for their alleged responsibility and participation in homicides that occurred on April 28 and 30 and May 3, 2021 in the city of Cali - Valle del Cauca. In this regard, the investigating body, referring to one of the defendants, indicated that 'it had failed in the constitutional and legal duty to protect the civilian population, guarantee life and control the actions of the men in his charge'<sup>69</sup>.

## VI. Institutional performance in guarantee and respect for the right of assembly

34. The Security Forces guarantee and respect the right of assembly and public and peaceful demonstration, for which the Ministry of National Defense promoted the application of Decree 003 of January 5, 2021 "Whereby the Protocol of preventive, concomitant and subsequent actions is issued, called "Statute of Reaction, Use and Verification of the legitimate force of the State and Protection of the Right to

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<sup>63</sup> Source: Boletín Balance Paro Nacional 2021 from 28 April to 15 September.

<sup>64</sup> In particular Article 221 of the Constitution, Article 238 of Law 522 of 199 and Article 203 of Law 1407 of 2010.

<sup>65</sup> Source: Official communication 2-2021-006553 UAEJPM of December 3, 2021, signed by the Head of the Planning Advisory Office Special Administrative Unit of the Military and Police Criminal Justice.

<sup>66</sup> Source: Official communication 2-2022-000549 UAEJPM of 11 January 2022.

<sup>67</sup> Data extracted from the Bulletin BALANCE GENERAL - PARO NACIONAL 2021 from April 28 to September 15, 2021.

<sup>68</sup> Source: <https://www.eltiempo.com/amp/justicia/delitos/entrevista-fiscal-francisco-barbosa-hace-balance-de-2021-y-habla-de-casos-639973>

<sup>69</sup> This regrettable fact rejected outright by the Ministry of National Defense was recorded in <https://www.fiscalia.gov.co/colombia/noticias/fiscalia-imputa-a-integrantes-de-la-policia-nacional-por-sus-presunta-responsabilidad-en-varios-homicidios-ocurridos-durante-las-jornadas-de-protesta-en-cali>

Peaceful Citizen Protest". Similarly, in the preventive field, 18,696<sup>70</sup> national police officers were trained with the Diploma in Human Rights and Police Service, the Seminar for the Service on Demonstrations and Riot Control for Citizen Security and the Basic Tactical System Course for the Police Service; likewise, the promotion and activation, at the territorial level, of the Unified Command Posts - PMU and Coordination Tables (mechanism for dialogue with authorities and the civilian population); and, the verification of the ESMAD personnel of the Police Identification, equipment and service orders by the Public Prosecutor's Office, with a balance of 1077 magazines. The issuance of Resolution 481 of April 13, 2021 whereby guidelines are issued for the review of elements of manning and identification of the Mobile Anti-Riot Squadron - ESMAD' is also registered.



<sup>70</sup> With cut-off as of September 30, 2021.

35. On occasion of the 15,793 public demonstration activities that took place in 860 municipalities, the Security Forces provided institutional support through the application of Decree 003 of January 5, 2021. There were 3,603 unblocking activities<sup>71</sup> (including 661 of national roads and 430 by way of conciliation), 2059<sup>72</sup> interventions of the Mobile Anti-Riot Squads - ESMAD<sup>73</sup> and 267 arrests for acts of vandalism and blockades. In addition, during the 2021 term, the ESMAD participated in 18,918 police services on a preventive basis and only 12% of them (that is, 2248) implemented riot control procedures and restoration of public order.
36. Once the accompaniment or police intervention was completed, 2,167 reports<sup>74</sup> were registered (which include circumstances of time, mode and place, orders, reasons for police attending, means and corrective measures applied); in addition, the dissemination through institutional channels for the reception of petitions, complaints, claims and suggestions, including the Citizen Service points and offices, was strengthened, the Hotline and the institutional website [www.policia.gov.co](http://www.policia.gov.co). For its part, the National Army did not register complaints or claims against its actions during the social mobilizations. The subsequent actions were complemented by efforts in instructions for the dissemination, verification, control and monitoring of Decree 003 of 2021 and the ABC strategy (ABC 002 of February 4, 2021 - Essential aspects of the Police Service - measures of Decree 003-21 and ABC 008 of July 29, 2021, Criminal Liability for actions in the Framework of the Public Demonstration).
37. Another element registered is the Statute of Career and Professionalization with the commitment to mandatory courses in human rights, the creation of the standards center of the National Police and the new Disciplinary Statute, promoted at the time with bills 032-21S, 218-21C and 033-21S, 219-21C, currently laws 2179 of December 30, 2021 and 2196 of January 18, 2022. Indeed, Law 2196 of 2022, which synthesized Bill 033 of 2021, in its approach and perspective of respect for human rights, incorporated as a serious offense: 'Preventing any person from recording, by any technological means, of information and communication of police procedures without legal justification, being in service or manipulating them to eliminate their content'<sup>75</sup>.

