

briefing

Colombia

Religious liberty and freedom of conscience

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Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Universal Declaration of Human Rights, Article 18

I. Executive summary

Religious persecution is rarely associated with Colombia. The complexity of the internal conflict which has convulsed the country for almost half a century, together with the overwhelmingly disastrous human rights situation have both contributed to a lack of awareness of the precise impact of the conflict on communities of faith. Internationally known mega-churches in the largest cities and rapid church growth over the past decades have contributed to a widespread but erroneous perception held both in and outside of the country that, although some Christians may be caught in the crossfire of the decades-long conflict, they are not singled out and persecuted because of their religious beliefs and practices.

While it is undeniable that many Christians in Colombia exercise their right to meet and worship freely, the daily reality for a significant percentage of Colombian Christians is very different. These men and women, particularly those living in conflict zones or areas controlled by illegal armed groups, but also many living in the supposed safety of major urban areas, suffer direct and indirect persecution because of their faith. Across the country, churches have been closed and religious activity forbidden by order of the armed groups, entire Christian communities have been displaced, pastors and church leaders have been marked for assassination. In many cases these threats have been carried out.

In addition to these more direct forms of persecution, Christians pay a high price for actions rooted in their faith. Christian adults and youths who refuse to join illegal armed groups for reasons of conscience and converts to Christianity who wish to leave the armed groups must go into hiding or be killed. Christian families and communities who resist the armed groups' demands, which they find incompatible with their faith, and who, consequently refuse to cooperate, often face horrific and inhumane consequences.

Religious persecution within the context of the conflict is not a new phenomenon. Members of the communities most affected by the violence confirm that violations of religious liberty have been taking place for decades. Unfortunately, a lack of understanding or interest in their situation and a failure to methodologically document these cases has resulted in their almost complete lack of visibility.

The majority of victims come from already historically marginalised communities with little public voice; a significant percentage are *campesinos*, small-scale and subsistence farmers, living in rural parts of the country, and many are from Afro-Colombian or indigenous communities. Since 2003, however, Christian organisations in Colombia have been working to empower members of these communities to document and report violations of religious freedom taking place in their communities. Despite the risks, men and women across the country have been carrying out this work in a coordinated effort to make their plight known. The numbers are sobering – over the past five years more than 200 churches have been forcibly closed, more than 35 pastors and church leaders assassinated, and a further 50 have reported receiving death threats. It should be noted that these numbers refer to documented cases only; they are likely only the tip of the iceberg.

Violations of religious freedom on indigenous reserves, though of a different nature, are also serious. Colombian courts have essentially ruled, in contradiction to Colombia's international human rights obligations, that, when it comes to religious freedom, indigenous Colombians do not have the same rights as the rest of the population. This has resulted in

indigenous Christians being subjected to discrimination, corporal punishment and, in the worst cases, banishment from their lands for refusing to reconvert back to traditional beliefs – all with the tacit support of the state. Indigenous Christians, however, are working together across linguistic, ethnic and geographic barriers to document the violations of religious freedom occurring in their communities and to fight for the respect of their fundamental rights, as set out in the Colombian Constitution and in international covenants.

2. Recommendations

2.1. To the Colombian Government

- The Colombian Government must take the lead in guaranteeing respect for the rights associated with freedom of worship and belief. This includes ensuring that these rights, as set out in Colombia's Constitution as well as in the American Convention on Human Rights (San Jose Pact), the Universal Declaration on Human Rights, and the International Covenant on Civil and Political Rights (ICCPR) are upheld for all inhabitants and citizens of Colombia, including members of indigenous communities.
- The Colombian Government must set an example in respecting the rule of law and should ensure that men and women working on behalf of the Colombian Government, including government leaders, members of the intelligence services and members of the police and military strictly follow international humanitarian law and meet international human rights standards, including those relating to freedom of religion and conscience.
- The Colombian Government, through the offices of the Attorney General, must initiate and carry out investigations into assassinations, attacks and threats made against church leaders, including cases of forced disappearance, and offer adequate protection and security for witnesses and others who denounce human rights violations.
- The Colombian Government must take strong measures to ensure that its armed forces do not forcibly induct minors into the military and should also implement clear channels for conscientious objectors to receive exemptions from compulsory military service in line with the Colombia Constitution, Article 18 of the Colombian Constitution, the Convention on the Rights of the Child (CRC) and the ICCPR.
- The Colombian Government should reach out to representatives of different faith groups in Colombia and ensure their representation in demobilisation and peace talks. As part of this, the Colombian Government should convene the National Council for Peace, as required by Colombian law, in order to ensure that all actors in Colombian society, particularly those from civil society, are given a voice in the search for peace with justice.
- The Colombian Government must increase its aid and support to internally displaced communities and, most importantly, ensure that local and regional governments are held accountable for funds and other forms of aid to IDPs channelled through their offices and agencies. In order to better support IDP communities, CSW strongly encourages the Colombian Government to:
 - Ensure that IDPs receive aid and support not only in sufficient amounts but also for longer periods of time, recognising that most of the internally

displaced in Colombia require aid for longer than the current limit of six months;

- Make certain that concerted efforts are made to help IDP adults to find viable forms of employment and IDP children to continue their studies;
 - Guarantee that IDP communities wishing to return to their places of origin are allowed to do so under conditions of adequate security, and guarantee them the legal rights to the lands that they fled;
 - Reform voter re-registration processes in order to ensure that IDP populations are enfranchised and can exercise their right to vote in local, regional and national elections and referendums.
- The Colombian Government must carry out due diligence in monitoring paramilitary organisations and members of paramilitary organisations which have participated in demobilisation programmes in order to ensure that they have, in fact, fully demobilised and have not resumed their activities.
 - The Colombian Government must allocate sufficient resources for effective follow-up support and protection for those members of the armed groups who agree to demobilise as part of the peace processes and to engage with civil society groups to create comprehensive programmes to assist the demobilised in the reintegration process.
 - The Colombian Government must recognise the rapid resurgence of paramilitary groups across the country and take strong measures to reverse this trend. Investigations into reports of collusion between illegal armed groups and government officials must be carried out. Effective legal mechanisms for the protection of children who are under threat of forcible recruitment or who have already been forcibly recruited by these groups must be implemented immediately.

