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

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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.^{1/} 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

^{1/} From May 2006 to March 2008.

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 non-demobilized groups and private armies that serve drug traffickers.^{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”^{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.

^{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.

^{3/} Unidentified.

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.^{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.

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.^{5/} 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.^{6/} 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.

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.

5. The Embassies of Sweden, Spain, Canada, Norway, Venezuela, Ecuador, Bolivia, and Argentina reported to the Office of the Public Defender threats made by the "Águilas Negras" group.

6. In some neighborhoods of Commune 13 of Medellín (Antioquia), very intensive efforts have been made to recruit on a massive scale. In the Atlantic coast departments, individuals have also been recruited for assignment to other regions of the country. Young people of the Chicó and Malvinas districts of Barrancabermeja (Santander) are being threatened by drug trafficking groups. In communes 6, 7, and 8 of that oil port, new emerging bands seeking to co-opt demobilized groups have threatened those who refuse.

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 Uribe 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

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 Arboleda. Additionally, in the Altos de Cazucá area of Soacha municipality, selective murders have been perpetrated and threats made against societal leaders and human rights defenders.

possible realignment of armed outlaws. This dynamic has occurred in Santa Marta (Magdalena),^{8/} Valledupar (Cesar),^{9/} and Cúcuta (Norte de Santander).^{10/}

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,^{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^{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

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.

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 Afrodescendent 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.

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 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 assistance^{13/} 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 country^{14/} is important in disseminating the Decree, the program itself, and

^{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., Ricaurte (Cundinamarca), Facatativa (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.

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 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.^{15/} 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.

^{15/} 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 owing to rumors that demobilized individuals belonging to that paramilitary group would take reprisals against them. MAPP/OEA also learned of alleged threats against four Wayú 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 Berrío (Antioquia), the presence of demobilized groups in the area has discouraged victims from making reports. In addition, some victims of Guadual correjimientto, Valencia municipality (Córdoba) decided to report that they had been threatened and had received offers from former paramilitary members to return to them 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.

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^{16/}

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.

1. 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)^{17/} and the National Reparations and

^{16/} This has occurred in Chimila (Cesar), Simití, 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.

Reconciliation Commission^{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.^{19/} In this population, levels of schooling and incomes are low.^{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%).

a. 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.^{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.^{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 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^{23/}

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.

18. Studies conducted by the Northeast Regional and Antioquia Regional CNRR.

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.

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 contract a trusted attorney to advise them.

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.

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.

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

and Santander,^{24/} and the city government of Medellín.^{25/} 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.

b. 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 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

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.

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)^{26/} 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.^{27/}

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 2007. There is also the advocacy forum the Mission is creating with victims' associations, through the implementation of certain initiatives.^{28/}

^{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 Tierralta (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.

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

c. 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.

d. 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 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

^{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.

^{31.} IACHR. OEA/Ser.L/V/II.131, doc. 1, February 19, 2008.

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.

e. 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 transitioning 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.^{32/} 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

^{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.

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.

2. 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.^{33/} 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.^{34/} In this activity, participants included municipal and departmental administrations, 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.

^{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.

a. 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.³⁵ 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 Ibagué municipality. Additionally, some demobilized individuals have indicated deficiencies in the area of transportation subsidies for their 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.

b. 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,

³⁵. Reintegration paths determine the starting point and work plan to be carried out with each demobilized individual by developing individual profiles.

such as the Argos Foundation, Globalcontex, Bolívar 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.

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 Medellín, 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.