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TENTH REPORT OF THE SECRETARY GENERAL TO THE PERMANENT COUNCIL
ON THE MAPP/OAS MISSION

This document is being distributed to the permanent missions and
will be presented to the Permanent Council of the Organization.

**Organización de los Estados Americanos
Organização dos Estados Americanos
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Organization of American States**

October 29, 2007

Excellency:

I have the honor to address Your Excellency to forward the attached report, in accordance with resolution CP/RES. 859 (1397-04), whereby the Permanent Council resolved to “instruct the Secretary General to provide quarterly reports to the Permanent Council on the work of the MAPP/OEA and its continued ability to contribute, through its work in Colombia, to the fulfillment of the values and principles contained in the Charter of the Organization of American States and the Inter-American Democratic Charter,” so that it may be presented orally at the next meeting of the Permanent Council.

Accept, Excellency, the renewed assurances of my highest consideration.

His Excellency
Ambassador Rodolfo Hugo Gil
Permanent Representative of Argentina
to the Organization of American States
and Chair of the Permanent Council
Washington, D.C.

**TENTH QUARTERLY REPORT OF THE SECRETARY GENERAL TO THE
PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS
IN COLOMBIA (MAPP/OEA)**

I. BACKGROUND

This quarterly report of the Secretary General on the Mission to Support the Peace Process in Colombia (MAPP/OEA) is submitted to the Permanent Council of the Organization of American States (OAS) in compliance with resolution CP/RES. 859 (1397/04), in which the Council resolved “[t]o instruct the Secretary General to provide quarterly reports to the Permanent Council on the work of the MAPP/OEA and its continued ability to contribute, through its work in Colombia, 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

1. The demobilization and disarmament of self-defense groups have created a new scenario in Colombia, in which institutions face three fundamental challenges: a) the reconstruction of the State in certain regions and the weakening of illegal activity; b) the reintegration of former combatants, using a community approach that includes the towns were affected by the presence of paramilitaries; c) implementation of the Justice and Peace Law, which involves gradually uncovering the truth, seeking justice, reparations for victims, and opening up channels for reconciliation.

2. The Mission, within the framework of its work to verify the dismantling of the armed unit and monitor law and order, acknowledges the national government’s determination to combat emerging and lingering illegal groups, and the achievements of the government’s enforcement agencies in taking concrete action and strengthening their presence. However, the Mission is concerned with the increasingly noticeable presence of drug traffickers, their ability to reinvent themselves, and the persistent pall of illegality, which has a negative impact on the regions.

3. According to the verification work done by the MAPP/OEA former paramilitary commanders who did not respond to the government’s appeal continue to exert their influence and mid-level officers remain in hiding. The Mission is concerned about reports of the continued existence of chains of command whose goal is to continue to control illegal activities in their areas of operation. Worthy of note in this connection is the national government’s decision to transfer Carlos Mario Jiménez, a.k.a. “Macaco” or “Javier Montañas” to the maximum security prison in Cómbita and to take him off the list of candidates under the Justice and Peace Law, given his continued participation in illegal activities after his demobilization. To date, the facts and evidence that led to this decision have not been made public. The Mission awaits the outcome of the court case.

4. MAPP/OEA recognizes the government’s efforts to increase the visibility of law enforcement in the different areas of the country. However, in some parts of the spheres of influence of the demobilized self-defense forces, there is not much of a law enforcement presence. In these regions, the guerillas are more visible and are carrying out concrete activities.

5. Reintegration has begun to take a new turn with the policy changes implemented by the Department for Reintegration (ACR). The Mission is heartened by the proposed intervention strategy but realizes that, in the medium term, they will have to overcome such hurdles as the lack

of interest on the part of some local governments and poor institutional coordination; stigmatization of the demobilized population, which has an impact on social reintegration; the lack of motivation of former combatants as a result of the delayed implementation of the policy; scarce opportunities to find stable employment in regions where there is a large informal sector; inoperative productive projects; as well as a difficulties in ensuring the safety of demobilized individuals, who become victims of homicide and threats in a number of areas of the country.

6. Implementation of the Justice and Peace Law is at a crucial juncture. It requires a major commitment, coordinated participation of all the institutions involved, and the support of the international community. Within this framework, the 68,064 victims who have filed reports at the time of this writing, have legitimized the process and given it substantial social backing.

7. Two years since the start of implementation of the Justice and Peace Law, with the resulting institutional efforts to take the voluntary statements of demobilized forces, investigations, actions to compensate and follow-up with the victims, situations have arisen that cause uncertainty and could possibly compromise the gains made to date.

III. REARMAMENT TRANSACTIONS: A COMPLEX FRAMEWORK OF ACTION FOR THE COLOMBIAN GOVERNMENT

8. Drug traffickers saw the demobilization of the self defense groups as an opportunity to take control of the illegal crop zones and corridors. After the dismantling of the paramilitary units, organizations began to emerge that sought to maintain illegal influence over certain areas in which the government has not yet been able to fully re-establish its presence.

9. There is a clear relationship between illicit crop zones and corridors and the presence of rearmed remnants of units (see attached map). The emerging factions control the illegal crops planted in areas such as Sierra Nevada, Bajo Cauca, Alto Sinú and San Jorge (in Córdoba), in the south of Bolívar, near the Gulf of Urabá, in Vichada and Meta – Mapiripán; in the foothills of Caquetá, in Bajo and Alto Putumayo; as well as in the mountain zone and the Pacific coast of Nariño. They also control corridors linking the Atlantic and Pacific coasts, as well as border areas.

