

PERMANENT COUNCIL



OEA/Ser.G  
CP/doc.4486/10  
26 April 2010  
Original: Spanish

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

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

**I. GENERAL CONSIDERATIONS**

During the period covered by this report (July to December 2009), opinions and criticisms were expressed regarding the effectiveness of the Justice and Peace Law and its enforcement. In connection with this, the Mission notes the importance of examining the results in their full dimensions and points out that this law’s achievements have been of significance for thousands of people who suffered paramilitary violence.

MAPP/OEA shares the concern of certain sectors at the lack of final judgments. At the same time, it has been able to see and assist the institutional efforts and the willingness of court prosecutors and judges to make progress in this regard and to eliminate impunity.

Two and a half years into the proceedings, it is understandable and natural, in light of their unprecedented nature and size, that they are at the construction and learning stage, during which shortcomings and inadequacies have, of course, been detected. Those will have to be resolved during the enforcement process, but that demands support from all sectors.

MAPP/OEA believes that given the nature and size of the Justice and Peace process, a call should be made for all Colombians and the international community to provide support and to combine their efforts. That requires, at this consolidation phase, the maintenance of a clear, objective, and dispassionate outlook that will enable sustained progress to be made with the opportunities and possibilities offered by the prosecuting hundreds of individuals who contributed to violence in different regions of the nation’s territory.

The Government’s maintenance of dialogue with the former commanders and members of self-defense groups under the agreements is an important factor for peace in the country, particularly within the Justice and Peace process. That fact underscores the State’s willingness to continue strengthening the peace process by facilitating mechanisms whereby the truth can be established. The Mission appreciates the change of attitude and commitment of certain representatives and demobilized members of both the former United Self-Defense Forces of Colombia (AUC) and the Guevarista Revolutionary Army (ERG) who are actively participating in the voluntary statement hearings.

At the same time, the prevention of recruitment is one of the main challenges now facing the State, requiring a broad and comprehensive national strategy. Attention is drawn to this problem,

which not only has an impact on law and order, but also affects the social fabric and compromises the country's future generations.

The slow progress and disarticulated structure of the pilot collective redress projects are another cause for concern. Private sector involvement, while important on account of its social dimension and the resources it can command, must be coordinated by the agencies of the State that are responsible for reparations. The Mission has seen how the disarticulated structure divides communities and confuses victims regarding the State's role in ensuring redress. The perceptions of disinformation and lack of participation by the victims in these projects, together with the lack of involvement and interest on the part of some local authorities, threatens their sustainability.

In this regard, the Inter-American Commission on Human Rights (IACHR) has expressed its concern at the lack of effective progress to date in providing compensation to the victims. It is also concerned that no progress has been made in the parliamentary discussion on a draft law regarding victims. The IACHR has emphasized that the draft law aimed at facilitating compensation will have to be accompanied by a show of social solidarity by "Colombian society with the victims of the conflict, thus enabling it, through mechanisms for consultation, follow-up, and evaluation, to be stable and lasting over time"<sup>1</sup>.

Regarding the reintegration of demobilized fighters, the Mission notes that the continued violence found in several areas hinders efforts to provide former combatants with services. The recruitment phenomenon affects them directly, and stigmatization is still found within official agencies and communities. The Mission has seen that demobilized combatants still face harassment, threats, displacement, and killings at the hands of the newly emergent structures and, in other cases, on account of personal grievances and reprisals.

The High Council for Reintegration (ACR) has achieved significant progress, allowing a large number of demobilized fighters access to services for their initial stabilization and gradual return to civilian life. Various measures are being taken to offer work alternatives, and good results have been attained in the provision of health services, psychosocial attention, and education.

In that context, and as has been stated in earlier reports, community reintegration is of paramount importance, in that the model seeks to forge new social relations based on harmonious coexistence through the use of tools to promote the joint projects and activities that benefit communities as a whole and thereby to facilitate reconciliation, peaceful coexistence, and the reintegration of demobilized combatants into their family and community groups. In spite of this progress, a larger number of demobilized fighters must sign up for community reintegration projects.

The Mission has noted with concern that in several parts of the country, actions by emergent structures and criminal gangs against the population have not ceased, and that massacres, abductions, disappearances, murders, threats, and extortion continue to take place. In addition, it has been seen that these structures directly affect community and social leaders, public officials, indigenous and Afro-Colombian populations when they pose an obstacle to the pursuit of illegal activities, and that situation fuels uncertainty and fear within communities

The government and different state institutions have adopted a series of measures in connection with this; given the complexity of the phenomenon, however, these measures will require

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1 IACHR. Annual Report 2009, Chapter IV, Colombia, par. 63.

greater effort, but they do represent a major step forward in tackling the emergent structures and in protecting communities. As the Mission has stated on different occasions, these new groups have a high capacity for renewal; thus, capturing their leaders does not weaken their internal structures but does fuel greater disputes within them. In addition, they are able to relocate to other areas when directly attacked by the security forces, which hinders their containment.

The Mission has seen that the United Self-Defense Forces of Colombia (AUC) have disappeared from the political stage; that is clearly a development of major importance to the country and represents a great step forward with the peace process that began in 2004. However, as was stated in the 6th Quarterly Report, some of them have reappeared: not as paramilitaries, but as criminal gangs with explicit ties to drug trafficking and other illegal activities.

There is consequently a need to build further on the achievements obtained in order to avoid, to the extent that is possible, the return of situations that could destabilize the process. To attain that, it is essential to persevere with and strengthen actions geared toward improving the security conditions in areas where the reemergence of violence has been detected; to bolster the enforcement of the Justice and Peace Law; to strengthen the community reintegration of demobilized combatants; to make further progress with victim redress; and to continue working on reconciliation.

These actions also require consolidating the State's control over its territory to gradually ensure the presence of the security forces in municipalities, extend and strengthen the presence of the entire state apparatus, and provide communities and victims with the forums for participation that they need to exercise their rights.

A complex peace process is liable to make mistakes; nevertheless, the process has been highly valuable in that it has created opportunities for Colombia to bring territory back under state institutionality and it has raised the profile of the victims, creating the conditions they need to secure access to truth, justice, and redress.

In pursuit of those goals, MAPP/OEA will concentrate and target its verification and monitoring activities in the regions, assisting communities affected by violence, providing mediation, and supporting the institutions on the road toward building peace.

## **II. MONITORING THE ENFORCEMENT OF THE JUSTICE AND PEACE LAW**

The Justice and Peace Law is undeniably one of the key pillars of the peace process and its consolidation and improvement will take time.

Its enforcement continues to yield important achievements, such as the constant increase in the numbers of registered victims; its results with exhumations and land restitutions; and its legal proceedings, which continue to make gradual progress and to evolve favorably through the judgments of the Supreme Court of Justice on the road toward guaranteeing the victims the highest international standards.

It is clear that the Supreme Court's overturning judgments does not weaken the process; on the contrary, it becomes stronger through the construction of more robust proceedings based on national and international precedent. However, work must continue, within the flexible framework

required by transitional justice proceedings of this kind, on promptly identifying the legal solutions that will enable the issues highlighted by the Supreme Court to be addressed and resolved, allowing progress to be made toward more advanced stages in the process.

There is still much to be done in providing guidance, legal defense, access, and an enhanced profile for those victims who are not yet able to exercise the rights extended by the Justice and Peace Law. The Mission is also concerned about the security of victims and their legal representatives. Several of their leaders have been threatened or killed after asserting their land rights or starting to participate in the process. This is an extremely grave situation because, in addition to the crimes committed, it discourages the victims and fuels great fear among them as they see their expectations of effectively realizing their rights thwarted. One way in which this and other forms of access and empowerment for victims can be improved is by strengthening their networks, which enhances their capacity for dialogue and representation.

