

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

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

I. GENERAL CONSIDERATIONS

The peace process with the Self-Defense Forces has recorded substantial progress. There is still much to be done. Topics such as the large number of victims registered and the number of demobilized combatants applying to the Justice and Peace Law, the difficult security conditions in certain areas of the country and the reintegration of former combatants into civil life are some of the challenges that the future holds. The magnitude and complexity of these tasks require the understanding, commitment and participation of all national and international stakeholders to achieve the goals that have been set.

The Mission has indicated that a peace process does not end with the surrender of weapons and the demobilization of former combatants; these phases constitute the beginning of a new phase that will enable the progressive return to peace of the communities that have been affected by the violence.

In this regard, fundamental changes have taken place, demonstrating the result of the efforts that were made. Today, the victims have become the leading players in the process, the truth is gradually emerging, legal proceedings against demobilized combatants are under way, progress is being made to compensating victims, new forums of dialogue have been created, security conditions have improved in the areas where armed groups used to prevail, and thousands of demobilized combatants are now in the reintegration program.

In this context, application of the Justice and Peace Law is especially relevant. This law, drawn up on the basis of the principles and rules of transitional justice, has made it possible for national courts to bring to trial the demobilized combatants belonging to Self-Defense Forces and some members of the guerrilla for the purpose of investigating and punishing them for the severe crimes they committed. Enforcement of this law has provided victims with the opportunity to gain access to the truth, as a result of the confessions made by the demobilized combatants at voluntary hearings, and to comprehensive reparations that serve as compensation for damages sustained. It also contributes to avoiding a new violation of rights by providing guarantees of non-repetition.

Four years after enactment of the Law, it is imperative to provide the conditions needed for a larger number of victims to gain access to the legal proceedings that have been filed and, once included in these proceedings, for them to fully exercise their rights. To achieve this goal, it is necessary to build up the institutions in charge so they can perform their duties more effectively.

The Mission also considers that the institutions in charge must promote integral, articulated and coordinated actions, focusing on the remotest areas and those that have been affected by armed groups, ensuring standardized criteria for enforcing the Law, in matters such as standards for checking compliance with eligibility requirements.

The Mission indicated the need to look for legal alternatives that would help to define the legal limbo in which demobilized combatants of Self-Defense Forces who had not perpetrated any severe crimes were caught. Adoption by Congress of the *principle of opportunity* constitutes progress in this regard.

Coordination mechanisms must also be improved to ensure the rapid processing of extradited ex-commanders. To obtain truth, justice and reparation, the collaboration of those applying to the Law is indispensable and guarantees must be provided for their participation. Delays in holding voluntary hearings and in delivering assets directly affect the victims, who have built high expectations regarding the process.

Regarding public law and order, even when in some regions of the country situations of illegality still prevail, which constitute an obstacle preventing State forces from building up their presence at all levels, the Mission considers that State's response to these phenomena has been positive in terms of its goal of going after and dismantling the illegal organizations that have emerged after the demobilizations, enabling, among other achievements, the arrest of leaders and middle-ranking officers.

Despite this, the Mission is concerned about the impact that these groups continue to exert on the communities. Regarding this, it has been proven that, in some areas of the country, the use of massacres and threats have resurfaced, in connection with what has been referred to as "social cleansing"^{1/} against vulnerable population groups. The latter are generally attributed to the so-called emerging gangs. It has also been observed that, in certain capital cities and municipalities, the practice of perpetrating high-impact crimes, such as murders, generally by hired killers, has reemerged.

This situation of insecurity affects victims, judiciary officers, and participants of reintegration programs. In certain places, the victims are threatened because they have participated in voluntary hearings or spearheaded land restitution processes. Some judiciary officers have been the target of intimidations in the performance of their duties and, on the other hand, demobilized combatants have been the target of hostilities and pressure by emerging groups who want to recruit them. In certain cases, these incidents have led to the death of the affected persons. It is essential to redouble the valuable efforts made by the State to guarantee the safety of these persons.

Furthermore, the Mission stresses the significant progress entailed by the incorporation of reintegration as a public policy, with special emphasis on community reintegration as a major component. It also highlights the importance of having society as a whole, NGOs, civil society organizations, the private sector and especially departments and municipalities understand that the

1. Term that refers to violent actions against specific persons (delinquents, homosexuals, among others), for the purpose of fomenting fear and social control in the communities.

success of the process is not merely a responsibility of the Presidential High Council for Reintegration but also a responsibility of the State and Colombian society as a whole.

The Presidential High Council for Reintegration (*Alta Consejería para la Reintegración*—ACR) has implemented various measures aimed at promoting employment alternatives and increasing coverage of health services, psycho-social care, and education. In this regard, the strategy taken up by the ACR of dealing with the issue by programming medium and long-term objectives that become part of a State policy, contributes to the sustainability of the process.

An important issue at this stage is reestablishing community trust in institutions so that they can intervene more actively in the process. Rendering the victims visible, meeting their psychosocial needs, promoting and building up their organizations and their defense by adequate legal assistance are also factors that merit special attention.

Finally, it is essential to recognize the growing participation of the international community in the Peace Process in Colombia. This support has been fundamental, not only for the Mission, but also for the various institutions of the Government. Because of this, the Mission reiterates its commitment to contribute to articulating these forums and initiatives to avoid overlapping activities and to achieve diversification and specialization, aiming actions at those places where they can exert the greatest impact.

II. ENFORCEMENT OF THE JUSTICE AND PEACE LAW

For MAPP/OAS, it is very valuable that the number of victims admitted into the Justice and Peace Process has risen by 32% since November 2008.^{2/} In May 2009, more than 219,000 victims have completed the forms reporting incidents attributable to illegal armed groups operating outside the law.^{3/}

By its participation in 219 sessions of services provided to victims organized by the National Commission for Reparation and Reconciliation (Comisión Nacional de Reparación y Reconciliación—CNRR) and the General Attorney's Office of the Nation in various places of the country, the Mission has contributed to confidence building in the population and helped to process these forms.

