

PERMANENT COUNCIL



OEA/Ser.G
CP/doc.5289/17
29 March 2017
Original: Spanish

TWENTY-SECOND REPORT OF THE SECRETARY GENERAL TO THE
PERMANENT COUNCIL ON THE ORGANIZATION OF AMERICAN STATES MISSION
TO SUPPORT THE PEACE PROCESS IN COLOMBIA (MAPP/OAS)

TWENTY-SECOND REPORT OF THE SECRETARY GENERAL TO THE
PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS
IN COLOMBIA (MAPP/OAS)

The following report is presented pursuant to resolution CP/RES. 859 (1397/04), in which the Organization of American States (OAS) asks the Secretary General to report periodically to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia, hereinafter “MAPP/OAS” or “the Mission,” and on its efforts to contribute to the fulfillment of the values and principles set forth in the OAS Charter and the Inter-American Democratic Charter.

The mandate of the MAPP/OAS emanates from the agreement entered into by the Government of Colombia and the General Secretariat of the Organization of American States, hereinafter the GS/OAS, on January 23, 2004, as well as resolution CP/RES. 859 (1397/04) of the Permanent Council, adopted on February 6, 2004. The mandate was broadened and its term extended through the signing of additional protocols to the agreement between the Government of Colombia and the GS/OAS on January 15, 2007; January 19, 2010; December 23, 2010; July 21, 2011; October 3, 2013; December 15, 2014; and September 27, 2016; the latter extended the mandate of the Mission until December 31, 2018.

The information set forth herein principally corresponds to the findings made by the GS/OAS through the MAPP/OAS as a result of its monitoring, accompaniment, and support work from September 2015 to February 2016. Furthermore, some situations that fall outside this timeframe have been considered in this report due to their importance.

Pursuant to resolution CP/RES. 859 (1397/04) numbered paragraph 3, the MAPP/OAS consults the Inter-American Commission on Human Rights (IACHR) prior to the publication of this report in order to hear its observations on the functions for which it is responsible, and so the two OAS authorities work together and supplement each other’s information.

The MAPP/OAS works to support peace-building in Colombia on a daily basis. The work it does directly in the territories that are most affected by the internal armed conflict—supporting communities, public agencies, indigenous authorities, afro-descendant communities, social, civil, and women’s organizations, religious communities, security forces, victims, community leaders, and ex-combatants, at the municipal, departmental, and national level—would not be possible without the accompaniment and support of the international community. Thus, the GS/OAS would like to express its thanks to MAPP/OAS donors and friends, in particular to:

The countries of the Basket Fund whose political and financial support make the Mission’s operation possible: Germany, Canada, Spain, United States, the Netherlands, and the United Kingdom. The GS/OAS would also like to thank Turkey, Switzerland, and the European Union, as well as the Spanish Agency for International Development Cooperation (AECID), the German Agency for International Cooperation (GIZ), and the United States Agency for International Development (USAID) for the support they have provided.

We reiterate our invitation to OAS member states and observers to support the Colombian Government’s efforts by contributing to the MAPP/OAS.

I. GENERAL CONDITIONS

Peace knocks on Colombia's doors

The GS/OAS welcomes the new peace accord reached between the Colombian government and the *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo* [Revolutionary Armed Forces of Colombia – People's Army] (FARC-EP) guerrilla movement and encourages Colombia to continue down the path toward achieving a stable and long-lasting peace. Indeed, the Permanent Council has backed the peace process and the conclusion of the armed conflict, having understood the sense of urgency surrounding the current stage of the process.

This enhanced accord will, however, face new challenges that demand greater efforts and a meeting of many more minds in the upcoming phases of the process. One of the most significant challenges, which stems from the referendum's outcome, is the clear need to continue making headway in unifying the Colombian people, by doing everything necessary to strengthen unity and national harmonious coexistence. This demands strength of character and involvement on the part of the political class, society, the people who are demonstrating in the streets, students, victims, and all strata of the country.

Furthermore, the implementation phase, perhaps the most important in the process, will face different challenges in the near future. The changes in the international arena, the election campaign period, legislative development of the agreements, economic constraints, persistence of illegal groups' actions, murders of social leaders, and resistance in the areas that voted against the accords may hinder peace policies from reaching the territories.

Making the mechanisms and components of the accord a reality at the local level in those places hardest hit by the violence is a task that demands decisive and pragmatic measures. Preventing the resurgence of violence in those areas with structural weaknesses or that have not received adequate attention on the part of the State has become an imperative.

In order to effectively respond to stakeholders and the territories, the application of the peace policies provided for under domestic law should be considered without delay. The State has the necessary tools to implement such policies on a whole host of issues, such as humanitarian demining, illicit crop substitution, the surrender of child combatants, and the search for disappeared persons, among others. Such actions would relieve pressure on the process and help to enhance trust between the parties and citizens.

Peace-building requires everyone's involvement, including—as was seen during the referendum—the more than 60% of the electorate that ignored the call to the polls. The Electoral Observation Mission of the OAS, which observed the referendum, reiterated the recommendation in its preliminary report that measures be adopted to increase the exercise of the right to suffrage with the aim of having Colombian citizens fulfill their democratic responsibility. The GS/OAS urges all Colombians to continue working together to achieve transformations that allow for conflict and inequality to be overcome and to bring about the peace that the entire nation needs.

The GS/OAS congratulates the President of the Republic, Juan Manuel Santos, on receiving the Nobel Peace Prize. It is a well-deserved recognition of his efforts for peace and for all the victims

that have unjustly suffered the effects of the conflict. This award should give new momentum to the peace process.

The GS/OAS would like to thank the Colombian government for the trust it has placed in the MAPP/OAS, which is reflected in the extension of its mandate through December 2018. The Colombian government has entrusted the Mission with new tasks, including having an ongoing presence in *veredas* [rural districts] and municipalities to monitor the dynamics in the territories the FARC-EP will abandon, the areas where the *Ejército de Liberación Nacional* [National Liberation Army] (ELN) has influence, and the places where organized armed groups operate. Furthermore, the MAPP/OAS will continue to monitor social unrest, land restitution policy with an ethnic approach, collective reparations, prison conditions, and to support communities and institutions in peace-building.

The peace process with the *Ejército de Liberación Nacional* (ELN)

The Mission welcomes the resumption of negotiations between the government and the *Ejército de Liberación Nacional* (ELN). The unilateral cease fire the day of the referendum and the release of hostages in the hands of the guerrillas facilitated parties restarting conversations. As we have reiterated in previous reports and public communiqués, the achievement of a peace accord with this insurgent group would realize the hopes for comprehensive peace in the country. The GS/OAS urges the parties to design joint strategies in the framework of the negotiations that enhance trust, reduce the level of armed confrontations, and minimize the direct and collateral impacts on communities that inhabit the areas where fighting takes place.

Furthermore, the GS/OAS considers that the early involvement of the population in the discussions between the Colombian government and the ELN as a proactive and integral party thereto serves to guarantee its legitimacy and reinforces the process from its genesis, increasing acceptance of what is agreed upon and facilitating its local and regional implementation. Involving society in this active manner is an acknowledgement of communities' and minority groups' capacity, making them a party to the construction of the process itself. Given the importance thereof, the OAS reiterates its willingness to collaborate and make its installed capacity and resources that have been in Colombia for the last 12 years available through MAPP/OAS so that the participation processes and mechanisms to be implemented are successful.

Dynamics and threats that affect peace-building

Making decisive progress toward ending the conflict is also an opportunity to address and tackle the dynamics and factors that threaten peace-building in the territories. In some places, recurring dread and fear remain due to the issues that persist, such as, *inter alia*, recruitment of children and adolescents, extortion, indiscriminate threats, murders, and selective disappearances; the impact of these issues is especially harmful from a humanitarian point of view.

It is noted that some communities continue to see local powers that exercise control in economic, political, and social arenas. These powers' interaction with legal and illegal structures represents a real threat and a risk for the consolidation of peace in the territories. The most obvious manifestation thereof, and which are perceived as the greatest threat, are the so-called "criminal

bands,” now described as organized armed groups or organized crime groups by the national government.^{1/}

One of the elements that creates the most uncertainty in the communities with regard to the government’s actions vis-à-vis these local powers is related to the presumption of corruption in and impunity of the institutions charged with fighting this phenomenon. In this sense, the GS/OAS makes an appeal for all security-related policies in the territories to continue being implemented in a consistent manner and be accompanied by measures that facilitate access to the justice system and that win back the communities’ trust in the system. Indeed, it is in the justice system where the fight against impunity entails, in addition to the investigation and prosecution of the most emblematic cases and the establishment of guarantees for access to the justice system, sustained efforts against corruption and alleged irregularities of institutions linked to illegal activities.

The threats, concerns, and other security challenges are diverse in nature and have a multidimensional scope, and therefore traditional approaches should be broadened to encompass political, economic, social, health, and environmental dimensions. The development of a comprehensive security approach has become a large-scale challenge for the national government and the State in general with regard to stopping criminal and unlawful elements in both urban and rural areas from filling the void left in the wake of waning armed confrontation and unleashing new cycles of violence. Colombia is facing the challenge of hastily drawing up a comprehensive security policy focused on protection of individuals that ensures full respect for dignity, inclusion, the fight against poverty, and education, among others.

Addressing social unrest is strategic for the GS/OAS as a way to strengthen democratic principles through dialogue with armed actors like the ones the Colombian people currently are confronting. In this sense, the GS/OAS welcomes the creation under the National Development Plan of the “Comprehensive System for Conflict Prevention and Management.” With this tool the Colombian government can address the challenges of social conflict that are evident in the territories, bearing in mind that with the conclusion of the internal armed conflict it is foreseeable that social demands placed on the State will increase and many of these may be expressed through social unrest. Thus, it is important to bolster the pillars of a culture of dialogue and citizen involvement that leads to a systematic use of mechanisms to address and transform social unrest at all levels.^{2/}

For the GS/OAS it is important to support the work human rights defenders undertake in Colombia, given their valuable contribution to the promotion, respect, and protection of human rights and fundamental freedoms. Furthermore, a worrisome number of homicides of and threats against community leaders have occurred without an effective response forthcoming that helps to neutralize

-
1. For the IACHR many of these illegal groups are identified with paramilitary groups that have not been dismantled and that continue to be involved in serious violations of human rights and assaults on civilians through threats, homicides, attacks, and sexual violence (See CCEEU, Alternative Report to the Seventh Report presented by the Colombian State to the United Nations Human Rights Committee 2010/2016-, October 2016). The IACHR also highlights the increase in actions by the ELN in 2016, such as “armed strikes” and other measures such as kidnapping civilians (among them a journalist in May 2016 – see IACHR press release No.R70/16 of May 25, 2016).
 2. With regard to groups hit especially hard by the armed conflict who will be active players in this new process of transitional justice, the IACHR concurs with the MAPP/OAS about the need to strengthen arenas for citizens’ and victims’ participation in general using a differential approach based on specific needs and eliminating obstacles that limit their effective participation.

and adequately investigate these attacks. In this regard, the Colombian State is urged to intensify its efforts to adopt the necessary measures to ensure these individuals' and their families' lives, freedom, security, and humane treatment by improving the urgent and effective protection mechanisms in cases of threats or risk.

The GS/OAS is convinced that the *Juntas de Acción Comunal* [Community Action Boards] (JACs) are and will be key players in territorial peace-building as they are appropriate fora for building bridges between the State and communities and because their mission is to represent the most elemental building block of democracy. As such, the Mission urges affording broad security guarantees to JAC members for the exercise of their functions, as well as to Community Action members no matter what their affiliation, be it to the JACs, Associations or Federations of JACs, or National Confederation of Community Action.

Recognition of indigenous peoples' and afro-descendants' rights in the Americas is important for the GS/OAS as they are the bearers of ancestral knowledge, and have their own organization, management, and peace proposals. These groups have been hit hard by discrimination and the impacts stemming from the armed conflict in Colombia, and are currently affected by the tensions related to access to land and the dynamics of extractive development. Indeed, there must be enhanced guarantees as to their existence, protection of their lands, and cosmovisions.^{3/}

The GS/OAS highlights that Colombia continues making headway towards the consolidation of a Comprehensive System of Transitional Justice that takes into account respect for human rights and the legitimate trust that citizens must have in the State. The judicial mechanisms implemented in the peace process with insurgent groups must be conceived as a logical sequence within a system of tools that complement each other under the framework of transitional justice. The understanding of all these components must bolster the principles of truth, justice, and redress at the same time that it minimizes potential risks stemming from legal, legislative, or administrative loopholes and lacunae.

The new mechanism of transitional justice for the peace process must coexist with other jurisdictions and thus it is imperative that its enforcement be successfully harmonized with the different special indigenous jurisdictions. There must be clear rules established regarding conflict of jurisdictions that go hand in hand with international treaties. Above all, however, they must respect the millenary jurisdictions based on the different cosmovisions and cosmogonies that may emerge from the different tools of transitional justice.

