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NINTH QUARTERLY REPORT OF THE SECRETARY GENERAL
TO THE PERMANENT COUNCIL, ON THE MISSION TO SUPPORT
THE PEACE PROCESS IN COLOMBIA (OAS/MAPP)

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I. BACKGROUND

1. This quarterly report by the Secretary General on the Mission to Support the Peace Process in Colombia is presented to the Permanent Council of the Organization of American States (OAS) in accordance with Resolution CP/RES. 859 (1397/04), which “instructs the Secretary General to provide a quarterly report to the Permanent Council on the work of MAPP/OAS and its continuing ability to contribute to the fulfillment of the values and principles contained in the Charter of the Organization of American States and the Inter-American Democratic Charter.”

II. INTRODUCTION

2. As part of its verification work, OAS/MAPP has identified a complex situation in the regions, which must be dealt with decisively to prevent it from jeopardizing the process for the demobilization, disarmament, and reintegration of the members of the Self-Defense Forces. Given this scenario, it is important to recognize and value the positive aspects of what has been accomplished so far, i.e.: the direct impact on reducing violence in large areas of the country; the beginnings of Government presence in the territories; the return of the communities that were expelled by the paramilitaries; and, reconstruction of the social fabric in villages and communities that were under the domination of irregular armed groups.

3. For OAS/MAPP, the post-demobilization phase is a critical time. The current dynamics could trigger a truth and justice process that would put an end to paramilitary groups in the regions, and lead to reconstruction of the State. Or, on the other hand, it could accentuate the influence of paramilitary groups linked to drug trafficking. To avoid this eventuality, it is critical to strengthen institutionality and the process of reintegration of former combatants, and to ensure that the Government responds decisively to the emergence and expansion of illegal armed groups.

4. The presence and activities of various illegal groups in different regions of the country continue to present one of the main risks to consolidating the peace process. Some of these groups are led by commanders of the United Self-Defense Forces [AUC] who did not heed the government’s call to participate in the process, while others reflect an alliance between former paramilitaries and drug traffickers. Moreover, it has been noted that mid-level AUC commanders are heading new illegal armed units. The operations of these groups continue to gravely affect the civilian population, and primarily vulnerable groups, such as women, children, Afro-descendants, and indigenous peoples.

5. At the same time, the status of the reintegration process is a source of serious concern on the part of OAS/MAPP. Delays in strengthening the institutions in charge of this process together with the limited operational capacity and coverage of the program at present are some of the factors that are hindering the socio-economic reintegration of demobilized combatants. A weak reintegration process in turn poses serious threats to the peace process as a whole, since it does nothing to prevent

the recruitment of the demobilized fighters by new illegal units, which are being seen in different regions of the country.

6. On the other hand, there have been positive steps forward in the peace process. For instance, some of the truth has begun to emerge, revealing the paramilitary influence on the political, economic, and social life in the regions. Despite fear and threats, over 40,000 victims have taken up the struggle to reclaim their rights, and civil society organizations and institutions have started to respond.

7. Colombia is working on a process to delegitimize the self-defense groups. Their relationships with politicians and officials of government institutions are being discovered. These groups have even jeopardized national and international economic sectors, as exemplified in the case of the multinational “Chiquita Brands.”

8. It is also important to note that this situation has arisen in the wake of the demobilization of an illegal armed group with more than 30,000 members and 18,000 weapons. Consequently, institutions are just beginning to be reinstated and communities are slowly starting to regain trust and to reassess their past and try to change their future.

III. THE TREND TO REARM AND SECURITY IN THE ZONES OCCUPIED BY DEMOBILIZED SELF-DEFENSE FORCES

9. Seven months after the end of the disarmament and demobilization process, OAS/MAPP has identified a complex scenario in certain regions of Colombia, including Nariño, Chocó, and Putumayo, through its operations to verify the dismantling of the AUC’s military structure and to monitor public order. In these territories, the local people do not seem to notice a substantial change in security conditions, due to the emergence and continuance of illegal armed units linked to illicit economic activities, with the arms’ capability to intimidate and control.

10. The newly formed units and the remaining *reductos* [hold-outs],^{1/} can be described as on a continuum between a splintered, dispersed state and an interest in monopolizing the illegal activities. On the one hand, the units are independent with loose partnerships, casual and fluid associations, and no concrete, lasting alliances. On the other hand, there is a hierarchical organization that controls and regulates all of the illicit economic activities and operations in the different territories.

11. The Mission is troubled by information it received on an alleged attempt by some former commanders to maintain control over the illicit economic activities in the regions where they were operating. This allegation is based on a large number of interviews and statements given by former AUC members, ranging from members who operated on patrols to bloc commanders. However, from what the OAS/MAPP has found in the regions so far, there does not appear to be just one single structure.

1 The term “*reductos*” refers to factions of the AUC that did not participate in the demobilization process.

12. After the Eighth Report was written, the Mission began to notice fundamental changes in the dynamics of the so-called emerging bands. These changes have been identified on the basis of the field work of the Regional Offices and the Mobile Team, and they can be summed up as follows:

A. Upsurge in alliances and associations under specific leaders

13. At both regional and local levels, the presence of *articuladores* [“coordinators”] (mid-level officers and a few former commanders who did not respond to the government’s call to comply with the Justice and Peace Law) in regions and communities, has become much more apparent. In various zones, we have begun to receive information on the influence of commanders who did not respond to the government’s appeal, especially Vicente Castaño and Ever Veloza^{2/} (“Hernán Hernández” or “H.H”).