10. These dynamics are driven by an adaptation process whereby some members of the dismantled United Self-Defense Forces of Colombia (AUC) have joined private armies that serve drug traffickers and are clearly mafioso in nature. A number of shifts are taking place that will move the phenomenon beyond the scope of MAPP/OEA, namely the dismantling of the armed unit of the self defense groups.

11. In the midst of the demobilization, there were often rumors about the arrival of the cartels in some regions. Based on a variety of information, while some units were dismantled, others took over areas formerly dominated by the self defense groups. This dynamic was called paramilitary “recycling” and raised serious doubts about the transparency of the process and effectiveness of demobilization and disarmament. The units split up and small armies underpinned by deadly structures emerged. MAPP/OEA observed this phenomenon, identifying more than 22 illegal units.

12. Politically, progress has been made in deligitimizing paramilitarism. To that end, although it is true that the mafiosi have gained ground with the consolidation of these illegal groups by maintaining some of the *modus operandi* of the self defense groups, one of the results of the process has been to deprive them of their political reason for being.

13. The temporary surge in violent actions in some regions has been related to disputes and vendettas within these new organizations, which have resulted in the assassination of the mid-level commanders and the death and displacement of the demobilized combatants. This happens in times of transition and ends when one of the rival gangs takes over the zone. The complex thing about this scenario is that although there are no permanent drastic changes in the level of violence, a tense calm can be perceived in the regions, with the active influence of the unlawful units, which continue to intimidate. The major combat zones include the cities of Santa Marta, Barranquilla and Cartagena (Bazurto market), with the neighboring municipalities of Turbana, Turbaco and Arjona, as well as in the department of Sucre, mainly in Sincelejo.

14. The Mission is worried about what is happening on the Atlantic coast, where there is growing influence of the “Twins” (the Mejía Múnera brothers were part of the demobilization process, but have since been excluded from the Justice and Peace Law). According to a number of sources, men and women have arrived from other parts of the country to take control of the territory. In the case of some towns in Santa Marta (Magdalena), the Mission has received reports of people coming in from Urabá and southern Bolívar, who are providing reinforcements for the unit created by the “Twins” that is in active conflict with the criminal gang the “Black Eagles.” In the capital Magdalena, in July, 29 persons were assassinated, 12 more than in the same month of 2006. In one of the most notorious incidents, a criminal gang using long-range rifles murdered five men and wounded five others.

15. In Bajo Cauca, after the demobilization of the self defense groups, the Mission observed the continued existence of an illegal armed unit led by members of the demobilized Central Bolívar Unit, whose activities centered on selling inputs and collecting coca base. In the first half of 2007, MAPP/OEA observed a critical situation in the municipalities of El Bagre, Zaragoza, Cáceres and Caucaasia, places where the practice of dismembering bodies and throwing them into the river has been recurrent. In July 2007, the Mission noted the disappearance of three people in Puerto Clavel in the El Bagre municipality; these people were later found dismembered on the bank of the river Nechi. Since this incident, law enforcement agencies have stepped up their presence in the area and have made progress with respect to law and order. The criminal gang now has a lower profile and merely marginal influence in urban helmets, where they pressure the population.

16. In Medellín, the process of disarmament, demobilization, and reintegration of the self defense groups has had a very positive impact on the town. With prominent participation by the mayor’s office, the homicide rate was reduced from 98.2 per 100,000 inhabitants in 2004 to 29.4 per 100,000 in 2006. The homicide rate was even lower in the first half of 2007. However, the Mission has received reports of the emergence and persistence of criminal units with membership from among the demobilized and non-demobilized self defense forces and this has had a negative impact on some communities, in particular communes 1 and 8. A complex network involving gangs and combos continues to bring pressure to bear on some districts, controlling the illegal economy.¹ The Mission is concerned about the reports regarding the influence of drug trafficking² on this criminal network and its intention to increase its visibility in that town, as well as the impact that such a phenomenon could have on the spaces for community participation. MAPP/OEA acknowledges the efforts that the local government, police and public prosecutors are making to respond to this dynamic.

¹ . This relates to the control of “vice spots,” confiscation and illegal sale of land, extortion of carriers and merchants, and illegal surveillance services.

² . A striking number of mid-level commanders were assassinated in Medellín and its environs in the past year.

17. This scenario complicates the framework of action for government institutions. In the majority of areas of influence of the self defense groups, the Mission has noted the government's efforts to gain ground, initially with law enforcement—the army, navy, and national police. However, despite stepping up its operations³ and strikes against the rearmed remnants of self defense forces, the capacity for reinvention and recruitment of these units, funded with resources from drug trafficking makes it possible for them to continue to exist.

18. Starting with key captures by law enforcement and the homicide of important mid-level commanders, and what the MAPP/OEA has verified, one can affirm that the lines of command of this type of organization are easily replaced. For this reason, although the army and the police have concentrated on operations against these factions, the results continue to be relative since the criminal organizations continue to be represented, albeit splintered, and still have the ability to rally around the drug trafficking economy.

