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

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PROCESS IN COLOMBIA (MAPP/OAS)**

The following half-yearly report is presented pursuant to Resolution CP/RES. 859 (1397/04), in which the Organization of American States (OAS) asks the Secretary General to report periodically to the Permanent Council on the work of the Mission to Support the Peace Process in Colombia, hereinafter MAPP/OAS, and on its efforts to contribute to the fulfillment of the values and principles set forth in the OAS Charter and the Inter-American Democratic Charter.

The MAPP/OAS mandate issues out of the agreement entered into by the Government of Colombia and the General Secretariat of the Organization of American States, hereinafter GS/OAS, on January 23, 2004, as well as out of Permanent Council Resolution CP/RES.859 (1397/04) adopted on February 6, 2004. The mandate was expanded and its term extended with the signing of additional protocols to the agreement between the Government of Colombia and the GS/OAS on January 15, 2007; January 19, 2010; December 23, 2010; July 21, 2011; October 3, 2013; and December 15, 2014; the latter for an additional three-year period (2015-2018).

The MAPP/OAS has monitored and supported peace-building efforts in territories affected by the internal armed conflict in Colombia, interacting with all of the stakeholders involved in this process. The information set forth herein corresponds to the findings made by the GS/OAS through the MAPP/OAS as a result of its monitoring, accompaniment, and support work from February to August of 2015. The data were collected with public institutions, authorities, indigenous and Afro-descendant organizations, social and civil organizations, religious communities, law enforcement, victims, victims' representatives, and participants in reintegration processes¹ at the national, departmental, and municipal levels, by means of the activities enshrined in the mandate.²

Pursuant to Resolution 859 (1397/04) numbered paragraph 3, the MAPP/OAS consults the Inter-American Commission on Human Rights (IACHR) prior to the publication hereof, in order to hear its observations on the functions for which it is responsible, and for the two OAS authorities to work together and supplement each other's information.

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1. The Colombian Agency for Reintegration (ACR) has been in charge of the reintegration policy since 2006. This policy seeks to reincorporate illegal groups or individuals who have laid down their arms back into civilian life. It addresses facets like economic reintegration, which includes aspects like: education, job training, skills development; social reintegration, which seeks to address aspects associated with social cohesion, reconciliation, and reeducation for civilian life, among others; and community reintegration, which promotes coexistence and reconciliation in recipient communities through interventions with state actors. Furthermore, transitional justice provisions were established under Law 1424 of 2010 to guarantee truth, justice, and redress to the victims of demobilized individuals from illegal armed groups, and legal benefits are awarded under the reintegration policy.
 2. This report refers to unique categories like demobilized combatants, guerrillas, and victims, among others, in order to make it easier to read. This does not imply a lack of understanding that the armed conflict has different impacts on men, women, boys, girls, adolescents, young people, the elderly, people with diverse sexual orientations and gender identities and expressions, members of ethnic communities and groups, and disabled individuals. This clarification is made in recognition of and out of respect for the differential approaches necessary to understand and support these populations.

I. GENERAL CONSIDERATIONS

The time for peace

The GS/OAS is convinced that guaranteeing “more rights for more people in the Americas” begins with the exercise of the inalienable right to peace, and therefore, we congratulate the Government of Colombia and the *Fuerzas Armadas Revolucionarias de Colombia – Ejército del Pueblo* [Revolutionary Armed Forces of Colombia – People’s Army] (FARC-EP) guerrilla movement for the significant progress made in the negotiations towards attaining solid and lasting peace in Colombia.

This historic opportunity, which is the result of considerable effort, may not and must not evade Colombians any longer. All of the countries in the OAS share a yearning for firearms to be silenced, and for them to give way to peaceful forms of expression. Starting eleven years ago, the OAS responded to the Government of Colombia’s call for support in attaining this objective.

The path traveled to date confirms that we are now in the final stages of the internal armed conflict that has afflicted this country for over half a century. Today more than ever, peace is a real possibility and a true imperative, above all for those who have suffered most from the conflict’s unfortunate effects. The country’s remotest territories clamor for stability and security, which would make it possible for their societies and economies to freely develop with state support and without the disturbing effects of armed confrontations.

