## MEMORANDUM OF JUSTIFICATION
CONCERNING HUMAN RIGHTS CONDITIONS WITH RESPECT TO
ASSISTANCE FOR THE COLOMBIAN ARMED FORCES

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LEGISLATIVE CONTEXT AND SCOPE OF REPORT

The Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) carries forward Section 7406(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117) ("FY 2010 SFOAA"), which incorporates by reference and amends in part subsections (b) and (c) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L. 111-8) ("FY 2009 SFOAA"), establishes conditions under which assistance using funds appropriated under the FY 2011 Continuing Appropriations Act may be made available for the Colombian Armed Forces. In particular, Section 7406 (b)(1)(A) of the FY 2009 SFOAA allows that up to 70 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (b)(1)(B). Paragraph (b)(1)(B) provides that up to 15 percent of such funds may be obligated after the Secretary of State makes a certification with respect to certain conditions related to human rights and paramilitary groups. The balance of funds appropriated under the FY 2011 SFOAA may be obligated after July 31, 2011, if the Secretary of State certifies before such funds are obligated that the conditions described in paragraph (b)(1)(B) are met and additionally, as laid out in paragraph (b)(2), certifies that the Colombian government is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

This memorandum provides the justification for the Secretary of State's determination that the criteria referenced above have been met. It contains information covering the period from August 1, 2010 to August 15, 2011.
EXECUTIVE OVERVIEW

Since August 2010, the period covered in this review, the Colombian government has taken a series of important steps to improve human rights, both within the Armed Forces and in Colombia at large. During his first year in office, President Santos signed a new Military Penal Code, facilitated the appointment of a Prosecutor General after a 16-month vacancy, supported judicial authorities’ efforts to vigorously combat corruption, strengthened efforts to dismantle criminal bands, enhanced the government’s strategy to consolidate the security gains of the last decade, increased the presence of civilian institutions in historically marginalized areas, and promoted economic and social development, thus taking concrete and potentially effective actions to address the root causes of Colombia’s longstanding conflict. The historic Land and Victims’ Law, signed in June, will benefit approximately four million Colombians over the next 10 years with integrated assistance, reparations, and land restitution for victims, including victims of the state.

The Colombian government also significantly improved respect for and recognition of human rights defenders with its “disarming of words” campaign, designed to eliminate loaded commentary by government officials about human rights groups, accompanied by robust outreach to NGOs. On numerous occasions, government officials at the highest levels praised the work of human rights defenders and condemned threats and attacks against them. NGOs generally recognize the Santos administration’s improved tone and efforts, but they stress that problems persist, and argue that in some instances the situation has deteriorated. Particular concerns center on the fact that impunity for perpetrators of human rights violations remains common, as does the incidence of threats and attacks against human rights defenders. NGOs underline the negative impact of criminal groups (which they often refer to as “paramilitary successor groups”) on the civilian population through intimidation, violence, and displacement. They warn that the implementation of land restitution through the Land and Victims’ Law, unless accompanied by a comprehensive security and protection plan, could lead to increased violence and a negative outcome to a positive effort.

The State Department, both in Washington and through the U.S. embassy in Bogota, consults regularly with NGOs regarding Colombia’s human rights performance. Since the last certification, senior Department officials met with Washington-based NGOs, as a group, on five occasions (at the assistant secretary-level or above) and held more than a dozen meetings with individual groups at the working level. Officers in the political section in Embassy Bogota engaged in
outreach to civil society and government officials in more than a dozen cities across Colombia, and regularly met with NGOs and officials in Bogota. In developing its examination and analysis of Colombia’s human rights situation, the Department carefully considers NGO views, observations and experience, as well as reports from international organizations such as the OAS and the UN.

The Department also intensified engagement with the Colombian government on human rights issues through the High Level Partnership Dialogue (HLPD), launched in Bogota in October 2010. A second round of meetings was held in Washington in May. The HLPD’s Democracy, Human Rights, and Good Governance Working Group discussion was led by Deputy Secretary Steinberg on the U.S. side and by Vice President Garzon on the Colombian side.

Section 7046(b)(1)(B)(i)

The Colombian government continued to suspend, investigate and prosecute in the civilian judicial system those members of the armed forces credibly alleged to have committed violations of internationally recognized human rights, including extrajudicial killings, or to have aided, abetted, or benefited from paramilitary organizations or successor armed groups.

In August 2010, President Santos signed a new Military Penal Code that transitions military justice from the written inquisitorial system to the more dynamic oral accusatory system and reaffirms that all accusations of human rights violations must be handled by civilian courts. The code also requires that defense attorneys be available free of charge for defendants, and establishes a Prosecutor General’s Office with prosecutors and a technical investigation corps (CTI) for cases handled by military justice as in the civilian system.

In January 2011, Viviane Morales assumed the office of Prosecutor General, and publicly criticized defense attorneys’ use of dilatory tactics in human rights cases against members of the armed forces. Still, more than 1,500 cases of alleged extrajudicial killings and more than 4,000 other human rights abuse cases are awaiting resolution, and the Prosecutor General’s Office lacks the financial resources and personnel to resolve them quickly. Morales asked the Colombian Congress to approve additional resources for her office to tackle the extensive backlog of human rights cases and improve its overall efficiency.

Despite these challenges, there were advances in several prominent human rights cases, dozens resulting in the conviction and sentencing of military
personnel. The first convictions were handed down in one of the Soacha “false positives” cases in June 2011. (The term “false positives” refers to cases in which civilians were extrajudicially killed by members of the armed forces, dressed up as guerrillas, and presented as killed in combat.) All eight military defendants, which included the commander of the Caldas Battalion, were convicted on two counts of aggravated homicide and forced disappearance. As of July 1, there were 10 other pending legal cases involving 14 victims associated with the Soacha murders.

In its most recent annual report, the Office of the UN High Commissioner for Human Rights (UNHCHR) noted that, “In 2010, the drastic reduction in the number of persons presented as killed in combat while under the custody of the army, known as ‘false positives,’ was consolidated.”

The Colombian Armed Forces continued to cooperate with civilian prosecutors and judicial authorities. In June 2011, the Ministry of Defense announced a new set of 15 measures designed to reduce impunity for human rights violations committed by members of the armed forces. Key measures include a new mechanism for rapid case transfers to civilian prosecutors, standing orders for military units to cooperate with prosecutors, stricter conditions for military prisoners and monitoring projects with the UNHCHR and the International Committee of the Red Cross (ICRC).

Section 7046(b)(1)(B)(ii)

The Government of Colombia made substantial progress in, and continues to take the necessary steps to, sever links with paramilitary organizations and criminal groups. The Prosecutor General’s Office and the Inspector General’s Office have investigated and prosecuted numerous members of the security forces as well as elected and appointed government officials who have colluded with former paramilitary members and criminal groups.

The Colombian government continued to vigorously investigate and prosecute “parapolitical” cases. In July, regulations of the 2009 political reform law went into effect, clarifying rules for political parties and electoral campaigns, and including penalties for political parties who support candidates with ties to illegal armed groups.

President Santos signed a new anti-corruption law in July 2011, and has publicly vowed exhaustive government efforts to prevent and eliminate internal
corruption. A major goal of the new legislation is to seal the “revolving door” between high-level government jobs and the private sector.

**Section 7046(b)(1)(B)(iii)**

The Colombian government continued to dismantle paramilitary networks, including by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefited from (now demobilized) paramilitary organizations or other criminal groups.

Since 2003, 31,681 former paramilitary members have collectively demobilized. Of these, 4,100 former United Self-Defense Forces of Colombia (AUC) paramilitary members were identified as potentially eligible to receive benefits under the Justice and Peace Law (JPL) process. Of those, the Colombian government reports that 2,736, including extradited paramilitaries in the United States, have given voluntary confessions (versiones libres). Since the last certification, a second paramilitary leader was expelled from the JPL process and a fourth conviction and sentencing were achieved. Lack of clarity in objectives and strategy to complete the process, conflict in the objectives, extreme formalism in the judicial proceedings, and lack of institutional capacity continued to limit progress under the JPL process.

Early in 2011, Colombian National Police (CNP) Director General Oscar Naranjo acknowledged that criminal groups (identified as “BACRIM” for “bandas criminales”) posed the greatest threat to public security in Colombia. The Colombian government has stepped up its efforts to dismantle these criminal groups, adopting a revised strategy and plans to grow the police from 162,000 personnel in 2011 to 180,000 personnel in 2013. The success of “Operation Troy,” an offensive launched in February to disrupt drug trafficking corridors along the Caribbean coast, led to its expansion to two more regions: the Pacific coast and southern Choco. To improve the prosecution of BACRIM members, the Prosecutor General’s Office created an Organized Crime (BACRIM) Unit in late 2010 and plans to expand it from 23 to 50 prosecutors.

NGOs continue to allege collusion between BACRIM and government security forces. CNP Director General Naranjo vowed to fight corruption within the institution and to have corrupt officers prosecuted in the civilian justice system. Since 2008, the CNP has carried out thousands of disciplinary investigations against its members, removing from the service and criminally charging hundreds.
The Colombian government has made a bold, historic effort to provide reparations and land restitution to Colombia’s victims. On June 10, President Santos signed a Land and Victims’ Law that will benefit approximately four million Colombians in the next 10 years with integral assistance and reparations to victims, including victims of the state. In anticipation of the Land and Victims’ Law, the government began implementing a land restitution and formalization “shock plan” in October 2010, designed to transfer quickly large parcels of land to beneficiaries, in order to underline the government’s commitment to progress. By July, the government surpassed its goal of delivering 350,000 hectares to Colombian families, having delivered 361,539 hectares to 17,583 families. Of these, 109,197 hectares were delivered to indigenous communities, 18,119 were delivered to internally displaced persons, and 6,630 were delivered to Afro-Colombian communities. Focus areas of the “shock plan” included Antioquia, Bolivar, Cesar, Choco and Magdalena. With the Land and Victims’ Law, the government’s new goal is to deliver 1.2 million hectares to 160,000 families by the end of four years.

Section 7046(b)(1)(B)(iv)

The Colombian government also significantly improved respect for and recognition of human rights defenders with its “disarming of words” and robust outreach to NGOs. On numerous occasions, government officials at the highest levels praised the work of human rights defenders and condemned threats and attacks against them. In December, President Santos signed a law that stiffens penalties for crimes against human rights defenders and journalists, increasing the murder sentence to 30 years.

The Ministry of Interior and Justice (MOIJ) continued to provide protection to human rights defenders and vulnerable groups, increasing its 2011 budget by $11 million to $82 million, covering approximately 11,800 individuals as of May. NGOs and international organizations continue to express concern that these efforts are insufficient, and six groups alleged that the lack of action to investigate and prosecute continuing threats against them calls into question the government’s political will to protect human rights defenders. The government is engaging with affected groups on a regular basis as it moves to reform the protection program with the groups’ input.

The Prosecutor General’s Office continued the 2009 investigation into former Administrative Department of Security (DAS) officials, linked to charges of illegal surveillance and wiretapping. As a result of these investigations, two
former DAS directors have been barred from holding public office for 20 years. On May 4, President Santos signed a law giving him broad authority to reorganize the executive branch of government. One of the main goals of this reorganization will be to dismantle the DAS. The Santos administration proposed a new Intelligence Reform Law that is a crucial step in implementing intelligence reform. Colombia's Congress approved the new Intelligence Reform Law June 15, and it is now pending review in the Constitutional Court. The law creates a new intelligence agency intended to replace the DAS. This new intelligence agency will have more external guidance and oversight than the DAS. The overarching objective of the law is to strike the balance between the legitimate obligations of the state to collect intelligence to uphold national security with the state's obligations to protect and defend Colombians' civil liberties.

The Colombian government continued to make significant progress in improving the human rights performance of the armed forces, including by implementing and enhancing procedures to distinguish between civilians and combatants, and by promoting a human rights culture in the institution through training and other programs.

Section 7046(b)(2)

The Colombian government took vigorous steps to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of illegal armed groups. The government markedly strengthened civilian leadership of the National Plan for Territorial Consolidation (PNCT), which aspires to be the engine to move Colombia into a post conflict era and build the framework for transformative change. The Santos administration is building on the PNCT's progress. In July, the administration concluded a strategic review to enhance civilian agency commitment to, and thus effective implementation of, the consolidation methodology. The administration has also created a National Security Council, chaired by President Santos, to increase interagency investment and coordination in a way that is better suited to the development of civilian institutions.
Section 7046(b)(1)(B)(i)

Section 7046(b)(1)(B)(i) of the FY2009 SFOAA requires a determination that:

“The Government of Colombia is suspending and investigating and prosecuting in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed violations of internationally recognized human rights, including extrajudicial killings, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.”

The Colombian government continued to suspend, investigate and prosecute in the civilian judicial system those members of the armed forces credibly alleged to have committed violations of internationally recognized human rights, including extrajudicial killings, or to have aided, abetted, or benefited from paramilitary organizations or successor armed groups. In general, human rights cases were prosecuted in the civilian judicial system, though the UN and NGOs continued to raise concerns over the slow transfer of cases by the military penal justice (JPM) system to the civilian system. The armed forces continued to provide support to and cooperate with civilian prosecutors and judicial authorities when requested. As reported in the previous certification, defense attorneys continued to employ delay tactics during judicial proceedings to obtain the release of defendants from detention.

Since assuming office in August 2010, the Santos administration has taken a series of important steps to strengthen justice and fight impunity in the armed forces and at large. Just days after being sworn in, President Santos signed a new Military Penal Code that transitions military justice from the written inquisitorial system to the more dynamic oral accusatory system and reaffirms that all accusations of human rights violations must be handled by civilian courts. The code also requires that defense attorneys be available free of charge for defendants, and establishes a Prosecutor General’s Office with prosecutors and a Technical Investigation Corps (CTI) for cases handled by military justice as in the civilian system. The new code will be implemented in four phases: first in Bogota, second in the Andean and Pacific region (by August 2012), third in the Atlantic region (by August 2013), and fourth in the southern and eastern regions (by August 2014). Nationwide training and infrastructure development have already begun.
In December 2010, President Santos’ outreach to the Supreme Court facilitated the selection of a new prosecutor general, who assumed office in January after a 16-month vacancy in this important post. Viviane Morales, Colombia’s first female prosecutor general, vowed to improve the administration of justice in Colombia and quickly appointed new leadership to key posts, such as the Human Rights and Justice and Peace Units.

In March, the Ministry of Defense presented a bill to congress to create the Comprehensive Defense Service (Servicio Integral de Defensoria), funded by the national budget, to fulfill the new code’s requirement that defense attorneys be available free of charge to active duty and retired members of the armed forces accused of crimes that occurred during their service. The bill is under congressional debate. Currently, many military defendants are represented by the Defensoría Militar (DEMIL), one of several private entities funded by contributions deducted from the salaries of active duty members of the Armed Forces. The press, the UN, NGOs, and even some judges have criticized DEMIL’s lawyers for employing delay tactics during judicial proceedings to obtain the release of defendants from detention. Some have also criticized DEMIL for putting the interest of the military institution above that of individuals’ right to defense.

In May, the new Prosecutor General wrote a letter to the Supreme Judicial Council (Consejo Superior de la Judicatura) asking for an investigation of the conduct of defense attorneys that stall cases, citing as examples the case against Lieutenant Raul Munoz for the homicide of three children in Arauca, and the “false positive” cases of Soacha. According to the Prosecutor General’s Office’s Human Rights Unit, of 1,592 investigations of “false positive” cases, approximately 200 have reached sentencing, in large part due to such delay tactics. As of July 1, the Supreme Judicial Council continued to investigate the matter.

Despite these positive efforts, more than 1,500 cases of alleged extrajudicial killings and more than 4,000 other human rights abuse cases await resolution, and the Prosecutor General’s Office lacks the financial resources and personnel to resolve them quickly. The Prosecutor General’s Office reported as of June, it was pursuing 1,592 cases involving 2,731 victims of alleged extrajudicial executions committed by members of the armed forces between 1985 and 2010. Of the 1,592 cases, the Human Rights Unit achieved 138 convictions and brought charges against 1,223 people involved in 206 cases. In total, 4,121 people were implicated in the 1,592 cases.
In addition, the Prosecutor General’s Office is hampered by the loss of thousands of experienced personnel after a February 2010 Supreme Court decision ordered the Office to comply with the results of a November 2007 entrance exam, as reported in the previous certification. The new Prosecutor General has asked the Colombian Congress for additional resources to tackle the extensive backlog of human rights cases and improve its overall efficiency.

Congress and the high courts continued to debate judicial reforms to improve the administration of justice in Colombia. While both agree that reforms are necessary, they disagree on how to best reform judicial institutions and ensure that they retain their autonomy. In August, the Santos administration presented judicial reform legislation to the Colombian Congress.

Though progress was made in several key cases, throughout the judicial system progress remained slow in investigations and prosecutions of human rights cases and cases of links between public forces and criminal groups. However, there were examples of notable efficiency by the Prosecutor General’s Office and cooperation by the armed forces during the certification period. For example, in the case against Lieutenant Raul Munoz for the homicide of three children in Arauca, the armed forces facilitated access to investigators of the Prosecutor General’s Office and made 60 officers assigned to the area available for interviews and DNA testing as soon as the victims’ bodies were found in mid-October. In about a two-week period, Lieutenant Munoz was formally charged with the homicide of the three children, the rape of the eldest girl, and the rape of another girl from the area. Observers have noted that despite the Prosecutor General’s Office’s efforts, bringing human rights cases to conclusion depends largely on judges, who often do not manage their dockets efficiently and allow dilatory tactics by defense attorneys in their courts. The case against Lieutenant Munoz, for example, has stalled since November 2010 due to repeated changes in his defense counsel.

The armed forces reported it suspended a total of 117 military personnel, including 10 officers, between August 1, 2010 and April 15, 2011. Those who were removed included three from the air force, 12 from the navy, and 102 from the army. The military may remove personnel for a range of reasons and does not categorize the removals by reason.
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Investigating and Prosecuting Human Rights Violations

As reported in past certifications, the Prosecutor General's Office has created two units and several sub-units to investigate and prosecute human rights-related cases. The Office's Human Rights Unit handles most human rights-related crimes, with the aid of its Extrajudicial Killings and Labor Sub-Units. As of June, the Human Rights Unit was handling 5,731 active cases, 4,766 under the old inquisitorial system (Law 600) and 965 under the new accusatorial system (Law 906). The Prosecutor General's Office reported that the Unit's budget for 2010 was 9.3 billion pesos ($4.65 million).

As of August 1, the Unit employed 102 prosecutors and plans to add 60 additional prosecutors by early 2012. Fourteen new prosecutors will work in the Labor Sub-Unit; five will join Victim Attention Centers in Bucaramanga, Bogota, Cali, Medellin, and Cartagena; and 41 will work exclusively on extrajudicial executions. The majority of these new prosecutors will be recruited from within the Prosecutor General's Office, ensuring these positions are filled by experienced prosecutors. Additional support staff and investigators will be added to work with these prosecutors.

During the certification period, NGOs continued to complain that threats against human rights defenders were not being appropriately investigated and prosecuted.

Investigations and Prosecutions by Prosecutor General's Office

During the certification period, the Prosecutor General's Office and Inspector General's Office continued to take action on cases of human rights violations and collusion with criminal groups. In the past, NGOs have noted that while low-ranking officers may be held accountable in cases of human rights violations, high-ranking officers (which for the purposes of this section we define as major and above) are rarely prosecuted. Between August 1, 2010 and June 15, 2011, the Colombian government reported that among the 267 military personnel detained for alleged human rights violations by the Prosecutor General's Office were 13 lieutenants and 16 sergeants. During the same period, the Prosecutor General's Office also indicted 338 military personnel, including at least two colonels, 14 lieutenants, and five majors in human rights-related cases. In addition, the Prosecutor General's Office continued case proceedings in human rights-related cases against at least two generals (one retired), two colonels (one retired), two lieutenant colonels, and eight majors. At least 101 members of the
armed forces were sentenced for human rights-related crimes, including two retired generals and one major.

In sum, between August 1, 2010 and June 15, 2011, the Prosecutor General’s Office detained 267 individuals involved in 78 cases where military personnel allegedly committed human rights violations or collaborated with paramilitary groups. During the certification period, the Office indicted (resoluciones de acusación) at least 338 military personnel involved in 64 cases of alleged human rights violations. The Office continued judicial proceedings against 4,121 members of the armed forces involved in at least 1,592 of alleged extrajudicial executions. The Office also concluded case proceedings against at least 105 members of the armed forces in 19 cases for violations of human rights and for collaborating with paramilitary groups.

Investigations and Prosecutions by Inspector General’s Office

The Colombian government reported that between August 1, 2010 and June 1, 2011, the Inspector General’s Office did not open new disciplinary processes against military personnel for alleged violations of human rights. The government noted that this is a reflection of the improved performance of the armed forces. During that period, the inspector General’s Office continued to make progress on cases opened previously, formally charging 198 individuals involved in 41 cases, including seven majors and eight captains. The Inspector General’s Office also concluded 18 cases involving 51 individuals, 25 who were absolved and 26 who were removed, including two captains. Those removed also were barred from public service for twenty years.

During the certification period, the Inspector General suspended nine members of the armed forces in three cases of violations of human rights and barred them from government service. For example, an army sergeant was removed from the military and prohibited from government service for the September 2008 killing of three civilians. In May, the Inspector General suspended three soldiers including a second lieutenant and barred them from government service for 20 years. The Inspector General’s Office also suspended four professional soldiers for the 2004 killing of a man and his 13-year-old son in Antioquia.

In addition, in May, the Prosecutor General created a “Group to Monitor Disciplinary Processes with Regard to the Justice and Peace Law” which will analyze allegations by demobilized paramilitaries against public servants. The group will convene for one year and will develop a proposal for the management
of information derived from JPL proceedings and for the establishment of suitable procedures following allegations of irregularities with regard to the conduct of public servants.

**Investigations into Alleged Extrajudicial Killings**

Investigations into cases of extrajudicial killings are proceeding, albeit slowly. The estimated number of extrajudicial killings varies by organization because of the different standards applied to data collection and analysis.

As of June, the Extrajudicial Killings Sub-Unit within the Prosecutor General’s Office had been assigned 1,592 cases (involving 2,731 victims) of extrajudicial killings allegedly committed by members of the armed forces between 1985 and 2011. This caseload reflects an increase of 536 cases (involving 1,023 victims) over the 1,056 cases (involving 1,708 victims) reported in the last certification. This increase is principally due to delayed reporting of the alleged crimes, or can result if the case only recently was assigned or re-assigned to the Extrajudicial Killings Sub-Unit. Of the 1,592 cases that the Sub-Unit is handling, convictions were reached in 138 cases (*condena*) and 326 people were sentenced. This is a significant increase over the totals reported in 2010, when convictions were achieved in 48 cases against 200 people. Overall, the Sub-Unit opened investigations into 674 cases (*aperituras de instrucción*), issued 1,500 arrest warrants (*orden de captura*), issued 611 *preventive detention orders* (*medidas de aseguramiento*) involving 1,738 people, and issued 326 indictments (*resoluciones de acusación*) against 1,223 people involved in 203 cases. These statistics also reflect significant advances over the figures reported one year ago when the Sub-Unit had opened investigations in 305 cases and 757 arrest warrants had been issued. In total, the caseload of the Extrajudicial Killings Sub-Unit involved 4,121 individuals implicated in extrajudicial killings (*vinculaciones*).

Although numbers differ, international organizations and NGOs agree that numbers of extrajudicial killings have fallen substantially since October 2008. In its most recent annual report, UNHCHR noted that “in 2010, the drastic reduction in the number of persons presented as killed in combat while under the custody of the army, known as ‘false positives,’ was consolidated.”

In May, local NGO Center for Investigation and Popular Education (CINEP) published a report describing an increase in extrajudicial executions in 2010 over 2009. According to CINEP’s database, in 2010 there were 12 cases involving 23 victims, as compared to seven cases involving 16 victims in 2009. The report acknowledged a dramatic decrease in new cases following the measures
implemented after the Soacha scandal in 2008 when CINEP documented 113 cases involving 219 victims. Despite this improvement, CINEP’s report recognizes the problem continued. The Prosecutor General’s Office reports it is investigating nine cases of alleged extrajudicial investigations from 2010 and none from 2011. CINEP reports six cases of alleged extrajudicial investigations from 2011.

In December 2009, the Ministry of Defense agreed to a UNHCHR proposal to monitor jointly seven of the 15 measures that were set forth by the Ministry in 2008 in large part to prevent extrajudicial executions. In August 2010, the Ministry of Defense and the UNHCHR formally agreed on the implementation procedures, and UNHCHR staff began the first phase of the project by visiting military bases to monitor compliance with four of the measures. The first four measures to be evaluated include the role of Inspector Delegates, Operational Legal Advisors, Inspections Teams, and the complaints system. During these visits, the Ministry and the armed forces have granted UNHCHR staff broad access to files and to interview military personnel to determine if the measures are being implemented effectively. The results of UNHCHR’s analysis will be shared confidentially with the Ministry and the Commander of the Armed Forces to help ensure the measures are implemented uniformly across the country and to increase the implementation of the Ministry’s human rights and international humanitarian law policies. This project is particularly significant as it represents the first time the Ministry of Defense has been so willing to engage with UNHCHR in the creation of such a monitoring arrangement. This initiative is a new experience for UNHCHR and is the first time such an arrangement has been reached with a military anywhere in the world.

Military Cooperation with Judicial Authorities

The Colombian Armed Forces have continued to make progress in cooperating with civilian prosecutors and judicial authorities. Per its Memorandum of Understanding (MOU) with the Prosecutor General’s Office, the Ministry of Defense has been taking steps to ensure that the Prosecutor General’s Technical Investigative Unit (CTI) carries out the legal inspection of bodies of individuals allegedly killed in combat. The previous certification reported that the MOU was provisionally suspended pending Council of State review of the MOU’s constitutionality. It also reported that the Ministry of Defense and the Inspector General’s Office issued challenges to the suspension, and the Prosecutor General’s Office objected. On December 9, 2010, the Council of State revoked the December 2009 order to suspend the MOU provisionally. In June, the Prosecutor General, Inspector General, and Minister of Defense signed a new agreement with
procedures designed to ensure that cases are investigated expeditiously by the appropriate authorities. The procedures are designed to facilitate investigations and ensure crimes do not go unpunished while jurisdiction is debated.

In some cases, as required in sentences handed down by judicial authorities, Colombian Army officials have publicly asked for forgiveness for extrajudicial executions. On May 13, 4th Brigade Commander General Alberto Mejia asked families of five victims of extrajudicial executions for forgiveness in a public ceremony. The sentence handed down from the Superior Court of Antioquia ordered, in part, the army to apologize publicly for the killings of Jesus Quintero, Jhon Fredy Lopera, Luis Alfredo Perez, Gildardo Martinez, and Francisco Perez. The five men were killed in the municipalities of San Carlos, Bello, Narino, and Angostura between 2004 and 2007.

On July 21, 11th Brigade Commander General Leonardo Pinto Morales asked for the forgiveness of the families of three men, including a minor, Edwin Madera Marmol, Miguel Enrique Arriola, and Leonardo Bertel Navaja, killed by the army on June 26, 1994 in Zaragoza (Antioquia). The men were later presented as guerrillas killed in combat. The court ordered the State to pay each victim's family more than $500,000, apologize publicly, and build a monument in honor of the three victims.

Neither General Mejia nor General Pinto were in charge of the army brigades in question when the extrajudicial executions occurred.

In April, weekly publication Semana reported on prisoner conditions at the Tolemaida Military Reclusion Center. The story revealed that many of the approximately 300 military officers and enlisted men detained (most who were convicted, some for serious crimes including torture and homicide) were living in privileged conditions and that the facility did not comply with numerous prison system regulations. Allegations included that convicted soldiers were still receiving salaries and retirement pensions; inmates were allowed to leave the facility at will, including on vacation; some ran businesses; and some lived in private “cabananas” built with donations from retired officials, equipped with internet and satellite television.

