



# TRANSFORMING PAIN INTO RIGHTS

RISKS, THREATS AND ATTACKS ON WOMEN SEARCHERS IN COLOMBIA



AMNESTY INTERNATIONAL



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Eric Javier Muñoz Pérez



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# ACRONYMS

## **ASFADDES**

Association of Relatives  
of Disappeared Detainees

## **AUC**

United Self-Defense  
Forces of Colombia

## **CBPD**

Search Commission for  
Disappeared Persons

## **CED**

Committee on Enforced  
Disappearances

## **CEV**

Truth and Reconciliation  
Commission

## **ICPPED**

International Convention for the  
Protection of All Persons from  
Enforced Disappearance

## **IACHR**

Inter-American Commission  
on Human Rights.

## **CNMH**

National Center for  
Historical Memory

## **FARC-EP**

Revolutionary Armed Forces of  
Colombia – People's Army

## **FNEB**

Nydia Erika Bautista  
Foundation

## **ICMP**

International Commission  
on Missing Persons

## **INMLCF**

National Institute of Legal  
Medicine and Forensic  
Sciences

## **JEP**

Special Jurisdiction  
for Peace

## **SNB**

National System for the  
Search for Persons Deemed  
Missing in the Context of and  
Due to the Armed Conflict,  
Including Victims of Enforced  
Disappearance

## **UARIV**

Special Administrative Unit for  
the Comprehensive Attention  
and Reparation to Victims

## **UBPD**

Unit for the Search for Persons  
Deemed Missing in the Context  
of and Due to the Armed  
Conflict

# 1

# EXECUTIVE SUMMARY

Enforced disappearance is both a crime under international law and a serious human rights violation. When a person is deprived of their liberty and their fate or whereabouts concealed, the lives of their families, loved ones and communities are put on hold while they wait to learn of what has happened to them and where they are. In Colombia, as in other countries in the Americas, many of the people left waiting or searching for their loved ones after an enforced disappearance have turned uncertainty into a force for change. Firstly, to find the victims of enforced disappearance. Second, to demand truth, justice, reparation and guarantees of non-recurrence. Third, to continue the struggle to ascertain the fate and whereabouts of other people's loved ones and to defend human rights.

Women play a leading role in this story. They are the ones who have overwhelmingly taken on the task of searching for the victims of enforced disappearance in Colombia. In doing so, not only have they raised their voices against the injustice of the enforced disappearance imposed on them, but they have also acted as searchers and human rights defenders. In Colombia, taking on these roles means exposing themselves to unacceptable risks, threats and attacks. Whether they are searching for a loved one, helping someone else to search for a loved one, or defending the rights of victims of enforced disappearance and their families, women who search face arbitrariness, impunity and violence, sometimes from the state and sometimes from non-state actors, especially state security forces and armed opposition groups. In most cases, this violence is gendered. The nature of the risks, threats and attacks that women searchers face often intersect with their gender. Among other forms of violence against women, threats relate to their bodies or to their assigned or assumed gender roles, and perpetrators disproportionately use sexual violence against women.

However, women searchers not only continue their work, but also put forward proposals for action to ensure that the state respects, guarantees and protects their rights. The most recent manifestation of this driving force is the approval of Law 2364 of 2024, a proposal that emerged from a group of organizations and communities of women searchers who spoke of their own life experiences, analysed them and used them to draft a bill designed to urge the state to take appropriate measures to end this scourge.

With this report, Amnesty International begins a process of documenting the situation of risks, threats and attacks faced by women searchers in Colombia and, based on this, a process of monitoring the implementation of Law 2364 of 2024, which will continue over the next few years. This first part documents the story of Yanette Bautista, Andrea Torres and the Nydia Erika Bautista Foundation (FNEB), an organization of women searchers and victims of enforced disappearance that accompanies other organizations and communities in their own cases.

## 1.1 ENFORCED DISAPPEARANCE IN COLOMBIA

Faced with the large-scale problem of enforced disappearance in the country since at least the 1970s, victims and human rights organizations, including women searchers, have demanded adequate state responses. Virtually all the armed actors involved in the conflict and the socio-political violence in Colombia have used enforced disappearance as an instrument of social, political, economic and cultural control.

The institutional response to prevent and address enforced disappearances came late, and was ushered in by a victims' movement that did not stop insisting and resisting. Since 1991, with the inclusion in the Political Constitution of the fundamental right of all persons not to be subjected to enforced disappearance, and until 2024, with the approval of Law 2364 of 2024, Colombia has built an institutional and regulatory framework that, in theory, seeks to prevent enforced disappearances and to protect and guarantee the rights of victims, including women searchers.

Unfortunately, the existence of this institutional and regulatory framework has not resulted in the elimination of enforced disappearance as a violent practice in Colombia. Despite a significant decrease in recent years, more than one hundred cases of enforced disappearance are still registered annually, while the victims of past events continue to demand truth, justice, reparation and guarantees of non-recurrence. In the meantime, institutions such as the Search Commission for Disappeared Persons (CBPD), the Attorney General's Office and the Unit for the Search for Persons Deemed Missing in the Context of and Due to the Armed Conflict (UBPD) have made some progress but, although this demonstrates a will, it is not enough given the scale of the problem.

Meanwhile, families, loved ones and communities continue to search for the victims of enforced disappearance. Many of the searchers are women, who have overwhelmingly taken on the burden of the search while they keep up their normal occupations, cope with the damage caused by enforced disappearance, and support others in similar situations.

## 1.2 RISKS, THREATS AND ATTACKS AGAINST THE NYDIA ERIKA BAUTISTA FOUNDATION

Nydia Erika Bautista was forcibly disappeared on 30 August 1987, when she was abducted by members of the 20th Brigade of the Colombian National Army. Her family, including her father and sister, Ynette Bautista, began the search almost immediately, with the support of human rights organizations and others who had experienced the same ordeal. Their perseverance in the search led them to join the Association of Relatives of Disappeared Detainees (ASFADDES) and, together with other families, they engaged in the struggle against enforced disappearances throughout the country, in an environment that was hostile to their work.

Nydia Erika Bautista was found in September 1990, buried in an unmarked grave in a cemetery in Guayabetal (Cundinamarca, Colombia). This only strengthened Ynette and her family's determination to demand truth, justice, reparation, and guarantees of non-recurrence. Both before and after finding Nydia Erika, Ynette and her family were subjected to pressure, threats and attacks, to the point where they were forced into exile in 1997. From there they decided to form FNEB, an organization of women searchers victims of enforced disappearance which, while vindicating Nydia Erika's name and her life story, continues to fight for truth and justice in her case and to support other families and communities in similar circumstances, especially other women searchers.

Ynette, Andrea and FNEB have faced risks, threats and attacks because of their work. In this report, Amnesty International documents events ranging from the public stigmatization of their personal and professional lives, to impoverishment and physical violence. For Ynette, Andrea, and FNEB, searching for victims of enforced disappearance and helping others to do so has resulted in exile, threats, theft of information, raids on their offices and homes, and surveillance of their activities. A particular component is the gendered nature of most of the instances of violence to which they have been subjected.

Despite all this, FNEB continues its work and today accompanies more than 500 cases of enforced disappearance across the country.

### 1.3 THE PROMISE OF PROTECTION FOR WOMEN SEARCHERS THROUGH LAW 2364 OF 2024

The experiences of FNEB and the organizations it supports were drafted into a bill that sought the adoption of measures to respect, guarantee and protect the human rights of all women searchers. Following concerted efforts of advocacy and activism, Law 2364 was finally approved in June 2024.

FNEB, the women searchers it supports and other victims' movements in Colombia are aware that, following approval of a law – an achievement in itself –, the vindication of their rights requires that it is adequately enforced. Amnesty International believes that Law 2364 of 2024 can be a means for the Colombian authorities to settle the historical debt still owed to women searchers. It therefore provides a methodology for monitoring the implementation of the law, a process that it will carry out in the coming years together with FNEB, in the hope that this time the promises will be fulfilled.

With this in mind, Amnesty International recommends in this report that the Colombian authorities promptly and diligently implement the measures contained in Law 2364 of 2024. Throughout the implementation process, they must ensure the participation of women searchers and their organizations in both the planning and the execution and evaluation of the measures, and guarantee that international human rights standards relating to the exercise of the right to search and the protection of women searchers are upheld. The authorities must also ensure that attacks directed against FNEB and its members are diligently investigated and measures taken to protect Yanette Bautista, Andrea Torres and other members of FNEB, as well as the organization as a whole.



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# METHODOLOGY

This report is part of a broader regional effort of research and campaigns to denounce the risks, threats and attacks faced by women searchers in different countries of the Americas and demand changes in state policies to protect their human rights. On 29 August 2024, Amnesty International launched the report *Searching Without Fear. International standards for protecting women searchers in the Americas*,<sup>1</sup> which outlines the legal framework applicable to the international obligations of states in the Americas to protect women searchers. The report is based on three basic assumptions. First, that states are primarily responsible for the search for forcibly disappeared persons and should not delegate this responsibility to family members, loved ones and communities. Second, and without prejudice to the foregoing, that relatives, loved ones and communities of disappeared persons have the right to search for them, either through their own efforts or by participating in those conducted by public institutions. Third, that the state must protect searchers from the risks, threats and attacks arising from this activity.

This report builds on the one cited above and bases its analysis on the international standards outlined therein. It therefore does not include an explicit account of the international obligations applicable to Colombia, but it does examine Colombia's compliance with its international obligation to protect women searchers.

Following a broad consultation process with human rights and victims' organizations, think tanks and experts, Amnesty International decided to make further progress in documenting the risks, threats and attacks faced by women searchers in Colombia. When assessing the current state of affairs on the issue, it became clear not only that the risks, threats and attacks had indeed occurred and were a large-scale problem that did not have sufficient visibility, but that they continue to occur today, perpetuated by a culture of impunity and the recycling of violence. Amnesty International found that women searchers continue to demand that the Colombian state respect, protect and guarantee their rights and recognize their work.

Amnesty International and FNEB jointly developed a strategy for documenting the risks, threats and attacks faced by women searchers that was aimed at promoting the implementation and monitoring of Law 2364 of 2024. FNEB generously shared with Amnesty International its knowledge, its legal and advocacy expertise and its wealth of documentation, with its rigorous identification of the different instances of violence faced by women searchers.

Law 2364 of 2024 was approved in June 2024, three months prior to the closure of research for this report, and thus monitoring of implementation only over this short period of time would not make sense. Amnesty International and FNEB therefore decided to carry out a phased monitoring process over at least the next two years. This will give the Colombian authorities sufficient time to adapt to the new regulatory framework and fulfil the promises contained in the law. This report is the first instalment of this two-year minimum monitoring process on implementation of Law 2364 of 2024, and is divided into three parts. The first presents the overall picture of enforced disappearance in Colombia, the institutional response to it, and the importance of women in the search. The second part documents the risks, threats and attacks that FNEB and its members have faced over time. Lastly, the third part sets out the provisions of Law 2364 of 2024 and the methodology used for monitoring its implementation.