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<sup>71</sup> [https://twitter.com/diego\\_molano/status/1480276208562679820?s=27](https://twitter.com/diego_molano/status/1480276208562679820?s=27)

<sup>72</sup> Data presented in the Strategic Conversation 2022 scenario.

<sup>73</sup> In view of the rule of exceptional intervention as a last resort and remedy to control acts of violence committed by specific persons or outbreaks within a demonstration.

<sup>74</sup> Source: ESMAD PONAL.

<sup>75</sup> Numeral 1 of article 46 of Law 2196 of January 18, 2022. Available at <https://dapre.presidencia.gov.co/normativa/normativa/LEY%202196%20DEL%2018%20DE%20ENERO%20DE%202022.pdf>



## VII. Attention to people with special constitutional protection and in a situation of vulnerability

### A. Priority protection for social leaders and human rights defenders

38. The Defense and Security Policy for Legality, Entrepreneurship and Equity includes the priority protection of this population with preventive and security measures, raising the cost of the leaders of organized crime, coordinating with the administration of justice in the fight against impunity and strengthening capacities to dismantle criminal structures that violate their rights; in this sense, joint and coordinated operations and patrols were deployed in critical areas, the Horus Plan of Freedom, the Elite Corps and the cartel of the most wanted criminals<sup>76</sup>; in this way, in outstanding achievements against the criminal structures that attack this population, as is the case of the Clan del Golfo, there has been an important operation with the seizure of 1,227 firearms (50% more than in 2020) and 13.9 tons of cocaine (155% more than in 2020)<sup>77</sup> and the neutralization of 10 of its main leaders, which demonstrate the determined action of the National Government in this regard.
39. In 2021, the National Police reviewed and updated, as has been done annually since 2012, its Strategy for Attention to Populations in Vulnerable Situations – ESPOV (Transitory Operational Directive 025 of August 5, 2021), registering 17.770<sup>78</sup> preventive actions focused on social leaders and human rights defenders; for its part, the Military Forces arranged measures to strengthen security and promote respect for this work (giving scope to the Plan of Social Leaders 00009075 of March 3, 2021 and Permanent Directive 000045, 2020 of the National Army). In addition, participation in the current inter-institutional scenarios for the development of prevention and protection strategies in different regions of the country is permanent, in dialogue with this population group and authorities, highlighting the role in the strengthening by the National Government of the Timely Action Plan-PAO (Decree 1138 of 2021).

### B. Recognition and protection of ethnic minorities and gender identities

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<sup>76</sup> Whereby the cost of the leaders of organizations that affect and threaten this population was raised.

<sup>77</sup> Results communicated by the Minister of Defense at [https://twitter.com/Diego\\_Molano/status/1452719656502976518](https://twitter.com/Diego_Molano/status/1452719656502976518)

<sup>78</sup> Source: PONAL Human Rights Advisory Office, figures subject to variation.

