



“Making space for peace”: Human Rights Defenders and International Accompaniment

**- Case study: the work of Peace Brigades
International in Colombia**

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By

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Declaration Form

The work I have submitted is my own effort. I certify that all the material in the dissertation which is not my own work has been identified and acknowledged. No materials are included for which a degree has been previously conferred upon me.

Signed Ronja N. A. Trolie

Date June 10, 2009

Acknowledgements

*To my grandmothers, who both fell ill while I was in the process of writing this thesis.
Through your life achievements you have shown me that anything is possible as long as
you have the courage to believe in your potential.*

You always believed in me, and for that I am forever grateful.

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Abstract

Human rights have long secured their place on the international agenda and most actors, states, non-governmental organisations or even multinational companies can no longer afford to ignore the demands put forward by international human rights mechanisms. In spite of the efforts to promote and implement human rights on a global scale, defending human rights on a local scale has remained at a high risk level in many countries. Colombia is considered to be one of the most dangerous countries in the world for human rights defenders (HRDs) and they are constantly subject to threats of political violence because of the nature of the work that they do. Peace Brigades International is an international non-governmental organisation that offers international accompaniment to HRDs. International accompaniment serves two main purposes; to protect the working space of the HRDs so that they are able to carry out their work of defending human rights - and more importantly - to protect the lives of the HRDs. To date, PBI has been successful in protecting the lives of all HRDs the organisation has accompanied. This research aims to identify the mechanisms by which PBI protects the lives of the PBI field volunteers and the HRDs accompanied by them, and how these mechanisms work. The result show that the reason behind the organisation's effective protection is a range of mechanisms which include the physical accompaniment itself, the national support network, the international support network, deterrence, face to face contact with the armed actors and PBI risk analysis. Additionally, even though the state is responsible for some of the human rights violations, it still offers some kind of protection to PBI. This is due to the naming and shaming mechanism used by PBI to pressure the state into adhering to their human rights obligations, something which seems to be linked to the state's dependency on maintaining a human rights façade to obtain important trade advantages and receive military aid from the US.

Abbreviations

AUC	Autodefensas Unidas de Colombia (United Self-Defence Forces of Colombia)
ELN	Ejército de Liberación Nacional (National Liberation Army)
FARC-EP	Fuerzas Armadas de Colombia-Ejército del Pueblo (Revolutionary Armed Forces of Colombia-People's Army)
FTA	Free trade agreement
HRDs	Human rights defenders
IA	International accompaniment
ICESCR	International Convention of Economic, Social and Cultural Rights
IDPs	Internally displaced people
MNCs	Multinational corporations
NGOs	Non-governmental organisations
OAS	Organization of American States
PBI	Peace Brigades International
UN	United Nations

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1.0 Introduction

1.1 Brief introduction to the case

Human rights have long secured their place on the international agenda and most actors like states, non-governmental organisations or even multinational companies can no longer afford to ignore the demands put forward by international human rights mechanisms. In spite of the efforts to promote and implement human rights on a global scale, defending human rights on a local scale remains at a high risk level in many countries. Colombia is considered to be one of the most dangerous countries in the world for human rights defenders (HRDs) and they are constantly subjects to threats of political violence because of the work that they do.

Peace Brigades International is an international non-governmental organisation that offers international accompaniment to HRDs. International accompaniment has two main purposes; to protect the working space of the HRDs so that they are able to carry out their work of defending human rights - and more importantly - to protect the lives of the HRDs.

As a part of the Erasmus Mundus MA Human Rights Practice, I had the opportunity to work as an office volunteer with Peace Brigades International UK section. In one of the events I attended¹, I met Liliana Uribe, a lawyer and a human rights defender from Colombia. Liliana gave a speech about her work as a HRD and how it affects her daily life:

“You come to terms with the fact that each day could potentially be your last day because of the work that you have chosen to do”².

Liliana and her organisation are among the HRDs who receive international accompaniment by PBI. While dozens of lives of HRDs in Colombia are taken every year³ - the lives of Liliana and the other HRDs accompanied by PBI are protected. This research

¹ The launch of the Human Rights Defenders at Risk Fund (founded by Amnesty International and PBI UK) in London, April 2008.

² Her quotation in my own words, as I remember them

³ http://www.humanrightsfirst.org/defenders/hrd_colombia/hrd_colombia.aspx?c=c1 (Last access 25.04.09)

aims to find out how this is possible. What makes the HRDs accompanied by PBI different than the other HRDs in the country?

1.2 Research objectives

Human rights are often talked about and negotiated at an international level with the UN and states as central actors. However, the face-to-face encounters between the human rights violators, the human rights defenders and the victims of human rights violations mostly occur on a local level. Both levels are equally important and people – in this case human rights defenders – need protection on both levels. Peace Brigades International has over the years accompanied hundreds of human rights defenders in the field with great success. In order to find out more about why international accompaniment is successful and how it works, the following research question will be explored:

Which mechanisms are involved in the protection of the lives of the Peace Brigades International field volunteers and the human rights defenders accompanied by them, and how do they work?

1.3 Purpose and importance of the research

There is extensive literature available on human rights related topics. However, a large bulk of it is based on normative and idealistic approaches. There is little doubt that working with human rights in practice tends to be much more complicated than writing about it in theory. By drawing on the experience of a non-governmental organisation working with human rights defenders in the field, this thesis can contribute to shrinking the gap between human rights theory and practice.

Peace Brigades International works with the protection of the most fundamental rights of all, the right to life. Protecting the lives of the HRDs serves a dual purpose; not only are their lives spared but it also enables the HRDs to carry out their own important work in defending human rights of other people. Knowing more about the mechanisms involved in the PBI protection of the HRDs is important because we have seen that the accompaniment

actually works! The number of PBI field volunteers and HRDs accompanied by PBI killed is zero in Colombia – and also all other countries PBI has offered protective accompaniment. The HRDs work to put some of the most important existing principles into practice and knowing how they can work safely in the field is crucial to ensure future protection of human rights.

As we will see, all the PBI mechanisms are connected to the naming and shaming strategy. This strategy is perhaps the most important strategy when used when it comes to protection of human rights worldwide and if we are able to find out more about how the PBI mechanisms use naming and shaming to protect the HRDs, this knowledge might be used to protect many more HRDs in the field worldwide

1.4 Organisation of the study

Chapter 2 will provide an overall clarification of the approach used in thesis, both when it comes to the methodological procedures followed and the theoretical foundations. In chapter 3, relevant background information about Colombia, the state, Peace Brigades International and human rights defenders in the country will be presented. The analysis of the data seen in the light of the theoretical framework will be provided in chapter 4. In chapter 4.1, an overview of threats made against the HRDs will be provided, before moving on to an analysis of the protective mechanisms in chapter 4.2 to 4.7. In chapter 5 concluding remarks will be given in addition to some practical recommendations and recommendations for further research.

2.0 Approach

2.1 Methodological framework

The research is qualitative of nature. Generally speaking, qualitative methods are often used to look at a smaller amount of research subjects and to use in depth studies to gain thorough knowledge. The data used in this research is mainly collected from written sources and can roughly be divided into two parts; a theoretical part and an empirical part.

The theoretical part mainly consists of concepts and theories related to the international human rights discourse. All theory is found relevant to the topic in question and will be used in the final analysis. In the empirical part, data has been collected from written documents produced by different actors: (a) PBI Colombia and PBI UK, (b) UN (for example the report submitted by the Special Rapporteur of the Secretary-General on human rights defenders 2009), (c) other NGOs (Human Rights Watch, Human Rights *First* etc) and (d) other authors (the international media, Colombian authorities (for example the Colombian national report 2008 submitted to the Office of the High Commissioner for Human Rights) etc). The research has the shape of a case study, which means that the focus will be on PBI's work in Colombia only and all empirical data gathered is found to be relevant to the case in question. Emphasis has also been put on literature written by former PBI field volunteers, which adds valuable insight knowledge of the work of PBI.

When using written material (secondary sources), it is always important to keep in mind *who* wrote the material and *who* the material was intended for. It is (to a large extent) possible to rely on the objectivity of the reports produced by the UN and other well-established NGOs like Human Rights Watch and PBI as the information I have gathered from them is mainly fact-based. The UN reports will to a certain degree also contribute to my analysis of the relationship between Colombia and human rights (what they *claim* to be doing in relation to what they actually *are* doing). The true intentions of the state are of course rarely documented and attempts must therefore be made to grasp them through an analysis of their public actions and statements.

Quality in a research can mean a number of things, and reliability and validity are among the things that will help measure quality. Reliability can be defined as the repeatability or consistency of a finding. Validity is about ensuring that you build into your research sufficient robustness to have the confidence to make generalizations (Hart 2007). Not all researches are compelled to aim for, or produce generalizations. The aim of this research is to explore the mechanisms used by PBI in the protection of the lives of PBI field volunteers and the HRDs accompanied by PBI particularly in Colombia. However, because PBI

mechanisms are similar in all field projects, the results can to some extent be generalized to include other PBI field projects in the world.