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[1] Amnesty International, *Searching Without Fear. International standards for protecting women searchers in the Americas*, 29 August 2024, <https://www.amnesty.org/en/documents/amr01/8458/2024/en/>.









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their loved ones against all odds. The latest backdrop of their struggle was the Congress of the Republic, where, together with other organizations and collectives of women searchers, they led the drafting and advocacy for the passage of Law 2364 of 2024, a law adapted to their realities and needs. In words that Yanette repeated to Amnesty International on a number of occasions, after decades of searching for their loved ones, these women “opened their eyes and saw themselves”. In the mirror they saw women searchers and human rights defenders whose loved ones had not only been violently taken away from them, but who had also faced unacceptable risks and received very serious attacks and threats as a result of their search for them.

Respecting, protecting and guaranteeing the rights of women searchers in Colombia through the recently approved Law 2364 of 2024 and other legal instruments available, is the minimum necessary to begin to settle the historical debt of recognition of the work of those who filled the vacuum of a state that was not only absent, but in many cases also a perpetrator or accomplice. Women searchers have for decades done what state authorities have failed to do: search for forcibly disappeared persons.

This obligation is all the more important given the scale of enforced disappearances in Colombia. This report provides a brief overview of this crime under international law and serious human rights violation and looks at the institutional response to it and the role of women in the search for forcibly disappeared persons (section 4). Today, with more than 110 000 people identified as forcibly disappeared and estimates suggesting that the total number in the country could be more than 200 000, taking into account the underreporting of cases,<sup>8</sup> the authorities must redouble their search efforts and take all necessary measures to create an enabling space for loved ones, families and communities of forcibly disappeared persons to participate in the search and to search on their own behalf, especially women searchers.

Amnesty International then documents the history, work and achievements of Yanette Bautista, Andrea Torres and FNEB (sections 5, 6 and 7). The life experiences of the Bautista family and FNEB are an example of the type of environment that numerous women seekers have faced over the years in Colombia. In the face of stigmatization, threats, a seven-year exile, stolen information, invasions of privacy, monitoring of activities, violence against women, impoverishment and impunity, Yanette, Andrea and FNEB have continued to demand truth and justice for Nydia Erika and are helping in more than 500 other cases of enforced disappearance in a comprehensive manner.

Finally, Amnesty International introduces the methodology it will apply for monitoring the implementation of Law 2364 of 2024 (section 8). The promises to respect, guarantee and protect the rights of women searchers, made by the Colombian state when enacting the law, must be fulfilled. Amnesty International, together with FNEB, will closely monitor institutional action over the coming years to verify that this is the case.

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[8] CEV, *Hasta la guerra tiene límites. Violaciones de los derechos humanos, infracciones al derecho internacional humanitario y responsabilidades colectivas* [Even War Has Limits. Human Rights Violations, Violations of International Humanitarian Law, and Collective Responsibilities], 2022, p. 169.



# ENFORCED DISAPPEARANCE IN COLOMBIA

## 4.1 ENFORCED DISAPPEARANCE IN COLOMBIA

For decades, enforced disappearance in Colombia has been part of the repertoire of crimes under international law used during armed conflict and socio-political violence for decades. Although it began as a response by the Colombian authorities, particularly the security and intelligence forces, to political opposition, enforced disappearance has evolved throughout the country's history and has been used by virtually all parties to the armed conflict, whether state or non-state armed actors. Today, the situation continues and evolves, and hundreds of people are victims of enforced disappearance every year. At the same time, those searching for their loved ones face intolerable risks, threats and attacks while the state continues to fail to provide a safe space for human rights work, including the search for the disappeared.

The scale of enforced disappearances in Colombia is terrifying. The UBPD has identified 111 640 people “reported missing”, with information updated to 15 March 2024.<sup>9</sup> Meanwhile, according to the CEV, 121 768 victims of enforced disappearance related to the armed conflict were documented between 1985 and 2016. This figure rises to around 210 000 victims when underreporting is taken into account in a phenomenon that is based on deception and concealment.<sup>10</sup>

The profile of the forcibly disappeared in Colombia reveals not only the multiplicity of armed actors who have used this type of violence in the country and their geographical distribution, but also a common factor: the political, economic and/or social marginalization of the victims. Those who have borne the brunt of enforced disappearance are the country's rural and working populations (including farmers, Indigenous Peoples and Afro-descendant communities); union leaders, union members, students and activists and supporters of opposition political parties; and those fighting against impunity and to uncover the truth about what was happening, including lawyers and judicial investigators who dealt with the reports filed and members of human rights organizations amplifying the victims' claims.<sup>11</sup>

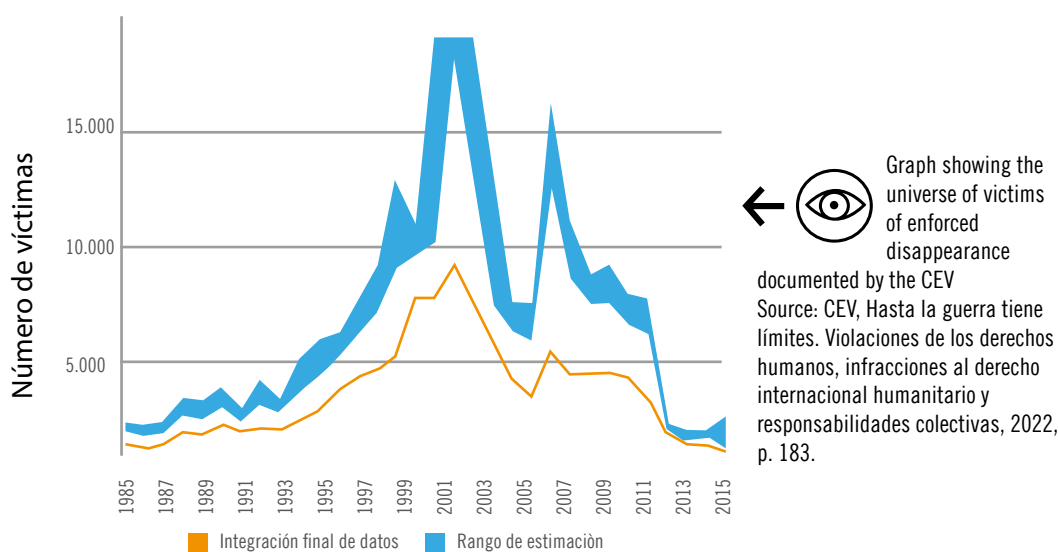
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[9] UBPD, Response to a request for information sent by Amnesty International, 23 July 2024.

[10] CEV, *Hasta la guerra tiene límites. Violaciones de los derechos humanos, infracciones al derecho internacional humanitario y responsabilidades colectivas* [Even War Has Limits. Human Rights Violations, Violations of International Humanitarian Law, and Collective Responsibilities], 2022, p. 169.

[11] CNMH, *Hasta encontrarlos. El drama de la desaparición forzada en Colombia* [Until we find them. The Drama of Enforced Disappearance in Colombia], 2016, p. 17.

## GRAPHIC 1 VICTIMS OF ENFORCED DISAPPEARANCE IN COLOMBIA 1985-2016



*This graph shows the universe of victims of enforced disappearance documented and calculated by the CEV for the period 1985-2016 using two sets of data: the documented population and the estimated universe. The documented population is represented by the yellow line and is a consolidation of the information available in various databases of Colombian institutions and civil society organizations that were available to the CEV and contained information that allowed victims to be identified. The blue area represents an estimate of cases, which takes into account the underreporting due to the uncertainty associated with the statistical process and the concealment of the fate or whereabouts of the victims, and is represented by a range.*

Enforced disappearances first began in Colombia in the 1970s, with the formal ending of the bipartisan model of alternating governments known as the National Front, the consolidation of a diverse social movement, and the crisis of legitimacy that materialized in the 1997 National Strike. In this context, various sectors of the security and intelligence forces used enforced disappearance as a tool to attack political sectors opposed to the government of the day.<sup>12</sup> The turning point was the adoption of the National Security Statute in 1978, an emergency law that extended the powers of the security forces and restricted rights, freedoms and procedural guarantees.<sup>13</sup> With this law, arbitrary detentions and the resulting enforced disappearances became so widespread that even the repeal of the National Security Statute in 1982 did not stop the trend. In fact, in the following years the number of cases increased.<sup>14</sup>

In the late 1980s and early 1990s, the context changed. Various guerrilla groups demobilized and a new political constitution was issued. While that was happening, the number of enforced disappearances decreased.<sup>15</sup> However, with the consolidation of paramilitarism, which would become the main (but not the only) perpetrator,<sup>16</sup> this counterinsurgency strategy was

[12] CNMH, *Hasta encontrarlos. El drama de la desaparición forzada en Colombia*, 2016, p. 100-102.

[13] CNMH, *Hasta encontrarlos. El drama de la desaparición forzada en Colombia*, 2016, p. 100-102.

[14] CEV, *Hasta la guerra tiene límites. Violaciones de los derechos humanos, infracciones al derecho internacional humanitario y responsabilidades colectivas*, 2022, p. 180.

[15] CNMH, *Hasta encontrarlos. El drama de la desaparición forzada en Colombia*, 2016, p. 118-127.

[16] In 2004 Amnesty International documented how the majority of killings, enforced disappearances, forced displacement and torture in Colombia were committed by paramilitary groups. See: Amnesty International, *Colombia: A Laboratory of War: Repression and Violence in Arauca*, 2004. Amnesty International: *Colombia: Scarred Bodies, Hidden Crimes – Sexual Violence against Women in the Armed Conflict*, 2004.







allows any person to request any authority to initiate actions to search for any person whose whereabouts are unknown;<sup>38</sup> ordered the establishment of a National Register of Disappeared Persons, to include all identification details of the disappeared persons and details on the interment and exhumation of unidentified persons,<sup>39</sup> and a registry of captured and detained persons, which mandates that the authorities keep official records of these persons;<sup>40</sup> and provided that families of forcibly disappeared persons could be authorized to assume the management and administration of their assets, and to continue to receive salaries and fees due to them.<sup>41</sup>

Following enactment of Law 589 of 2000, the reality on the ground showed once again that no matter how well designed a law may be, if there is a lack of political will or resources to implement it, its positive impact on people's lives will be limited. For example, the National Register of Disappeared Persons and the CBPD only began operating five years after the law was issued.<sup>42</sup> Moreover, once they did start operating, the dynamics of the Colombian state soon showed implementation failures. The case of the CBPD is a good example, as the lack of interest at the highest levels of government to support and participate in its work and the inability of the CBPD to require institutions to take action rendered it largely ineffective.<sup>43</sup> Despite this, the CBPD did deliver several achievements, the most important being the publication of the National Search Plan in 2007. By 2008, however, very few urgent search mechanisms had actually been activated and, where they had, their results were limited.<sup>44</sup> Finally, the National Register of Disappeared Persons also faced challenges in its implementation, given the loss of data on countless cases due to the very nature of enforced disappearance, the state's ineffectiveness in operationalizing the Register, the inaccurate classification of numerous cases as kidnappings, and the prevailing climate of fear that prevented families and communities from reporting cases.<sup>45</sup>

Subsequently, in the context of the demobilization of paramilitary groups and the approval of Law 975 of 2005, or Justice and Peace Law, which established a special criminal procedure for the "accountability" of demobilized persons who had committed serious crimes, once again the work of family and human rights organizations made progress, this time with respect to the search for forcibly disappeared persons. Broadly, this special procedure established a series of obligations and requirements for perpetrators which, if fulfilled, would result in an alternative sentence more beneficial than what they would otherwise receive.<sup>46</sup> Despite the fact that the Justice and Peace Law did not have specific provisions requiring perpetrators to contribute to the search for the victims of enforced disappearance, as opposed to the obligation to release the kidnapped persons, the organizations saw an opportunity to make progress and mobilized before the Constitutional Court. They were able to secure an amendment to the law requiring the provision of information to determine the fate or whereabouts of the forcibly disappeared as one of the conditions for receiving the criminal benefits that the law provided for demobilized persons.<sup>47</sup>

As from that decision, and with the beginning of the "*versiones libres*" or confessions of demobilized paramilitaries, the Attorney General's Office recognized that it needed tools to centralize the exhumation requests submitted by prosecutors receiving confessions, and

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 [38] Law 589 of 2000, Article 13.