However, achieving peace—comprehensive, stable, long-lasting, peace—involves new and greater challenges, and entails fully addressing diverse factors, focusing on the true causes of violence and the guarantee of arenas for coexistence that prevent the repetition and reproduction thereof.

From the beginning, the MAPP/OAS has understood peace building to be a single process, with progressive and sometimes subordinate stages. The demobilization of the *Autodefensas Unidas de Colombia* [United Self-Defense Forces of Colombia] (AUC), verified by the OAS, helped overcome a major obstacle in the complex and multicausal internal armed conflict. This dismantling, in addition to creating an institutional infrastructure for peace, led to tangible results for victims and for the members of the self-defense forces and guerilla groups who laid down their arms.

This process also helped identify the causes, evolution, and development of post-demobilization situations, and should thus be used to prevent similar situations from recurring and affecting the process with the guerrillas. Furthermore, the Inter-American Commission on Human Rights (IACHR), assessing the progress made towards attaining a final agreement, has noted that the establishment of peace in Colombia is a necessary condition for guaranteeing the country’s inhabitants respect for their fundamental rights.

In this new stage, the GS/OAS calls for these experiences and lessons learned to become useful tools and to serve as inputs for strengthening the current peace process with the FARC-EP and an eventual peace process with the *Ejército de Liberación Nacional* [National Liberation Army] (ELN).

In view of the possibility of adverse institutional and economic circumstances developing in the country, it is imperative to reinforce political support for the peace process, so as to prevent such circumstances from affecting the agreement verification mechanism under consideration. In the same way, the active presence of illegal armed groups in the territories, institutional weaknesses in judicial

prosecutions, and the treatment of demobilized individuals in prison must all be unequivocally addressed, while working towards a strong, expansive pedagogy for peace.

Attaining comprehensive peace, furthermore, requires continuing the efforts to advance negotiations between the Government of Colombia and the ELN. A peace agreement with the ELN would yield enormous benefits and would place the country squarely on the path to overall pacification. The GS/OAS acknowledges and encourages the approaches undertaken to these ends and reiterates its willingness to support them.

Moreover, the GS/OAS understands that for the process to be sustainable, several challenges must be addressed, namely: local implementation of the agreements; the continuation of ongoing peace policies; and increasing social conflict, especially over issues like social and political marginalization, unmet basic needs, the social and environmental impacts of extractive activities, the lack of social infrastructure, the concentration of lands, and territorial disputes, among others. Many actions should be targeted at replacing, updating, providing, and building the basic social infrastructure through improved services, broader coverage, and establishing mechanisms for coordination, and above all, by deploying a set of fast and effective interventions in the territories to strengthen the state presence and at the same time help rebuild social and human capital.

It must also be noted that the signing of the definitive agreement with the FARC-EP, which entails an initial laying down of arms, poses an enormous challenge in terms of applying all of the regulatory, procedural, and technical provisions to ensure that the process is planned, organized, and transparent, with clearly defined roles for the institutions involved. In this context, beyond implementing the agreements, Colombia faces the challenges of guaranteeing the effective enjoyment of rights for all its citizens and of consolidating true changes in the political, social, and human realms.

The GS/OAS cautions that as efforts to end the armed conflict are furthered, it is important to begin to build peace out of the regions. In this regard, the MAPP/OAS, with funds from the European Union, has prepared several studies that seek to identify the weaknesses, strengths, and expectations of certain zones prioritized by the Government of Colombia. These and other inputs should help the territories address and participate in the process; without territorial involvement, it will be difficult to achieve a sustainable, lasting peace.

The GS/OAS encourages the efforts made by the state, communities, social organizations, academia, the media, and the private sector towards providing opportunities for dialogue and understanding of the key elements in peace building, while taking into account regional contexts and capacities as the foundations of social reconciliation.

In this regard, country/territory coordination and cooperation is fundamental in order to effectively execute peace policy plans, programs, and projects. However, the GS/OAS is convinced that the more stakeholders and bodies involved in a policy, the more complex the process will be; this makes coordination more difficult and hampers progress on execution. In the future, complex institutional frameworks that involve various levels and sectors of government, as well as the division of functions among them, should be avoided. This will make it possible to optimize human, physical, and logistical resources.

