

PERMANENT COUNCIL



OEA/Ser.G  
CP/doc.5150/15  
30 October 2015  
Original: Spanish

SECRETARY GENERAL'S TWENTIETH HALF-YEARLY REPORT TO THE  
PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS  
IN COLOMBIA OF THE ORGANIZATION OF AMERICAN STATES (MAPP/OAS)



## **SECRETARY GENERAL'S TWENTIETH HALF-YEARLY REPORT TO THE PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA OF THE ORGANIZATION OF AMERICAN STATES (MAPP/OAS)**

The following half-yearly report is presented pursuant to resolution CP/RES. 859 (1397/04), in which the Organization of American States (OAS) requested that the Secretary General report to the Permanent Council, on a regular basis, on the work of the OAS Mission to Support the Peace Process in Colombia (MAPP/OAS), and on its efforts in pursuit of the values and principles contained in the OAS Charter and in the Inter-American Democratic Charter.

MAPP/OAS has monitored and accompanied the peace-building efforts in the areas most affected by the internal armed conflict in Colombia, and it has interacted with all the stakeholders involved in those processes. The information set out in this report covers the MAPP/OAS findings from its monitoring, accompaniment, and support work over the period September 2014 to January 2015. The data were collected from public agencies, indigenous and Afro-descendant authorities and organizations, social and civil organizations, churches, community and grassroots organizations, law enforcement agencies, victims, leaders, and participants in reintegration processes, at the national, departmental, and municipal level, by means of the activities enshrined in the mandate.<sup>1/</sup>

### **I. GENERAL CONSIDERATIONS**

The General Secretariat (GS/OAS) applauds and thanks the Colombian Government for extending the mandate of MAPP/OAS up to January 2018, with the signing of the Fifth Additional Protocol to the Agreement entered into by and between the Republic of Colombia and the General Secretariat. This new challenge is assumed by the OAS and the Mission with dedication and commitment, and it bears concrete witness to the solidarity-based response of the hemispheric community to the Colombian authorities' request for expanded and flexible accompaniment of the development of the peace process in Colombia. This three-year extension of the mandate – the first for such a duration – goes hand-in-hand with the strengthening of MAPP/OAS's activities through the creation of new regional offices, which now total 15 across the nation's territory.<sup>2/</sup>

During the period covered by this report, the Colombian State has attained a number of results in its efforts in pursuit of peace. Among this progress is, in the area of transitional justice, the significant increase in the number of judgments handed down by the courts under Law 975/2005, the actions of which are aimed at the resocialization of demobilized combatants within detention facilities, greater coordination and dialogue among the competent judicial venues for Justice and Peace, and the continued work of the reintegration officers of the Colombian Reintegration Agency

- 
1. This report refers to single categories – demobilized fighters, guerrillas, victims, etc. – in order to facilitate its reading, but not forgetting that those categories comprise men and women, boys, girls, adolescents and young people, people of diverse sexual orientations, people from different ethnic groups, and people with disabilities. This clarification is offered on account of the recognition and respect of differences with which populations must be understood and addressed.
  2. The GS/OAS has, through the Mission, included in its work the monitoring and analysis of the contexts in which social conflicts arise, the findings of which will be reported on in the next periodic report, in the hope that this information will enable the identification of the weaknesses, strengths, and opportunities for planning and implementing peace in the regions, together with the current and immediate threats and challenges and the tensions that could arise in aftermath of the conflict, in the short, medium, and long terms.

(ACR) who assist demobilized combatants who have regained their freedom. Notable in connection with reintegration efforts are the actions of the Colombian Reintegration Agency (ACR), which has increased its visibility in the regions and has stepped up its efforts to put an end to the stigmatization of demobilized fighters. As regards comprehensive redress for the victims of the conflict, the report notes the importance of the Model for the Attention, Assistance, and Comprehensive Redress of Victims (MAARIV) and of the Plans for Attention, Assistance, and Comprehensive Redress of Victims (PAARIs), as tools that seek to interconnect redress payments with other reparation measures. Also worthy of note is the creation of the Historic Commission for the Conflict and its Victims and, in the area of land restitution, the progress with the deployment of territorial directorates and the opening of public attention offices of the Special Administrative Unit for Managing Land Restitution, together with the appointment of additional judges and magistrates.

In spite of that significant progress in the process with self-defense combatants, one of the main concerns that MAPP/OAS continues to hear from communities, actors, and local social organizations in its monitoring and follow-up work relates to the continued existence and influence in several parts of the country of illegal armed groups with ties to different forms of crime, coercion, and social control.

These recycled groups, organized in networks, are flexible vis-à-vis the actions of the security forces and remain a real threat to the population's right to peace, tranquility, and the free exercise of their civic rights. Their presence remains focused around the location and pursuit of the illegal economies on which they feed, or in borderland areas, where they seek to take advantage of illicit activities. One characteristic of some of these groups, the result of their adaptation and realignment in the territories, is the emergence of new leaders, many of whom are young and act with greater violence than their predecessors, both within the groups (seeking to intimidate their own members) and toward the outside world, with which they have a serious impact on the communities. Other groups adopt strategies of benevolence to win community support, while some of their leaders prefer to keep a low profile in order to remain under the authorities' radar. In some areas these groups also offer private security services to local property owners. Additional progress has also been made in the realm of security: the increased presence of the security forces in various districts where they previously had no presence; sustained and coordinated actions with the participation of the different branches of the armed forces and the office of the Attorney General to weaken the criminal gangs' structures; strategies to ensure the protection of various communities; and efforts to rebuild public trust toward the armed forces in the interior of the country.

The General Secretariat encourages the Colombian State in its fight against those groups and believes that the Government's actions should be chiefly targeted at the following goals: continue strengthening the presence of the security and justice systems in the territories; deploy at the local level transformational and pedagogical elements rather than just arrests and seizures; reduce the harmful effects of those groups' actions; and break down their communications channels with other illegal groups and prevent their proliferation, possibilities for expansion, and territorial influence.

Another factor that is of growing concern in the communities and therefore warrants the authorities' attention is the release from prison of demobilized combatants who have regained their freedom. Their return to areas where they previously exercised influence can have a distorting effect on relations and the social fabric and could drive new dynamics and spirals of violence. In this regard, the work of the ACR and other public agencies will be extremely important in order to prevent a greater impact on local populations and institutional frameworks.

The General Secretariat believes that nothing could make a greater contribution to upholding human rights and, in particular, to the satisfaction of victims' rights, than the termination of the internal armed conflict. At present, with the dialogue between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC-EP), together with the exploratory talks with the National Liberation Army (ELN), the country is experiencing an historical moment that offers enormous challenges and opportunities on the road to a lasting peace in Colombia. However, this process needs to make greater progress and take concrete actions on such points as the victims and the end of the armed conflict. A prompt and balanced solution to those essential issues would indicate the final stretch in this difficult stage wherein all hopes are set on reaching a point of no return and making the progress attained irreversible, which would lead to the signing of a final peace agreement.

Mention must be made of the gestures and demonstrations of peace made by the actors involved to reduce the intensity of the conflict. The General Secretariat believes that studying other ways to accelerate the de-escalation would give a greater thrust to the peace process. Accordingly, it applauds the intent to explore options for the negotiations to take place in a climate that generates less harm, particularly for the civilian population living amidst the armed confrontation. The Mine Clearing Agreement (for antipersonnel mines, improvised explosive devices, unexploded ordnance, and explosive remnants of war),<sup>3/</sup> the temporary suspension of bombardments, and the announcement made by the FARC-EP<sup>4/</sup> assuming the commitment to refrain from recruiting children aged under 17 are vitally important steps forward for the confidence and credibility of the peace process and so increase its possibilities of success. The GS/OAS also applauds the persistence in the exploratory talks with the ELN.

The Inter-American Commission on Human Rights (IACHR) agrees with encouraging both the Government and the FARC-EP to make the peace goals they have agreed on a reality, specifically as regards the creation of a truth commission to clear up and explain the Colombian armed conflict, thereby contributing to the victims' right to truth. Accordingly, their active participation in the talks as a part of the process of building an agreement is key to achieving a stable and lasting peace.

The General Secretariat applauds the engagement and commitment of the international community in building peace in Colombia and in supporting the nation's efforts. Their participation has helped set the foundations for dialogue processes and exploratory talks in pursuit of peace that are today underway, which demonstrates the importance of international accompaniment; and it invites an accompaniment of the process with a proactive attitude in line with the times and dynamics of the country.

It should be noted that the accompaniment of the Mission, since 2004, has been possible thanks to the institutional, political, and financial support of countries and cooperation agencies: without those resources, neither its operations nor the deployment of the activities demanded by the mandate would have been possible. The General Secretariat therefore reiterates its gratitude to the donors and friends of MAPP/OAS for the support and accompaniment they have provided over these

- 
3. Source: Mine Clearing Agreement: Joint Communiqué No. 52. Havana, March 7, 2015. Dialogue panel for the termination of the conflict and the construction of a stable and lasting peace in Colombia. Available at: [www.mesadeconversaciones.com.co](http://www.mesadeconversaciones.com.co).
  4. Announcement on Children in the Conflict. Havana, Cuba, venue of the peace talks, February 12, 2015. Revolutionary Armed Forces of Colombia – People's Army (FARC-EP). Available at: <http://www.pazfarc-ep.org>.