In addition to the foregoing, prison conditions are a key issue and thus the GS/OAS, through the MAPP/OAS, has been committed to consolidating a comprehensive monitoring system based on ongoing monitoring and support inside prisons. This presence, which is shown in more than 360 visits to correctional centers, has led to changes in living conditions, health, and overcrowding, while

3. According to the IACHR, indigenous organizations point out that the Ombudsman's Office has made efforts to address, promote, disseminate, and accompany the implementation of provisions (Decree 4633 of 2011) and attend to indigenous victims of the armed conflict; however, it cannot be ignored that limited institutional budgets and the absence of inter-agency coordination have been the factors hindering these processes from effectively and comprehensively reaching the remotest indigenous communities in the country. The above, in many cases, is in the context of social unrest identified by the MAPP/OAS and the impairment of indigenous peoples' and afro-descendant communities' rights due to the social impacts of extractive activities in Colombia.

promoting differential treatment for combatants or ex-combatants, bearing in mind the particular characteristics of each case.

II. SCENARIOS THAT THREATEN PEACE-BUILDING IN THE COUNTRY

The GS/OAS celebrates the marked decrease in rates of violence stemming from the internal armed conflict since the FARC-EP declared a unilateral cease-fire in July 2015. Nevertheless, communities in the areas historically affected by the conflict continue to be concerned about the fact that illegal armed groups continue to collect extortion payments. Without distinction, both guerrillas and organized armed groups continue extorting different sectors of communities, creating doubt in the collective imagination about a true decrease in the impacts of the conflict in the territories.

The GS/OAS is concerned about impacts that continue to affect children, such as their recruitment and/or utilization by illegal armed groups. This concern is heightened by the fact that it is acknowledged that underreporting in some territories means that the magnitude and complexity of the situation exceeds what is known about it. There is not just one group responsible for this, but it is striking that in cases that have taken place in Fortul (Arauca) and San Pablo (Bolívar),^{4/} the ELN has been identified as the armed actor responsible for forced recruitment of children under the age of 18. In the south of Meta, in some municipalities of Chocó, as well as Istmina, Bahía Solano, and Rio Quito, and in Alto San Jorge and Alto Sinú (Córdoba), the *Clan del Golfo* has been identified as the armed group responsible. In the Catatumbo region (Norte de Santander) the *Ejército Popular de Liberación* [Popular Liberation Army] (EPL) has been as identified as being responsible for using minors and young people for activities related to transporting drugs to cities like Cúcuta and Ocaña.

The GS/OAS calls attention to the prevailing view in the regions, according to which recruitment is not seen as forced, rather as a voluntary affiliation on the part of the minors, due to the lack of educational options once they finish or are about to finish secondary school.

Given that the conflict with one of the guerrilla groups may end, it is important to call attention to processes of disarmament, demobilization, and surrendering of arms in which young people who are not of legal age may potentially participate. Based on the MAPP/OAS' experience, the main lesson learned is the need to flesh out and implement a channel for supporting these minors and reestablishing their rights, as well as quickly identifying the ones that are not officially part of these processes, and returning them to their homes in keeping with international standards for the return of minors.

In the different regions monitored, a risk identified is the possibility that members of armed groups that do not surrender arms may join other illegal groups present in the territories. The risk of new groups arriving has not necessarily been detected; rather, it is the strengthening of already existing groups by combatants who do not surrender their arms, or who do so but subsequently take them up again. The thinking is that the persistence of conditions favoring crime-based economies means that the territories remain attractive for unlawful actors. These uncertainties manifest more emphatically in the country's southern departments like Nariño and Putumayo. In the former the fear

4. Available information indicates that between January and March 2016 in the municipality of San Pablo, Bolívar, 12 cases were reported of the ELN recruiting children under the age of 18. The ELN used manipulation and deceit to recruit the children. Among the highest risk townships are Cañabral, Vallecito, Alto Berlín, and Cerro Azul.

is that some mobile columns of the FARC-EP may not join the process; in the latter the concern lies in the presence and consolidation of the organized crime group known as “*La Constru*.”

What was seen subsequent to the demobilization of the AUC was that the voids left by that armed movement were rapidly filled by new and already existing groups, who recognized that these territories still offered strategic advantages to extract a fixed income.^{5/} Thus, it is key that the State is able to successfully develop strategies with territorial-based approaches that change conditions on the ground such that those strategic advantages for unlawfulness are no longer available. For the GS/OAS the different attacks which social leaders and human rights organizations were victims of in the first months of 2016 is a cause for concern. The distribution of pamphlets signed by different groups threatening individuals and organizations because of their work on different issues related to the peace process has occurred in several regions throughout the nation. The materialization of these threats in attacks and murders in areas like Bajo Cauca, Norte del Tolima, Bajo and Medio Putumayo, and Catatumbo in Norte de Santander shows that the risks for these sectors of the population are a reality that the Colombian state needs to resolutely tackle in terms of prevention and immediate protection.

Although the threats are not from one sole actor and are not directed toward a specific segment of the population in a particular region of the country, recognition and investigation of these incidents as a trend in and of itself and not as isolated cases might bring to bear information to shed light on these cases and ensure they will not be repeated. In the township of La Gabarra, a rural area of Tibú in Norte de Santander, the forced disappearance of the community leader, Henry Pérez, at the hands of illegal armed groups present in that area was reported in January 2016. Despite requests for information on these events, there has still been no satisfactory result or any statement made from a humanitarian point of view that would provide details about what happened to this leader.

One of the lessons the Mission has learned throughout these years is the need to strengthen the mechanisms to protect human rights leaders from attacks and to investigate such attacks. The transitional justice processes undertaken to date in the country have witnessed the emergence of leaders who continue to be targets of different violent incidents.

The increase in illicit crops in Colombia, as shown by the Coca Cultivation Survey prepared by the United Nations Office on Drugs and Crime (UNODC), has had an impact on the security and economy of the main coca-producing regions. Although drug trafficking has historically been one of the main sources of funding for illegal armed groups, in recent years there has been a trend for

-
5. In this regard, in its Sixth Report to the Permanent Council, the GS/OAS highlighted “the regrouping of demobilized combatants into criminal gangs that control specific communities and illegal economic activities. In regions where guerrilla activity is low and the entry of the forces of law and order has not been effective, conditions arise under which various armed illegal groups can assume control. In these areas, the problem arises when middle-level demobilized combatants step into the vacuum. They assume control of the criminal activities that were traditionally the preserve of the units or groups based there (extortion, levies on drug production, social cleansing, alliances with local administrations) and organize themselves into small groups, armed with side arms, remaining in urban areas and communicating by cell phones. The Mission is therefore concerned about the possible emergence of illegal players within the framework of the conflict, who could ultimately end up engaging in turf wars.” In its Ninth Report, the GS/OAS warned that “in these territories (Nariño, Chocó, and Putumayo), 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.”

mining to position itself as another important income generator. Nevertheless, the decrease in international gold prices has meant that drug trafficking continues to be the main source of income for these groups. Additionally, in some communities there is the perception that under the Havana Accord incentives will be offered in the future for campesinos to do crop substitution as a solution to the illicit drug problem. Inadvertently, this seems to be encouraging the planting of coca leaf.

In March 2016, the President of the Republic announced the initiation of a program for illicit crop substitution, which was piloted in the municipality of Tumaco. In addition to a component of long-term, solid technical support that favors the implementation of new technologies to make the substitution sustainable, the program also emphasizes interdiction policies to attack all links in the drug trafficking chain. The MAPP/OAS has noted in its monitoring that communities are skeptical about these processes as to date they see no differences between these policies and others that have been implemented in the past. In this regard, they see the need for institutions to have a comprehensive presence in the territories, consideration of relevant strategies that do not provide for eradication as their sole measure, and State representation that goes beyond the presence of security forces. Productive alternatives, strengthening of productive chains, and improvement of road infrastructure are also necessary measures that contribute to the sustainability of initiatives linked to eradication.

The pilot program implemented in Tumaco is being conducted independently from other strategies to fight drug trafficking that the Colombian government has implemented in other areas of the country, and about which there are different opinions. For example, in the departments of Guaviare and Putumayo there have been tensions between security forces who undertake manual eradication and *campesinos* that grow coca. In particular, in the department of Putumayo, Baja Bota Caucana, and Cofanía Jardines de Sucumbíos, expectations abound around the agreements that may be reached in the framework of the Committee on Illicit Crop Substitution. This Committee has been working based on negotiations surrounding the technical components of gradualism and targeting, in addition to dissemination with grassroots organizations for its implementation. As regards this support, it is also important to highlight the progress of the environmental and mining-energy committee that already has a technical report that was prepared and delivered to the government by the Technical Team of the Social Organizations' Working Group.

In the past, different regions developed programs whose objective has been to promote eradication and replacement with licit crops, such as the programs *Familias Guarda Bosques* [Forest Ranger Families or *Acción Integral* [Comprehensive Action] promoted by the National Parks. Although these programs were initially successful in eradicating a high percentage of crops, support to stabilize alternative production projects were lacking and most projects did not reach a sufficient degree of sustainability, due to a lack of technical knowledge to maintain production, roads in poor conditions that increased the price of the products, or an inadequate commercial chain. Faced with this situation, many families who eradicated their illicit crops were forced to sell their lands and join the ranks of displaced persons in Colombia or to return to growing coca. For this reason, when negotiations were held with the FARC-EP on Point 4 "Solution to the Illicit Drug Problem," the *campesinos* who make ends meet by growing coca and have lived through the aforementioned experience, expressed their mistrust of the effectiveness of the substitution programs that were proposed as part of the agreement. Furthermore, they held that eradication should be done gradually, and to the extent that economic stability is achieved with the outputs of productive projects.

III. ACTIONS THAT CONTRIBUTE TO THE CONSOLIDATION OF PEACE

The efforts of the State to confront organized armed groups have reaped significant operational results. The GS/OAS recognizes that the strategy the national government has been implementing in the framework of the Committee to Follow-Up on Criminal Bands and Organizations,^{6/} and the continuity of the Troya, Agamenón, and Némesis, among others, have led to important results against these illegal structures. By the end of May 2016, in the framework of this Committee, the President of the Republic announced a total of 1,940 members neutralized^{7/} in the first six months of the year,^{8/} thanks to the operations that security forces have carried out in coordination with the Office of the Attorney General of the Nation. Furthermore, the GS/OAS acknowledges the importance of the Office of the Attorney General's Directive 003 of December 2015 and Standing Directive 0015 issued by the Ministry of Defense in April 2016.^{9/}

The GS/OAS acknowledges the Colombian government's efforts to assess the needs of rural territories and residents in the 2015 Third National Agricultural Census, as well as the implementation of new institutional infrastructure regarding agricultural^{10/} that addresses rural residents' social conflicts related to land access and ownership. The Secretariat hopes that the Colombian state will take the necessary measures so that the institutional transitions provided for with regard to agriculture are efficient, effective, and ensure individuals' rights. Furthermore, this underscores the significance of the Office of the Ombudsman's work via the Early Warning Systems throughout the country. Having these Systems in remote regions that are affected by the issues mentioned above is one of the main ways that communities can prevent, report, and highlight these issues. The GS/OAS has underscored efforts of the Colombian state and its agencies to improve security conditions and peaceful coexistence of the populations that are hardest hit by the conflict.

-
6. The Committee to Follow-Up on Organized Crime is an entity chaired by the President of the Republic with the involvement of the Ministers of Defense, Interior, and Justice, the Senior Presidential Counselor for the Post-Conflict, Security, and Human Rights, the Office of the Attorney General of the Nation, in addition to the military and police command structure. The MAPP/OAS has been invited to this Committee by the national government to make its contribution based on the monitoring it has conducted in different parts of the country for 12 years.
 7. According to the "*Balance semanal del Presidente de la República de la lucha contra las estructuras de crimen organizado*," [Weekly assessment of the President of the Republic on the fight against organized crime] neutralized means "either captured, killed, or brought to justice." Taken from: Office of the President of the Republic of Colombia, *Balance semanal del Presidente de la República de la lucha contra las estructuras de crimen organizado*, 2016. [October 19, 2016]. Available in Spanish at: <http://es.presidencia.gov.co/sitios/busqueda/discursos/160705-Reporte-del-Presidente-Juan-Manuel-Santos-sobreseguridad-ciudadana-y-crimen-organizado/Discursos>.
 8. *Ibid.*, p.1.
 9. Office of the Attorney General of the Nation's Directive 003 of December 2015 and the Ministry of Defense's Standing Directive 0015 of April 2016 lay out the guidelines to define and confront organized armed groups. While the Office of the Attorney General's Directive provides guidelines for prosecutors who take legal action against armed groups that are sufficiently organized and create certain levels of hostility, the Ministerial Directive specifies characteristics to differentiate between an organized crime group and an organized armed group.
 10. Rural Development Agency, charged with executing rural and agricultural development policy with a territorial-based approach (Decree 2364 of December 7, 2015), National Land Agency, charged with executing social use planning of property (Decree 2363 of December 7, 2015), and the Agency for Territorial Renewal, entrusted with coordinating the intervention of national and territorial entities in rural areas affected by the conflict (Decree 2366 of December 7, 2015),

Comprehensive actions undertaken by security forces account for a more appropriate relationship with communities for building trust inasmuch as such actions emphasize interactions and awareness raising with communities on issues like human rights and international humanitarian law (IHL), in addition to support for community and social initiatives that assist in the necessary rebuilding of trust between communities and the State. Nevertheless, the presumption that there have been irregularities in some operations' procedures, and the perception that intelligence agencies infiltrate demonstrations and social movements underscore concerns about some security forces and investigative agencies' actions. Social organizations, platforms, and movements have repeatedly asserted that there is criminalization of social protest and unsatisfactory government compliance with commitments undertaken in different fora set up for addressing issues of land tenure, use, and ownership, exploitation of resources, conditions of rural development, among other issues.