At the same time, while various national and international sectors engage in academic discussions on the direction taken by the Law, many Colombians are working day after day, often in extraordinary conditions, to inform victims about their rights and ensure they have access to justice. The Mission believes that constructive debate on the difficulties with enforcing the Law is important, provided that the often heroic efforts made every day to prevent impunity are not disqualified, the guilty are punished, and the victims receive appropriate redress. The Mission appreciates the efforts being made by the agencies responsible for enforcing the Law, which have displayed a committed willingness to bring about truth, justice, and redress.

## **Personal Security**

The insecurity faced by victims, applicants, and public officials is a topic that remains of concern to the Mission. Personal security is a crosscutting prerequisite for access to Justice and Peace processes and is essential for guaranteeing the right to truth, justice, and redress.

The limited effectiveness of the Victims Protection Program, two years after its creation, is a major obstacle. Victims in different parts of the country continue to face risks because of their participation in the Justice and Peace process, their property claims, and their leadership in organizations. Threats and killings are particularly common in the regions of Urabá, Córdoba, and Chocó. Other regions with high levels of vulnerability include Bajo Cauca<sup>2</sup> (Antioquia), Huila, south Bolívar, and Sucre. In spite of the Interior Ministry's efforts to publicize the protection roadmap,<sup>3</sup> many threatened victims still lack an effective mechanism for ensuring the security of those at risk or targeted by threats.

The Mission notes the need to ensure the safety of people returning to their lands, and it condemns the murders in Córdoba of Guillermo Ramos and John Jairo Vides, who were leaders in that department's restitution processes. It also condemns the killing of Argenito Díaz, a leader of Afro-Colombian communities seeking the restitution of lands in Curvaradó and Jiguamiandó (Chocó). Similarly, direct restitution processes also pose security risks for the victims and officials involved.

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<sup>2</sup> Early June 2009 saw the murder of Joaquín Emilio García Lopera, leader of the victims of the Mineros Bloc in Tarazá (Antioquia). As a result of this incident, it would be useful to study the security of all the leaders involved with the victims' network that is emerging in Bajo Cauca.

<sup>3</sup> The protection roadmap was established by Decree 3570 of 2007.

In places like Barrancabermeja (Santander), most of the victims who benefited from the two direct restitutions carried out have since been displaced again. Also of concern is that in some locations, victim participation at attention events is dissuaded by the presence of emergent structures, as has occurred at Purificación in Tolima, Puerto Santander in Norte de Santander, and Nechí in Antioquia.

It is equally troubling that several of the attacks suffered by applicants, their families, and their associates have taken place at prison gates, such as happened at Bellavista and Itagüí, or inside those facilities, as was the case at the Barranquilla Model Prison.<sup>4</sup> In response to these incidents, orders were given for 70 demobilized combatants to be transferred to other prison facilities; however, the mechanisms that protect the personal security of all demobilized fighters in prison, who are confessing crimes and thus increasing their vulnerability, must be strengthened.

The Mission reiterates its concern at the June 21 murder by cyanide poisoning of Diego Martínez, aka “Daniel,” former captain of the Tolima Bloc, at La Picota Prison in Bogotá.<sup>5</sup>

The lack of security for applicants and their families has interfered with the Justice and Peace process and, in addition, the attacks and killings against relatives of paramilitary chiefs extradited to the United States seriously endanger the quest for truth: because of that danger, some former commanders, such as Diego Murillo, have threatened to withdraw from the Justice and Peace process if the safety of their families is not guaranteed. This is a negative development for the victims of the blocs that those fighters commanded because, if they do not participate in the proceedings, many crimes will go unresolved. The Mission notes its concern at the December 2009 murder of the brother of Rodrigo Tovar Pupo, aka “Jorge 40,” in the city of Valledupar (Cesar).

### **Judicial Rulings**

During this period, several decisions by the Supreme Court of Justice had a major impact on Justice and Peace proceedings. First of all, the conviction of Wilson Salazar Carrascal, aka “El Loro,” was overturned because the Court found he had not been charged with the underlying crime, that of conspiracy. Consequently, the proceedings were returned to the indictment phase. The Supreme Court’s legal reasoning for that decision was that the crime of conspiracy is vital and essential to the Justice and Peace process and so it was inadmissible for the proceedings to conclude in the absence of that offense.

In second place, the proceedings brought against Giancarlo Gutiérrez were voided. In this case, the Court found that the prosecutor’s office failed to investigate the macrocriminal context, and that it fell to that investigative agency to inquire into phenomena that, in other circumstances and places, also contributed to the commission of the acts. Since Justice and Peace contains no reference to the issue of macrocriminality, MAPP/OEA facilitated meetings and dialogue in order to create an interconnected information process between the judicature and the National Justice and Peace Prosecution Unit (UNFJP) to enable the two to discuss positions and clear up their uncertainties.

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4 Three attacks have been identified: (1) On August 14, outside Itagui prison, shots were fired at a female attorney representing demobilized combatants from the Central Bolívar Bloc and at the wife of one of the inmates. (2) On July 19, at the gates of Bellavista prison, Mrs. Diana Ester Coronado Ramos, the wife of Calima Bloc demobilized combatant José Pérez Jiménez, was killed. (3) In late May, a person visiting Elkin Casarubio, aka “El Cura,” was killed upon leaving the prison.

5 Forensic report.

Third, in a ruling resolving a filing lodged by the prosecutor's office in the case of former paramilitary leader Edilberto de Jesús Cañas Chavarriaga, the Supreme Court of Justice revised its position and concluded that while it would be ideal for each applicant "to be charged with and convicted of all his criminal acts," in practice it was unlikely that that could happen in all cases. In its December 2009 ruling, the Supreme Court argued that "only if we accept partial charges will we make progress with a historical process that is already full of difficult investigations and findings."

Finally, in another ruling, the Court halted the extradition of demobilized combatant Edgar Medina Flórez, arguing that to extradite him would undermine the spirit of the Justice and Peace Law, ignore the rights of the victims, and affect the operation of the administration of justice. That ruling has been seen as having the potential to halt the extraditions because it sets a binding precedent.

The Mission believes that these rulings by the Supreme Court are important in indicating the course the Law will take and that, in spite of the reactions they may provoke, they are essential to the process. The impact they have had must be taken into account, however, since many Justice and Peace officials and victims see redress as a distant possibility. They also impose an additional investigative burden on the prosecutor's office, which is already facing operational difficulties. This has also led to a reduction in the number of voluntary statement hearings, causing delays in the proceedings and directly affecting the victims' access to their rights.

### **Voluntary Statement Hearings and Judicial Proceedings**

As of December 2009, there were 3,710 applicants under the Justice and Peace Law, many of whom had not been ratified, while others were fugitives from justice, reluctant, or had died. The Mission calls for an acceleration of the mechanisms for clearing up the database in order to determine the real number of applicants in the process and to avoid creating false expectations among the victims.

A total of 726 voluntary statement hearings are underway. Significantly, the voluntary statement hearings of the eight demobilized fighters of the Guevarista Revolutionary Army (ERG) – reported as applicants when the previous report was issued – have begun.

The applicants' participation in voluntary statement hearings has revealed the whereabouts of a large number of bodies. As of December 2009 and, on the basis of the information mostly provided by demobilized fighters, the prosecutor's office has exhumed 2,901 sets of human remains, found in 2,388 graves located in different regions of Colombia; of the remains found, 606 bodies have been preliminarily identified (with DNA samples), 900 have been identified in full, and 786 have been returned to their families.<sup>6</sup> Most of the bodies have been exhumed in the departments of Antioquia, Magdalena, Cesar, Putumayo, and Córdoba.