In response, the Ministry of Defense immediately stood up a verification commission to investigate the allegations. The commission was composed of the Inspector General of the Armed Forces, the Inspector General of the Army, the Vice-Minister of Defense for Policy and International Affairs, and the Director of
the National Prison Institute (INPEC), the Colombian entity in charge of prisons. In its report, released in May, the commission admits that the Tolemaida Reclusion Center had become “an unprecedented administrative mess, with high levels of corruption” and makes recommendations to ensure the facility complies with INPEC regulations and prevent a similar situation from taking place in other military reclusion centers. The full report is available on the Ministry of Defense’s website: 

The Colombian government reports that the director of the Tolemaida Reclusion Center was replaced, and all directors of military reclusion centers have received training on INPEC regulations.

Despite this high-level attention, NGOs and the press have reported that high-level military officers continue to enjoy privileged detention conditions. For example, according to these reports, Colonel Alfonso Plazas Vega, General Jesus Armando Arias Cabrales, and General Jaime Humberto Uscategui, all convicted and sentenced for serious crimes, are held at a large military base (the Escuela de Infantaría) in Bogota, where they live in apartments, enjoy freedom of movement within the base, eat in the officers’ dining room, and interact with active duty officers. Under Colombian law, a prisoner may request to leave detention temporarily for illness, close relatives’ funerals, or important life events. In June, a magistrate granted Plazas Vega permission to leave the military base, with an armed escort, for eight hours to attend his son’s wedding at an upscale Bogota country club.

Assistance to Civilian Investigators

During the certification period, the Prosecutor General’s Office reported that the armed forces provided civilian judicial authorities access to the locations of combat deaths, ensured transport to remote locations, and generally assisted investigators as requested.

The Colombian government reported that the armed forces have permanently designated an officer with the rank of lieutenant colonel to facilitate cooperation between the armed forces and the Prosecutor General’s Office’s Human Rights Unit. As a result of this cooperation:

- Between August 1, 2010 and April 12, 2011, the Prosecutor General requested the testimony of 26 members of the armed forces in 47 instances

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in relation with 26 cases of violations of human rights or collusion with paramilitaries. The armed forces allowed those implicated to testify in 16 of these cases;

- The armed forces provided aerial support and security for crime scene reconstructions and other procedures on 69 occasions;
- The armed forces located and transferred 88 persons to facilitate interrogations and interviews;
- The armed forces located and presented 316 persons for formal testimony (indagatoria); and
- The armed forces made available 366 persons with issued arrest warrants.

Transfer of Cases from Military to Civilian Judicial Systems

In its most recent annual report, the UNHCHR noted, “more than 448 active cases still remain in the military justice system. It is imperative that the military justice immediately transfer all cases of possible human rights violations to the ordinary justice system, and that cases that were closed by the military justice without proper investigation be revisited.” The Ministry of Defense reported that the MPJ system had voluntarily transferred 231 cases to the civilian judicial system in 2010; 170 cases were transferred in the first six months of 2011. A sizeable portion of these were transferred as part of a plan de impulso in which officials from MPJ and the Prosecutor General’s Office meet regularly to analyze cases in question in an attempt to reach agreement on cases to be transferred without being referred to a lengthy, higher level review by the Supreme Judicial Council.

In June, the Ministry of Defense announced a new set of 15 measures designed to reduce impunity for human rights violations committed by members of the armed forces. These measures are in addition to the set of 15 measures adopted in November 2008 because of the investigations carried out in the aftermath of the Soacha cases. The full measures are as follows:

**Measure 1:** Establishes a monitoring mechanism for military cases in which there is a question whether civilian or military prosecutors have jurisdiction. The MPJ’s Executive Directorate will submit a quarterly report to the Minister of Defense on the implementation of the mechanism.

**Measure 2:** Strengthens the MPJ through a technical cooperation program with the UNHCHR, which has been invited to review closed cases in the MPJ archive.
Measure 3: Establishes an action plan for the Minister of Defense, the Prosecutor General, and the Inspector General to resolve jurisdictional disputes among prosecutors without having to resort to lengthy court proceedings.

Measure 4: Instructs inspectors general of the armed services to provide immediate, complete and useful information to prosecutors working on human rights and international humanitarian law cases.

Measure 5: Orders inspection panels to verify that appropriate procedures are followed and legal authorities notified following allegations of grave human rights abuses involving the armed forces.

Measure 6: Instructs inspectors general of the armed forces to ensure any corrective measures taken because of a human rights violation are implemented.

Measure 7: Directs inspectors general to monitor closely units in which grave violations of human rights occurred.

Measure 8: Directs inspectors general to monitor closely the behavior of members of the armed forces who served in units in which grave violations of human rights occurred.

Measure 9: Assigns inspectors general with oversight of systems to receive complaints of human rights violations, including taking corrective measures.

Measure 10: Establishes an archive of operations as an investigative tool in the event of a human rights complaint.

Measure 11: Establishes a high-level committee including the Vice Minister of Defense, the inspectors general of the armed services, and the ICRC to assess complaints and make recommendations to prevent violations of international humanitarian law.

Measure 12: Creates a verification committee composed of the Armed Forces Commander and service chiefs, and chaired by the Minister of Defense, to periodically review conditions and complaints and make changes to procedures as needed.
Measure 13: Relocates military prisoners to the military prison closest to their respective prosecutorial offices to ensure their participation in court proceedings.

Measure 14: Implements the recommendations of an earlier panel to ensure military prisons are in accordance with the same regulations as civilian prisons.

Measure 15: To ensure that defendants receive due process, the Ministry of Defense commits to lobby the congress to approve the law establishing the Servicio Integral de Defensoria.

Status of Selected Human Rights Cases/Issues

Despite the challenges facing the Prosecutor General’s Office, between August 1, 2010 and July 15, 2011, there were advances in several prominent human rights cases, some resulting in the conviction and sentencing of military personnel. In others, however, there was little progress. Below is a summary of select human rights cases that were under investigation during the certification period.

 Palace of Justice Case

The previous certification reported the June 2010 sentencing of retired Army Colonel Alfonso Plazas Vega to 30 years in prison for his role in the forced disappearance of eleven people during the recapture of the Palace of Justice on November 7, 1985. Following his conviction, Judge Maria Stella Jara temporarily fled Colombia because of death threats against her and her son. Plazas Vega appealed the decision, which called for his transfer to La Picota prison, and is awaiting the result of his appeal at a military installation in Bogota. The press and NGOs have reported that Plazas Vega enjoys accommodations similar to that of an active duty officer, and has freedom of movement within the base. Although the Prosecutor General’s Office has asked for an investigation of these allegations, no changes to Plazas Vega’s detention conditions were made by the end of the reporting period.

In August 2010, Angela Maria Buitrago, the prosecutor in charge of the case, was fired under questionable circumstances by the Acting Prosecutor General for alleged inefficiency. Earlier that same month, Prosecutor Buitrago had been cleared by the Superior Judicial Council following an investigation requested by the Prosecutor General’s Office into her performance.
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Days before being dismissed, Buitrago had called three retired generals (Jesus Armando Arias Cabrales, Rafael Hernandez Lopez, and Carlos Augusto Fracica) for questioning in connection with the murder of auxiliary magistrate Carlos Horacio Uran. In 2007, news footage from the palace takeover resurfaced showing that Uran, who until then was presumed dead in the crossfire between the army and M-19 guerrillas, left the palace injured but alive, in the hands of soldiers. The circumstances around his death remain unclear, and the investigation into his murder stalled following Prosecutor Buitrago’s dismissal.

In March, a board of three associate judges of the Council of State (Consejo de Estado) decided in favor of a complaint (tutela) presented by retired General Alvaro Velandia Hurtado, thereby revoking the Inspector General’s 1995 decision to remove him, and reinstating him as general, with salary and benefits since 1995. Velandia had been removed for his role in the disappearance of M-19 guerrilla Nidia Erika Bautista. The 1995 decision was challenged and reaffirmed on different occasions in 2002, 2008, and 2009, when the main chamber of the Council of State confirmed the decision against Velandia. Associate judges are called to fill absences and to settle disputes, and in this case, were called to decide on the merits of Velandia’s complaint. The president of the Council of State, Mauricio Fajardo, announced he would challenge the decision of the associate judges, claiming they exceeded their powers.

In April, the former commander of the army’s 13th Brigade, retired General Jesus Armando Arias Cabrales, was sentenced to 35 years in prison for his role in the case. This is the second most severe sentence in Colombian history for an officer of his rank, after General Jaime Humberto Uscategui’s sentence of 40 years, which is currently under appeal. Cabrales was held responsible for giving orders for the identification and interrogation of civilians rescued from the palace. The people rescued from the palace, and subsequently disappeared were: Carlos Augusto Rodriguez Vera, Cristina Del Pilar Guarin Cortes, Bernardo Beltran Hernandez, Ana Rosa Castiblanco, Lucy Amparo Oviedo, David Suspes, Norma Constanza Esguerra, Luz Mary Portela Leon, Hector Jaime Beltran, Gloria Estela Lizarazo Figueroa, and Gloria Anzola. In May, the Inspector General’s Office appealed the conviction on the basis that there was no proof that Arias Cabrales had ordered or participated directly in the disappearances. Arias Cabrales continued to be held at a military base in Bogota while his case was pending appeal.

In June, the Inspector General’s Office called for the revocation of the conviction against retired Colonel Alfonso Plazas Vega and for the reopening of an
investigation of Prosecutor Buitrago, questioning the identity of one of the witnesses.

The cases against retired officers Edilberto Sanchez Rubiano, Oscar William Vasquez Rodriguez, Luis Fernando Nieto Velandia, Antonio Rubay Jimenez, Ivan Ramirez Quintero, Fernando Blanco Gomez and Gustavo Arcvalo Moreno remain pending.

La Rochela Massacre
Progress remained slow in the investigation into the murder of 12 investigators from the Prosecutor General’s Office who were killed on January 18, 1989, in Simacota (Santander) while investigating the October 1987 murders of 19 merchants, reportedly by the “Los Masetos” paramilitary forces of Magdalena Medio. Following six complaints by the Inter-American Commission on Human Rights (IACHR), on May 11, 2007, the Prosecutor General’s Office reopened its case into the murders. In re-opening the case, the office called in three retired generals for questioning: Army General (retired) Farouk Yanine Diaz (on June 6, 2008); Army General (retired) Juan Salcedo Lora (on June 9, 2009); and Army General (retired) Alfonso Vaca Perilla (on June 9, 2009). Retired General Yanine is now deceased. After a May 2010 decision rejecting a request for the prosecutor general to prosecute personally retired generals Alfonso Vaca Perilla and Juan Salcedo Lora, both continued to provide testimony in October 2010.

Proceedings continue against 12 paramilitary members who were linked to the case. Paramilitary leader Alonso de Jesus Baquero Agudelo, alias “Vladimir,” was convicted in 1990 for the killings that occurred under his command. He was sentenced to 30 years in prison and is participating in the JPL process, providing key testimony concerning the criminal acts related to La Rochela.

Though former Santander Congressman Tiberio Villarreal Ramos denies any involvement in the murders, in early June 2009, the Prosecutor General’s Office called him back for questioning. In 1996 and 1997, the Prosecutor General’s Office had opened an investigation into and then dismissed charges against Villarreal. The case file on Villarreal Ramos and the retired generals was transferred to the Supreme Court October 22, 2009. Villarreal Ramos provided additional testimony as recently as April.

Homicide of Senator Cepeda
On May 26, 2009, the IACHR found the Colombian government culpable for the August 9, 1994, murder of Patriotic Union Senator Manuel Cepeda. The
Court ordered a public apology from the government, reparations to Cepeda’s family, a monument, and a government-funded university scholarship in his honor. Cepeda’s son, current Colombian Congressman Ivan Cepeda, rejected the government’s offer to accept responsibility as closure in the case, insisting that the intellectual authors of the crime have not been brought to justice (including former AUC paramilitary leader Vicente Castano). On October 14, 2009, the Prosecutor General’s Office announced that it was opening an investigation into former DAS Deputy Director Jose Miguel Narvaez Martínez, who was a consultant for the armed forces at the time of Cepeda’s killing, for allegedly encouraging paramilitaries to kill Cepeda. Narvaez was implicated because of testimony by Diego Fernando Murillo Bejarano, aka “Don Berna.”

In May, Narvaez was arrested and remains in prison on charges of aggravated homicide as of July. Investigations into Hector Castano Gil, Jose Luis Ferrero Arango and Edinson Manuel Bustamante Garcia were closed due to insufficient evidence. Former paramilitary members Hernando Medina Camacho and Justo Gil Labrador were formally charged with carrying out aggravated homicide, and their cases are pending. Deceased paramilitary leader Carlos Castano Gil was also charged with intellectual authorship of the crime. Others remain under investigation.

General Rito Alejo del Río and “Operation Genesis”

Army General (retired) Rito Alejo del Río’s case was transferred to the Superior Tribunal in April 2010. Del Rio has been detained at the infantry school in Bogota since a September 12, 2008, preventive detention order was issued for his role in the homicide of Marino Lopez Mena. The Prosecutor General’s Office indicted him on December 26, 2008, as the material author in the homicide of Marino Lopez Mena, who allegedly was beheaded on February 24, 1997. The AUC’s Elmer Cardenas Bloc allegedly entered the town of Bijao, municipality of Riosucio (Choco), and with military collusion intimidated and attacked the residents in “Operation Genesis.”

In March 2009, the Supreme Court reopened its case into del Río’s alleged collaboration with paramilitaries in the Uraba region of Antioquia from 1995 – 1997. This followed former paramilitary leaders’ Salvatore Mancuso, Ever Velosa (aka “H.H.”), and Diego Rivera naming him as collaborating with paramilitary forces in their testimonies under the JPL process. According to media reporting, there have been more than 150 allegations that he was responsible for murders and disappearances in Uraba, his former area of command. In early 2009, two former paramilitary members, Luis Muentes Mendoza (alias, “Vicente” or “El Calvo”)
and Diego Luis Hinestrosa Moreno (alias, “El Abuelo”), pled guilty for their involvement in “Operation Genesis.” As of July 1, the case against del Rio was delayed because his attorneys requested a different prosecutor in the case. Since del Rio was a general at the time of the incident, his attorneys have asked that Prosecutor General Viviane Morales personally prosecute the case, replacing the current prosecutor from the Human Rights Unit. At least four other paramilitary members allegedly involved in the incident remained under investigation.

In July, the IACHR sent the “Operation Genesis” case to the Inter-American Court because “the Commission deemed that the State has not complied with the recommendations contained in its report on the merits,” which relate to the lack of investigation into “the many violations that took place during Operation Genesis” and the courts’ failure to “act with diligence in pursuing criminal proceedings that would clarify the acts of violence and punish those responsible.”

Mapiripan Massacre
The investigation into the July 15, 1997, murder of at least 36 civilians in Mapiripan (Meta) remains active. On that date, a group of 20 men from the Autodefensas Campesinas de Córdoba y Urabá (ACCÚ) arrived in the town of Mapiripan (Meta) where they committed violent acts against residents and blocked transportation and communication.

On November 25, 2009, a Bogota criminal tribunal reversed its initial decision to acquit Army General (retired) Jaime Humberto Usategui Ramirez, and instead sentenced him to 40 years in prison and a fine of 10 million Colombian pesos (COP). Usategui, who was commander of the 7th Brigade in Villavicencio, was found guilty of aggravated homicide, aggravated kidnapping, and falsification of information in public documents. Initially, a judge found him guilty of only falsifying information and absolved him of the other charges. The Prosecutor General’s Office asked for reconsideration, noting that troops from the Joaquin Paris Infantry Battalion, located in San Jose del Guaviare, were under his jurisdiction, and that paramilitaries used the site to land airplanes. Furthermore, the tribunal argued that regular troops did not sufficiently protect Mapiripan’s population, which were therefore left “at the complete mercy of the AUC.” Usategui appealed the verdict against him, and the prosecutor in the case asked the court to uphold the verdict on July 30, 2010. As of July 1, the appeal was still pending before the Supreme Court.

Also before the Supreme Court is an appeal by Lieutenant Colonel Orozco of his lower court conviction for his alleged involvement in the massacre. Orozco,
who is widely viewed as the whistleblower who revealed the military's ties to the murders and the only person who tried to stop the massacre, has refugee status due to credible threats against his life and currently resides in the United States.

On September 9, 2009, the Prosecutor General's Office began questioning 18 former paramilitary members. On April 27, 2010, Humberto Antonio Aguilar Allian accepted a plea bargain agreement on the charges of aggravated multiple homicides, aggravated extortive kidnapping, terrorism, and conspiracy with intent to commit these crimes and promoting and organizing illegally armed groups.

Prior to this, on October 23, 2007, three AUC members (Leonardo Montoya Pubiano, Francisco Enrique Gomez Vergano, and Arnoldo Vergara Trespalacios) were sentenced to 40 years each for their involvement in the case.

**Santo Domingo Bombing**

In June, the Prosecutor General's Office issued an arrest warrant for Air Force Captain Sergio Andres Garzon Velez, then serving as Colombia's military attaché in France, and Major German David Lamilla Santos for their role in the December 13, 1998, killing of 17 people in an aerial bombing in Santo Domingo (Arauca). Garzon returned to Colombia on July 13.

In July, the IACHR sent the Santo Domingo case to the inter-American Court because "the Commission deemed that the State had not complied with the recommendations contained in the report on the merits," which relate to "effective investigations to identify the masterminds and other perpetrators and impose the appropriate punishments."

In the previous certification, we reported the sentencing of air force lieutenants Cesar Romero Padilla and Johan Jimenez Valencia to 31 years and eight months in prison and air force aeronautical engineer Hector Mario Hernandez Acosta to six years in prison.

**Chengue Massacre**

In March, the Prosecutor General's Office's Human Rights Unit declared the January 2001 massacre of 28 civilians in Chengue (Sucre) to be a crime against humanity. The office reopened the case against two former non-commissioned marine corps officers, Euclides Rafael Bossa Mendoza and Ruben Dario Rojas Bolivar, who were previously absolved of charges for collaborating with paramilitaries in the massacre. The Prosecutor General's Office will also reopen a preliminary investigation of Rear Admiral Rodrigo Quinonez, who allegedly
received an alert by police intelligence of the paramilitaries’ advance toward Chengue.

Operation Dragon
Progress remained slow in the investigation into Operation Dragon (Operación Dragón). Operation Dragon involved an alleged plot in 2004 to assassinate leftist politicians and labor leaders in Cali. Berenice Celeyta Alayon, a labor union leader, and Colombian Senator Alexander Lopez Maya, former president of SINTRAEMCALI (a local labor union’s campaign against the privatization of the Cali Municipal Corporation, Colombia’s third-largest public utility company), allege that they were targeted for their work in support of SINTRAEMCALI.

On December 16, 2009, the Prosecutor General’s Office sent a letter rogatory to the Swiss government asking for assistance to obtain evidence from a witness. On October 8, 2008, the Prosecutor General’s Office opened a hearing for two lieutenant colonels, a major, and three civilians (no names given) on charges of alleged aggravated criminal conspiracy and violation of the rights of assembly and association for their involvement in “Operation Dragon.” The inquiry process began November 19, 2008, and is ongoing. The Prosecutor General’s Office reported that witnesses have not attended scheduled hearings, contributing to delays.

San Jose de Apartado: La Resbalosa Massacre
The previous certification reported the March 2010 sentencing of Guillermo Armando Gordillo Sanchez, a retired army captain, to 20 years in prison for serving as a cooperating witness in the February 2005 massacre of eight people from the peace community in San Jose de Apartado (Antioquia). Gordillo formally accepted the charges of criminal conspiracy, homicide of a protected person, and barbaric acts for his participation in the massacre. His testimony was the first official admission that elements of the 17th Brigade participated in the murders, in collusion with Don Berna’s Héroes de Tolová Bloc of the AUC. The previous certification also reported that in August 2010, a judge in Antioquia absolved 10 members of the army from responsibility in the case, deeming Gordillo’s testimony insufficient to convict them. The 10 soldiers were: Colonel Orlando Espinosa Beltran, Major Jose Fernando Castano Lopez, Sergeant Edgar Garcia Estupinan, Sergeant Dario Jose Branco Agamez, Lieutenant Alejandro Jaramillo, Sergeant Angel Maria Padilla Petro, Captain Sabarain Cruz Reina, Sergeant Jorge Humberto Milanex, Sergeant Herny Agudelo, and Captain Ricardo Bastidas.

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In October 2010, the Prosecutor General’s Office and the Inspector General’s Office both appealed the judge’s decision, as did the peace community’s legal representative. As of July 1, the appeal was still pending with the Superior Tribunal of Antioquia.

In December 2010, the Prosecutor General’s Office called for questioning Colonel Hector Fandino, who commanded the troops at the time. He provided testimony in December and January 2011. Retired Colonel Nestor Ivan Duque Lopez also provided testimony. Charges have not been filed against either.

The Prosecutor General’s Office has found in its investigations that members of the army’s 47th Infantry Battalion colluded with former AUC leader Diego Murillo Bejarano’s (aka “Don Berna”) Héroes de Tolová Bloc to combat the Revolutionary Armed Forces of Colombia (FARC) in the area. Confessions by Don Berna, who was extradited to the United States in May 2008, and other former AUC members facilitated the prosecution. Don Berna accepted responsibility for the murders on May 7, 2008, in testimony given as part of the JPL process. Paramilitary leader Ever Veloza Garcia (alias “HH”) also gave a declaration in the case on June 20, 2008. At least 10 other paramilitary members from the AUC’s Héroes de Tolová Bloc also were linked to the case, and proceedings continue against those individuals.

On July 12, the Prosecutor General’s Office announced seven new arrests of former AUC members in the case who were charged with conspiracy to commit a crime, homicide of a protected person, and acts of barbarism. The Prosecutor General’s Office noted that refusal by the peace community to cooperate in the investigation had slowed progress in the case. Threats against witnesses and attempted violence against members of the Prosecutor General’s Office working on the case have also hindered the investigation.

In July, the Colombian government accepted the resignation of retired General Mario Montoya, who served as ambassador to the Dominican Republic since 2008, and was previously commander of the army. Press reported the resignation was due to “various investigations” by the Prosecutor General’s Office involving the retired general. In a February 2010 hearing on the Apartado massacre, a colonel and two captains alleged that Montoya facilitated alliances between the armed forces and paramilitaries.
Homicide of Orlando Valencia

Afro-Colombian leader Orlando Valencia was killed in Belen de Bajira (Choco) by paramilitary forces, allegedly with collusion by the Colombian National Police (CNP) in October 2005. Previous certifications reported on the sentencing of several former paramilitary members in connection with the case.

In May 2010, an Antioquia court acquitted police Captain Edwin Harbey Arroyo Cuervo of his alleged involvement in the homicide and links to paramilitary groups.

Previous certifications also reported that two witnesses in the case, Miguel and Uco Alberto Hoyos, were wounded by gunfire outside their homes. In October 2008, unknown assailants killed Uco Alberto Hoyos, who was in the Ministry of Interior and Justice’s (MOJ) protection program at the time. Miguel Hoyos remains in the witness protection program. The Prosecutor General’s Office reports insufficient evidence to pursue Uco Hoyos’ murder at this time.

In May 2010, a court in Antioquia absolved former paramilitary Julio Cesar Silva Borja, alias “El Indio,” and Pablo Jose Montalvo Cuitiva, alias “Alfa Once.” The Prosecutor General’s Office has appealed the decision, as Silva Borja accepted the charges of conspiracy with intent to commit a crime in a plea bargain. As of July 1, the appeal was still pending.

Killings of Peasants in Tobon

On July 6, a judge in Yarumal (Antioquia) sentenced seven soldiers and one officer to 60 years in prison. This was the first time a judge imposed the maximum 60-year sentence on members of the armed forces who were found guilty of homicide. The men were convicted on counts of aggravated homicide for the killings of four rural workers who were presented as killed in combat on March 14, 2006, in Tobon (Antioquia). According to testimony, the eight soldiers forcibly took four men, Enrique Piedrahita Alvarez, John Edison Galeano Barrientos, Jesus Alberto Londono Rodriguez, and Juan Dario Arroyave Morales, from their homes, shot the men in the back, and presented them as combat deaths. The convicted soldiers included Lieutenant Luis Gabriel Rueda Acevedo, and enlisted soldiers German Dario Grajales Calderon, Carlos Augusto Jaramillo Rojas, Cesar Agusto Alvarez Diaz, Oscar Dario Zea Osipina, Wilfredo Eliener Diaz Ciro, Yeison Fernando Jaimes Martinez, and Carlos Andres Torrado Contreras.
Jamundi Massacre

In July, the Inspector General’s Office announced it was investigating Colonel Byron Carvajal and 19 subordinates for violations of international humanitarian law. In 2008, Carvajal and 14 other soldiers were convicted of the May 22, 2006, killings of 10 anti-narcotics police officers in the municipality of Jamundi (Valle de Cauca). After an appeal by Carvajal and other soldiers, the Superior Tribunal of Cali reconfirmed the convictions in June 2010.

Homicide of Dairo Torres

As reported in the previous certification, this case remains provisionally archived due to insufficient evidence. Torres, a leader from the San Jose de Apartado Peace Community, was killed July 13, 2007, by paramilitaries, allegedly with collusion from CNP.

Homicide of Yolanda Izquierdo

Proceedings continue in the investigation into the January 31, 2007, murder of Yolanda Izquierdo, a victims’ representative. Police captured Alvaro Augusto Murillo Montes (alias “El Muchacho”), a paramilitary who demobilized from the AUC’s Héroes de Tolová Bloc. On May 19, 2009, the First Penal Court of Cundinamarca found Murillo guilty on conspiracy charges but acquitted him on the charges of aggravated homicide.

On February 4, the Superior Court of Bogota overturned the ruling and found Murillo guilty of aggravated homicide as well as conspiracy. He was sentenced to more than 30 years in prison and a fine of approximately $800,000.

In January, a Cundinamarca court sentenced Sor Teresa Gomez in absentia to 40 years in jail on charges of homicide, attempted homicide, and conspiracy to commit a crime. The court found that Gomez, stepsister of paramilitary chiefs Fidel and Vicente Castano, ordered the murder of Izquierdo. Gomez had forced dozens of landowners to sell their properties in the department of Cordoba to the Castanos. Izquierdo subsequently led a group of farmers seeking justice and land restitution. The judge ordered the Prosecutor General’s Office to investigate members of the Justice and Peace Unit who allegedly did not offer Izquierdo protection, despite numerous reported threats.

Soacha Murders

In June, a judge in Cimitarra (Santander) handed down the first convictions linked to the Soacha “false positives” cases. The judge found eight soldiers guilty
of aggravated homicide and forced disappearance for the killings of two young men, Eduardo Garzon Paez and Daniel Andres Pesca Olaya.