2.2. To the armed actors

- The armed actors must lay down their weapons, cease all illegal activities, and pursue a negotiated solution to the conflict. As long as hostilities continue, however, CSW calls on all of the armed actors to respect and follow international humanitarian law and meet international human rights standards.
- All parties in the conflict should take immediate measures to ensure that freedom of worship and belief and respect for places of worship are upheld in all parts of the country. This includes allowing churches which have been forcibly shut down to reopen and to guarantee the rights of individual Christians and Christian communities to meet together for religious purposes in all parts of the country.
- The different armed groups must stop targeting church leaders and allow them to carry out their work without hindrance. CSW particularly calls on the FARC-EP to rescind its directive designating evangelical pastors as legitimate military targets.
- All parties in the conflict should immediately cease the practice of forcible recruitment of minors and of adults.

- The armed groups should uphold the right to freedom of conscience and cease singling out for punishment individual men and women and communities who refuse to take part in illegal activities or activities which go against their values and beliefs.

2.3. To the European Union (EU) and EU Member States

- The EU as a backer of the demobilisation and peace processes should continue to press the Colombian Government to ensure that all paramilitary groups participating in the process are fully demobilised. Effective and well-monitored programs for training and reintegration into society should be encouraged and supported as much as possible.
- If and as the Colombian Government and the ELN continue to explore a possible peace process, the EU should seek ways to support this process and to push the parties to incorporate into any peace agreement the concerns and rights of the victims of human rights atrocities committed by both sides.
- The EU gives a substantial amount of humanitarian and development aid to Colombia each year. Much of this is aimed at support for the displaced and “peace laboratories.” The EU should maintain these programmes and also do its utmost to ensure that the aid reaches the target populations, in its entirety.
- In addition, the EU should encourage the Colombian Government to seek more effective ways to support its displaced population, for example by extending the period for which they are eligible to receive aid to longer than six months and ensuring that the displaced populations are enfranchised and guaranteed the right to exercise their right to democratic representation at the local, regional, and national levels.
- While acknowledging the efforts that the EU makes to engage with representatives of civil society in Colombia, and in particular its commitment to support human rights defenders under the Guidelines on Human Rights Defenders, the EU should ensure that it incorporates the representatives of different faith organisations, including the Protestant and Catholic churches, into its dialogues.
- With regard to the Guidelines on Children in Armed Conflict, the EU should also seek ways to improve support for the rehabilitation of child soldiers and increase assistance to agencies and organisations that aid children fleeing forced recruitment by the armed groups. The EU should put pressure on the Colombian Government to cease forced recruitment particularly of juveniles.
- With regard to the Guidelines on Human Rights Defenders, the EU representations in Colombia (including both the Commission Delegation and Presidency representations) should continue to reach out to civil society groups to ensure that they are aware of these guidelines and their implementation. The EU should take into account the fact that human rights defenders carrying out grassroots documentation of human rights violations in volatile regions are particularly vulnerable but also the least likely to be aware of these policies and to seek ways to address this problem.

3. Context

Colombia has been torn apart by violence for almost five decades, beginning with the rise of multiple leftist guerrilla groups in the 1960s and 1970s and, over the last twenty years, the growth of right-wing paramilitary armed groups. These groups all employ similar tactics of violence and intimidation as they vie for power and territory - in terms of land, the narcotics trade and other economic interests. For its part, the Colombian military has often taken an ambiguous position concerning violence between the different groups and has repeatedly been accused of either passively siding with or actively fighting alongside right-wing paramilitary groups.

In November 1998, former President Andrés Pastrana Arango created a demilitarised zone of five districts in southern Colombia and ceded an area the size of Switzerland to the largest leftist guerrilla group, FARC-EP (*Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo*), as part of new peace talks. The FARC-EP, however, used the safe zone to consolidate their authority in the region and as a base from which to continue to carry out violent and illegal activities. During this period, their numbers swelled significantly. Human rights violations within the areas under their control were rampant, and churches in particular reported severe repression and the outright persecution of Christian leaders and communities.

There was a strong public rejection of these Pastrana government policies in relation to the conflict. Following his administration the current president, Alvaro Uribe, was elected on a hard-line platform. One of his first steps was to give the military the approval to retake the areas ceded to the guerrilla groups by Pastrana. Although this secured some areas and has put the FARC-EP on the defensive, it has also led to increased conflict and displacement.

Under Uribe, the Colombian military has repeatedly been accused of human rights atrocities. In 2009, the widespread military practice of killing civilians and passing them off as guerrillas killed in combat was exposed. This, in turn, led to promises by the government, which had denied the reports for years, that prosecutions of those responsible would be carried out.

While pursuing a military solution against the FARC-EP, and entering into somewhat sporadic and thus far unsuccessful preliminary consultations to discuss a possible peace talks with the ELN (*Ejército Liberación Nacional*) President Uribe committed the state to a peaceful demobilisation programme with right-wing paramilitary groups, in particular the AUC (*Auto-Defensas Unidas de Colombia*). It is important to note, however, that a number of paramilitary organisations refused to participate in the demobilisation process. There have been numerous criticisms and questions regarding this process, especially because of long-standing allegations of cooperation between the Colombian military and the paramilitary organisations. In addition, the “para-political” scandal which was first publicly exposed in 2006 continues to widen, and more than sixty politicians from Uribe’s government coalition stand accused of having direct links to paramilitary organisations. There have also been strong criticisms coming from the demobilised paramilitary commanders themselves, who accuse the government of not living up to its side of the bargain. Promises on the part of the government to offer training and education to demobilised members of paramilitary groups were reportedly not implemented in any uniform way.

Although the government asserts that the programme has been a success and paramilitarism no longer exists in the country, it is clear that this is simply untrue. Paramilitary groups were responsible for 500 documented human rights violations in 2007, the highest number since

1996 and four years after demobilisation took place.¹ One “demobilised” paramilitary commander met with CSW in early 2007 to explain his unhappiness with what he perceived to be failures on the part of the government in the demobilisation process, only to be rearrested the following year for remobilising; a fact which in itself belies government claims.² In the first half of 2009, CSW has seen a steep rise in reported threats and attacks against church leaders at the hands of paramilitary groups across the country and particularly in the northern regions which traditionally have been the heart and bastion of paramilitarism.