Regarding this, recognition must once again be given to the Attorney General's Office and the CNRR for having reached several remote communities where many victims are located, as in the case of the workshops held by various Justice and Peace Attorneys in the municipalities of Aguadas (Caldas), Puerto Gaitán (Meta), Montecristo (Bolívar) and Santa Rosalía (Vichada). Nevertheless, a larger amount of resources is needed to go to places that are even more remote in the rural sector. Interested parties must often travel several times to cities where these meetings are held and this requires extraordinary expenses and efforts.

2. To date, 165,000 victims have been recorded.

3. Matrix of the Inter-Agency Committee for Justice and Peace – April 30, 2009.

Likewise, the Mission highlights the implementation of a cycle of workshops aimed at collecting biological samples to consolidate the DNA Bank of those persons who were victims of forced disappearance. These activities, which were well received in places such as Valle del Cauca^{4/} and Nariño, must be replicated in other departments.

MAPP/OAS is supporting efforts made to achieve an effective articulation among the institutions in charge of central and regional enforcement of the Justice and Peace Law. Likewise, other initiatives have been supported such as the training of municipal authorities, public officials, special attendance forums and meetings, and social consultations. Nevertheless, there are departments such as Santander, Sucre and Valle del Cauca where duties are characterized by dispersion, absence of interest, and overlapping among institutions.

In view of the diversity of criteria for enforcing the Justice and Peace Law, in March of this year, the Mission organized, along with CNRR, the *First Inter-Agency Legal Encounter*, for the purpose of discussing the various aspects of the Law that require a standard interpretation. The first of a series of thematic talks⁵ with high-ranking academics was also organized to foster forums of debate on specific issues of the Law.

The Mission has also been working with specific population groups, namely the indigenous groups of the department of Cauca and Afro-descendants in the municipality of Buenaventura in Valle del Cauca, to learn about their potential and conditions for gaining access to the Justice and Peace Process. One important challenge for the institutional framework in this regard consists of the need to develop differentiated approaches to providing care, advisory services, and support that keep in mind the socio-cultural specificities of these peoples.

Furthermore, the establishment of two Centers for the Integral Care of Victims (Centros de Atención Integral a Víctimas),^{6/} in the city of Medellín (Antioquia) and Valledupar (Cesar), aimed at improving access through the provision of integral services, must be highlighted, even when a series of difficulties have emerged with respect to coordination between the participating institutions and local authorities.

The Mission has observed that there still is a large number of victims without legal representation, which means that these persons cannot participate actively in the process because they are not aware of their rights. This situation has become increasingly worse because the number of public defense attorneys is not increasing at the same rate as the number of victims being recorded. Some defense attorneys are working twice as hard to try to fulfill their duties and thereby handle the 400 victims that, on average, each one has been assigned.

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4. In Tuluá (Valle del Cauca), the District Attorney's Office processed more than 1,500 cases of victims of forced disappearance.
 5. These talks are jointly organized with CNRR and GTZ's PROFIS Project.
 6. These Centers are aimed at bringing together in one single place all State institutions in charge of providing services to victims such as the Prosecutor's Office, the Human Rights Ombudsman's Office, the District Attorney's Office, Social Action and the CNRR, to provide comprehensive care. In these places, the victim can benefit from psycho-social care, register as a participant in the Justice and Peace process with the District Attorney's Office, receive legal counseling from the Human Rights Ombudsman, and register as a displaced person with Social Action, among other benefits.

Likewise, it has been observed in certain places that victims cannot register their cases for lack and/or loss of identification papers. This situation has occurred in the municipalities of Chaguaní in Cundinamarca and La Primavera in Vichada. The Mission recommends that, prior to the workshops for providing services to victims, the Vital Statistics Office (Registraduría) should undertake campaigns for issuing identity cards and papers. Furthermore, institutions that undertake dissemination and communication activities must bear in mind that the level of schooling of many of the victims makes it hard for them to understand the Law and their rights.

These facts constitute a challenge for the institution framework, which should restructure the organization of traditional workshops for victims, that is, meetings held for the sole purpose of picking up forms and investigating facts. It is recommended that these workshops involve, in addition to the above-mentioned aspects, matters such as qualitative access and orientation of victims, timely state response, psycho-social care, and conditions of safety to report incidents that victimized them.

Safety of victims and public officials

One factor that exerts a negative impact on the participation of victims is their personal safety, because not only are they exposed to direct threats, they are also intimidated in certain regions by the public law and order situation. Regarding this, some areas have been identified as requiring special attention in the framework of the Justice and Peace Process:

- a. In the south of Córdoba and Urabá of Antioquía, severe incidents against leaders of victims who were participating in land restitution have occurred. The Mission regrets and condemns the murders of the leaders Benigno Gil, Jaime Gaviria, Juan Jiménez and Ana Gómez.^{7/}
- b. In the departments of Meta and Guaviare, the presence of the emerging gang headed by Pedro Oliverio Guerrero, alias “Cuchillo” (Knife), has exerted an adverse impact on the continuation of the participation of victims in the process.
- c. In the western Caldas, eastern Risaralda and southern Bolívar, despite the large number of victims registered, the proliferation of threats and intimidations allegedly by emerging gangs, has dissuaded them from appearing to participate in the process.
- d. In Tumaco (Nariño), the access of victims shall be affected by the climate of unrest stemming from the clashes between illegal armed groups.

In this regard, security measures must be built up so that victims can participate in the processes, confidence can be promoted between communities and institutions, and actions strengthened to guarantee the sustainable and safe return of persons to their properties.

Furthermore, in Magdalena Medio, actions against Justice and Peace judiciary officers have been identified. Regarding this, MAPP/OAS has voiced its concern about the attacks against various officials and condemns the assassination in Barranquilla of Larry Churrón, Head Investigator of District Attorney’s Office 14, who was making progress in investigating the case of the Córdoba

7. In the cases mentioned above, the alleged perpetrators have been arrested and investigations continue to be conducted.

Block belonging to the former United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia—AUC).

Legal proceedings and voluntary hearings and statements

Regarding the legal proceedings filed in the framework of Law 975/05, at June 24, 2009, there are 3,734 applicants.^{8/} Although more than 97% belonged to the ranks of the Self-Defense Forces, there are increasingly more guerrilla fighters who are applying.^{9/} The application of eight former members of the Guevara Revolutionary Army (Ejército Revolucionario Guevarista—ERG) is noteworthy. Of this group, six were collectively demobilized and two admitted by the representative member when they were in jail. Of the total number of applicants, 1,791 have already started making voluntary statements, and of these more than 1,000 were not ratified to continue within the framework of the Law.