Although much progress has been made, major challenges still remain – such as locating mass graves in areas where illegal armed groups operate, identifying remains that have decayed after being in the ground, and the problems of locating the families of the disappeared after the DNA information has been obtained. In spite of this, the Mission notes its particular recognition of the efforts of the National Justice and Peace Prosecution Unit which, through its Exhumations Sub-unit, has helped establish the truth and assist the grieving process of victims and their next-of-kin.

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6 Figures from the Justice and Peace Information System as of December 31, 2009.

The Mission acknowledges that in some areas of the country, victims are unlikely to discover the truth because the combatants who operated in those regions have died or have not registered as applicants; we therefore recommend studying the applications of certain demobilized fighters who promised the authorities they would help reconstruct the truth if they were included in the process. At the same time, it is essential that the criteria for applying for the Law's provisions be determined and standardized.

Regarding the call made in the 11th Quarterly Report for clarification of the recruitment of minors by former AUC members and "the small number of children who had lost contact with their families who were brought to the ICBF by the former self-defense forces during the demobilizations," the Mission appreciates the fact that, as a part of the Justice and Peace process, 2,824 cases of that crime have been revealed; this is the result of the systematic investigation and verification efforts of the prosecutor's office and the organization of joint voluntary statement hearings, which are specifically intended to allow applicants to confess cases and situations involving the recruitment of minors. Noteworthy in this regard are the statements that have been given by demobilized members of the Élder Cárdenas Bloc, the Campesino Self-defense of Magdalena Medio, the Tayrona Resistance Front, the Central Bolívar Bloc, the William Rivas Front, and others. The progressive increase in the number of confessions offers more victims the possibility of access to truth and redress, while the children who were recruited can have their rights restored. Toward this end, the Mission will continue to support the initiatives of the High Commissioner for Peace and the National Justice and Peace Prosecution Unit to identify those minor-aged children who were not separated from their families when demobilization took place.

MAPP/OEA applauds the Justice and Peace Prosecution Office's achievements with interinstitutional coordination, which have translated into victim attention events that offer truly comprehensive attention involving all the agencies with responsibilities under the Law. This model has been seen in the city of Medellín (Antioquia) and in Bolívar department. In this regard, mention should be made of the proactive attitude of the institutions and the commitment shown by the authorities in Antioquia. In Medellín, the municipal government signed an agreement with the prosecutor's office that will allow the creation of a group charged with locating the disappeared in the city. In addition, joint activities have been organized between the Justice and Peace Prosecution Office's Exhumations Unit, the Mothers of La Candelaria, and other victims in Urabá and Magdalena Medio.

Similarly, mention must be made of the improvements made to the UNFJP's human resources. From having six prosecutors in 2006, it now has 59 full prosecutors, more than 100 support prosecutors, and more than a thousand investigators. Although the increase is considerable, on average each Justice and Peace investigator has a case load of 240 individual incidents to be verified and triangulated.

The Mission would like to make special mention of the victim attention event and retransmission of voluntary statements held during November in Domingueka, a newly founded settlement of the Kogui community in the municipality of Dibulla, La Guajira. This is a highly significant step forward, given the Kogui people's initial resistance to the Justice and Peace process.

## **Land Restitution**



One of the most important tasks underway under the Justice and Peace process is that of restoring the lands and homes of displaced people, together with the security and economic stabilization that must be assured in the areas to which they return. Thus, since June, work has been ongoing on the implementation of the first restitution roadmap of the Turbo pilot project, in the Urabá subregion of Antioquia, in the districts of La Teca, Calle Larga, Nueva Unión, and California. The goal of this project is to hand over land to the victims, with title deeds, and assist the institutional monitoring of their full enjoyment of that right.

This pilot project is an example of the resolve and commitment of the community and of the agencies involved. As the project progressed successfully, other institutions and international cooperation agencies joined in with it. The project enabled 401 plots with collective land protection to be established, covering 2,992 hectares belonging to a total of 458 owners, with 279 occupants and 142 holders. After restoring the ownership of 105 families, work continues to return plots to another 79 families, through the roadmaps for occupants who were dispossessed of their holdings and for those who have been awarded land. As of December 2009, 654 hectares had been returned to 133 families as a result of this pilot effort.

Similarly positive is the creation of Regional Property Restitution Commissions in Antioquia, Bolívar, Bogotá, and Bucaramanga (Santander) by the National Redress and Reconciliation Commission (CNRR), with an additional ten commissions expected to be set up in the near future.

In other regions of the country, direct restitutions are taking place under the oversight of the Justice and Peace Prosecution Office; this is the case in the departments of Meta (in San Martín), Magdalena (in the city of Santa Marta), and Cesar (San Martín), by the former leaders of the Heroes of Llano, Tayrona Resistance, and Victors of Arauca blocs, respectively.

## **Reparations**

To date, 32 applicants have handed over 5,539 properties listed on 70 deeds of the Victims Redress Fund (FRV); However, the amount collected totals only \$8,795,968,662 COP, which is insufficient to cover the redress owed to the victims. The poor and ruinous state of some properties is also a cause for concern.

The Mission monitored the electronic auction, organized by Social Action for redress purposes, of 16 properties surrendered to Justice and Peace by seven applicants. However, in spite of the government's considerable economic investment in guided visits, meetings, and publicity, no bids for these properties were received from either private citizens or associations. The public auction sought to gather at least 12,200 million pesos (US\$5.8 million) for the Victims Redress Fund. According to Law 975, if the sale of the properties failed to yield the funds, the money for the victims' redress would have to come from the national budget.

As of October 6, 2009, 269,781 redress request forms had been processed through administrative channels. The Program had funds of 200 billion pesos for 10,000 victims and family members. Three distributions of funds took place in 2009: Popayán in Cauca (300 victims), Medellín and Apartadó in Antioquia (521 victims), and Montería in Córdoba (279 victims). However, the victims are still unclear about how to interpret this redress. On occasions economic compensation is seen as adequate redress, forgetting that the comprehensive redress provided for in Law 975 includes

restoration, rehabilitation, and the implementation of measures of satisfaction and guarantees of nonrepetition, in addition to economic reparations.

### **Victim Access**

To date, 280,420 victims have registered with the process provided by the Justice and Peace Law.<sup>7</sup> It should be noted that of the more than 24,000 incidents described in voluntary statement hearings, fewer than 10% have been brought before the regular courts; at the same time, it is clear that as a result of the confessions given under the Justice and Peace process, more than 20,000 victims could receive reparations and the incidents whereby they were made victims could be cleared up.

Although the retransmission of both voluntary statement hearings and court hearings poses several challenges, it remains an ideal way to ensure that victims participate in judicial proceedings. In spite of the interinstitutional coordination efforts (CNRR, UNFJP, Magistrature of Justice and Peace, GTZ, Ombudsman's office, and MAPP/OEA), technical problems continue to hamper the full implementation of this mechanism.<sup>8</sup>

In addition, given the large number of voluntary statement hearings, the ability of the psychologists to assist the victims at those proceedings has been surpassed. The capacity of both the CNRR and the prosecutor's office to provide psychosocial attention must be strengthened, in order to ensure that the victims are assisted during the difficult times when they hear the applicants' narratives.