IV. DYNAMICS LINKED TO THE PRESENCE OF ILLEGAL ARMED ACTORS AND ORGANIZED CRIME

The so-called "armed strike" in the beginning of April 2016 led by the self-proclaimed "*Autodefensas Gaitanistas de Colombia*" (hereinafter AGC),^{11/} referred to as the "*Clan del Golfo*"^{12/} by the national government, specifically in the regions of Urabá-Darién, Bajo Cauca in Antioquia, and the departments of Córdoba, Sucre, and Chocó, featured distribution of pamphlets to residences, an increase in warnings and threats on social media, and offensive actions such as the "*plan pistola*"^{13/} against officers of the National Police. Among the most notable effects were the restrictions on mobility and scarcity of products that disrupted residents' daily lives, the creation of a generalized sense of insecurity, and spillover of the "armed strike's" effects in other areas of the country such as Norte de Santander and the Magdalena Medio region.

In the municipalities of Canaletes and Los Córdoba in the department of Córdoba, armed groups intervene in resolving disputes in the communities and impose fines and penalties when established rules are breached. Members of the group that are recognized in these areas as "politicians" are charged with relations and interaction with residents. Reportedly, on occasions, the functions of these individuals have included authorization for minors who were forcibly recruited to return home without reprisals being taken against them.

Involvement in resolving disputes in communities has always been recognized as a mechanism of control used by illegal armed groups in some areas. The United Self-Defense Forces of Colombia (AUC) were no strangers to this practice in the territories under their influence, and their

-
11. It should be clarified that in most regions reference is made without distinction to the *Clan Úsuga*, *Los Urabeños*, and/or *Autodefensas Gaitanistas de Colombia* to refer to the same group, while in other areas, like the Sur de Bolívar, there is a difference between them. In the latter case, no clear organic link among these groups is perceived, and in some areas of the region the *Clan Úsuga* refers to a more political faction of the group while *Los Urabeños* refers to the strictly military component.
 12. On June 14, 2016, the President of the Republic noted in his weekly report on the fight against criminal organizations that the *Clan Úsuga* would no longer be called by that name in order to avoid stigmatizing individuals who have the last name Úsuga, and that the Colombian State would henceforth refer to this group as the "*Clan del Golfo*".
 13. The "*plan pistola*" [pistol plan] is a strategy undertaken by the *Clan Úsuga* leadership in which it sets a kind of reward for its members for each law enforcement officer that they kill. The offer, which varies from between 3 and 20 million pesos, depends on the victim's rank in the institution.

departure left a power vacuum in many cases that has manifested in difficulties in resolving communities' internal disputes. For this reason, a lesson learned is the need to bolster arenas like the JACs so they may be revived as fitting venues for dialogue and consensus-building.

Between January and April 2016 in the municipalities of Briceño and Segovia there were homicides that set off warnings about the repercussions of these trends in the northern and northeastern parts of Antioquia. In the municipality of Segovia, members of the *Clan Úsuga* visited some residents' homes and distributed pamphlets announcing the "new generation" of this group. The view in the municipality is that these violent events are linked to the realignment or divisions within this armed group. The organized armed group "*Los Puntilleros*" is present in Llanos Orientales, and there are reports that the "*Clan del Golfo*" has penetrated the area, leading to recruitment of minors in the municipalities of Mapiripán, Puerto Gaitán, and Puerto López in Meta, and San José del Guaviare, located in the department of the same name.

Since the first armed groups emerged after the AUC's demobilization, the Mission detected the rapid changes within such groups when authorities would capture or kill one of their members. Quick realignment has become an inherent characteristic of these groups, which means that the State must have an approach with comprehensive strategies that involve not only a military or police response, but also investigation and strengthening of mechanisms for access to justice and to state services in general. Additionally, there is a need to develop strategies that are tailor-made for each territory and whose management indicators go beyond the figures on how many of these groups' members are captured or killed.

In municipalities such as Puerto Salgar, Bogota D.C., Yacopí, Soacha (Cundinamarca), and La Dorada (Caldas), organized armed groups and organized crime groups, without distinction, are undergoing processes of realignment and reorganization. Individuals who in the past had links to self-defense, guerrilla, drug trafficking, and common criminal groups are involved in these processes. The interests of these new actors range from exercising territorial control in order to carry out organized crime activities to land snatching in order to hinder land restitution processes. These populated areas have seen a considerable increase in small-scale drug trafficking, which might come from common crime; however, reportedly there are structures or alliances in conjunction with complex organized armed groups and organized crime groups that manage connections with all the links in the chain, from production and transportation to the subsequent sale of the drugs.

In recent years the municipalities in the banana-growing region of Urabá-Darién have experienced urban insecurity phenomena like the presence and proliferation of gangs and small-scale drug trafficking, as well as other illegal economic activities, which, in turn, are driving these phenomena. Some urban communities consider there is no incentive for peace for their communities because the messages disseminated to date address a territorial peace that is immediately associated with rural areas. Thus, the view of urban communities is that the refusal by large swathes of society to buy into the peace accord, as well as targeted decisions by the national government to assist territories of interest to the FARC-EP, may seriously jeopardize the potential for peace in the country, or in the best of cases it is not creating any incentive in urban communities affected by violence and crime.

The process of Disarmament, Demobilization, and Reintegration (DDR) of the AUC taught the importance of looking to cities as areas where there is a confluence of different dynamics that could affect the process. Large urban centers became an arrival point for those who had demobilized

and sought anonymity to improve their sense of security; they were not, however, free of danger. This means that any future process needs to take cities into account as potential points of arrival, transit, and residence in the case of urban guerrilla networks, which entails not only bringing institutional services up to speed, but also follow-up and monitoring mechanisms to ensure the security of those involved in the reintegration process.

The changing relationship between organized armed groups and the FARC-EP and ELN guerrillas can be attributed more to the dynamics of the territories than to the groups' own ground rules. These relationships fit into a scheme of maximizing profits from illegal economic activities, and reducing risks from security forces' actions or control over specific territories; therefore, alliances and disputes are tenuous, unstable, and volatile. As for the alliances and non-aggression pacts that were entered into at some point between organized armed groups and FARC-EP and ELN guerrillas, the GS/OAS has noted some that have been maintained and others that have changed their equilibrium. Although there is no identifiable pattern or national trend, the situation is worrisome in regions like, *inter alia*, Baudó and Litoral del San Juan in Chocó, and Bajo Cauca and Norte in Antioquia, where alliances have been shattered, unleashing all kinds of violence and conflicts.

The level of intensity of these conflicts in the territories varies depending on the area. The first level of intensity corresponds to armed confrontations that have had serious humanitarian consequences. The GS/OAS calls attention to this situation in the regions of Bajo Cauca, townships of Puerto Claver and Puerto López in El Bagre, Antioquia; and Baudó, Litoral del San Juan,^{14/} and Darién, the Salaquí, Truandó, and Cacarica River basins, department of Chocó; in these areas armed confrontations have led to massive confinements and displacements [of the population] to the municipalities' urban centers. These battles have pitted the *Clan Úsuga* against the guerrilla forces of the FARC-EP and ELN, whose joint maneuvers demonstrate significant coordination between the two insurgent groups, at least in these regions of Colombia.

A second level intensity is found in regions like the northern part of Antioquia, where the FARC-EP and the *Clan Úsuga* vie for control over areas with illicit crops. This has led to forced displacements, selective homicides, and the establishment of invisible borders in rural areas of the municipalities, such as what has occurred in the townships Las Auras and Pueblo Nuevo de Briceño.

In other areas, to the contrary, there have been no confrontations. The clearest example is in the south of the department of Córdoba, where the absence of fighting between the *Clan Úsuga* and the FARC-EP suggests that in this region at least there is respect for the areas under the control of each group. A similar situation exists between the FARC-EP and the organized crime group known by security forces as "*La Constru*" in the department of Putumayo, where, despite there being no explicit alliances, there is recognition of a division of territorial control wherein the FARC-EP have consolidated their presence in rural areas, while "*La Constru*" acts in urban centers.

Subsequent to the AUC's demobilization, positive changes were clearly seen in many regions of the countries with regard to levels of victimization and effects on the civilian population. However, in other areas, this improvement in security conditions was not immediately felt, rather, to the contrary, greater levels of violence were seen. For this reason, the Colombian state's decision to opportunely maintain and strengthen [early] warning systems to bring attention to situations that

14. According to the United Nations High Commissioner for Refugees (UNHCR), fighting in the regions of Baudó and the Litoral del San Juan in the department of Chocó have led to the displacement of 6,000 individuals and the confinement of 7,000 as of May 2016.

might alter humanitarian conditions in communities was a wise one. These systems currently allow for expeditious assistance channels to be activated where there is any risk of human rights violations.

The expansion of “*Los Pelusos*”^{15/} into areas traditionally controlled by the FARC-EP has been consolidated thanks to the military strengthening of the EPL holdouts in 2014 and 2015, who did not suffer significant setbacks despite the death of their commander, Víctor Ramón Navarro, alias “Megateo.” However, with the capture of Guillermo León Aguirre, alias “David León,” successor to “Megateo,” and the death of Jader Navarro Barbosa, alias “Caracho,” who was in turn the successor to “David León,” the situation of this armed group is uncertain. The view in the region is that this process has taken place in coordination with the ELN and is a transition between the armed groups with a presence in the area. The EPL and the ELN are emerging as the actors who, in a process where the FARC-EP surrendered their arms, would maintain control in Catatumbo with a marked emphasis on illegal economic activities. This expansion, accompanied by social and political actions, has a direct impact on communities’ perception about the viability of implementing the peace accords with the FARC-EP.

The GS/OAS highlighted this trend in its XXI Half-Yearly Report and continues to note realignments and the ELN guerrilla forces’ occupation of areas historically controlled by the FARC-EP, such as in Darién Chocoano, Catatumbo, the Nariño Pacific Coast, the department of Arauca, and the Serranía del Perijá. Although in some areas the communities opine that these process are taking place by consensus or under an agreement, in the department of Arauca^{16/} and in the Serranía del Perijá^{17/} tensions have flared due to takeovers of the social base, incursions in the areas of influence of one guerrilla group or another, or extortion of proceeds from illegal and legal economic activities in the area. In Darién Chocoano there have been confrontations in the Salaquí, Truandó, and Cacarica River basins, leading to the population’s confinement and displacement “drop by drop.”^{18/}

The experience demobilizing the AUC showed at the time that the departure of a group from a specific territory was an incentive for other groups to seek to control it. For this reason the State’s presence was essential in those years to ensure that these areas would not become the scene of new violent incidents as a result of a new group’s arrival. With the passage of time, however, it became clear that the State’s presence had to be comprehensive and go beyond militarily recovering territory such that the State and the entirety of its institutions could be reestablished or established for the first time.

The ELN’s continued presence has been observed in the south of Bolívar. Particularly obvious in the first quarter of 2016, this was seemingly in response to the launching of security forces’ military actions to restore control. The ELN has undertaken actions to show its political and military influence and might, including kidnapping National Police officers and retaining and exercising social control over *campesinos* and fishermen. There have been reports of anti-personnel mines being planted once again and an increase in recruitment of minors in the municipalities of San Pablo and Morales. In the same vein, as part of the political observance of the death of one of the ELN’s historic leaders, Camilo Torres, the group engaged in activities like blowing up energy towers, an attack on palm-oil businesses’ infrastructure, blockade of roads with explosive devices, and

15. Although the national government and security forces call this group “*Los Pelusos*,” in the region they are historically known as the non-demobilized EPL holdouts.

16. In the rural areas of Arauquita and Saravena.

17. In the rural areas of Chimichagua and Curumaní.

18. Gradual displacement of communities.

placement of billboards alluding to the guerrilla movement in the municipalities of Morales, Simití, and Yondó (Antioquia).

Additionally, in September the ELN undertook a three-day “armed strike” that disrupted daily life in six departments of the country^{19/} where its *Frente de Guerra Oriental* [Eastern War Front] operates. The most significant disruptions, however, took place in the departments of Arauca, Boyacá, and Casanare, where motorcycles, trucks, and buses were burned, affecting mobility between several towns. Other incidents from May to August 2016 included the kidnappings of the journalists Salud Hernández Mora and Diego D’Pablos, and the cameraman Carlos Melo in the municipality of El Tarra (Norte de Santander), and that of four rice farmers in the department of Arauca. Finally, in October, two drivers who had a contract with the Ministry of Defense were murdered by the ELN on the road from Fortul to Tame (Arauca), which they had driven on several times.