At the same time, while the government continues to publicly proclaim its success in fighting the guerrilla groups, grassroots human rights defenders in the parts of the country where these groups are present tell a different story. In spite of some significant military victories and the deaths of a number of key members of the FARC-EP secretariat in 2008 and 2009, the areas of the country still controlled by both the FARC-EP and the ELN are not insignificant. In addition, both guerrilla groups maintain a presence in government controlled areas, including major cities, and conflict zones. Serious human rights violations at the hands of both leftist guerrilla groups continue to be reported and documented.

Rather than streamlining the conflict, the demobilisation programme, or rather, the failures of the programme have made it even more complex and convoluted. At times, the two main leftist guerrilla groups, the FARC-EP and the ELN, have reportedly forged "partnerships" as they continue to battle the government. Since “demobilising,” paramilitary groups have splintered into factions and now often fight each other, as well as the guerrillas, for territory and control of the drug trade and other industries. In some parts of the country, however, CSW contacts consistently report that local guerrilla units and paramilitary blocs have actually formed alliances, divvying up territory and cooperating in the drug trade. Over the past few years, much of the activity of the different armed groups has been focused on strategically important and financially lucrative regions of the country. There are consistent reports of forced displacement at the hands of all the groups in these areas.

4. Background and explanatory note

CSW has been investigating religious persecution in Colombia and exploring ways of supporting grassroots initiatives since our first visit to the country in autumn 2003. In late 2004, CSW established a formal partnership with the Commission for Restoration, Life and Peace (CRVP) of the Colombian Federation of Evangelical Churches (CEDECOL) in a joint project with Justapaz, a Mennonite human rights organisation, to build capacity within the Colombian churches to carry out political advocacy initiatives and to provide a structure through which to provide support to the victims of human rights abuses in the country. Over the past few years the CRVP and Justapaz have gathered evidence of widespread violations of religious liberty across the country. The cases are investigated, recorded and compiled by grassroots volunteers who have been trained in documentation and advocacy and do this work at great personal risk.

The project has not, apparently, gone unnoticed. In 2007, the Justapaz office in Bogota, where the database on human rights violations was compiled and stored, was the subject of a highly professional break-in. Those responsible stole the computer hard drives where human rights violations had been saved and which contained extremely sensitive information on individual cases, leaving other more valuable equipment behind. To date, no one has been

¹Wood, Rachel; “Overview of the Colombian Conflict from a Human Rights-Based Methodological Perspective.” *Council on Hemispheric Affairs* 28 July 2009; <http://www.coha.org/2009/07/overview-of-the-colombian-conflict-from-a-human-rights-based-methodological-perspective/>

² See CSW Colombia Visit Report January 2007 <http://dynamic.csw.org.uk/article.asp?t=report&id=67>

identified as responsible for the crime and our partners have had very minimal feedback from the Attorney General's office on progress in the investigation.

Much of the information on the human rights situation in Colombia, and in particular specific violations of religious liberty and freedom of conscience, in this report is sourced from CRVP and Justapaz reports and documentation projects.³ Individual human rights defenders, Colombian legal experts, members of indigenous communities and human rights organisations have also contributed information to this report. Most cannot be named for security reasons.

Cases of human rights violations are given as examples throughout this report, however, many are intentionally kept vague. CSW's first commitment is to the people on whose behalf we work and therefore specific details are only given in cases which have already been made public, where those involved have given CSW permission to do so, and where there is no danger to the people involved. The security situation in most of the regions covered in this report, however, remains extremely precarious. Because of this, in the majority of the cases, specific details are not provided so as not to put people's lives at risk. Despite the lack of detail made public in the report, every case mentioned below has been documented and verified using strict criteria.

It should also be noted that where numbers of documented cases are given, it can be assumed that the number of actual cases is likely to be much higher. Documenting and verifying ongoing human rights violations in areas under the control of or dominated by the illegal armed groups, who are responsible for most of the violations, is extremely difficult for a number of reasons. These include the geographic isolation of many of the communities where victims live. There are also considerable risks both for the victims giving information on the crimes committed against them and their loved ones and for the men and women carrying out the firsthand documentation necessary for this project. A large number of victims are too fearful to speak out or report violations of human rights because of the likely repercussions, meaning a significant number of cases go unreported and undocumented. In addition, there are many communities which cannot be visited or contacted because of their physical isolation and because it is simply too dangerous both for the victims and for those attempting to document or verify their cases.

5. Thanks

CSW wishes to thank our partners at the CRVP and at Justapaz for their ongoing work to document human rights violations across the country. We would particularly like to acknowledge the support and work of Ricardo Esquivia Ballestas, who retired as national director of the CRVP this year. We also express our gratitude to AIPCEC (The Plural-Ethnic Evangelical Christian Interdenominational Association), David Perez of the *Asociacion Betesda*, The CPIEC (Council of Evangelical Indigenous Peoples of Colombia), Open Doors International, and each individual and organisation who contributed information used in this report, although many cannot be named.

Most importantly we wish to recognise and express our deep gratitude to the men and women across the country who, despite the risks, continue to document the human rights violations taking place in their communities as well as to the victims and survivors for their courage in speaking out. This report could never have been written were it not for them.

³ English and Spanish versions of all Justapaz and CRVP reports, "A Prophetic Call", which is produced on an annual basis, can be found on the Justapaz website at www.justapaz.org

6. Religious liberty

Freedom of worship is guaranteed. Every person has the right to freely profess their religion and to disseminate it individually or collectively. All confessions and churches are equally free before the law.

Colombian Constitution, Article 19

6.1. Church closures

Human rights defenders on the ground in Colombia have documented 160 cases of forced church closures over the past two years. The vast majority of the closed churches are located in communities either under the total control of or dominated by illegal armed groups, in particular the FARC-EP and the ELN. The true number of churches which have been forcibly closed by the armed groups may be much higher. Because of the location of the majority of cases and the political dynamics on the ground, there are significant security risks associated with carrying out verification and documentation of these cases, and potentially serious consequences for civilians who report such violations.