During this period, the Mission assisted with more than 76 victim attention events throughout the country. That was a major milestone and a source of motivation to continue strengthening the regional presence of the agencies responsible. However, the month of August saw the first attention event that had to be suspended due to a total absence of victims; that incident took place in Arauca (Arauca). The failure of the victims to turn up might have been caused by their embryonic organization in the department, the public's mistrust of officialdom, and the presence of illegal groups.

In ensuring access by indigenous and Afro-Colombian populations, the Mission places a high priority on paying due attention to their culture and context; for that reason, it has conducted a diagnostic study on those communities' specific access to the Justice and Peace and collective redress processes. Among its main conclusions, it emphasized the need for access by collective subjects, and for progress in recovering the memory of those peoples from their own traditional perspectives.

MAPP/OEA again calls attention to reports of improper actions on the part of private lawyers. Authorities in the departments of Sucre, Córdoba, Bolívar, Meta, Guaviare, and Atlántico have noted their concern at powers of attorney, signed by displaced persons on behalf of their

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7 Figures from the Interinstitutional Justice and Peace Committee as of October 31, 2009.

8 One such case occurred in María la Baja, in Bolívar department, where technical problems in Barranquilla prevented the participation of more than 60 people who had come to attend the hearing. Other problems arose in Capitanejo and Málaga (Santander), in Tumaco (Nariño), and in Aguachica (Cesar).

lawyers to process administrative redress claims, which set professional fees at the level of 20% of the redress amount.<sup>9</sup>

In spite of the great efforts made by the agencies responsible for enforcing the Justice and Peace Law, their human, physical, and financial resources are still insufficient. Nevertheless, the Mission commends the work of the Office of the People's Defender which, in an attempt to overcome the shortcomings in judicial representation, has launched such initiatives as document collection days, hiring lawyers to perform verifications, and actions intended to improve communications channels between victims and the officials tasked with their defense, as is the case in northern Tolima and Caldas.

In addition, thanks to support from international cooperation agencies, the Office of the People's Defender has increased the number of public defenders for the Justice and Peace process to 60, which could serve to reduce the average number of victims represented by each defender. Continued support must be given to the Defender's Office so gradual increases can continue to be made to the numbers of public defenders, thus improving the legal assistance extended to victims in the Justice and Peace process.

The Mission reacts positively to the opportunities for institutional ties created by the Interinstitutional Justice and Peace Panels in cities including Pasto (Nariño), Cali (Valle del Cauca), Barranquilla (Atlántico), Sincelejo (Sucre), and Popayán (Cauca). It believes, however, that progress must continue with improving communications channels and ties between the different institutions, in order to avoid duplicating efforts and to increase their capacity for response.

In some regions – such as Magdalena Medio, south Bolívar, Putumayo, Antioquia, and Arauca – the lack of coordination between the different agencies involved with victim attention events leads to a surfeit of formalities and forms to be filled in, creating confusion and a feeling of institutional exhaustion among the victims.

The work of the CNRR in preparing two high-impact draft documents is particularly noteworthy. The first of these is a CONPES document that provides a roadmap for comprehensive victim redress, focused on developing regulatory frameworks for expanding future rehabilitation actions for individuals affected by the conflict; the second is a unified document for land restitutions.

The Mission commends the Supreme Court for accepting the creation of a magistrate-ambassador in the United States to serve as a “judicial bridge,” keeping the dialogue between the U.S. and Colombian justice systems open in order to facilitate matters related to the extradited former paramilitaries.

Last December, the Mission visited Northern Neck Jail (Virginia), Central Virginia Jail (Virginia), and the Metropolitan Correctional Center (New York), in order to hear the views and demands of the extradited former self-defense leaders regarding their involvement in the Justice and Peace process and to invite them to continue participating in it, in order to safeguard the victims' rights to truth, justice and redress. The main claims expressed were related to the security of their families and the creation of conditions that would allow them to participate in voluntary statement

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<sup>9</sup> Such irregularities have been reported in Falán (Tolima), Arauca (Arauca), La Palma (Cundinamarca), Gigante and Pitalito (Huila), Dagua in Valle del Cauca (La Esmeralda and Santa María districts), and the department of Caquetá.

hearings. In this regard, the Mission recommends holding group hearings, using teleconferencing, in order to help reveal the truth.

The Mission has stated on various occasions that a transitional process demands exceptional provisions in almost all areas, including that of imprisonment. The transfer of the inmates from Urrá Prison to other facilities discouraged many detainees, who doubt the legal security of their imprisonment. MAPP/OEA suggests that INPEC specifically designate penitentiaries and prison blocks for the Justice and Peace process.

Another cause for concern is the transfers of extradited self-defense leaders to other prisons in the United States, which in some cases has hampered scheduled Justice and Peace formalities. This situation has affected Salvatore Mancuso, Carlos Mario Jiménez Naranjo aka “Macaco,” Miguel Angel Mejía Munera aka “Mellizo,” Rodrigo Tovar Pupo aka “Jorge 40,” and Juan Carlos Sierra, aka “El Tuso,” who were being held at the Washington maximum security prison and were taken to a prison in Virginia, and Guillermo Perez Alzate aka “Pablo Sevillano” and Ramiro Vanoy aka “Cuco Vanoy,” who were transferred from Miami to Atlanta.

### **III. REINTEGRATION AND PREVENTION OF RECRUITMENT**

The actions of the High Council for Reintegration in implementing the National Reintegration Policy and its specific programs remain robust and continue to yield positive results. Progress has been made in areas including internal evaluation mechanisms and providing participants with information on the program.

The commitment to the reintegration process of some private-sector companies has also been noteworthy. The Social Responsibility Management Area has been key in promoting the economic reintegration of participants, with particular emphasis being placed on citizen training. Between 2007 and September 2009, 51 institutions and 7,545 participants were involved.<sup>10</sup>

The Time Bank currently has the participation of 606 actual donors<sup>11</sup> who have donated 6,013 hours, benefiting 15,731 people (from 2007 to September 2009). Using talks, workshops, and conferences, this initiative aims to provide participants, their families, and the community with advice and psychosocial attention. During 2009 there was a notable increase in the advice given to participants on job training and strengthening business plans, education, and legal and administrative advice.<sup>12</sup>

The launch of the Education for Peace Fund (EDUPAZ)<sup>13</sup> in October 2009 is a significant step forward that encourages access to higher education among individuals involved in reintegration processes, victims of violence, vulnerable populations, host communities, and tobacco-growing communities in nine departments. Initiatives of this kind – supported by the ACR, USAID/IOM, and

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10 Over that same period, and as a result of the work of the Social Responsibility Management Area, 4,399 families and 1,538,913 individuals were involved.

11 These actual donors, taken as meaning professionals, include both individual and corporate donations.

12 During 2009, psychosocial attention accounted for 80% of the Time Bank’s donations to families, and the 50% donated to the community was focused on awareness-raising by publicizing the services offered by the ACR.

13 EDUPAZ is a scholarship and higher education fund specially designed to consolidate peace in Colombia. The fund is intended to help the initiative’s beneficiaries secure access to technical, technological, and university studies.

the private sector, initially represented by Coltabaco – are expected to create greater educational and work opportunities for demobilized combatants.

Although the impact of the social responsibility initiatives is not very large in terms of their figures, the Mission notes that they seek to bring about a cultural change in terms of cooperation and responsibility in the country, and that although this is a long-term process, it is growing and has a solid foundation that, over time, will be joined by other sectors.