11 years and, in particular, to Argentina, The Bahamas, Brazil, Canada, Chile, Colombia, France, Germany, Great Britain, Guatemala, Ireland, Japan, Norway, Mexico, the Netherlands, Peru, Portugal, the Republic of Korea, Spain, Sweden, Switzerland, Thailand, Turkey, the United States of America, and the European Union. In addition, the General Secretariat would like to extend its gratitude for the support given by the Spanish International Cooperation Agency for Development (AECID), the International Organization for Migration (IOM), the German International Cooperation Agency (GIZ), the U.S. Agency for International Development (USAID), and the Presidential International Cooperation Agency of Colombia (APC). All those contributions will be fundamental in carrying out activities during 2015.

Finally, note is made of the participation of different sectors of civil society in the process that the Government is currently pursuing in Havana, Cuba. The measures adopted to encourage the representation of the victims at the negotiating table are essential for the legitimacy of the process; similarly, the informational and discussion activities held at community and academic forums allow the empowerment of members of civil society as active subjects in the process of constructing a stable and lasting peace.

## **II. TRANSITIONAL JUSTICE**

Over recent years, not only has Colombia developed transitional justice mechanisms: it has also created an entire system that includes a new institutional structure that has been consolidated as a feasible model for future legal frameworks, such as, for example, the National Transitional Justice Committee, the subcommittees, and the Committee on Prison Affairs. Law 975/05<sup>5/</sup> has succeeded in establishing a system for investigating contexts that, while there is still room for improvements, functions for both self-defense and guerrilla groups. A clear example of this is the definition and establishment of patterns and contexts for the FARC-EP and the National Liberation Army (ELN).

### **a. Potential release of applicants under the Justice and Peace Law (Law 975/05)**

Those detained applicants<sup>6/</sup> who meet the objective<sup>7/</sup> and subjective<sup>8/</sup> criteria set forth in Law 1592/12<sup>9/</sup> and Decree 3011/13<sup>10/</sup> and who have not yet received judgment are requesting their release

- 
5. Law 975 of July 25, 2005, "Justice and Peace Law," published in Official Journal No. 45,980 on July 25, 2005. It enacts both provisions for the reincorporation of members of organized illegal armed groups that make an effective contribution to obtaining peace in the nation and other provisions for humanitarian agreements. As amended by Law 1592/12. The IACHR has remarked on the elimination of redress remedies in Law 1592, chiefly in that with its enforcement, the redress incentives for the participation of the victims in those proceedings disappear, given that they could apply directly for the mechanisms set out in the Victims Law and obtain the redress established therein. The Commission also noted that this law prevents the Justice and Peace Chamber from issuing any form of redress other than including in the contents of the judgment the victims' version of the harm suffered.
  6. Members of illegal armed groups who have decided to reenter civilian life under Law 975/05, the "Justice and Peace Law," guaranteeing the victims' rights to truth, justice, and redress in exchange for the benefit of alternative sentencing of between 5 and 8 years for the criminal acts committed during and as a result of their membership in those groups.
  7. Objective requirement: A minimum of eight (8) years spent in a detention facility following their demobilization, for crimes committed during and as a result of their membership in the organized illegal armed group. This period is to be counted as of the date of incarceration in a facility that is completely subject to the legal provisions governing penitentiary control. Objective requirements of

through the substitution of preventive measures mechanism; meanwhile, those that already have a judgment that is enforceable under the Justice and Peace process may ask the national Sentence Oversight Judge to release them on the grounds of completion of sentence.

Since 2013 MAPP/OAS has been comprehensively monitoring the potential release of those former members of illegal armed groups who are applicants under the Justice and Peace Law by reason of having met the requirement of 8 years' incarceration since presenting their candidacies. In terms of judicial proceedings, the General Secretariat has noted that requests for the replacement of detention orders are increasingly frequent. More than 70 such applications have been lodged with the guarantee control magistrates in Bogotá, Bucaramanga, Medellín and Barranquilla, of which only 21 have been granted; more than 50% were granted in Medellín, whereas in Bogotá, where there are two guarantee control magistrates, only 5 requests out of the more than 35 presented were granted,<sup>11/</sup> a situation that highlights the absence of standardized criteria for granting release. It is a source of concern that more than half the applicants who have been awarded the substitution of detention orders cannot actually leave prison because their cases before the regular courts have not been combined procedurally under the Justice and Peace process.

In the cases of some applicants who had already received the substitution of detention orders, it was also necessary to request release on account of completion of sentence at the national-level Sentence Oversight Court, since they were subject to final judgments and release could not be granted. This Court's review of the objective requirements is strict, in that it has rejected several applications on the grounds that there must be detention orders for crimes judged under Justice and Peace. This opinion is causing uncertainty among those already sentenced but without a detention order for the crimes for which they were judged, regardless of the fact that the applicants have entered complete confessions into the record.

Most of the applicants held at Justice and Peace facilities believe they are more likely to regain their freedom when no Justice and Peace sentence has been handed down; as a result, some of them could delay their proceedings to avoid the possibility of their release being refused by the Sentence Oversight Court. This occurred with the denial of the application for freedom on the grounds of sentence served presented by Edgar Ignacio Fierro Flórez, alias "Don Antonio," the former commander of the Frente Cesar Pablo Díaz, which also overturned the alternative sentence awarded to him by Justice and Peace. Along these lines, the General Secretariat notes the relevance of the judgment of the Supreme Court of Justice overturning the decision of a guarantee control magistrate and granting the freedom requested by Juan Francisco Prada Márquez, which set a precedent as regards limits on the discretion available to magistrates.

---

jurisprudential development: (i) imposition of detention orders, and (ii) the crime for which incarceration was ordered was charged under transitional justice or brought in under truth.

8. Subjective requirements: (i) Participation in the available resocialization activities, if they were offered by the National Penitentiary and Prisons Institute (INPEC), and securing a good-conduct certificate; (ii) participation in and contribution to establishing truth in the judicial formalities of the Justice and Peace process; (iii) surrender of assets to contribute to the comprehensive redress of the victims, if admissible under the terms of this law; (iv) no willful crimes committed after demobilization.
9. Law amending Law 975/05, the Justice and Peace Law.
10. Regulating Law 975 of 2005, the "Justice and Peace Law," Law 1448 of 2011, the "Victims and Land Restitution Law," and Law 1592 of 2012, "Amendment of Law 975 of 2005."
11. Judicial oversight of hearings under the special Justice and Peace criminal procedure (Law 975/05).

The GS/OAS also notes Directive No. 008/14, issued by the office of the Attorney General of the Nation, which established an accreditation mechanism for those applicants requesting freedom; however, this ruling requires greater clarification or dissemination since the idea prevailing among applicants is that the Attorney General is opposed to granting them their freedom, in that only a few positive accreditations have been granted by prosecutors' offices. In connection with this, it should be noted that the Attorney General's Office is able to use the exclusion mechanism prior to the application for release lodged by the applicants when they do not meet the eligibility requirements set out in the Justice and Peace Law.

As for resocialization inside prisons, the General Secretariat applauds the fact that the Ministry of Justice's Transitional Justice Directorate is making progress with a project for the resocialization of Justice and Peace applicants at five of the nine detention facilities established for that purpose. The beneficiary applicants also value the program highly. Thus, the GS/OAS calls for this program, which is already at an advanced stage, to establish clearer ties with the special reintegration program for applicants of the Colombian Reintegration Agency, in order to establish greater cohesion between the resocialization work carried out both inside and outside detention facilities.

One of the key elements in ensuring the success of the process of reintegrating prison inmates is for the Colombian Government to pay particular attention to the supply of educational programs within detention facilities and prisons, which could create a more favorable scenario for the incorporation of other members of legal armed groups. Although this is a part of the current regulatory framework, in practice its implementation is weak, which prevents the resocialization goals of incarceration from being attained.

The General Secretariat notes with appreciation the work of the ACR's reintegration officers with those applicants who have already regained their freedom. Those applicants found, in the institutional framework, an ally that places them firmly within legality. However, new challenges along the road to those individuals' reintegration must be met, such as their mental health. For example, through the Mission, the GS/OAS has identified 85 cases of former combatants with psychiatric illnesses, of whom 35 have been diagnosed with schizophrenia and three have committed suicide.

In previous reports the General Secretariat has spoken of the need to interconnect the resocialization programs run by the National Penitentiary and Prisons Institute (INPEC) and those carried out by the ACR. Thus, it recognizes that the Colombian Government has made efforts in the design of an interinstitutional program addressing the following components: (i) human rights and restorative justice, (ii) legal roadmaps and rules of the game, (iii) entrepreneurship, and (iv) psychosocial attention. This constitutes progress in the construction of a comprehensive model for resocialization and reintegration.

It remains a cause for concern that there is no state agency responsible for applicants' personal security given that, on account of their levels of risk, they require stricter schemes than administrative transfer measures. Although there is an agreement between the ACR and the National Protection Unit, it does not address the situation of risk faced by several applicants, on account of either their confessions or past involvements or possible retaliations and reprisals from other players. In addition, the IACHR believes that the failure to investigate the reasons behind these situations of

risk could have an accumulative effect on the constant increase in the number of beneficiaries in the protection program.

At the same time, the potential release of applicants has again highlighted the need to strengthen the mechanisms for protecting those who protect victims and human rights. The General Secretariat acknowledges the steps taken by the Government of Colombia from within the Guarantee Panel led by the Interior Ministry, and it notes the proactive work of the national and departmental spokespersons with whom MAPP/OAS has worked in designing special observation areas, particularly the efforts undertaken along with civil society in Norte de Santander. Although progress has been made in the area of prevention, the General Secretariat urges that attention be paid to the increasing level of risk faced by those defenders of victims who are bringing legal challenges to the release of applicants, as well as by investigators, prosecutors, judges, and magistrates. It also calls for particular attention to be paid to the security of victims of sexual violence during the conflict who live in areas to which applicants might return, particularly those who have filed complaints and in consideration of the low numbers of judgments handed down for violence of that kind by Justice and Peace. In addition, in spite of the State's efforts, the IACHR has continued to receive information on the persistence of killings, threats, and harassment of human rights defenders, who reportedly continue to face attacks intended to silence their complaints, which are chiefly related to human rights violations that occurred in the context of the armed conflict. The lack of substantial progress in clearing up, investigating, and punishing those responsible for human rights violations against defenders represents a threat to the effective defense of human rights.