[39] Law 589 of 2000, Article 9.

[40] Law 589 of 2000, Article 12.

[41] Law 589 of 2000, Article. 10. Constitutional Court, Judgment C-400 of 2003, m.p. Jaime Córdoba Triviño.

[42] Decree 4218 of 2005 and Law 971 of 2005. See: María Alexandra López, *The Law of Justice and Peace and the Disappeared: A Critical Evaluation of Forensic Intervention as a Tool of Transitional Justice in Colombia*, 2018, p. 83.

[43] Lisa Haugaard and Kelly Nichols, *Breaking the Silence. In Search of Colombia's Disappeared*, 2010, p. 10.

[44] ICMP, *Colombia's response to enforced disappearances*, 2008, p. 7.

[45] María Paula Vargas, *Re-velar. Expose the main differences of the enforced disappearance's State Records in Colombia*, 2021, pp. 29-31.

[46] For a detailed explanation of the Justice and Peace special criminal procedure: Claudia López, "*La estructura del procedimiento establecido en la Ley de Justicia y Paz* [Structure of the procedure established in the Justice and Peace Law]", in: Andreas Forer and Claudia López, *Colombia: un nuevo modelo de justicia transicional [Colombia: a new model of transitional justice]*, 2012.

[47] Constitutional Court, C-370 of 2006, m.p. Manuel José Cepeda Espinosa *et al.*















affections to the human rights of women human rights defenders;<sup>97</sup> it also documented cases of femicide, sexual violence and cruel, inhuman and degrading treatment by armed groups<sup>98</sup> and the murder of 14 women human rights defenders.<sup>99</sup> Thus, the unfavourable context in which women searchers operate in Colombia is not only due to the search itself, but also to the macho violence and other systems of oppression that remain entrenched in Colombian society and in the Colombian state.



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[97] UN, Human Rights Council, Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights, A/HRC/55/23, 14 February 2024, para. 57.

[98] UN, Human Rights Council, Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights, A/HRC/55/23, 14 February 2024, para. 15.

[99] UN, Human Rights Council, Situation of human rights in Colombia. Report of the United Nations High Commissioner for Human Rights, A/HRC/55/23, 14 February 2024, para. 56.



# THE NYDIA ERIKA BAUTISTA FOUNDATION



←  Yanette Bautista, sister of Nydia Erika Bautista, director and founder of FNEB. Andrea Bautista, niece of Nydia Erika Bautista, deputy director and head of the legal services at FNEB.

© Courtesy of FNEB.

## 5.1 THE ENFORCED DISAPPEARANCE OF NYDIA ERIKA BAUTISTA AND THE FIGHT FOR TRUTH AND JUSTICE

On 30 August 1987, Nydia Erika Bautista, sister of Yanette Bautista and aunt of Andrea Torres, was seized by state agents near her home in Bogotá, after celebrating the first communion of her son Erik Arellana and her niece Andrea Torres. From that day on, the Bautista family had no information about her whereabouts, and that same night the search began.<sup>100</sup> The Bautista family's struggle against enforced disappearance and impunity and for the rights of women searchers is a testament to the resilience of the family members, loved ones, and communities to which victims of enforced disappearance belong. The search undertaken by Yanette Bautista, Andrea Torres and the rest of the family has led them to join family associations, promote the building of legal frameworks and create their own organization in memory of their sister and aunt, and to accompany hundreds of people searching for their loved ones who are also victims of enforced disappearance.

On that 30th day of August, Yanette called Nydia Erika's friends, but received no news. The next day, she went to the Committee for Solidarity with Political Prisoners (CSPP), a human rights organization whose lawyers immediately decided to support the search. Erik Arellana, the son of Nydia Erika and twelve years old at the time, recounts his own experience of the search. "I was taken from house to house, because people were afraid, unsure whether by sheltering us they were also putting themselves in danger. They closed their doors to us. We moved seven times. The nightmares began... At the age of twelve, I was starting to realize how long the struggle for dignity would be."<sup>101</sup> The Bautista family printed posters and put them up in the

[100] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)* [Traces and Faces of Forced Disappearance (1970-2020)], 2013, p. 162.

[101] Erik Arellana, "Las víctimas. Mapoemas, Poemapas", in: *Cartografía de la Desaparición Forzada en Colombia. Relato (siempre) incompleto de lo invisibilizado* [Charting Forced Disappearances in Colombia. An (always) incomplete account of what has been made invisible], 2019, pp. 83-87.

streets, they handed out flyers on buses and minibuses in Bogotá, and they visited hospitals, police stations, the INMLCF and other institutions, but received no answers.<sup>102</sup> As time went by, Yanette and her family's determination to find Nydia Erika led them to join ASFADDES, the first national organization of relatives of victims of enforced disappearance, created in 1982.<sup>103</sup> Despite a completely hostile search environment and constant threats and attacks for speaking out Nydia Erika's name and demanding to know where she was, the Bautista family persevered.



**“Nydia Erika was the eldest daughter of the family, a human being, a mother, daughter, sister, a woman with a university education. Being politically inclined, she was an activist in the M-19 Movement. Her social nature led her to work with the Bosa community on Sundays, building schools and housing.”**

Yanette Bautista, Nydia Erika Bautista: 17 años después, in: Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia, 2004, p. 195 © FNEB

The search lasted for more than three years. In 1990, Eduardo Umaña Mendoza, one of the lawyers advising them, was contacted by a former military intelligence officer who informed him that Nydia Erika's remains and those of other victims of enforced disappearance were located in the cemetery of Guayabetal (Cundinamarca), near Bogotá.<sup>104</sup> The only institution that acted was the Inspector General's Office, following a complaint filed by Publio Alfonso Bautista, the father of Nydia Erika and Yanette. Based on the information provided to Umaña, the Special Investigation Unit of the Inspector General's Office searched the cemetery of Guayabetal on 26 July 1990 and found the remains of Nydia Erika Bautista in an unmarked grave. Yanette, who was present at the time, recognized her clothes and an earring, and stated from that first day what was later confirmed by forensic experts in September 1990: they had found Nydia Erika.<sup>105</sup> Recalling that moment, Yanette told Amnesty International that she could already then see the signs of torture and sexual violence.<sup>106</sup>

The former officer who contacted Umaña and provided information that served to find Nydia

[102] Yanette Bautista, *Nydia Erika Bautista: 17 años después* [*Nydia Erika Bautista: 17 years later*], in: Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia [Night and Fog. Overview of human rights and political violence in Colombia], 2004, p. 196. CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 163.

[103] ICMP, Mapping of organizations of families of missing persons and of other organizations of the civil society: Colombia, 2020, pp. 29-30.

[104] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 163. Amnesty International, Colombia: Further evidence of army responsibility for “disappearances”, <https://www.amnesty.org/en/documents/amr23/023/1991/en/>, p. 17.

[105] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, pp. 164-165. Amnesty International. Colombia. Selected cases for campaigning human rights violations. <https://www.amnesty.org/en/documents/amr23/018/1998/en/>, p. 7.

[106] Amnesty International interview with Yanette Bautista, August 2024.



the decision of the Inspector General's Office on grounds that the mode of notification had been illegal, an appeal that was granted on two occasions. The prosecutor in charge of the case, Hernando Valencia Villa, was subjected to multiple pressures and threats and was ultimately forced into exile in August 1995.<sup>114</sup>

After endless legal proceedings, appeals filed by those sanctioned and contradictory rulings by various judicial bodies, including declaring the dismissal null and void due to procedural errors and ordering the payment of wages not received,<sup>115</sup> in 2014 the Council of State fully confirmed the dismissal of Álvaro Velandia Hurtado.<sup>116</sup> For the first time in the country's recent history, a general of the Republic was dismissed for acts related to enforced disappearances and other serious human rights violations.<sup>117</sup>

Despite the progress and commitment of an important section of the Inspector General's Office in the investigation of the enforced disappearance of Nydia Erika Bautista and the disciplinary proceedings against the perpetrators, the performance of the criminal justice system has been, to say the least, inadequate. Today, despite the fact that witnesses have provided testimony since the first proceedings began,<sup>118</sup> those responsible continue to enjoy absolute impunity and the Bautista family has had to fight for truth and justice for more than 30 years, since Publio Alfonso Bautista filed the first complaint on September 25, 1987 in a criminal court in Bogotá.<sup>119</sup>

Over the years, the investigation was handled by criminal judges, the military criminal justice system and the Attorney General's Office. The Bautista family faced continued struggles at each of these instances of justice. They spent years entreating the Attorney General's Office to move the case forward; they persevered in defending their right to due process and not to have the case heard by the military criminal justice system, in what would be a serious human rights violation;<sup>121</sup> and they succeeded in having the investigation returned to the ordinary justice system. However, impunity remains to this day.<sup>122</sup>

**“For 27 years we, the relatives of Nydia Erika Bautista, have appealed to all available judicial and disciplinary instances, both national and international, demanding the right to truth and justice. But justice has been blind, deaf and mute: they have not listened to us.”**

Statement by Yvette Bautista on occasion of the filing of an action for review before the Supreme Court of Justice, 2014.<sup>120</sup>

[114] Amnesty International. Colombia. Selected cases for campaigning human rights violations. <https://www.amnesty.org/en/documents/amr23/018/1998/en/>, p. 7.

[115] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 169-170.