In addition to the resources mentioned, I will draw on my own experience from working with PBI UK. My work as an office volunteer gave me useful insight in the different field projects and the work of the country offices (this will be explained further in chapter 3.3) and I will draw upon this knowledge throughout the thesis. I have communicated with Susi Bascon, the director of PBI UK by email and she has been helpful in sending me unpublished PBI material to fill information gaps and has answered questions when needed. Because the research is based mainly on written material (reports, emails etc), the ethical considerations taken in relation to the sources used are limited and has mainly been focused around making sure the sources are quoted accurately. This has been particularly important regarding the information used from PBI Colombia reports which I have translated from Spanish to English.

Due to practicalities (lack of time and resources), it was not possible to carry out field work in Colombia. However, the secondary sources which are used in the empirical part are fact-based, specific and updated so they represent a good alternative. In spite of this, because the thesis involves the state and the armed groups, it is necessary to point out that there are methodological constraints connected to the material involving them. It is almost impossible to know exactly what is going on within the state and within the armed groups as well as knowing the nature of their relationship, so the analysis will be based on conclusions drawn from the analysis of the written data concerning them.

2.2 Theoretical foundation

According to Michael Freeman, International human rights can best be understood in terms of *regime theory*. All international regimes consist of rules and institutions to which states commit themselves, and in the human rights regime this would be the international human rights treaties and the human rights bodies. However, the international human rights regime has one obvious weakness compared to other regimes; that the implementation mechanisms are rather weak (Freeman 2002:131). Unlike for instance international economy regimes

(like WTO), it is difficult for the regime itself to sanction countries that do not follow the rules they have chosen to sign.

Taking the political power structures both on national and international level in consideration is crucial to the understanding of how the promotion, protection and implementation of human rights work. Many attempts have been made to integrate the national and international levels of human rights analysis. One of them is the “boomerang theory” of Thomas Risse, which argues that human rights improvements in repressive states are most likely if pressure by social movements within nation-states is supplemented by other states and NGOs. The effect then “boomerangs” back onto the target state, thereby creating more freedom for the national repressed groups. It has been suggested that many states pay only “lip-service” to human rights, but Risse and Sikknik argues that lip service must be taken seriously; because many governments who “talk the talk” might find it hard not to “walk the walk” – for instance to secure trade advantages or of fear of being accused of hypocrisy - when put under this boomerang pressure. Risse’s argument shows that there are strong power interests involved and that human rights demands are only likely to succeed if one has international back-up. (Freeman 2002:98, 135).

A central mechanism in the attempt of making states adhere to their human rights obligations is the use of “naming and shaming”. The strategy seems fairly simple as it aims at pointing out human rights violations in a country and then urges reform. Most NGOs (like for instance Human Rights Watch) considers the strategy to be one of the most effective human rights tools, while others are more sceptical about the effectiveness as there is no actual power in terms of the right to demand actions from the government in question. But even sceptics seem to agree that it is one of the few tools available when it comes to global protection and implementation of human rights and that shining human rights abuses in a country can bring about better practices – especially when those who are put under pressure can’t afford to ignore the criticism for one reason or the other (Hafner-Burton 2008).

Naming and shaming involves putting the human rights violations under strong international attention, and using international actors like the UN, NGOs, other states and the media to change the unwanted behaviour. In the end, it all seems to boil down to politics: and whether naming and shaming will work on the state in question depends on the *vulnerability of the state* (how much outside pressure they can tackle without being forced to give in) and *how the naming and shaming will affect them* (De Feyter 2005). In addition it is important to look at *when and where the naming and shaming is done* and *how repressive the country is*. While human rights violations in closed and repressive countries like Angola for instance are not frequently publicized, they are pointed out in countries like Colombia where the government on some level seems to care about its reputation. In other words, the strategy seems to be more effective on countries with more political openness, economic development and strong civil society (Hafner-Burton 2008). A research analyzing the relationship between global naming and shaming efforts and governments' human rights practices for 145 countries from 1975 to, concludes that “*governments out in the spotlight for abuses continue or even ramp up some violations afterward, while reducing others*” (Hafner-Burton 2008:689). This could for instance mean that when the attention is put on one single human rights abuse (like preventing freedom of speech), the government reduce this particular violation to adhere to the pressure of the international society and at the same time ramp up other violations to cause the same effect (like arbitrary detention to stop the journalists). However this is done, we may conclude that there is no doubt that human rights are closely linked with politics, and in the case of Colombia, the effect of the government's awareness of human rights and how its politics can affect people working on the ground will be explored.

Governments, NGOs and news media also often use the “name and shame” strategy on perpetrators of human rights abuses. While some regard these global publicity tactics as cheap talk states responsible for human rights abuses can ignore, others believe that shining a spotlight on bad behaviour can help sway perpetrators to reform (Hafner-Burton 2008).

There are numerous evidence of how naming and shaming is easy for governments to ignore. Countries like Israel and China are often held as examples of this. Even after tight

pressure from the UN, NGOs (like Human Rights Watch and Amnesty International), news media and other governments, severe human rights violations persist (Hafner-Burton 2008).

Naming and shaming is the most used strategy when it comes to the protection and implementation of human rights worldwide - but with evidence showing that countries easily ignore measures taken against them - is the strategy really worthwhile? According to Hafner-Burton, who carried out the first global statistical analysis of naming and shaming, the evidence is clear; the strategy is effective! It has become very difficult for governments to ignore international pressure and more often than not, governments named and shamed will improve legislations or take other measures to meet the criticism. In spite of this, research also shows that naming and shaming rarely is followed by a decrease in the political terror, sometimes it is even followed by more (Hafner-Burton 2008). In the case of Colombia we have seen that the country has one of the most progressive constitutions in the world – and as we will see, this might have been brought forward by years of naming and shaming. On the other hand, political terror is still a big problem (all though decreasing according to the government). This is in accordance with Hafner-Burton's research which concludes that changes of the legal or political structure are mostly easier made on paper than in practice (ibid).

Peace Brigades International (PBI) is one of the NGOs that have used the naming and shaming strategy regularly over the last 25 years. PBI has worked with the promotion of nonviolence and the protection of human rights since 1981⁴ and they have managed - in a myriad of NGOs working with the same goals – to adopt a unique strategy to address these issues and work in close cooperation with large international human rights actor like the UN, Amnesty International and Human Rights Watch etc⁵. PBI provides international accompaniment (IA) to human rights defenders (HRDs) in the field. IA has become a widely recognized strategy in the protection of human rights.

⁴ <http://www.peacebrigades.org/about-pbi/?L=0%3FL%3D1> (Last access 22.03.09)

⁵ From first-hand observations while working with PBI UK.

The work of Peace Brigades International has its theoretical foundation from two different places, the Quakers and Gandhi. Quakers offered their services as peace mediators before or during conflicts in 17th-century England. They believed that everybody has something of God, and therefore, no one should be exploited or killed. The second source is Gandhi and PBI is inspired by his philosophy and work. Beginning with his Peace Army in South Africa in 1911, Gandhi developed a non-violent approach to mediating in conflicts. On his return to India, Gandhi started the Shanti Sena. The nonviolent movement - which had thousands of volunteers in the beginning of the 70's - was used to mediate several of India's frequent riots. Being non-partisan in nature, the corps work was based on the following principles; bear no arms (not even sticks), except no remuneration, wear uniforms, accept voluntary self discipline, and practice nonviolence in thought, word and deed (Shephard 1987 and PBI⁶). Gandhi believed that "*a group of neutral people, trained and ready to suffer abuses, injury or even death while acting to save lives, would have the moral authority to bring a sense of humanity to all sides in a conflict. This would eventually convince the opposing parties to seek an alternative solution*"⁷.

Drawing on the theoretical foundations of these two movements, Peace Brigades International have established themselves as being non-violent and non-partisan. They share a common idea with Gandhi; *that a small body of determined people with a strong belief in their mission can alter the course of history*⁸.

While some scholars have focused on this history of nonviolent foundation and principles of PBI (Shephard 1987, Weber 1996, Moser-Puangsuwan and Weber 2000), other more recent scholars have drawn on their own experiences as former PBI field volunteers (Mahony and Eguren 1997, Mahony 2006 a and b).

Other scholars - like peace researchers - have argued that PBI and their Colombian partners are competing with the Colombian government over securitisation. While the Colombian

⁶ <http://www.peacebrigades.org/about-pbi/pbi-history/precedents-of-pbi/> (Last access 14.04.09)

⁷ Ibid

⁸ Ibid

government provides “hard” security to its citizens based on traditional means like the military and weapons, PBI offers an alternative kind of “soft” human security to its collaborators based on the trust they receive from the civil society at large (Fabra Mata 2006).

The idea of international accompaniment as practiced by PBI is simple; it is done by providing physical protection to human rights defenders who work in areas of repression and conflict. The HRDs face threats of violence and repression because of the work that they do and via international accompaniment, PBI aims to protect two things; the lives of the HRDs and their working space. It is difficult to find criticism against the technique itself; simply because it works. During 28 years of IA, none of the PBI field volunteers or HRDs accompanied by PBI has been killed. However, PBI is a small organisation and their accompaniment is very limited as they are dependent on having at least one – or preferably two – volunteers accompanying each HRDs at all times. There are only a handful of other organisations worldwide that offer similar accompaniment as PBI do and examples are the Quakers and Frontline. As these organisations either work in different countries than PBI or do not prioritize accompaniment, PBI remains the main provider of international accompaniment in Colombia. They are also considered to have the most effective accompaniment.