MAPP/OAS has placed priority on several areas of the country where the return of Justice and Peace applicants is possible; accordingly, a process to prepare territories was launched in municipalities of the Magdalena Medio, where the Autodefensas Campesinas del Magdalena Medio and the Autodefensas Campesinas de Puerto Boyacá were present. Due to the composition of those structures, it is probable that those applicants who were members of them will return to the municipalities where they operated, and it is therefore important that the public institutions take actions to rebuild community confidence, ensure that acts of violence do not reoccur, and create a climate in which reconciliation is possible.<sup>12/</sup>

**b. Monitoring and accompaniment of the enforcement of the Justice and Peace Law (Law 975/05)**

The Mission has been monitoring the enforcement of the Justice and Peace Law since it came into effect in 2006. To that end, it has built a unified system for following up on randomly chosen priority cases, in order to conduct a timely analysis and to issue the necessary recommendations to the Colombian institutions for a better and more harmonious enforcement of Law 975/05 and of its amendments, decrees, resolutions, and associated provisions.

As part of that monitoring, MAPP/OAS has accompanied more than 400 voluntary statement hearings and almost 600 judicial hearings, including indictments, readings of charges, legalizations, combined hearings, identifications of impact, comprehensive redress remedies, judgment hearings, judgment execution hearings, precautionary measures, exclusions, requests for the substitution of

---

12. Mention should be made of the pressure and increased risk reported by the community and those claiming land in the municipalities of San Martín, Aguachica, Pelaya, La Gloria, and Tamalameque, the area of influence of "Juancho Prada," and where one of the land restitution processes is taking place, at Hacienda Bella Cruz.

precautionary measures, and requests for release on the grounds of served sentences. It has also made more than 272 visits to prison facilities and more than 500 field accompaniments to interview formalities, victim attention days, exhumations, surrenders of remains, etc.

In its activities to monitor, accompany, and support the transitional justice mechanisms, the General Secretariat has observed a substantial increase in the quality and quantity of judgments handed down, thanks to the work of the State's institutions charged with investigating and bringing such cases to court: the figure rose from two judgments issued in recent years to 29 issued over recent months in 2014 and early 2015, in which three final decisions have already been adopted. The GS/OAS highlights the work of the magistrates in the Justice and Peace chambers in issuing those judgments, with which they have become key players in establishing peace in Colombia. The IACHR also applauds the qualitative and quantitative increase in the number of Justice and Peace judgments handed down, which is encouraging in terms of a future increase in the number of final decisions that are to be adopted.

To improve coordination between the Justice and Peace chambers and the Criminal Chamber of the Supreme Court of Justice, the General Secretariat, through MAPP/OAS and in partnership with the International Center for Transitional Justice (ICTJ), is pursuing a strategy of discussions on different topics, such as patterns of macrocriminality and the advanced termination of judicial proceedings.

The work of the office of the Attorney General in investigating illegal structures has also evolved exponentially; the search for the best formula for revealing patterns has been the common denominator in all legal offices; and prioritization as a strategy has been consolidated in the Transitional Justice Directorate of the office of the Attorney General of the Nation (FGN). However, the General Secretariat calls attention to the fact that prosecutors are continually being dismissed and assigned to different offices, which could impact the swiftness with which the proceedings are discharged. Similarly, the IACHR has pointed out that the strategy of prioritizing certain cases involving grave violations in the conflict cannot be used to justify the State's failure to act with respect to those cases not prioritized.<sup>13/</sup> The Commission has also reiterated the importance of ensuring adequate participation spaces for victims in the implementation and definition of the elements governing the prioritizing strategy.<sup>14/</sup>

The advances made by the Justice and Peace process with the Guevarista Revolutionary Army (ERG) are worthy of note; this is a process that MAPP/OAS has been accompanying since demobilization in 2008<sup>15/</sup> and in which judgment is about to be issued. In addition, attention should be paid to the delays in the case of the People's Revolutionary Army (ERP), where the processes

---

13. Fourth Report on the Situation of Human Rights in Colombia. IACHR. Annual Report 2014. Chapter V. Follow-up Report of Recommendations Made in the Report: Truth, Justice, and Reparation: Fourth Report on the Situation of Human Rights in Colombia. At: <http://www.oas.org/es/cidh/docs/anual/2014/docs-es/Anual2014-cap5-Colombia.pdf>.

14. As regards the prioritization of cases involving serious human rights violations, the State told the IACHR about the implementation of a "Comprehensive Plan of Action to protect the basic rights of children, adolescents, women, the LGBTI population, ethnic groups, unionists, journalists, and human rights defenders." It also reported that between 2011 and 2014, a total of six judgments were issued under Law 975 in crimes involving gender-based violence. The Commission applauds those efforts.

15. See: Reports Nos. XIII, XIV, and XV of the General Secretariat to the OAS Permanent Council.

have stalled and there are as yet no written charges from the office of the Attorney General: this is the demobilized structure with the slowest proceedings under Justice and Peace.

The General Secretariat highlights the way in which the judiciary developed the concept of gender-based violence in the judgment against Ramiro “Cuco” Vanoy.<sup>16/</sup> The GS/OAS believes that to ensure nonrepetition and to prevent revictimization, the phenomenon warrants greater visibility, investigation, and referrals to the court, together with better attention for the victims, guaranteeing their rights and their dignity. In accordance with that logic, MAPP/OAS has been accompanying the office of the Attorney General in bringing to the courts the cases of sexual violence against minors of both sexes that occurred in Riachuelo (Santander) as an emblematic case of the judicialization of gender-based violence during the armed conflict. The IACHR agrees with MAPP/OAS that to ensure nonrepetition and revictimization, the phenomenon deserves greater visibility, investigation, and prosecution, and that the victims deserve better attention, guaranteeing their rights and their dignity. The Commission also welcomes the judicial development of the concept of gender-based violence in the judgment handed down against Ramiro “Cuco” Vanoy.

**c. Monitoring conditions in prisons and penitentiaries**

MAPP/OAS has conducted 272 visits to detention facilities where Justice and Peace Law applicants are being held. During those visits, the General Secretariat has noted gradual improvements in areas such as security, overcrowding, and cleanliness, largely due to the work of the INPEC’s Justice and Peace coordination office and to the follow-up of the Technical Justice and Peace Technical Prison Committee attached to the Ministry of Justice’s Criminal Policy Directorate. In addition, the Mission has contributed to the development of training and awareness-raising activities for prison and penitentiary staff regarding the importance of transitional justice in post-conflict contexts and during negotiations.

The Chiquinquirá Penitentiary was for years the only Justice and Peace detention facility intended exclusively for demobilized guerrillas. Nevertheless, it was decided to dismantle the Justice and Peace facility at Chiquinquirá in December 2014; the aim of this was to free up some 700 beds for regular prison system inmates and to relocate the applicants closer to the courts hearing their cases, in order to reduce the number of inmate transfers from their cells to the proceedings.

Since the relocation efforts began at year’s end, the applicants are being transferred to other Justice and Peace detention facilities around the country. The General Secretariat has monitored the process since the start and notes certain difficulties in the process, including the absence of an information policy for the officials and applicants involved, with the applicants receiving only minimal information on the transfer, the reason behind it, or the location to which they are to be transferred. MAPP/OAS has interviewed several applicants following their transfers to other facilities and has discovered that few transfers follow the logic of the applicants’ judicial roadmap or their family roots.<sup>17/</sup>

---

16. Superior Court of Medellín, Justice and Peace Chamber, judgment of February 2, 2015. Presiding Magistrate: María Consuelo Rincón.

17. For example, applicants with families and court dates in Medellín or Cúcuta are being transferred to Montería.

**d. Monitoring and accompaniment of the justice processes of members of illegal armed groups<sup>18/</sup>**

Following the extension of MAPP/OAS's mandate, the Mission began to accompany and support the processes whereby illegal armed groups are brought to justice. Thus, it has worked in partnership with the Attorney General's office in order to create greater legal security in the processes whereby they abandon their weapons and accept reincorporation into legality, which should manifest itself both in the effective referral of membership in such groups to the courts and in the investigation of any crimes committed by those opting for this path, such as the forced recruitment of minors.<sup>19/</sup>

The General Secretariat applauds the fact that the Attorney General's office is pursuing legislative mechanisms that provide incentives for collective submission to the courts and that allow investigators and prosecutors to reveal patterns and establish contexts. Although these mechanisms are framed by submission to the regular courts, they must be sufficiently clear as to offer the option of negotiations for special resocialization, in order to help reduce levels of violence and generate greater and better indexes of nonrepetition.

MAPP/OAS has accompanied and monitored, in both the courts and detention facilities, the post-submission processes of 12 former members of the Grupo Alianza Paz Valle, who are being held in Buga (Valle del Cauca), and in conjunction with INPEC and the office of the Attorney General, work is underway on creating differentiated resocialization tools for members of criminal organizations in addition to those provided for by Justice and Peace.

