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The Organization of American States and The Mission to Support the Peace Process in Colombia thank the Colombian government and people of Colombia for their invaluable contribution to peacebuilding.

Volume II

Periodic reports of the Secretary General to The Permanent Council on The Mission to Support the Peace Process in Colombia (MAPP/OAS)

2007-2014

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Photographs- MAPP/OAS

2019 Edition
Mission to Support the Peace Process/Colombia/OAS
Eleventh Quarterly Report

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

I. Background

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

II. Introduction

For the MAPP/OEA, the fundamental subjects of the peace process are the communities, which should be the focus, at the post-demobilization stage, of two fundamental issues: protection of the population and rebuilding the social fabric of those communities affected by the paramilitary presence. The latter includes implementation of the community reintegration process, as well as knowledge of the truth, access to justice, and reparation. The Colombian State has taken significant steps in seeking these conditions, responding with its institutional presence and implementing mechanisms that ensure the security of communities and their participation in the application of the Justice and Peace Law.

Communities play a key part as active subjects of peace-building. Strengthening their capacities and leadership, addressing their expectations and aspirations, and acknowledging their experiences are fundamental objectives. This has required institutions to make great efforts, for which the Colombian State, in addition to creating conditions for security, must ensure participation by citizens in decisions relating to...
their own development, as indicated in the Inter-American Democratic Charter. In that context, the Mission has helped to link the efforts of different State entities, taking on the task of follow-up and confidence-building. To that end, its efforts are aimed at: (a) support for local initiatives promoted by communities; and (b) victim follow-up.

Such tasks have been taken on in a complex context where armed confrontation with guerrillas is still active, the remnants of non-demobilized groups remain, and groups have emerged since the demobilization of the self-defense forces, as have armed factions that serve drug traffickers. These situations have meant that in some parts of the country, communities remain exposed to the threats and violent acts of illegal armed factions, especially victims and those former combatants who are transitioning to civilian life.

The process with the self-defense forces constitutes an initial step in securing peace in Colombia. It should not be forgotten that one of the main conditions required by the guerrillas in their rapprochements with preceding governments was the dismantling of the paramilitary structure. From that perspective, of high importance is the institutional response to the above-mentioned challenges and institutional consolidation in the areas of the demobilized self-defense forces. Notable among achievements is the dismantling of the armed components of the United Self-Defense Forces of Colombia (AUC), the reduction in violence rates in paramilitary influence areas, and the implementation of transitional justice mechanisms which, for the first time in these types of processes, include victims as fundamental subjects.

Law enforcement agencies have dealt crushing blows to rearmed and remnant groups, capturing several of their leaders and strengthening their presence in the population’s areas of vulnerability. The investigations conducted by the judiciary into possible cases of corruption in local and regional organizations and actions by law enforcement agencies to purge some of IT have also had positive impact.

The Mission has verified advances with reintegration focused on individuals, represented by psychosocial care, health care, and education. In addition, the first steps are now being taken to include receiving communities in this process. Notable as part of this task is the progress made in developing local reintegration plans in different departments of the country, which has made possible rapprochement and linkage with local authorities and civilian organizations. It is also important to note the inclusion in the development plans of 14 departments and 31 municipalities of the reintegration policy tailored to local dynamics.

In the framework of application of the Justice and Peace Law, over 130,000 victims have associated themselves with the process, and have reported acts attributable to illegal organized groups. Two hundred and seventy-seven voluntary statements containing confessions have been taken, to which the postulados [applicants for the benefits of the Justice and Peace Law] have linked over 5,300 victims, about many of whom no information was available. Women have played a lead part in the process, with 80,000 reports of violent acts by illegal armed groups, including 77 cases of acts of sexual violence.
To be noted in this context is the development of a unique model for victim psychological care and legal assistance, which would operate through the Centros de Atención Integral a Víctimas [Comprehensive Victim Assistance Centers], operating in different cities of the country. The Mission also notes the implementation of the [witness] Protection Program for the Justice and Peace Law which, thus far, has provided assistance in 169 cases and has given training seminars in different regions of the national territory. Additionally, the national government has issued a decree for reparation through administrative procedure, which may become an appropriate tool to provide financial relief in connection with injury suffered by victims, given its indemnifying nature–financial compensation measures–this being one of the few attempts at the international level to address directly the issue of reparation in situations of serious human rights violations.

Also to be noted is the expanded coverage of agencies with responsibility for enforcement of the Justice and Peace Law. The National Reparations and Reconciliation Commission (CNRR) has expanded its regional presence, and now has nine headquarters. The Human Rights Defender’s Office has assumed the legal representation of over 4,000 victims and has provided advice to over 15,500. In addition, 131 victim seminars have been held, attended by over 20,000 persons.

The above-mentioned achievements are basic steps in consolidating a process that has contributed to peace in Colombia and which requires sustained effort by each State entity involved. In that context, MAPP/OEA’s fundamental concerns are matters related to the lack of definition of the legal status of the demobilized individuals; the continued existence of criminal groups linked to drug trafficking and those emerging after the demobilization of the AUCs, especially their impact on communities; threats against victims and civil society organizations by illegal factions; murders of and acts of intimidation against the demobilized population; and the need to step up efforts to implement a reintegration model that includes the receiving communities.

For MAPP/OEA, the dismantling of the armed component has clearly weakened paramilitarism. However, in some regions, this phenomenon has acquired a criminal dimension, without counterinsurgent connotations, based on the illicit drug market. Linkages with drug trafficking sectors are common and, in some regions, such factions have even established relationships with the guerrillas (with the National Liberation Army (ELN) on the border between Cauca and Nariño departments; and with the Revolutionary Armed Forces of Colombia (FARC) while going to work in southern Bolívar). This dynamic suggests a complex landscape for Colombia.

III. At-Risk Communities: The Impact Of Remnant And Emerging Non-Demobilized Groups

At the self-defense force post-demobilization stage, different communities remain exposed to threats and violent actions by illegal armed factions–remnant and emerging

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non-demobilized groups and private armies that serve drug traffickers.\textsuperscript{2} The existence of phenomena of unlawfulness and situations of conflict has meant that it has not been possible to rebuild the social fabric.

The State has evidenced its intent to combat illegal armed groups by increasing the numbers of operations, which has led to higher numbers of captures and deaths in combat. Additionally, over 20 persons have been apprehended that had been identified by law enforcement agencies as leaders of such organizations. To be noted are the operations conducted against the Mejía Múnera brothers – better known as “the Twins” – who led a rearmed faction operating on the Atlantic coast; the capture of leaders of an illegal group present in southern Córdoba department; the mass surrender to the authorities of an important group of members of a remnant non-demobilized paramilitary group known as the “Cacique Pipintá” front, in Caldas department; and a seizure of weapons belonging to these groups – specifically in the departments of Meta, Córdoba, Chocó, and Antioquia.

In early 2008, MAPP/OEA reported to authorities difficulties in establishing the percentage of demobilized groups that had reoffended by forming new illegal armed groups. This because the Mission was unable to obtain from the authorities the full identities of persons reported as “killed in combat” by law enforcement agencies and/or accused of membership in “criminal bands that serve drug traffickers.” An inventory based on the information available as of February 2008 showed that a significant number of these deaths had been reported as “NN\textsuperscript{3}” (approximately 7 of every 10 deaths in combat). The Mission notes the response of the national government to these problems, with a substantial reduction in the cases reported as “NN” since March 2008. From January 1 to March 3, 142 were killed in combat, 132 of whom were reported as “NN”; in contrast, from March 4 to April 30, 38 were reported as killed in combat, 36 of whom were fully identified. In two cases, the identity of the individuals could not be established.

The Mission is concerned about information provided by relatives regarding the disappearance of young people who are later included as unidentified (NN) in reports of those killed in combat by law enforcement agencies. The Mission has knowledge of legal proceedings instituted by the Public Prosecutor’s office to clarify these types of acts in the departments of Sucre and Córdoba.\textsuperscript{4} Additionally, MAPP/OEA has received from both the community and State entities reports of similar situations in other municipalities, such as Puerto Berrío and Segovia (Antioquia). In the Casanare department, some demobilized individuals and the population itself have expressed concern because they have been objects of actions impacting their security.

\textsuperscript{2} Private armies of drug traffickers – such as the “Rastrojos” and “Machos” of the Norte del Valle cartel – antedate both the remnant non-demobilized and groups emerging since the demobilization of the AUC.

\textsuperscript{3} Unidentified.

\textsuperscript{4} The human rights unit of the Public Prosecutor’s office of Medellín is conducting an investigation to clarify the facts surrounding the deaths of nine people in the municipality of Chinú, Sucre, reported as killed by the Army in 2007.
After reporting in the Quarterly Reports the incipient presence of remnant non-demobilized and rearmed groups in areas such as Córdoba, Urabá, Nariño, southern Cesar, and Meta, the Mission is concerned about the continued existence and even increase in these factions, despite actions taken by law enforcement agencies. This shows a significant resistance and revival capacity, with resources making possible ongoing recruitment and the persistence of corruption at the local level.

In another vein, the Mission rejects the threats against human rights organizations and unions that participated in the March 6, 2008 march for victims of paramilitarism, displacement, and State crimes; and the reported murders of several of its promoters. Indications of participation by remnant and rearmed self-defense forces in these actions are causes of concern to MAPP/OEA. The need is urgent for an investigation to clarify these facts.

MAPP/OEA has received information regarding threats made by the “Águilas Negras” organization, in Bogotá, directed at civil society organizations, human rights defenders, and the diplomatic corps. The Mission is following up on these facts and urges the authorities to make efforts to provide and strengthen protection measures.

The Mission recognizes that the impact on the civilian population may be related to three scenarios: (a) the presence of an illegal armed group; (b) the response of illegal armed factions to actions carried out by the State; and (c) conflict between armed groups linked to drug trafficking. In such contexts, forced recruitment is a constant, affecting primarily the demobilized population and, in some cases, minors. With regard to prevention of the recruitment of minors, it must be mentioned that by Decree 4690/07, the Intersectoral Commission was established to prevent the recruitment and use of children, adolescents, and youth by organized illegal groups. The objective of that Commission is to bring together and direct prevention actions and to design and implement public policies to reduce risk factors.

a. Impact of the presence of an illegal armed group

The presence of illegal armed groups in the areas of influence of demobilized self-defense forces has direct repercussions for the civilian population, restricting its ability to travel, exercising social control, and implementing an illegal, extortion-based economy. Generally, in such contexts, inhabitants who resist the armed faction’s domination are threatened and, in some cases, murdered.

In Bajo Cauca (Antioquia), illegal checkpoints continue to be set up, whose objective is to control travel. In municipalities such as Zaragoza and El Bagre, outsiders who entered...
the area to establish commercial ties without authorization from the armed faction were murdered and their bodies thrown into the Nechí River. In the city of Valledupar and northern Cesar, along with the rise in murders, threats have been made against members of the ruling political class of that area.

In Cartagena (Bolívar), leaders of the displaced population have indicated their vulnerability to threats received individually and collectively—made in outlying districts of the city. In Barrancabermeja (Santander), recognized societal leaders have been subjected to intimidation by outlaws so that would they leave the city. In southern Bolívar and Magdalena Medio (Santander), pamphlets have also been distributed containing threats against unions, victims’ movements, and members of the Church.

The Mission is concerned about information regarding the presence of armed factions on the outskirts of some urban areas, such as Ibagué (Tolima), Cúcuta (Norte de Santander), Valledupar (Cesar), Medellín (Antioquia), Bucaramanga (Santander), and Bogotá.\(^7\) In these cities, statements have been given regarding extortions at different levels.

Of special concern is the impact on the Wayuú indigenous community in Alta Guajira. In a rural area of Uribia municipality (La Guajira), an indigenous person was murdered and another kidnapped. Similarly, in Magdalena department, as a result of an incursion by an armed outlaw, approximately 400 families were displaced to the municipality of Sabanas de San Ángel, including members of reservations of the Chimilas indigenous people who inhabit that area.

b. Impact of the response of illegal armed factions to actions carried out by the State

In view of the pressure exerted by law enforcement agencies, illegal armed factions are responding with actions that seek to reduce the intensity of operations and prevent the recovery of territory and the reestablishment of institutions. Law enforcement personnel and judicial authorities have recently been murdered in some urban areas where the security situation has been impacted by a possible realignment of armed outlaws. This dynamic has occurred in Santa Marta (Magdalena),\(^8\) Valledupar (Cesar),\(^9\) and Cúcuta (Norte de Santander).\(^10\)

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\(^7\) Scenarios of impact on communities in locations on the south side of Bogotá and on its outskirts, such as Ciudad Bolívar, Usme, Bosa, and Kennedy, are of concern to the Mission owing to the impact of such actions on the civilian population. Murders, threats against leaders and victims, extortion on public transportation and of small businessmen, as well as forced recruitment— involving youth and some minors and demobilized persons— are the most frequent acts. Such activities are concentrated in communes and Unidades de Planeamiento Zonal [area planning units], such as Caracolí, Jerusalén, El Lucero, and Arborizador. Additionally, in the Altos de Cazuca area of Soacha municipality, selective murders have been perpetrated and threats made against societal leaders and human rights defenders.

\(^8\) In mid-November 2007, the CTI investigator Judith Faride Álvarez, of the Public Prosecutor’s Office, assigned to the criminal analysis section, with emphasis on human rights, justice, and peace, was killed by two unknown hired assassins on motorcycles.

\(^9\) In late December 2007, the chief of the police station of El Copey municipality (Cesar), SFC Wilfred Benítez de la Cruz, was murdered in Valledupar by individuals allegedly related to emerging bands.

\(^10\) In September 2007, Pvt. Jorge Giovanni Pérez, assigned to the 30th Army Brigade, was murdered by “Águilas Negras.” The dismembered corpse was found at La Represa in El Zulia municipality. That same month, CTI investigator Jaime Omar Colobón of the Public Prosecutor’s office was murdered by hired assassins while he was going to work.
In Nariño, after operations carried out in the cordillera area against the armed group “Nueva Generación,” different actions occurred with impact on the civilian population. The most recent was in late December 2007, in Leyva (Nariño), where five farmers were murdered, two of them members of the Community Justice Network. Said illegal group also attacked the police station of Policarpa municipality, spreading fear among residents. The public order situation in that department warrants special attention, especially the grave impact of said armed group on the civilian population and different institutions.

The Mission notes in the municipalities of the cordillera of Nariño department (Leyva, Policarpa, and Rosario) that progress has been made by law enforcement in recovering these territories. One of the main achievements was that, in the first quarter of 2008, the murder rate dropped by 60% compared to the same period in 2007, from 20 homicides to 6.

Additionally, the eradication of illicit crops promoted by the government has had residual impact on outlaws linked to drug trafficking, who have sought alternative means of financing, including extortion, especially in some areas of southwest Cauca department and northern Nariño. In Valencia (Córdoba), pressure has been exerted on members of the “Family Forest Ranger” program,\(^\text{11}\) prohibiting farmers from collecting the government’s financial incentive and promoting the replanting of coca. As a result, the “bit by bit” displacement phenomenon has emerged\(^\text{12}\) in some rural districts, corregimientos, and even capitals of municipalities.

c. Impact of the conflict between armed groups linked to drug trafficking

**Pacific coast**

The communities inhabiting the main Pacific ports remain vulnerable. In Buenaventura (Valle del Cauca) and Tumaco (Nariño), conflict between different armed outlaws keeps high the rates of murder and assault impacting communities. On the road to Tumaco, the main problems of which inhabitants complain are antipersonnel mines and constant armed conflicts. The indigenous population living in these areas has been subject to threats, murders, and major injuries from explosive devices planted by illegal armed groups. In Buenaventura, some members of demobilized self-defense forces have been subjected to threats and intimidation, while others have been persuaded to return to arms.

In southern Chocó department, in a dispute between armed outlaws, a family of miners of the Itsmina (Chocó) municipality jurisdiction was massacred. In that area, forcibly displaced rural populations from the Pacific coast continue to arrive. This is also

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\(^{11}\)The Family Forest Ranger program is an alternative development initiative that is part of the national governmental anti-illicit drug strategy. It involves farming, indigenous, and Afrodescendant families that have taken the decision voluntarily to eradicate illicit crops from their rural districts and replace them with legal alternative crops.

\(^{12}\)Individual displacement has been so styled.
occurring with indigenous, Afrodescendent, and farming communities of the Istmina and Sipí municipalities (Chocó).

**Urabá (Antioquia) and Córdoba**

Valencia and Tierralta municipalities (Córdoba), especially the former occupation area, have been scenes of conflict between outlaws fighting to monopolize the drug trafficking business. As a result of the conflict, the groups have resorted to forced recruitment, increasing their numbers and unleashing a wave of selective murder against demobilized individuals and persons charged with collaborating with the opposing group. This situation has increased fear in communities, whose ability to travel, and communicate with neighbors and, evidently, institutions, has been curtailed.

In that context, law enforcement agencies have increased their institutional presence, carrying out operations that enabled the command structure of one of the illegal factions, the “Paisas,” to be captured. In addition, important ELN leaders in Córdoba department were captured by authorities and are involved in legal proceedings. The case against them has enabled the authorities to prosecute them, *inter alia*, for conspiracy to commit crimes and for homicide. These actions by State institutions have had positive impact on the region in terms of security, although one illegal armed group still has a presence in the area.

In the Urabá area, a massacre occurred in the urban area of Currulao corregimiento, Turbo municipality (Antioquia). Murders are still occurring of demobilized individuals, who are pressured to return to illegal activities in this area.

1. **Protection and security: Two essential conditions for the effective guarantee of victims’ rights**

The Mission considers that victim protection is one of the main challenges facing institutions in the context of the process. The State response in creating a victim protection program of the Justice and Peace Law was a major advance. To strengthen this mechanism, it is very important for precise guidelines to be established so that the National Police can provide in a timely manner the humanitarian assistance13 to which victims are entitled, as well as a uniform method of preparing risk evaluations.

The effort being made by the Ministry of Interior and Justice to provide training in this area in different places in the country14 is important in disseminating the Decree, the program itself, and its protocol. In that connection, such training serves as a forum for feedback so that, based on exchanges with entities and the victims themselves, input is acquired for its improvement and adjustment. Also relevant is the fact that an allocation

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13 Humanitarian assistance is a contribution to victims in especially serious cases while their situation is reviewed and resolved by the Technical Evaluation Committee.

14 Nineteen training courses have been held in Montería (Córdoba), Valledupar (Cesar), Barranquilla (Atlántico), Cartagena (Bolívar), Bogotá, D.C., Richeurte (Cundinamarca), Facatativá (Cundinamarca), Medellín (Antioquia), Cúcuta (Norte de Santander), Bogotá, D.C., Bucaramanga (Santander), Rioacha (Guajira), Apartado (Antioquia), Rionegro (Antioquia), Santa Rosa de Osos (Antioquia), Villavicencio (Meta), Arauca (Arauca), Pasto (Nariño), and Bogotá, D.C.
of $17,788,905,198 pesos has been made to the National Police in the budget for 2007 to implement protection measures for victims and communities corresponding to that entity.

Such activities have sought to address the difficult situation of victims in some regions who, since they lack guarantees of protection, have reacted in different ways. In some parts of the country, where they have felt that they may be threatened, they prefer to remain silent, not to report the facts they know or participate in proceedings, so as to avoid possible reprisals. In other cases where victims have indicated their intent to report, they have then been threatened to prevent them from contacting the institutions with responsibility in this area. In most such situations, these individuals have chosen not to report the fact, which demonstrates latent threat.

In some parts of the country where different illegal armed factions are present, victims remain in fear. In other cases, they have been subjected to intimidation and threats that prevent them from making their reports and participating actively in the justice and peace process. For example, in Nariño, owing to the presence of different armed outlaws, the civilian population and even local authorities are afraid to participate actively in the process and to make reports of facts that affected them. Similarly, in Valle del Cauca, victims are skeptical, mistrustful of institutions, and afraid owing to the presence in the area of the FARC, drug traffickers, and new armed groups. However, it should be noted that the opening of two regional National Reparations and Reconciliation Commission (CNRR) headquarters in each of these departments may help to ensure that victims’ rights and the process itself are disseminated more widely. This may also have a dissuasive impact on the different individuals who seek to impact victims.

2. The at-risk demobilized population

It is of concern that, according to National Police statistics, in the entire process, there have been at least 819 deaths of demobilized members of self-defense forces. No specific investigations are being conducted in most such cases. The most crucial departments are: Antioquia, Cesar, Córdoba, and Magdalena—especially the capital cities.

DIFFERENT EXAMPLES ARE ILLUSTRATIVE OF THESE SITUATIONS. ACCORDING TO INFORMATION RECEIVED BY THE MISSION, SEVERAL VICTIMS OF CURUMANÍ (CESAR) HAD PLANNED TO ATTEND THE VOLUNTARY STATEMENT-GIVING OF ALIAS “JORGE 40,” COMMANDER OF BLOQUE NORTE, BUT DID NOT DO SO O WING TO RUMORS THAT DEMOBILIZED INDIVIDUALS BELONGING TO THAT PARAMILITARY GROUP WOULD TAKE REPRISALS AGAINST THEM. MAPP/OEA ALSO LEARNED OF ALLEGED THREATS AGAINST FOUR WAYÚÚ WOMEN AND TWO OTHER INDIVIDUALS WHO WERE PREPARING TO PARTICIPATE IN THIS PROCEDURAL STEP. IN ADDITION, DESPITE THE 3,000 VICTIMS OF BLOQUE CóRDOBA RECORDED BY THE PROSECUTOR GENERAL OF THE NATION, ONLY 10 INDIVIDUALS ATTENDED THE VOLUNTARY STATEMENT-GIVING OF THE GROUP HELD IN MONTERÍA. IN BAJO CAUCA, VICTIMS REPORT THAT THEY ARE THREATENED. HOWEVER, THERE HAS BEEN NO MONITORING OF THE SECURITY SITUATION OF THE 500 INDIVIDUALS WHO ATTENDED THE TWO VICTIM WORKSHOPS GIVEN IN THE AREA. IN PUERTO BERRIO (ANTIOQUIA), THE PRESENCE OF DEMOBILIZED GROUPS IN THE AREA HAS DISCOURAGED VICTIMS FROM MAKING REPORTS. IN ADDITION, SOME VICTIMS OF GUADUAL CORREGIMIENTO, VALENCE MUNICIPALITY (CÓRDOBA) DECIDED TO REPORT THAT THEY HAD BEEN THREATENED AND HAD RECEIVED OFFERS FROM FORMER PARAMILITARY MEMBERS TO RETURN TO THEIR LANDS AND PAY THEM A FAIR PRICE FOR THEM IN EXCHANGE FOR NOT REPORTING. THIS IS THE CASE OF DIFFERENT DISPLACED PERSONS FROM THE LAS NUBES PLOT. IN AMAGA (ANTIOQUIA), DIFFERENT VICTIMS HAVE ALSO BEEN THREATENED BY APPARENTLY DEMOBILIZED PERSONS. LASTLY, IN PUTUMAYO, TWO PERSONS WERE MURDERED FOR COLLABORATING WITH THE PUBLIC PROSECUTOR’S OFFICE IN IDENTIFYING COMMON GRAVES.

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Murders of demobilized individuals are related to disputes between armed groups for control of the area, struggles between former combatants themselves, disputes for control of illicit economies, the presence of an armed individual seeking to strengthen his position, and/or the forced recruitment of which they are victims. Some former combatants have been threatened with death if they resist incorporation into the new group. The Mission views with concern that these individuals have been threatened by new armed groups in places such as Casanare, Antioquia, Valle, and Magdalena Medio to induce them to join these new illegal groups.

In other regions of the country, such as Urabá, northern Chocó, and Bajo Cauca (Antioquia), intimidation is perpetrated by guerrilla groups seeking to return to the areas of influence of the self-defense forces, where demobilized individuals participating in productive projects have been those mainly impacted. Additionally, forced displacements have occurred in Antioquia, Casanare, and Córdoba and there have been cases of forced recruitment in the departments of Cesar, Nariño, Meta, Cundinamarca, southern Bolívar, and Córdoba, among others. The municipality of Tierralta (Córdoba) has recently become the epicenter for recruitment of demobilized members of the former self-defense forces.

Additionally, MAPP/OEA points to certain irregularities on the part of some members of law enforcement agencies with demobilized individuals who, in some areas of the country, have been the victims of mistreatment, threats, stigmatization, and pressure, which have jeopardized their security.

There have also been cases known to the Mission where law enforcement has continued to incorporate demobilized individuals in its activities, such as cooperator networks. It notes that on June 25, 2007, a Ministry of Defense directive was issued containing regulations on these types of situations, prohibiting demobilized individuals from participating in such work under any circumstances. However, in some areas, military and police units are unaware of the scope of these regulations.

IV. Rebuilding The Social Fabric: Institutional Mechanisms, Monitoring Of Victims, And Support For Local Initiatives

Rebuilding the social fabric is part of the post-conflict phase that requires as a prior step the consolidation of security conditions in the regions. In Colombia, the process with the self-defense forces is being implemented in a special context wherein guerrilla groups remain active, as is also occurring in some regions with armed groups that serve drug traffickers. In situations of latent violence, the Colombian State has designed institutional mechanisms to provide the conditions for reintegration of former combatants into civilian life and for the implementation of a transitional justice framework.

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16 This has occurred in Chimila (Cesar), Simiti, San Pablo, and Santa Rosa del Sur (Bolívar), in southern Magdalena Medio, in the capital of Casanare department (Yopal), the metropolitan area of Bucaramanga (Santander), Pasto and Ipiales (Nariño), and some Medellín communes.
a. Victims as fundamental subjects of the process: In search of truth, justice, and reparation

Efforts made by State institutions—especially the Office of the Prosecutor General of the Nation (Justice and Peace Information System–SIJYP)\textsuperscript{17} and the National Reparations and Reconciliation Commission\textsuperscript{18} have yielded a more in-depth understanding of the profile of the victims left by the years of paramilitary presence. According to first estimates, most victims surviving the conflict in Colombia are women, whereas most of the direct victims have been men.\textsuperscript{10} In this population, levels of schooling and incomes are low.\textsuperscript{20} It was also found that the most widely perpetrated criminal acts were murder, displacement, and forced disappearance. As regards territorial presence, according to SIJYP information, 34.8\% of victims (15,134) are located in Antioquia. The region with the second most victims is Magdalena, with 4,126 (9.15\%), followed by Norte de Santander, with 4,007 victims (9.2\%), Putumayo, with 2,912 (6.7\%), and Cesar 2,571 (5.9\%).

1. Information and advice for victims: The first step in guaranteeing their rights

Despite efforts made by State institutions with responsibility for this matter, the Mission was able to determine that in different regions of the country, the victims still perceive that they need more information regarding the justice and peace process. In that regard, victims need to know their rights in the framework of said process, as well as what they can actually receive in terms of truth, justice, and reparation.\textsuperscript{21} MAPP/OEA has learned that victims complain of the difficult situation in which they live when the institutions themselves send them from place to place and they find it difficult to obtain definitive answers as to what they have to do. A poorly-informed victim is prone to ongoing impact, without even realizing it. This situation is more acute in places where inhabitants indicate that officials themselves are unaware of the procedures established in the Justice and Peace Law, and are unable to provide guidance, or are overloaded with the number of tasks the process implies.\textsuperscript{22}

The Mission is concerned that most provincial and local governments have not involved themselves deeply in the matter. This prevents the process from being strengthened at

\textsuperscript{17} Preliminary report prepared in October 2007, based on data taken from 41,261 records of the Justice and Peace Information System, which contains victims’ reports.

\textsuperscript{18} Studies conducted by the Northeast Regional and Antioquia Regional CNRR.

\textsuperscript{19} Direct victims are those directly impacted by the action, while survivors are individuals not present during the facts, the normal course of whose lives was affected thereby.

\textsuperscript{20} This prevents them from participating effectively in the different stages of the process to implement the Justice and Peace Law, since they lack the means to travel to hear voluntary statements, make copies of documents requested, or contact a trusted attorney to advise them.

\textsuperscript{21} In Nariño department, the Justice and Peace Law has not been sufficiently disseminated, which has led to lack of awareness among victims of their rights, the benefits available to them, and how the law is applied. The situation is similar in Valle del Cauca, where few reports have been made and victims have still not come forward. Dissemination has also been limited in Boyacá department. For example, in Puerto Boyacá municipality, the epicenter of major actions and the development of the AUCs, little institutional presence has been established and statistics do not accurately reflect the number of victims in the area.

\textsuperscript{22} The first occurs, for example, with most institutions of Valle del Cauca and Cauca departments; the second occurs in departments such as Putumayo, where 249 bodies have been exhumed and 2,647 victims have been recorded in connection with acts attributable to self-defense forces. However, resources are insufficient to provide care for them.
the regional level. Therefore, victims feel that where they live, they lack the institutional support needed to participate in the process. Some examples showing that such entities can carry out significant actions in the justice and peace process are the efforts made by the provincial governments of Antioquia and Santander, and the city government of Medellín. In that regard, the Mission considers that the assumption of office of new administrations in January 2008 may be an opportunity to include the justice and peace process on the agenda.

Data from the Justice and Peace Information System of the Office of the Prosecutor General of the Nation, issued in October 2007 show 2,176 child victims of the conflict, an incomplete figure. Based thereon, and taking account of the possibility of under recording, the State needs to develop a clear strategy to disseminate the rights of minors.

The Mission views with concern 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. According to this entity, from 1999 to December 2007, 1,039 minors from self-defense forces entered the program. Figures may continue to rise, since minors are still coming forward to the ICBF to enter the program who were apparently sent home by commanders days prior to the demobilization.

This situation shows that the actual figure is not known of minors recruited by the AUC during the years of their armed activity. Accordingly, the judicial Justice and Peace Law process faces the challenge of determining which former combatants committed the crime of forced recruitment of minors. A first source will be the confessions made by former commanders regarding this fact. However, aware that thus far very few references have been made to this aspect, the Public Prosecutor’s Office has begun to analyze other sources, such as the voluntary statements made by former combatants during the demobilization days. The Mission considers that investigation of this crime should become a key aspect of the transitional justice process.

2. Comprehensive victim care and assistance: Specific actions to assert their rights

The Mission encourages the promotion of the initiatives now being implemented to offer victims comprehensive assistance of quality. On the one hand, the Comprehensive

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23 Officials of this provincial government have received training on the justice and peace process. This entity also has a budgetary allocation specifically to carry out conversatorios [consultation forums] to disseminate and raise awareness of the Justice and Peace Law, and has subsidized events, activities, leaflets, and campaigns for different victims’ organizations. In the municipalities of San Carlos, Apartadó, Medellín, and El Peñol, monuments will be built to preserve the collective memory, and near La Alpujarra in Medellín, another will be built referring to the murders of three members of the Permanent Human Rights Committee, committed 20 years ago. Lastly, support has been provided for some of the broadcasts in Antioquia of voluntary statements.

24 This entity has made a budgetary allocation of 150 million pesos to the justice and peace area, with which premises were equipped and office equipment provided for the regional CNRR headquarters. Two persons were hired to work exclusively in this area and actions to disseminate the Law were carried out. In parallel, it has participated in the different meetings and activities on this matter and has worked with victims’ organizations such as Nuevo Arco Iris, Fundación Compromiso, Redepaz, and the diocese of Bucaramanga, among others. It has also provided support to the department’s victims’ network.

25 This city government has an assistance program for victims of armed conflicts which, among other activities, has worked with children of Communes 1, 8, and 13, and has provided support for the voluntary statements being given in the department by appointing attorneys and psychologists to follow up on participating victims and to provide them with their services.
Victim Care Subcommittee of the Interagency Justice and Peace Committee has proposed to create a single victim psychological care and legal assistance model to operate through the Comprehensive Victim Care Centers that would operate in different cities of the country. On the other, the Human Rights Defender’s Office, through the Justice and Peace Coordination, is also training psychologists and attorneys to provide such follow-up, and the Public Defender’s Office has strengthened its teams in Bogotá (40 defenders), Medellín (70 defenders), and Barranquilla (40 defenders) and created a judicial police team to provide them with support in their work (there are six in Bogotá). In total, judicial representation has been provided for 4,130 victims, distributed as follows: Atlántico, 2,350; Antioquia, 2,080; and Bogotá, 700. For its part, the CNRR is promoting the National Victim Care Network, which seeks, at the regional level, to link civil society with organizations providing victim recognition and care services.

The Mission has noted that most victims lack sufficient legal assistance and psychological care for their rights to be guaranteed before, during, and after their participation in different activities related to the justice and peace process. Two and a half years since Law 975 was issued, the lack of a strategy of national scope taking account of the needs of all victims in this area, especially those living in rural areas or remote municipalities, clearly suggests that the State must make greater efforts to fulfill its obligation in this area.

In this context, victims do not have clear and precise knowledge of all implications of the justice and peace process and, still less, the requirements, costs, and procedures of participating in the judicial process. This situations means they can easily be tricked by individuals claiming an intent to help them.

The Mission has noted that persons belonging to victims’ organizations or receiving support from them or nongovernmental or civil society organizations feel that they have better support and additional tools for asserting their rights. In this aspect, important parts have been played by Redepaz, the Colombian Women for Peace Initiative, the José Alvear Restrepo Attorneys Collective, the Colombian Commission of Jurists, the Student Civil Society Organization, Progresar Foundation, Conciudadania, the Mothers of la Candelaria, Resarcir, Free Country, and others.

It is important to mention that since CNRR was established—and as it has opened its different regional offices, MAPP/OEA has been monitoring its work, implementing and jointly convening forums where victims have an opportunity to meet and share experiences. Such is the case of the Victims Commission of Medellín, created in late

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26 The Mission is concerned that this city has one defender who has some 550 cases, which exceeds his work capacity and limits follow-up.

27 In Necoclí (Antioquia), it was learned that 40% to 60% of the amount of reparation is being charged as fees. In Tierralla (Córdoba), they charge for processing the form and raise false expectations among victims. In Pueblito Mejía, several persons processed the criminal acts form and signed a power of attorney in which they gave the attorney 30% of reparations obtained as fees. However, these documents were never submitted to the Office of the Public Prosecutor of the Nation and so had to be reprocessed. In addition, other complex situations have arisen, such as that monitored by the Mission in Bucaramanga (Santander) regarding the organization Reparar Colombia, composed of demobilized individuals, which has devoted itself to receiving reports of criminal acts from victims and apparently has a database of approximately 3,000 victims. In that regard, the Mission has made linkage efforts so that such information is received and administered by the competent authorities.
2007. There is also the advocacy forum the Mission is creating with victims’ associations, through the implementation of certain initiatives. \(^{28}\)

3. Participation by victims in voluntary statements and judicial proceedings

The Mission has noted that in the voluntary statements, victims are able not only to listen to the recital of the person giving the statement, but can also ask about and, in some cases, contradict the postulado regarding a particular fact,\(^ {29}\) rendering this a highly important stage in the search for the truth. According to information obtained by the Mission, of the 1,357 voluntary statements scheduled for 2006 and 2007, thus far, 1,017 have been completed, 277 of which contain confessions. As a result of these statements, 3,068 acts have been confessed, and calculations are that another 3,541 acts mentioned in voluntary statements have been clarified. It is also hoped that such information may be related to the 5,371 acts thus far reported by the direct and indirect victims.

Exhumation efforts have been highly important in the framework of the Justice and Peace Law process. These have enabled 146 bodies to be returned to the victims’ next-of-kin. Nonetheless, the Mission is concerned that despite efforts by the Office of the Public Prosecutor of the Nation to create a group of 12 public prosecutors, with their respective investigators, a great deal of information remains to be verified if this task is to be carried out (3,588 communal graves). Therefore, infrastructure and technical personnel are required to preserve and examine the remains found in the 1,207 exhumed communal graves, some 1,452 corpses.\(^ {30}\)

One fundamental aspect of this process is psychological follow up that victims must receive in these tasks, since they involve recognition of relatives after long periods of uncertainty regarding their whereabouts or, worse still, as to whether they were dead or alive. In that connection, the Public Prosecutor’s Office must receive support from other entities so that, in this process, from the highly risky technical, operational, and security standpoint, mechanisms are created so that victims can depend on the support they require to overcome their grief.

With regard to judicial processes, the Mission cannot fail to note that its greatest concern is that the legal status of the 19,377 demobilized persons has not yet been defined, to whom, since the judgment of the Supreme Court of Justice, the benefits of Law 782 of 2002 do not apply. Their situation must be resolved by the State as soon as possible. This fact affects not only the said demobilized individuals but, in general, the climate in which they live, since if they do not have their situation clarified, they may return to arms and impact individuals participating in the process.

4. Reparation and restitution of land: New challenges to be taken up in 2008

The Mission has noted that despite the fact that the reparation stage has not yet begun, great expectations have been generated among victims regarding money and property

\(^{28}\) For example, the Historical Memory Book of the Mothers of La Candelaria.

\(^{29}\) The Mission has observed that most of victims’ questions relate to the whereabouts of a family member or acquaintance.

\(^{30}\) Consolidated information from the Office of the Prosecutor General of the Nation, as of December 31, 2007.
they may receive from *postulados*, through the victim Reparations Fund; and from the State, through the Administrative Reparations Plan—symbolic reparation and collective reparation actions. Regarding the latter aspect, to be noted are the comments of the Inter-American Commission on Human Rights (IACHR) contained in the document Principal Guidelines for a Comprehensive Reparations Policy.\(^{31}\) The IACHR understands that beyond the established legal system, the State plays a key part and has primary responsibility to guarantee victims effective access on conditions of equality to reparation measures, in keeping with the standards of international human rights law.

The national government has issued Decree 1290 of April 22, 2008, by which is created the Program for Individual Reparation through Administrative Procedure, an output of a cycle of consultations with society in which the victims expressed views regarding the National Reparations Plan and the Administrative Reparation Program, contributing criticisms, concerns, and suggestions.

The Program for Individual Reparation through Administrative Procedure will make possible streamlined access to a series of reparation measures which include, along with basic monetary compensation, access to education and health programs, welfare plans, and restitution of their property, among others. However, the possibility of relieving suffering through administrative reparation and of reducing vulnerability indices will be effective as long as it is borne in mind that administrative reparation is complementary, i.e., that it is not understood as an impediment to recourse to judicial authorities to obtain truth, justice, and comprehensive reparation.

The status of the reparation process is also of concern, since the property surrendered by the *postulados* remains insufficient and no plans or specific resources are in place to implement administrative reparations, symbolic or collective. For that reason, the challenge for the first quarter of 2008 will be to establish clearly the scope of such plans and actual prospects for reparation of the victims so that false expectations are not generated. In that regard, it should be noted that thus far, the Victim Reparations Fund has identified, listed, entered the individual details of, and received property from twelve (12) *postulados*, of an estimated value of $8,160,800,000 million pesos. In addition, twenty-three (23) reports have been published on the web pages of the territorial units and 2,632 summonses to appear have been published in newspapers and via radio broadcasts.

The Mission is concerned that, thus far, the Regional Commissions for Restitution of Property have not yet been implemented. These commissions have responsibility for promoting procedures for property and ownership claims, these being among the main problems faced by victims.

### 5. Communities in search of reconciliation

The Mission considers it important to note some experiences that thus far have taken place to promote reconciliation among Colombians and to consolidate the process of

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transitional to peace. However, it recognizes that such experiences cannot be imposed by the State and replicated throughout the country based on the same scheme or model. Each such experience arises in a very particular context, involving different factors and genuine interest on the part of those involved in its success.

Among those it has observed, the Mission has encountered valuable examples where rapprochement was established between victims and victimizers. One example is the tribute of September 27, 2007 by demobilized individuals of Bloque Cacique Nutibara of the AUC, gathered at Corporación Campo Santo, paid to victims of Villatina in Commune 8. In that connection, to be noted is the rapprochement between victims and victimizers of Bloque Norte of the AUC, through the We Are All Women initiative, promoted by the Cesar Services Center, the Cesar/IMP Women’s Network, and MAPP/OEA. As a result of this experience, demobilized women asked forgiveness of the victims and they, in turn, forgave the former members of the AUCs for aspects that had impacted them.

The Mission has also noted how whole communities victimized by violence and still pressured by armed groups have made efforts to exercise their rights and promote a reconciliation process. This has occurred in San Carlos (Antioquia) and Las Mercedes (Norte de Santander). In the former municipality, a non-violence and reintegration commission was formed, promoted by the Center for Rapprochement for Reconciliation and Reparation (CARE), with delegates from the town government, the Personería [Ombudsman’s Office], the parish, educators, victims, and demobilized individuals, which promoted a joint search for missing persons—both victims and demobilized individuals—constituting an effort to reach the truth. In Las Mercedes, the Mission has worked with the community to strengthen its community organization, the societal leadership of its inhabitants, and to promote institutional linkage between the community and local, regional, and national authorities and other institutions.

b. From individual reintegration to community reintegration: The need to work with receiving populations

The Mission has verified progress made with reintegration focused on individuals in the form of psychosocial care, health care, and education. Additionally, the first steps have begun to be taken to include receiving communities in this process. In that context, to be noted is the preparation in a participatory manner of regional plans for the implementation and institutionalization of the Reintegration Policy in ten departments. In this activity, participants included municipal and departmental administrations,

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32 In the ceremony, the demobilized individuals publicly asked for forgiveness for their acts during the war, unveiled a sculpture, and opened a playground that they themselves had built.

33 Progress made with matters of community reintegration has basically been linked to joint activities between demobilized individuals and community members, supported by local entities, which have included the cleaning of beaches, refurbishment of educational institutions and buildings, and end of year activities. These actions are being carried out especially in Nariño, Sucre, and Bolívar departments. It is also important to note the “citizen promoters” mechanism in Urabá, through which a group of some 30 demobilized individuals work on communal or citizen initiatives. This program hopes to raise community awareness regarding demobilized individuals.

34 Magdalena, Antioquia, Sucre, Córdoba, Bolívar, Valle, Chocó, Meta, Santander, and Norte de Santander.
national governmental entities, supervisory agencies, companies, academia, the media, NGOs, international organizations, law enforcement agencies, and representatives of participants, victims, and other civil society organizations. It is also important to note the inclusion in the development plans of 14 departments and 31 municipalities of reintegration policy tailored to local dynamics.

The Mission views with concern that, a year since the establishment of the Department for Reintegration (ACR), the national policy in this area has not been published. Changes in the way in which strategies are implemented, especially in the terms and conditions for payment of support for reintegration and the requirements for productive projects, have generated dissent among former combatants.

1. Social reintegration

Reintegration focused on the individual as proposed by the ACR includes psychosocial follow-up, which consists of making tools available to demobilized individuals for the exercise of their autonomy and for integration into the societal, family, and workplace environment so that they complete the reintegration process satisfactorily. The Mission notes that most progress has been made with this benefit and that it is that most accessed. Visits made by tutors are relatively closely spaced, thus facilitating ongoing contact with the program. It has also enabled them frequently to effect significant change in the relationships of demobilized individuals with their families and the community into which they have reintegrated themselves.

The Mission views with concern the delay in developing differentiated profiles, which are a tool designed by the ACR to develop reintegration paths. In some areas, demobilized individuals have reported that they have not participated in this process which, according to ACR targets, should have been completed by late 2007.

The ACR has been carrying out the health benefit work in coordination with the Ministry of Social Protection and health promotion entities. Among program services, this is one of those with widest coverage. The Mission notes that difficulties remain for the rural population with little access to health centers—which are generally found in urban areas. Another concern, not only for demobilized individuals but also for communities, is the supply of medicine, which is not included in the Mandatory Health Plan (POS) and which individuals must pay for themselves.

MAPP/OEA has confirmed that educational indices have improved markedly, with certain issues remaining to be addressed. In Antioquia, demobilized individuals have expressed disagreement with the requirement to form groups to access educational opportunities. In Cundinamarca, they are demanding additional training to get jobs; in Tolima, participants have complained of the lack of places at some times of the year and of poor educational coverage, especially in Ibague municipality. Additionally, some demobilized individuals have indicated deficiencies in the area of transportation subsidies for their

35 Reintegration paths determine the starting point and work plan to be carried out with each demobilized individual by developing individual profiles.
travel, especially in Bello (Antioquia). In some communes of Medellín, former combatants have indicated their fear when traveling to educational centers.

The Mission notes that education and training require better linkage with and assistance for centers with responsibility for these tasks, and the needs and expectations of individuals and communities must be better served. Current educational opportunities do not satisfy the interests of participants or provide the training they require to participate in a productive project.

2. Economic reintegration

The Department of Reintegration has promoted individual economic reintegration based on different thematic areas: access to job training, and follow-up to ensure employability and in developing business plans that contain the productive projects. In this scheme, from January to March 2008, resources were disbursed for the implementation of 49 plans, which created 118 jobs. Also to be noted is the participation by some business sectors in promoting economic reintegration, such as the Argos Foundation, Globalcontex, Bolivar Construction Company, and the Carvajal Foundation.

Thus far, this remains the area of greatest difficulty. Although some progress has been made in some regions of the country, MAPP/OEA notes that demobilized individuals constantly demand the few existing job opportunities. It considers that this is a very delicate area, and many of those in work have jobs as a result of options they have created for themselves, in general involving the informal sector.

In some areas, MAPP/OEA has learned that demobilized individuals feel frustrated because financing has not been disbursed to productive projects submitted, which, in turn, is reflected in low levels of technical training attendance. Similarly, although the figures show improvements in training, comprehensive business plans reflecting the regions’ economic conditions have yet to be developed. Demobilized individuals are demanding better follow up and advice in identifying job opportunities and promoting more actively their linkage with the private sector and the development of business plans—individually or collectively.

In the reintegration support area, delays in payments persist. This has led to disputes among demobilized individuals, since some have had to give up their jobs in order to participate as required in activities scheduled by the Department for Reintegration. In some parts of the country, the Public Defender’s Office, with its program for follow-up of the demobilized population, was able to determine that the ACR did not make these payments punctually.

V. Conclusions

The Secretary General notes the importance of the process of disarming and demobilizing the Self-Defense Units of Colombia (AUC) and reiterates his commitment to support the efforts of Colombian institutions to that end.
Each and every Quarterly Report has clearly indicated such determination and commitment. Despite the difficulties, many inherent in this type of process, Colombian efforts to enforce the Justice and Peace Law are yielding positive results.

Earlier reports have also referred to difficulties and challenges which, if not overcome, would jeopardize these achievements. Therefore, the process is at a particularly complex stage, in which governmental and State decisions may help determine the general course of events.

The main concerns at this stage of the process are, inter alia: lack of determination of the legal status of the demobilized individuals; the persistence of criminal groups linked to drug trafficking and groups emerging after the demobilization of the AUC, especially because of the impact they have on communities; the delay in developing a victim protection program; and the need to move from individual support to support that integrates communities in the reintegration program for demobilized individuals.

For MAPP/OEA, effective coordination of institutions related to application of the Justice and Peace Law and greater participation by regional governments–departmental and local–especially with regard to victims and the reintegration of demobilized individuals–would significantly assist at this post-mobilization stage.

It is evident to MAPP/OEA that the armed factions that arose after the demobilization of the self-defense forces are developing a criminal profile linked to drug trafficking. Thus far, there is no evidence of counterinsurgent actions linking these groups with the paramilitary concept and action. In some cases, these illegal organizations are even establishing some linkage with guerrilla groups (ELN and FARC).

Of particular interest is the impact of such groups on communities. Serious account should be taken of the perception of the leaders and inhabitants in that regard. This will enable the impact to be measured and contribute to the characterization of such groups. The recruitment of youth and demobilized individuals, often forced, jeopardizes the peace and the transition that such regions must undergo.

On the eve of the upcoming regular session of the General Assembly of our Organization in Medellin, solidarity is becoming more explicit and requires reflection on the national landscape of the Colombian conflict and the readiness of the General Secretariat and all member states to strengthen their commitment to peace and Colombia. The process now under way, and the coming scenarios for a humanitarian agreement and for dialogues with the ELN will find the OAS at their fullest disposal.
Twelfth Quarterly Report
OF THE SECRETARY GENERAL TO THE PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA (MAPP/OAS)

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

I. General Considerations

Now that two years have gone by since the last demobilization of a unit of the United Self-Defense Forces of Colombia (AUC), under a process that began towards the end of 2003 with the demobilization of the Bloque Cacique Nutibara, the political, social, and security situation surrounding the armed phenomenon of paramilitary groups has changed substantially, and so the work of MAPP has also changed accordingly. Whereas initially its mission was to verify the disarmament and demobilization of a political and military force, albeit with criminal objectives, today this force no longer exists in that form. The Self-Defense Forces of Colombia are no longer the organization they used to be, and their leaders are for the most part in prison or dead.

This does not mean that this process has come to an end, since other illegal groups that are a product of demobilization remain, along with other unresolved problems, which affect the stability of the limited peace achieved with the disappearance of the AUC.
Thus our recent reports to the Permanent Council have referred more to these aspects than to the disarmament process per se, since the Secretary General is convinced that today our main tasks are to monitor the upsurge and persistence of armed groups, the process of reinsertion of ex-combatants, activities related to the Justice and Peace Law, and reparations for the victims of armed violence.

One of the main threats to building the peace process in Colombia is the existence of zones that are still under the influence of armed factions closely linked to illegal economic activities. Criminal organizations have established alliances with guerrilla groups and drug traffickers continue to use violence to prevent law and order, the consolidation of institutions, and the building of social ties based on the peaceful settlement of disputes.

Some nongovernmental organizations and analysts have indicated that these illegal situations should be interpreted as a continuation of the paramilitaries. In the opinion of the national government, this situation has to do with the emergence of criminal gangs working for drug traffickers. Although we share this interpretation, the Mission also believes that the views of social leaders and communities should be given serious consideration. Thus, setting aside definitions, as a result of the influence of illegal armed factions which continue to seed fear, communities still perceive that the phenomenon remains active, regardless of its political or criminal connotations. From this standpoint, the effect on the local people is proof of the influence of illegal groups operating in an area, and evidence of the existence of an armed faction capable of intimidating the people. For MAPP/OEA, monitoring the security conditions of these communities is an essential part of its work.

But the presence of armed factions in the service of drug traffickers is a multidimensional threat that not only affects communities, but also has an impact on the reintegration of former soldiers, and on efforts to secure truth, justice, and reparations for victims.

MAPP/OEA has identified 28 affected zones, comprising 153 municipalities (14% of total municipalities in Colombia). In these areas, the presence of illegal armed units of a criminal nature has a direct negative impact on the communities, and especially on vulnerable sectors of the population, such as women, children, indigenous peoples, and Afro-Colombians, and is also one of the principal obstacles to efforts to ensure the transition to civilian life of former combatants. In certain zones, the pressure exerted on demobilized persons by armed factions operating outside the law is intense, and has in some cases led them to rejoin these groups, or has resulted in their death or displacement. This situation has a negative effect on the work done by the Department of Reintegration (ACR), and makes it difficult to retain the demobilized population in the programs established for reinsertion in civilian life.

As for implementation of the Justice and Peace Law, MAPP/OEA views with concern the fact that in some areas of the country, victims continue to live in fear, which in turn has repercussions on their level of participation. The presence of an illegal armed faction not only runs counter to guarantees of non-recidivism, but also
prevents persons who were affected by paramilitary operations from claiming their rights. One of the main challenges of the post-demobilization period is to bring justice to those areas where the AUC imposed its rules and conditions, for specific purposes. As long as situations of illegality persist, this task will be difficult to accomplish.

This situation poses a huge challenge to democratic institutions, which are trying to recover space, regain the confidence of citizens in those zones affected by the presence of illegal armed factions, and make headway in achieving peace. The Mission to Support the Peace Process of the Organization of American States (MAPP/OEA) recognizes the enormous efforts made by institutions and the continued determination of Colombians to counter the challenge of these illegal armed groups.

Law enforcement authorities have organized a special mechanism to monitor the “emerging criminal gangs,” that comprises the government security organizations, the Public Prosecutor’s Office, and the Reintegration Department (ACR). In addition, on a regional level, special plans to combat these illegal armed factions have been put into effect, and have dealt a forceful blow to these groups operating outside the law. The capture of mid-level commanders, the seizure of weapons, and confrontations with these groups have helped to contain their activities. In some zones, such as Montes de María, these operations have helped improve security conditions, while in other territories, despite the law enforcement efforts, a situation of illegality persists, along with a notable capacity to adapt.

Two determining factors in this situation are the continued recruitment of youth and demobilized persons, and the persistent influence of corruption in institutions. Judicial investigations have helped to bring to light the infiltration capacity of these armed factions. In the face of this situation, the Mission would point out decisions by the Colombian Government and the National Police to punish members of the police and the armed forces for any irregularities.

The ACR has taken on the task of supporting the transition of former soldiers and their families to civilian life. This institution has expanded its presence in the territory and has monitored the psychological adjustment of demobilized persons to civilian life, which has given it a better understanding of this population. One of the greatest achievements of this past quarter is the inclusion in municipal development plans of some components of the reintegration policy.

Under a state intervention plan that focuses on the training of demobilized persons and creation of job options, the Mission recognizes the extensive coverage achieved by the ACR in the form of institutions in the fields of health and education. As for the employability of former soldiers, there are no reliable data that would make it possible to quantify the number of demobilized persons who are working. However, in various regions, demobilized persons have voiced their concern to MAPP/OEA over difficulties in inserting themselves in the job market and in gaining access to productive work.
In the efforts by the ACR to handle employment, it has constantly faced situations of illegality, stigmatization of former soldiers, and municipalities with a large informal market and, in some cases high levels of unemployment. Given this picture, it is important to the MAPP/OEA that a time horizon for reinsertion is defined, and that progress is made in offering real alternatives to the ex-combatants, so that they will not be tempted to take up illegal work.

In addition, it is important to mention that out of the 31,651 demobilized persons, 23,008\(^1\) are currently active.\(^2\) In other words, if we discount the ex-combatants who lost their lives—for various reasons, but mostly due to murder—who numbered 1,658 as of September 2008, around 7,000 demobilized AUC members are not participating in the Program.\(^3\) Here we must factor in reports received that in regions such as Bajo Cauca, Córdoba, Santander, and Norte de Santander, demobilized groups continue to operate illegally while participating in the Program.

As for application of the Justice and Peace Law, important progress has been made in investigating crimes committed by paramilitary groups. In voluntary statements, AUC demobilized members have confessed to more than 2,709 crimes, and referred to 8,196 others. In addition, as a result of these confessions, 1,328 mass graves containing 1,698 bodies have been exhumed; 538 corpses have been preliminarily identified and the remains of 223 have been turned over to their families.\(^4\)

The Mission reports that about 160,000 victims have begun to participate actively in the judicial process with the processing of forms [diligenciamiento de los formatos].\(^5\) The gradual increase in this number is evidence of the progress made by institutions in disseminating Law 975 and in providing guidance to persons who were affected by paramilitary violence. Despite these efforts, there is still a large number who has not come forward, especially residents of zones where armed illegal factions hold sway and a distrust of the local authorities persists.