Although the FARC-EP and the ELN are responsible for the majority of reported church closures, paramilitary groups have also been implicated in some cases. In one major and strategic urban area, both paramilitary and guerrilla groups have shut down Christian home groups and have forbidden pastors from preaching in the sectors under their control. Pastors in that city report being forced to meet and worship behind closed doors. In a separate case which took place in the early part of 2007, the Águilas Negras paramilitary group threatened a group of Christians in the city of Medellín and tried to force them to close their church, warning them against continuing to evangelise in that part of the city. The church ignored the order, and, apparently as a consequence, the building was broken into and property, including all the church's musical instruments and sound equipment, was stolen. Threats were made against the pastor on a regular basis for the rest of the year. In another, more rural, part of the country, the same paramilitary group regularly interrupted church services, mocking and threatening the pastor. On one occasion, in June 2008, the armed group informed the entire community that they would pay 25 million pesos (approximate €12,000) to anyone who raped a girl in the church building and on another occasion offered children 100,000 (around €35) pesos to start a fight in the building.

FARC-EP appears to be responsible for the majority of church closures. In 2007 the guerrilla group reportedly issued an edict ordering that all churches be closed and prohibiting any meetings for religious purposes across large swaths of Caquetá and Putumayo Departments, threatening anyone who disobeyed this order with death or displacement. The 2007 order was apparently put into full force in April 2008, and pastors were forced to suspend worship and meetings in private homes. In one case, the guerrillas threatened "to burn the church with the Christians inside," if Christians continued to meet for religious purposes and, in another instance in mid-2008, told a Christian couple their home would be burnt down if nightly worship meetings there continued. In a third case, guerrillas told church members that the pastor would be the first to die if they were found violating the orders against religious activity. The guerrillas have made good on their threats on numerous occasions. In a particularly disturbing example in Caquetá in May 2007, two young children, one of whom was only six years old, were severely injured by landmines that had been placed around their home by the FARC-EP after it was discovered that their father was holding secret prayer meetings in the home.

In some regions where churches have been permitted to remain open, the armed groups in the area have specifically forbidden the establishment of any new churches. In August 2008 the FARC-EP shut down a local church as punishment after they discovered the pastor was also working in the surrounding countryside. In some of the areas under the total control of

the FARC-EP or the ELN, church leaders report that the import and possession of religious materials is prohibited.

The armed groups responsible for forcibly closing churches and forbidding religious activity in areas under their control appear to have a number of different motives for doing so. In many of the cases involving the FARC-EP and the ELN, the motivation is presented by the perpetrators as being purely ideological. Victims report being accused of “exploiting the people,” and representing “imperialist interests.” In other cases, however, the primary concern seems to be security – the armed groups impose general curfews, which are applied to churchgoers as well as to the rest of the community. In many of these cases the armed groups appear to be extremely wary of any kind of independently organised meeting taking place at the community level in areas under their control.

In other cases, the rationale for closing churches and forbidding religious activity seems to be that the armed groups perceive, often rightly, that the churches pose a direct threat to their interests and influence. Church groups are viewed with suspicion, particularly because the values, practices and beliefs of churchgoers tend to run contrary to the interests and ideology of the illegal armed groups. These groups appear to believe that by shutting down churches and forbidding expressions of worship, they can minimise the influence and growth of the churches and better exercise their own authority in areas they seek to control.⁴ In these cases it is evident to the armed groups that the nature of their Christian beliefs means that pastors and church members will wish to remain and be considered neutral at the very least; more often, their religious values discourage church members from any involvement in activities associated with the armed groups. This would include cooperation or involvement in the cultivation or processing of illegal drugs, allowing the recruitment of their youth into the armed group, complying with extortion demands, and other types of collaboration including acting as informants. As armed groups usually rely on a system of total submission and/or cooperation in the areas and regions they control, this type of resistance is perceived as a serious challenge to their authority.

6.2. Assassinations, attacks and threats against church leaders

Pastors and church leaders across the country, but particularly in regions controlled by or with a significant presence of one or more illegal armed groups, regularly report receiving threats from these groups. Around 35 cases of targeted assassinations and/or forced disappearances of church leaders and pastors have been documented since 2004. A further fifty cases of death threats made against church leaders have also been documented. Statistics from documented cases indicate that the ELN, the FARC –EP and paramilitary groups are all responsible for these violations although the suspected motives behind the individual cases can differ, even in multiple cases where the same group is implicated.

It should be noted once again that the number of documented cases is most likely only a fraction of the actual number. Because the majority of these violations take place in areas where illegal armed groups have a significant presence, the process of documentation and verification is difficult and dangerous. In addition, victims, including family members of those who have been killed as well as men and women who have been attacked or who have received threats, are extremely fearful about sharing the details of their cases. Reporting these cases can often have swift and deadly consequences for those involved.

Pastors and church leaders are targeted by the armed groups for a number of different reasons. In a few cases involving the FARC-EP and the ELN, the motivation appears to be

⁴ A general characteristic of all of the armed groups is that, as they attempt to consolidate control over a region, they pressure the civilian populations to submit to their absolute authority. Those who resist or attempt to remain neutral are considered to be in collaboration with the enemy.

purely ideological. This is backed up by the fact that over the past nine years multiple FARC-EP defectors have told church representatives of a general FARC-EP order designating all evangelical pastors as legitimate military targets. Pastors are accused by both leftist guerrilla groups of exploiting the people or of maintaining links with “imperialist powers” through their denominational counterparts in North America. On 5 July 2007, two evangelical pastors, Joel Cruz age 27⁵ and Humberto Méndez age 63, were kidnapped, tortured and murdered by the 25th Front of FARC-EP in Huila. According to witnesses, the guerrillas threatened the population and stated explicitly that “they did not want any evangelicals in the area”.⁶ Joel Cruz’s widow told CSW that she believes he was targeted by the guerrillas because of his faith. Members of the community said that they believed FARC-EP was attempting to force all pastors out of the area.

In other cases, however, pastors and church leaders have been killed or threatened because of their resistance to guerrilla orders to stop preaching and/or meeting together for religious purposes. In addition to forcibly closing churches, in some regions the illegal armed groups also forbid pastors from preaching in the areas under their control. Nevertheless, in many of these areas, pastors continue to carry out their ministry in a discreet manner, at times under the cover of darkness. This, however, carries serious risks, and a number of pastors have been assassinated after being discovered. In June 2007, a pastor in Arauca died after being shot nine times by ELN guerrillas in front of his church. There were around fifty witnesses, including his wife and three children, to the event who confirmed that the pastor was assassinated for “conducting worship services in guerrilla territory”. Another pastor, also in Arauca, was assassinated earlier the same year. His fifteen-year-old son, who witnessed the assassination, said that the men asked his father “if he didn’t know worship was prohibited,” before ordering the pastor to take them out in his canoe and subsequently shooting him to death in front of his son.