Pesca Olaya disappeared from Soacha on March 2, 2008, and Garzon Paez disappeared from Bogota on March 4, 2008. The next day, both were reported as killed in combat in Cimitarra by members of the Caldas Battalion of the army’s 5th Brigade. All eight military defendants, which included the commander of the Caldas Battalion, were convicted of two counts of aggravated homicide and forced disappearance. On July 15, they were sentenced as follows:

1. Lieutenant Colonel Wilson Javier Castro Munoz, commander of the battalion: sentenced to 54 years, 9 months, and 18 days on charges of aggravated homicide, forced disappearance, falsifying information, and embezzlement.
2. Lieutenant Eduardo Antonio Villany Realpe: sentenced to 55 years, 4 months, and 24 days in prison for aggravated homicide, forced disappearance, falsifying information, and embezzlement.
3. Sergeant Jose Eduardo Niampira Benavides: sentenced to 55 years, 4 months, and 24 days in prison for aggravated homicide, forced disappearance, falsifying information, and embezzlement.
4. Professional Soldier Guillermo Pacheco Anzola: sentenced to 29 years, 4 months, and 24 days for aggravated homicide, forced disappearance, falsifying information, and embezzlement.
5. Professional Soldier Juan Carlos Alvarez: sentenced to 54 years, 2 months, and 12 days for aggravated homicide and forced disappearance.
6. Professional Soldier Nelson Ospina Tavarel: sentenced to 28 years, 2 months, and 12 days in prison for complicity in aggravated homicide and forced disappearance.
7. Professional Soldier Benancio Puentes Guapacha: sentenced to 28 years, 2 months, and 12 days in prison for complicity in aggravated homicide and forced disappearance.
8. Professional Soldier German Augusto Oliveros: sentenced to 28 years, 2 months, and 12 days in prison for complicity in aggravated homicide and forced disappearance.

The eight soldiers also were prohibited from government service for a minimum of 20 years.

Over the course of the trial, the Cimitarra judge rejected various apparent dilatory maneuvers by defense attorneys and refused to grant provisional release to
the defendants. This case is an example of the important role of judges in the fight against impunity in human rights cases.

As of July 1, there were 10 other legal cases involving 14 victims associated with Soacha that were pending in courts in Bogota, Cucuta, and Bucaramanga.

**Homicide of Jose Edwin Legarda Vazquez**

In the previous certification, we reported on the June 2010 conviction of six army Jose Hilario Lopez Battalion members for the murder of Jose Edwin Legarda Vasquez, husband of Aida Quilcue, who was the leader of the Regional Indigenous Council of Cauca (CRIC) on December 16, 2008. The six are: Sergeant Alexis Ramirez Vivas, Corporal Javier Alonso Osorio Diaz, and professional soldiers Lisandro Caicedo Obando, Javier Francisco Belalcazar Troches, Numar Armido Muitron Cabezas, and William Weimar Lemeche Hurtado.

In September 2010, a judge in Popayan sentenced the six convicted to 40 years in prison. In March, the Superior Tribunal in Popayan confirmed the sentence.

**Murder of Children in Tame**

On October 14, 2010, three children were found dead in a shallow grave near Tame (Arauca). The eldest, a 14-year-old girl, had been raped. On November 2, 2010, Commander of the Army General Navas announced that he was suspending seven soldiers from the army's 5th Mobile Brigade for failing to control their troops: Lieutenant Colonel German Belalcazar Arciniegas, Lieutenant Colonel James Edison Pineda Parra, Major James Alberto Granada, Lieurtenant Raul Munoz Linares, Sergeant Luis Giovani Torrijos Medina, Corporal Juan Estevan Sanchez Bonilla, and Corporal Robinson Javier Castro. On November 3, the Prosecutor General's Office charged Lieutenant Raul Munoz Linares with raping the girl and killing her and her brothers, as well as with raping another adolescent girl October 2.

Lawyers from DEMIL represented Munoz in the homicide case. On February 23, Judge Gloria Gaona denied a lawyer's request to release Munoz on grounds that the terms of detention had expired. In the same hearing, Judge Gaona called for an investigation into delay tactics by Munoz's attorneys. On May 19, DEMIL announced that its lawyers were resigning from representing Munoz. On July 11, during the preparation hearing, Munoz did not accept the charges against him. The case remains pending in the civilian justice system as of July 15.
Killing of Indigenous Leader in Arauca

On June 10, soldiers from the 18th Brigade shot and killed indigenous leader Humberto Peroza Wampiare and presented him as killed in combat in rural Arauca. Peroza was a member of the Hitu ethnic group and lived in the indigenous reserve La Voragine. General Navas issued a statement June 18 indicating the army was working with the Inspector General to investigate the case and the soldiers involved. According to press reports, the case remains under investigation by the JPM system and the Inspector General as of August.

Killing of five Civilians including two Children in Cajamarca

On July 12, the Superior Tribunal of Ibagué confirmed the sentences of 35 – 40 years in prison for five soldiers who killed five members of the same family on April 10, 2004, in Cajamarca (Tolima). The victims were: Albeiro Mendoza Reyes, Yamile Uruena Arango, Julio Cesar Santana Gutierrez (14 years old), Cristian Albeiro Mendoza Uruena (six months old), and Norberto Mendoza Reyes, who was wounded initially but later killed in a cover-up. The soldiers sentenced were Noel Brines Perez, John Jairo Vizcaya Rodriguez, Albeiro Perez Duque, Luis Fernando Ramos Martinez and John Jairo Guzman Gallego.

Killing of two Civilians in Galeras

On July 13, a judge in Sincelejo (Sucre) sentenced Army Colonel Luis Fernando Borja Giraldo, former commander of the Sucre Joint Task Force, to 42 years in prison on charges of homicide and forced disappearance. Borja abducted and killed civilians Fabio Alberto Sandoval Feria and Eleonais Manuel Gonzalez Correa, reporting them as killed in combat in Galeras (Sucre) in November 2007.
SECTION 7046(b)(1)(B)(ii)

Section 7046(b)(1)(B)(ii) of the FY 2009 SFOAA requires a determination that:

"The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or successor armed groups."

The Government of Colombia made substantial progress in, and continues to take the necessary steps to sever links with paramilitary organizations and criminal groups. The Prosecutor General’s Office and the Inspector General’s Office have investigated and prosecuted members of the security forces as well as elected and appointed government officials who colluded with former paramilitary members and criminal groups. The armed forces have cooperated with civilian judicial orders for the arrest, detention, and suspension of military personnel with alleged ties to these criminal groups. President Santos’ first official act was to meet with the Supreme Court and promise them his support and respect for the judiciary.

Severing Links with Paramilitary Organizations or Illegal Armed Groups

In 2009, the Colombian Congress passed a political reform law. One of the strongest measures established in the legislation was the “empty seat” provision, which first was implemented in September 2010 in the case of sitting Senator Javier Caceres Leal. Under the “empty seat provision,” a representative’s party temporarily loses the seat during an official investigation. In the event of a conviction, the party permanently loses the seat. Caceres stands accused of receiving help from paramilitaries in his election. Caceres’ party will lose his seat permanently if he is convicted.

In December 2010, the Colombian Congress passed legislation regulating Article 3 of the 2009 political reform law. This law, which entered into force in July, further clarified rules for political parties and electoral campaigns, including penalties for political parties that abet candidates for office who have collaborated with illegal armed groups. Political parties are reviewing their candidate rosters in advance of the October local elections to ensure candidates have clean records. In late July, press reported political parties’ purging of candidate lists due to legal problems. More than 300 U Party and 400 Liberal Party candidates failed to gain party support.

In a July report, the International Crisis Group called the October elections the “first test of how democratic institutions” under the Santos administration will
deal with the influence of criminal groups. The report notes that the electoral reforms that entered into force in July are positive, ensuring elections will be more legitimate in the long term, but their short-term effect will be limited due to the inability to implement measures in time for the October elections.

At the local level, as part of the National Plan for Territorial Consolidation (PNCT) and other efforts, the government is moving forward with programs to promote transparency and mitigate the influence of illegal armed groups through violence, intimidation, and fraud in local and regional elections. These programs include candidate debates, citizen monitoring and participation strengthening, electoral campaign observation, and increased protection of candidates.

Combating Corruption

On July 12, President Santos signed a new anti-corruption law and publicly vowed exhaustive government efforts to prevent and eliminate corruption. In a speech made after the bill passed through Congress, Minister of the Interior and Justice German Vargas Lleras confirmed that several former government employees now work for private enterprises that received preferential treatment during the previous administration. A major goal of the new legislation is to seal the “revolving door” between high-level government jobs and the private sector. Officials leaving office will be prohibited from working in private sector jobs that are in the same area as their public sector jobs for a two-year period after their government employment ends.

The law also focuses on the public works sector, where it will establish transparency in public bidding and regulate monetary advances. Campaign donors will be prohibited from bidding on government contracts during their sponsored candidate’s term. Another focus of the law is the public health sector, which also has suffered from corruption.

The President will have the non-delegable responsibility to coordinate the anticorruption measures. He will be able to appoint officials to monitor the internal operations of government bodies, making his supervision efforts more effective. The current Inspector General, Alejandro Ordonez, has increased the efficiency of investigations and shortened the disciplinary process from two years to two months.

The law allows the Comptroller to establish an investigation unit comprised of 11 government employees. The unit will use various tools to combat corruption,
including forensics, intelligence techniques, and utilization of international resources. The current Comptroller, Sandra Morelli, has effectively exposed internal payroll fraud and government waste.

In addition, the law defines new criminal offenses, creates stiffer penalties for crimes against the public administration, and makes those convicted of corruption-related crimes ineligible for such modified sentencing as house arrest or reductions in jail time. The Prosecutor General’s Office will be able to dedicate several agents to undercover fraud investigations under the new law. Ongoing undercover investigations will allow the state to infiltrate networks of corruption within the government. The Prosecutor General’s Office has vigorously pursued cases including high-level government officials. During the certification period, charges were filed against former chief of staff to President Uribe, Bernado Moreno; former Administrative Department of Security Director, Maria Pilar Hurtado; former Agriculture Minister, Andres Felipe Arias; and the Mayor of Bogota, Samuel Moreno.

Under the new law, the disciplinary tribunal of the Superior Judicial Court will be given the power to review any disciplinary actions if new evidence arises that suggests acts of corruption in a case. This is a controversial issue in the congress, with dissenters suggesting that this could result in judicial instability and the lifetime expulsion of public officials from government offices. The law allows the disciplinary tribunal three months to review any disciplinary actions.

“Parapolitical” Investigations

Demobilized paramilitary members have testified to the existence of, and participation in, paramilitary support networks, including those who provided political and/or financial support. These networks sometimes encompass government officials, including members of congress, governors, and mayors. The Colombian government continues to vigorously investigate and prosecute “parapolitical” cases. The following are statistics on government officials who have been incarcerated, preventively detained, or are under investigation for involvement with paramilitary groups. Also included are those who have been accused or acquitted of having ties to paramilitaries.

Investigations of Members of the Colombian Congress

Of Colombia’s 268 former members (102 senators and 166 representatives) of the 2006 – 2010 congress, 97 were accused of having paramilitary ties. Of these, 37 currently are incarcerated (16 found guilty, 21 awaiting the conclusion of
their trials); 13 were given parole; 19 were acquitted; 27 are under investigation; and one died before investigations could take place.

As of July 1, 13 members of the current Colombian Congress (2010 – 2014) were alleged to have paramilitary ties. One currently is incarcerated awaiting the conclusion of his trial, 10 are under investigation, one was acquitted, and one is rumored to have paramilitary ties but is not under criminal investigation.

In February, former Senator Mario Uribe was found to have ties to paramilitary groups and was sentenced to seven and a half years in prison. Uribe, former president of the Colombian Congress and second cousin to former President Alvaro Uribe, is the most prominent government official jailed for paramilitary association. The testimony of an extradited paramilitary (Salvatore Mancuso) incriminated former Senator Uribe in a clandestine pact to encourage members of congress to form paramilitary alliances.

Also in February, the Prosecutor General’s Office arrested Ramon Ballesteros, a defense attorney widely known for representing politicians accused of paramilitary ties, for attempting to bribe a witness to change their testimony against his clients. In May, Ballesteros was sentenced to three years in prison.

In April, the Supreme Court decided to call to trial current senator and former president of the congress (2009 – 2010), Javier Caceres Leal, based on credible evidence that showed he was elected in 2006 with the help of the paramilitary “Juancho Dique.” The criminal investigation against Caceres was the first time the “empty seat” provision was applied. In June, Caceres testified that he was a victim of false accusations by demobilized paramilitaries. As of July 1, he remained in jail while his case continued.

In May, another former president of the Colombian Congress, Senator Luis Humberto Gomez Gallo, was sentenced to nine years in prison for paramilitary ties with the Tolima Bloc of the AUC.

Investigations of Members of the Executive Branch

Several former members of the executive branch are under investigation for alleged links to paramilitary groups. For example, former DAS director (2002 – 2006) Jorge Noguera is accused of leading a covert intelligence unit that provided information to paramilitaries. This information was linked to three unionist murders and the murder of a college professor. During his tenure, Noguera hired Rafael Garcia as chief information officer but claims not to have known about
Garcia’s paramilitary ties. Noguera also claims that meetings with known paramilitaries were official meetings related to the AUC demobilization. Noguera has been incarcerated since the end of 2008 and continues to testify in his case, which is pending before the Supreme Court.

**Investigations of Other Government Officials**

Forty mayors have been implicated for alleged links to paramilitary groups. Of them, 31 currently are incarcerated (seven were found guilty and 24 await the conclusion of their trials), one was acquitted, eight are rumored to have paramilitary ties but are not under investigation.

Eighteen governors have been implicated for alleged links to paramilitary groups. Of them, 13 are incarcerated (seven were found guilty and six await the conclusion of their trials), two are under investigation, one was acquitted, and two others are rumored to have paramilitary ties but are not under criminal investigation.

A list of “parapolitical” cases follows:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DETAILS</th>
<th>DATE</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jorge Eliecer ANAYA</td>
<td>Governor of Sucre from 2004-2007, Partido Liberal.</td>
<td>11-Sep-09</td>
<td>5 years, 7 months</td>
</tr>
<tr>
<td>Hernandez</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Salvador ARANA Sus</td>
<td>Former Ambassador to Chile and Former Governor of Sucre. Partido Social de Unidad Nacional.</td>
<td>3-Dec-09</td>
<td>40 years</td>
</tr>
<tr>
<td>Fabio ARANGO Torres</td>
<td>Representative 2006 – 2010, Vaupes. Cambio Radical.</td>
<td>8-Jul-10</td>
<td>6 years</td>
</tr>
<tr>
<td>Muriel BENITO-REBOLLO</td>
<td>Former Representative, Sucre. Partido Conservador.</td>
<td>25-Feb-08</td>
<td>3 years, 11 months</td>
</tr>
<tr>
<td>Humberto BUILES</td>
<td>Senator 2006 – 2010, Antioquia. Cambio Radical.</td>
<td>18-Aug-10</td>
<td>7 years</td>
</tr>
<tr>
<td>Enrique Rafael CABALLERO</td>
<td>Former Representative, Magdalena. Partido Liberal.</td>
<td>9-Mar-11</td>
<td>5 years, 7 months</td>
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<tr>
<td>Aduen</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Raul CABRERA Barreto</td>
<td>Mayor of Villanueva (Casanare) from 2004 – 2007. Partido Liberal.</td>
<td>20-Jun-11</td>
<td>6 years, 5 months</td>
</tr>
<tr>
<td>Aleyder CASTANEDA Avila</td>
<td>Mayor of Monterrey (Casanare). Cambio Radical.</td>
<td>20-Jun-11</td>
<td>6 years, 5 months</td>
</tr>
<tr>
<td>Edilberto CASTRO Rincon</td>
<td>Former Governor of Meta. Cambio Radical.</td>
<td>9-Nov-07</td>
<td>40 years</td>
</tr>
<tr>
<td>Name</td>
<td>Crime</td>
<td>Date</td>
<td>Sentence</td>
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<tr>
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</tr>
<tr>
<td>Jorge CASTRO Pacheco</td>
<td>Senator 2006 – 2010, Magdalena. Colombia Viva.</td>
<td>12-May-10</td>
<td>90 months in prison and a fine of 6,500 minimum wages</td>
</tr>
<tr>
<td>Mauricio Esteban CHAPARRO Barrera</td>
<td>Mayor of Sabanalarga (Casanare) from 2004 – 2007. Nuevo Partido.</td>
<td>20-Jun-11</td>
<td>6 years, 5 months</td>
</tr>
<tr>
<td>Carlos Arturo CLAVIJO Vargas</td>
<td>Former Representative Antioquia. Movimiento Convergencia Popular Cívica.</td>
<td>9-Mar-11</td>
<td>5 years, 7 months</td>
</tr>
<tr>
<td>Jose Maria CONDE Romero</td>
<td>Representative 2006–2010, Sucre. Colombia Democratica.</td>
<td>6-Apr-11</td>
<td>60 months</td>
</tr>
<tr>
<td>Jose Domingo DAVILA Armenta</td>
<td>Former Governor of Magdalena. Partido Liberal.</td>
<td>22-Feb-11</td>
<td>7 years, 6 months</td>
</tr>
<tr>
<td>Ricardo Ariel ELCURE Chacon</td>
<td>Senator 2006 – 2010, Norte de Santander. Colombia Democratica.</td>
<td>19-Aug-09</td>
<td>72 months and a fine of COP 300 million</td>
</tr>
<tr>
<td>Alvaro Alfonso GARCIA Romero</td>
<td>Senator 2006 – 2010, Sucre. Colombia Democratica.</td>
<td>24-Feb-10</td>
<td>40 years</td>
</tr>
<tr>
<td>Karely Patricia LARA</td>
<td>Representative 2006 – 2010, Magdalenia. Movimiento de Renovación y Acción Laboral</td>
<td>19-Aug-09</td>
<td>6 years</td>
</tr>
<tr>
<td>Jorge Elias LOPEZ Barreto</td>
<td>Mayor of Tauramena (Casanare) 2004 – 2007. Partido Liberal.</td>
<td>19-Aug-09</td>
<td>6 years</td>
</tr>
<tr>
<td>Oscar de Jesus LOPEZ Cadavid</td>
<td>Governor of Guaviare 2008 – 2011. Partido Liberal.</td>
<td>24-Jan-11</td>
<td>7 years</td>
</tr>
<tr>
<td>Trino LUNA Correa</td>
<td>Former Governor of Magdalena. Partido Liberal.</td>
<td>26-Nov-07</td>
<td>3 years, 8 months</td>
</tr>
<tr>
<td>Juan Carlos MARTINEZ Sinisterra</td>
<td>Senator 2006 – 2010, Cauca. Convergencia Ciudadana.</td>
<td>8-Jun-11</td>
<td>7 years</td>
</tr>
<tr>
<td>Robert MENDOZA Ballesteros</td>
<td>Former Representative, Choco. Partido Liberal.</td>
<td>29-Jun-11</td>
<td>3 years, 1 month</td>
</tr>
<tr>
<td>Jairo Enrique MERLANO Fernandez</td>
<td>Senator 2006 – 2010, Sucre. Partido Social de Unidad Nacional.</td>
<td>2-Aug-11</td>
<td>8 years</td>
</tr>
<tr>
<td>Hernando MOLINA Araujo</td>
<td>Governor of Cesar 2004 – 2007. Partido Liberal.</td>
<td>6-May-10</td>
<td>7 years, 6 months</td>
</tr>
<tr>
<td>Henry MONTES Montes</td>
<td>Mayor of Mani (Casanare) 2004 – 2007. Partido Liberal.</td>
<td>20-Jun-11</td>
<td>6 years, 5 months</td>
</tr>
<tr>
<td>Name</td>
<td>Title and Party</td>
<td>Date</td>
<td>Sentence Details</td>
</tr>
<tr>
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</tr>
<tr>
<td>Eric Julio MORRIS Taboada</td>
<td>Representative 2006 – 2010, Sucre. Colombia Democratica.</td>
<td>19-Dec-07</td>
<td>6 years in prison and a fine of COP 996 million</td>
</tr>
<tr>
<td>Mauricio PIMENTO Barrera</td>
<td>Senator 2006 – 2010, Cesar. Partido Social de Unidad Nacional.</td>
<td>15-May-08</td>
<td>7 years</td>
</tr>
<tr>
<td>Ruben Dario QUINTERO</td>
<td>Senator 2006 – 2010, Antioquia. Cambio Radical.</td>
<td>27-Sep-10</td>
<td>90 months in prison and a fine of COP 3.3 billion</td>
</tr>
<tr>
<td>Miguel Angel RANGEL Sossa</td>
<td>Representative 2006 – 2010, Bolivar. Partido Social de Unidad Nacional.</td>
<td>17-Sep-10</td>
<td>90 months</td>
</tr>
<tr>
<td>Odin SANCHEZ Montesdeocca</td>
<td>Representative 2006 – 2010, Choco. Partido Social de Unidad Nacional.</td>
<td>27-Jul-11</td>
<td>9 years</td>
</tr>
<tr>
<td>Edgar Ulises TORRES</td>
<td>Representative 2006 – 2010, Choco. Cambio Radical.</td>
<td>27-Jul-11</td>
<td>9 years</td>
</tr>
<tr>
<td>Leonel Roberto TORRES Arias</td>
<td>Mayor of Aguazul (Casanare). Cambio Radical.</td>
<td>20-Jun-11</td>
<td>6 years, 5 months</td>
</tr>
<tr>
<td>Mario URIBE Escobar</td>
<td>Senator 2006 – 2010, Antioquia. Colombia Democratica.</td>
<td>21-Feb-11</td>
<td>90 months in prison and a fine of COP 3.484 billion</td>
</tr>
<tr>
<td>Luis Eduardo VIVES Lacouture</td>
<td>Senator 2006 – 2010, Magdalena. Convergencia Ciudadana.</td>
<td>1-Aug-08</td>
<td>7 years in prison and a fine of COP 923 million</td>
</tr>
<tr>
<td>Oscar Leonidas WILCHES Carreno</td>
<td>Representative 2006 – 2010, Casanare. Cambio Radical.</td>
<td>14-Apr-11</td>
<td>7.5 years</td>
</tr>
<tr>
<td>Luz Yineth ZARTA Osuna</td>
<td>Mayor of Coello (Tolima) 2004 – 2007. Partido Liberal.</td>
<td>9-Feb-11</td>
<td>7 years 6 months in prison and a fine of 3,250 minimum wages</td>
</tr>
<tr>
<td>Jose Francisco ZUNIGA Riascos</td>
<td>Mayor of Santa Marta (Magdalena) 2004 – 2007. Colombia Viva.</td>
<td>3-Apr-09</td>
<td>4 years</td>
</tr>
</tbody>
</table>
**SENTENCED AND PAROLED**

<table>
<thead>
<tr>
<th>NAME</th>
<th>DETAILS</th>
<th>PAROLE</th>
<th>SENTENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emilio Enrique ANGE\n Barco</td>
<td>Representative 2006 – 2010, Caldas. Partido Liberal.</td>
<td>21-Aug-09</td>
<td>Sentenced to 3 years, 9 months in prison on February 25, 2008.</td>
</tr>
<tr>
<td>Maria del Rocio ARIAS Hoyos</td>
<td>Former Representative, Antioquia. Movimiento Convergencia Popular Cívica.</td>
<td>13-Oct-09</td>
<td>Sentenced to 3 years, 9 months in prison in July 2008.</td>
</tr>
<tr>
<td>Alfonso Antonio CAMPO Escobar</td>
<td>Representative 2006 – 2010, Magdalena. Partido Conservador.</td>
<td>3-Feb-09</td>
<td>Sentenced to 5 years in prison and a fine of COP 1.72 billion on November 26, 2007.</td>
</tr>
<tr>
<td>Jorge Luis FERIS</td>
<td>Former Representative, Sucre. Colombia Democratica.</td>
<td>22-Jan-10</td>
<td>Sentenced to 3 years, 11 months in prison on November 25, 2008.</td>
</tr>
</tbody>
</table>
### Sentenced to prison

<table>
<thead>
<tr>
<th>Name</th>
<th>Details</th>
<th>Incarcerated</th>
</tr>
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<tbody>
<tr>
<td>Eleonora Maria PINEDA Arcia</td>
<td>Former Representative, Cordoba. Movimiento Popular Unido.</td>
<td>2-Jan-09</td>
</tr>
</tbody>
</table>

- **Reginaldo Enrique MONTES Alvarez**: Sentenced to 6 years in prison and a fine of COP 923 million on November 26, 2008.
- **Eleonora Maria PINEDA Arcia**: Sentenced to 90 months in prison on October 23, 2008.
- **Ciro RAMIREZ Pinzon**: Sentenced to 7 years, 6 months in prison and a fine of COP 3.4 billion on March 10, 2011.
- **Dixon Ferney TAPASCO**: Sentenced to 7.5 years in prison and $6,500 minimum wages on February 3, 2010. Re-incarcerated on March 29, 2011, on charges of homicide.