14. This trend is seen most clearly in Meta Department and the eastern plains. Groups such as the one headed by “Cuchillo,” former commander of the Heroes of Guaviare Front, and “Don Mario,” former ally of Vicente Castaño, are examples of the dynamic conflict the region is currently undergoing/ experiencing. There are also other groups operating there, such as the one known as “Martín Llanos,” the commander of the Casanare AUC which has not demobilized, and the one known as “Diego,” who reorganized a new AUC group to the north of Casanare, on the border with Vichada and Arauca.

15. In other regions, the situation is attributed to an alliance between former paramilitaries, especially the Central Bolívar Bloc (BCB) and drug traffickers in the northern part of the valley [Norte del Valle]. This situation has been observed in the South of the country, in departments such as Nariño and Putumayo. Groups such as the “Rastrojos,” “Mano Negra,” and “Organización Nueva Generación Colombia,” in Nariño Department, south of Cauca and Putumayo, are the ones that best describe this situation. Drug traffickers plays a key role, allowing these structures to expand and to be reinforced militarily, for the purpose of obtaining and maintaining social and economic control.

16. The influence of the demobilized North Bloc continues, as mentioned by the Mission in its Eighth Report. Following the capture of “Salomón” -- Miguel Villarreal Archiva -- by the police, the fate of the powerful organization he headed is somewhat uncertain. The organization combined various criminal factions in the Atlantic coastal area, and especially in the areas of Cesar, Magdalena, Atlántico y la Guajira.

B. Clandestine command structures

17. In the current situation, active participation on the part of some mid-level commanders of demobilized Self-Defense Forces, who continue to head illegal structures, has been observed. It has been difficult to identify them so far, since some of them were not part of the demobilization process, or if they were, they appeared with different ranks.^{3/}

18. The best-known mid-ranking commanders were part of the former Bloque Norte. Men known by aliases such as “Alejandro or 101”, “Tolemaida”, “Codazzi,” who continue to engage in

2 Captured by the government forces in Antioquia Department in April 2007.

3 AUC estimates of the number of mid-level commanders exceed 3,000 persons. Of these, there is no information pertaining to 10%, according to information provided by some ex-commanders.

clandestine armed activities, and the assassinated “Omega”, “Jimmy”, and “Rambo” are clear evidence of the fact that former mid-ranking combatants continue to head illegal armed structures.

19. To the North of Cesar, despite the demobilization of paramilitary structures, it is assumed that various mid-ranking commanders are still present and responsible for the continued intelligence and surveillance networks and the illicit business, specifically in Valledupar. The trend is towards a reorganization of certain AUC demobilized troops, and especially of the Motilona Resistance Front, in the Jagua de Ibirico, which are using new more forceful methods of operating and attacking economic and social sectors.

20. Following the demobilization of the Élder Cárdenas Bloc of the Urabá Self-Defense Forces, information trickled in on *reductos* who remained in the zone, and on the appearance of armed units, headed by former AUC commanders, with the participation of demobilized combatants. This situation put pressure on former AUC members to join up again, and was at the root of the assassination of several of them.

C. Recruitment and high mobility of the demobilized persons

21. In the zones regions to which the demobilized AUC combatants returned, we observed pressure exerted on them to participate in illegal groups. A mid-level commander who was rearmed or who headed a group of *reductos* would call on the members of his unit to join up. This recruitment was accompanied by death threats. As a result, some former combatants went back to their illegal activities, displacements, and murders, with a high degree of mobility among regions. The territories most affected by this practice are Cesar, and especially Valledupar, Norte de Santander – Cúcuta -, and the Urabá region.

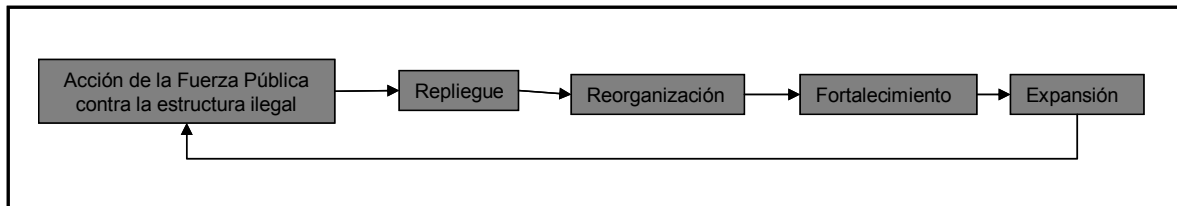
22. The recruitment activities have also generated a high degree of mobility among the regions. The Mission received information and testimony about buses transporting demobilized persons to different parts of the country: from Córdoba to the Sierra Nevada; from Bogotá for training in Tolima; from Urabá to Norte del Valle and the Sur del Chocó; the movement of coastal people to the Eastern Plains; the movement of “*paisas*” to Putumayo; and, transfers of former members of the BCB in Bajo Cauca to the South of Córdoba. There were also reports of intra-urban displacements in cities such as Medellín, which were also part of this dynamic.