**e. Monitoring and accompaniment of return processes and resocialization and reintegration processes**

One again, the GS/OAS applauds and highlights the importance of the analyses and discussions underway regarding the challenges posed by reintegration, with a view to the successful conclusion of the process for those individuals participating in the program of the Colombian Reintegration Agency (ACR), but also with a view to allowing tools to be used with the guerrillas of the FARC-EP and the ELN.

During this period the ACR has increased the visibility of its activities in the regions both through its web page and in the media, and through constant interviews and communications noting the accomplishments and challenges of the current process of disarmament, demobilization, and

---

18. Colombia seeks to establish a criminal procedure for bringing criminal organizations to justice, using a series of incentives for the total or partial dismantling of those organizations and the termination of their criminal activities. See Legislative Bill No. 102/14.

19. The IACHR has applauded the State's efforts as regards the rights of children who have been victims of recruitment and of the armed conflict. Thus, it noted that of Colombia's 1102 municipalities, 620 have included conducting diagnostic studies in their development plans, 750 plan to conduct special programs, and 691 have specific line-items in their budgets for the purpose. In addition, as a mechanism to follow up on the implementation of the measures for prevention, protection, attention, assistance, and comprehensive redress for the victims of the armed conflict, the IACHR notes that the State included "children and adolescents" as one of the four indicators, and, in connection therewith, it reports having provided fiduciary compensation to a large number of orphaned children and adolescent victims and to all the people served who, upon reaching adult age, remain in the accompaniment program.

reintegration into civilian life and, in particular, the usefulness of capitalizing on the experience earned by the ACR over these years. It has also made major efforts to raise public awareness about the phenomenon of the stigmatization of former combatants and about the need to overcome the common perceptions that surround those individuals in their reintegration processes. Nevertheless, in spite of the institutions' efforts to combat the stigmatization suffered by former combatants, stereotypes continue to have a negative impact on both widespread perceptions of demobilized fighters among communities and private sectors and on the image they have of themselves, which arises when they are seeking employment or are engaged in a workplace environment. Another cause for concern in the GS/OAS is the high level of informal employment among the former combatants who complete the ACR's program, given that not only does this place them in a situation of great economic vulnerability, it could also have a real effect on the success of their reintegration into society.

As regards the enforcement of Law No. 1424/10,<sup>20</sup> since 2011 MAPP/OAS has been accompanying the Colombian Reintegration Agency, the National Historical Memory Center, the office of the Attorney General of the Nation, the Office of the People's Defender, and the Ministry of Justice and Law in their efforts to achieve better interinstitutional connections and greater levels of legal security. The General Secretariat believes it is essential to continue fostering forums for awareness-raising, training, and analysis, involving the judiciary and public defenders, on the importance of this law as a mechanism for transitional justice.

The Mission is in the final phase of executing an initiative designed to promote the capacity for interinstitutional connections and to promote awareness-raising; to that end, 28 interinstitutional meetings have been held at the regional level in Santander, Cesar, Atlántico, Magdalena, and Antioquia; eight focus groups and numerous interviews have been held, the results of which were socialized with the institutions; and three major regional meetings have taken place, which succeeded in identifying the main lessons learned in this process.

The GS/OAS believes progress was made toward the effective reintegration of demobilized combatants with the issuance of Decree No. 2637/14, which orders the extinction of all punishments, including fines, if, after the suspended sentence period has ended, the convict has met the obligations set out in Law No. 1424/10 and Regulatory Decree No. 2601/11. Although prison terms were suspended under the provisions of Law No. 1424/10, the same did not apply to those fines established as additional penalties; this was an obstacle to the demobilized combatants covered by this rule who did not have the resources to cover the fines, and so the enactment of this Decree has created greater tranquility among the participants and has contributed to legal security in the framework of the goals of the transitional justice tools.

The General Secretariat applauds the efforts being made to harmonize the worldviews of indigenous peoples with the consolidation of a reintegration policy and the establishment of new standards for the reincorporation of former guerrilla members. Accordingly, it is working in partnership with the ACR and local organizations in forums to establish connections with the indigenous peoples of Putumayo, Nariño, Cauca, and Chocó. In all the processes that the Mission accompanies, those peoples have requested that their visions be respected.

---

20 Enacting transitional justice provisions to guarantee truth, justice, and redress to the victims of demobilized combatants of organized illegal groups, granting legal benefits, and establishing other provisions.

### III. MONITORING OF COMPREHENSIVE REDRESS FOR VICTIMS

In MAPP/OAS's work monitoring the implementation of the policy for comprehensive redress for victims, pursuant to the current regulatory framework set by Law No. 1448/11 "Victims and Land Restitution Law" and its regulatory decrees, emphasis is placed on the importance of the Model for Attention, Assistance and Comprehensive Redress for Victims (MAARIV) and the Plans for Attention, Assistance, and Comprehensive Redress for Victims (PAARIs) as tools that seek to interconnect redress payments with the other reparation measures and to trace out roadmaps, plans, and defined components for comprehensive redress, according to the specific conditions or particular vulnerabilities of the victims, through the adoption of differentiated approaches and the implementation of institutional actions that are coordinated, appropriate, transformational, and effective.

The Plans for Attention, Assistance, and Comprehensive Redress for Victims (PAARIs), as the instrument through which the attention and comprehensive redress processes for victims are channeled, are capable of indicating the moment when the conditions of vulnerability have been overcome, through constant examinations and assessments. Regarding the prioritization of how economic resources are invested according to the victims' objective criteria of vulnerability and within the framework of the Redress Roadmap, progress has been seen in the use of "mass" prioritization criteria, which include the cases of the transitional regime, pursuant to Decree No. 1290/08<sup>21/</sup> and Law No. 418/97, combined with those already contained in Law No. 1448/11, such as situations affecting senior citizens or persons of delicate health, etc. Thus, the Unit for the Attention and Comprehensive Redress of Victims (UARIV) has undertaken mass prioritizations, achieving better and greater coverage.

The General Secretariat believes it is necessary to continue socializing – broadly, effectively, and efficiently – all aspects related to the Plan for Attention, Assistance, and Comprehensive Redress for Victims (PAARI), given that is the instrument created to assess the shortcomings, capacities, and needs of the victim households and the corresponding response at each of the stages of the attention roadmap. Socializing the instrument's contents and scope is essential not only for the victims but also for the institutions that make up the National System for the Attention and Comprehensive Redress of Victims (SNARIV) at all its levels. In accordance with the design of the PAARI, the Unit must make progress with the joint construction of a PAARI with each victim household and, in this, strengthening the role of the UARIV as the coordinator of the SNARIV for the effective implementation of the institutional offerings will be essential, along with training for the victims on roadmaps for asserting their rights and on the existence of this mechanism.<sup>22/</sup>

- 
21. Creating the Individual Administrative Redress Program for the Victims of Organized Illegal Armed Groups, repealed by Decree No. 4800/11, the regulations to Law 1448/11 (the Victims Law).
  22. Regarding the redress mechanisms, at the hearing held on this topic during the IACHR's 153rd regular session, the representatives of civil society said that there were still obstacles in the implementation of the Victims and Land Restitution Law, chiefly as regards the following: (i) the operation of the institutional framework created by the Law, (ii) the inadequate training of the officials responsible for implementing it, and (iii) the lack of interconnections at the national and local levels between the different agencies involved, as MAPP/OAS has also identified. The State, in turn, reported on the measures it is implementing to address those concerns, particularly as regards the coordination of a national system for victim attention and comprehensive redress and the strengthening of the agencies that constitute the National System for the Attention and Comprehensive Redress of Victims (SNARIV).

The General Secretariat highlights the fact that during 2014, progress was made with the indemnification of victim groups for the crimes of forced displacement and offenses against sexual freedom and integrity; notable among the beneficiaries were women, who represent the leading victims of the groups of crimes that received the most attention from the UARIV during 2014. Also worthy of note are the “Transformational Indemnifications” project, through which progress has been made with the indemnification of victims of forced displacement, and the *Proyectándonos* events, which have provided advisory services on resource investment for young people who are close to the age of majority and therefore will soon be receiving their fiduciary indemnifications.

Like MAPP/OAS, the IACHR applauds the progress made with the indemnification of groups of victims of crimes of forced displacement and offenses against sexual freedom and integrity, particularly women, who represent the leading victims of the groups of crimes that received the most attention from the UARIV during 2014. It also welcomes the progress made with the “Transformational Indemnifications” project, and with young people through the *Proyectándonos* events.

In spite of this progress made with indemnifications, the General Secretariat has detected the continued existence of challenges in the following areas: (i) the funding of the reparations and indemnifications and, in general, the enforcement of the Victims Law,<sup>23</sup> (ii) the amounts of the indemnifications, (iii) the indemnifications given under Justice and Peace judgments, (iv) the effective payment of indemnifications, (v) the existence of clear rules on indemnifications for displaced victims, (vi) the distinction between assistance measures and reparation measures, (vii) the complementarity between other reparation measures and indemnification, (viii) the content and scope of the victims’ basic right to redress and indemnification under the jurisprudence of the Colombian Constitutional Court, and (ix) the payment of indemnifications to displaced persons, which could require amending the Victims Law or modifying its enforcement.

Regarding the progress made with the construction of historical memory, the General Secretariat notes the creation of the Historical Commission of the Conflict and its Victims, as a part of the negotiations in Havana, which bears witness to the interest that exists in creating opportunities for the construction of a collective memory regarding the conflict. The GS/OAS highlights the 24 investigations undertaken by the National Historical Memory Center (CNMH), with plans for 35 as future Historical Memory Reports on the conflict, which play a key role in public debate toward the construction of peace. In addition to this, during 2014 the CNMH released four publications, which are a set of four volumes<sup>24</sup> dealing with the issue of forced disappearance. It is clear that the CNMH’s efforts to construct memory are not only aimed at the production of reports, but also at the incorporation of different approaches in its working guidelines.