[116] Council of State of Colombia. Administrative Litigation Chamber. Section Four. Filing 11001-03-15-000-2010-00076-03 (AC). Judgment of 6 March 2014.

[117] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 167-168.

[118] Yvette Bautista, *Nydia Erika Bautista: 17 años después*, in: Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia, 2004, p. 196.

[119] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 170.

[120] José Alvear Restrepo Lawyers' Collective, *Familiares de Nydia Erika Bautista presentan Acción de Revisión ante el alto Tribunal [Relatives of Nydia Erika Bautista file an Action for Review before the High Court]*, 2014, <https://www.colectivodeabogados.org/familiares-de-nydia-erika-bautista-presentan-accion-de-revision-ante-el-alto-tribunal/>.

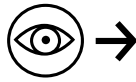
[121] Constitutional Court. Judgment T-806 of 2000. MP Alfredo Beltrán Sierra. CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, pp. 173-176.

[122] Amnesty International interview with Andrea Torres, June 2024



Jesús Pedraza, the first lawyer of the Bautista family and a member of the CSPP, was forcibly disappeared, after being held by people who identified themselves as members of the state security agencies.<sup>132</sup> In 1998, months after the Bautista family had left the country, Eduardo Umaña Mendoza, who had also been their lawyer, was murdered.<sup>133</sup>

Over the years, Erik Arellana, the son of Nydia Erika Bautista, has carried out artistic actions and interventions in public spaces to demand truth and justice, to make the enforced disappearances visible and to challenge an indifferent society in the face of this serious violation of human rights. This was one of his first graffiti.



© Erik Arellana. HREV, Apuntes para disputar la memoria [Notes to challenge memories], 2022.

## 5.2 THE WORK OF THE NYDIA ERIKA BAUTISTA FOUNDATION IN COLOMBIA

FNEB was born in exile, when Yanette Bautista, Andrea Torres, Erik Arellana and their family were prevented from returning to Colombia due to the threats and attacks they received as a result of their work against enforced disappearance. In Geneva (Switzerland), in 1999, a group of human rights defenders from Germany, Switzerland, Colombia and Mexico met while carrying out advocacy work before the United Nations Organization and decided to form an organization with a name that would honour Nydia Erika Bautista.<sup>134</sup> In Yanette's words, exile and socio-political violence determined the birth of FNEB.<sup>135</sup>

FNEB began its work in Germany and was legally constituted in Colombia in 2007. It is still operating today, despite the risks, threats and attacks to which they have been subjected and the generally unfavourable national context for the defence of human rights. Since its inception, FNEB has been an organization of victims of enforced disappearance and sexual violence that accompanies other victims who are in the same situation as its members and, as such, it is an association of relatives of victims of enforced disappearance.<sup>136</sup> FNEB has two marked identity characteristics. First, it is determined by the historical experience of fighting for truth and justice in the case of Nydia Erika Bautista. Second, it is made up mostly of women defending the right to equality and to a life free of violence, so it is also considered a women's organization.<sup>137</sup> This latter characteristic also underpins the organization's gender-based approach in all of its activities.

[132] IACHR. Report No. 33/92. Case 10.581. Colombia. 25 September 1992.

[133] Human Rights Watch, *War without Quarter. Colombia and international humanitarian law*, 1998.

[134] CNMH, *Entre la incertidumbre y el dolor. Impactos psicosociales de la desaparición forzada* [Between uncertainty and pain. Psychosocial impacts of enforced disappearance], 2014, p. 150.

[135] Amnesty International interview with Andrea Torres, June 2024

[136] Amnesty International interview with Andrea Torres, June 2024


[137] Amnesty International interview with Andrea Torres, June 2024





## Jennifer Cortés Gómez



←  Jennifer Cortés Gómez, woman searcher, niece of Fernando Gómez and cousin of Eder Orlando Panqueva.  
© FNEB

Eder Orlando Panqueva and Fernando Gómez Panqueva left Bogotá in a Dodge 100 van bound for Tauramena (Casanare). On 17 July 2003, in Monterrey (Casanare), they were subjected to enforced disappearance in what was reported from the beginning as an act by the Peasant Self-Defence Forces of Casanare, who even demanded a large sum of money from Fernando's family as ransom.<sup>[141]</sup>

Jennifer is the niece of Fernando Gómez Panqueva and cousin of Eder Orlando Panqueva. In an interview with Amnesty International, she spoke of the uncertainty into which they were plunged as family members when they lost track of their whereabouts. She was about to turn 15 and experienced first-hand the process of reporting and searching that her cousins initiated. She remembers, for example, her mother going to a house where a group of paramilitaries was staying while negotiating with the government within the framework of what would later be known as "Justice and Peace" to ask about her brother, but obtaining no news. After that, they were no longer able to go past the spot, although it was quite close to their own home.<sup>[142]</sup>

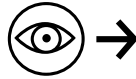
Jennifer and her family approached FNEB, which offered them support in the search for their loved ones. Unfortunately, Fernando's wife died without knowing his whereabouts and Jennifer's mother died of breast cancer, awaiting a reparation that the state has not yet delivered. Jennifer later started officially working for the Foundation, initially in file keeping. More than 10 years later she is still there, now working in Administration

[141] CINEP, *Noche y niebla. Casanare: exhumando el genocidio* [Night and Fog. Casanare: exhuming genocide], 2009, p. 44.

[142] Amnesty International interview with Jennifer Cortés, August 2024.

## NANCY GALÁRRAGA MENESES

Nancy Yanira Galárraga Meneses,  
Yeny Patricia, Mónica Liliana, Nelsy  
Milena y María Nelly.



© Nancy Galárraga



Nancy is the sister of Elsy Milena, Jenny Patricia, María Nelly and Mónica Liliana, victims of enforced disappearance, sexual violence and torture on 1 January 2001 at the hands of the Southern Bloc of Putumayo of the United Self-Defence Forces of Colombia in La Dorada (Putumayo).<sup>143</sup> Despite the difficulties and seeing how their own community turned their backs on them in their search and stigmatized them,<sup>144</sup> Nancy and her mother, Blanca Nieves, persevered for years demanding that the perpetrators provide information on the whereabouts of her sisters.<sup>145</sup> This exposed them to living under constant death threats from the armed group and ultimately led to their forced displacement.

During the nine years they spent searching alone, Nancy went to all the places where she had been told her sisters were and marked them.<sup>146</sup> Since 2006, when the Attorney General's Office set up a branch office in the town, Nancy contributed decisively to the search for victims of enforced disappearance in La Dorada. She explained to Amnesty International that her complaints broke the silence in town. Finally, in 2010, the remains of the Galárraga Meneses sisters were found, identified and handed over to their family.<sup>147</sup> Throughout this time, Nancy and her family were forcibly displaced on several occasions. In 2007, she had to leave La Dorada with her mother, nephews and nieces for two months. She came back to continue her search activities, and a few months later was attacked by the same armed group and forced to flee once again to Bogotá. Because of the recurrent forced displacements, Nancy lost contact with family members and friends and was unable to practice her traditions.<sup>148</sup>

Nancy, like Yanette, was invited to be part of one of the delegations of victims who travelled to Havana to present their demands to the Colombian government and the FARC-EP guerrillas during the peace negotiations that ended in 2016. Despite her tireless work and having found her sisters, Nancy considers that the authorities have still not guaranteed her rights, in particular her right to an adequate reparation. Today, after years of searching, Nancy continues to work for the rights of forcibly disappeared persons and women searchers, now as part of FNEB, where she has contributed to the documentation, legal and memory sections.<sup>149</sup>

[143] Amnistía Internacional, "Eso es lo que nosotras exigimos. Que se haga justicia". Impunidad por actos de violencia sexual cometidos contra mujeres en el conflicto armado de Colombia, 2011.

[144] IACHR, Report No. 19/20, Petition 1520-10, Admissibility Report, Yenny Patricia Galárraga Meneses et al., Colombia, 25 March 2020, para 1.

[145] IACHR, Report No. 19/20, Petition 1520-10, Admissibility Report, Yenny Patricia Galárraga Meneses et al., Colombia, 25 March 2020, para 4-5. Amnesty International interview with Nancy Galárraga, August 2024.

[146] Desaparicionforzada.com, Nancy Galárraga, <https://desaparicionforzada.com/nancy-galarraga/>.

[147] Alliance of Women Weavers of Life, En altavoz. La voz de las mujeres tejedoras de vida del Putumayo [Speaking out. The voice of the women weavers of life in Putumayo], 2014. El Espectador, Justicia para las Hermanas Galárraga Meneses [Justice for the Galárraga Meneses sisters], 8 July 2010, <https://www.elespectador.com/actualidad/justicia-para-las-hermanas-galarraga-meneses-article-212516/>.

[148] Amnesty International interview with Nancy Galárraga, August 2024. Written document delivered by Nancy Galárraga to Amnesty International, 20204.

[149] Amnesty International interview with Nancy Galárraga, August 2024.



## 2014: THREATS AGAINST HUMAN RIGHTS DEFENDERS BY A GROUP CALLED ÁGUILAS NEGRAS



**Record of the flyer with the list of human rights defenders threatened in 2014, in which Yanette's name is mentioned twice © FNEB files**

were in conflict with the Colombian state. A clear example was documented by the IACHR in its request for provisional measures for the protection of the rights of ASFADDES members, where it states that the commander of the 5<sup>th</sup> Brigade of the Army labelled the organization “guerrilla sympathizers”.<sup>154</sup>

One of the most publicized cases of stigmatization experienced by Yanette Bautista occurred in 2014. Álvaro Uribe Vélez, at the time newly inaugurated as a senator, was summoned to a debate on paramilitarism and drug trafficking in which he was said to have links with these groups. In his statement to the Colombian Congress, he referred to Yanette, without providing any evidence, as an “ELN guerrilla member in Catatumbo”.<sup>155</sup> The context: her participation in a delegation of 12 victims of the Colombian armed conflict who travelled to Havana to put their demands before the ongoing negotiations between the national government and the FARC-EP.<sup>156</sup> A process with which Uribe Vélez openly and publicly disagreed.

But this stigmatization had already begun days before the debate by other actors. Yanette had been included in a list of human rights defenders to whom a paramilitary group called *Águilas Negras* (Black Eagles) had sent death threats via email and a flyer.<sup>157</sup> As the newspaper *El Espectador* reported at the time, in their threats the group described the people on the list as “communist guerrillas”.<sup>158</sup> The email referred to a “blacklist” of persons, including Yanette, who an organization was declaring were a “military target”. The message read something to this effect: “We are going to finish you off one by one, you fucking guerrillas with your motherfucking peace story, you want to continue screwing the country, you and your organizations will pay with your blood. We know where each one of you and your family members are, so prepare to die.”<sup>159</sup>

While Yanette was stigmatized on national television by one of the most popular senators of the time – who had been President of the

[154] Inter-American Court of Human Rights. Case of Alvarez *et al.* Provisional measures requested by the IACHR in the matter of the Republic of Colombia. Order of the Inter-American Court of Human Rights of 11 November 1997, para. 2.b.