With respect to the trial phase, the sentencing of Wilson Salazar Carrascal, alias “El Loro” (The Parrot) is noteworthy. Two and a half years after his voluntary statement, the Justice and Peace Chamber of the Superior Court of the Judiciary District of Bogotá convicted him of the crimes of homicide, extortion and forgery and sentenced him to 460 months imprisonment as the main penalty. As he was eligible for the benefits of Law 975/05, he was given an alternative sentence of 70 months imprisonment and enforcement of the main penalty was suspended. The ruling contains elements of unprecedented value, because in addition to calculating material damages, measures of symbolic redress were imposed. These measures need to be monitored as they constitute the materialization of the principles of truth, justice and reparation.

In addition to the sentencing, Salazar’s trial provides lessons learned. The Mission was able to observe that victims are not ready to tackle legal proceedings, because they do not understand the nature of these proceedings. A campaign needs to be made to train and orient victims in the advanced stages of the process. Another lesson learned is the need to provide effective psycho-social support to the victims when they render evidence as witnesses to be able to assess the damage sustained. Without this support, they run the risk of being victimized again.

The Mission has attended more than 250 voluntary hearings in the different chambers designated for this purpose and in those transmitted in remote areas. It is recognized that the increase in the number of voluntary statements transmitted to places where the victimizing incidents occurred constitutes progress. As for the GTZ, through its Program to Support the Attorney General’s Office (Programa de Apoyo a la Fiscalía—PROFIS), it continues to support satellite transmissions in the Caribbean region that have been supported by MAPP/OAS. The implementation of a program that effectively ensures deferred replications of relevant proceedings in specific places is highly appreciated. These replications can be used by both the Attorney General’s Office and other institutions to carry out integral care sessions.

Likewise, collective voluntary hearings that are scheduled so that the applicants can reconstruct the true facts behind the crimes that were perpetrated collectively are one of the most suitable ways of confessing massacres and collective incidents, such as massive disappearances and violent armed raids against the population. Furthermore, they become a tool for the Justice and Peace

8. Source: Fiscalía General de la Nación (Office of the Attorney General of the Nation)

9. Matrix of the Inter-agency Committee for Justice and Peace – April 30, 2009.

attorneys to cross-check information or identify items that match or contradict what is said by one or more applicants.

Likewise, the appointment of three prosecutors who can focus exclusively on processing the voluntary statements of those applicants who are not expected to be ratified in the first session is positive. Likewise, it is essential to designate specialized prosecutors who can focus on investigating specific offenses such as sexual offenses or the recruitment of minors, which require thematic specialization when working with the victims, conducting voluntary hearings or investigating in the field.

Furthermore, it is essential to coordinate the institutions to avoid the continued appearance of operating problems that hinder the sound development of voluntary hearings. The transfer of the applicants must coincide with the time-frames of the proceedings to avoid unnecessary displacement of the victims and also, for decision making, the institutions involved must be consulted to prevent the process from coming to a standstill.

More than one year after the extradition of some of the former commanders of the AUC, there are difficulties in scheduling and transmitting voluntary statements from the United States. More efficient procedures have to be established to transfer those making statements to the courts and avoid the technical difficulties that have appeared. Colombia's institutional framework must bear in mind these aspects to prevent victims from having to travel from distant places and that might prevent them from giving their voluntary statements.

The dynamics behind the voluntary hearing of the Tolová Heroes Block which operated in the municipalities in southern Córdoba and whose commander was Diego Fernando Murillo, also known as "Don Berna," are a matter of concern. From this structure, 464 men were demobilized, and of these 38 applied for the benefits of the Justice and Peace Law. Nevertheless, only two of them were ratified and at present one is giving a voluntary statement. The absence of applicants participating in the proceedings jeopardizes the possibility of reaching the truth about almost 5,000 cases reported in Tierralta and Valencia, municipalities where this illegal structure operated.

Legal challenges of the Law

The Justice and Peace Process entails the establishment of standards and decisions in the framework of the flexibility required by transitional justice. Although progress needs to be made in terms of the judiciary and the jail and penitentiary system, in general, the rules of regular Criminal Law have yielded to the aspirations of peace and reconciliation legally implemented by Law 975 of 2005.

The issuance of warrants of arrest for collective crimes to prosecute demobilized combatants that are currently free and providing guarantees to applicants when they confess in their voluntary statements that they belong to Self-Defense Forces, are decisions that, although taken in the framework of legality, incur a risk that demobilized combatants and applicants may be dissuaded from participating in Justice and Peace proceedings.

The Mission hopes that, with the recent ratification of the principle of opportunity by Congress this situation will be reversed. This law, which can only be applied to persons who have not perpetrated crimes against mankind contains obligations for the demobilized combatant that promote

reintegration and reparation for damages sustained, such as a public manifestation of regret, provision of services to the community, activities for the benefit of the victims, among others.

Exhumation

Regarding the topic of exhumation, as a result of voluntary statements, on May 7, 2009, 1,761 mass graves were found and 2,164 corpses were disinterred, and of these it is possible to identify 572, which means that cross-checking from DNA laboratory testing is missing. There were 556 corpses that were fully identified, and of these 469 have already been delivered by the Exhumation Subunit and 26 by the local units of the Attorney General's Office. The Mission deems that these workshops should include a significant element of psychological care; to this end, support from the CNRR shall be important, not only to provide this support but also because, at these workshops, victims will be able to receive integral care.

In Putumayo, although there are few applicants for the Justice and Peace Law, progress in terms of the number of mass graves found has been made. To date, it has been possible to hand over 31 of the 289 corpses that were found to their respective families. The National Unit of Attorney General's Offices for Justice and Peace have been making efforts to find the relatives of the disappeared persons; to this end they have developed an identification system on the basis of morphological reconstruction and pictures of clothes. They have also held workshops for the victims of forced disappearance, but these efforts require further support for their dissemination and forums for awareness raising about and care for the victims. The Mission shall be supporting the Attorney General's Office in its activities so that this Department can become a successful exhumation laboratory.