40. The Ministry of National Defense recognizes, protects and respects the human rights of ethnic communities; In this sense, the policy lines for the ethnic groups are deployed with the permanent directives 016 and 07 Recognition, Prevention and Protection of Communities of the Indigenous Peoples, Black, Afro-Colombian, Raizales and Palenqueras Communities, so that the actions of the Security Forces in these territories are undertaken with a differential approach in guarantee and respect for the rights of these communities.
41. On the other hand, from the gender perspective, the Sectoral Committee for the Mainstreaming of the Gender Approach formalized the issuing of the Action Plan for the Gender Approach in the Constitutional Mission of the Security Forces with NATO standards and the gender offices of the Military Forces were put into operation. Likewise, a joint action plan<sup>79</sup> was established between the Ministry of Defense, the Security Forces and UN Women in Colombia, defining 4 specific objectives; moreover, the National Police issued Resolution 03872 of November 19, 2021<sup>80</sup> and strengthened the PQRS system (including categories of gender-based violence - GBV and discrimination) that identify facts associated with this type of violence and facilitate its attention.

### C. Preventive actions against forced recruitment of children and adolescents



<sup>79</sup> Giving scope to Resolution 3010 of 2020.

<sup>80</sup> Adopting the Guidelines for the Mainstreaming of the Gender Approach in the National Police

42. Within the framework of the Joint Strategy launched with the ICBF<sup>81</sup> since March 2021, with the creation of the Special Group against Forced Recruitment and the cartel of the most wanted, institutional capacities for the protection of children and adolescents were strengthened. In this sense, within the prevention plans, the Abre Tus Ojos program was implemented with 15,508 actions and 293,943 beneficiaries<sup>82</sup>. Likewise, the recovery of 51183<sup>83</sup> minors (which includes the disassociation of 181<sup>84</sup> minors from organized armed groups) is recorded for the restoration of their rights; also, a balance of 106 arrests and 3 apprehensions for illicit recruitment and use of minors for the commission of crimes.
43. The National Police advanced investigative efforts for the publication of the cartel of 'The Most Wanted' for illicit recruitment and use of minors for the commission of crimes (with economic values for information that contributed to its location, from 41 million to 4 billion pesos)<sup>85</sup>. There are 10 cartels, one national (30 criminals from the ELN, Clan del Golfo and residual groups) and the others by geographical area. In this way, neutralizations have been achieved such as alias 'Yeison', 'Flechas' and 'Evangélico' (Los Caparros), 'Otoniel' and 'Marihuano' (leaders of the Clan del Golfo) and alias 'Fabián' (of the ELN).
44. The priority is to protect children and adolescents from the scourge of illicit drugs and to counter their instrumentalization; therefore, with special plans such as the 100 Days Against Microtrafficking Plan, 7,421 captures were achieved, 129 pots demolished, seizure of 5.1 tons of cocaine, 38.2 of marijuana, 657 kilograms of bazooka and the destruction of 300 structures dedicated to this crime (avoiding the trafficking of 7.7 million doses of marijuana, 1.7 of cocaine and more than 300 thousand of bazooka<sup>86</sup>).

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<sup>81</sup> <https://www.icbf.gov.co/noticias/arranca-megaoperativo-contr-a-el-reclutamiento-ilegal-y-la-utilizacion-de-ninos-y-jovenes>

<sup>82</sup> Source: Directorate of Protection and Special Services of the National Police

<sup>83</sup> Source: [https://twitter.com/ejercito\\_div8/status/1477294039116492802?s=27](https://twitter.com/ejercito_div8/status/1477294039116492802?s=27) and Information System National Army - SICOE

<sup>84</sup> Source: Group for Humanitarian Attention to the Demobilized and Support for Individual Submission to Justice GAHD-ASIJ NO. RS20220118002741

<sup>85</sup> <https://twitter.com/infopresidencia/status/1379592508758355971?s=20>

<sup>86</sup> Source: [https://twitter.com/Diego\\_Molano/status/1480276208562679820?s=20](https://twitter.com/Diego_Molano/status/1480276208562679820?s=20)