Another major step forward was the implementation, in the first months of the year, of the new Psychosocial Attention Model,<sup>14</sup> which emerged following an evaluation of how the earlier model was being implemented. Its aim is to develop and strengthen the participants' skills in four areas: (a) assertive relations,<sup>15</sup> (b) nonviolent conflict resolution,<sup>16</sup> (c) responsibility,<sup>17</sup> and (d) projection and orientation toward achievement.<sup>18</sup>

The Model provides for the organization of workshops,<sup>19</sup> family and community activities,<sup>20</sup> individual counseling sessions,<sup>21</sup> and household visits<sup>22</sup> with each of the participants. One of the noteworthy factors is that the ACR offers an evaluation mechanism that seeks to organize the information on each of the participants and their attention roadmaps, in order to conduct follow-up of their skills and define, on a six-monthly basis, the reintegration roadmap of each demobilized combatant.

The Mission gave the ACR a study containing the results of the Focus Groups on the participants' perceptions and expectations regarding psychosocial assistance. This exercise yielded information that enabled certain aspects of the official offerings to be discussed directly with the beneficiaries and, on that basis, to analyze whether the program needed adjustments or changes.

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14 Note that this New Model is internal in nature, and the document describing it in detail is not a public document. It is a working tool for psychosocial professionals.

15 According to the High Council, this is the ability to identify, establish, and maintain constructive relations, respecting one's own integrity and that of others, with law-abiding individuals.

16 The ability to identify and analyze problems, the persons involved, remedies, and possible strategies for resolving conflicts, with one's self and with others, in a nonviolent fashion.

17 The ability to recognize and exercise rights and duties.

18 The ability to make decisions and take actions to attain personal goals in context.

19 A meeting space for participants and the psychosocial professional which essentially seeks to use real-life activities to create an experience regarding a specific topic or goal; a workshop is an opportunity for shared construction that must take on board the principles of the experiential methodology (thinking, feeling, and acting).

20 Meeting spaces, with either families or the community, which pursue shared construction supported by the experiences of others who are not participants in the reintegration program but who are involved in the participants' process. Family and community activities also involve the principles of thinking, feeling, and acting.

21 Counseling sessions are one-on-one meetings at which the psychosocial professional pursues a specific activity with the participant, seeking personal reflection; counseling sessions can deal with individual issues that cannot be seen or placed in context through other activities. Counseling sessions are also provided at the request of participants or their families, when faced with situations that create conflicts or concerns. Counseling sessions do not provide clinical attention, for which the referral process exists. As in the other processes, counseling sessions must at all times work for the participant's reflection and construction through the experiential methodology.

22 Home visits are a way to obtain information on the participants' socio-family circumstances and, in addition, to appreciate the context in which they live. In many cases, participants live not only with their families, but also with friends; on occasions, they live alone. Consequently, home visits provide an opportunity for psychosocial professionals to work with them individually on strengthening their skill sets and support networks. During these visits, the psychosocial practitioner must carry out a series of specific activities that, like all the others, are based on thinking, feeling, and acting.

The demobilized combatants' attitudes toward psychosocial attention confirms the Mission's position on the importance of this service, which has been acknowledged as a tool for coexistence that enables them to establish better and closer relations with their families. One of the aspects that the participants appreciate the most is that it is a service that touches on their day-to-day lives and with which they are in permanent contact.

The different focus groups organized by the Mission have revealed that demobilized combatants place considerable importance on community reintegration as key element in tackling stigmatization and on the need to continue working with the participants to bring the topic of drug and alcohol use more into the open.

MAPP/OEA notes the ACR's geographical presence and the personnel it has deployed in different regions of the country, which has strengthened the attention given to participants. For the Mission, it is clear that proximity between officialdom and communities is essential for the successful pursuit of a program that, as of August 2009, had 20,400 active collective participants. For that reason, mechanisms must be ensured to preserve the progress made with the participants and keep their reintegration roadmaps up to date. Regrettably, the Mission has noted that in Mojana Sucreña, Montes de María, Arauca, and the municipalities of Tumaco (Nariño) and La Dorada (Caldas), participants report a low level of satisfaction with the ACR's weak presence and the reduction in the number of activities carried out.

In the area of academic training, efforts must be made to consolidate the mechanisms for overseeing and following up on the progress made by demobilized fighters, to ensure a supply of educational services in line with each individual's process and the needs they have to complete that process and secure employment. In this regard, it has been noted that some demobilized combatants prefer to repeat their primary education rather than see a reduction in the economic support given for reintegration.

To prevent the repetition of such situations, psychosocial attention must serve to strengthen the participants' attitudes regarding the benefits offered by the State and the need for successful completion of their reintegration roadmaps. The major efforts being made with reintegration by the ACR and the competent institutions must be acknowledged, but equally necessary is the commitment of the program's participants toward returning to civilian life.

### **Community Reintegration**

During the period covered by this report, the Mission assisted and monitored the community reintegration pilot projects in Antioquia, Casanare, Meta, Guaviare, Neiva (Huila), Sincelejo (Sucre), Bajo Cauca (Antioquia), Tuluá (Valle del Cauca), and others. Although each of these processes are at different stages of completion, mention must be made of the progress made with the projects in Antioquia, which is largely due to the dynamism of the ACR's communities area in that department. Similarly, MAPP/OEA has noted that the projects in Sincelejo (Sucre) and Bajo Cauca (Antioquia) enjoy high levels of acceptance.

One of the obstacles to community reintegration that has been identified, however, is the perception among many communities that demobilized combatants receive greater benefits. This leads to resentment of the participants, which is combined with the mistrust that many still feel toward them. In addition, a generally low level of participation by demobilized fighters has been

detected; this could be the result of several factors, such as the location of the project (some are in areas with low numbers of demobilized fighters, due to their subsequent displacement), the security situation, stigmatization, or a lack of commitment on the part of some former combatants.

The Mission has underscored the vital importance of participation by local authorities in the projects, not just to ensure their sustainability, but also to provide guidance, information, and support. In some regions, however, the local authorities remain uninterested, uninformed, and disconnected from the reintegration process.

Equally important is the decentralization of ACR officials to the regional level, for following up on projects and relations with the CNRR. The Mission sees a need to return to the agreement signed by those agencies late last year in order to create joint lines of intervention that can simultaneously benefit both the demobilized combatants and the communities.

### **Security Situation of Demobilized Combatants**

MAPP/OEA again notes its concern regarding the security situation of demobilized combatants, who continue to face threats, intimidation, killings, displacement, and recruitment. Although this difficult situation is present in much of the country, it is felt most strongly in those areas where disputes have arisen or persist between emergent structures, such as Antioquia (particularly in Medellín) and Córdoba.

The Mission's verification efforts reveal that in many cases, although demobilized combatants feel insecure, they do not report the threats made against them or the attacks they suffer. There are three possible causes for this: the existence of a group of demobilized combatants who do not report they are being pressured because they are engaged in illicit activities and do not wish to attract the authorities' attention; in second place, the participants greatly mistrust the security forces and officialdom, in part because of the security forces' alleged irregularities with respect to the emergent structures; and, finally, demobilized combatants who are at risk do not want to file complaints and raise their profile or be identified as such, on account of the security measures that might be adopted.

MAPP/OEA commends the great efforts made by the ACR to ensure that security studies are conducted as swiftly as possible, to reduce the risk of demobilized combatants suffering attacks or losing their lives while studies are being prepared. According to information from the ACR, previously it took an average of 93 calendar days for a case to be examined and resolved; now, the average processing time has been significantly reduced, to 52 days, and 14% of cases are dealt with on a timely basis.