III. SECURITY OF THE REGIONS AS AN ESSENTIAL PART OF THE PEACE PROCESS

MAPP/OAS highlights the State's progress in increasing safety conditions, especially in those areas where situations of illegality persist. Recovery of territorial control by the different institutions will enable communities to benefit from an environment suitable for peaceful coexistence of the citizenry.

In this regard, the drafting of a national strategy against so-called criminal gangs (Estrategia Nacional contra las Bandas Criminales—ENBAC), whose primary goals are the arrest of their main leaders and the dismantling of the armed structure of these groups. For this purpose, the public law and order force has given priority to five areas^{10/} where the impact on communities is the greatest, where specialized units deal with these phenomena of illegality. Constant law and order operations and the resolute and ongoing action of the Government to highlight these illegal forces transmit a clear message about its will to neutralize these criminal actions.^{11/}

10. These five areas are: I. Urabá; II. Córdoba, Sucre, Bajo Cauca antioqueño; III. Casanare, Meta, Vichada, Guaviare and Guanía; IV. Sur del Cesar, Sur de Bolívar and Norte de Santander; and V. Nariño.

11. Among other actions, the State seized, between January and May 2009, 326 long-range weapons, 543 side arms and 18 support weapons, including machine guns and mortar tubes.

Regarding this, the National Police Force's arrest of Daniel Rendón Herrera, alias 'Don Mario', considered to be the highest-profile leader of the demobilized paramilitary groups that were once again in hiding, is noteworthy. Nevertheless, the Mission has observed these illegal structures' capacity for "renewal," especially among their leaders, which is a challenge for the authorities to prevent their restructuring or the emergence of other leaders. It is essential to highlight the arrest^{12/} of 959 members of the emerging gangs throughout 2009, of which 181 were demobilized from the Self-Defense Forces.

Likewise, the interest and actions taken by the Government to highlight the principal leaders of the emerging structures are appreciated. The decision by the President of the Republic to submit the results of actions taken against these groups to a weekly assessment and the inclusion of their principal leaders into the reward policy to ensure their arrest either in the country or abroad,^{13/} continues to show that there is an integral strategy to dismantle these organizations.

The commitment of public law and order forces is also evident by the presence and permanence of high-ranking military officers in places where severe law and order problems have been recorded. This action led to sound results in lower Cauca, Medellín and Barrancabermeja. Nevertheless, in some remote regions and territories, expectations continue with respect to the actions of local and regional authorities, because their institutional activities are not evident.

Alongside this progress, for the Mission it is important to highlight the difficult law and order situation being experienced by some of the country's regions. The momentum that has gathered during the period covered by this report is determined by the performance of armed factions of a nature and characteristics that are dissimilar in terms of both their structure and development and their interests and objectives, where all sorts of alliances and disputes come together and converge with respect to obtaining profits, as a result of the management of illegal economies but which lead to troubling impacts on security and peaceful coexistence in those places where their criminal activities take place.

In this regard, in southern Cauca^{14/} and the peace zone there is a climate of widespread fear because of selective homicides, forced disappearances, illegal detention, displacements, acts of sexual violence against women, kidnappings and massacres. In this region, as in other places of the country, despite the massive presence of public law and order forces, insecurity continues to be felt. This is apparent in the absence of reports of criminal incidents that take place. This is all the more evident in the ports of Buenaventura (Valle del Cauca) and Tumaco (Nariño).

Likewise, the urban and rural communities that live along the Caribbean seaboard road in the department of Guajira, sector corresponding to the municipalities of Dibulla, Riohacha, and Maicao, are being affected by threats, extortion, and homicides because of clashes between the so-called emerging gangs.

12. Up to June 6, 2009, according to data from the Customs Police Department of the National Police Force.

13. Publication of a Red Corner Notice by Interpol (warrant of arrest issued to the police forces of 179 countries of the world for the purpose of pursuing and arresting persons or organizations requested by the country of origin).

14. Argelia, Balboa, and Bordo Patía.

The proliferation of threats against a target population^{15/} by means of pamphlets, mainly in the city of Bogotá, northern Cauca, southern Bolívar and southern Huila, aggravates even further the climate of violence. These threats are viewed by the communities as supposedly a “social cleansing” action by new groups. On some occasions, they include selected killings. Despite efforts by the authorities to control, deny or minimize their causes, the threats and intimidations inspire much fear among local dwellers.

Armed groups also use other ways of intimidation and social control to constrain the mobility of communities. In some regions, the communities accept this threat, such as curfews imposed mainly by the so-called emerging gangs. This has been observed in various regions of the country, including some populations of the departments of Cesar, Santander, Norte de Santander, Meta and Magdalena Medio, among others.

Likewise, in some department capitals such as Medellín (Antioquia), Cúcuta (Norte de Santander) and Sincelejo (Sucre), there has been a rise in violent murders using hired killers, usually as a result of clashes between the so-called emerging gangs. In other municipalities such as Buenaventura (Valle del Cauca), Tumaco (Nariño), Barrancabermeja (Santander) and regions such as the lower Cauca of Antioquia, the same phenomenon also prevails. This type of impact also occasionally leads to subsequent displacement. The Mission is concerned that, despite efforts made by the forces of law and order, the community perceives that actions by illegal armed players go beyond the capacity of authorities to control this upsurge of violence.

The Mission voices its concern at the reappearance of massacres, especially in rural areas. The so-called emerging gangs are generally directly responsible for these multiple homicides. Those occurring over the past few months in the departments of Nariño,^{16/} Cauca,^{17/} Valle del Cauca,^{18/} Chocó^{19/} and Córdoba^{20/} are especially noteworthy. In this last department, for example, the Mission received and monitored information about five massacres with at least 20 victims at the end of 2008.