3.0 Background information

3.1 Colombia

Colombia is a vast country rich on natural resources. It is situated in the north-western South America and with a territory stretched over 1 138 914 km², the size of the country is about five times that of Great Britain (see attached map). Three branches of the huge Andean mountains split the country up in different parts and around one sixth of the country is covered by tropical Amazon forest. 42 million people live scattered all over the country only connected by roads often in extremely bad condition that hampers communication. The challenging geographical conditions have been – and continue to be – huge obstacles to national integration and full expansion of the state (Koonings and Kuijt 2004).

The territory of what is now Colombia was originally inhabited by indigenous tribes. In the 16th century the country was founded as a Spanish colony together with the countries that are now Venezuela, Ecuador and Panama. “Gran Colombia” gained its independence from Spain in 1819 and in 1886 the Republic of Colombia (*República de Colombia* in Spanish) was declared. Two political parties have dominated since then; the Conservative Party who has a tradition of seeking a strong centralized government in alliance with the Roman Catholic Church and the Liberal Party who wants a decentralized government, state control over education and other civil matters. The parties have held the presidency for roughly equal periods of time⁹. The country is a democracy which elects both its governors and representatives by popular vote and there are a number of political parties represented in Congress¹⁰. The 1991 Constitution made Colombia a State ruled by law which would uphold human rights.

Over the last years, the international attention has mainly been focused on Colombia’s ongoing civil war and their drug-related scandals that frequently capture world headlines. Colombia is one of the main suppliers of drugs to the North-American market, and unofficial numbers suggest that the export value of cocaine and marijuana (around 500 metric tons per year¹¹) exceeds the country’s overall legal export value¹².

In spite of the fact that Colombia has had one of the most stable parliamentary systems in Latin America, with a notable absence of coups as a contrast to many other Latin American countries, the ongoing civil war has taken its toll on the country and its inhabitants over the last 40-60 years (length of war depends on sources used). Taking all the different actors of the conflict in mind, it is hard to speak of one single Colombian conflict, but rather of a series of conflicts with different dynamics in the different regions of the country. The reasons for the conflicts also vary; while some claim that the current conflicts and institutional crisis of Colombia are driven primarily by the drug cartels and insurgent

⁹ <http://www.state.gov/r/pa/ei/bgn/35754.htm> (Last access 24.03.09)

¹⁰ Colombia national report submitted to the UN Human Rights Council

¹¹ Ibid

¹² <http://www.sn1.no/Colombia> (Last access 04.05.09)

groups, others argue that one has to look at the country's inability to create national unity and stability ever since the independence from Spain (Browitt 2001). The ongoing civil war in Colombia has scarred the country in several ways. With both serious economic and political implications, the civil war has left the economy down, the state weak and the country with a dreadful international reputation and its inhabitants with daily threats of violence. About 65 per cent of Colombians live below the poverty line and rural poverty is especially acute¹³. Many rural areas are controlled by non-state forces and are especially vulnerable to violence, illicit crop cultivation, forced displacement and other human rights violations.

It is difficult to get a full overview of the different actors of the conflict as the number of actors involved and how the armed groups are classified vary according to which sources one looks at. However, there are some main actors. First of all, there are two well-armed *guerrilla organisations* (also called insurgent groups). Both the organisations are engaged in guerrilla insurgency against the state and the aim is to take over the political control in the country¹⁴. The most well-known is the Fuerzas Armadas Revolucionarias de Colombia-Ejercito Popular (FARC-EP) which has a ground force of about 18 000 combatants. FARC-EP is by far the biggest armed actor operating in Colombia and most of Colombia's around 3000 kidnappings every year are carried out by them¹⁵. FARC-EP is a communist organisation labelled as terrorists by the government. For many years after the civil war, the growth of the FARC-EP was very slow – until they discovered drugs. It is prohibited to consume them in the rebel ranks, but the group taxes every stage of the drug business from the chemicals needed to process the coca bush into cocaine and the opium into heroin, right up to charging for the processed drugs to be flown from illegal airstrips the FARC-EP controls. Their income from the drug business together with their income from kidnappings and extortion makes them one of the richest insurgent groups in the world¹⁶.

¹³ According to the World Bank and USAID. Information accessed from <http://www.usaid.gov/policy/budget/cbj2005/lac/co.html> (Last access 25.03.09)

¹⁴ Human rights *first* report Baseless Prosecutions of Human Rights Defenders in Colombia 2009

¹⁵ <http://news.bbc.co.uk/2/hi/americas/1746777.stm> (Last access 24.05.09)

¹⁶ <http://news.bbc.co.uk/2/hi/americas/1746777.stm> (Last access 24.05.09)

The Ejército de Liberación Nacional (ELN) is the other, less known, guerrilla group in Colombia and it has some 6000 armed fighters. ELN sustains itself mainly through the extortion of private and foreign oil companies and large-scale kidnapping. They also profit from their involvement in the drug business like the FARC-EP (Koonings and Kruijt 2004).

The Autodefensas de Colombia (AUC) – an organisation of paramilitaries – was estimated to consist of around 11 000 armed militants before the demobilization process started (the demobilization process will be looked at more carefully in the next chapter) (Koonings and Kruijt 2004). The paramilitary groups were originally formed to support the government and fight the insurgent groups. Over the years, their role in the conflict has changed and they have adopted an agenda of their own. While the government for many years have been accused of cooperating with the paramilitary in spite of not having any formal ties to them, the Uribe administration has been forced to take a stand against the paramilitaries – at least officially¹⁷. The US refuse to sign a Free Trade Agreement with Colombia as long as the paramilitary groups are out of control. The result has been that not only does the state claim to no longer cooperate with the paramilitaries, they have also initiated a demobilisation process which they claim has been successful and that paramilitaries no longer exist in the country. However, the Organization of American States (OAS) has identified 22 new armed groups that have appeared after the demobilisation process. The groups are operating under new names but are estimated to have roughly the same number of members as the previous paramilitary groups had¹⁸.

Adding to the chaotic conflict picture are also large numbers of powerful criminal organisations operating in parts of the country. These organisations sometimes act on their own account and sometimes in cooperation with the guerrilla or the paramilitaries. In several areas of the country, one can also find separate hired killers and youth gangs operating. Alongside with all these different actors, it is necessary to add the Colombian

¹⁷ http://www.pbi-colombia.org/field-projects/pbi-colombia/hr-news-from-colombia/news/?tx_ttnews%5Btt_news%5D=1070&tx_ttnews%5BbackPid%5D=1580&cHash=bf9dc362fc

¹⁸ According to the Internal Displacement Monitoring Centre [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/6DD88D4E0A8C97B4C12574E2004E9B9C/\\$file/ICG,+colombias_new_armed_groups.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/6DD88D4E0A8C97B4C12574E2004E9B9C/$file/ICG,+colombias_new_armed_groups.pdf) (Last access 25.05.09)

army which often operates at the margins of the law, increasing the general insecurity (Koonings and Kruijt 2004).

All the armed groups including the guerrilla and the paramilitaries are believed to engage in kidnappings, use of antipersonnel landmines, recruitment of child combatants and many other atrocities. Reports of extrajudicial executions of civilians by the military are also frequent¹⁹.

As mentioned above, Colombia is a vast country with a variety of regions. The presence of the state, paramilitary groups and guerrilla groups varies greatly from region to region. While the state is in control in the larger cities, it is more or less absent in some rural regions. In some of these parts, the paramilitary groups have seized the possibility to act like the state. They collect taxes from peasants, landowners, businesses and even large multinational corporations (MNCs) and offer their protective services in return. In a chaotic conflict situation the MNCs – in the absence of a reliable police force - make use of the services of the AUC and hire them to protect their interests. Many Colombians support this paramilitary justice. This can be seen as a sign of desperate inhabitants who want some kind of order, even if it means living by the rules of the paramilitaries²⁰.

According to the Colombian government, there has been a decline in most criminal offenses in Colombia from 2002 until 2007. In spite of this, Colombia continues to have one of the world's highest assassination rate (in 2007 17 198 homicides were committed)²¹. One of the most serious consequences of the war is the large – and growing – population of internally displaced people which reached its highest level in decades in 2008²². According to the government, 2 649 139 people had been displaced by June 2008. However, according to the Internal Displacement Monitoring Centre, the number is as high as 4 361 355²³. The

¹⁹ Human Rights Watch World Report 2009

²⁰ Organization of the American States: 2007 Report on the implementation of the justice and peace law: initial stages of the AUC and first judicial proceedings.

²¹ Colombia national report submitted to the UN Human Rights Council

²² Human Rights Watch World Report 2009

²³ Internal Displacement Monitoring Centre [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument) (Last access 04.10.08)

number of IDPs continues to rise as one of the few countries in the world and the huge number of IDPs is exceeded only by the African continent taken as a whole (Browitt 2001)²⁴. The problem keeps getting more serious and in the first half of 2008, the number of IDPs went up 41 per cent as compared to the same time period the year before²⁵. According to the Red Cross, there are 3 main causes of internal displacement (all closely linked with the ongoing civil war); 58 per cent are forced to leave because they fear for their lives, 11 per cent because of pressure from armed groups to collaborate with them and 9 per cent because of pressure from armed groups that wish to recruit them to their armed forces²⁶.