To break the inertia in these situations of illegality and the multidimensional threat they represent, concerted, joint action by government institutions is needed, with a focus on the most critical areas, while at the same time they maintain an active presence in those territories where greater progress has been made and the situation is more stable. This report will show the areas of the country that require special attention to ensure conditions of security for the local people and demobilized ex-combatants, and especially for victims, so that they can come forward, with guarantees of receiving the truth, justice and reparations. The government’s capacity to establish an effective presence in these zones and its determination to combat the armed factions and different manifestations of illegality will be crucial to its ability to

\(^1\) August 2008.
\(^2\) The term active demobilized persons is understood to refer to those persons who have participated in at least one psychosocial activity in the past three months.
\(^3\) Including ex-combatants who have been captured and those who have not been located.
\(^4\) The five departments where the largest number of mass graves have been found are as follows: Magdalena with 238, Putumayo with 182, Antioquia with 164, Meta with 154, and Córdoba with 140.
regain the confidence of the local people and to guarantee that the violence they have suffered under the AUC groups will not be repeated.

In this context, the guarantees offered to victims, not only in terms of security, but also in terms of guidance, legal defense, and access to justice, are fundamental. Greater participation by victims reinforces and legitimizes the justice and peace process, as an important means for prosecuting and punishing the responsible parties, providing acceptable standards of truth, justice, and reparations, and as a viable and effective tool to ensure transition to a future of peace and reconciliation.

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During the period covered by this report, MAPP/OEA reports the demobilization of the Guevara Revolutionary Army, a dissident group of the National Liberation Army that was operating in the municipality of Carmen de Atrato (Chocó). MAPP/OEA verified the surrender of weapons by that organization, as part of a process in which 37 adults and 8 minors participated—and were turned over to the Colombian Family Welfare Institute—in addition to 15 members who were in prison, who will be applicants [postulados] under the Justice and Peace Law. The demobilization of this group of insurgents occurred under a new strategy of the national government, aimed at initiating direct dialogue with regional units, fronts, and groups, in view of the problems encountered in initiating talks with the highest ranking national commanders.

II. Armed Fractions Linked To Drug Trafficking As A Multi- Dimensional Threat To The Process

In the post-AUC-demobilization phase, situations of illegality remain in certain areas of the country, with the presence of armed factions linked to drug traffickers, and have a direct impact on the local population. This situation presents a multi-dimensional threat to the process, affecting not only the security of the regions, but also the transition to civilian life of former combatants and application of the Justice and Peace Law.

In previous reports, the Mission noted how these factions have emerged without a political motivation or counter-insurgency implications. From this standpoint, the MAPP/OEA is concerned that some of these illegal armed groups have attempted to present themselves as a resurgence of paramilitaries, by circulating threats against so-called “leftist” sectors, social organizations, groups of victims, and the church. This situation has had a negative impact on the process and requires an effort on the part of the authorities to determine the parties responsible for these activities.

As part of the special observance of human rights and international humanitarian law and efforts to monitor public order, in the zones of influence where the demobilized self-defense forces were operations, during this past quarter (April-September 2008), MAPP/OEA has learned of the possible occurrence of at least 50
cases of extrajudicial executions,\(^6\) including the discovery of 19 bodies in the rural zone of the municipality of Ocaña (Norte de Santander).\(^7\) In this last case, the Mission underscores the response of the national government and the police, which dismissed 27 members of the Armed Forces—including three generals and ten colonels—as a clear message of zero tolerance for human rights violations.

A determining factor of the inertia in these situations of lawlessness is the recruitment capacity of the armed structures. The primary persons affected are demobilized combatants and youth, who continue to reinforce the ranks of the illegal groups as a result of pressure exerted by the groups and, in some cases due to economic problems.\(^8\) Despite the efforts of the responsible institutions, zones where recruitment of minors and youth persist have been identified in Norte de Santander, the Sierra Nevada, Cauca, Nariño, Córdoba, Antioquia, and Chocó. As for the demobilized population, the following territories have been identified: Urabá, Bolívar, Santander, Antioquia, Magdalena, Córdoba, y Chocó.

This situation has a major impact on the reinsertion process, and directly affects the security of demobilized combatants. Preliminary results of a research project conducted by the Mission, with a view to identifying the causes of reversion to illegal activities on the part of this population—based on interviews with former combatants who were captured following the dismantlement of the AUC\(^9\)---show that one of the main reasons is the influence of the situation of illegality.\(^10\) Moreover, it is worth noting that a good percentage of the demobilized persons who are in prison were an active part of the program at the time they were captured. According to official data, in 2008 257 demobilized persons linked with the so-called “emerging gangs” were captured. Most of these persons (183 former combatants) also had contact with the ACR during the month prior to their arrest. Of these 183 persons, at least 50% were linked to psycho-social workshops.

In this context, the Mission is concerned over the increased number of deaths among demobilized persons. Since the start of the process, statistics show that 1,658 former combatants have lost their lives, most of them as victims of homicide, during disputes

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\(^6\) Most of these cases occurred in the Departments of Norte de Santander and Cesar. For the most part, the “data on casualties” were presented as the results of operations against the so-called “emerging gangs,” although the Mission also learned about action taken against guerrillera organizations. The following patterns were noted in these events: 1) Youth who received job offers in rural areas on the outskirts of their places of residence, and were reported as disappeared persons by their families, and were then presented as having died in combat by the Police; 2) Youth who received promises of work, and had to move to areas far from their places of residence, and who were considered by their families as disappeared persons, and then appeared as “casualties” by the Police.

\(^7\) This case received special coverage by the media and generated an immediate response by the national government. In events under investigation by the competent authorities, the bodies of eleven youth who had been reported as disappeared in Soacha and Ciudad Bolívar (in southern Bogotá), appeared in the municipality of Ocaña.

\(^8\) It is important to note—and this was identified by the Public Defender’s Office in one of its recent reports—83% of minors and youth joined illegal armed groups voluntarily, which poses a greater challenge to the government.

\(^9\) Up to November 2008, the Mission conducted over 100 interviews of demobilized persons who reverted to illegal activities, and who are now in prison.

\(^10\) 48% of those surveyed say that demobilized combatants, criminal groups, guerrillas, or newly emerging gangs controlled public order in the neighborhood in which they were living prior to being apprehended.
between illegal armed factions. For MAPP/OEA, an investigation into these events and guarantees of security for demobilized persons are a priority for ensuring the normal development of the reintegration process.

In addition, the important work performed by the ACR has been affected by threats to its employees, especially the team of psychologists who have been monitoring demobilized persons. In some zones, the activities of that organization have been undermined by illegal armed factions. In Puerto Boyacá (Boyacá), the center had to be shut down due to these circumstances.

As for application of the Justice and Peace Law, in places where illegal armed factions are present, victims have decided to refrain from active participation, due to the lack of security guarantees and a weak institutional presence. An example of this situation is the Darién area of Chocó, where inhabitants affected by AUC operations are not participating in the justice and peace process. Given this scenario, two fundamental factors in access by victims to justice are the active presence of competent institutions and the existence of grass-roots organizations, which not only help shield them from the action of illegal groups, but also allow them to learn about their rights.

There is still a large percentage of victims who have not received adequate guidance, especially in places where the National Reparations and Reconciliation Commission does not have regional offices or has not been active for security reasons. This situation is detrimental to vast areas of the national territory, for instance, in the departments of Caquetá, Guaviare, Vichada, Casanare, and Arauca, where most of the local residents do not know about the justice and peace process.

Bearing in mind these three dimensions of the process—security of communities affected by violence, reinsertion of former combatants, and access by victims to the justice and peace process—MAPP/OEA has identified 153 municipalities in 28 zones that have been verified as adversely affected by the presence of illegal armed factions linked to drug trafficking (see Annex A). On the basis of these areas, the Mission has identified a critically affected corridor which starts in Urabá, and runs eastward through the southern part of Córdoba, Bajo Cauca, the South of Bolívar, Barrancabermeja and several villages, and the southern part of Cesar, as far as the Province of Ocaña, in the municipality of Norte de Santander (See Annex B).

Following demobilization of the AUC, there was a decrease in indicators of violence and an improvement in security conditions in most of these territories. However, over time, the positive impact of the demobilization of the AUC has diminished. Situations of illegality persist in these areas, with the active presence of armed factions, which

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11 In regions of the country such as Norte de Santander, Bajo Cauca, Córdoba, and Urabá, MAPP/OEA has received information regarding the vulnerable situation of some of the persons providing psycho-social services.

12 It is important to point out that these territories, and especially the ones located in the Northwest, are where the Self-Defense Forces of Córdoba and Urabá arose, and later the Self-Defense Forces of Colombia. This zone was also an important operating area of the Bloque Minero and of Central Bolivar.
have given rise to cycles of violence arising from disputes for control of drug trafficking.

The Department of Córdoba is one of the areas most affected by an increase in homicides. In a little over half of its municipalities, the number of deaths has doubled—and in some cases tripled—over 2007 figures. This situation is attributed primarily to the expansion of illegal armed factions and their disputes, while the demobilized population is the most affected. This has hampered the reinsertion process, which has also been affected because a large number of former combatants are participating in the Program at the same time as they are involved in criminal activities. Weak security conditions have been noted by the Office of the Prosecutor General of the Nation, pointing to a need for the National Police and the ACR to establish preventive programs and guidelines.

In the south of the Department, some communities are in a permanent state of anxiety, as a result of the presence of different armed factions patrolling in the area dressed in camouflage gear. Confrontations among these units are frequent, and have a direct impact on the local people. In July, in the municipality of Puerto Libertador, seven persons were murdered in two nearby places, presumably in acts of vengeance by these groups.

Another department that registered a drop in indicators of violence, especially homicides, since demobilization was Antioquia. However, in some localities, this trend has begun to reverse itself. Out of 125 municipalities, 62 showed an increase in the first quarter of 2008, which caused a 9% rise in the departmental figures, contrary to the national trend. According to the Institute of Legal Medicine, between January and June 2008, there was a 31.9% increase in homicides in Medellín over the previous year. During this time, a change in law and order patterns was noted in this city and its metropolitan area, based on a reshuffling of mid-level commanders of the so-called “Envigado Office” and a change in local leaders. Compounding this picture is the incursion of the armed faction under the command of Daniel Rendón Herrera, alias “Don Mario,” a situation that has especially affected communities and demobilized persons, in the form of threats, homicides perpetrated by hired guns, recruitment, territorial disputes over drug markets, extortion, and selective assassinations.

It is important to note the direct relationship between these disputes and the confrontation taking place in the affected corridor. While the faction under the command of “Don Mario” is trying to extend its influence from Urabá eastwards, moving into the capital of the department, the “Envigado Office” and its armed branch, “Los Paisas,” is trying to expand its presence beyond Medellín to the southern part of Córdoba, and is extending its influence towards Barrancabermeja (Santander).

This situation has jeopardized the security of victims. Widespread fear persists among the persons who were affected by the paramilitary presence in Bajo Cauca and Córdoba Department. This situation is associated with a distrust of local officials,
who at times do nothing, as well as the absence of the National Police or its failure to exercise control in various corregimientos [districts] of Tarazá, such as Puerto López, Puerto Claver del Bagre, Pato, Vegas de Segovia, Guaimaro, Piamonte (Cáceres), and Cuturú (Caucasia). Further aggravating this situation is the scarce presence of organizations for victims in these areas.

A similar situation occurs with victims in the southern part of Cesar, where fear generated by the presence of illegal armed factions is compounded by the control of the Prada family over the local institutions, and the degree of social control. Especially in San Martín, victims report that when filing the form on crimes committed, municipal officials refuse to write down the names of the possible perpetrators—members of the Prada family.

As for threats to the reinsertion process, the most critical circumstances are found in southern Córdoba, Bajo Cauca, southern Bolívar, and Barrancabermeja (Santander). In this last city, in August there was an attack against a group of demobilized persons who were attending a psycho-social workshop. As a result, a psychologist and three participants were wounded. This attack could have to do with retaliation for refusals to be recruited, or with a dispute among the different groups within Puerto Petrolero. This act led to the displacement of some demobilized persons and provided further evidence of the presence of an armed faction, of which there had been signs following the appearance of hooded men carrying shotguns, who moved around some of the communes in trucks with windows with one-way glass. In the southern part of Bolívar former combatants have also been forced to leave due to threats they received after they refused to participate in the illegal armed factions operating in the zone.

In these illegal scenarios, an alliance between armed factions linked to drug trafficking and guerrilla groups has further complicated the situation and created a climate of uncertainty among the inhabitants. In Antioquan and Chocoan Urabá, there is evidence leading to possible links between the structure headed by mid-level commanders of the demobilized Bloque Élmer Cárdenas and subversive groups operating in the zone. It is important to note that the northern part of Chocó Department is the area with the largest number of recent mass kidnappings. One of the ones with the greatest impact occurred in the Atrato River; the victims were nine persons who were going from the municipality of Turbo (Antioquia) to the capital of Chocó Department. An armed faction of the FARC was responsible for this act, and the persons were later released. It is also relevant to consider the displacement that has occurred in the Alto Baudó region, where information was received on the forced exit of 200 persons and the confinement of 2,250 inhabitants in different

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13 In San Martín, Cesar, it is known that despite the demobilization of the self-defense forces, a large majority of the municipal government is related by marriage or by blood to the family of Juan Francisco Prada, who represents the demobilized Héctor Julio Peinado front. The new mayor is a relative of the Prada family, and was the manager of the property where the front demobilized. The secretary of the government is the brother-in-law of Prada and his niece is the personera [a local official].
communities, events that were not recorded by the authorities, since they did not reach the urban area of the municipality.

Ocaña Province and the region of Catatumbo are also areas of concern. Illegal armed groups have formed alliances to defend themselves against the offensive of the National Police. Agreements concluded in the past between the FARC and ELN now involve armed factions linked to drug trafficking. This type of alliances has also been seen in the southern part of Bolívar.

In these territories, the police has engaged illegal structures in combat, and has apprehended commanders and members of these groups. It has also seized chemical precursors, processed drugs, and weapons. However, these operations have not managed to break the inertia of the context of illegality, which has been gaining strength in these regions for over a decade due to the drug trafficking economy. This situation requires a coordinated strategy on the part of the government, to protect the civilian population, offer security guarantees to demobilized persons, and create conditions in which the victims can participate in the justice and peace process. To accomplish this, it is recommended that the primary goal shift from a count of the number of groups as a criterion for measuring progress, to the reduction of the territorial influence of these illegal armed factions.

In this context, following police operations, it is important to note that from 2006 to September 11 of 2008, the number of “criminal gangs” decreased by 52%, according to data of the national police, while the reduction in the number of municipalities under their influence is only 15%.

It is also important to include in the strategy to reduce the territorial influence of illegal armed factions the Sierra Nevada de Santa Marta, in areas bordering Cesar and La Guajira Departments, where the population is still affected as a result of disputes between illegal groups. Along the western side of the Sierra, in the jurisdiction of Magdalena Department, around 400 families in the corregimiento of Guachaca, Santa Marta municipality, were displaced due to threats from an armed structure that has penetrated that area. This displacement occurred as a result of direct threats to the civilian population and the assassination of a campesino in the village of Miramar. In Valledupar, in the sector of Villa Germania, the corregidor of that district was murdered. Although the judicial authorities pursued this case diligently, the fear in the communities as a result of the reappearance of this phenomenon in the area cannot be discounted. In addition, in the Mamón region of the municipality of Valledupar, a person recognized as a member of an illegal armed group gathered together a group of mothers in the community to show them how to conduct themselves with entities providing supplies. This act of social control also created anxiety among the local people.

It is also important to bear in mind the fact that situations of illegality persist in the southern part of Cauca, Chocó, and Caquetá, and along the Pacific coastal area in Nariño and the Cauca Valley, in addition to a large number of the municipalities in the departments of Meta, Casanare, and Vichada, and localities in Magdalena Medio, the northwestern part of Antioquia, and la Alta Guajira. In each of these
territories, there are still affected communities, despite government efforts. As long as this situation lasts, it will be difficult to move forward with the reconstruction of the State and social links, two key aspects for consolidating democracy and building peace.

III. Participation Of Victims: An Imperative For The Justice And Peace Process

Now that three years have gone by since application of the Justice and Peace Law, the participation of victims in the judicial process is still insufficient. Although it is important to recognize the approximately 160,000 victims who have come forward, and the massive attendance at some of the voluntary statements, most of the people affected by the operations of the AUC have not taken steps to become part of the justice process, and many of them do not even see themselves as victims. Although the levels of participation have exceeded forecasts by some organizations and sectors critical of the process, there is still a long way to go.

In the work to follow up on the Justice and Peace Law, MAPP/OEA has identified five key points for increasing victim participation: 1) Recognition by the persons affected by paramilitary violence that they are victims; 2) Guarantees of protection; 3) Guidance, assistance, and legal defense; 4) Monitoring and strengthening of grassroots organizations and victim networks; 5) A specific response to the expectations of victims and adoption of special mechanisms to follow up on vulnerable population groups.

The Mission has observed the fact that in many of the territories affected by paramilitary violence, the people do not see themselves as victims. In zones with a weak institutional presence where illegal groups continue to hold sway, the local people view the existence of armed units as part of their daily life. These are people who have lived under the influence of these groups for years, and have opted for silence as a way of survival. In this context, the inhabitants are not aware of their rights and the legal means available for access to justice.

This situation is exacerbated by the economic and material needs of victims, which make it difficult for them to have an adequate knowledge of their rights, hinder efforts to approach authorities to request guidance and support, and have a negative impact on their full participation in the judicial process. Studies on victims have demonstrated this, and have identified this group as the weakest part of the process. 14

It is a matter of urgency to reach these communities and it is a responsibility of the Justice and Peace Law operators. The role of personeros [local officials] as activists for the process in the local communities is very important. Their knowledge of the

14 Office of the Prosecutor General of the Republic (Justice and Peace Information System (SIJYP) and studies performed by the CNNR of the Northeast and Antioquia Regions.
Law and their legal training can make a difference in areas where it is difficult for government entities to gain access. MAPP/OEA is aware of this, and has supported institutions and their coordination, to develop spaces for training these officials, to help disseminate the Law in regions such as Urabá and Ocaña Province. The commitment of local officials is also important. In this regard, the inclusion of victims on the agendas of some departmental and municipal governments is underlined. This is the case of the departments of Atlántico, Antioquia, Nariño, Santander, Norte de Santander, Cesar, Putumayo, and Magdalena and the municipalities of Medellín, Apartado, San Carlos, Puerto Berrío, and Barrancabermeja, among others. MAPP/OEA hopes that these initiatives will bring more victims into the process.

The second key issue in bringing victims forward has to do with guarantees of security and protection. As long as situations of illegality and the presence of armed factions exist, it will be very difficult for victims to join the process and participate actively. Bear in mind the fact that the illegal groups are conducive to and promote a climate of impunity. In these circumstances, citizens who were affected by paramilitary violence prefer to remain anonymous, out of fear of retaliation.

In view of this panorama, the action of local institutions in cities such as Medellín and Bucaramanga, where emblematic cases of victims at risk have been handled and followed up on by the responsible entities, takes on importance. In Pasto (Nariño), the issue has been discussed extensively, with a view to identifying ways to promote victim participation and to preventing them from being victimized again. At a central level, the Victim and Witness Protection Program continues to operate. In September 2008, it reported that 414 victims applied for protective measures, and 108 of them were accepted. This Program is currently under review, as the Constitutional Court ordered the Ministry of Interior and Justice, and the Office of the Prosecutor General of the Nation to adapt it to “a comprehensive strategy for protection of victims and witnesses in proceedings in which serious or systematic crimes ... are investigated.”

A third way to help bring victims forward is to provide them guidance, assistance, and legal defense. Once they recognize themselves as persons with rights, it is essential that institutions support and attend to the persons who were affected by paramilitary violence, by providing them information on the law and how it works. From this perspective, it is urgent to implement the integral care model created by the subcommittee for integral care of victims. This is an ambitious proposal for inter-institutional coordination, since under this plan, every entity involved would assign an employee to work on a permanent basis in victim care centers. According to the proposal made three months ago, this model would begin to be implemented in various centers that would be established in different cities. However, no progress in this direction has been noted.

As for their legal defense, little judicial representation of victims has been seen. Although the Public Defender’s Office has gradually increased its staff of public defenders, a large number of persons still do not have legal defense. In August 2008, 23,463 victims had a legal representative, broken down as follows: Medellín, 10,503 victims for 15 Defenders; Barranquilla, 8,910 victims for 25 Defenders; and Bogotá,
4,050 for 38 Defenders. In other words, each defender is responsible for 300 victims, which clearly hampers their ability to assist them. This is a risky situation in the new judicial proceedings where there is direct contact between victims and victimizers. In this context, the Office of Public Defenders and the Prosecution need to take steps to guarantee adequate legal protection and defense.

A fourth area to focus on is follow-up to and strengthening of grass-roots organizations and victim networks. In their efforts to follow up on application of the Justice and Peace Law, the MAPP/OEA acknowledges the key role played by these groups in disseminating victims’ rights, and in guiding and supporting them. Here it is relevant to mention that it is the responsibility of the Prosecution to promote mechanisms for the participation of social organizations to assist victims. This effort has fallen short so far. In the view of the Mission, if this work were done, it could make a real difference in some regions in encouraging victims to become part of the process and to demand their rights.

The Mission is concerned over the low levels of victim participation in those territories where the presence of armed groups is more evident. In these circumstances, the assistance of civil organizations and institutions and the support of the international community are critical. The Mission encourages the creation of victim networks in certain parts of the country, along the lines of the ones established in southern Bolívar, los Montes de María, and el Norte de Santander. These entities can help ensure greater and better participation by victims, in that they ensure optimal levels of organization and guarantee decent treatment during the proceedings, protection of privacy, and the security of victims and their next of kin and witnesses.

Finally, providing a concrete response to victims’ expectations and adopting special mechanisms to follow up on vulnerable population groups also enhances the visibility of the communities affected by violence. As part of efforts to seek the truth, the Mission has noted that in voluntary statements, a large number of crimes that were never prosecuted were reported, and the Mission learned of the reasons for the assassination of civilian and political leaders, the involvement of political officials and the police, the commission of massacres, homicides, torture, forced disappearances, recruitment of minors, cases of sexual abuse, expropriation of land and confinement of communities, among other things. Moreover, as a result of these confessions, the number of exhumed mass graves has increased, as have bodies found and handed over to the next of kin.

This situation shows the advances made in the search for the truth, and even though it is still partial, it tells of a period of violence attested to by the perpetrators themselves. This has made it possible to get an idea of the actual magnitude of the phenomenon of the self-defense forces and to clarify many crimes that affected a substantial proportion of Colombian families and communities. It is important to mention that the investigation into these events is still experiencing difficulties, with an insufficient number of prosecutors, due to the complexity and magnitude of the cases. For the Mission, the slow pace at which the Justice and Peace Law is being implemented is a risk factor that could put off the active participation of victims.
During the last quarter, MAPP/OEA notes that a program for individual reparations by the government was put in place, to provide monetary compensation to persons who suffered violations of their rights. The program, which is a supplement to judicial reparations, only provides for monetary compensation, in amounts ranging from 10 to 40 minimum wages. This process has been in operation for only two months, and already over 126,000 applications for this social assistance have been filed. For the Mission, although this program has the potential to mitigate somewhat the suffering and conditions of vulnerability still experienced by the victims of the violence, it will be effective only as a supplement to reparations, and should not hinder other mechanisms contemplated by the law (judicial reparations) and international treaties providing for reparations to victims.

The Mission believes that although for the universe of persons covered by the program, it presents recognition to all the victims of violence, including victims of guerrillas and the displaced population, it also represents an enormous challenge for the government from an operational and fiscal standpoint.

In this context, the Mission has observed that victims’ expectations in terms of reparations present different dynamics, depending on their economic, social, and cultural situation, security conditions, and their basic needs, among other aspects. The difficult economic situation of victims is such that frequently they view the reparations as aid provided to them by the government or merely as compensation for damages caused. Despite the information campaigns organized by civil organizations and institutions, there are still many victims in the country who are unaware of what the reparations consist of and their various components. In view of these circumstances, it is important when victims come forward or are identified, that they be informed of their rights and that the capacity of the government to provide for reparations, including restitution, compensation for damages, rehabilitation, measures of redress or satisfaction, and guarantees of non-repetition, be strengthened.

Despite the programs, entities, and tools created by the Colombian State to meet this challenge, there is still a long way to go in guaranteeing the right of victims to reparations. To achieve this objective, the Colombian government should adapt its programs and practices to the new requirements of a transitional justice process. This is critical to ensure that victims are not scared away from the process because of all the procedures and red tape. On the contrary, victims should be assured of the fact that flexible evidence procedures will be used to support their requests and to create presumptions in the proceeding that are in their favor.

Moreover, a major effort should be made to ensure that former combatants turn over legal and illegal property in their possession or held by third parties. Part of the process involves provision for the possibility that the government will jointly and severally supplement the resources of the Reparation Fund for victims, but it is the perpetrators of the crimes who should be the first ones required to pay reparations to the persons affected by their action. On this point, identification of the hectares of
land taken by force, the land available, and the land in the possession of the perpetrators of crimes is a matter of priority that must be immediately addressed.

On another issue, the Mission points to the special treatment given to the recruitment of minors in voluntary statements. In view of the importance and national and international implications of this subject, the Public Prosecutor has provided for it to be dealt with in special sessions.15 In this regard, there have been voluntary statements made by the former commander of the Bloque Elmer Cárdenas, Freddy Rendón Herrera, alias ‘El Alemán,’ who confessed during a special session that 358 minors were recruited, and a statement by the former head of the Magdalena Media Self-Defense Forces, Ramón Isaza, who admitted to the recruitment of 49 minors. The Mission urges that this mechanism be expanded to include gender violence, and acts against vulnerable sectors of the populations, such as indigenous peoples and Afro-Colombians, as well as to groups that were victimized by the action of paramilitaries, such as labor union members, journalists, and human rights defenders. Knowledge of how these groups were affected would enhance their visibility, and clarify the damages caused by the operations of paramilitary groups.

IV. Conclusions

1. The Secretary General once again reiterates support for the disarmament and demobilization process initiated by the Colombian Government. He has a strong conviction regarding the importance of this process, which has addressed agendas and challenges and opened the way for the gradual building of peace in this country.

2. The report not only recognizes advances in this direction, but it also points out what, in the view of the MAPP/OEA, are the obstacles and problems that need to be tackled to consolidate achievements and enhance their impact and influence.

3. Armed groups linked to drug trafficking that have emerged since demobilization in various parts of the country generate situations of illegality that are one of the primary threats to the process. If objectives are to be met, this threat will have to be dealt with and overcome. Due to the complexity of the situation, not only is a detailed analysis of damages needed, but also decisive action to counter these groups. The OAS has identified organized crime as one of the principal threats to democracy in the Hemisphere.

4. The problem of the “emerging gangs” since demobilization and their link to drug trafficking has put limits on the Mission’s verification operations. This goes

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15 In Memorandum 057 of August 15, 2008, the Office of the Prosecutor General gave instructions to prosecutors in the Justice and Peace Unit to interrogate demobilized persons on the basis of the following: Convention on the Rights of the Child and its Optional Protocol ratified by the Colombian State, regarding the participation of children in armed conflicts; the Geneva Convention, pertaining to prohibition of the recruitment of minors; the Penal Code with regard to the illegal recruitment of persons under 18 years of age; and, Law 975 of 2005 regarding one of the requirements for eligibility for turning over all children and adolescents linked to illegal groups.
beyond its mandate. However, how they affect communities is part of its verification work and commitment to follow up.

5. The policy of reintegration of former combatants is once again put to the test in a difficult situation in which the continuity of programs is of the utmost importance. There is a special need to include departmental and municipal governments in this task. In this regard, murders of demobilized persons continue to be a key source of concern.

6. Another critically important task is to strengthen the institutions in charge of implementing the Justice and Peace Law. More efforts are needed to ensure closer coordination among them, support for their work, and the dissemination of their objectives.

7. Actual achievements in the form of confessions to crimes, and the many common graves exhumed and bodies identified and turned over to family members point to the importance of stepping up and pursuing these efforts.

8. The focus on the victims is of enormous importance in this process. International and nongovernmental organizations that had been critical of the process have now begun to recognize them as a reality. The Mission confirms its commitment to follow up on the victims and on all the programs to help them come forward and exercise their rights to truth, justice, and reparations.

9. The Secretary General expressed his appreciation to the member countries, the Group of Friends of the MAPP, and cooperation agencies for their support, and their crucial understanding and assistance. In view of the enormous amount of work ahead and major challenges to confront together, he expressed the hope that they would continue their assistance in this effort.

10. It has been five years since this Permanent Council and the General Secretariat took on this commitment with Colombia. They continue to be firm and clear in their decision. The progress achieved to date strengthens the support and cooperation for the peace efforts being deployed by Colombia.
ANNEX A

153 municipalities where the population has been affected by remaining situations of lawlessness
ANNEX B

Affected corridor
uriel de Jesús sanchez López

90 años de lucha por la libertad
siempre estare segura
bajo la cubierta de tus
alas Salmo 64:4

ACE

URIEL DE JESUS
SANchez LOPEZ
JULIO 18/98
MARZO 5
DEL 2002.
The present quarterly report of the Secretary General on the Mission to Support the Peace Process in Colombia is submitted to the Permanent Council of the Organization of American States (OAS) in compliance with resolution CP/RES. 859 (1397/04), in which the Council resolved “[t]o instruct the Secretary General to provide quarterly reports to the Permanent Council on the work of the MAPP/OAS and its continued ability to contribute, through its work in Colombia, to the fulfillment of the values and principles contained in the Charter of the Organization of American States and the Inter-American Democratic Charter.”

I. General Considerations

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

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

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

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

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

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

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

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

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

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

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

Furthermore, the Mission stresses the significant progress entailed by the incorporation of reintegration as a public policy, with special emphasis on community reintegration as a major component. It also highlights the importance of having society as a whole, NGOs, civil society organizations, the private sector and especially departments and municipalities understand that the success of the process is not merely a responsibility of the Presidential High Council for Reintegration but also a responsibility of the State and Colombian society as a whole.

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

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

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

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\(^1\) Term that refers to violent actions against specific persons (delinquents, homosexuals, among others), for the purpose of fomenting fear and social control in the communities.
II. Enforcement Of The Justice And Peace Law

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

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

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

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

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

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

The Mission has also been working with specific population groups, namely the indigenous groups of the department of Cauca and Afro-descendants in the municipality

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2 To date, 165,000 victims have been recorded.
4 In Tuluá (Valle del Cauca), the District Attorney’s Office processed more than 1,500 cases of victims of forced disappearance.
5 These talks are jointly organized with CNRR and GTZ’s PROFIS Project.
of Buenaventura in Valle del Cauca, to learn about their potential and conditions for gaining access to the Justice and Peace Process. One important challenge for the institutional framework in this regard consists of the need to develop differentiated approaches to providing care, advisory services, and support that keep in mind the socio-cultural specificities of these peoples.

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

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

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

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

**Safety of victims and public officials**

One factor that exerts a negative impact on the participation of victims is their personal safety, because not only are they exposed to direct threats, they are also intimidated in certain regions by the public law and order situation. Regarding this, some areas have

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\(^6\) These Centers are aimed at bringing together in one single place all State institutions in charge of providing services to victims such as the Prosecutor’s Office, the Human Rights Ombudsman’s Office, the District Attorney’s Office, Social Action and the CNRR, to provide comprehensive care. In these places, the victim can benefit from psycho-social care, register as a participant in the Justice and Peace process with the District Attorney’s Office, receive legal counseling from the Human Rights Ombudsman, and register as a displaced person with Social Action, among other benefits.
been identified as requiring special attention in the framework of the Justice and Peace Process:

- In the south of Córdoba and Urabá of Antioquia, severe incidents against leaders of victims who were participating in land restitution have occurred. The Mission regrets and condemns the murders of the leaders Benigno Gil, Jaime Gaviria, Juan Jiménez and Ana Gómez.¹⁷
- In the departments of Meta and Guaviare, the presence of the emerging gang headed by Pedro Oliverio Guerrero, alias “Cuchillo” (Knife), has exerted an adverse impact on the continuation of the participation of victims in the process.
- In the western Caldas, eastern Risaralda and southern Bolívar, despite the large number of victims registered, the proliferation of threats and intimidations allegedly by emerging gangs, has dissuaded them from appearing to participate in the process.
- In Tumaco (Nariño), the access of victims shall be affected by the climate of unrest stemming from the clashes between illegal armed groups.

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

Furthermore, in Magdalena Medio, actions against Justice and Peace judiciary officers have been identified. Regarding this, MAPP/OAS has voiced its concern about the attacks against various officials and condemns the assassination in Barranquilla of Larry Churrón, Head Investigator of District Attorney’s Office 14, who was making progress in investigating the case of the Córdoba Block belonging to the former United Self-Defense Forces of Colombia (Autodefensas Unidas de Colombia—AUC).

Legal proceedings and voluntary hearings and statements

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

With respect to the trial phase, the sentencing of Wilson Salazar Carrascal, alias “El Loro” (The Parrot) is noteworthy. Two and a half years after his voluntary statement, the Justice and Peace Chamber of the Superior Court of the Judiciary District of Bogotá convicted

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¹⁷ In the cases mentioned above, the alleged perpetrators have been arrested and investigations continue to be conducted.
⁸ Source: Fiscalía General de la Nación (Office of the Attorney General of the Nation)
him of the crimes of homicide, extortion and forgery and sentenced him to 460 months imprisonment as the main penalty. As he was eligible for the benefits of Law 975/05, he was given an alternative sentence of 70 months imprisonment and enforcement of the main penalty was suspended. The ruling contains elements of unprecedented value, because in addition to calculating material damages, measures of symbolic redress were imposed. These measures need to be monitored as they constitute the materialization of the principles of truth, justice and reparation.

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

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

Likewise, collective voluntary hearings that are scheduled so that the applicants can reconstruct the true facts behind the crimes that were perpetrated collectively are one of the most suitable ways of confessing massacres and collective incidents, such as massive disappearances and violent armed raids against the population. Furthermore, they become a tool for the Justice and Peace attorneys to cross-check information or identify items that match or contradict what is said by one or more applicants.

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

Furthermore, it is essential to coordinate the institutions to avoid the continued appearance of operating problems that hinder the sound development of voluntary hearings. The transfer of the applicants must coincide with the time-frames of the proceedings to avoid unnecessary displacement of the victims and also, for decision making, the institutions involved must be consulted to prevent the process from coming to a standstill.
More than one year after the extradition of some of the former commanders of the AUC, there are difficulties in scheduling and transmitting voluntary statements from the United States. More efficient procedures have to be established to transfer those making statements to the courts and avoid the technical difficulties that have appeared. Colombia’s institutional framework must bear in mind these aspects to prevent victims from having to travel from distant places and that might prevent them from giving their voluntary statements.

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

Legal challenges of the Law

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

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

The Mission hopes that, with the recent ratification of the principle of opportunity by Congress this situation will be reversed. This law, which can only be applied to persons who have not perpetrated crimes against mankind contains obligations for the demobilized combatant that promote reintegration and reparation for damages sustained, such as a public manifestation of regret, provision of services to the community, activities for the benefit of the victims, among others.

Exhumation

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

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

III. Security Of The Regions As An Essential Part Of The Peace Process

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

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

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

Likewise, the interest and actions taken by the Government to highlight the principal leaders of the emerging structures are appreciated. The decision by the President of the

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10 These five areas are: I. Urabá; II. Córdoba, Sucre, Bajo Cauca antioqueño; III. Casanare, Meta, Vichada, Guaviare and Guainía; IV. Sur del Cesar, Sur de Bolívar and Norte de Santander; and V. Nariño.
11 Among other actions, the State seized, between January and May 2009, 326 long-range weapons, 543 side arms and 18 support weapons, including machine guns and mortar tubes.
12 Up to June 6, 2009, according to data from the Customs Police Department of the National Police Force.
Republic to submit the results of actions taken against these groups to a weekly assessment and the inclusion of their principal leaders into the reward policy to ensure their arrest either in the country or abroad, continues to show that there is an integral strategy to dismantle these organizations.

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

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

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

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

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

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13 Publication of a Red Corner Notice by Interpol (warrant of arrest issued to the police forces of 179 countries of the world for the purpose of pursuing and arresting persons or organizations requested by the country of origin).
14 Argelia, Balboa, and Bordo Patia.
15 Population that these illegal armed players claim are the promoters of insecurity and social disorder. It includes drug addicts, street thieves, prostitutes, etc.
Armed groups also use other ways of intimidation and social control to constrain the mobility of communities. In some regions, the communities accept this threat, such as curfews imposed mainly by the so-called emerging gangs. This has been observed in various regions of the country, including some populations of the departments of Cesar, Santander, Norte de Santander, Meta and Magdalena Medio, among others.

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

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

As for displacements, their momentum has remained especially strong in those areas where there are armed clashes. The most severe impact is apparent in the indigenous communities, especially in the departments of Chocó and Nariño. In the latter department, a displacement took place because of the massacre of a large number of indigenous persons; and in El Chocó because of direct threats if one is identified as giving support to one or another armed illegal player. According to the International Committee of the Red Cross (ICRC), the number of displaced persons in these two departments could amount to several thousand persons.

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16 In the municipality of Tumaco (Nariño), at the beginning of 2009, there was a massacre of persons travelling in a public transportation motor vehicle close to two public law and order units.
17 In the south of the Department of Cauca, the massacre of six persons was recorded, including two children, belonging to one family, who were transferred it seems to the Department of Nariño to be assassinated in the area of influence of the emerging gang.
18 In January 2009, the death of four persons in Rodanillo and five persons in Buga was recorded. In March, similar incidents were also recorded in the municipalities of Cali and Roldanillo. In May 2009, this same situation occurred in Andalucia and Cartago.
19 In January and March 2009, the massacre of seven persons each was registered in the municipalities of Condoto and El Litoral de San Juan in the southern part of the department.
20 Over the past two months of 2008, massacres were registered in the municipalities of San Antero, Llorica, San José de Uré, Purisima and Puerto Libertador.
21 On the basis of official sources, it is assumed that about 27 indigenous persons, including two pregnant women, were killed by the FARC in the rural sector of the municipalities of Barbacoas and Ricaurte, in the Department of Nariño.
As a result of an inter-agency visit promoted by the Mission, motivated by the severe situation in which the inhabitants of the rivers of San Juan and Atrato in the department of El Chocó are living, MAPP/OAS draws attention to the cases of community confinement, control over food, medicines and farm inputs, threats to leaders, victims and cases of recruitment of young people and children, as a direct consequence of the presence of armed players and the deterioration of public law and order. Likewise, it emphasizes the communities’ lack of confidence to report criminal incidents to competent authorities. Furthermore, in some areas of Buenaventura (Valle del Cauca), the population is also affected by food blockages and control by illegal armed factions.

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

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

IV. Progress And Difficulties In The Process Of Reintegrating Former Combatants

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

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23 These executions were known as “false positive slayings,” which is the term used to refer to the killing of innocent persons who are dressed up by the armed forces to make them appear as though they were guerrilla fighters killed in combat.

24 As for Philip Alston, United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, he assured that his investigations made it possible to determine that there were cases similar to those of Soacha, with military units involved in departments such as Antioquia, Arauca, Valle del Cauca, Casanare, Cesar, Córdoba, Huila, Meta, Norte de Santander, Putumayo, Santander, Sucre and Vichada.

25 The Prosecutor’s Office is conducting a total of at least 1,056 investigations, involving the assassination of 1,708 persons, in terms of extrajudicial executions reported over the past six years.
As for the regulatory framework, progress can be seen in the enactment of two instruments that regulate the future implementation of the reintegration program: first of all, the publication of document CONPES\textsuperscript{26} 3554, of December 1, 2008, which regulates the national policy for social and economic reintegration for illegal armed persons and groups. This document provides for aspects such as the inclusion of institutional options for children and adolescents not included in the plan of action of the national policy for reintegration and specifies a joint strategy with the Office of the Attorney General of the Nation to tackle the backlog in legal proceedings, especially with respect to taking voluntary statements. The inclusion of a gender perspective by CONPES is noteworthy.

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

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

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

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

\textsuperscript{26} The CONPES paper sets forth policy and strategic guidelines and responsibilities to be fulfilled by the many state institutions in charge of economic and social matters.

\textsuperscript{27} By means of this database, the ACR has a monthly statistical record of the number of participants being transferred from one Service Center to another.

\textsuperscript{28} The CS of Quibdó was shut down (it is now covered by Medellín and Apartadó), as well as the CS of Santa Rosa del Sur (covered by Barrancabermeja). The CS of Caucasia and Tarará are merged. The same applies to the CS of San Pedro de Urabá and Necocli. In addition, since March 2009, the demobilized combatants assigned to the former CS of Puerto Boyacá are transferred to the CS of Puerto Berrio.
combatants who are not currently active in the ACR program and to define their status in the process.29

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

Despite the difficulties of creating jobs for demobilized combatants, the efforts that ACR has been making since early 2009 to involve the corporate sector into reintegration more actively must be viewed as progress. This has been achieved by the promotion of business forums, the development of new ideas coming from economic reintegration areas (for example, the development of a financial support portfolio), and the strengthening of social responsibility (for example, the mechanism of the Time Bank30). The ACR has also promoted the search of partnerships with major foundations and small and large businesses.

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

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

In 2009, the Mission started a series of Focal Groups and specific interviews aimed at both Program participants and stakeholders intervening in the reintegration process for the purpose of obtaining qualitative information about it. In this context, the first four months of the year, seven focal groups were held (Bogotá, Bucaramanga, Riohacha, Buenaventura, Medellín and two in Barranquilla), with a total attendance of 77

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29 The number of collective demobilized combatants who are actively involved in the Reintegration Program amounts to 21,501, based on data with a cutoff date at February 2009.
30 Mechanism whereby business, professionals and students donate time, skills and know-how to support projects developed by and for demobilized combatants. At present it is being implemented in Bogotá, Medellín, Bucaramanga, Montería and Valledupar, among other cities.
demobilized combatants. It is expected that this study shall be completed in coming months, thus increasing the number of participants and geographical coverage.31

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

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

With respect to economic integration, in the focal groups various participants voiced their concern about the absence of job opportunities34 and the stigmatization they felt when they looked for a job. This would mean that, at present, a large number of demobilized combatants depend on the reintegration support granted by the Government as their main source of income.

The security situation of demobilized combatants

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

According to data of the ACR (cutoff date: April 2009), the number of collective and individual dead demobilized combatants amounts to 1941,35 and of these 1,298 died as a result of homicide (66%). In the period from January to April 2008, there were 201 collective and individual dead demobilized combatants recorded, whereas during the

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

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

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

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

35 From January 2004 to April 2009, 1,713 collective demobilized combatants have died.
same period in 2009, the death of 136 demobilized combatants was recorded. Despite this decline, the Mission believes that security conditions for demobilized combatants must improve so that homicides do not continue and intimidations and displacements can be avoided.

MAPP/OAS recognizes the progress achieved in security issues. For the purpose of consolidating these efforts and achieving a decline in these deaths, it is necessary to continue building up mechanisms of protection so that they can become increasingly rapid and effective. From the start of the ACR Program up to now, major achievements that are still the target of improvements by all State institutions have been recorded.

Prevention of recruitment

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

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

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

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

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36 Collective and individual.
37 At present, when a demobilized combatant participating in the ACR program is threatened, he/she cannot be the target of any protection measure until the National Police Force determines the risk level of his/her situation. The difficulty lies in the fact that this investigation sometimes takes almost two months.
38 Including Bogotá, Medellín and Valle del Cauca (Buenaventura).
For the purpose of fighting the dynamics of recruitment adversely affecting the evolution of the Peace Process itself, the Mission has been supporting the coordination of various local initiatives that have emerged from the territories to highlight this problem. An example of this is the inter-agency efforts made through the Recruitment Prevention Forum (Mesa de Prevención de Reclutamiento) in Cesar, established at the beginning of 2009.

Likewise, the MAPP/OAS has been invited to attend, as an observer, the Inter-Sector Commission for the Prevention of Recruitment and the Use of Children and Adolescents by Organized Illegal Groups. In the framework of this participation, since February 2009, the Mission has been supporting activities that the Commission’s Technical Secretariat has been conducting on the territory.39

V. Communities And Victims

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

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

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

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

39 The MAPP/OAS has support activities in Santa Marta (Magdalena) and Jamundí in the Valle del Cauca. It has also promoted opportunities for articulation and provided support in the cases of the Forum for the Prevention of Recruitment in the Department of Cesar; inter-agency trip to the Department of El Chocó and in La Gabarra (Norte de Santander).
Holding defense hearings is a good mechanism to come close to the institutions. In them, the Human Rights Ombudsman’s Office goes to the communities to sensitize and gather information on specific topics related to human rights and training victims, with special emphasis on justice and peace. In the departments of Bolívar and Sucre, broad institutional participation in these hearings is generating credibility and trust for the return of communities displaced by the conflict and makes it possible to learn in depth about the problems of victims and their possible solutions.

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

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

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

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

Another initiative that must be underscored is the “Drafting of an integral care plan for jailed applicants of the Justice and Peace Law as a contribution to national

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40 Non-profit foundation that cooperates with the Organization of American States
41 Initiative aimed at building up the resources and skills of women who have been demobilized and victims of the armed conflict enabling a process of resilience and coexistence by the construction of social fabric networks in Valledupar. Replication is taking place in Barranquilla including officials from public institutions and the community.
reconciliation,"\textsuperscript{42} which is being implemented by INPEC\textsuperscript{43} and the CNRR with support from MAPP/OAS. In the framework of this activity, actions are taken to consolidate the basic profiles drawn up by the CNRR in terms of pardon and reconciliation, on the basis of the contributions made by the applicants in their commitment to find the truth. The initiative strives to contribute to drawing up criminality patterns in the framework of the conflict and, on the basis of the psycho-social profile of the applicants, determining the impacts that the participation in this conflict has had on the participants, as well as on the affected community.

With regard to pilot projects for collective reparation,\textsuperscript{44} as a rule, they continue to be at a standstill in terms of their implementation. This is mainly due to the delay of local and national institutions in charge of the matter\textsuperscript{45} and the resistance to having local authorities involved in the collective reparation process.

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

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

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

\begin{footnotesize}
\textsuperscript{42} Implementation of the proposal for integral intervention in the demobilized combatant population imprisoned in the justice and peace wards as a contribution to reconciliation. In its monitoring work, the Mission is conducting a follow-up of the penitentiary conditions of the applicants to Law 975/05.
\textsuperscript{43} National penitentiary institute in charge of demobilized combatants that have been imprisoned and are applicants to the Justice and Peace Law.
\textsuperscript{44} The CNRR is aimed at building a Collective Reparation Plan based on eight pilot projects for reparation that are now being implemented in La Libertad (San Onofre, Sucre); “Madres de la Candelaria” in Medellín, Antioquia; El Salado corregimiento of El Carmen de Bolívar (Bolívar), El Tigre (La Hormiga, Putumayo); La India in Landázuri (Santander), La Gabarra in Tibú (Norte de Santander), trade unions nationwide and Buenos Aires (Cauca).
\textsuperscript{45} This delay stems from the absence of leadership to coordinate with local authorities and not bearing in mind community processes and time-frames.
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Finally, the Mission, understanding the complexity of the situation that the CNRR must face in the field, especially commends the work done at the central and regional levels, for its commitment, dedication and effort in carrying out the activities of its mandate.

VI. Conclusions

1. The General Secretariat renews its commitment to and support of reintegration, truth, justice and reparation; and the support to the victims and communities, being provided by the Colombian Government and institutions, for the purpose of making headway toward achieving sound and lasting peace, thus reiterating its readiness to cooperate in future peace processes with other groups.

2. The Mission commends the work done by the Colombian Government, which has made it possible to make progress toward restoring the State’s institutional framework in those territories where the Self-Defense Forces exerted a strong influence, especially in dismantling the illegal structures that have emerged after the demobilization.

3. The dynamics associated with clashes and alliances in which the so-called merging gangs, delinquents, and guerrilla participated are severely affecting the communities and all of the players participating in the Peace Process. This situation requires doubling the efforts made by the Colombian State to combat these phenomena integrally and in a coordinated fashion.

4. The resurfacing of massacres as a method of action and means of intimidation in the disputes among the so-called emerging gangs is exerting an adverse impact on the communities. It has led to widespread fear among the population, in addition to displacements and a feeling of uprootedness among the affected persons. It is necessary to increase the presence of public law and order forces and to develop actions to avoid this type of incident. The Mission draws attention to, and voices its concern at, the use of massacres, selective homicides, confinement and displacement against certain indigenous communities such as the Awá people by illegal armed groups. The Government is urged to take measures to clarify responsibility for these incidents and, at the same time, to adopt the actions needed to prevent guerilla forces or other illegal armed players from continuing to affect minority ethnic groups.

5. The efforts that the Presidential High Council for Reintegration has been making using a community approach that tackles the problems of stigmatization, involves the private sector to find job alternatives and establishes by means of legal instruments public policies for reintegration are commended.

6. The Mission recognizes the progress made by the Government to articulate all institutions that have the competency to prevent recruitment for the purpose of drawing up integral and sustainable strategies. It is important to make rapid progress in taking the measures needed to prevent this recruitment movement from not only from severely undermining the rights of citizens but also contributing to increasing the cycles of violence.

7. The Peace Process is at a decisive stage in terms of consolidating the progress made in reintegration, enforcement of the Justice and Peace Law, and the
incipient processes of reconciliation and reparation for the victims. Colombia has made substantial headway in recognizing the victims as leading players, and social institutions and organizations are ready to continue along this course.

8. Prevention and protection mechanisms need to be promoted to provide victims and operators of the judiciary system who are living situations of insecurity with a rapid and timely response. It has been noted that, because they call for the observance of their rights or because of their professional duties, they are the target of attacks and threats. Furthermore, it is essential for the sound development of the Justice and Peace Process to provide integral attention to the victims, guarantee their access to the process and ensure conditions so they can actively participate in it.

9. The permanent rise in the rates of participation of the victims in the Justice and Peace process and the headway made in the judiciary processes involve new challenges to the institutional framework, such as partial imputations, incidents of reparation, checking eligibility requirements, rules for the submission of evidence, the standardization of criteria, among others, to meet expectations with respect to the truth, justice and reparation.

10. The Mission’s activities to support the communities highlight the need for institutions to come closer to local sectors. Mistrust in authorities persists and can exert an adverse impact on the development of processes of reconciliation, collective reparation and historical memory.
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Fourteenth Quarterly Report

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

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”.¹

¹ IACHR. Annual Report 2009, Chapter IV, Colombia, par. 63.
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 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 (Antioquia), Huila, south Bolívar, and Sucre. In spite of the Interior Ministry’s efforts to publicize the protection roadmap, 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.

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

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2 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.

3 The protection roadmap was established by Decree 3570 of 2007.
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. 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 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

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4 Three attacks have been identified: (1) On August 14, outside Itagüí 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.
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.

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. 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.

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 Élmer 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

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

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7 Figures from the Interinstitutional Justice and Peace Committee as of October 31, 2009.
MAPP/OEA), technical problems continue to hamper the full implementation of this mechanism.⁸

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

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.

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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).

⁹ 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.
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 Bolivar, 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 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.10

The Time Bank currently has the participation of 606 actual donors11 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.12

The launch of the Education for Peace Fund (EDUPAZ)13 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 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.

10 Over that same period, and as a results 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.
Another major step forward was the implementation, in the first months of the year, of the new Psychosocial Attention Model,\(^\text{14}\) 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,\(^\text{15}\) (b) nonviolent conflict resolution,\(^\text{16}\) (c) responsibility,\(^\text{17}\) and (d) projection and orientation toward achievement.\(^\text{18}\)

The Model provides for the organization of workshops,\(^\text{19}\) family and community activities,\(^\text{20}\) individual counseling sessions,\(^\text{21}\) and household visits\(^\text{22}\) 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.

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

\(^{14}\) 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.
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),\(^\text{23}\) attending on-site visits and supporting its activities. In addition, 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\(^\text{24}\) 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

\[^{23}\] 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, 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.”
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.

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 Caucasia 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 2009.25

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 adducted 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

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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 “Los Rastrojos Urban Commandoes” issued a public communiqué in Nariño department, identifying various NGOs and international
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\(^{26}\) 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.

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.\(^{27}\) 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

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\(^{26}\) 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 condition. 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.

\(^{27}\) 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.
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; these include strengthening the psychological assistance given to leaders, their knowledge of Law 975, organizational capacities, and leadership skills.

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

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 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.
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-descendent 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 Nariño, 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 militate against this process. Another such event, which took place in November 2010, was the assassination of Óscar Maussa in San Juan Nepomuceno, Bolívar, 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.

1 Which supersedes Decree 3570, “Protection of Victims and Witnesses” under Law 975 of 2005, pursuant to the decision of the Constitutional Court in Ruling T-496 of 2008 and Judicial Decree 092 in follow-up to Ruling T-025 of 2004.
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 perpetrate 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

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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.
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.⁵ The ability to recruit new members is also important, for, despite the many captures, membership in these groups has not fallen substantially.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),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,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,⁹ and the operational problems that have arisen in a number of productive projects¹⁰ have been recurrent themes since 2007.

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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.
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.
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.
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).
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.
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.\textsuperscript{11} Thus, efforts have been made to implement a series of strategies that range from the promotion of business plans to increasing private-sector involvement\textsuperscript{12} 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\textsuperscript{13} (developed from a social responsibility perspective), with which their company can collaborate with the Program and support reintegration.\textsuperscript{14} 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\textsuperscript{15} 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\textsuperscript{16} 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.

\textsuperscript{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.

\textsuperscript{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).

\textsuperscript{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.

\textsuperscript{14} According to ACR data, from December 2009 to April 2010, over 300 SMBs have been contacted, and 789 demobilized combatants have been hired.

\textsuperscript{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.

\textsuperscript{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.
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.

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

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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.
threatened;\textsuperscript{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.\textsuperscript{23}

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\textsuperscript{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,\textsuperscript{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\textsuperscript{26} and the Embera community in the Bajo Baudó region of Chocó, who, in the absence of an effective response seek their own solutions to avoid recruitment.\textsuperscript{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

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{26} In this area, native youth are being recruited by narcotraffickers and guerilla groups.

\textsuperscript{27} This is the case of the Purrincha Reservation (in the Baudó subregion of Chocó), where nine Embero communities are developing a Safety Plan to prevent recruitment.
involved in the outsourcing of services for groups operating outside the law. In these cases, youth gangs act as intermediaries or contractors for post-demobilization and guerilla 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 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

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.
29 This Committee is comprised of four subcommittees: on victim and witness protection under Law 975 of 2005; on comprehensive victim assistance; on the preservation of historical memory; and the Technical Subcommittee of the Information System to Apply and Document Justice and Peace Procedures.
30 Decree 4530 of 2008 charges the Ministry of the Interior and Justice, through the Directorate of Transitional Justice, with the responsibility of formulating, coordinating, and promoting State policy on transitional justice, with functions that include articulating the committees and subcommittees that have been created.
31 This is the case in Medellín, with the Victims’ Commission of Medellín, and the Department of Cauca, with its Justice and Peace Commission.
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];\(^{34}\) *La masacre de El Salado: Esa Guerra no era Nuestra* [The Massacre in El Salado: That War Was Not Ours];\(^{35}\) *La masacre de Bahía*

\(^{32}\) Informe de la Unidad Nacional de Fiscalías para la Justicia y la Paz [Report of the Public Prosecutors’ Justice and Peace Unit]. Consolidated information up to October 31, 2010.