D. Adaptability and flexibility of the *modus operandi* of the emerging illegal structures

23. The illegal armed structures that have emerged are extremely adaptable and flexible. Their self-organization capability allows them to conform to their surrounding environment. It is important to bear in mind that the leaders of these structures are highly volatile and the opportunities to advance are very flexible, usually achieved by the use of violence. With the assassination or capture of a rapidly rising commander, a new one emerges, who follows the same pattern and operating methods. A change in command may even be instigated from within, by the next in line who wants to advance and gain control of the armed structure.

24. Thus, acts of betrayal and vengeance are common. Evidence of this is seen in the murders of mid-level commands that, like “Omega,” continue to control illegal operations in a region. It is also relevant to mention commander known as “Pedro,” who headed the structure known as “Nueva Generación” in Nariño, who was murdered by the members of that organization.

25. This creates a complex scenario for the government forces, since their operations have an effect on the illegal structures but have not managed to dismantle them. According to what the OAS/MAPP observed in the regions, the following cycle is repeated:



[Key:] Operation by government forces against the illegal structure – Withdrawal – Reorganization – Strengthening -- Expansion

26. This is what happened in Southern Córdoba. In February 2006, after the Mission reported verification of a rearmed structure in the district [*corregimiento*] of Tierradentro in the municipality of Montelíbano – called “Vencedores de San Jorge,” a security council meeting was held with the Defense Minister and the top military officers. Five days after that meeting, the Army engaged in combat with the illegal faction in the village of el Tambo, district of Puerto Anchica – which resulted in the death of three alleged paramilitaries, two of whom were reported as N.N. After this single operation, all the persons who were members of the re-armed self-defense group withdrew from the area and kept a low profile. Ten months later, during the second part of 2006, OAS/MAPP received a report that a group now called the “Águilas Negras” [“Black Eagles”]—but which was actually the very same “Vencedores de San Jorge” --had reappeared. Recruitment in the areas was highly visible, and there was reference to the influence of men who came from Caucasia (former members of the Bloque Central Bolívar).

27. Despite the assassinations of the persons known as “Andrés,” demobilized from the Bloque Córdoba, “Omega” from Bloque Norte, “JJ” from Bloque Central Bolívar, “Camilo” from Bloque Catatumbo, and “Monje” from Frente Héroes de los Andaquies, in addition to the alleged disappearance of “Danielito” from the Frente Héroes de Granada, it can be inferred that new commanders immediately took over the leadership of these emerging structures.

E. Impact on vulnerable communities and population groups: children, women, Afro-descendants, and indigenous peoples

28. The regional dynamics linked to the surge, strengthening, and expansion of new illegal structures have affected the most vulnerable communities and population sectors. The violence against women continues to be used as a battle strategy by the armed participants in the conflict in their struggle to control territory. In areas where the rearmed groups and *reductos* are operating, the adverse effect on families is evident. Boys and girls in these zones which have rearmed or where the *reductos* have stayed have been affected mostly by forced recruitment on the part of different illegal armed groups. This practice continues in the regions, but we do not know just how many children have been recruited into their ranks.

29. It is important to mention that women have emerged as protagonists in organizing victims and demanding their rights. Organizations such as IMP (*Iniciativas de Mujeres por la Paz*) – an alliance comprising 22 women’s organizations—and *las Madres de la Candelaria*, among others, play a major role in enforcing the Justice and Peace Law. Leaders such as Yolanda Izquierdo, assassinated by unknown assailants in Córdoba, have become symbols of persons seeking justice and reparations.

30. Indigenous communities have also been affected. In Sierra Nevada de Santa Marta, the population groups most likely to have their rights violated are the indigenous peoples. The highest incidence is found among the Kankuamos, the Kogui, and the Wiwa. North of Chocó, the Embera-Katios people have been subjected to food embargoes and threats, as have the Waumnaan, to the South. In Tolima, the activities of illegal armed groups have primarily affected the Pijao people and their protected areas, Totarco Dinde and Zaragoza Tamarindo, in Coyaima Municipality.

31. The territories where Afro-Colombians live have also become conflict zones where some of the illegal armed organizations have located. This is true along the Pacific, in Chocó, Cauca, and Nariño Departments, and in the Caribbean Departments of Guajira, Magdalena, Córdoba, Cesar, and Sucre. Perhaps the most critical situation is in the northern part of Chocó, and the coastal area of Nariño Department, where the collective territories of the Afro-Columbian communities have been transgressed. In these areas, where these communities have received legal rights to their lands, many inhabitants have been displaced in the face of threats from illegal armed groups.

F. Take-over of the areas abandoned by the AUC by drug traffickers

32. According to some post-demobilization forecasts, guerrillas would take control of the demobilized AUC territories. However, the situation in the regions shows that offensives by the insurgents have been weak, and that, on the contrary, other structures in the service of drug traffickers have begun to exercise control over the regions that used to be occupied by the AUC^{4/}

33. Reports have started to trickle in regarding the growing presence of drug traffickers in the Norte del Valle, and especially along the Pacific Coast, and in Putumayo and Caquetá. Alliances are also being formed to occupy territories and corridors for growing, processing, and transporting illicit drugs. This has been the case in the Eastern Plains, where former AUC commanders who rejected participation in the peace process have joined forces. To the south of Cesar, a conflict between rearmed groups is being waged for control of the routes to the Venezuelan border and the Atlantic Coast.

