FIFTEENTH QUARTERLY REPORT OF THE SECRETARY GENERAL TO THE
PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE
PROCESS IN COLOMBIA
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The following Quarterly Report is presented pursuant to resolution CP/RES. 859 (1397/04), wherein the Organization of American States instructs the Secretary General to periodically report to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia of the Organization of American States (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

The General Secretariat deems it necessary, within the framework of the Government of President Juan Manuel Santos, to review what the Mission to Support the Peace Process of the Organization of American States (MAPP/OEA) has witnessed in Colombia for the purpose of indicating some issues and challenges to address in the peace process.

As part of its mandate, since 2004 MAPP/OEA has been supporting the peace process between the Government and the United Self-defense Forces of Colombia (AUC) in all substantive aspects: verification of the cessation of hostilities, demobilization, the surrender and destruction of weapons; monitoring of the reintegration of former combatants; monitoring and support for implementation of the Justice and Peace Law; and aid to victims and communities. Moreover, MAPP/OEA assisted with the demobilization of the Guevarist Revolutionary Army (ERG).

One of the main impacts of demobilization has been the disappearance of the self-defense forces as a political reality. This fact, expressed in the demobilization of 31,671 members of self-defense groups between 2004 and 2006 and the surrender and subsequent destruction of 18,051 weapons by these illegal factions was extremely important, for it marked a before and after in the interpretation and analysis of the phenomenon of violence in Colombia and opened up new opportunities and challenges on the difficult path to peace.

Furthermore, however, recognition of the victims and their active engagement in the process, the emergence of the truth, the justice and redress process, the incipient State presence in the most affected territories, the beginning of a return by communities that had been forced out by the violence, and the rebuilding of the social fabric in populations that had been under the domination of irregular armed factions are major steps toward national reconciliation.

The General Secretariat wishes note that after six years of MAPP/OEA’s presence in Colombia, the situation in the country has changed for the better, and it commends the efforts of the Government, institutions, and Colombian society to make this goal a reality. The Peace Process with the self-defense forces and, later, the Guevarist Revolutionary Army (ERG) has made room for the creation of pacification zones in the country, directly impacting the life of the communities most affected by the violence.

During the period covered by this report, the General Secretariat, through MAPP/OEA, has closely observed the current insecurity in different parts of the country, especially in places
where demobilization of the self-defense forces occurred. There has been a complex reconfiguration of the picture in urban and rural sectors, due to the emergence and growth of some groups operating outside the law that are linked with narcotrafficking and other illicit activities. The activities of these groups continue causing direct harm and collateral damage in some communities. Therefore, the General Secretariat applauds the Government’s decision, manifested in Decree 2374 of July 1, 2010, to create the Interinstitutional Committee to Combat Criminal Bands and Networks, and commends the current Government on the submission of its bill on Citizen Security. In the current situation, effective application of Decree 1737 of May 19, 2010, establishing a new program of a preventive nature to protect victims and witnesses under the Justice and Peace Law is urgently needed.

However, as MAPP/OEA has mentioned in different forums on different occasions, notwithstanding efforts by the national government with respect to the adoption and application of protective measures, threats, intimidation, and murder have been an almost permanent fixture over the past six years. As the trials and restitution of lands have moved forward, some victims and leaders have become the target of threats, intimidation, and murder.

Concerning the reintegration of former combatants, the rebirth of the Ministry of the Interior and Justice’s Program for Reincorporation into Civilian Life (PRVC) as the High Council for Reintegration (ACR) shifted the focus of the Reintegration Policy. The ACR has managed to improve coverage rates for demobilized combatants and their immediate families. Under a decentralized system, it has standardized criteria and methodologies, thereby improving the mechanisms for monitoring and evaluating the reintegration process.

A very disturbing phenomenon that has become widely visible in recent months is the recruitment of children and adolescents by illegal armed groups and the growing participation of these young people in criminal activities, a circumstance that has heavily impacted indigenous and Afro-descendant communities. The approval and publication of document CONPES 3673 of July 19, 2010, which enunciates the State Policy for preventing the recruitment and use of children, could serve as an important catalyst for the various efforts of Colombian institutions, from the regional sphere, with its Commissions to Prevent Recruitment, to the national sphere, through the promotion of linkage and coordination in this area by the Intersectoral Commission to Prevent Recruitment (CIPR).

With the creation of an unusual innovative framework in the field of transitional justice, through its enactment of Law 975 of 2005, known as the “Justice and Peace Law,” Colombia has achieved major objectives. Today, the victims have become the key protagonists in the peace process. This would have been impossible without the demobilization process, the subsequent implementation of this law, and the combined efforts of civil society, victims’ organizations, the institutions charged with their aid, and the postulados [or postuladas, demobilized fighters who apply for benefits under the Justice and Peace Law] who actively participate in the process. Nonetheless, it is imperative that the Government and State institutions coordinate efforts and jointly make a series of policy and procedural decisions to guarantee the juridical security, sustainability, and viability of the process.

At the same time, they must tackle the challenges of the later stages of the process, such as creating jobs for demobilized combatants, ending benefits to participants actively reincorporated into civilian life, reintegrating communities, monitoring the situation of demobilized combatants who are not active in the Program, guaranteeing the security of communities by ensuring that the victimizing events will not be repeated, creating alternative
programs to prevent illicit recruitment, and thwarting the growth and consolidation of post-demobilization groups.

A process of this magnitude faces difficulties and poses challenges for the government, challenges that are inherent to any peace process. In the view of this Mission, issues such as the restitution of lands and property, redress, the search for truth, and the construction of a historical memory, in particular, require a broad-based political and social consensus to ensure that the efforts put forward are sustainable and contribute to national reconciliation. The General Secretariat therefore applauds the decision of President Juan Manuel Santos to form a government of national unity to tackle these issues so vital to peace in the country and commends his interest in putting bills on victims and the restitution of lands at the center of the legislative debate, along with the law on citizen security as a complement to the Democratic Security Policy, in order to address the dynamics of violence in urban areas as matters vital to advancing the process. At the same time, it recognizes the many challenges ahead and urges Colombians, men and women alike, to continue working to achieve a lasting peace.