As for displacements, their momentum has remained especially strong in those areas where there are armed clashes. The most severe impact is apparent in the indigenous communities, especially in the departments of Chocó and Nariño. In the latter department, a displacement took place because of the massacre of a large number of indigenous persons;^{21/} and in El Chocó because of

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15. Population that these illegal armed players claim are the promoters of insecurity and social disorder. It includes drug addicts, street thieves, prostitutes, etc.
 16. In the municipality of Tumaco (Nariño), at the beginning of 2009, there was a massacre of persons travelling in a public transportation motor vehicle close to two public law and order units.
 17. In the south of the Department of Cauca, the massacre of six persons was recorded, including two children, belonging to one family, who were transferred it seems to the Department of Nariño to be assassinated in the area of influence of the emerging gang.
 18. In January 2009, the death of four persons in Rodanillo and five persons in Buga was recorded. In March, similar incidents were also recorded in the municipalities of Cali and Roldanillo. In May 2009, this same situation occurred in Andalucía and Cartago.
 19. In January and March 2009, the massacre of seven persons each was registered in the municipalities of Condoto and El Litoral de San Juan in the southern part of the department.
 20. Over the past two months of 2008, massacres were registered in the municipalities of San Antero, Lorica, San José de Uré, Purísima and Puerto Libertador.
 21. On the basis of official sources, it is assumed that about 27 indigenous persons, including two pregnant women, were killed by the FARC in the rural sector of the municipalities of Barbacoas and Ricaurte, in the Department of Nariño.

direct threats if one is identified as giving support to one or another armed illegal player. According to the International Committee of the Red Cross (ICRC), the number of displaced persons in these two departments could amount to several thousand persons.

As a result of an inter-agency visit^{22/} promoted by the Mission, motivated by the severe situation in which the inhabitants of the rivers of San Juan and Atrato in the department of El Chocó are living, MAPP/OAS draws attention to the cases of community confinement, control over food, medicines and farm inputs, threats to leaders, victims and cases of recruitment of young people and children, as a direct consequence of the presence of armed players and the deterioration of public law and order. Likewise, it emphasizes the communities' lack of confidence to report criminal incidents to competent authorities. Furthermore, in some areas of Buenaventura (Valle del Cauca), the population is also affected by food blockages and control by illegal armed factions.

Among its duties of observing enforcement of human rights and international humanitarian law, the Mission stresses the efforts being made by the Colombian Government by taking drastic decisions against members of public law and order forces involved in the violation of human rights. Regarding this, according to official sources, 750 members of public law and order forces were dismissed as a result of the executive's discretionary powers. In June, the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions visited the country to learn directly about the reports of this type of violation.

With respect to extrajudicial executions^{23/} that took place at the end of last year in Norte de Santander,^{24/} which the Mission reports in its preceding quarterly report, a large number of members of public law and order forces are being tried by the Attorney General's Office as the alleged perpetrators of the crimes of kidnapping, forced disappearance and aggravated homicide.^{25/} In turn, the Office of the General Prosecutor of the Nation has filed disciplinary proceedings to tackle this matter. The Mission believes it is necessary to speed up investigations and to try to prevent intimidation against those families who have reported these incidents.

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22. MAPP/OAS, Justice and Peace Unit of the General Prosecutor's Office, Attorney General's Office, CNRR, Inter-sector Commission for the Prevention of Recruitment attached to the Office of the Vice-President of the Republic, Peace-Keeping Office of the Governorship of El Valle, Early Warning System of the Regional People's Human Rights Ombudsman's Office of El Chocó, CNRR Chocó and the NGO ACIVA-RP-Chocó.
 23. These executions were known as "false positive slayings," which is the term used to refer to the killing of innocent persons who are dressed up by the armed forces to make them appear as though they were guerrilla fighters killed in combat.
 24. As for Philip Alston, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, he assured that his investigations made it possible to determine that there were cases similar to those of Soacha, with military units involved in departments such as Antioquia, Arauca, Valle del Cauca, Casanare, Cesar, Córdoba, Huila, Meta, Norte de Santander, Putumayo, Santander, Sucre and Vichada.
 25. The Prosecutor's Office is conducting a total of at least 1,056 investigations, involving the assassination of 1,708 persons, in terms of extrajudicial executions reported over the past six years.

IV. PROGRESS AND DIFFICULTIES IN THE PROCESS OF REINTEGRATING FORMER COMBATANTS

The Mission recognizes the major progress that has been made in the reintegration process promoted by the Colombian State, from both the regulatory point of view and the implementation of the reintegration program by the ACR.

As for the regulatory framework, progress can be seen in the enactment of two instruments that regulate the future implementation of the reintegration program: first of all, the publication of document CONPES^{26/} 3554, of December 1, 2008, which regulates the national policy for social and economic reintegration for illegal armed persons and groups. This document provides for aspects such as the inclusion of institutional options for children and adolescents not included in the plan of action of the national policy for reintegration and specifies a joint strategy with the Office of the Attorney General of the Nation to tackle the backlog in legal proceedings, especially with respect to taking voluntary statements. The inclusion of a gender perspective by CONPES is noteworthy.

The second instrument is Resolution No. 008 of March 18, 2009, “whereby the social and economic benefits of the services and programs of the process of reintegration into civil society aimed at the demobilized population, the procedure for their suspension and withdrawal, the culmination of this process and the Reintegration Information System are established.” On the basis of this resolution, positive progress is being made in regulating the process implemented by the ACR.

As part of ACR’s efforts and initiatives, the Mission highlights the First International Congress on Disarmament, Demobilization and Reintegration (DDR), held in Colombia on May 4-6. This event, sponsored by the Colombian State and international cooperation, was attended by 1,534 persons from 57 countries and it has become the appropriate framework for the exchange of international experiences and lessons learned in DDR, for the purpose of obtaining inputs that will contribute to improving the Colombian reintegration process.