# VIII. Guaranteed rights for members of the Security Forces



45. During 2021, the First National Meeting of Legal Defenders of the FONDETEC<sup>87</sup> Technical and Specialized Defense Fund was held to support the technical and legal defense of members of the Security Forces. The Human Management and Development Policy was launched with 5 strategic lines and 8 principles, to improve the well-being of the personnel of the Security Forces<sup>88</sup> and the implementation of Law 1979 of 2019 is maintained<sup>89</sup> (whereby veterans of the Security Forces are recognized, honored and granted benefits and other provisions are issued) with the creation of the Directorate of Veterans and Inclusive Rehabilitation, within the Vice Ministry of Veterans and the Social Business Group of the Defense Sector -GSED<sup>90</sup>. On October 10, 2021, National Veterans Day was commemorated simultaneously in the main capital cities, with the presence of the top executives of the Ministry of National Defense.
46. Within the framework of public policies for victims, the National Police also held 3 acts of dignification<sup>91</sup>, 6 days of declaration and characterization and 18 extraordinary roundtables of analysis of cases not included in the RUV; symbolic dates and ephemeris were also commemorated for the construction and recovery of historical memory<sup>92</sup>; enabling the microsite <https://www.policia.gov.co/unipep-victimas>; Inter-Administrative Agreement 1279 of 2017 with the UARIV (in terms of inter-institutional cooperation) was extended; 104 places<sup>93</sup> of institutional historical memory were identified, the implementation of the Virtual Memory Platform<sup>94</sup> and written works<sup>95</sup> and documentaries were produced (among them 'Granada Relato de Un Perdón'),

<sup>87</sup> Created by Article 4 of Law 1698 of 2013. See in [http://www.secretariasenado.gov.co/senado/basedoc/ley\\_1698\\_2013.html](http://www.secretariasenado.gov.co/senado/basedoc/ley_1698_2013.html)

<sup>88</sup> Source: <https://www.mindefensa.gov.co/irj/portal/Mindefensa/contenido/noticiamdn?idXml=006be7a0-475d-3a10-19bb-d2c08f655036&date=21002022>

<sup>89</sup> The Veteran Law 1979 of 2019 grants members of the Security Forces specific benefits and advantages in terms of health, credit, housing, education, access to cultural events, transportation and preferential attention in procedures and procedures.

<sup>90</sup> Decree 1874 of 30 December 2021. Available at <https://dapre.presidencia.gov.co/normativa/normativa/DECRETO%201874%20DEL%2030%20DE%20DICIEMBRE%20DE%202021.pdf>

<sup>91</sup> Based on the coordination carried out between the National Police and the UARIV in 7 information interchanges from 2016 to 2021, it has been established that there are 68,325 uniformed personnel included in the Sole Registry of Victims - RUV. Source: UNIPEP National Police.

<sup>92</sup> Article 143 of Law 1448 of 2011. OF THE DUTY OF MEMORY OF THE STATE. The duty of Memory of the State translates into promoting the guarantees and conditions necessary for society, through its different expressions such as victims, academia, think tanks, social organizations, organizations of victims and human rights, as well as State agencies that have competence, autonomy and resources, to advance in exercises of reconstruction of memory as a contribution to the realization of the right to the truth of which they are the victims and society as a whole are the headlines.

<sup>93</sup> These places are testimony to the courage, heroism and dedication of the Security Forces to the service of Colombians. Likewise, with the campaign 'Reconstructing Memory A Look at Remembrance' 16 places of memory were impacted nationwide.

<sup>94</sup> Digital tool to disseminate historical memory initiatives as a window of opportunity for the leading role of the National Police in favor of Colombians and document history from the individual and collective memory of those who lived it. See: <https://policia.edu.co/memoria/index.php/nuestras-publicaciones/>

<sup>95</sup> Among them, Edificadores de Paz, El Género del Coraje III, Las Aguas Profundas de San Juan de Arama and Un Inventario de Ausencias, la Desaparición de Policías en Colombia, visible in different literary niches of

recognized at the International Film Festival for Human Rights and by the Círculo de Periodistas de Bogotá CPB 2021. In turn, the National Navy with the celebration of the International Day for Awareness against Antipersonnel Mines, the Day of the Hero of the Nation and his Families, the International Day of the Disappeared the National Day of Memory and Solidarity with the Victims.