V. CONTEXTS OF SOCIAL UNREST IN THE TERRITORIES

With the signing of the Fifth Additional Protocol at the request of the Colombian government, the GS/OAS included the monitoring of contexts of social unrest in the Mission’s work. The aim is to identify current and potential challenges that may arise in the regions, as well as scenarios that may emerge in the wake of the armed conflict’s reduction in hostilities or those that stem from the peace accords’ implementation in the regions. The MAPP/OAS has been working since mid-2015 to develop and put into practice a methodology to monitor cases of social unrest. It should be noted that this period of work has not yielded enough cumulative experience to draw lessons learned about social unrest in Colombia. Nevertheless, this period of monitoring in the regions raises the alert about social tensions that exist currently in the areas that are hardest hit by the internal armed conflict.^{20/}

During this period of monitoring the MAPP/OAS has noted an increase in social protests, demands to fulfill unmet needs, and unrealized commitments to ethnic and *campesino* communities. Social organizations, as well as community, *campesino*, afro-descendant, and indigenous platforms and movements have been active in these situations. In this context of social unrest, the following tensions, which must be considered in the post-conflict period, have been identified:

The GS/OAS calls attention to different conflicts detected, such as tensions between *campesinos*, displaced persons, and other individuals or sectors that seek ownership over land. These tensions have been seen over land like Las Catas estate in the municipality of Ayapel (Córdoba), the Hacienda El Porvenir in Puerto Gaitán (Meta), the Hacienda Las Pavas, in the township of Buenos Aires, in Sur de Bolívar, the case of El Garzal in the municipality of Simití, Sur de Bolívar, the case

19. Arauca, Boyacá, Casanare, Norte de Santander, Santander, and Vichada.

20. Just as the MAPP/OAS has indicated, the IACHR also believes that an essential part of the process’ sustainability refers to the implementation of agreements locally; fulfillment of commitments already undertaken by the State and resolution of the increasing social unrest in relation to access to economic, social, and cultural rights linked to extractive activities’ social and environmental impacts, and land restitution, among others. The IACHR also concurs with the MAPP/OAS’ analysis as to the need for: Improvement in inter-agency and inter-jurisdictional coordination and linkages; rapid and effective interventions to strengthen the presence of the State in the territories where the FARC have operated; and assistance in rebuilding social and human capital.

of La Alemania and La Porcelana in the municipality of Cáceres, department of Antioquia, and the Hacienda Bellacruz, municipality of La Gloria, department of Cesar. In most cases communities see timorous action by State institutions responsible for these matters, in addition to actors who resort to threats and even violence to resolve disputes.

Ethnic and *campesino* communities want a territorial-based approach that considers human capacities regarding agrofood production, sustainable use of territorial capacities, development of local economies, rural participation, in addition to protection of vested rights, and the processes of extension, constitution, or reorganization that are underway. These territorial tensions are heightened when communities regard the central government as pushing mining and prospecting for fossil fuels by large companies, when this affects ethnic-minority and *campesino* proposals. In response, social, *campesino*, and ethnic-minority organizations are preparing proposals that provide for the needs of the region, including recognition of achievements and options developed in each region. Such proposals reflect different, competing models of territorial administration and therefore underscore potential social conflicts.

Tensions over land run high in Putumayo, Caquetá, and Chocó. These tensions are made worse by the communities' view that the central government is promoting mining and fossil fuel prospecting on the part of large companies, which undermine ethnic and *campesino* proposals and have adverse social and environmental impacts. In response, social, *campesino*, and ethnic-minority organizations are making proposals that provide for the needs of the region, from recognition of the achievements and options developed in each region, which, in turn, embody diverse models of territorial administration.

The MAPP/OAS has shown that in the regions of Antioquia, Bajo Cauca, and Magdalena Medio social impacts from extractive activities manifest in different ways in rural Colombia. For some residents of these areas, "artisanal, traditional, or small-scale" mining is closely linked to social identity and a sense of community belonging and is how they earn income to support their families and have a flow of revenue in remote places where the presence of institutions is limited. These sectors of society demand recognition of this by Colombian government institutions in the design of a labor and environmental regulation and formalization strategy. They demand a strategy that would protect them from tensions currently surrounding the stigmatization and criminalization of their work, which leave them at the whim of illegal actors who seek to take advantage of the informal nature thereof to commit illegal acts and violence.

The GS/OAS has verified emerging tensions surrounding land-use and environmental planning that underscore the problems of demarcation, regulation, and protection, among others. Currently in regions like Magdalena Medio, the Macarena Special Management Area, and other environmentally protected areas there are agricultural, ranching, and extractive activities underway that have significant environmental impact. Continuous unlawful removal from the Amazonian Forest Reserve Area,²¹ or the occupation, settlement, and exploitation by *campesino* and mining communities of the Serranía de San Lucas (Sur de Bolívar) or Serranía de Los Yariquíes (Santander) are an indicator of the changes in these territories' use and vocation, which in some cases overlap with legal constructs that may not be compatible,²² constituting economic models and visions of land that are inconsistent with the environmental protection regimes proposed by the State.

21. Established pursuant to 2nd Law of 1959.

22. Like La Paya National Park, or incompatible like the Campesina Reserve Area of the Perla Amazónica.

In this regard, ethnic-minority and *campesino* communities that have settled in these territories demand clear and definitive support from Colombian state institutions to create communities that understand caring for the environment as part of human and economic development. This includes use of land resources for the continued existence of their own cosmovisions through the utilization of ecosystem resources that represent a significant source of income for the regions' inhabitants, as well as the design of strategies that enable them to settle in other territories with a roadmap for economic and social stability.

Furthermore, the emergence and independent strengthening of civil society organizations, and social, popular, ethnic-minority, *campesino*, and labor platforms are invigorating democratic dialogue, fostering processes of local dialogue and committees for discussion in a quest to fulfill unmet needs with regard to access to goods and services for communities historically neglected due to their geographical location or the significant impacts of the armed conflict. A challenge the GS/OAS identifies is overcoming community, social, and rural sector polarization and stigmatization that have resulted from the internal armed conflict, as well as the situations of exclusion of sectors of civil society that have no economic or political weight. From this point of view it is vital that the Colombian government take affirmative action regarding civil society's social and organizational capital.

In indigenous and afro-descendant territories, one of the issues that is currently triggering multiple social conflicts is closely linked to the social and environmental impacts stemming from mineral and fossil fuel extractive activities, as well as to the serious harm that illegal mining brings. Indigenous peoples like the Zenú communities of the Alto San Jorge have begun assessments of health impacts from mineral prospecting upon request of Colombian constitutional judges. The indigenous communities of the Putumayo are also affected by restrictions on ownership of land they conceive of and manage as ancestral territories due to fossil fuel concession and projects. This has been detrimental to their organizational and self-governing bodies, showing how highly vulnerable ethnic communities are to social unrest when it is a question of violations of their ethnic-territorial rights.

In regions like the Cauca, Urabá, Córdoba, Cesar, Meta, Nariño, and Norte de Santander, the conflict over access to land is straining the relationship between *campesinos*, indigenous people, and afro-descendants. Groups of *campesinos* have initiated and strengthened settlements in collective territories, demanding recognition of the '*campesinado*' as a political subject, and thus access to lands under the same conditions as ethnic-minority communities. This gives rise to competing views about the world and types of territorial administration. A clear example of this competition for land access is the current tensions that exist over the request to create *Zonas de Reserva Campesina* [Campesino Reserve Areas] (ZRC), which in some cases involve part of the territories recognized or in the process of being recognized as belonging to indigenous and afro-descendant communities. Ethnic-minority groups that have not received appropriate attention to their needs from the State see administrative acts like recognition of *campesino* organizations and community boards within their collective territories as harming and violating their rights, as is the case in the department of Nariño involving Community Councils, Indigenous Reservations, and a *Campesino* Association.

Furthermore, the presence in territories currently of illegal armed actors who intervene in the decisions of ethnic communities and impose political, economic, and social agendas is undermining the autonomy of ethnic-territorial authorities. The agendas pushed by these actors have led to: (i) Prohibition of ethnic-minority communities' own forms of government; (ii) push for purchasing lands

within collective territories; (iii) social vilification of ethnic-territorial authorities when positioning their own leaders; and (iv) interference in formulating plans for ethnic development and safeguard plans by imposing their interests. This intervention has weakened ethnic-minority groups and their ethnic-territorial authorities to the detriment of their constitutionally and legally recognized rights.

Additionally, the presence of some actors and political platforms that irregularly inhabit collective territories and have solid backing and political capital compete with traditional organizations, creating obstacles to community councils' ancestral and territorial authority. Some of these irregularities have been reported, but have not been fully addressed by local authorities. The GS/OAS calls attention to the dangers posed by the creation of parallel organizational structures in disregard for and violation of Law 21 of 1991 and Law 70 of 1993 in collective territories.^{23/}

As part of the tensions described above, what has emerged as a catalyst for escalating and underscoring them is the fact that at the negotiation table between the Colombian government and the FARC-EP, there has been talk of establishing *Zonas Veredales Transitorias de Normalización* [Transitory Rural Settlement Zones for Normalization] (ZVTN) and *Puntos Transitorios de Normalización* [Transitory Normalization Points] (PTN) in municipalities with a high density of ethnic-minorities' collective territories or even within such territories. This flies in the face of the criteria announced by the Colombian government for the location of these points and zones. This talk has polarized positions in ethnic-minority and *campesino* communities that inhabit these regions and escalated territorial and inter-ethnic conflicts that had been latent. The foregoing requires the Colombian government's immediate attention with regard to its structural causes.

The GS/OAS has alerted the State that it should establish a strategy of social dialogue regionally and nationally that acknowledges the social capital of community, ethnic-minority, and *campesino* organizations, ethnic-territorial authorities, and other kinds of organizational structures in order to coordinate territorial management and peace-building proposals that do not exclude any sector of society and enable situations of vulnerability, exclusion, and marginalization that affect populations to be overcome. Furthermore, it is important for democratic dialogue to recognize and address existing and potential socio-environmental and socio-economic conflicts that are seen in the territories. To this end, it is necessary for economic sectors to be invited to participate in this strategy of open, frank, and sincere discussion, thus making headway towards a preventive rather than a reactive approach to social conflicts.

With respect to social dialogue, the Mission has since 2014 been supporting and facilitating the dialogue established between the Colombian government and the Regional Working Group of Social Organizations of Putumayo, Baja Bota Cauca, and Cofanía Jardines de Sucumbíos, for purposes of reaching joint agreements on: (i) A proposal to substitute illicit crops; (ii) social investment in the department; (iii) the mining, energy, and environmental issue; and (iv) the human rights situation and protection guarantees. Progress has been made in each of these under committees, and of note are the accomplishments of the Environmental and Mining-Energy Committee, which already has a technical report that was prepared and presented by the Technical Team of the National Government's Social Organizations Working Group. Progress is likewise notable in the joint proposal for illegal crop substitution in the region. This proposal suffered some impasses that led to social mobilization; however, these have been surmounted thanks to the parties' commitment to dialogue and the MAPP/OAS' impartial work.

23. Law regulating policies on afro-Colombian associations.

The support of the Mission to this and other arenas for dialogue, like those being developed with the U'wa nation, show the importance of establishing this kind of discussion to prevent and address social conflicts, as well as to prevent the use of violence as a mechanism for positioning a social agenda and demanding rights.

VI. LESSONS FROM JUSTICE AND PEACE FOR FUTURE SCENARIOS OF TRANSITIONAL JUSTICE

Colombia has made efforts to consolidate a system of coherent and responsible transitional justice in keeping with the principles of respect for human rights and international humanitarian law. In this sense, several proposals were developed that took into account lessons learned, as well as valuable inputs from other instruments of transitional justice, such as the Justice and Peace Law. Without this latter process with the AUC, it would not have been possible, for example, to raise the need for including mechanisms to shed light on the truth, the nature of which was not exclusively judicial.

The tool of justice ultimately defined for the peace process, whose aim is to surmount human rights violations, may constitute the most important touchstone in the fight against impunity if it is successfully able to clarify incidents, contexts, complicity, and involvement of third parties, especially in massacres and military actions that have not been revealed in their real magnitude, i.e., the Orión Operation (2002), the massacre of La Rochela (1989), and the genocide of the Unión Patriótica, among others. The Justice and Peace Law, although it is the most important benchmark to date, has been unable to fully include in its investigations and subsequent rulings all perpetrators. It was only limited to the *postulados* [those seeking to avail themselves of the Justice and Peace Law], thus leaving the investigation and prosecution of third parties to the regular justice system. The new mechanism must seek to compile all the statements from the *postulados* who admitted the relationship between paramilitary groups and third parties.

Furthermore, if transitional justice successfully coordinates with the regular justice system in a timely manner, an effective collaboration may come about to fight against illegal economic activities in the territories, as well as to prosecute acts of corruption. By including in this special jurisdiction different visions and understandings of regional dynamics, acts of corruption may come to light that have not been prosecuted under the regular justice system or the Justice and Peace jurisdiction.

Justice and Peace resulted in significant progress with regard to an historical understanding of many actions and dynamics. The initiatives of the Justice and Peace Judiciary of Bogota to have a better understanding of the historical forces behind the conflict in Magdalena Medio are noteworthy, as is the important initiative of the Judiciary of Medellin aimed at having as many points of view as possible on the events that took place in Bojayá. The perspectives that come to light in the confessions of individuals who are demobilized/*postulados* and the contributions made by victims—which both the Office of the Attorney General of the Nation and the Judiciary compiled—can contribute to a large degree to historical truth.