34. The relationship between the drug traffickers and each of the illegal armed groups or former AUCs who never demobilized is increasingly apparent. One salient point is the fact that there is very little confrontation between these structures and the guerrillas. With the exception of a few confrontations in Nariño and Meta, there does not appear to be any real conflict between the illegal organizations for the time being. On the contrary, in some regions alliances that are not based on ideological or political grounds have begun to be forged.

4 Drug traffickers are able to penetrate an area much more rapidly than the guerrillas, especially when they have people with experience in managing the illicit economy of the region.

35. The Departments of Nariño, Putumayo, Cauca, Caquetá, and southern Chocó^{5/} are the ones where this situation is most prevalent. In the Guajira, drug trafficking units continue to gain strength over the economy and the tendency of illegal armed groups to form strategic alliances around drug trafficking is clearly seen.^{6/}

IV. THE STATE'S RESPONSE

36. The Mission has participated actively in the follow-up mechanism created by the government, by attending two meetings in February and March with the Vice-President, the Defense Minister, the Human Rights and International Humanitarian Law Program in the Office of Vice-President, the Public Prosecutor's Office [Fiscalía], the Administrative Department of Security Department (DAS), and high-ranking officers of the Police and the Armed Forces. At these meetings, OAS/MAPP expressed its concern over the rearmament trend. It is important to point out that with the implementation of this mechanism, the government has responded effectively to the emergence and continuance of armed structures operating outside the law, and it is a key instrument for monitoring the process.

37. In the second half of 2006, increased operations and results were seen, as government forces moved against illegal groups and *reductos*. According to the most recent National Police Report on Control and Monitoring of Demobilized Combatants, between 2006 and 2007, 1,095 members of "newly emerging bands" were captured, and 193 of them, or 17% of the total captured, were demobilized. This means that the make-up of these new groups includes a large component of new recruits, in addition to the AUC members who did not participate in the demobilization process.

38. Among the most important operations were the ones carried out against the illegal groups operating in the Departments of Caquetá, Norte de Santander, Magdalena, and Antioquia, where persons who were part of the command structure of these organizations were either captured or killed in battle. In October 2006 in Caquetá, the Army fought the unit that calls itself the "Bloque Antisubversivo del Sur" ["Anti-Subversive Southern Bloc"], and killed the leader of that group, Juan Carlos Monje.

39. In Norte de Santander, the authorities formed an elite search party made up of 120 men from the Army, Police, Public Prosecutor's Office, DAS, and CTI, to stop the rise of the "Águilas Negras." In December 2006 Máximo Cuesta Valencia, alias "Sinaí," was apprehended. The illegal armed groups operating in Magdalena Department were most affected by the capture of mid-level commanders. Of the four factions operating and living in the area, the heads of three of them were captured.^{7/}

5 In southern Chocó, in the municipalities of Istmina, San José del Palmar, and Puerto Meluk, it is very clear that the "franchise" of the Bloque Pacifico has been transferred from the AUC to the "Machos" group headed by the drug trafficker Diego Montoya. Similarly, in the municipality of Sipí and the San Juan River basin and towards the Pacific coast, the "Rastrojos" group under the command of Wilber Varela has gained control of these areas, and has even engaged in direct armed conflict with the FARC, which had the same intentions.

6 Each armed structure has a service to offer (warehousing, road security, transportation, drug shipments, or hired guns, among others).

7 a) Centro del Magdalena Faction: Dec/06 Saul Severini and Dairo Alberto Laino Scopetta; b) Águilas Negras: Jan./07 Juan Hipólito Mejía aka. "Caucasia or 7.7" and March/07 the capture of Edgar Ariel Córdoba aka. "5-7", Norberto Quiroga Poveda aka. "5-5", and Jose Daniel Mora aka. "101"; c) Familia Rojas: Jan./07 Adán Fairuth Rojas aka. "Adancito" and March/07 capture of Adán Rojas aka. "Negro Rojas" (son and father, respectively).

40. The most significant capture so far is the April 2007 apprehension of Ever Veloza, alias HH, who demobilized as a member representing the Bloque Bananero. After evading the government's call to report to Itagüí Prison along with the other AUC commanders, Veloza formed a new illegal armed unit that operated in Urabá Antioqueño and Meta Department. According to statements by the Defense Minister, "HH" would not receive any of the benefits under the Justice and Peace Law, and would be tried in the regular courts.

41. It is important to point out that the National Police established its presence in 107 districts and villages in the national territory during the period covered by this report. The purpose of these rural outposts is to counter the activities of illegal groups in these areas.

42. Following the OAS/MAPP's Eighth Report which referred to the alleged permeability of public institutions to illegal armed structures, information to this effect is still being received, and has been passed on to the national government at the follow-up meetings.

43. The Mission has told the highest government authorities of its concern over including demobilized AUC combatants in the network of collaborators. The participation of former combatants in this mechanism has generated some confusion and created the image of possible collusion with the government forces in certain communities. Concerns with regard to the demobilization and disarmament process have been manifested especially in those cases where the local people are able to identify former paramilitaries and currently operating rearmed groups.

V. REINTEGRATION OF FORMER COMBATANTS

44. The transfer of the PRVC (Program for Reintegration into Civilian Life) from the Ministry of the Interior to the Office of the High Commissioner for Reintegration has affected the process to reinsert over 30,000 former combatants. The major difficulties in implementing the program revolve around delays in strengthening the responsible institutions, the lack of definition and certainty regarding how the program will be reorganized, and the lack of coordination between the national structure on the one hand, and municipal governments and the private sector on the other.