A number of pastors report being confined to the town limits by the FARC-EP in order to monitor their movements and to prevent them from working in the surrounding hamlets and villages. In one example, a pastor in Putumayo was kidnapped by the FARC-EP for a number of days before being released under the condition he remain within the limits of his town. He was forbidden not only from visiting the surrounding area but also from travelling anywhere at all without the express permission of the guerrillas. In mid-2008, another pastor in Guaviare reported that the FARC-EP had confined him to his village and prohibited him from preaching altogether. In an apparent attempt to stop him from reporting his situation to human rights organisations, they also ordered him not to speak to anyone not known to the FARC-EP.

A significant number of cases involving assassinations, attacks, or threats against pastors are attributed to the pastors’ and or churches’ refusal to cooperate actively with the armed groups. As stated above, all of the illegal armed groups demand total submission and cooperation from the civilian population in areas under their control. In early 2008, churches in Medellín, for example, reported that members of the Águilas Negras paramilitary group had passed out threatening fliers signed by the “the Águilas Negras urban social cleansing unit” and demanded that pastors read them out loud in church services.

⁵ Joel Cruz left a nineteen-year-old wife and infant daughter, who subsequently, under continued threat from the FARC-EP, were forcibly displaced along with members of the extended family – around twenty individuals in total.

⁶ One year later, members of the church, which continued to meet, told CSW that the names of around fifteen members of the church had been circulated on a FARC-EP list of individuals targeted for assassination. In November 2008, four evangelicals were murdered by the FARC-EP in Huila.

All of the armed groups use extortion to fund their activities, requiring regular payments from individuals and groups within the communities. Pastors who, for moral reasons and on principle, refuse to give church funds to these groups become instant targets – partly for financial reasons but mostly because of the example it sets for the rest of the community. CSW has spoken personally with pastors who have explained their moral objections to giving church funds to help finance the illegal and violent activities of these groups and who have seen their families, often their children, threatened as a result. In one case in 2006, a pastor reported being told in vulgar language “that the Christians collected a lot of money yet did not cooperate with anything and so they were going to be screwed”. In that case, those responsible, a remobilised paramilitary group called the Traquetos, threatened the pastor, his wife and his daughters with death if they continued to refuse to cooperate. Despite the danger, he reported the case to the local ombudsman’s office.

At times, the illegal armed groups demand even more active support from pastors and/or their churches. In 2009, a number of pastors in one area of the country reported that they had received phone calls from representatives of paramilitary groups, the Águilas Negras and the Paisas, demanding that the churches offer shelter to wounded members of those groups. In one case the pastor was told a car was waiting outside to take him to collect the men who were in hiding. When he explained that the church could not be used to hide members of the armed groups and referred them to the Red Cross, the caller told the pastor that if he refused to collaborate he would be considered a military target.

Pastors and church leaders are, at times, also targeted for strategic reasons. Across the country, but particularly in small rural communities, pastors play a role as key community leaders in addition to their religious responsibilities. In some cases, pastors and church leaders have been assassinated with the specific aim of provoking the community to flee, leaving their land and property behind. This strategy, especially in remote areas with little or no state presence, is often extremely effective and has been utilised repeatedly by armed groups attempting to take over lands that are strategically important or potentially financially lucrative. In one example in 2008, the forced disappearance and presumed assassination of church leader Azael Hernández, and subsequent threats against other members of the community by remobilised paramilitary groups operating in the region, led to the forced displacement of the entire community of El Murmullo Medio. The members of the community continue to live as internally displaced people (IDPs) near the town of Tierralta in northern Colombia.⁷

A very significant percentage of pastors and church leaders are also being targeted by the armed groups because of their involvement in social and community work. In some cases, this is because the work has a direct impact on the armed group itself. One pastor in Norte de Santander has consistently received threats because of his work focused on the rehabilitation of youths who have left the armed groups. In other cases, pastors and their churches are seen as unwanted rivals by the armed groups in control of the zone. A pastor in the north of Colombia who oversees a number of social development projects in her impoverished community received threats in 2008 from the FARC-EP ordering her to stay within the city limits and to cease training men and women in the surrounding rural villages in how to defend their constitutional rights.

At times, the armed groups seem to object to the fact that the pastor and church are involved in community work at all; a pastor in Medellín reported that he was specifically ordered by a paramilitary group to stop working with the local IDP population. When he

⁷ This was the second time the community had been forcibly displaced. They were originally displaced around twelve years ago, returned two years ago with the support of Accion Social, only to flee once again after the reported torture and presumed murder of Azael Hernandez.

and his wife refused, the paramilitary group, which identified itself as the AUC, attempted to assassinate him. He escaped but he and his family were forced to flee the city and became part of the IDP community they had sought to serve. In another case, in the first half of 2008, the Águilas Negras circulated a list of civilians marked for assassination in Bolívar Department, including the names of a number of Catholic priests from the communities of Tiquisio, Regidor and Morales apparently because of their work in denouncing human rights violations in the region.

6.3. Forced displacement

Colombia has the second highest population of internally displaced people in the world, estimated at up to 4.6 million. At times forced displacement is a result of individuals or entire communities fleeing the general violence in their region as armed groups and/or the Colombian military vie for territory or power. There is also evidence, however, which indicates that entire communities have been and are being displaced on a massive scale in order to empty lands for strategic reasons as well as to make them available for more lucrative projects.⁸

Forced displacement is also frequently used by all of the armed groups as a deliberate means of ridding land which they control, or hope to control, of uncooperative and/or unwanted individuals or groups. Pastors, churches and entire Christian communities in these areas frequently find themselves classified in the “undesirable” or uncooperative category. In December 2007 in central Colombia, a pastor and his wife were forcibly displaced after their name appeared on a guerrilla list of men and women marked for assassination. The reason given for their inclusion on the list was their “preaching about Jesus”. In another case which took place in the first half of 2008, a pastor in Nariño was displaced, along with twenty members of his church after being told by the guerrillas that they would be killed if they did not leave. The pastor reported that the guerrillas were unhappy with the growth of the church.