19. Against this backdrop, law enforcement and the government's security agencies propose to implement mechanisms for more appropriate action, which offer better responses to this complex scenario. The measures implemented include in particular greater coordination between the various institutions, different forms of intervention depending on the type of illegal force, strengthening of the police system with specialized squadrons, prevention of replanting crops in eradication areas, constant monitoring of illegal factions, and the security situation in regions where these factions are present. The MAPP/OEA stresses implementation of a permanent mechanism to follow up the issue by holding periodic meetings, which the Mission supports, with high-level representatives of government and state institutions. The Ministry of Defense, Attorney General's Office, Office of the Department for Reintegration, the national police, army, Administrative Department for Security (DAS), the President's Human Rights and International Humanitarian Law Program participate in this mechanism, which is coordinated by the Office of the Vice President of the Republic.

20. In that connection, the MAPP/OEA later expressed to the highest government authorities its concern that the inclusion of former combatants in the network of cooperative forces might compromise the reintegration process. On June 25, 2007, the Minister of Defense issued a directive that supplements Directive No. 10 of 2006 giving instructions on the operation of the "Cooperative Network" program. This document states that "under no circumstances will demobilized persons be used as part of Cooperative Networks." For the Mission, this decision constitutes a very important advance in delinking the former combatants from the government's preventive security schemes and providing a more transparent process of reintegration into the communities.

³ . Among the most significant persons captured by law enforcement was Jesús Ramos Alcázar, alias "44" or "Alfonso", who was captured in May and seems to have been replacing the character known as "Rambo" in the Cesar department. Alcides de Jesús Durango, alias "René", a fugitive from justice who appears to have been creating new armed groups in Urabá in Antioquia and Luís Carlos Rodríguez Rendón, alias "La Pizca", former member of the Southeastern unit. Also detained in July was Puentes García Nólido Antonio alias "Pedro", presumed head of "Los Rastrojos" in Nariño. Similarly, in the department of El Tolima, the police captured Antonio Mendoza Castillo, alias "Arturo", who had apparently created a group of "Black Eagles" in the department. On the other hand, law enforcement has been conducting major operations in the municipalities in the south of Cesar, such as La Gloria, Aguachica and San Martín, where weapons from the new groups active in the region have been captured and seized. Finally, in the department of Nariño, particularly in the municipality of Cumbitara, different operations have been conducted, notably the clash in July between law enforcement officers and members of the "New Generation" gang.

21. Based on law enforcement monitoring, the Mission warns that the guerillas have become more visible in some regions that are part of the sphere of influence of the demobilized self defense groups, by strengthening militias and carrying out certain actions. In these areas, the incursion of these unlawful armed groups is happening gradually, with the collection of intelligence and construction of networks preceding a direct military offensive. This situation compromises the security of different communities that are afraid of the possibility of retaliation by guerilla groups. The areas most affected by this dynamic are:

- Southern Córdoba, on the outskirts of the Nudo de Paramillo area and Urabá in Antioquia; particularly the towns of Tierradentro and Juan José in the Montelíbano municipality, in the town of El Guadual de Valencia and in the town of Saiza in Tierralta.
- In the corridor leading from Tierradentro (Córdoba) to Caucana and Guaimaro, in the Tarazá municipality (Antioquia).
- Along the Dabeiba – Mutatá – Chigorodó route; and recently in the municipalities of Turbo and Apartadó.
- In Urabá in Chocó, the Ríosucio municipality and the border with Panama.
- In east Antioquia, the municipalities of San Carlos, San Luís, San Francisco, San Rafael, Cocorná, Granada, Sonsón, Argelia and Nariño.
- In the department of north Santander, the epicenters of the spread and armed conflicts are concentrated in the Catatumbo region in particular, and the routes linking Tibú with Convención and Sardinata with Ocaña.
- In the north of the Tolima department, in the municipalities of Anzoátegui, Venadillo, Santa Isabel and Líbano. Similarly, in the municipalities closest to the route from Honda (Tolima) to Manizales (Caldas). The current warning is reflected in the possibility of a guerilla takeover of the municipalities of Villahermosa, Casablanca, Palocabildo and Herveo.
- The Túquerres-Tumaco axis in the Nariño department, and the municipalities of Mallama (Piedrancha), Ricaurte and Barbacoas.

The MAPP/OEA is also worried about the frequent reports related to civilian and military victims of antipersonnel mines.

22. In the second half of 2007, an event that merits special consideration in terms of law and order, namely the election of mayors, assemblies, councils, and administrative boards, took place on October 28. The Mission is concerned about the pressure that may be brought to bear on some of the candidates in those areas where the guerillas and criminal gangs have a strong presence. In mid-July, the Human Rights Defender reported in a document prepared by the Early Warning System the existence of a group of more than 270 politicians and their families at risk. According to the Colombian Federation of Municipalities, of the 1,110 mayors, about 200 have been threatened. The government, for its part, has recognized that elections in 25% of the municipalities are at great risk in terms of law and order and that this percentage includes areas on the Caribbean coast and in the southeastern part of the country, in particular. Another 7% of the municipalities are at high election risk (fraud and other crimes against voting).

IV. NEW HORIZONS FOR REINTEGRATION AND KEY CHALLENGES

23. Reintegration has begun to have a new direction with the policy changes implemented by the Department for Reintegration (ACR), which has developed a national strategy that is slowly yielding results. Using a decentralized approach, the ACR has provided a National Network for Services of the Demobilized, made up of 37 Service Centers for the purpose of catering to demobilized individuals and their families. This approach is used to coordinate the delivery of

different benefits in conjunction with the local authorities and private institutions working on this issue.