### IN JAIL, AWAITING CONCLUSION OF TRIAL

<table>
<thead>
<tr>
<th>Name</th>
<th>Details</th>
<th>Incarcerated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blanca Yaneth ALDANA Henao</td>
<td>Mayor of Mariquita (Tolima) 2004 – 2007. Partido Liberal.</td>
<td>30-May-08</td>
</tr>
<tr>
<td>Luis Fernando ALMARIO</td>
<td>Representative 2006 – 2010, Caqueta. Movimiento de Participacion Popular.</td>
<td>25-Feb-08</td>
</tr>
<tr>
<td>Cesar ANDRADE</td>
<td>Representative 2006 – 2010, Antioquia. Cambio Radical.</td>
<td>28-Sep-10</td>
</tr>
<tr>
<td>Manuel Darío AVILA</td>
<td>Representative 2006 – 2010, Antioquia. Cambio Radical.</td>
<td>28-Sep-10</td>
</tr>
<tr>
<td>Edgar Orlando BARRIOS ORTEGA</td>
<td>Mayor of Astrea (Cesar). Cambio Radical.</td>
<td>12-Mar-09</td>
</tr>
<tr>
<td>Jorge BLANCO Fuentes</td>
<td>Mayor of San Onofre (Sucre) 2004 – 2007. Partido Conservador.</td>
<td>25-May-07</td>
</tr>
<tr>
<td>Name</td>
<td>Position/Role</td>
<td>Term Dates</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Justo CAPERA Caicedo</td>
<td>Mayor of La Dorada (Caldas). Partido Liberal.</td>
<td>27-Aug-08</td>
</tr>
<tr>
<td>Miguel Eduardo CARRASCAL Padilla</td>
<td>Mayor of Toluiejo (Sucre) 2004 – 2007. Alas Equipo Colombia.</td>
<td>25-May-07</td>
</tr>
<tr>
<td>Juan Jose CHAUX Mosquera</td>
<td>Governor of Cauca from 2004 – 2007. Partido Liberal.</td>
<td>18-May-09</td>
</tr>
<tr>
<td>Hernan Alberto CUARTAS Ochoa</td>
<td>Mayor of Mariquita (Tolima) 2004-2007. Partido Liberal.</td>
<td>30-May-08</td>
</tr>
<tr>
<td>Javier Ramiro DEVIA</td>
<td>Representative 2006 – 2010, Tolima. Partido Conservador.</td>
<td>4-May-10</td>
</tr>
<tr>
<td>Greisy Sulay DIAZ Guevara</td>
<td>Mayor of San Antonio del Palmito (Sucre) 2004 – 2007. Movimiento Nacional Progresista.</td>
<td>25-May-07</td>
</tr>
<tr>
<td>Jesus DOVAL</td>
<td>Representative 2006–2010, Antioquia. Cambio Radical.</td>
<td>28-Sep-10</td>
</tr>
<tr>
<td>Carlos Julio GALVIS Anaya</td>
<td>Former Representative, Santander. Movimiento Convergencia Popular Cívica.</td>
<td>17-Feb-11</td>
</tr>
<tr>
<td>Jose Rosario GAMARRA Sierra</td>
<td>Former Representative, Magdalena. Cambio Radical.</td>
<td>12-May-08</td>
</tr>
<tr>
<td>Alberto GOMEZ Loaiza</td>
<td>Mayor of Fresno (Tolima) from 2004-2007. Partido Conservador.</td>
<td>30-May-08</td>
</tr>
<tr>
<td>Gustavo German GUERRA Guerra</td>
<td>Mayor of Arboletes (Antioquia). Cambio Radical.</td>
<td>12-Mar-10</td>
</tr>
<tr>
<td>Carlos Reinaldo HIGUERA Escalante</td>
<td>Former Senator, Santander. Movimiento Convergencia Popular Cívica.</td>
<td>18-Sep-08</td>
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<tr>
<td>Jose Maria IMBETH</td>
<td>Former Representative, Bolivar. Partido Conservador.</td>
<td>14-May-08</td>
</tr>
<tr>
<td>Jose Mauricio JIMENEZ Perez</td>
<td>Mayor of Aguazul (Casanare). Apertura Liberal.</td>
<td>11-Oct-08</td>
</tr>
<tr>
<td>Garibaldi LOPEZ Acuna</td>
<td>Former Mayor of de Astrea (Cesar) 2004 – 2007. Cambio Radical.</td>
<td>5-Mar-09</td>
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<tr>
<td>Jesus Maria LOPEZ Gomez</td>
<td>Former Governor of Monteria. Partido Liberal.</td>
<td>14-May-07</td>
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<tr>
<td>Emilio MARTINEZ Rosales</td>
<td>Former Representative, Tolima. Cambio Radical.</td>
<td>20-May-08</td>
</tr>
<tr>
<td>Name</td>
<td>Position and Party</td>
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<tr>
<td>Edwin MUSSI Reston</td>
<td>Former Mayor of Ovejas (Sucre). Partido Conservador.</td>
<td>16-May-07</td>
</tr>
<tr>
<td>EtanislaO ORTIZ Lara</td>
<td>Mayor of Turbo (Antioquia). Cambio Radical.</td>
<td>28-Sep-10</td>
</tr>
<tr>
<td>Carlos Nascar PAJARO Torres</td>
<td>Mayor of San Juan de Uraba (Antioquia) 2004 – 2007. Movimiento Uraba Grande, Unida Y En Paz.</td>
<td>12-Mar-10</td>
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<tr>
<td>William Herman PEREZ Espinel</td>
<td>Former Governor of Casanare 2001 – 2003. Partido Liberal.</td>
<td>9-Feb-09</td>
</tr>
<tr>
<td>Wilmer Jose PEREZ Padilla</td>
<td>Former Mayor of San Antero (Cordoba). Partido Liberal. Assassinated June 1, 2009.</td>
<td>14-May-07</td>
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<tr>
<td>Ramon PRIETO Jure</td>
<td>Former Mayor of Pivijay (Magdalena). Apertura Liberal.</td>
<td>31-May-11</td>
</tr>
<tr>
<td>JorgE Enrique RAMIREZ Urbina</td>
<td>Former Representative, Cesar. Partido Social de Unidad Nacional.</td>
<td>12-May-08*</td>
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<tr>
<td>Alonso de Jesus RAMIREZ Torres</td>
<td>Representative 2006 – 2010, Magdalena. Cambio Radical.</td>
<td>31-Mar-08</td>
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<tr>
<td>Alfonso RIANO Castillo</td>
<td>Representative 2006 – 2010, Santander. Convergencia Ciudadana.</td>
<td>24-Nov-08</td>
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<tr>
<td>Rodrigo RONCALLO Fandino</td>
<td>Representative 2006 – 2010, Magdalena. Apertura Liberal.</td>
<td>23-Jan-09</td>
</tr>
<tr>
<td>Manuel David RUIZ Barrios</td>
<td>Mayor of Coloso (Sucre) 2004 – 2007. Apertura Liberal.</td>
<td>25-May-07</td>
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<tr>
<td>Salomon de Jesus SAADE Abdala</td>
<td>Former Senator, Magdalena. Partido Liberal.</td>
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<tr>
<td>Juan Pablo SANCHEZ</td>
<td>Representative 2006 – 2010, Caldas. Partido Liberal.</td>
<td>31-Aug-09</td>
</tr>
<tr>
<td>Sigifredo Mario SENIOR Sotomayor</td>
<td>Former Mayor of Tierralta (Cordoba). Partido Liberal.</td>
<td>14-May-07</td>
</tr>
<tr>
<td>NAME</td>
<td>DETAILS</td>
<td>Writ Issued</td>
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<tr>
<td>Libardo SIMANCAS</td>
<td>Governor of Bolivar 2004 – 2007, Partido Liberal.</td>
<td>5-Aug-09</td>
</tr>
<tr>
<td>Ramiro SUAREZ Corzo</td>
<td>Mayor of Cucuta (Norte de Santander) 2004 – 2007, Colombia Viva.</td>
<td>30-May-08</td>
</tr>
<tr>
<td>Sergio Antonio TAPIAS</td>
<td>Mayor of Covenas (Sucre). Colombia Democratica.</td>
<td>8-Oct-09</td>
</tr>
<tr>
<td>Edgar VELEZ Hernandez</td>
<td>Mayor of Falan (Tolima) 2004 – 2007. Partido Liberal.</td>
<td>30-May-08</td>
</tr>
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</table>

**WRIT OF PROHIBITION ISSUED (Investigation Closed)**

<table>
<thead>
<tr>
<th>NAME</th>
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<tbody>
<tr>
<td>Manuel Antonio CAREBILLA</td>
<td>Representative 2006 – 2010, Amazonas. Movimiento Nacional Progressista.</td>
<td>5-Mar-10</td>
</tr>
<tr>
<td>Jairo Alfredo FERNANDEZ Quessèp</td>
<td>Representative 2006–2010, Sucre Acción Social.</td>
<td>12-Jun-09</td>
</tr>
<tr>
<td>Jorge Ignacio MORALES Gil</td>
<td>Representative 2006 – 2010, Antioquia. Partido Liberal.</td>
<td>8-Dec-08</td>
</tr>
<tr>
<td>Myriam Alicia PAREDES Aguirre</td>
<td>Representative 2006 – 2010, Narino. Partido Conservador.</td>
<td>18-Nov-08</td>
</tr>
<tr>
<td>Guillermo RIVERA Florez</td>
<td>Representative 2006 – 2010, Putumayo. Partido Liberal.</td>
<td>28-Nov-08</td>
</tr>
<tr>
<td>Pedro Pablo TRUJILLO</td>
<td>Representative 2006 – 2010, Tolima. Partido Conservador.</td>
<td>2-Sep-09</td>
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**ACQUITTED (Investigation Closed without Charges)**

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<tr>
<th>NAME</th>
<th>DETAILS</th>
<th>Acquitted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luis Jose ALVAREZ Amaris</td>
<td>Former Mayor of Chinu (Cordoba). Cambio Radical.</td>
<td>12-Mar-08</td>
</tr>
<tr>
<td>Pompilio AVENDANO</td>
<td>Representative 2006 – 2010, Tolima. Partido Liberal.</td>
<td>9-Dec-09</td>
</tr>
<tr>
<td>Name</td>
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<td>Name</td>
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<tr>
<td>Jorge VISBAL Martelo</td>
<td>Current Ambassador to Peru; Senator 2006 – 2010, Sucre; Former Ambassador to Canada. Partido Social de Unidad Nacional.</td>
<td></td>
</tr>
</tbody>
</table>
## POSSIBLE PARAMILITARY TIES (Not Currently Under Investigation)

<table>
<thead>
<tr>
<th>NAME</th>
<th>DETAILS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Edgar BENITO-REVOLLO</td>
<td>Mayor of San Onofre (Sucre). Partido Conservador.</td>
</tr>
<tr>
<td>Hugo CABALLERO Ballesteros</td>
<td>Mayor of San Pedro de Uraba (Antioquia). Colombia Democratica.</td>
</tr>
<tr>
<td>Sergio DIAZGRANADOS Guido</td>
<td>Current Minister of Commerce, Industry and Tourism; Former Representative, Magdalena. Movimiento de Renovacion y Accion Laboral.</td>
</tr>
<tr>
<td>Jaime Dario ESPELETA Herrera</td>
<td>Former Representative, Cesar. Partido Liberal.</td>
</tr>
<tr>
<td>Luis Jimenez ESPITIA</td>
<td>Former Mayor of Monteria (Cordoba). Partido Liberal.</td>
</tr>
<tr>
<td>Gustavo German GUERRA</td>
<td>Mayor of Arboletes (Antioquia). Movimiento Uraba Grande, Unida Y En Paz.</td>
</tr>
<tr>
<td>Guillermo Alfonso JARAMILLO</td>
<td>Former Governor of Tolima. Partido Liberal.</td>
</tr>
<tr>
<td>Juan Guillermo VALENCIA</td>
<td>Mayor of Caramanta (Antioquia). Colombia Democratica.</td>
</tr>
<tr>
<td>Jose Joaquin VIVES Perez</td>
<td>Former Representative, Magdalena. Partido Liberal.</td>
</tr>
<tr>
<td>Edison YANEZ Tirado</td>
<td>Mayor of Necocli (Antioquia). Alias Equipo Colombia.</td>
</tr>
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</table>
SECTION 7046(b)(1)(B)(iii)

Section 7046(b)(1)(B)(iii) of the FY 2009 SFOAA requires a determination that:

"The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted, or benefitted from paramilitary organizations or successor armed groups, and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners."

The Colombian government continued to dismantle paramilitary networks, including by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from (now demobilized) paramilitary organizations or other criminal groups. Investigations and prosecutions under the JPL process continued, and cooperation between U.S. and Colombian authorities continued to facilitate extradited paramilitary leaders' participation.

The Prosecutor General's Office and other such appropriate investigatory bodies as the Supreme Court in the case of serving legislators, continue to follow up on allegations of criminal activity by members of the Colombian government revealed during the JPL process. Since the previous certification, at least 15 government officials were arrested and 20 were convicted for ties with paramilitary groups, including former Senator Mario Uribe, a second cousin of former President Alvaro Uribe and former president of the Colombian Congress. Uribe was sentenced in February to seven and a half years in prison.

Finally, the Colombian government has taken a bold, historic effort to provide reparations and land restitution to Colombia's victims. On June 10, President Santos signed a Land and Victims' Law that will benefit approximately four million Colombians in the next 10 years with integral assistance and reparations to victims, including victims of the state.

Capture and Detention of Former Paramilitary Leaders

The Colombian government continues to take actions to ensure that former AUC paramilitary leaders are detained and adhere to their obligations under the JPL process.
Since 2003, 31,681 former paramilitary members have collectively
demobilized. Of these, 4,100 former AUC paramilitary members have been
identified as potentially eligible to receive benefits under the JPL process. Of
those, the Colombian government reports that 2,736, including extradited
paramilitaries in the United States, have given voluntary confessions (versiones
libres). At the time of demobilization, only three of those who collectively
demobilized were incarcerated, while 4,338 currently are incarcerated. Of the
high-ranking AUC leaders, 29 are in the JPL process, 26 are incarcerated, 23 were
extradited to the United States and have been sentenced or are awaiting sentencing,
one is deceased, two are presumed deceased, and four have active arrest warrants
against them.

Investigations under the Justice and Peace Law Process

As of March, 57,131 crimes have been confessed in sessions in Colombia
and the United States, during which 60,929 victims participated. Victims are
invited to participate in the voluntary confession process, listen to the live
confessions, and ask questions directly to the defendants. In addition, JPL
prosecutors work with the victims, interviewing them with respect to the crimes
involved to assist with the identification of evidence, clarification of facts, and
verification of information given in testimony. The Prosecutor General’s Office
reports that of the 57,131 crimes confessed, 48,541 involve murders, including
1,755 massacres, as well as kidnappings, extortions, and forced recruitment. As of
March, 3,983 victim remains have been found, 1,401 of which have been returned
to their families. A total of 28,432 formal charges have been filed against JPL
defendants.

Witnesses in sensitive cases continued to face threats and, in some cases,
were killed. For example, four witnesses in a “parapolitical” case in Arboletes
(Antioquia) were killed between September 2010 and July 15, while other
witnesses left the area out of fear. The witnesses were expected to testify in a case
involving a strategy between politicians and members of the AUC’s Elmer
Cardenas Bloc to elect members to congress between 2002 and 2006.

In its 15th quarterly report, the OAS Mission to Support the Peace Process in
Colombia (OAS/MAPP) noted with regard to the JPL process that “Colombia has
achieved major objectives. Today, the victims have become the key protagonists
in the peace process. This would have been impossible without the demobilization
process, the subsequent implementation of this law, and the combined efforts of
civil society, victims’ organizations, the institutions charged with their aid, and the
postulados [or postuladas, demobilized fighters who apply for benefits under the Justice and Peace Law] who actively participate in the process."

The OAS/MAPP "recognizes the importance of bringing those seeking benefits under the Justice and Peace Law to trial, the definitive handing down of guilty verdicts, and swift comprehensive redress to the victims." and notes that it is "urgent that real results be seen with the consolidation and adjustment of the procedure; the streamlining of procedures leading up to trials; the adoption of strategies that correct procedural flaws so that victims can genuinely exercise their rights; and better training for judicial personnel... However, the Mission calls attention to the risk of evaluating the process solely from the standpoint of statistics and the number of rulings handed down, disregarding the value of the degree of truth that has been obtained, along with the significant efforts by the Colombian State to implement the process."

As part of current institutional reforms, the Colombian government is allowing the mandate of the National Commission for Reparation and Reconciliation (CNRR), including the Historical Memory Group, to expire. As part of Law 1424 passed in December, the Colombian government is working to establish at least a limited version of a truth commission. The recently approved Land and Victims' Law provides for the establishment and institutionalization of formal archives and a Center of Historic Memory, which will be responsible for collecting oral testimony and material documentation concerning violations of international human rights norms and law. The information will be available to researchers, citizens, and interested parties. The center will also promote activities in education and the arts to preserve and enrich understanding of the history of violence in Colombia.

Extradition of Paramilitary Leaders

Cooperation between U.S. and Colombian authorities continued to facilitate extradited paramilitary leaders' participation in the Justice and Peace Law Process. The access plan described in the previous certification, which consolidated defendants into two detention facilities in Miami, Florida, and Northern Neck, Virginia, allowing daily access by Colombian authorities, was recently expanded. The Miami facility will allow access five days per week, an increase from three days per week. The access plan continues to run smoothly, though in August Ramiro Vanoy (aka "Cuco Vanoy") announced his decision to halt further participation in the JPL process.
As of August, many of the 23 former paramilitary leaders extradited to the United States have indicated their interest in continuing their participation in the JPL process. Despite some doubts with respect to these defendants’ sincerity, the Prosecutor General’s Justice and Peace Unit will be confronting all with respect to their commitment. As of August, the U.S. Department of Justice has facilitated over 400 video depositions and interviews from the extradited paramilitary leaders, including video depositions and interviews for the Colombian Supreme Court. Over 3,000 victims have participated in the live transmissions of these voluntary confessions from the United States with the victims having the opportunity, as they do in sessions in Colombia, to ask questions of the defendants.

- Since the beginning of the Access Program in Northern Neck in September 2010, Salvatore Mancuso has participated in 10 interviews and 42 videoconferences. He has cooperated with the Prosecutor General’s Office’s Human Rights Unit, the Justice and Peace Unit, Superior Tribunals, Delegados ante el Tribunal de Justicia and the Supreme Court. He also agreed to allow the CNRR and the OAS/MAPP to interview him.

- Since the beginning of the Access Program in Miami in October 2010, Vanoy Murillo has participated in two interviews and 23 videoconferences. He has cooperated with the Prosecutor General’s Office’s Human Rights Unit, the Justice and Peace Unit, and Delegados ante el Tribunal de Justicia. He also agreed to OAS/MAPP interview.

- Since the beginning of the Access Program in Miami in October 2010, Perez Alzate has participated in two interviews and 18 videoconferences. He has cooperated with the Prosecutor General’s Office’s Human Rights Unit (including the Labor Sub-Unit), the Justice and Peace Unit, Superior Tribunals and the Supreme Court.

- Since the beginning of the Access Program in Northern Neck in September 2010, Mejía Munera has participated in five interviews and 24 videoconferences. He has cooperated with the Prosecutor General’s Office’s Human Rights Unit, the Justice and Peace Unit and Superior Tribunals. He also agreed to be interviewed by the OAS/MAPP.

The Prosecutor General’s Office’s Justice and Peace Unit

Investigators in the Prosecutor General’s Office’s Justice and Peace Unit are working to uncover and dismantle paramilitary leadership and financial networks.
As of June, the Unit had a staff of 1,048, including 184 prosecutors, 433 criminal investigators, 717 assistants and administrative personnel, and 135 drivers and bodyguards assigned to offices in Bogota, Medellin, Barranquilla, Cali, Bucaramanga, Monteria, Cucuta, Valledupar, Santa Marta, Cali, Ibague, and Villavicencio. Criminal investigators are located in 43 cities and towns throughout the country. With more than 334,916 registered victims, providing victim assistance is an enormous task. Passage of the Land and Victims’ Law will create additional pressure on the state to address victims’ needs, and there are questions regarding whether there are sufficient personnel to meet the Unit’s mandate. Outstanding issues include clarification of the Unit’s objectives, the implementation of the JPL process under the Land and Victims’ Law, development of priorities, and more effective use of existing resources.

Funding levels steadily increased in recent years to help meet the unit’s objectives (from approximately $5 million in 2007 to approximately $14 million in 2010). Since 2005, the U.S. government has provided $10 million in assistance to the Unit, including training, technical assistance, vehicles, technical equipment for the majority of the confession rooms and victim hearing rooms, forensic assistance, office enhancement and equipment, contract data entry personnel, and database enhancement.

Exclusion from Justice and Peace Law Process

Demobilized paramilitary members participating in the JPL process who do not cooperate fully by providing testimony, confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity may be expelled from the JPL process. Since the last certification, a second paramilitary member has been excluded from the JPL process. In May, the Medellin Tribunal accepted the petition from the Prosecutor General’s Office to exclude former paramilitary leader Rodolfo Morales Aguirre (alias “Rogelio”) due to his lack of compliance with the requirements. Morales Aguirre did not appeal the decision, and his investigation and prosecution will proceed in the ordinary justice system.

Convictions in Justice and Peace Process

Since the last certification, two additional convictions were achieved in the JPL process for a total of four convictions.

In December 2010, Jorge Ivan Laverde (alias “El Iguano”), chief of the “Fronteras” front of the Catatumbo Bloc, confessed to murdering 100 people and
ordering the murder of 4,000 people. He was known for burning his victims in Nazi-style ovens. His conviction included 28 massacres and the homicides of prosecutors Carlos Arturo Pinto and Maria del Rosario Silva Ruiz, Norte de Santander gubernatorial candidate Tirso Velez, and Cucuta mayoral assistant Alfredo Enrique Florez. He received the alternative JPL sentence of eight years in prison. The sentence ordered approximately $3.5 million in reparations to 170 victims.

In June, Aramis Machado Ortiz (alias “Cabo Machado”) was convicted on charges of conspiracy to commit a crime, illegally carrying weapons, and helping AUC members escape prison. In his testimony, Machado confirmed that he had helped “El Iguano” flee a hospital in Cucuta in 2000. He also trained Omar Yesid Lopez Alarcon (alias “Gustavo 18”) to hold his breath, enabling Lopez to escape from the Modelo prison in a garbage container in 2001. Machado received the alternative sentence of six years. Because he was arrested in December 2004, he likely will be released later this year.

Reintegration of Demobilized Paramilitary Members

Demobilized paramilitary members of the AUC, FARC, and the National Liberation Army (ELN), as well as members of other illegal armed groups, are eligible to take part in the government’s reintegration programs. As of June, 53,022 AUC, FARC, and ELN members have demobilized. As of July, 43,232 demobilized combatants were enrolled in the government’s reintegration program, which provides services at the local and national level to help the demobilized become productive members of Colombian society. Of the program’s participants, 30,182 paramilitary members demobilized through the collective process.

Once they enter the reintegration process, the demobilized are provided social and economic assistance, including regular psychosocial assistance, educational support, job training, and seed capital for small businesses. The High Counselor for Reintegration (ACR) reports that as of July, 71 percent of participants had benefited from formal education through the program, while 56 percent had received job training.

In its 15th quarterly report, the OAS/MAPP noted that “while problems in providing some economic and community reintegration services, as well as security for the population that is attempting to reintegrate, persist, considerable progress has been made.” According to a recent evaluation of the government reintegration program, 73 percent of participants are working, and illiteracy levels
among those participating in the program dropped from 27 percent to less than 0.2 percent. Participants overwhelmingly cited the opportunities provided through the government as their primary motive for demobilizing.

The OAS/MAPP also noted that “economic reintegration of the demobilized population is perhaps the area that has posed the greatest problems over time.” In December, President Santos signed a First Employment and Formalization Law that provides tax incentives to companies that hire certain target populations, including the demobilized.

According to the Colombian government, for the first time since the ACR’s establishment in 2007, the government is preparing to graduate its first group of participants in the reintegration process. Based on the program’s parameters, a demobilized person who has graduated is someone who has completed all social and economic reintegration activities and processes, is stable psychosocially, and who has the skills necessary to rejoin the economy. The government anticipates graduating 1,000 participants of the reintegration program by the end of 2011.

In November 2010, the Constitutional Court ruling struck down a law shielding thousands of demobilized AUC members who were not eligible to participate in the JEP process from prosecution for criminal conspiracy. In response, the OAS/MAPP expressed its concern that juridical uncertainty could lead those who have not committed war crimes or crimes against humanity, to abandon the government’s reintegration program and in some cases, return to illegality. In December 2010, the Colombian Congress passed Law 1424, which offers the suspension of investigation or penalty to those whose crime is conspiracy to commit a crime, or other crimes having to do with membership in illegal armed groups, in exchange for truth, justice, and reparations. The law and accompanying regulation require demobilized combatants to appear at the ACR offices by December 28, sign a contract (Acuerdo de Contribución a la Verdad Histórica), engage in community service activities, contribute to reparations, and participate actively in the ACR reintegration program. This will apply to demobilized individuals who have not been sentenced for a crime committed after their demobilization. The ACR is traveling across the country to educate the demobilized about the new law, though many remain apprehensive as the Constitutional Court has yet to pronounce itself on the law.
Reparations to Victims

The Land and Victims’ Law

In June, President Santos signed a Land and Victims’ Law to provide integral reparations and land restitution to approximately four million Colombians in the next ten years, including victims of state violence. Most agree that implementing the law will be a daunting task. The government will have six months to define rules on specific amounts, criteria, and procedures for administrative reparations. When accepting administrative reparation the victims will have to sign a contract that says they will forgo any existing or future judicial proceedings against the state. However, administrative reparations do not relieve victimizers from their responsibility to repay victims and lawsuits against victimizers could continue.

The law establishes a new institutional framework for reparations. The government’s Acción Social agency will be upgraded to the Administrative Department of Inclusion and Reparation, given independence from the presidency, and provided with its own budget. A special administrative unit within the new administrative department will lead overall attention to victims and will assume the functions of the National Commission for Reparation and Reconciliation at the end of 2012. The law establishes December 10 (International Human Rights Day) as the National Day of Solidarity with Victims.

In anticipation of the Land and Victims’ Law, the government began implementing a land restitution and formalization “Shock Plan” in October 2010. By July, the government had delivered 361,539 hectares to 17,583 families, surpassing its goal of delivering 350,000 hectares. Of these, 109,197 hectares were delivered to indigenous communities, 18,119 were delivered to the internally displaced, and 6,630 were delivered to Afro-Colombian communities. Focus areas of the “Shock Plan” included Antioquia, Bolivar, Cesar, Choco, and Magdalena. With the Land and Victims’ Law, the government’s new goal is to have delivered 1.2 million hectares to 160,000 families at the end of four years.

Reparations under JPL

In accordance with Law 975 of 2005, demobilized paramilitary members taking part in the JPL process are required to turn over all illicitly obtained assets, which will be used to provide judicial reparations to victims. In addition, the Colombian government has begun providing administrative reparations to victims in the JPL process, and is offering counseling and other needed services to them.
The law also includes other forms of holistic reparation, including the search for the disappeared, rehabilitation, and assurances of non-repetition.

In 2009, the government presented a new interagency plan to improve efforts to identify remains of victims of forced disappearances. As of June, the Prosecutor General’s Office had returned 1,401 remains to family members. The U.S. government has provided significant funding and assistance to develop the Justice and Peace exhumation teams, DNA capabilities, and a regional identification center in Medellin.

Judicial Reparations
In the previous certification, we reported concerns that the Colombian government has been slow in identifying and confiscating paramilitaries’ illegally acquired assets. The voluntary delivery of assets by demobilized paramilitary members has not been significant, and the Prosecutor General’s Office has been slow to determine how to address this matter, both with respect to compliance with the JPL and asset seizure. While that remains an issue, some progress has been made during the certification period. Between August 2010 and April 2011, the Colombian government seized 27 rural properties, 14 urban properties, nine vehicles, and one business society belonging to 32 former paramilitary members.

In total, the Colombian government reports it has received 637 properties, 199 vehicles, 18 boats, and five aircraft, among other assets.

In addition to taking control of assets as part of the JPL process, the Prosecutor General’s Office has a specialized team working to search and seize assets belonging to JPL participants and third parties not offered by the participants in the course of the JPL process. There are currently 27 such investigations.

Administrative Reparations
Given delays in JPL, convictions that would have resulted in judicial reparations to victims, in 2008 the Colombian government decided to provide administrative reparations to victims participating in the JPL process. These reparations are a supplement to judicial reparations provided from the illegal assets of demobilized paramilitary members. Following the administrative reparations decree signed April 22, 2008, the Colombian government began providing individual reparations July 5, 2009.

The CNRR and Acción Social work together to implement the administrative reparations fund, which provides monetary compensation to victims of
paramilitary violence. The fund currently allows for up to $12,108 in compensation (equivalent of 40 “minimum salaries”), depending on the crime that was committed. CNRR takes applications for reparations from victims, investigates the legitimacy of the request, and then makes a determination on the disbursement of administrative reparations. (This process will change with the implementation of the new Land and Victims’ Law.)

From 2009 to 2010, the budget for victims’ administrative reparations rose to approximately $280 million. Between August 2010 and April 2011, 10,641 victims received reparations totaling approximately $100 million.

Criminal Groups

In January, Colombian National Police (CNP) Director General Oscar Naranjo acknowledged that organized crime groups (BACRIM for “bandas criminales”) pose the greatest threat to public security in Colombia. Estimates of criminal group membership range from 4,000 to 10,000 individuals. The Rastrojos, BACRIM of Uraba, Revolutionary Anti-Subversive Army of Colombia (ERPAC), Los Paisas, Renacer, and others engage in drug trafficking and extortion. They seek control of trafficking routes and territory. They both compete and cooperate with the FARC on the drug trade. Highly-adaptable, these groups lack the unified leadership and political agenda of the now demobilized AUC.

As threats and violence against civilians and human rights groups have increased, the Colombian government has stepped up its efforts to dismantle these criminal groups. NGOs continue to allege that BACRIM are a continuation of paramilitaries and that they maintain ties with security forces. CNP Director General Naranjo has vowed to fight corruption within the institution and to have corrupt officers prosecuted in the civilian justice system. Since 2008, the CNP has carried out thousands of disciplinary investigations against its members, and hundreds have been removed from the service and criminally charged. Since the last certification, dozens of police officers have been arrested following counterintelligence investigations of police links to criminal groups.

In its 15th quarterly report, the OAS/MAPP reiterated “its concern about the actions of post-demobilization groups that continue to harm populations in locations such as the Pacific coast, southern Cordoba and Bajo Cauca (Antioquia), the Cordoba coast, Antioquian Uraba, and the eastern plains (especially the department of Meta),” and urged the government “to pay special attention to the
vulnerable populations victimized by these groups, and to investigate the actions of the latter."