Political, economic and territorial interests play a central part in the conflict. The illegal economy based on the production and marketing of illegal drugs is of huge importance within the war mechanism and this can be seen in the overlap between areas of coca production and the areas of greatest dispute between the guerrillas and the paramilitaries (IWGIA 2001-2002). Colombia has very fertile land and the lack of government control in large parts of the territories, makes the country perfect for coca production. Armed groups fight over areas to grow coca and the civil population is either chased away from the land, or caught in the middle of the fighting where they are regularly accused of being spies belonging to one of the armed groups. Most people end up fleeing (again) from the accusations in fear of their own lives²⁷. In the Colombian conflict none of the actors involved seem to be strong enough to win the war and the civilians are constantly caught in the midst of the conflict. Irregular armed groups are present in more or less all rural areas of the country making the situation very uncertain. In the cities, common crime is a big problem while some cities have also been affected by murders and selective disappearances by armed groups (Koonings and Kuijt 2004).

²⁴ Before the last developments in Sudan which now has 5,8 million IDPs

²⁵ Annual report from PBI Colombia 2008 (translated from Spanish)

²⁶ Red Cross Annual report 2007 (translated from Spanish)

²⁷ Internal Displacement Monitoring Centre [http://www.internal-displacement.org/8025708F004CE90B/\(httpCountries\)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument](http://www.internal-displacement.org/8025708F004CE90B/(httpCountries)/CB6FF99A94F70AED802570A7004CEC41?OpenDocument) (Last access 10.10.08)

Almost all victims of the Colombian massacres and forced displacements belong to the poorest part of the population; either indigenous, peasants or Afro-Colombian populations, and these extremely vulnerable members of the society are still living in midst of the conflict, making tremendous efforts to remain on the outside of the violent confrontations (IWGIA 2001-2002).

3.2 The state

Colombia is often referred to as a “weak state” or having suffered “a partial collapse of the state” (Koonings and Kruijt 2004). The previous governments have had extremely difficult tasks in restoring a fully functioning state: first of all; with the ongoing conflict in the country, and secondly with the state never having been strong or fully functioning in some regions of the country.

It is necessary to point out that when talking about the state in the case of Colombia, we cannot talk about one holistic organisation that pull in the same direction. There are many different actors connected to the state such as the Colombian army (also called state security forces), the government and politicians in addition to the different state institutions such as departments, police etc. As we will see, all these actors often operate with agendas of their own.

For many years, the government has not been able to take control over the ongoing conflict and this has lead to parts of the country not being under state control.. The guerrilla and the paramilitaries represent strong alternative powers which the previous governments have been unable to tackle, and the current government is completely dependent on US military support to keep the situation somehow under control. According to Browitt, “the long-term crisis has created a vacuum of legitimacy (...), which has virtually destroyed the successful functioning of electoral politics and the rule of law” (2001:1064).

The current government in Colombia consists of a right-wing coalition led by President Álvaro Uribe. They were voted in on a “hard-line” policy approach to restore government authority throughout the country after the failure of peace negotiations between the

previous administration and the main guerrilla group, FARC-EP²⁸. The Uribe government has made several attempts to seize control over the conflict; two of them which are *the Justice and Peace Law* and conducting a *Democratic Security Policy*. The Justice and Peace law has been developed from 2002 to 2005 through a legal framework and is often referred to as the demobilization process, as its main goal is to demobilize paramilitary and guerrilla groups. While the government says the law is very successful and claims to have demobilized more than 30 000 combatants and captured 12 000, the process and its legal framework have been severely criticized by national and international organisations for failing to dismantle the paramilitaries' political and economical power and for violating the victims' right to truth, justice and reparation. The key element of the law is the principle of reduced sentences in exchange of “voluntary confessions” in addition to the return of illegally required assets²⁹. What happens in practice is that while the government receives confessions and only small parts of the weapon arsenal of the combatants most of the crimes are not investigated or prosecuted. While the victims are left without the right to truth, justice and restitution, the combatants can return to their land which they have stolen (from civilians) and enjoy the ownership to the land lawfully granted to them by the government as a reward for demobilization. While the government claims that because of the demobilization process, there are no paramilitaries operating in the country, international organisations strongly object to this³⁰.

The Democratic Security Policy from 2002 has meant a national strengthening of military and police forces, and an increased offensive on insurgent groups. While the policy has in fact resulted in a weakening of insurgent groups (especially the FARC-EP), the hard-hand approach has also lead to a very negative impact on the human rights situation in the country and it has also had serious implications on the internal displacement, as more than 50 percent of the total displacement has occurred since the policy was implemented in

²⁸ Internal Displacement Monitoring Centre [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/812D48A1849AB374C12574C500550AF5?OpenDocument#11.1.2](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/812D48A1849AB374C12574C500550AF5?OpenDocument#11.1.2) (Last access 20.04.09)

²⁹ Ibid

³⁰ Internal Displacement Monitoring Centre [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/6DD88D4E0A8C97B4C12574E2004E9B9C/\\$file/ICG,+colombias_new_armed_groups.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/6DD88D4E0A8C97B4C12574E2004E9B9C/$file/ICG,+colombias_new_armed_groups.pdf) (Last access 23.04.09)

2002³¹. With the increased military activity, there are several examples of how fighting the insurgent groups have become more important than the general protection of civilians. The offensive against the rebels is almost entirely financed by the US with \$3 billion of US military aid³².

Because of the chaotic situation in the country, the human rights situation was not made visible on the international agenda for quite some time. In the late 1980s and early 1990s, however, a series of reports and resolutions from the UN, the Organization of American States, the European Parliament, and various human rights NGOs began to publicize the human rights problem. By 1996, the international human rights movement was pressuring the UN to name a special human rights rapporteur to Colombia. The different governments continued to respond actively to these campaigns, instituting various measures for the promotion and protection of human rights and Colombia's recently approved constitution is one of the most progressive in Latin America. Colombia is also among the countries which have ratified most human rights and international law treaties – both within the UN system and the Inter-American human rights institutions. The 61 treaties are integrated as a part of the Constitution and any legal provision which contradicts them must be declared unconstitutional³³. The government has also ratified the 1977 Geneva Conventions on International Humanitarian Law, the ILO Convention 169 and named both a people's ombudsman and a special counsel to the president for human rights (Mahony and Eguren 1997).

One of the major problems in this conflict is the unclear relations between the armed groups (especially the paramilitaries) and the state. The armed actors have gained enormous wealth and influence, and their mafia-style alliances with members of all levels of society; the military, politicians and business people are crucial to their continued existence. Keeping the enormous value of the drugs exported in mind, it is important to understand that many of these armed actors can afford to buy anything that has a price tag;

³¹ Internal Displacement Monitoring Centre [http://www.internal-displacement.org/idmc/website/countries.nsf/\(httpEnvelopes\)/812D48A1849AB374C12574C500550AF5?OpenDocument#11.1.2](http://www.internal-displacement.org/idmc/website/countries.nsf/(httpEnvelopes)/812D48A1849AB374C12574C500550AF5?OpenDocument#11.1.2) (Last access 10.05.09)

³² <http://news.bbc.co.uk/2/hi/americas/1746777.stm> (Last access 23.05.09)

³³ Colombia National Report 2008 submitted to the Office of the High Commissioner for Human Rights

including the loyalty of people. The Supreme Court is trying to deal with the large amounts of corruption seen in the state, and has recently adopted a very tough approach towards the government and it is currently carrying out investigations of accusations against members of the Colombian Congress for collaborating with the paramilitaries. More than 60 members—nearly all from President Uribe’s coalition—have come under investigation which proves that the state’s relationship to the armed groups are much closer than they like to admit³⁴.

There are also several examples of the state jeopardizing human rights and the ability of humanitarian workers to fulfil their role of protecting civilians. One example occurred in June 2008, when security forces rescued 15 hostages held by the FARC, including three US citizens and former Colombian presidential candidate Ingrid Betancourt. No lives were lost in the operation, but it was later revealed that members of the military who participated in the operation displayed the emblem of the International Committee of the Red Cross, in violation of the Geneva Conventions,³⁵

3.3 Peace Brigades International

Peace Brigades International (PBI) is an international non-governmental organisation (NGO) that has promoted nonviolence and protected human rights since 1981³⁶. PBI volunteers are sent to areas of conflict all over the world to provide international accompaniment (IA) to human rights defenders (HRDs) threatened by political violence because of the work that they do. International accompaniment is unarmed, physical protection given to HRDs by PBI field volunteers. The accompaniment deters violence and serves a dual purpose; to create space for local activists to work and to protect their lives. The accompaniment itself varies according to the different needs of the people involved. Some organisations are under serious threats and find it difficult to continue with their work. They are scared of the wellbeing of themselves and maybe even their families or the co-workers. In such cases, PBI volunteers accompany people 24 hours a day for a period of

³⁴ Human Rights Watch World Report 2009

³⁵ Ibid

³⁶ <http://www.peacebrigades.org/index.php> (Last access 04.03.09)

time as long as seen necessary. In other cases, PBI will provide accompaniment only to certain meetings, demonstrations etc. Being visible is also a big part of PBI's work; just by supporting the work of an organisation, dropping by their offices a couple of times a week and showing international presence, PBI believe that they make it easier and safer for the HRDs involved to carry out their work. In addition to the physical accompaniment, the PBI field volunteers also monitor the conflict situation around the HRDs at all times and write reports on the situation which is published and distributed to all PBI offices, local and international partners and other stakeholders.