\(^{33}\) Informe de la Unidad Nacional de Fiscalías para la Justicia y la Paz. Consolidated information up to September 30, 2010.

\(^{34}\) 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.
Portete: Mujeres Wayuu en la mira [The massacre in Bahía 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 Subcommittee under the 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.

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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.

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.
It has been noted that the voluntary statements 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.\textsuperscript{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

With respect to the pilot projects for collective redress,\textsuperscript{41} there have been improvements 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).\textsuperscript{42} 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.\textsuperscript{43}

As for redress through judicial procedures, attention is called to the Comprehensive Redress Hearing in the cases of Mampuján-San Cayetano and Isla Múcura\textsuperscript{44} in the case

\textsuperscript{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 Bolívar Central Bloc against the clearing out of four municipalities in Magdalena Medio and southern Bolívar.

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{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.

\textsuperscript{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.
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.45

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.

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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 Martínez in Isla Múcara. 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.

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.
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

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 Itagúí. 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 Saboletas (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 Urabá, 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 Manuel 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 Geselshhaft für Internationale Zusammenarbeit (GIZ), and USAID.
Volume II. Periodic Reports of the Secretary General
Sixteenth Quarterly Report
OF THE SECRETARY GENERAL TO THE PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA (MAPP/OAS)

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

I. General Remarks

The magnitude and complexity of the peace process in Colombia poses constant challenges to Colombian society and its framework of institutions. The objective of removing participants from the violence and seeking better conditions for victims and communities is not easy to achieve. It requires a national effort and the valuable assistance of the international community.

This quarterly report of the Secretary General on the Mission to Support the Peace Process in Colombia recounts significant progress, although there remain a number of difficulties inherent to a process of such magnitude. The progress includes the combined effort of the national government, the Congress of the Republic of Colombia, and all the institutions involved in the enactment of Law 1448, known as the Victims and Land Restitution Law of June 2011. It introduces numerous possibilities for progress toward comprehensive reparations to victims and strengthens the current peace process.

The year 2012 began with the implementation of the Law. Despite the swiftness of that process, some issues have also been encountered in certain areas—in particular, structuring and launching the institutions created by the law so they will work in coordination with existing institutions in the transfer of information and optimal use of resources.
Despite great efforts by the national government, a serious lack of security remains in some quarters of the country, including those where land restitution is taking place. Criminal gangs and illegal activities in these areas jeopardize the return of people displaced by the violence and the potential for repairing the social fabric there.

The General Secretariat calls attention to and condemns the murders and threats against victims and organizations linked to the process. It believes that all the institutions must, without delay, take up the challenge of guaranteeing the individual and collective security of the victims as an essential condition for the process’s sustainability. This requires coordinated effort not only among state institutions but also with civil society organizations, communities, and international cooperation agencies.

To counteract these threats, we call upon the authorities to step up efforts through agile and differentiated protection mechanisms, to strengthen local institutions, and to continue fighting organized crime and corruption.

Prior reports have mentioned the importance of Law 975 of 2005, better known as the Justice and Peace Law. The Mission has noted the importance of making adjustments so that the Law may contribute effectively to the application of Transitional Justice in Colombia. In that connection, it presented to the national government a diagnostic study on the process, including recommendations. That is why we emphasize pursuing the draft amendment to Law 975/05 presented by the Attorney General’s Office and the complementary parliamentary proceeding that aims to expedite the judicial proceedings and fill a number of gaps.

In the context of reintegration, we recognize the work of the Colombian Agency for Reintegration (ACR). We emphasize that 90% of demobilized combatants have availed themselves of the benefits of Law 1424 of 2010. Nevertheless, it is vital to properly disseminate the new measures taken by the national government in the reintegration program, since the changes to certain aspects of the program are beginning to generate uncertainty among the demobilized population.

Finally, building scenarios and conditions for reconciliation is another of the great challenges in this phase of the process. We note the lack of public policy in that sense, reflected in too little institutional follow-up on the communities, which have been moving forward and implementing initiatives based on their own experience. Strengthening the reconciliation processes among various sectors of society is essential to guaranteeing lasting peace among Colombians.

II. Transitional Justice

As noted in earlier reports, Law 975/05 calls for resolving certain problems encountered in its implementation. Thanks to its monitoring efforts, the Mission identified successes and difficulties in the application of the Law. On that basis it proposed to the national government possible changes and reforms to adjust the procedure and make its objective achievable.
On the basis of these exchanges, and with support from various state institutions, civil society organizations, academic sectors, and think tanks, the MAPP/OAS prepared, and presented in October 2011, a "Diagnostic of the Justice and Peace Law under the framework of Transitional Justice in Colombia". This three-part document was coordinated by Mr. Baltasar Garzón. The first part discusses the phases of the special criminal proceedings under the Justice and Peace Law. The second explains specific difficulties in implementing Transitional Justice in Colombia. The third offers recommendations.

The draft amendment to the Justice and Peace Law, proposed by the Attorney General’s Office, is now under consideration by the Congress of the Republic. It deals with important points such as the need to prioritize cases, the inclusion of investigation guidelines, and the combination of procedural phases to render the process more expeditious for the benefit of the victims.

The Mission has said on prior occasions that one of the most critical aspects of the Justice and Peace process is the lack of verdicts five years after the enactment of Law 975/05, which has affected the credibility of the process and the responsible institutions. So the Mission recognizes the efforts of the tribunals and welcomes the issuance of three highly important decisions: (1) the conviction of José Rubén Peña Tobón, Wilmer Morelo Castro, and José Manuel Hernández Calderas, former combatants of the Victors of Arauca bloc—the first ruling on redress for sexual crimes, employing a gender perspective; (2) the individualized sentence and decision on comprehensive redress concerning former members of the North bloc of the AUC, Edgar Ignacio Fierro Flores, alias “Don Antonio,” and Andrés Mauricio Torres León, alias “Jesucristo”; and (3) the conviction of Freddy Rendón Herrera, “El Alemán,” to 53 years in prison and an alternate sentence of eight years in prison for recruiting 309 minors into the Elmer Cárdenas bloc (BEC), aggravated conspiracy to commit a crime, and murder of a protected person.

Lastly, we note the ruling of second instance on events that took place in Mampuján, San Cayetano, and Isla Múcura in the Department of Bolívar, issued by the Criminal Appeals Division of the Supreme Court of Justice, in April 2011. In this ruling, the Court ratified the granting of an alternate sentence of eight years in prison to Edward Cobos Téllez, alias "Diego Vecino," and Uber Bánquez, alias "Juancho Dique." We welcome the reasoning and jurisprudence of the Court on collective damage, which also clarifies matters of victims’ rights and punishability.1 On January 18, in Mampuján, the second follow-up hearing was held, the aim being to verify compliance by the appropriate authorities with the reparations measures ordered in the ruling. The hearing was attended by 600 persons, including representatives of the victims and members of the community. This was the first tribunal session held at

1 The Court ruled on when service of a sentence should begin to be counted under Justice and Peace, determining that it begins at the moment the postulados are deprived of liberty and placed in INPEC custody. This decision should expedite the processes, since in 2013 a large part of the former self-defense group commanders will have served eight years in prison.
the place of the crimes—constituting in itself a measure of redress by recognizing
the dignity of the victims and sending a message of respect and commitment from
the magistrates to the communities affected by the violence.

Three years after the extradition of 14 former self-defense force commanders
postulados (i.e., availing themselves of the benefits) under the Justice and Peace Law,
there is evidence of various negative effects on victims’ rights to the truth, justice, and
comprehensive redress. The first is diminished victim participation in the voluntary
depositions, caused in many cases by the absence of former commanders\(^2\) and in
other cases by insufficient dissemination and the victims’ fear of participating. The
second is a lack of guarantees of legal security for them and of individual security
for their families and attorneys.

The present situation of incarcerated postulados needs attention. While we value the
efforts by the National Institute of Penitentiaries and Jails (INPEC) to coordinate the
Justice and Peace process and deal with the magnitude of demands its poses, there
continue to be delays in the reduction of sentences of postulados, as well as
overcrowding and threats.

Over two years since the murder of Diego José Martínez Goyeneche at the Picota
Jail, no person has yet been brought to justice for it. Similarly, investigations should
move forward on the deaths of Uberney Ocampo, on May 11, 2011, and Jhon
Freddy González Isaza, on June 8, 2011. The latter had been transferred to the
Barranquilla Jail for security reasons. The Mission also urges investigation of the
alleged escape attempt by the postulado Ordanys de Jesús Ramos, who was brought
down by a guard at the penitentiary of Barranquilla, in July 2011. INPEC guards
and staff are also at risk; in 2011, three guards assigned to Justice and Peace
cellblocks were murdered outside the prison facilities.

There is overcrowding at seven of the eight Justice and Peace “patios” at the
Chiquinquirá detention center, in patios 5 and 6 at Itagüí, and at the Central Patio
of the Barranquilla Jail. We suggest conducting de-crowding workshops, such as
those carried out in Itagüí by the Attorney General’s Office and INPEC and observed
by the MAPP/OAS.

On the other hand, given the small number of crimes of sexual violence reported
and confessed under the Justice and Peace process, the institutions need to continue
incorporating the differentiated gender perspective. We value the special emphasis
the Prosecutor General has placed on this matter by appointing, within the Justice
and Peace Unit, a specific prosecutor for crimes related to gender violence in the
context of armed conflict.

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\(^2\) Before his extradition, according to the Prosecutor’s office, the postulado Benguoechea Mola had announced the delivery
of information on several mass graves; to date, these have not been found.

Volume II. Periodic Reports of the Secretary General
III. Victims And Land Restitution Law

An important milestone in the period covered by this report was the enactment of Law 1448/11, known as the Victims and Land Restitution Law, which affords numerous possibilities for progress toward comprehensive redress to victims and for thereby strengthening the present peace. Positive aspects include: (1) the grouping, in a single legal text, of measures for victim assistance, care, and redress; (2) the establishment of an institutional framework to strengthen state and regional capacity for effective care; (3) the incorporation of land restitution mechanisms; (4) the introduction of important criteria regarding assistance to victims in judicial proceedings, such as judicial assistance, advisory services, and support.

An important challenge is structuring and setting in motion the institutions created by Law 1448 of 2011, such as the National System for Care of and Comprehensive Reparations to Victims, the Special Administrative Unit for Care of and Comprehensive Reparations to Victims, and the Special Administrative Unit for the Handling of Seized Lands (UAEGTD). Success in this effort will require a guarantee of coordinated joint efforts by these institutions and those already standing, especially in terms of knowhow and information transfer, in order to maximize resource use and seek ways to bring about a coherent, harmonious framework of institutions.

Under Article 159 of the Law, it is necessary to strengthen interagency coordination for active participation not only by bodies at the national and regional levels but also by victims. It is essential that there be complementarity and coordination of the functions arising from the mechanisms of Laws 1424 of 2010 and 1448 of 2011, on the recovery and preservation of historical memory.

Victims are also confused as to the limits of competencies under Law 975 of 2005 and Law 1448/11, on aspects such as indemnification by administrative means, subsidiary sentences (condenas en subsidiaridad), and humanitarian aid and assistance. The Mission also found that the fund for administration of seized lands, created by Law 1448/11, has been mingled with the fund for reparations to the victims of the violence under Law 975/05. Rural immovable property entered into that fund could be transferred to the lands fund, as long as this does not affect the reparations process. The Government should define in which cases rural real property entered into the victim reparations fund could be transferred to the fund for UAEGTD, without affecting specific reparations allocations under Law 975 of 2005.

It is urgent to define clearly the criteria for determining which cases will continue to be heard under the Justice and Peace Law and which will be heard under the land restitution process. The MAPP/OAS believes the more advanced cases should remain under Justice and Peace, in the interest of efficiency and preserving what has already been accomplished.

Understanding the complexity of the institutional structure needed for comprehensive redress to victims, the state has created means and strategies for coordination among the various ministries, programs, units, and departments with competence to
care for, protect, and restore the rights of victims. Of utmost importance to the land restitution process is maintaining security in territories where restitutions are to take place, both for the communities located in these regions and for the claimant victims. The persistence of illegal activity in some of these areas alerts us to the need to evaluate and deal with risks that will arise in this process. The risks mostly involve the presence of armed groups and illegal activities that generate violence.

The greatest challenge of the land restitution process is effectively protecting the families involved so they may return to the properties conveyed to them without risking their lives. In 2011, various leaders linked to the restitution process were murdered, raising an alarm concerning the upcoming restitutions. The Mission is worried that murders and threats, together with the lack of security guarantees, have caused leaders and persons connected with land restitution to keep a low profile and, sometimes, to stay away from the reporting and monitoring mechanisms, significantly harming the process. The Inter-American Commission on Human Rights (IACHR) granted precautionary measures in 2010 to eight members of a single family who were in immediate danger because of their defense of the rights of displaced persons of the "La Alemania" estate, San Onofre property, Department of Sucre.

The General Secretariat considers it appropriate to establish means of collective prevention and protection to complement the individual measures. To that end, the MAPP/OAS has been working intensively with the human rights platforms, boards, and organizations in Colombia, discussing proposals for effective protection that would guarantee the sustainability of the process. It also attaches high importance to guaranteeing the economic sustainability of the returns so that they will last. This poses a great economic challenge to the Colombian state, requiring long-term investment to facilitate repair of the social fabric, as well as placing priority on infrastructure and development projects in the return locations.

As for security conditions in the restitution areas, the Mission has observed that the communities perceive the government strategies for dealing with outlaw groups as a significant improvement in the military and judicial areas, but believe that the presence and investment in the social and community arenas are insufficient, contributing to the perpetuation of illegal activity in some regions. These dynamics are most evident in Catatumbo, northern Santander, southern Cauca department, southern Chocó, southern Córdoba and Lower Cauca (Antioquia), Urabá (Antioquia), Darién (Chocó), Cesar, Magdalena, southern Bolívar department, and

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3 Cases such as those of Ana Fabricia Córdoba, Henao Arteaga, coordinator of the Unit to Fight Criminal Gangs in Antioquia (CTI), Edquir José López, former defense attorney, alias ‘Pedro Bonito’ (who testified to Justice and Peace on links between businesspersons, politicians, and the paramilitaries), and David de Jesús Góez Rodríguez, who were murdered in June and July in the department of Antioquia, demonstrate the magnitude of the problem, of increasing concern to civil society and to the Mission as a serious threat to the process.

the eastern plains (Meta, Guaviare, Vichada, and Casanare). It is hoped that the new consolidation plans strategy will yield progress in that sense.

Sustainable restitution depends largely on return conditions that allow for repair of the social fabric, and here security plays a decisive role. If the environment to which victims return is still threatening, it will be very difficult to create the conditions for effective exercise of their restored rights.

In December 2011, the National Security Council took steps to guarantee security in the land restitution process, selecting 12 macro-regions in which to begin it, with priority on Montes de María, Magdalena, Cesar, southern Meta, Tolima, and Antioquia. The target municipalities were to be determined by local restitution operating committees. Similarly, in January of this year, in the city of Montería (Córdoba), the first office of the Special Administrative Unit for the Handling of Seized Lands was opened. A commitment was made to open 21 offices in 17 departments to serve 221 municipalities. This will happen in the first months of the year.

To date, the Special Administrative Unit for Restitution of Seized Lands has reported 8,087 requests, involving 549,648 hectares. Twenty-two judges and 15 special magistrates will be appointed to hear restitution cases. The departments with the highest numbers of requests are Meta, Casanare, Antioquia, Arauca, and Bolívar.

The Mission has identified a number of challenges in the implementation of the lands policy, such as:

- Protection of information. There is a serious threat of loss of the information held by the institutions. Urgent preventive measures must be taken to safeguard and protect this material.
- The advisability of applying lessons learned in the Justice and Peace process. These include the need for trained personnel with experience in assistance and institutional representation; the importance of establishing criteria for selection and prioritization under Transitional Justice, so that redress in non-contentious cases may be accomplished through administrative actions; and the importance of institutional coordination at all levels, so that local and departmental authorities feel actively involved, thereby promoting greater sustainability.
- Development of alternative conflict resolution mechanisms by the communities themselves, whether through equity conciliators or through justices of the peace.

Finally, on July 21, 2011, an addendum to the MAPP’s mandate was signed by President Juan Manuel Santos and the General Secretariat, entrusting the MAPP/OAS with follow-up and monitoring of land restitution in the context of the comprehensive lands policy as a component of comprehensive redress to victims of forcible displacement and land seizure.

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The addendum reaffirms the work the Mission has been doing in this area and stresses the General Secretariat’s commitment to continue supporting the Colombian Government and society in their efforts to provide redress to the victims and move toward peace and reconciliation in Colombia. It emphasizes the political will of the Colombian Government to promote this initiative amid complex security issues.

IV. Mapp/Oas Follow-Up On Communities And Victims

Together with the National Redress and Reconciliation Commission (CNRR) and the Victims Assistance Unit of the Office of the Public Defender, the MAPP/OAS followed up on and supported three initiatives to render assistance and advisory services to victims in the advanced phases of the Justice and Peace process, such as cases of comprehensive reparations in departments such as Tolima, Caldas, southern Santander, and Bolívar.

That follow-up yielded the following recommendations: (i) promote standardization of criteria among institutions in charge of the Justice and Peace process; (ii) strengthen the institutions of Justice and Peace; (iii) design differentiated victim assistance strategies and strengthen their local capacity; (iv) implement public policy through plans consistent with local circumstances; (v) evaluate and update the procedures and criteria adopted to date, with a view to guaranteeing victims’ rights and promoting reconciliation; (vi) implement a strategy for monitoring the performance of public institutions under the Justice and Peace process; (vii) recognize the redressive nature of the judicial process; (viii) place priority on measures to optimize and call attention to the implementation of non-repetition guarantees.

The Mission has continued to follow up on and support mechanisms for rapprochement and work with victims and their communities, using a differentiated, do-no-harm approach with a gender perspective. In this period, five high-profile projects were completed:

1. Assistance to victims of representative villages of the Lower Cauca in Antioquia, executed with financial and technical support from USAID/IOM. The project supported 120 victims registered with Justice and Peace, from the corregimientos of Puerto López and Puerto Claver in the municipality of El Bagre and the corregimiento of La Caucana in the municipality of Tarazá. The main contributions of this initiative were the implementation of a special mode of assistance that included instruction in rights and the creation of a services fund to supplement what the institutions offer. The fund provided psychological and social assistance, vocational training, medical care, and food security projects.

2. In the corregimiento of Sabaletas, municipality of Buenaventura, the MAPP/OAS supported the Identity, Images, and Memory project, financed by the Embassy of Switzerland. A historical memory exercise using audiovisual resources allowed communities to recover their cultural wealth and thereby design their own means of peaceful resistance to outlaw groups and their own ways to mend the social fabric.
3. Also in Buenaventura, in the Cauca Valley, the Mission worked for over two years with organizations representing the Afro-descendant population—PCN\textsuperscript{6} and Fundemujer\textsuperscript{7}. Through community-building, these communities were accompanied in their efforts to influence the Justice and Peace process and the collective reparations policies, proposing the use of differentiated criteria in assessing collective damage and in means of effecting reparations. This experience is expected to serve as guidance for other Afro-descendant communities in Colombia.

4. In the department of El Cauca, the Mission followed up on 200 indigenous families through the Association of Indigenous Town Meetings of the northern Cauca. The aim was to recover indigenous law and methodologies based on the experience of ethnic groups, for application in the Justice and Peace process.

5. Completed in the municipality of Mesetas (Meta) was the equity conciliators project, the aim of which was to train community leaders in alternative conflict resolution mechanisms, with a view to strengthening the social fabric and empowering the populations of this area especially affected by the violence. The initiative was built on lessons learned in the earlier equity conciliators project, in the department of Córdoba, with resident leaders of the old Concentration Zone in 2006, and will be replicated in Montes de María (Bolívar) in 2012.

Now under way is a project in collaboration with the OEI (Organization of Ibero-American States) in the municipality of Tumaco (Nariño). Part of a comprehensive education program with Afro-descendant populations, it includes a strategy for preventing recruitment in an area vulnerable to this phenomenon.

Reconciliation is one of the great challenges the country must take up. It requires public policy that goes hand in hand with the process of truth, justice, and comprehensive redress to victims. We call for the adoption of the necessary measures and strategies to ensure its attainment.

Aware of the challenge involved in the restitution of lands and territories abandoned or taken from the victims, the Mission has begun to establish strategic alliances with civil society actors, such as human rights platforms, victims’ organizations, and organizations working to protect the rights of women and other populations, so as to form thematic working groups that can contribute to and influence the land restitution process. Three boards were formed for this purpose—one on protection, another on security issues in the restitutions area, and a third on gender. The latter group has studied, from a differentiated perspective, the possible repercussions of the restitutions on women and on their access to the law.

\textsuperscript{6} Proceso de Comunidades Negras, or Black Communities Process.

\textsuperscript{7} Foundation for Women’s Development in Buenaventura and the Pacific Coast.
V. Reintegration

Since the outset of President Santos’ tenure, the High Council for Reintegration, now called the Colombian Agency for Reintegration, has made great efforts to modernize the program’s procedures and its assistance to beneficiaries. Seven years into the process, decisions must be taken for its continuance.

Issued in response to these challenges were Decree No. 1391 of May 11, 2011\(^8\) and Resolution No. 163 of May 31, 2011\(^9\), which amend the content of Resolution No. 008 of March 2009, substantially changing the social and economic reintegration program.

The context for this change is the new “2011-2014 Strategic Plan,” an important effort to change the ACR program in consultation with DDR (Disarmament, Demobilization, and Reintegration) actors in Colombia, with the participation of demobilized combatants. In addition to the internal transformation of the ACR, one of the positive aspects of this change is the different way of relating to demobilized combatants, led by the Director of the Agency and based on shared responsibility, dialogue, and direct contact with participants.

The new rules mean substantial changes in the reintegration program. The first is that the program is no longer “voluntary” but now “compulsory.”\(^10\) There are also “variable periods of coverage” for beneficiaries, depending on each individual’s personal characteristics upon entry into the program. This provision is positive, since it follows prior recommendations to establish a differentiated program.

The General Secretariat identifies as difficulties of the new rules the reduction of psychological and social coverage, which had been one of the strengths of the program, with a high level of coverage,\(^11\) to a maximum of two years and six months. In addition, for budgetary reasons, certain economic benefits are reduced or eliminated and the conditions for receiving them are stricter.\(^12\)

Another change affecting the reintegration process involves partial enacting of regulations for Law 1424 of 2010, declared executable by the Constitutional Court in

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\(^8\) Decree No. 1391 of May 11, 2011, on the economic benefits of programs to reintegrate the demobilized population.

\(^9\) Resolution No. 163 of May 31, containing provisions to govern the requirements, characteristics, conditions, and obligations for access to and granting of the social and economic benefits of programs for reintegration of the demobilized population into civilian society; procedure for suspension and loss of such benefits and closure of the reintegration process.

\(^10\) This stems from the obligation of demobilized combatants to abide by the provisions of Law 1424, in the sense of contributing to the historical record of the truth and to redress and demonstrating their commitment to signing the “agreement to contribute to the historical truth and redress” provided for in Articles 2 and 3 of that Law. Every demobilized combatant must go through the ACR at some point. Article 2 of Resolution 163 establishes timeframes for the entry of any type of demobilized combatant into the ACR program, as well as the obligation of the ACR to notify the competent administrative and judicial authorities of their failure to appear within the timeframes established by the Law.

\(^11\) By September 30, 2011, the cutoff date, the cumulative rate of coverage for workshop attendance was 99.3%, and 98.9% in family or community activities.

\(^12\) Article 18, on “access to economic support for reintegration,” of Chapter II, Resolution 163, of May 31, 2011, stipulates that the demobilized combatant must “attend and perform 90% of the planned activities, in accordance with his reintegration track, under the benefits of psychological and social assistance, education management, and vocational training management,” and also that neither “attendance nor performance may be averaged out between benefits.
October 2011. The Court decided that information arising from that mechanism cannot be used in ordinary judicial proceedings as evidence against the demobilized person who avails him- or herself of the mechanism, against his or her relatives as listed in Article 33 of the Constitution of Colombia (spouse, permanent companion, kin to the fourth level of consanguinity, affinity two ranks removed, or one rank removed in civil law), or against demobilized combatants of the same illegal armed group.

Law 1424/10 establishes benefits for demobilized combatants who have not committed crimes against humanity. Arrest warrants for conspiracy to commit a crime are suspended in exchange for contributions to the truth and reparation to victims. In December 2011, the MAPP/OAS collaborated with the ACR in locating and informing demobilized combatants who had not shown willingness to avail themselves of the benefits of Law 1424 of 2010, which established a deadline of December 28, 2011. According to ACR data, over 90% of demobilized combatants expressed agreement with the mechanism by signing the “standard prior verification form.”

The Mission wishes to emphasize again the great difficulty faced by many demobilized combatants in finding stable employment. Despite notable efforts by the Government and the ACR to involve the private sector through various mechanisms, such as forums, or the ratification of the “Law on Formalization and First Employment” of February 2011,14 the situation is critical in some regions of the country, such as Urabá, Santander, Putumayo, Bolívar, and Córdoba.

Another matter that needs special attention is the recidivism of demobilized combatants in criminal gangs. The Directorate of Carabineers of the National Police15 reports that, from 2006 until mid-February 2012, law enforcement bodies had captured 11,524 members of these criminal gangs, including 1,680 demobilized combatants of the self-defense forces. This data indicates a recidivism rate of the 14.57% among demobilized combatants over total individuals captured, by virtue of their membership in criminal gangs. Each year sees an increase in the number of captures of criminal gang members by law enforcement bodies. Similarly, there have been increased captures of recidivist demobilized combatants. Preventing this population from viewing entry into or membership in a criminal gang as a viable option is a crucial challenge for the national government.

VI. Conclusions And Recommendations

The General Secretariat recognizes the efforts of the Colombian state in enacting Law 1448/11. Although the Law entails enormous challenges, the political will of the national government is vital to making this process sustainable. The lack of resources and the

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14 This Law provides fiscal benefits (for example, semi-fiscal contributions such as tax credits) for businesses that, in the case of reintegration, hire demobilized combatants under age 28, as long as they abide by the requirements under the Law.
complexity of its application will require participation by all sectors of society to achieve maximum effectiveness.

Without ignoring the importance of the progress achieved in these six years of application of the Justice and Peace Law, the Secretariat recognizes the initiative by the Colombian state to make the necessary changes by reforming Justice and Peace. We hope the bill now under consideration in Congress, expected to be approved in the upcoming legislative session, will correct the gaps and unclear passages noted. Legal security is one of the pillars on which any proceeding must rest; it strengthens genuine confidence in the state and establishes solid foundations for peace-building.

We note the efforts of the Ministry of Agriculture and Rural Development and other institutions to implement the land restitution policy under Law 1448/11. Nevertheless, we affirm once more that these processes must be accompanied in particular by effective victim protection, both individual and collective, to ensure comprehensive redress and a sustainable process.

Similarly, efforts should be made to achieve appropriate coordination among institutions at all levels, as well as clear definition of the competencies of the various authorities, so as not to duplicate efforts, to maintain efficiency, and to guarantee proper enforcement of rights concerning comprehensive redress to victims.

The military and judicial actions and strategies implemented by the national government to deal with the violence generated by criminal gangs are significant. Nevertheless, in view of the implementation of the Victims Law, more development of the social component and restoration of trust in local institutions are needed.

Finally, the General Secretariat believes that reconciliation must no longer be the ultimate aim of the process but should become a policy tied to the processes of Truth, Justice, and Redress. In that connection, it would be advisable for institutions to follow up on and strengthen community processes that pursue that aim and to assess the possibility of creating a public policy on the matter.

**Recommendations**

1. To expedite legislative reform of Justice and Peace and propose state policies for resolving problems with its application, so as to uphold the principles of truth, justice, and redress to victims that will make the system credible and effective.
2. To continue sentencing the highest former paramilitary commanders, according to prioritization criteria for choosing emblematic cases, demonstrating to Colombian society and the international community the state’s willingness to continue pursuing the truth and justice.
3. To strengthen means of protection for victims, leaders, and communities involved in the Justice and Peace land restitution process and, in particular, to implement efficient mechanisms for individual and collective protection.
4. To apply the lessons learned in the Justice and Peace process to land restitution, in relation to the training of personnel, the establishment of prioritization and selection criteria, and institutional coordination at all levels.

5. That Colombian institutions adopt decisions that promote construction of public policy to foster reconciliation in the country, supporting and strengthening local initiatives.

6. To develop effective strategies for communicating with demobilized combatants and making them aware of the new provisions of the social and economic reintegration program.

7. To establish conditions for capitalizing on the progress made in assistance and comprehensive redress to victims by the CNRR through the new institutions created by Law 1448 of 2011.

Acknowledgments

The General Secretariat renews its appreciation to the donor countries and friends of the Mission for their political and economic support over these years, especially Argentina, the Bahamas, Brazil, Canada, Chile, Germany, Guatemala, Ireland, Korea, Mexico, the Netherlands, Norway, Peru, Spain, Sweden, Switzerland, Thailand, and the United States, and welcomes countries such as Great Britain and France who have newly joined this effort. It also recognizes, for their support and collaboration, the Spanish Agency for International Development Cooperation (AECID), the International Organization for Migration (IOM), *Deutsche Geselshaft für Internationale Zusammenarbeit* (GIZ), and USAID.
Volume II. Periodic Reports of the Secretary General
Seventeenth Half-Yearly Report
OF THE SECRETARY GENERAL TO THE PERMANENT COUNCIL ON THE MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA (MAPP/OAS)

The following half-yearly report is submitted pursuant to Resolution CP/RES. 859 (1397/04), in which the Organization of American States asks the Secretary General to report periodically to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia (MAPP/OAS).

I. General Considerations

This report seeks to provide a succinct summary of progress made in those components that, institutionally speaking, constitute the basis of the peace process and which the MAPP/OAS is charged with monitoring.

The report refers first to the Transitional Justice Framework and, in particular, to progress made with implementing the Victims and Land Restitution Law, Law 1448 of 2011, and its enabling regulations, passed by Congress at the behest of the Government of President Juan Manuel Santos. It also describes the efforts of the Ministry of Agriculture, through the Special Administrative Unit for Restitution of Seized Lands (UAEGRTD) and the Colombian Rural Development Institute (INCODER), among other institutions. Mention is also made of the status of the peace process with regard to comprehensive reparation for victims and of the risks they face.

Mention is also made of advances and setbacks encountered with the Justice and Peace Process, which led to the amendment of Law 975/05 aimed at providing those involved in the proceedings with greater legal certainty and at expediting the judicial process.

At the same time, the report addresses achievements with respect to reintegration into society based on the current Government's new
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approach, while underscoring aspects requiring the authorities' attention. The report also summarizes the principal conclusions and recommendations prompted by the aforementioned issues.

The start of negotiations with the Revolutionary Armed Forces of Colombia (FARC) constitutes an important move toward ending the conflict in Colombia and the possibility of sustainable peace. The General Secretariat welcomes this opportunity and recommends that this new process bear in mind the experience gained with the so-called "Self-Defense Forces," with respect to disarmament, demobilization, and reintegration and to the Transitional Justice framework constructed for that purpose, because that experience affords lessons that could be applied to the new process with the FARC.

II. Transitional Justice

Implementation of Law 1448 of 2011

Land restitution

The process of implementing the Victims and Land Restitution Law is gradually evolving. Its launch began in January 2012 and the State has been working steadily and resolutely to build up the new institutional framework. The results of these efforts will start to be seen in the medium term. Having said that, the Mission notes that the active participation of all sectors is needed as the process moves forward, as is its open and transparent dissemination so as not to build up false hopes in victims and their communities. At the same time, the Mission notes with concern that there has been a rise in the percentage of victims with claims who have been threatened. Therefore, the biggest challenge of land restitution remains the security and protection of those involved in claims and their associations.

The Inter-American Commission on Human Rights (IACHR) concurs with the MAPP/OAS since it continues to receive information suggesting a rise in the risks to victims. In that connection, the number of precautionary measures granted by the IACHR in this specific context of violence increased in 2012.

In its last report, the MAPP/OAS identified a number of challenges and obstacles on which progress has been possible as the months have passed. One such was the lack of clarity as regards the competent authority to examine cases under the Justice and Peace Law. In that connection, the Mission applauds the agreement between the UAEGRTD and the Office of the Prosecutor General for addressing these cases.

Another important obstacle mentioned in the last report had to do with the handling of information on land ownership and its formalization in Colombia. This is a crucial aspect of the restitution processes and one on which problems had arisen in terms of its safekeeping, protection, and conservation, given that there had been instances of theft or burning of information, apparently involving a number of local law enforcement officials in certain subnational entities. In an interlocutory order dated July 3, 2012, the Constitutional Court instructed INCODER, in coordination with
UAEGRTD, the Historical Memory Center, and the National Archive, to take the necessary steps to maintain, protect, and preserve physical and microfilm files. The Mission appreciates the importance of these precautionary measures ordered in the interlocutory injunction.

In spite of the progress seen in the period covered by this report, as it has on previous occasions, the Mission reiterates the need to continue strengthening mechanisms for national- subnational linkage and coordination, in order to integrate policies at the national, departmental, and municipal level with the aim of providing victims with a swift and coherent response as well as correcting the faults and gaps identified by the Constitutional Court where assistance to displaced persons is concerned. Information collected in the field shows that some communities feel abandoned and that measures to remedy their dispossession have stagnated or backtracked. This is the case in regions such as east Antioquia, where, after the erstwhile Regional Property Restitution Committee had documented some 200 cases, it is now unclear how the new institutional framework proposes to move matters forward. Furthermore, in a visit to the municipalities of Mocoa, Puerto Asís, Puerto Caicedo, Valle de Guamuez, and San Miguel in the Department of Putumayo, attention was drawn to the lack of coordination between the two levels. Situations such as these are repeated in different parts of the country and there is widespread uncertainty as to how long it will take to process claims in non-priority cases.

Every level of the institutional framework must have the necessary human, technical, and financial resources, as well as adequate information, to effectively guarantee the human rights of victims to restitution of their lands and restoration of their property rights. To ensure the proper implementation and sustainability of the restitution process in provincial areas, the participation is essential of stakeholders—such as local authorities—in the coordination bodies that will implement and roll out the Register of Forcibly Abandoned and Dispossessed Lands. The Mission highlights the invitation to a workshop extended by the Superintendency of Notaries Public and Registries to all the institutions involved in the restitution process, in order to link and choreograph efforts. Such initiatives are necessary and need to be permanent in order to solve problems as they arise in the implementation process.

Through its work in the regions, the MAPP/OAS has collected information on risks facing the land restitution process. To begin with, communities show little confidence in the institutions in charge of the restitution process at the local level, which, from the way in which they have acted in the past in consolidating disposessions, they regard as being linked to either legal or illegal interest groups. Second, the victims are unfamiliar with the procedures that would ensure their effective exercise of their rights, while their organizational and representation capacity within organizations is variable. Finally, communities regard the large industrial projects in the restitution zones as an obstacle with a major impact thanks to the absence of a "socialization" strategy with the communities themselves.

Other difficulties hampering the restitution process that the Mission has encountered in the field have to do with economic interests in the land’s ownership, the activities
of illegal armed groups, and the use of legal and institutional mechanisms to oppose the process.

It is worth underscoring the role of the Public Prosecution Service (Ministerio Público) in helping to strengthen institutions as well as the trust that communities show in them. Its constitutional functions to safeguard and promote human rights, protect the public interest, and monitor the official conduct of persons who perform public duties are an important institutional guarantee. Within this framework, the role it plays in receiving complaints against public servants ensures victims’ access to and participation in the process. This is particularly important in regions where the presence of paramilitary groups undermined relations between institutions and communities, which now have a chance to be mended following the collective demobilization of the Autodefensas, or so-called "self-defense forces."

One major success of Law 1448 of 2011 was the inclusion of mechanisms such as Victim Participation Roundtables, aimed at ensuring their access to forums for the design, implementation, and evaluation of the comprehensive reparation policy at all levels. However, it is a concern that victims wishing to be admitted to these roundtables should be required to be members of legally constituted organizations, particularly since multiple factors make their creation difficult, potentially making this an excessive requirement for them.

The General Secretariat also values highly the work of the Superintendency of Notaries Public and Registries in reviewing the registry status of a number of rural properties in violence-affected areas of the country through a special group known as the "Land Group." The Group has identified apparent irregularities in the activities of a number of registrars or their employees, notaries public, INCORDER officials, and private citizens in land sales.

As with the institutions responsible for the restitution process, the provincial offices of the UAEGRTD should be strengthened by furnishing them with the necessaries resources to carry out dissemination activities, especially in isolated and remote areas, with a view to managing application-processing and moving forward with activities in related micro-targeted zones. The mobile unit created for that purpose is a measure that could help to boost participation by victims.

An important achievement in the period covered by this report was the filing of a number of actions for restitution and formalization of land ownership with the civil courts of the circuit specializing in land restitution. Despite this accomplishment, coordination for the purpose of identifying effective and definitive measures for restoring rights needs to be strengthened, which would then inspire confidence in the process and give rise to an institutional action that seeks to have an impact without

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1 Victim Participation Roundtables are intervention forums created by Law 1448 of 2011 at the local and departmental level, as well as the national level, for which there is a National Roundtable. The purpose of these roundtables is to offer victims the possibility of making an active contribution to the implementation, adjustment, and materialization of the Victim Law. The process is spearheaded by the Public Prosecution Service.
causing harm. It is crucial to create a mechanism for engaging communities, so that they can be informed, participate, and know their rights.

Given the sheer extent of abandoned and dispossessed lands, as well as victims' high expectations for a prompt restoration of the stolen lands, the General Secretariat recommends that the feasibility be analyzed of adding other supplementary, nonjudicial procedures, as defined in law 1448 of 2011. Those could be: (a) restitution through administrative proceedings aimed, on one hand, at correcting institutional processes that have violated rights through omission, delay, or possible fraud, and on the other hand, cases of abandonment in which the properties have not been occupied by third parties and the owners seek recognition of their rights to those properties; and (b) collective restitution proposed by civil society, based on Article 82 of the Law, the sole paragraph of which states: "The plaintiffs in an action may collectively pursue applications for restitution or formalization of ownership of properties registered with the Unit, in which their commonality stems from the fact that the dispossessed or abandoned properties adjoin one another, and from the time and cause of the displacement."

Special mention should be given to the adoption of a number of decrees with the force of law (Decrees 4633, 4634, and 4635 of 2011), which define the special and differentiated statutory framework of the public policy on assistance, protection, comprehensive reparation, and restitution of land rights of indigenous peoples and black, Afro-Colombian, Raizal and Palenquera communities. The General Secretariat values these decisions highly, since they are aimed at recognizing Colombia's ethnic and multicultural diversity and contribute greatly to the goal of reparation and reconciliation. The challenge for the institutional framework is for this inclusion to be achieved through consultative and participatory processes conducted with these communities.

In this context, in Cauca Department, the MAPP/OAS makes its presence felt on matters concerning transitional justice and land restitution, coaching INCODER on the implementation of agreements reached between the government and indigenous, peasant, and Afro-descendent communities, as well as displaced victims of the armed conflict, regarding the adjudication of land for expanding reserves and assistance to displaced populations under those agreements.

It also appreciates the efforts that the Restitution Unit has made to include differentiated approaches in its procedures on behalf of women, boys, girls, and adolescents. At present, the Unit is endeavoring to ensure that micro-targeting processes observe gender and/or childhood criteria.

Furthermore, in the framework of the joint work areas between the MAPP/OAS and women's organizations, a review has been conducted of the obstacles that women face in obtaining restitution, and recommendations have been made to the Colombian Government on the inclusion of a gender and women's rights perspective in the implementing regulations for Law 1448 of 2011 on land restitution. Similar work has been done with regard to the protection of women in the framework of
Decree 4912 of 2011, which has led to the adoption of Resolution 0805 of 2012 "enacting the specific Protocol with a gender and women's rights perspective." The purpose of this forum, of which the MAPP/OAS and various women's organizations are a part, is to exchange information, prepare diagnostic papers and recommendations, and influence policy with the aim of mainstreaming a differentiated and women's rights approach in public policy. In addition, its operational premise is non-duplication of efforts and coordination of its activities with those of other institutions and agencies in the international community. The Mission underscores the willingness of the National Protection Unit to give priority to these efforts.

Comprehensive Reparation to Victims

Through its coaching and monitoring work, the Mission has identified progress and obstacles in the implementation of the victim assistance, reparation, and participation measures envisaged in Law 1448 of 2011.

The following progress, in particular, was noted: drafting of regulatory decrees and the National Victim Assistance and Comprehensive Reparation Plan contained in CONPES documents 3712 and 3726; progress in terms of formulating reparation road maps; the Resource investment coaching program; the participation protocol, action plan design guidelines, and consensus building with a number of groups regarding implementation of collective reparation road maps through negotiation of offers.

In addition, the roll-out of these instruments at provincial offices of the Victim Assistance and Comprehensive Reparation Unit (UARIV), coupled with the strengthening of infrastructure and staff within the Unit and at its provincial offices, constitute advances toward guaranteeing victims' rights.

It is worth noting that coordination among all the agencies that comprise the National Victim Assistance and Comprehensive Reparation System is a prerequisite for effectively guaranteeing the rights recognized in Law 1448 of 2011. Such coordination should not exist only at the national and subnational level; the General Secretariat encourages institutions to better coordinate their functions in order to generate high-impact measures on the ground, strengthening coordination within the Unit.

The General Secretariat is concerned at the lack of effective participation by victims in the forums envisaged in the Law, which was evident from the fact that the First Follow-Up Report on Law 1448 of 2011 was presented in the name of the Oversight Agencies Follow-Up Committee as opposed to the Follow-Up and Monitoring Committee established in the Law, owing to the failure to appoint the three victims' representatives.

It is vital to adopt mechanisms that ensure effective participation by victims, taking into account criteria such as material equality, equity, participatory and pluralistic
democracy, disclosure, and the election of representatives who genuinely have the interests of all the victims at heart.

As regards reparation measures, the efforts should be highlighted of the Victims Unit in choreographing the institutions responsible for implementing the reparation measures in the Mampuján case, via the establishment of four thematic roundtables with the participation of victims and institutions.

The General Secretariat also highlights the work of the Unit to prevent and mitigate potential risks in communities applying for reparation through its coaching program on compensation payment. This coaching has encouraged victims to participate in each stage of the program’s design and implementation, enabling the introduction of variables with respect to security and restoration of confidence within communities as well as between communities and government institutions. Institutions need to be alert to the possible consequences of implementing reparation measures; in its coaching activities in Mampuján, the Mission identified a number of factors that could usefully be taken into account for future cases:

- risks of weakening the social fabric if intercommunity dialogue forms are not set up for reaching agreements on decisions that affect them;
- loss of confidence in the State on the part of the victims if clear and real work plans, schedules, and budgets are not established for institutions to implement measures;
- limited effectiveness of reparation measures if they fail to take into account differentiated criteria that address the specific circumstances of communities and of different population groups;
- increased exposure to risk for victims if negotiations and proceedings on compensation are not conducted privately;
- deepening of existing inequities between men and women if payment of compensation is not accompanied by governmental programs to address domestic violence and foster gender equity; and
- increased risk of young people becoming caught up in criminal groups that, in turn, threaten the security, well-being, and property of victims as well as encouraging them to resort to inappropriate means to protect themselves, such as buying firearms for self-defense.

As part of efforts to identify collective damages, the MAPP/OAS has coached institutional coordination efforts by the Office of the Attorney General, social actors, and institutions on issues surrounding historical memory and collective reparations, with a view to consolidating dialogue forums aimed at agreeing on joint working strategies.

Institutions are encouraged to give greater emphasis to victim rehabilitation measures, as well as to strengthening psychological and psychosocial assistance for children and youth, who are especially vulnerable to the effects of armed conflicts.

The General Secretariat would like to acknowledge the efforts of a number of subnational entities and institutions to set in motion the preparation of plans of action
and installation of victim participation forums in the contexts envisaged by the Law. It is important to continue monitoring their fulfillment in the formal and material senses, particularly in terms of the policy's adoption at the subnational level, providing victims with adequate responses and ensuring their effective participation.

The Secretariat is troubled by the delay in building the memorial planned since 2006 using the material resulting from melting down the weapons surrendered by the Autodefensas. It is hoped that the logistical, institutional, and financial effort required to collect, register, ship and melt down the weapons will not have been in vain, since building the memorial is a hugely significant act of symbolic reparation.

Considerable progress has been made in the process of reconstructing the district of El Salado, in the municipality of Carmen de Bolívar (Bolívar). June 16 saw the inauguration of the Casa del Pueblo (The People's House), a project that received support from Fundación Semana and a large number of private organizations, and which was carried out based on the experience of ethnographic researchers who lived in the community. The aim was for the community itself to decide what purpose the House should have. This is an example of a successful initiative carried out with the support of the private sector aimed at helping, with the commitment of institutions, to transform the lives of communities shattered by violence, principally by rebuilding the social fabric.

Risk conditions

The General Secretariat has identified ongoing difficult conditions in some areas of the country in terms of security and the state of the social fabric, which could hinder the process being undertaken by the Government, especially as regards restitution. Before Law 1448 of 2011 was enacted, leaders were being murdered and reports of threats against accusers had been on the rise. Decisions taken in this regard must therefore take into account the country’s complex socio-economic conditions at the time a comprehensive risk analysis is conducted, linking the security situation to social and institutional capacity in the territories because, as the MAPP/OAS observed on the ground, the latter play a crucial role in the sustainability or fragility of the process.

This provides an opportunity to examine risk in Colombia from a more comprehensive standpoint, beyond military measures, to take into consideration strategies geared towards institutional strengthening and institutional capacity and strengthening and capacity-building in communities as sustainable tools to protect these communities from illegal groups. As a contribution to this endeavor, the Mission developed a model for monitoring security for and risk to restitution, which was put to the test by way of a case study on three Colombian municipalities, the findings and recommendations from which were delivered to the National Government.

The General Secretariat is concerned that, as the process of reclaiming land and territorial rights moves forward, people connected to it continue to be murdered. The deaths of Manuel Ruiz, a lead activist in the restitution of lands belonging to the Curvaradó and Jiguamiandó communities in Chocó, and of his 15 year-old son,
Samir Ruiz Gallo, in Urabá, like the June 15, 2012 murder of Jairo Mejía Martínez in the Guateque township near Montería, Cordoba, makes it clear that these areas of the country continue to be the most unsafe for land claimants.

Other security-related problems have to do with demobilized self-defense groups engaged in acts of violence against land restitution leaders, using financial inducements or threats, as was the case in the rural town of Montería. Most disturbing is that one of the properties involved is the focus of the UAEGRTD.

In order to meet these challenges, it is recommended that the Government include the following components in any strategy implemented: i) measures to monitor the presence of armed groups that could pose an active threat to land restitution and act as direct aggressors, or groups that operate as allies of local mafias and continue to affect communities; ii) building trust in local institutions and in the measures implemented, especially where the stigma of weakness or lack of confidence persists, or where institutions are perceived as associated with or co-opted by the illegal forces; and iii) increasing social and organizational skills of victims and their communities, with a view to reducing their vulnerability to risk, especially those that are subject to land restitution.

The activities of the security forces have also sometimes adversely affected communities, as clashes with illegal armed groups coupled with pressures from criminal gangs are causing entire families to be displaced in areas that are the focus of restitution. To date, critical situations have been reported in the departments of Nariño, Putumayo, Cauca, Antioquia, and Norte de Santander, where peasant, Afro-descendant, and indigenous families have been displaced from their hometowns, with serious effects in humanitarian terms.

The Mission reports with concern that officials in charge of the restitution process are being threatened by a variety of operatives. In regions like Meta, Norte de Santander, and Apartado (Antioquia), where there is early progress, the National Protection Unit (NPU) has already done risk analysis of territorial leaders. The risk level for territorial director Meta having been assessed as extraordinary, the Unit has decreed and facilitated protection measures.

Working on the ground, MAPP/OAS has known victims who have been threatened by the so-called "Anti-Restitution Army" and has witnessed the dread that this name instills in communities. However, the Mission has not been able to verify that this group in fact exists as a national military structure, but as a threat in very specific places of the country. Even so, it should be borne in mind that its name and its threats are real for the victims and it is the duty of the authorities to establish that it exists, and just how big it is.

For its part, the IACHR has received concrete information about the activities and statements by these groups, whose objective is, by their own definition, to prevent land restitution taking effect for victims. It calls upon the State to establish that these "armies" do exist and to take steps to prevent the risk and violence that they unleash.
Pressing ahead, the National Government is making progress with security for the restitution process by creating bodies like the Integrated Intelligence Center for Land Restitution (CI2RT\(^2\)), both at the central level and in terms of its deployment across the country;\(^3\) efforts being made by the National Protection Unit, or the security model announced recently by the Director of the National Police, General José Roberto León, aimed at providing land claim victims more protection, taking into account the needs of each region. The main challenge here is to link the various strategies developed by official institutions as part of the restitution process, and to link them from the central level to the regional levels.

It should also be noted that during this period the first conviction was handed down in a land claimant’s murder case – the murder of Rogelio Martínez,\(^4\) a claimant to a piece of property in San Onofre (Sucre). He had been granted protective measures by the Inter-American Commission on Human Rights (IACHR). According to the Superior Court of Bogota ruling, the crime was committed by members of a criminal gang identified as "Los Paisas." That same ruling also ordered the arrest of a demobilized operative.

Likewise, the Mission rejects threats against journalists, which are increasingly linked to the land restitution process. Local journalists are understood to be the most vulnerable because they are exposed to threats and retaliation by armed operators. This problem is on the rise in the departments of Cordoba, Antioquia, Bolivar, and Tolima. The General Secretariat urges State institutions to bolster security measures for all stakeholders involved in the land restitution process, in order to ensure their safety and success of the policy.

The Secretary General expresses special appreciation to nongovernmental organizations and victims' organizations, which have been proactively engaged in efforts to craft proposals on reparation and protection issues; they have made an invaluable contribution to the successful implementation of the policy and to peace in the country. In this context, an appeal is being made for the relevant authorities to continue strengthening protection measures for human rights defenders, and for the various bodies to take into account the organizations’ recommendations in this regard.

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\(^2\) This mechanism for integrating the capabilities of the security forces and government agencies is spearheaded by the Ministry of National Defense and comprises the following bodies: Ministry of National Defense, General Command of the Armed Forces, Armed Forces (Army, Navy, and Air Force), National Police, Office of the Vice Minister for International Policies and International Affairs, Joint Chief of Military Intelligence and Counterintelligence, and Chiefs of Intelligence of the respective forces and the National Police, Ministry of Defense’s Department of Public Security and Infrastructure, and the Director of the Special Administrative Unit for the Process of Restitution of Dispossessed Lands.

\(^3\) A crucial aspect of this mechanism is its regional deployment, which, besides having a central Executive Secretariat, has created CI2RT executive secretariats at the regional level, on the areas of focus for land restitution, allowing proper alignment with Land Restitution offices nationwide.

\(^4\) See Fifteenth Quarterly Report of the Secretary General to the Permanent Council, on the Mission to Support the Peace Process in Colombia (MAPP/OAS)
Justice and Peace Reform (Law 975 of 2005)

The Secretary General applauds the adoption of the amendments to Law 975/05. In the past, the Mission has issued statements about the urgent need for amendments to be adopted to clarify the rules in order to strengthen legal certainty and legitimate expectations in the State.

One of the points on which reform is moving forward is settling the date on which Law 975 of 2005 takes effect, given that the gamut of Justice and Peace Law includes crimes confessed up to the time of demobilization and not only up to the date on which the Law was enacted (July 25, 2005). This will allow many criminal acts committed by self-defense and guerrilla groups between that date and the demobilization to be confessed through voluntary depositions, contributing significantly to truth-telling and reparations for victims.

Against the backdrop of the release of arrested applicants for benefits under the Justice and Peace Law (postulados), the amendment provides for gradual withdrawal and a requirement of eight years served in prison and the granting of a substitute detention measure. This is subject to them remaining actively involved in the process and compensating the victims. In response and as part of its mandate, the Mission will monitor the granting of such measures and the applicants’ commitment to continue collaborating with Justice and Peace even though they are released.

One of the most important contributions of Justice and Peace is that victims have been able to actively participate in the judicial process – which participation, in itself, brings a measure of satisfaction. The amendment stipulates that the concept of comprehensive reparation will be replaced by a concept of identifying the effects on victims. The huge challenge for institutions will be how to encourage this hitherto active participation to continue.

Another factor that could discourage victims from participating in the judicial process is that by following the Justice and Peace route, the judiciary will neither be able to determine reparation measures nor assess damages, as this will be done in application of the Victims and Land Restitution Law.

The amendment is clear in placing the entire comprehensive reparation under Law 1448 of 2011. The procedure for Law 975 of 2005 will continue to be applied only in restitution cases pertaining to property for which precautionary measure procedures have already reached an advanced staged. This means that the Prosecution must make available to the new institutions under the Victims and Land Restitution Law all properties that are part of the Justice and Peace process, to be used for reparation. Accordingly, effective coordination among the various institutions must be ensured, to guarantee victims their rights.

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5 On October 17, Senate plenary passed the amendment and on October 31 the House of Representatives and the Senate reconciled the text.
Another point worth underscoring is the required coordination between Comprehensive Victim Care and Compensation and the Special Administrative Unit for the Process of Restitution of Dispossessed Lands to achieve full compensation. The Mission will monitor any impact the measures have on the current process of restitution of lands and territories, being pursued under Law 1448, but, mainly, as it concerns victim expectations and rights.

The Mission appreciates the cooperation that has been established between the Attorney General's Office and the Special Administrative Unit for the Process of Restitution of Dispossessed Lands and the contribution of the investigative agency in shedding light on the phenomenon of land grab and delivery of relevant information to the UAEGRTD.

Following suggestions put forth in other reports, the amendment advocates changing the focus of investigation and prosecution from scrutiny of each individual case to work designed to show the essence of each structure investigated. The Attorney General's Office has made significant effort and has to date achieved at least 25 macro-criminal contextualization of self defense groups. It should also be noted that Directive 001/12 has been implemented by the Attorney General's Office. It establishes the prioritization criteria for pursuing macro-criminal patterns in macro victimization scenarios.6

It is worth mentioning that with respect to prioritization, on June 12, 2012 the IACHR sent the State an information request, in exercise of its authority under Article 41 of the American Convention on Human Rights, in terms of insisting that the State has the duty to avoid and combat impunity, which the Court has defined as “the overall lack of investigation, arrest, prosecution and conviction of those responsible for violations of the rights protected by the American Convention.”7

Advances in the Justice and Peace Process

As of October 31 this year, the process comprises 14 individuals sentenced under 10 rulings, of which four are firm, and others are being reviewed by the Criminal Chamber of the Supreme Court on appeal. There are 1,126 requests for judicial hearings and 628 indictments. There were also 13 incidents of comprehensive reparation.