Regarding the program as such, the Mission recognizes the achievements in fine-tuning the information system, such as statistical capacity building of the database on demobilized combatants, publication of the national registry of deceases, arrests, and imprisonments in May 2009 and the periodical updating system; and the registry of the mobility of demobilized combatants.^{27/}

Likewise, in early 2009, the Presidential High Council for Reintegration introduced changes in both its National Service Center Network (Red Nacional de Centros de Servicios—CS)^{28/} for providing services to the demobilized population and its internal management structure. It should be highlighted that, since September 2008, the Unit of Participant Service and Loyalty is conducting a

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26. The CONPES paper sets forth policy and strategic guidelines and responsibilities to be fulfilled by the many state institutions in charge of economic and social matters.
 27. By means of this database, the ACR has a monthly statistical record of the number of participants being transferred from one Service Center to another.
 28. The CS of Quibdó was shut down (it is now covered by Medellín and Apartadó), as well as the CS of Santa Rosa del Sur (covered by Barrancabermeja). The CS of Cauca and Tarazá are merged. The same applies to the CS of San Pedro de Urabá and Necoclí. In addition, since March 2009, the demobilized combatants assigned to the former CS of Puerto Boyacá are transferred to the CS of Puerto Berrio.

search to locate all the demobilized combatants who are not currently active in the ACR program and to define their status in the process.^{29/}

The Mission also wishes to refer to the internal efforts that the Presidential High Council has been making in its thematic areas for the benefit of regionalization, as well as the articulation of these areas inside the ACR. An example of this is the Social Being Program (Programa Ser Social), which involves economic and social reintegration areas and is aimed at linking demobilized combatants with the provision of a social service that contributes to reconciliation with their communities. The Mission has high esteem for this Program, which has been able to involve 2,328 participants in 2008 and 931 up to June 2009.

Despite the difficulties of creating jobs for demobilized combatants, the efforts that ACR has been making since early 2009 to involve the corporate sector into reintegration more actively must be viewed as progress. This has been achieved by the promotion of business forums, the development of new ideas coming from economic reintegration areas (for example, the development of a financial support portfolio), and the strengthening of social responsibility (for example, the mechanism of the Time Bank^{30/}). The ACR has also promoted the search of partnerships with major foundations and small and large businesses.

Among other progress toward reintegration, the Mission has been supporting the steps needed to transfer of the Peace and Reconciliation Program of the Mayor's Office of Medellín to the ACR. This transfer became effective in April 2009; nevertheless, the activities of coordinating both parties continue. Likewise, the Mission is making efforts to sensitize the offices of governors and mayors so they will become more involved in the Program.

In the framework of the close collaboration that ACR and MAPP/OAS have been developing, both institutions have agreed that the Mission shall take advantage of job opportunities with the demobilized combatants to conduct a follow-up of those aspects of reintegration that are of greater interest for the ACR, for the purpose of obtaining information that makes it possible to identify difficulties and make recommendations to contribute to improving the program.

In 2009, the Mission started a series of Focal Groups and specific interviews aimed at both Program participants and stakeholders intervening in the reintegration process for the purpose of obtaining qualitative information about it. In this context, the first four months of the year, seven focal groups were held (Bogotá, Bucaramanga, Riohacha, Buenaventura, Medellín and two in Barranquilla), with a total attendance of 77 demobilized combatants. It is expected that this study shall be completed in coming months, thus increasing the number of participants and geographical coverage.^{31/}

29. The number of collective demobilized combatants who are actively involved in the Reintegration Program amounts to 21,501, based on data with a cutoff date at February 2009.

30. Mechanism whereby business, professionals and students donate time, skills and know-how to support projects developed by and for demobilized combatants. At present it is being implemented in Bogotá, Medellín, Bucaramanga, Montería and Valledupar, among other cities.

31. By the end of the year, it is expected that more than 20 focal groups will have been established in various cities of the country (geographical areas focalized by the Mission's OORR), with a universe of more than 250 demobilized participants selected randomly on the basis of the ACR's psycho-social groups. This will make it possible to have a sample that is large enough to estimate the problems and needs that are most affecting the program's participants.

The results achieved in this exercise have made it possible to confirm the general positive appraisal of psychosocial support by the demobilized combatants. For most of the participants in the focal groups, this emerges as a most highly appreciated benefit and they highlight the positive role that tutors have played in their return to civilian life and in improving their family relationships.^{32/} They also view as valuable the possibility of being given access to education. Despite this, in some cases, mention is made of supply problems, the methodology used, and the difficulties in being admitted to higher education programs.

Another benefit that is deemed positive is the access to health. Most of the participants in the focal groups indicated they were affiliated and had a health identification card.^{33/} Nevertheless, in some cases, problems with family coverage, complications in the affiliation because of transfers, or deficiencies in service delivery were mentioned.

With respect to economic integration, in the focal groups various participants voiced their concern about the absence of job opportunities^{34/} and the stigmatization they felt when they looked for a job. This would mean that, at present, a large number of demobilized combatants depend on the reintegration support granted by the Government as their main source of income.

The security situation of demobilized combatants

One of the Mission's issues of permanent concern is the situation of insecurity of the demobilized combatants. In this regard, the participants of the focal groups indicated they feared for their personal situation, as a result of the current contexts of illegality exerting pressure upon them. This adverse perception of the demobilized combatants themselves regarding their own security matches the diverse information gathered by the Mission on the magnitude of the threats, killings and displacements that are affecting this population.

According to data of the ACR (cutoff date: April 2009), the number of collective and individual dead demobilized combatants amounts to 1941,^{35/} and of these 1,298 died as a result of homicide (66%). In the period from January to April 2008, there were 201 collective and individual dead demobilized combatants recorded, whereas during the same period in 2009, the death of 136 demobilized combatants^{36/} was recorded. Despite this decline, the Mission believes that security conditions for demobilized combatants must improve so that homicides do not continue and intimidations and displacements can be avoided.

MAPP/OAS recognizes the progress achieved in security issues. For the purpose of consolidating these efforts and achieving a decline in these deaths, it is necessary to continue building

32. According to ACR data (cutoff date: March 2009), it is one of the benefits with the highest coverage, close to 99.83% for the participation in workshops and 94.49% in activities carried out.

33. For ACR data (cutoff date: March 2009), the health service coverage rate for the demobilized population amounts to 92.49%.

34. According to ACR information up to December 2008, there are 85 production projects under way and, in 2009, 146 new business plans have been drawn up, leading to 160 jobs.

35. From January 2004 to April 2009, 1,713 collective demobilized combatants have died.

36. Collective and individual.

up mechanisms of protection so that they can become increasingly rapid and effective.^{37/} From the start of the ACR Program up to now, major achievements that are still the target of improvements by all State institutions have been recorded.