### **Prevention of Recruitment**

The Mission has been working in close collaboration with the Intersectoral Commission to Prevent Recruitment (CIPR),<sup>23</sup> attending on-site visits and supporting its activities. In addition,

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<sup>23</sup> The CIPR was created in 2007 and comprises the government agencies with responsibilities for the topic. Seven strategies have been adopted for its work: (1) Connecting the intersectoral prevention policy with the policies, plans, and programs of national, international, regional, social, and public agencies dealing with the prevention of recruitment and the use of children. (2) Encouraging a cultural transformation in families, communities, and institutions so that children, adolescents, and young people are seen as subjects of rights. (3) Invigorating and consolidating family, social,

support was given to the various recruitment prevention panels set up in Bogotá, Cesar, and Antioquia, and help was given to their installation in the departments of Cauca and Valle del Cauca. The Mission is concerned that the Antioquia panel has not recommenced its activities several months after the departmental government decided to stop its work in order to draft a new decree defining its functions.

The installation and operation of these panels has been acknowledged as providing an important forum for work and ties between regional institutions and, for that reason, it is important that those initiatives be maintained, that the participating agencies show a constant commitment to them, and that tangible results are produced.

The Mission has noted that the threats and killings made against the demobilized population are the product of the emergent structures' recruitment attempts. Thus, identifying former combatants participating in the Program has become a goal for those illegal structures: that is the case in Cesar, Guajira, Magdalena Medio, the Pacific coast municipalities of the departments of Nariño and Cauca, and in the Bajo Cauca of Antioquia, where demobilized combatants are easily detected as they attend psychosocial workshops and other activities.

At the same time, the existence of recruitment opportunities poses an obstacle to controlling their return to arms. The Antioquia departmental government ordered a study<sup>24</sup> that was carried out in municipalities away from the Aburrá Valley. Called "Measurement of Security Perceptions during Reintegration," responses were received from 2,704 of the 4,557 contacted active participants in psychosocial attention workshops. Of the respondents, 79.4% stated that they had been approached by armed groups offering recruitment during the previous year.

In addition, the Mission has detected that in regions such as southern Cesar, Casanare, Villavicencio (Meta), La Dorada (Caldas), Barrancabermeja (Santander), Tumaco (Nariño), and San José de Guaviare (Guaviare), demobilized combatants report constant offers for them to return to illegality. Emergent structures have been identified as recruiting by offering illegal urban activities (transporting drugs and weapons, patrolling city neighborhoods, and intelligence activities), in which demobilized combatants would be less visible. In this way, they form ties with the structure until they can carry out other tasks and rise through the ranks.

In some cases, one recruitment method used is to involve people, particularly young people and minors, through the use of drugs, in order to create an addiction and to give young people objects of value or money so they can show their friends and acquaintances the power available through joining the group.

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and institutional networks for preventing violence against children and organizing vigils for the rights of children. (4) Encouraging the participation of children and adolescents by preparing and systematizing Land Maps. (5) Strengthening social policy councils and children's committees, networks, and panels for the design and implementation of public policies that provide children with comprehensive protection and prevent their recruitment. (6) Promoting legal education among adolescents, young people, and communities at justice homes and coexistence centers to prevent youth crime, recruitment, and exploitation. (7) Mobilizing society so that violations of the rights of children, including their recruitment and exploitation by organized outlaw groups, is repudiated and reported.

24 "The department's Secretariat of Government and Peace Advisory Office hired Contactos y Productos Limitada C&P Ltda. to design an interview form, which was administered by the department, and to process and analyze the information produced." See: Introduction to the study "Measurement of Security Perceptions during Reintegration."



Similarly, there is a worrying relationship between recruitment and certain cases in which entire households have been displaced in order to protect one family member. Particularly noteworthy is the illegal groups' recruitment of children and young people at the gates of schools and colleges.

#### **IV. DISARMAMENT AND DEMOBILIZATION**

The Mission commends all the efforts the government is making to reduce the impact of emergent structures on certain communities. MAPP/OEA has had the opportunity to make recommendations and express concerns regarding the actions of those structures, with the aim of helping to build a strong peace process and to minimize negative effects on communities.

Over recent months, the government has taken major steps against those emergent structures. These include the simultaneous and coordinated police offensive that has been carried out in several of the country's departments, including Antioquia, Sucre, Norte de Santander, Cesar, Casanare, Cauca, Bolívar, with particular emphasis on three subregions: Bajo Cauca, Urabá, and Magdalena Medio. A large number of captured members from these structures have been brought before the courts.

The post-demobilization emergent structures continue to have an impact in various parts of the country. Although there have been some changes in the illegal dynamics associated with these groups, criminal acts and a focus on illicit economic activities remain a constant, which translate into disputes and alliances. Their ability to reorganize has also been noted; after their leaders are captured, a process of renewal takes place among the membership and within the control over their illegal activities and their corruptive power, which poses a constant challenge to the State.

MAPP/OEA sees with concern that in spite of the government's efforts to combat these emergent structures, some communities have not seen significant progress in their perceptions of the authorities' operations to tackle the situation; in particular, they speak of results at the local and regional levels, and the same situation has been recorded among demobilized fighters whose mistrust fuels their resistance toward the security forces. This happens because communities see scant results, are afraid to file complaints, suspect collusion on account of some corruption cases, and little progress is made in restoring trust in the legitimate authorities. The Mission has referred to this situation in the different discussion forums, noting that the institutions perceive similar concerns and that appropriate strategies to address it are being designed.

Having said that, the Mission would like to point out that these groups' actions in rural areas have not ceased: massacres, abductions, disappearances, and killings are still taking place. During the period covered by this report, massacres took place in Envigado (Antioquia), El Banco (Magdalena), Puerto Wilches (Santander), Cartago (Valle del Cauca), and Bajo Cauca (between the municipalities of Caucaasia and Nechí in Antioquia). Although the perpetrators have not been identified, some of these incidents took place in the areas of influence of emergent structures, particularly in locations where disputes between such structures have been reported. According to the Presidential Human Rights and International Humanitarian Law Program, 24 massacres took place between January and October 2009.<sup>25</sup>

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<sup>25</sup> "Figures on the human rights situation and law enforcement operational results." January-October 2008 and 2009. Available on the web page [www.derechoshumanos.gov.co](http://www.derechoshumanos.gov.co).

In the municipality of Buenaventura (Valle del Cauca), the authorities report that murder and violence rates are falling. However, significantly different figures are given by the communities and their leaders, particularly as regards the topic of disappearances. The community claims that numerous posters are displayed in different neighborhoods to try and locate people who have disappeared. According to figures from the local authorities, 160 cases of alleged disappearances were reported in Buenaventura during 2009, 88 of which occurred during 2009 and 72 in previous years. Of the overall total of 160 reports of disappearances received during 2009, 30 cases involved the alleged disappearances of minor-aged children.

In other regions, the authorities have been affected; one such case was in Morales (Bolívar), where a municipal councilman was intercepted and abducted by an illegal armed group. When his captors were distracted, the councilman managed to escape and regain his freedom. At the same time, other officials from the same municipality who had also received threats relocated to other areas. In Tierra Alta (Córdoba), members of an emergent structure shot and killed a former leader of the Embera Katío indigenous group. And, in the municipality of Puerto Libertador (Córdoba), the leader of the San Antonio de Uré indigenous community was abducted by individuals suspected of being members of an emergent structure. The Inspector of Police in Tarazá (Antioquia) was murdered. In a rural part of that same municipality, the authorities located a grave containing the body of the president of the Bajo Cauca Campesino Association, who had been abducted by an emergent structure.

The situation in Cauca department is a cause for concern, particularly in the municipalities of Santander de Quilichao, Buenos Aires, and Suárez, where the actions of an emergent structure have threatened some community leaders, council members, and, most particularly, members of the region's indigenous and Afro-descendant communities. In addition, direct threats have been reported in San Marcos (Sucre), leading to the displacement of a number of inhabitants, some of whom decided to leave the municipality after refusing to meet extortion demands made by suspected members of the emergent structures.