24. The Mission welcomes the fact that the Department is using a regional approach, which allows close cooperation and coordination with the local authorities and civil society organizations that have the capacity and can contribute to the reintegration of former combatants and to the construction of local reintegration plans. The Regional Monitoring Committees have been established using this approach.

25. The MAPP/OEA notes as an important advance the ACR's intention to consider servicing the demobilized from different profiles, taking into account social and vocational conditions, and the demographic characteristics linking them to ethnic, age and gender-specific groups. The MAPP/OEA also stresses enhanced individual support, moving from one psychologist per 2,000 demobilized persons to one tutor per 120.

26. *Humanitarian aid*, currently called *reintegration support*, represents a fundamental change in reintegration. Demobilized forces used to receive a monthly payment without having to make a commitment. The framework for implementing the new policy generates a system of incentives, which establishes that the former combatants would receive support from the government as long as there are results and that they participate in the activities offered by the ACR.

27. After applying the different components of the strategy, as reported by the High Council, 99% of the population contacted obtained their proof of citizenship, 80% their criminal record, and 58% the military ID. In health, 78% of the beneficiaries are affiliated with the ARS. In terms of employment, 61% are working—mostly in the informal sector (63%). With respect to education, 35% of the population are engaged in studies and in job training, 65% of the demobilized have not yet started the training process.

28. The Mission considers the Department's proposals to be sound. They should help overcome the challenging realities of the different regions, which are growing, after delays in the implementation of concrete measures. More than three and a half years after the start of the process of reintegrating the first self defense group, institutions face the huge challenge of restoring the confidence of communities that have been victims of violence and the confidence of the demobilized forces who took the decision to re-enter civilian life. Although reintegration should, in the long term, be viewed and positioned as a government policy, immediate issues require attention, in the context of open illegality, which creates incentives for recriminalization and seriously compromises the process.

29. In the majority of municipalities, the reintegration process started without regional or municipal participation. This explains the scant interest of the local governments, which saw the demobilized people as just another problem. This situation resulted in a lack of institutional coordination and the dearth of government and society stakeholders taking ownership of the process. This has been one of the fundamental obstacles, requiring measures that go beyond subcontracting government supply to involving civil society organizations and municipal and departmental authorities as key players. Only the experience of the Medellín Mayoral Peace and Reconciliation Program views the reintegration issue as one of the important items on the agenda of the authorities that will be elected in October.

30. The stigmatization of the demobilized population is one of the main obstacles to the reintegration process. Despite the fact that the vast majority of former combatants have returned to their communities and taken on the challenge of returning to civilian life, the participation of a

minority in criminal activities has created a negative image, which has had an impact on their inclusion in the core of society, the family and the neighborhood. Based on this analysis, for the MAPP/OEA, the High Council's community reintegration approach could help to change this situation and create an environment that is more conducive to returning former combatants to civilian life. To that end, the Mission considers it necessary to have more involvement of the business sector, which can offer job options to contribute to the inclusion of the demobilized persons.

31. The lack of motivation of the demobilized population is one of the strongest barriers to the implementation of reintegration policy. The shift of the Reintegration Program from the Ministry of the Interior to the Department created a lack of clarity and uncertainty that had a negative impact on the expectations of the demobilized and the communities themselves regarding the process. This situation is reflected in the initial resistance to participating in activities that do not yield a direct economic benefit, such as workshops on civic and psychosocial issues. The same happens with academic activities, which often have a low level of attendance. Against this backdrop, restoring the confidence of the participants is one of the key challenges for the ACR.

32. The creation of productive projects to date has proven not to be the best response to finding alternative jobs. This is the result of a lack of training and guidance about the formation of associations; the absence of agreements between the national government and the banks that facilitate the acquisition of credit; the lack of awareness of the agreements between the IOM and the Department; the uncertainty and delay of feasibility studies for such projects; the delay in procedures with responsible entities; as well as the legal problems that arise in accessing land. In addition, the framework of productive projects continues to have, with few exceptions, a rural approach that does not correspond to the urban nature of a large percentage of the demobilized self defense groups.

33. The security of the demobilized forces continues to be critical in several areas of the country, with the continued deaths of former combatants. According to the figures handled by the national police in 2007, 180 demobilized self defense group members were assassinated, the most critical months being January and June, with 31 deaths respectively. The situation is tenuous in areas where illegal units exist and emerging gangs clash, which include cities on the Atlantic coast, such as Barranquilla and Santa Marta, as well as the municipality of Aguachica in the south of Cesar.

34. Regarding the reintegration programs being implemented in the two main cities, the Medellín Mayoral Peace and Reconciliation Program has made substantial advances in the area of psychosocial support and academic training. However, there are still concerns about the connection of a segment of demobilized forces with criminal activities. This situation has been acknowledged by the local government; the Mayor Sergio Fajardo declared in July that **"we are concerned that some of the reintegrated individuals are cheating the system. The trick is not that they have left the program to participate in illegal activities. The issue is that they have remained in the program and decided to continue living illegally and we cannot allow that."** According to the mayor, approximately 10% of the individuals from Cacique Nutibara and Héroes de Granada gangs that were demobilized in this urban area decided to continue their unlawful activities.