When used in the implementation of transitional justice tools, the principle of conditionality should posit that there can be no special treatment unless contributions are made that help to uncover the truth, in addition to a commitment to guarantees of non-repetition. It will, however, be important

to regulate the scope of conditionality; the lack of a unanimous criterion with respect to the enforcement of Justice and Peace produced vacuums when it came to legal decisions on whether individuals were deserving of alternative sentences.

The Mission has, from the outset, supported implementation of Justice and Peace and is mindful of the logistical, administrative, and financial difficulties that implementation thereof has entailed and continues to entail. A similar situation should be expected with regard to use of the new legal tool for the peace process, the Special Jurisdiction for Peace (SJP), given that the large number of cases to be taken up, the complexity thereof, and from time to time, a lack of legal information, will lead to moments of procedural backlog that may be reduced via the use of suitable data processing mechanisms as well as technology that makes it possible to search case files in real time and compare past information to potential matches.^{24/}

Based on experience, in future legal scenarios, determining the incentive for acknowledging responsibility will be key for two reasons: (i) acknowledgment should not be the only requirement for obtaining benefits under this jurisdiction; and (ii) the incentive must be conditional upon true verification that the crimes were indeed committed by the individual admitting to them, thus preventing there from being fewer individuals who incriminate themselves—bearing in mind the joining of cases under a single sentence—especially if such individuals have already been convicted or have already served more than eight years.

The monitoring done by the MAPP/OAS for more than nine years has revealed that Justice and Peace prosecutors received case files that referenced only insurrection and related crimes, the name of the guerrilla group, or the fact that the crimes had been committed in the context of the armed conflict. There were also convictions of guerrilla members wherein insurrection was not charged as the underlying offense; in some cases aggravated conspiracy was the main offense charged, while in others the punishable offense is simply mentioned without any indication of an underlying offense of insurrection or belonging to the insurgency. The quantity and quality of the information referred by the Superior Council of the Judiciary and the Office of the Attorney General of the Nation will constitute one of the challenges under the new jurisdiction.

Bringing the judiciary and the communities closer together is one of Justice and Peace's signature achievements. The most significant hearings are being conducted in the territories and attempts are being made to ensure the presence of the largest number of victims possible in the most important procedural forums. The opportunities victims have to participate in this new process should be the same as those enjoyed by the victims under Justice and Peace.^{25/} Accordingly, another of the

24. The IACHR has taken note of the MAPP/OAS's observations and understands that the SJP—as a tool for justice developed for the peace process—could become an important benchmark in the fight against impunity. Nevertheless, the Commission is concerned that the SJP may not manage to achieve the level of coordination necessary with Justice and Peace to shed light on facts, contexts, complicity, and third-party involvement in serious human rights violations and massacres—the magnitude of which has not yet been fully ascertained—as the scope thereof does not include all perpetrators, but rather only the *postulados* [those seeking to avail themselves of the Justice and Peace Law], leaving the regular justice system to handle crimes committed by third parties.

25. The IACHR has once again taken up what was noted by the MAPP/OAS with respect to the level of victims' participation vis-à-vis the obstacles thereto that existed under Justice and Peace in order to underscore the fact that the State must necessarily ensure that [victims'] involvement in the new transitional justice process is effective.

most significant challenges to whatever system is ultimately adopted for the peace process with the insurgent groups will have to do with the need to ensure the active participation of victims in the process, wherein both procedural notice as well as a mechanism that can guarantee the real participation of the victims will be necessary. This should be active and offer them the possibility to make statements regarding the beneficiaries' acknowledgment [of responsibility] and even provide their own version of the facts.

Bearing in mind the lessons that came out of victims' assistance days in the framework of Justice and Peace, any legal adjustment that entails transfer of jurisdiction or changes in current procedures must be timely and duly explained to the victims, among others, via mass communications strategies on transitional justice that resolve questions and concerns that victims have these days about the complementarities or links between the existing mechanisms.

When the Justice and Peace Law was being developed, an Inter-Agency Coordination Committee was created under Article 21 of Decree 3391 of 2006; the idea behind the Committee was to encourage harmonious collaboration among the branches of government, its primary function being to foster coordination and collaboration in the actions taken by state entities involved in enforcing Law 975 of 2005. Improvements in efforts among agencies led to better outcomes in the enforcement of the Justice and Peace Law as well as in consolidating the rights of both the victims and the *postulados*, thus giving rise to a lesson learned that should be taken into account when implementing all transitional justice tools. The GS/OAS is convinced that enhancing coordination between the new transitional justice tool, Justice and Peace, and entities like the Unit for Support and Comprehensive Redress of Victims (UARIV) on matters such as collective redress for communities affected by the violence will lead to better outcomes.

The implementation of Justice and Peace has reinforced the need to have a monitoring system in place—in cases of restriction that do not require imprisonment—that is consistent with the requirements of the process. In this scenario, the employment of technologies that can be broadly monitored by civil society and/or international partners may help to minimize the risk of violations of this type of restrictions.

In cases of deprivation of liberty under the regular [justice] system, the GS/OAS has suggested that a system of special detention conditions be created that provides decent living situations and includes educational and work training projects that are consistent with the profile of the detainees.

A key point to bear in mind in connection with the implementation of all transitional justice legal mechanisms is the judicial review of the cases of guerrilla members who are in prison. This review entails procedural vetting such that potential beneficiaries of pardons or non-custodial punishments may be released. While this process is underway, it is crucial to have a post-conflict approach to imprisonment and for this it is important to create decent conditions for inmates and enable a swifter and more effective review of cases.

VII. CONTRIBUTIONS WITH RESPECT TO PRISONS AND PENITENTIARIES

Prisons and penitentiaries are critical to the development of transitional justice and thus, the MAPP/OAS has been committed to consolidating a comprehensive system of supervision in

transitional justice scenarios based on ongoing support and monitoring inside prison walls. Such presence is reflected in more than 400 visits to detention centers that have led to improvements in living and health conditions as well as with respect to overcrowding, while at the same time promoting differentiated treatment of combatants or ex-combatants in prison.

Since 2006, the MAPP/OAS has made more than 400 visits to different prisons where members and former members of armed groups are and were being held. During such visits, it observed situations that compromise habitability. The MAPP/OAS has also prepared a number of reports on the effect of imprisonment on transitional justice that provide evidence for the need to have special systems in place that enable the normal development of both judicial and extrajudicial tools. This translated, for example, into the creation of a special detention system under Justice and Peace by means of Resolution 06305 of 2009.^{26/}

In the framework of the peace negotiations being advanced by the national government with the FARC-EP, an agreement was reached between the *Larga Vida a las Mariposas* [Long Live the Butterflies] Coalition^{27/} and a number of members of FARC-EP inmate collectives to expedite a confidential report about the status of members of guerrilla groups being held in Colombian jails. To that end, the MAPP/OAS brought a series of findings to the attention of the competent government institutions according to which some of the rights of the aforementioned inmates were allegedly being violated.

With this understanding, the MAPP/OAS encouraged the creation of three forums for inter-agency coordination as well as for the participation of the self-proclaimed “Political Prisoners of War” and the attorneys representing them. These forums also include the Office of the Attorney General of the Nation, the Office of the Ombudsman, the National Institute of Legal Medicine and Forensic Sciences (INML), the National Penitentiary and Prison Institute (INPEC), the Penitentiary and Prison Services Units (USPEC), the Health Fund for Persons Deprived of Liberty Consortium, comprised of FIDUPREVISORA S.A., the Ministry of Justice’s Office of Criminal and Prison Policy, and the MAPP/OAS.

The GS/OAS identified high levels of alleged violations of the rights of inmates in Colombian prisons and penitentiaries who belonged to insurgent groups. These were discussed in three working groups, broken down as follows: (i) Working Group on Monitoring and Accompaniment related to Health Care; (ii) Working Group to Call Attention To and Monitor Alleged Cases of Cruel and Inhuman Treatment and Torture; and (iii) Working Group to Follow Up on the Implementation of Precautionary Measures, “José Ángel Parra Bernal.”

The Working Group on Monitoring and Accompaniment related to Health Care provided evidence on the need to visit inmates from the target group in order to verify conditions where they

26. Resolution 06305 of 2009 issued by the Director General of the National Penitentiary and Prison Institute (INPEC), which established the “Special Internal Regulation for Justice and Peace Facilities and Complexes.”

27. The Coalition for the Decent Treatment and Liberty of Political Prisoners, *Larga Vida a las Mariposas*, is a group that brings together different organizations seeking to advocate for the dignity of individuals deprived of their liberty because of their political activities and/or opinions. The Coalition aims to call attention to potential conditions of uninhabitability, basic sanitation, health, food, access to public information, and access to family life for those being detained because of possible ties to guerrilla groups or human rights defense organizations.

are being held given the serious state of vulnerability they are allegedly in. In view of the foregoing, the MAPP/OAS, accompanied by the Office of the Attorney General of the Nation, the Office of the Ombudsman, and representatives of *Larga Vida a las Mariposas*, made 24 visits to detention centers.

Such visits served as the basis for a report that contains an analysis of the current conditions the inmates on the list provided by the Office of Criminal and Penitentiary Policy are living in. Based on the description of the inmates' living conditions, a series of recommendations were made; the authorities have been implementing these recommendations little by little. Their efforts have, however, been insufficient given the needs of the prison population. The report focuses on the living conditions of the inmates in question vis-à-vis their health, the response capacity of INPEC's institutional actions with respect to medical assistance needs, and the supply of and access to specialized medical treatment in cases of emergency or to procedures for specific diseases or injuries that so require them.

The main situations observed include, for example, an oversupply of general medical services, compared to a dearth of specialized medical care, faulty diagnoses, and little access to other types of therapeutic treatments. For example, cases were found of cancer patients who had been seen more than 30 times by a general practitioner, but only once by a specialist. Some prisons and penitentiaries have the infrastructure to provide care. They do not, however, have specialists, as is the case with physical therapists. It is worth noting that the high number of inmates with disabilities who were guerrilla members creates the need for these types of therapies.

The Working Group to Call Attention To and Monitor Reports of Alleged Cruel and Inhuman Treatment was convened out of the need to effectively expose cases in which there is reportedly conduct that violates the dignity of inmates from the target population through cruel, inhuman, or degrading treatment by agents of the state or other factors of violence.^{28/} Along these lines and bearing in mind the severity of the reports, the Mission convened a Working Group in order to establish a suitable and expeditious mechanism for reporting acts that might constitute torture and cruel, inhuman, or degrading treatment or punishments.^{29/} Continuous reports of corruption and mistreatment constitute a barrier to the assertion of health-related rights. Although these types of situations exist in the prisons visited, the reports of cruel and inhuman treatment in the "La Tramacúa" of Valledupar (Cesar), La Dorada (Caldas), Picota (Bogota), Arauca (Arauca), and Acacías (Meta) prisons, among others, are concerning. In addition, attention should be given to the fact that the Immediate Reaction Group was used in circumstances that did not warrant the employment of force.^{30/}

One decisive problem is the degree of mass incarceration, which most of the time exceeds the theoretical holding capacity. Overcrowding is also increasing due to the high number of inmates in pretrial detention who may remain behind bars for years while awaiting trial or even remain in prison for longer than the maximum sentence would require. In such cases, the extremely high rates of

28. In view of the foregoing, the *Larga Vida a las Mariposas* Coalition and inmate collectives requested the intervention of the MAPP/OAS through communiqués and letters.

29. This working group brings together the Office of the Attorney General of the Nation, the Office of the Ombudsman, INPEC, the Ministry of Justice's Office of Criminal and Prison Policy, and the MAPP/OAS.

30. Case in point – the prison in Arauca on December 24, 2015. Several inmates were seriously injured during an operation by the Immediate Response Group due to an apparent excessive use of force.

overcrowding in the prisons in Cali and Pereira are of concern. Moreover, the physical infrastructure of most prisons is not appropriate for persons with disabilities.

As to actions taken in the context of preventing torture, the GS/OAS believes it is important to not be limited by visions whose objective consists of jailing the enemy. The idea here is to move forward in the post-conflict framework toward a concept of transitional custody and treatment until such time as pardons or prison sentences are given under the transitional justice system. Accordingly, the MAPP/OAS has spearheaded training for new prison guards on topics related to the concentration of FARC-EP inmates in some penitentiaries, among them La Picota (Bogota) and Barne and Chiquinquirá (Boyaca). Such concentrations are part of a recruitment effort for the Special Jurisdiction for Peace with respect to prisons. In accordance with the efforts undertaken, and now that the public phase of the peace process with the ELN has begun, the Mission is encouraging development of a road map that leads to the concentration of ELN guerrillas imprisoned in different Colombian penitentiaries.