The Secretary General thanks the Government of President Juan Manuel Santos for its invitation to continue supporting the peace process in Colombia and reiterates its commitment to continue working for peace, helping the government, state institutions, and the Colombian people to deal with the threats, opportunities, and challenges before them. Through MAPP/OEA, the General Secretariat will continue to support and verify: implementation of the National Social and Economic Reintegration Policy; the justice and peace process and comprehensive victim assistance; the policies to prevent recruitment; security conditions and violence against populations; local reconciliation initiatives; rebuilding of the social fabric; and human rights.

II. SECURITY CONDITIONS, VIOLENCE AGAINST COMMUNITIES, AND THE STATE RESPONSE

MAPP/OEA continues to be concerned about the way the civilian population is becoming involved in the violent dynamics imposed by the post-demobilization groups, as it has indicated since the Sixth Quarterly Report it submitted to the Permanent Council. Confrontations between these groups in rural areas of municipalities in southern Córdoba, Bajo Cauca, Chocó, and the Nariña coast have resulted in the displacement of Afro-Colombian and indigenous communities caught in the middle of these fights. The insecurity caused by these events can harm communities by confining them or restricting their mobility, preventing them, moreover, from receiving humanitarian aid from State and international cooperation agencies. In regions like southern Córdoba, the Nariña coast, the department of Antioquia, and more recently, the Córdoba coast, massacres have continued, wiping out entire families whose only connection with crime is the area in which they live or their family ties with members of these groups.

In addition, there have been reports of threats against individuals or groups; restrictions on movement; forced recruitment; cases of sexual violence that sometimes involves children and adolescents; selective assassinations primarily targeting social leaders advocating for rights, especially those related to the restitution of property; forced disappearances and indiscriminate urban violence involving the use of explosives and/or hand grenades, etc. While the Public Forces have increased their numbers to control this dynamic and the level of violence has fallen, communities still feel insecure.

The areas with the greatest violence are currently the Bajo Cauca region in Antioquia, southern Córdoba, the Urabá region in Antioquia, the Pacific coast from southern Chocó to the
department of Nariña, Bajo Putumayo, and the eastern llanos, especially the department of Meta. Despite the efforts of government institutions to address this phenomenon, there continues to be a certain mistrust of local authorities in these locations. Therefore, building confidence in communities affected by the violence and the constant fight against corruption are two issues in which the Government should intervene.

The Mission reiterates its concern about the security and protection of people involved in the land restitution proceedings and urges that institutional efforts to create a specific protection program for this population be resumed. The assassination of Rogelio Martínez, a leader who demanded the return of lands in San Onofre (Sucre), and of Hernando Pérez in Turbo (Antioquia), as well as the attempt on the life of Fernando Enamorado in Apartadó (Antioquia), are extremely serious events that mitigate against this process. Another such event, which took place in November 2010, was the assassination of Óscar Maussa in San Juan Nepomuceno, Bolivar, to whom the precautionary measures adopted by the Inter-American Commission on Human Rights (IACHR) since September 2006 had been applied. At the time, the Mission condemned this murder and asked the Colombian State to speedily investigate this crime and take steps to prevent other threats against people calling for the restitution of lands. Repetition of these lamentable acts while the public is expecting that that State action will restrain the activities of violent groups only heightens the sense of alarm and insecurity.

In this regard, the Mission notes, as an initial step forward, the issue of Decree 1737 of May 19, 2010, establishing a preventive program to protect victims and witnesses, which has not yet been fully implemented. At the same time, the proliferation of returns by individuals not involved in the land restitution process constitutes a risk factor, due to the absence of an orderly system to guarantee the security of returnees. In order to prevent and avoid problems, victims and local authorities should be made aware of the importance of ensuring a sustainable return, with the subsequent institutional commitment to monitor and assist with these processes.

Likewise troubling is the vulnerability of officers of the court, especially prosecutors and investigators of the Exhumations Subunit of the National Justice and Peace Prosecution Unit. The General Secretariat urges that the protective measures and investigations of attempts against the security of these persons continue and be improved. The attacks in May in Tumaco, Nariño; in July in Dabeiba, Antioquia; and in October in Puerto Caicedo, Putumayo show the risks that not only these commissions, but the victims as well are exposed to in the different components of the process.

The security situation of the postulados, their families, and their attorneys is equally worrisome and undermines the Justice and Peace process, as it constitutes a disincentive for the people who come forward to continue attending and confessing their crimes in the voluntary statement hearings. The Mission commends the efforts of the Office of the High Commissioner for Peace, along with those of the Victim and Witness Protection Program of the Attorney General’s Office, to identify the postulados who need protection and the efforts of the Ministry of the Interior to devise a strategy to protect this group. Nevertheless, swifter movement in this direction is needed, given the risk to these individuals.

2. Numerous returns without government assistance have been reported in Urabá (Antioquia), as well as Copoca, Zambrano (Bolivar).
State Action

The knowledge gained through the experience in fighting crime has led to the determination that some of the problems encountered by police and judicial authorities in their efforts to combat the activities of post-demobilization groups lie in the court’s handling of the individuals captured. Here, it is important to note the Government’s interest in introducing major reforms in the Penal Code, the Criminal Procedures Code, and the code governing children and adolescents—reforms that will reduce the problems encountered by the authorities in individually identifying, capturing, and prosecuting members of these groups. Thus, the Citizen Security Law enacted on October 5, 2010 by the national Congress, is seen as a tool kit for improving the authorities’ ability to act.

Recognition is also due for the decision made by the previous administration, through the Ministry of the Interior, whose Decree 2374 of July 1, 2010, created the Interinstitutional Committee to Combat Criminal Bands and Networks. It also provided for the creation of operative regional technical committees in locations where criminal bands perpetuate violence against the population.

Likewise and complementary to this effort, praise is due for the national government’s decision to establish a new security policy through the creation of the High Councils for National Security and for Citizen Security, whose main objective is to improve coordination between State entities working on the issue of post-demobilization groups.

The Government of Colombia’s decision to create Comprehensive Action Coordinating Centers (CCAI) to restore the integral and articulated presence of institutions in territories impacted by violence, spearheaded by the Presidential Agency for Social Action and International Cooperation, is a well-intentioned exercise in prioritizing State action in the emblematic areas that have recovered some degree of security. Nevertheless, some communities are still somewhat mistrustful of government institutions and feel that State action is sometimes inadequate for responding to events that affect them. The General Secretariat calls attention to the need to continue working to build trust between government institutions and communities, as this will be one of the aspects fundamental to the success of this strategy.