PBI currently have active projects in five countries around the world; Colombia (since 1993), Mexico (since 1996), Indonesia (since 1999), Guatemala (since 2002) and Nepal (since 2005). They also have country offices in additional 16 countries. The country offices' task include finding and preparing field volunteers, building support networks to respond to threats, lobbying, fundraising, raising the profile of human rights defenders and PBI and supporting field volunteers on their return.

According to PBI, they are “*nonpartisan and do not interfere in the affairs of those we accompany, because we believe that a lasting peace cannot be imposed from outside but must come from the desires of local people*”³⁷. One of the ideas behind the foundation of the organisation was that ordinary people can take action to stop violence and human rights abuses even when their governments cannot or will not. PBI practices the principles of non-partisanship and non-interference in the internal affairs of the groups and organisations that they accompany. They do not contribute to the work of the human rights defenders they accompany, but feel that their role is to open up political space and provide moral support so that local activists can carry out their work without fear of repression³⁸. PBI's slogan, which is “*Making space for peace*” reflects this line of thinking.

Their non-partisanship means that the organisation is free of the constraints faced by the UN and other governments. According to the PBI, this enables them to build relationships of trust with the organisations they accompany. “*Our unique access to information and our*

³⁷ <http://www.peacebrigades.org/> (Last access 22.02.09)

³⁸ <http://www.peacebrigades.org/index.php> (Last access 22.02.09)

*objectivity increases our credibility with all parties to the conflict and gives us access to authorities nationally and internationally. This strengthens our ability to argue the case for international support for human rights defenders under threat”.*³⁹

PBI's has a strong commitment to internal democracy. They believe in consensual working, and this is an essential part of the PBI mantra. All meetings on all levels of the organisation are run on consensual basis and this naturally poses some challenges. Discussions continue until a consensus is reached or evolved, and this can of course be very time consuming. Nonetheless, PBI has chosen to keep this approach, and the reason behind is that they believe there should never be a majority and hence by definition a minority.

Initiated in 1993, the Colombia project is PBI's longest-running field project. With its 32 field volunteers, it is also PBI's largest⁴⁰. The general objective of PBI Colombia, is “*Contribution to peace and respect for human rights in Colombia*” and to “*Protect the working space of the human rights defenders so that they can perform their work and maintain their space for actions open*”⁴¹

The request for the formation of a team in Colombia was received by the PBI International office. It was signed by one of the most prestigious human rights defenders, and the director of the Inter-Congregational Justice and Peace Commission. Around the same time, various people, who were involved with PBI, met Colombian human rights defenders travelling around Europe who, on the return to their home country, were assassinated. PBI was aware of the fact that the conflict in Colombia was complex and long-lived; it concerned an extensive country with profound regional differences. An exploratory PBI team was sent to Colombia and concluded with a report giving the green light to the viability of international observers and accompaniment in the country. Within a few weeks of PBI's settlement in Colombia, the Colombian government granted ‘courtesy visas’ with the aim of facilitating the team's stay. Since then, the government has continued to play a

³⁹ <http://www.peacebrigades.org/about-pbi.html> (Last access 22.02.09)

⁴⁰ <http://www.pbi-colombia.org/field-projects/pbi-colombia/about-pbi-colombia/project-history/> (Last access 23.02.09)

⁴¹ PBI Colombia Annual report 2008 (translated from Spanish)

role where they support PBI's work on the one side and work against them on the other (this will be discussed further in chapter 4.6 about PBI in the Colombian context).

PBI Colombia is now made up of four sub-teams in four different regions of the country; Bogota (the capital), Barrancabermeja, Medellin and Uraba. Each sub-team performs accompaniment of different human rights defenders. In addition, they also do observation work, lobbying of civil and military organisations, different NGOs, churches, international organisations and the diplomatic corps operating in the region. Even though the sub-teams have different tasks, all work plans are shared by all four sub-teams and all decisions and actions are taken together⁴².

The intense work of dialogue with the Colombian government began immediately after PBI Colombia was established. They also initiated dialogues with state security forces, other armed actors and different NGO's in the country. This was done to open channels of communication with the authorities to create work space for PBI Colombia. Meanwhile, the London office, the project committee and PBI country groups did the same with agencies, NGOs and governmental authorities in several countries.

The PBI Colombia project has a support team based in Bogotá, Brussels and Washington in addition to the 16 PBI country groups who also work to support the field project. They currently provide protective accompaniment to members of 17 different organisations. Some of the organisations work with problems linked to the protection of human rights in general like the Regional Corporation for the Defence of Human Rights and Luis Carlos Perez Lawyers Collective (provides legal assistance for the protection of human rights). Other organisations accompanied by PBI work with the rights of specific parts of the populations like the Grassroots Women's Organisation (works with the protection of women's rights) and the Solidarity Committee for Political Prisoners (works with protecting the interests of political prisoners) in addition to many other important issues⁴³.

⁴² <http://www.pbi-colombia.org/23.html> (Last access 22.02.09)

⁴³ Information from PBI Colombia's own home pages <http://www.pbi-colombia.org/los-proyectos/pbi-colombia/donde-trabajamos/?L=1%3FL%3D0%3FL%3D1>. A full overview of organizations accompanied by PBI can be found here.

Most of the organisations accompanied by PBI work directly or indirectly with issues linked to trade unions, the indigenous population, the displaced population and other vulnerable parts of the population. However, these issues also have great economic implications in terms of for instance labour rights and land rights. These highly controversial issues are both the government and other private actors are interested in because of the economic interests involved (ensuring labour rights for example, will be more expensive for all companies and granting right to land to indigenous people will include private actors being forced to give away parts of their land).

The grass root nature of accompaniment is both PBI's strength and weakness. While the volunteers are firm believers in human rights and empowering the HRDs from below, the use of – often young - volunteers also poses a risk of amateurish and inexperienced application of a delicate tool. However, the accompaniment projects have learned by trial and error along the years, and there is little doubt that the long-term empowering effect of the accompaniment experience on the volunteers and the HRDs has added global strength to the worldwide movements for nonviolence and human rights (Mahony and Eguren 1997).

3.4 Human rights defenders in the country

The Special Rapporteur on the situation of Human Rights Defenders says that when it comes to protection of human rights defenders there is a need to put special emphasis on countries where: (a) internal armed conflict or severe civil unrest exists; (b) the legal and institutional protections and guarantees of human rights are not fully assured or do not exist at all, both of which apply to Colombia⁴⁴.

Defending human rights in general in Latin America has remained at a very high risk level over the last years and the situation has been particularly serious in Colombia. The country has managed to build up one of the worst human rights records in the world and the

⁴⁴ Special Rapporteur on the situation of Human Rights Defenders
<http://www2.ohchr.org/english/issues/defenders/challenges.htm> (Last access 30.05.09)

situation for the human rights defenders working in the country is extremely difficult⁴⁵. Acts of reprisals taken against the HRDs in Colombia over the last year included intimidations and threats, arbitrary arrest and detention, unfounded criminal prosecutions and false accusations, close monitoring by security agents and the police and surveillance by plainclothes policemen, impunity, inefficiency of the different institutions aiming to protect HRDs and the most serious of all; murder⁴⁶.

The HRDs work in the middle of the conflict in the violent space between the government and the paramilitary groups. Their work does not only put themselves under threats, but also the other members of the organisations they represent, their family and sometimes the entire local community.

The UN Special Representative of the Secretary-General on human rights defenders stressed in her annual report from 2007 that HRDs working with economic, social and cultural rights are under particular risk of being subject to threats, violence and murder. As mentioned above, the majority of the HRDs accompanied by PBI work with issues closely connected to ICESCR (land rights, labour rights etc). According to the UN Special Representative, the majority of HRDs who have been killed over the last years have been working with ICESCR, and Colombia is among the countries with the highest number of killings.⁴⁷

Human Rights First has published a list of 32 HRDs who had been subject for arbitrary detention and false criminal accusations so far in 2009, and there is reason to believe that there are many more cases⁴⁸. As earlier mentioned, any international NGOs like Human Rights First work to improve the situations of HRDs in Colombia. However, it is nearly impossible to provide protection for the large number of HRDs working in the country and the NGOs are often left with “only” the power to report and make cases of impunity and murders known to the international society.

⁴⁵ PBI Colombia annual report 2008 (translated from Spanish)

⁴⁶ <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.pdf> (Last access 23.02.09)

⁴⁷ 2007 annual report from UN Special Representative of the Secretary-General on human rights defenders

⁴⁸ Ibid

4.0 Analysis: The Protective Mechanisms

In this chapter, threats made against HRDs accompanied by PBI and the mechanisms contributing to the protection of the lives of the PBI field volunteers and the HRDs accompanied by them will be presented and discussed.

4.1 Threats made against the HRDs

Threats made against HRDs in Colombia mainly derive from two different sources; the state or state-related paramilitary groups (Mahony and Eguren 1997). The word “threat” includes both direct and indirect threats.

Direct threats include all threats made by phone, post, email or face to face, either made by the actors acting on behalf of the Colombian state (such as the police or the military) or the armed groups.