In some regions that previously reported the presence of emergent structures, and disputes among them, MAPP/OEA has seen that resolved, specific actions by the State have expelled those groups' activities into other regions. One such case in Tamalameque (Cesar), which over recent months has been increasingly controlled by emergent structures who relocated from Aguachica (Cesar), the focal center for those groups' disputes. At the same time, the resolved actions of the security forces in Antioquia's Bajo Cauca and the south of Córdoba pushed the emergent structures toward the Gulf of Morrosquillo, where the population is now more affected.

In urban areas, particularly departmental capitals like Medellín, Bogotá, and Cali, crime rates – particularly for homicides – continue to rise. It must be noted that although violence is taking place in those cities, each one has its own particular features and characteristics, which makes it difficult to generalize about situations in which the participation and influence of emergent structures and other groups has been detected. The common factor these structures share is that they seek to dominate illegal economic activities previously controlled by small criminal organizations.

The forging of ties between emergent structures and urban crime gangs leads to the creation of complex, sophisticated, and dynamic networks responsible for widespread violence. This hinders the security forces' ability to identify and capture the guilty and bring them to justice.

Northern Valle, the coast of Córdoba department, and the Gulf of Morrosquillo are three regions that after periods of relative stability in their levels of security and tranquility, have suffered a notable decline during the months covered by this report, with very high crime rates as a result of emergent structures' actions. Communities in those areas are threatened with displacement and/or confinement. In response to their needs, the government has established Community Security Councils and has taken steps to curtail the structures' activities.

The emergent structures' actions have shown that they continue to directly affect community and social leaders, public officials, and the civilian population in general when they pose an obstacle to the pursuit of their illegal activities. Demobilized combatants have also been affected, in that they are the main target for recruitment and they suffer the most in those areas marked by turf wars for the control of illicit economic activities.

Threats published in pamphlets continue to be used to intimidate specific individuals or institutions. In the municipality of San Marcos (Sucre), a pamphlet making threats against officials of Social Action, the Committee for Disaster Prevention and Attention, and community leaders was found. In Carmen de Bolívar (Bolívar), threats were made against people who reported alleged irregularities in land transactions in the municipality. In November a group calling itself the "Los Rastros Urban Commandoes" issued a public communiqué in Nariño department, identifying various NGOs and international agencies, including the UNDP, as its political targets. Steps must be taken to cast light on these threats, which are creating a climate of unease and anxiety.

In order to obtain funds and bring pressure to bear on communities, the armed groups continue to extort tradesmen, business owners, and farmers and to demand protection money from them. The city of Bogotá has reported killings of individuals who, at one time or another, refused to pay for the "security" offered by "social cleansing" groups that impose curfews. In the department of Meta, the emergent structures organize illegal roadblocks at which they ask to be shown receipts for protection money payments made by merchants and workers before they will allow access to given places or the transportation there of foodstuffs, medicines, or work gear.

As a result of the control exerted by armed groups, it has been seen that some communities have self-imposed curfews and their inhabitants prefer not to leave their homes after certain hours of the night to avoid any kind of problem. This situation has been reported in certain neighborhoods in cities including Bogotá and Medellín and in municipalities such as Morroa (Sucre).

In the departments of Córdoba, Bolívar, Cauca, and Nariño, all areas with a high presence of emergent structures, there have been reports of armed clashes between those structures and the security forces. In a rural area of Policarpa (Nariño), members of an emergent structure attacked army units, killing one soldier. In San Pablo, Bolívar, men apparently belonging to an emergent structure clashed with police officers; one policeman was killed and another was injured. In a rural area of El Tambo, Cauca, a police patrol was ambushed by a group of guerrilla hold-outs in alliance with an emergent structure; four officers were injured. These incidents are significant in that they represent armed action by emergent structures against the State or in reaction to its actions.

## **V. COMMUNITIES AND VICTIMS**

During this period the Mission has continued to assist and monitor the Collective Redress Pilot Plan and the Historical Memory Working Group of the National Redress and Reconciliation Commission (CNRR), as well as its efforts to strengthen victims' networks. This work is related to the need to tackle the peace process comprehensively, assisting those communities that are facing the dynamics of reintegration, reconciliation, and reconstruction of the social fabric.

### **Collective Redress**

MAPP/OEA monitors seven of the eight collective redress projects: (1) Mothers of La Candelaria (Medellín, Antioquia), (2) El Salado (Carmen de Bolívar, Bolívar), (3) La Libertad (San Onofre, Sucre), (4) El Tigre (Valle del Guamuez, Putumayo), (5) La India (Landázuri, Santander), (6) La Gabarra (Tibú, Norte de Santander), and (7) Buenos Aires (Cauca).

At present, all the projects are working on ensuring the vital minima<sup>26</sup> pursued by IOM/USAID. However, implementation of the pilot projects in general remains slow and isolated. Some communities are concerned that the dialogues and consultations carried out in the early stages did not involve all their inhabitants, and the subsequent validation phase of the process has not been broad in scope, leading to a lack of familiarity with it. The sectors not covered include those who live in rural areas and displaced victims. The Mission has recommended that the CNRR include continuous outreach instruments in the plans to resolve this situation.

The ignorance of the inhabitants of certain regions about the Collective Redress Pilot Plans needs to be addressed. At a focus group organized by the Mission in El Salado, 21.2% of the 33 people who attended the meetings stated that although socialization meetings had been held and the community had received information through their leaders, many questions remained unanswered and there was little clarity about the objectives and implications of the Redress Pilot Project and about its current status. There have also been low levels of participation in the pilot projects in El Tigre, La Libertad, and Buenos Aires. In the last location, some of the regional authorities have spoken of the possible emergence of rifts between the Afro-descendant and indigenous populations.

The participants recommend the CNRR work harder to speed up the projects, and they request greater emphasis on the psychosocial content. The Mission commends the CNRR on including a differentiated approach to gender and population groups in its adjustments to the project, in response to participants' requests. However, the different approaches followed by the CNRR at the national level and its regional offices in most of the pilot projects are creating greater confusion among participants and causing delays in implementation.

This lack of understanding is compounded by the disconnected participation of various agencies and the private sector, which fuels confusion among the victims, particularly with respect to the State's responsibility in providing redress. It must not be forgotten, however, that private sector involvement is of key importance in processes of this kind.

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<sup>26</sup> According to Constitutional Court judgment SU 995, the vital minimum is a fundamental right closely related to individual dignity, expressed in qualitative, not quantitative, terms, in that its content depends on each person's individual conditions. The entitlement is not necessarily equal to the current legal minimum monthly wage and depends on each individual's personal and family environment. Thus, each person has a different vital minimum, which ultimately depends on the socio-economic status he or she has acquired in life.

MAPP/OEA applauds the commitment and attitudes of certain companies and media outlets in supporting initiatives of this type. However, they must coordinate with municipal and national authorities to avoid duplications of efforts and confrontations within communities, and to ensure the sustainability of the processes.

Among the achievements of the Collective Redress Pilot Plans, urgent and necessary actions have been taken.<sup>27</sup> Examples of this include the refitting of the health station and educational facilities in La Libertad, and of the health station in El Salado. However, it is essential that actions above and beyond the vital minima be taken in pursuit of comprehensive redress.

### **Victims' Networks**

Strengthening the organizational processes of victims facilitates their access to appropriate attention; it raises participants' awareness of their rights and of the tools available for exercising them; it increases their possibilities for representation and dialogue with various official agencies; and it provides them with a venue for pursuing their grief processes.