45. One of the most important advances was issuance of Decree 395 regulating Law 418 of 1997. This has a significant impact on the process, since these new regulations include provisions aimed at responding to the needs of the demobilized population and at securing their social and economic reintegration, with no time limits.

46. The purpose of this Decree is to strengthen the regions institutionally through the Reference and Opportunity Centers (CROs) and the competent entities in the area, and to work with the communities. The creation of new reference centers and moves to strengthen already existing ones are a response to the need to have technical personnel with good management skills. However, to date, the Mission has noted that the operation of the CROs, the opening of new ones, and the work of the *Brigadas de Cierre de Brecha de Servicios*^{8/} have encountered some obstacles that have affected the anticipated results.

8 The Office of the High Commissioner for Reintegration works in cooperation with various government agencies and the IMO in organizing sessions with the demobilized population to gather information on the current status of their benefits, particularly in relation to documentation, although they also check on their situation in terms of health,

47. The Brigades have been affected by the situation involving threats by illegal armed structures to the reintegrated combatants and the transfer of some demobilized combatants to other departments. Moreover, in some cases OAS/MAPP has observed that the beneficiaries do not have information on changes in the program, and do not even know the schedule of the upcoming meetings with the Brigades.

48. The still limited operational and coverage capacity of the Program is compounded by the difficulty in establishing clear statistics. In general, there is a problem that has to do with the discrepancy between the number of demobilized combatants reported by the Government and the number located by the Police. The information provided by some local officials is far removed from reality. There is no clarity regarding the number of beneficiaries, or their location or mobility.

49. The two most worrisome issues are the productive or work projects and humanitarian aid, which are key benefits for the demobilized combatants. In the first case, OAS/MAPP has verified that, as a rule, people in the communities continue to have the impression that the program does not provide for the socio-economic reintegration of the beneficiaries, and this in turn could be the reason why they tend to go back to illegal activities.

50. The associations that have been established to develop these projects have not been adequately trained to make sustainable or viable proposals in each region. There appears to be a lack of opportunities that has caused the migration of demobilized persons and contributed to abandonment of the program and even to the death or detention of demobilized combatants, because either they have joined illegal groups or they have become involved in criminal activities.

51. In the second instance, the expectations generated by the extension of humanitarian aid, based on Decree 395, have had a negative impact on certain regions due to nonpayment. Payment of humanitarian aid has been suspended already in the case of around 1,096 demobilized combatants from the Catatumbo, Bananero, Calima, Mojana, and Córdoba Blocs, and they have still not received disbursements.

52. The education and health benefits offered by the program have over 60% coverage. However, this is an area of concern, since many of the beneficiaries have not yet received these benefits, despite the fact that they have been in the program for around two years.

53. In view of this situation, the Office of High Commissioner is not only faced with serious challenges, but it also has at hand the opportunity to offer a different life to more than 30,000 former combatants. This institution should act immediately to extend to all of the beneficiaries and their families coverage of basic services, such as health, education, documentation, and psycho-social care. In the medium- and long-term, it should guarantee them alternatives for earning income, through sustainable productive projects, for instance. Failure to do so could leave the market of violence, which is still active, as their only option.

education, psycho-social support, humanitarian aid, and productive projects. These brigades work with demobilized individuals or groups, regardless of whether they have left or are still part of the process, and, without exception, they all sign a document of commitment that enables them to continue with the reintegration process.

VI. APPLICATION OF THE JUSTICE AND PEACE LAW

54. During the period covered by this report, progress has been made in implementing the Justice and Peace Law. This development is reflected in the opening of court trials against some of the demobilized combatants targeted by Law 975, the decentralized operations of the National Reparations and Reconciliation Commission, the organization of the Public Prosecutors and Public Defenders Offices [*Procuraduría y Defensoría Pública*], and institutional initiatives. Although these initiatives are not very well coordinated, they do help disseminate the law and information on the mechanisms for participation of victims in the judicial process.

55. Bringing demobilized combatants before the courts is the concrete expression of the government's plan for "judicialization" of the former combatants, which has generated divergent reactions in Colombian society.

56. During this recent period, implementation of the Justice and Peace Law has gone through difficult times, such as when the leaders of former self-defense forces were concentrated in the high-security prison in Itagüí. However, these difficulties in the process of implementing the Law were resolved in various meetings between government officials and the affected and involved parties, where the OAS/MAPP played the role of coordinator and mediator.

57. The process of implementation of the Justice and Peace Law has also gone through regrettable times, such as the assassination of the representatives of the victims Yolanda Izquierdo and Carmen Santana, and the murder of Judith Vergara, a human rights defender who was working for the peace and truth process in the city of Medellín. The Inter-American Commission on Human Rights denounced these assassinations and published a report, along with recommendations to the Colombian Government, regarding the right of victims of the conflict to participate in the process in conditions of security.

A. *Fiscalía General de la Nación* [Office of the National Attorney General]

58. In the past six months, the *Fiscalía General de la Nación* has focused on moving criminal proceedings forward, primarily by convening the victims of criminal acts committed by demobilized persons, and then calling on these former combatants to come forward with the truth.

59. The *Fiscalía* has been using the regional and local press and the radio, in addition to its web page, to publicize the summons to appear in court for each of the persons sought under the law who have already made their voluntary declarations or intend to do so in the next few months. At the same time, some prosecutors in the Justice and Peace Unit have been conducting briefing sessions for victims to make them aware of their rights under the Justice and Peace Law, so that they will participate in the proceedings.