It is worth noting the ruling handed down against demobilized members of the **Bloque Vencedores de Arauca** on crimes of sexual violence, which offers a detailed explanation of the effect on and the harm done to victims, becoming a benchmark

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6 The Mission has worked together with the Office of Public Prosecution in convening and conducting six socialization workshops on prioritization criteria set forth in the aforementioned Directive.

for future rulings. Nonetheless, the General Secretariat feels that crimes of sexual violence must be taken into account as an explicit criterion for prioritization, and judgments must seek to prove this crime, which is often invisible.

The IACHR agrees with the Mission’s positive assessment of this ruling, which gives visibility to the problem despite the low rates of crimes of sexual violence being handled under Justice and Peace.

Furthermore, although not much progress has been made in proceedings against extradited applicants, the progress made in the cases of Salvatore Mancuso, Miguel Mejía Múnera, Guillermo Pérez Alzate, and Hernán Giraldo is worth noting. The Secretariat wishes to note the coordination among prosecutors, applicants and their lawyers, and the centers where they are being held in the United States. In that connection, the visit by the Attorney General’s Office to this country last July 9 to review and strengthen the bilateral cooperation agreements between the two countries is noteworthy. Among the matters agreed on at the meeting was the need for closer bilateral cooperation to continue analyzing the testimonies of paramilitary members extradited to United States in relation to the Justice and Peace process, in order to move forward with real reparations for the victims.10

The effort made by the prosecution, INPEC, and the Superior Council of Judicature for the collective allocation of 89 former members of the Calima Bloc was another good example of inter-institutional coordination. This achievement is being applauded as there has always been an insistence on the importance of voluntary depositions and other procedures being engaged collectively, using virtual media. Not only does this streamline the procedures but it also encourages truth- and memory-building.

More than a year after the second instance ruling was handed down in the Mampuján, Las Brisas, San Cayetano, and Isla Múcura case, it is worth noting how swiftly the Attorney General’s Office settled the warrant relating to the creation of an elite unit for confiscation of goods within the National Prosecutors’ Unit for Justice and Peace, which has been investigating since February 2011 goods in one way or another in possession of the applicants. Residents have also welcomed the fact that after the judgment, the Police have been ensuring they have a constant presence in Rosas de Mampuján, María La Baja municipality, Bolívar Department.

Seven years after Law 975 of 2005 was enacted, only isolated initiatives for social reintegration into the halls of Justice and Peace are being reported. Among them are

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8 This statement coincides with the opinion issued by the IACHR which has insisted that the transitional justice system has not yielded the expected results in terms of trial and application of sanctions against perpetrators of serious crimes (Comments regarding State Communication of July 28 2012).
9 With regard to cases of Miguel Mejía and Hernán Giraldo Múnera, they have been canceled, and their trials will therefore remain stalled, according to the IACHR.
10 Under this concept, the IACHR stressed that extraditions remain a substantial obstacle to progress with the trial of the applicants under the Justice and Peace Law, shedding light on serious crimes and the victims’ access to their rights to truth, justice, and reparation.
courses and diploma programs in Human Rights and International Humanitarian Law,\textsuperscript{11} as well as symbolic reparation initiatives. The Mission hopes that once there is approval of the Justice and Peace Law amendment – which envisages a policy in this regard – this crucial aspect in terms of the social reintegration of the applicants can be strengthened.

\textbf{Difficulties in the Process}

With respect to the execution of the Mampuján, San Cayetano, Lasbrisas and Isla Múcura ruling, problems have arisen with assuming a single position vis-à-vis the amount and type of compensation payment, between two criteria: the criterion of the court ruling, and that of the ruling on the subsequent concept of the Council of State, which reduces this figure, leading to discontent among the victims. Finally, a final decision has been arrived at in this case, recognizing full compensation as established in the ruling.

Besides, the Justice and Peace ruling on this case establishes 32 warrants, including those related to the construction of roads, public infrastructure, and productive projects. According to the court’s overview, however, only 5\% has been carried out. The Victims Unit has taken the lead in coordinating the relevant institutions for compliance with the letters rogatory and to that end has established four working groups. Of note is the interest and initiative of the Hall of Justice and Peace of Bogotá in ensuring effective execution of that judgment.

The General Secretariat has been emphatic in pointing out that Justice and Peace rules should speak to a logic of Transitional Justice, with regard to prison conditions as well as differentiated prison treatment. While INPEC has made progress in providing this treatment, geared towards social reintegration and making those efforts operative, a trend towards abolishing the special regime for imprisonment of Justice and Peace applicants during the current period has been observed.\textsuperscript{12}

Several prisons continue to have overcrowding and hygiene and health problems, among them the prisons at Barranquilla (Atlántico), Sogamoso (Boyacá), Cúcuta (Norte de Santander), El Espinal (Tolima), Palmira (Valle del Cauca ), and Valledupar (Cesar). INPEC is being urged to find urgent solutions to these problems. Improvement projects carried out in health, sanitation, and prison treatment at the Chiquinquirá prison in Boyacá should be noted.

The Secretary General has called attention to the lack of progress in investigating the deaths of several applicants while they were in custody.\textsuperscript{13} A similar concern is that serious security incidents continue inside the prisons.

\textsuperscript{11} Notably the courses at La Picota, Bucaramanga, and El Espinal.

\textsuperscript{12} Resolution 06305 of 2009 issued by the director general of the National Penitentiary and Prison Institute (INPEC), establishing the “Special Internal Regime Regulation for Justice and Peace Prison Blocks and Wards.”

\textsuperscript{13} Uberney Ocampo (May 11, 2011), John Freddy González Isaza (June 8, 2011), Diego José Martínez Goyeneche (July 17, 2011), and the death of Ordanys de Jesús Ramos in July 2011 after a presumed attempted escape.
The need for a single, consolidated model for reincorporating detained applicants into society based on a differentiated approach taking into consideration gender, armed group to which they belonged, rank, and social status, is worth reiterating. The lessons learned over these years should serve as a basis for that model.

It is noteworthy that the Supreme Court of Justice has shifted focus from extraditions of Justice and Peace Law applicants. Approval for the extradition of José Gelves Albarracín, alias "El Canoso," to the United States could encourage applicants facing extradition requests to stop confessing acts. The Mission also believes that it cannot be forgotten that more than 50,000 acts unknown to the Colombian justice could be uncovered, investigated, and tried based on confessions made under the Justice and Peace Law, and that gaps in the rules and the lack of clear rules in procedures affected active participation of some applicants.

Finally, the General Secretariat is concerned about the condition of some of the property handed over to the Reparation Fund by applicants. These have been damaged when this could have been avoided. At this point, it should be noted that the Victims Unit is working hard to improve the conditions of property that was delivered in poor condition.

III. Reintegration And Recruitment

As regards reintegration, this period was impacted by several political and legal decisions. After almost eight years of collective demobilization of the "self-defense forces", the Disarmament, Demobilization, and Reintegration (DDR) process reached a point of transition, the end of a cycle. The current Government is striving to consolidate reintegration as a State policy transcending programs relating to a specific period. This began with the CONPES mission in 2008 and continued with the transformation of the Office of the High Counselor for Reintegration into the Colombian Agency for Reintegration (ACR) and various changes associated with the implementation of Law 1424 of 2010.

Enforcement of law 1424 of 2010 involved a major logistical effort to reach all the demobilized throughout the national territory, many of whom were located in remote areas. The strategy, implemented by the ACR and supported by the MAPP/OAS, was first to achieve massive dissemination of the Law. Now the challenge is to achieve effective implementation of all the measures envisaged in it.

The Law contemplates several parallel actions that are currently under way. First, there are the prior investigations of all the demobilized who signed the "Single Prior Verification Form," to be carried out by Public Prosecutors' Offices specializing in Law 1424 of 2010. Then, there is the implementation by the authorities of the Transitional Justice mechanisms provided for in the Law. These include the establishment of the

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14 According to the ACR, the figure amounted to approximately 10,000 demobilized, divided into 5 categories, the two most important being those " who never entered the program" and those who "left it and became inactive."
Historical Memory Center,\textsuperscript{15} which has made progress in terms of staffing and structure and is currently engaged in internal efforts to define its strategy and approach and the measures required to enable the demobilized to contribute to the truth and reparation.

A positive view is taken of the start of investigations by the Public Prosecutors' Offices specializing in Law 1424 of 2010 in various parts of the country and considerable importance is attached to the need to continue endowing those offices and Ombudsmen's Offices with the human and material resources they need to fully comply with their task.\textsuperscript{16} Another matter worth pondering and which is prompted by the on-site monitoring is the need to combine certain unified criteria in the questionnaires with the power each public prosecutor has to define and adapt them to the needs of the region. The Colombian Agency for Reintegration, the Office of the Prosecutor General, and the Historical Memory Center have all made considerable progress with inter-agency coordination, with a view to arriving at a consensus on the concepts involved and harmonious application of the law.

Worth highlighting is the start-up of the Truth Accords Directorate inside the Historical Memory Center. It is trying to place the paramilitary violence in Colombia in context and to design and develop administrative procedures for eliciting information, using the demobilized covered by Law 1424.

As regards the participation of the demobilized in reconciliation forums in accordance with the spirit of the Law, and pending achievement of an institutional consensus,\textsuperscript{17} the ACR has mainly focused on getting the new Social Service up and running. Thus, the Mission underscores the efforts to define methodology and the start of this component, which forms part of the reintegration road map and is one of the key factors in reconciliation.

It is important to stress that the Social Service actions must be distinguished from community reintegration and they must provide value-added in terms of reconciliation. The ACR has said that, in addition to Social Service, an internal exercise is being conducted to boost the skills of the demobilized actively participating in the program within their path to reintegration, with actions such as the incorporation of a module with historical memory, reconciliation, human rights, and citizenship components.

At this juncture in the reintegration process, an important milestone is the inclusion of reintegration in the Development plans of many local and departmental entities.

\textsuperscript{15} Non-judicial truth mechanism envisaged by Law 1424 of 2010.
\textsuperscript{16} Take, for instance, the case of the Medellin Public Prosecutors' Office specializing in Law 1424. Monitoring has revealed the need for more material resources for the monitors as well as the lack of appropriate resources for the Ombudsman's Office that would enable them to accompany and support the prior on-site investigations (E.g., in Urabá).
\textsuperscript{17} The ACR's "Protocol on Scenarios for Reconciliation: minimum Social Service conditions and Reparation by the demobilized within the framework of the reintegration process" (November 2011), p. 10 states that the actions for reparation to be promoted and developed under this Protocol will be geared solely to "Measures of Satisfaction and Guarantees that acts will not be repeated."
Accordingly, it is important to underline the efforts of the ACR to support these initiatives, which reflect the Colombian Government's intention to establish a State policy with respect to the DDR and thereby remedy the lack of inclusion of local authorities in the demobilization process.

It is worth noting the first graduation of a demobilized person from the ACR program last June in Bucaramanga (Santander), marking the start of an approximately three-year process of monitoring the individual in his civic environment. The ACR expects some 1,000 participants in the program to graduate over the next few months.

The security of the demobilized continues to be a topic deserving special attention because of its impact on the reintegration process, given that the persistence of environments associated with illegality and violence, constitutes an economic opportunity for some of the demobilized, while posing a threat to those who decide not to take up arms again.

Thus, the General Secretariat welcomes the issuance of Decree 1225 of June 2012, as well as the progress made by the ACR and the National Protection Unit with coordinating the procedures required to certify the risk status of active demobilized persons in the reintegration process. That resolves the kind of institutional limbo in which active demobilized persons in the ACR’s program have found themselves in respect of protection measures since the end of 2011, and which induced the ACR to adopt certain temporary measures. It is worth noting that, as of now and in those cases in which the UNP determines the existence of a “special or extreme risk, and exceptionally” protection measures may be put in place for this population.

IV. Conclusions And Recommendations

The General Secretariat acknowledges the major progress made by Colombia in the eight years that have elapsed since the beginning of the peace process. Although in some regions security conditions are still difficult, both institutions and communities have remained resolved to forge conditions more conducive to reparation for victims,
institution building, and reconstruction of the social fabric. Accordingly, the OAS General Secretariat offers the following recommendations:

1. Implementation of the Victims and Land Restitution Law is under way and should therefore be analyzed and judged from this perspective. Accordingly, the willingness of the authorities and the Government to perform this task is much appreciated, as is the work of institutions such as the Public Prosecution Service (Ministerio Público) and the Superintendency of Notaries Public and Registries which inspire trust in victims and lend credibility to the process.

2. The clearest obstacle to these efforts is the ongoing violence associated with illegal economies. Therefore, strategies should focus on mitigating risk, strengthening community capacities, and generating a sustainable institutional presence.

3. It must not be forgotten that the effective participation of the victims is essential if their interests are to be met. Participation must be construed as the essence and core of the policy of care and reparation for victims, because it is a mandatory and substantive right associated with the exercise of citizenship and a prerequisite for the effective exercise of other rights. For that, there has to be a stronger bond between not just the leaders, social organizations, and victims with respect to their community fabric but also with the institutions representing a State that guarantees that the conditions for the effective exercise of this right will be established.

4. It is extremely important to incorporate a gender and women’s rights perspective in state initiatives relating to reparation and protection. The Secretary General insists that reconciliation should continue to be the ultimate goal of all the efforts undertaken, and for that reason it is necessary to strengthen community initiatives. With that in mind it is vital that the State disseminate its reconciliation policy so that these proposals can be structured and sustainable.

5. There is a pressing need to provide appropriate and effective protection to all the players involved in the different spheres of the peace process, such as officials, journalists, those claiming land, and human rights defenders. The State is duty-bound to guarantee the safety of these individuals so that the process can advance with certainty, transparency, and effectiveness. According to monitoring carried out by the Mission, state strategies aimed at maintaining adequate security in key parts of the country must be based on a comprehensive concept of risk that essentially includes institution and community building measures, in addition to military and police measures that enable the population to shield itself from the activities of illegal agents.

6. It is important to strengthen opportunities for working together with civil society, in which the various organizations and representatives can continue making constructive contributions to this process; their proposals must be borne in mind by decision makers in designing, implementing, and following up on public policies. The participation and contribution of a wide range of sectors guarantees the forging of points of consensus that may eventually provide opportunities for reconciliation.
7. Implementation of Law 1448 of 2011 and Law 1424 of 2010, as well as the Justice and Peace Reform, require harmonious coordination in the quest for more efficient institutions which generate certainty in communities and facilitate their ability to exercise their rights.

8. The Secretary General welcomes the adoption in the Colombian Congress of the amendment to Law 975/05.\(^{23}\) This action will help to lend legal certainty to the process, which will ultimately lead to greater justice for victims.

9. We also call upon the authorities responsible for regulating and implementing the prison conditions of applicants detained in Justice and Peace detention centers to insure that detention conditions are adequate and respect the special regime established by law. Overcrowding, hygiene issues and precarious resocialization in a number of prisons create situations of insecurity and run counter to the very purpose of the special provisions.

10. With respect to Reintegration, the General Secretariat welcomes the Colombian Government’s resolve to continue strengthening reintegration policy, which began at the national level with the approval of the National Council of Economic and Social Policy for Reintegration\(^{24}\) and then, at the end of 2011, took another important step forward when the office of the High Counselor for Reintegration was transformed into the Colombian Agency for Reintegration. Also notable were the efforts of the ACR to insure that this policy was reflected at the local level by incorporating it into development plans. It is also necessary that this impetus be geared to incipient implementation of Law 1424 of 2010, in particular as regards its mechanisms for contributing to Truth, Historical Memory, and Reparation.

11. The General Secretariat draws attention to the ongoing recruitment of children and of the demobilized in some regions of the country where there are still illegal activities which force them to take part either directly or indirectly. Effective attention to this problem by the competent authorities will help remove a major obstacle to the reconstruction of the social fabric and the achievement of peace.

12. The Mission has been present to support the opportunities for dialogue and rapprochement that have taken arisen between the Government and indigenous communities in the department of the Cauca and trusts that these exercises will continue and bear fruit.

The General Secretariat especially welcomes the efforts of the National Government that have led to the start of the peace process with the FARC guerilla forces. It reiterates the commitment of the Organization of American States to support all efforts by Colombians that are conducive to peace and invites all sectors of society to support this important initiative.

\(^{23}\) On October 17, the Senate in plenary session adopted the reform and on October 31 the House of Representatives and the Senate agreed on a final text.

It is appropriate therefore to thank all those countries that have helped open up this opportunity and to support the realistic agenda set by President Santos, which encompasses rural development, guarantees for the free exercise of political opposition, citizen participation, an end to the armed conflict, the fight against drug trafficking, and victims’ rights. The OAS wishes to reaffirm its support for Colombia’s peace initiatives and implementation of the agreements that result from those initiatives.

Finally, the General Secretariat reiterates its gratitude to the donor countries and friends of the Mission for the political and economic support they have provided during these past years, especially, Argentina, the Bahamas, Brazil, Canada, Chile, France, Germany, Great Britain, Guatemala, Ireland, Korea, Mexico, the Netherlands, Norway, Peru, Spain, Sweden, Switzerland, Thailand, and the United States. It would also like to convey its appreciation of the support and cooperation provided by the Spanish International Cooperation for Development Agency (AECID), the International Organization for Migration (IOM), and the German International Cooperation Agency (GIZ), and USAID.
Eighteenth Half-Yearly Report
OF THE SECRETARY GENERAL TO THE PERMANENT COUNCIL ON THE OAS MISSION TO SUPPORT THE PEACE PROCESS IN COLOMBIA (MAPP/OAS)

This Half-yearly Report is presented in keeping with Resolution CP/RES. 859 (1397/04), in which the Organization of American States requests the Secretary General to report periodically to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia (MAPP/OAS) and on its continued ability to contribute to the fulfillment of the values and principles set forth in the OAS Charter and the Inter-American Democratic Charter.

I. General Remarks

The General Secretariat spotlights the efforts of the National Government in the implementation of Transitional Justice in Colombia and, particularly, Law 1448 of 2011 (the Victims and Land Restitution Law), as a far-reaching tool to aid in establishing a sound and lasting peace. The measures provided for therein constitute an unprecedented landmark in the restoration of the dignity of the victims and in the realization of their rights. These efforts can be held up as a model, which other countries of the world facing similar situations can follow.

It is for this reason that General Secretariat submits this report to provide an account of the principal support, monitoring and verification efforts made by the OAS Mission to Support the Peace Process in Colombia (MAPP/OAS) in 2013, in keeping with a broad vision of land and territorial restitution, as well as offering recommendations, which are the product of the more than nine years experience of the Mission in the country.

One of the major advances we have witnessed has been the across-the-board strengthening of the institutional framework. This stage was followed by an adjustment period and then the focus turned to putting mechanisms and procedures into place that are conducive to...
providing comprehensive reparation to the victims of the armed conflict, including restitution of lands and territories. Likewise, it has been noted that social and victims’ organizations and other entities supporting the process have coordinated with the new institutions and entered into agreements under which their know-how and expertise can be tapped by these institutions. It has also become evident that, despite certain limitations and the context of violence surrounding these efforts, victims are able to bring claims to assert their rights and some have been successful at securing guarantees of these rights by means of judicial decisions.

Nonetheless, despite the significant efforts of institutions, challenges are still looming over the process with regard to inter-institutional coordination, rights promotion, information dissemination and outreach, the security of the participants in the process, active participation of all involved, especially the victims, modernization of information systems, guarantees for the sustainability of measures for victims’ return to their places of origin, availability of resources to create decent living conditions for the victims, and putting an end to the impunity enjoyed by those responsible for the forced displacement and unlawful dispossession of land, as well as the perpetrators of the actual assaults on the lives, safety and freedom of the individuals benefiting from the land restitution process.

As the General Secretariat has asserted on several opportunities, the context in which the National Government decided to commit to comprehensive reparation for the victims is by no stretch of the imagination simple and acts of violence have continued to be perpetrated against leaders and land claimants, officials of the competent entities involved, journalists and broadcasters. In order to mitigate the risks to land and territorial restitution in the midst of armed conflict, protection programs must continue to be strengthened and the appropriate mechanisms to ensure the participation of the above-listed actors in the process must be put into place.1

At the present time, in light of the talks in which the National Government and the Revolutionary Armed Forces of Colombia-People’s Army (FARC-EP) are engaged, the country is experiencing an historical moment. Signing agreements and putting an end to the internal armed conflict would greatly contribute to progress in peace-building efforts in Colombia. Consequently, the General Secretariat reaffirms its commitment to shepherd and support each and every one of the initiatives that Colombia puts into place in order to continue to create opportunities and scenarios and carry out concrete actions aimed at achieving peace.

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1 In its Annual Report for 2011, the IACHR welcomed the approval of Law 1448 but noted that while human rights promotion and protection initiatives are being taken, violence persists and continues to hit the most vulnerable segments of the population hard. Additionally, it was noted that one of the crucial points of the Law was that it recognized the existence of armed conflict thus making it possible for reparation to be given to the victims and for the return of their lands, which had been unlawfully seized from them by the paramilitary groups and, in some instances, with the collusion of the security forces. IACHR. Annual Report of the Inter-American Commission on Human Rights 2011, OEA/Ser.L/V/II., Doc. 69, December 30, 2011, Chapter IV. Colombia, pars. 20 and 74.
II. The Law Of Justice And Peace And The Path Toward Restitution Of Lands And Territories In Colombia

The phenomenon of forcible displacement and unlawful dispossessions of land in Colombia is evident in the more than 4,790,317² people who have suffered forced displacement. The main reason for this is the operations conducted by the outlawed organized armed groups, although other factors such as the informal nature of land rights, vested economic and political interests and institutional weakness, also play a significant role. As the phenomenon of forced displacement ran amuck, the country was compelled to provide legal and institutional responses for the prevention of the phenomenon and the protection and assistance of the affected population.³

Since the MAPP/OEA began its work in Colombia in 2004, it has witnessed the National Government and the State making significant efforts together to address the issue of forcible abandonment and unlawful seizure of lands.⁴ Said efforts have crystallized into the actions of the different agencies to mitigate the plight of the population displaced by violence and, specifically, to address the issue of forcibly abandoned and unlawfully dispossessed lands from the peasant population.

With enactment of Law 975 of 2005 (Justice and Peace Law), the right of the victims to restitution was incorporated. Moreover, said Law established relinquishment of their property as an eligibility requirement for the demobilized combatants applying for benefits under the judicial proceeding provided for in the law. Accordingly, the MAPP/OAS supported the Special Prosecutor’s Office for Justice and Peace in the implementation of direct restitution to the victims in the Departments of Meta (San Martín), Magdalena (Santa Marta and Minca, Sierra Nevada), Cesar (San Martín), Córdoba (Costa de Oro and El Porro), with property handed over by former...

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² As of April 30, 2013, there were 5,432,156 victims of the internal armed conflict, who were included in the Single Register of Victims. Of that total, 4,790,317 persons are reported to have been victims of forced displacement. Source: Unit for Comprehensive Assistance and Reparation to Victims (UARIV).

³ These responses were provided in keeping with the 1991 Political Constitution, the United Nations Guiding Principles on Internal Displacement and national policies. A huge initial effort of the Colombian government was made in 1997, when Law 387 of 1997 was issued, creating the National Comprehensive Assistance System for the Displaced Population, which included the protection of rights to lands.

⁴ In 2004, the Constitutional Court handed down Judgment T-025, calling attention to the failures of public policy in the area of assistance for the displaced population and, consequently, it declared a “unconstitutional state of affairs,” and issued orders for the protection of their property by enforcement of Decree 207 de 2001, as well as the gathering of information on the abandoned properties in statements from the displaced population. This gave rise to the National Government formulating the National Plan for the Assistance of the Displaced Population (Decree 250 of 2005). The many follow-up orders to this Decision include Orders 185 of 2004; 176, 177 and 178 of 2005; 218 of 2006; 052, 092, 116, 237 and 251 of 2008; 004, 005, 006, 007, 011 of 2009, and in particular Order 008 of 2009. Under this last one, the instruction was given to reformulate land policy, emphasizing the need to put a special mechanism into place to make it possible to receive, process and settle the claims of the victims relating to restitution of lands, including the different legal relationships (owners, possessors, occupants and holders). It also raised the need to establish the truth as to the forcible abandonment and unlawful dispossess of lands and the State’s obligation to implement the legal and institutional reforms required to respond effectively to the duty to redress property damages and restore rights to the land.
commanders of the Héroes del Llano, Resistencia Tayrona, Vencedores de Arauca and Salvatore Mancuso Blocks, respectively.

In this regard, as has been explained in previous reports, the properties handed over by the demobilized combatants must undergo a preliminary diagnostic study in order to determine the restitution value of each one and clarify doubts about whether they really belonged to the demobilized applicants, who have placed them at the disposal of the Reparation Fund; as well as to determine how urgent it is to take the necessary measures so that the properties handed over by the applicants under the Justice and Peace Law do not deteriorate and lose their value to the detriment of the victims.

Law 975 of 2005 also created the National Commission of Reparation and Reconciliation (CNRR) and the Regional Commissions of Restitution of Property (CRRB), which were regulated under Decree 176 of 2008. Through the MAPP/OAS, the General Secretariat was present as an observer when these entities were set up and when some of their actions were conducted in the field, such as the pilot projects of restitution in Mutatá and Turbo in Antioquia; Chengue in Sucre; and Mampuján in Bolívar.

The Regional Commissions of Restitution of Property and their Pilot Projects were unsuccessful at making progress in the restitution of lands strictly speaking, because to a great extent, most of their functions were focused on providing advice and guidance to the victims, in addition to having to operate under formulaic regulations and mechanisms, which would not always adapt to the contexts of widespread conflict and violence. Additionally, it was anticipated that these Commission would only conduct operations in twelve municipalities and it was established statutorily that they only had the obligation to convene for regular meetings once a month, although special meetings could be convened at the request of any of their members. Nonetheless, the General Secretariat stresses the need to draw on these invaluable experiences and recognize the lessons learned from them in order to properly develop and implement the Law of Victims and Land Restitution and other instruments of transitional justice in Colombia.

Additionally, in 2007, the Ministry of Agriculture and Rural Development created the Land Recovery Program (PRORET) and, in the framework of this program, developed another program called CONRET (consultations on legal issues relating to land restitution). Some of the functions of this program included gathering information on each case, assessing the viability of recovery of the property and creating legal strategies, when possible. The MAPP/OAS was an observer to some of the public announcements on properties, and saw for itself how a great effort was put forth to

5 Made up of the Office of the Ombudsman, the Regional Office of the Inspector General, the Ministry of the Interior and Justice and the National Commission of Reparation and Reconciliation, which chaired them. A representative of the religious communities also sat on the Commissions. Article 53 of Law 975 of 2005.
6 Article 2, Decree 176 of 2008, “Whereby Articles 51, number 52.7; 52 and 53 of Law 975 of 2005 are regulated.”
7 Bogotá, Medellín, Sincelejo, Barranquilla, Bucaramanga, Valledupar, Pasto, Cali, Mocoa, Neiva, Quibdó and Cartagena.
8 Article 3, Decree 176 of 2008.
collect documentation and systematize the information, and this stood in stark contrast with the little or no documentation about the property on record in the cadastral and land registry, at both the community and institutional level.

That same year, in the context of assistance and observation in the communities of Medellin (Antioquia), the Mission learned about the issues involved in and impacts of intra-urban forced displacement. For this reason, the General Secretariat appreciates efforts to raise the profile of and address the phenomenon of intra-urban forced displacement with regard to protection, restitution and recognition of victims in light of the particular relevance and currency of the phenomenon in cities such Medellin, Buenaventura (Valle del Cauca), Soacha (Cundinamarca) and Tumaco (Nariño).

In 2010, the strategy known as the ‘shock plan’ (Plan de Choque)⁹ was formulated and carried out by the National Government and monitored by the Mission at the express request of President Juan Manuel Santos. In the context of this monitoring, the Mission attached the highest priority to ten cases in seven Departments¹⁰ and in municipalities seriously affected by forced displacement, abandonment and unlawful dispossession of property. Institutional practices, which fell outside the respective legal authority of the entities, were detected in several of these places, which were tantamount to infringements of already acquired rights or rights that were yet to be formalized. There was obvious interference by armed actors, who either directly or using what appeared to be legal means on the surface, appropriated the land granted in the agrarian reform programs, thus usurping rights legitimately acquired by peasants and causing them to lose the property and, in some instances, murdering the original land grantee. It was also possible to detect in the local context the allegedly forcible transfer of ownership rights, by taking advantage of the needy state of the victims, as well as cases in which it would seem that the beneficiaries acted on their own and sold their properties. Subsequently, cases handled under the Plan Choque were transferred to the Colombian Institute for Rural Development (INCODER) as the executing entity of the Plan, or other cases involving the restoration of rights or effective enjoyment of property were transferred to another institution.

The General Secretariat notes that implementing the ‘shock plan’ (Plan de Choque) as a pilot project, that is to say, an initial experiment, was fundamental to the design of administrative restitution processes, just as other institutions have been doing in different venues. Important lessons were learned from this exercise about the effectiveness and efficiency of agrarian laws and regulations in force and about other

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⁹ The Plan Choque was a pilot project which sought “to conduct in the short term an experiment to make it possible to implement the guidelines of a new land policy of the current government, to offer possibilities to guide and energize institutional management of the entities in charge of their execution, establish conditions and critical factors for their development and move forward in the design and application of instruments for the productive and social regulation of the rural sector.” Source: INCORDER. Plan Choque. “Primeras Realizaciones de la Nueva Política de Tierras y Desarrollo Rural. [Plan Choque. Roll out of the New Land and Rural Development Policy.] October 2010-July 2011.” Bogotá D.C., August 2011, Pg. 3.

¹⁰ Department of Magdalena, Bolívar, Norte de Santander, Tolima, Cesar, Antioquia and Chocó.
ones that need to be in force in order to confront the ploys used by the actors who unlawfully appropriate land from the rightful owners and force them to abandon their property, and the wide range of methods used by them were identified. Much was also learned about government capacity to provide security to those who assert their rights and find prompt, bold and transformational and lawful solutions to redress the damages caused to victims, as well as to support sustainable alternatives to make a living for those whose rights are restored.

Lastly, these lessons turned into challenges that had to be solved through the Victims and Land Restitution Law (Law 1448 of 2011), which reflects the National Government’s interest in making the victims whole through full restoration of the violated rights to which they were entitled.

III. Law 1448 Of 2011: Mapp/Oas Support And Monitoring Of Land And Territorial Restitution

The first challenges faced by the Colombian government in implementing the Law were to set up and put into operation the Special Administrative Unit for Restitution of Seized Lands (UAEGRTD); establish the special courts for land restitution; create the Office of the Deputy Superintendent for the protection, restitution and formalization of lands; and for the Office of the Inspector General of the Nation (Procuraduría General de la Nación) and the Office of the Attorney General of the Nation\textsuperscript{11} to form working groups to assist and intervene in the land restitution proceedings before the special courts.

The MAPP/OAS has established that the institutional infrastructure at the level of the central government and on the ground has been built and a few obstacles have been overcome by taking temporary measures such as hiring outside contractors. Thus far, 15 territorial offices of the Special Administrative Unit for Restitution of Lands have been established, 39 special land courts,\textsuperscript{12} and 5 court panels (Bogotá, Cali, Cartagena, Cúcuta and Medellín), each consisting of three magistrates, have been created.

The General Secretariat recognizes the efforts of the Unit for Comprehensive Assistance and Reparation to Victims (UARIV) and of the UAEGRTD as to coordination and inter-agency cooperation in implementing Law 1448 of 2011, particularly with regard to the measures of comprehensive restitution and reparation to victims, as reflected in the signing of Inter-Administrative Framework Agreement N. 1524 of 2012. These measures include joint efforts in putting into effect the strategy known as the Territorially Focused Reparation Strategy (RFT), which is designed to realize the collective reparation and individual reparation measures, return to and restitution of lands, which the Mission has been following since 2012 in the case of the victims of Las Palmas, municipality of San Jacinto, in Bolivar.

\textsuperscript{11} Law 1448 of 2011, Article 119.
\textsuperscript{12} Twenty-four Special Civil Circuit Courts for Matters of Land Restitution were created in 2012 and 15, so far in 2013.
Additionally, we recognize the coordination efforts made by other institutions participating in the land restitution process. We appreciate the Office of the Superintendent for Notaries Public and Registries, which has continually facilitated opportunities, as was mentioned in the previous report, as a contribution to inter-agency coordination and to overcoming many difficulties in making the process more expeditious.

Likewise, we recognize the commitment of the Office of the Comptroller General of the Republic to tailor its processes and procedures in monitoring land restitution through an approach that is empathetic to the victims, in addition to building a system of indicators to follow up on land restitution public policies, a task that has been supported by the Mission.

As for a differentiated gender-based approach and women’s rights in Law 1448 of 2011, the necessary special protection for women victims of forcible abandonment and unlawful seizure of land provided by the State, both in administrative and judicial proceedings is noted. On this score, the Law recognizes the differentiated vulnerability of women and the particularities of their link to the land. Notwithstanding, the IACHR has received reports of the challenge posed by the situation of women and the precarious nature of land titling in rural areas, as a consequence of the actions of regional authorities, which were accomplices to de facto or legally registered forcible land dispossession.

The Mission has been following different women’s organizations in their political advocacy to include a gender and women’s rights-based approach in land restitution public policy. In this regard, one month after Law 1448 of 2011 was issued and in the context of the addenda to the Mandate of the Mission, some women’s organizations, supported by the MAPP/OAS, submitted to the Ministry of Agriculture and the Land Restitution Unit the document “El enfoque diferencial de los derechos de las mujeres en materia de restitución: Recomendaciones y observaciones a la reglamentación de la Ley 1448 de 2011” [‘A differentiated women’s rights-based approach in the area of restitution: Recommendations and comments on the regulations of Law 1448 of 2011’], in which comments and recommendations are made on the regulations governing registry and property protection. Some of these recommendations were welcomed by the National Government in crafting the regulations of the Law. On its latest country visit to Colombia, the IACHR received information on legislation and legal precedents protecting women’s rights in the country.

We note the launching of the Program of Special Access for Women, Girls and Adolescents in the Administrative Stage of the Restitution Process by UAEGRTD. Thus,

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13 In July 2011, the addenda to the Mandate was signed by the Secretary General and President Juan Manuel Santos establishing that the MAPP/OAS shall conduct efforts to “Support and monitor the restitution of lands in the framework of the comprehensive land policy as a component of comprehensive reparation to victims of forced displacement and dispossession.”

one of the mandates of Law 1448 of 2011 has been accomplished and one of the commitments of the institutions to develop adequate regulations taking into account the special status of women’s link to the land, as well as the longstanding patterns of gender-based discrimination, further exacerbated by the conflict, which have kept women in a situation of marginalization and vulnerability, has also been fulfilled.\(^{15}\)

Furthermore, the Colombian government has not shied away from acknowledging the infringements of the rights of indigenous, ROM\(^{16}\) and Afro-Colombian, Raizal and Palenquera communities. Accordingly, the Victims and Land Restitution Law provided for the issuing of decrees with the force of a law to regulate the aforementioned rights and guarantees, making them a fundamental tool for the implementation of public policies with a differentiated approach to ethnic groups as collective bodies who are entitled to rights in the context of the conflict and who have been impacted in a disproportionate and differentiated way.\(^{17,18}\)

In keeping with the agreed upon timetable and consensus, the indigenous communities and the UAEGRTD crafted a draft set of selection criteria, approved by a Permanent Committee ['Table'] of Indigenous Consensus-Building (MPCI: Mesa Permanente de Concertación Indígena), under which 14 cases of indigenous communities were selected as the focus cases. Based on these cases, progress has been made in reaching a consensus definition of what constitutes territorial infringements. In this regard, the General Secretariat recognizes and makes special mention of the positive impacts of these decrees, which have made it possible to take precautionary measures for the community council of Bajo Mira and Frontera in the Department of Nariño.

For Afro-Colombian communities, the Decree-Law does not establish a consensus-building body to establish priority cases. However, the Land Restitution Unit and Afro-descendant organizations, based on minimum identification and consensus criteria, have given priority to 8 cases of forcible abandonment and dispossession of lands. Thus far, education workshops on the Decree and what constitutes elements of infringements of rights have been conducted with the community councils and Afro-descendant organizations.

As for the participation of the victims of the armed conflict in the stages of Transitional Justice, the Mission has observed several different opportunities, such as hearings on motions for reparation and, later, hearings to identify infringements. It has also observed the creation of an ad hoc body for the participation of victims aimed at

\(^{15}\) The IACHR has received reports on the difficulty in implementing the Victims and Land Restitution Law, particularly in light of an absence of an approach that takes into consideration the differentiated impact of the effects of internal armed conflict on boys, girls and adolescents.

\(^{16}\) Also known in other contexts as Gypsy or Romany communities.

\(^{17}\) Decrees with force of law Number 4633 (indigenous peoples and communities), 4634 (ROM or Gypsy people) and 4635 (black, Afro-Colombian, Raizal and Palenquera communities) of December 9, 2011.

\(^{18}\) Also, the IACHR has noted that during its country visit, it received reports of the indigenous and Afro-Descendant communities’ disagreement over the lack of prior consultation on Law 1448, as well as over their involvement [or lack thereof] in the consultation process as it related to the specific decree-laws.
solidifying the formal bodies set forth in the Law through the Effective Participation Protocol. This document regulates formal and substantive aspects of the participation of the victims and their ability to have a bearing on the implementation, monitoring and evaluation of public policies of assistance and reparation, which are neglected at the municipal, departmental and national level. Notwithstanding the efforts made by the Victims Assistance Unit in approving the procedural protocol on May 10, 2013, the victims have expressed their displeasure over it, inasmuch as their full consensus was not given.

The IACHR has taken a similar position noting that civil society has complained about having very little effective participation in the process of regulating the Law. In this regard, the point was raised that there is no single definition as to what participation means, on top of the failure to recognize the effects that violence has had—and has—on the organizational process and on social and political movements, as well as the threat to the independence of the organizations and the stigmatization or smear campaigns being waged against them and disregard for the right to participate of the victims who belong to the organizations.

The General Secretariat of the Organization of American States recognizes the progress made by the Victims Assistance Unit in training and sensitizing the agents of the Public Ministry (who are in charge of enforcing constitutional rights and overseeing the performance of public officials in Colombia), especially the people’s ombudsmen (defensores públicos) and municipal oversight officials (personeros), as well as implementation of Circular No. 004 of 2013, which enables the participation of the victims on an ad hoc basis, until such time as the protocol is approved.

Nevertheless, the strategy of information dissemination and outreach to victims is cause for concern as it focuses on the victims’ associations and leaders, thus jeopardizing the active and effective involvement of all victims, inasmuch as information does not always manage to trickle down to all stakeholders. At the local level, it has been noted that the victims have called this strategy into question because they view it as stove-piping the information into certain sectors of the victim population and, consequently, it does not make it to the entire extensive rural area of the country. For victims, who are unable to gain access to the information and have difficulties in making direct contact with the institutions, this entails traveling to Department capitals at a significant cost to them in terms of time and money.

The General Secretariat appreciates the ongoing public debate in which victims organizations, civil society organizations, the media, members of Congress, international organizations, the Constitutional Court, oversight agencies and the Victims Assistance Unit, among others, are engaged in, recognizing the victims of the so-called bands of criminals (BACRIM). At the same time, the Unit for Comprehensive Assistance and Reparation to Victims, in keeping with the instructions of the President of the Republic, has been assisting the victims of criminal gangs by providing humanitarian relief in emergency situations. However, the Secretariat encourages the Unit to begin to include in the Single Register of Victims as soon as
possible any victims who identify the perpetrators of the victimization as members of the BACRIM.

The General Secretariat also highlights the interest expressed by the Land Restitution Unit in the efforts of the MAPP/OAS with regard to monitoring risk in land and territorial restitution and, consequently, its relationship with this entity has been strengthened. Additionally, the views of the local communities and institutions regarding the process have been canvassed. This monitoring was focused on the municipalities of Montería and Valencia (Córdoba), El Carmen de Bolívar (Bolívar), Mapiripán (Meta), Trujillo (Valle del Cauca), San Miguel and Valle del Guamuez (Putumayo), Tibú and Ocaña (Norte de Santander).

As a result of this monitoring, we have been able to corroborate that the communities welcome the current policy of land and territorial restitution to victims of forcible abandonment and dispossession. Nonetheless, there is still great concern about public order and security and access to minimum basic services so victims are able to lead a dignified life and realize their life ambitions in the locations from where they were forcibly displaced and dispossessed of their land. In this context, the communities reiterate the urgency to act on their security needs as well as the importance of optimal institutional coordination with regard to comprehensive assistance and reparation to victims. Lastly, the Nation-Territory relationship has not yet been sufficiently defined, inasmuch as the local entities view the process of land restitution as a policy for which the responsibility of implementation is incumbent upon the central government.

IV. Security Conditions In The Territories

The land and territorial restitution process in Colombia is unfolding in a context that is by no means simple and is being implemented in the midst of the conflict, thus affecting everyone involved and actively participating in the processes: the victims, human rights defenders, public servants, judicial officials or journalists. Vested economic, political and social interests are at stake in the process and thus stand in the way of its progress.

At the local level, actors have been identified who hinder the efforts of the Land Restitution Unit, erecting roadblocks to the entry of the work team in charge of conducting property surveys and identification; in addition to exerting societal pressure to prevent public awareness of the issue of forcible abandonment and dispossession of land and having a chilling effect on the filing of claims by victims.

One of the major challenges of implementation of the land restitution policy, which was not taken into consideration initially, is the presence of land mines and unexploded ammunitions (MAP/MUSE, as they are known by their Spanish acronyms) in the territories subject to restitution. In 2012 and in the first half of 2013, as a result of the assistance and observation Mission of the work of UAEGRTD in micro-focused rural areas of Departments such as Norte de Santander, Putumayo, Bolívar and Antioquia, this concern was evident and, therefore, the suggestion is to proceed with land restitution after completing demining. In this regard, the challenge faced by the
institutions is to devise a plan of action to address the emergence of this new factor, which heretofore had not been taken into account, that is, minefields in the focus areas. The General Secretariat reiterates in this regard the commitment to Colombia with regard to demining through its Program of Comprehensive Action against Antipersonnel Mines (AICMA), on which it has been collaborating with the National Government.

Currently, the AICMA Program serves a variety of purposes in aiding the Government’s anti-personnel mine action. Since 2005, AICMA has been providing logistic and administrative support and technical advisory services for outfitting, training and sustaining almost 400 humanitarian de-miners of the Military Forces, organized in 27 teams specialized in humanitarian demining, with the capacity to operate autonomously. As a result of this partnership, Colombia completed the removal of all antipersonnel mines planted by the Military Forces in 35 minefields under government jurisdiction. As of 2008, these humanitarian de-mining units have been focusing their efforts in 14 priority municipalities in the Departments of Antioquia, Bolívar, Caldas, Meta, Nariño, Santander and Tolima. In May 2013, the national authority for action against antipersonnel mines added an additional 11 municipalities as priorities in these Departments for de-mining interventions.

AICMA also conducts crucial complementary activities for socioeconomic recovery of the affected areas, particularly, through its education campaigns on the perils of land mines to the inhabitants of the municipalities where the interventions are taking place. As for victims of anti-personnel mines, AICMA helps to build national capacity in the physical and psychosocial rehabilitation of survivors, vocational training and business projects for survivors and for the socioeconomic reintegration of the victims, their families and communities. AICMA also facilitates the incorporation of affected communities into macro-projects funded by international development agencies for the productive use of demined lands.

We have observed in different locations of the country that, despite the efforts of the Government, threats, intimidation and murders of individuals linked to the processes of land restitution and victims of forcible abandonment and dispossession of lands, are still looming large. This has sowed great fear among victims and discourages them from asserting claims for their rightful lands, from actively participating in the process and undermines the confidence that the population has placed in the institutions in charge. Consequently, the General Secretariat stresses the need to strengthen mechanisms of collective protection to prevent the social fabric from being torn apart and to create the necessary conditions for victims to be able to gain access to the process with confidence and security. Additionally, authorities are urged to take the necessary measures to locate the perpetrators and masterminds behind these crimes, to get to the bottom of the facts of the cases, prosecute those responsible and provide assurances to those who report this type of crime to the appropriate authorities.

In the first half of the current year, the number of threats, assaults and even murders of broadcasters by allegedly illegal groups in different locations of the country has
risen. In many of these instances, many of the human rights defense and journalists’ rights organizations assume that these incidents are directly linked to the vested interests of the de facto powers that attempt to prevent broadcast media dissemination and coverage of the land restitution process. Particularly noteworthy in this regard are the latest cases in Departments such as Cesar and Cordoba, about which the General Secretariat has issued emphatic statements.

In the view of the Secretariat, meager results in the prosecution of the perpetrators of these crimes are of particular concern. These criminal offenses sow terror and distrust in the population, which had recently pinned its hopes on the process of land restitution.

Threats against women and organizations associated with the land restitution process are also issues of great concern, which require special attention. Several organizations defending the right of women to restitution have been threatened by email, signed by a group that calls itself the “Anti-Restitution Army.” Additionally, in May, in the city of Valledupar (Cesar), a pamphlet was circulated that was attributed to the “Anti-Restitution Army” and threatened a considerably large group of journalists involved in one way or another in the victims and land restitution issue. It must be noted that in the first half of the current year, the number of threats, assaults and murders of broadcasters in different locations of the country has risen. The human rights defense and journalists’ rights organizations assume that these incidents are directly linked to vested interests, which attempt to prevent broadcast media dissemination and coverage of the land restitution process. The General Secretariat has issued emphatic statements about the cases occurring in the Departments of Cesar and Cordoba. The meager results of prosecutions against those responsible are troubling to the Secretariat.

Officials linked to the land restitution process have also been the targets of intimidation and this in turn has adversely affected effective performance of their duties. The judges and magistrates of the special land restitution courts have expressed their concerns for their own safety in processing property cases and conducting the on-site inspection visits, as requested by the parties to the cases, due to adverse interests to the public policy of land restitution. Several municipal ombudsmen have received threats because of their efforts to support victims.

In light of this situation, we must underscore the effort of the National Protection Unit (UNP), which provides protection to officials of the Land Restitution Unit19 and to the Judges and Magistrates of the Special Courts for land restitution at the national and territorial level. It should be noted that on April 8, 2013, a total of 495 land claimants were granted protection measures, of which 93 were in the Department of Chocó, 80 in Antioquia, 56 in Bolivar and 45 cases in Cesar, which are the regions with the highest numbers of individuals under the protection of the UNP. These three regions

19 The National Protection Unit provides this protection in the Departments of Sucre, Córdoba, Cesar, Putumayo, Meta, Tolima, Valle del Cauca, Bolivar, Norte de Santander, Santander, Magdalena, Nariño and Atlántico, as well as in Urabá of Antioquia.
are also at the top of the list of Departments with the highest number of applications for Entry in the Registry of Forcibly Abandoned and Dispossessed Lands of the UAEGRTD.

Despite the best efforts of the UNP, there has been a failure to disseminate information about the duty performed by this entity and the procedures, paths and requirements in place to request protection measures. Consequently, the General Secretariat urges the National Protection Unit to continue to work on the outreach and education campaign about its duties, especially in the most remote areas of the country where the communities and the victims have the greatest difficulties in gaining access to the information and learning about the path to protection.

The efforts of the Integrated Intelligence Center for Land Restitution (CI2RT) must also be noted, conducting 12 follow-up meetings, which were attended by the Minister of Defense. The aim of these meetings has been to review the actions of the CI2RT, examine the security situation relating to the process of land restitution, and evaluate and verify the status of threats that have been leveled in the framework of this body.

The General Secretariat is concerned that in most of the cases of violent actions committed against individuals involved in the restitution process, no perpetrator has been identified, which hampers clarification of the facts. According to the theories of some of the authorities, these incidents are linked to the so-called criminal gangs (BACRIM), whose economic interests would be adversely affected or third parties are being hired to carry out violent actions. The methods of threat employed by the illegal actors to intimidate the victims include telephone calls, sending written messages, email messages, texting and information delivered through third parties. The Departments of Bolívar, Antioquia, Chocó and Cesar are the most affected by these actions. A noteworthy case has been threats against leaders of El Carmen de Bolívar (Bolívar) via text message, forcing some of them to leave the municipality and move along with their families to other areas of the country.

Special attention must be paid to possible returns of victims to formerly abandoned and unlawfully dispossessed land, which may take place without adequate accompaniment by the public security forces and the competent institutions, inasmuch as any act of violence that takes place not only may endanger the life of the individuals returning to their land, but also may jeopardize implementation of the land restitution process in the area. The General Secretariat is attentive to strategic developments aimed at supporting the return process, such as those planned in the framework of inter-agency cooperation between the Victims Assistance Unit and the Land Restitution Unit in cases such as San Jacinto (Bolívar), as cited above. There is also widespread perception that in many instances the act of return will not be sufficiently protected by the public security forces. On this score,

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20 The latest murder of a land claimant in the Municipality of Bello, Department of Antioquia, according to the first press releases was attributed to the criminal gang “Los Triana,” because they had an economic stake in the urban land claim. However, that is a preliminary, uncorroborated version of the facts and, therefore, it is necessary to wait for the results of the respective investigation.
the IACHR received reports regarding the Early Warning System and on the lack of effectiveness of the State response to the return process. The Office of the People’s Ombudsman itself has issued a warning about the need to design and implement measures of collective protection.21

The General Secretariat urges the State to continue to implement the current measures and programs, review its strategies and the measures it has executed and determine how suitable they are, examine its approach to risk analysis and the needs of the individuals it protects, as well as put into place improved conditions of security in territories where the process of land restitution is under way or is anticipated to get underway, since this is a fundamental element to guarantee the sustainability of the process and to put into operation future agrarian projects in Colombia.

V. Judgments Issued By Restitution Judges

The first half of 2013 has been marked by a significant amount of judgments handed down by the Judges and Magistrates22 of the special courts for land restitution. With respect to effective recognition of the rights of the victims of forcible abandonment and dispossession of lands, progress has been evident in the administrative stage, given the fact that as of April 30, 2013, UAEGRTD had received 39,399 applications for inclusion in the Register of Dispossessed Properties and had proceeded to process 6,732 of said applications, which cover 314,459 hectares under claim.23

One of the major advances has been the way in which the restitution process has been addressed by UAEGRTD and by the Judges and Magistrates to redress and reverse the effects of the armed conflict and the unlawful seizure of lands from thousands of Colombians. Thus, the process has successfully established itself as an exceptional instrument of transitional justice, which is designed to restore the fundamental right to restitution of lands and territories of the victims of forcible abandonment and dispossession, by adopting principles of international human rights law, in order to recognize the status of the victim and achieve effective enjoyment of rights.

The General Secretariat highlights the judicial activism with which the Judges and Magistrates have operated, by making innovative decisions which, together with the far-ranging powers granted to them, has made it possible for them to order measures to ensure the rights of the victims to comprehensive restitution including: i) Annulment of decisions of State authorities and contracts entered into between the victims and third parties, ii) Restitution of urban real properties, iii) Subsidies for rural housing, iv) Exoneration of payment of real property taxes, v) Steps to ensure access

21 Office of the Ombudsman of the People, Legal Commission for Follow-up on the Victims’ Law, Mandates established in the Law of Assistance, Reparation and Land Restitution and the Decree Regulations, December 5, 2012, pgs. 3-5.
22 During the judicial stage of the process, 39 Judges, one roving Judge and 15 Magistrates, appointed as of the present date, are hearing approximately 1,221 cases and, as of the present time, have issued 57 rulings covering 253 properties. Figures of the Special Administrative Unit for Management of Dispossessed Land, as of April 8, 2013.
23 Figures from the Special Administrative Unit for Management of Dispossessed Land, as of April 8, 2013.
to public services and repair of roads; vi) Access to education, technical training and comprehensive land subsidy (subsidy for adaptation of land, technical farming assistance, and inclusion in productive programs); and, vii) Recognition of victims of the abandonment and dispossession caused by the illegal armed groups subsequent to demobilization, among other things.

The OAS General Secretariat would like to take this opportunity to recognize the commitment that has been shown by the Colombian judiciary, as represented in the High Council of the Judiciary and in each Judge of the Circuit Court Civil and Magistrate of the Superior Court of the Special Judicial District for Restitution Matters; in focusing all of their resources on implementation of this emergency justice-application system, which is settling disputes over land tenure, by setting aside the rigidity and rigorousness of the procedural rules regulating ordinary civil proceedings in order to benefit the victims.

Nonetheless, it is important to mention some aspects of concern to the Mission, which have been evident during the assistance and observation that has been conducted on the process of land restitution, to wit:

i) Despite the important work of the Land Restitution Unit, the Judges and Magistrates and the Historical Record Center, greater effort is required to clarify the patterns of macro-crime involved in the forcible abandonment and dispossession of land and to learn the truth behind forced displacement and unlawful land seizure in Colombia. For this purpose, the influence of economic and political interests must be looked at, as well as the armed and criminal groups;

ii) In practical terms, it has become evident that both UAEGRTD and some judges have found interaction between the institutions to be difficult at all stages of the process of the administrative and judicial restitution procedure; and,

iii) Doubts have been cast and concerns have been raised about compliance with and execution of judgments. This stage requires a heightened, inter-institutional commitment that is well coordinated in order to enforce judgments. The MAPP/OAS has observed that coordination between the local government entities, as well as with the Unit for Comprehensive Assistance and Restitution to Victims, needs to be strengthened regarding the enforcement of judgments, inasmuch as this is an essential element for the success of the policy and the achievement of comprehensive reparation.

24 The IACHR has noted that civil society has identified some obstacles to implementation of Law 1448. In particular, a lack of guidelines or directives and specific budget allocation for the Territorial Tables (Committees) and difficulties in the processes of restitution, such as: (i) disregard of evidence produced by the Land Restitution Unit – and at times by the Office of the Attorney General of the Nation –, which are ordered to be produced again, thus causing delays; (ii) request for investigatory practices that are not provided for by law or are simply economically prohibitive for the victims to pay— such as announcements and publications in the media and posting expensive bonds —, as well as (iii) difficulties in ensuring the confidentiality of the names and other particulars of the land claimants.
VI. Lessons Learned: Strategy To Overcome Difficulties And Recognition Of Legal, Regulatory And Institutional Developments In Colombia

Bearing in mind that Law 1448 of 2011 is not the first attempt at Transitional Justice in Colombia, the General Secretariat has paid particular attention to the interconnection between the wording of the different laws and regulations that have been developing over time for the purpose of putting an end to the armed conflict and its effects on the communities and populations, as well as the recognition and guarantee of the rights of the victims to the truth, justice, comprehensive reparation and assurances of non-repetition.