In the Working Group examining the José Ángel Parra Bernal case,^{31/} information was shared about the health of inmate José Ángel Parra Bernal, a member of the FARC-EP, who is suffering from cancer and requires special medication that must be provided in order to prevent his health from deteriorating. Thanks to this Group's efforts, INPEC and the entities responsible for providing health care to prisoners are providing Mr. Parra with the care and assistance he needs.^{32/}

VIII. IMPORTANCE OF GUARANTEES OF NON-REPETITION IN THE FRAMEWORK OF TRANSITIONAL JUSTICE

The successful conclusion of cases that ensure legal protection for all those involved and that boost victims' trust through comprehensive legal redress will be of the utmost importance when it comes to building a stable peace following the accords. To that end, the Mission highlights the efforts of the Office of the Attorney General of the Nation to implement a closing strategy; it nevertheless recommends increasing the participation of victims during this stage so that, where necessary, they will be prioritized in the macro-judgments and able to understand the possibility of obtaining redress through the early termination of cases.^{33/}

31. This individual is the beneficiary of precautionary measures granted by the Inter-American Commission on Human Rights. Precautionary Measure No. 363/11. Available at: <https://www.oas.org/es/cidh/decisiones/pdf/2015/MC363-11-ES.pdf>

32. The IACHR also made reference to the situation of Mr. José Ángel Parra Bernal García, who is the beneficiary of a precautionary measure granted by the Commission last year. The request for precautionary measures alleges that the beneficiary is reportedly at risk because he is not receiving proper health treatment for his health conditions at "La Picota," a medium- and high-security penitentiary located in Bogota, where he is currently being deprived of his liberty. After examining the arguments of fact and law, the Commission believes that the information, in theory, shows that the beneficiary is in a serious and urgent situation because his life and personal integrity are at risk and hence asked the State to adopt the measures needed to protect Mr. Parra Bernal García's life and personal integrity.

33. The IACHR also agrees with the appeal being made by the MAPP/OAS to ensure that legal certainty prevails in criminal prosecutions and that the rules be clear and adhered to by defendants and judges alike, and that victims' rights to the truth and to redress—which are not rights exclusive to transitional systems—be taken into account.

Another important aspect of peace building has to do with efforts to fight impunity. Accordingly, the GS/OAS recommends a thorough review of the certified testimony from the Justice and Peace *postulados*, including testimony archived by the Prosecutors' Offices. This would help get to the bottom of certain facts and above all, establish who was responsible for the crimes committed by the AUC.

One factor that could adversely affect non-repetition lies in the disqualifications set forth under Law 1424 of 2010 for ex-combatants. Despite the fact that those who demobilized and comply with this law may have their convictions suspended, they will be prohibited from working for the government or obtaining or keeping up professional licenses, and, after they are convicted, some private employers may opt to fire them. A number of those who demobilized lost their jobs when they complied with the Law's requirements and have thus expressed their clear intent to return to the illegal armed groups. There could be a mass exodus of demobilized members of the AUC from lawfulness into unlawfulness if some sort of law that eliminates these barriers to the labor market is not passed.

The GS/OAS further suggests that to the extent possible, peaceful solutions be sought to the problem of organized armed groups or organized crime groups, given that a policy of submission [to justice] has to be attractive enough to persuade these organizations to submit to justice bodies. In this regard, the MAPP/OAS is supporting legislative efforts such as the process to reform the Criminal Procedure Code and Law 1779 of 2016, which set forth precepts that promote the submission of these illegal structures via certain procedural prerogatives.

The GS/OAS is making an appeal for a process of submission [to justice] and prosecution in which legal certainty prevails and the rules are clear and followed both by those submitting to the systems and by State authorities. Any mechanism that encourages submission must take into account the rights of victims to the truth and redress, which are not exclusive to transitional systems. Mechanisms in the regular justice system, whereby victims of similar crimes and criminal actions would receive different benefits because of who the perpetrator was, cannot be allowed.

IX. CHALLENGES IN THE DISARMAMENT, DEMOBILIZATION, AND REINTEGRATION PROCESSES IN COLOMBIA

The MAPP/OAS has verified and monitored the Disarmament, Demobilization, and Reintegration (DDR) process since 2006. Over the years, the Mission has managed to forge a relationship of trust, not only with the institutional actors involved in the reintegration process, but also with demobilized persons by taking up and channeling their concerns and needs. The MAPP/OAS was involved in the monitoring and verification of 31,696 ex-combatants in 36 demobilization events and in the surrender and destruction of 18,002 weapons.

In the past 10 years, more than 140 focus groups have been held (46 of which were exclusively with women) with ex-combatants from the AUC, FARC-EP, ELN, and the Guevarista Revolutionary Army (ERG). This has enabled collaboration with the Colombian Agency for Reintegration (ACR) for purposes of providing recommendations regarding the development of strategies as well as of raising the profile on the main difficulties and challenges the reintegration of ex-combatants in the country poses.

Having a significant presence of international verifiers with a mandate to engage in monitoring and with access to the ZVTN is a measure that was adopted to minimize potential hostilities between the FARC-EP and state law enforcement and to reduce the impact on the civilian population in those territories. Nevertheless, experience tells us that the main challenge lies in protecting communities that fall outside the concentration zone, in the area of influence of the armed group that is in the process of disarming.

One of the primary difficulties in verifying the cessation of hostilities vis-à-vis the civilian population is the overlap of zones of influence with other illegal armed groups. Regardless of the peace decisions made by an armed actor, in those territories illegal economies persist that provide livelihoods to some of the communities' families and still hold the interest of other illegal armed groups. This makes it difficult to establish guilt; in fact, in the case of the AUC, the commanders questioned their responsibility in some of the cases presented by the MAPP/OAS arguing that other illegal groups were present in that area when the hostilities occurred.

Based on the foregoing, it will be necessary to anticipate protection for residents of those areas—ongoing presence of the State accompanied by international organizations to deter and monitor the risks and threats to peace in those territories both during and after the concentration and surrendering of arms.

Transparency and clarity with respect to the commitments undertaken with communities and institutions are likewise important. With the implementation of the ZVTN it is common to have an area that is relatively isolated begin to receive attention from State institutions, civil society organizations, and even international organizations. In such a context, it is necessary to be very clear in the outreach briefings held with communities and local authorities in order to avoid raising false expectations. This means not trying to manage too broad or abstract a list of actions or falling victim to “good intentions” that are difficult to fulfill. On the contrary, clarity when defining the terms will also be important for avoiding ambiguity and different interpretations when it comes to implementing the process. From this perspective, it would be a good idea to take minutes of all meetings and to follow up on commitments. All of the above should be aimed at building trust with communities that have traditionally been under the influence of guerrillas and avoiding the feeling later that “the State is not living up to its commitment.”

It is recommended that weapons be registered at the very same time that combatants are being concentrated and disarmed. The time factor should not come before either security or transparency which is why it is important to determine what type of weapons they are and the working order they are in when turned over in order to register them properly in the official document that will be made public. The protocols necessary should be developed in order to ensure this is all done transparently, sending a very positive message regarding implementation of the process.

Generally speaking, large rural production projects have not worked in recent reintegration processes. They have failed for multiple reasons including a lack of effective technical knowledge, low levels of understanding of crucial things like large-scale marketing, adverse climate conditions, the loss of project funds or materials, delays in disbursements, internal tensions among demobilized persons—among them evidence that some former commanders attempted to keep privileges over their companions—and, on occasion, tensions between demobilized persons and the operator or company that was managing the project, *inter alia*.

Another factor leading to tension are the expectations and demands of both victims and the neighboring communities who insist, by every right, on being taken into account in these sorts of projects. Putting this type of integration into practice among different population groups requires time, psychosocial support, and other needs that add complexities to a project that must be economically sustainable. Consequently, when executing large production projects, such projects must go beyond initial investments of seed capital and the desire to create substantial numbers of jobs. Reducing the level of complexity in the management of these projects is advisable if you want to improve the likelihood of success, and can be achieved by having a reduced number of participants and selecting demobilized individuals with the profile for and experience in the sector in question, with matching interests and expectations, and who all live in the same area in order to avoid high transportation costs.

With respect to female ex-combatants, if the figures presumed about the composition of the members-in-arms of the FARC-EP (35-45% women)^{34/} prove to be true, this would mean greater participation of women in the current reintegration program in which just 20%^{35/} of the active population are women. It is thus necessary to prepare for and consider the specific needs that these female former combatants might have. For example, specialized psychosocial care to move past the gender-based violence they may have suffered while they were involved in the armed group; and work on a “re-definition” of what it means to be a mother for all those women who had children during the armed conflict and have never experienced motherhood or raised their children in another context.

In addition, flexibility must be sought in schedules in order to make participation in the reintegration program activities and being a mother—and sometimes, head of household with dependent children—as well as work-related needs compatible; or the demand for their own distinct and differentiated opportunities to address, among women exclusively, matters they would not dare discuss in front of male participants. Added to this should be the challenge of how to make the most of and constructively encourage women’s leadership among those women who held leadership positions in the FARC-EP and the ELN during the armed conflict and who wish to continue to play an active role in peace building.

Another especially sensitive topic is that of a differentiated reintegration route that bears in mind the traditions and importance of the return of indigenous ex-combatants who wish to go back to their own communities. If the percentage of indigenous people who demobilized during the AUC demobilization was practically anecdotal, in the case of the FARC-EP, the indigenous component takes on particular significance because of the ongoing recruitment that occurred over the decades in territories with a strong base of indigenous peoples.

Regarding the safety of ex-combatants, it should be noted that if the main fear that existed before the AUC demobilized was the potential harm that AUC combatants might suffer at the hands of the guerrillas, reality showed that such fear was groundless. On the contrary, dissident or recivist groups that emerged or reorganized following the demobilization were the ones that reportedly caused the main harm.

34. MAPP/OAS recommendations based on the lessons learned from the process of reintegrating the AUC. Unpublished document. Confidential and restricted use of the MAPP/OAS.

35. Colombian Agency for Reintegration. July 2016.

Weaknesses are still being seen with respect to the investigation and prosecution of crimes committed against demobilized persons. According to ACR data, the number of demobilized individuals who were murdered between September 2012—when the public phase of negotiations in the peace process with the FARC-EP began—and May 2016, reached 753 demobilized persons, of whom 213 (28%) belonged to the FARC-EP. The rate of prosecution for these crimes is unknown.

In order to better protect the safety of ex-combatants, it is necessary to pay attention to dissident or recidivist armed groups that emerge or reorganize after the surrendering of arms. The risks cut two ways, both with the involvement of combatants who return to the violent dynamics that characterize these groups, and the risk ex-combatants run when they refuse to rejoin such groups.

X. COMPREHENSIVE REDRESS FOR VICTIMS OF THE ARMED CONFLICT

Transitional justice in Colombia has endorsed and placed at the center of the discussion the rights of persons affected by the internal armed conflict. From Law 975 of 2005 (Justice and Peace Law)^{36/} to Legislative Act 01 of 2012 (Legal Framework for Peace),^{37/} instruments have been developed and designed to guarantee and fulfill the rights of victims. In this context, the GS/OAS reaffirms that Law 1448 of 2011 (Victims and Land Restitution Law)^{38/} has become one of the most important mechanisms for promoting a lasting peace in Colombia by recognizing the people affected by all the armed actors involved in the systematic violation of human rights in the context of the armed conflict.^{39/}

The GS/OAS underscores the importance of the implementation of transitional justice mechanisms that have enabled peace building in Colombia. Within this context, important progress and challenges have been identified in the recognition and guarantee of victims' rights to the truth, justice, and comprehensive redress.

36. Law 975 of 05, the “Justice and Peace Law,” published in Official Journal No. 45.980 of July 25, 2005. This Law set forth provisions for the reintegration of members of illegal organized armed groups so they could effectively contribute to the building of the national peace, as well as other provisions for humanitarian agreements. Reformed by Law 1592/12. The IACHR likewise takes note of what the MAPP/OAS has indicated regarding the fact that since Law 1592/12 was issued, which reformed Law 975/05, and the investigative mechanisms designed to reconstruct macro-criminal patterns of the FGN were implemented, there has been an exponential rise, as of August 2015, in the number of judgments handed down by the different Justice and Peace courts, reaching a total of 34 judgments, as well as a bringing together of the judiciary and the communities.

37. Legislative Act 01 of July 31, 2012, “By means of which legal instruments for transitional justice are set forth in the framework of Article 22 of the Constitution and other provisions are established.”

38. Law 1448/11. “Victims and Land Restitution Law,” published in Official Journal 48096 of June 10, 2011 and regulated by Decree 1084/15, which establishes measures for support, assistance, and comprehensive redress for victims of the internal armed conflict and sets forth other provisions.

39. The Inter-American Commission on Human Rights agrees with the MAPP/OAS in valuing the progress made with respect to land restitution and on the fact that the State continues to face major challenges when it comes to ensuring the safety of leaders and claimants, as well as in securing inter-agency coordination to comply with legal decisions. Accordingly, the IACHR [...] has consistently recommended that the State adopt the necessary measures [...] and ensure the effective participation of the victims in the fora provided for under Law 1448.”

The beneficiaries of collective redress^{40/} of the El Tigre community in the municipality of Valle del Guamuez underscore the positive impact of the “*Entrelazando*” [Interweaving] Strategy,^{41/} which is part of the community rehabilitation measures^{42/} implemented by the UARIV in the framework of the comprehensive plans for collective redress^{43/} (PIRC). The GS/OAS acknowledges that in the implementation of this type of strategies, the victims have collectively moved forward in acknowledging what happened and are contributing to the rebuilding of social relationships, giving rise to community narratives to recover collective spaces that were broken down by the conflict.

Furthermore, the GS/OAS highlights the contributions made by the National Collective Redress Cases Strategy between September 2015 and April 2016, primarily by establishing itself as a stable and ongoing channel for dialogue between different sectors of society and the Colombian government. This strategy aims to implement collective redress processes, using a policy approach, for severely victimized social and political groups.