35. In Bogotá there have been advances in the Mayoral and Department Program of Complementary Services for the Reintegrated Population. It is hoped that the ACR will link its actions with the work being executed by the local government, as well as available institutional offerings. The MAPP/OEA is concerned that an undetermined number of demobilized individuals

are arriving in the metropolitan area and its surroundings without the proper follow-up and monitoring by the authorities. In Soacha in particular there is a “floating” population that moves to the city to receive services but is administratively a part of Bogotá, which is a problem for the Program.

V. APPLICATION OF THE JUSTICE AND PEACE LAW: AN OPPORTUNITY TO MAKE THE CHANGE

36. The Justice and Peace Law emerged within the framework of the peace process for self defense groups, as a legal tool that provides a transitional justice system. In that regard, the law must be understood as the result of a political decision to opt for the establishment of special judicial mechanisms.

37. The Justice and Peace Law must represent for the Colombian government and public institutions an opportunity to advance towards new scenarios that make reconciliation and peace possible. To that end, it must be viewed as a transitional legal framework.

38. In a judgment of July 11, 2007, the Criminal Chamber of the Supreme Court of Justice found that the activities carried out by former members of the self defense groups, described as conspiracy to commit a crime, could not be included in the “political crime of sedition.” Therefore the government submitted a bill to the Congress to include the Penal Code article describing the offense of conspiracy to commit a crime. The bill established that conspiracy to commit a crime would cover activities carried out by illegal armed groups to usurp the functions of law enforcement, to resist or confront organized armed groups operating outside the law and engaged in conduct that constitutes rebellion. It also states that the provision would not be applicable to persons who benefit from such acts to rise to public office or who are employed as civil servants while engaging in such activities.

39. A considerable number of demobilized persons are currently in legal limbo as the result of a process that has no stable normative framework. Government institutions are still discussing the nature of the crimes committed by these persons when they were members of the illegal units. Colombian government institutions must define the legal status of these people in order to prevent the risk of the AUC process having a negative impact on the achievements made to date.

A. The institutional response capacity of the entities involved in the peace and justice process

40. The MAPP/OEA points out the institutional response capacity of the entities involved in the peace and justice process has been inadequate. Given their characteristics, it was difficult to determine beforehand the possible number of beneficiaries in the different stages and components. This situation has meant that the entities repeatedly state that their main needs result from: a) insufficient human resources; b) the absence of effective schemes to protect victims and public officials; c) consolidation of the information system; d) the need to strengthen training programs, especially in practical subjects and in legal and psychosocial advice for victims; and e) scarce technical and logistical resources for the conduct of investigative work and the processing of evidence.

41. The National Justice and Peace Unit of the Attorney General’s Office has 23 prosecutors and 150 investigators. But, in order to function properly, the Attorney General stated that an additional 1,235 positions were required to process the large number of cases entrusted to it. To

try these cases, the Ministry of Finance has provisionally assigned 80 billion pesos to the Attorney General's Office until the Budget Law for 2008 is approved.

42. With respect to the human rights defender, one of the key aspects is the lack of resources. Although execution of the budget of the defender's office for all of its activities and functions in 2007 is about 118 billion pesos, in the divisions, where most of the victims are, there are not sufficient funds budgeted for the defenders assigned exclusively to represent and advise victims. Regarding the Attorney General's office, which requires approximately 20 additional positions for criminal prosecutors to assist the attorneys with the voluntary statement hearings. It is also necessary to preserve and take custody of the files.

The National Reparations and Reconciliation Commission (CNRR) has increased its presence in the territories. To date, with five regional offices and plans to open others in territories, such as the departments of Bolívar, Valle del Cauca and Cesar. The Commission, as part of its outreach to the populations subject to violence, has held a large number of meetings with victims in the territories, has participated in the campaign to provide them with services, and has published a series of reports, documents, and recommendations.

The Ministry of the Interior and Justice chairs the Inter-institutional Coordination Committee, whose members include representatives or delegates from the various institutions involved in implementing the Justice and Peace Law. This Committee's function is to coordinate the activities inherent in the execution of the Justice and Peace Process with state-level entities engaged in that process.

43. Great strides have been made in the design and implementation of the inter-institutional information system on Justice and Peace. With the coordination of the International Organization for Migration (IOM), progress has been made in systematizing and consolidating the content of a single format for reporting criminal events. It is important to note that once the process of constructing the system is over, the Attorney General's office will manage the system.

44. To date, four groups demobilized⁴ under the law have effectively surrendered their assets to the Victim Reparations Fund. However, only in one case have the acts of surrender been officially recognized. In that regard, the Fund's Director has said that greater participation by the candidates is needed to process the asset forms. In addition, the majority of these assets are bogged down in embargoes, utility debts and taxes, which in many cases exceed the real value of the asset. Furthermore, the location of some of these assets, in areas that are difficult to access, makes their viability as reparation instruments doubtful.

45. In recent months judgments have been handed down from the higher courts on the issue of justice and peace. The Supreme Court of Justice dismissed the hearing bringing charges against Wilson Salazar Carrascal alias "El Loro" and ruled that the conspiracy to commit a and aggravated crime committed by the former members of the self defense groups should not be considered as a political crime of sedition.