Since the start of the process, the State’s response to the concerns expressed by the General Secretariat in the different stages has been substantial. In many forums the General Secretariat, through MAPP/OEA, has noted a series of problems, among them: the illegal groups’ flexibility when it comes to a change in leadership has enabled them to swiftly and easily shuffle their commanders; the capture of high-profile members has not led to the dismantling of these groups, but rather, to a change in command and their continued criminal behavior. It is assumed that as a good number of mid-level commanders are captured, these groups will be led by a third line of command with a more anonymous profile; this means it will be difficult to identify them, making it more complicated to bring them to justice. The ability to recruit new

3. Under this initiative guarantee judges with regional and national authority are created; officials with national authority are designated by the Public Prosecutor’s Office, District Attorney’s Office, Public Defender’s Office, Judicial Police, and the DAS [Administrative Department of Security]; and the budgetary adjustments and logistical support necessary for the committee’s operations are authorized.
4. For example: the capture of the individual known as “Don Mario” has not affected the continuity of his successors.
5. In addition, the Mission has received information on these people’s movements throughout the country to evade action by the Public Forces and the justice system.
members is also important, for, despite the many captures, membership in these groups has not fallen substantially.\textsuperscript{6}

The violence perpetrated by post-demobilization groups today must be considered a challenge of the highest priority, in the understanding that, notwithstanding the notable efforts and results in terms of captures and the pursuit of new groups, this is a process that requires permanent adjustments. Combating these types of groups demands different types of strategies, because of their constant influence on the population and their flexibility, agility, vitality, and ability to corrupt the population and to mutate.

III. REINTEGRATING FORMER COMBATANTS

Almost four years after the creation of the ACR and the transfer of the Minister of the Interior’s Program for Reincorporation into Civilian Life (PRVC),\textsuperscript{7} while problems in providing some economic and community reintegration services, as well as security for the population that is attempting to reintegrate, persist, considerable progress has been made. A budget increase has made it possible to hire human resources to boost the Program’s operating capacity, resulting in significant improvements in internal evaluation and information mechanisms,\textsuperscript{8} as well as high coverage indexes for some Program services.

Economic reintegration of the demobilized population is perhaps the area that has posed the greatest problems over time. The lack of job opportunities, the stigma that demobilized fighters say they feel when they look for work,\textsuperscript{9} and the operational problems that have arisen in a number of productive projects\textsuperscript{10} have been recurrent themes since 2007.

\textsuperscript{6} In 2006, official figures from the Directorate of Carabineros estimated the number of members of these bands at around 4,000; according to figures from January 2010, 3,738 men and women made up the six bands identified.

\textsuperscript{7} The PRVC served the demobilized population from 2001 to 2006. Under this program, the reintegration policy had a short horizon (18-24 months) and was executed under a centralized scheme.

\textsuperscript{8} In terms of internal information, the reliability of statistics has improved; this is reflected in the ACR’s ability to provide up-to-date data on the process (databases on participants by geographical area, type of demobilization, and recorded movements; National Register of Deaths, Captures, and Arrests).

\textsuperscript{9} In 2009, the Mission held 34 focus groups in 22 municipalities in 15 of the country’s departments. The participants were 463 randomly selected demobilized combatants who were primarily former members of the AUC, but also of the FARC, the ELN, and the ERP. The vast majority of them mentioned the difficulties they had encountered trying to find work. Nearly all of them said that they had no stable employment and were forced to “scratch out” a living, surviving with work in the informal sector, which can sometimes pose a risk, given the association between the informal sector and illegality.

\textsuperscript{10} In March 2010, the Mission did a random follow-up on some productive projects in different locations around the country. This follow-up revealed some of the main problems encountered by these projects: the feelings of insecurity among demobilized fighters, due to where they live; complications and problems with some operators; poor resource management; and bad relations between the operator and the demobilized fighters, among other things.
Nevertheless, all these problems have not been without learning experiences for the ACR. Thus, efforts have been made to implement a series of strategies that range from the promotion of business plans to increasing private-sector involvement to achieve successful reintegration.

In order to tackle the challenge of employment generation, the ACR has developed a series of strategies to give greater emphasis to integrating individuals into the workforce. They include working with SMBs (small and medium-sized businesses), which consists of presenting businesspeople with a portfolio of mechanisms (developed from a social responsibility perspective), with which their company can collaborate with the Program and support reintegration. However, during the month of July 2010, monitoring by the MAPP/OEA has shown that the strategy exists basically at the central level. In other locations, such as Cúcuta (Norte de Santander), Putumayo, and Caquetá, its implementation has yet to begin. On the other hand, the ACR is promoting the possibility of enabling demobilized combatants who have a job to use seed money to participate in the National Savings Fund and apply for a mortgage.

In the view of the General Secretariat, it is critical to bolster community reintegration and recognize its importance in facilitating reconciliation, peaceful coexistence, and the reintegration of demobilized combatants. While progress in integrating demobilized combatants back into the receiving communities was first seen in late 2007, one thing is certain: at the same time, there were problems that will take time to solve. Little by little, however, communities have begun to lose their fear of organizing and have opened opportunities for reconciliation. Essential to this process has been the support of national, departmental, and local institutions, which have successfully joined forces to develop a Comprehensive Peaceful Coexistence Model. In this regard, the General Secretariat notes the experience with “Reconciliation Coffee,” which, with private-sector support, creates economic opportunities for communities, victims, and demobilized fighters, at the same time fostering good relations among these sectors.

In the closing months of 2010, MAPP/OEA conducted a series of focus groups and surveys with communities and demobilized fighters participating in community reintegration projects to gain a thorough understanding of the state of this component and issue a series of recommendations to the ACR. During the first half of this year, MAPP/OEA will submit the findings of this study as part of its special collaboration with the High Council for Reintegration.