60. As for the proceedings involving the voluntary declarations, to date various demobilized combatants have begun to offer their statements. They include Salvatore Mancuso, José Baldomero Linares (aka. "Guillermo Torres"), Juan Francisco Prada (aka. "Juancho Prada"), Wilson Salazar Carrascal (aka. "Loro"), Iván Roberto Duque Gaviria (aka. "Ernesto Báez"), Jhon Mario Salazar (aka. "El Pecosó"), and Carlos Mario Montoya Pamplona (aka. "Arbolito").

61. With regard to these judicial proceedings, to which the *Fiscalía* has devoted all its efforts, we should point out the commitment observed on the part of the prosecutors in the Justice and Peace Unit, and of their work teams and the Unit Coordinator, in performing their responsibilities. Their strategy for division of labor, by AUC blocs or groups, appears so far to be adequate for this stage of judicial hearings and evidence gathering.

62. In any event, based on the declarations, and in the case of gaps or contradictions, in the coming months the *Fiscalía* will be facing the major challenge of verifying the information obtained and supplementing it with other pieces of evidence. In this context, the Mission feels the need to warn of the importance of strengthening the systems for protection of prosecutors and their teams of investigators, and the human and logistical resources of that institution. They are also worried about the limits on processing the huge volume of denunciations of victims and requests for legal benefits under Law 782 of 2002 by demobilized combatants.

63. To date, in order to better organize its work, the *Fiscalía* has issued two resolutions to regulate the proceedings for voluntary statements. The first, Resolution 3998 issued in December 2006, established the guidelines for the procedure of receiving the statements; and, the second, Resolution 387 of February 2007, issued guidelines for the procedure for transmission of the voluntary statement hearings.

64. The Prosecutor's Office has been exhuming the bodies located in various common burial pits discovered as a result of the information received under the Justice and Peace Law. The discovery of numerous common graves⁹ is posing one of the most important challenges in the search for truth and reparations for victims.

B. Justice and Peace Tribunals

65. The Supreme Court of Justice selected eight persons to serve the two Justice and Peace Tribunals in Barranquilla and Bogota, which, however, have still not begun functioning. The High Council of the Judicature has issued various decisions setting out the structure of these tribunals. The President of the Criminal Chamber of the Supreme Court has explained that a shortage of resources and logistical elements has prevented the Court from hearing these cases. The President of the Court took the initiative of contacting the Interior Minister to advise him that he would appoint a committee to make proposals to resolve the Chamber's structural problems.

C. New regulations governing the process

66. Various decrees regulating Law 975 were issued during this period. In the last six months, Decree 4417 of December 2006 was issued to amend Decree 2898 of August 2006. It establishes that prior confirmation of the ex-combatant's decision to comply with the law is not required, but that it is enough that he be questioned in that regard during the voluntary statement proceeding and indicate his decision to act accordingly. This Decree in turn amends Decree 4760 of December 2005, by replacing the 6-month term stipulated for completion of proceedings preliminary to the voluntary statement proceeding, by a reasonable period of time. This provision gives the

⁹ According to the information from the Prosecutor's Office, the process of exhumation took place between March 20, 2006 and May 5, 2007, under the authority of the Justice and Peace Unit, with the following results: 704 bodies found, 188 preliminarily identified, 42 fully identified.

prosecutors greater flexibility in terms of the time available for gathering relevant information prior to summoning the ex-combatant to make his voluntary statement of the truth.

67. In addition, Decree 3391 was issued in September 2006 regulating various aspects of Law 975 of 2005 and amending certain measures stipulated in Decree 4760 of December 2005. Among regulated aspects, with reference to the purpose and scope of the law, the clause in Decree 4470 of December 2005, where it established that it would cover criminal acts committed during and on the occasion of the person's membership in the group prior to July 25, 2005, was excluded. The circumstances in which the benefit of the alternative sentence would be revoked were also regulated, and the persons who have the obligation to provide reparations to victims and the mechanism for claiming that right were also identified, among other provisions. This Decree also allows the time in which the demobilized combatants remain in the concentration zones to be counted as part of the period of effective deprivation of freedom, when it comes time for them to serve their alternative sentences.

68. Finally, by Decree 315 of February 2007, the Ministry regulated the participation of victims during the investigative stage of the Justice and Peace proceedings. This Decree establishes that victims may participate in all procedural stages, either directly or through their representative, and that in the event they do not have the services of a private attorney, they may request the Office of Public Defenders to assign a public defender, after presenting written evidence of need. Moreover, it establishes in detail all the rights of victims and the means they may use to demonstrate the damages suffered.

D. Victims in the Justice and Peace Process

69. The institutions responsible for implementing the Justice and Peace Law have acted to promote the participation of victims in the judicial process established by Law 975 of 2005 and to guarantee their rights to truth, justice, and reparations in the framework of those rights.

70. The *Fiscalía General de la Nación*, the National Reparations and Reconciliation Commission, and the municipal agencies [*Personerías*] have played an active role in receiving the forms for reporting criminal acts and in conducting the briefing or information sessions for the general populace on the rights of victims and alternative procedures provided for by the law.