B. Voluntary statements in the justice and peace process

46. To date, from a total of 2,914 demobilized individuals candidates for the Justice and Peace Law an initial 63 voluntary statements have been received. Based on these statements, other judicial processes have been initiated that could involve public officials and national and foreign private and public enterprises for suspected links with paramilitaries. Information has also

⁴ . Jesús Piraban a.k.a. "Pirata", José Baldomero Linares a.k.a. "Guillermo Torres", Carlos Mario Jiménez a.k.a. "Macaco", and Luis Arlex Arango Cárdenas, alias "Chatarro."

been disclosed on extortion, drug trafficking, and on the regrouping of forces, while details have been provided on homicides, disappearances, kidnappings, and the location of mass graves. According to the Attorney General, between March 29, 1006 and May 5, 2007, 836 corpses were found in 698 graves, 298 of which have preliminary identification and 57 have been fully identified. In addition, some facts are being clarified about journalists, trade unionists, and indigenous people that were victims. Despite this, there are still concerns about the confession of the “whole” truth about the incidents and the persons involved.

47. The Attorney General’s office has examined 240,000 cases nationwide that are related to the investigations they are carrying out against the candidates under the Law. To date, of the 2,914 candidates who appeared to give their voluntary statements, 2,183 have not yet had a preliminary investigation—25 of whom are members representing the United Self-Defense Forces of Colombia (AUC), of which 21 have been deprived of their freedom.

48. Regarding the participation of victims in the voluntary statement hearings, despite the regulations issued, some problems have arisen in their enforcement. These relate to: victims’ misinformation about the process; threats and intimidation; as well as some homicides; poor coordination between agencies responsible for guaranteeing the participation of the victims in the hearings; and insufficient economic resources for the victims to travel to the cities where the hearings are being held.

49. As presented at the hearings, the statements of the former commanders have been markedly political in nature. The Mission’s monitoring, attending over half of the voluntary statement hearings, shows that very few of the persons making statements directly face their responsibility for specific events, yet others prefer not to disclose names or institutions involved, and others claim they have forgotten.

50. A problem that consistently arises with respect to the voluntary statement hearings is the lack of security for the victims, perpetrators and justice officers—judges, prosecutors, investigators, and auxiliary personnel. In that regard, the victims are definitely the weaker and more exposed side of the equation. Several cases of intimidation, threats, and deaths have resulted in a marked scarcity of voluntary statements.

51. This insecurity is also affecting demobilized persons subject to the Law since fear prevents them from revealing more information that could compromise people, officials, institutions, members of the armed forces, and politicians from various areas of national public life. Some former commanders held at Itagui have expressed concerns about the security of their families and themselves. There is concern about transfers to other detention centers and travel to the voluntary statement hearings. In that context, some persons have requested that the Mission accompany them to make their statements.

52. Similarly, the insecurity also affects agents of the justice system, who act in very difficult and complicated situations, without guarantees that provide them with sufficient calm to properly perform their functions.

53. The Mission has observed that the advertisement of the hearings is limited to the simultaneous broadcasting of the event in the adjacent chambers to a small number of victims, their representatives, members of the CNRR, government institutions, some NGOs, and the odd attendee from an international organization. This does not guarantee sufficient dissemination in terms of the right of victims to know the outcome. For that reason, the Mission has been amenable to broadcasting the voluntary statements in the remote municipalities of the three Justice and Peace cities—Bogotá, Medellín and Barranquilla. This initiative makes it possible for

people, who do not have the resources to travel to the major cities where these proceedings are taking place, to hear the content of the voluntary statements.

C. The victims: context, organization, and expectations

54. Beyond the legal concepts and the formal definition of a victim used in the current rules, in the Mission's opinion a number of factors influence the full understanding of the concept of a victim in Colombia. Irrespective of the meaning adopted, it is very important to understand that victims cannot be defined as a monolithic block. However, in some cases it is necessary to take their specificities into account with respect to three main points: context, organization, and expectations from the process.

55. A series of factors determine the context of the victims and therefore their decision and ability to participate in the process. In that regard, the threat and risk to the victim is an important but not the only element that influences the situation in the interval before it is submitted to the justice system. Institutional limitations are also part of the context, the attitude of officers of the law, and the degree of control the illegal armed group has managed to gain over the various entities.

56. It should be noted that Colombia is a country that is trying to negotiate a transition to a post-conflict situation in the midst of a conflict, which means that various protagonists continue to fight and take actions detrimental to the civilian population. The Mission has been able to verify the existence of over 22 rearmed remnants of units that still have a presence in the areas where the paramilitary groups operate. In these regions, the populations continue to be victims, thereby compromising their participation in the process.

57. The assassination of Yolanda Izquierdo, a top leader of the victims in the department of Córdoba, on January 31, 2007, showed that victims have no assurances of being able to participate actively in the process or claiming their rights. This had immediate negative repercussions since it intensified their fears and showed the limited capacity of the government to offer protection in certain areas. However, the MAPP/OEA noted that the organizations in the regions continued to claim their rights and even established new groups.

58. Despite the atmosphere of insecurity, it is admirable how the victims in certain areas have started to control their fears, become more visible and play an active role in implementing the Justice and Peace Law. This is reflected in their social consultations and victim services⁵: more than 400 victims attended in Bajo Cauca, 500 in Necoclí (Antioquia), in excess of 400 in Putumayo, 200 in Neiva (Huila), about 250 in La Dorada (Caldas), and 800 in Rionegro (Antioquia). In these territories, just a few years ago when the AUCs had a presence, such a high level of participation in a judicial process was inconceivable.