47. According to the PMU installed to attend the national strike, 1753 members of the Security Forces were injured and 3 lost their lives in the context of these events; in addition, there were impacts ranging from sexual and gender-based violence to the destruction of health and education facilities of the Security Forces. On these facts, the Ministry of National Defense filed public complaints with different international organizations. In this sense, a strong call was made for the appreciation and solidarity for these regrettable facts and for the vindication of rights and human dignity that members of the Security Forces also have. On the other hand, with the sanction of Law 2197 of 2022 on Citizen Security (promoted with the participation of the Defense Sector), a hardening of the maximum penalty, of up to 58.3 years in prison, will be established for those who affect the right to life of members of the Security Forces.

## IX. International cooperation in human rights and international humanitarian law

### A. Bilateral cooperation agreements in defense and security with a focus on human rights and international humanitarian law

48. The Ministry of Defense promotes the signing of bilateral cooperation agreements in the field of defense and national security with friendly countries and strategic allies in the context of diplomatic relations. During 2021, the following stand out: the Minutes of the VII Chile-Colombia Bilateral Defense Meeting; the Minutes of the VI Bilateral Working Group and Meeting of the Steering Committee between the Military Forces of Colombia and Israel and the Defense Cooperation Agreement between Colombia and Germany, also the aforementioned joint action plan between the Defense Sector and UN Women in Colombia in 4 specific objectives<sup>96</sup>. On the other hand, within the framework of the deployment of the Model of Peacebuilding - MCP

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Local and international impact, such as the Bogotá International Book Fair and the Bogotá D.C. network of Public Libraries.

<sup>96</sup> a. Training in gender training -training of trainers, of the instructor personnel of the schools of formation and training of the Security Forces; b. train the gender focal points of the Security Forces in gender training; c. update the Protocol of the Security Forces for the Prevention and Response to Sexual Violence and d. make a diagnosis to identify obstacles to women's participation in the security forces including sexual harassment

of the National Police for the respect and guarantee of human rights there are 2 collaboration agreements with international organizations, among them, with the International Organization for Migration - IOM and the Geneva Center for the Governance of the Security Sector - DCAF.

## X. Institutional conclusions

49. The determination of zero tolerance of human rights violations is undeniable. The implementation of sectoral policies, administrative measures and the deployment of institutional capacities in this regard are maintained.
50. The Ministry of National Defense and the Security Forces guarantee and respect the constitutional right to public and peaceful demonstration, clarifying that when such demonstrations are no longer peaceful, they shall act with absolute observance and respect for human rights to maintain public order.
51. The Security Forces work tirelessly to dismantle criminal organizations and their illicit economies and support institutional processes to make Peace with Legality a reality in the territories.
52. As evidenced throughout the document, the important results of the Colombian Security Forces in support of the Attorney General's Office against members of organized armed groups, residual groups and organized common crime groups, either for their death in the course of military operations or for their capture, contribute significantly to the protection of the rights of social leaders, human rights defenders, vulnerable populations and the population residing in the national territory, since they undoubtedly weaken their criminal structures, their illicit income, their ability to commit crimes and also these results contribute significantly to the clarification of the punishable acts that in terms of criminal investigation seek to reduce impunity and get to the truth.
53. The collective homicides known this year are the sole responsibility of organized armed groups, dissident groups and organized common crime, which commit these crimes in a desperate action to control routes for drug trafficking, to make the income from drug trafficking and the illicit exploitation of mining deposits, among others, and as a reprehensible settling of accounts, all as a reaction to the forceful operational capacity of the Security Forces that increasingly affects them in a more structural way with the results already seen in this report, which constitute the greatest guarantee of prevention, protection and non-repetition from the missional viewpoint of the Colombian Security Forces.