The National Collective Redress Cases thus far have been: *Asociación Nacional de Usuarios Campesinos* [National Association of *Campesino* Users] (ANUC), *Red Nacional de Iniciativas Ciudadanas por la Paz y contra la Guerra* [Network of Citizen Initiatives for Peace and Against War] (Redepaz), the Association of Councilmen, Journalists, and Deputies, agencies for community action, *Instituto Popular de Capacitación* [People’s Training Institute] (IPC), and unions. Although challenges exist for implementation of this strategy—such as a lack of instruction that would enable the parties to the cases to distinguish between collective redress and individual redress—^{44/}the dissemination of collective redress and its scope within the National Cases has managed to attract

-
40. Collective redress is a right enjoyed by groups, peoples, or political and social organizations affected by the violation of collective rights, the violation of individual rights of the members of the collectives, or the collective impact of the violation of individual rights. Collective redress is a component of comprehensive redress and refers to a set of measures to politically, materially, and symbolically provide redress, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Those who qualify for collective redress include political and social groups and organizations; specific communities based on legal, political, or social recognition or based on culture, the area or territory they live in, or a common purpose.
 41. The “interweaving” strategy aims to help rebuild the social fabric, reestablish trust, and strengthen peaceful co-existence in communities that were victims of the armed conflict. It fulfills the provisions set forth in Articles 2.2.7.5.5 and 2.2.7.5.6 of Decree 1084 of 2015 and is framed within the same approach to redress established under Law 1448 of 2011: (I) Focused on harm; (II) differentiated perspective; (III) transformative approach; (IV) comprehensive nature of the redress; (V) victims as subjects of rights. It lasts three years.
 42. Rehabilitation as a reparation measure consists of the set of strategies, plans, programs, as well as actions of a legal, medical, psychological, and social nature, aimed at reestablishing the victim’s physical or psychosocial conditions. Article 135 of Law 1448 of 2011.
 43. Comprehensive collective redress plans bring together activities or actions deemed by the collective subject to provide redress for the harm caused by the internal armed conflict. Provided for therein are the perpetrators, estimated costs, and execution timelines. In order to develop a PIRC, resources from the UARIV as well as from the multiple entities of the National System for Support and Comprehensive Redress of Victims (SNARIV) are required.
 44. Collective redress applies to groups, peoples, or political and social organizations affected by the violation of collective rights, the violation of individual rights of the members of the collectives, or the collective impact of the violation of individual rights. It includes measures to politically, materially, and symbolically provide redress, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Individual redress, for its part, has to do with harm caused to persons as individuals and the path to redress establishes measures to address this.

institutions to help develop the PIRC, demonstrating tangible contributions by offering opportunities to bring cases before different entities of the Colombian state.

The GS/OAS also believes that putting together an historical memory from the territories—with the involvement of the victims and their organizations—is a way to bring dignity to the victims. The National Center for Historical Memory (hereinafter, CNMH) has spearheaded important efforts by having victims participate in its own investigations. To date, 35 investigations have been published, and there are 34 more underway.^{45/} Currently, the challenge lies in linking all of these historical memory initiatives and investigations to new mechanisms for establishing the truth that have been created under the system for truth, justice, redress, and non-repetition. This should lead to synchrony and dialogue to, on the one hand, help victims and communities feel like they have received proper redress, and, on the other hand, help all Colombians understand “what happened” during the armed conflict.

XI. CHALLENGES IN THE COMPREHENSIVE REDRESS PROCESS

The most immediate challenge with respect to comprehensive redress is the broad and effective inclusion of victims of the guerrillas, armed and organized crime groups, the State, and those victims who are members of security forces in the redress, justice, and truth processes. This relies on building institutional capacity to offer access and the effective enjoyment of rights to those whose rights were violated and who are just beginning to acknowledge that they are victims.

While the comprehensive redress measures that comprise the new transitional justice mechanisms—which were established under the Comprehensive System for Truth, Justice, Redress, and Non-Repetition—^{46/}aim to enhance the processes of collective redress, land restitution, returns, establishment of the truth, peaceful co-existence, and non-repetition, they are being created in a context of uncertainty in which the victims feel fear and mistrust because of insufficient outcomes in current programs and plans for collective redress, returns, and restitution of lands.

Such programs have been characterized by slow implementation of the routes established by the institutions in the territories, which is the case of the PIRC. Of the 303 cases reported by the UARIV^{47/} as of June 2016, only 92^{48/} are in the process of implementing the measures defined in the

45. Among them are topics such as: Forced disappearance, lands and territory, EPL, ELN, social extermination in Ciudad Bolívar, BACRIM, community takeovers by the insurgency, sexual violence, Patriotic Union, forced recruitment and use of children and adolescents, the right to justice as a guarantee of non-repetition, urban violence, exile, antipersonnel mines and their impact on the civilian population and members of the military, as well as more specific cases like those of Granada, Topacio, and the La Chinita massacre. Historical memory building exercises are also being done with *campesinos* from the high mountain communities of El Carmen de Bolívar and the *Comité de Integración del Macizo Colombiano* [Colombian Highlands Integration Committee]. National Historical Memory Center. Consulted on May 1, 2016 at: <http://www.centrodememoriahistorica.gov.co/>

46. Proposed during the negotiations between the FARC-EP and Government of Colombia. Point 5 (Victims).

47. Special Administrative Unit for Victims' Assistance and Redress. Collective Redress Cases Database. Official source.

48. Special Administrative Unit for Victims' Assistance and Redress. Follow-up Report on the Collective Redress Program, 2016. [Cited on June 6, 2016]. Available at:

PIRC. The main obstacles to their implementation have to do with: (i) Funding in the local, departmental, and UARIV budgets; (ii) political determination and will; (iii) inter-agency coordination; and (iv) disagreement with the measures set forth in the PIRC.

The same holds true in the process of land restitution: Of a general total of 90,400^{49/} requests for registration in the Forcibly Dispossessed and Abandoned Lands Registry (RTDAF), 23,300 requests have been thoroughly resolved, whether by means of a determination to not include them in the Registry or because they were settled via one of the 1,800 land restitution judgments issued to date, which correspond to 3,900 requests according to the information posted on the official website of the Special Administrative Unit responsible for managing the Restitution of Dispossessed Lands. Hence, setting effective and reasonable goals is of the utmost importance in order to avoid causing frustration and overly high expectations among victims and communities. As these figures demonstrate, 19,550 requests by victims have been denied and there are still 67,100 victims who have not yet been informed about their right.

One example of this came up at the Community Council of La Larga Tumaradó, located in the municipality of Riosucio, Chocó, where thanks to a precautionary measure issued by the land-restitution judges, activities have been underway to characterize the harm and effects on the territory. However, there was no coordinated intervention by national institutions to standardize the results of the studies.

The GS/OAS underscores the fact that Point 5 (Victims) of the original Havana Agreement^{50/} refers to some minimums that must be taken into account for implementation of the comprehensive collective redress plans (PIRC) using a territorial approach. Point 5 expressly states that “Comprehensive Collective Redress Plans shall coordinate, where possible, with the Development Programs with a Territorial Focus (PDET) and with other agreed upon plans and programs, as well as with different truth and justice efforts.” The Secretariat is concerned that despite how clear the need for such coordination appears to be, there is currently no consistency or unity between collective redress, returns, and the restitution of lands.

An example of the foregoing can be seen in the case of Paquemás,^{51/} in Turbo (Antioquia), where in 2013 the UARIV and the URT decided to implement the Targeted Redress Strategy (ERF),

<https://www.unidadvictimas.gov.co/sites/default/files/documentosbiblioteca/cifrasrepara062016.pdf>

49. Special Administrative Unit responsible for managing the Restitution of Dispossessed Lands. [Cited on May 1, 2016]. Available at:

<https://www.restituciondetierras.gov.co/estadisticas-de-restitucion-de-tierras>

50. Joint draft of December 15, 2015. Agreement about the Victims of the Conflict: “Comprehensive System for Truth, Justice, Redress, and Non-repetition,” including the Special Jurisdiction for Peace and Commitment on Human Rights. Established at the negotiations table in Havana between the Government of Colombia and the FARC-EP.

51. A community that was victim of dispossession and displacement due to events that occurred between 1994 and 1996 at the hands of paramilitary groups. Twenty-two (22) individual land restitution judgments have been issued despite the community’s request to have a collective ruling that would allow the definitive return of all the requesting families, thereby improving their security guarantees and conditions. A number of families have been involved in return processes; these families have had the support of some of the SNARIV’s entities. When it comes to collective redress, the community has an approved PIRC and the “Interweaving” Strategy is being implemented. All of these actions are being implemented in an uncoordinated fashion by the Special Administrative Units for Lands and Victims.

which consists of the design and implementation of complementary actions between the two entities to help with the redress and restitution of rights to persons affected by the internal armed conflict. However, they never managed to synchronize the execution of institutional actions, which led to inconsistency in the interventions in the community. This undermined the impact of the plans' redress goals and created complex situations for the individuals returning, i.e., having judgments regarding certain pieces of land, but not on all of the community's territory, meaning that there is property for which no judgment regarding land restitution has yet been issued. These lands awaiting rulings are in the hands of second occupants^{52/} who are present on an ongoing basis, leading to conflict and potential vulnerability for those persons who have already returned. The processes become complex and this has an influence on victims' perceptions with respect to redress as a slow and unfinished process.

Even more serious has been the return of the Embera Katío people, indigenous reservation of Alto Andagueda, municipality of Bagadó (Chocó). In this case, a full return has not been achieved, which has led to the breakdown of families and a lack of guarantees for meeting basic needs. The GS/OAS, through the MAPP/OAS, has revealed that the provisions of the September 23, 2014 judgment^{53/} have not been implemented mainly because of the limited degree of coordination among the entities responsible for doing so. The measures adopted to ensure food security in the 34 communities that are part of the reservation^{54/} have not been consistent with the eating habits of the Embera people or with the distances they must travel to obtain provisions and transport them to their final destinations. The UARIV and the Ministry of Agriculture and Rural Development supplied seeds for growing the community's own type of food. However, the seeds given by the former failed to grow, while the latter entity provided cacao to be brought to market without bearing in mind the poor state of access roads in the territory. For this reason, there has not yet been a successful collective redress plan coordinated with the land restitution process in the territories.

The challenges for Colombian government institutions continue to be great as they attempt to guarantee the safety of leaders and claimants as well as coordinate across agencies in order to implement legal decisions. The Mission receives repeated alerts regarding the threats or risks these individuals face. According to information furnished verbally by the Office of the Attorney General of the Nation, as of July 2016 the paperwork had been certified to open criminal investigations into 40 cases of events that led to the dispossession and abandonment of lands that had already been restored, as compared to the approximately 2,000 requests filed. This means that of the approximately 2,000 events that prompted dispossession and abandonment, only 40 have been forwarded to the investigative body for identification and detection of the perpetrators. The foregoing provides evidence that significant levels of impunity in some regions like El Cesar and Urabá have delayed processes of return to lands that have been restored.

52. Second occupants are "natural persons recognized as such via judicial providence, who despite not having being involved in the events that gave rise to the dispossession or forced abandonment, were not declared in good faith exempt from fault in the restitution judgment and, when such judgment was issued, faced losing their ties to the land for which restitution was being requested." Agreements 21 of 2015 and 29 of 2016 of the Land Restitution Unit.

53. Superior Court of the Judicial District of Antioquia, Specialized Land Restitution Court. Judgment of September 23, 2014. M.P Vicente Landinez.

54. Under the Department for Social Prosperity, the Ministry of Agriculture and Rural Development, via the Families on Their Land Program, the Colombian Institute for Family Wellbeing (ICBF) for NNA, and the UARIV.

Another of the difficulties identified in the land restitution processes is the paralysis of coordinating institutions both at the national and territorial level. This has prevented legal decisions adopted in the framework of the restitution processes from being executed, which has in turn led to a situation in which decisions proffered two or three years ago are still awaiting implementation.

The Colombian government must strengthen land restitution-based public policy feedback and adaptation mechanisms because while being implemented, they have come up against issues not foreseen by legislators, to wit: Second occupants, measures having to do with training programs, accompaniment in the return to lands, support for production projects, etc. This has caused dissatisfaction among a number of sectors of victims of the armed conflict as well as among detractors of the policy who allege defects in the land restitution process.

In the framework of the monitoring and accompaniment done by the MAPP/OAS, risks and threats to the land restitution policy have been identified and include: (i) The existence of *de facto* powers in the territories who engage in pressure, threats, or other types of harassment for purposes of forcing claimants to withdraw their claims. This prompts second rounds of displacements from the lands and even refusals to return; (ii) disparagement of the land restitution policy and claimants being labeled as fake victims due to a lack of investigation to identify second occupants, and above all, the characteristics of their occupation; and (iii) criminal investigations of judicial officers and territorial directors of the URT under the argument of professional overreach.

Thus, regulatory developments and the institutional designs that derive therefrom should standardize the actions undertaken both nationally and territorially. This means bearing in mind local contexts, budgets, programs, projects, and implementation plans, in addition to the safety of land claimants and communities targeted for collective redress, among others. Along these lines, it is extremely important to take into account the lessons learned for purposes of undertaking forceful efforts to build peace in Colombia.