11 The difficulties and problems notwithstanding, it is also necessary to point out the positive results of some productive projects executed in places such as Valle de Cauca by operators with adequate experience.
12 Since 2009, the social responsibility area has been promoting meetings and forums with businesspeople while searching for new formulas (e.g., the Time Bank; the possibility of a allowing a demobilized fighter to do an internship in a company or entering into some sort of employment relationship that the business finds attractive).
13 The mechanisms foreseen are: the Time Bank; internships or an employment relationship—in this latter case, through the Agreement between CONFECAMARAS and the IOM.
14 According to ACR data, from December 2009 to April 2010, over 300 SMBs have been contacted, and 789 demobilized combatants have been hired.
15 The amount of seed money available to program participants is currently around $4.5 million pesos (roughly US$2,350.00). The proposed change would open the door to using this capital not only to promote a business plan, but home purchases or repairs as well. In that case, the money would be deposited in the individual’s savings account and could be used only for housing.
16 For example, community distrust of demobilized fighters; communities’ perception that the State was favoring demobilized fighters by giving them more benefits; local authorities’ limited participation, because they were either far removed from the reintegration process or were uninterested, etc.
Security of Demobilized Populations

The Mission has paid particular attention to the security of demobilized combatants throughout the process. Since mid-2005, this population has been the constant object of threats, killings, displacement, and recruitment by groups operating outside the law, a fact mentioned by MAPP/OEA on repeated occasions. In the same vein, the IACHR expressed a similar concern in the Colombia chapter of its Annual Report 2009.17

According to the data from the ACR’s National Register of Deaths, Captures, and Arrests (from 2003 to December 2010), 1,844 former members of collectively demobilized groups were arrested,18 179 such individuals were killed in confrontations, and 1,555 were murdered.19 Thus, it can be said that at least 3,578 demobilized combatants20 were directly involved in violence. These are troubling figures for the Secretariat, since they show the high degree of violence among the collectively demobilized population since the start of the process.

In mid-2009, MAPP/OEA began its second collaboration with the ACR, with the object of gathering the perceptions of demobilized fighters about their security. To this end, it conducted 13 focus groups in 10 departments of the country, in which 121 demobilized individuals (former members of the FARC, ELN, ERP, and AUC) participated, answering seven questions about relevant security issues.

The results of this study were submitted in May 2010. Among the main conclusions, the following stand out as future challenges: the need to revamp the current system for relocating demobilized combatants who have been threatened to make it faster, more flexible, and more nimble;21 the urgency of setting up a protective mechanism that includes provisional security measures for demobilized combatants who have been threatened;22 the importance of building trust between communities and demobilized combatants, which will improve the security of all; and finally, the need for greater action to build trust between the demobilized population and the Public Forces, especially the National Police.23

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18. From 2003 through December 2010, 6,404 members of collectively demobilized groups and individuals who stopped fighting on their own were captured. Of these, 5,260 were collectively demobilized groups and 1,154, individually. Source: National Police, DIJIN, INPEC.
20. If we consider that some 31,671 members of groups were collectively demobilized, the figure reveals that over 10% of those individuals have been affected in some way by these violent situations.
21. Despite an improvement in the average time it takes to conclude a security study, it still takes too long for demobilized fighters with serious security problems, and no provisional measures have been established.
22. In the Mission’s view, the absence of effective provisional measures to guarantee the safety of demobilized combatants and their families from the time the threat is reported to the Police’s ruling on the security study causes them to search for their own solutions, lose confidence in institutions, and back away from the official proceedings.
23. To this end, the ACR has begun working with the National Police to improve relations with these communities; this has resulted in the resuscitation of the Plan Padrino in some locations (for example, Montería, Córdoba) and in the search for greater understanding and knowledge about the Program within the institution. For this purpose, on September 13 and 14, 2010, the First Symposium between the National Police and the ACR was held in Bogotá.
IV. PREVENTING RECRUITMENT

MAPP/OEA has learned that from a territorial standpoint, efforts have been made to deal with the problem of recruitment by creating departmental and/or municipal commissions, as in the case of Antioquia, Cesar\(^{24}\) and the city of Bogotá, among others. Unfortunately, current institutional efforts and budgets are still insufficient to keep recruitment from continuing to make headway and remaining a serious matter of concern in certain parts of the country. The publication of document CONPES 3673 on recruitment, with coordinated action plans involving 16 entities and allocated resources, may help strengthen the prevention of child and adolescent recruitment.

The General Secretariat expresses its concern about the recruitment of children and adolescents in many rural areas of the country,\(^{25}\) reflecting the situation in urban areas of Medellín (Antioquia), Bogotá, and Cúcuta (Norte de Santander). It also notes the grave child and adolescent recruitment situation that has emerged in recent months in the Bajo Baudó region of Chocó and the mountains in the department of Nariño (Policarpa, rural areas of Rosario and Leyva).

Another matter of deep concern is the heightened recruitment among indigenous and Afro-Colombian populations, especially young people in rural Norte de Cauca\(^{26}\) and the Emberá community in the Bajo Baudó region of Chocó, who, in the absence of an effective response seek their own solutions to avoid recruitment.\(^{27}\)

Children’s involvement in illicit activities and illegal situations calls for greater attention at the national level, since some gangs, bands, and other groups are involved in the outsourcing of services for groups operating outside the law.\(^{28}\) In these cases, youth gangs act as intermediaries or contractors for post-demobilization and guerrilla groups, receiving payment in exchange for services such as surveillance, the transport of weapons, the placement of small explosive devices and bombs, information, and assassinations, to name but a few.

V. TRANSITIONAL JUSTICE

As noted in earlier reports, the enactment of Law 975/05 was an unprecedented event, as it was the first attempt to apply the principal elements of transitional justice—truth, justice, and

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24. These Commissions have not operated the same way throughout the country. In Antioquia, the Commission has proven to be very active and is still in operation. In Cesar, in contrast, the Commission for the Prevention of Recruitment started off vigorously in 2009 but today is experiencing coordination problems and its efforts have been discontinued.
25. It has information on recruitment in places such as La Gabarra (Tibú), in the Catatumbo region of the department of Norte de Santander; in La Hormiga (Guamuez valley) and Puerto Asís in the department of Putumayo; in La Guajira, in the rural area along the Colombian-Venezuelan border; in rural northern Cauca.
26. In this area, native youth are being recruited by narco-traffickers and guerrilla groups.
27. This is the case of the Purrincha Reservation (in the Baudó subregion of Chocó), where nine Emberá communities are developing a Safety Plan to prevent recruitment.
28. The Mission has received information on this in different parts of the country. Noteworthy is the case of Santander de Quilichao (Cauca), where there is concern about relations between these gangs and illegal armed groups.
redress—within the framework of Colombia’s peace efforts. At the same time, it is a model that is being studied by several countries that are exploring the possibility of setting up advanced mechanisms in Colombia. Therefore, in its reports, the General Secretariat has underscored the institutional efforts of the Colombian State to implement the Law and create the appropriate institutional infrastructure for its enforcement.