54. The Ministry of National Defense is making progress in promoting and implementing processes of institutional reform and transformation for the security forces. In this regard, the National Police is advancing the reform process on 4 framework projects: 1. Career Statute (Law 2179 of December 30, 2021); 2. Disciplinary Statute (Law 2196 of January 18, 2022); 3. Institutional organizational structure and 4. Institutional Identity; also, the National Army with the Strategic Transformation Plan of the Army of the Future PETEF.
55. Different social and political sectors of the country have participated in the process of transformation of the Defense Sector and the National Police has had the, especially academy, which was evidenced (among other activities) with the conversation at the request of the National Dialogue Center of Universidad del Rosario<sup>97</sup> (held in August 2021), with the support of the newspaper El Tiempo and the Hans Seidel Stiftung. With regard to the participation of the political sectors and on behalf of the legislative branch, as part of the democratization of the process, the public hearings held by the second committees of Congress are notable<sup>98</sup>.
56. The Defense Sector, committed to citizen security, has been working together with other institutions of the national order in legal reforms and administrative acts such as Decree 1417 of November 14, 2021 (on the classification and regulation of the possession and carrying of traumatic weapons) and the new Citizen Security Law. The latter promotes the strengthening of criminal measures to protect the interests of the public and citizens in their lives, honor and property, without undermining public rights and freedoms as befits the legitimate exercise of the right to public and peaceful assembly and demonstration.
57. In 2021 the Security Forces redoubled their efforts in terms of policies and measures for gender mainstreaming and the prevention of gender-based violence, through notable initiatives such as the Action Plan for the Gender Approach with NATO standards, the creation of gender offices and groups, and the formulation of the Joint Plan of Action with UN Women to implement the provisions of Resolution 3010 of 2020<sup>99</sup>.
58. In the process of restructuring the Ministry of National Defense, in accordance with Decree 1874 of 30 December 2021, the Observatory on Human Rights and National Defense is launched with the aim of strengthening the culture of human rights and international law in the Defense Sector and consolidating mechanisms for the monitoring and control of institutional advances in this area within the Security Forces.

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<sup>97</sup> See in <https://www.urosario.edu.co/Periodico-NovaEtVetera/Sociedad/La-transformacion-de-la-Policia-Nacional-comienza> and <https://www.youtube.com/watch?v=qBN6uLE2prg>

<sup>98</sup> <https://www.senado.gov.co/index.php/el-senado/noticias/3005-comisiones-segundas-del-congreso-adelantaran-audiencia-publica-sobre-proyectos-de-reforma-a-la-policia-3>

<sup>99</sup> Issued on 10 November 2020 by the Ministry of National Defense. By which guidelines are adopted aimed at the promotion of gender equity and the prevention and comprehensive attention of gender violence in the Security Forces, with special emphasis on sexual violence. Available at <https://idm.presidencia.gov.co/Documents/201111-Resolucion-3010-lineamientos-equidad-genero.pdf>



59. The Ministry of National Defense, the Military Forces and the National Police, in their historic decision to recognize the full legitimacy of international organizations, permanently interacts, dialogues and deploys work agendas with humanitarian and human rights agencies mandated in Colombia, receiving from them information on cases where there is alleged violation of rights; in addition, drawing on their technical assistance capacity to define policy and pedagogical, prevention and protection guidelines in order to contribute definitively to the training of members of the Security Forces and the operational performance of the units, always in accordance with respect for human rights and observance of international humanitarian law, because the policy is zero tolerance of conduct contrary to the law.
60. Defending the rights of the population is the permanent commitment of the Security Forces, a purpose in which more than 148 men and women, military and police offered the most precious good, life itself, in the line of duty. The Defense Sector honors and recognizes these heroes and heroines and their families.

The Ministry of National Defense considered the need to create the Observatory of Human Rights and National Defense as a sectoral reference on the management of human rights, defense and national security information. This initiative involves the generation of inputs (with methodological standards) for the analysis, follow-up, monitoring and evaluation of State policies in this area. The products developed will contribute to decision-making that contribute to strengthening national security within the framework of respect for and guarantee of the human rights of all Colombians.

Along the same lines, the Observatory will become a mechanism for the production, exchange of knowledge and generation of spaces for dialogue (not only within the sector but also in networks of observatories, think tanks and other instances at the territorial, national and international levels) to promote the culture of human rights.

Likewise, among the most important bets is the development and implementation of the Information System on Human Rights and International Humanitarian Law of the sector, focused on improving the quality of data and the application of variables to generate more accurate information, which allows a comprehensive understanding of the problems in human rights, defense and security.



Human Rights and National Defense Observatory

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