In some cases, church leaders are particularly targeted for forced displacement in order to reinforce the armed groups’ edicts prohibiting religious meetings and activity. In mid-2008, a pastor and his family in a rural part of central Colombia were forced to flee their village following a direct command from the local FARC-EP commander to leave. The guerrillas demanded that the church close its doors and threatened to bomb the building if their orders were not followed. In another part of the country, the FARC-EP commander ordered that four churches be shut down and then expelled the pastor of one of the churches from the region.

As mentioned above, in cases where churches or pastors refuse to cooperate with armed groups, they often retaliate by forcing the pastor and his or her family – and sometimes the entire community – to flee. One church leader in the Department of Caldas who refused to cooperate with the paramilitary group which controlled the area reported that her children were followed and threatened by members of the paramilitary group. After their house was marked with graffiti saying “military target” the family fled the region. In August 2008, a pastor in south-eastern Colombia was forcibly displaced along with his wife and two children because the paramilitary group which dominates the area, in his words, “did not like his social work.”

⁸ For more information on government failures in addressing and recommendations on improving the plight of the IDP community please see CSW Colombia Visit Report January 2007 <http://dynamic.csw.org.uk/article.asp?t=report&id=67>

7. Freedom of conscience

Freedom of conscience is guaranteed. No one will be harassed because of their convictions or beliefs, nor compelled to reveal them, nor obligated to act against their conscience.

Colombian Constitution, Article 18

7.1. Forced recruitment of youth

7.1.1. Illegal armed groups

Freedom of conscience is one of the most violated rights in Colombia. Unsurprisingly the concept is not recognised by any of the illegal armed groups which consider anyone who does not actively cooperate when called upon to do so as an enemy. All of the illegal armed groups forcibly recruit young people, including minors, into their ranks as a matter of practice.⁹ Youths who are approached by armed groups and “invited” to join their ranks have few options. The only choice for those who do not wish to join, in most cases, is to leave the region – however, for children and young men and women with few resources or outside support this is extremely difficult.

If they do not join voluntarily, they and their families are often threatened or attacked, and they may be kidnapped and taken by force. In late 2007, a single mother of three children, members of the Christian Crusade Church in south-west Colombia, was forced to flee with her family after the FARC-EP threatened to kill them in retaliation for making a formal legal complaint against the armed group for attempting to forcibly recruit her children. The woman told CSW’s partners, “The FARC takes children between twelve and fourteen years old. If they don’t go, they will kill the mother or the father. You can’t report it because if you do they will come and kill the whole family.” The same year, in another part of the country another mother was forced to flee with her five children, all members of the Foursquare Gospel Church, after she refused demands by the AUC paramilitary group to give them her children. Sadly, they did not escape before the paramilitary group managed to take one of her sons who later was killed in a battle with the Colombian military.

The government’s refusal to recognise the continued presence and activity of paramilitary organisations throughout the country, predicated on its insistence that it has successfully eradicated paramilitarism, has created an even more impossible situation for victims of forced recruitment at the hands of paramilitary groups. As the paramilitary organisations are now considered to be criminal entities (the government refers to them as “*bandas emergentes*” loosely translated as “emergent gangs”), victims of forced recruitment by these groups are not eligible to benefit from demobilisation programmes aimed at the illegal armed groups. In the majority of cases, they are also considered to be criminals despite the fact that they had no choice in joining the group in question. CSW is aware of current cases involving Christian youth, victims of forced recruitment, who are unable to leave the groups on one hand because of threats from the group against them and their family members, and on the other hand because the law considers them to be criminals and they cannot benefit from government programmes aimed at recognised illegal armed groups.

Pastors and church leaders who support members of their congregation in resisting forced recruitment often find themselves under fire as well. A number of pastors have told CSW that they received threats after offering spiritual and moral support to members of their church who were under pressure to join armed groups. In some cases, churches offer

⁹ Once “recruited”, youths are given military training. New recruits are often swiftly put in combat or given an assignment that involves violent and/or criminal activity in order to desensitise them, to compromise them in the eyes of the law and to cement their loyalty to the armed group. Young women consistently report being raped and sexually abused by these new recruits.

physical sanctuary to youths who find themselves in this situation, which puts the church and particularly the pastor in a very risky position.

Adults also report being targeted for forced recruitment by the armed groups. Christian men and women who resist these efforts for reasons of conscience do not fare any better than the young. In one case in 2006, Álvaro Ñustes, a 36-year-old member of the United Pentecostal Church of Colombia in the city of Ibagué, was dragged away in the middle of the night by a group of hooded men on horseback and motorcycles. His body was found a few days later; he had been hanged, tied up, and his face had been disfigured with acid. Those close to Ñustes pointed to members of the AUC as responsible and said that the torture and murder were punishment for refusing to collaborate with them.

7.1.2. Colombian military

Despite the provision in Article 18 of the Colombian Constitution indicating that no one can be compelled to do something that goes against his or her conscience, the Colombian Government does not recognise a right to conscientious objection¹⁰ to military service. In practice, this means that Colombian youth are not only vulnerable to forced recruitment by illegal armed groups but, regrettably, also by their own government. Christians from pacifist traditions and others who object to compulsory military service on moral grounds find it difficult and legally complicated to exercise this right.

Even worse, CSW's partners have documented cases where underage Christian youths were taken by force by the military. In one example in 2005, two teenagers on their way to a worship team rehearsal were picked up by soldiers who forced them into their trucks and took them to the local base. One boy was held for fifteen days while the other was released the following day but was told to report for duty within two weeks. In this case, CSW's partners the Commission for Restoration, Life and Peace, the Mennonite human rights organisation Justapaz and pastoral couple from the Missionary Union Denomination intervened to secure an exemption for the two boys.

One year later, in 2006, a teenage schoolboy was detained by soldiers in eastern Colombia. The commanding officer ignored the fact that the youth had a document from the regional government which stated explicitly that it was illegal to recruit him, and took him to the military base. When the young man explained that his parents were pastors and that his religious beliefs did not permit war or the use of guns to kill people he was ridiculed by the commanding officer. According to our partners,

In front of others, the [commanding officer] said vulgar things about [him] and his religious beliefs. [He] was repeatedly left for whole days without food "just because he was a [non-Catholic] Christian." They also pressured him and tried to provoke him so that they would have a reason to punish him. Once, when [he] said he did not want to fire a gun, [the commanding officer] threatened to lock him up in a cell.