To this end, through Decree 3361 of 2005 the Interinstitutional Justice and Peace Committee was created, meeting 33 times between October 2006 and February 2011 and chaired by the Minister of the Interior and Justice. Despite the importance of this mechanism, interinstitutional coordination problems persist at the local and departmental level. Thus, the Ministry, which exercises a strong leadership role at the national/central level, does not have the same influence at the local and/or departmental level. The General Secretariat of the OAS recognizes and supports the Government’s efforts to improve this situation and likewise encourages the successful coordination initiatives that it is spearheading in different parts of the country.

Nonetheless, the General Secretariat expresses its concern about a matter fundamental to the success of the Peace Process—that is, the importance of determining, within the framework of transitional justice, how to handle crimes committed after July 25, 2005, the date Law 975 was enacted, by collectively and individually demobilized combatants who have been brought up on charges by the National Government.

On the other hand, during this period the Constitutional Court declared application of the principle of timeliness for demobilized combatants who were not postulados under the Justice and Peace Law void, creating uncertainty about an eventual trial. The Mission therefore commends the promulgation of law 1424 of December 29, 2010 “whereby transitional justice provisions are issued that guarantee truth, justice, and redress to the victims of persons demobilized from organized groups operating outside the Law, concedes juridical benefits, and establishes other provisions.” It is important that the mechanism adopted guarantee the rights of victims to the truth, justice, and redress, and at the same time that it create juridical security for demobilized combatants and facilitate the Colombian State’s exercise of its obligation to investigate and punish crimes and combat impunity. The Mission has endorsed these precepts in earlier reports as a means of permanently buttressing this process.

The Mission recognizes the importance of bringing those seeking benefits under the Justice and Peace Law to trial, the definitive handing down of guilty verdicts, and swift comprehensive redress to the victims. It is therefore urgent that real results be seen with the consolidation and adjustment of the procedure; the streamlining of procedures leading up to trials; the adoption of strategies that correct procedural flaws so that victims can genuinely exercise their rights; and better training for judicial personnel. Consolidation of this progress would improve public perceptions of the legitimacy of the Justice and Peace process. However, the
Mission calls attention to the risk of evaluating the process solely from the standpoint of statistics and the number of rulings handed down, disregarding the value of the degree of truth that has been obtained, along with the significant efforts by the Colombian State to implement the process.

The Right to Truth and the Reconstruction of Historical Memory

Regarding progress in obtaining truth in the judicial sphere, it is clear that thanks to the efforts of the Justice and Peace Unit and the participation of the postulados through the voluntary statements and judicial hearings, it is known what happened to a significant number of those who disappeared. As of October 2010, based on the information supplied largely by postulados, the Attorney General’s Office has opened up 2,989 graves in different parts of the country, in which 3,625 bodies were found.32 This is a tremendous step forward, as the exhumation and return of the bodies is in itself an act of redress for the victims.

Likewise, the voluntary statement hearings have brought to light 44,376 murders, 9,431 cases of forced displacement, 4,030 cases of forced disappearance, 2,144 cases of illicit recruitment, 1,768 cases of extortion, and 1,417 massacres.33

The Historical Memory Group of the National Redress and Reconciliation Commission (CNRR) has been submitting a series of reports on emblematic cases of the recent violence in Colombia. As of September 2010, it had submitted six: Trujillo: Una tragedia que no cesa [Trujillo, a never ending tragedy]; La masacre de El Salado: Esa Guerra no era Nuestra [The Massacre in El Salado: That War Was Not Ours]; La masacre de Bahía Portete: Mujeres Wayuu en la mira [The massacre in Bahia Portete: Wayuu Women in the Crosshairs], Bojayá: la guerra sin límites [Bojayá: The War with No Limits], La Rochela: memorias de un crimen contra la justicia [La Rochela: Memories of a Crime against Justice], and La tierra en disputa. Memorias del despojo y resistencias campesinas en la costa Caribe (1960-2010) [The Land in Dispute. Memories of Dispossession and Campesino Resistance on the Caribbean Coast (1960-2010)]. These investigations document the testimony of the victims and communities, as well as the impact of the violence in these regions.

These reports are an invitation to society to recognize what happened and acknowledge its role, to become aware, come together in solidarity, and mobilize so that the call for truth, justice, redress, and a guarantee of never again will not come only from the victims but from society as a whole. The creation of the Historical Memory Subcommittee38 under the

34. See “Marco de la Semana por la Primera Memoria.” Bogotá: September 2008
35. On February 16 and 21, 2000, 450 paramilitary operatives killed 60 totally defenseless people. The massacre caused the exodus of the entire population, and El Salado became a ghost town. To date, of the town’s 7,000 residents, 730 have returned.
36. On May 2, 2002, some 80 civilians died (among them, 48 children) after FARC guerrillas tossed a pipe bomb at the Bellavista church in the urban center of the municipality of Bojayá (Chocó), where members of the self-defense forces had supposedly taken refuge.
37. This occurred on January 18, 1989, near the mayoralty of La Rochela, in the municipality of Simacota, Santander. The report was made available to the public in September 2010.
38. This Subcommittee is made up of the Attorney General, the Ombudsman’s Office, the National Redress and Reconciliation Commission, the National Archives of Colombia, the District Archives of Bogotá, the Ministry of Education, the Ministry of the Interior and Justice, the Superior Council of the Judiciary, and a number of civil society organizations.
Interinstitutional Committee on Justice and Peace is also a major step forward in institutionalizing the reconstruction of historical memory in Colombia. However, the coordination and combined efforts of institutions and communities are needed so that, in addition to reconstructing the past, that memory lays the foundations for the future through reconciliation and rebuilding of the social fabric. It is therefore essential to guarantee that this type of initiative can count on the necessary financial and human resources to continue its work across the country.