Consequently, the MAPP/OEA has been promoting the systematization of judicial monitoring tools in the framework of the process of Justice and Peace (Law 975 of 2005), as well as the lessons learned in said process, as one of the first experiences related to the development of Transitional Justice in Colombia. These important lessons serve to expand the coverage of the land restitution and formalization of rights processes, in the framework of Law 1448 of 2011. Participating in this systematization exercise were the institutions of the State and the communities with whom the Mission has been working over the course of these nine years and all appear in the document: “La restitución de tierras en la Ley 975 de 2005: Lecciones aprendidas para la aplicación de la Ley 1448 de 2011 o Ley de Víctimas y de Restitución de Tierras” ['Land restitution in Law 975 of 2005: Lessons Learned for the application of Law 1448 of 2011 or Victims and Land Restitution Law’]. For the purposes of the instant report, the following conclusions are highlighted:

i) Based on an examination of the path to land and territorial restitution, the conclusion can be drawn that some amendments need to be made to the law in order to make the process of land restitution more expeditious, step up the pace of the claims brought by victims for forcible abandonment and dispossession, and overcome certain procedural obstacles that have arisen. In this regard, consideration could be given, as was mentioned in the prior report, to paving the way for restitution to operate via administrative proceedings in cases in which the properties have not been unlawfully seized and an earlier court order is in effect.

ii) Psychosocial support for victims is an essential element of comprehensive reparation and, therefore, should be provided at every stage of transitional justice processes.

iii) It is imperative to reinforce the lines of communication and coordination between the institutions responsible for comprehensive reparation and land and territorial restitution, in order to enhance coordination between the different agencies involved at the national and territorial level.

iv) Since the time Law 1592 came into effect in 2011, amending Law 975 of 2005, the need has become apparent to put into place a process and procedure to connect cases that were being processed under Law 975, to the institutions and the procedures provided for under Law 1448 of 2011, under which the same cases are now required to be dealt
with, so that the transfer between the old and new system in dealing with these same cases is smooth, comprehensive and effective.

v) Law 1448 of 2011 incorporated the criteria of the gradual and progressive nature in the restitution and formalization of land rights, in light of the complexity faced by a State in processing thousands of claims simultaneously. As a result of the lessons learned in implementing the Justice and Peace law, macro and micro-focused procedures were established, with specific criteria under which the geographic areas where the land restitution process will move forward are selected, and the decision-making bodies were defined and regulated. Nonetheless, the administrative acts upon which the macro and micro-focused decisions are based, in order to set the process in motion, are not public. Consequently the Mission suggests that other options be evaluated so that both the community and public opinion are privy to the line of reasoning and arguments on which the decisions are based, and in this way introduce transparency and public disclosure into the process.

In conclusion, the Mission recommends paying special attention to the conflicts or the connection between the provisions of Law 1448 of 2011 and other provisions of Laws 975 of 2005, 418 of 1997, 387 of 1997 and Decrees 2007 of 2001 and 1290 of 2008, which may prove to be problematic in the interpretation of aspects such as compensation via administrative proceedings; the so-called urban housing restitution; judgments for subsidies, assistance and humanitarian relief and the protection of real and personal property. Regarding this last aspect, it is urgent to adopt pertinent and adequate specific policies of prevention, in order to keep further incidents of forcible abandonment and unlawful seizure from occurring; and to restart the system of land and property protection of the displaced population, which has not been included in the current policy.

VII. Conclusions

The General Secretariat concludes that there is a high level of commitment on the part of Colombian institutions to assist the victims of forcible abandonment and unlawful dispossession of lands. The incorporation of instruments of a transitional nature by the National Government to provide solutions to the complex situation of thousands of victims is viewed in a positive light as a way to strengthen any democracy. However, the policy is facing some challenges, stemming from both the institutional framework in charge of implementing it (the Special Administrative Unit for Management of Dispossessed Lands and all of the judicial and administrative entities that are competent in the subject matter), as well as challenges of an external nature relating to insecurity and illegal interests throughout the regions.

As was explained above, the implementation mechanism of transitional justice has taught important lessons that can serve to enhance the process of land restitution

25 Article 5, Decree 4829 of 2011, “Whereby Chapter III of Title IV of Law 1448 of 2011 is regulated with regard to restitution of lands.”
that has recently gotten under way. In the view of the OAS General Secretariat, it is important to take a closer look at the experiences of transitional justice and other actions implemented in the country in order to capitalize on the progress obtained from them, learn from mistakes and promote the transfer of knowledge and expertise, under the premise that Colombia should not squander away important efforts made over the past years.

The participation of the victims of the armed conflict in the venues of transitional justice requires the development of mechanisms and implementation of measures, which effectively boost the capacity of victims and their organizations to bring their views to bear in the different bodies and at the different levels of the process of comprehensive assistance and reparation to victims.

VIII. Recommendations

1. Recognize prior experiences and lessons learned in the area of transitional justice in Colombia in order to properly develop and implement the Victims and Land Restitution Law.

2. Strengthen prevention and protection measures in order to raise the level of security and make protection more effective for victims, human rights defenders, public servants, judicial officials, journalists and persons linked to the process of land and territorial restitution.

3. Step up the pace of investigations and the clarification of incidents linked to threats and murders of persons involved in the process of restitution. It is imperative to determine who is responsible, either directly or indirectly, for these crimes, as they represent the principal obstacle to this process. Delay in the investigations to locate those responsible for the crimes, as well as failure to successfully prosecute them, contributes to a climate of unrest and distrust in the process and authorities.

4. Conduct a far-ranging assessment of the inherent risk of land and territory restitution from a multidimensional perspective and of the variety of actors, which begins with examining regional contexts, present threats and vulnerability in the micro-focus areas. Eventually, the vulnerability analysis should incorporate the vision of the actual capacity of the institutions and society to address the process of restitution. In this regard, the OAS General Secretariat, through the Mission, places at the disposal of Colombian institutions and organizations its methodological know-how in this area.

5. Give high priority to identifying families and communities that have decided to return, or intend to return, voluntarily or on their own, to their land so that local, regional and national authorities can assist them by holding meetings with them to examine whether their safety can be guaranteed. If not, then find alternatives for these families and communities and help to keep these people from jeopardizing their lives and the land restitution and comprehensive reparation process.
6. Ensure and build spaces of participation for the victims of forcible abandonment and unlawful dispossession of land, by encouraging their input in the design, execution and follow-up to the restitution policy.

7. Make effective the right of women to restitution, by enforcing a differentiated gender-based approach to training and sensitization imparted by the territorial authorities, disseminating information on rights, providing women with differentiated assistance and preferential access to restitution. This means addressing with sensitivity the special vulnerability and differentiated impacts that forcible abandonment and dispossession of land has on women and helping them to overcome both the social and legal obstacles to access to restitution.

8. Ensure that the Program of Special Access to Women, Girls and Adolescents in the Administrative Stage of the Land Restitution Process is effectively implemented and has broad coverage among the entities responsible at the local level and make sure that clear procedures for action are in place in these entities.

9. Encourage further development of public policies with a differentiated approach that recognizes infringements of territorial rights of indigenous, ROM, Afro-Colombian, Raizal and Palenquera communities, as collectives who are entitled to rights and who, in the context of the conflict, have been disproportionately impacted, and urgently require further progress over the next months.

10. Continue with efforts to improve inter-institutional coordination between the competent entities, especially efforts within the framework of the Territorially Focused Reparation Strategy.

11. Take comprehensive measures regarding agrarian matters in the micro-focus areas in order to meet the demands of the victims of forcible abandonment and dispossession of lands while, at the same time, take into account the needs of the vulnerable population, which requires formalization of its rights and access to comprehensive programs. In this way, comprehensive and non-discriminatory intervention can be ensured and prevent any actions that tear apart the social fabric and stand in the way of reconciliation in Colombia.

12. Lastly, the General Secretariat reiterates its gratitude to the donor countries and friends of the OAS Mission to Support the Peace Process in Colombia for the political and financial support that they have provided over these nine years, especially:

Argentina, Germany, Bahamas, Brazil, Canada, Chile, Colombia, Spain, United States, France, Great Britain, Guatemala, Ireland, Japan, Norway, Mexico, the Netherlands, Peru, Portugal Republic of Korea, Sweden, Switzerland, Thailand and the European Union. Likewise, the General Secretariat wishes to extend its appreciation for the support provided by the Spanish Agency for International Development Cooperation (AECID), the International Organization for Migration (IOM), the German Agency for International Cooperation (GIZ), the United States Agency for International Development (USAID) and the Presidential Agency of International Cooperation of Colombia (APC).
The following half-yearly report is submitted pursuant to resolution CP/RES. 859 (1397/04), in which the Organization of American States (OAS) asked the Secretary General to report periodically to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia (MAPP/OAS).

The General Secretariat recognizes that during the period covered by this report, November 2013 to August 2014, progress has been made in strengthening a comprehensive, cohesive transitional justice policy, through the creation of diverse legal instruments developed to meet the needs of the process. Also noteworthy are the efforts the Colombian State has made to implement the Victims and Land Restitution Law with a view to guaranteeing the fundamental rights of victims to truth, justice, and reparation.

The present report describes improvements in the design of tools and mechanisms for implementing the comprehensive public reparation policy, such as the Single Register of Victims and a web platform for the territorial entities. As concerns the land restitution policy, the overwhelming numbers of applications for inclusion in the register of dispossessed lands demonstrate that a large part of those affected by forced abandonment and dispossession have expressed confidence in the mechanism.

The report elaborates on the efforts made by the Colombian Agency for Reintegration (ACR) and on the measures developed to address stigmatization and contribute to reconciliation. As regards security conditions, the General Secretariat calls for increased protection measures for persons reclaiming their lands and for leaders of victim organizations. Finally, the last part of the report contains conclusions and recommendations directed at the Colombian Government.
I. Transitional Justice

Monitoring of implementation of the Justice and Peace Law and of other transitional justice instruments

Transitional justice in Colombia has been pursued through legal instruments such as the Justice and Peace Law (Law 975 of 2005), the Agreements to Contribute to the Truth Law (Law 1424 of 2010), the Victims and Land Restitution Law (Law 1448 of 2011), and the law amending the Justice and Peace Law (Law 1592 of 2012), which have evolved to meet the requirements of the process, regulatory realities, social demand, and the existing context.

Of particular note during the period covered by this report was the declaration on the constitutionality of the Legal Framework for Peace, a transitional justice instrument for helping to bring about the end of internal armed conflict and the achievement of peace. Said framework was reviewed by the Constitutional Court, which ruled in its favor on two occasions, establishing a set of parameters for implementing the law, including those on the prioritization of cases and the political participation of former combatants.

The General Secretariat welcomes these advances toward consolidating a comprehensive and coherent transitional justice system, a system that requires smooth, coordinated implementation. It is evident that measures must be taken to enable victims and officials to become sufficiently familiar with the mechanisms created and the implications of the reforms. Further, it is recommended that forums for public debate that can foster reflection on transitional justice instruments and disseminate them be widely publicized and promoted, all with a view to contributing to the reconciliation necessary to consolidate a lasting and sustainable peace.

Even though the law has provided greater legal certainty, the victims have expressed discontent with their lack of understanding of the implications of the changes under the reform. In particular, information must be disseminated about the recent changes regarding economic reparation. In April this year, the Constitutional Court declared unconstitutional part of two paragraphs of Article 23 of the Justice and Peace Law reform whereby it was not at all possible, in the context of identification incidents, to determine the amount of payments and therefore the process of compensation and payment of damages would take place through administrative channels. According to the Constitutional Court’s ruling, the Justice and Peace Courts will be able to adopt

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1 The Legal Framework for Peace makes it possible to classify and prioritize crimes so that the judicial branch may focus its investigations and prosecutions on the persons bearing greatest responsibility for the most serious acts, thus enabling the law to design non-judicial transitional justice instruments, which ensure that the State has the obligation to investigate and prosecute persons bearing less responsibility.

2 For example, the exclusion of certain justice and peace applicants because they do not meet the criteria under the law has resulted in a perception of impunity, since the victims think that the exclusion means that they will not be prosecuted. However, these cases will be tried under the ordinary criminal justice system.

3 Judgment C-180 of 2014. In the opinion of the Court, the provisions cited are unconstitutional, since they hinder the Justice and Peace Court from adopting reparation measures in connection with rehabilitation, restitution, compensation, satisfaction, and guarantees of non-repetition in favor of the victims.
comprehensive reparation measures for victims within the respective proceedings. Although both the Office of the People’s Ombudsman and the Unit for Comprehensive Assistance and Reparation to Victims (UARIV) have made efforts to ensure that victims are informed, this has not been reflected in the victim population as a whole, a majority of whom continue to confuse the judicial and the administrative reparation process and are unaware of what the prioritization of cases and the reform of the law entail. It bears mentioning that the IACHR considers that, in view of the elements determining the prioritization of cases; the State must adopt measures to guarantee victims opportunities for adequate participation and must reinforce nonjudicial justice mechanisms.

The reform of the Justice and Peace Law has led to a new investigative strategy in the Office of the Attorney General, a strategy that involves giving priority to investigating the criminal liability of senior commanding officers of the self-defense and guerrilla forces who are applicants under the law and who assume, by dint of the chain of command, responsibility for the punishable acts committed by the bloc or front they commanded. Although no rulings have been issued since this new strategy was put into place, the General Secretariat underscores the effort made by the assigned prosecutors to collect, in a very short period of time, the necessary documentation and evidence to prosecute the prioritized crimes. In addition to the 20 judgments issued up to August this year, it is expected that the Justice and Peace Courts of Bogotá, Medellín, and Barranquilla will issue 19 more in the next few months.

The Secretariat welcomes the work of the Sub-Unit for Victim Registration, Comprehensive Care, and Counseling of the Office of the Attorney General and of the Gender-based Crime Coordination Office of the Transitional Justice Directorate of the Office of the Attorney General, which have reached out to victims through workshops that, in addition to collecting evidence, have provided individualized attention. The Secretariat is aware of the difficulties in contacting the entire universe of victims of gender-based violence and emphasizes the importance of not only drawing attention to this crime but also prosecuting and punishing those responsible, thus contributing to truth, justice, reparation, and guarantees of non-repetition.

Of special note are the efforts made by the justice and peace magistrates to bring justice to the areas most seriously affected and to work with the victims. Nonetheless, the launch

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4 The Transitional Justice Directorate of the Office of the Attorney General is responsible for instituting investigations and bringing macro-charges. This work consists of classifying and grouping the crimes committed by group, identifying macro-crime patterns, and attributing these acts, according to the chain of command, to those most responsible, in order to charge them as a whole. The Directorate has prioritized four types of crimes, i.e., forced recruitment, forced disappearance, displacement, and gender-based crimes, in addition to those crimes that, because of their symbolic importance, must be part of these macro-charges.

5 The Inter-American Commission on Human Rights (IACHR) has said that these provisions indicate a conceptual change and raise some concerns. In this connection, the IACHR has insisted that it is imperative for the State to adopt a human rights approach to any decisions in the context of the transitional legal framework, in such a way as to ensure that Colombians have access to justice in accordance with international standards. In this regard, mechanisms like the one for selecting and rejecting the investigation of cases of serious human rights violations could be incompatible with the State’s international obligations in this domain.

6 Thus, mention should be made of the steps taken in the Chamber of Medellín in Oriente Antioqueño and in the Chamber of Barranquilla in Sierra Nevada de Santa Marta, La Guajira, and Montes de María. The Barranquilla Chamber issued a ruling
of the Office of the Attorney General’s prioritization strategy and the initiation of several procedures simultaneously have caused a delay in the proceedings. Given this situation, it is recommended that the number of judges empowered to monitor guarantees be increased, especially in Medellín and Barranquilla. Another alternative would be to consider the creation of more courts to hear cases in Bogotá, Medellín, Barranquilla, Ibagué, and Bucaramanga.²

As a complementary measure, the Mission welcomes, as established in the reform of the Justice and Peace Law, the appointment of a judge to execute justice and peace sanctions, with a view to making the proceedings more dynamic, given that this judge will follow up on the execution of judgments and review requirements for releasing detainees once they have served their sentences. The IACHR has informed the MAPP that it appreciates the fact that the reform has specified the grounds for excluding applicants and considers that this will make it possible to draw attention to noncompliance with the obligations to turn over assets and recruited children and adolescents.

The MAPP views with concern the persistence of some problems in the justice and peace cell blocks, such as the inadequate provision of health services to detainees, lack of security in some cases, and overcrowding.⁸ The Secretariat underscores the need for coordination between resocialization programs available inside detention facilities and reintegration programs offered to applicants after their release, so that the two types of programs may be harmonized and lead to reconciliation.

As concerns the release of various applicants deprived of liberty, many of whom are former commanding officers of the United Self-Defense Forces of Colombia, given the maximum detention term established in the Justice and Peace Law and in Law 1592 of 2012, the Mission recommends that comprehensive government action be taken to mitigate the security, social-harmony, and legal risks that could result from this release, both for the applicants themselves and for the communities that may take them in. The MAPP has put into place a comprehensive monitoring protocol, taking into account legal and security aspects (of the communities and the applicants) as well as such factors as resocialization, reintegration, and initiatives at reconciliation within the territories.

against former members of the Wayuu Self-Defense Counterinsurgency in the main language of the affected zone, Wayunaiki, as a means of familiarizing the community with the decision.

³ The guarantee control judges are responsible for hearing the charges brought by the Office of the Attorney General; the hearing magistrates are responsible for holding advanced hearings and issuing decisions. As concerns the efficiency of the Justice and Peace Law, the IACHR has noted that among the matters of special concern are the scant number of convictions and that none of the convictions refers to the dual status of senior commanders and group representatives, nor do they deal sufficiently with criminal acts that may reflect patterns of macro-crime and macro-victimization. In addition, the IACHR considers it essential for the State to provide, in the ordinary court system, adequate follow-up to the information disclosed in the Justice and Peace proceedings, in order to guarantee an accurate reconstruction of the truth and a thorough investigation of the contexts in which the human rights violations take place.

⁸ It is a matter of concern that the services provided by the health care provider have been cut back; furthermore, there have been some cases of fighting with cutting weapons that were not investigated in a timely fashion, for example, the fighting in the El Espinal prison. Noteworthy, on the other hand, are the improvements made in the detention conditions in the Chiquinquirá prison, in which management has taken steps to install a library and to offer various courses to enhance the future employability of current inmates.
Monitoring of the Victims and Land Restitution Law

The Victims and Land Restitution Law, or Law 1448 of 2011, created the National System for Comprehensive Assistance and Reparation to Victims (SNARIV), an interagency coordination body comprising more than 47 governmental and state public entities in the national and territorial spheres. The General Secretariat notes the progress made in its structure and in the implementation of its coordination subcommittees and urges SNARIV to continue strengthening these work areas.

Of particular note is the progress made in the design and implementation of a Single Register of Victims (RUV), which combines the different registers used thus far. However, there are still weaknesses in data quality and in the timeliness with which the data are provided to all the responsible institutions. Also important is the implementation of a web platform to monitor the Victims and Land Restitution Law in the territorial entities to which, to date, 1,017 municipalities have reported the advances they have made in applying the law.

As concerns the implementation of the Single Register of Victims, the IACHR adds that one of the topics that has generated most debate in connection with Law 1448 of 2011 is the coverage and the resolve of the victims who could have access to the reparation mechanisms provided under the law. In particular, the IACHR has been informed of the possibility that the victims of violations committed by illegal armed groups other than those who took part in the demobilization processes might not be considered under said mechanisms.

Monitoring of victim care, reparation, and participation

With respect to the Territorial Action Plans (PAT) for victim assistance that are to be developed by all of Colombia’s departments and municipalities, the widespread production of these plans has been noted. However, there are shortcomings in their negotiation with the beneficiary victims and in the allocation of budgets for their execution. As regards the victim care centers and posts, the Secretariat notes that some have not yet been installed and it reiterates the victims’ request concerning the need to improve the facilities of some centers and to provide better training to the care providers.

The General Secretariat recognizes the efforts made by the Unit for Comprehensive Assistance and Reparation to Victims (UARIV) in designing plans, programs, and strategies to support the comprehensive reparation envisaged in the Victims and Land Restitution Law. Nonetheless, it hopes that these plans will be applied in a harmonious and complementary fashion, i.e., that institutional services provided to the victims will

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9 Thus, for example, procedures and mechanisms have been established for each of the 10 SNARIV subcommittees.
10 The progress made in implementation has to do, inter alia, with the design of the Single Register of Victims, development of the Protocol for the Care of Victims of Armed Conflict; the Victim Care and Assistance Policy Guidelines for the Transitional Justice Territorial Committees, and the psychosocial guidelines and inputs for the Program and Protocol for the Comprehensive Psychosocial and Health Care of Victims of Armed Conflict (PAPSIVI).
12 However, some municipalities have connectivity problems or do not have any connectivity at all to access this platform.
reach the territories efficiently, in order to bring about comprehensive, transformative reparation.\textsuperscript{13}

In the case of collective reparation, it has been noted that various reparation plans exist for groups and also that there are certain deficiencies in the implementation of said plans, which have to do with the conditions and contexts in which they are executed. The Secretariat therefore draws attention to the need for additional efforts by the UARIV, in its capacity as SNARIV coordinator, to promote systemic coordination and to ensure that policies are consistent with the territories’ realities in terms of the implementation of plans agreed upon with the communities.

The IACHR agrees with the positive assessment made by the MAPP regarding the State’s efforts to implement the Victims and Land Restitution Law. It recognizes the interagency approach the Government is taking toward to implement the law and it underscores the views expressed by the State on its efforts to have comprehensive reparation to the victims of the conflict, irrespective of who was responsible for the violation, perceived by society as a State obligation and a necessary step toward building peace.

The General Secretariat, aware of the fundamental value of participating in the design, implementation, and evaluation of public policy on comprehensive care, assistance, and reparation to victims of the armed conflict, commends the promulgation and dissemination of the Protocol on Victim Participation as well as the installation of the national, departmental, and municipal victim participation panels.

Recognizing that the establishment of the panels is still at an early stage, the Secretariat considers the main challenges in this area to be their functioning as participatory bodies for the creation and follow-up of public policy for victims; dissemination among victims and government officials of the protocol and the law; protection of these participatory bodies from the dynamics of special interest groups; strengthening of participation by unorganized victims; representative participation by victims affected by diverse adverse events; and the crafting and dissemination of specific protocols now being developed to guarantee the participation of children and adolescents, indigenous people, persons of African descent, Romani, and persons with disabilities.

In this connection, an appeal is made to draw on the lessons learned from experiences in the transitional participatory context and an invitation extended to establish mechanisms and indicators to evaluate the participation component in the Public Policy for Comprehensive Victim Care and Reparation as well as the extent of consensus agreements or the implementation of alternative means for conflict settlement within the victim participation environments. Lastly, it is suggested that training in participation be promoted for both government officials and victims.

\textsuperscript{13} By way of example, in the area of victim rehabilitation, various interagency agreements have been signed to improve psychosocial care. Nonetheless, one of the challenges is to coordinate the strategy among the UARIV, the Justice and Peace Unit of the Office of the Attorney General, and the Health Ministry, so that it may be presented in a coordinated fashion in the regions.
Monitoring of land and territorial restitution

The General Secretariat highlights the efforts made in implementing the public policy on land and territorial restitution which, in just under three years, has yielded major results, enabling thousands of victims of forced abandonment and dispossession in the context of the armed conflict in Colombia to reclaim their rights and be afforded an opportunity to rebuild their life plans.

Society’s acceptance of the land and territorial restitution process is apparent in the data of the Special Administrative Unit for Restitution of Seized Lands (UAEGRTD), which indicate that 66,166 applications for inclusion in the land register were received. In the Secretariat’s view, this shows that the victims of forced abandonment and dispossession have accepted the Victims and Land Restitution Law as a legitimate instrument for reclaiming their rights.

Of the 66,166 applications for inclusion in the register of dispossessed lands, approximately 24,000 are moving forward through the administrative pipeline and some 10,000 have complete that stage. These figures reflect a significant gap between the number of applications received and the number processed. The General Secretariat is aware of the objective need to take action incrementally, both over time and geographically, but it cautions against the danger of a backlog developing in the measures to be taken, given that the law is in force for 10 years.

The Colombian State is invited to reflect on the alternatives for victims whose lands are in non micro-targeted areas, for example, the possibility of moving toward clarification of the legal situation of the lands and/or toward the establishment of preventive protection measures, as well as the possibility of studying new prioritized macro-zones for restitution in regions that may provide guarantees for return. Along the same lines, the State is invited to redouble its efforts to enable victims living abroad who left Colombia because of the armed conflict to have access to mechanisms for reparation and the restoration of their rights.

As of now, 10,016 applications for inclusion in the register have gone through the administrative stage and are awaiting decisions by the specialized judges, and 675 judgments are being executed. These figures might suggest that the judges and magistrates are unable to cope with the process. In this connection, the issuance of the first “paperless” land restitution judgments is an achievement attained after more than two years of joint work between the Land Restitution Unit and the High Council of the Judiciary. This is an unprecedented experience in the Colombian justice system and could be a major impetus for greater speed and efficiency in the administration of justice in general and in the restitution process in particular.

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14 The applications involve claims for over 3,500,000 hectares; these figures represent almost 37 percent of the different estimates made of the quantity of lands that were the target of dispossession and forced abandonment in Colombia.

15 Source: UAEGRTD, as of July 28, 2014.

16 Source: UAEGRTD, as of March 31, 2014.

17 Source: UAEGRTD, as of August 15, 2014.
Despite the enormous efforts of the magistrates and judges to issue judgments, problems persist with regard to the execution of judgments; in several cases, for example, it has been noted that a weak relationship exists between the municipal and the departmental administrations. Hence, the importance of closer ties among territorial entities in the enforcement of judgments. It is also suggested that alternatives be found to ensure that judicial officials are not overburdened and that judgments do not simply remain formal statements, in order to fulfill the commitment to redress the damage caused to victims and to achieve socioeconomic stabilization and the reconstruction of their life ambitions.

The General Secretariat, as recommended in the Seventeenth Quarterly Report, once again urges that consideration be given to the feasibility of implementing other supplementary, nonjudicial procedures, as defined in the Victims and Land Restitution Law, and of discussing the use of oral statements in restitution proceedings since they could introduce increased flexibility, transparency, accountability toward society, and greater mediation and intervention by the judiciary.

With reference to restitution in ethnic territories,18 the General Secretariat acknowledges the headway made in identifying the first cases as well as the work of UAEGRTD on methodological constructions and negotiation processes, with the start of the restitution process for territorial rights in nine community councils and 13 indigenous communities.19 Of note is the issuance of five precautionary measures to protect three community councils20 and two indigenous councils21 and the submission of six claims for the restoration of territorial rights to 4,766 indigenous and Afro-Colombian families located in the departments of Chocó, Guajira, Nariño, Cesar, Cauca, and Meta.22 The OAS applauds these measures and urges the institutional system to undertake a preliminary evaluation of the impact that the issuance of these precautionary measures and the submission of claims may have on each of the territories.23 Closer coordination is also recommended among the diverse State entities in their handling of ethnic matters and their outreach to communities.

The fate of those who could be referred to as vulnerable good-faith second or third occupants and opponents is a matter of concern. The Victims and Land Restitution Law started from the premise that third parties and opponents to restitution might be associated with illegal armed actors, drug traffickers, or straw men who contributed to dispossession and forced abandonment. However, the third parties and opponents in a large number of current cases are resettled peasants or persons living on lands abutting those being reclaimed. For that reason, the General Secretariat underscores the need to allow good-faith occupants, third parties, and opponents to be represented in court in

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18 Decree Law No. 4633 of 2011, Decree Law No 4635 of 2011, and Decree Law No 4634 of 2011.
19 Source: UAEGRTD, as of March 31, 2014.
20 Bajo Mira y Frontera/Alto Mira y Frontera (Nariño) and Renacer Negro in Timbiquí (Cauca).
22 Including 1,734 Embera Katío and Wayúu indigenous families and 1,865 families in Afro-Colombian communities (Bajo Mira y Frontera, Tumaco, Community Council).
23 The adoption of several of these measures has had consequences for the economy, security, and social fabric of the ethnic communities. A case in point is the conduct of the judge who issued precautionary measures for Renacer Negro in Timbiquí and suspended the measures until an evaluation was made of the impact on the territories of those communities.
land-restitution proceedings when they do not have the resources for an adequate technical defense\textsuperscript{24} and to institute measures to provide them with access to programs enabling them to carry out productive, agrarian, and competitive activities, coordinated with regional development processes, so that they may build a sustainable economic base, improving their income and quality of life.

The Secretariat reiterates the importance of pursuing investigations to draw attention to, identify, bring to justice, and punish those responsible for the forced abandonment and dispossession of land in Colombia, and to protect claimants from threats and from violations of their rights. Lastly, all of the major advances made and difficulties encountered afford an opportunity to review the system’s capacity and to take measures to bring the policy and mechanisms designed into line with the law, in the pursuit of truth, justice, reparation, and reconciliation. With a renewed mandate, the Government of Colombia will have the opportunity in the coming months to adjust its goals for the next four-year period taking advantage of what it has learned during these early years.

\textbf{IX. Reintegration}

The General Secretariat underscores the importance of Colombian society’s reflections and debate on the present and future challenges posed by the reintegration of former combatants and reconciliation.

The Agreements to Contribute to the Truth Law, or Law 1424 of 2010, addressed the legal problem of persons demobilized from the self-defense forces who had not committed serious crimes,\textsuperscript{25} obliging them to meet a number of requirements and collaborate with a non-judicial mechanism for establishing the truth. Although important headway has been made in the number of demobilized troops included and the number of regions involved, some coordination difficulties remain among the institutions that are part of the system covered by the law, for example, the Colombian Agency for Reintegration, the Unit of Prosecutors for Demobilized Individuals 1424, and the Directorate of Truth Agreements of the National Center for Historical Memory.\textsuperscript{26} Accordingly, the Secretariat urges that improvements be made in effective communication and coordination among the institutions.

\textsuperscript{24} It might be possible, for example, for an institution like the Office of the People’s Ombudsman, which played an important role in dissemination, training, information to victims and public officials, and victim representation in implementing the Justice and Peace Law, to assume these functions.

\textsuperscript{25} As the Court sees it, demobilized members of the self-defense forces could not be exempted from serving their sentences for conspiracy to commit a crime, since Law 782 of 2002 does not apply to them, as the crime is not seditious in nature. This opened up the possibility that rank and file demobilized forces could be subject to penalties for conspiracy to commit crimes. Law 1424 resolves this situation by applying that law to demobilized forces.

\textsuperscript{26} If the former combatants are to complete procedural formalities before their cases come up for sentencing, it is vitally important for all the institutions involved to work in coordination with one another. Coordination problems and differences in the level of progress achieved could in some way affect the benefits established under the law for demobilized combatants since, once the case has been sent to the judge, if one of the requirements has not been met, he or she might issue a conviction and not waive the penalty. Added to this is the fact that judicial autonomy may give rise to a court’s making different interpretations, depending on the case, when examining compliance with the requirements set by law.
The Secretariat requests that consideration be given to the impact that convictions for conspiracy to commit crimes have on the economic reintegration of demobilized AUC troops. Although the former combatants are exempted from serving their sentences, the convictions create difficulties for their economic reintegration, given that they will have criminal records and therefore serious difficulties in finding jobs. Moreover, these convictions may entail ancillary penalties like economic sanctions or fines, which the majority of demobilized persons are unable to pay. In the face of these challenges, the General Secretariat encourages the institutions involved in the implementation of the Agreements to Contribute to the Truth Law and the judges to negotiate solutions to facilitate effective reintegration.

The Colombian Agency for Reintegration (ACR) has extended the social service requirement to all former combatants participating in the reintegration program (along with demobilized guerrilla forces), including it as a requirement on the path toward reintegration. The General Secretariat views this as a favorable measure in terms of equity in making reconciliation possible and emphasizes the importance of developing such initiatives from the outset and at all times together with the recipient communities. However, it draws attention to the potential risk posed by the visibility of the former combatants’ participation in social service in places where the security situation could affect them. Thus, the institutional system is invited to seek creative options for meeting this requirement, and evaluation tools must be able to measure how these actions contribute to reconciliation.

The Secretariat has noted that some demobilized combatants have left the program and, with the first graduations, has recognized that job opportunities are sorely lacking and that the former combatants are highly stigmatized. According to ACR data, as of March 31, 2014, some 15,296 demobilized combatants from the former AUC were working, with only about 5,694 in the formal sector of the economy while some 9,602 were in the informal sector. These data demonstrate the grave difficulties and obstacles encountered by demobilized troops in entering the formal economy. In view of this situation, the initiatives taken by the ACH, which has been bringing an increasing number of businesses into the reintegration process, are noteworthy, as is the existence of recent good practices.

The General Secretariat commends these measures and encourages the business sectors to foster the socioeconomic reintegration of demobilized persons, both men and women, especially the graduates, as a fundamental factor in ensuring non-recidivism and their effective socioeconomic reincorporation and in helping them to overcome the particular difficulties of their path toward reintegration.

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27 Some of the first convictions of demobilized persons under Law 1424 of 2010 have entailed fines ranging from 1,500 to 3,000 times the minimum wage.

28 The data from the Colombian Agency for Reintegration include the 31,926 collective demobilized combatants in addition to over 3,619 persons who demobilized individually from the former AUC.

29 According to the ACR, almost 800 businesses have become involved in the process, among them Coca-Cola FEMSA, Coltabaco, Carvajal, Éxito, and Sodexho.

30 There are a number of examples, such as Minimarket 2x3, micro-franchises owned by demobilized persons provided with technical monitoring and support, or the creation of programs in which entrepreneurs devote time to training demobilized persons in such areas as production, quality, marketing, and human resources, among others.
stigmatization. It also invites the Colombian Agency for Reintegration to increase the number of good practices in the area of employability so as to foster the design of forward-looking economic reintegration policies.

Another of the major difficulties affecting the demobilized combatants—one that is a source of ongoing concern for the General Secretariat—has to do with their personal safety and security. During the last quarter of 2013, serious problems were observed in Putumayo and illegal groups in different regions of the country repeatedly exerted pressure on demobilized combatants to recruit them. Attention should be drawn not only to the danger of these pressures and threats to the personal integrity of the affected demobilized persons but also to their continued involvement in the reintegration process.

Similarly, as concerns the prevention of recruitment, the Secretariat wishes to point out, as it has strongly emphasized in earlier reports, the serious situation of the recruitment and use of children and adolescents (CA) in some of the country’s territories. In this regard, during the period covered by this report, information has come to the fore on the recruitment of CA in Turbo and Apartadó (Antioquia), Pradera (Valle del Cauca), and areas of the province of Ocaña (Norte de Santander); the critical situation in the territories of Meta and Orinoquía, the increase in recruitment in Putumayo and Cauca, and the use of CA in Briceño and Ituango (Antioquia).

Likewise, the Secretariat underscores that the figures for this phenomenon continue to be high. In this connection, according to data from the Colombian Family Welfare Institute, over 5,400 children and adolescents disengaged from armed conflict from 1999 to 2013. Moreover, the data submitted by the Office of the People’s Ombudsman present the more complex picture of 153 municipalities vulnerable to recruitment in 28 departments in Colombia.

In the midst of this situation, however, attention should be paid to the introduction of various initiatives and strategies, launched by civil society and the institutional system both at regional and national levels, such as “Mambrú no va a la guerra, este es otro cuento (Mambrú won’t go to war; that’s another story),” a strategy carried out by the ACR in 20 of the country’s municipalities, and by the Ministry of Defense, such as the

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31 During the period from October 2012 to September 2013, 23 security cases were reported as a result of field monitoring.
32 The distrust and fear of the guerrillas felt by demobilized forces in the Department of Cauca are apparent, as is the pressure exerted on them to join up. Similar pressure has been exerted by the guerrillas in Tumaco (Nariño). There have also been several instances of BACRIM threats in Puerto Boyacá (Boyacá).
33 According to various institutional and community sources, children and adolescents are apparently being recruited in areas of Ocaña to serve as hired killers and to establish support networks for illegal groups to provide them with information.
34 A classic example of the current gravity of the recruitment situation in some areas of Meta concerns the municipality of Puerto Rico, where parents have chosen to take their children to work, to send them to live with other relatives, or to allow nongovernmental organizations to place them in boarding schools in other municipalities.
35 The indigenous Caldono (Cauca) authorities filed a complaint with the Office of the Attorney General regarding the recruitment of eight minors by the FARC-EP guerrilla. Added to this is the information from other indigenous resguardos in which the indigenous authorities speak about more than 90 minors recruited in recent months.
36 In this case, the information collected refers to the use of girls by the FARC-EP for intelligence work.
launch of the national campaign “Jugando por la Vida (Playing for Life),” aimed at preventing recruitment.

X. Security Conditions And Consequences For The Communities

The General Secretariat acknowledges the National Government’s efforts to respond to measures taken by illegal armed groups that continue have consequences for some at-risk communities, in both urban and rural areas. During the period covered by this report, the efforts of the Integrated Center for Intelligence against Criminal Groups (CI2 BACRIM), designed to firm up action against these groups, have been consolidated. In parallel, other strategies have been implemented, such as “Espada de Honor 2 (Sword of Honor 2),” in some rural territories that are complicated in terms of security conditions, and the Troya Plan III has been relaunched in the department of Córdoba and replicated in other parts of the country. Of particular note in the urban area is the establishment of the Integrated Information and Intelligence Center for Citizen Security (CI3 24/7).

Despite these measures by the National Government, the General Secretariat continues to be concerned about the persistence of some consequences in communities generated by the so-called post-demobilization groups and some earlier ones; some sectors of the civilian population are still targets of selective homicides as well as recruitment, displacement, detention, sexual violence, the use of children and adolescents in illicit activities, widespread and indiscriminate extortion, social control, and threats, among other things, that continue to generate fear among these communities. In this regard, according to information from the IACHR, a large number of complaints about acts against the population point to the illegal armed groups that arose after demobilization as the alleged perpetrators and, in those cases, the victims are supposedly facing major obstacles in gaining access to reparation mechanisms.

The General Secretariat is especially concerned by the persistence of the phenomenon of forced disappearance, which in particular affects the Department of Nariño and the Pacific coast—a phenomenon that remains invisible because of the difficulty in measuring and quantifying it. However, the perception is that it will continue to rise and that the post-demobilization groups are directly responsible for these acts. In this connection, it is recommended that staff from the National Search Commission for Missing Persons (CNBP) be present at all times among these populations in order to provide community support and to make the corresponding avenues for action effective. The IACHR is also deeply concerned about the persistence of the phenomenon of forced disappearance in Colombia. It recognizes that Colombia has adopted important measures to establish the whereabouts of the missing persons and to identify them accurately and return them to their family members. However, the headway made could be viewed as incipient compared to the number of missing persons. Accordingly, the IACHR considers that the implementation of effective plans and programs to deal with

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38 In March 2014 a departmental panel was installed to address the crime of forced disappearance in Nariño, after more than three years of interagency work to enable the victims of this crime in the department to assert their rights.
39 This perception is widespread in the port of Buenaventura (Valle del Cauca), among other places.
this phenomenon adequately and to obtain uniform, systematized data on it is still pending. For example, even though the platform for the Information System Network on Disappeared Persons and Cadavers (SIRDEC) has been operating since 2007, it has become clear that the State itself has recognized that data input has not been completed, even in the context of the legislation currently in force (Law 975 of 2005, Law 1408 of 2010, and Law 1448 of 2011), for interagency procedures to identify cadavers and for cases that will continue to be reported on a regular basis at the national and international levels.

The General Secretariat notes that extortion from mining is one of the principal financing sources of the illegal groups, with the corresponding impact on traditional communities engaged in this activity. In mining extraction or artisanal mining areas in which various illegal actors hold some sway, these groups exercise control over the activity in remote rural areas, where Government’s presence is limited.40 The Secretariat calls for measures that would favor the regulation of artisanal mining in order to help settlers who require this activity for their subsistence and to limit the environmental and humanitarian consequences resulting from the absence of appropriate regulation of these activities.41

The Secretariat has observed that webs of illegality continue to exist at the regional level42 in which the entities involved continue to carry out their criminal activities by means of an illegal economy or through legal economies, with direct or collateral repercussions for the population, primarily in remote or hard-to-administer areas with a high geo-economic value. This also has an impact on Afro-Colombian communities and indigenous resguardos. The relationship between these illegal entities ranges from partnerships to confrontations, a fact that necessarily affects violence and crime rates in the area. The illegal entities’ capacity to set up other more local illegal structures, such as groups and gangs, enables them to generate more violence in order to assert their criminal power. However, the communities consider that in some zones of the country,

40 By the same token, in the mining regions of Nordeste Antioqueño, Bajo Cauca, Sur de Córdoba, and Occidente del Cauca, there is a perception that the amount of gold collected by the traditional placer miners has declined significantly, leading many peasants to look for other sources of income, most often because they are obliged to do so by illegal actors. This situation, which might be explained primarily by the strong controls exerted by officials to combat this illegal activity, could lead to the resumption of illicit crop cultivation in these areas of the country.

41 The Commission has been monitoring situations related to legal and illegal mining, in terms of both the resulting environmental degradation and the incidents of violence associated with it. Added to this is the situation of alleged discrimination in the refusal to grant mining concessions, for example, to black or indigenous communities engaged in this activity. The IACHR has determined that the phenomenon of forced displacement, in addition to being one of the greatest problems resulting from the internal armed conflict, is also linked to the development of this industry and mega infrastructure projects, in a context in which complaints persist of forced relocation, massive land sales because of limited opportunities, and the turnover of territories by the State without compliance with the requirements established by law.

42 Among the territories most affected are the north of Urabá and the Banana Belt of Antioquia, Sur de Córdoba, Bajo Cauca Antioquia and the La Mojana region (Sucre and Bolívar), Norte antioqueño, Troncal del Caribe (Magdalena and Riohacha), the metropolitan area of Cúcuta, the Eastern Plains (Meta, Vichada, and Guaviare), the Middle Magdalena region (Antioquia, Sur de Bolívar, and Boyacá), and the Pacific coast (Valle del Cauca, Cauca, and Nariño), as well as the Nariño Cordillera and some municipalities of the Middle and Lower Putumayo and Chocó, among others, where drug trafficking, illegal mining, smuggling, and extortion are the major sources of financing for these groups.
partnerships, nonaggression agreements, and land distribution among the different illegal actors within the regional economy occur more frequently than armed clashes or hostilities. In some of these zones, a dynamic apparently exists whereby the rules of social coexistence and control are governed by these structures, thus ensuring that their illegal activities can take place.

The Secretariat highlights the efforts of the security forces to protect the population from the actions of illegal armed groups. However, still of concern are the complaints made by the communities in some zones about the stigmatization they feel because they live in areas in which the FARC-EP or ELN are highly visible, in addition to cases of intimidation, excessive force, and other types of abuse—acts that serve to deepen the distrust of security forces prevalent in some areas of the country.

Also disturbing are the feelings in some communities about the processes of manual eradication and spraying of illicit crops, for example, in the departments as Putumayo, Nariño, Guaviare, Caquetá, and Córdoba. These measures are frowned upon by communities and heighten social tension, leaving the population vulnerable in the absence of productive alternatives and as a result of the actions of illegal actors in response to the State’s offensive. The General Secretariat invites the National Government to step up the search for alternative solutions to these processes and, in this connection, considers that the report drawn up by the Inter-American Drug Abuse Control Commission (CICAD), The Drug Problem in the Americas, could serve as positive input for enriching this reflection.

As concerns land and territorial restitution, note should be taken of the implementation of the Integrated Intelligence Center for Land Restitution (CI2RT), an event whose impact has been felt in terms of risk prevention in the process. Also worthy of mention is the action taken by the Mobile Carabinero Squadrons (EMCAR) in support of land restitution in targeted zones where this process is underway.

Likewise, the National Protection Unit has been taking measures to meet the diverse requirements for the protection of victims and leaders who assert their rights, especially those involved in the complex process of land restitution. Nonetheless, the Secretariat is concerned about the persistence of threats, attacks, and murders of human rights defenders and persons associated with the process, as well as victim leaders (both men and women) and government officials and authorities engaged in the process, for the

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43 Examples of areas in which perceptions of this type have been observed are Catatumbo, Bajo Cauca, and Sur de Córdoba.
44 In Guaviare, five protest movements took place from mid-2012 to August 2013 over manual eradictions in different areas of the department. The demonstrators insisted that they should be the ones to eradicate the coca crops in order to earn income to invest in agricultural projects that would lead to sustainability. For almost two months in 2013, the Catatumbo region experienced a serious social and humanitarian crisis caused initially by the rejection of the manual eradication campaign.
45 With respect to security conditions and protection mechanisms, the IACHR considers that there have been shortcomings in the implementation of protection programs. For example, it mentions the lack of coordination among the protection entities—the Attorney General’s Office and the judiciary—in seriously and effectively investigating the facts and factors that generate risk, the context in which armed conflict is continuing, and the heightened risk faced by persons engaged in procedures to assert their rights, especially the right to restitution of dispossessed or abandoned lands. As concerns the last point, the Commission notes the absence of protection measures in the country’s hinterland, especially in the rural areas.
purpose of intimidating them or getting them to give up their work.\textsuperscript{46} Thus, the IACHR concurs that eradication of the causes of violence and protection of the victims and leaders filing claims are closely related to progress in investigations in that regard.

Likewise, the General Secretariat reiterates the need to investigate and prosecute those responsible for threats, acts of aggression, attempted homicide, and homicide directed at anyone involved in the Victims and Land Restitution Law, such as human rights defenders, rights claimants, and administrative or judicial officials, as well as journalists and victim leaders. The General Secretariat, through the Mission to Support the Peace Process, has expressed its concern and condemned these situations through its various public statements during the period covered by this report.

XI. Conclusions And Recommendations

1. The General Secretariat welcomes the discussions held between the Colombian Government and the FARC-EP as well as the contacts with the ELN as an additional step forward in building sustainable, lasting peace in the country and, in this connection, urges the parties to pursue their efforts to achieve a final agreement that will lay out conditions for peace, which is so sincerely hoped for by the Colombian people.

2. Mindful of the historic moment that the talks with the guerrillas represent for Colombia in its pursuit of peace, the Secretariat draws attention to the vital importance of not abandoning the processes currently underway to reintegrate former combatants and bring about transitional justice and comprehensive reparation to victims, since these processes have created conditions for moving forward toward peace and reconciliation and provide lessons learned for the future.

3. It is advisable to continue and reinforce the strategy for holding court hearings in the regions as a means of bringing justice to the victims; likewise, it is recommended that alternative mechanisms be considered for following up on judgments in the area of justice and peace and of land and territory restitution, such that the judges and magistrates are not overburdened and their rulings are effectively complied with.

4. In anticipation of the possible prison release of applicants, the Colombian institutions are urged to promptly establish resocialization measures inside prisons that are consistent with the reintegration programs to be implemented after their release, to evaluate the impact of prison release on the regions, to take preliminary diagnostic action, and to provide recipient communities with adequate information on the return of the former inmates, along with consciousness-raising measures.

5. The General Secretariat appreciates the commitment of the entities responsible for promoting truth, justice, and reparation to the victims of violence in

\textsuperscript{46} For example, the threats received by the victims panel in Valle de Aburrá, Antioquia, and numerous social organizations and human rights movements.
Colombia, which are making great efforts, with limited means and in complicated contexts. Similarly it recommends that socialization work be undertaken to help victims gain a full understanding of the mechanisms available to them to assert their rights.

6. It is suggested that interagency coordination continue to be strengthened both in the context of the National System for Comprehensive Assistance and Reparation to Victims and among the Special Administrative Unit for the Restitution of Dispossessed Lands, the Unit for Comprehensive Assistance and Reparation to Victims, the Office of the People’s Ombudsman, and the Prosecutor’s Office for Justice and Peace, among other entities responsible for transitional justice; and it urges the local and departmental authorities to shore up their active participation in these processes.

7. The General Secretariat calls for more robust investigations aimed at convicting those responsible for dispossession and forced abandonment of lands and at identifying any illegal security conditions and interests still present in the region that hinder or delay restitution processes. Likewise, it openly condemns measures taken by armed actors and interests against victim leaders, land restitution claimants, administrative and judicial officials, human rights defenders, and journalists, and it calls upon the State to persist in its efforts to investigate and prosecute these acts.

8. An invitation is extended to reflect on alternatives for improving protection and preventive mechanisms for restitution in non-targeted zones, to consider the feasibility of implementing other complementary non-judicial approaches, to develop options for the defense of good-faith opponents, to strengthen the development of public policies with a differential approach for ethnic groups as collective subjects of rights, and to enhance implementation in the territories of the restitution program for children, women, and adolescents.

9. The Colombian institutional system must reinforce reintegration processes in the country, especially by supporting the socioeconomic reintegration of the former combatants participating in the program and of the graduates who completed it; their entry into the job market can help them become truly reintegrated, prevent their stigmatization, and contribute to reconciliation. Similarly, mention should be made of the efforts of Colombian society to restore and showcase good practices in the territories with regard to reconciliation.

10. The efforts made by the institutions charged with implementing the Agreements to Contribute to the Truth Law, or Law 1424 of 2010, have been recognized. The Secretariat suggests that measures be taken to foster improved implementation of this law and a level of legal certainty for demobilized persons—both men and women—who are not involved in serious criminal conduct.

11. The General Secretariat condemns the armed actions of any groups in violation of the rights of the civilian population in Colombia and asks the parties to the conflict to be fully respectful of international humanitarian law. In addition, the Secretariat expresses its concern about the increase in the recruitment of children and adolescents.
The General Secretariat reiterates its gratitude to the donor countries and the friends of the Mission for their political and economic support over the past year, in particular Canada, the European Union, France, Germany, Great Britain, Mexico, the Netherlands, Spain, Switzerland, and the United States of America. Likewise, it wishes to express its special appreciation for the support and collaboration provided by the member countries of the Organization of American States (OAS).
Twentieth
Half-Yearly Report

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

The following half-yearly report is presented pursuant to resolution CP/RES. 859 (1397/04), in which the Organization of American States (OAS) requested that the Secretary General report to the Permanent Council, on a regular basis, on the work of the OAS Mission to Support the Peace Process in Colombia (MAPP/OAS), and on its efforts in pursuit of the values and principles contained in the OAS Charter and in the Inter-American Democratic Charter.

MAPP/OAS has monitored and accompanied the peace-building efforts in the areas most affected by the internal armed conflict in Colombia, and it has interacted with all the stakeholders involved in those processes. The information set out in this report covers the MAPP/OAS findings from its monitoring, accompaniment, and support work over the period September 2014 to January 2015. The data were collected from public agencies, indigenous and Afro-descendant authorities and organizations, social and civil organizations, churches, community and grassroots organizations, law enforcement agencies, victims, leaders, and participants in reintegration processes, at the national, departmental, and municipal level, by means of the activities enshrined in the mandate.¹

I. General Considerations

The General Secretariat (GS/OAS) applauds and thanks the Colombian Government for extending the mandate of MAPP/OAS up to January 2018, with the signing of the Fifth Additional Protocol to the Agreement

¹ This report refers to single categories – demobilized fighters, guerrillas, victims, etc. – in order to facilitate its reading, but not forgetting that those categories comprise men and women, boys, girls, adolescents and young people, people of diverse sexual orientations, people from different ethnic groups, and people with disabilities. This clarification is offered on account of the recognition and respect of differences with which populations must be understood and addressed.
entered into by and between the Republic of Colombia and the General Secretariat. This new challenge is assumed by the OAS and the Mission with dedication and commitment, and it bears concrete witness to the solidarity-based response of the hemispheric community to the Colombian authorities’ request for expanded and flexible accompaniment of the development of the peace process in Colombia. This three-year extension of the mandate – the first for such a duration – goes hand-in-hand with the strengthening of MAPP/OAS’s activities through the creation of new regional offices, which now total 15 across the nation’s territory.

During the period covered by this report, the Colombian State has attained a number of results in its efforts in pursuit of peace. Among this progress is, in the area of transitional justice, the significant increase in the number of judgments handed down by the courts under Law 975/2005, the actions of which are aimed at the resocialization of demobilized combatants within detention facilities, greater coordination and dialogue among the competent judicial venues for Justice and Peace, and the continued work of the reintegation officers of the Colombian Reintegration Agency (ACR) who assist demobilized combatants who have regained their freedom. Notable in connection with reintegation efforts are the actions of the Colombian Reintegration Agency (ACR), which has increased its visibility in the regions and has stepped up its efforts to put an end to the stigmatization of demobilized fighters. As regards comprehensive redress for the victims of the conflict, the report notes the importance of the Model for the Attention, Assistance, and Comprehensive Redress of Victims (MAARIV) and of the Plans for Attention, Assistance, and Comprehensive Redress of Victims (PAARIs), as tools that seek to interconnect redress payments with other reparation measures. Also worthy of note is the creation of the Historic Commission for the Conflict and its Victims and, in the area of land restitution, the progress with the deployment of territorial directorates and the opening of public attention offices of the Special Administrative Unit for Managing Land Restitution, together with the appointment of additional judges and magistrates.

In spite of that significant progress in the process with self-defense combatants, one of the main concerns that MAPP/OAS continues to hear from communities, actors, and local social organizations in its monitoring and follow-up work relates to the continued existence and influence in several parts of the country of illegal armed groups with ties to different forms of crime, coercion, and social control.

These recycled groups, organized in networks, are flexible vis-à-vis the actions of the security forces and remain a real threat to the population’s right to peace, tranquility, and the free exercise of their civic rights. Their presence remains focused around the

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2 The GS/OAS has, through the Mission, included in its work the monitoring and analysis of the contexts in which social conflicts arise, the findings of which will be reported on in the next periodic report, in the hope that this information will enable the identification of the weaknesses, strengths, and opportunities for planning and implementing peace in the regions, together with the current and immediate threats and challenges and the tensions that could arise in aftermath of the conflict, in the short, medium, and long terms.
location and pursuit of the illegal economies on which they feed, or in borderland areas, where they seek to take advantage of illicit activities. One characteristic of some of these groups, the result of their adaptation and realignment in the territories, is the emergence of new leaders, many of whom are young and act with greater violence than their predecessors, both within the groups (seeking to intimidate their own members) and toward the outside world, with which they have a serious impact on the communities. Other groups adopt strategies of benevolence to win community support, while some of their leaders prefer to keep a low profile in order to remain under the authorities’ radar. In some areas these groups also offer private security services to local property owners. Additional progress has also been made in the realm of security: the increased presence of the security forces in various districts where they previously had no presence; sustained and coordinated actions with the participation of the different branches of the armed forces and the office of the Attorney General to weaken the criminal gangs’ structures; strategies to ensure the protection of various communities; and efforts to rebuild public trust toward the armed forces in the interior of the country.

The General Secretariat encourages the Colombian State in its fight against those groups and believes that the Government’s actions should be chiefly targeted at the following goals: continue strengthening the presence of the security and justice systems in the territories; deploy at the local level transformational and pedagogical elements rather than just arrests and seizures; reduce the harmful effects of those groups’ actions; and break down their communications channels with other illegal groups and prevent their proliferation, possibilities for expansion, and territorial influence.

Another factor that is of growing concern in the communities and therefore warrants the authorities’ attention is the release from prison of demobilized combatants who have regained their freedom. Their return to areas where they previously exercised influence can have a distorting effect on relations and the social fabric and could drive new dynamics and spirals of violence. In this regard, the work of the ACR and other public agencies will be extremely important in order to prevent a greater impact on local populations and institutional frameworks.