Eventually the young man's individual petition to be recognised as a conscientious objector was successful, but only after he had already spent one hundred days in the military. He did not receive any compensation.

¹⁰ UN human rights covenants are vague on the subject of rights associated with conscientious objection. However, on 30 July 1993 the United Nations Human Rights Committee stated that it found conscientious objection to be protected under Article 18 of the ICCPR: "The Covenant does not explicitly refer to a right to conscientious objection, but the Committee believes that such a right can be derived from Article 18, inasmuch as the obligation to use lethal force may seriously conflict with the freedom of conscience and the right to manifest one's religion or belief." (General Comment 22, Paragraph 11)

7.2. Converts within the armed groups

Members of the illegal armed groups who become Christians are very rarely allowed to leave the armed groups voluntarily. As stated above, the armed groups do not recognise “freedom of conscience” and attempting to leave an armed group is seen as an act of betrayal. Men and women who try to do so after converting to Christianity are marked for assassination. A Medellín based pastor told CSW that the church had sheltered a young man and his family for months after he became a Christian and attempted to leave the paramilitary group of which he had been a member. According to the pastor, the young man and his family were unable to leave the church at all throughout the entire period as the paramilitary group stationed armed men across the street to watch for them. Eventually the dynamics of the neighbourhood changed and another armed group took over which allowed the young man and his family to leave and attempt to make a home in another city.

In most cases, however, there is no happy ending. In late 2007 Ezequiel Vidal was killed by several armed men in Córdoba. Vidal was a former member of a paramilitary group but had demobilised along with the rest of the group and had subsequently become a Christian. He was a member of the Ebenezer Church in Santafé de Ralito. Church members indicated that he was targeted because he had been pressured to join the newly structured paramilitary groups but had refused to do so.

7.3. Individual and community cooperation with illegal armed groups

For men and women living in areas controlled or dominated by illegal armed groups, abuses of freedom of conscience can be a daily occurrence. As has been mentioned in this report, all of the illegal armed groups expect total cooperation and submission from the civilian populations in the areas under their control. “Collaboration” can include acting as an informant, holding or hiding goods belonging to the illegal armed group, paying protection money or providing the armed groups with mobile telephone cards, participating in drug cultivation or other aspects of the narcotics trade, and keeping silent about violations of human rights and/or other criminal activity taking place in their communities. While pastors and church leaders are particularly targeted because of their beliefs, influence and their leadership positions within the community, individual men and women are also targeted in different ways. They are all too often forced to make life or death decisions, on a day-to-day basis, by armed groups demanding active collaboration.

Perhaps the most common abuse of individual freedom of conscience takes the form of the protection payments, or the “*vacuna*,” that armed groups expect from individuals, businesses, and other organisations, including churches, in communities where they have a presence. The practice is so prevalent that many Colombians find it to be a normal part of life and, when questioned about human rights violations in their community, neglect to report it. Individuals who refuse to pay the *vacuna*, for whatever reason, usually receive threats against them or their families. Typically, victims report that they are given the choice to pay or leave the area. If they continue to refuse, armed groups torture, murder or forcibly disappear them and/or members of their family.

CSW has interviewed a number of individual Christians who have struggled with, as they see it, the moral question of whether to comply with the armed groups, giving their money to fund illegal and violent activities, or to refuse. In one case, documented by our partner organisations in Colombia, a 23-year-old man was threatened and beaten by ELN guerrillas after his father-in-law refused to pay the *vacuna*, which the ELN had demanded for “the re-establishment of the revolution.” When his mother-in-law begged them, in God’s name, not to hurt them, one guerrilla said, “No ‘God,’ I don’t believe in God, I only believe in this gun I’m carrying... Look, lady, we’re from the Cagua Warrior Front of the ELN and we’re here to settle accounts with your husband. He refused to pay the *vacuna* when we asked for it...” As the father-in-law was not present, the guerrillas took the son-in-law, tied him to a tree

and proceeded to beat him with their rifles, leaving him with a ruptured tendon in one knee among other injuries.

Christians in positions of civil leadership in areas where illegal armed groups are present and/or dominant also often find themselves facing difficult moral questions with potentially deadly consequences. With corruption and the influence of the armed groups endemic at almost all levels of government in Colombia, Colombian officials who attempt to take a moral stand and refuse to participate in corrupt systems and practices often find themselves in the firing line. In 2008 a number of Christians were elected and appointed to local government in a city dominated by both the ELN and FARC-EP. The two guerrilla groups had for years worked with local officials to funnel government funds to their own coffers, and, when the new officials made it clear that this practice would not be continued, a number were assassinated and others left their jobs under duress. At least seven remain in office although they have been told they are considered by both groups to be military targets.

Civil resistance, on the community level, also brings severe consequences. A number of churches in one subsistence farming community in a part of western Colombia totally controlled by the FARC-EP reportedly banded together and refused to cooperate with the alternative economic system set up by the guerrilla group. The guerrillas have made it clear that local population's goods can only be traded through this system and those who refuse to participate are barred from selling or receiving anything, including food. In order to exert added pressure on these churches, the guerrillas have forbidden any of their members from leaving the region, putting them at risk of starvation. In another part of the country, also controlled by guerrillas, the consequences for civil resistance were horrific. In March 2007 a number of men who refused to submit to the order to only sell their goods with guerrilla permission were murdered. The body of one of the victims, a member of the Association of Evangelical Churches of the Caribbean (AIEC) denomination, was found with his testicles cut off. He had been burnt alive.

All of the illegal armed groups depend heavily on the drug trade. CSW has received reports from victims indicating that all of the armed groups regularly attempt to force civilians to participate in the different stages of drug production. One pacifist church community in western Colombia was threatened by paramilitaries who came to the church and ordered them to grow coca and sell it to them, warning them that "there will be consequences if you refuse." In another case, involving the FARC-EP, a married couple was murdered because they had "refused to carry out guerrilla activities." Their murder was followed by death threats against around fifty of their relatives, including their three orphaned children, ordering them to leave the region or be killed. A number of Christians in the area where Joel Cruz and Humberto Méndez were assassinated in 2007 have reported over the past two years that they have been approached by members of the FARC-EP and ordered to work with them or be killed.