59. However, the threats to the victims continue. The MAPP/OEA has come to learn of these situations in Bajo Putumayo, in the municipalities of San Martín and San Alberto (Cesar); Valencia and Tierralta (Córdoba); Puerto Triunfo and Puerto Nare (Antioquia); in the urban sectors of Cúcuta (North of Santander), an in Tumaco (Nariño), among other municipalities.

⁵ . The Social Consultations and Victims' Days are activities organized by the CNRR to publicize the functions of this body within the framework of the justice and peace process, and to disseminate the rights of victims to truth, justice, and reparations. In addition, the Victims' Brigades are an activity organized by the National Unit of the Attorney General's Office for Justice and Peace, in a number of areas in the national territory, so that the victims can process the criminal acts report form and join the Justice and Peace Process.

60. The Mission is concerned about the case of Mrs. Maritza Salabarría, who is part of a family of 28 that turned to the government institutions after the paramilitary demobilization to claim a 110-hectare farm from which her family was displaced in 1992, when armed men made her husband disappear. The human rights defender and the MAPP/OEA accompanied the family on its return to the rural area of the Montería municipality in June 2006. It was again subject to threats, harassment, and the assumed forced disappearance of her brother, which led to their displacement and relocation once again. In mid-August, Mrs. Salabarría again received death threats close to her home. Under these dire circumstances, the decision was taken to provide her with police protection and organize her transfer to another region of the country.

61. To date, the issue of victim protection has been addressed by presenting a proposed map of risk and measures to protect victims and witnesses under the Justice and Peace Law. This initiative was coordinated by the National Planning Department (DNP), Directorate of Justice and Security (DJS), with the support of the Presidential Human Rights and International Humanitarian law Program, and discussed with the assistance of the entities responsible for and involved in the matter⁶. The entity that will take responsibility for defining the different protection measures is still to be determined. The diagnostic study being carried out by the Attorney General's Office on the situation of victims will be helpful here.

In that connection, it should be noted that on August 15, 2007, the Cundinamarca Administrative Tribunal ruled to protect the fundamental rights to life and personal integrity of the victims and witnesses under the Justice and Peace Law. The same ruling orders the Minister of the Interior and Justice and the Attorney General to design and execute, within the scope of their constitutional and legal authority, a victim and witness protection program under the Justice and Peace Law within 30 days of receipt of the order.

62. Regarding expectations, the process has opened a realm of possibilities in terms of truth, justice, and reparations, which is not always commensurate with institutional capacity or the resources and scope of the current process. Within this framework, the Mission is concerned about the lack of information, ignorance of legal remedies and means of active participation. This has widened the gap between the victims and the provisions of the standard in terms of rights. In addition, the lack of coordination between institutions to disseminate the law and advertisements drafted in legalese have detracted from the impact of promoting the standard and from the campaigns designed to encourage persons affected by the presence and actions of the self defense groups to play a proactive role.

VI. COMMUNITY SUPPORT INITIATIVES WITHIN THE FRAMEWORK OF VERIFICATION

63. The Mission has prioritized six broad areas of work with the communities, within the framework of monitoring and strengthening local initiatives: a) Alternative Dispute Settlement Methods (ADSMs); b) seeking and generating confidence-building measures; c) reconciliation and construction of the social fabric; d) co-existence, re-encounters and historical memory; e) psychosocial support; f) cross cutting—human rights and international humanitarian law—and gender-specific issues. The implementation of the initiatives has built trust in the communities,

⁶ . Work was initially carried out with the Attorney General's Office (FGN), in particular the Justice and Peace Unit and the Protection Program for Victims, Witnesses, and Judicial Officers; the Ministry of the Interior and Justice (MIJ); National Police (PONAL); and the Administrative Department for Security (DAS). The preliminary version of the proposal was then submitted and discussed with the Interinstitutional Coordination Committee for Justice and Peace and the National Reparations and Reconciliation Commission (CNRR).

strengthened institutions and brought the government closer to those areas where the State was not well represented—usually remote areas; establishment of spaces for reflection between victims and perpetrators; effective passing on of tools for identifying local problems, and for making significant contributions to restoring the historical memory of communities.

64. In the process of **building closer ties with the communities**, the Mission has learned important lessons through the testimonies of thousands of Colombians who face violence on a daily basis, sometimes alone, using their own tools, experiences and traditions. The Mission learned from the men and women who returned to La Gabarra (Tibú, Northern Santander) about their desire to return to their land and start over; from the Kankuamas women from the Sierra Nevada in Santa Marta, some of whose sons were dead or disappeared, yet they were firmly convinced that things could change; from the residents of Tierradentro (in Córdoba), which, despite the strong influence of illegal armed protagonists, embrace the possibility of moving forward, replacing the illegal crops, and reconstructing the social fabric; the Mothers of La Candelaria (communes in Medellín), who see in the justice and peace process a ray of hope.

65. The Mission has developed Alternative Dispute Settlement Method training activities with community leaders in the regions of Apartadó, Cúcuta and Montería. It has made it possible for municipal spokespersons to disseminate the ADSMs and analyze specific cases in the Bucaramanga region, and has promoted the role of conciliators, targeting conflict prevention and dispute settlement.