The General Secretariat believes that nothing could make a greater contribution to upholding human rights and, in particular, to the satisfaction of victims’ rights, than the termination of the internal armed conflict. At present, with the dialogue between the Colombian Government and the Revolutionary Armed Forces of Colombia (FARC-EP), together with the exploratory talks with the National Liberation Army (ELN), the country is experiencing an historical moment that offers enormous challenges and opportunities on the road to a lasting peace in Colombia. However, this process needs to make greater progress and take concrete actions on such points as the victims and the end of the armed conflict. A prompt and balanced solution to those essential issues would indicate the final stretch in this difficult stage wherein all hopes are set on reaching a point of no return and making the progress attained irreversible, which would lead to the signing of a final peace agreement.

Mention must be made of the gestures and demonstrations of peace made by the actors involved to reduce the intensity of the conflict. The General Secretariat believes that
studying other ways to accelerate the de-escalation would give a greater thrust to the peace process. Accordingly, it applauds the intent to explore options for the negotiations to take place in a climate that generates less harm, particularly for the civilian population living amidst the armed confrontation. The Mine Clearing Agreement (for antipersonnel mines, improvised explosive devices, unexploded ordnance, and explosive remnants of war), the temporary suspension of bombardments, and the announcement made by the FARC-EP assuming the commitment to refrain from recruiting children aged under 17 are vitally important steps forward for the confidence and credibility of the peace process and so increase its possibilities of success. The GS/OAS also applauds the persistence in the exploratory talks with the ELN.

The Inter-American Commission on Human Rights (IACHR) agrees with encouraging both the Government and the FARC-EP to make the peace goals they have agreed on a reality, specifically as regards the creation of a truth commission to clear up and explain the Colombian armed conflict, thereby contributing to the victims’ right to truth. Accordingly, their active participation in the talks as a part of the process of building an agreement is key to achieving a stable and lasting peace.

The General Secretariat applauds the engagement and commitment of the international community in building peace in Colombia and in supporting the nation’s efforts. Their participation has helped set the foundations for dialogue processes and exploratory talks in pursuit of peace that are today underway, which demonstrates the importance of international accompaniment; and it invites an accompaniment of the process with a proactive attitude in line with the times and dynamics of the country.

It should be noted that the accompaniment of the Mission, since 2004, has been possible thanks to the institutional, political, and financial support of countries and cooperation agencies: without those resources, neither its operations nor the deployment of the activities demanded by the mandate would have been possible. The General Secretariat therefore reiterates its gratitude to the donors and friends of MAPP/OAS for the support and accompaniment they have provided over these 11 years and, in particular, to Argentina, The Bahamas, Brazil, Canada, Chile, Colombia, France, Germany, Great Britain, Guatemala, Ireland, Japan, Norway, Mexico, the Netherlands, Peru, Portugal, the Republic of Korea, Spain, Sweden, Switzerland, Thailand, Turkey, the United States of America, and the European Union. In addition, the General Secretariat would like to extend its gratitude for the support given by the Spanish International Cooperation Agency for Development (AECID), the International Organization for Migration (IOM), the German International Cooperation Agency (GIZ), the U.S. Agency for International Development (USAID), and the Presidential International Cooperation Agency of Colombia (APC). All those contributions will be fundamental in carrying out activities during 2015.


Finally, note is made of the participation of different sectors of civil society in the process that the Government is currently pursuing in Havana, Cuba. The measures adopted to encourage the representation of the victims at the negotiating table are essential for the legitimacy of the process; similarly, the informational and discussion activities held at community and academic forums allow the empowerment of members of civil society as active subjects in the process of constructing a stable and lasting peace.

II. Transitional Justice

Over recent years, not only has Colombia developed transitional justice mechanisms: it has also created an entire system that includes a new institutional structure that has been consolidated as a feasible model for future legal frameworks, such as, for example, the National Transitional Justice Committee, the subcommittees, and the Committee on Prison Affairs. Law 975/05 has succeeded in establishing a system for investigating contexts that, while there is still room for improvements, functions for both self-defense and guerrilla groups. A clear example of this is the definition and establishment of patterns and contexts for the FARC-EP and the National Liberation Army (ELN).

a. Potential release of applicants under the Justice and Peace Law (Law 975/05)

Those detained applicants who meet the objective and subjective criteria set forth in Law 1592/12 and Decree 3011/13 and who have not yet received judgment are requesting their release through the substitution of preventive measures mechanism; meanwhile, those that already have a judgment that is enforceable under the Justice and Peace process may ask the national Sentence Oversight Judge to release them on the grounds of completion of sentence.

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5 Law 975 of July 25, 2005, “Justice and Peace Law,” published in Official Journal No. 45,980 on July 25, 2005. It enacts both provisions for the reincorporation of members of organized illegal armed groups that make an effective contribution to obtaining peace in the nation and other provisions for humanitarian agreements. As amended by Law 1592/12. The IACHR has remarked on the elimination of redress remedies in Law 1592, chiefly in that with its enforcement, the redress incentives for the participation of the victims in those proceedings disappear, given that they could apply directly for the mechanisms set out in the Victims Law and obtain the redress established therein. The Commission also noted that this law prevents the Justice and Peace Chamber from issuing any form of redress other than including in the contents of the judgment the victims’ version of the harm suffered.

6 Members of illegal armed groups who have decided to reenter civilian life under Law 975/05, the “Justice and Peace Law,” guaranteeing the victims’ rights to truth, justice, and redress in exchange for the benefit of alternative sentencing of between 5 and 8 years for the criminal acts committed during and as a result of their membership in those groups.

7 Objective requirement: A minimum of eight (8) years spent in a detention facility following their demobilization, for crimes committed during and as a result of their membership in the organized illegal armed group. This period is to be counted as of the date of incarceration in a facility that is completely subject to the legal provisions governing penitentiary control. Objective requirements of jurisprudential development: (i) imposition of detention orders, and (ii) the crime for which incarceration was ordered was charged under transitional justice or brought in under truth.

8 Subjective requirements: (i) Participation in the available resocialization activities, if they were offered by the National Penitentiary and Prisons Institute (INPEC), and securing a good-conduct certificate; (ii) participation in and contribution to establishing truth in the judicial formalities of the Justice and Peace process; (iii) surrender of assets to contribute to the comprehensive redress of the victims, if admissible under the terms of this law; (iv) no willful crimes committed after demobilization.

9 Law amending Law 975/05, the Justice and Peace Law.

Since 2013 MAPP/OAS has been comprehensively monitoring the potential release of those former members of illegal armed groups who are applicants under the Justice and Peace Law by reason of having met the requirement of 8 years’ incarceration since presenting their candidacies. In terms of judicial proceedings, the General Secretariat has noted that requests for the replacement of detention orders are increasingly frequent. More than 70 such applications have been lodged with the guarantee control magistrates in Bogotá, Bucaramanga, Medellín and Barranquilla, of which only 21 have been granted; more than 50% were granted in Medellín, whereas in Bogotá, where there are two guarantee control magistrates, only 5 requests out of the more than 35 presented were granted, a situation that highlights the absence of standardized criteria for granting release. It is a source of concern that more than half the applicants who have been awarded the substitution of detention orders cannot actually leave prison because their cases before the regular courts have not been combined procedurally under the Justice and Peace process.

In the cases of some applicants who had already received the substitution of detention orders, it was also necessary to request release on account of completion of sentence at the national-level Sentence Oversight Court, since they were subject to final judgments and release could not be granted. This Court’s review of the objective requirements is strict, in that it has rejected several applications on the grounds that there must be detention orders for crimes judged under Justice and Peace. This opinion is causing uncertainty among those already sentenced but without a detention order for the crimes for which they were judged, regardless of the fact that the applicants have entered complete confessions into the record.

Most of the applicants held at Justice and Peace facilities believe they are more likely to regain their freedom when no Justice and Peace sentence has been handed down; as a result, some of them could delay their proceedings to avoid the possibility of their release being refused by the Sentence Oversight Court. This occurred with the denial of the application for freedom on the grounds of sentence served presented by Edgar Ignacio Fierro Flórez, alias “Don Antonio,” the former commander of the Frente Cesar Pablo Díaz, which also overturned the alternative sentence awarded to him by Justice and Peace. Along these lines, the General Secretariat notes the relevance of the judgment of the Supreme Court of Justice overturning the decision of a guarantee control magistrate and granting the freedom requested by Juan Francisco Prada Márquez, which set a precedent as regards limits on the discretion available to magistrates.

The GS/OAS also notes Directive No. 008/14, issued by the office of the Attorney General of the Nation, which established an accreditation mechanism for those applicants requesting freedom; however, this ruling requires greater clarification or dissemination since the idea prevailing among applicants is that the Attorney General is opposed to granting them their freedom, in that only a few positive accreditations have been granted by prosecutors’ offices. In connection with this, it should be noted that the Attorney General’s Office is able to use the exclusion mechanism prior to the application

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11 Judicial oversight of hearings under the special Justice and Peace criminal procedure (Law 975/05).
for release lodged by the applicants when they do not meet the eligibility requirements set out in the Justice and Peace Law.

As for resocialization inside prisons, the General Secretariat applauds the fact that the Ministry of Justice’s Transitional Justice Directorate is making progress with a project for the resocialization of Justice and Peace applicants at five of the nine detention facilities established for that purpose. The beneficiary applicants also value the program highly. Thus, the GS/OAS calls for this program, which is already at an advanced stage, to establish clearer ties with the special reintegration program for applicants of the Colombian Reintegration Agency, in order to establish greater cohesion between the resocialization work carried out both inside and outside detention facilities.

One of the key elements in ensuring the success of the process of reintegrating prison inmates is for the Colombian Government to pay particular attention to the supply of educational programs within detention facilities and prisons, which could create a more favorable scenario for the incorporation of other members of legal armed groups. Although this is a part of the current regulatory framework, in practice its implementation is weak, which prevents the resocialization goals of incarceration from being attained.

The General Secretariat notes with appreciation the work of the ACR’s reintegration officers with those applicants who have already regained their freedom. Those applicants found, in the institutional framework, an ally that places them firmly within legality. However, new challenges along the road to those individuals’ reintegration must be met, such as their mental health. For example, through the Mission, the GS/OAS has identified 85 cases of former combatants with psychiatric illnesses, of whom 35 have been diagnosed with schizophrenia and three have committed suicide.

In previous reports the General Secretariat has spoken of the need to interconnect the resocialization programs run by the National Penitentiary and Prisons Institute (INPEC) and those carried out by the ACR. Thus, it recognizes that the Colombian Government has made efforts in the design of an interinstitutional program addressing the following components: (i) human rights and restorative justice, (ii) legal roadmaps and rules of the game, (iii) entrepreneurship, and (iv) psychosocial attention. This constitutes progress in the construction of a comprehensive model for resocialization and reintegration.

It remains a cause for concern that there is no state agency responsible for applicants’ personal security given that, on account of their levels of risk, they require stricter schemes than administrative transfer measures. Although there is an agreement between the ACR and the National Protection Unit, it does not address the situation of risk faced by several applicants, on account of either their confessions or past involvements or possible retaliations and reprisals from other players. In addition, the IACHR believes that the failure to investigate the reasons behind these situations of risk could have an accumulative effect on the constant increase in the number of beneficiaries in the protection program.

At the same time, the potential release of applicants has again highlighted the need to strengthen the mechanisms for protecting those who protect victims and human rights. The General Secretariat acknowledges the steps taken by the Government of Colombia...
from within the Guarantee Panel led by the Interior Ministry, and it notes the proactive work of the national and departmental spokespersons with whom MAPP/OAS has worked in designing special observation areas, particularly the efforts undertaken along with civil society in Norte de Santander. Although progress has been made in the area of prevention, the General Secretariat urges that attention be paid to the increasing level of risk faced by those defenders of victims who are bringing legal challenges to the release of applicants, as well as by investigators, prosecutors, judges, and magistrates. It also calls for particular attention to be paid to the security of victims of sexual violence during the conflict who live in areas to which applicants might return, particularly those who have filed complaints and in consideration of the low numbers of judgments handed down for violence of that kind by Justice and Peace. In addition, in spite of the State’s efforts, the IACHR has continued to receive information on the persistence of killings, threats, and harassment of human rights defenders, who reportedly continue to face attacks intended to silence their complaints, which are chiefly related to human rights violations that occurred in the context of the armed conflict. The lack of substantial progress in clearing up, investigating, and punishing those responsible for human rights violations against defenders represents a threat to the effective defense of human rights.

MAPP/OAS has placed priority on several areas of the country where the return of Justice and Peace applicants is possible; accordingly, a process to prepare territories was launched in municipalities of the Magdalena Medio, where the Autodefensas Campesinas del Magdalena Medio and the Autodefensas Campesinas de Puerto Boyacá were present. Due to the composition of those structures, it is probable that those applicants who were members of them will return to the municipalities where they operated, and it is therefore important that the public institutions take actions to rebuild community confidence, ensure that acts of violence do not reoccur, and create a climate in which reconciliation is possible.12

b. Monitoring and accompaniment of the enforcement of the Justice and Peace Law (Law 975/05)

The Mission has been monitoring the enforcement of the Justice and Peace Law since it came into effect in 2006. To that end, it has built a unified system for following up on randomly chosen priority cases, in order to conduct a timely analysis and to issue the necessary recommendations to the Colombian institutions for a better and more harmonious enforcement of Law 975/05 and of its amendments, decrees, resolutions, and associated provisions.

As part of that monitoring, MAPP/OAS has accompanied more than 400 voluntary statement hearings and almost 600 judicial hearings, including indictments, readings of charges, legalizations, combined hearings, identifications of impact, comprehensive redress remedies, judgment hearings, judgment execution hearings, precautionary measures, exclusions, requests for the substitution of precautionary measures, and

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12 Mention should be made of the pressure and increased risk reported by the community and those claiming land in the municipalities of San Martín, Aguachica, Pelaya, La Gloria, and Tamalaumeque, the area of influence of “Juancho Prada,” and where one of the land restitution processes is taking place, at Hacienda Bella Cruz.
requests for release on the grounds of served sentences. It has also made more than 272 visits to prison facilities and more than 500 field accompaniments to interview formalities, victim attention days, exhumations, surrenders of remains, etc.

In its activities to monitor, accompany, and support the transitional justice mechanisms, the General Secretariat has observed a substantial increase in the quality and quantity of judgments handed down, thanks to the work of the State’s institutions charged with investigating and bringing such cases to court: the figure rose from two judgments issued in recent years to 29 issued over recent months in 2014 and early 2015, in which three final decisions have already been adopted. The GS/OAS highlights the work of the magistrates in the Justice and Peace chambers in issuing those judgments, with which they have become key players in establishing peace in Colombia. The IACHR also applauds the qualitative and quantitative increase in the number of Justice and Peace judgments handed down, which is encouraging in terms of a future increase in the number of final decisions that are to be adopted.

To improve coordination between the Justice and Peace chambers and the Criminal Chamber of the Supreme Court of Justice, the General Secretariat, through MAPP/OAS and in partnership with the International Center for Transitional Justice (ICTJ), is pursuing a strategy of discussions on different topics, such as patterns of macrocriminality and the advanced termination of judicial proceedings.

The work of the office of the Attorney General in investigating illegal structures has also evolved exponentially; the search for the best formula for revealing patterns has been the common denominator in all legal offices; and prioritization as a strategy has been consolidated in the Transitional Justice Directorate of the office of the Attorney General of the Nation (FGN). However, the General Secretariat calls attention to the fact that prosecutors are continually being dismissed and assigned to different offices, which could impact the swiftness with which the proceedings are discharged. Similarly, the IACHR has pointed out that the strategy of prioritizing certain cases involving grave violations in the conflict cannot be used to justify the State’s failure to act with respect to those cases not prioritized.13 The Commission has also reiterated the importance of ensuring adequate participation spaces for victims in the implementation and definition of the elements governing the prioritizing strategy.14

The advances made by the Justice and Peace process with the Guevarista Revolutionary Army (ERG) are worthy of note; this is a process that MAPP/OAS has been accompanying since demobilization in 200815 and in which judgment is about to be issued. In addition,

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14 As regards the prioritization of cases involving serious human rights violations, the State told the IACHR about the implementation of a “Comprehensive Plan of Action to protect the basic rights of children, adolescents, women, the LGBTI population, ethnic groups, unionists, journalists, and human rights defenders.” It also reported that between 2011 and 2014, a total of six judgments were issued under Law 975 in crimes involving gender-based violence. The Commission applauds those efforts.

15 See: Reports Nos. XIII, XIV, and XV of the General Secretariat to the OAS Permanent Council.
attention should be paid to the delays in the case of the People’s Revolutionary Army (ERP), where the processes have stalled and there are as yet no written charges from the office of the Attorney General: this is the demobilized structure with the slowest proceedings under Justice and Peace.

The General Secretariat highlights the way in which the judiciary developed the concept of gender-based violence in the judgment against Ramiro “Cuco” Vanoy. The GS/OAS believes that to ensure nonrepetition and to prevent revictimization, the phenomenon warrants greater visibility, investigation, and referrals to the court, together with better attention for the victims, guaranteeing their rights and their dignity. In accordance with that logic, MAPP/OAS has been accompanying the office of the Attorney General in bringing to the courts the cases of sexual violence against minors of both sexes that occurred in Riachuelo (Santander) as an emblematic case of the judicialization of gender-based violence during the armed conflict. The IACHR agrees with MAPP/OAS that to ensure nonrepetition and revictimization, the phenomenon deserves greater visibility, investigation, and prosecution, and that the victims deserve better attention, guaranteeing their rights and their dignity. The Commission also welcomes the judicial development of the concept of gender-based violence in the judgment handed down against Ramiro “Cuco” Vanoy.

c. Monitoring conditions in prisons and penitentiaries

MAPP/OAS has conducted 272 visits to detention facilities where Justice and Peace Law applicants are being held. During those visits, the General Secretariat has noted gradual improvements in areas such as security, overcrowding, and cleanliness, largely due to the work of the INPEC’s Justice and Peace coordination office and to the follow-up of the Technical Justice and Peace Technical Prison Committee attached to the Ministry of Justice’s Criminal Policy Directorate. In addition, the Mission has contributed to the development of training and awareness-raising activities for prison and penitentiary staff regarding the importance of transitional justice in post-conflict contexts and during negotiations.

The Chiquinquirá Penitentiary was for years the only Justice and Peace detention facility intended exclusively for demobilized guerrillas. Nevertheless, it was decided to dismantle the Justice and Peace facility at Chiquinquirá in December 2014; the aim of this was to free up some 700 beds for regular prison system inmates and to relocate the applicants closer to the courts hearing their cases, in order to reduce the number of inmate transfers from their cells to the proceedings.

Since the relocation efforts began at year’s end, the applicants are being transferred to other Justice and Peace detention facilities around the country. The General Secretariat has monitored the process since the start and notes certain difficulties in the process, including the absence of an information policy for the officials and applicants involved, with the applicants receiving only minimal information on the transfer, the reason behind

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it, or the location to which they are to be transferred. MAPP/OAS has interviewed several applicants following their transfers to other facilities and has discovered that few transfers follow the logic of the applicants’ judicial roadmap or their family roots.\textsuperscript{17}

d. Monitoring and accompaniment of the justice processes of members of illegal armed groups\textsuperscript{18}

Following the extension of MAPP/OAS’s mandate, the Mission began to accompany and support the processes whereby illegal armed groups are brought to justice. Thus, it has worked in partnership with the Attorney General’s office in order to create greater legal security in the processes whereby they abandon their weapons and accept reincorporation into legality, which should manifest itself both in the effective referral of membership in such groups to the courts and in the investigation of any crimes committed by those opting for this path, such as the forced recruitment of minors.\textsuperscript{19}

The General Secretariat applauds the fact that the Attorney General’s office is pursuing legislative mechanisms that provide incentives for collective submission to the courts and that allow investigators and prosecutors to reveal patterns and establish contexts. Although these mechanisms are framed by submission to the regular courts, they must be sufficiently clear as to offer the option of negotiations for special resocialization, in order to help reduce levels of violence and generate greater and better indexes of nonrepetition.

MAPP/OAS has accompanied and monitored, in both the courts and detention facilities, the post-submission processes of 12 former members of the Grupo Alianza Paz Valle, who are being held in Buga (Valle del Cauca), and in conjunction with INPEC and the office of the Attorney General, work is underway on creating differentiated resocialization tools for members of criminal organizations in addition to those provided for by Justice and Peace.

e. Monitoring and accompaniment of return processes and resocialization and reintegration processes

One again, the GS/OAS applauds and highlights the importance of the analyses and discussions underway regarding the challenges posed by reintegration, with a view to the

\textsuperscript{17} For example, applicants with families and court dates in Medellín or Cúcuta are being transferred to Montería.

\textsuperscript{18} Colombia seeks to establish a criminal procedure for bringing criminal organizations to justice, using a series of incentives for the total or partial dismantling of those organizations and the termination of their criminal activities. See Legislative Bill No. 102/14.

\textsuperscript{19} The IACHR has applauded the State’s efforts as regards the rights of children who have been victims of recruitment and of the armed conflict. Thus, it noted that of Colombia’s 1102 municipalities, 620 have included conducting diagnostic studies in their development plans, 750 plan to conduct special programs, and 691 have specific line-items in their budgets for the purpose. In addition, as a mechanism to follow up on the implementation of the measures for prevention, protection, attention, assistance, and comprehensive redress for the victims of the armed conflict, the IACHR notes that the State included “children and adolescents” as one of the four indicators, and, in connection therewith, it reports having provided fiduciary compensation to a large number of orphaned children and adolescent victims and to all the people served who, upon reaching adult age, remain in the accompaniment program.
successful conclusion of the process for those individuals participating in the program of the Colombian Reintegration Agency (ACR), but also with a view to allowing tools to be used with the guerrillas of the FARC-EP and the ELN.

During this period the ACR has increased the visibility of its activities in the regions both through its webpage and in the media, and through constant interviews and communications noting the accomplishments and challenges of the current process of disarmament, demobilization, and reintegration into civilian life and, in particular, the usefulness of capitalizing on the experience earned by the ACR over these years. It has also made major efforts to raise public awareness about the phenomenon of the stigmatization of former combatants and about the need to overcome the common perceptions that surround those individuals in their reintegration processes. Nevertheless, in spite of the institutions’ efforts to combat the stigmatization suffered by former combatants, stereotypes continue to have a negative impact on both widespread perceptions of demobilized fighters among communities and private sectors and on the image they have of themselves, which arises when they are seeking employment or are engaged in a workplace environment. Another cause for concern in the GS/OAS is the high level of informal employment among the former combatants who complete the ACR’s program, given that not only does this place them in a situation of great economic vulnerability, it could also have a real effect on the success of their reintegration into society.

As regards the enforcement of Law No. 1424/10, since 2011 MAPP/OAS has been accompanying the Colombian Reintegration Agency, the National Historical Memory Center, the office of the Attorney General of the Nation, the Office of the People’s Defender, and the Ministry of Justice and Law in their efforts to achieve better interinstitutional connections and greater levels of legal security. The General Secretariat believes it is essential to continue fostering forums for awareness-raising, training, and analysis, involving the judiciary and public defenders, on the importance of this law as a mechanism for transitional justice.

The Mission is in the final phase of executing an initiative designed to promote the capacity for interinstitutional connections and to promote awareness-raising; to that end, 28 interinstitutional meetings have been held at the regional level in Santander, Cesar, Atlántico, Magdalena, and Antioquia; eight focus groups and numerous interviews have been held, the results of which were socialized with the institutions; and three major regional meetings have taken place, which succeeded in identifying the main lessons learned in this process.

The GS/OAS believes progress was made toward the effective reintegration of demobilized combatants with the issuance of Decree No. 2637/14, which orders the extinction of all punishments, including fines, if, after the suspended sentence period has ended, the convict has met the obligations set out in Law No. 1424/10 and Regulatory

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20 Enacting transitional justice provisions to guarantee truth, justice, and redress to the victims of demobilized combatants of organized illegal groups, granting legal benefits, and establishing other provisions.
Decree No. 2601/11. Although prison terms were suspended under the provisions of Law No. 1424/10, the same did not apply to those fines established as additional penalties; this was an obstacle to the demobilized combatants covered by this rule who did not have the resources to cover the fines, and so the enactment of this Decree has created greater tranquility among the participants and has contributed to legal security in the framework of the goals of the transitional justice tools.

The General Secretariat applauds the efforts being made to harmonize the worldviews of indigenous peoples with the consolidation of a reintegration policy and the establishment of new standards for the reincorporation of former guerrilla members. Accordingly, it is working in partnership with the ACR and local organizations in forums to establish connections with the indigenous peoples of Putumayo, Nariño, Cauca, and Chocó. In all the processes that the Mission accompanies, those peoples have requested that their visions be respected.

III. Monitoring Of Comprehensive Redress For Victims

In MAPP/OAS’s work monitoring the implementation of the policy for comprehensive redress for victims, pursuant to the current regulatory framework set by Law No. 1448/11 “Victims and Land Restitution Law” and its regulatory decrees, emphasis is placed on the importance of the Model for Attention, Assistance and Comprehensive Redress for Victims (MAARIV) and the Plans for Attention, Assistance, and Comprehensive Redress for Victims (PAARIs) as tools that seek to interconnect redress payments with the other reparation measures and to trace out roadmaps, plans, and defined components for comprehensive redress, according to the specific conditions or particular vulnerabilities of the victims, through the adoption of differentiated approaches and the implementation of institutional actions that are coordinated, appropriate, transformational, and effective.

The Plans for Attention, Assistance, and Comprehensive Redress for Victims (PAARIs), as the instrument through which the attention and comprehensive redress processes for victims are channeled, are capable of indicating the moment when the conditions of vulnerability have been overcome, through constant examinations and assessments. Regarding the prioritization of how economic resources are invested according to the victims’ objective criteria of vulnerability and within the framework of the Redress Roadmap, progress has been seen in the use of “mass” prioritization criteria, which include the cases of the transitional regime, pursuant to Decree No. 1290/08 and Law No. 418/97, combined with those already contained in Law No. 1448/11, such as situations affecting senior citizens or persons of delicate health, etc. Thus, the Unit for the Attention and Comprehensive Redress of Victims (UARIV) has undertaken mass prioritizations, achieving better and greater coverage.

The General Secretariat believes it is necessary to continue socializing – broadly, effectively, and efficiently – all aspects related to the Plan for Attention, Assistance, and

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21 Creating the Individual Administrative Redress Program for the Victims of Organized Illegal Armed Groups, repealed by Decree No. 4800/11, the regulations to Law 1448/11 (the Victims Law).
Comprehensive Redress for Victims (PAARI), given that is the instrument created to assess the shortcomings, capacities, and needs of the victim households and the corresponding response at each of the stages of the attention roadmap. Socializing the instrument’s contents and scope is essential not only for the victims but also for the institutions that make up the National System for the Attention and Comprehensive Redress of Victims (SNARIV) at all its levels. In accordance with the design of the PAARI, the Unit must make progress with the joint construction of a PAARI with each victim household and, in this, strengthening the role of the UARIV as the coordinator of the SNARIV for the effective implementation of the institutional offerings will be essential, along with training for the victims on roadmaps for asserting their rights and on the existence of this mechanism.22

The General Secretariat highlights the fact that during 2014, progress was made with the indemnification of victim groups for the crimes of forced displacement and offenses against sexual freedom and integrity; notable among the beneficiaries were women, who represent the leading victims of the groups of crimes that received the most attention from the UARIV during 2014. Also worthy of note are the “Transformational Indemnifications” project, through which progress has been made with the indemnification of victims of forced displacement, and the Proyectándonos events, which have provided advisory services on resource investment for young people who are close to the age of majority and therefore will soon be receiving their fiduciary indemnifications.

Like MAPP/OAS, the IACHR applauds the progress made with the indemnification of groups of victims of crimes of forced displacement and offenses against sexual freedom and integrity, particularly women, who represent the leading victims of the groups of crimes that received the most attention from the UARIV during 2014. It also welcomes the progress made with the “Transformational Indemnifications” project, and with young people through the Proyectándonos events.

In spite of this progress made with indemnifications, the General Secretariat has detected the continued existence of challenges in the following areas: (i) the funding of the reparations and indemnifications and, in general, the enforcement of the Victims Law,23 (ii) the amounts of the indemnifications, (iii) the indemnifications given under Justice and Peace judgments, (iv) the effective payment of indemnifications, (v) the existence of clear rules on indemnifications for displaced victims, (vi) the distinction between assistance measures and reparation measures, (vii) the complementarity between other reparation measures and expenditure on reparations and indemnifications.

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22 Regarding the redress mechanisms, at the hearing held on this topic during the IACHR’s 153rd regular session, the representatives of civil society said that there were still obstacles in the implementation of the Victims and Land Restitution Law, chiefly as regards the following: (i) the operation of the institutional framework created by the Law, (ii) the inadequate training of the officials responsible for implementing it, and (iii) the lack of interconnections at the national and local levels between the different agencies involved, as MAPP/OAS has also identified. The State, in turn, reported on the measures it is implementing to address those concerns, particularly as regards the coordination of a national system for victim attention and comprehensive redress and the strengthening of the agencies that constitute the National System for the Attention and Comprehensive Redress of Victims (SNARIV).

23 Regarding the funding of indemnifications and their amounts, the Government has insisted on the terms of Art. 10 of Law 1448 of 2011, which sets a limit on the State’s involvement in judicially and administratively ordered reparations, underscoring the responsibility of the offender as the main guarantor of indemnification payments to victims.
measures and indemnification, (viii) the content and scope of the victims’ basic right to redress and indemnification under the jurisprudence of the Colombian Constitutional Court, and (ix) the payment of indemnifications to displaced persons, which could require amending the Victims Law or modifying its enforcement.

Regarding the progress made with the construction of historical memory, the General Secretariat notes the creation of the Historical Commission of the Conflict and its Victims, as a part of the negotiations in Havana, which bears witness to the interest that exists in creating opportunities for the construction of a collective memory regarding the conflict. The GS/OAS highlights the 24 investigations undertaken by the National Historical Memory Center (CNMH), with plans for 35 as future Historical Memory Reports on the conflict, which play a key role in public debate toward the construction of peace. In addition to this, during 2014 the CNMH released four publications, which are a set of four volumes dealing with the issue of forced disappearance. It is clear that the CNMH’s efforts to construct memory are not only aimed at the production of reports, but also at the incorporation of different approaches in its working guidelines.

The IACHR also applauds the efforts of the CNMH and, like MAPP/OAS, highlights the need to socialize and disseminate the CNMH’s reports within the regions and communities that have suffered violence to assist in restoring the social fabric.

As regards the impact of the dissemination of the Historical Memory exercises, in spite of the major efforts that the CNMH has made to publicize its works, an interview of a number of victims conducted by the Office of the Comptroller General of the Republic (CGR) revealed that there is still a considerable lack of knowledge about their right to measures of satisfaction, in that only 26.26% were aware of their right to the truth. Emphasis is therefore placed on the need to socialize and disseminate these reports within the regions and communities that have suffered violence and thereby progress with the recovery of the social fabric through memory at the local level.

In the area of land restitution, the General Secretariat has observed some positive progress by the institutions: the Colombian State is demonstrating its keen interest in executing the restitution policy with the establishment of 17 territorial directorates and the opening of 21 public-attention offices of the Special Administrative Unit for Managing Land Restitution, the appointment of 39 judges, one itinerant judge, and 15 specialized restitution magistrates, who have succeeded in processing 24,769 applications for inclusion in the Register of Seized and Forcibly Abandoned Lands, of which 13,465 (54%) have concluded the administrative stage, with 1,808 cases, covering 84,959 hectares, resolved. However, the GS/OAS is concerned about the execution and enforcement of those judgments. Thus, the volume of judgments issued to date poses a challenge in light

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26 Information from UAEGRTD as of December 24, 2014.
of the efforts implicit in their supervision and execution by the institutions and their beneficiaries and, particularly, because they demand significant support and accompaniment from all spheres and institutional interconnections at the local, departmental, and national levels.

Accordingly, through MAPP/OAS, the General Secretariat examined 10 post-judgment cases, with which it was able to determine that thanks to the attention received from the institutions responsible for the land restitution process, the victims of abandonment and seizures had begun to rebuild their trust in the State, in the understanding that they are rural communities where the State’s presence has historically been weak. Based on that emerging trust, it is important that the institutions coordinate to ensure judgments are enforced, above all in the areas of housing and the execution of productive projects, since they are the basis for any return to rural areas. The Mission therefore urges the responsible institutions to ensure that the land restitution judgments are enforced within a reasonable time, guaranteeing: (i) effective enjoyment of the right of restitution, (ii) access to decent housing, in consideration of the Colombian rural context, (iii) productive projects that reflect the true feelings of the restitution beneficiaries, and (iv) greater visibility and promotion of the work of women in rural life.

The Mission highlights the achievements of the Liability Relief Program in that, with the willing assistance of local administrations, agreements have been adopted in such municipalities as Ataco, (Tolima), Tibú (Norte de Santander), Puerto Gaitán (Meta), Medellín (Antioquia), and Montería (Córdoba), whereby outstanding property taxes have been condoned for the restitution beneficiaries, who have been freed from having to make payments for two years after the property is handed over. Nevertheless, to ensure the victims’ rights, further commitments are still needed from departmental assemblies and municipal councils to condone certain local taxes that, as such, require the adoption of ordinances and resolutions on behalf of the victims.

One of the main challenges of Law 1448 has to do with security and the conditions for the victims to return; ensuring those conditions demands determined actions to that end in the area of public policies, a broad institutional consensus, and a transformation of the State, which exceeds the scope of the institutions with responsibilities in discharging the restitution process and the terms of the Law itself.

The Inter-American Commission on Human Rights has stated that the issue of land restitution faces multiple challenges, including the return and permanent presence of those communities whose lands have been returned in those areas; this, as noted by MAPP/OAS, affects the effective enjoyment of the right of restitution. The Commission appreciates that the UARIV has pursued a series of actions related to return and relocation, such as the “Families on their Land” program which, during 2014, accompanied 82 return processes involving 16,674 households and, during 2013, accompanied 28,074 households, in more than eighty municipalities. The IACHR acknowledges the efforts made by the UARIV, through its Return and Relocation Group, which has created the methodological tool known as “Protocol for Accompanying Returns and Relocations as Part of the Comprehensive Redress for Victims of Forced Displacement.”
In the General Secretariat’s view, this scenario represents one of the challenges that the land restitution policy must face during 2015 so that, while still applying the principles of gradualism and progressiveness, it can respond adequately to the problems of security and return in conditions of dignity, without that implying an additional burden of time for the victims of forced displacement and illegal land seizures. Accordingly, it urges the land restitution policy to persevere in those areas where difficulties have been detected, such as Tibú, Norte de Santander, strengthening its capacity and interconnections to attain progressiveness and sustainability in the return process. It also underscores the importance of following up on restitution cases occurring under judgments by Justice and Peace, the Regional Asset Restitution Commission (CRRB), and the Plan Choque.

Regarding strategies to guarantee revictimization does not occur, the GS/OAS notes in particular the Victimization Risk Index, a technological tool that can be used to perform analyses of at-risk localities and reduce victimization through preventive strategies. It also acknowledges other progress with guarantees of nonrepetition, such as the design of a Pedagogical Strategy for Action and Nonrepetition at the UARIV’s Reparations School, the National Human Rights Education Plan (PLANEDH) of the Ministry of National Education (MEN), and the Eduderechos program.

One situation of concern to the General Secretariat is that in spite of the alerts issued about the situation of victimization in the Colombian Pacific, particularly regarding Buenaventura, complaints similar to those made in previous reports about the situation prevailing in that region of the country are still being made. In addition, displacements continue to occur, such as those identified in Chocó (Alto Baudó river basin), Cauca, Nariño, Guaviare, and Putumayo. Of the cases referred to, the GS/OAS is alarmed at the high number of indigenous populations that have been victims during this period, since they are the segment of the population that records the greatest impacts associated with this crime, in particular the communities of Alto Baudó in Chocó, the Nasa community in Putumayo, and the Nukak Maku in Guaviare.

At its 153rd regular session, the IACHR was informed about the situation in the Colombian Pacific region. In that context, one cause for concern is the situation of violence being faced by Afro-descendant and indigenous communities in the area in the defense of their territories from the implementation of development projects backed by state policies that include national and foreign capital. Those projects have been described as incompatible with the ethnic development projects and life plans of the Afro-descendant and indigenous communities. Also of concern is the persistent violence against indigenous leaders recorded in 2014, such as the threats, attacks, and killings reported in Cauca.

The ethnic decrees with the strength of law Nos. 4633/11, 4634/11, and 4635/1127 are an essential tool for the development of public policies with differentiated approaches for ethnic groups as collective subjects of rights, who have suffered a disproportionate and

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27 Decrees with the strength of Law Nos. 4633 (indigenous peoples and communities), 4634 (Roma or gypsy people) and 4635 (black, Afro-Colombian, raizal, and palenquera communities) of December 9, 2011.
differentiated impact in the context of the conflict; however, the Government must strengthen its efforts in processes to empower the communities on those topics and to make progress with the construction and execution of comprehensive plans for collective redress.\textsuperscript{28} In the case of Alto Andagueda (Chocó), which is the only judgment that focuses on territorial rights, the collective redress plan was designed by the national authorities, which has led to delays in its implementation within the communities, given that it does not respond to their territorial dynamics and, as a result, it is important that institutional follow-up be conducted.

As regards the restitution of territorial rights to ethnic communities, the Secretariat notes the progress made in 2014, with 18 descriptions of territorial impact finalized and 14 ethnic suits filed (ten on behalf of indigenous peoples and four on behalf of Afro-descendants) covering a total of more than 314,000 hectares and more than 10,000 families. Precautionary measures were also adopted for nine ethnic communities, covering more than 550,000 hectares and more than 11,000 families. The Special Administrative Unit for Managing the Restitution of Seized Land (UAEGRTD) plans, for 2015, more than 16 definitions covering more than 1,000 hectares and benefiting more than 8,000 families.

The GS/OAS applauds the scope of the first restitution judgment issued on behalf of an ethnic community: the Embera Katio indigenous people of Alto Andágueda (Chocó). In the judgment the court found that the Embera Katio indigenous community suffered “family and cultural disintegration” through a series of violations of their rights, such as “the selective murder of their leaders, threats, harassment, confinement, (being used as) human shields, bombardments in their territory, and illegal mining activities.” It also dismissed the objections filed by the mining companies and ordered the adoption of a series of measures to guarantee the effective enjoyment of ethnic territorial rights, the law of origin, natural law, and their own rights.

In addition, the General Secretariat would like to highlight the efforts made by UAEGRTD and the land restitution judges and magistrates to include gender awareness in their restitution processes and to enforce the Program of Access to Restitution for Women, Girls, and Young Women, two years after its adoption by means of Resolution No. 80/13.

Regarding the PAARIs, the General Secretariat recommends creating information strategies for the victims, containing clear and specific information on the need to embark on the formulation of a PAARI and on registration with the Single Register of Victims (RUV) in order to access the SNARIV. In line with the above, the roadmaps for victim attention

\textsuperscript{28} In Caquetá, the UARIV has been implementing two collective redress processes in the municipality of Florencia with the Embera-Chami and Nasa indigenous peoples. Of these, greater progress has been made with the Nasa people’s process: 14 families from that indigenous people agreed to be relocated to a plot of land allocated by the local authorities in Maracaibo, Florencia; nevertheless, unfavorable security perceptions halted the relocation process. The relocation of the Embera-Chami to El Puerto Hacienda, which is close to Florencia, is also planned. The IACHR has found that since the entry into force of Ethnic Decrees Nos. 4633 and 4635, very little has been achieved in terms of the effective enjoyment of rights by ethnic groups. Similarly, the Office of the People’s Defender, in its 2014 report, said that there was a “lack of specific actions with differentiated approaches on the part of the agencies that make up the SNARIV, particularly the local authorities, who are unaware of the priority that policies for transforming these communities’ situation of marginalization must be given in their plans of action.”
and redress should be clarified, since many victims are unaware of the need for a PAARI – in particular, displacement victims, for whom a PAARI can only be drawn up once they have overcome their situation of vulnerability.

As regards indemnifications and, most particularly, indemnifications for displaced populations, the GS/OAS calls for the more efficient socialization of the specific redress roadmap for victims of this crime, containing the comments made in Unification Judgment No. 254 of 2013 regarding indemnification amounts, the formulation of a PAARI, and overcoming the situation of vulnerability. It also recommends avoiding regressive measures in measures of reparation and indemnification on two levels: (i) in connection with the allocation of annual resources to cover the costs of the reparation and indemnification administrative program, and (ii) in connection with the nation’s fiscal and monetary policy as the basis for funding reparation and indemnification processes, with the use of progressive taxes, in which the cost of comprehensive redress for victims is assumed in accordance with people’s purchasing capacity.

Regarding measures of satisfaction, the General Secretariat notes the need to build strategies with horizontal, popular, and community approaches, so that the historical memory reports can be socialized in the cities and not just in strictly academic spheres. It also recommends that the CNMH’s Directorate of the Human Rights Archive prepare a document with guidelines for the identification, classification, and treatment of public and private documents of relevance to the reconstruction of historical memory, and that it be socialized with the local authorities and incorporated in the Comprehensive Victim Action Plans (PATs). In addition, it would be useful to create a systematic mechanism for recording the consensus-building processes prior to the public forgiveness ceremonies with the victims themselves, as an indicator of progress with measures of satisfaction.

In connection with the land restitution process, specifically as regards second occupants, the GS/OAS has observed several phenomena: the presence of campesinos who are currently working or inhabiting plots; campesinos and landless and displaced persons who are on the lands of other displaced persons; small- and medium-scale campesinos who bought plots while knowing of the armed conflict, sold to them by the families of victims of forced abandonment and seizures, who remained on the land as caretakers; and another group of occupants who bought land for recreational purposes and not to work it, which poses an obstacle for the material restitution of the plots. Accordingly, it recommends that the State identify and apply effective formulas or measures to deal with the persons occupying the plots in some of these cases, in order to avoid the emergence of new land-related conflicts, and work for reconciliation in the territories.

It is also important to identify and define those other players, not only to involve them in the process as affected third parties or opponents, but also to ensure their protection by the State. The Special Administrative Unit for Managing Seized Land Restitution (UAEGRTD) has begun to determine the situation of those inhabitants of rural areas as part of a program that will provide comprehensive and differentiated treatment for the needs of this segment of the population.
The General Secretariat recommends identifying, recognizing, and assessing contexts in order to examine how third parties or others got involved with the history of a plot or a process, since this will bring benefits from the perspective of good faith.

Finally, as regards guarantees of nonrepetition, the Unit for Comprehensive Victim Attention and Redress (UARIV) should continue with its plans and programs for building peace and promoting human rights, through community and cultural initiatives. To that end, in addition to expanding the territorial coverage of those initiatives, more efforts should be expended in creating innovative methods to enable the broadest possible participation of the communities in those initiatives, given that these efforts by UARIV have had a major positive impact within the communities.

IV. Monitoring Security Conditions Related To The Presence Of Illegal Armed Actors, Impacts, And Actions By The State

During this period, the Mission received a special invitation from the Colombian Government to share its thoughts on the current status of the post-demobilization phenomenon and on criminal gangs with the National Security Council. On that occasion, the Government was informed of the following perceptions, which are the result of the Mission’s permanent monitoring and accompaniment work carried out by its 15 field offices.

Regarding the evolution of this phenomenon, these post-demobilization groups have adopted networked structures, which provide greater flexibility for their operations and facilitate more fluid relations with other similar organizations dedicated to such activities as drug trafficking, smuggling, extortion, micro-trafficking, contract killing, etc. Additionally, in some regions of the country where such criminal groups as Clan Úsuga, Autodefensas Gaitanistas, Rastrojos, Bloque Meta, and Libertadores de Vichada (a dissident faction of the ERPAC) operate, there are other illegal organizations dedicated to the same activities, and this situation has a great impact on communities and causes them much anxiety, since they are seen as part of the same phenomenon.

The General Secretariat has observed with concern the ability of the post-demobilization phenomenon to transform and redesign itself on the ground. The Clan Úsuga (aka Urabeños or Gaitanistas) has the largest territorial presence, with a particular concentration in the north of the country, with the Darién area of Chocó, the Urabá region of Antioquia, and the south of Córdoba being the bases of its main leaders. The Rastrojos have been described as weakened, although their presence is felt in the borderlands (Guajira, Norte de Santander, Nariño, and Putumayo) and along the Pacific coast from Chocó department toward the south of the country. Regarding holdouts or dissidents from the Antisubversive Revolutionary Army of Colombia (ERPAC), the

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29 Examples: Los Botalones in the Magdalena Medio region; La Constru in the department of Putumayo; Los Rudos in Guaviare department; the Clan Giraldo along the Caribbean trunk road in Magdalena department; La Empresa in the department of Valle del Cauca; the Grupo de Arbey y Pacha in the Nariño mountains; and the Paramilitary Army of Norte de Santander in Cúcuta, and others.
The presence of the Bloque Meta and of Libertadores de Vichada has been detected primarily in the departments of Meta, Vichada, and Guaviare.

The profile of the current leaders of these post-demobilization groups is characterized by an absence of national or regional interconnections. Some of the leaders have been captured in nearby countries, while others strategically avoid assuming protagonistic positions in order to retain control while remaining illegal. As for the most prominent leaders who in the past were members of the self-defense groups, it can be inferred that a fifth or sixth line of command remains in illegality, such as “Pijarbey” in the eastern plains or “Otoniel” in the north of the country. The General Secretariat highlights two perceptions found among the communities regarding this issue: (i) very young leaders who are seen as more violent, because they recognize no hierarchies and reject the imposition of conditions, acting instead under instructions: “you pay me for something, I do it”; these leaders appear to enjoy greater criminal autonomy in their spheres of influence; and (ii) leaders who are changing their profiles as leaders or bosses for those of controllers or benefactors; those two functions are intended to regulate the economies and their coexistence with the communities where they are present and where they earn their illegal incomes.

The General Secretariat notes that the post-demobilization groups and other illegal armed players concentrate in places where the geography favors the pursuit of illegal business. The GS/OAS has also observed that the goals sought by these groups are increasingly directed toward economic activities, leaving political motives to one side. According to that logic, it can be inferred that the main function of the post-demobilization groups is geared toward creating funds; thus, during the period covered by this report, a preference for businesses such as mining and smuggling that produce large cash flows and profitability was noted, along with widespread extortions that generate day-to-day income, instead of activities such as drug trafficking that generate long-term income. These groups have also been seen to maintain the provision of private security services in the areas where they are present as one of their economic activities.

a. Monitoring the impact on communities

While not failing to note that the actions of the authorities have played a determining role in weakening the structures of some post-demobilization groups, the General Secretariat is concerned that this phenomenon remains active in certain regions and continues to have an impact on the population. Their presence appears fragmented and low-profile to the authorities, but it is apparently obvious to the communities because of the following factors: (i) they maintain social control over and permanent relations with the communities, generally under coercion, (ii) they continue to have an impact through selective killings or what is poorly known as “social cleansing,” inter- and intra-urban

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30 One such typical area is found in the region of Cúcuta, Catatumbo, and the province of Ocaña in Norte de Santander. This is an isolated area with a long border that is difficult to control, where there are criminal gangs, guerrilla groups, and conditions for the pursuit of illicit businesses. In contrast, in urban areas the most attractive dynamics for these groups are found in such major cities as Medellín, Cali, Barranquilla, Santa Marta, Riohacha, and Villavicencio, to name but a few. These cities are also favorable locations for these illegal armed structures.
displacements, abductions, restrictions on mobility, recruitment and/or use of children and adolescents, on occasions with sexual violence, threats, and assaults; (iii) they carry out acts of violence within their own groups to intimidate and cause fear among the population, (iv) they offer protection for local businesses, particularly those involved in legal or illegal resource extraction and illegal border crossings (drug trafficking and smuggling), and they carry out widespread extortions of businesses and the general population, (v) they use corruption strategies to co-opt the local authorities, in order to prevent the State from taking action against their members.

The General Secretariat highlights the efforts of the authorities to protect the population from the actions of illegal armed groups. However, the persistence of threats against human rights defenders, leaders, victims, and public officials remains a cause for concern. The Urabeños (Clan Úsuga), Rastrojos, and Águilas Negras have been identified on the ground as the groups that use pamphleting to make their threats. Concern also exists regarding threats and attacks made against working journalists; thus, in the Bajo Cauca region, around eight journalists have been threatened by the Urabeños and Rastrojos, which has forced some of them to relocate from the area and others to modify their radio programs in order to avoid new threats. Although the timely action of the National Protection Unit (UNP) in providing security mechanisms for journalists is acknowledged, the threats continue; it is therefore necessary that decisive measures be adopted to guarantee the security of journalists in their professional activities. The IACHR has recognized the fall in recent years in the number of cases of killings of journalists and media workers for reasons that could be related to their professions, together with the efforts made by the Colombian State to create and maintain a protection mechanism for at-risk reporters and to recognize journalists and media workers as beneficiaries of collective redress under the Victims Law. Nevertheless, the IACHR has noticed the continued existence of challenges for exercising freedom of expression, such as continuous acts of aggression, attacks, and threats against journalists and media workers.

31 Similarly, the IACHR has found that the impunity surrounding serious human rights violations and breaches of international humanitarian law by all the players in the conflict and by the illegal armed groups that have arisen after demobilization continues to pose an obstacle to guaranteeing the victims’ rights.

32 The Mission has received fragmentary information that allegedly points to the presence and/or actions of this structure in such departments as Córdoba, Cauca, Tolima, Chocó, and Caquetá. The Mission has also been able to gather some unspecific information on the ground indicating the presence of this phenomenon in the following regions: (i) In the municipalities of the Pacific coast of Nariño corresponding to El Charco, Icuandé (Santa Bárbara), La Tola, and Olaya Herrera (Bocas de Satinga), there are residual mentions of the possible presence of the Rastrojos and the Águilas Negras. (ii) In the Bajo Cauca region of Antioquia, the Urabeños gang answers to several names, including that of the Águilas Negras. This structure is to be found in all the urban centers of the six municipalities of the Bajo Cauca region of Antioquia, and they maintain informants on roads and in the main settlements. (iii) In Putumayo there is indistinct talk of the presence of gangs (Urabeños, Águilas Negras, La Constru, los Rastrojos) that allegedly act in partnership with the FARC-EP’s Frente 48 in the municipalities that border on Ecuador. Their main sources of funding are reportedly drug trafficking, extortion, and fuel thefts. (iv) In Norte de Santander, during November, there were reports of the deaths of eight people in Venezuela, very close to Puerto Santander. The earliest reports attributed the deaths to a struggle for control of the area between suspected members of the Águilas Negras and Urabeños groups, to which the deceased belonged. (v) In Guajira, specifically in the south of that department, there have been cases in which teachers from Wiwa indigenous communities have suffered extortion at the hands of persons identifying themselves as Rastrojos or Águilas Negras.
Regarding the phenomenon of recruiting and using children and adolescents, because of the fear in the communities and the lack of guarantees for reporting illegal armed groups, this remains an invisible practice in the territories. The pattern followed is usually as indicated below: (i) First, they offer payment for services rendered, to get them started on such basic tasks as monitoring or gathering information. This first step binds them to the group while, at the same time, the money paid gives them autonomy to pursue alternative activities in the assigned area, such as extortion or small-scale drug dealing; (ii) Later, the young people are offered security and assassination tasks, for which they are also paid. As of that time, they begin to acquire status in the group. It is a cause of concern that in some locations, including the south of Córdoba, some community members speak of “voluntary association” rather than “forced recruitment.” In contrast, in certain municipalities of the Urabá region of Antioquia, reports indicated that young people are used exclusively for the small-scale drug trafficking business and only when they fail to comply with the agreements are they tried by the groups (Clan Usuga, Urabeños/AGC) and forced to relocate or face targeted killings. In the borderlands, such as areas adjacent to Venezuela, the need to step up prevention and protection efforts for children and adolescents is especially urgent.33

Additional impact is felt through the social control they exercise over communities, as regards mobility and standards of conduct for economic purposes; they also exert control over social, economic, and cultural dynamics, to ensure the correct “administration” of the inhabitants, whereby they even mediate conflicts of all kinds. The General Secretariat has learned of cases in which illegal groups live temporarily or almost permanently in campesinos’ homes, forcing them to provide them with lodging and food; on occasions, this coexistence has led to the sexual abuse of members of the families in question. The population endures those restrictions out of fear of the consequences should they fail to agree to the illegal armed groups’ demands. There have also been cases in which these groups assume the authority to convene community meetings through the chairs of the Community Action Committees (JACs), impose forced labor as a punishment for alleged offenses, convene community work days, impose rules for the handling of animals and timetables for the use of community paths, and require permits for people to enter and leave the communities.

As regards the demobilized population from self-defense groups, the General Secretariat has recorded cases in which applicants and their families have also seen their personal security affected. Pressure and threats related to the recruitment of demobilized combatants have been reported in Putumayo, Magdalena Medio, and other regions of the country such as the Caribbean coast. A significant number of demobilized fighters

33 The IACHR has expressed concern about the high number of children and adolescents affected by the context of violence, and about the absence of full guarantees for their rights from the risks that exist. At the hearings held during its 153rd regular session, the IACHR received information on the vulnerable situation of children affected by the armed conflict, noting, inter alia, that children and adolescents account for more than 50% of the total forcibly displaced population. The UN has also verified instances in which children and adolescents linked to illegal armed groups have been illegally interrogated, together with their continued recruitment and use by those groups, and it has recommended that the groups cease that practice immediately and collaborate with the State for the effective disassociation of the minors involved.
(3,820) have met violent deaths since 2003, a figure that does not include the number of demobilized combatants’ relatives and Justice and Peace applicants who have also met with violence. In conjunction with the ACR, the Mission has embarked on a line of work to retroactively explain the territorial dynamics in those areas where most of those deaths have occurred; the aim of this undertaking is to prevent repetition and to urge the Colombian State to take the steps needed to mitigate the risks in future processes for reintegration or reincorporation into civilian life.

In addition, it is essential that particular attention be paid to the reintegration and return to their communities of former members of illegal groups who are Justice and Peace applicants and remain at liberty, on account of the impact that they could have on the dynamics of the territories to which they are reintegrated and on processes for reincorporation into civilian life. The applicants themselves do not discard the possibility of receiving threats from third parties on account of their Justice and Peace testimonies, although concern also exists in some regions that individuals at the service of the economic interests of former self-defense leaders are awaiting the release from prison of their leaders or “bosses,” such as in Magdalena Medio. The General Secretariat reiterates its commitment toward monitoring this situation.

In many regions of the country where illegal armed groups are present, the main impact on the legal economy in the territories is forced tribute through extortion, given the increase in the numbers subject to extortion and in the size of the payments demanded. This dynamic occurs in both urban and rural areas and affects both formal and informal business owners, livestock raises, small and large landowners, transportation companies, companies that provide goods and services, taxi drivers, and those who sell minutes of cellphone use. Failures to pay protection money lead to threats, attacks on people and property, and, on occasions, murder. Moreover, the prevalence and spread of the extortion phenomenon has become an everyday reality for its victims.

As regards mining, both legal and illegal, the General Secretariat observes an ongoing shift from de facto or artisanal mining in rivers toward the use of heavy machinery such as backhoes, dredgers, and barges. This machinery is causing enormous environmental harm, affecting the health and wellbeing of communities, and altering river basins and their natural courses; it is also affecting traditional panning, in those cases in which polluting chemicals are used. The presence of backhoes facilitates the work of alluvial miners who are unaware of the environmental and social consequences that such uncontrolled extraction could have in the long term.