Indirect threats mostly come from the Colombian state and include “political threats” like for instance the “protective measures” granted by governments to protect the HRDs. These protective measurements have proved to be superficial and in reality used as an alibi to avoid tackling the real causes behind the attacks against the HRDs or the crucial issue of impunity. In addition, the Colombian government also threaten the HRDs by using – and sometimes reinforce – its legislative arsenal to attack the activities of defenders by invoking legal and/or administrative provisions to stop them from doing their work legally. This in its turn leads to a smearing campaign against human rights defenders and their organisations where they can be accused of being “enemies”, “rebels” and “traitors of the Nation”, or even of supporting the guerrilla. This has several consequences for the HRDs; it’s a violation of their human rights, they receive direct threats of political violence because of the “illegal” (according to the government) work that they do, they experience lack of coverage from the media and they get a lack of attention paid to these violations in addition to being hindered from seeking remedial measures at the domestic or international level.

Colombia has a large number of organisations working with the protection of human rights and the HRDs are collectively subject to hundreds, and probably thousand of threats every year. All though many of the HRDs work with local or even international organisations, none of them are able to offer the same kind of protection as the international accompaniment provided by PBI offer. HRDs are often either hurt or killed after having received threats, or they suffer long-term harassment (from the state and/or the armed groups) which makes it difficult for them to continue with their work.

“If they cannot assassinate you, they follow you, threaten you and prosecute you. They prosecute you for whatever matter.”⁴⁹

Francisco Ramirez, human rights lawyer and president of the Colombian Mine Workers' Union SINTRAMINERCOL (not accompanied by PBI)

During 2008, PBI Colombia observed several murders on HRDs working in Colombia. All though none of the HRDs accompanied by PBI were killed, they did experience encounters between HRDs accompanied by them and armed forces and therefore, PBI Colombia remained at high alert throughout the year⁵⁰.

In one of the incidences, the legal representative for the San Jose de Apartado Peace Community (and organisation accompanied by PBI Colombia) was threatened at gun point by two men in the middle of the town square of the Peace Community. The lawyer managed to escape and came from the incident with no physical injuries. The attack took place a couple of weeks after citizens of the Peace Community for a period of time had noticed paramilitary soldiers holding the Peace Community under observation. In addition, representatives for the Peace Community also received several written threats. This is one of the most serious examples of a threat made against the HRDs accompanied by PBI. Peace Brigades International has established routines on how to handle these incidents, and while an unknown number of threats that were perceived to be less

⁴⁹ Human rights *first*: Baseless Prosecutions of Human Rights Defenders in Colombia 2009, page 1

⁵⁰ PBI Colombia annual report 2008 (translated from Spanish)

dangerous were dealt with by PBI and the national support network, three of the threats in 2008 were considered to be of such a serious nature that the international PBI network was activated⁵¹. In the following chapters we will explore which mechanisms are involved in the PBI protection of the HRDs – particularly when threats have been received but also in general - and how the mechanisms work.

4.2 The accompaniment

The first and most important mechanism of the PBI protection is the physical accompaniment provided to the HRDs by PBI field volunteers. Once having been granted PBI protection, the HRDs will be accompanied as much as seen needed. In some cases the PBI volunteers live with the HRDs and their family and accompany them 24 hours a day, and in other cases the accompaniment is limited to include meetings and demonstrations etc. In the example used above, the San Jose de Apartado Peace Community, members of the community received 208 days of accompaniment in 2008 due to the various threats they had received. The idea behind the accompaniment is to deter any kind of violence targeted against the HRDs.

“The accompaniment volunteer is literally an embodiment of international human rights concern, a compelling and visible reminder to those using violence that it will not go unnoticed. The volunteers act essentially as unarmed bodyguards, often spending twenty-four hours a day with human rights workers, union leaders, peasant groups, and other popular organizations that face mortal danger from death squads and state forces.”

(Mahony and Eguren1997:1)

All though the physical presence is a crucial mechanism in the protection of the HRDs, the physical “shield” alone does not provided sufficient protection. One can assume that the physical shield would not be as efficient if a person without any kind of political backup went to Colombia to provide protection to HRDs. In that case, the violators could probably have just as easily killed the “protector” as they could have killed the HRDs and gotten away with the crime without any consequences simply because the incident would

⁵¹ PBI Colombia annual report 2008 (translated from Spanish)

probably have been treated like one of the many other HRDs murders in the country. In the following chapters, we will take a look on the other mechanisms that back up the physical accompaniment and contribute to its success.

4.3 National networks

PBI Colombia offer physical accompaniment as an attempt to protect the working space of the HRDs. In addition, PBI also monitors and analyzes the political situation surrounding the HRD. When the situation is either perceived by PBI to be threatening or threats have been made directly to a HRD, they have meetings to decide which actions they should take. In some cases – where the threats are not perceived to be of life and death matter - PBI Colombia can decide to go through their own national network as an attempt to protect the HRDs they accompany.

The national network is an important protective mechanism and it consists of contacts within the civil and military authorities, the insurgent groups, NGOs, churches and the diplomatic corps⁵². Because of the non-partisan and neutral nature of the organisation, PBI is in a very good position to meet with all parties on all levels of the conflict. In 2008, PBI Colombia had 55 meetings with members and officials of the Colombian government, 106 meetings with the different armed forces (paramilitaries and guerrilla etc) and 46 meetings with the members of the diplomatic corps and the EU⁵³. The extensive meeting activity is a way to update the network on current events and also brief them about the situation of the HRDs they accompany. If a HRD is being threatened either by an actor connected to the state or to the insurgent groups, PBI will immediately meet with the different actors and make sure they are made aware of the situation. In that case, if anything should happen to the HRDs, PBI has made sure the government know that they will have to take the blame and that the event will be made public.

⁵² <http://www.pbi-colombia.org/field-projects/pbi-colombia/where-we-work/> (Last access 01.03.09)

⁵³ PBI annual review 2007/2008

4.4 International networks

In the case of some of the most serious threats (like in the example of the Peace Community used above), it is clear that the lives of the HRDs can potentially be in danger. In these cases, PBI Colombia will go through with an activation of their national network in addition to an activation of PBI's international support network. In 2008, PBI Colombia activated their international network on three different occasions⁵⁴. The international network is activated through the 16 different PBI country offices in the world. Because of my experience working with the PBI country office in the UK, I will use that country office as an example of how an activation of the international support network takes place. More or less the same activation normally also takes place in the other 15 country offices.

The PBI support network in the UK is made up of about 80 Members of Parliament, Lords, lawyers and other individuals with a special interest in Colombia who has agreed on being a part of the network. When the support network is activated, a letter is sent to these people with specific information concerning the HRDs in question and the nature of the threat. These people will express concern directly to the Colombian government if possible, in addition to contacting their respective networks to inform them about the situation and take other actions they see fit.

In addition, PBI UK will get in touch with the British Foreign & Commonwealth Office and other Members of Parliament and ask them as well to express concern about the specific situation directly to the Colombian government. If possible, PBI UK would also ask Members of Parliament to ask table questions in parliament to get the Minister of Latin America to respond with regards to the security situation of the human rights defender in question. The Colombian Embassy will be asked to attend the table question to answer questions and brief them about the situation on the ground.

A successful activation would also involve representatives from the UK government having official meeting with representatives from Colombian authorities to pass official

⁵⁴ PBI Colombia annual report 2008 (translated from Spanish)

concerns and to ask which specific actions are being taken by the Colombian government to protect the HRDs.

In addition, PBI UK contacts other collaborators like Amnesty International and ABColombia (umbrella group for aid agencies operating in Colombia) so they as well can put pressure on and lobby the Colombian government. PBI also have good relations with the UN and they will be contacted and asked to take action in relation to the specific threat in question. Specific actions may include everything from public statements and press releases to initiating direct contact with the Colombian government. There have been cases of PBI activations where both the UK government, UN bodies the EU have taken actions regarding a specific situation⁵⁵.

All this efforts contribute to the basic objective of PBI which is “(...) *to exert enough external pressure to change the behaviour*” (Mahony and Eguren 1997:250). A successful activation could have many implications, but the best outcome is of course that the Colombian government give a statement where they guarantee for the safety of the HRD involved.

4.5 The state as a mechanism

To understand how the two previous mechanisms – the national and international support networks – work, another two mechanisms will be suggested. If we imagine Colombia being a country isolated from the rest of the world, it is difficult to understand how the work of PBI would have been possible. International back up is crucial for the functioning of the PBI protection and this is made possible through *naming and shaming* and *deterrence*. Both these mechanisms involve the Colombian state.

Naming and shaming is a strategy used to point out human rights violations in a country and then use international pressure to urge reform. We have already seen that on the international level, the enforcement mechanisms of the human rights regime are weak. The

⁵⁵ All information about activation of the UK support network comes from my own experience working with this and clarifications when needed by email communication with Susi Bascon, Director of PBI UK.

resolutions adopted by the UN Commission on Human Rights, which is the main political body dealing with human rights, are non-binding (De Feyter 2005:32). The decisions, views and concluding observations made under the committees established under the main human rights treaties are recommendatory only, even if they enjoy considerable international standing. The committees can establish that violations have occurred and are able to suggest remedial actions, but they do not bind the states as Court Judgments do and as a result – at best – the states will make efforts to comply with the committee’s recommendations, as part of the duty to implement their treaty obligations in good faith (De Feyter 2005:32). In the cases where this is not done, naming and shaming is often left as the only option to make the state uphold its obligations towards the protection and implementation of human rights. Whether the name and shame strategy can be successful in a country or not, is according to De Feyter dependent on the vulnerability of the state (2005:32).