As for obtaining the truth and the historical memory, a constructive debate has been under way in recent months on what mechanisms should be included in the drafting of a public policy in this area; the Mission respects the decisions that the Colombian people make in this regard and expresses is willingness to continue supporting all efforts made to recover and preserve the memory of what happened.

**Justice and Victim Access to the Process**

In earlier reports, the Mission has stressed the need for a national strategy that guarantees comprehensive assistance to the victims. Progress has been made in this regard through implementation of the Comprehensive Victim Assistance Model in cities such as Bucaramanga (Santander), Medellín (Antioquia), Santa Marta (Magdalena), and Valledupar (Cesar). However, the strategy should include the lessons learned, to ensure that the universal model takes the cultural and institutional dynamics of every region into account.\(^{39}\)

It has been noted that the voluntary state comments of former combatants are the best means of reconstructing events such as massacres, displacements, and armed incursions. Since former guerilla fighters are those who are taking the most advantage of the Justice and Peace Law, it is becoming increasingly important to convene joint voluntary statement hearings with demobilized combatants from the self-defense forces and guerilla groups in order to reconstruct the events in which confrontations occurred that affected the civilian population.\(^{40}\)

The General Secretariat commends the progress made in judicial cooperation between the United States of America and the Republic of Colombia to streamline procedures and facilitate voluntary statements and hold judicial hearings within the framework of the Justice and Peace process. The meetings between Colombian and U.S. prosecutors have given the latter a better understanding of the process going forward in Colombia and its importance for securing peace and reconciliation. Also important are the contacts between some Colombian prosecutors and former leaders of the AUC who have been extradited to the United States—most of them now housed in two jails—and the naming of a magistrate to coordinate their hearings, the result of an agreement between the Supreme Court of Justice and the Government of Colombia.

**Comprehensive Redress**

\(^{39}\) Local experiences like the Victims Commission of Medellín, the Victims Assistance Center of the District of Bogotá, or the institutional dynamics that have developed in the Cauca region can contribute much to the model.

\(^{40}\) For example: the confrontation that resulted in the death of some 80 civilians in Bojayá (Chocó); the paramilitary offensive against the supposed militias of FARC’s Front 22, which operated in Cundinamarca; the military political campaign of the Bolivar Central Bloc against the clearing out of four municipalities in Magdalena Medio and southern Bolivar.
With respect to the pilot projects for collective redress, since the last Quarterly Report. In El Tigre (Putumayo) and Buenos Aires (Cauca) progress has been made in institutional coordination. Likewise, some infrastructure projects have moved forward in the pilot projects of El Tigre (Putumayo), La Gabarra (Norte de Santander), and La Libertad (Sucre). Also noteworthy are the meetings that the institutions have held under the leadership of the CNRR to discuss the national and regional collective redress policy.

As for redress through judicial procedures, attention is called to the Comprehensive Redress Hearing in the cases of Mampuján-San Cayetano and Isla Múcura in the case of postulados Uber Banquez, a.k.a. “Juancho Dique,” and Edwar Cobos Téllez, a.k.a “Diego Vecino”; a Comprehensive Redress Hearing was later held on 32 acts committed by the Border Front of the Catatumbo Bloc, commanded by Jorge Iván Laverde Zapata, a.k.a. “Pedro Fronteras” or “Iguano.” These Comprehensive Redress Hearings constitute landmarks in the Justice and Peace process, not only because of their juridical importance but because of the institutional involvement and cooperation they engendered.

41. With regard to Mothers of la Candelaria, it was determined that it was a group but not a class; there has been no progress regarding the University of Córdoba.

42. In El Tigre, the Hall of Justice was built and a rice thresher was procured; in La Gabarra, a classroom has been built in the children’s center with its respective fence; in La Libertad, thanks to financial assistance from USAID and technical support from the IOM, bleachers were built, sanitary facilities were installed, and the health center was upgraded.

43. These meetings have defined the phases and implementation routes of the pilot projects and the monitoring and implementation mechanisms for the plans; they have discussed the “collective subject” category in depth, defined the target populations and principles of the programs; determined how communities will participate; and defined technical and political responsibilities in this area at the national, departmental, and municipal level.

44. In late February 2010, the Sala de Conocimiento [Court that rules on the legality of charges] of the Justice and Peace Tribunal upheld the charges brought against Edwar Cobos Téllar and Uber Enrique Banquez Martínez for the acts committed on 10 and 11 March 2000 in the village of Mampuján, San Cayetano, and on 19 April 2003 in Isla Múcura. By order of the Tribunal, a comprehensive redress hearing began, the most advanced judicial proceeding under the Justice and Peace Law. The Tribunal handed down its opinion in late June 2010. While this ruling represents a landmark in the Process, the decision of the Supreme Court’s Criminal Court of Appeal is still pending.

45. Between 18 August and 7 October 2009 a hearing was held on the formal and material legality of the charges brought: forced displacement; aggravated serial murder; simple serial kidnapping; qualified and aggravated serial theft; illegal carrying of weapons for private use and use of uniforms and insignias in San Cayetano and Mampuján. And on the punishable acts of serial kidnapping, qualified and aggravated theft, private use of armed forces uniforms and insignias, and the illegal carrying of weapons for private use, charged against Banquez Martinez in Isla Múcura. The decision to uphold the charges was handed down on 25 January of this year. This stage concluded, the Comprehensive Redress Hearing began, with 12 sessions in all. The hearing was broadcast to three locations: San Cayetano, Rosas de Mampuján, and Cartagena DT.