Prevention of recruitment

The Mission has observed since the end of 2008 that the new contexts of illegality related to armed groups exert an influence on the demobilized population and other vulnerable population groups such as young people and children. Because of this, at the beginning of 2009, it decided to incorporate the topic of recruitment prevention into its work. Thus, since the beginning of this year, it has been carrying out initial monitoring activities in more than 17 departments.^{38/}

This monitoring work in various regions has made it possible, as part of a preliminary analysis, to identify the following national trends: in most urban areas, the so-called emerging gangs are recognized as the main perpetrators of recruitment where demobilized combatants, young people, and children are the persons most affected. On the other hand, in remote rural areas, it is the guerillas who recruit rural workers, indigenous people, young people and children.

The Mission views with concern the recruitment situation in some rural areas of the departments of El Chocó and Norte de Santander (for example, in the *corregimiento de la Gabarra*, a rural area of the municipality of Tibú or in the area of Tarra, in the region of Catatumbo). As for urban areas, the Mission has been conducting a special follow-up of the situation of the city of Medellín.

Regarding the demobilized population, in the work that the Focal Groups have been doing, a recurrent issue is the offer being made to the Program's beneficiaries to join the so-called new emerging gangs, which involves the enticement of financial rewards, along with, in many cases, threats that sometimes lead to killings. Part of the strategy used by new groups is aimed at discrediting the reintegration process and highlighting the flaws and deficiencies of the Justice and Peace Law to convince the demobilized combatants to take up arms again.

For the purpose of fighting the dynamics of recruitment adversely affecting the evolution of the Peace Process itself, the Mission has been supporting the coordination of various local initiatives that have emerged from the territories to highlight this problem. An example of this is the inter-agency efforts made through the Recruitment Prevention Forum (Mesa de Prevención de Reclutamiento) in Cesar, established at the beginning of 2009.

Likewise, the MAPP/OAS has been invited to attend, as an observer, the Inter-Sector Commission for the Prevention of Recruitment and the Use of Children and Adolescents by Organized Illegal Groups. In the framework of this participation, since February 2009, the Mission

37. At present, when a demobilized combatant participating in the ACR program is threatened, he/she cannot be the target of any protection measure until the National Police Force determines the risk level of his/her situation. The difficulty lies in the fact that this investigation sometimes takes almost two months.

38. Including Bogotá, Medellín and Valle del Cauca (Buenaventura).

has been supporting activities that the Commission's Technical Secretariat has been conducting on the territory.^{39/}

V. COMMUNITIES AND VICTIMS

From the beginning, the Mission has acknowledged the importance of having the communities affected by violence take over their own processes and having the support provided to them used for building up local capacities for self-management and settling their own conflicts peacefully and autonomously. Regarding this, the major effort made by institutions to approach these communities, in the understanding that it is there they will be able to find the key to strengthening the peace-building process, should be underscored.

The work is not simple and requires a great deal of commitment, presence, and compliance to implement activities. It is increasingly essential for institutions to approach the local sector, to stay in the territories and to rebuild the confidence of the people, especially in those remote places where they lived for so long without the support and assistance of State institutions. It is also necessary to build up those institutions that enjoy a certain amount of credibility, such as the Community Headman's Offices (personerías).

In this context, MAPP/OAS's support is aimed at bringing together communities and institutions, acting as a bridge that communicates, facilitating opportunities of trust and catalyzing processes.

Nationwide, MAPP/OAS has supported the coordination and feedback between the CNRR and the ACR's area of communities. This space strives to articulate the work that is done regionally with these institutions. In particular, the mission supports the strengthening of CNRR's work of consolidating the networks of victims. One example of this initiative can be found in Montes de María, where they have been developing an autonomous organizational process supported by the Mission since the second quarter of 2008.

Holding defense hearings is a good mechanism to come close to the institutions. In them, the Human Rights Ombudsman's Office goes to the communities to sensitize and gather information on specific topics related to human rights and training victims, with special emphasis on justice and peace. In the departments of Bolívar and Sucre, broad institutional participation in these hearings is generating credibility and trust for the return of communities displaced by the conflict and makes it possible to learn in depth about the problems of victims and their possible solutions.

The Mission recognizes local efforts to generate opportunities for meeting and coexistence for reconciliation. Regarding this, communities play an essential role and, despite difficulties, there are populations working on a day-to-day basis to coexist more peacefully in environments of violence.

39. The MAPP/OAS has support activities in Santa Marta (Magdalena) and Jamundi in the Valle del Cauca. It has also promoted opportunities for articulation and provided support in the cases of the Forum for the Prevention of Recruitment in the Department of Cesar; inter-agency trip to the Department of El Chocó and in La Gabarra (Norte de Santander).

It is essential to underscore the progress that both the CNRR, national NGOs and international organizations are making to find truth with justice and truth with reconciliation. One of the studies that shows how positive these efforts are is the initiative called Consultative Meetings on Reconciliation, developed by the CNRR sponsored by the Trust for the Americas (Trust)^{40/} and applied to a group of victims for the purpose of obtaining inputs that would make it possible to draw up recommendations and actions to build public policy guidelines for reconciliation. MAPP/OAS has supported some of these spaces, always respecting the perspectives of the communities involved.

In addition to the role played by the institutions in promoting reconciliation processes, the Mission has identified that different sectors of civil society also show an interest in the topic and promote initiatives that must be supported. This is the case of universities, research and study centers, and academia in general.

One of the strategies for the Mission's rapprochement has been the creation of spaces for coexistence. The experience gained in the initiative "We are all women" (Todas Somos Mujeres)^{41/} in the city of Valledupar made it possible to replicate it in Barranquilla, with the articulation of the ACR, the Human Rights Ombudsman's Office, the CNRR, the Mayor's Office and the Governor's Office. It is important that successful local initiatives be shared with other places. In addition to the demobilized combatants and victims, women belonging to the community and public officials, all connected by a cross-cutting line, which is the gender perspective, participate in this initiative. At the same time, the third phase of this project is being implemented in Valledupar.