In February, the UNHCHR said these criminal groups were to blame for a 40 percent increase in massacres in 2010. At least 179 people were massacred in 38 different incidents in 2010, compared with 139 people in 27 massacres in 2009. The Colombian government defines a massacre as the killing of four or more persons.

In May, the Latin America Working Group Education Fund and Lutheran World Relief released a report, "No Relief in Sight: Land & Violence on Caribbean Coast of Colombia," based on the groups' April visit to Cordoba, Sucre, and Barranquilla. The report stressed, "powerful paramilitary successor groups exert control, indeed rule by terror, over both rural and urban areas. Again and again, we heard that 'son los mismos,' these are the same paramilitaries as before." CNP figures show that about 15 percent of captured members of criminal groups were demobilized paramilitaries. The report also noted the impact of criminal groups on human rights defenders and rural community leaders, and expressed concern that implementing land restitution in this context would put beneficiaries at grave risk.

Since 2009, the government, through the ACR, has taken steps to prevent child and youth recruitment. Through its programs, the ACR seeks to reinforce community, family, and local government institutions to empower youth and social networks to prevent recruitment.

Efforts to Combat Criminal Groups

The Colombian government has stepped up its efforts to dismantle criminal groups, in response to increasing threats and violence against civilians and human rights groups. The CNP plans to increase the police force from 162,000 personnel in 2011 to 180,000 personnel in 2013. Police leadership report this surge in cadets will result in a greater police presence across the country in the coming years.

In late 2010, the CNP created a specialized anti-BACRIM unit to investigate and dismantle BACRIM leadership and structure. The Embassy supports this new 200-person police group, which forms a new section of the anti-narcotics police and targets major BACRIM groups.
In late 2010, the Colombian Prosecutor General’s Office created an Organized Crime (BACRIM) Unit. The Unit currently is staffed with 23 prosecutors, with plans to add 50 more. The Unit has offices in Bogota, Cali, Medellin, and Monteria, and soon will have one in Barranquilla.

During 2010, the CNP reported 2,674 BACRIM members captured. As of the end of June, more than 1,500 BACRIM members had been captured during 2011.

In February, at the inaugural meeting of Colombia’s National Security Council, the government adopted a comprehensive strategy to combat criminal bands. The strategy calls for the CNP to increase shared responsibility for the issue with the military, the Prosecutor General’s Office, and the DAS. In announcing the new inter-institutional approach, President Santos lamented that only 12 percent of those captured for their participation in criminal groups are convicted.

This new “D-6 strategy” focuses on six elements: disarticulate, capturing not only leaders, but also the organizations’ base members; dismantle, detecting and capturing financial and logistical support structures; deny, detecting support from public officials; dissuade, using task forces, combat homicides, extortion, kidnapping, and expropriation of land; direct, coordinating strategy across the public forces; and diffuse, inspiring citizens to cooperate by providing information about crimes.

Also in February, the Colombian government launched “Operation Troy,” a 90-day offensive targeting criminal groups in the Caribbean coast. Four months later, the government launched “Plan Troy Pacific” aiming to disrupt drug trafficking corridors in Narino, Cauca, and Valle del Cauca. As of June, the two operations had deployed an additional 4,400 security forces to target areas, detaining more than 515 criminals and seizing nearly six tons of cocaine. In July, the government announced the decision to expand “Operation Troy” to a third region, the south of Choco.

In May, Defense Minister Rodrigo Rivera unveiled the “General Security and Defense Policy for Prosperity,” which includes the ambitious goal of eliminating all illegal armed groups within four years. Rivera noted that the pillars of the strategy—greater institutional command and control, improved intelligence, heightened coordination among security agencies, strategic protection of the
population, strategic implementation of force, and respect for human rights — would help dismantle criminal groups.

During the certification period, the Colombian Armed Forces captured or killed several high-profile leaders of criminal groups:

1. Harrison Esparza Meza, aka “HH”
   - Leader of Los Urabenos in Magdalena Medio region
   - Captured in September 2010

2. Carlos Evertto Higuita
   - Military leader of Los Urabenos
   - Captured in October 2010

3. Cesar Augusto Torres Lujan, aka “Mono Vides”
   - Leader of Los Paisas in Bajo Cauca
   - Killed in confrontation with the police in October 2010

4. Arnulfo Sanchez Gonzales, aka “Pablo”
   - Leader of the Alta Guajira BACRIM and former AUC commander
   - Captured in November 2010
   - Sentenced in May to 26 years in prison for his involvement in the massacre of five civilians in the villages of Bahia Portete and Bahia Honda in April 2004, in which five people were killed and hundreds were displaced.

   - Second in command of the Popular Anti-Terrorist Revolutionary Army (ERPAC)
   - Captured in December 2010

6. Pedro Guerrero Castillo, aka “El Cuchillo”
   - Leader of ERPAC
   - Killed in December 2010

7. Fredy Ricardo Santos Ramirez, aka “Brayan”
   - Financial leader of ERPAC
   - Captured in February 2011

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8. Hilber Nover Urdinola Perea, aka “Don H”
   - Leader of Los Machos
   - Captured in April 2011

9. Ever Santos Molina Mejia, aka “Calabre”
   - Leader of ERPAC’s hitmen
   - Captured in April 2011

10. Jose Alexander Vargas Velasco, aka “El Politico”
    - Led ERPAC’s efforts to coerce local authorities
    - Captured in April 2011

11. Giovanny Waldir Ustariz Martinez, aka “Juan Jose” or “El Indio”
    - Leader of Los Urabenos in the Caribbean region
    - Captured in April 2011

12. Erлин Javier Arroyo Mosquera, aka “Pocholo”
    - Leader of Renacer
    - Captured in April 2011

13. Juan Carlos Duarte, aka “Chiqui”
    - BACRIM leader in San Andres
    - Captured in April 2011

14. Gustavo Alvarez Tellez, aka “Tavo”
    - Second in command of the Los Paisas faction led by “Valenciano”
    - Captured in May 2011

15. Oscar Mauricio Galvis Agudelo, aka “Pantera”
    - Second in command of the Los Paisas faction led by “Sebastian”
    - Captured in May 2011

16. Jesus David Hernandez, aka “Chaparro”
    - Second in command and commander of assassins of the Los Paisas faction led by “Sebastian”
    - Captured in May 2011
    - Sentenced in July to more than 30 years in jail on homicide and other charges.

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17. Rodrigo Antonio Oquendo Urrego, aka “Rigo”
   - Leader of Los Urabenos in the Guajira department
   - Captured in June 2011

18. Martha Eugenia Mojica, aka “La Guajira”
   - Finance chief of Los Urabenos in Cordoba department
   - Captured in June 2011

19. Jesus Maria Mosquera, aka “Sangre”
   - Military leader of Los Paisas
   - Captured in June 2011

**Integrated Center of Intelligence against Criminal Groups**

The Colombian government has two mechanisms for the coordination, execution, and verification of efforts against illegal armed groups, one through the CNP, and the other through the Vice President’s Office. The first mechanism, called the Integrated Center of Intelligence Against Criminal Groups (CI2) and run under the leadership of the CNP, has two tasks, to develop both national and regional strategies for combating illegal armed groups. The CI2 is an interagency group that coordinates the exchange and evaluation of information on criminal groups with the goal of identifying the heads of their organizations, orienting actions against their structures, and thwarting the growth of these groups. The CI2 is made up of the armed forces, Ministry of Defense, DAS, INPEC, ACR, Acción Social, the financial analysis unit of the Ministry of Treasury, the Prosecutor General’s Office, the Joint Intelligence Agency, and the following units within the CNP: Carabineros division, criminal investigative division, the intelligence division, and the anti-kidnapping and anti-extortion division. The CI2 also has technical, anticorruption, and judicial working groups. It is closely monitoring for reports of illicit BACRIM influence in the run up to the October local elections.

The CI2’s regional and national strategies fall under the framework of the PNCT. The CNP have jurisdiction over combating these groups, and the Armed Forces only intervene when the CNP formally request assistance, or in situations where the military happens to encounter the groups and must use force to protect the civilian population.
Inter-Institutional Committee to Combat Criminal Bands and Networks

The second mechanism that the Colombian government uses to confront illegal armed groups is the Inter-Institutional Committee to Combat Criminal Bands and Networks, which operates under the direction of the Vice President's Office. Formed originally in Caucas in the Bajo Caucan region in 2007, the Colombian government formally established the committee by presidential decree in July 2010. The following agencies participate in the Inter-institutional Committees: the Prosecutor General's Office, Ministry of Defense, Ministry of Interior and Justice (MOI), Inspector General's Office, DAS, Ombudsman's Office, president of the Administrative Chamber of the High Council of the Judiciary, and top levels of the CNP and armed forces.

The primary functions of the Committee are: to coordinate and define efforts between the government agencies responsible for the administration of justice and maintaining public order in order to capture and prosecute criminal group members; create mechanisms that allow for the quick exchange of information between agencies; find ways to optimize processes under the penal accusatory system; and work to better inform the Colombian Institute for Family Wellbeing (ICBF) of cases in which minors are recruited and linked to criminal groups. Every two months, the Committee presents a progress report to the Vice President's Office on its activities.

After the success of the first committee, the government installed a Regional Inter-Institutional Committee to Combat Criminal Bands and Networks and opened a second Regional Technical Operations Committee in Medellin.

Mobile Police Squadrubs ("Carabineros")

With U.S. government support, the Colombian government has set up rural mobile police squadrubs known as "Carabineros" that are trained and equipped to enhance police coverage in rural areas. The primary aim of the Carabineros squadrubs is to "support rural service monitoring at the departmental level" on missions to improve police presence in the Colombian countryside with emphasis on population centers, production areas, roads and generally strategic points of the national territory. There are currently 52 Carabineros squadrubs composed of 120 police officers per squadrub. The Carabineros have had some success against BACRIM, but lack personnel resources commensurate to their responsibilities in the rural countryside. Thirty Carabineros squadrubs now conduct security for manual eradication operations and others are assigned to securing critical lines of communication in towns that are under threat.
Efforts to Fight Corruption in the Security Forces

CNP Director General Naranjo has vowed to be “implacable” against corruption in the institution, and Prosecutor General Morales has pledged to investigate members of the security forces for links with criminal groups.

This year, the CNP started 4,964 disciplinary investigations (for a variety of misconduct), which led to the removal of 343 police officers, suspension of 375, and imposition of penalties on 587. According to independent think tank New Rainbow Corporation, 60 members of the public forces were arrested in the first six months of 2011 for their ties to criminal groups.

In October 2010, after an 18-month joint investigation by the navy and the Prosecutor General’s Office, authorities arrested 10 individuals, including six sailors from the Colombian Navy, for drug trafficking in connection with Los Rastrojos along the southern Pacific coast. Authorities estimated that the ring trafficked three tons of cocaine per month from the coast. Among those arrested were the head of Los Rastrojos in Narino, Ilier Numar Trujillo Diaz, alias “Apache IV,” and the six sailors, comprised of three non-commissioned officers, two professional sailors, and one marine. Investigators hypothesized that these sailors assisted Los Rastrojos’ illegal activities by sharing information related to military operations in Narino in exchange for money, as well as providing Los Rastrojos with navy uniforms. The sailors were charged with conspiracy. The trial was ongoing as of July 15.

In June, seven police officers, two non-commissioned officers of the navy, and two employees of the Prosecutor General’s Office were among 39 individuals detained in a joint operation of the navy and the Prosecutor General’s Office for collaborating with Los Rastrojos in Choco.

Twenty-three police officers also were arrested in June for links with criminal groups. Fifteen were arrested in Bogota, San Andres, Bucaramanga, and Cali for helping Los Rastrojos and Los Paisas transport cocaine to Central America. Eight were arrested in Bogota for possession of half of a 500-kilo shipment of cocaine belonging to ERPAC BACRIM leader, “El Cuchillo,” who was killed in December 2010. In July, 25 Bogota police officers were fired for allegedly tipping off drug dealers about an impending police operation.
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In July, 25 Bogota police officers, including a major, were fired for providing information to drug dealers who had been reported by residents, undermining counternarcotics operations in the city.

Also in July, a local Los Rastrojos chief, Angel de Jesus Pacheco Chanci (aka “Sebastian”) was killed by his bodyguards, Hector David Escarpeta Suarez (aka “El Negro”) and Luis Alberto Paternina Alvarez (aka “Guadana”). Press reports that during proceedings against “El Negro” and “Guadana,” the prosecutor presented information on payments made to members of the CNP and employees of the Prosecutor General’s Office and the DAS. The judge, in turn, called for an investigation of the public employees allegedly on Los Rastrojos’ payroll. The CNP Commander in Antioquia, Coronel Jose Gerardo Acevedo Ossa, stated publicly that he would open both a disciplinary and a criminal investigation upon receiving from the Prosecutor General’s Office the names of those allegedly collaborating with Los Rastrojos. On August 4, three military and seven police officers were arrested for alleged ties with Los Rastrojos in Antioquia.
SECTION 7046(b)(1)(B)(iv)

Section 7046(b)(1)(B)(iv) of the FY 2009 SFOAA requires a determination that:

"The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations."

Government Efforts Regarding Human Rights Defenders

Over the certification period, the Colombian government significantly improved respect for and recognition of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities.

On several occasions, Colombian government officials at the highest levels, including President Santos and Vice President Garzon, have praised the work of human rights defenders and condemned threats and attacks against them. There has been frequent dialogue between the Santos administration and human rights organizations. From August 2010 to April 2011, the Mesa Nacional de Garantías, a central forum for dialogue, met seven times. These meetings included the Vice President, Prosecutor General, and ministers of interior and justice, social protection, and defense.

On June 13, Afro-Colombian and indigenous NGOs suspended their participation in the dialogue, citing the government’s failure to fulfill its promises to protect human rights defenders and community leaders. The suspension came six days after Afro-Colombian land leader Ana Fabricia Cordoba was fatally shot in Medellin. In a press release explaining the suspension, NGO Somos Defensores said that, since 2011 to date, approximately 20 human rights defenders had been killed and 100 threatened. On July 7, NGOs agreed to return to the table to continue to dialogue with the government through the Mesa Nacional de Garantías. NGOs and the MOJ continue to work on a draft decree that will provide the framework for a revised protection program in the Ministry.
In addition to the national roundtable, the MOIJ’s human rights directorate held 13 territorial audiences to engage with local communities about the situation of human rights defenders in Antioquia, Atlántico, Arauca, Bogota, Cauca, Narino, Norte de Santander, Putumayo, Risaralda, Santander (two), Sucre, and Valle del Cauca.

In October 2010, President Santos announced the creation of two new presidential programs to oversee the government’s engagement with indigenous and Afro-Colombian communities, and named Gabriel Muyuy and Oscar Gamboa to fill these posts, respectively.

In November 2010, Vice President Garzon signed a Joint Human Rights Declaration with the G-24, UNDP, UNHCHR, OAS, the Inspector General’s Office, the Human Rights Ombudsman, the Congressional Human Rights Committee, and numerous civil society representatives. The declaration announced a national human rights conference to take place in December. The government later changed the conference date to December 2012 to allow more time for consultations. The conference will be the culmination of a process of consultations in each of Colombia’s 32 departments that will inform the development of a national human rights policy and a commission to oversee the policy’s implementation.

In December 2010, President Santos signed a law that stiffens penalties for crimes against human rights defenders and journalists, increasing the murder sentence to 30 years. Some human rights groups have commented that efficient application of penalties, as opposed to stiffer penalties, is needed.

Despite these important steps, NGOs reported that threats and attacks against human rights defenders continued. The NGO Somos Defensores reported that during the first three months of the year, 96 human rights defenders and 64 NGOs were victims of attacks. Somos Defensores also reported 68 threats and nine homicides in the same period. In 2010, Somos Defensores reported 174 attacks against human rights defenders: 61 percent (109) were threats and 18 percent (32) were homicides. Somos Defensores reported that in 46 percent of cases in 2010, the perpetrators were “paramilitaries.” The perpetrators were unknown in 37 percent of the cases. Security forces allegedly were responsible for 10 percent of the cases.
Below is a discussion of thematic issues that affect the respect for the vulnerable populations listed in the criteria, followed by the Colombian government’s efforts with regard to each of these groups.

**Protection Issues**

The MOIJ continued to provide protection to vulnerable populations through its protection program. This protection includes communications equipment, bodyguards, armored cars, reinforced doors or windows, and relocation assistance, among other provisions. The type and scope of protection provided through the program varies according to the individual or group’s threat level as assessed by the CNP. For individuals with very high threat levels, individual protection personnel are provided and accompany them when they travel. Those with lower assessed threat levels may only receive protection at their place of work as a part of a collective protective scheme.

The MOIJ increased the protection program’s 2011 budget by $11 million to $82 million, covering approximately 11,800 individuals as of May. In 2010, one quarter ($17 million) of the program’s funding went to provide protection for trade unionists, who comprised 1,450 of the program’s participants. Between January and May, the program spent $8 million on protection for 1,550 trade unionists. The next highest funding level within the program in 2010 ($12.8 million) went to protect 685 human rights defenders in NGOs, and the third highest funding level ($8.7 million) went to protect 1,524 members of political opposition parties. Between January and May, the number of human rights defenders in the program increased from 685 to 1,150, and the number of mayors included increased from 353 to 2,042. Many local government leaders are seeking additional security in advance of local elections scheduled for October.

Despite the Colombian government’s efforts to protect vulnerable groups, NGOs and international organizations continue to express concern that these efforts are insufficient. In March, two human rights organizations, the Alvear Restrepo Lawyers’ Collective (CAJAR) and Corporación Sembrar, gave up their protection schemes in protest, alleging that the lack of action to investigate and prosecute continuing threats against them calls into question the government’s political will to protect human rights defenders. They also allege that some of these threats have come from state sectors, intelligence entities, or the military. (CAJAR was a target in the DAS scandal; both organizations have presented judicial cases against high-level military officers.)
NGOs and international organizations also noted that the government’s 13 different protection programs (MOIJ’s being the largest) provide vastly different protection to different populations and do not appropriately respond to risks or the living and working conditions of those in the programs. They noted that risk assessments take too long and often are inaccurate because they fail to take into consideration the full political context. There have been cases of vulnerable individuals who were murdered while they waited for the result of a risk assessment, or who were deemed to be at an “ordinary” level of risk (that is, the level of risk faced by the average Colombian). Hernando Perez, a land leader who was killed in September 2010, had a risk assessment pending since May 2010. In March, the UNHCHR issued a statement suggesting that the government consider thoroughly revising its protection programs to guarantee the lives and security of human rights defenders, those in the justice sector, and other vulnerable groups. In particular, UNHCHR called for solid and timely risk analyses that consider all risk factors.

In response to these concerns, in June, the Colombian government announced plans to integrate all protection programs to better serve its beneficiaries. Under the current proposal, the protection programs will be integrated under a new Special Protection Unit charged with implementing the protection and prevention policies and programs (related to the rights to life, liberty, integrity, and security) in coordination with the MOIJ’s human rights office, which will monitor implementation and impact. The unit will house a new administrative division, which will be responsible for conducting risk assessments and managing the team of bodyguards, including those hired directly and through private security companies. The structure of the unit will be decentralized, ensuring a more timely response at the local level to protection requests. The announcement to overhaul the protection program came shortly after the murder of displaced Afro-Colombian leader Ana Fabricia Cordoba in Medellin. Many, including Vice President Garzon, described her murder as “preventable,” though on more than one occasion Cordoba refused to cooperate with the police for a risk assessment. Cordoba alleged the police were behind the murder of her son.

In the meantime, MOIJ has accelerated administrative processes to implement all pending approved protection measures to existing beneficiaries and to eliminate the backlog of new requests. As of July 15, the government was in the final stages of making adjustments to regulatory decree 1740, which governs current protection programs, to include the modification of the procedures to conduct the risk assessments legally required in order to provide protection measures. The government was also revising the means by which protection is
made available. These revised procedures and protection methods were being designed to provide appropriate protection more quickly than has been the case in the past.

Last year’s certification reported on MOIJ’s privatization of some protection programs to cope with the program’s rapid expansion and eliminate the role of the DAS. We also reported concerns by some beneficiaries that by privatizing the program the government was shirking its responsibility to protect human rights defenders. According to MOIJ, those protection schemes that were privatized during the past two years fully meet the recommendations made by the IACHR that: 1) private security companies be regulated by public authorities; 2) private security companies maintain adequate mechanisms for the oversight of their activities; and 3) public authorities ensure the fulfillment of all personnel selection and training requirements. MOIJ affirms that regardless of whether the provider of protection is public or private, the government continues to assume direct responsibility for the protection program, consistent with its obligations to guarantee the security of human rights defenders. While views vary among beneficiaries, some remain concerned that the privatization of protection schemes could lead to corruption and the increased vulnerability of human rights defenders. MOIJ continues to engage with beneficiaries on a regular basis to discuss protection issues.

DAS Investigation and Intelligence Reform

The DAS is the Colombian civilian intelligence service, which has historically operated as a dependency of the Office of the President. The Prosecutor General’s Office continues the investigation into former DAS officials that began in 2009. The investigation centers on illegal wiretapping of politicians, judges, NGOs, human rights activists, and journalists. DAS’s illegal surveillance also allegedly targeted prominent foreign nationals such as the 2003 winner of the Nobel Peace Prize, Iran’s Shirin Ebadi, and Human Rights Watch’s director for the Americas, Jose Miguel Vivanco. In addition, DAS officials face allegations of participation in illegal operations aimed to discredit opponents of the Colombian government. The Prosecutor General’s Office estimates that the DAS illegally recorded at least 330 people, including nearly every member of the Supreme Court.

As of December 2010, the government had held 900 internal disciplinary hearings and dismissed over 150 former DAS officials. Of those dismissed, four were arrested and sentenced, and nine others were sanctioned. Investigations are ongoing against the remaining individuals.
As a result of these investigations, two former DAS directors have been barred from holding public office for 20 years. As of July 15, former DAS director Jorge Noguera (2002 – 2005) remained incarcerated as the criminal trial proceeded for his alleged ties to paramilitary groups and for his role in creating the intelligence unit that illegally collected information on NGOs, opposition politicians, and journalists. Former DAS director Maria del Pilar Hurtado (2007 – 2008) was granted political asylum in Panama while the Prosecutor General was in the process of filing illegal wiretapping charges against her. In May, a Colombian judge issued an arrest warrant against her and the Prosecutor General’s Office requested that Interpol issue a Red Notice for Hurtado’s arrest. The Panamanian government stated publicly on numerous occasions that it would not extradite Hurtado to Colombia. Andres Penate, another former DAS director (2005 – 2007), was also investigated for failing to advise the authorities of illegal surveillance and subsequently barred from public office for eight months.

In May 2010, the Prosecutor General’s Office summoned Bernardo Moreno, former secretary of the presidency and one of former President Uribe’s top advisors, for testimony in the DAS cases. The Inspector General sanctioned Moreno in October 2010 for his conduct in the DAS scandal, and barred him from holding public office for 18 years. In July, a Bogota Superior Tribunal judge ordered the preventive detention of Moreno following a petition by the victims, supported by the Prosecutor General’s Office, which alleged Moreno attempted to interfere with the investigation.

On October 5, 2010, former President Uribe made statements in which he claimed never to have suggested any illegal activities to Moreno, but assumed “judicial and political responsibility” for Moreno’s actions. On October 12, 2010, the Colombian House of Representatives began an investigation into former President Uribe’s role in DAS during his time in office. Uribe has pressed for his testimony before the Accusations Commission to be open to the public, and his hearings are scheduled to be televised. His hearing scheduled for June was postponed because not all of the commission members were present. By early August, four representatives had resigned from their role in the Commission.

On May 4, President Santos signed a law giving him broad authority to reorganize the executive branch of government. One of the main goals of this reorganization is to dismantle the DAS. It also will allow the president to separate several large ministries into smaller ones. As of June, the Government of Colombia was in the process of drafting decrees to implement the government
reorganization law. The government has six months from the time of the president's signature to issue the executive decrees.

In July, the Prosecutor General's Office asked the Supreme Court to impose the maximum sentence, 12 years, to six former DAS employees: Martha Leal, former deputy director of operations; Jacqueline Sandoval Salazar, former director of counterintelligence; Jorge Armando Rubiano Jimenez, former member of the counterintelligence division; Hugo Daney Ortiz, former deputy director of operations; Jose Alexander Velasquez, former coordinator of the counterintelligence division's verification group; and Enrique Alberto Ariza Rivas, former director of intelligence. They are charged with aggravated conspiracy, illegal violation of communications, improper authorization of transmission equipment, and abuse of authority.

NGO Concerns over Intelligence Practices

NGOs continued to accuse Colombian intelligence entities of spying on human rights defenders, making threats, and breaking into their homes to steal information. In April, unknown assailants attempted to break into the apartment of Zoraida Hernandez, president of Corporación Sembrar and spokeswoman for the NGO MOVICE (Movimiento Nacional de Víctimas de Crímenes de Estado). In May, a break-in occurred at the home of Dánilo Rueda, a human rights lawyer with the Comisión Interreligiosa de Justicia y Paz. The thieves stole two USB drives containing information documenting alleged military human rights abuses. In April, Rueda had been followed home by suspicious individuals who rang the doorbell of his home and left when no one responded.

Another reported case involved Rafael Barrios Mendivil and his U.S. citizen wife Kimberly Ann Stanton, both of CAJAR. In May, Stanton received a phone call that played back a recording of a private conversation she had with Barrios inside a vehicle provided by the MOIJ protection program. A May 19 press release from CAJAR indicated that an investigation by the Prosecutor General's Office's CTI revealed that a microphone was found in the vehicle assigned to them by the protection program. In a May 25 press release, the government countered that there was no out of the ordinary electronic equipment in the vehicle. They claimed that the cable in question was part of an external sound system that was standard equipment issued in most official vehicles, and that this device did not have recording ability. Stanton and Barrios have asked the authorities to investigate, identify, and sanction those responsible. As of June 1, the case remained open.
Intelligence Reform

The Santos administration has proposed a new Intelligence Reform Law that is a crucial step in implementing intelligence reform in Colombia. The new Intelligence Reform Law was approved by congress June 15 and is pending review in the Constitutional Court. The law is a reintroduction of a 2009 law found unconstitutional by Colombia’s Constitutional Court on a procedural basis; it was presented as ordinary law when it should have been presented as statutory law.

The law creates a new intelligence agency intended to replace the DAS once it has been dismantled. This new intelligence agency will have more external guidance and oversight than the DAS. The overarching objective of the law is to balance the legitimate need of state intelligence to uphold national security while protecting civil liberties. The legislation defines intelligence and counterintelligence activities and prohibits actions that do not directly relate to crime or national security threats. Intelligence collection must be guided by the requirements formulated by an annual National Intelligence Plan led by the National Security Council; a Joint Intelligence Committee will coordinate the work of intelligence agencies. The bill contains several provisions to monitor intelligence activity such as internal controls requiring any intelligence operation to correspond with an authorized order, an annual report regarding internal controls, and external oversight conducted by a Congressional Intelligence Commission. It also aims to protect those intelligence officers who are acting in compliance with the law so that they can accomplish their work without risk of judicial or disciplinary action. The law makes it clear that the focus of data collection by officers is strictly limited to people who have distinct ties to illegal activity. People will not be entered into the database on account of their race, gender, ideologies, or political associations.

On June 29, the U.S. embassy, in conjunction with several U.S. and Colombian organizations, hosted a conference on intelligence reform. The conference brought together representatives from the military, congress, intelligence and security specialists, and human rights experts. Some speakers addressed challenges that the new law may present, such as the classification of documents and how intelligence information is obtained. Other speakers noted that these and other challenges could be overcome by subsequent legislation and stiff penalties for violations.
Vulnerable Populations: Journalists

The Colombian constitution guarantees freedom of the press and the government is respectful of the rights of journalists. The government recognizes that journalists have been the targets of threats and violence, and has continued to provide them with protection. As of May 2011, 230 journalists were receiving government protection, an increase from 175 in 2010. The Colombian government reported one homicide and 14 threats against journalists in Colombia between August 2010 and April 2011.