In the case of the Border Front, charges for 32 acts were upheld, some of which had already been brought by the Eighth Prosecutor’s Office of the National Justice and Peace Unit, among them: conspiracy to commit a crime, murder of a protected person, aggravated murder, attempted murder of a protected person, attempted aggravated murder, the manufacture of arms and munitions and the trafficking in arms and munitions of the armed forces for private use, kidnapping for ransom, forced displacement of the civilian population, for a total of 121 direct victims registered with the Prosecutor’s Office, which translates into approximately 170 indirect victims. These crimes were systematically perpetrated against a specific population stigmatized as subversive or collaborating in subversion, or against persons accused of subverting order in the region—drug addicts, prostitutes, petty criminals, etc. – qualified by the Tribunal as conduct in the category crimes against humanity.
The MAPP/OEA closely monitored and assisted the Comprehensive Redress Hearings. In the cases of Mampuján-San Cayetano and Isla Múcara, this assistance culminated in transmittal of the results of this effort to the competent institutions and donors in a forum convened by the Superior Council of the Judiciary. On the one hand, the Mission points out that the victims were the principal actors in the proceedings, and some received satisfaction through their participation in these court proceedings; and on the other, it notes that the details of concepts on basic aspects of the Justice and Peace Law as it relates to victims remains a challenge for Colombian institutions, especially in the later stages of the process. It is therefore issuing a call to ensure that in future Comprehensive Redress Hearings, greater emphasis be placed on preparatory activities as part of a calm, sustained, and well-thought-out work plan.

Two guilty verdicts were handed down in the framework of the Justice and Peace Law: the verdict in the case of Mampuján-San Cayetano and Isla Múcara was handed down by the Tribunal in late June 2010, and the one for the 32 acts committed by the Border Front of the Catatumbo Bloc, on December 2, 2010. While these rulings represent a landmark in the Process, it should be pointed out that in both cases, a decision on the appeal before the Criminal Court of the Supreme Court of Justice is still pending.

The restitution of lands is a major challenge for the country. It is therefore essential to acknowledge and bear in mind the progress that has been made through the CNRR’s Regional Committees for the Restitution of Property, Social Action’s Program to Protect Lands and Assets of the Population Displaced by Violence, and other mechanisms.

For this initiative to proceed correctly, it is important to design mechanisms for protecting the security of individual and group beneficiaries of the restitutions or legalizations in order to strengthen the process. Through MAPP/OEA, the General Secretariat has determined that one of the greatest challenges of the restitution process is its sustainability and the guarantee that lands will not be taken away again. It is also essential to rebuild the social fabric in affected communities that today are the beneficiaries of the restitution process.

With the assistance, verification, and support of the Mission during its presence in Colombia, the Ministry of Agriculture, as the lead agency in the restitution of lands in the country, has requested that MAPP/OEA continue providing comprehensive support and assistance for the land restitution process and especially the Action Plan [Plan de Choque], the legalization and deeding of properties, and the sustainability of the restitution. To date, the Mission has assisted with several meetings for coordination and consensus building, as well as the restitution of several properties in places such as Urabá, Magdalena Medio, and Montes de María.

With regard to administrative redress, the General Secretariat wishes to point out the dynamics observed in connection with the expiration of the April 22, 2010 deadline for submitting applications: an unusual increase in applications in the final weeks; a high number of applications rejected by the Administrative Redress Committee; some inconsistencies between the main causes of rejection and the criteria that were publicized in the initial meetings on administrative redress; and the acquisition of replenishment resources.

**Prison Conditions and the Situation of Postulados**

On 7 July 2010, the Investigative Court of the Bogotá Justice and Peace Tribunal began the Comprehensive Redress Hearing. With support from MAPP/OEA, documentation was collected in Cúcuta one week prior to the start of the hearing.
The Mission stated in its *Fourteenth Quarterly Report* that a process with transitional characteristics requires exceptional provisions in almost all areas, including penitentiaries and jails. It therefore commends the National Institute of Penitentiaries and Jails (INPEC) on its decision to create a body inside the institution to observe and process matters related to Justice and Peace.

Nevertheless, the problems that INPEC faces in meeting the needs of a process of this magnitude should not go unmentioned. Significant among them is the very limited budget to provide adequate security for incarcerated postulados. The Mission views with approval the transfer of the postulados held in the La Picaleña jail (Ibagué, Tolima) to the penitentiary in El Espinal (Tolima) for security reasons; however, it is necessary that the facility upgrade its installations to provide basic sanitary conditions. Likewise, there are Justice and Peace facilities that fail to provide the necessary sanitary conditions, as in the case of Cúcuta (Norte de Santander) and Montería (Córdoba), as well as blocks 5 and 6 of Itagüí. The Mission therefore recommends that the appropriate measures be instituted for the benefit of the postulados.

MAPP/OEA has visited the postuladas [female postulados] in the Buen Pastor jails in Bogotá and the Women’s Prison in Bucaramanga (Santander) and has discovered that the special conditions of confinement for male postulados were never applied to women. However, INPEC is taking steps to correct these disparities. To this end, the Mission suggests opening a special Justice and Peace block for women demobilized from the self-defense forces, like the one provided for the postuladas from the guerilla movements at the Chiquinquirá (Boyacá) jail.

### VI. VICTIM AND COMMUNITY ASSISTANCE

From the moment the Mission arrived in Colombia, the General Secretariat has stressed listening to and assisting communities affected by the violence as fundamental to peace in the country—first, because direct contact with them on the ground is what makes it possible to learn about the real problems and dynamics that Colombians experience day to day; and second, because it is the communities, with their knowledge and experience, who know their needs and can create participatory opportunities to rebuild their social fabric.

In this regard, the State has made significant progress in meeting its responsibilities to communities and victims. Institutions have gradually assumed responsibility for increasing the visibility of the victims’ circumstances and for their own behavior in terms of their duties as the guarantors of victims’ rights. This has brought visibility to trends, successful experiences, and the vulnerability of victims.

In this scenario, knowledge and skills in the area of victims’ rights have been promoted—especially their right to truth, justice, and redress. Many victims not only know their rights, but exercise and demand them. At the same time, great efforts have been made to empower victims’ organizations so that they focus on spearheading processes and contacts with institutions. It has been observed that empowering organizations beyond personal leadership improves the effective enjoyment of rights.

One point of pride for the Government of President Juan Manuel Santos has been its introduction of a Victims Bill to create a State policy for “assistance, care, protection, and redress to victims of manifest violations of international human rights norms and international humanitarian law.” Moreover, this bill includes a special chapter on the restitution of lands.
In addition, the Government has expressed the will to develop a comprehensive human rights policy in conjunction with civil society, with emphasis on local and community organizations and assistance from the international community. The National Redress and Reconciliation Commission, in turn, is faced with the challenge of an orderly and efficient transfer of the reconciliation, historical memory, and redress procedures that have been carried out, guaranteeing better follow-up and public policy recommendations for reconciliation and redress.

