

PERMANENT COUNCIL



OEA/Ser.G
CP/INF. 7052
3 December 2014
Original: Spanish

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

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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,^{1/} a transitional justice instrument for helping to

^{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,

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.^{2/} In particular, information must be disseminated about the recent changes regarding economic reparation. In April this year, the Constitutional Court declared unconstitutional^{3/} 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 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.^{4/} Although no rulings have been issued since this

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.
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

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.^{5/} 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.^{6/} Nonetheless, the launch 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.^{7/}

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 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.
7. 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.

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.

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^{9/} and in the implementation of its coordination subcommittees^{10/} 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

^{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.

^{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).

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^{11/} have reported the advances they have made in applying the law.^{12/}

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 reach the territories efficiently, in order to bring about comprehensive, transformative reparation.^{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

11. Government of Colombia: *Prosperidad para Todos* (Prosperity for All), pp. 360-362 and 364. Annual publication, 2013.

12. However, some municipalities have connectivity problems or do not have any connectivity at all to access this platform.

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.

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.

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.^{14/} 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.^{15/} 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

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.

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^{16/} 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.^{17/} 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.

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 councils^{20/} and two indigenous councils^{21/} and the

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

17. Source: UAEGRTD, as of August 15, 2014.

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).

21. Resguardo Embera Katío of Alto Andagueda, in Chocó, and the Puerto Carreño Saliva community, in Vichada.

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 land-restitution proceedings when they do not have the resources for an adequate technical defense^{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.

II. 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

^{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.

^{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.

crimes,^{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.^{26/} Accordingly, the Secretariat urges that improvements be made in effective communication and coordination among the institutions.

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,^{27/} 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

^{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.

^{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.

^{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.

demobilized combatants from the former AUC^{28/} 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,^{29/} are noteworthy, as is the existence of recent good practices.^{30/}

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 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^{31/} and illegal groups in different regions of the country repeatedly exerted pressure on demobilized combatants to recruit them.^{32/} 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),^{33/}

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 *Sodexo*.

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.

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.

the critical situation in the territories of Meta^{34/} and Orinoquía, the increase in recruitment in Putumayo and Cauca,^{35/} and the use of CA in Briceño and Ituango (Antioquia).^{36/}

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^{37/} 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 launch of the national campaign "*Jugando por la Vida* (Playing for Life)," aimed at preventing recruitment.

III. 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 to 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

^{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 Caldonio (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 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.

^{37.} See: <http://www.elespectador.com/noticias/judicial/guerrillas-utilizan-dulces-marihuana-reclutar-menores-articulo-474543>.

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^{38/} and the Pacific coast^{39/}—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 (CNBPD) 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 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/}

^{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.

^{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

The Secretariat has observed that webs of illegality continue to exist at the regional level^{42/} 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, 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^{43/} 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.^{44/} 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

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.

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 eradications 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.

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.^{45/} 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 purpose of intimidating them or getting them to give up their work.^{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 against 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.

IV. 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

^{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.

^{46.} For example, the threats received by the victims panel in Valle de Aburrá, Antioquia, and numerous social organizations and human rights movements.

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 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).