Each state has different areas in which they are vulnerable, but common for most states is the economy; and mostly the need to export and import. The United States and Colombia have agreed on a Free Trade Agreement (FTA) that will make a substantial difference on Colombian economy when signed. However, the Democratic leadership in the US Congress has decided to delay consideration of the US-Colombia Free Trade Agreement until there is “*concrete evidence of sustained results on the ground with regard to impunity for violence against trade unionists and the role of the paramilitaries in the country*”⁵⁶. In other words, the Colombian government must tackle these issues before the US is willing to close the agreement. The FTA will have a huge positive impact on the Colombian economy, if put into action. The Colombian state is also dependent on maintaining a good relationship with the US because of the military support they receive. Without the support, it is doubtful that the government will be able to keep the conflict situation under control.

As long as Colombia is dependent on improving the human rights situation to secure the FTA and continued military support from the US, the naming and shaming strategy can be

⁵⁶ Human Rights Watch World Report 2009

used effectively against the Colombian government. The government simply can't afford to ignore criticism with valuable economic agreements at stake (Hafner-Burton 200).

Deterrence is the second mechanism related to the state and is used in relation to the national networks to prevent attacks on PBI volunteers and the HRDs accompanied by PBI. Deterrence is closely related to the naming and shaming strategy, but is mostly used as a mechanism in a national context in relation to the state. For deterrence to work, it is crucial that the potential attackers (the state) know who PBI are and what they do. This is best done through maintaining good communication with the state (as done through the national networks). Keep in mind that the state in the case of Colombia consists of several different actors who do not always operate with a common agenda. The military may attack the HRDs without the consent of the government, and it is still the government's responsibility to make sure that does not happen. When the state is informed of what political consequences of an attack will be, they normally try to avoid the attack at any cost (Mahony and Eguren 1997). This is because the political consequences can be serious for the state; if they do not stop attacks from happen, PBI will make sure they are put under international pressure by using the naming and shaming strategy, something which will damage the human rights reputation of the government.

“International accompaniment can succeed in deterring attacks because the decision makers behind these attacks seldom want a bad international image. They do not want the world to know what they are doing. They do not want to be made to feel uncomfortable by diplomats discussing human rights problems in their meetings. They don't want to read in the international press that they are being called to account for human rights abuses”

PBI report 2007⁵⁷

As a part of the human rights façade the current government wants to maintain, they claim in their country report to the UN that protecting human rights is of great importance to them, and particularly in relation to the HRDs in the country. They claim that “*the subject*

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http://www.peacebrigades.org.uk/fileadmin/user_files/groups/uk/files/Publications/pbi_25th_anniversary_publication.pdf (last access 17.03.09)

*of safeguards for the work of human rights defenders has been one of the most controversial that the Government has tackled*⁵⁸, and that *“the killings of trade unionists have decreased by 87 percent between 2002 and 2007”*⁵⁹. However, the Special Rapporteur on the situation of Human Rights Defenders has a different view on the matter. She carried out a country visit to Colombia in 2008 and expressed concern that the national report to the UN revealed a serious of flaws – among other things because it did not even contain a separate section dedicated to HRDs. All though the government claim they are addressing the issues of human rights defenders, the only statement given by the government in the UN report was that it *“recognizes the differences between the perceptions of the government and of certain NGOs regarding the work in the protection of human rights”*⁶⁰ which has no practical implications for safeguarding the working space and lives of the HRDs.

While on one hand the state of Colombia is dependent on improving the human rights record of the country, the actors connected to the state are also among the main violators of human rights. One example of this is the San Jose Apartado Peace Community. Because so many of the displaced people are accused of being “spies” for either the paramilitaries or the guerrilla and are forced to move repeatedly, 500 displaced villagers from 17 different towns moved together to form the San Jose Apartado Peace Community which is founded as a neutral zone. PBI has worked closely with this organisation and has on some occasions accompanied its leaders. Around the village, there are signs everywhere stating that only civilians live there and that it is a Peace Community and a neutral zone which takes no sides in the conflict. However, since 1997 180 members of the community have been killed – and more than 90 percent of the killings have been carried out by the state⁶¹.

During the recent years there has also been a substantial rise in the number of extrajudicial killings of civilians attributed to the Colombian army and this might be because the army -

⁵⁸ Colombia National Report 2008 submitted to the Office of the High Commissioner for Human Rights

⁵⁹ Ibid

⁶⁰ From report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya. Accessed from <http://www2.ohchr.org/english/issues/defenders/docs/A.HRC.10.12.pdf>

⁶¹ Both according to the Peace Community’s home page <http://cdpsanjose.org/?q=node/93> and the 2008 Colombia Report for Sigrid Rausing Trust (report sent to me by PBI UK)

under great pressure to demonstrate results in accordance to the Democratic Security Policy – has been accused of repeatedly having taken civilians from their homes, killed them and then dressed them up in uniforms to claim they were combatants killed in action. President Uribe and his administration have for years publicly denied that such incidents have occurred and they have accused the human rights defenders reporting these killings of colluding with the guerrillas in a smearing campaign against the military⁶².

In this example, it is difficult to know who the order to kill came from. It could have been the military leaders; anxious to produce results to the government. It could also be the soldiers acting on their own; anxious to produce results to the military leaders. It could also have been the government; anxious to produce results for the international society. This is way deterrence is effective, the government is made responsible for all attacks in the country and pressured into prevent them from happening at any cost.

Colombia has signed and ratified a great number of international human rights legislations and this ads credibility to their wanted façade as a country that adheres to human rights. In practice, however, actors connected to the state are also among the main violators of human rights.

As mentioned earlier, PBI was granted courtesy visas by the Colombian state when they began their work in the country. The courtesy visas are a symbolic gesture; a sign of goodwill and a proof that PBI work in the country with the blessing of the state. However, the courtesy visas do also have further political implications: they can also be seen as a state “protection” of the work of PBI. In a situation where the state is eager to build an image of a human rights protector, they can show to their collaboration with PBI whenever seen fit. PBI on its side is also dependent on maintaining a good relationship with the state; and as long as the state use PBI as an example of their human rights related work in practice, PBI know that the state can’t afford to risk that PBI volunteers or the HRDs they accompany get hurt. Hence, by having become a part of the state’s declared human rights façade, PBI is “protected” by the state, and this protection is included as one of the PBI

⁶² Human Rights Watch World Report 2009

protective mechanisms. As long as the government considers PBI's presence to be in accordance with its officially stated commitment to human rights, there is reason to think that the state will continue to protect PBI. As long as the government is set on maintaining a human right facade, the earlier mentioned protective mechanisms – which are all linked to the state – will also continue to work. The picture the state wished to give to the world, the human rights façade they want to build is PBI's guarantee – the state cannot afford that anything happen to them.

Colombia is forced to adhere to international pressure because they risk losing valuable agreements. Hence, deterrence and naming and shaming canalized through the national and international networks, together represent successful mechanisms in the protection of the local PBI field volunteers and the HRDs accompanied by PBI in Colombia. All the mechanisms are interlinked, but naming and shaming seems to be the most important mechanism, because of the necessity of involving the international network to put pressure on the state.

We are left with an interesting question in relation to the state and human rights; namely what the state's true attitude towards human rights really is? Keeping all the different actions of the different actors connected to the state in mind, one can say that it is so hard to know the facts about exactly where the orders of the violations are executed from, that there can in fact be two possible solutions.

1. The current government is doing its best to uphold human rights, but other state connected forces work against them with an agenda of their own and violate them.

This options means that the government genuinely care about human rights and want the best for their citizens and sees moral capital as more important than financial capital.

2. The state does not care at all about human rights

It is not about ensuring human rights for the population, but doing whatever necessary to secure the Free Trade Agreement and further military support from the US and therefore sees financial capital as more important than moral capital.

While the first conclusion is a bit naive, the second one is a bit too harsh. Maybe the answer lies somewhere in between where we can conclude with it being “easier” for the state to comply with the international human rights demands when there are also economic benefits to gain?

4.6 The role of the armed actors

The Colombia state is in a difficult situation where they do not have the military power to abolish the armed groups once and for all, and are forced to negotiate and cooperate with them. One example of this is that the rebels in 1998 were granted a 42,000 sq kilometre safe haven by then President Andres Pastrana - their condition for even sitting down at the peace table. But the insurgent groups have had a tradition for talking peace with the government while making war, bringing violence and kidnapping to record levels. The safe haven has since been used import arms, export drugs, recruit minors and build up their military machine⁶³.

The guerrilla groups, the paramilitary groups and the other armed actors involved in the conflict do not operate with a common agenda and can therefore not be treated as one force. However, the state has links to both the guerrilla and the paramilitaries. They negotiate with the guerrilla and have hidden, political ties with the paramilitary. Hence, we can assume that these actors are under some kind of state influence. Maybe this can be the answer to why none of the armed forces target PBI field volunteers and HRDs accompanied by them?

⁶³ <http://news.bbc.co.uk/2/hi/americas/1746777.stm> (Last access 11.05.09)

However, the armed groups are involved in a violent conflict which they finance by illegal means. The reality is that they are an unpredictable part of the conflict and it is almost impossible to say anything about what motivates their actions. But, the reality is also that they leave PBI alone, so their role in PBI's protective system must also be explored.