71. We have learned that a considerable number of victims has decided not to participate in the Justice and Peace process, on the assumption that they do not have adequate ways to protect themselves. This fact not only serves as a warning regarding the situation of these victims, but it should also serve to generate specific action aimed at helping and protecting these people. The adoption of appropriate measures to this end would provide the victims with a real opportunity to have their rights to truth, justice, and reparations satisfied, and it would provide the authorities with critical information to pursue their investigations.

72. Following initial enthusiasm, and mostly for the reasons just given, the participation of victims in the voluntary statement proceedings has diminished. This works against the ongoing investigations, since if the victims are not present at the time of the confession, they miss the opportunity to ask questions, obtain clarification and make comments on what the demobilized ex-combatant has said, and thereby supplement information on the crimes committed.

73. It has been verified that some victims are being advised by unscrupulous attorneys who charge fees for providing them the form which is free of charge. They make them sign powers of attorney with broad powers, including the powers to act in their place, and to receive and settle, and they demand large percentages of the reparations as fees for their services.

74. Despite efforts to inform victims of their rights, there are still various groups of persons and regions in the country where the people need to receive more information and the Public Defenders' Office needs to have a greater presence. A greater presence of the Public Defenders' Office would guarantee the possibility of technical advisory services during proceedings for those victims who do not have a private attorney.

E. National Reparations and Reconciliation Commission [CNRR]

75. In the time covered by this report, we have observed that the CNRR has acted dynamically, especially in organizing national activities. It has carried out various activities with social organizations to sensitize and motivate the organization of victims, assist with the visibility of their problems, and make proposals for the public agenda in favor of these victims.

76. The CNRR has fostered regional meetings to encourage the participation of victims in the judicial processes. It organized a Regional Session for Victims in the Municipality of Corozal, and it conducted the first session for attention to victims in Medellín. For this, the CNRR formed an inter-institutional brigade of attention to victims comprising the *Fiscalía*, the Public Defenders' Office, the Public Prosecutors' Office, and *Personerías*, among others. Likewise, it has fostered meetings with victims, so that they can hand over their denunciations directly to the *Fiscalía*, and the CNRR has been present at a local level in neighborhoods with victims of the violence.^{10/} It has also held meetings with victims from indigenous groups, such as the Kankuama, Wallu, and Wiwa, among others, where they could hear proposed reparations, and draw up a future agenda to include treatment of this issue from an indigenous perspective.

77. In an attempt to decentralize its activities, the CNRR has opened a regional office in Bogotá to attend to victims from Cundinamarca, Boyacá, Meta, and Tolima. It has set up an office in Sincelejo, Sucre to begin the process of investigating the cases of collective reparations in the region of San Onofre and el Salado, and another one in Bucaramanga, which will attend to the victims from the Departments of Norte de Santander, Santander, and Arauca, and the subregions of southern Bolívar, Magdalena Medio, and northern Boyacá.

78. As a result of its institutional activities, the Commission has conducted six social consultations in Sincelejo (Sucre), Bucaramanga, Barranquilla, Cali, Medellín, and Paipa (Boyacá). Delegates of victims' organizations, local and regional officials, government agencies, and international organizations participate in these consultations, which are a key tool for evaluating the perception of the law held by the different sectors of society and the government, while at the same time they provide a space to inform the people of the functions of the CNRR and to explain the legal process under Law 975 and access of the victims to justice.

¹⁰ In other activities, the National Reparations and Reconciliation Commission (CNRR), has organized events for consciousness-raising and socialization events in places such as Pasto and Ipiales. In addition, as was done in Guajira Department, the CNRR supported the invitation to victims to participate in the Information Brigade organized by the National Justice and Peace Unit of the *Fiscalía* in Riohacha, Maicao, and Urbilla.

79. With a view to evaluating the security conditions prevailing for the victims of the armed conflict in Córdoba Department, the National Reparations and Reconciliation Commission (CNRR) met with regional and national officials in Montería. On repeated occasions, the CNRR has voiced its concern over the lack of guarantees preventing victims from coming forward without fear to claim their rights to truth, justice, and reparations.

F. Procuraduría General de la Nación (PGN) [Office of the National Attorney General]

80. By Resolution 171, the *Procuraduría* established a working group within the *Procuraduría* for Criminal Matters. Its primary function is to work with the judicial and administrative authorities responsible for developing public policies in the area of justice and peace referred to in Law 975. The attorneys also process requests for pardon of demobilized persons pursuant to Law 782 of 2002.

81. The *Procuraduría* presented the report on the activities developed in 2006. The following were included among the most important achievements: training of 216 officers of the PGN, magistrates, and assistants for the Superior Tribunal for Justice and Peace; and, implementation of the project entitled "The Role of peace judges in the reinsertion process and the rights of victims," as a mechanism designed to prevent, monitor, and resolve social conflicts resulting from the reinsertion and displacement process.

82. As one of the most important accomplishments of the *Procuraduría*: The National Attorney General, Edgardo José Maya Villazón, sent a letter to the Public Defender, Wolmar Pérez Ortiz, noting that in the voluntary statement proceedings taking place in Medellín and Barranquilla, the *Ministerio Público* became aware that many victims of these armed groups appeared before the Prosecutor without any legal representative. The Attorney General further noted that on repeated occasions he had reported this situation to the Public Defender or Ombudsman and he demanded that a working group be set up to represent victims and to advise and guide them in claiming their rights.