Another initiative that must be underscored is the "Drafting of an integral care plan for jailed applicants of the Justice and Peace Law as a contribution to national reconciliation,"^{42/} which is being implemented by INPEC^{43/} and the CNRR with support from MAPP/OAS. In the framework of this activity, actions are taken to consolidate the basic profiles drawn up by the CNRR in terms of pardon and reconciliation, on the basis of the contributions made by the applicants in their commitment to find the truth. The initiative strives to contribute to drawing up criminality patterns in the framework of the conflict and, on the basis of the psycho-social profile of the applicants, determining the impacts that the participation in this conflict has had on the participants, as well as on the affected community.

With regard to pilot projects for collective reparation,^{44/} as a rule, they continue to be at a standstill in terms of their implementation. This is mainly due to the delay of local and national

40. Non-profit foundation that cooperates with the Organization of American States

41. Initiative aimed at building up the resources and skills of women who have been demobilized and victims of the armed conflict enabling a process of resilience and coexistence by the construction of social fabric networks in Valledupar. Replication is taking place in Barranquilla including officials from public institutions and the community.

42. Implementation of the proposal for integral intervention in the demobilized combatant population imprisoned in the justice and peace wards as a contribution to reconciliation. In its monitoring work, the Mission is conducting a follow-up of the penitentiary conditions of the applicants to Law 975/05.

43. National penitentiary institute in charge of demobilized combatants that have been imprisoned and are applicants to the Justice and Peace Law.

44. The CNRR is aimed at building a Collective Reparation Plan based on eight pilot projects for reparation that are now being implemented in La Libertad (San Onofre, Sucre); "Madres de la Candelaria" in Medellín, Antioquia; El Salado corregimiento of El Carmen de Bolívar (Bolívar), El Tigre (La Hormiga, Putumayo); La India in Landázuri (Santander), La Gabarra in Tibú (Norte de Santander), trade unions nationwide and Buenos Aires (Cauca).

institutions in charge of the matter^{45/} and the resistance to having local authorities involved in the collective reparation process.

The principal challenge being faced by CNRR is making effective and rapid progress in the different phases of the pilot projects for collective reparation, as well as incorporating recommendations coming from different sectors of society. The Mission believes that gender and intercultural approaches must be included more effectively, promoting differentiated reparations, for example, for women victims of sexual violence and indigenous and Afro-descendant communities. Likewise, the Mission considers that it must take up again the pilot project for reparations to trade unions, which are looking forward to special attention in this regard.

In order to contribute to building reparations in Colombia, MAPP/OAS has focused on support to the psycho-social component by supporting the CNRR in the Pilot Project for Collective Reparation in the *corregimiento of La Libertad*, belonging to the municipality of San Onofre, in the department of Sucre. Implementation of a pilot project for reparation in a community severely affected by the violence is of the utmost symbolic importance.

Furthermore, some communities have voiced their concern about the inclusion of activities that are part of regional and local development plans. The communities consider that compliance with these plans is an obligation of national and local institutions, as well as a fundamental right, which is different from and previous to collective reparation.

Finally, the Mission, understanding the complexity of the situation that the CNRR must face in the field, especially commends the work done at the central and regional levels, for its commitment, dedication and effort in carrying out the activities of its mandate.

VI. CONCLUSIONS

1. The General Secretariat renews its commitment to and support of reintegration, truth, justice and reparation; and the support to the victims and communities, being provided by the Colombian Government and institutions, for the purpose of making headway toward achieving sound and lasting peace, thus reiterating its readiness to cooperate in future peace processes with other groups.
2. The Mission commends the work done by the Colombian Government, which has made it possible to make progress toward restoring the State's institutional framework in those territories where the Self-Defense Forces exerted a strong influence, especially in dismantling the illegal structures that have emerged after the demobilization.
3. The dynamics associated with clashes and alliances in which the so-called merging gangs, delinquents, and guerrilla participated are severely affecting the communities and all of the players participating in the Peace Process. This situation requires doubling the efforts made by the Colombian State to combat these phenomena integrally and in a coordinated fashion.

45. This delay stems from the absence of leadership to coordinate with local authorities and not bearing in mind community processes and time-frames.

4. The resurfacing of massacres as a method of action and means of intimidation in the disputes among the so-called emerging gangs is exerting an adverse impact on the communities. It has led to widespread fear among the population, in addition to displacements and a feeling of uprootedness among the affected persons. It is necessary to increase the presence of public law and order forces and to develop actions to avoid this type of incident. The Mission draws attention to, and voices its concern at, the use of massacres, selective homicides, confinement and displacement against certain indigenous communities such as the Awá people by illegal armed groups. The Government is urged to take measures to clarify responsibility for these incidents and, at the same time, to adopt the actions needed to prevent guerilla forces or other illegal armed players from continuing to affect minority ethnic groups.
5. The efforts that the Presidential High Council for Reintegration has been making using a community approach that tackles the problems of stigmatization, involves the private sector to find job alternatives and establishes by means of legal instruments public policies for reintegration are commended.
6. The Mission recognizes the progress made by the Government to articulate all institutions that have the competency to prevent recruitment for the purpose of drawing up integral and sustainable strategies. It is important to make rapid progress in taking the measures needed to prevent this recruitment movement from not only from severely undermining the rights of citizens but also contributing to increasing the cycles of violence.
7. The Peace Process is at a decisive stage in terms of consolidating the progress made in reintegration, enforcement of the Justice and Peace Law, and the incipient processes of reconciliation and reparation for the victims. Colombia has made substantial headway in recognizing the victims as leading players, and social institutions and organizations are ready to continue along this course.
8. Prevention and protection mechanisms need to be promoted to provide victims and operators of the judiciary system who are living situations of insecurity with a rapid and timely response. It has been noted that, because they call for the observance of their rights or because of their professional duties, they are the target of attacks and threats. Furthermore, it is essential for the sound development of the Justice and Peace Process to provide integral attention to the victims, guarantee their access to the process and ensure conditions so they can actively participate in it.
9. The permanent rise in the rates of participation of the victims in the Justice and Peace process and the headway made in the judiciary processes involve new challenges to the institutional framework, such as partial imputations, incidents of reparation, checking eligibility requirements, rules for the submission of evidence, the standardization of criteria, among others, to meet expectations with respect to the truth, justice and reparation.
10. The Mission's activities to support the communities highlight the need for institutions to come closer to local sectors. Mistrust in authorities persists and can exert an adverse impact on the development of processes of reconciliation, collective reparation and historical memory.