[155] Semana, *Los trapitos al sol que sacó Uribe* [The dirty laundry Uribe brought out], 16 September 2014, <https://www.semana.com/nacion/articulo/debate-de-cepeda-uribe-los-trapitos-al-sol-que-saco-el-expresidente/403123-3/>.

[156] Paz con Mujeres, *Las víctimas en La Habana* [The victims in Havana], 14 January 2021, <https://humanas.org.co/pazconmujeres/las-victimas-en-la-habana/>.

[157] RCN Radio, *ONU lamenta amenazas contra víctimas que viajaron a La Habana* [UN laments threats against victims who traveled to Havana], 9 September 2014, <https://www.rcnradio.com/colombia/como-lamentable-califico-la-onu-amenazas-contra-victimas-que-viajaron-la-habana-el-la>. FNEB, Complaint filed on 27 September 2014, FNEB files.

[158] El Espectador, *En 3 días han amenazado de muerte a 182 defensores de Derechos Humanos* [In 3 days, 182 human rights defenders have been threatened with death], 10 September 2014, <https://www.elespectador.com/bogota/en-3-dias-han-amenazado-de-muerte-a-182-defensores-de-derechos-humanos-articulo-515914/>.

[159] FNEB, Complaint filed on 9 September 2014 with the Attorney General’s Office, FNEB files.



## 6.2 PHYSICAL VIOLENCE

The search for victims of enforced disappearance and the exercise of human rights in Colombia involve extraordinary risks, especially for women.<sup>168</sup> Threats to their physical integrity and attacks, which can even take the form of killings and enforced disappearances, are constant. In the case of women searchers, this violence has a special character and causes differentiated harm, as it is crossed by gender-based violence, by their vulnerability to sexual violence and by a continuum of violence against women that is expressed throughout the search exercise. The case of Yanette Bautista, Andrea Torres and FNEB illustrates this reality. In their interviews with Amnesty International, they referred to at least sixteen separate instances of threats and attacks against them or their relatives, with consequences as serious as prolonged exile to protect their lives.

### 6.2.1 THREATS AND EXILE

In the early days of the search for and the fight against impunity for the disappearance of Nydia Erika Bautista, threats were common. For example, the CNMH explained that as a result of the resolution of the Inspector General for Human Rights who ordered the dismissal of Brigadier General Álvaro Velandia Hurtado, the Bautista Montañez family, and Yanette Bautista in particular, received numerous threats and were subjected to acts of intimidation and harassment. Thus, for example, on 16 September 1994, Yanette Bautista and Gloria Herney Galindes, also a member of ASFADDES, received death threats.<sup>169</sup>

The situation escalated to such an extent that the IACHR granted precautionary measures twice to ASFADDES, including Yanette Bautista and some of her relatives, and in 1997 the Inter-American Court of Human Rights granted provisional measures, given that the risk did not cease and the attacks continued. This was pointed out in July 1997 by the Court, when it referred to the request presented by the IACHR: “[I]n regards to Ms. Yanette Bautista, Legal Director and Ex-President of the Association, the Commission states that on December 23, 1996, the DAS agent that visited Ms. Evidalia Chacón [an ASFADDES official at the time] ... tried to check on her whereabouts and other details and indicated that they were doing so in order ‘to take measures to avoid that something would happen to her’. The Commission also states that the imminent judicial decision in the case of the disappearance of her sister would affect her.”<sup>170</sup> And in November 1997 it again reiterated, as follows: “The communication from the Commission of July 16, 1997, through which it informed the Court of subsequent stalking of and threats to Yanette Bautista, Erik Antonio Arellano Bautista and José Publio Bautista.”<sup>171</sup>

**“It’s been 7 years since we left Bogotá, the whole family is scattered and some are no longer with us. The first to go was Grandma Domy, then it was Yayita’s turn, and two years later Toñín. They died of moral pain, of the lack of love caused by exile and loneliness. Everything is the same as it was 17 years ago, and yet everything has changed.”**

*Yanette Bautista, Nydia Erika Bautista: 17 años después, in: Noche y Niebla. Panorama de derechos humanos y violencia política en Colombia, 2004, p. 199..*

[168] CDF, Concluding observations on the additional information submitted by Colombia under article 29 (4) of the Convention, CED/C/COL/OAI/I, 2 June 2021, paras 24-25.

[169] CNMH, *Huellas y rostros de la desaparición forzada (1970-2020)*, 2013, p. 182.

[170] Inter-American Court of Human Rights. Case of Alvarez *et al.* Provisional measures requested by the IACHR in the matter of the Republic of Colombia. Order of the Inter-American Court of Human Rights of 22 July 1997, para. 4.a.

[171] Inter-American Court of Human Rights. Case of Alvarez *et al.* Provisional measures requested by the IACHR in the matter of the Republic of Colombia. Order of the Inter-American Court of Human Rights of 11 November 1997, para. 5.

In 1997, the situation became unsustainable given the number and nature of the threats, and the family was forced into exile to safeguard their lives. In the weeks prior to this, pressure from the intelligence agencies and the military criminal justice system had focused on getting the Bautista family to hand over the remains of Nydia Erika Bautista for a second exhumation. In other words, they demanded that her remains be handed over to the same military brigade that had disappeared her. The family refused, demanding guarantees of impartiality, due diligence and dignified treatment. The cost of resistance was felt personally by Yanette Bautista. As she told Amnesty International, during this period Yanette was hospitalized with necrotizing pneumonia, which has left her with bronchiectasis and a lung capacity reduced by 60%.<sup>172</sup> Although they managed to prevent Nydia Erika's remains from being exhumed at the time, institutional pressure and threats forced them into exile. And there, rather than abandon the struggle, they decided to found FNEB in 1999 to continue defending the rights of victims of enforced disappearance from exile.<sup>173</sup>

**“When we returned, we had to start from scratch. Starting from scratch means arriving at a human rights meeting where, after seven or ten years in exile, nobody greets you and you have to introduce yourself. Nobody knows who you are.”**

*Amnesty International interview with Yanette Bautista, June 2024*

In 2007 Andrea and Yanette met again in Bogotá and decided to formally establish FNEB to continue their work from inside the country, returning from exile despite the risks that remained. Threats and attacks did not take long to return, with two particular components: on the one hand, the constant violation of their privacy and intimacy, which took the form of surveillance, entry into their homes and workplaces and the theft of information; on the other hand, the implicit and explicit gender-based violence in the threats they constantly received.<sup>174</sup>

So much so that in December 2010 the Colombian Ministry of the Interior and Justice ordered that FNEB be placed under collective protection.<sup>175</sup> Despite this, some of the protection measures ordered for Erik Arellana and Andrea Torres were still not being properly implemented in 2011,<sup>176</sup> and in 2012 others were lifted because, according to FNEB, the authorities considered that the risk to which they were exposed was ordinary.<sup>177</sup> The effectiveness and validity of the protection measures in favour of Yanette, Andrea and other members of their family and FNEB have varied over time and they still have measures in place and in force to this day.

## 6.2.2 INFORMATION THEFT AND INVASION OF PRIVATE SPACES

In 2011, 2013, 2015 and 2022, in events that the authorities have not yet clarified, Yanette and Andrea reported the theft of computers and storage disks with sensitive information belonging to FNEB.

In May 2011, the theft occurred in the middle of a public event attended by relatives of victims of enforced disappearance and human rights organizations. The complaint subsequently filed by FNEB stated that, when they checked the hotel cameras, they identified around

.....  
[172] Written account delivered by Yanette Bautista to Amnesty International, 2024.

[173] Sebastián Cuellar, *Becoming activists of meaning: Resisting violence and enforced disappearance in Colombia*, 2022, p. 49.

[174] Amnesty International interviews with Yanette Bautista and Andrea Torres, June 2024

[175] Ministry of the Interior and Justice, Communication of 9 December 2009 with FNEB, FNEB files.

[176] FNEB, Communication of 3 October 2011 with the Ministry of the Interior and Justice, FNEB files.

[177] FNEB, Complaint filed on 10 February 2012 with the Attorney General's Office, FNEB files. FNEB, Communication of 16 February 2012 addressed to the Director of the National Protection Unit, FNEB Files.





Ultimately, information theft impacts FNEB ability to carry out its work and, above all, to preserve the memory of years of struggle and persistence. Yanette described it in these terms: “They stole our past and they’re also stealing our future.”<sup>186</sup> In addition, they not only put at risk the safety of FNEB members, but in many cases also involve a violent intrusion of their private spaces.

In their conversations with Amnesty International, Yanette and Andrea referred to at least three other instances of entry into their homes, in 2002, 2018 and, in Andrea’s case, 2022.<sup>187</sup> For example, in January 2018 Yanette reported that a man was surprised by neighbours and local security guards trying to enter her home at night. She was later told that the man was escorted outside by the National Police and quickly released, without any enquiries being made.<sup>188</sup> Yanette and Andrea told Amnesty International that three days after Andrea’s return to Colombia from exile, the family home was entered into without a search warrant by the National Police.<sup>189</sup>

Perpetrators have also made the workplace unsafe. In January 2019, for example, FNEB reported that its national headquarters, located in Bogotá, had been attacked and the front windows on the ground floor broken.<sup>190</sup> In addition to this attack and to the theft of information and work tools, Andrea and Yanette constantly receive strange visitors and “silent” phone calls, and generally experience an environment of constant surveillance.<sup>191</sup> In 2021, black crosses were left on the door after the Foundation began to accompany victims of police violence as a result of the National Strike.<sup>192</sup>

### Record of the attack on the front windows of the nydia erika bautista foundation office in 2019



La sede de la Fundación Nydia Erika Bautista queda ubicada en el barrio La Soledad, en Bogotá. / Cortesía.

© El Espectador

[186] Amnesty International interview with Yanette Bautista, June 2024

[187] Amnesty International interviews with Yanette Bautista and Andrea Torres, June 2024. Written account of attacks and threats provided by Yanette Bautista and Andrea Torres to Amnesty International, 2024.

[188] FNEB, Complaint filed on 6 February 2018 with the Attorney General’s Office, FNEB files

[189] Written account delivered by Yanette Bautista to Amnesty International, 2024.

[190] El Espectador, “Atacan sede de FNEB en Bogotá” [FNEB headquarters in Bogotá attacked], 12 January 2019, <https://www.elespectador.com/judicial/atacan-sede-de-la-fundacion-nydia-erika-bautista-en-bogota-article-833765/>. FNEB, Complaint filed with the Attorney General’s Office, FNEB files.