Over the years, the Mission has assisted with and supported the strengthening of local leadership and mechanisms for community participation and organization, especially relations with local institutions. In the midst of this process, one of the most critical needs for communities has been participation in the decisions of local and national authorities. In this regard, MAPP/OEA has fostered reengagement with the authorities. This reengagement has shown that building community trust in institutions is one of the foundations for building peace in Colombia. Thanks to its constant presence in the regions, MAPP/OEA has been serving as a bridge to facilitate opportunities for communication between communities affected by the violence and government institutions.

The experience gained from this assistance and the flexibility of the mandate has fostered initiatives to promote activities that give victims access to the Justice and Peace process and projects to improve relations between the State and communities, taking a historical approach, including the lessons learned since the Law was first implemented. Some examples of these initiatives are: the reconstruction of the historical memory in Sabaletas (Buenaventura, Valle del Cauca); the strengthening of the social fabric in Bajo Cauca, Mampuján, southern Cesar, and Norte de Santander, as well as initiatives that prepare victims for the later stages of the Justice and Peace process, such as the Comprehensive Redress Hearing, which is moving forward for victims from northern Tolima and Norte de Santander.

MAPP/OEA was witness to the positive impact of the process in certain regions of Colombia, such as La Gabarra in Norte de Santander, San Blas in southern Bolívar, and San Carlos in Antioquia, to name but a few. In these places, initiatives directly linked to the ebbing of conflict dynamics produced a significant change in the communities.

However, despite the progress made and State efforts, the threats and challenges have grown. Here it is necessary to pay special attention to the factors that adversely impact the security of victims when they decide to participate in the Justice and Peace process or in proceedings for the restitution of lands.

The General Secretariat calls attention to the need to provide guarantees to victims that history will not repeat itself and that proceedings for the restitution of lands will guarantee the personal security of the victims involved in restitution proceedings (both when the lands are returned and in the medium and long term). At the same time, it is important to cover all aspects—economic, food-related, material, and credit-related—that will ensure sustainability and contribute to the success of the land restitution process in the coming years.

Reality and the evidence show that the sustainability of the redress process, construction of the historical memory, progress toward reconciliation, a culture of dialogue, and rebuilding of the social fabric are major challenges that civil society and the State must address, with effective, differentiated processes and approaches tailored to the specific local contexts that arise from the needs of communities and victims.
VII. CONCLUSIONS AND RECOMMENDATIONS

1. With respect to this report, the General Secretariat calls National Government’s attention to the acts of violence and harm they continue to cause to the civilian population. It also recommends complementing the military approach to combating this phenomenon with differentiated comprehensive strategies to strengthen areas of trust and find solutions for conditions on the ground that facilitate the operations of illegal factions. Thus, it commends the National Government’s decision to create a new citizen security policy that puts greater emphasis on this phenomenon.

2. The General Secretariat reiterates its concern about the actions of post-demobilization groups that continue to harm populations in locations such as the Pacific coast, southern Córdoba and Bajo Cauca (Antioquia), the Córdoba coast, Antioquian Urgabá, and the eastern llanos (especially the department of Meta). It likewise urges the Government and State entities to pay special attention to the vulnerable populations victimized by these groups, and to investigate the actions of the latter.

3. It underscores the need to develop measures to protect children and adolescents and prevent them from getting involved with the phenomenon of violence. The creation and implementation of educational programs, the creation of job opportunities for youth, and the prevention of recruitment are of paramount importance in the new context.

4. The General Secretariat applauds the direction that the ACR has given to the reintegration of former combatants through the execution of the national public policy. However, greater coordination is important for overcoming the weaknesses in areas such as support for the economic reintegration of former combatants, improvements in the security situation of demobilized combatants in general, and the monitoring of demobilized combatants who are not active in the program, as well as strengthening of the family and community approach to reintegration. Achieving these objectives will require continued efforts to build trust between the receiving communities and demobilized combatants, and between these latter and the Public Forces, and the promotion of greater private-sector involvement.

5. Concerning application of the Justice and Peace Law, the General Secretariat reiterates the importance of changing the deadline for applications under Law 975; developing mechanisms that guarantee the rights of victims and judicial security for demobilized combatants who have not sought the benefits of the Justice and Peace proceeding; improving detention conditions for postulados; guaranteeing security mechanisms for victims, public officials, attorneys, and their families; and strengthening the procedural mechanisms to streamline trials.

6. Furthermore, the growing participation of victims in the process is critical for exercising the right to truth, justice, and redress and for guaranteeing that history will not repeat itself. More comprehensive redress hearings will soon be held, for which the victims must be prepared; this will require greater institutional capacity and coordination.

7. The General Secretariat commends the progress made in the restitution of lands in Colombia. It applauds the introduction by the Government of President Juan Manual Santos of the Victim’s Bill and its chapter on the restitution of lands. At this time, at the invitation of the national government, MAPP/OEA is assisting with and verifying the restitution process that is moving forward in the country.
8. The General Secretariat of the OAS applauds the action taken by the Government of former President Álvaro Uribe within the framework of the peace process and commends the political will shown during his tenure in the midst of an exceedingly complex process.

9. The General Secretariat likewise thanks the Government of President Juan Manuel Santos for renewing the Agreement of 2004 extending the mandate of MAPP/OEA for three more years and reiterates its commitment to continue its support for the Government, State institutions, and the Colombian people in confronting the threats, opportunities, and challenges before them.

10. Given the magnitude and complexity of this process and the government’s request that MAPP/OEA continue its assistance, it is essential that the Mission continue to count on the steadfast political and economic support it has received from donors, friendly countries, and member countries during these six years in Colombia. MAPP/OEA’s presence on the ground has been the backbone of its work and the principal source of trust with communities, making it possible to open up opportunities for consolidating peace in Colombia.

11. Therefore, the General Secretariat would like to express its special thanks to the donor countries and friends of the Mission for the continued support over the years from Argentina, Bahamas, Brazil, Canada, Chile, Germany, Guatemala, Ireland, Korea, Mexico, the Netherlands, Norway, Peru, Spain, Sweden, Switzerland, Thailand, and the United States, and for the support and collaboration of the Spanish Agency for International Development Cooperation (AECID), the International Organization for Migration (IOM), the Canadian International Development Agency, Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), and USAID.