For that reason, MAPP/OEA has been assisting with the strengthening of victims' networks. These networks gather together a total of 235 victims' leaders, representing more than 700 individuals in southern Cesar (municipalities of La Gloria, San Alberto, Tamalameque, Pailitas, and Pelaya), Nariño (municipality of El Rosario), in the Montes de María region, Baja Cauca, and Norte de Santander.

Mention should be made of the support received during this period for the creation of a network in Pelaya, where the Health Secretary promised to provide three psychologists to assist victims and work is already underway on drafting the organization's statutes. The Tamalameque network has received similar support from the municipal legal representative and the Secretary of Government. In the municipality of El Rosario, Nariño, emphasis has been placed on the psychosocial component.

Also significant are the efforts to strengthen the victims' network led by the Association of Indigenous Councils of Northern Cauca (ACIN). This process of legal and psychosocial assistance and harmonization takes into account the traditional rituals of the communities to which the victims belong. Six months after the project's launch, three victim attention events have been held and 302 cases have been documented. These include three cases of great significance for the Nasa people: the 2001 Naya and Gualandai massacres, and the San Francisco massacre of 2003. The Mission applauds the inhabitants of the region's indigenous communities for accepting the support and allowing MAPP/OEA to enter their territories.

In spite of the progress, MAPP/OEA has identified a series of challenges facing victims' networks;<sup>28</sup> these include strengthening the psychological assistance given to leaders, their knowledge of Law 975, organizational capacities,<sup>29</sup> and leadership skills.

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27 When communities report high rates of vulnerability, threatening the provision of vital minima, the CNRR must urgently pursue the actions necessary to satisfy their basic levels of rights.

28 There are five components: Strengthening leaders who are victims; strengthening victims' organizations; psychosocial attention; closer ties between institutions and victims; historical memory.

29 Ways to promote alternation in leadership, rotation of senior positions, transparent management of resources, legal incorporation formalities, etc.

The victims underscore the importance of maintaining open channels for communications with the institutions. This is a fundamental change, since in the early days, some victims' networks openly expressed their mistrust of the local authorities. Now, pockets of tolerance have emerged, where common agendas can come together. Notable in this regard is the interest of the victims to establish forums for dialogues with the institutions at the national level, whereby they recognize the public sector as the guarantor of their rights. Also noteworthy are the efforts made by some institutions to forge closer ties with communities. One example of this was the meeting of eight associations of conflict victims in Montes de María representing more than fifteen municipalities, which agreed to establish a minimum working agenda.

These closer ties with officialdom, together with the networks' achievements in their internal strengthening, mean that arenas for interaction – and not just by individuals, but collectively – are emerging, wherein the networks can build on their capabilities.

The Mission believes that attention and support for victims' networks can be further expanded by unifying and consolidating the information that exists about organizations affected by violence at all levels. That information is currently fragmented, and this leads to duplication of efforts and to organizations with greater political clout receiving benefits from various sources, while smaller organizations remain ignored. The Mission therefore recommends that efforts be made to raise the awareness of officials and social organizations regarding the importance of unified information systems to register victims at the municipal, departmental, and national levels.

MAPP/OEA regrets that some communities' processes for reconstructing the social fabric and ensuring nonviolence lead to threats against their participants. This was the case with the Indigenous Council of Jambaló, in Cauca department, which expelled the armed groups from its territory by means of resolution 003; as a result, more than ten of its leaders have lost their lives.

### **Historical Memory**

The Mission commends the presentation of the public report into the massacre of El Salado (Bolívar) and the implementation of the Tool Box as a methodology for community-based reconstruction processes. We recommend, however, that it not be treated as an isolated instrument: it should instead be adopted as one element in an approach that covers pedagogical training and psychological attention for the leaders guiding those processes. Similarly, a broader dissemination strategy for this methodology must be consolidated.

In the area of community memory reconstruction processes, MAPP/OEA has been implementing the Collective Memory project in the settlement of Zabaletas (Buenaventura) in Valle del Cauca. What makes this initiative interesting is that the life story narratives will help recover not only the violence that took place in the community, they will also allow the daily lives of those people to be explored, through their oral accounts and photographs of their social, cultural, family, and religious conditions, enabling them, through that construction of a panorama of life, to begin to observe their present, past, and future.

## VI. CONCLUSIONS

1. The General Secretariat renews its commitment to and support for the Government of Colombia's peace process and it emphasizes the need to combine efforts to strengthen and consolidate the achievements made in the pursuit of peace. In addition, and bearing in mind the electoral process, it recommends avoiding the politicization of topics related to the Justice and Peace process in order to prevent causing anxiety among the victims.

2. Two and a half years into the enforcement of the Justice and Peace Law, the Mission believes that major progress has been made, even though no final judgments have been handed down. The efforts made by the various agencies of the judiciary in developing judgments must take due account of the flexibility of transitional justice processes and comply with contemporary international standards. That balance is healthy and positive for Colombia. The Mission hopes that 2010 will see adjustments that will allow the first Justice and Peace final judgments to be adopted.

3. The Mission believes that the creation of appropriate mechanisms for encouraging the participation of all Justice and Peace Law applicants is essential; this is because although a large number of incidents were perpetrated by middle-ranking combatants, the statements given by former commanders are vital in casting light on the macrocriminal dynamics as demanded by legal precedent.

4. The start of actions to restore land and homes to displaced victims should be noted. In those actions, their safety and that of the officials involved in the process must be ensured.

5. The Mission acknowledges the work of the Justice and Peace operators who, across Colombia's territory, make daily, anonymous efforts to ensure access by thousands of victims who live in remote areas and face difficult security conditions. The progress made with forging institutional ties at the local, regional, and national levels is a step in the right direction.

6. The Mission again states that the reintegration of former combatants into civilian life in Colombia demands the commitment of society as a whole to create venues for coexistence and the restoration of peace. We therefore commend the actions of the ACR in pursuit of the National Reintegration Policy and its specific programs, which they are constantly applying across a major portion of the country, as well as the involvement of the private sector that has been observed over recent months.

7. The perceptions of insecurity among demobilized combatants caused by incidents directly affecting them require that the authorities improve the mechanisms available for their safe and stable reintegration and adapt the protective measures offered in cases requiring special attention.

8. Particular emphasis must be placed on the recruitment phenomenon. This problem is increasingly affecting both demobilized fighters and young people, adolescents, and children in various parts of the country. Of particular concern is the recruitment situation being faced by minor-aged members of indigenous populations in their own territories.

9. The Mission is concerned about the outbreaks of violence between emergent structures observed in recent months, which are affecting communities in all kinds of ways; this phenomenon is particularly apparent in certain rural areas and in neighborhoods of such cities as Bogotá, Cali,

Barranquilla, and Medellín. MAPP/OEA calls on the security forces to keep these emergent structures from undermining the population's basic rights and to prevent them from targeting public officials and local authorities.

10. Mutual mistrust still exists between institutions and communities. The Mission has stated on repeated occasions that confidence building remains a central component in constructing peace.

11. The implementation of the pilot collective redress projects remains slow and disconnected, with the inhabitants of some regions still unaware of their content and purpose. Private sector participation, if not properly structured, could generate further confusion within those communities and endanger the processes. In addition, due attention must be paid to the communities' own feelings about them.

12. The Mission applauds and emphasizes the presentation of the public report prepared by the CNRR's Historical Memory Working Group on the El Salado massacre, which is an important contribution toward rescuing the collective memory and preventing similar incidents from taking place in the future.