66. **The creation of safe spaces** from an institutional/community perspective has led to a series of activities to get closer to communities where the State's presence has been weak, namely Las Mercedes, North Santander; promotion of institutional representation in the districts of the Medellín Communes (e.g., Santo Domingo Sabio); strengthening of community leadership through training actions (e.g., the initiative to train leaders in Apartadó (Urabá in Antioquia); creation of an "Inter-institutional victim desk" in Medellín; joint work between communities in the districts and institutions (e.g., the mutual coexistence agreements in Medellín); and the promotion of the inter-institutional coordination desk in the context of implementing the Justice and Peace Law (meetings with municipal representatives in Bucaramanga and Cúcuta).

67. **Reconciliation and reconstruction of the social fabric** has created spaces where natural and demobilized leaders could emerge in Urabá in Antioquia; identifying experiences with contributions to reconciliation through the daily activities of women (the "Todas Somos Mujeres" initiative in Valledupar); work on reintegrating youth who have served prison sentences by training them in peace issues and making them "leaders for peace" ("Crime does not pay" initiative in Medellín); work with vulnerable youth from schools in the communes of Medellín; promotion of a culture of peace in the towns affected by the conflict (communities in San Pablo and La Gabarra in El Catatumbo).

68. In respect of **historical memory**, the Mission is working on a project with the Arhuaca indigenous community documenting their peaceful resistance for dissemination; in the Aranjuez district and areas adjacent to Commune 4 in Medellín; work on the urban conflict taking place since the 80s; as well as the processes coming out of the barrios of Medellín aimed at creating a meeting space, peace dialogues for mutual coexistence (monitoring of the "Mutual coexistence Table" from Commune 4 in Medellín).

69. It is important to note that the MAPP/OEA is developing **activities in communities with victims of violence**, monitoring victims' associations, such as Mothers of La Candelaria and State institutions with responsibility for implementing the law as legal representatives, the Attorney General's Office, and the CNRR.

70. The Mission is paying special attention to the **demobilized** forces being reintegrated into civilian life, the processes for establishing leaders, and the tracking and monitoring of community processes. The MAPP/OEA has worked on training 60 demobilized leaders (leader training initiative in Apartadó), and has participated in awareness raising activities and coordination with institutions in the city of Medellín.

VII. CONCLUSIONS

1. The Follow-up Committee that advises the Vice President of the Republic is a highly important body for analysis and decision-making regarding the major issues addressed in the Mission's reports.
2. The participation in this Committee of the Ministry of Defense, the Attorney General's Office, the Department for Reintegration, the National Police, the army, the Administrative Department for Security Services (DAS), and the President's Human Rights and International Humanitarian Law Program makes it the most representative body of the Colombian Government and State for monitoring and dealing with key issues following the demobilization of the United Self-Defense Forces of Colombia (AUC).
3. In the most recent reports, the Mission has argued the need to focus on three fundamental issues in particular: (a) reintegration of former combatants into society; (b) recovery by the State of those parts of its territory under the influence of illegal groups; and (c) the Justice and Peace Law.
4. The announcement of the implementation of the new policy toward the demobilized former combatants and the first actions taken in accordance with that policy are encouraging developments, which deserve the utmost support. Their success will, to a large extent, repair the social fabric and deprive criminal gangs of most of their manpower.
5. Resolute actions against the gangs emerging since the demobilization of the AUC, the greater presence of State institutions, and the confidence they generate in the civilian population are vital. They, in turn, depend on institutions, which need to be vigorously promoted.
6. Also encouraging is the news about the strengthening of the Justice and Peace Unit in the Attorney General's Office, in terms of the number of both prosecutors and investigators. It comes at a crucial time in the implementation of this law and should boost the conviction that Colombia cannot afford to fail in this area.
7. The communities beset by violence, social organizations, the Justice and Peace institutions, and much of the international community are calling for protection, support, and active solidarity with the victims. This, still pending, task is particularly important and urgent. The nearly 70,000 victims clamoring today for truth, justice, and reparation represent one of the most important commitments facing institutions today. The mandate of the CNRR (National Reparation and Reconciliation Commission) is, in this respect, sufficiently broad and its implementation deserves the utmost support.

8. Dealings with the AUC have also been marred by a degree of legal insecurity. The recurrent crises undergone by the process testify to that fact. That is a core concern of the Mission. The importance of the disarmament and demobilization of the AUC for peace in Colombia and the possibilities and opportunities they have triggered are obvious. The solidarity of the Hemisphere and increasing support for the Mission from European countries are a reflection of that potential.
9. Only Colombian institutions are competent to determine the nature and contents of the legal framework for dealing with the AUC. Nevertheless, by virtue of its mandate, this Mission is responsible for pointing out the importance of the security of the legal framework determined by Colombians for those highly complex processes. On that legal security depend, to a large extent, the viability and success of the process.
10. The commitment of the OAS to Colombia is more evident and resolute than ever. The dialogues with the National Liberation Army (ELN) and the exhortation to return the bodies of the Del Valle legislators and members of the security forces who died in captivity to their families merit the support and solidarity of this Mission. The peace agenda of the Colombians – especially at these crucial times – calls for much more robust efforts by all of us.