The MAPP/OAS has been able to confirm certain difficulties faced by the victims of the armed conflict when it comes to inquiring with the State about their cases before the UARIV, not just in terms of whether or not they will be included on the Single Registry of Victims (RUV), but also with respect to specific procedures like updating data in the system, including, *inter alia*, an individual in the immediate family, and requesting the letter that accredits them as victims of the armed conflict. It is important to acknowledge the efforts taken by the UARIV to reach different areas of the country; nonetheless, these types of situations continue to be reported. In addition, it is necessary to emphasize other components of comprehensive redress having to do with professional training and education. The GS/OAS points out the need to enhance this type of actions in order to help overcome the vulnerability the victims of the armed conflict experience.

The MAPP/OAS has engaged in special monitoring of national collective redress cases, highlighting important progress made in recognizing and guaranteeing the rights of victims of the armed conflict. It is true that comprehensive collective redress plans (PIRC) for specific lands have experienced some difficulties in terms of inter-agency coordination and funding. Accordingly, it has been difficult to coordinate all the institutional services available in the National System for Support and Comprehensive Redress of Victims (SNARIV) to provide effective support to the victims of the armed conflict. In this regard, the GS/OAS is inviting all of the institutions of the Colombian government to continue to engage in efforts to restore dignity to the victims of the armed conflict, and especially to incorporate into their institutional and organizational development plans lines of

action related to comprehensive collective redress and the creation of interdisciplinary teams with experience in working with this type of population.

The Victims Participation Groups created by Law 1448 of 2011 are an important effort by the Colombian state to encourage the involvement of victims of the armed conflict in everything having to do with the development and implementation of the comprehensive redress and support public policy. Nevertheless, obstacles exist that have prevented this mechanism from being consolidated as an effective participation tool for victims, including difficulties in holding effective discussions between local authorities and victims, controversy surrounding the use of resources earmarked for the Participation Groups, the need to enhance community and organizational leadership among victims, etc. The GS/OAS highlights the need to strengthen opportunities for citizen and victims' participation through a differentiated approach, addressing the specific needs of communities and eliminating the obstacles that stand in their way.

XII. SOCIAL PARTICIPATION IN PEACE BUILDING

Participation has been at the heart of the social contexts and different expressions of the internal armed conflict. Many peace initiatives have been pushed by society, represented by ethnic communities, women's movements, unions, *campesinos*, social processes and organizations, and victims, among others.

Based on the broad experience social movements have in Colombia, there continues to be an inalienable demand that they be included in negotiation, agreement-implementation, and decision-making processes in order to achieve enduring peace. The GS/OAS is concerned about ongoing complaints from afro- and indigenous communities and *campesino* movements about their lack of participation and the failure to include their proposals in the drafting of the peace accords. The effective involvement and broad recognition of these sectors and groups that live in the territories where the peace policies are being implemented and where the peace accords that ultimately come out of the negotiations with the insurgent groups will be implemented are essential to securing lasting peace.

The government, for its part, is moving forward in building an institutional structure for participation, envisaging an orderly relationship among different, already existing citizen participation mechanisms (Statutory Law on Participation - Law 1757 of 2015, Victims and Land Restitution Law, *inter alia*) and the new mechanisms agreed to under the peace process. These latter mechanisms are part of the policy of comprehensive rural reform, solution to the illicit drug problem, political participation, the Comprehensive System for the Truth, Justice, Redress, and Guarantees of Non-Repetition, and human rights.

Nevertheless, the people in the territories are demanding more real participation in the development of the post-conflict strategies, policies, programs, and plans being drawn up at a national level on matters such as security, justice, economic and social development, the use of natural resources, among others. These lines of action or peace policies can offer a range of opportunities for preparing the territories for peace.

The GS/OAS, via the MAPP/OAS, has discovered that different national institutions, such as the Presidential Office for the Post-Conflict, Human Rights, and Security and the Office of the High

Commissioner for Peace, are using different vulnerability indicators for intervention in key areas post-accords. To this end, they have developed intervention strategies or programs to be implemented after the signing of the peace accords, establishing different methodologies to ensure that specific government services are extended to the territories.

The experience of the OAS and the MAPP/OAS reveals that peace building in the territories affected by the armed conflict by means of public policy requires a deep understanding of those territories, of their specific sociocultural characteristics, of the ways they are organized, and of their decision-making systems. It also requires high levels of coordination among institutions as well as well-honed standardization with current regional and municipal public policy planning instruments. When implementing the strategies devised for the post-conflict era, national institutions will find territories that already have local participation mechanisms in place, such as Development Plans, Life Plans (indigenous peoples), Safeguard Plans (indigenous peoples), Territorial Action Plans (victims), Collective Redress Plans (victims), Citizen Security and Co-existence Plans (within the PDT), Land Use Plans, *inter alia*. Generally speaking, these instruments do not include specific post-conflict actions as they lacked relevant data when they were created; or they include actions based on the territories' own proposals and projections, which may not be in line with the proposals developed at the national level.

The GS/OAS, through the MAPP/OAS, has confirmed that there are planning initiatives being pursued from the territories, i.e., the Comprehensive and Sustainable Development Plan (Pacelli, Norte de Santander), community and rural development plans, [and] agreements signed by representatives of the national government regarding illicit crop substitution (Discussion Groups in Putumayo and Norte de Santander). However, institutional channels for the inclusion of civil society voices and their proposals in the framework of territorial peace are limited and have barriers to access.⁵⁵ The greatest challenge lies in managing to develop mechanisms that ensure that communities' proposals and future-oriented public policy instruments are consistent with one another and inclusive.

In addition, communities, organizations, and social processes in the territories are demanding, with increasing vigor, to participate in the discussions between the national government and the ELN so they can present proposals that will be taken into account in the negotiation agreements. Accordingly, the GS/OAS believes it is essential that opportunities for dialogue, analysis, and debate over priorities in the territories be opened up. The generation of proposals could enrich local, regional, and national decision-making forums.

As a contribution to the participation mechanisms, the MAPP/OAS has prepared a document that captures, based on a series of interviews and focus groups, the opinion of different sectors regarding guarantees, needs, methods, and expectations in connection with social participation in the peace process underway between the government and the ELN. This document has been put to the consideration of government authorities, the ELN, and social actors so that it may serve as input for the discussions on this point held at the relevant entities.

Effective participation requires information. The GS/OAS, through the MAPP/OAS, has managed to confirm a lack of knowledge on the part of regional and local authorities and civil society

55. One way of including proposals is to send documents to the Discussion Group via the website: <https://www.mesadeconversaciones.com.co/>. However, real access is limited by the knowledge required to use this [site] and by limited Internet coverage.

regarding the status of the talks between the FARC-EP and the national government. Limited information channels, such as electronic media that require connectivity and smaller working teams devoted to broadcasting the information in the territories, make matters worse. In addition, communities cannot find effective and appropriate information channels to express and debate their own questions and concerns. Local authorities lack information to be able to facilitate these democracy-building processes.

XIII. RECOMMENDATIONS

A. Security Conditions in the Territories

1. Assess and adjust security-related services for persons affected by the violence as well as where programs should be implemented that contribute to guarantees of non-repetition by means of effective actions in a joint institutional effort;
2. Boost institutional efforts to guarantee the safety of members of ethnic communities and peoples who report consistent acts of violence and intimidation by armed individuals, presumably because of their participation in the process to restore territorial rights;
3. Consider the proposals that different ethnic sectors have put forth for strengthening both the indigenous guard and the *Guardia Cimarrona* [Maroon Guard] to supplement State-based security models that are implemented by law enforcement;
4. Guarantee the safety of officials involved in implementing the comprehensive redress policy vis-à-vis the ongoing threats of which they are targets. Special attention is recommended for land restitution judges and magistrates who have publicly expressed their concern over the weak security systems they have and have reported attacks targeting them. Furthermore, state services to guarantee the safety of contractors with ties to the government who are at risk because of the work they do should be assessed and broadened. The foregoing bearing in mind that position-based protection measures are designed for public servants and exclude government contract workers;
5. Continue to enhance mechanisms having to do with the relationship between law enforcement and the communities in order to help build and rebuild trust between them. To this end, useful practices might include training on civilian-military relations and interactions using international standards and that take into account the specific characteristics of the territories.

B. Transitional Justice

1. The GS/OAS is encouraging the Colombian state to continue implementing comprehensive security strategies that make it possible to accompany law enforcement actions with components that help to make legal cases more effective and efficient;

2. Continue implementing measures that facilitate access to and restore communities' trust in the justice system. This includes the investigation and prosecution of high-profile cases and the establishment of guarantees for accessing justice systems, as well as ongoing efforts against the irregularities that link the government to illegal activities;
3. Take into account the best practices and lessons learned from the past, particularly from cases that were effectively prosecuted against the highest-level perpetrators, including best practices from Justice and Peace;
4. Implement transitional justice, covering the largest possible number of cases and consequences of the conflict, setting out clear measures for truth and redress for the victims and reconciliation for society in general. This should also bear in mind precepts that lead to peaceful co-existence between indigenous legal systems and the regular justice system in order to minimize cases of impunity;
5. Develop clear criteria for prioritization, taking into account imminent procedural backlog. The new transitional justice tool should examine and understand those cases in which the regular justice system has erred in its definitions of crimes and those in which individuals have been prosecuted who were not members of armed groups, but who were convicted and sentenced as guerrillas because they worked in collaboration with insurgent groups;
6. Establish, in both prisons and penitentiaries, a system of special detention conditions that create decent living conditions and implement work and study programs that are consistent with the population's profile. This is key when it comes to implementing transitional justice;
7. Take measures to provide decent living and health conditions and provide healthcare services inside prisons and penitentiaries. Implement a mechanism that enables a diachronic analysis to be done of violations of the rights of persons deprived of their liberty because of being members of insurgent groups, in an effort to contribute to the historical memory in terms of non-repetition;
8. Actions are recommended to ensure that demobilized persons who have met the requirements of truth, justice, and redress may be hired by the government and that the administrative disqualifications against them provided for under Law 1424 of 2010 are suspended;
9. The submission, with legal certainty, of illegal armed groups should be promoted and, in keeping with commitments made, the mechanism that encourages submission should include suitable tools for redress for the victims of such groups.

C. Communities, Victims, and Land Restitution

1. Secure effective and representative participation in social dialogue exercises. It is important for the Colombian state to bring the largest number possible of social actors into the fold, i.e., ethnic collectives and *campesino*, women's, social, labor, and victims' organizations;
2. Encourage the Colombian state to implement a social dialogue strategy locally, regionally, and nationally, with effective mechanisms for exchanging ideas and focused on fulfilling past and current commitments. Building trust between the State and civil society helps to strengthen citizen involvement and democracy and helps to prevent future social conflicts;
3. Ensure that victim participation is active by guaranteeing that victims will have the opportunity, in their cases, to dispute the testimony of the beneficiaries or even provide their own view and version of the facts. In this scenario, a communications strategy about the right of victims to participate should be as clear as possible and reach the most remote areas of Colombia;
4. Improve coordination between transitional justice, Justice and Peace, the Victims' Unit, and the Land Restitution Unit in order to delve deeper into collective redress mechanisms for communities affected by violence;
5. Set reasonable goals with respect to implementation of the comprehensive redress policy that are consistent with realistic criteria and institutional conditions, and that do not create false expectations among victims, but do make it possible to show concrete progress with respect to that policy;
6. Make adjustments to the institutional architecture of the National System for Support and Comprehensive Redress of Victims (SNARIV), boosting the technical capacity and budgets of the institutions that comprise it, and ensuring effective coordination between the national and territorial levels that enhances the realization of comprehensive redress, especially execution of the comprehensive redress pilot plans—the so-called PIRC;
7. Coordinate actions that enable better results in criminal investigations against the perpetrators of serious human rights violations identified during land restitution processes;
8. Implement efficient communications channels between the national government, law enforcement agencies, and civil society organizations that make it possible to disseminate accurate information about progress and difficulties in the land restitution policy, thus preventing attacks on the processes and on the decisions adopted by land restitution judges and magistrates;
9. Continue with activities that raise the profile on the status of second occupants in the land restitution process and having to do with coordination

of institutional services that offer them priority when it comes to land access and fieldwork, in addition to reestablishing neighborly relations with the claimants, thus being able to ensure stable and lasting peace in the territories targeted for intervention;

10. Adopt suitable mechanisms for tackling the risks that exist to the life, liberty, integrity, and security of members of indigenous peoples and black communities because of economic interests in their territory. These risks create fear and distress that might curtail active participation in ethnic territorial rights restitution processes;
11. Collective redress requires the implementation of a flexible peace policy since territories have their own special characteristics and logic, which have an impact on the redress process and its outcomes. Take into account that institutional and community lessons are an important factor when it comes to moving transformational processes like the collective processes forward.

D. Institutional Consolidation and Education for Peace

1. The National Center for Historical Memory and law enforcement are urged to engage in dialogue and coordination aimed at building a comprehensive and plural historical memory that contributes to the recognition of and restoral of dignity to all victims of the armed conflict, including those members of law enforcement who themselves became victims;
2. Position and link programs and processes that have given rise to successful experiences in terms of education for peace, the culture of peace, and co-existence in those territories that have received little or no information about the peace accords or the effective practice of human rights.