During the certification period, the Committee to Protect Journalists (CPJ) and Reporters without Borders reported various threats and attacks against journalists. In late June, freelance journalist Luis Eduardo Gomez was gunned down by unknown assailants in Arboletes (Antioquia). Gomez had reported on local corruption and was a witness of the Prosecutor General’s Office in a “parapolitical” case. He did not report receiving any threats. In late May, Mario Esteban Lopez Ortega was abducted in Ipiales (Narino). Lopez was beaten, doused with gasoline, and abandoned when his assailants noticed police presence nearby. Lopez told CPJ that he believes the attack was related to his criticism of local authorities and his coverage of drug trafficking in Ipiales. He reported receiving anonymous telephone death threats. Journalists and their organizations were the targets of various threats by illegal armed groups, including the Aguilas Negras and Los Urabenos.

In a global report on sexual violence and journalists released in June, CPJ profiled the case of Jineth Bedoya. In 2000, while approaching the Modelo prison in Bogota where she intended to interview an imprisoned paramilitary, Bedoya was abducted. She was beaten and raped by multiple attackers and left 75 kilometers away near Villavicencio (Meta). In May, Bedoya brought her case to the IACHR. The Prosecutor General’s Office also called on new witnesses to testify in her case in May.

In its 2011 impunity index, the CPJ noted Colombia “continued a years-long pattern of improvement... as deadly anti-press violence has slowed and authorities have had some success in prosecuting journalist murders.”

In November 2010, President Santos delivered a speech to the Inter-American Press Association’s General Assembly in Merida, Mexico, reaffirming his commitment to press freedom, “a commitment that I have maintained throughout my public life and my life as a journalist.” He noted that murders of
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journalists fell by 90 percent in 2010 when one journalist was killed, and remarked that “One is one too many for us. Our expectation is that not a single journalist dies.”

Vulnerable Populations: Political Opposition/Leaders

The Colombian government is respectful of the rights of members of the political opposition and provides protection to mayors, representatives, and council members from opposition parties, members of the Patriotic Union (UP) and the Colombian Communist Party (PCC). As of May, local government counselors comprised the largest population (nearly 30 percent) covered under the MOIJ protection program; mayors were the second-largest population with 17 percent. The government also expended significant resources towards protecting local government officials and members of opposition parties. Between January and May, the MOIJ spent $4.1 million to provide protection to 636 UP and PCC members. As of May, 3,493 council members, 2,042 mayors, 343 government employees, and 231 local human rights ombudsmen received protection, among others.

As reported in the previous certification, attacks against political opposition parties and individuals decreased 65 percent from 2002 to 2009. The 2010 national elections were considered the most secure and violence-free in decades. The Colombian government will attempt to repeat this success during this year’s municipal and departmental elections in October; however, the threat of violence is higher for local elections due to the ability of illegal armed groups to influence them more easily and due to the large number of candidates. According to the NGO Electoral Observation Mission (MOE), between March and July, 20 candidates were killed, 32 threatened, and four abducted. Election-related violence has been particularly high in Antioquia. In February, Defense Minister Rodrigo Rivera announced that 280,000 police and military would be assigned to protect the elections. The Defense Ministry has stood up an intelligence center to conduct risk analysis and plan the operation. A July 14 report from the government’s Integrated Center for Electoral Intelligence stated that 84 municipalities face exceptional risk, 92 faced high risk, 120 municipalities were at medium risk, and 317 were low risk.

In addition to protection administered through the MOIJ protection program, the CNP provides security to former public officials including governors, council members, deputies, mayors, and others; 1,162 police officers are dedicated to this task.
Members of the political opposition allegedly also were targets in the DAS illegal wiretapping scandal. The Colombian government continues to investigate the extent of DAS crimes and prosecute those involved.

**Vulnerable Populations: Religious Leaders**

The Colombian government respects the rights of religious leaders and protects freedom of religion. The constitution provides for freedom of religion, and other laws and policies contributed to the generally free practice of religion. Since 2010, the MOJH has approved 708 applications for special public recognition of a religious entity for a total of 1,650 approved religious entities; an estimated 90 percent of the approvals were for evangelical churches. According to the MOJH, 1,036 applications failed to meet constitutionally established requirements and thus were not approved.

Religious leaders have been victims of violence by illegal armed groups including: the FARC, ELN, AUC paramilitary members who refused to demobilize, and such new criminal groups as the Aguillas Negras and Los Rastrojos. In general, the motive for crimes against religious leaders is not based on their religious beliefs, but rather their involvement in human rights work, advocacy on behalf of the displaced or other vulnerable groups, and involvement in land claims made by these vulnerable groups.

The Colombian government has taken steps to provide protection to religious leaders. Violence against religious leaders has decreased sharply over the past 10 years, as has overall violence in Colombia. The Colombian government reported no homicides of religious leaders in Colombia in 2010. However, the Catholic Church reported three priests killed. These killings are believed to have been perpetrated by the FARC because of the priests’ humanitarian work. The NGO Justapaz also reported killings of two pastors who worked as community leaders.

**Vulnerable Populations: Trade Unionists**

During the certification period, the Colombian government took important steps to improve the enforcement of labor rights and to combat violence against trade unionists. President Santos and Vice President Garzon, a long-time labor leader, have established a regular dialogue with labor unions and championed a series of initiatives. On April 6, the Colombian Congress approved the creation of
a separate Ministry of Labor, which will give cabinet-level attention to critical labor issues such as inspection programs, pensions, gender equality, and better salaries and working conditions. On April 7, Presidents Obama and Santos agreed on the U.S.-Colombia Labor Action Plan related to the Free Trade Agreement, to protect internationally recognized labor rights, prevent violence against labor leaders, and prosecute the perpetrators of such violence. In addition, on May 26, the Colombian government signed a Tripartite Labor Accord with the business community, the General Labor Confederation (CGT), and the Colombian Pensioners’ Confederation to advance labor rights. The accord reinforces many of the commitments of the Labor Action Plan. It also includes a decree on public sector collective bargaining rights, reparations for unionist victims through the Justice and Peace Law, and attention to International Labor Organization (ILO) cases covering labor violence and impunity. Two other major confederations, the United Workers’ Confederation (CUT) and Colombian Workers’ Confederation, did not sign the accord, but President Santos encouraged them to consider joining the agreement in the future.

Each year, the government establishes a uniform minimum wage through tripartite negotiations among representatives of business, organized labor, and the government. In 2011, the government implemented a four percent increase in the minimum wage.

Despite a significant reduction in the number of homicides in recent years, many NGOs still consider Colombia one of the most dangerous places for trade unionists. Recognizing the threats trade unionists face, the government dedicated 22 percent of the resources in the MOI’s protection program to their protection. In addition, under the Labor Action Plan, the Colombian government committed to undertake an analysis of closed cases of homicides of union members and activists, and to work with human rights groups and unions to develop a program to address the backlog of unionist homicide cases.

Respect for Labor Rights
Under the Labor Action Plan, the Colombian government committed to take a series of measures, within defined time frames, to improve protection of internationally recognized labor rights, prevention of violence against labor leaders, and prosecution of the perpetrators of such violence. Specific Colombian government achievements to date include:

• Broadened significantly access to protection programs for labor activists and organizers under threat of violence;

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Reformed the teacher relocation program to remove a disincentive for teachers who believe they are under threat to apply;

Improved procedures to secure more effective prosecution of labor violence cases;

Secured legislation to establish criminal penalties, including imprisonment, for employers that undermine the right to organize and bargain collectively or threaten workers who exercise their labor rights;

Enacted reforms to prevent and penalize the abuse of cooperatives as a way for companies to keep workers from becoming official employees and enjoying labor rights;

Established as priority sectors for labor inspections palm oil, sugar, mines, ports, and flowers, sectors in which a large proportion of the workforce are vulnerable populations, including Afro-Colombians and indigenous groups, and in which significant worker rights issues have been raised;

Began the hiring process of 100 new labor inspectors as part of a commitment to double the labor inspectorate by hiring 480 new labor inspectors over the next four years; and

Launched a public outreach campaign to promote awareness of labor rights and of the newly available remedies and complaint mechanisms available to workers.

On June 2, after two months of negotiations and meetings, the Colombian government signed a series of 22 agreements with the largest teachers’ union, the Colombian Federation of Educators (FECODE). The agreements cover issues such as protection (including relocation for threatened teachers), the right to association, benefits, and training. FECODE highlighted the agreement’s inclusion of a tripartite dialogue on compensation, hiring, and other issues in a Unified Teachers’ Statute as an important victory. FECODE is an affiliate of the CUT labor confederation.

Labor groups report that cooperatives remain largely unregulated and continue to be used by employers to deny basic worker rights. President Santos
has made this a top priority and the Colombian government has submitted several initiatives to reduce informality and address concerns of violations by associated workers’ cooperatives (CTAs), including the First Jobs Law enacted at the end of 2010. The government aims to formalize at least 500,000 jobs by 2014. In addition, a recent change to this law accelerated the effective date from July 2013 to June 2011 of new legal provisions, including significant fines to prohibit and sanction the misuse of cooperatives and other employment relationships that undermine workers’ rights. The law also provides a sanction mechanism for public officials that enter into a third-party contracting agreement with a company that does not adhere to labor law.

To this end, department and grocery store chain Carrefour Colombia, the tenth largest company in Colombia, directly hired on May 19 its 600 grocery and retail baggers who were formerly employed through CTAs, becoming the first multinational in Colombia to do so. On June 1, the Exito Group in Colombia, retail and supermarket chains including the Exito and Carrulla brands, followed suit by announcing it would directly hire 6,250 people in 2011 with full benefits. The new direct hires are workers from CTAs and other indirect employment relationships, including 2,500 grocery baggers. In July, Fabricato, Colombia’s largest textile company, announced the direct hiring of 2,700 workers formerly employed through CTAs. The firm has plans to directly hire an additional 1,600 cooperative-workers, after which all 7,000 Fabricato employees will be direct hires. This labor advance was achieved in a collective bargaining agreement put forward by the company’s largest union, a CGT affiliate. The conversion was to take place over a period of two years, but the company decided to speed up the timeline significantly in light of the Labor Action Plan.

The ILO also noted concerns with a Colombian law that allows employers and non-union workers to create a “collective pact” when a union represents less than one-third of the employees in a workplace. Under ILO Convention 98 on the Right to Organize and Bargain Collectively, which Colombia has ratified, collective pacts should only be possible in the absence of trade union organizations. The Government of Colombia enacted legislative reforms to clarify that it is illegal to use collective pacts to undermine the right to organize and bargain collectively by extending better conditions to non-union workers in such pacts and is conducting an outreach campaign on this issue.

The government and all three major labor confederations agreed on the text of a decree that will explicitly grant collective bargaining rights in the public sector. These rights include: the ability to submit a formal and binding petition to
collectively bargain; protection from firing for union founders; and paid time for union leaders to do union work. Labor unions have noted that the decree represents a marked change in tone on labor from previous administrations. President Santos is expected to sign the decree soon.

The Government of Colombia has ratified all eight of the core ILO conventions, and has worked to comply with international labor standards. Under its commitments in the Labor Action Plan for the Free Trade Agreement, Colombia will work with the ILO to strengthen the presence and expand the capacity and role of the ILO in Colombia. By September 15, the Santos administration will present a formal request to the ILO for cooperation, advice, and technical assistance to help in the implementation of the measures outlined in the Labor Action Plan and to help foster the tripartite process. Colombia will work with the U.S. government to identify the necessary resources and sources of support.

At the invitation of the government, an ILO high-level tripartite delegation visited Colombia February 14–18 to research progress on collective bargaining and freedom of association in Colombia. They met with Colombian government representatives, union leaders, and the business sector. Their report mentioned the Santos administration’s openness, transparency, and willingness to address labor issues, and recognized that Colombia has an opportunity to implement substantive labor changes. In the delegation’s assessment, this opportunity stems from political will and strong economic growth. The delegation noted that violence and impunity remain ongoing challenges, while noting that improvements have been made in investigating these cases.

Violence against Trade Unionists
In a 2010 report, the ILO Committee of Experts recognized Colombia’s efforts to combat violence in general and noted a decrease in violent acts against trade unionists. The ILO also commended Colombia for strengthening criminal penalties and prison sentences for perpetrators of violence against union members.

Due to the improving security situation in Colombia and the government’s efforts to address violence against trade unionists, homicides of trade unionists have declined over 80 percent in the last decade. A May government report on Labor and Human Rights cited 37 unionist homicides in 2010, of which 21 victims were unionized teachers. The report confirmed 11 unionist homicides through April of this year. According to National Labor School (ENS) data homicides have decreased significantly from 193 in 2001 to 51 in 2010, and to 17 in 2011 as of June.
Despite the decrease in violence over the past decade, worrisome events occur, especially for teachers in certain geographic regions and unions. According to the ENS, as of June, four members of the Cordoba Teacher’s Association have been killed in 2011, for a total of 11 since January 1, 2010. The most recent victim was Alejandro Jose Penata Lopez, who, according to the International Trade Union Confederation, disappeared June 20 after leaving the school where he worked, and was later found dead. The case is currently under investigation by the local authorities. Another union severely affected in recent months has been the Risaralda Educator’s Union (SER). According to the ENS, three SER members have been killed since January 1. Of 17 homicides registered by ENS through June, 52 percent were teachers.

More funding is allocated through the MOIJ protection program for trade unionists (25 percent in 2010) than for any other group under the program. As of May, the MOIJ protection program was providing protection to 1,650 unionists or 13.9 percent of the individuals enrolled in the program. Consistent with its Action Plan commitments, the Colombian government has expanded eligibility for Colombia’s protection program to include not only labor leaders, but also labor activists, persons seeking to form a union, and former unionists who are under threat because of their past activities.

ENS and unions have acknowledged the downward trend in murders, but argue other forms of anti-union violence, death threats, assaults, forced disappearances, and displacements, are on the rise. In July, ENS reported to the Embassy 396 threats to union members in 2010. To address this concern, as part of criminal code reform, the Santos administration secured from the Colombian Congress in May 2011 strengthened and clarified criminal penalties that apply in cases of threats violating the rights of association and assembly.

Improving Prosecutions in Cases of Violence against Union Members

The Colombian government continues to take seriously crimes of violence and threats against labor union members. The Prosecutor General’s Office’s Labor Sub-Unit currently employs 18 prosecutors, 30 CTI investigators and 102 CNP investigators. For 2012, the Prosecutor General’s Office has requested the funds to hire an additional 14 prosecutors and 56 CTI investigators.

As of August, the Prosecutor General’s Office reports that the Sub-Unit is handling 1,427 cases, of which 632 are under investigation, 754 have formal charges, and 391 have convictions. 725 are murder cases. Of these, 387 are
under investigation, 573 have formal charges, and 325 have convictions. Since the Sub-Unit’s establishment, at least 523 individuals have been convicted, of whom 400 are former AUC paramilitaries.

Since 2008, three specialized judges have been assigned exclusively to hear labor violence cases. Vice President Garzon is in preliminary discussions with the courts to assign approximately 30 judges to focus exclusively on a range of human rights and labor issues. Exceeding its Labor Action Plan commitment of assigning 95 additional police investigators exclusively to the investigation of criminal cases involving union members and labor activists, the Colombian government assigned 100 additional full-time judicial police investigators.

During the certification period, there have been important developments in some emblematic labor violence cases. For example, in January, four individuals were sentenced to 23 – 36 years in prison as co-authors of the August 2010 murder of Sintraempaques leader Luis German Restrepo Maldonado in a Medellín restaurant.

More recently, in June, Carlos Andrés Benjumea Escobar, wanted for the murder of unionist Jairo Alcides Giraldo in November 2007, was captured in Cali. Giraldo was president of Sinaltrafruit, a union representing workers in the produce company Grajales, S.A. The case is being handled by a prosecutor in Cali assigned to a special unit reserved for the investigation of ILO cases. In July, demobilized AUC member Ricardo Lopez Lora (alias “La Marrana” or “Rober”) accepted responsibility for the kidnapping and disappearance of Ramon Alberio Beltran Gil. Beltran was a member of the agricultural union Sintrainagro, which was vulnerable to violence in the 1980s and 1990s. He was kidnapped on April 16, 1997 and his killing was ordered by Carlos Castano Gil, who believed he was collaborating with leftist guerillas.

According to a March press release issued by the Ministry of Social Protection, for the 37 unionist homicides registered by the Colombian government in 2010, 10 individuals had been captured and/or processed. Two of these individuals, Wilmar Jair Bautista Macias and John Jairo Poveda Morales, are accused in the June 2010 murder of oil industry Unión Sindical Obrera (USO) member Nelson Camacho Gonzalez. The USO alleges the murder took place as a result of collective negotiation conflicts.
Vulnerable Populations: Displaced Persons

Despite government efforts to stem displacement, civilians continue to be displaced due to a number of causes related to the presence of illegal armed groups, including: threats, murders, clashes between Colombian armed forces and illegal armed groups, territorial disputes between illegal armed groups seeking to control drug trafficking routes, illegal mining activities, and the potential forced recruitment of children. A study by Luis Jorge Garay Salamanca noted that internally displaced persons (IDPs) who registered with the government after 2005 report that displacements caused by illegal armed groups are due in large part to the FARC (32.2 percent of displacements) and “paramilitary” groups (22.6 percent). Once displaced, IDPs often move to urban areas to escape rural violence and look for employment.

In recent years, the Colombian government and NGOs have documented increased intra-urban displacement resulting from confrontations and threats from members of urban illegal armed groups, particularly in Medellin, Cali, and Buenaventura. According to the annual human rights report for Medellin, published by the local Ombudsman’s (Personería) Human Rights Office, the number of intra-urban IDPs in Medellin has increased dramatically in recent years. Of the 26,919 people who declared themselves victims of forced displacement in Medellin between January 1 and October 31, 2010, 30 percent were displaced from other urban areas. In Medellin, 1,378 were displaced compared with 207 in 2008. Most IDPs reported moving because of threats.

The actual number of IDPs in Colombia continues to be contentious, and government estimates often conflict with those of NGOs. The government’s Acción Social agency is responsible for coordinating IDP assistance and for registering IDPs for government services. According to Acción Social, there are approximately 3.7 million IDPs in Colombia. The NGO Consultancy for Human Rights and Displacement (CODHES) estimates that this figure is more than 5.2 million. The discrepancy in figures is a result of different methodologies.

According to government data, new displacement declined nearly 50 percent from 2008 to 2009, with approximately 300,000 IDPs in 2008 and 169,000 in 2009. In 2010, the government reported approximately 112,000 IDPs. Most displacements are taking place in remote areas with low population density. Fewer mass displacement events have contributed to a reduction in new mass displacements in recent years. However, as of April, Acción Social had already registered 21 mass displacements (more than 50 persons at one time) affecting
more than 10,000 people. The most affected departments in the first quarter of 2011 were Cordoba, Choco, Antioquia, Narino, and Cauca. Similarly, the UN Office for the Coordination of Humanitarian Affairs reported 59 mass displacements between January and June 2011, affecting more than 17,500 people.

Vulnerable ethnic groups, especially Afro-Colombian and indigenous communities, are disproportionately affected by displacement. The Colombian government estimates that 2.5 percent of all IDPs are of indigenous ethnicity and 8.8 percent are of Afro-Colombian ethnicity. The NGO Association of Internally Displaced Afro-Colombians (AFRODES) estimates the actual percentage of Afro-Colombians to be much higher, around 25 percent. AFRODES reports that up to 76 percent of IDPs registering for government services do not answer questions regarding ethnicity, leading to the statistical underrepresentation of these groups.

CODHES estimates that around 70,010 Afro-Colombians were displaced in 2010, out of 280,041. Despite overall declining trends, displacement in areas where many Afro-Colombians and indigenous live has intensified. Those areas include the Pacific coast of Narino, the Narino mountains, northern Valle del Cauca, the mountains of Cauca, and southern Choco, northern Tolima, and Arauca.

Women and children also are disproportionately affected by displacement. The Salamance study notes approximately 39 percent of unregistered IDPs have a woman as head of household. Of those, 75 percent are women without a spouse and 51 percent have children under 18. Almost all IDPs are impoverished, and many are indigent.

The severe rains in 2010 and early 2011 have also led to displacement. More than 3 million people were affected, and hundreds of thousands were forced to evacuate their communities. Flooding and torrential rains have been particularly hard on already displaced communities. The poorly constructed homes often inhabited by IDPs are more likely to be destroyed by rising water or heavy rains, and the lack of infrastructure in slum areas makes them especially prone to mudslides.

**Murders and Threats against IDP Leaders**

During the certification period, there was a spike in murders of IDP leaders. The spike coincides with the government’s push to implement a comprehensive land restitution and reform policy. In the first half of 2011, at least 12 IDP leaders were murdered. The victims include:
1. Ana Hernandez, Antioquia, killed in February.
2. Zoraida Acevedo, Norte de Santander, killed in March.
3. Hernan Pinto, Cundinamarca, killed in March.
4. Bernardo Rios Londono, Antioquia, killed in March.
5. David de Jesus Goez, Antioquia, killed in March.
6. Ever Verbel, Sucre, killed in March.
7. Andres Alvarez Orozco, Antioquia, killed in April.
8. Hugo Ulcue, Cauca, killed in April.
9. Martha Gaibao, Cordoba, killed in April.
10. Nayibis Maria Centeno de la Cruz, Cesar, killed in April.
11. Ana Fabricia Cordoba, Antioquia, killed in June.
12. Antonio Mendoza Morales, Sucre, killed in June.

As of May, 768 IDP leaders were included in the MOIJ’s protection program.

Government Focus on IDPs

Since 2008, Colombia’s Constitutional Court has issued several decrees on the obligations of the government to protect several vulnerable groups against displacement. Governmental obligations include comprehensive assistance to IDPs and report on the measures taken to address the problem. These decrees have targeted the most vulnerable IDP populations: indigenous people (Decree 004 of 2009), Afro-Colombians (Decree 005 of 2009), women (Decree 092 of 2008), youth (Decree 251 of 2008), and the disabled (Decree 006 of 2009).

During the certification period, Acción Social continued to make great effort to comply with these decrees. In recent years, the Colombian government has dedicated more resources to address displacement, increasing its annual budget from $67 million in 2003 to $800 million in 2011. Funding is directed to emergency humanitarian aid, health, education, housing, land, and income generation. IDPs’ demand for services continues to exceed government resources.

In 2010, the government presented a proposal to prioritize IDP groups according to needs and vulnerability, as well as “graduation” criteria that would make better use of government’s resources. The Constitutional Court has not yet issued its ruling on the constitutionality of the plan.

The Prosecutor General’s Office created a new Displaced and Disappeared Persons Unit in December 2010. The Unit’s 22 prosecutors, 44 prosecutorial and judicial assistants, and 85 investigators from the national judicial police are
responsible for investigating and prosecuting more than 18,000 suspected forced disappearances and forced displacements.

The PNCT continues to be an effort to improve security conditions and increase state presence in strategic areas by coordinating efforts among the military, police, and economic and social development ministries and agencies. For more information on the PNCT, see Section 7046(b)(1)(B)(v).

The National Human Rights Ombudsman’s Office (Defensoría) continues to run the Early Warning System (SAT) to monitor and issue warnings on potential human rights violations, including forced displacement. Alerts are issued after reports are sent to the ad hoc Inter-Institutional Committee for Early Warnings (CIAT). While generally praising the SAT, NGOs have raised concerns about the effectiveness of the SAT and CIAT. Specifically, some complain that the CIAT is too heavily influenced by the military and other entities that are hesitant to issue warnings. Other complaints include the lack of accountability for government entities that fail to act in response to threats, and the secretive content of the risk analysis reports, which are often lengthy and detailed documents not released publicly in their entirety. The Ombudsman’s Office has indicated it is hesitant to release the full risk assessments for fear they may put certain populations or communities at even greater risk. The Colombian government, with USAID assistance, is working to improve the SAT’s performance.

The Land and Victims’ Law, signed by President Santos in June, makes reparations and land restitution available to IDPs. This landmark law will benefit about 460,000 eligible displaced families. If their land is uninhabitable, their compensation will be in the form of equivalent lands in another part of the country. If land restitution does not fully compensate for the loss of land, they will receive a monetary award. The law creates a special expedited judicial framework that places the burden of proof on the party opposing the victim’s claim. A budget of $2.1 billion has been set for 2011.

Vulnerable Populations: Indigenous Groups

The Colombian government respects the rights of members of indigenous communities, and, in consultation with the communities, continues to develop gradually tailored programs to address unique indigenous concerns. The government recognizes 87 indigenous communities living in 5,382 groupings, and estimates the indigenous population at 1.4 million, approximately 3 percent of the
Colombian population. Indigenous groups and NGOs estimate the indigenous population at approximately 5 – 8 percent of the population.

In October 2010, President Santos announced the creation of a new presidential advisor to oversee the government’s engagement with indigenous communities, and named Gabriel Muyuy to fill that post. Muyuy is a former Senator from the Inga indigenous community in Putumayo.

The Colombian government recognizes collective land ownership (reserves) for distinct indigenous communities and has established 807 titled reserves that cover approximately 31 million hectares (29.84 percent of the Colombian national territory). These reserves are non-transferable and are located in 27 of the 32 Colombian departments. The departments with the highest indigenous populations are Vaupes (66 percent), Guainía (65 percent), La Guajira (45 percent), Vichada (44 percent), Amazonas (43 percent), Cauca (21 percent), and Putumayo (21 percent).

Through its land restitution and formalization “Shock Plan,” between October 2010 and July 2011 the Colombian government delivered 109,197 hectares of land to indigenous communities.

As reported in last year’s certification, indigenous groups continue to face challenges regarding land tenure and displacement resulting from the negative impact of encroachment, without adequate previous consultation, by multi-national and national energy, mining, lumber, palm oil, and cattle companies as well as government infrastructure projects. However, during the certification period, several Constitutional Court verdicts strengthened and reinforced the requirement for prior consultation (consulta previa) with ethnic communities. The Court ordered a halt to mining and concession granting in several regions and suspended major infrastructure projects unless and until affected ethnic communities are properly consulted.

These communities also remain vulnerable to violence. The FARC, ELN, and other illegal armed groups use many areas on or near indigenous reserves for criminal purposes, which endanger the indigenous population in the area, requiring the armed forces to maintain a presence.

The Colombian government continues to recognize the January 2009 Constitutional Court ruling which states that indigenous peoples in Colombia “are at risk of cultural or physical extermination by the armed conflict, and have been
the victims of extremely grave violations of their individual and collective fundamental rights and international humanitarian law.” Some indigenous communities, particularly in Choco, Cauca, Arauca, and Narino, still are confined on their lands due to illegal armed group activity. While the government continues to develop safeguards as mandated by the Court, more is needed to provide guarantees for all indigenous communities. The National Indigenous Organization of Colombia (ONIC) specifies 34 indigenous communities of particular concern. Of these, only the Nakuk Maku is covered by the court’s ruling for a protection plan (Plan de Salvaguarda).

Violence against Members of Indigenous Groups

Indigenous communities still are disproportionately affected by violence. The government recognizes this unique situation and has prioritized outreach, dialogue, and protection of indigenous populations.

The government reported 12 homicides of indigenous leaders between August 2010 and May 2011. From January through June, the government reported 55 indigenous people killed; a 34 percent increase over the same period in 2010. According to ONIC, 122 indigenous people were killed in 2010, including unreported cases and indigenous people buried as unidentified, an increase from the 114 members killed in 2009. Ten indigenous people disappeared, and 1,146 were displaced in 2010; a significant decline from the 6,201 people displaced in 2009. On August 7, ONIC reported 34 killings and six disappearances of indigenous people since the beginning of the Santos administration.