---

23. Regarding the funding of indemnifications and their amounts, the Government has insisted on the terms of Art. 10 of Law 1448 of 2011, which sets a limit on the State’s involvement in judicially and administratively ordered reparations, underscoring the responsibility of the offender as the main guarantor of indemnification payments to victims.

24. These are: Volume I: Patterns and Dimensions of Forced Disappearance in Colombia; Volume II: Traces and Faces of Forced Disappearance (1970-2010); Volume III: Between Uncertainty and Pain: Psychosocial Impact of Forced Disappearance; and Volume IV: Overview of the Colombian State’s Actions on Forced Disappearances.

The IACHR also applauds the efforts of the CNMH and, like MAPP/OAS, highlights the need to socialize and disseminate the CNMH's reports within the regions and communities that have suffered violence to assist in restoring the social fabric.

As regards the impact of the dissemination of the Historical Memory exercises, in spite of the major efforts that the CNMH has made to publicize its works, an interview of a number of victims conducted by the Office of the Comptroller General of the Republic (CGR) revealed that there is still a considerable lack of knowledge about their right to measures of satisfaction, in that only 26.26% were aware of their right to the truth.<sup>25/</sup> Emphasis is therefore placed on the need to socialize and disseminate these reports within the regions and communities that have suffered violence and thereby progress with the recovery of the social fabric through memory at the local level.

In the area of land restitution, the General Secretariat has observed some positive progress by the institutions: the Colombian State is demonstrating its keen interest in executing the restitution policy with the establishment of 17 territorial directorates and the opening of 21 public-attention offices of the Special Administrative Unit for Managing Land Restitution, the appointment of 39 judges, one itinerant judge, and 15 specialized restitution magistrates, who have succeeded in processing 24,769 applications for inclusion in the Register of Seized and Forcibly Abandoned Lands, of which 13,465 (54%) have concluded the administrative stage, with 1,808 cases, covering 84,959 hectares, resolved.<sup>26/</sup> However, the GS/OAS is concerned about the execution and enforcement of those judgments. Thus, the volume of judgments issued to date poses a challenge in light of the efforts implicit in their supervision and execution by the institutions and their beneficiaries and, particularly, because they demand significant support and accompaniment from all spheres and institutional interconnections at the local, departmental, and national levels.

Accordingly, through MAPP/OAS, the General Secretariat examined 10 post-judgment cases, with which it was able to determine that thanks to the attention received from the institutions responsible for the land restitution process, the victims of abandonment and seizures had begun to rebuild their trust in the State, in the understanding that they are rural communities where the State's presence has historically been weak. Based on that emerging trust, it is important that the institutions coordinate to ensure judgments are enforced, above all in the areas of housing and the execution of productive projects, since they are the basis for any return to rural areas. The Mission therefore urges the responsible institutions to ensure that the land restitution judgments are enforced within a reasonable time, guaranteeing: (i) effective enjoyment of the right of restitution, (ii) access to decent housing, in consideration of the Colombian rural context, (iii) productive projects that reflect the true feelings of the restitution beneficiaries, and (iv) greater visibility and promotion of the work of women in rural life.

The Mission highlights the achievements of the Liability Relief Program in that, with the willing assistance of local administrations, agreements have been adopted in such municipalities as Ataco, (Tolima), Tibú (Norte de Santander), Puerto Gaitán (Meta), Medellín (Antioquia), and Montería (Córdoba), whereby outstanding property taxes have been condoned for the restitution beneficiaries, who have been freed from having to make payments for two years after the property is handed over. Nevertheless, to ensure the victims' rights, further commitments are still needed from departmental assemblies and municipal councils to condone certain local taxes that, as such, require the adoption of ordinances and resolutions on behalf of the victims.

---

25. First National Victims Survey. CGR 2013.

26. Information from UAEGRTD as of December 24, 2014.

One of the main challenges of Law 1448 has to do with security and the conditions for the victims to return; ensuring those conditions demands determined actions to that end in the area of public policies, a broad institutional consensus, and a transformation of the State, which exceeds the scope of the institutions with responsibilities in discharging the restitution process and the terms of the Law itself.

The Inter-American Commission on Human Rights has stated that the issue of land restitution faces multiple challenges, including the return and permanent presence of those communities whose lands have been returned in those areas; this, as noted by MAPP/OAS, affects the effective enjoyment of the right of restitution. The Commission appreciates that the UARIV has pursued a series of actions related to return and relocation, such as the “Families on their Land” program which, during 2014, accompanied 82 return processes involving 16,674 households and, during 2013, accompanied 28,074 households, in more than eighty municipalities. The IACHR acknowledges the efforts made by the UARIV, through its Return and Relocation Group, which has created the methodological tool known as “Protocol for Accompanying Returns and Relocations as Part of the Comprehensive Redress for Victims of Forced Displacement.”

In the General Secretariat’s view, this scenario represents one of the challenges that the land restitution policy must face during 2015 so that, while still applying the principles of gradualism and progressiveness, it can respond adequately to the problems of security and return in conditions of dignity, without that implying an additional burden of time for the victims of forced displacement and illegal land seizures. Accordingly, it urges the land restitution policy to persevere in those areas where difficulties have been detected, such as Tibú, Norte de Santander, strengthening its capacity and interconnections to attain progressiveness and sustainability in the return process. It also underscores the importance of following up on restitution cases occurring under judgments by Justice and Peace, the Regional Asset Restitution Commission (CRRB), and the *Plan Choque*.

Regarding strategies to guarantee revictimization does not occur, the GS/OAS notes in particular the Victimization Risk Index, a technological tool that can be used to perform analyses of at-risk localities and reduce victimization through preventive strategies. It also acknowledges other progress with guarantees of nonrepetition, such as the design of a Pedagogical Strategy for Action and Nonrepetition at the UARIV’s Reparations School, the National Human Rights Education Plan (PLANEDH) of the Ministry of National Education (MEN), and the *Eduderechos* program.

One situation of concern to the General Secretariat is that in spite of the alerts issued about the situation of victimization in the Colombian Pacific, particularly regarding Buenaventura, complaints similar to those made in previous reports about the situation prevailing in that region of the country are still being made. In addition, displacements continue to occur, such as those identified in Chocó (Alto Baudó river basin), Cauca, Nariño, Guaviare, and Putumayo. Of the cases referred to, the GS/OAS is alarmed at the high number of indigenous populations that have been victims during this period, since they are the segment of the population that records the greatest impacts associated with this crime, in particular the communities of Alto Baudó in Chocó, the Nasa community in Putumayo, and the Nukak Maku in Guaviare.

At its 153<sup>rd</sup> regular session, the IACHR was informed about the situation in the Colombian Pacific region. In that context, one cause for concern is the situation of violence being faced by Afro-descendant and indigenous communities in the area in the defense of their territories from the implementation of development projects backed by state policies that include national and foreign

capital. Those projects have been described as incompatible with the ethnic development projects and life plans of the Afro-descendant and indigenous communities. Also of concern is the persistent violence against indigenous leaders recorded in 2014, such as the threats, attacks, and killings reported in Cauca.

The ethnic decrees with the strength of law Nos. 4633/11, 4634/11, and 4635/11<sup>27/</sup> are an essential tool for the development of public policies with differentiated approaches for ethnic groups as collective subjects of rights, who have suffered a disproportionate and differentiated impact in the context of the conflict; however, the Government must strengthen its efforts in processes to empower the communities on those topics and to make progress with the construction and execution of comprehensive plans for collective redress.<sup>28/</sup> In the case of Alto Andagueda (Chocó), which is the only judgment that focuses on territorial rights, the collective redress plan was designed by the national authorities, which has led to delays in its implementation within the communities, given that it does not respond to their territorial dynamics and, as a result, it is important that institutional follow-up be conducted.

As regards the restitution of territorial rights to ethnic communities, the Secretariat notes the progress made in 2014, with 18 descriptions of territorial impact finalized and 14 ethnic suits filed (ten on behalf of indigenous peoples and four on behalf of Afro-descendants) covering a total of more than 314,000 hectares and more than 10,000 families. Precautionary measures were also adopted for nine ethnic communities, covering more than 550,000 hectares and more than 11,000 families. The Special Administrative Unit for Managing the Restitution of Seized Land (UAEGRTD) plans, for 2015, more than 16 definitions covering more than 1,000,00 hectares and benefiting more than 8,000 families.

The GS/OAS applauds the scope of the first restitution judgment issued on behalf of an ethnic community: the Embera Katío indigenous people of Alto Andagueda (Chocó). In the judgment the court found that the Embera Katio indigenous community suffered “family and cultural disintegration” through a series of violations of their rights, such as “the selective murder of their leaders, threats, harassment, confinement, (being used as) human shields, bombardments in their territory, and illegal mining activities.” It also dismissed the objections filed by the mining companies and ordered the adoption of a series of measures to guarantee the effective enjoyment of ethnic territorial rights, the law of origin, natural law, and their own rights.

---

27. Decrees with the strength of Law Nos. 4633 (indigenous peoples and communities), 4634 (Roma or gypsy people) and 4635 (black, Afro-Colombian, raizal, and palenquera communities) of December 9, 2011.