G. Public Defenders' Office

83. The Public Defenders' Office began to attend the voluntary statement proceedings, in compliance with Resolution 1113. This institution established a special unit to deal with issues related to the Justice and Peace Process.

84. The Defenders' Office indicated that only seven demobilized combatants requested the assistance of a public defender. In those seven cases, the defenders were appointed. It is important to note that the Office of Public Defenders moved to select and train twenty (20) public defenders.

85. The Public Defenders/ Office has been advising individual victims through the sectionals and regionals. Through advisory services, it provides them with legal guidance in restitution of their property. Moreover, two victims' assistance programs have been implemented, one in Oriente Antioqueño and the other in Montes de María, together with the "Territorial Networks" program, to make contact with the victims. One of the key functions was to explain the concept of full reparations and provide information on human rights and international humanitarian rights.

86. The Public Defenders' Office has stated in official communications that the recruitment of minors is a crime against humanity that the paramilitaries should confess during their freely offered declarations, and that as there is no clear policy for handling the ex-combatant minors as victims, justice needs to be wrought in those cases. It also presented the National Plan to Search for Disappeared Persons to the public.

VII. INITIATIVES TO SUPPORT THE COMMUNITIES AS PART OF THE VERIFICATION PROCESS

87. The Mission has given priority in the regions to support for initiatives to assist the communities victimized by violence. These communities organized primarily on the basis of their natural leaders can and should play an important role in the reconstruction of the territories affected by violence.

88. In this context, support and training for the demobilized population in its reintegration into civilian life takes on special importance. Studies are being developed on issues related to international humanitarian rights, such as intra-urban displacement in communes. Along the same lines, the record of peaceful resistance of Arhuaca indigenous communities in the Sierra Nevada de Santa Marta is being compiled to systematize among that indigenous group one of the most valuable experiences in this regard. Gender mainstreaming, consolidation and systematization of the experience of leaders using peaceful methods to resolve conflicts, and the strengthening of Colombian institutions all represent tasks to be done and fundamental challenges of the mandate.

89. These initiatives have helped bring the institutions closer to the communities. The natural potential of the communities should be valued and used to advantage, including their culture, history, and their memory. Thus, the communities and their leaders should be assisted and supported in any activities they are willing to undertake. In this way, their identity and their values are not violated, but rather based on them, their own capacity to solve problems, gradually linked to institutions, is strengthened.

90. Through support for local initiatives, the communities' conflict resolution skills are being strengthened. The local people are beginning to take on greater responsibility for managing their situation and are making highly significant contributions to the peace process. Awareness and practice of human rights are a key part of this strengthening.

91. With regard to the experience of the *Programa de Conciliadores en Equidad*, it has become a space where citizen participation has become a reality. This is a valuable experience, which can serve as a basic for improving the justice system at a grass-roots level in rural areas of Colombia. This program is one of the best examples confirming that it is possible and necessary to support the communities affected by violence. From this joint work of the Mission, the institutions, and the natural leaders of these territories, it is possible to build paths to peace, based on justice and reconciliation.

92. Building confidence in communities that were devoid of government support and the necessary institutions is one of the most important tasks of the Mission. In the period following demobilization and disarmament, marked by distrust and fear, international support plays an important role.

VIII. CONCLUSIONS

93. The spaces, opportunities, and challenges open to Colombian society and institutions following disarmament and demobilization of the AUC are enormous.

94. The drop in violence rates, the organization of victims seeking their rights to reparations, the incipient truth procedures, and the return of displaced communities are only a few of the major themes stemming from disarmament and demobilization.

95. Colombia is in a critical period. Either the State gradually consolidates its position in vast areas of the territory and thus in the struggle against illegality, or the violence is recycled in new forms and modalities.

96. The reintegration of the demobilized combatants, strengthening of the institutions, and support for the communities are responsibilities that must be acted on and supported by international assistance.

97. The phenomena of the regrouping and rearming of demobilized combatants should serve as a warning. Although it is true that the government forces have shown signs of determination to act against these illegal structures, greater and more forceful efforts are required.

98. The Colombian State is deploying considerable efforts to restore institutionality in the territories affected by violence. This progress must be supplemented with other basic institutions that gradually ensure the greater exercise of the rights of the communities.

99. The incipient application of the Justice and Peace Law opens up possibilities that are not exempt from dangers. The voluntary statements of the demobilized combatants generate expectations and open the way for progress in the judicial and social process of determining the truth. Over 40,000 victims throughout Colombia are ready to claim their rights. The judicial institutions are faced with a critical challenge.

100. The voluntary statements, especially by the demobilized leaders, have recently begun, and are expected to continue and be completed, overcoming the obstacles and difficulties that have delayed them. The victims have greater support and security to enable them to exercise their rights without threats and violence. The judicial institutions responsible for implementing the Justice and Peace Law are frequently working in precarious conditions, that jeopardize their work.

101. The dialogue that the Government is pursuing with the ELN, which has generated hope throughout Colombian society and in the international community, must be regarded as a substantive part of the process, involving the will of the Colombians to build the paths leading to justice, truth, and reconciliation.

102. The General Secretariat confirms its support for the peace initiatives of the Colombian government and people, and urges countries and international organizations to redouble their efforts to consolidate the goals achieved so far and the challenges stemming from them, especially support for judicial institutions, victims, the communities affected by the violence, and the efforts to engage in peace dialogues with other armed organizations operating outside the law.