In July, indigenous groups reported that 73 indigenous persons were injured in a FARC attack in Toribio (Cauca), when a bus loaded with explosives was detonated in the town center.

In its 2010 report, the UNHCHR noted that the presence of armed actors on indigenous lands “has led to selective murders, disappearances, confinement, forced displacement, and indiscriminate attacks through the use of anti-personnel mines. The victims include women and girls, who are also subjected to acts of sexual violence.” The report also noted, “the judicial efforts to address violations against indigenous peoples, such as the conviction of the killers of Edwin Legarda and the massacre of 12 indigenous Awa people in August 2009.” The report added, “the State must reinforce the protection measures to avoid further such killings.” In March, the Superior Tribunal of Popayan confirmed the conviction and sentencing to 40 years in prison of five members of the army’s Jose Hilario Lopez Battalion for the homicide of Edwin Legarda, husband of indigenous leader
Ayda Quilcues. On October 7, three men from the criminal band “The Cockroaches,” which has ties to the FARC, were found guilty and sentenced to 52 years in prison for the August 2009 massacre of 12 Awa members.

Last year’s certification reported that the MOIJ provided protection to 283 members of indigenous communities, and that through a joint agreement between the MOIJ and the CRIC, the government trained 20 indigenous members to serve as bodyguards for CRIC leadership. We have not been able to obtain updated information on MOIJ protection for members of indigenous communities for this certification period.

Since 2009, in partnership with the Embassy, the CNP has provided scholarships to facilitate the entry of qualified indigenous and Afro-Colombian candidates from the Choco, Cauca, Valle del Cauca, La Guajira, Narino and Amazonas departments. To date, 550 individuals have received scholarships, and 400 more are scheduled to receive scholarships in 2012. Upon completion of their training, the selectees are required to return to their department of origin for two years to help improve the diversity, responsiveness and perception of the CNP in parts of the country where the state has long been absent. After this period of mandatory service, police personnel are eligible for reassignment elsewhere. However, many opt to stay in their home departments. The program currently has strategic partnerships with police academies in Yuto (Choco), Toluca (Narino), Leticia (Amazonas), and Uribia (La Guajira). Each academy follows the standard police training curriculum, but maintains a special focus on accommodating local communities.

The Awa

The Awa community continues to suffer attacks and struggle with challenging security concerns. On November 4, 2010, an unknown assailant killed three men and a pregnant woman from the Awa indigenous group on the highway between Junin and Tumaco. The Prosecutor General’s Office is investigating the case. Vice President Garzon condemned the attack and asked judicial authorities to use “all mechanisms” to protect the indigenous population. In a statement, the Awa implored the FARC and the ELN to leave their territory and requested protection from the Colombian Army in accordance with international humanitarian law.

The Colombian government estimates 999 Awa (234 families) have been displaced. Under the Project to Protect the Lands and Patrimony of Displaced Population, the government provided training to the Awa community on the scope,
implications, and effects of the various regional resolutions that impact the community. The Colombian government provided community housing and training to Awas in Barbacoas and Ricaurte. The MOIJ provided the Awa community with radios, mobile phones, transport subsidies, and support for the construction of bulletproof offices for Awa community-based organizations Unipa and Camawari. Additionally, 33 members of the Awa community receive MOIJ protection.

The scheduled launch of the consultation process for the protection plan for the Awa was April 2010, but it was postponed several times. After the Santos administration took office, Awa leaders and the new Vice Minister of Interior met in September 2010 and agreed to set a new date to launch the consultation process for the protection plan. As of July, the Awa have presented the MOIJ with a draft protection plan, which they and the ministry expect to finalize soon.

The Nukak Maku

Principally located in the Department of Guaviare, approximately 600 Nukak remain, of whom approximately 112 are internally displaced, as reported in the previous certification.

The Nukak may be the last completely nomadic indigenous people in the Americas for whom it is natural to subsist by transiting from place to place. Competition for natural resources, however, has led to confrontations with local communities. The government reports that on two occasions, it has attempted to relocate the Nukak in the jungles of Guaviare, but the Nukak were subsequently expelled by guerrillas.

The Colombian government has three strategies to assist the Nukak. The first strategy entails emergency humanitarian assistance to the two Nukak groups (Wayari Muno and Meu Muno) in Aguabonita and Villa Leonor; the second deals with assisting and accompanying the voluntary movements of the Nukak; and the third strategy seeks to create the necessary law enforcement conditions to permit the return of the Nukak to their ancestral territories.

The Presidential Program for Human Rights and the Office for Indigenous Issues, Minorities and Roma within the MOIJ works regularly with the inter-institutional roundtables to coordinate government assistance to the Nukak. The program has also contracted three experts in indigenous issues, two of whom specialize in the Nukak, to develop an action plan for assistance to the Nukak peoples. The plan was approved by the Vice Minister of Interior and the
Municipal Indigenous Roundtable in April 2010. The action plan requires various
government entities to conduct a baseline study in preparation for the development
of the Nukak protection plan (Plan de Salvaguarda). The action plan already has
resulted in the construction of five health posts in the Nukak villages of Cano
Maku, Mocuare, Tomachipan, Araguato, and Charlton in Guaviare. Baseline
studies for the protection plan are underway.

In addition, the government continues to provide medical and psychosocial
assistance to the Nukak through mobile units of the Colombian Institute for Family
Wellbeing (ICBF).

The government reports setting up provisional solutions to provide potable
water for the displaced Nukak Maku community in San Jose del Guaviare. The
government expanded the delivery of food rations to that community, and worked
with the UN Food and Agriculture Organization to establish a children’s nutritional
re recuperation center. Government agencies, in coordination with the Nukak,
developed food security projects that take into account the Nukak’s traditional
foods and maintain flexibility in accordance with the Nukak’s mobility.

Approximately 101 Nukak children are attending public school in the
following rural areas of Guaviare: 21 in Tomachipan, 29 in Aguabonita, 40 in
Charras, and 11 in La Paz. The Nukak have made clear they only want their
children to learn enough reading and writing to communicate with non-indigenous,
and teachers are making arrangements to comply with this request.

Members of the armed forces in the Guaviare department complete pre-
departure training regarding the social and cultural characteristics of the Nukak as
well as their situation of vulnerability and risk. The government reports the armed
forces are maintaining its commitment to avoid interaction with this indigenous
community to prevent potential stigmatization by illegal armed groups.

In 2009, reports surfaced of three cases of alleged sexual abuse by members
of the army against Nukak girls ages five, 13, and 15, in San Jose del Guaviare.
The Colombian government noted that, while such cases may be common, the
absence of formal complaints due to fear of reprisals prevented the prosecution and
punishment of those responsible. The government reported it made special efforts
to find those responsible for the three cases. In August 2009, the army launched a
disciplinary investigation that concluded in September, and transferred the case to
the regional Inspector General. In the case of the five-year-old, the suspect was
identified after the Ombudsman interviewed the girl’s mother, and the case
transferred to the Prosecutor General’s Office, where the investigation continues. In the case of the teenage girls, it has not been possible to identify the perpetrator(s).

In response, the 22nd Jungle Brigade has taken measures to prevent recurrence of any similar action. Working with the ICBF, the Brigade has provided training to strengthen its members’ understanding of the vulnerability of indigenous communities. The ICBF also implemented a communications campaign to encourage the Nukak to prevent children from wandering alone close to military checkpoints. While these efforts are positive, it is important that the government continue to improve its ability to bring those responsible to justice.

**Government Outreach to Indigenous Groups**

As reported in the previous certification, the Colombian government has created several mechanisms to increase its outreach efforts to indigenous communities, including the Permanent Committee for Consultation with Indigenous Peoples and Organizations (Decree 1397 of 1996); the National Commission for Human Rights of Indigenous Peoples (Decree 1396 of 1996); and the Amazon Region Committee for the Indigenous Peoples of Colombian Amazonia (Constitutional Court, judgment SU-383 of 2003; Decree 3012 of 2005). It also continued to implement existing plans, such as the “Integrated Plan to Support Indigenous Communities with High Vulnerability and Risk for Disappearance” and the “Program to Guarantee the Rights of Indigenous Peoples Affected by Displacement.”

On October 2, 2010, Vice President Garzon met with the CRIC. He announced three agreements: a roundtable of indigenous groups from Cauca; the creation of a commission of verification of agreements in which the MOI and the CRIC will prepare a report on the government’s fulfillment of agreements with indigenous groups in Cauca; and an inter-institutional roundtable that the CRIC will establish with the Regional Indigenous Council.

During October 4 – 7, 2010, the government convened the *Mesa Permanente de Concertación*, where the government and indigenous leaders agreed on the process for prior consultation for legislative initiatives that affect indigenous communities. In addition, the government committed to properly consulting communities, as required by law, in advance of any major extractive or infrastructure projects that affect them. Finally, the *Mesa* raised the possibility of a census of the 102 indigenous peoples in the country, to better direct social services.
On October 12, 2010, President Santos attended the second National Congress of the Embera community and expressed the national government’s “interest and will to advance policies to protect and promote indigenous peoples and their quality of life.”

The government continues to engage with indigenous communities to develop plans to fulfill Constitutional Court Order 004 of 2009. To date, the government reports it has completed 76 percent of the activities referenced in the plans to guarantee rights, 100 percent in elaborating proposals for the protection plans, 68 percent with the socialization of the order and the assessment, 56 percent with institutional coordination of established lines of action, and 21 percent in coordinating and formalizing the protection plans.

The Colombian government has developed and implemented 13 action plans for indigenous communities in Arauca, Valle, Casanare, Cesar, Risaralda, Guaviare, Cordoba, Guajira, Choco, Guainia, Meta, Vichada, and Vaupes. These 13 action plans were developed following the recommendations of UN Special Rapporteur for Indigenous Communities Rodolfo Stavenhagen in 2006. The action plans require government institutions and national level agencies to take specific steps towards the eventual formulation of the protection plans as ordered by the Constitutional Court in Auto 004 of 2009.

According to ONIC, the Colombian government has drafted five protection plans to date for the Cofan, Quichua, Awa, Totoroes, and Misak. As of July, these plans had not yet been implemented.

Vulnerable Populations: Afro-Colombian Communities

Afro-Colombians remain one of the country’s most vulnerable populations and have suffered disproportionately from the internal conflict. During the certification period, the Colombian government took steps to improve the security and well-being of Afro-Colombians.

According to the 2005 national census, approximately 4.5 million persons, or 10 percent of the population, described themselves as of African descent. Human rights groups and Afro-Colombian organizations estimate that Afro-Colombians comprise up to 20 – 25 percent of the population. According to the Colombian Institute for Rural Development (INCDER), Afro-Colombians have 161 community councils governing their communities.
Choco, the department with the highest percentage of Afro-Colombian residents, had the lowest per capita level of social investment and ranked last in terms of education, health, and infrastructure. It also continued to experience some of the country's worst political violence, as illegal armed groups and guerrillas struggled for control of the department's drug- and weapons-smuggling corridor.

In October 2010, President Santos announced the creation of a new presidential program to oversee the government's engagement with Afro-Colombian communities and named Oscar Gamboa to fill that post. In addition, the government for the first time developed a chapter on Afro-Colombian issues in the National Development Plan (PND), in consultation with Afro-Colombian communities.

Land, a very important issue for Afro-Colombian communities, has been a priority for the Colombian government during the certification period. The recently signed Land and Victims' Law, which will provide reparations and land restitution to millions of Colombians, will benefit Afro-Colombians, who make up a large proportion of overall victims. Afro-Colombian groups expressed disappointment that the Land and Victims' Law did not address issues that are particular to them. The government had promised them to address those issues via decree. In July, the government and Afro-Colombian groups began the prior consultation process for the development of this decree.

Through its land restitution and formalization “Shock Plan,” between October 2010 and July 2011 the Colombian government delivered 6,630 hectares of land to Afro-Colombian communities. The government also has taken serious steps to resolve emblematic land dispute cases in Afro-Colombian territories.

**Violence against Afro-Colombians**

As reported in the previous certification, illegal armed groups continue to exploit many areas with high Afro-Colombian populations for criminal purposes, endangering the local residents. Conflicts between the armed forces and illegal armed groups in these areas, as well as conflicts between illegal armed groups, have led to a high rate of Afro-Colombian displacement.

Members of Afro-Colombian communities and organizations representing them reported receiving various threats. In October 2010, AFRODES and the Washington Office on Latin America received an e-mail death threat signed by the Águilas Negras, a BACRIM organization. Shortly after, the Colombian government issued a statement condemning the threat and calling judicial
authorities to open an investigation. Similar threats were made against organizations defending the rights of Afro-Colombians and their leaders. The victims claim these threats have not been properly investigated by authorities.

In an alarming trend, IDP leaders, many of whom are Afro-Colombians, have increasingly been the target of murders, including Ana Fabricia Cordoba, murdered in June in Medellin (Antioquia), and Oscar Maussa, murdered in November 2010 in San Juan de Nepomuceno (Bolivar). Human rights groups called on the government to develop a comprehensive plan to protect those fighting for land restitution and those who will benefit from the government’s land restitution efforts. The government is in the process of developing such a plan.

In May, the FARC abducted and massacred five members of the same Afro-Colombian family in Lower Naya River (Valle del Cauca). The Early Warning System had issued a risk assessment in December 2010 describing the risk the FARC and other armed groups fighting for control of drug trafficking routes present in the Bajo Naya.

Afro-Colombian communities in some areas are wary of the armed forces and allege that lack of action against illegal armed groups reflects collusion. For example, in Curvarado, some community members reported the constant presence of “paramilitaries,” despite the presence of army units and police stations.

In partnership with the U.S. Embassy, since 2009, the CNP has provided scholarships to facilitate the entry of qualified indigenous and Afro-Colombian candidates from the Choco, Cauca, Valle del Cauca, La Guajira, Narino, and Amazonas departments. To date, 550 individuals have received scholarships, and 400 more are scheduled to receive scholarships in 2012. Upon completion of their training, the selectees are required to return to their department of origin for two years to help improve the diversity, responsiveness, and perception of the CNP in parts of the country where the state has long been absent. After this period of mandatory service, police personnel are eligible for reassignment elsewhere. However, many opt to stay in their home departments. The program currently has strategic partnerships with police academies in Yuto (Choco), Toluca (Narino), Leticia (Amazonas), and Uribe (La Guajira). Each academy follows the standard police training curriculum, but maintains a special focus on accommodating local communities.
Outreach to Afro-Colombian Communities

During the certification period, the Colombian government reached out to Afro-Colombian communities in a variety of settings. The creation of a new presidential program to oversee Afro-Colombian issues, currently filled by Oscar Gamboa, raised the level of engagement on Afro-Colombian issues.

Through the National Consultative Commission of Black, Afro-Colombian, Raizal, and Palenquera Communities, leaders and the government reached agreement on a broad set of commitments on issues including transportation, communications, health, education, sports and recreation, culture, agriculture, commerce and justice, among others. However, many Afro-Colombian leaders have expressed frustration over the lack of implementation of commitments made by the government.

Efforts to Eliminate Racism

The Colombian and U.S. governments remained invested in implementing the U.S.-Colombia Action Plan on Racial and Ethnic Equality, signed in January 2010. Plans to proceed with a plenary meeting were discussed during the U.S.-Colombia High-Level Partnership Dialogue in Washington, D.C., in May as of July a specific date had not been established. The Colombian government has identified education and economic opportunities as themes for the first plenary.

In addition, the Colombian government announced plans to hold a number of events to increase awareness of Afro-Colombian issues, including the May 21 Day of the Afro-Colombian, October 12 Celebration of the UN Year of African Descendants, and October 21 Day of the Afro-Colombian Woman. On May 21, President Santos gave an historic nationally televised speech celebrating the contributions of Afro-Colombians.

Consulta Previa

Since the previous certification, several Constitutional Court verdicts have strengthened and reinforced the requirement for prior consultation.

In May, Colombia’s Constitutional Court ordered the suspension of a major road project and several mining projects in Colombia’s remote Choco department for failure to consult with indigenous groups prior to initiating those projects. As part of the judgment, the court asked Interconexion Electrica SA (ISA), Colombia’s largest electricity distributor, to stop work on a bi-national power line project that will interconnect Colombia’s transmission lines with Panama. In
response, ISA officials are drawing up plans to initiate consultations with indigenous groups in Choco.

Indigenous groups praised the landmark court ruling, T-129 of 2011, for recognizing unconditionally the “Indigenous Peoples’ right to free, prior and informed consent” during all phases of a project. According to the court ruling, consent should be the end goal of any prior consultation process and must be obtained in three specific instances: 1) when communities will be displaced by a project; 2) when the project involves storing or disposing of toxic waste in ethnic territories; and 3) when the projects cause social, cultural or environmental impacts of such magnitude that it puts the existence of the community at risk. While the court did not order an outright and enduring ban on the proposed Colombia-Panama electrical interconnection project, it did uphold indigenous collective property ownership rights, mandating that benefits from development projects or the exploitation of resources be shared equitably, and requiring the implementation of mitigation measures and/or compensation for damages. It also ordered related jurisprudence to be translated into the local Embera language and published.

Colombia’s Constitutional Court also struck down strict mining regulations passed last year, but said the regulations will remain in effect for two years to give Congress time to draft and approve an alternate bill. In its May 18 ruling, the court said the new mining code was unconstitutional because indigenous communities and Afro-Colombians living in mining areas were not consulted.

To improve and standardize the Consulta Previa process across entities, the Colombian government is in the planning stages of establishing a Dirección Nacional de Consulta Previa in 2012. The office will likely be within the Ministry of Interior after the Ministry of Interior and Justice is divided into two separate ministries within the next year. The National Development Plan passed earlier this year required the Colombian government to develop a new statute to regulate the implementation of Consulta Previa.

Land Disputes

The Colombian government continues to address the interrelated issues of displacement and land disputes in Afro-Colombian and indigenous communities. According to Acción Social’s Database on Displaced Persons (RUPD), of the 3.6 million people registered as displaced, 12 percent (440,327) self-identified as members of a minority ethnic group, while 88 percent do not identify their ethnicity. Of those who do identify themselves as members of an ethnic group,
320,827 identified as Afro-Colombian, principally displaced from Narino and Choco, and 91,269 identified as indigenous, mostly displaced from Cauca and Putumayo. According to the RUPD, in the first half of 2010, 17,118 individual Afro-Colombians (4,682 families) were displaced, and 2,661 mass displacements (displacements of more than 50 people at once) occurred for a total of 19,031 Afro-Colombians displaced in the first half of 2010.

**Curvarado and Jiguamiando**

Some of the most publicized land disputes in Colombia are those involving Afro-Colombian communities in the Jiguamiando and Curvarado river basins in Choco. In 2000, the Colombian land titling agency, now known as INCODER, adjudicated collective titles of 54,973 hectares (135,841 acres) to the community council of Jiguamiando and 46,084 hectares (113,876 acres) to the community council of Curvarado. Despite these titles, much of this land was never inhabited by the community members, who were forced to flee as a result of violence in the area. This is one of four areas prioritized for land restitution as part of the government’s “shock plan” to launch efforts for implementation of the Land and Victims’ Law.

The previous certification cited the May 18, 2010, Constitutional Court decision that called on the government to take a number of specific steps to rectify issues of legal representation and land in both Curvarado and Jiguamiando. In the order, the Court ordered the return of collective lands to ancestral inhabitants and required a census of the communities prior to restitution. The Court also asked the international community to follow the government’s progress implementing the court order. During the certification period, the Colombian government intensified efforts to implement the court order. In March and April, the MOU engaged with the communities during 23 visits to develop the methodology for the census. In June, the MOU implemented the first phase of the census. The second and third phases of the census, involving those affected outside the region, are scheduled to conclude in the fall. After the census is completed, the communities will elect new community councils to receive the land. Members of the international community, including the U.S. Embassy, participated in a number of meetings with government entities, community leaders, and NGOs about efforts to implement the court order and continue to monitor closely events in the area.

NGOs and community leaders reported that illegal armed groups and business interests promote the settling of “bad faith occupiers” to influence the results of the census. The presence of “bad faith occupiers” has led to increased tension in the region.
In March, Minister of the Interior and Justice German Vargas Lleras and Minister of Agriculture Juan Camilo Restrepo visited Curvarado and Jiguamiando and expressed their determination to ensure the government succeeds in returning the land to its rightful owners. Only a few hours following their visit, a group of armed men burned five hectares of crops belonging to the local community. This incident is illustrative of the precarious security situation in the region. NGOs and community leaders continue to report receiving threats from illegal armed groups.

Since April, there have been increased reports of illegal armed groups operating in the area threatening community members. These groups have also begun to cultivate coca. There also have been increased reports of chemicals used to process cocaine in the area. The increased presence of illegal armed groups has been associated with an increase in reports of forced recruitment and forced coca cultivation.

In October 2010, the Prosecutor General’s Office announced it would pursue charges against individuals who stole hundreds of hectares of land from Afro-Colombian communities in Curvarado and Jiguamiando. Suspects include Herman Gomez Hernandez, a boxing promoter who is charged with conspiracy to commit a crime, forced displacement, and invading a protected ecological area. His wife, Katia Sanchez, is legal representative for the company Urapalma, which was allegedly a front for AUC commander Carlos Castano. Employees of INCODER allegedly falsified papers to transfer land to Urapalma. The cases are still pending.

La Toma

In April, the Constitutional Court ordered the suspension of all mining licenses and exploration in the La Toma region of Cauca department for failure to consult with the Afro-Colombian communities in whose territory the exploration has been occurring. The decision ordered Ingeominas, the Colombian government’s geological and mining agency, to suspend all licenses for mine exploration and operation until consulta previa has been performed. In its ruling the court expressed concern over the extent of environmental damage caused by the mining projects in La Toma, including water pollution and deforestation in traditional Afro-Colombian territories. The decision overturned Ingeominas’ position that consulta previa be conducted as part of the environmental licenses process, and requires that consultations occur prior to the issuance of even exploratory licenses.
The security situation in La Toma remains precarious. NGOs report threats to local leaders and the presence of heavy mining equipment, possibly owned by illegal armed groups, in spite of the court orders.

**Improving the Human Rights Performance of the Armed Forces**

The Colombian government continues to make significant progress in improving the human rights performance of the armed forces by implementing and enhancing procedures to distinguish between civilians and combatants, along with training and other programs.


The Ministry continues to implement the 15 measures on human rights developed in the aftermath of the Soacha murders, and began implementing an agreement with the UNHCHR to monitor seven of the measures. Currently in the first stage of the project, UNHCHR is monitoring four of the measures: the Immediate Inspection Commission, Inspector Delegates, Operational Legal Advisors, and the complaints system. Section 7046(b)(1)(B)(i) contains more details.

The Ministry continues to provide and enhance training in human rights and IHL across the armed forces through its centers and schools: in the army: 25 Battalions of Tactical Instruction, Training, and Retraining; in the navy: four Battalions of Instruction and Training, a Center of International Training, nine Mobile Training Groups and 22 Committees of Instruction; and the air force through each unit’s education group, escuelas de formación, and the Aeronautical Military Institute.

In addition, the Ministry has developed an extracurricular program complementary to its Single Teaching Model (MUP). In 2010, a total of 156,983 officers, non-commissioned officers, soldiers, civilians, and other students including police officers participated in extracurricular programs on human rights and IHL.
While addressing institutional issues takes time, the Colombian government’s reforms within the armed forces have already led to concrete results. For example, in its latest report, the UNHCHR noted that “in 2010, the drastic reduction in the number of persons presented as killed in combat while under the custody of the army, known as ‘false positives,’ was consolidated.” The report adds it is “essential to advance in the judicial proceedings on past violations,” a topic addressed earlier in this report.

The CNP continued to provide police personnel with human rights training, including specialized training on Afro-Colombian, indigenous, and other vulnerable populations. Many military training programs are also open to police.

**Distinguishing Between Civilians and Combatants**

As reported in the previous certification, the Colombian Armed Forces have taken important steps to distinguish between civilians and combatants in operations by developing and disseminating an Operational Law Manual and Rules of Engagement (ROE), and working to strengthen operational discipline through legal advising, among other measures.

Since the last certification, more than 50,000 ROE cards for soldiers and 2,000 ROE pocket guides for commanders have been disseminated, among other instructional materials. U.S. officials can attest that these materials are carried by soldiers and commanders in the field.

The armed forces continue to strengthen the role of the Operational Legal Advisor (AJO). Currently, there are 128 AJOs in the armed forces: 92 in the army, 14 in the navy, and 12 in the air force. Last year’s certification reported there were 154 AJO’s in the army; this year’s slight decrease reflects a temporary decline due to staffing shifts. The army is working to increase the overall number of AJOs. These AJOs permanently advise commanders in the planning, implementation and evaluation of operations to ensure the observance of human rights and international humanitarian law principles and norms. The armed forces continue to build the capacity of AJOs with training. During the certification period, there have been three courses in operational law, in which 23 AJOs from the three branches participated. In the army, AJOs have in turn trained 10,546 officers and non-commissioned officers across all eight divisions.

The armed forces also continue to strengthen the role of inspector delegates, who report directly to the Inspector General of the Armed Forces and are
responsible for monitoring and evaluating the effectiveness of controls implemented within the armed forces to ensure compliance with human rights and international humanitarian law norms, and to document when violations occur. They conduct on site inspections when a violation is suspected, and coordinate with operational legal advisors to verify the information they receive. With regard to inspections, inspector delegates have increased control and supervision. Their findings are included in inspection reports that serve as the basis for the operational unit’s development of improvement plans and corrective and preventive measures. Inspector delegates also maintain statistics on reports of human rights violations and conduct training. Currently, there are 11 inspector delegates in the armed forces: eight in the army (one in each division); two in the navy, and one in the air force.

As reported in the previous certification, in April 2010, the Ministry of Defense created a system to process complaints of alleged human rights violations that are received via three channels: (1) human rights offices in military and police units; (2) free phone lines; and (3) special links on armed forces and national police websites:

- General Command of the Armed Forces: http://www.cgfm.mil.co/CGFMPortal/faces/index.jsp?id=348
- Army: http://www.ejercito.mil.co/?idcategoria=211492
- Navy: http://www.armada.mil.co/?idcategoria=541331
- Police: http://www.policia.gov.co/portal/page/portal/CONTACTENOS/Escribale_al_director

The complaints system is monitored by the inspector delegates. The military reported naming 508 army officials, 47 from the navy, eleven from the air force, and two from the Joint Command to implement the system.

The Colombian government reported that during the certification period, the Inspector General of the Armed Forces conducted several inspection visits to verify the processing of human rights complaints, subsequently approved improvement plans, and distributed those plans to the army’s eight divisions.
These visits included the 15th Brigade in February, the 17th Brigade in March, Joint Force Omega and the Anti-Narcotics Brigade in April, and the 4th Division, 7th Brigade, and the 2nd Air Force Combat Command in June.

The Colombian government also reported that the Immediate Inspection Commission (CII) is operational and has been activated to follow up on special cases where serious violations of human rights or breaches of international humanitarian law may have occurred. During the certification period, the army activated the CII in October 2010 in Arauca. More information on the Arauca children's case can be found in Section 7046(b)(1)(B)(i).

Human Rights and International Humanitarian Law Training

The Ministry continues to provide and enhance training in human rights and IHL across the armed forces through its centers and schools: in the army: 25 Army Battalions of Tactical Instruction, Training, and Retraining; in the navy: four Battalions of Instruction and Training, a Center of International Training, nine Mobile Training Groups and 22 Committees of Instruction; and the air force through each unit’s education group, escuelas de formación, and the Aeronautical Military Institute.