28. In Caquetá, the UARIV has been implementing two collective redress processes in the municipality of Florencia with the Embera-Chami and Nasa indigenous peoples. Of these, greater progress has been made with the Nasa people’s process: 14 families from that indigenous people agreed to be relocated to a plot of land allocated by the local authorities in Maracaibo, Florencia; nevertheless, unfavorable security perceptions halted the relocation process. The relocation of the Embera-Chami to El Puerto Hacienda, which is close to Florencia, is also planned. The IACHR has found that since the entry into force of Ethnic Decrees Nos. 4633 and 4635, very little has been achieved in terms of the effective enjoyment of rights by ethnic groups. Similarly, the Office of the People’s Defender, in its 2014 report, said that there was a “lack of specific actions with differentiated approaches on the part of the agencies that make up the SNARIV, particularly the local authorities, who are unaware of the priority that policies for transforming these communities’ situation of marginalization must be given in their plans of action.”

In addition, the General Secretariat would like to highlight the efforts made by UAEGRTD and the land restitution judges and magistrates to include gender awareness in their restitution processes and to enforce the Program of Access to Restitution for Women, Girls, and Young Women, two years after its adoption by means of Resolution No. 80/13.

Regarding the PAARIs, the General Secretariat recommends creating information strategies for the victims, containing clear and specific information on the need to embark on the formulation of a PAARI and on registration with the Single Register of Victims (RUV) in order to access the SNARIV. In line with the above, the roadmaps for victim attention and redress should be clarified, since many victims are unaware of the need for a PAARI – in particular, displacement victims, for whom a PAARI can only be drawn up once they have overcome their situation of vulnerability.

As regards indemnifications and, most particularly, indemnifications for displaced populations, the GS/OAS calls for the more efficient socialization of the specific redress roadmap for victims of this crime, containing the comments made in Unification Judgment No. 254 of 2013 regarding indemnification amounts, the formulation of a PAARI, and overcoming the situation of vulnerability. It also recommends avoiding regressive measures in measures of reparation and indemnification on two levels: (i) in connection with the allocation of annual resources to cover the costs of the reparation and indemnification administrative program, and (ii) in connection with the nation's fiscal and monetary policy as the basis for funding reparation and indemnification processes, with the use of progressive taxes, in which the cost of comprehensive redress for victims is assumed in accordance with people's purchasing capacity.

Regarding measures of satisfaction, the General Secretariat notes the need to build strategies with horizontal, popular, and community approaches, so that the historical memory reports can be socialized in the cities and not just in strictly academic spheres. It also recommends that the CNMH's Directorate of the Human Rights Archive prepare a document with guidelines for the identification, classification, and treatment of public and private documents of relevance to the reconstruction of historical memory, and that it be socialized with the local authorities and incorporated in the Comprehensive Victim Action Plans (PATs). In addition, it would be useful to create a systematic mechanism for recording the consensus-building processes prior to the public forgiveness ceremonies with the victims themselves, as an indicator of progress with measures of satisfaction.

In connection with the land restitution process, specifically as regards second occupants, the GS/OAS has observed several phenomena: the presence of campesinos who are currently working or inhabiting plots; campesinos and landless and displaced persons who are on the lands of other displaced persons; small- and medium-scale campesinos who bought plots while knowing of the armed conflict, sold to them by the families of victims of forced abandonment and seizures, who remained on the land as caretakers; and another group of occupants who bought land for recreational purposes and not to work it, which poses an obstacle for the material restitution of the plots. Accordingly, it recommends that the State identify and apply effective formulas or measures to deal with the persons occupying the plots in some of these cases, in order to avoid the emergence of new land-related conflicts, and work for reconciliation in the territories.

It is also important to identify and define those other players, not only to involve them in the process as affected third parties or opponents, but also to ensure their protection by the State. The Special Administrative Unit for Managing Seized Land Restitution (UAEGRTD) has begun to

determine the situation of those inhabitants of rural areas as part of a program that will provide comprehensive and differentiated treatment for the needs of this segment of the population.

The General Secretariat recommends identifying, recognizing, and assessing contexts in order to examine how third parties or others got involved with the history of a plot or a process, since this will bring benefits from the perspective of good faith.

Finally, as regards guarantees of nonrepetition, the Unit for Comprehensive Victim Attention and Redress (UARIV) should continue with its plans and programs for building peace and promoting human rights, through community and cultural initiatives. To that end, in addition to expanding the territorial coverage of those initiatives, more efforts should be expended in creating innovative methods to enable the broadest possible participation of the communities in those initiatives, given that these efforts by UARIV have had a major positive impact within the communities.

#### **IV. MONITORING SECURITY CONDITIONS RELATED TO THE PRESENCE OF ILLEGAL ARMED ACTORS, IMPACTS, AND ACTIONS BY THE STATE**

During this period, the Mission received a special invitation from the Colombian Government to share its thoughts on the current status of the post-demobilization phenomenon and on criminal gangs with the National Security Council. On that occasion, the Government was informed of the following perceptions, which are the result of the Mission's permanent monitoring and accompaniment work carried out by its 15 field offices.

Regarding the evolution of this phenomenon, these post-demobilization groups have adopted networked structures, which provide greater flexibility for their operations and facilitate more fluid relations with other similar organizations dedicated to such activities as drug trafficking, smuggling, extortion, micro-trafficking, contract killing, etc. Additionally, in some regions of the country where such criminal groups as Clan Úsuga, Autodefensas Gaitanistas, Rastrojos, Bloque Meta, and Libertadores de Vichada (a dissident faction of the ERPAC) operate, there are other illegal organizations dedicated to the same activities, and this situation has a great impact on communities and causes them much anxiety, since they are seen as part of the same phenomenon.<sup>29/</sup>

The General Secretariat has observed with concern the ability of the post-demobilization phenomenon to transform and redesign itself on the ground. The Clan Úsuga (aka Urabeños or Gaitanistas) has the largest territorial presence, with a particular concentration in the north of the country, with the Darién area of Chocó, the Urabá region of Antioquia, and the south of Córdoba being the bases of its main leaders. The Rastrojos have been described as weakened, although their presence is felt in the borderlands (Guajira, Norte de Santander, Nariño, and Putumayo) and along the Pacific coast from Chocó department toward the south of the country. Regarding holdouts or dissidents from the Antisubversive Revolutionary Army of Colombia (ERPAC), the presence of the Bloque Meta and of Libertadores de Vichada has been detected primarily in the departments of Meta, Vichada, and Guaviare.

---

29 Examples: Los Botalones in the Magdalena Medio region; La Constru in the department of Putumayo; Los Rudos in Guaviare department; the Clan Giraldo along the Caribbean trunk road in Magdalena department; La Empresa in the department of Valle del Cauca; the Grupo de Arbey y Pacha in the Nariño mountains; and the Paramilitary Army of Norte de Santander in Cúcuta, and others.

The profile of the current leaders of these post-demobilization groups is characterized by an absence of national or regional interconnections. Some of the leaders have been captured in nearby countries, while others strategically avoid assuming protagonistic positions in order to retain control while remaining illegal. As for the most prominent leaders who in the past were members of the self-defense groups, it can be inferred that a fifth or sixth line of command remains in illegality, such as “Pijarbey” in the eastern plains or “Otoniel” in the north of the country. The General Secretariat highlights two perceptions found among the communities regarding this issue: (i) very young leaders who are seen as more violent, because they recognize no hierarchies and reject the imposition of conditions, acting instead under instructions: “you pay me for something, I do it”; these leaders appear to enjoy greater criminal autonomy in their spheres of influence; and (ii) leaders who are changing their profiles as leaders or bosses for those of controllers or benefactors; those two functions are intended to regulate the economies of and their coexistence with the communities where they are present and where they earn their illegal incomes.

The General Secretariat notes that the post-demobilization groups and other illegal armed players concentrate in places where the geography favors the pursuit of illegal business.<sup>30/</sup> The GS/OAS has also observed that the goals sought by these groups are increasingly directed toward economic activities, leaving political motives to one side. According to that logic, it can be inferred that the main function of the post-demobilization groups is geared toward creating funds; thus, during the period covered by this report, a preference for businesses such as mining and smuggling that produce large cash flows and profitability was noted, along with widespread extortions that generate day-to-day income, instead of activities such as drug trafficking that generate long-term income. These groups have also been seen to maintain the provision of private security services in the areas where they are present as one of their economic activities.

**a. Monitoring the impact on communities**

While not failing to note that the actions of the authorities have played a determining role in weakening the structures of some post-demobilization groups, the General Secretariat is concerned that this phenomenon remains active in certain regions and continues to have an impact on the population. Their presence appears fragmented and low-profile to the authorities, but it is apparently obvious to the communities because of the following factors: (i) they maintain social control over and permanent relations with the communities, generally under coercion, (ii) they continue to have an impact through selective killings or what is poorly known as “social cleansing,” inter- and intra-urban displacements, abductions, restrictions on mobility, recruitment and/or use of children and adolescents, on occasions with sexual violence, threats, and assaults; (iii) they carry out acts of violence within their own groups to intimidate and cause fear among the population, (iv) they offer protection for local businesses, particularly those involved in legal or illegal resource extraction and illegal border crossings (drug trafficking and smuggling), and they carry out widespread extortions of businesses and the general population, (v) they use corruption strategies to co-opt the local authorities, in order to prevent the State from taking action against their members.

---

30. One such typical area is found in the region of Cúcuta, Catatumbo, and the province of Ocaña in Norte de Santander. This is an isolated area with a long border that is difficult to control, where there are criminal gangs, guerrilla groups, and conditions for the pursuit of illicit businesses. In contrast, in urban areas the most attractive dynamics for these groups are found in such major cities as Medellín, Cali, Barranquilla, Santa Marta, Riohacha, and Villavicencio, to name but a few. These cities are also favorable locations for these illegal armed structures.