[191] Amnesty International interviews with Yanette Bautista and Andrea Torres, June 2024

[192] FNEB, Complaint filed on 22 July 2021 with the Attorney General’s Office, FNEB files







Behind this, they say, is Colombia's systemic impunity, exacerbated by violence against women and the invisibility and marginalization of the experiences of women searchers. No branch of justice has responded to the stigmatization, threats and attacks they have suffered throughout their years of searching and defending human rights. The message is clear:

**“You are invisible, you are nobody; they are not important, the issue is not important and therefore we don't investigate it.’ The result, of course, is impunity.”**

*Amnesty International interview with Yanette Bautista, June 2024*



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case of Nydia Erika Bautista, as in the confirmation of the lack of competence of the military criminal justice system to hear cases of serious human rights violations.<sup>215</sup> FNEB has also worked to make enforced disappearances in Colombia visible to the international community, such as by obtaining the first decision on the issue by the United Nations Human Rights Committee on Colombia, regarding the enforced disappearance of Nydia Erika Bautista.<sup>216</sup>

In their work, Yanette, Andrea and FNEB have also been recognized for their role in advocating for the rights of victims in negotiated peacebuilding processes. One of the most important events was the delegation of victims of the armed conflict of which Yanette was a part and which involved travelling to Havana to present her views to the national government and the FARC-EP guerrilla. Yanette also received the Shalom Prize in 1999 and the Human Rights Award from Amnesty International Germany; in 2012 FNEB received the “Antonio Nariño” Franco-German Human Rights Award, for their work to empower the relatives of victims of enforced disappearance, their struggle for truth and justice and their contribution to the search for peace in Colombia.<sup>217</sup> In 2023, Yanette received the Colombian National Human Rights Award for “Lifetime Achievement”.

FNEB, together with eight collectives and associations of women searchers from different regions of Colombia, recently led the passage of Law 2364 of 2024, which recognizes and provides comprehensive protection for the work and rights of women searchers for victims of enforced disappearance. The law, which was drafted after a process of documentation of the risks, attacks and threats against women searchers carried out by FNEB and submitted to the CEV, has the potential to improve the quality of life of hundreds, if not thousands, of women searchers throughout the country.

**“We seek to transform women from objects of violence into social and political subjects, and ultimately into defenders of human rights and women’s rights.”**

*Interview by Yanette Bautista with Amnesty International, June 2024*



[215] Constitutional Court. Judgment T-806 of 2000. MP Alfredo Beltrán Sierra.

[216] UN. UN Human Rights Committee. Communication No. 563/1993: Colombia. CCPR/C/55/D/563/1993. 13 November 1995.

[217] CNMH, *Entre la incertidumbre y el dolor. Impactos psicosociales de la desaparición forzada*, 2014, p. 150. La Patria, Fundación Nydia Erika Bautista receives Franco-German peace prize, 14 December 2012, <https://archivo.lapatria.com/nacional/fundacion-nydia-erika-bautista- recibe-premio-de-paz-franco-aleman-21890>.





## 8.1 THE CONTENT OF LAW 2364 OF 2024

According to the preamble to Law 2364 of 2024, the need to protect women searchers arises from “the reality that during their search for the disappeared, women suffer sexual violence, deprivation of liberty, kidnapping, threats, forced recruitment, harassment of their children or siblings, intelligence operations, extortion, larceny, theft of information, forced displacement and/or exile with serious consequences for their physical and mental health.”<sup>222</sup> Despite this, the existing legal framework did not include specific measures for the protection of the rights of women searchers. Law 2364 of 2024 is the promise made by the Colombian state to respect, guarantee and protect these rights.

Unfortunately, it is not uncommon in Colombia for laws to be passed and then to be applied only to a limited extent or not at all. Amnesty International has already documented elsewhere that the problem in Colombia is not the lack of institutions, instruments or protection mechanisms, but rather regulatory hyperinflation, institutional duplication and a lack of inter-institutional coordination in implementation.<sup>223</sup> The overall picture is one of half-kept or unfulfilled promises. Meanwhile, women searchers continue their work, searching despite the risks, threats and attacks, defending their rights and demanding that the state fulfil its obligations.



FNEB and the organizations it supports led advocacy initiatives for the approval of Law 2364 of 2024.

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Referring to them as “those who, individually and/or collectively, have dedicated themselves to the continuous and systematic search for victims of enforced disappearance”,<sup>224</sup> Law 2364 of 2024 recognizes women searchers as peace builders and subjects of special constitutional protection, and establishes the duties that the state has towards them and the measures it must take to protect them.<sup>225</sup>

### 8.1.1 GUIDING PRINCIPLES AND RIGHTS OF WOMEN SEARCHERS

Law 2364 of 2024 is based on the recognition of previous obligations on the part of the state. First, the law establishes a series of guiding principles for the interaction of the Colombian state with women searchers: dignity, equality and non-discrimination, integrity, non-revictimization, participation, do no harm and exercise caution, co-responsibility, intersectionality and interculturalism.<sup>226</sup> This is in addition to the mandates that the law itself establishes for protection in relation to violence against women.<sup>227</sup>

[222] Congress of the Republic of Colombia, Gazette of Congress, Year XXXI, No. 1314, 25 October 2022, pp. 23-24.

[223] Amnesty International, Hope at Risk: The lack of a safe space to defend human rights in Colombia continues, 9 November 2023

[224] Law 2364 of 2024, Art. 3. [Unofficial translation of the Spanish provided by Amnesty International whenever an article of the law is quoted.]

[225] Law 2364 of 2024, Art. 1.

[226] Law 2364 of 2024, Art. 4.

[227] Law 1257 of 2008 and Law 2215 of 2022.

Secondly, the law reaffirms the rights of women searchers under international law and the Political Constitution of Colombia and orders the state to respect, guarantee and protect such rights. These include the right of access to justice, access to information, truth and historical memory, full reparation and guarantees of non-recurrence, public recognition of their work, protection and guarantees for their safety during the search, differential psychosocial care, unconditional financial support from the state for those in a situation of particular vulnerability, to a dignified reputation, to family unity, to the inclusion of Indigenous and Afro-descendant cultural rights, to support for public and social awareness-raising, to guidance for organizational training, to participation in peace processes and decisions affecting their rights, to the adoption of awareness-raising, prevention, care and protection measures, and to logistical and operational support for the search.<sup>228</sup>

## 8.1.2 RECOGNIZING WOMEN SEARCHERS AND THEIR WORK AND PREVENTING STIGMATIZATION

Law 2364 of 2024 contains measures aimed at settling the Colombian state's historical debt with women searchers. While they searched, the state not only failed to recognize them, but also victimized them.

First, the law mandates the UBPD, in coordination with the Ministry of Equality and Equity, the Office of the High Commissioner for Peace, the UARIV, the Attorney General's Office, the JEP and the CBPD and with the participation of women searchers and their organizations, to submit an annual report in the first quarter of each year to various committees of the Congress of the Republic. Such report must include an account of the results of the National Search Plan, the situation of the victims of enforced disappearance, the implementation of Law 2364 of 2024 itself, the participation of women searchers in peace efforts, and the implementation of the observations and recommendations of international bodies to Colombia.<sup>229</sup>

Second, it mandates the creation of the Single Register of Women Searchers, to be managed by the UARIV. In coordination with the UBPD and organizations of victims of enforced disappearance, this register will issue certifications to attest to a woman's status as searcher.<sup>230</sup> The Ombudsperson's Office and municipal and district offices must also keep a register of women searchers in their jurisdictions and submit this as input for the Single Register of Women Searchers.<sup>231</sup> The national government, with the participation of organizations of women searchers, must regulate the terms and conditions for accreditation as a woman searcher and the procedure for carrying out their registration within one year.<sup>232</sup>

Third, the law declares 23 October of each year as the National Day of Recognition of Women Searchers for Victims of Enforced Disappearance, "in recognition of the substantial and sustained contribution they have made to the search for truth and justice, the defence of human rights, historical memory, the guarantee of non-recurrence and, in particular, the right to search for victims of enforced disappearance."<sup>233</sup> And it instructs the national government to apply to the United Nations through its diplomatic service for global recognition of an International Day in Recognition of Women Searchers for Victims of Enforced Disappearance.<sup>234</sup> On that day, the state media must broadcast video, audio and other multiplatform, digital and convergent content, through the media at their disposal, on the observations and recommendations received by Colombia on enforced disappearance, the general situation of victims of enforced disappearance, the application of comprehensive care and protection

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[228] Law 2364 of 2024, Art. 7.

[229] Law 2364 of 2024, Art. 9.

[230] Law 2364 of 2024, art. 19.

[231] Law 2364 of 2024, Article 13.

[232] Law 2364 of 2024, art. 19, paragraph.

[233] Law 2364 of 2024, Art. 5

[234] Law 2364 of 2024, Art. 22.





Second, as a preventive measure, the law mandates the national government to implement measures to encourage reporting and to strengthen investigations into cases of crimes against women searchers.<sup>254</sup>

Third, the law also mandates the Colombian state to ensure that women searchers can participate in all initiatives and public policies for the construction of the truth, either individually or collectively.<sup>255</sup>

## 8.2 METHODOLOGY FOR MONITORING THE IMPLEMENTATION OF LAW 2364 OF 2024

As can be seen from the description in the previous section, Law 2364 of 2024 contains a series of measures for guaranteeing the rights of women searchers by the Colombian state. The content and scope of each of these measures is specific, and their correct implementation depends on the functioning of a complex set of mechanisms and institutions. Monitoring compliance with the law therefore requires a consistent methodology for analysing each of these measures, the institutions responsible for their implementation, the progress made and, where applicable, the deadlines set.

To this end, the measures described have been grouped into four main areas, in line with the rights of women searchers that they seek to guarantee, and simplified into statements with concrete, observable and measurable commitments.<sup>256</sup> Beginning with the second report in this series, each commitment will be independently evaluated on a four-point scale: (i) implementation of the commitment has not begun; (ii) implementation of the commitment has begun; (iii) implementation of the commitment has made significant progress; (iv) the commitment is being consistently implemented or has already been fulfilled.

Amnesty International will monitor a total of 22 commitments across the four areas. Information on each commitment, the institution responsible, the deadline for compliance and the status of implementation will be recorded in a monitoring matrix that will be updated for each report. In addition, the report will include details of the rationale for the decision to classify each of the commitments into a particular status of implementation, and Amnesty International's considerations in this regard.

For the purposes of monitoring implementation, Amnesty International will rely, in the first instance, on the organizations of women searchers with knowledge on the issue, in particular FNEB. One of the basic principles of this exercise is that not only are they the ones most interested in the implementation of the law, but that the knowledge and expertise they have developed through decades of searching and activism is valuable to this assessment and should be recognized. In addition, Amnesty International will regularly consult with the Colombian institutions responsible for each of the commitments, interview experts and monitor media outlets that record implementation milestones.

Monitoring will also take into account two further considerations. First, one of the central pillars of Law 2364 of 2024 is the participation of women searchers and their organizations in decision-making processes on matters that affect them. To that extent, when assessing the implementation of a particular commitment, consideration of effective engagement will be at the heart of the assessment. Second, implementation of each of the commitments contained in Law 2364 of 2024 must be in line with the international human rights obligations that bind the Colombian state.