8. Indigenous communities

No one shall be subject to restrictions that might impair his freedom to maintain or to change his religion or beliefs.

American Convention on Human Rights "Pact of San Jose, Costa Rica", Article 12 (2)

The religious liberty situation within the indigenous population of Colombia is unique and is rooted in a fundamental conflict between the rights guaranteed in the Colombian constitution to all Colombian citizens and the Law of Autonomy which allows for the use of traditional law and punishment within indigenous reserves. Christians from among these populations, in particular the Kogui, the Nasa/Paez, the Arhuaco and the Misak/Guambianos have repeatedly denounced violations of religious freedom within their communities. The violations they have documented include discrimination, forcible reconversion, corporal punishment, and banishment, at the hands of traditional authorities. Over the past few years, Christians from Colombia's estimated ninety indigenous groups have begun to organise themselves on a national level, despite significant geographic and linguistic barriers, in order to raise awareness of the issue.

Since 2005 and the implementation of the Law of Autonomy, reports of persecution have increased. The Arhuaco, for example, report that over the past four years there have been efforts on the part of traditional leaders to forcibly close churches in the villages of La Caja and Semonorva in the Sierra Nevada. As a result there are almost 600 displaced individuals, including children. The Kogui, also in the Sierra Nevada, have consistently reported similar violations; traditional leaders in these communities have prevented Christian young people from receiving government scholarships allocated for indigenous young people and on numerous occasions have threatened members of the Kogui community who refuse to "reconvert" back to traditional beliefs with banishment. Christian leaders from other indigenous communities have reported the use of corporal punishment and public humiliation on Christians who refuse to reconvert, in some cases Christians were publicly whipped and/or put in stocks for multiple days.

Disappointingly, after a group of Arhuaco Christians filed a lawsuit demanding that their rights to freedom and equality of worship be respected, the Constitutional Court decided in favour of the traditional authorities. The decision essentially affirmed that the collective rights accorded under the Law of Autonomy trump the individual rights of each indigenous person guaranteed by the Colombian Constitution and by the international covenants, including the American Convention on Human Rights, to which Colombia is party. The Court found that following traditional religions was essential to the identity of an indigenous person (as opposed to any other criteria including language, customs, ancestry, culture, family) and on that basis concluded that an indigenous person who converted to another faith or to no faith, without the consent of the traditional authorities, essentially forfeited their "indigenusness." One Christian indigenous leader pointed out the latent colonialist mentality underpinning the Court's decision, "We, the indigenous people, are persons. We, the indigenous people, have the right to think. We have freedom of conscience. What is the conscience? Do we have our own conscience or does someone else think for us? We, the indigenous people, are victims of the old Roman law and we only have *capiti diminutio media*."¹¹

According to legal experts consulted by CSW, the court's ruling does appear to be in contravention of, if not the Colombian constitution, Colombia's international obligations to protect and guarantee the fundamental rights, including the right of the individual to maintain or change his or her religion or beliefs, of all of its inhabitants. It should be noted that the

¹¹ Under Roman law, a lesser or medium loss of status which occurred when a man lost his rights of citizenship, without losing his liberty. It also took away any family rights.

court's ruling does not, of course, solely affect Christians but any member of an indigenous community whose beliefs do not conform to the customary norm dictated by the traditional authorities. Indigenous Christians continue to document the violations committed in their own communities, often at great personal risk, and are seeking other legal remedies and hope to see their religious and other rights upheld by international legal bodies.

9. Conclusion

The situation in Colombia is complex; the scale of the conflict and the numbers of its victims can be overwhelming. When analysing the situation and breaking down the demographics of the men, women and children affected by the conflict, however, it becomes apparent that certain groups of people and communities are particularly and consistently targeted by the different parties involved in the violence. Some, for example members of indigenous and afro-Colombian communities, are often targeted because of who they are and where they live. Others, like trade unionists, journalists and human rights defenders are targeted because of what they do. Christian leaders, communities of faith and the individual members of those communities are targeted, across the country for all of these reasons. In some cases, they are targeted for no other reason than what they believe. In others, they are targeted because of how those beliefs translate into the way they live.

Violations of religious freedom take place on a daily basis in Colombia – however, because of the difficulties and dangers in documenting and reporting these cases alongside the apparent freedom of worship enjoyed by Christians in many more visible parts of the country, the situation has gone unnoticed for far too long. The documentation of these violations, however, is the first step in raising awareness both in and outside the country. The fact that men and women are willing to risk their lives to document these cases and that victims are increasingly finding the courage to speak out despite the potentially horrific repercussions of reporting their cases is, in itself, evidence of how critical they believe their situation to be. However, now that the situation has been made known, thanks to their work, responsibility falls to leaders in and outside Colombia to ensure that their calls for true religious freedom and freedom of conscience do not go unheeded.

10. APPENDIX I – Acronyms

- AIPCEC – The Plural-Ethnic Evangelical Christian Interdenominational Association (*Asociación Interdenominacional Pluriétnica Cristiana Evangélica de Colombia*)
- AUC – United Self Defense Forces of Colombia (*Auto-Defensas Unidas de Colombia*)
- CEDECOL – Colombian Council of Evangelical Churches (*Consejo de Iglesias Evangélicas de Colombia*)
- CPIEC – Council of Evangelical Indigenous Peoples of Colombia (*Consejo de Pueblos Indígenas Evangélicos de Colombia*)
- CRC – Convention on the Rights of the Child
- CRVP – Commission for Restoration Life and Peace (*Comisión para la Restauración, Vida y Paz*)
- ELN – National Liberation Army (*Ejército Liberación Nacional*)
- FARC-EP – Revolutionary Armed Forces of Colombia – Army of the People (*Fuerzas Armadas Revolucionarios de Colombia – Ejército del Pueblo*)
- ICCPR – International Covenant on Civil and Political Rights
- Justapaz – Christian Centre for Justice, Peace, and Non-Violent Action (*Centro Cristiano para Justicia, Paz y Acción No violenta*)