The General Secretariat highlights the efforts of the authorities to protect the population from the actions of illegal armed groups. However, the persistence of threats against human rights defenders, leaders, victims, and public officials remains a cause for concern.<sup>31/</sup> The Urabeños (Clan Úsuga), Rastrojos, and Águilas Negras<sup>32/</sup> have been identified on the ground as the groups that use pamphleting to make their threats. Concern also exists regarding threats and attacks made against working journalists; thus, in the Bajo Cauca region, around eight journalists have been threatened by the Urabeños and Rastrojos, which has forced some of them to relocate from the area and others to modify their radio programs in order to avoid new threats. Although the timely action of the National Protection Unit (UNP) in providing security mechanisms for journalists is acknowledged, the threats continue; it is therefore necessary that decisive measures be adopted to guarantee the security of journalists in their professional activities. The IACHR has recognized the fall in recent years in the number of cases of killings of journalists and media workers for reasons that could be related to their professions, together with the efforts made by the Colombian State to create and maintain a protection mechanism for at-risk reporters and to recognize journalists and media workers as beneficiaries of collective redress under the Victims Law. Nevertheless, the IACHR has noticed the continued existence of challenges for exercising freedom of expression, such as continuous acts of aggression, attacks, and threats against journalists and media workers.

Regarding the phenomenon of recruiting and using children and adolescents, because of the fear in the communities and the lack of guarantees for reporting illegal armed groups, this remains an invisible practice in the territories. The pattern followed is usually as indicated below: (i) First, they offer payment for services rendered, to get them started on such basic tasks as monitoring or gathering information. This first step binds them to the group while, at the same time, the money paid gives them autonomy to pursue alternative activities in the assigned area, such as extortion or small-scale drug dealing; (ii) Later, the young people are offered security and assassination tasks, for which they are also paid. As of that time, they begin to acquire status in the group. It is a cause of concern that in some locations, including the south of Córdoba, some community members speak of “voluntary association” rather than “forced recruitment.” In contrast, in certain municipalities of the

- 
31. Similarly, the IACHR has found that the impunity surrounding serious human rights violations and breaches of international humanitarian law by all the players in the conflict and by the illegal armed groups that have arisen after demobilization continues to pose an obstacle to guaranteeing the victims’ rights.
  32. The Mission has received fragmentary information that allegedly points to the presence and/or actions of this structure in such departments as Córdoba, Cauca, Tolima, Chocó, and Caquetá. The Mission has also been able to gather some unspecific information on the ground indicating the presence of this phenomenon in the following regions: (i) In the municipalities of the Pacific coast of Nariño corresponding to El Charco, Iscuandé (Santa Bárbara), La Tola, and Olaya Herrera (Bocas de Satinga), there are residual mentions of the possible presence of the Rastrojos and the Águilas Negras. (ii) In the Bajo Cauca region of Antioquia, the Urabeños gang answers to several names, including that of the Águilas Negras. This structure is to be found in all the urban centers of the six municipalities of the Bajo Cauca region of Antioquia, and they maintain informants on roads and in the main settlements. (iii) In Putumayo there is indistinct talk of the presence of gangs (Urabeños, Águilas Negras, La Constru, los Rastrojos) that allegedly act in partnership with the FARC-EP’s Frente 48 in the municipalities that border on Ecuador. Their main sources of funding are reportedly drug trafficking, extortion, and fuel thefts. (iv) In Norte de Santander, during November, there were reports of the deaths of eight people in Venezuela, very close to Puerto Santander. The earliest reports attributed the deaths to a struggle for control of the area between suspected members of the Águilas Negras and Urabeños groups, to which the deceased belonged. (v) In Guajira, specifically in the south of that department, there have been cases in which teachers from Wiwa indigenous communities have suffered extortion at the hands of persons identifying themselves as Rastrojos or Águilas Negras.

Urabá region of Antioquia, reports indicated that young people are used exclusively for the small-scale drug trafficking business and only when they fail to comply with the agreements are they tried by the groups (Clan Usuga, Urabeños/AGC) and forced to relocate or face targeted killings. In the borderlands, such as areas adjacent to Venezuela, the need to step up prevention and protection efforts for children and adolescents is especially urgent.<sup>33</sup>

Additional impact is felt through the social control they exercise over communities, as regards mobility and standards of conduct for economic purposes; they also exert control over social, economic, and cultural dynamics, to ensure the correct “administration” of the inhabitants, whereby they even mediate conflicts of all kinds. The General Secretariat has learned of cases in which illegal groups live temporarily or almost permanently in campesinos’ homes, forcing them to provide them with lodging and food; on occasions, this coexistence has led to the sexual abuse of members of the families in question. The population endures those restrictions out of fear of the consequences should they fail to agree to the illegal armed groups’ demands. There have also been cases in which these groups assume the authority to convene community meetings through the chairs of the Community Action Committees (JACs), impose forced labor as a punishment for alleged offenses, convene community work days, impose rules for the handling of animals and timetables for the use of community paths, and require permits for people to enter and leave the communities.

As regards the demobilized population from self-defense groups, the General Secretariat has recorded cases in which applicants and their families have also seen their personal security affected. Pressure and threats related to the recruitment of demobilized combatants have been reported in Putumayo, Magdalena Medio, and other regions of the country such as the Caribbean coast. A significant number of demobilized fighters (3,820) have met violent deaths since 2003,<sup>34</sup> a figure that does not include the number of demobilized combatants’ relatives and Justice and Peace applicants who have also met with violence. In conjunction with the ACR, the Mission has embarked on a line of work to retroactively explain the territorial dynamics in those areas where most of those deaths have occurred; the aim of this undertaking is to prevent repetition and to urge the Colombian State to take the steps needed to mitigate the risks in future processes for reintegration or reincorporation into civilian life.

In addition, it is essential that particular attention be paid to the reintegration and return to their communities of former members of illegal groups who are Justice and Peace applicants and remain at liberty, on account of the impact that they could have on the dynamics of the territories to which they are reintegrated and on processes for reincorporation into civilian life. The applicants themselves do not discard the possibility of receiving threats from third parties on account of their Justice and Peace testimonies, although concern also exists in some regions that individuals at the service of the economic interests of former self-defense leaders are awaiting the release from prison

---

33. The IACHR has expressed concern about the high number of children and adolescents affected by the context of violence, and about the absence of full guarantees for their rights from the risks that exist. At the hearings held during its 153rd regular session, the IACHR received information on the vulnerable situation of children affected by the armed conflict, noting, *inter alia*, that children and adolescents account for more than 50% of the total forcibly displaced population. The UN has also verified instances in which children and adolescents linked to illegal armed groups have been illegally interrogated, together with their continued recruitment and use by those groups, and it has recommended that the groups cease that practice immediately and collaborate with the State for the effective disassociation of the minors involved.

34. Source: ACR, December 2014.

of their leaders or “bosses,” such as in Magdalena Medio. The General Secretariat reiterates its commitment toward monitoring this situation.

In many regions of the country where illegal armed groups are present, the main impact on the legal economy in the territories is forced tribute through extortion,<sup>35/</sup> given the increase in the numbers subject to extortion and in the size of the payments demanded. This dynamic occurs in both urban and rural areas and affects both formal and informal business owners, livestock raises, small and large landowners, transportation companies, companies that provide goods and services, taxi drivers, and those who sell minutes of cellphone use. Failures to pay protection money lead to threats, attacks on people and property, and, on occasions, murder. Moreover, the prevalence and spread of the extortion phenomenon has become an everyday reality for its victims.

As regards mining, both legal and illegal, the General Secretariat observes an ongoing shift from *de facto* or artisanal mining in rivers toward the use of heavy machinery such as backhoes, dredgers, and barges. This machinery is causing enormous environmental harm, affecting the health and wellbeing of communities, and altering river basins and their natural courses; it is also affecting traditional panning, in those cases in which polluting chemicals are used. The presence of backhoes facilitates the work of alluvial miners who are unaware of the environmental and social consequences that such uncontrolled extraction could have in the long term.

In addition, the practice of artisanal extraction from undergoing mines is still common. The population for whom this activity is the only viable source of income is subjected to the rules and control of the illegal armed groups. This highly lucrative activity is, in some areas, leading to mass purchases of land and to population displacements caused by pressure or the absence of other options for subsistence after the land is turned over to its new use. Many of the mining areas are in indigenous and Afro-descendant communities, which affects the territorial autonomy and governance of those ethnic groups.

The General Secretariat is beginning to detect social and legal tensions in some mining regions where the informality of mining permits has been a practice for many years, following the enforcement in recent years of the regulations established by the Government. The enactment of Decree 2637/12 created and required registration in the Single Register of Mineral Traders (RUCOM) for legal sales of gold, under the penalty of forfeiting the mineral, together with the registration and distribution of permits to artisanal miners (panners) at the municipal level; these regulations have been questioned on account of their impact on artisanal output. Traders are unwilling to buy gold because they could lose it, and the artisanal miners do not know to whom they can sell their gold. The Government has been engaged in talks with this sector to reach agreements that would enable the problems to be resolved peacefully. According to mining community leaders, this context could lead to the following situations: (i) social protests to demand rights, which could possibly be infiltrated by illegal armed groups (guerrillas and post-demobilization groups), given that they are also affected; and (ii) emergence of a wealthy illegal armed player who begins to buy the gold produced by informal and artisanal miners, creating a more clandestine and dangerous activity

---

35. Extortion: Defined by Article 244 of the Criminal Code of Colombia, as amended by Article 5 of Law 733/02. Extortion shall be understood as meaning: “A person who forces another to do, tolerate, or refrain from doing something, with the purpose of securing illicit gain for himself or a third party.” In Colombia, one form of extortion is colloquially known as the *vacuna* (“inoculation”), which is demanded by illegal armed groups according to people’s incomes, the kind of activities they pursue, etc., and constitutes a significant source of illicit income.

in this sector. Another risk is that when mining can no longer offer a source of income and when there are no legal alternatives, there could be a return to illicit crop planting or other sources of illegal income, such as smuggling and extortion.