Since political pressure, deterrence or none of the other mechanism works on the armed groups, a different kind of "mechanism" will be proposed here. The mechanism is based on the face-to-face contact between the armed groups and PBI. PBI makes it a point to meet with all the armed actors to inform them about their work and the HRDs accompanied by them. All the armed actors meet regularly with PBI and nothing happens. Unless there is an incident telling us otherwise and taking into consideration that this is the only PBI mechanism aimed at the armed groups, it is to a certain extend reasonable to call it successful. What is being discussed in the meetings is not made public, but as opposed to other state initiated peace negotiation talks, PBI does not come to the table with anything to negotiate with. However, in a complicated conflict scenario where the civil population, PBI field volunteers, the HRDs and the armed groups live side by side, face to face contact can be of great importance.

The armed actors in Colombia are fighting without any international back-up or recognition, political or legal. Besides the FARC-EP who wants full control of the state without going through democratic channels, they do not fight for a specific goal like independence for a specific groups (like the LTTE in Sri Lanka) etc. The war is financed by illegal means (exportation of drugs) and the armed actors have large sums of money available. They kidnap, steal, cultivate drugs, rape and kill what seems to be totally randomly throughout the country. Because legitimacy in the fight is not an issue one can assume that there are no limits to what the armed groups are willing to engage in. In spite of this, PBI has managed to stay safe in the chaotic situation – and face to face contact is proposed as an explanation to this.

4.7 Peace Brigades International in the Colombian context

The HRDs accompanied by PBI have great faith in the organisation. One of the HRDs accompanied by PBI expressed the following about the work of PBI:

"I am more aware than ever of the great role you have played and the work you do in my country where everyday horror is greater than fiction, just as I am convinced that I owe my life to you and that of my family too"

Osiris Bayter, ex-President of the Regional Corporation for the Defence of Human Rights [CREDHOS],
Barrancabermeja, Colombia⁶⁴

PBI's experience is that the HRDs always prefer PBI in relation to the armed guards the government sometimes offers as protection to threatened HRDs, as their presence interferes with the HRDs work and also goes against their ideology of non-violence. In addition, there had also been several cases where the HRDs had been attacked by the government forces that allegedly were there to protect them.

The PBI field project in Colombia is successful both in terms of the protection provided to the HRDs and the national and international support networks the project has managed to build up.

PBI has since the onset of the Colombia project worked to maintain a good relationship with the Colombian state. It is also important for PBI to have good relations to other NGO's, stakeholders and states. In 2004, PBI celebrated the tenth anniversary of its stay in Colombia. As a proof of PBI's good relationship with the UN, the anniversary event was attended by the UN Special Representative on Human Rights Defenders, Hina Jilani, and other important figures from the international stage along with human rights defenders

⁶⁴ From PBI Colombia's home page
<http://www.pbi-colombia.org/field-projects/pbi-colombia/where-we-work/?L=0> (Last access 25.05.09)

from Colombia. In short, PBI has become an organisation the Colombian state cannot afford to disregard.

We have already concluded that the state “protection” which allows PBI to work in Colombia is granted by the state so that they can uphold their wanted reputation as a state that takes human rights very seriously. Knowing that the state is one of the main violators of human rights, PBI operates in a dangerous space. The criminal justice system is plagued with impunity and corruption and arbitrary actions represent major problems throughout the system. Many of the HRDs who peacefully promote human rights are singled out for arbitrary intimidation through baseless investigations and prosecutions. Because the unfounded charges often are widely publicized, this is a major force contributing to undermining the defenders⁶⁵. High-ranking government officials continue to make public statements accusing human rights groups and defenders of collaborating with guerrillas. Such statements create an environment of intimidation that makes it difficult for human rights defenders to carry out their legitimate work⁶⁶. The smearing campaign also includes the HRDs accompanied by PBI, and this creates danger for both PBI field volunteers and the HRDs. When being accused of belonging to either side of the conflict, this gives incentive to the other side to kill them. However, it seems like PBI has managed to create legitimacy and credibility with all sides of the conflict. The PBI mechanisms have been successful in Colombia for 15 years and it is great reason to think that they will continue to be as successful in the future.

One of the reasons behind PBI’s success in Colombia is that PBI always goes through with thorough analysis before initiating a field project in a country or expanding their activities to new areas within a country. The careful risk analysis conducted by PBI is the last of the PBI protective mechanisms in this research.

⁶⁵ Human rights *first* report Baseless Prosecutions of Human Rights Defenders in Colombia 2009

⁶⁶ Human Rights Watch World Report 2009

PBI spend much time on evaluating a country before initiating a field project, and they also evaluate areas before they start working there and organisations before accompanying them. This is because the implications of accompaniment are extremely context specific and by bluntly projecting a lesson or rule into a different conflict can have serious consequences (Mahony and Eguren 1997). The risk analysis includes both political and geographical considerations as to where it is safe for PBI to work. Two former field volunteers says that PBI Colombia “*consciously target its accompaniment in regions where state security forces are the major force, avoiding areas where the key players are either drug cartels or “independent” paramilitary groups*” (Mahony and Eguren 1997:249). All though this risk analysis clearly is part of the reason of why PBI is so successful, it also shows a weakness as this means that accompaniment can only be limited to certain geographical areas of the country. HRDs in other parts of the country do not have the possibility of receiving PBI protection.

In other words, we only know for sure that accompaniment works in areas where the state is strong and where PBI can use their mentioned mechanisms to protect their field volunteers and the HRDs accompanied by them. Another conclusion can be drawn from this, that international accompaniment will only work in countries where the state plays a major role in the conflict, and is one of the aggressors. Because all the PBI mechanism (with the exception of the face to face encounters with the armed groups) involves the state, we may draw the conclusion that international accompaniment will not work in countries where non-state forces dominate the conflict (Examples of this are Chad and southern Sudan) (Mahony and Eguren 1997).

Another criticism against the PBI’s international accompaniment, is that it is extremely resource demanding. One or preferably two people accompanying one person for 24 hours a day requires a lot of human resources which are not easy to get a hold of since they work on voluntarily basis. PBI only has the resources to accompany a small percentage of all the HRDs in the country, and one might ask whether the resources could have been used better in long-term projects involving more HRDs. On the other hand there are many NGO’s doing exactly this and no one has seemed to find an alternative as efficient (in terms of

lives spared) as the PBI technique, where according to Mahony and Eguren “*Death squads and government alike have been forced to take notice*” (1997:246).

5.0 Final remarks

5.1 Concluding points

We have seen that the PBI international accompaniment is more than a mere physical accompaniment between a PBI field volunteer and a human rights defender. The accompaniment also consists of a range of different mechanisms aiming to provide a holistic protection of the HRDs accompanied by PBI.

The protective mechanisms include:

- The physical accompaniment itself
- The national network
- The international network
- State “protection”, obtained by the use of deterrence and naming and shaming
- Face-to-face encounters through meetings with the armed actors involved
- PBI risk analysis (with geographical constraints as to where they are willing to work)

With an exception of the PBI meeting activity with the armed actors, all the mechanisms involve the state in one way or another. Even though the state is responsible for some of the human rights violations committed against the HRDs, it still offers some kind of protection to PBI.

It has been argued that the protection has been made possible because the state wants to create a human rights façade, or an impression that they adhere to their human rights obligations. PBI actively uses the naming and shaming strategy to pressure the state into providing protection for the HRDs accompanied by PBI. This works, and the PBI field volunteers and the HRDs accompanied by them, are protected because the state cannot afford being made responsible of human rights violations. This is because the state is

dependent on creating a human rights façade to obtain important trade advantages and receive military aid from the US

We may conclude that even though the physical shield (the accompaniment itself) is crucial, so is also the political shield (the international pressure made possible by naming and shaming strategy). The shields are complementary; without the physical shield, the political shield will not work and vice versa.

Naming and shaming is the most well-known international human rights mechanism, and through this thesis we have seen how pressure put forward on an international level is crucial to the protection of the most important human right of all on a local level, namely the right to life, of the HRDs in Colombia.

5.2 The way forward

Practical recommendations:

- All though the PBI mechanisms of protection seem to work, their greatest weakness is the lack of volunteers. In Colombia they only have 32 volunteers and there are thousands of HRDs who could use their help. Recruitment should be given priority to strengthen the organisation and open up for expansion.
- Accompaniment strategies should be developed to include countries and areas controlled by non-state forces. As we see in the case of PBI Colombia, those accompanied are threatened by either the state or state-controlled groups, or have the possibility to receive protection from the state (after international pressure) and this strategy would not be applicable in countries (like Chad) and areas (like some of the areas in Colombia) where non-state forces are the major human rights violators.

Recommendations for further research:

- International accompaniment works, and the PBI mechanisms are the reasons behind this. Further research focusing on the weaknesses in the mechanism can help making international accompaniment even stronger and as successful in the future.

- Further research should be done to explore the relationship between the state and the armed groups (especially the paramilitary). Has the Colombian state stopped cooperating with them as they claim to have done?
- Further research can also contribute to finding out what PBI can do to expand their scope to include more countries and more HRDs. Is it just a lack of strategy aimed at non-state forces and a lack of volunteers, or are there other hindrances to tackle?
- Further research can include a comparative research to find out whether the findings from this research coincide with the situation in other PBI field projects?

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Appendices

Map of Colombia