Finally, it is important to note that a number of commitments contained in Law 2364 of 2024 assign responsibility for implementation to the national government or to broad groups

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[254] Law 2364 of 2024, Art. 12.

[255] Law 2364 of 2024, art. 21.

[256] This approach is based on the methodology designed by the Kroc Institute at the University of Notre Dame for monitoring the implementation of the Final Agreement to End the Armed Conflict and Build a Stable and Lasting Peace. See: Kroc Institute, Methodology for monitoring implementation of the Colombian Peace Agreement, <https://peaceaccords.nd.edu/barometer/methodology>.



## 8.2.1. MONITORING MATRIX FOR THE IMPLEMENTATION OF LAW 2364 OF 2024

| AREA 1 – RECOGNIZING WOMEN SEARCHERS AND THEIR WORK AND PREVENTING STIGMATIZATION                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                         |                                                                                          |        |   |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------|---|---|---|
| COMMITMENT                                                                                                                                                                                                                                                                                                                                                                                                      | AUTHORITIES RESPONSIBLE                                                                                                                                 | DEADLINE                                                                                 | STATUS |   |   |   |
|                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                         |                                                                                          | 0      | 1 | 2 | 3 |
| 1.1 Submit an annual report to the Congress of the Republic with information on the results of the National Search Plan, the situation of victims of enforced disappearance, the implementation of Law 2364 of 2024, the participation of women searchers in peace efforts and the implementation of the observations and recommendations of international bodies to Colombia                                   | UBPD                                                                                                                                                    | <b>For implementation:</b><br>First quarter of each year<br><br><b>Frequency:</b> Yearly |        |   |   |   |
|                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Coordinating with:</b><br>Ministry of Equality and Equity, Office of the High Commissioner for Peace, UARIV, Attorney General's Office, JEP and CBPD |                                                                                          |        |   |   |   |
| 1.2 Create the Single Register of Women Searchers                                                                                                                                                                                                                                                                                                                                                               | UARIV                                                                                                                                                   | <b>For regulation:</b> One year<br><br><b>Frequency:</b> Implemented once, then ongoing  |        |   |   |   |
| 1.3 Issue the relevant certification attesting to the status of woman searcher                                                                                                                                                                                                                                                                                                                                  | UARIV and UBPD                                                                                                                                          | <b>For regulation:</b> One year<br><br><b>Frequency:</b> Ongoing                         |        |   |   |   |
| 1.4 Registration of women searchers and delivery of information as input for the Single Register of Women Searchers                                                                                                                                                                                                                                                                                             | Ombudsperson's Office                                                                                                                                   | <b>For implementation:</b> No deadline<br><br><b>Frequency:</b> Ongoing                  |        |   |   |   |
| 1.5 Broadcast of video, audio and other multiplatform, digital and convergent content on the observations and recommendations received by Colombia regarding enforced disappearance, the general situation of victims of enforced disappearance, the application of comprehensive care and protection measures for victims of enforced disappearance and the participation of women searchers as peace builders | State media system                                                                                                                                      | <b>For implementation:</b> 23 October of each year<br><br><b>Frequency:</b> Yearly       |        |   |   |   |
| 1.6 Apply to the United Nations for global recognition of 23 October of each year as the Day of Recognition of Women Searchers for Victims of Enforced Disappearance                                                                                                                                                                                                                                            | Ministry of Foreign Affairs                                                                                                                             | <b>For implementation:</b> No deadline<br><br><b>Frequency:</b> One-time event           |        |   |   |   |
| 1.7 Ensure the meaningful participation of women searchers in the processes of developing public peace policies that may be implemented in the country                                                                                                                                                                                                                                                          | National government (institution to be determined)                                                                                                      | <b>For implementation:</b> Immediately<br><br><b>Frequency:</b> Ongoing                  |        |   |   |   |
| 1.8 Develop public policies, plans, programmes and awareness-raising measures for public officials who are responsible for assisting women searchers                                                                                                                                                                                                                                                            | Ministry of Justice and Law.                                                                                                                            | <b>For implementation:</b> No deadline<br><br><b>Frequency:</b> Ongoing                  |        |   |   |   |

| 1.9 Adopt strategies to focus on actions to guarantee comprehensive care and protection for women searchers and the promotion of instruments for their participation in the public policy agenda to combat enforced disappearance | UBPD                                                                                                          | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Not set |        |   |   |   |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------|---|---|---|
|                                                                                                                                                                                                                                   | <b>Coordinating with:</b><br>Ministry of Equality and Equity                                                  |                                                                            |        |   |   |   |
| <b>AREA 2 – PROTECTING WOMEN SEARCHERS FROM ATTACKS AND THREATS</b>                                                                                                                                                               |                                                                                                               |                                                                            |        |   |   |   |
| COMMITMENT                                                                                                                                                                                                                        | AUTHORITY RESPONSIBLE                                                                                         | DEADLINE                                                                   | STATUS |   |   |   |
|                                                                                                                                                                                                                                   |                                                                                                               |                                                                            | 0      | 1 | 2 | 3 |
| 2.1 Make available to women searchers measures for intersectoral psychosocial, legal and forensic care                                                                                                                            | National government (institution to be determined)                                                            | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 2.2 Include in the agenda an analysis of risks and violations of the rights of women searchers and take the necessary measures for their participation                                                                            | Social policy councils, Peace Councils, Territorial Committees for Transitional Justice and Security Councils | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 2.3 Prioritize requests for risk assessments and the implementation of measures for the protection of the lives, safety and personal integrity of women searchers                                                                 | National Protection Unit                                                                                      | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 2.4 Promote the coordination, articulation and implementation of comprehensive prevention, protection and safety measures for women searchers                                                                                     | Human Rights Office of the Ministry of Interior                                                               | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
|                                                                                                                                                                                                                                   | <b>Coordinating with:</b><br>Ministry of Equality and Equity                                                  |                                                                            |        |   |   |   |
| 2.5 Include prevention, care and protection programmes for women searchers and their families in development plans                                                                                                                | Municipalities, districts and departments                                                                     | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 2.6 Provide information and advice to women searchers and their organizations on the institutional services available and the routes for accessing such services                                                                  | Municipalities and districts                                                                                  | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| <b>AREA 3 – GUARANTEEING THE RIGHT TO EDUCATION, HOUSING AND HEALTH FOR WOMEN SEARCHERS AND THEIR FAMILIES</b>                                                                                                                    |                                                                                                               |                                                                            |        |   |   |   |
| COMMITMENT                                                                                                                                                                                                                        | AUTHORITIES RESPONSIBLE                                                                                       | DEADLINE                                                                   | STATUS |   |   |   |
|                                                                                                                                                                                                                                   |                                                                                                               |                                                                            | 0      | 1 | 2 | 3 |
| 3.1 Establish criteria for prioritizing and targeting applications from women searchers in order to grant tuition benefits, higher education grants and student loans for them and their first- and second-degree relatives       | Basic, secondary, technical and higher public education institutions                                          | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 3.2 Adopt measures to facilitate the admission and permanence of women searchers and their first- and second-degree relatives in the education system                                                                             | Basic, secondary, technical and higher public education institutions                                          | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
| 3.3 Establish mechanisms to ensure that families in which at least one member is a woman searcher have timely access to subsidies and social housing or housing improvement programmes                                            | Ministry of Housing and Department for Social Prosperity                                                      | <b>For implementation:</b><br>No deadline<br><br><b>Frequency:</b> Ongoing |        |   |   |   |
|                                                                                                                                                                                                                                   | <b>Coordinating with:</b> Local authorities                                                                   |                                                                            |        |   |   |   |



| 3.4 Strengthen psychosocial and comprehensive health care programmes and develop and implement specific measures for women searchers within them                                                                                                                                                                                                | Ministry of Health and Social Protection           | <b>For regulation:</b> Six months<br><b>Frequency:</b> Ongoing      |        |   |   |   |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|---------------------------------------------------------------------|--------|---|---|---|
| 3.5 Register women searchers and their first-degree relatives, as well as their spouse or permanent partner, with the subsidized health system as a matter of priority, provided they are not contributors to or beneficiaries of the contributory system, after verification, favourable opinion and authorization from the Ministry of Labour | Ministry of Health and Social Protection           | <b>For regulation:</b> Six months<br><b>Frequency:</b> Ongoing      |        |   |   |   |
| 3.6 Ensure priority access of older adult women searchers to age and disability related social protection programmes                                                                                                                                                                                                                            | National government (institution to be determined) | <b>For regulation:</b> Six months<br><b>Frequency:</b> Ongoing      |        |   |   |   |
| <b>AREA 4 – MEASURES AGAINST IMPUNITY AND FOR TRUTH</b>                                                                                                                                                                                                                                                                                         |                                                    |                                                                     |        |   |   |   |
| COMMITMENT                                                                                                                                                                                                                                                                                                                                      | AUTHORITIES RESPONSIBLE                            | DEADLINE                                                            | STATUS |   |   |   |
|                                                                                                                                                                                                                                                                                                                                                 |                                                    |                                                                     | 0      | 1 | 2 | 3 |
| 4.1 Implement measures to encourage reporting and to strengthen investigations into cases of crimes against women searchers                                                                                                                                                                                                                     | National Government (entity to be determined)      | <b>For implementation:</b> No deadline<br><b>Frequency:</b> Ongoing |        |   |   |   |



the regulations of the Intersectoral Commission were adopted, the four technical committees were formed and discussions began on the roadmap for the participatory development of a comprehensive public policy (the roadmap was later adopted in an asynchronous session).<sup>266</sup> During the second meeting, the strategic plan of the National Search System was debated and the guidelines for participation at the different levels were discussed.<sup>267</sup>

Among the decisions taken at these meetings was the approval of a seven-step roadmap for the participatory development of public policy on awareness, prevention, search and identification. The roadmap sets out a series of milestones for the development of the policy, starting with the definition, together with civil society organizations, of the strategy for meaningful participation in the formulation of the public policy; and progressing towards the consolidation of a technical and legal assessment; the definition of objectives, policy lines, a timeframe and an implementation plan; social and institutional validation; the consolidation, approval and adoption of the public policy; communication and appropriation; and, ultimately, its effective implementation.<sup>268</sup> According to information provided to Amnesty International by the responsible institutions, full implementation of the roadmap is expected to be completed by November 2024.<sup>269</sup>

On various occasions, both in written communications<sup>270</sup> and in face-to-face information-sharing spaces,<sup>271</sup> the institutions responsible for leading the National Search System have explicitly referred to the link between its implementation and that of Law 2364 of 2024. The relevance of the comprehensive public policy that must be approved within the framework of the National Search System as a coordination space for the implementation of measures to guarantee the rights of women searchers has been specifically mentioned.