Regarding guerrilla activity, the General Secretariat is concerned at the alerts regarding the presence, control over new areas, and alleged expansion of illegal armed units. For example, there are reports of guerrilla groups entering territories where previously they had no presence, and of others falling back to areas where they had no presence with the intent of expanding into other zones; those structures are reportedly recruiting children and adolescents with monetary payments and carrying out “community work” in some of those areas.

In some regions, members of social organizations have stated that they are being used by guerrillas, particularly to transmit orders or to exert control in their communities for political purposes. In addition, the communities report that the guerrillas impose invisible barriers, through the establishment of permits to enter or leave the territories and exert control through personal threats to their leaders; in the south of Córdoba, for example, indigenous communities have filed complaints about such actions. In the department of Putumayo there are written rules for coexistence, published by the FARC-EP for observance by the communities in general.

The General Secretariat notes that in some regions of the country, communities report that the guerrillas are encouraging a return to illicit crops in order to accumulate large areas that could be surrendered in future negotiations and as a strategy to win popular support,<sup>36</sup> since the coca farmers would benefit from any future crop eradication policies and programs, in accordance with the terms of the agreements. Finally, some communities in the areas of the guerrillas’ historic spheres of influence state that in the midst of the peace process, they are being subject to indiscriminate extortions; in some areas, they are even required to pay protection money to more than one illegal armed player and, in some cases, to three different illegal armed groups.

Regarding the State’s actions, since 2006 the General Secretariat has observed a constant increase in the presence of the security forces in many areas of the country, including settlements where they previously had no presence; it has also noted permanent actions through sustained and coordinated operations involving the National Police, the Army, and the Marines, with the support of the office of the Attorney General. The GS/OAS has also seen that there has been an increase in positive appraisals by communities and a new upswing in their confidence in the institutions and armed forces of the Colombian State, in spite of the common belief that the security forces, rather than protecting citizens, are there to protect infrastructure or are at the service of legal players in the economy. Another significant element is that communities feel that illegal armed groups coexist alongside the institutions in remote and isolated areas, which affects the political and institutional order and creates high levels of mistrust toward those institutions.

The General Secretariat highlights the different strategies adopted by the Government as a part of the comprehensive security and defense policy, and the Citizen Security Law, as indications of its wish to neutralize the actions of armed groups and their impact on the population; examples of this are the operation *Espada de Honor*, undertaken by the armed forces against the guerrillas, and the National Police’s efforts against criminal gangs under *Operación Troya*, which is currently known as *Corazón Colombia*. However, many communities believe that a military, police, and judicial strategy is not enough to improve their security conditions, and that it must be complemented

---

36 One example of this is in the Perijá mountains.

with social investments, development, and better opportunities for economic sustainability in order to reduce the vulnerability they face in the contexts of illegality imposed by illegal armed groups in their territories. One specific example is provided by the settlement of Sipí in Chocó where, in spite of a ratio of almost one member of the security forces for every seven inhabitants, contexts of insecurity and illegality remain a reality.

The population acknowledges progress in the adoption of international humanitarian law by the military authorities: the GS/OAS applauds the fact that during the period of this report, there has been no information on recent cases of false positives and that the State has made an institutional effort with actions of symbolic redress through its public recognition and requests for forgiveness for irregular actions or other actions that affected communities. However, practices contrary to international humanitarian law are still found, such as the deployment of the security forces near to civilians' homes or their children's schools, with the risks that entails for the civilian population. Mention is also made of collateral damage to property and crops caused by operations of the security forces, for which the authorities do not generally provide redress.

## **V. CONCLUSIONS AND RECOMMENDATIONS**

1. The General Secretariat applauds the Colombian Government's determined and sustained efforts to pursue a process and reach a peace agreement with the guerrillas of the FARC-EP in order to bring an end to 50 years of conflict, and it invites the parties to continue their efforts for initiatives, measures, and specific actions to reduce acts of violence, to the benefit of the civilian population, while the negotiations remain underway in Havana.
2. It calls for an acceleration of the exploratory talks for negotiation with the guerrillas of the National Liberation Army (ELN), respecting the particular features needed to reach a negotiated end to the conflict with this guerrilla group and recognizing the group's expressed willingness to identify a forum for dialogue leading to peace.
3. It believes progress must be made in standardizing the legal criteria for releasing former combatants who have completed eight years' incarceration at Justice and Peace detention facilities, given that the lack of legal security affects the transitional justice process in two ways: first, it undermines the demobilized combatants willingness to make progress with the processes for providing the victims with the truth and comprehensive redress; and second, it creates a climate of uncertainty for other members of illegal armed groups who could decide to submit themselves to the law.
4. The number of demobilized fighters who have met violent deaths represents a weak link in the transitional justice process, whereby the benefits of applying for submission to the law are diluted. It is an imperative for the peace process to place priority on investigating and clearing up the violent deaths of demobilized combatants.
5. The General Secretariat recommends that the Government strengthen the Colombian Reintegration Agency (ACR) by hiring more qualified officers to assume the challenges of reintegration (Professional Reintegration Officers) in consideration of the release of those applicants who are beginning to leave prison, given that the profiles of some of the former combatants demand qualified and comprehensive attention. Work must be carried out on

programs to deal with the mental health problems that have begun to be detected among former combatants.

6. To guarantee disarmament, demobilization, and reincorporation into civilian life, the process must discuss and agree on measures to guarantee the security of demobilized members of the FARC-EP in the post-conflict scenario, conditions for the economic development of the municipalities or cities where the reintegration processes might take place, and scenarios and instruments for participation by former combatants in community contexts and their reintegration into those contexts.
7. The process of reincorporating members of the FARC-EP and ELN guerrillas requires the standardization of the resocialization policies within prisons and the reincorporation rules in the outside world that are to be established and agreed on; in this, the interconnection of the peace policies with a transitional approach to criminal and penal policy is essential.
8. Clear roadmaps should be established to allow legal alternatives to submission for members of criminal groups and other related illegal actors who wish to abandon illegality.
9. The General Secretariat recommends reviewing and strengthening the strategy for combating the phenomenon of emergent criminal gangs and all the contexts of illegality that continue to generate fear and harm in the territories. In particular, it believes it is necessary to make progress with strategies for the heightened presence and effectiveness of institutional security and justice in the territories, which would contribute to weakening the capacity of organized crime to control the everyday life of communities. The communities see that the geo-economic characteristics of each region are the main catalysts behind the current phenomenon, which could be a factor in encouraging the presence and strengthening of the illegal armed groups. The GS/OAS believes that in this regard, the Government could make efforts to introduce transformational elements, above and beyond the current strategy that is chiefly based on arrests and seizures.
10. The General Secretariat has learned that in some remote and isolated regions where illegal armed groups pursue illegal activities (drug trafficking, mining, extortion, smuggling, etc.), there are negative perceptions in the communities' collective imaginations regarding the possibility of significant change in the security situation. In this regard, the Government could develop a suitable strategy of "pedagogy for peace" but also, and more importantly, plan tangible, material, immediate actions, particularly in the areas of economic development and infrastructure, to allow the communities to view the post-conflict future through a more positive lens. Security, employment, and justice are the keenest needs felt in the communities for building a brighter future.
11. Confidence-building mechanisms and improved communications and relations between the authorities and the communities are needed, particularly among those located in the areas most affected by the conflict and with the active presence of illegal armed groups. In the General Secretariat's view, the Colombian Government must undertake efforts to coordinate its institutions, allowing it to increase its presence in the territories through more than military structures.

12. Greater dispatch is needed in investigating and clearing up the threats made against and killings of people involved in the land restitution process, victims' leaders and defenders, and social leaders. The persons directly and indirectly responsible for those crimes must be made known, since they are one of the main obstacles faced by the process. Delays in investigations into those responsible for those incidents, together with the lack of clear results in bringing those cases before the courts, contribute to a climate of anxiety and mistrust toward the process and toward the authorities.
13. In the General Secretariat's view, efforts must be redoubled in institutional interconnections and in the coordination of the National System for the Attention and Comprehensive Redress of Victims (SNARIV), so that effective progress can be seen in the processes of attention, collective redress, and land restitution.
14. The General Secretariat acknowledges the determined work of the Colombian Government in the construction of historical memory. Nevertheless, there is still the challenge of bringing about greater community involvement in those activities, and of ensuring that their stories and memories are effectively represented in the forgiveness and public pardon processes and in the historical memory reports of the conflict, to invest them with the power to make amends.
15. Efforts must be made to ensure correct institutional interconnections for the post-conflict period, with the essential aim of protecting and ensuring the sustainability of the current processes (transitional justice, reintegration, land restitution, release of applicants, etc.) and of facilitating the implementation of new processes.
16. In the General Secretariat's opinion, a peace policy cannot be sustainable without the participation and commitment of civil society. The Colombian Government must design effective mechanisms so that the different sectors that make up civil society can express their interests and understanding not only of what they expect from the process, but of what their contribution to peace could be.
17. The General Secretariat urges the Colombian State to persevere with the formulation of social and political strategies for peace as essential tools for institutional readiness in the territories.