In addition, the practice of artisanal extraction from undergoing mines is still common. The population for whom this activity is the only viable source of income is subjected to

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34 Source: ACR, December 2014.
35 Extortion: Defined by Article 244 of the Criminal Code of Colombia, as amended by Article 5 of Law 733/02. Extortion shall be understood as meaning: “A person who forces another to do, tolerate, or refrain from doing something, with the purpose of securing illicit gain for himself or a third party.” In Colombia, one form of extortion is colloquially known as the vacuna (“inoculation”), which is demanded by illegal armed groups according to people’s incomes, the kind of activities they pursue, etc., and constitutes a significant source of illicit income.
the rules and control of the illegal armed groups. This highly lucrative activity is, in some areas, leading to mass purchases of land and to population displacements caused by pressure or the absence of other options for subsistence after the land is turned over to its new use. Many of the mining areas are in indigenous and Afro-descendant communities, which affects the territorial autonomy and governance of those ethnic groups.

The General Secretariat is beginning to detect social and legal tensions in some mining regions where the informality of mining permits has been a practice for many years, following the enforcement in recent years of the regulations established by the Government. The enactment of Decree 2637/12 created and required registration in the Single Register of Mineral Traders (RUCOM) for legal sales of gold, under the penalty of forfeiting the mineral, together with the registration and distribution of permits to artisanal miners (panners) at the municipal level; these regulations have been questioned on account of their impact on artisanal output. Traders are unwilling to buy gold because they could lose it, and the artisanal miners do not know to whom they can sell their gold. The Government has been engaged in talks with this sector to reach agreements that would enable the problems to be resolved peacefully. According to mining community leaders, this context could lead to the following situations: (i) social protests to demand rights, which could possibly be infiltrated by illegal armed groups (guerrillas and post-demobilization groups), given that they are also affected; and (ii) emergence of a wealthy illegal armed player who begins to buy the gold produced by informal and artisanal miners, creating a more clandestine and dangerous activity in this sector. Another risk is that when mining can no longer offer a source of income and when there are no legal alternatives, there could be a return to illicit crop planting or other sources of illegal income, such as smuggling and extortion.

Regarding guerrilla activity, the General Secretariat is concerned at the alerts regarding the presence, control over new areas, and alleged expansion of illegal armed units. For example, there are reports of guerrilla groups entering territories where previously they had no presence, and of others falling back to areas where they had no presence with the intent of expanding into other zones; those structures are reportedly recruiting children and adolescents with monetary payments and carrying out “community work” in some of those areas.

In some regions, members of social organizations have stated that they are being used by guerrillas, particularly to transmit orders or to exert control in their communities for political purposes. In addition, the communities report that the guerrillas impose invisible barriers, through the establishment of permits to enter or leave the territories and exert control through personal threats to their leaders; in the south of Córdoba, for example, indigenous communities have filed complaints about such actions. In the department of Putumayo there are written rules for coexistence, published by the FARC-EP for observance by the communities in general.

The General Secretariat notes that in some regions of the country, communities report that the guerrillas are encouraging a return to illicit crops in order to accumulate large areas that could be surrendered in future negotiations and as a strategy to win popular
support, since the coca farmers would benefit from any future crop eradication policies and programs, in accordance with the terms of the agreements. Finally, some communities in the areas of the guerrillas’ historic spheres of influence state that in the midst of the peace process, they are being subject to indiscriminate extortions; in some areas, they are even required to pay protection money to more than one illegal armed player and, in some cases, to three different illegal armed groups.

Regarding the State’s actions, since 2006 the General Secretariat has observed a constant increase in the presence of the security forces in many areas of the country, including settlements where they previously had no presence; it has also noted permanent actions through sustained and coordinated operations involving the National Police, the Army, and the Marines, with the support of the office of the Attorney General. The GS/OAS has also seen that there has been an increase in positive appraisals by communities and a new upswing in their confidence in the institutions and armed forces of the Colombian State, in spite of the common belief that the security forces, rather than protecting citizens, are there to protect infrastructure or are at the service of legal players in the economy. Another significant element is that communities feel that illegal armed groups coexist alongside the institutions in remote and isolated areas, which affects the political and institutional order and creates high levels of mistrust toward those institutions.

The General Secretariat highlights the different strategies adopted by the Government as a part of the comprehensive security and defense policy, and the Citizen Security Law, as indications of its wish to neutralize the actions of armed groups and their impact on the population; examples of this are the operation Espada de Honor, undertaken by the armed forces against the guerrillas, and the National Police’s efforts against criminal gangs under Operación Troya, which is currently known as Corazón Colombia. However, many communities believe that a military, police, and judicial strategy is not enough to improve their security conditions, and that it must be complemented with social investments, development, and better opportunities for economic sustainability in order to reduce the vulnerability they face in the contexts of illegality imposed by illegal armed groups in their territories. One specific example is provided by the settlement of Sípi in Chocó where, in spite of a ratio of almost one member of the security forces for every seven inhabitants, contexts of insecurity and illegality remain a reality.

The population acknowledges progress in the adoption of international humanitarian law by the military authorities: the GS/OAS applauds the fact that during the period of this report, there has been no information on recent cases of false positives and that the State has made an institutional effort with actions of symbolic redress through its public recognition and requests for forgiveness for irregular actions or other actions that affected communities. However, practices contrary to international humanitarian law are still found, such as the deployment of the security forces near to civilians’ homes or their children’s schools, with the risks that entails for the civilian population. Mention is also

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36 One example of this is in the Perijá mountains.
made of collateral damage to property and crops caused by operations of the security forces, for which the authorities do not generally provide redress.

V. Conclusions And Recommendations

1. The General Secretariat applauds the Colombian Government’s determined and sustained efforts to pursue a process and reach a peace agreement with the guerrillas of the FARC-EP in order to bring an end to 50 years of conflict, and it invites the parties to continue their efforts for initiatives, measures, and specific actions to reduce acts of violence, to the benefit of the civilian population, while the negotiations remain underway in Havana.

2. It calls for an acceleration of the exploratory talks for negotiation with the guerrillas of the National Liberation Army (ELN), respecting the particular features needed to reach a negotiated end to the conflict with this guerrilla group and recognizing the group’s expressed willingness to identify a forum for dialogue leading to peace.

3. It believes progress must be made in standardizing the legal criteria for releasing former combatants who have completed eight years’ incarceration at Justice and Peace detention facilities, given that the lack of legal security affects the transitional justice process in two ways: first, it undermines the demobilized combatants willingness to make progress with the processes for providing the victims with the truth and comprehensive redress; and second, it creates a climate of uncertainty for other members of illegal armed groups who could decide to submit themselves to the law.

4. The number of demobilized fighters who have met violent deaths represents a weak link in the transitional justice process, whereby the benefits of applying for submission to the law are diluted. It is an imperative for the peace process to place priority on investigating and clearing up the violent deaths of demobilized combatants.

5. The General Secretariat recommends that the Government strengthen the Colombian Reintegration Agency (ACR) by hiring more qualified officers to assume the challenges of reintegration (Professional Reintegration Officers) in consideration of the release of those applicants who are beginning to leave prison, given that the profiles of some of the former combatants demand qualified and comprehensive attention. Work must be carried out on programs to deal with the mental health problems that have begun to be detected among former combatants.

6. To guarantee disarmament, demobilization, and reincorporation into civilian life, the process must discuss and agree on measures to guarantee the security of demobilized members of the FARC-EP in the post-conflict scenario, conditions for the economic development of the municipalities or cities where the reintegration processes might take place, and scenarios and instruments for participation by former combatants in community contexts and their reintegration into those contexts.

7. The process of reincorporating members of the FARC-EP and ELN guerrillas requires the standardization of the resocialization policies within prisons and
the reincorporation rules in the outside world that are to be established and agreed on; in this, the interconnection of the peace policies with a transitional approach to criminal and penal policy is essential.

8. Clear roadmaps should be established to allow legal alternatives to submission for members of criminal groups and other related illegal actors who wish to abandon illegality.

9. The General Secretariat recommends reviewing and strengthening the strategy for combating the phenomenon of emergent criminal gangs and all the contexts of illegality that continue to generate fear and harm in the territories. In particular, it believes it is necessary to make progress with strategies for the heightened presence and effectiveness of institutional security and justice in the territories, which would contribute to weakening the capacity of organized crime to control the everyday life of communities. The communities see that the geo-economic characteristics of each region are the main catalysts behind the current phenomenon, which could be a factor in encouraging the presence and strengthening of the illegal armed groups. The GS/OAS believes that in this regard, the Government could make efforts to introduce transformational elements, above and beyond the current strategy that is chiefly based on arrests and seizures.

10. The General Secretariat has learned that in some remote and isolated regions where illegal armed groups pursue illegal activities (drug trafficking, mining, extortion, smuggling, etc.), there are negative perceptions in the communities’ collective imaginations regarding the possibility of significant change in the security situation. In this regard, the Government could develop a suitable strategy of “pedagogy for peace” but also, and more importantly, plan tangible, material, immediate actions, particularly in the areas of economic development and infrastructure, to allow the communities to view the post-conflict future through a more positive lens. Security, employment, and justice are the keenest needs felt in the communities for building a brighter future.

11. Confidence-building mechanisms and improved communications and relations between the authorities and the communities are needed, particularly among those located in the areas most affected by the conflict and with the active presence of illegal armed groups. In the General Secretariat’s view, the Colombian Government must undertake efforts to coordinate its institutions, allowing it to increase its presence in the territories through more than military structures.

12. Greater dispatch is needed in investigating and clearing up the threats made against and killings of people involved in the land restitution process, victims’ leaders and defenders, and social leaders. The persons directly and indirectly responsible for those crimes must be made known, since they are one of the main obstacles faced by the process. Delays in investigations into those incidents, together with the lack of clear results in bringing those cases before the courts, contribute to a climate of anxiety and mistrust toward the process and toward the authorities.

13. In the General Secretariat’s view, efforts must be redoubled in institutional interconnections and in the coordination of the National System for the
Attention and Comprehensive Redress of Victims (SNARIV), so that effective progress can be seen in the processes of attention, collective redress, and land restitution.

14. The General Secretariat acknowledges the determined work of the Colombian Government in the construction of historical memory. Nevertheless, there is still the challenge of bringing about greater community involvement in those activities, and of ensuring that their stories and memories are effectively represented in the forgiveness and public pardon processes and in the historical memory reports of the conflict, to invest them with the power to make amends.

15. Efforts must be made to ensure correct institutional interconnections for the post-conflict period, with the essential aim of protecting and ensuring the sustainability of the current processes (transitional justice, reintegration, land restitution, release of applicants, etc.) and of facilitating the implementation of new processes.

16. In the General Secretariat’s opinion, a peace policy cannot be sustainable without the participation and commitment of civil society. The Colombian Government must design effective mechanisms so that the different sectors that make up civil society can express their interests and understanding not only of what they expect from the process, but of what their contribution to peace could be.

17. The General Secretariat urges the Colombian State to persevere with the formulation of social and political strategies for peace as essential tools for institutional readiness in the territories.
Alerta de Movilización

Porque el gobierno nacional:

- Pretende despojar de las áreas mineras de donde obtenemos nuestro sustento.
- Empaña a los productores campesinos para la producción y comercialización de los productos con programas como el POE.
- Sendea y presione a los pobladores como si fuéramos los peores delincuentes.
- Asenta contra nuestro derecho a la permanencia en el territorio con sus políticas de despojo.
- Militariza el territorio e intenta controlar la vida de los pobladores.
Twenty-First
Half-Yearly Report

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

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


The MAPP/OAS has monitored and supported peace-building efforts in territories affected by the internal armed conflict in Colombia, interacting with all of the stakeholders involved in this process. The information set forth herein corresponds to the findings made by the GS/OAS through the MAPP/OAS as a result of its monitoring, accompaniment, and support work from February to August of 2015. The data were collected with public institutions, authorities, indigenous and Afro-descendant organizations, social and civil organizations, religious communities, law enforcement, victims, victims’ representatives, and participants in
reintegration processes\textsuperscript{1} at the national, departmental, and municipal levels, by means of the activities enshrined in the mandate.\textsuperscript{2}

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

I. General Considerations

\textit{The time for peace}

The GS/OAS is convinced that guaranteeing “more rights for more people in the Americas” begins with the exercise of the inalienable right to peace, and therefore, we congratulate the Government of Colombia and the Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo [Revolutionary Armed Forces of Colombia – People’s Army] (FARC-EP) guerrilla movement for the significant progress made in the negotiations towards attaining solid and lasting peace in Colombia.

This historic opportunity, which is the result of considerable effort, may not and must not evade Colombians any longer. All of the countries in the OAS share a yearning for firearms to be silenced, and for them to give way to peaceful forms of expression. Starting eleven years ago, the OAS responded to the Government of Colombia’s call for support in attaining this objective.

The path traveled to date confirms that we are now in the final stages of the internal armed conflict that has afflicted this country for over half a century. Today more than ever, peace is a real possibility and a true imperative, above all for those who have suffered most from the conflict’s unfortunate effects. The country’s remotest territories clamor for stability and security, which would make it possible for their societies and economies to freely develop with state support and without the disturbing effects of armed confrontations.

However, achieving peace—comprehensive, stable, long-lasting, peace—involves new and greater challenges, and entails fully addressing diverse factors, focusing on the true

\footnote{1 The Colombian Agency for Reintegration (ACR) has been in charge of the reintegration policy since 2006. This policy seeks to reincorporate illegal groups or individuals who have laid down their arms back into civilian life. It addresses facets like economic reintegration, which includes aspects like: education, job training, skills development; social reintegration, which seeks to address aspects associated with social cohesion, reconciliation, and reeducation for civilian life, among others; and community reintegration, which promotes coexistence and reconciliation in recipient communities through interventions with state actors. Furthermore, transitional justice provisions were established under Law 1424 of 2010 to guarantee truth, justice, and redress to the victims of demobilized individuals from illegal armed groups, and legal benefits are awarded under the reintegration policy.}

\footnote{2 This report refers to unique categories like demobilized combatants, guerrillas, and victims, among others, in order to make it easier to read. This does not imply a lack of understanding that the armed conflict has different impacts on men, women, boys, girls, adolescents, young people, the elderly, people with diverse sexual orientations and gender identities and expressions, members of ethnic communities and groups, and disabled individuals. This clarification is made in recognition of and out of respect for the differential approaches necessary to understand and support these populations.}
causes of violence and the guarantee of arenas for coexistence that prevent the repetition and reproduction thereof.

From the beginning, the MAPP/OAS has understood peace building to be a single process, with progressive and sometimes subordinate stages. The demobilization of the Autodefensas Unidas de Colombia [United Self-Defense Forces of Colombia] (AUC), verified by the OAS, helped overcome a major obstacle in the complex and multicausal internal armed conflict. This dismantling, in addition to creating an institutional infrastructure for peace, led to tangible results for victims and for the members of the self-defense forces and guerilla groups who laid down their arms.

This process also helped identify the causes, evolution, and development of post-demobilization situations, and should thus be used to prevent similar situations from recurring and affecting the process with the guerrillas. Furthermore, the Inter-American Commission on Human Rights (IACHR), assessing the progress made towards attaining a final agreement, has noted that the establishment of peace in Colombia is a necessary condition for guaranteeing the country's inhabitants respect for their fundamental rights.

In this new stage, the GS/OAS calls for these experiences and lessons learned to become useful tools and to serve as inputs for strengthening the current peace process with the FARC-EP and an eventual peace process with the Ejército de Liberación Nacional [National Liberation Army] (ELN).

In view of the possibility of adverse institutional and economic circumstances developing in the country, it is imperative to reinforce political support for the peace process, so as to prevent such circumstances from affecting the agreement verification mechanism under consideration. In the same way, the active presence of illegal armed groups in the territories, institutional weaknesses in judicial prosecutions, and the treatment of demobilized individuals in prison must all be unequivocally addressed, while working towards a strong, expansive pedagogy for peace.

Attaining comprehensive peace, furthermore, requires continuing the efforts to advance negotiations between the Government of Colombia and the ELN. A peace agreement with the ELN would yield enormous benefits and would place the country squarely on the path to overall pacification. The GS/OAS acknowledges and encourages the approaches undertaken to these ends and reiterates its willingness to support them.

Moreover, the GS/OAS understands that for the process to be sustainable, several challenges must be addressed, namely: local implementation of the agreements; the continuation of ongoing peace policies; and increasing social conflict, especially over issues like social and political marginalization, unmet basic needs, the social and environmental impacts of extractive activities, the lack of social infrastructure, the concentration of lands, and territorial disputes, among others. Many actions should be targeted at replacing, updating, providing, and building the basic social infrastructure through improved services, broader coverage, and establishing mechanisms for coordination, and above all, by deploying a set of fast and effective interventions in the territories to strengthen the state presence and at the same time help rebuild social and human capital.
It must also be noted that the signing of the definitive agreement with the FARC-EP, which entails an initial laying down of arms, poses an enormous challenge in terms of applying all of the regulatory, procedural, and technical provisions to ensure that the process is planned, organized, and transparent, with clearly defined roles for the institutions involved. In this context, beyond implementing the agreements, Colombia faces the challenges of guaranteeing the effective enjoyment of rights for all its citizens and of consolidating true changes in the political, social, and human realms.

The GS/OAS cautions that as efforts to end the armed conflict are furthered, it is important to begin to build peace out of the regions. In this regard, the MAPP/OAS, with funds from the European Union, has prepared several studies that seek to identify the weaknesses, strengths, and expectations of certain zones prioritized by the Government of Colombia. These and other inputs should help the territories address and participate in the process; without territorial involvement, it will be difficult to achieve a sustainable, lasting peace.

The GS/OAS encourages the efforts made by the state, communities, social organizations, academia, the media, and the private sector towards providing opportunities for dialogue and understanding of the key elements in peace building, while taking into account regional contexts and capacities as the foundations of social reconciliation.

In this regard, country/territory coordination and cooperation is fundamental in order to effectively execute peace policy plans, programs, and projects. However, the GS/OAS is convinced that the more stakeholders and bodies involved in a policy, the more complex the process will be; this makes coordination more difficult and hampers progress on execution. In the future, complex institutional frameworks that involve various levels and sectors of government, as well as the division of functions among them, should be avoided. This will make it possible to optimize human, physical, and logistical resources.

Beyond the foregoing, the GS/OAS highlights the positive steps that have been taken and that must be strengthened, such as the partial understandings reached towards creating a Special Jurisdiction for Peace. The GS/OAS considers that such agreements must be based on the certainty that those responsible for the principal crimes of the internal armed conflict will be tried, and the victims’ rights to truth, justice, redress, and guarantees of non-repetition will be ensured. The GS/OAS also applauds the agreement reached in the fifth point on the negotiating agenda between the Government of Colombia and the FARC-EP: Agreement on the Victims of the Conflict, “System of Truth, Justice, Redress, and Non-Repetition,” which sets forth the will to appropriately compensate victims and keep them at the heart of the negotiations between the parties, and makes it possible to make headway in recognizing all of the victims of the internal armed conflict, identifying responsibilities, clarifying the truth, and making full redress.

Also notable are the actions implemented with OAS support towards cleaning up and clearing Colombia from antipersonnel landmines, improvised explosive devices, unexploded ordnance, and explosive remnants of war in general, and towards
immediately implementing humanitarian measures to search for, locate, identify, and return the remains of persons who disappeared during the armed conflict.

Likewise, the start of bilateral de-escalation measures has led to significant progress in building trust and invigorating the process, while helping to decrease violence. Of particular note is the decision made by the Government of Colombia to grant pardon to a certain number of incarcerated members of the FARC-EP. This is a significant gesture and an important step towards building trust among the parties and achieving reconciliation in Colombia.

The OAS applauds the United Nations verification mission designed by the United Nations Permanent Council; this mission will verify the disarmament and demobilization of the various FARC-EP fronts and blocs. The OAS also reiterates its prior offer of support and collaboration.

Along these lines, our firm commitment as the OAS is to continue supporting Colombia through the MAPP/OAS. We are aware that this will involve coordinating different types of efforts in order to maintain and expand on the progress made.

The Mission’s organizational and operational structure can be strategically remodeled in order to take on the new commitments required by the peace process in Colombia. After eleven years of monitoring and supporting the Colombian peace process, and having contributed to the achievements and assessed the challenges and difficulties thereof, the General Secretariat, through the MAPP/OAS, is prepared, and has developed the instruments necessary in order to identify new violent actors in the vulnerable zones where members of the guerillas are participating in collective and individual disarmament, demobilization, and reintegration (DDR) processes or other organized armed structures are being prosecuted, and in order to address other threats to peace in the territories.

Moreover, and at the request of the Colombian government and social organizations, the General Secretariat, through the MAPP/OAS, has incorporated the monitoring and analysis of social conflicts into its work, supporting community, campesino, Afro, indigenous, and social organizations, platforms, and processes that locally and nationally invigorate the debate on the principal conflictive issues. In this context, and at the request of the parties, the Mission is facilitating the dialogue fostered by the Government of Colombia and the Putumayo department Regional Board of Organizations on substituting illegal crops, mining/energy activity, social investment, and human rights.

**Principle findings in the period covered by this report**

The GS/OAS recognizes the Colombian government’s interest in fully redressing the victims of the armed conflict. A sign of this interest is the registry of approximately 7,620,114\(^3\) victims, of which 5,988,516 are receiving aid and redress, and 473,257

\(^3\) Unit for Support and Comprehensive Redress of Victims (UARIV), September 2015.
have been indemnified. Likewise, 303 parties to collective redress were recognized and progress was made on formulating 91 plans for collective redress, 72 of which are being implemented. 2,450 land restitution judgments were issued, accounting for approximately 168,000 rights awarded to victims by specialized courts and tribunals. In addition, more than 100,000 hectares of land have been returned to more than 15,000 victims of the internal armed conflict.

The aforementioned advances help secure the effective enjoyment of the rights of victims of the internal armed conflict in Colombia. However, the GS/OAS reiterates the need to establish urgent actions in order to ensure harmonious cooperation, coordination, and connections among Colombian state institutions charged with guaranteeing victims’ rights to truth, justice, redress, restitution, satisfaction, and guarantees of non-repetition. In this respect, the National System for Support and Comprehensive Redress of Victims, hereinafter SNARIV, must operate efficiently at the national and territorial levels. Likewise, the GS/OAS calls for guaranteeing the country’s financial resources and budget items to ensure they will adapt to and provide for the support, assistance, redress, and restitution measures, in step with the increase in the Single Register of Victims, hereinafter RUV.

The GS/OAS highlights Colombia’s experience and the progress it has made towards building a coherent transitional justice system by applying various legal tools that have made it possible to consolidate a judicial and extrajudicial truth-building policy, a comprehensive victims’ redress policy, and progress in prosecuting those responsible for crimes against humanity and grave violations of international humanitarian law. This system is reflected in the enforcement of the Justice and Peace Law (Law 975/05), the

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4 Redress through administrative proceedings is a component of comprehensive redress, with the objective of providing material compensation for damages incurred due to infringements of international humanitarian law or serious violations of human rights during the internal armed conflict. Such redress consists in a number of mainly economic measures, set as certain multiples of the legal monthly minimum wages in force (SMMLV).

5 The issuing of Law 1448/11, which “passes measures to serve, assist, and provide comprehensive redress to victims of the internal armed conflict, as well as other provisions,” establishes a set of individual and collective judicial, administrative, social, and economic measures that benefit victims of the armed conflict in the transitional justice framework, and at the same time seek to enable them to enjoy their rights to truth, justice, and redress with guarantees of non-repetition. Redress includes five measures: restitution, indemnification, rehabilitation, satisfaction, and guarantees of non-repetition. Redress measures may be individual, collective, material, non-economic, or symbolic. As established in Articles 151 and 152 of the aforementioned law, the following groups are entitled to collective redress: social and political groups and organizations; communities determined on the basis of legal, political, or social recognition, or based on their culture, the zone or territory where they live, or a shared purpose; and indigenous, Roma, black, Afro-Colombian, Raizal, and Palenquero communities and peoples that have experienced any of the following: a) damage resulting from the violation of their collective rights; b) the grave and clear violation of the individual rights of members of their collective; c) the collective impact of the violation of individual rights.

6 Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD), September 2015 bulletin.

7 Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD).

8 The National System for Support and Comprehensive Redress of Victims of the internal armed conflict is formed by the national and territorial government and state public entities, as well as other public and private organizations, responsible for formulating or executing the plans, programs, projects, and specific actions aimed at supporting and providing full redress to victims.

9 Law 975/05. “Justice and Peace Law,” published in Official Gazette No. 45,980 on July 25, 2005. This law sets forth provisions for reincorporating members of illegal organized armed groups who have effectively contributed to attaining peace in the nation. It also sets forth other provisions for humanitarian agreements. Amended by Law 1592/12.
Demobilized Combatants Law (Law 1424/10),\textsuperscript{10} the Victims and Land Restitution Law (Law 1448/11),\textsuperscript{11} and in the progress made in the debate towards reforming the Code of Criminal Procedure,\textsuperscript{12} which would eventually permit collective negotiations for prosecutions and make it possible to move forward with collective allegations by streamlining the process; as well as other legal regulations like laws, decrees, and administrative resolutions that will help achieve the standards of justice established by national and international law.

The combination of judicial and extrajudicial truth and redress mechanisms must in turn not just take into account the lessons learned from the aforementioned mechanisms, but must also recover the existing capacity for investigating international crimes fostered by the Transitional Justice Division and the Analysis and Context Division of the Attorney General’s Office, as well as what has been investigated out of court by the National Center for Historical Memory and the achievements on redress matters made by the Unit for Support and Comprehensive Redress of Victims, hereinafter UARIV, and the Special Administrative Unit for Managing the Restitution of Dispossessed Lands, hereinafter UAEGRTD.

It must also be underscored that these transitional justice mechanisms must be established with a view towards applying them differentially, in the interest of fostering harmony with special jurisdictions, such as the Special Indigenous Jurisdiction,\textsuperscript{13} and respect for the collective rights of Afro-Colombian—black, Palenquero, Raizal—communities.\textsuperscript{14} The implementation of transitional justice mechanisms shall in no way whatsoever contravene the particular law of the indigenous communities.

The GS/OAS also reiterates its grave concern over the continued threats against and assassinations of leaders, representatives, and victims in their fight for their rights to the restitution of lands and territories, in the understanding that impunity and the lack of guarantees of protection are primary factors leading to repeated and new and more serious offenses.\textsuperscript{15} Therefore, the institutions responsible for furthering the Public Policy

\textsuperscript{10} Law 1424/10. “Demobilized Combatants Law,” published in Official Gazette No. 47,937 dated December 29, 2010. This law establishes transitional justice provisions that guarantee truth, justice, and redress for the victims of combatants who have demobilized from illegal organized groups. It awards legal benefits and also sets forth other provisions.

\textsuperscript{11} Law 1448/11. “Victims and Land Restitution Law,” published in Official Gazette 48,096 dated June 10, 2011 and regulated by Decree 1084/15. This law sets forth measures for supporting, assisting, and providing comprehensive redress to victims of the internal armed conflict and also issues other provisions.


\textsuperscript{13} The 1991 Constitution grants indigenous peoples the autonomy to establish their own system of government with their traditional authorities, as well as their own regulations, and to have jurisdiction over their own territories.

\textsuperscript{14} Article 330 of the Colombian Political Constitution recognizes the authorities and government of the indigenous communities and peoples (indigenous institutions, indigenous law, higher law, or natural law), and also applies to black and Afro-Colombian communities according to judgments T-955/03 and C-030/08 of the Honorable Constitutional Court.

\textsuperscript{15} The neutralization of risk factors for the protection of victims and leaders claiming lands is closely tied to progress in the investigations of the events that lead to the violence. The IACHR has not yet obtained consistent information from the state on the measures put forth to establish investigation as a prevention measure as policy. The lack of investigation could lead to the constant increase in beneficiaries of the National Protection Unit (UNP) having a cumulative effect. In February 2016, the IACHR issued a press release condemning the 54 deaths of defenders reported in 2015, as well as the more recent threats and deaths. On January 16, 2016, the defender and community leader Nelly Amaya was assassinated, and on January 26, 2016, the Narino
of Prevention and Protection (including the Technical Subcommittee on Prevention, Protection, and Guarantees of Non-Repetition\textsuperscript{16}) must ensure that victims effectively and truly participate in their meetings, and that their actions translate into tangible measures for improving the security of victims, leaders, and representatives in the territories.\textsuperscript{17} Likewise, differential approaches should be used, in the recognition that each individual or collective has unique protection needs. The IACHR has noted the impunity granted in the face of the grave human rights violations and infringements of international humanitarian law committed by all of the players in the conflict and the post-demobilization armed groups. This impunity is an obstacle to guaranteeing victims’ rights.

**Decisive and lasting international support**

Lastly, it must be mentioned that since 2004, the institutional, political, and financial support of countries and cooperation agencies has enabled the MAPP/OAS accompaniment to become a useful reality contributing to peace in Colombia. Without those resources, neither the Mission’s operations nor the activities demanded by its mandate would have been possible. The General Secretariat therefore reiterates its gratitude to the donors and friends of MAPP/OAS for the support and accompaniment they have provided over these eleven years, and, in particular, to:

Argentina, Germany, The Bahamas, Brazil, Canada, Chile, Colombia, Spain, the United States of America, France, Great Britain, Guatemala, Ireland, Japan, Norway, Mexico, the Netherlands, Peru, Portugal, the Republic of Korea, Sweden, Switzerland, Thailand, Turkey, and the European Union. The General Secretariat would also like to extend its thanks for the support provided by the Spanish Agency for International Cooperation Development (AECID), the International Organization for Migration (IOM), the German International Cooperation Agency (GIZ), the United States Agency for International Development (USAID), and the Presidential International Cooperation Agency of Colombia (APC).

\textsuperscript{16} The objective of the Technical Subcommittee on Prevention, Protection, and Guarantees of Non-Repetition is to design a strategy that will make it possible to coordinate prevention actions (early, urgent, and guarantee of non-repetition actions) with territorial action plans, in order to address risk factors and their impact on the community.

\textsuperscript{17} Like the General Secretariat, the IACHR has also received information on very risky situations faced by beneficiaries of the IACHR’s precautionary measures and the protection programs, including journalists, human rights defenders, and members of Afro-descendant communities. The IACHR condemned the assassinations of the Afro-descendant leader Gilmer Genaro García Ramírez, mentioned in this report, and of the journalist Luis Peralta Cuéllar, both of whom were under state protection. The state subsequently reported that the four suspected perpetrators and the suspected instigator of the assassination of Mr. García Ramírez had been captured.
II. Transitional Justice

a. Monitoring and accompaniment of the implementation of the Justice and Peace process and other transitional justice system tools

**Judicial monitoring:** ten years after the Justice and Peace Law (Law 975/05)\(^{18}\) was issued, the General Secretariat considers this tool, and the precedents set down by courts and tribunals, to have been an important mechanism for attaining truth, justice, and redress towards building a robust, long-lasting peace. Despite the gaps in the law that were mostly closed with Law 1592/12,\(^{19}\) the institutional and judicial framework has served to help understand the situation and has made significant contributions to dismantling the military structures of the United Self-Defense Forces of Colombia (AUC), and to raising awareness of the thousands of victims. This mechanism has also been applied to hundreds of demobilized guerrilla soldiers.

The issuing of Law 1592/12, which amended Law 975/05, and the Attorney General’s Office’s application of investigative mechanisms based on establishing macrocrime classifications, have led to an exponential increase in the number of judgments handed down by the various Justice and Peace Chambers as of August of 2015, for a total of 34 judgments.\(^{20}\) It should be emphasized that the most significant contribution is that these judgments incorporate macrocrime classifications and establish a historical context for each of the paramilitary and guerrilla structures based on investigations performed by the Transitional Justice Division of the Attorney General’s Office.\(^{21}\)

The foregoing is a qualitative step forward that will make it possible for applicants\(^{22}\) who were not commanding officers in the structures to, through these macrocrime judgments, have their cases resolved quickly through the vehicle known as “early termination.”\(^{23}\)

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\(^{18}\) The IACHR has commented on Law 1592/12’s elimination of the comprehensive redress proceedings, mainly to the effect that the enforcement of this law removes the redress incentives for victims to participate in those proceedings, since they could instead make direct recourse to the mechanisms set forth in the Victims Law and obtain the redress established therein. The Commission also noted that this law prevents the Justice and Peace Chamber from decreeing any redress measures other than that of including in the judgment the victims’ version of the damages suffered.

\(^{19}\) Law 1592/12, published in Official Gazette No. 48,633, regulated by Decree 3011/13. This law introduces modifications to Law 975/05, which set forth “provisions for reincorporating members of illegal organized armed groups who effectively contribute to attaining peace in the nation as well as other provisions for humanitarian agreements” and other provisions.

\(^{20}\) Datum obtained from MAPP/OAS monitoring.

\(^{21}\) The IACHR reported that it has received information on the actions of post-demobilization illegal armed groups that are identified as being associated with or having members who had belonged to paramilitary groups that in several cases allegedly continued to act with the protection or acquiescence of state agents. The IACHR is concerned about the relationship between what the state describes as ‘emerging criminal bands’ and the former self-defense forces, and has therefore advised the state to perform specific tasks to dismantle the self-defense forces that did not participate in group demobilizations.

\(^{22}\) Members of illegal armed groups who have decided to return to civilian life under Law 975/05, the “Justice and Peace Law” by guaranteeing victims their rights to truth, justice, and redress in exchange for receiving an alternative sentence of between 5 and 8 years for the criminal acts they committed during and as a result of their membership in those groups.

\(^{23}\) Early termination is a vehicle through which one or several applicants can be sentenced after the indictment without having to participate in other hearings, provided that the crimes for which they are being prosecuted have already been described and detailed as macrocrimes in a prior judgment against someone serving as a commander.
Possibly the biggest challenge for the judicial branch will be moving the special redress proceedings forward in order to fulfill the victims’ rights to truth and full redress.\(^{24}\)

The General Secretariat highlights the progress made in prosecuting ex-guerrilla applicants during the implementation of the Justice and Peace Law\(^{25}\) through the contextualization and indictment proceedings for former members of the FARC-EP, the National Liberation Army (ELN), and the Ejército Revolucionario Guevarista [Guevarista Revolutionary Army] (ERG). However, it also draws attention to the contextualization proceedings for members of the Ejército Popular de Liberación [People’s Liberation Army] (EPL) and the Ejército Revolucionario del Pueblo [People’s Revolutionary Army] (ERP): eight (8) years after becoming applicants, not a single ex-member of the ERP had been subject to a formal indictment proceeding, which is what would formally launch the criminal investigations.

Along the same lines, the General Secretariat also expresses its concern over the continual reduction in the number of prosecutors and investigators assigned to the Transitional Justice Division. Although such reductions may help restructure the Attorney General’s Office, the transfer of many of these professionals to the Analysis and Context Division and the appointment of new prosecutors to cases involving illegal structures both cause undesired delays in the proceedings, which lead to discontent among the applicants, victims, and affected communities.\(^{26}\) The GS/OAS applauds the reopening of the Justice and Peace office in Chocó department and reiterates the need to reopen the offices in Bajo Cauca, Urabá Antioqueño, and Putumayo department.

Prior reports have mentioned that legal security is an essential element of all transitional justice tools, and the General Secretariat is now more convinced than ever of the need to further consolidate the implementation and enforcement of the Justice and Peace Law, not just in the name of ensuring successful results, but mainly so that this law can serve as a solid foundation that will generate trust for the application of the new tools with the guerrillas. The IACHR thus notes that during the hearing held in March 2015 on monitoring the implementation of the Justice and Peace Law, social organizations stated that very little has been achieved on truth, justice, and redress, and that there is a serious lack of victim participation as well as delays in the proceedings envisioned in the law. They also felt that the state lacks a plan to fix this situation.

**Monitoring victim access to these mechanisms:** The General Secretariat is concerned about victims’ widespread lack of knowledge of the amendments to the Justice and Peace Law (Law 975/05). Three (3) years after the amendment (Law 1592/12) was instituted, no mass awareness-raising campaigns have been carried out for the half-million

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\(^{24}\) The IACHR notes that the state reported that the prioritization of cases led to 28 more judgments, which entailed convicting 117 applicants, documenting 3,623 acts against 20,614 victims, finding 4,519 graves, and exhuming 5,817 bodies. The state also indicated that judgments were passed on 700 acts of gender violence, through which 33 applicants were sentenced.

\(^{25}\) Currently more than 400 demobilized former guerrilla combatants from the FARC-EP, ELN, EPL, and ERP are seeking to avail themselves of the Justice and Peace Law, as are 7 collectively demobilized combatants from the Guevarista Revolutionary Army (ERG).

\(^{26}\) For example, communities like Luis Vero, in the municipality of Sardinata, and Filogringo, in the municipality of El Tarra, department of Norte de Santander.
(500,000) victims who have committed to and decided to take part in this process. Furthermore, the GS/OAS, through the MAPP/OAS, has observed that victims who are highly knowledgeable of the aforementioned amendment feel that their rights, for example, to participate in court hearings, have been undermined. Despite the logistical arrangements made to support victims in the prioritized cases, thousands of victims who actively participated in legal proceedings have been overlooked, and these victims are surprised and frustrated to see that their cases were not included in the redress proceedings.\(^{27}\)

Prior reports have positively evaluated the Attorney General’s Office’s efforts to gather information on gender-based crimes, which have led to progress with the register of victims. However, the number of victims is still clearly underreported, mainly due to victims’ fear of being retaliated against and stigmatized for having reported acts of gender violence in municipalities like Samaniego (Nariño), as well as in the Catatumbo region\(^{28}\) in Norte de Santander department. With regard to this matter, the GS/OAS considers it essential to foster specific actions that will create trustworthy environments to preserve intimacy and privacy and ensure victims’ confidentiality. Likewise, during the process victims must be guaranteed freedom from discrimination based on their pasts, behavior, gender expression and identity, or sexual orientation, as well as the right “to not be brought face to face with the aggressor, to not be subjected to repeated tests, and to request judicial authorities to abstain from ordering tests or to exclude already-performed tests that entail an unnecessary or disproportionate invasion of their right to privacy.”\(^{29}\)

The General Secretariat recommends that applicants’ knowledge of the victimizing acts be verified in the voluntary statement hearings held in the framework of the Justice and

\(^{27}\) In this context, the IACHR has been monitoring the legal and constitutional reforms that have been implemented. In March 2015 a hearing was held about what civil society representatives presented as setbacks in the legislation on military criminal justice in Colombia, and at which further information was received about legislative initiatives that would seek to broaden the scope of military and police criminal justice. The organizations continued to be concerned about the then bill on restructuring the military and police criminal justice system. This bill is now in force as Legislative Act 01 of 2015. At the hearing held in October 2015 on human rights and legal reforms on security forces in Colombia, the petitioners reiterated their concerns about this Legislative Act and about Law 1765/15, which restructured the military and police criminal justice system. They stated that the Legislative Act excludes international human rights law as a regulatory framework applicable to the prosecution of crimes committed in the armed conflict; that it sets down rules that do not recognize legal autonomy and independence; and that it violates the right to equality before the law by treating law enforcement officers differently. In this respect, the IACHR reiterates that many situations that are to be regulated by this Legislative Act, such as, for example, military operations involving the civilian population, despite taking place in the context of the conflict, may call for the simultaneous application of international human rights law and international humanitarian law. In turn, the state reported that this amendment “has been advanced in full knowledge of and respect for the coexistence of the applicable legal frameworks of international human rights law and international humanitarian law, and the Government shares the international position that these regulatory frameworks have a common core of rights that cannot be suspended at any time, because they share the same purpose of protecting the physical integrity and dignity of human beings, with the only difference being that international humanitarian law is only applied in situations of armed conflict, since it is a special law.”

\(^{28}\) This region in Colombia is located in the northeastern part of Norte de Santander department and is made up of 11 municipalities: Ábrego, Convención, El Carmen, El Tarra, Hacarí, La Playa, Ocaña, San Calixto, Sardinata, Teorama, and Tibú.

\(^{29}\) Law 1719/14, published in Official Gazette No. 49,186 on June 18, 2014. This law amends certain articles of Laws 599/00 and 906/04, adopts measures to guarantee access to justice for victims of sexual violence, in particular sexual violence associated with the armed conflict, and sets forth other provisions.
Peace Law. This is due to the fact that in the hearing organized by the Attorney General’s Office for applicant Salvatore Mancuso’s voluntary statement, held in March 2015, around thirty (30) participating victims of sexual violence in Magdalena department were re-victimized: they were transferred to the site of the voluntary statement hearing and their claims to truth were left unsatisfied, since the applicant stated that he was not explicitly aware of the acts. The General Secretariat thus encourages the Colombian state to use a gender-equality- and women’s-rights-based approach to establish criteria for the participation of victims of sexual violence in the aforementioned hearings. It also recommends that mechanisms be established to make it possible for male victims of sexual violence to access the Justice and Peace processes. This would involve strategies for raising awareness of and publicizing the law with special interest population groups, like ex-combatants, in the interest of ensuring full redress for all those affected by such acts. These mechanisms must address the socio-cultural barriers that limit access to full redress for these sectors of the population.

Furthermore, it has also been noted that while victims may intend to attend judicial proceedings and the voluntary statement hearings, they do not receive psychological or legal support.

**Prison monitoring:** Through the MAP/P/OAS, the GS/OAS has made more than 300 monitoring visits to different prison facilities, to oversee the special imprisonment conditions established under the Justice and Peace Law. Moreover, in conjunction with the Prison School, it is working to put together an academic unit on transitional justice and peace for future prison guards, so as to raise their awareness of resocialization issues and the special imprisonment conditions established in the peace agreements.

With regard to resocialization within the wards, the GS/OAS applauds the progress made by the Ministry of Justice and the Law through the special resocialization units for applicants in several of the country’s prisons, emphasizing how the psychological care provided at the Barranquilla (Atlántico) Central Courtyard has been positively received. The General Secretariat recommends a more effective thematic coordination of this initiative with the reintegration process established by the Colombian Agency for Reintegration, hereinafter ACR.

It is still worrisome that the training sessions offered to inmates, beyond serving as educational programs, do not fully focus on potential trades in which these inmates could be employed after their release, as it is important to take employability into account as a factor that favors reintegration. In addition, health services remain inferior and the announcement of the liquidation of the prison healthcare provider company\(^\text{30}\) may lead to even larger deficiencies in services. Therefore, the measures necessary in order for inmates to receive effective treatment should be taken.

The GS/OAS is also concerned that six (6) months after the gradual transfer of ex-guerrilla applicants from the Chiquinquirá (Boyacá) prison to various Justice and Peace prison facilities, the territorial jurisdiction criteria were not fully respected and the inmates

\(^{30}\) Communications Social Security Fund (CAPRECOM).
were transferred to prisons located even further away from the law offices familiar with their cases. The GS/OAS finds it troubling that several months after having been transferred to the Itagüí prison, 19 of the 23 inmates still do not have cells in which to spend the night and have to sleep outside. Also worrisome are the increased problems with inmates getting along in the Bucaramanga (Santander) Modelo Prison due to the overcrowding resulting from the arrival of applicants from Chiquinquirá and the delays in the infrastructure projects in the El Espinal (Tolima) prison facility.  

Monitoring/accompaniment of the return, reintegration, and socialization of released ex-members of illegal armed groups: As noted in the Twentieth Half-Yearly Report, the GS/OAS is working through the MAPP/OAS to comprehensively monitor the release of applicants under the Justice and Peace Law. As part of this work, and taking into account the reintegration, legal, public order, personal security, coexistence, reconciliation, and prison dynamics, nine zones have been prioritized for special observation, meaning that special interest has been taken in the places to which applicants and guerrilla soldiers will possibly return in the post-conflict period. In particular, these areas must receive support on the issue of security, as well as through comprehensive state actions that promote pacific coexistence and reconciliation. For the IACHR, the organizations feel that the state should establish public policies of containment in the five zones identified as those to which the majority of the released individuals will return (Medellín, Córdoba and Bajo Cauca, Urabá, Magdalena Medio, and Cesar). They are also concerned about the guarantees of non-repetition, noting that the Attorney General’s Office had allegedly not assumed responsibility for dismantling the economic structures that supported paramilitary activity.

This work has shown that the dynamics surrounding the release of applicants must be addressed in the territories. For that reason, support was provided for establishing and consolidating regional forums in Antioquia, Santander, and Cesar departments, and in the municipalities of Aguachica (Cesar), Barrancabermeja (Santander), Barranquilla (Atlántico), and Santa Marta (Magdalena). Of note is the initiative of the Human Rights Division of the Ministry of the Interior to help strengthen, from the institutions, the Prevention Committees that comprehensively address the dynamics of the releases, with a regional perspective. The GS/OAS will collaborate through the MAPP/OAS by prioritizing zones and supporting these forums, which were already held in August 2015 in Magdalena and Cesar departments and for which there are established roadmaps.

31 In a similar vein as to what the GS/OAS has observed through the MAPP/OAS prison monitoring, the IACHR is concerned about detention conditions in Colombian prisons, and about the overcrowding, overpopulation, lack of health and education services, and unfulfilled basic needs. Therefore, and due to the Attorney General’s Office’s findings on the alleged disappearance and dismemberment of at least 100 people between 1999 and 2001 in the La Modelo prison, the Commission indicated that the state must take the essential measures of guaranteeing and maintaining the internal security of prison facilities and controlling the entry of weapons and illegal substances, as well as the circulation of money inside the prisons; it must also seek mechanisms to reduce prison overcrowding and overpopulation.

32 Magdalena Medio, Magdalena Centro, Urabá-Bajo Atrato, southern Córdoba-Bajo Cauca, southern Cesar, central Cesar, Meta, Valle de Aburrá, Chocó. Certain municipalities were also prioritized for special observation: Cúcuta, Villa del Rosario, Puerto Santander, Barranquilla, Santa Marta, Fundación, Zona Bananera, and Tumaco.
Through the MAPP/OAS, the GS/OAS has been accompanying the National Panel on Guarantees for human rights defenders and social and community leaders,\(^3^3\) in order to establish an action plan to effectively protect this population that works on Justice and Peace issues, reporting acts that the applicants did not confess and providing support in applicant confessions involving third parties. The GS/OAS emphasizes that the level of risk facing these defenders, as well as judicial officers, prosecutors, private defense attorneys, and government employees, will increase as the prosecutions advance.\(^3^4\)

As of August 31, 2015, 54 applicants had been released. Of these, 52 are registered in the Special Reintegration Program for Justice and Peace applicants, as disclosed by the ACR. Another 34 applicants have legally recovered their freedom, but are still waiting for the consolidation of actions or an ordinary notice from the court to make it effective. The General Secretariat has called attention to many ordinary judicial officers’ lack of knowledge about the mechanism for substituting the preventive detention measure.\(^3^5\) It is these officers who are responsible for sending cases heard by the ordinary justice system to the special Justice and Peace criminal jurisdiction. The institutions with Justice and Peace functions in Atlántico department have fostered actions with MAPP/OAS support to overcome this difficulty by raising awareness among judicial officers in the ordinary justice system, having detected that none of the 17 releases granted as of August 2015 was made effective due to delays in consolidating actions.

The GS/OAS recommends that the Technical Committee for Evaluating Justice and Peace Prison Measures be responsible for assigning occupants to the cells left by released applicants, taking into account jurisdiction criteria and the inmates’ profiles in order to prevent the sale of cells by the inmates themselves, among other undesired effects.

The work of the ACR Justice and Peace group on reintegrating individuals who have already effectively been released should be highlighted and applauded. This group works with assigned psychologists to stabilize the participants; two (2) applicants have fully completed the process. Note that the monitoring performed by the reintegration officers

\(^{33}\) The Panel was held as part of the National Process for Guarantees for the work of human rights defenders and social and community leaders, which was started in the month of April 2009 as an agreement among state institutions and human rights organizations with the support of the international community. The purpose of this process is to further an analysis of the human rights situation and the commitment to foster prevention, protection, and investigation actions.

\(^{34}\) The IACHR has continued to receive information on continued assassinations, threats, and harassment against human rights defenders, who still face attacks made in an effort to silence their reports, mainly of human rights violations that took place in the context of the armed conflict. The lack of substantial progress in clarifying, investigating, and punishing the parties responsible for human rights violations perpetrated against defenders is an obstacle for the free exercise of the right to defend human rights. In 72% of the cases of attacks documented between January and June of 2015, paramilitary groups were identified as the alleged perpetrators; 22% were made by unknown parties and 5% by state agents. The paramilitary groups include the “Águilas Negras” [Black Eagles], who allegedly threatened 167 defenders between January and June of 2015; the “Rastrojos” [named for one of the founders], who threatened 47; the “Usureros” [Those from Uraubá] (also known as “El Clan Usuga [the Usugá Clan]”), who threatened 9, and other groups, who threatened 59.

\(^{35}\) Mechanism through which applicants who fulfill the objective and subjective requirements established in Law 1592/12 and Decree 3011/13 can request that the preventive detention measure be substituted for a measure that does not deprive them of their freedom.
is an effective instrument for maintaining legality and a fundamental pillar of non-recurrence.

The GS/OAS condemns the attack against a special Justice and Peace reintegration officer that took place in the city of Itagüí (Antioquia) on July 6, 2015, as well as the homicide of José de Jesús Pérez, aka “Sancocho,” who was the military commander of the Calima Bloc of the AUC, committed on June 6, 2015, a few days after he had been released. Legal security is necessarily closely associated with the personal security of all of the parties involved in the case, and the Mission is always concerned about to what degree such security has been achieved.

The applicants are put into a situation of imminent risk upon their release insofar when they had confessed acts involving other individuals or revealed connections between illegal armed groups and the political class, law enforcement personnel, or private entrepreneurs. Therefore, the GS/OAS calls for accelerating the mechanisms that could provide a different program for applicant protection. Such a program must also promote non-recurrence, as applicants who consider themselves protected by state frameworks will not eventually recur to potential plans for self-protection that could in fact lead to even greater dangers to their own selves or to the communities.

The General Secretariat highlights the ACR-led initiative aimed having a decree issued to establish fast and relevant protection measures for applicants who need special measures in the face of imminent risks. Although this decree is still being processed as of the close of this report, the good offices of the ACR have helped the National Protection Unit provide security for fourteen (14) applicants whose level of risk was classified as “extraordinary” after the corresponding risk evaluation.36

Another issue that affects released applicants is their level of access to the job market. Conditions for obtaining formal employment are negatively impacted by stigmatization, as well as by the dynamics of the Justice and Peace process, which forces the applicants to participate in hearings that often last for weeks, making it difficult for them to obtain or keep a job due to their prolonged absences. In other cases, courthouses are not located in the places to which the applicants have returned, and so they must travel to other cities and take on all of the associated risks and costs. Because of this, the use of technological tools is being recommended in order to ensure that applicants will attend each and every hearing to which they are summoned.

Through the MAPP/OAS, the GS/OAS has been making progress on performing analyses and diagnostics to prepare the territories for the applicants’ return. To that end, the region of Magdalena Medio was initially prioritized. This region is the epicenter of the criminal activities of the now-defunct Autodefensas Campesinas de Puerto Boyacá [Campesino Self-Defense Forces of Puerto Boyacá] and Autodefensas Campesinas del Magdalena Medio [Campesino Self-Defense Forces of Magdalena Medio]. Despite these being areas that applicants see as safe and suitable for coexistence, many victims have

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36Monitoring under the special Justice and Peace criminal procedure (Law 975/05).
not received appropriate psychological support to enable them to handle the arrival of
the perpetrators of the crimes against them. This has caused not only problems with
coeexistence in the territories but also situations in which victims feel re-victimized. In this
regard, of note is the potential polarization of the population due to the release of former
self-defense force leaders and their return to the areas where they operated, in particular
Meta department, the southern part of Cesar department, Córdoba department, the
northern part of Urabá Antioqueño, and the municipality of Tumaco, Nariño.

Monitoring and accompaniment of prosecutions of members of illegal groups: The
MAPP/OAS is tasked with accompanying and monitoring potential prosecutions of
criminal organizations. It has therefore been working together with the Specialized
Organized Crime Division of the Attorney General’s Office to explore possibilities and
arenas for prosecuting these organizations, which currently engage in criminal activities
in Colombia.

The prosecution framework must offer legal stability and certainty to those submitted to
it, to thereby serve as a legitimate, effective, and efficient option for the criminal
organizations operating in the country. While prosecution is understood to differ from
demobilization, it still constitutes a mechanism for bringing peace to the territories.
Through the MAPP/OAS, the GS/OAS been accompanying the debate over the reform of
the Code of Criminal Procedure\textsuperscript{37} that would potentially allow for collective
negotiations for prosecutions and enable progress on collective indictments by
streamlining the process.

Since early 2015, the MAPP/OAS has been accompanying the partial prosecutions of
18- to 35-year-old members of the so-called “Alianza Paz del Valle [Valle Peace
Alliance]” organization (APV) who turned in their weapons and submitted to justice in the
municipality of Rol dañillo (Valle del Cauca), on February 11, 2015.\textsuperscript{38} These individuals
expected to have access to education within the prison facility, but the ones being
prosecuted have not yet been able to start their basic studies, since according to prison
rules, only convicted persons have the right to study. These legal barriers may lead to a
loss of trust in the Colombian state, discouraging not only other members of the APV but
also members of other illegal armed groups. The discrepancy between expectations and
reality leads to frustration among the prosecuted ex-combatants and reveals two points
to be respected in the future: the right to an informed, effective defense from the start of
the process; and the right for any commitment made to be precisely documented in order
to prevent false expectations from arising.

\textsuperscript{38} According to information provided by the organization’s commander Gustavo Palomino, aka “Camilo,” after verifying compliance
with the agreements entered into with the Attorney General’s Office, he would hand over the rest of the group, amounting to 70
members.
III. Monitoring And Accompaniment Of Comprehensive Redress For Victims

a. Victims’ participation and comprehensive collective and social redress

With the end of the term established in Law 1448/11\(^{39}\) for all individuals who had been victims of acts that took place before June 10, 2011 to present their statements to the Public Ministry [which is in charge of enforcing constitutional rights and overseeing the performance of public officials in Colombia] and be included in the Single Register of Victims (RUV), the UARIV, Office of the Inspector General, and the Senate of the Republic have made significant progress towards extending it.\(^{40}\)

The Office of the Inspector General submitted Draft Law No. 140/14 to the Senate of the Republic of Colombia. This bill requested a one-year extension of the deadline for individuals who had been victims in the context of the internal armed conflict before June 10, 2011, to present their statements and be included in the RUV. Subsequently, the Presiding Officers of the First Committee of the Senate of the Republic decided to join Draft Laws 140 and 157 of 2014, as they have the same principal purpose. As of this report, this bill had been passed in the first debate and the second debate discussion paper had been published.

Despite these valuable efforts made by the Colombian state, the GS/OAS continues to note through the MAPP/OAS regional offices that victims are unaware of the deadlines established in Law 1448/11 for presenting their statements. Furthermore, it is clear that the contents of Draft Law No. 157 of 2014 on statements, the RUV, and other provisions have hardly been publicized, and that the information provided on the process and periods for the debates of this bill in the Senate of the Republic of Colombia has been incomplete and ill-timed. There is a clear lack of awareness of the term extension for presenting statements that has been granted to victims abroad and members of the military.