In addition, the Ministry has developed an extracurricular program complementary to its Single Teaching Model (MUP). In 2010, a total of 156,983 officers, non-commissioned officers, soldiers, civilians, and other students including police officers participated in extracurricular programs on human rights and IHL.

In May, the army commemorated the second anniversary of its Human Rights and IHL School. More than 32,000 officers, non-commissioned officers, and soldiers received training at the School, and more than 12,000 were trained as “diffusers and guarantors” of human rights and international humanitarian law. These officers and non-commissioned officers, after graduating as Técnico Promotor en Derechos Humanos y Derecho Internacional Humanitario, are sent to the various Centers of Instruction and Training located in each brigade.

The CNP continued to provide police personnel with human rights training, including specialized training on Afro-Colombian, indigenous, and other vulnerable populations. Many military training programs are also open to police.

Relations between the Armed Forces and Vulnerable Communities
The armed forces continue to take steps to improve communication with and respect the rights of vulnerable communities. However, relations remain tense in some areas, particularly where communities suspect or allege collusion between the armed forces and illegal armed groups.

There are four indigenous affairs offices in the armed forces: in the general command and the commands of the army, navy, and air force. At the regional level, there are 73 liaisons to indigenous communities. These offices and liaison officers receive and process complaints as part of the human rights complaints processing system.

As reported in the previous certification, the government created liaison officer positions to establish channels of communication with ethnic leaders, address concerns about the activities of the armed forces, and increase mutual trust. The liaison officers also advise unit commanders with regard to issues relating to ethnic groups in the unit’s area. In March, the Ministry of Defense held a workshop in Bogota that brought together liaison officers with indigenous, Afro-Colombian, Raizal, and Palanquera leaders to help the armed forces better understand the culture of the different ethnic groups located the in the respective jurisdiction of each unit, allowing operations to proceed while guaranteeing respect for those communities’ rights.

During the certification period, the army issued two directives with regard to vulnerable communities:


Special Training on Vulnerable Groups

The Colombian government sets up public meetings with organizations of special groups and holds workshops and training both for the groups requiring differential attention and for security forces.
From August 2010 to July 2011, the Ministry of Defense held 13 workshops for the military forces and the police to train on laws related to ethnic minorities, race, and language for indigenous communities. The following are training sessions the Ministry of Defense participated in to receive training on indigenous issues:

- July 13 – 14, 2010: Training Seminar on Ethnic Groups for Officers in Bogota (70 students trained)

- September 7 – 10, 2010: International Seminar on Protection for Vulnerable Communities with the Colombian Navy in Cartagena (60 students trained)

- October 1, 2010: Training on Indigenous Legislation for regional police in Popayan (70 students trained)

- October 4, 2010: Seminar to Update Operational Legal Advisors on Human Rights Policies and Protection of Vulnerable Communities (Afro-Colombian and Indigenous) in Bogota at the military school (120 students trained)

- October 7 – 8, November 4, 2010: Training on Indigenous Legislation for the 18th Brigade in Arauca (100 students trained)

- March 13 – 14, 2011: Training Seminar on Ethnic Groups for Officers in Bogota (80 students trained)


Between September 1 and December 31, 2010, the Ministry of Defense held five two-day seminars in Guapi (Cauca), Bahia Solano (Choco), Cartagena (Atlantico), Tres Esquinas (Caqueta), and Covenas (Sucre) for a total of 200 students from the navy on rules of engagement, ethnic groups, the international criminal court, and Ministry policies.
Section 7046(b)(2) of the FY 2009 SFOAA requires a determination that:

"The Government of Colombia is...conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations."

The Colombian government continued to take steps to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of illegal armed groups. The government has markedly strengthened civilian leadership of the PNCT, which aspires to be the engine to move Colombia into a post conflict era and build the framework for transformative change. The Santos administration is building on the PNCT's progress. In July, it concluded a strategic review to enhance civilian agency commitment to and effective implementation of the consolidation methodology. The administration also created a National Security Council, chaired by the President, to increase interagency investment and coordination better suited to the development of civilian institutions.

National Plan for Territorial Consolidation (PNCT)

In 2004, the Colombian government began a pilot program called the Integrated Consolidation Plan for La Macarena (PCIM) in Meta that demonstrated success in increased security, promoting social and economic development and a sustained decline of narcotics production and trafficking within the region. In March 2009, the Colombian government announced that under a National Consolidation Plan, it would extend the consolidation strategy to other strategic areas around the country. Under Santos, the consolidation plan, renamed the PNCT, is a coordinated process to consolidate government efforts and guarantee a sustainable environment of peace and security, allowing for the strengthening of democratic institutions. It focuses on increasing territorial control in under-governed areas of the country to provide security for communities, make lasting gains in coca eradication, transfer security responsibility to the police, and provide a wide range of socio-economic services through the introduction of a broad array of civilian state institutions from the national to the municipal level. The PNCT generates the necessary conditions for sustainable, long-term development and provides Colombian citizens with the freedom to exercise their constitutionally protected individual rights. A primary PNCT objective is the protection and socio-
economic well-being of citizens, not only as subjects of improved human rights, but also as active participants in the consolidation process.

Following this year’s strategic review, the Colombian government identified seven “consolidation regions,” where national, departmental, and local level agencies will concentrate their efforts to establish a permanent government presence. Colombia’s goal is to integrate these priority regions, which are major sources of instability, violence, and narcotics trafficking dominated by illegal armed groups, into Colombia’s broader political, economic, and institutional fabric.

The PNCT aims to increase the willingness and capacity of communities to cooperate and interact with the government, while expanding the government’s capacity to exercise timely, credible, and responsive civil functions. Once the military and police have provided sustained security in an area, and coca has been eradicated, the government aims to deliver small, quick-impact, community-prioritized, social infrastructure projects. These projects are frequently the first concrete demonstration of government support for historically marginalized communities and serve to begin building trust between communities and local government. Typical projects include community centers, roads, and school and health facility improvements. The government provides economic opportunities for groups making the transition from the illicit coca-based economy to the legal economy. Such projects as agricultural inputs, planting material, small machinery, and technical assistance build on demonstrated skills of the communities and are directed primarily at local markets.

The PNCT utilizes a national coordinating body called the Center for Coordination of Integrated Action (CCAI). CCAI harmonizes the activities of civilian Colombian government agencies in PNCT regions and promotes short-term social and economic development in priority areas where Colombian security forces have established a presence. Civilian institutions have teamed up with security forces to penetrate PNCT zones, but these efforts have been limited and require additional support for their sustainability. The purpose of CCAI was not to create a new institution but to build greater synergy through a collaborative and sequenced interagency strategy. This synergy has been difficult to develop in some areas that lack sufficient coordination among various agencies and between the national and local governments. There has been some improvement, however, through a strategic review of the PNCT by a government interagency group that had the participation of 60 public and private entities.
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Under the PNCT, CCAI carries out a sequenced and phased strategy that starts with military operations, moves into the establishment of a police presence and quick social and economic assistance efforts, and ends with the presence of a functioning, civilian government and the ultimate withdrawal of most military forces. As the government’s presence and security in each consolidation region improves, the region moves from a recovery of security phase (military expels illegal armed groups and gains territorial control, mitigates effects of armed conflict, and promotes confidence in the state), to an in-transition phase (military presence replaced by police and judicial services, institutional recovery and stabilization, substitution of illicit economic activity with licit options), and finally to an in-consolidation phase (establish state institutions and public services and create conditions for the social and economic well-being of residents). These phases are more easily visualized using a “stoplight” classification system to rate those in the recovery of security phase as red regions, those in the in-transition phase as yellow regions, and those in the in-consolidation phase as green regions.

As of January, of the 2,107 districts (sub-municipal units, veredas) under the PNCT, 1,066 were in the recovery phase, 877 in the in-transition phase, and 164 in the in-consolidation phase. To generate the necessary conditions to accomplish the PNCT’s goals, the Colombian government focuses on enhancing justice and security; providing emergency humanitarian attention (including addressing the needs of displaced persons); clarifying land title and property rights issues; increasing social development (especially the quality and coverage of education and health services); increasing economic development as residents move from an illicit to a licit economy; and strengthening local governance and citizen participation.

PNCT Results

PNCT activity has brought about significant developments in the consolidation regions. Since 2007, there has been a reduction of homicides per 100,000 inhabitants in PNCT municipalities that is more pronounced than that of the national average. The proportion of homicides in the consolidation regions in relation to the national total has dropped steadily. In 2007, consolidation municipalities accounted for 19 percent of the national homicide rate. By 2010, this proportion dropped to 14 percent. According to CCAI, and based on the registered homicides between January and March, the 2011 homicide rate is expected to drop to 7.7 homicides for every 100,000 inhabitants in consolidation regions compared to a national level of 11.3.
The Colombian government is making a concerted effort to eliminate illicit crops, realizing it is a principal threat and vulnerability for communities. According to the U.S. government’s annual imagery survey, since 2007, there has been an overall decreasing trend of coca cultivation nationwide. For 2010, the U.S. government recorded an approximate 14 percent drop in coca cultivation from 2009. The overall coca cultivation estimate for 2010 is 100,000 hectares. Since 2007, the number of hectares of coca detected with the United Nations Integrated Illicit Crop Monitoring System (SIMCI) presents a decreasing trend nationwide and in consolidation regions. The reduction continues to be more pronounced in municipalities targeted by the PNCT. For 2010, SIMCI recorded for the third consecutive year a reduction in coca cultivation, although results by municipality are not yet available. According to SIMCI, 59,000 hectares of coca were detected in 2010, 9,000 fewer than in 2009 and representing the lowest amount in 15 years. A recent UN report on the socio-economic and environmental transformation associated with illicit crops concluded that “comparative analysis of the different illicit drug crop supply reduction policies applied in the Meta-Guaviare region demonstrates that the Plan for the Integrated Consolidation of the Macarena is the policy that has produced the best results.”

Increased control over more areas of national territory has strengthened Colombia’s political system and allowed increasing numbers of citizens to participate in elections. Voter turnout increased in La Macarena, Montes de María, and Tumaco in 2010, corroborating frequent reports from communities that consolidation has created more space for citizen participation and more freedom of expression. This remains a positive sign for the October municipal and departmental elections. The MOJ is focusing on a pilot effort to promote and enforce transparency in 67 municipalities (11 in the PNCT regions) that are at extremely high-risk according to a mix of indicators, including fraud and violence. The CNP have also identified 12 PNCT municipalities as extremely high-risk based on security threats, and are dedicating security efforts to consolidating all PNCT municipalities. MOE will train observers and poll-station witnesses and observe elections primarily through a network of local civil society groups. USAID is providing support for the voter registration process, debates between candidates, and media campaigns.

The Colombian government is also committed to providing support to increase the capacity of municipal governments (both mayors and municipal

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councils) to respond to the needs of their constituents – an undertaking that USAID has prioritized. In consolidation regions, USAID will also support efforts to increase the capacity of civil society to lobby for their constitutional rights and also to serve an oversight role. This component will replicate the Montes de María program to strengthen local government (CIMIENTOS), which the U.S. government has already supported.

The Colombian government is aware of the need to enhance the coverage and capacity of the judicial system by increasing the presence of public defenders, prosecutors, judges, judicial support structures, and other mechanisms in rural regions, and has taken some steps toward that end. For example, in 2011 the Prosecutor General’s Office established specialized anti-BACRIM units in Turaco and Medellin to counter organized criminal activity for the Pacific coast of Narino and northern Antioquia. The MOJ also opened three new justice houses in consolidation municipalities in northern Antioquia and virtual courtrooms were installed in Villavicencio to allow virtual hearings to take place between the capital and many rural areas, including La Macarena. The Prosecutor General expects to establish permanent offices for prosecutors in 48 of the 51 consolidation municipalities by January of 2012 (compared to 30 of 51 today). Despite these efforts, the PNCT’s strategic review highlighted the fact that effective justice sector coverage remains at the top of the list of areas requiring urgent attention.

Colombian government investments in consolidation regions for 2010 included $46 million from regional governments (25 percent) and $108 million from the national government (60 percent), which does not include spending on the armed forces. International donors, including the U.S. government, supported consolidation with $24 million, which came to 13 percent of total investment for consolidation in 2010. Given the anticipated massive increase in Colombian government financial support for consolidation in 2011 (e.g. budgetary line items for consolidation, funding for rural development zones overlapping with consolidation and land titling) this percentage will be much smaller.

According to a December 2010 presentation by Colombian National Security Adviser Sergio Jaramillo regarding the Consolidation Plan for La Macarena:

- Legal crops in the region have increased from 21,000 hectares in 2007 to more than 47,000 in 2010;

- 215 out of 339 micro-credit applications were approved.
• 145 farmers’ associations were established, strengthening 6,672 families;

• 475 km of tertiary roads were improved in the Meta Department; and

• A pilot effort to give land titles to 150 families neared completion during 2010. The Dutch Embassy will continue this effort in 2011 based on the lessons learned.

An important indicator of the PNCT’s success is an increased level of confidence in the government and its institutions. Jaramillo has commented that, for consolidation to be effective, residents must believe that the government will follow through with its promises; the government must offer incentives to encourage local residents to comply with and not undermine efforts, and get local residents to engage in viable economic projects that are sustainable. Without this buy-in, communities will not participate in the PNCT programs or help sustain them once programs are turned over to the local communities. A study carried out in 40 municipalities of six consolidation regions (Montes de María, Catatumbo, Medio y Bajo Atrato, Macarena, Sierra Nevada de Santa Marta y Sur del Tolima) between 2009 and 2010 by DATEXCO and the National Consultation Center found an increase in public support, governance, legitimacy, and trust in institutions. Of those surveyed, 54 percent have confidence in the National Police and 70 percent in the armed forces; 57 percent consider the security in their region to be good or very good. Most importantly this study found 78 percent would recommend a displaced relative to return, a critical development for the future of these areas and for the progress of recent legislative advances such as land restitution.

Ongoing Challenges with the PNCT

Although the PNCT has had successes and made significant progress, several challenges remain to ensuring its future viability.

Strong PNCT Leadership

Under the leadership of National Security Advisor Jaramillo, the government has recommitted itself to consolidation, as evidenced in the results of the strategic review. This followed a March 2009 presidential directive that ordered all government ministries to prioritize support to consolidation. The directive was instrumental in establishing the PNCT’s legal authority, Acción
Social's leadership, and national structures to implement the PNCT. Still, the Directive lacked budgetary authority and put Acción Social in the position of leading without the ability to direct resources. As a result, some ministries were more active than others. However, the inclusion of the PNCT in the Santos administration's National Development Plan (PND) will allow consolidation to be a concrete component of the Colombian government's budget. In 2012, the PNCT, for the first time, will have its own dedicated budget line items. This strengthened leadership, dedicated budget support, and improved coordination reflect a renewed government commitment to strengthening consolidation efforts.

Tertiary Roads

Communities and local authorities consistently cite tertiary roads as a pressing need for economic and social development. By law, municipal governments are responsible for constructing and maintaining tertiary roads but lack administrative, technical, and financial capacity in most consolidation regions to fulfill their mandate. The Colombian government, with help from international donors, including the United States, has worked to improve many kilometers of roadways but structural reform is required for comprehensive progress on tertiary roads.

Looking forward, the Colombian government has made improvements of roads a significant priority. Between 2010 and 2011, a total of 203 road projects were identified as fundamental to the consolidation process in targeted areas, worth approximately one billion Colombian pesos. Narino has the largest number of projects (83), while Catatumbo accounts for the largest required funding (approximately 326 million Colombian pesos).

As a result of the strategic review, investments from INVIA (the national road institute) to rehabilitate tertiary roads will increase significantly in 2012. Additionally, a new law to more equitably distribute royalties will provide substantial additional funding for tertiary roads.

Increased Police Capacity

The police have demonstrated a commitment to take control from the military in regions that are in transition from military control, but have been slow to do so in most cases due to a lack of personnel and resources and also because of the lack of a joint military-police model to transfer control to the police. In some areas, deployed police are forced to cover vast swaths of difficult territory and continue to come under frequent guerrilla attacks in police stations and during patrols. BACRIM groups continue to threaten security within the consolidation
regions. Police must increase community outreach efforts and improve intelligence-gathering capacity to combat the guerrillas and BACRIM and establish a broad presence for sustained security. The CNP plans to grow the police from 162,000 personnel in 2011 to 180,000 personnel in 2013. Police leadership report this surge in cadets will result in a greater police presence in consolidation zones in the coming years.

With U.S. government support, the Colombian government has set up rural mobile police squadrons known as “Carabineros” that are trained and equipped to enhance police coverage in rural areas. The primary aim of the Carabineros squadrons is to “support rural service monitoring at the departmental level” on missions to improve police presence in the Colombian countryside with emphasis on population centers, production areas, roads and generally strategic points of the national territory. There are currently 52 Carabineros squadrons composed of 120 police officers per squadron. Twenty of the 52 Carabineros squadrons are in stationed in consolidation regions. The Carabineros have had some success against BACRIM, but lack personnel resources commensurate to their responsibilities in the rural countryside. Thirty Carabineros squadrons now conduct security for manual eradication operations and others are assigned to securing critical lines of communication in towns that are under threat. The Carabineros’ support of manual eradication efforts should be better integrated into the consolidation strategy in each of the PNCT zones where they operate, to better coordinate these efforts with other development and security priorities.

Sustainability and Local Governance

Due to the lack of permanent government presence in PNCT regions, service provisions have historically tended to be marginal. Under the consolidation plan, services continue to improve, including education and health, which are the responsibility of the governor. In addition, programs with their own regional budgets such as the Colombian Institute for Family Wellbeing (ICBF), the national training institute, and Acción Social continue to expand their reach. We expect that with clearer budget priorities in 2012, the PNCT will see resources increase, further improving provision of services.

Similar to the need for increased police capacity, the military has been called upon in the consolidation process not only to keep order but also to provide services and interact with communities in place of civilian-led initiatives. A recent report by the Center for International Policy cites the case of Montes de María, where the military has become involved in the building phase and enjoyed their role but have been so successful the local community does not want them to leave.
This complicates the transition of policies and programs to local forces and governing bodies and may hinder future sustainability.²

Justice and the Rule of Law

A strong judicial system is necessary for the advancements made by consolidation to be permanent. Public confidence in the government and its ability to maintain order and security are critical throughout the progressing phases of consolidation. Colombia’s formal justice institutions are fairly well distributed throughout the country, but function under serious constraints in conflict-affected regions. In those areas, illegal armed groups may act as the de facto justice system, or may effectively constrain or intimidate the operation of judicial actors.

Availability of justice sector services to rural and other poor citizens is further limited. Although judges are present in nearly every county, there are other barriers to access, including logistics, costs, availability of legal representation, corruption within the justice sector, and citizens’ ignorance of basic rules and legal rights. Importantly, surveys have found that citizens in some areas continue to distrust State institutions. Because of a lack of trust, some victims refuse to report crimes to authorities or are not cooperative with investigations. In consolidation regions, formal and alternative services can only operate effectively once a certain degree of security can be assured.

Land/Tenure/Titling Issues

Land ownership is a fundamental building block of citizenship and essential to the success of consolidation. “Land restitution and consolidation are two sides of the same coin... For those who had been forcibly removed from their lands in the past, consolidation without restitutions is a victory for the state but not for them, and restitution without consolidation is unstable: without protection, they are at risk of being dispossessed once again.”³ Without legal ownership of land, residents of rural areas lack the basic contract with their government that underpins the culture of legality, a sense of place, and a long-term relationship with their community and local governments. Moreover, land tenure is fundamental to the investment in medium to long term, and legal income generating activities, and is a key factor to obtaining credit. Deficiencies in rural land titling are particularly acute in consolidation regions.

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Recognizing the importance of improving access to formal land titles and comprehensive rural development, President Santos has promoted three important new laws during his first year in office: the Land and Victims’ Law, the Land Formalization Law, and the Rural Development Law. These three laws, the first of which has already been passed, will have the combined effect of restituting victims of violence (either via allocating or restituting 360,000 plots of land or financial resources), formalizing 1.5 million hectares over ten years, and prioritizing regions of the country as Areas of Rural Development where the Colombian government will invest resources to reduce the more than 60 percent poverty rate in the rural area. Security concerns are at the forefront of decisions about where to begin to restitute victims, formalize land, or focus resources on integrated rural development. This will have the effect of increasing the level of resources available for consolidation under the PNCT.

An unexpected result of the dramatic improvements in security, roads, and government services in consolidation regions has been skyrocketing property values, exposing farmers without land title to conflict and competition for land. In some consolidation regions, concentration of land in the hands of large tenants threatens to create a new cycle of displacement for residents forced off their land not by violence but by pressure to sell their land. While much remains to be done, both the Land Law and the Rural Development Law will prioritize land titling for those 40 percent of rural residents who do not have title to their land.

Increasing Civil Society’s Awareness of Consolidation

NGOs have cited the need to increase outreach, awareness, and dialogue on consolidation – all of which continue to be key challenges for the PNCT. Public knowledge of the PNCT remains low. However, awareness is beginning to reach further into the public sector as several think tanks, NGOs, and academics have released reports on consolidation this past year. The Colombian government also has recognized this concern in its strategic review, and it is developing a communications strategy for the PNCT to achieve greater visibility and recognition.

In the absence of Colombian government capacity, USAID has been supporting the communications strategy for the PCIM since its inception in 2007, focusing on the values that underpin the culture of legality, concrete successes of the PCIM, and facilitating dialogue between communities and local leadership. USAID will continue this support in other consolidation regions for at least the short term, until the PNCT allocates resources for the entire communications strategy.
Localization

In an analysis of the consolidation model, the Center for International Policy pointed out the need to consider each PNCT region's historical nuances. This is consistent with analyses carried out by U.S. government officials. The extensive time frame and complex nature of the armed conflict in Colombia has led to a unique history of violence and varied cultural responses to the conflict for each community. These differences require a tailored implementation of the PNCT to each community to address their experiences and their needs. The strategic review of the PNCT by Colombia's National Security Council is addressing this concern by developing individualized strategies for each consolidation region, with USAID assistance.

Strengthening Institutions

Government Reorganization

Since December 2010, a total of 60 public and private entities, 14 vice ministers, and five presidential advisors have participated in the strategic review of the PNCT. Initiated under the leadership of National Security Advisor Jaramillo, the goal of the strategic review was to create an operational plan with concrete projects, specific actions by each state entity, and a price tag that would serve as a strong case for additional resources. Thirteen strategic reviews committees held a total of 123 subcommittee meetings that focused on the following themes: financing and international cooperation; consolidation performance indicators; strategic communication; management structure and relationships with local authorities; security; illicit crops and illegal exploitation of natural resources; justice and human rights; institutional strengthening; social development; infrastructure and connectivity; borders; rural development, land use, and environment; and regional economic integration and the private sector.

Due to the interagency work on the strategic review, this process also helped solidify the interagency commitment to consolidation, as exemplified by unofficial commitments of nearly $1.6 billion in commitments to consolidation efforts by 30 government agencies. The framework of the strategic review has defined the following objectives and subsequent action items:

- Specific Objective 1: Develop appropriate protocols for coordination in PNCT regions.
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- Action Line 1: Design mechanisms and protocols for interagency coordination at the national and territorial level (including of security and intelligence coordination).
- Action Line 2: Implement the coordination protocols and mechanisms.

- Specific Objective 2: Implement a differentiated intervention strategy that meets the judicial needs of the PNCT regions.
  - Action Line 1: Effectively assign resources required for the development of the administration of justice that meets the needs of PNCT regions.

- Specific Objective 3: Design protection schemes that allow the proper development for judicial activities.
  - Action Line 1: Define needs for police protection for court proceedings.

Another proposal of the strategic review was to scale back the number of PNCT municipalities from 101 to 51 to more realistically match projected resources and government capacity to implement consolidation effectively, particularly a permanent security presence. While there would be a political cost to trimming consolidation municipalities, it would make strategic sense not to promise more than the state can deliver.

In May, Defense Minister Rivera outlined his “Comprehensive Defense and Security Policy for Prosperity,” in which half of his objectives directly relate to consolidation. The objectives are to reduce coca cultivation to a historic low of 30,000 hectares, dismantle illegal armed groups to create the security conditions needed for consolidation, and improve citizen security through police efforts. Minister Rivera also highlighted the need for the state and especially the justice sector to more quickly assume responsibility in the regions.

Budget

The Government of Colombia has dedicated significant resources to make the PNCT successful. According to CCAI, total financing of the PNCT for 2009-2010 was $420 million. The national government covered 70 percent of this cost, while the departmental and mayoral contributions account for 20 percent, international cooperation covered eight percent, and private investment contributed two percent.
As a result of the recent strategic review, 30 Colombian government agencies agreed in principle to allocate a total of $1.59 billion toward consolidation projects in 2011 – 2014. These budget commitments across agencies are notable in that all major Colombian government entities are involved, unlike previous years, when some agencies played little or no role. Not yet added to these numbers are security contributions, as well as important sums from such civilian entities as agriculture and rural development, mines, energy, and the significant future contributions from the governors’ offices and royalties from natural resource extraction. These resources likely will provide momentum to consolidation efforts.

The preliminary budget reflects significant commitments to roads, a welcome sign given the poor state of secondary and tertiary roads from consolidation zones to major markets. The plan also budgets considerable resources for social development and water and sanitation. The budgeted resources for the justice sector are uncertain, although the Prosecutor General’s Office pledged in August to assign an additional 450 prosecutors, assistant prosecutors, and criminal investigators to consolidation regions. This is encouraging, given the low levels of judicial presence in consolidation zones and high levels of impunity.

Despite the government’s best efforts to fund the PNCT, many consolidation regions do not have the resources necessary to make sustainable progress. The decision to focus on fewer consolidation regions will allow the government to utilize its resources to achieve a higher success rate with greater sustainable economic and social development.

National Development Plan

The National Development Plan is a constitutionally required four-year plan of government for each presidential administration and forms the legal basis for future budgeting. The 2010 – 2014 plan envisions investing significantly into social spending to create economic opportunities for all Colombians, particularly the poorest and most vulnerable living outside of major cities. The broad goals and budget allocations are defined as: sustainable growth ($110.6 billion); social inclusion ($83.2 billion); regional convergence ($10.4 billion); and peace and security consolidation ($38 billion). The government has crosscutting or “transversal” strategies to achieve the plan’s goals, in particular, to reduce extreme poverty from 15.9 percent to 9.5 percent and increase access to social programs.

The focus on consolidation that primarily takes place in rural regions is unique in that Colombia’s population is mostly urban, with about 70 percent living
within cities and about 30 percent in rural communities. Rural consolidation
directly affects a minority constituency, which demonstrates government
commitment to do more than what is politically expedient.

Respect for International Recognized Human Rights

The Colombian government has worked diligently to incorporate human
rights into its strategic frameworks. The PND recently passed by Congress
includes for the first time a chapter on human rights. The chapter explains that
human dignity is at the center of the government’s policies and outlines the
government’s efforts to guarantee citizen participation in government, reject all
forms of discrimination, and improve standards of living, security, housing and
justice, among other rights. As part of the PND, the government proposed the
creation of a national human rights and international humanitarian law system,
which would help develop policies, plans, programs and procedures, with a system
to monitor and evaluate progress and human rights conditions. As of July 15, the
government was developing legislation that would clearly define the system’s roles
and structure.

In November 2010, Vice President Garzon signed a Joint Human Rights
Declaration with the G-24, UNDP, UNHCHR, OAS, the Inspector General’s
Office, the Human Rights Ombudsman, the Congressional Human Rights
Committee, and numerous civil society representatives. The declaration
announced a national human rights conference to take place in December. The
government later changed the conference date to December 2012 to allow more
time for consultations. The conference will be the culmination of a process of
consultations in each of Colombia’s 32 departments that will inform the
development of a national human rights policy and a commission to oversee the
policy’s implementation.