Amnesty International considers it desirable and necessary that the mechanisms for prevention, attention and protection of the rights of women searchers be coordinated with those already in place. As explained earlier in this report, it is clear that the proliferation and multiplicity of mechanisms, institutions and instruments for resolving complex issues of rights guarantees in Colombia has been identified as one of the factors preventing the proper fulfilment of the country's obligations. Any effort of coordination and streamlining is therefore welcome.

However, it is important to remember that the Colombian state has a number of separate obligations regarding women searchers that it must comply with. Both international law<sup>272</sup> and Colombian legislation, through Law 2364 of 2024, make this clear. Thus, the institutions responsible for implementing the commitments contained in the law must ensure that their enforcement does not depend on external factors and that recognition of the work and rights of women searchers is not diluted in between more general efforts to comply with their other obligations.

For this reason, in monitoring implementation of Law 2364 of 2024, Amnesty International will take into account that the National Search System and the public policy that must be created within it may be a means of fulfilling the commitments contained in the law, while bearing in mind that they are independent. At the same time, Amnesty will also monitor implementation

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[266] Ministry of Justice and Law, Response to a request for information submitted by Amnesty International, 17 July 2024, annex: "*Propuesta de hoja de ruta para la formulación participativa de la política pública integral de atención, prevención, búsqueda e identificación, reencuentro o entrega digna*. [Proposal for a roadmap for the participatory development of the comprehensive public policy of care, prevention, search and identification, reunification or dignified handover]."

[267] UBPD, Response to Request for Information by Amnesty International, 23 July 2024.

[268] UBPD, Response to Request for Information by Amnesty International, 23 July 2024.

[269] Ministry of Justice and Law, Response to a request for information submitted by Amnesty International, 17 July 2024, annex: "*Propuesta de hoja de ruta para la formulación participativa de la política pública integral de atención, prevención, búsqueda e identificación, reencuentro o entrega digna*."

[270] Ministry of Justice and Law, Response to a request for information submitted by Amnesty International, 17 July 2024.

[271] Amnesty International interview with members of the Ministry of Justice and Law, August 2024. Amnesty International interview with UBPD members, August 2024.

[272] Amnesty International, Searching without Fear. International standards for protecting women searchers in the Americas, 29 August 2024.





# CONCLUSIONS AND RECOMMENDATIONS

Enforced disappearance is a stain on Colombia's past and a tragedy in the present. Every day, thousands of people wake up wondering where one of the more than 200 000 victims might be. Every day, somewhere in the country, a person, probably a woman, wakes up searching for a loved one who was taken from them and about whom they have no news.

In this report, Amnesty International has provided an overview of the problem of enforced disappearances in Colombia and an account of the institutional response to it. Amnesty International has also acknowledged the importance of the work of women searchers in establishing the fate and whereabouts of forcibly disappeared persons, seeking justice, advancing the legal framework, and resisting neglect and impunity. The conclusion reached, after decades of monitoring the human rights situation in the country, is similar to that reached when analysing other issues: Colombia has institutional and legal instruments to respond to enforced disappearance, but these are complex to use and have limited impact due to lack of will, capacity and coordination. The result is a country in which various institutions search, some more successfully than others, while enforced disappearances continue to be committed. Against this backdrop, loved ones, family members and communities continue to search for forcibly disappeared persons. Most of those searching are women. In doing so, they face unacceptable risks, threats and attacks, as a result of being searchers, human rights defenders and women.

The story of the lives, struggle and resistance of Yanette Bautista, Andrea Torres and FNEB is a tangible example of this. More than thirty years after the enforced disappearance of Nydia Erika Bautista, they not only continue to shout out her name to vindicate her memory, but also support more than 500 cases of enforced disappearance in the country. FNEB is an organization of women searchers, victims of enforced disappearance, who, together with other groups and communities, support and build processes of search, accountability and capacity building that have yet to receive due recognition by the Colombian state.

The violence suffered by Yanette Bautista, Andrea Torres, FNEB and its members and other members of the Bautista family, documented here by Amnesty International, constitutes a violation of a number of human rights. The numerous obstacles to their work constitute violations of their right to search for Nydia Erika Bautista and other victims of enforced disappearance, and of their right to defend human rights. Constant stigmatization affects their right to honour, human dignity and freedom from discrimination. Repeated threats and the monitoring and surveillance of their activities constitute violations of the right to physical and mental integrity. Exile is a clear manifestation of the violation of their right to freedom of movement and to be free from arbitrary or unlawful interference in their family life. The repeated invasions of their homes and places of work prevent them from exercising their right to be free from arbitrary or unlawful interference in their privacy and home. The lack of recognition of their work as women searchers has prevented them from benefiting from a number of economic and social rights, as well as from exercising their right to freedom of association and expression, so much so that not only have they been forced into exile once, but, upon their return, their work continues to be attacked and challenged.

All these forms of violence have two things in common. First, they are gendered. Yanette and Andrea have experienced first hand the differential impact of violence against searchers and human rights defenders when they are women. This means that their right to live a life free of violence against women has also been violated. Second, they are encouraged and enabled by impunity. To date, the Colombian authorities have taken no real action to hold to account those who threaten and attack FNEB and its members, which is in itself a violation of their right to judicial guarantees and protection.

Meanwhile, Nydia Erika's enforced disappearance also remains unpunished. So much so that since 2014 the Bautista family has been waiting for the resolution of an extraordinary appeal filed by Andrea Torres before the Supreme Court of Justice regarding one of the investigations into the disappearance, which had been dismissed. Ten years later, the decision on the appeal is still pending.

Despite the hostile environment portrayed by the story of Ynette, Andrea and FNEB, which describes the situation of many women searchers in different regions of Colombia, these women searchers continue to demand that their rights be respected, guaranteed and protected. They continue to call on the authorities to acknowledge their work and continue to uphold their right to participate in the decision-making processes that affect them. A clear example of this is the approval of Law 2364 of 2024, an initiative that emerged from the organizations, collectives and communities of women searchers. Despite their experiences with institutions – some good, many bad –, women searchers continue to insist on knocking on doors, opening windows and, if necessary, breaking down walls.

Amnesty International believes that Law 2364 of 2024, if properly implemented, has the potential to protect the rights of women searchers and to help settle the Colombian state's historical debt with them. With this report, Amnesty is therefore launching the process of monitoring the implementation of the law, which will be carried out jointly with FNEB over the next few years. It is time for the Colombian state to fulfil the promises it has made to the victims of enforced disappearance; in this case, to the women searchers.

#### FOR ALL OF THE ABOVE, AMNESTY INTERNATIONAL MAKES THE FOLLOWING RECOMMENDATIONS TO THE COLOMBIAN STATE:

- **TO all authorities INVOLVED IN the IMPLEMENTATION OF LAW 2364 OF 2024**
  - Promptly and diligently implement the measures contained in Law 2364 of 2024.
  - Ensure the participation of women searchers and their organizations in the process of planning, implementation and evaluation of the measures contained in Law 2364 of 2024.

#### ENSURE THAT INTERNATIONAL HUMAN RIGHTS STANDARDS RELATING TO THE EXERCISE OF THE RIGHT TO SEARCH AND THE PROTECTION OF WOMEN SEARCHERS ARE UPHELD DURING THE IMPLEMENTATION OF LAW 2364 OF 2024.

- **TO THE NATIONAL GOVERNMENT REGARDING THE NYDIA ERIKA BAUTISTA FOUNDATION AND ITS MEMBERS**
  - Ensure that Ynette, Andrea, FNEB and those members of the organization who require it receive protection measures appropriate to the level of risk in which they find themselves.

#### TAKE STEPS TO PROVIDE REPARATION TO THE MEMORY OF NYDIA ERIKA BAUTISTA AND TO THE REPUTATION AND HONOUR OF YNETTE BAUTISTA, RECOGNIZING HER WORK AS A WOMAN SEARCHER AND HUMAN RIGHTS DEFENDER.


- **TO THE COLOMBIAN JUDICIAL AUTHORITIES REGARDING THE NYDIA ERIKA BAUTISTA FOUNDATION AND ITS MEMBERS**
  - Immediately investigate, in an effective, impartial and independent manner, the enforced disappearance of Nydia Erika Bautista, applying a gender, intersectoral and differentiated perspective.
- **To the Public Prosecutor's Office:** Continue with due diligence the other investigation into the enforced disappearance of Nydia Erika Bautista and, if there is sufficient and admissible evidence, bring to justice those suspected of criminal responsibility.
  - Immediately investigate, in an effective, impartial and independent manner, the threats and attacks received by Ynette Bautista, Andrea Torres and FNEB and its members, applying a gendered, intersectoral and differential perspective.

**To the Public Prosecutor's Office:** Conduct a review process of all the complaints filed by FNEB and its members and carry out a thorough investigation that takes into account the risks associated with their work as women searchers.

**AMNESTY INTERNATIONAL  
IS A GLOBAL MOVEMENT  
FOR HUMAN RIGHTS.  
WHEN AN INJUSTICE  
HAPPENS TO ONE PERSON,  
IT MATTERS TO US ALL.**

#### CONTACT US

 [info@amnesty.org](mailto:info@amnesty.org)

 +44 (0)20 7413 5500

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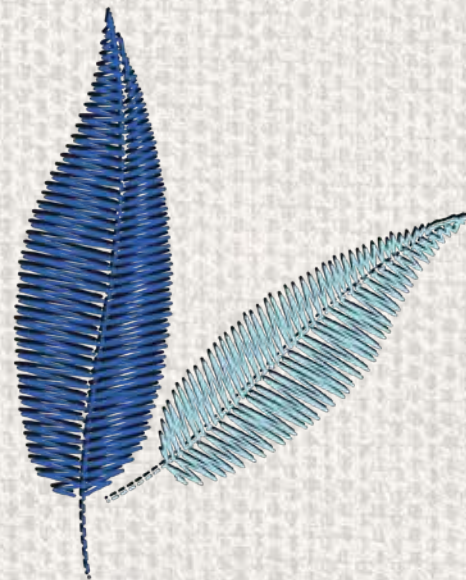
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# TRANSFORMING PAIN INTO RIGHTS

## RISKS, THREATS AND ATTACKS ON WOMEN SEARCHERS IN COLOMBIA

Enforced disappearances have been used in Colombia's armed conflict and socio-political violence for decades. When a loved one is abducted, family members and communities are forced into a search fraught with risks, threats and attacks. In Colombia, as in many other countries, it is usually women who do this work. In doing so, they become the targets of these risks, threats and attacks.

Through the story of the Nydia Erika Bautista Foundation, this report documents the manifestation of this hostile environment for the search. Yanette Bautista, Andrea Torres and the other members of this organization have faced numerous attacks over the years for carrying out their work. Despite this, they continue to support more than 500 cases of enforced disappearance in the country, accompanying victims, communities and their organizations until they find their loved ones.

The report also presents the methodology for monitoring the implementation of Law 2364 of 2024, promoted by the Nydia Erika Bautista Foundation and a group of organizations of women searchers, with the aim of ensuring that the state takes measures to respect, guarantee and protect their rights.