In addition, it is extremely important to pay attention to communications with, and the accompaniment and personalized monitoring of, women who have not presented their statements due to acts affecting their sexual integrity, as well as to cases of child and adolescent victims of forced recruitment. These cases call for Colombian state institutions to build trust with the communities, with an emphasis on their relationships with the directly affected victims and families.\(^{41}\)

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\(^{39}\) Article 155. Victims’ request for registration: victims must submit a statement to the Public Ministry by four (4) years after the promulgation of this law for individuals who were victimized prior thereto, or by two (2) years after the act occurred for those who were victimized after this law went into effect.

\(^{40}\) With regard to redress, the IACHR indicated that the Colombian state reported that by June of 2015, 7,438,034 victims had been recognized.

\(^{41}\) Despite the measures that the state has been adopting in recent years, the IACHR has noted that among the challenges with the redress policy facing victims, the need for the following has been reported: (i) a fast, effective response to their demands; (ii) adequate housing for beneficiaries of restitution judgments in order to return; and (iii) better coordination among the institutions. Also worrisome is the lack of an effective prevention policy aimed at punishing those responsible for dispossessing...
The GS/OAS hopes that if Draft Law 157/14, joined with Draft Law 140/11, is passed, all of the changes to strengthen the public policy of full redress for victims will be applicable to ethnic groups, communities, and members. This aspect should be consolidated in the agreements reached on victims in the national government’s negotiations with the FARC-EP and the ELN. It is also noteworthy that the Government of Colombia has deemed that if the number of victims increases significantly, the Development Plan will be adjusted accordingly in order to guarantee victims the effective enjoyment of their rights to assistance, attention, redress, restitution, and guarantees of non-repetition, stipulated in Law 1448/11, during the term thereof.42

The GS/OAS highlights the progress made by the Colombian government on identifying 303 parties to collective reparations cases, on formulating 91 redress plans, and on implementing 72 of them.43 It further highlights the UARIV’s work towards building trust by identifying the damages and formulating and approving comprehensive plans for collective redress (PIRC) with collective parties from national political and social organizations, like unionists, journalists, the Instituto Popular de Capacitación [People’s Training Institute] (IPC), the Red de Iniciativas Ciudadanas por la Paz y contra la Guerra [Network of Citizen Initiatives for Peace and against War] (Redepaz), the Asociación Nacional de Usuarios Campesinos [National Association of Campesino Users] (ANUC), and agencies for community action and the association of councilmen and representatives.

Through the MAPP/OAS, the GS/OAS has identified major challenges to formulating and implementing the aforementioned plans for collective redress, one of which is overcoming delays and slowness in the assessment of the statements made by parties to collective redress cases by petition.44 In the period covered by this report, progress has continued to be inchoate, in particular on collective redress cases involving ethnic communities and groups. And although the UARIV has done substantial work to build trust with parties to collective redress cases, the lack of trust in community cases, particularly in the moments prior to establishing or engaging in any type of action to move forward with the collective redress process, is worrisome. In conflict zones, ethnic territories, and extremely poor campesino settlements, it is more of a challenge to get the communities to be willing to move forward with these types of cases. The GS/OAS thus

42 Law 1448/11 is valid for ten (10) years, that is, until 2021.
43 Unit for Support and Comprehensive Redress of Victims, Collective Redress Subdepartment, September 2015. Available at: www.unidadvictimas.gov.co
44 According to the provisions of Law 1448/11 and Decree 1084/15, parties to collective redress can be registered in two ways, namely: by offer, through which the Unit for the Victims will identify the victimized groups, notify them of the state’s willingness for them to participate in the Collective Redress Program, and should they accept the invitation, help them with the application for registration; and, by petition, through which the parties to collective redress that were not included in the state’s offer will register with the Public Ministry.
considers it important to scale up the contents and reach of all the measures using a transformative approach, thereby empowering territorial authorities to coordinate on implementing redress plans and the land restitution process in the territories.\(^{45}\)

Furthermore, the collective redress plan must be broadly and sufficiently publicized in a straightforward way among all members of the party to collective redress,\(^{46}\) and the Promotional Committees must be truly empowered. In this regard, it becomes even more important to overcome national/territorial tensions over the inaction of territorial bodies, and in general, of the entities in the National System for Support and Comprehensive Redress of Victims of the Conflict (SNARIV) when it comes to ensuring that the collective redress plans are included and efficiently implemented in the territories.

The UARIV’s group on national cases is clearly willing to work to make progress on providing redress for national political and social organizations party to collective cases. However, the organizations have detected shortcomings in compliance with the plan, mainly because their demands may exceed the UARIV's capacities and responsibilities. For example, the IPC presented a “Balance crítico en cuanto al enfoque, contenidos y formas adoptadas por la UARIV, para llevar adelante el proceso y cumplir con el deber y la responsabilidad política que el Estado tiene [Critical assessment of the focus, content, and methods adopted by the UARIV to move forward with the process and fulfill the state’s duty and political responsibility].”\(^{47}\) The approach behind these demands goes beyond addressing the violent events and damage directly suffered by each organization and calls for certain state political and structural conditions. ANUC and Redepaz have also broadened their petitions, rethinking the purposes thereof, namely: Colombian campesinos’ effective enjoyment of their right to land, and the political empowerment of human rights defenders. In view of this situation, the General Secretariat advises performing a technical and political review of these cases before moving forward with them, in order to avoid a complex and difficult-to-solve political situation with the IPC and other parties to national cases that may speak out against the collective redress proceedings and approaches. Furthermore, it is important to encourage the participation of these parties, not just nationally but also from the territories.

With regard to victim participation in the forums established by Law 1448/11, the GS/OAS has registered 990 municipal committees, of which 16 are local committees in Bogotá and 33 are departmental committees, including a committee for Bogotá D.C, in addition to the National Participation Committee, made up of 44 victims at the national

\(^{45}\) Emphasis should be placed on territories where the Targeted Comprehensive Redress Strategy is being implemented.

\(^{46}\) Collective parties, groups, social and political organizations that are also included in this paragraph: Narrar para vivir [Tell to live] (800 women from 15 municipalities of Montes de María); Asociación Nacional de Mujeres Campesinas, Negras, e Indígenas de Colombia [Colombia National Association of Campesino, Black, and Indigenous Women] (ANMUCIC) (114 women and their families, in El Zulia, Santander, and throughout the country); Organización Femenina Popular [People’s Women’s Organization] (1,600 women in seven municipalities of Magdalena Medio); Liga de Mujeres Desplazadas [Displaced Women’s League] (250 women in four municipalities of Bolívar); Fedecomunal Cúcuta [Cúcuta Community Federation]; Asociación del Trabajadores Campesinos del Carare [Carare Association of Campesino Workers] (ATCC) (various municipalities in the Carare region).

\(^{47}\) Letter from the IPC to Dr. Paula Gaviria, Director of the UARIV. Subject: Critical assessment of the case of IPC as a party to collective redress. Medellín, October 8, 2015. Copy sent to MAPP/OAS.
level, for a total of 1,023 committees in the country overall, with notable representation of differential-focus victims in managerial positions. The process of consolidating the participation mechanism was representative and valuable for victims’ and social organizations; however, the overriding challenge is ensuring the successful execution of the tasks geared towards continuing with the debate on and due diligence in implementing the Effective Participation Protocol (emphasizing Resolution 0828 of 2014 and the differential protocol for boys, girls, adolescents, and young people). For the GS/OAS, there are lingering challenges to the effective participation of victims, namely in terms of their self-organization and empowerment, and the degree to which they influence public policies for victims of the armed conflict.

In the context of the 2015 elections and changing departmental and municipal authorities early in the year, the GS/OAS called for the Colombian state to guarantee support for the participation committees, thereby obtaining adjustments to the Territorial Action Plans and ensuring that they would be taken into account by the new local authorities elected in October 2015 in their planning. Furthermore, victims from more vulnerable zones are still not adequately represented on the participation committees. Cited as causes are the lack of timely information, poorly empowered grassroots organizations, and the lack of a budget for transferring the claims on issues they face in their regions. The GS/OAS urges the Government to persuade local authorities to allocate specific budget lines to the departmental and municipal victims’ committees, and thereby facilitate their operation, empowerment, and level of influence.

b. Protective measures for victim representatives and leaders

Despite Law 1448/11 (Article 31) and Decree 1066 of May 26, 2015, on protective measures for victims of human rights violations and infringements of international humanitarian law, the measures granted have not been sufficient to guarantee victims the free exercise of their rights to collective redress, land restitution, and effective participation, in view of the constant threats against and infringements on the lives, liberty, and integrity of leaders and representatives of organizations of displaced populations or land claimants in legal and administrative comprehensive redress cases, and in particular, in the context of land restitution. This also occurs with leaders and representatives of, and activists in, organizations that defend human, social, civic, community, or campesino rights, and leaders, representatives, and members of ethnic groups, among others, that due to their condition as such or their positions are at extraordinary or extreme risk.

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50 Sole Regulatory Decree of the Administrative Sector of the Interior, which on pages 124 to 167 of Chapter 2, Articles 2.4.1.2.1 and 2.4.3.13, compiles and adds Decree 49/2011 and the amending decree, 1225/2012, on the protective measures granted to victims of human rights violations and infringements of international humanitarian law, including leaders of organizations of displaced populations or land claimants; leaders and representatives of and activists in organizations that defend human, victims’, social, civic, community, or campesino rights; leaders, representatives, or members of ethnic groups, among others, that due to their condition as such or their positions are at extraordinary or extreme risk.
groups; through the Mission to Support the Peace Process, the GS/OAS has repeatedly presented and raised awareness of this situation.\(^{51}\)

The failure to adopt comprehensive measures has led to illegal armed groups committing acts of harassment against these leaders. The most recent case involves the violent death of Genaro García,\(^{52}\) leader of the Alto Mira and Frontera Community Council of the municipality of Tumaco, Nariño. This act was acknowledged by the FARC-EP negotiating team in Havana, Cuba. There have also been homicides of and attacks against members of the Nasa indigenous people, including traditional doctors. Furthermore, more than 150 threats against leaders and victims, and more than 5 homicides, have been identified as committed by criminal bands and illegal armed groups. All of these took place between February and August of 2015, in the departments of Bolívar, Cesar, Córdoba, Meta, Nariño, Sucre, Cauca, Antioquia, and the Urábá-Darién region. This has led to a lack of trust and has undermined proceedings for collective redress (national, community, and ethnic group cases), effective participation, and land restitution, evincing the Colombian state’s challenge to urgently and efficiently adopt mechanisms for the non-recurrence of violent acts, the true protection of leaders, and the prosecution of perpetrators, as well as to support and implement departmental and municipal prevention and protection plans that would help establish security conditions under which victims could exercise and claim their rights.

c. Monitoring and accompaniment of the restitution of lands and territories

The GS/OAS reiterates the concern set forth in the prior report on finding an urgent solution to the vulnerability of second occupant families. Through the MAPP/OAS, the GS/OAS has been observing that in extensive regions of rural Colombia, groups of victims of forced abandonment and dispossession, seeking to meet their unmet basic needs, have returned to the properties from where they were dispossessed and have established their effective presence—sometimes peacefully and other times not—on those properties before a decision has been reached in the legal proceedings over the ownership thereof, whether through ordinary proceedings or through the land restitution process established in Law 1448/11. Examples of this include the cases of “Las Pavas” in southern Bolívar and of several villages in the Urabá Antioqueño region, where contested access to lands has pitted various populations against each other, as a result

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\(^{51}\) The legal and institutional difficulties in applying Law 1448/11 to enforce restitution were reported at the IACHR hearing on land restitution in October 2015. According to official information, an estimated 6,638,195 hectares are reported to have been abandoned by the displaced population. By the end of April 2015, only 97,478 hectares had been returned. The organizations maintained that the micro-targeting process has become an obstacle to restitution, since 84% of the 360,000 cases in which a micro-targeting ruling was handed down, have been held up. Of particular note: except for in one single case, no collective lands have been returned; in many cases, civil servants are unaware of agreements made by the government with certain NGOs for the enforcement of the law; and according to an analysis of one thousand cases, judgments that ordered other measures to guarantee comprehensive redress, such as access to healthcare systems and education, have not been respected.

\(^{52}\) In his capacity as a leader, he had been promoting the restitution of black communities’ territorial rights, confronting such issues as monocultures/agro-industry, indiscriminate timber logging, mining, the spraying of glyphosate on basic food crops, the loss of identifying and cultural elements due to environmental damage to their territories, and the appropriation thereof by communities responding to the interests of insurgent groups operating in their collective territories.
of the state having awarded rights to and the expectation of rights to the same property to various individuals and groups, through different ownership proceedings.\textsuperscript{53}

The GS/OAS through the MAPP/OAS considers this dynamic to be one of the emerging social conflicts derived from the land restitution policy. The competent institutions have condemned the actions of these returnees, classifying them as unlawful occupations, invasions, and patently illegal, while the communities themselves have declared that they are victims of dispossession and that their actions are not illegal. In view of this, the GS/OAS urges judicial and government bodies to act swiftly in cases that seek to address the complaints made by victims of forced abandonment and dispossession, since a fast response on the ownership of the dispossessed lands will prevent new trouble spots from appearing and help avoid the use of violence as a means of addressing the issue. Likewise, victims will be able to access redress, and the authorities will handle the relevant proceedings.

Along these lines, the GS/OAS is concerned about the situation of parties with other ethnicities, like indigenous reservations and community councils, whose collective territories have been settled and repopulated by campesino communities, who often join their ancestral organizations and thereby directly interfere with the continued existence thereof.\textsuperscript{54} Through the MAPP/OAS, the GS/OAS, in its monitoring activities in Chocó department, in Darién Chocoano, and in the Catatumbo region in Norte de Santander department, has identified a strategy for intervention in the collective territories of ethnic communities that is conducive to modifying the traditional relationships with the land and with the ancestral authorities. An example of this modification is the breakdown of the socio-cultural fabric of the ethnic collectives around the proliferation of agro-industrial monoculture, mining, the wrongful use of timber, and the exploitation of preservation zones inside the collective territories, among other issues.

The GS/OAS highlights the progress made on the restitution of territorial rights in Chocó department with the claim for land restitution for 43 communities, made up of 12,116 people and 2,316 families of the Consejo Comunitario Mayor de la Organización Popular Campesina del Alto Atrato [Greater Community Council of the People’s Campesino Organization of Alto Atrato] (COCOMOPOCA), as well as with the claim submitted by the Awá people for 3,799 Awá indigenous persons, representing 625 families that live on more than 48,000 hectares located between the municipalities of Samaniego and Barbacoa in Nariño department.\textsuperscript{55}

The IACHR is especially concerned about the information it received on the alarming situation reported in the months of March and April 2015 in the Algo Anágueda (Bagadó - Chocó) zone. This situation resulted from military operations against the ELN and the

\textsuperscript{53} The IACHR has indicated that there are multiple challenges facing the land restitution process, including the return and continued presence of the communities whose lands have been restituted in those places. This affects the effective enjoyment of the right to restitution, as the Mission notes in its section on protection measures for victim representatives and leaders. The lack of security guarantees for individuals involved in these processes continues to be reported.

\textsuperscript{54} The IACHR has identified that, since Ethnic Decrees 4633 and 4635 of 2011 went into force, there has been very little progress made in terms of ethnic groups’ effective enjoyment of their rights.

\textsuperscript{55} Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD), Friday, June 26, 2015.
actions of the ELN that affected approximately 1,000 Afro-Colombian and indigenous persons, restricting their free movement and causing them to have to suspend their subsistence activities, leading to their confinement. The IACHR also condemned the assassinations of Fernando Salazar Calvo, Embera Chamí defender and union leader, and Carlos Eduardo Barreto Carcamo of the Yukpa people, in April and June 2015, respectively. The latter was allegedly committed by the National Police. In addition, the IACHR received worrisome information about indigenous Embera individuals who have been displaced due to the antipersonnel landmines that were allegedly laid in 2015 in the municipalities of Urrao, Ituango, Taraz, and Segovia. The Zenú indigenous people in the reservations located in Cáceres, Caucasia, Segovia, Zaragoza, and El Bagre, are affected and victimized by antipersonnel landmines in their territories, illegal recruitment, and confinement.

On the other hand, the GS/OAS applauds the recognition given by the Colombian state in the judgment handed down in favor of the Consejo Comunitario Renacer Negro [Black Rebirth Community Council] of Timbiquí, which guarantees the rights of peoples with different ethnicities and, in particular, of black communities at the beginning of the Decade for People of African Descent. This judgment returns more than 70,100 hectares to some 800 families who form the Community Council and acknowledges the impacts of the indiscriminate aerial spraying of glyphosate to eradicate coca crops. Such spraying has affected water sources and the health of the communities. The ruling likewise acknowledges the adverse effects of mechanized mining on the environment, its symbiotic relationship with the community, and its consequent effects on water sources, farming land, preservation and even recreational zones, thus directly affecting the worldview, culture, and continued existence of ethnically differentiated peoples. The ruling also establishes a mining zone for the black community, in recognition of this ancestral practice in the black communities, and suspends the titles and mining concessions involving the territory of the Black Rebirth Community Council that had been granted.

56 Judgment No. 071 of July 1, 2015 of the First Civil Court of the specialized land restitution circuit in Popayán. Black Rebirth Community Council, Timbiquí, Cauca.
57 Resolution 68/237 of the United Nations General Assembly, which proclaimed the International Decade for People of African Descent, which began on January 1, 2015, and will conclude on December 31, 2024, with the theme “People of African descent: recognition, justice and development.”
58 At the March 2015 IACHR hearing on human rights and resettlement processes in Colombia, the social organizations indicated that in the absence of state guarantees in the resettlement of the displaced population, social conflicts would occur in the emerging communities. It was allegedly difficult for Law 1448/11 and Decree 4829/11 to answer the question of how to enter the restitution process, and in addition, the decisions of the land restitution judges were not fully complied with and relocation was also abandoned as a way to resolve victims’ problems. The IACHR also pointed out that 30% of displaced campesinos expressed interest in returning to the country, thus calling for the state to guarantee the minimum conditions for them to return with security and dignity. Despite the existence of Decree 250/05 (National Plan for Comprehensive Support of the Population Displaced by Violence), which includes a component to address basic housing needs, it continues to be demonstrated that homes do not meet the minimum structural requirements and would be inadequate to respond to the needs of the people who use them.
d. Support and accompaniment for local initiatives to build truth and historical memory

The GS/OAS highlights the significant progress made on satisfaction measures during the monitoring period discussed herein. These measures are typically geared towards building historical memory and disseminating it. For the GS/OAS, the 18 reports published by the National Center for Historical Memory play a major role in the public, community, and national debates on peace building, which include criticisms of the products designed. The book “Con licencia para desplazar [With license to displace]” stands out among these reports. It is the result of an investigation on the more than one hundred twenty thousand (120,000) victims who were displaced due to the sixty-six (66) massacres that occurred in the region of Catatumbo, Norte de Santander, during the armed conflict. Also notable is the publication of the book “Pueblos Arrasados [Razed Villages],” which discusses displacement in the El Castillo municipality (Meta), and highlights the human rights violations suffered by the Unión Patriótica [Patriotic Union] and the Partido Comunista Colombiano [Colombian Communist Party], among other acts. These publications were part of the “Una nación desplazada [A displaced nation]” series.

The National Center for Historical Memory’s memory-building efforts have not only been aimed at publishing reports, but also at implementing pedagogy and participative memory-building through illustrative training primers, for example the primer “Caminos para la memoria [Paths towards memory]” which provides information on pathways and mechanisms for victims and communities to access the processes and projects of, and calls made by, the Colombian state. The Center also plans to continue with its actions to protect memory archives that have been compiled by social and victims’ organizations, through a toolbox for human rights file managers. In addition to this historical-memory-building work with communities and victims, the GS/OAS also applauds the significant progress made by all departments of the National Center for Historical Memory. Of particular note is the project to build the National Memory Museum, which will inclusively help clarify human rights violations and contribute to pedagogy for a culture of peace and non-violence. A significant advancement in the territories is the accompaniment of the National Center for Historical Memory’s Memory Museum Division support for the construction of memory sites in municipalities like: Apartadó, Liborina, Floridablanca, Bucaramanga, Bojayá, Villavicencio, San Martín, El Castillo, and Trujillo. The GS/OAS also welcomes the start of the strategy to develop a memory process regionally focused on Catatumbo, Norte de Santander.

59 In several of the cases documented the communities have questioned the failure to include stories they consider relevant, and have disagreed with “the truth set forth in these documents.” On the other hand, cases like that of the municipality of La Jagua de Ibirico reveal that a large number of stories have not moved beyond the communities, since conditions for “telling them officially” do not exist.

60 The IACHR expressed its appreciation of the fact that 40 collective historical-memory-building processes had been supported, which met the goal budgeted for the four-year period.

The Truth Agreements Department is moving forward with writing the reports on the Cacique Nutibara, Calima, and Tolima Self-Defense Forces blocs, the most notable of which is the sexual violence report. That said, in terms of historical memory, the GS/OAS is concerned that not all of the territorial memory initiatives that could pave the way for a culture of territorial peace are being adopted by other Colombian state institutions, meaning that there is a risk that they will not be repeated as good practices in future post-conflict zones.

IV. Security Conditions, Impacts And Contexts

a. Monitoring of the contexts of armed conflict

The GS/OAS has taken note of the community perception in some regions of the country as regards the changes in the political and social discourse and actions of the FARC-EP and ELN guerrilla groups based on the potential scenarios that could stem from the negotiation and talks currently underway with the national government. It has also perceived high levels of pessimism surrounding post-agreement scenarios, notably the possible realignment and reshuffling of illegal structures in Colombia creating new scenarios of violence.

In this regard, the GS/OAS has remarked that the communities located in the areas that have experienced the most intense armed conflict have not seen significant transformation in their realities following the implementation of measures that both the Colombian government and FARC-EP have approved to de-escalate confrontation as part of the dialogue process between the parties. The presence of elements that continue to affect the security of communities serves to deepen their pessimism about the real impact that these de-escalation measures have on their daily lives. For example, extortion remains a daily reality, even having increased over this period; communities are forced to attend meetings on the orders of guerrilla members to learn about their socio-economic and political guidelines; and social control is an undisguisable reality, even though no one reports these activities.

As regards the guerrilla groups’ territorial control, communities perceive that the FARC-EP has reduced its armed activities against law enforcement and economic, electric, and road infrastructure, while the ELN has increased its fighting. The FARC-EP has also ceded, permitted, or approved the ELN’s occupation of some geographic regions that had historically been under FARC control and hegemony, leading to the reorganization of factions and illegal actors in certain areas. These regions are characterized as being a strategic, high potential corridor for mobilizing and conducting illegal economic activities. This has led to some confrontations between the ELN and BACRIM (criminal bands).

Similarly, the GS/OAS has observed in Colombia that the phenomenon of post-demobilization structures, better known as criminal bands (BACRIM), is increasingly

62 Name given by the Colombian government.
more fragmented due to law enforcement activities. Although it is clear that the armed and criminal coordination, growth, and expansion of these structures have been limited by the authorities, some of their main leaders continue to operate from hiding, thereby continuing to impact communities. During this period, in addition to the captures, seizures, and forfeitures, the Ministry of Defense reported the death—during armed conflict with law enforcement in the department of Vichada—of Martín Farfán Díaz, alias “Pijarvery,” considered the most important leader of the criminal band “Libertadores de Vichada.” Similarly, in the Catatumbo region in the department of Norte de Santander, Víctor Ramón Navarro Serrano, alias “Megateo,” was killed on October 2, 2015. Although he was not recognized by the Colombian government as a member of a criminal band, he was considered a strategic high-value target for his involvement in illegal activities, especially those related to drug trafficking in that border region of the country, and his possible relationship with other illegal armed groups.

As regards Colombian government efforts to manage security conditions, the GS/OAS recognizes the capture and prosecution of and military operations against some of the leaders of criminal bands in the departments of Atlántico, Magdalena, Norte de Santander, Sucre, Córdoba, Valle del Cauca, and Cesar. During this period, the Attorney General’s Office has prosecuted 1,800 alleged members of criminal bands and has issued 900 sentences to persons involved with organized criminal groups in Colombia.

However, in regions like Bajo Cauca Antioqueño and southern Chocó, among others, this phenomenon persists due to the prevailing illegal activities, like smuggling, micro-drug trafficking, illegal mining, and extortion. The worst manifestation is observed in rural areas where the so-called “Clan Úsuga” or “Los Urabeños” or “Autodefensas Gaitanistas de Colombia” (Gaitanista Self-Defense Forces of Colombia) have armed, uniformed, and organized structures capable of confronting other illegal armed groups over territorial control to take over the economic resources of the region.

In addition to these contexts mentioned above, other illegal armed structures have been identified in some regions. These are groups that, although they may not be recognized by the Colombian government as criminal bands, are identified by the communities as having direct links to the post-demobilization phenomenon, typically because they are used by the criminal bands or they conduct the same illegal activities.

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63 Some significant events that demonstrate this progress occurred as part of Operation Nemesis, which, in addition to bringing down alias ‘Pijarvey’ and alias ‘Megateo,’ was also a strike against criminality, given the capture of alleged members of organized criminal gangs, of which 148 belonged to the Clan Úsuga, 29 to the Rastrojos, and the remaining to other groups. The crimes for which they will answer are: criminal association, aggravated homicide, terrorist financing, illegal possession of weapons, forced displacement, kidnapping for extortion, drug trafficking, and the use of minors for committing crimes. Source: Press conference of the Attorney General, Eduardo Montealegre, October 2015.

64 Press conference of the Attorney General, Eduardo Montealegre, October 2015.

65 Generally, this association depends on the relationship that these structures have with the BACRIM (alliance/confrontation), given that the latter are present in areas where these structures also operate and/or they have the same modus operandi or work in the same illegal activities. A few notable examples are: El Clan Giraldo in Magdalena and La Guajira, La Oficina de Envigado in Antioquia, and Los Batalones in Boyacá.
In the Catatumbo region, department of Norte de Santander, the presence of EPL has been identified. EPL is considered a criminal holdout of the 90s demobilization, which has expanded its presence in recent months in several municipalities of the Catatumbo region, primarily by controlling the drug trafficking economy. It has done so without entering into an open conflict with the guerrilla groups in the area; there have even been alliances observed with post-demobilization structures.

The GS/OAS has recognized on various occasions the positive impact that the process of disarming and demobilizing the AUC has had on communities and their territories. Nonetheless, some communities, opinion makers, political leaders, and even national and international authorities have been observed as making persistent reference to the phenomenon of “paramilitarism” to refer to post-mobilization groups or criminal bands. The indistinct use of terms illustrates the ambiguities that exist when conceptualizing or interpreting whether it is the same phenomenon of the past, whether they are two separate phenomena, or whether it is a phenomenon of organized crime linked to paramilitarism, without necessarily having all the characteristics of the latter. This is a challenge for the Colombian government and society as a whole as they address an issue that greatly affects rule of law, the economy, institutions, and the security of communities, leaders, and ex-combatants. It also poses a challenge to potentially bringing these illegal armed groups to justice.

Against this backdrop, the Attorney General’s Office drafted a bill that is currently being debated in the Colombian congress, which aims to enact legislation to facilitate the collective prosecution of members of criminal organization.66

As regards impacts to the communities, it bears noting the instruments imposed by post-demobilized structures, including social regulations and other issues. They do so, for example, by establishing rules of conduct, restrictions on mobility, curfews, and social sanctions in strategic areas of interest. These are the main measures employed by these groups to keep order and guarantee security in the area, and in so doing, limit and violate the fundamental rights of these communities.

As pertains to this issue, the GS/OAS has received information that in regions like northern Urabá-western Antioquia, southern Córdoba, Bajo Cauca, and northeastern Antioquia, the criminal band Clan Úsuga or Los Urabeños is the main group that has established “guidelines for co-existence,” through which it grants itself the authority to resolve disputes in the community, implementing punishments to set an example, like payment of fines, street cleaning, returning stolen goods, or the forced displacement of one or several persons in the community, in order to keep order in the territory. In some cases, the group intervenes and establishes itself as the “competent authority” or a parallel authority, and in other cases the residents themselves appeal to the group, requesting mediation of conflicts.

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66 Colombia is looking to establish a criminal procedure to bring criminal organizations to justice, through a series of incentives that would either fully or partially dismantle these organizations and put an end to their criminal activities. See: Draft Law No. 102/14.
Another phenomenon studied by the GS/OAS is the recruitment and use of children, adolescents, and young adults in the Colombian armed conflict. The GS/OAS is concerned by the paltry number of official reports against this crime, despite the continued practice by post-demobilization groups. Even more alarming is the fact that, in some places in Colombia, the situation is perceived as an alternative or life choice for youth who decide to join criminal groups, claiming a lack of opportunities and economic incentives to support their families. This often manifests itself through gangs or groups of youth, mostly male, who are used by criminal bands to carry out micro-trafficking. This phenomenon has been identified in the municipalities of the Banana Axis, in the Urabá Antioqueño region. The IACHR has expressed its concern surrounding the levels of sexual violence against children and adolescents occurring as part of the armed conflict. According to the Office of the Ombudsman, there were 163,216 child victims of sexual crimes between 2004 and 2015.

Specifically regarding girls, there have been cases identified of girls being recruited, who often end up with unwanted pregnancies and even subjected to sexual violence. This situation has been noted in places like southern Córdoba, Norte de Santander (Villa del Rosario y Cúcuta), Valle del Cauca (Pradera), Bajo Cauca Antioqueño, and Antioquia (Medellín), where Los Urabeños/Úsuga/Gaitanistas have a presence.

The GS/OAS, through the MAPP/OAS, has identified a considerable increase in illegal migration, in which people—primarily from Africa, Asia, and other Latin American countries—are transiting through Colombian territory on their way to the United States. These people typically enter Colombia illegally with the assistance of transnational organizations working in human smuggling. They transport foreigners to regions like Urabá-Darién, where activities are heavily regulated by the Clan Úsuga/Urabeños/Gaitanistas, in search of economic benefit from charging for the use of the routes.

Based on this context, the migrant population illegally in Colombia is especially vulnerable to human rights violations, given that they fear being arrested if they report any violations. Even more concerning is that authorities are not clear as to their responsibility to protect and provide guarantees to these people, since, in most cases,
they claim that there are no guidelines from the central government to address the complexities of this phenomenon.

b. Monitoring of the social conflict

The GS/OAS observes that for the communities and authorities that have been affected by illegal armed groups and those that were witness to the various DDR processes in Colombia—as long as there are territories with a weak state presence and resources that lend themselves to illicit activities—there will continue to be situations marked by criminality (drug trafficking and micro-trafficking, illegal mining, and extortion) or informal activities (small-scale mining, motorcycle taxis) that will be used by illegal armed actors to extract revenue, thereby perpetuating a vicious cycle of the restructuring of violence and insecurity.

The GS/OAS draws attention to the possibility that new socio-environmental and socio-economic conflicts related to the use of natural resources, lands, and territories may emerge in some regions of the country, as an outgrowth of the coexistence of diverse interests and the demands of some sectors that have historically been neglected. Cases like the lack of land formalization, appropriation of water sources like marshes and bodies of water, the expropriation of land for mineral and hydrocarbon exploration, tensions between land restitution and mining permits granted by the Colombian government, among others, may become flashpoints of socio-environmental conflict that could bring indigenous persons, Afro-descendants, peasants, businesses and business owners, and even the Colombian state into confrontation over lands with indigenous reservations, community councils in black communities, environmentally-protected areas, and peasant reservation areas (either established and/or requested).

c. State actions

The GS/OAS underscores “Operation Agamenón” as the main strategy of the Colombian government to combat the post-mobilization groups that continue to develop in the Urabá Antioqueño, southern Córdoba, and Darién Chocoano regions, specifically the main leaders of the Clan Úsuga/Urabeños/Gaitanistas groups.

The operation that began in February and involves a substantial number of members of the National Police has borne significant results that translate into captures, forfeitures, the destruction of laboratories and camps, which demonstrate the coordination efforts among the National Police, Attorney General’s Office, and the National Army. Against this backdrop, humanitarian situations have been reported, like mass displacements stemming from operations conducted in rural areas in the municipalities of Turbo (Antioquia) and Unguía (Chocó). This reflects the need to prevent this type of scenario to guarantee the rights of the people.

The GS/OAS highlights the deplorable event that occurred on August 4, 2015, in which a detachment of 16 members of the Colombian National Police lost their lives during the operation when one of the airplanes crashed.
In regions where law enforcement presence is not as strong, some of the factions of these post-mobilization groups have been perceived as developing an armed, military-like structure that has allowed them to confront other illegal armed groups, such as in the rural area of the municipality of Zaragoza (Antioquia), along the border with the municipality of Segovia, where the Clan Úsuga directly enters into conflict with the ELN group present in the region.

The GS/OAS is concerned that, based on community perceptions, there continue to be cases in which public servants, employees, and judicial employees or members of law enforcement have been involved in acts of corruption or omission in the carrying out of their duties, on occasion as a result of the intervention of post-demobilization groups. An example is what happened in the department of Caquetá, with the arrest of the mayor of Florencia and eleven councilmembers for alleged acts of corruption and links to illegal armed groups. A positive aspect of this phenomenon is that the same authorities, due to internal oversight, have set into motion actions to correct these irregularities.

As regards the manual eradication of illicit crops, the GS/OAS recognizes that this activity is better received by peasant populations than aerial fumigation. However, manual eradication typically requires that workers be accompanied by law enforcement and, as a result, illegal armed actors threaten or thwart the efforts of the eradication crews by planting antipersonnel mines (APM), which has impacted both civilians and uniformed personnel. Thus, one of the government’s priorities is to decontaminate the areas with APM and unexploded ordnance. The government also takes into consideration local proposals for voluntary eradication carried out by the affected communities that have a consensus and local development plan that promotes the sustainability of replacement crops, like the Pacelli Plan in the municipality of Tibú, Norte de Santander.

V. Demobilization, Disarmament And Reintegration (Ddr)

a. Support for reintegration policies, with an emphasis on the process for being received by communities

According to the figures of the Colombian Agency for Reintegration (ACR), of the 48,358 people who began the reintegration process with the ACR, 9,259 completed the process and 21,003 are still in the process of completing it nationally. Encouragingly, in departments like Casanare, 100% of the participants are expected to graduate before April 2016.

In terms of health, 90.1% of the participants in the reintegration process are enrolled in the General Health Social Security System (SGSS); 44% fall under the contributor scheme and 46% under the subsidized regime. There were 24,020 people in the reintegration process that received care last year, of which 23,991, i.e. 99%, received psychosocial treatment.

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69 The joint work was conducted with the Colombian Agency for Reintegration (ACR), National Center for Historical Memory (CNMH) and the Truth Agreements Department (DAV), the Attorney General’s Office, Office of the Ombudsman, and judicial operators. It began in the first half of 2015 with resources from the International Organization for Migration (IOM).
It bears noting that the ACR has included at each of its service centers at least one staff member specializing in clinical psychology. This allows them to provide better care for the growing diagnosis of clinical pathologies among the demobilized combatants.

For the period covered by this report, the GS/OAS, through the MAPP/OAS, assisted and supported the interinstitutional coordination for the implementation of Law 1424/10 in Colombia. The project allowed for progress in the creation and formalization of forums for dialogue and interinstitutional agreements across Colombia. The project also served to enable participants of the reintegration process to identify advances, challenges, and obstacles surrounding the implementation of the law.\(^70\) Despite the significant strides made, a lack of awareness and knowledge among judicial operators was identified as pertains to matters of transitional justice, as well as the persistent insufficient communication among the institutions responsible for enforcing the law and verification of the legal requirements. These issues directly affect those in the reintegration process, who in many cases have been brought before the competent authority by way of a preventive detention measure to give their statement or are detained to serve out a sentence in which they have not been granted a conditional suspended sentence.

Beyond the efforts made by institutions and the commitment of the participants, it is concerning that a conviction with a suspended sentence still means demobilized persons cannot be hired by the State. There is a considerable number of demobilized persons who studied law and already received their professional card, but once the sentence is handed down, the card is suspended.\(^71\) The GS/OAS welcomes the efforts of the ACR to find a legal solution to this contradiction which creates legal instability for participants and sends a negative message to those who could possibly put down their arms.

Given the enormous challenges Colombia must face, the GS/OAS highlights the importance of the participation of the private sector in the various scenarios for building peace and reconciliation. One of the scenarios is the reintegration into the work force of ex-combatants. The ACR has a registry of 160 companies that have been associated with the reintegration process and provide employment to around 1,500 demobilized combatants. Some of the companies are Coltabaco, Éxito, Coca-Cola Femsa, Banco Caja Social, Sodexo, Jumbo, Eternit, Terpel, Bancolombia, Bavaria, Sociedad de Agricultores y Ganaderos del Valle, the Grajales Group in the Cauca valley, among others. Although these figures represent progress, they remain low when compared to the overall number of demobilized persons in the reintegration process.

Current figures in Colombia indicate that of the 58,000 demobilized persons, 48,000 have begun the reintegration process, of which 66% are committed to the process.

\(^{70}\) Although it does not have a formal role set in national law, the Office of the Ombudsman in the various regions has shown great commitment to the process since the very beginning, actively participating in the meetings to discuss the issues and find solutions, in trainings on the process, and service or treatment fairs scheduled in some regions, in order to provide participants a one-stop-shop for information and treatment for each case.

\(^{71}\) According to Article 29 of Law 1123/07, “Disciplinary Code for Attorneys,” in Colombia, no person may practice law who has been “deprived of his liberty as a consequence of the imposition of a preventive detention measure or a conviction, except when to exercise in his own case, without prejudice to penitentiary and prison regulations.”
Against this backdrop, only 24% have reoffended or are at risk of doing so. As things are, the enormous challenge will be creating the institutional responsiveness to prevent recidivism among demobilized combatants and ensuring that the process for bringing them back into the legal fold is sustainable. To this point, both society and the State as a whole must be fully committed.

The GS/OAS, through the MAPP/OAS, has assisted in 36 demobilizations of AUC members and one of the Guevarista Revolutionary Army (ERG). This support has made it possible to have lessons learned in terms of troop concentration, demobilization routes, and weapons registration, among other issues. These lessons must be considered for future DDR processes to mitigate risks and strengthen best practices. Furthermore, the GS/OAS, through the MAPP/OAS, has been supporting the initiative of some indigenous peoples to build care plans within communities, using an ethnic approach, for ex-combatants who belong to their indigenous communities and decide to return. To date, these exercises have been carried out in the departments of Cauca, Putumayo, and Nariño. Based on these initial exercises, future steps will be made in respect of the timeline set by each community to build a proposal for the departments of Putumayo, Nariño, Cauca, Valle, Chocó, and Caquetá.

## VI. Peace Building And Reconciliation

The GS/OAS underscores the awareness activities the Colombian government has been implementing in some regions regarding the developments of the negotiation process with the FARC-EP in Havana. These actions should be more broadly disseminated and promoted to expand and enhance the impact on communities in a more pedagogical and participatory fashion.

The GS/OAS welcomes the advances made in the framework of the talks to put an end to the conflict and build a stable and lasting peace between the Colombian government and the FARC-EP. The parties have reaffirmed the centrality of the victims and their commitment to a comprehensive system of truth, justice, redress, and guarantees of non-repetition, in addition to the progress made in matters of agricultural development policy, political engagement, solving the illegal drug problem, victims, and ending the conflict. It bears noting that Colombia serves as an example for the world in terms of allowing victims to participate by bringing their proposals to the negotiation table. On June 7, 2014, in a joint press release between the negotiating team for the Colombian

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72 This exercise was conducted in conjunction with the ACR to strengthen dialogues with indigenous reservations in the department and with organizations like the Asociación de Cabildos Indígenas del Norte del Cauca [North Cauca Association of Indigenous Councils (ACIN)] and the Consejo Regional Indígena del Cauca [Regional Indigenous Council of Cauca] (CRIC).

73 Exercise conducted in conjunction with the OZIP [Zonal Indigenous Organization of Putumayo] and the ACR.

74 In Putumayo, the Organización Zonal Indígena de Putumayo [Zonal Indigenous Organization of Putumayo] (OZIP) leads the efforts. With the support of the ACR and MAPP/OAS, several regional reflection exercises have been carried out in the communities. Initially, the exercise addressed what the concepts of land, culture, and authority mean to them. Nariño, which initially proposed the participation of institutions in these reflection exercises, underscored the importance of and commitment to working on the issue, but has reconsidered the methodology and proposes taking the forum to the communities in its region, with the active participation of its own authorities and agrees with Putumayo on the need for deep reflection on the meaning of land, culture, and authority, based on its worldview.
government and the FARC-EP, the “Declaration of Principles for the Discussion of Point 5 of the Negotiation Agenda: Victims” was announced. The GS/OAS also highlights the progress made in the presentation of the report of the Historical Commission on the Conflict and its Victims (Comisión Histórica del Conflicto y sus Víctimas), as well as the two (2) press releases issued by women’s and LGTBI organizations that met with the subcommittee on gender; the agreement on purging and decontaminating Colombia of antipersonnel mines, improvised explosive devices and unexploded ordnance or explosive remnants of war in general (March 7, press release No. 52); the agreement to create the Special Jurisdiction for Peace (September 23, 2015); and the most recent announcement on the immediate measures for confidence-building to enable the search, location, identification, and dignified return of the remains of persons reported missing in the context of and due to the armed conflict (joint press release No. 62 of October 17, 2015).

The GS/OAS also welcomes the initiatives of social organizations that have partnered with national institutions to advance the discussion and identification of regional peace initiatives. An example is the Worker’s Trade Union (Unión Sindical Obrera, USO) in the oil industry that holds more than fifty local assemblies, eleven regional assemblies, and one national assembly, with a view to using the mining and energy sector to enable the participatory and pluralistic building of a comprehensive, stable, and lasting peace, through regional initiatives in key areas of the country, founded on strengthening democracy and the ongoing promotion of a culture of peace. However, despite this significant headway, the GS/OAS is concerned by the lacking awareness of the partial agreements reached in Havana, Cuba between local institutions and the communities that are still living through the armed conflict in Colombia. This makes the most vulnerable populations and regions most isolated from the municipal centers to be highly skeptical of the peace process. Even more worrisome is the weak regional institutional capacity to create stable and sustainable conditions to implement the agreements in the regions. Much is still needed to boost confidence and institutional and community capacity for dialogue, given that the perception in the regions is that, even after the signing of the accords, “nothing will happen” or “everything will stay the same.” To this end, it will be important for citizen engagement to be incorporated from the outset in the planning and implementation of the agreements to take rapid response

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75 Ten principles were established to develop the point on victims: 1. Recognition of the victims; 2. Recognition of responsibility; 3. Fulfillment of victims’ rights; 4. Victim participation; 5. Clarification of the truth; 6. Reparation for victims; 7. Guarantees of protection and security; 8. Guarantee of non-repetition; 9. Principle of reconciliation; 10: Rights-based approach. It also called for the organization of regional forums to gather input and proposals from victims and agreed to the participation of delegations of victims at the negotiating table in Havana, represented by 27 victimizing events and the 32 departments in Colombia.

76 Office of the High Commissioner for Peace. Available at: http://www.altocomisionadoparalapaz.gov.co/contruccion/Pages/default.aspx. February 11 and March 6. The organizations for women victims, peasants, indigenous, Afro-descendant, ex-combatants, and lesbian, gay, bisexual, transsexual, and intersex (LGBTI), and human rights advocate leaders present in Havana, Cuba at the second meeting of the sub-committee on gender, with full presence at the negotiation table between the government and the FARC-EP.

77 Base document for the Second National USO (Worker’s Trade Union) Assembly for Peace.
actions that are participatory and inclusive, in order to prepare for the post-agreement period.

In the framework of the special jurisdiction for peace, the GS/OAS is concerned about the weak clarity surrounding issues like the purview of the Special Tribunal for Peace, since institutional and social organization representatives hold different views on issues like the immediate transfer to the special tribunal for matters related to the armed conflict and, particularly, cases of false positives or all extrajudicial executions. Additionally, there is substantive debate on whether or not there should be differential treatment of members of the FARC-EP, agents of the state, and third-parties who have financed or collaborated with illegal armed groups, among others. The IACHR shares the GS/OAS’s concern, highlighting the lack of clarity surrounding the purview of the Special Jurisdiction for Peace and its components. It notes that it will provide further information at a later date when it issues its opinion on the matter, after having heard the perspectives of the state and civil society.

As regards the new institutional framework, the national government and the FARC-EP have announced that once the Final Agreement is signed, the work of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition will begin, with the aim of “contributing to clarifying what has happened and offering a broad explanation of the complexity of the conflict, in order to promote a shared understanding in society, particularly of the lesser-known aspects of the conflict.” Against this backdrop, the Colombian government has made substantial strides in recovering the memory (documents, oral testimonies, among others), through the current Center for Historical Memory. As such, the GS/OAS urges the government to harness and coordinate all the experience of the Center, the methodology, participatory and academic processes for building memory, as part of the establishing of the Commission.

The GS/OAS also urges the Colombian government to carry out, prior to the signing of the Final Agreement, appropriate preparations for the implementation of the comprehensive system for truth, justice, redress, and guarantees of non-repetition. One of the lessons learned from the National System for Support and Comprehensive Redress of Victims (SNARIV) is that the Technical Secretariat of the executive committee does not have political or legal authority, meaning that government institutions forming part of this system outrank the Technical Secretariat held by the Unit for Support and Comprehensive Redress of Victims (UARIV). If this structural flaw is not accounted for, there could be a repetition of non-compliance on the part of institutions that fail to timely

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78 During the hearing held in March 2015 on reports of extrajudicial executions and impunity in Colombia, social organizations informed the IACHR that there were 230 documented cases of extrajudicial executions carried out by the current government. They claimed that, although these 230 cases indicated a decline in comparison to the previous period, the violations of the right to life attributed to agents of the state continued. The State indicated that this information was being verified and that some of the events were in self-defense and occurred as part of military operations and that in other cases the people are still alive or the event did not fall within the period being studied.

and effectively adapt their actions to the framework of truth, justice, reparation, and guarantees of non-repetition.

The GS/OAS is convinced that the true impact of the agreements will depend on how the regional proposals for peace are incorporated, taking into account diversity (ethnicity, rights of women, LGBTI, children and adolescents, among others), given that the implementation plan of the agreements will be region-specific. The GS/OAS, through the MAPP/OAS, is acting to support and monitor the institutional and community preparedness for territorial peace building, placing special emphasis on supporting peace initiatives (of institutions and social organizations), peace-centered pedagogy, and community engagement in developing plans for a possible post-agreement scenario in their regions.

VII. Recommendations

1. A significant part of the efforts of the Colombian government as a whole should be geared toward preventing violent acts and the re-victimization of the Colombian society. To this end, human rights should be effectively safeguarded and protected, particularly the following points:

1.1 In cases of violations of human rights and international humanitarian law, land claimants, leaders and members of ethnic groups depend on the immediate action of urgent protection measures, which take both individual and collective security and protection into consideration. This is a clear problem for the continuation and consolidation of the processes, especially those related to collective redress and land restitution.

1.2 For the investigation, sanctions, and reparations for threats, attacks, and homicides of social, indigenous, and peasant leaders and of demobilized combatants, as well as the investigation of the facts heard by Transitional Justice, it is vital that access to justice be rapid and effective, given that delays in the investigations and lack of results engender a climate of mistrust in the peace-building processes.

1.3 In the areas where applicants (former paramilitaries suspected of crimes that are to benefit from the Justice and Peace Law) are being assigned security and protection and there is a concentration of victims, they—especially victims—should be made aware of the need for these applicants to have protection, thereby

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80 For cases of victims covered by Article 3 of Law 1448/11 and participating in land restitution processes, the Constitutional Presumption of Risk must be considered in their favor, in keeping with Ruling 200 of 2007. For cases of victims who are women leaders, the Constitutional Presumption of Gender-based Risk is considered, as established in Ruling 098 of 2013. For cases of women who have been victims of sexual violence, as established by Law 1719 of 2014, “there is the presumption that there is aggravated vulnerability of the victims of sexual violence occurring during the armed conflict, risk of suffering new aggressions impacting their personal security and physical integrity, and disproportionate risks of sexual violence against Colombian women in the armed conflict, as stated by Ruling 092 of 2008 of the Constitutional Court. As such, the adoption of provisional protection measures that may be necessary cannot be limited by risk studies conducted by any competent authority” (Art. 22). For cases involving indigenous peoples and communities and Afro-descendant communities, Rulings 004 and 005 of 2009 recognize the disproportionate impacts that internal displacement has on the individual and collective rights of these communities and peoples.
preventing the feeling that the applicants have access to the same measures as before demobilizing. There must also be an ongoing training and awareness process for the media, such that press releases do not exacerbate the unease and fear of populations when the applicants are released.

1.4 For issues stemming from illegal migration, it is especially important to protect and respect the rights of migrants as they transit through Colombian territory.81

1.5 It is essential to strengthen the communication, support, and targeted monitoring processes for women who have not reported acts that affected their sexual integrity and the cases of children and adolescents who were victims of forced recruitment. The trust relationship between communities and Colombian state institutions must be bolstered, placing particular emphasis on the relationship with directly-impacted victims and their families.

2. The increase in social, economic, cultural, environmental, and security demands are legitimate aspirations that must be addressed now. To this end, the following is recommended at a local level:

2.1 Define State strategies that have transformative impacts on communities to allow for the recovery and cohesion of the social fabric; increase citizen engagement and community service; promote self-sustaining development and job-creation projects; and reduce the humanitarian impact of illegal actors in communities.

2.2 In order to stem the problems associated with criminal band activities, make headway with comprehensive measures that address the impact of the strategy in the regions and communities and, in turn, continue pursuing the implementation of effective legal solutions that enable the dismantling of these structures and other manifestations of violence; request legal clarity on the EPL holdout in the Catatumbo region, considering the potential obstacle it could be for implementing the accords in this region.

2.3 Regarding land occupants, encourage institutions to find a solution that meets the multi-faceted demands of landless, vulnerable campesinos who are victims of being made to forcibly abandon the land that they have been living on and which is subject to the request for land restitution. The Colombian government should urgently provide a solution to the situation of rural women, who, given the historic invisibility of their relationship with agricultural property, face enormous barriers in showing “good faith without culpability” for the land they currently occupy.82

3. The Colombian government should promote the attainment of new consensuses on the agreements that recognize cultural diversity, including the

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81 The IACHR has identified the need for the state to strengthen policies and legislation for migrants. The Commission identified the need for the Colombian government to adopt the necessary measures to guarantee access to effective international protection for migrants that so require it, primarily Venezuelans immigrating to Colombia.

82 The IACHR agrees with the GS/OAS that the Colombian government should urgently provide a solution to the situation of rural women, who, given the historic invisibility of their relationship with agricultural property, face enormous barriers in showing “good faith without culpability” for the land they currently occupy. In this regard, in 2014, the Commission took note of the claim of the state that the Land Restitution Unit “has actions” to secure recognition of women’s direct right to land, for example, “flexibility in proof recognizing rural informality and the little involvement that women have had in public spaces,” among other things.
various social dynamics and needs to solve concrete problems in communities. These agreements initiate a process in which participation is a key factor. As such, the following is recommended:

3.1 Begin designing possible scenarios in which regions could see a convergence of the return of applicants and that of those laying down their arms in the post-agreement with the FARC-EP and ELN guerrilla groups. These scenarios should produce a coordinated policy including the strategic objective of peace building, peaceful coexistence, and reconciliation.

3.2 Assess the progress made over the last 15 years in Colombia in the area of reintegration, including, among others, the consolidation of a coherent, long-term, responsible and humane model. This model has also enabled compiling important experience, challenges, achievement, and knowledge.

3.3 Act to link and monitor the participation of the institutions of the National System for Support and Comprehensive Redress of Victims (SNARIV) nationally and regionally, in order to timely implement the approved Collective Redress Plans, particularly in cases involving ethnic communities.

3.4 Ensure that the evaluation, verification, and decision making related to the statements made by beneficiaries of the collective reparation requesting registration in the Single Register of Victims meet the terms set forth in the law.

3.5 Conduct a technical policy review of the procedures and approaches used in national collective reparation cases, to prevent any political conflict with the IPC and other beneficiaries of national cases.

3.6 Provide urgent technical support to the victims’ participation committees to ensure the review of Territorial Action Plans and guarantee that the committees are included in the development plans of local authorities recently elected in October 2015.

3.7 Make a special appeal to the Colombian government to inform the victims of the armed conflict of the current situation of the communiqués and bills put forth to extend the registration period for registering with the Single Register of Victims.

3.8 Implement regional historical memory initiatives that contribute to a countrywide culture of peace and urge Colombian state institutions to take ownership of them and replicate best practices in future post-conflict zones.

3.9 Include a resocialization and reintegration element in legal instruments as part of prosecution to prevent recidivism. This should be accompanied by offers for job training and specialized treatment for those who were recruited as minors.

3.10 Guarantee legal certainty in the enforcement of transitional justice instruments, thereby deepening legitimate trust in the State.

3.11 Ensure that the mechanisms that are created in the framework of the post-agreement include special precepts for enforcing the rights of indigenous peoples, not only in the area of prosecution, but also redress and the reintegration of ex-combatants.

3.12 Harness and coordinate all the experience of the Center for Historical Memory, the methodology, participatory and academic processes for building memory, as part of the establishing of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition.
3.13. Incorporate citizen engagement in the planning and implementation of the accords, with a view to taking rapid response actions that are participatory and inclusive, in order to prepare for the post-agreement period.

3.14. Make preparations in terms of resources, institutional capacity, and regulatory framework to implement future peace commitments and, specifically, the comprehensive system for truth, justice, redress, and guarantees of non-repetition.
Volume II


The following 10 periodic reports, presented between 2007 and 2015, are the reflection of a greater coverage of the MAPP/OAS in the country. They presented a Mission that knows the territorial dynamics and has trust relationships built with local and national actors.

After the demobilization of the AUC, the Mission continued to monitor the security conditions in the regions, the progress and difficulties of the reintegration process of former combatants into the civilian life, and the implementation of transitional justice tools. It also continued to accompany and support local initiatives developed by communities and victims of the conflict, building bridges and enabling trust spaces between them and the institutions.

This volume describes, among other issues, the challenges of the demobilization and reintegration process, such as the reconfiguration of illegal armed groups or the emergence of others linked to the control of illegal economies such as drug trafficking. It also addresses the advances and difficulties in the implementation of the transitional justice process and the effective access to justice programs by victims, as well as the monitoring of land and territory restitution processes.

Towards the end of this period, the OAS General Secretariat recognized the progress made by the Colombian State regarding the demobilization process, and emphasized that the best way to contribute to the guarantee and defense of human rights, as well as to the satisfaction of victims' rights, was the end of the internal armed conflict. For this reason, the historic moment that was unfolding while the dialogues between the national government and the FARC-EP took place, as well as the exploratory talks with the ELN, was considered as a great opportunity on the road towards the search for comprehensive peace in Colombia.