Beyond the foregoing, the GS/OAS highlights the positive steps that have been taken and that must be strengthened, such as the partial understandings reached towards creating a Special Jurisdiction for Peace. The GS/OAS considers that such agreements must be based on the certainty that those responsible for the principal crimes of the internal armed conflict will be tried, and the

victims' rights to truth, justice, redress, and guarantees of non-repetition will be ensured. The GS/OAS also applauds the agreement reached in the fifth point on the negotiating agenda between the Government of Colombia and the FARC-EP: Agreement on the Victims of the Conflict, "System of Truth, Justice, Redress, and Non-Repetition," which sets forth the will to appropriately compensate victims and keep them at the heart of the negotiations between the parties, and makes it possible to make headway in recognizing all of the victims of the internal armed conflict, identifying responsibilities, clarifying the truth, and making full redress.

Also notable are the actions implemented with OAS support towards cleaning up and clearing Colombia from antipersonnel landmines, improvised explosive devices, unexploded ordnance, and explosive remnants of war in general, and towards immediately implementing humanitarian measures to search for, locate, identify, and return the remains of persons who disappeared during the armed conflict.

Likewise, the start of bilateral de-escalation measures has led to significant progress in building trust and invigorating the process, while helping to decrease violence. Of particular note is the decision made by the Government of Colombia to grant pardon to a certain number of incarcerated members of the FARC-EP. This is a significant gesture and an important step towards building trust among the parties and achieving reconciliation in Colombia.

The OAS applauds the United Nations verification mission designed by the United Nations Permanent Council; this mission will verify the disarmament and demobilization of the various FARC-EP fronts and blocs. The OAS also reiterates its prior offer of support and collaboration.

Along these lines, our firm commitment as the OAS is to continue supporting Colombia through the MAPP/OAS. We are aware that this will involve coordinating different types of efforts in order to maintain and expand on the progress made.

The Mission's organizational and operational structure can be strategically remodeled in order to take on the new commitments required by the peace process in Colombia. After eleven years of monitoring and supporting the Colombian peace process, and having contributed to the achievements and assessed the challenges and difficulties thereof, the General Secretariat, through the MAPP/OAS, is prepared, and has developed the instruments necessary in order to identify new violent actors in the vulnerable zones where members of the guerillas are participating in collective and individual disarmament, demobilization, and reintegration (DDR) processes or other organized armed structures are being prosecuted, and in order to address other threats to peace in the territories.

Moreover, and at the request of the Colombian government and social organizations, the General Secretariat, through the MAPP/OAS, has incorporated the monitoring and analysis of social conflicts into its work, supporting community, campesino, Afro, indigenous, and social organizations, platforms, and processes that locally and nationally invigorate the debate on the principal conflictive issues. In this context, and at the request of the parties, the Mission is facilitating the dialogue fostered by the Government of Colombia and the Putumayo department Regional Board of Organizations on substituting illegal crops, mining/energy activity, social investment, and human rights.

Principle findings in the period covered by this report

The GS/OAS recognizes the Colombian government's interest in fully redressing the victims of the armed conflict. A sign of this interest is the registry of approximately 7,620,114³ victims, of which 5,988,516 are receiving aid and redress, and 473,257 have been indemnified.⁴ Likewise, 303 parties to collective redress were recognized⁵ and progress was made on formulating 91 plans for collective redress, 72 of which are being implemented. 2,450⁶ land restitution judgments were issued, accounting for approximately 168,000 rights awarded to victims by specialized courts and tribunals. In addition, more than 100,000 hectares of land have been returned to more than 15,000 victims of the internal armed conflict.⁷

The aforementioned advances help secure the effective enjoyment of the rights of victims of the internal armed conflict in Colombia. However, the GS/OAS reiterates the need to establish urgent actions in order to ensure harmonious cooperation, coordination, and connections among Colombian state institutions charged with guaranteeing victims' rights to truth, justice, redress, restitution, satisfaction, and guarantees of non-repetition. In this respect, the National System for Support and Comprehensive Redress of Victims, hereinafter SNARIV,⁸ must operate efficiently at the national and territorial levels. Likewise, the GS/OAS calls for guaranteeing the country's financial resources and budget items to ensure they will adapt to and provide for the support, assistance, redress, and restitution measures, in step with the increase in the Single Register of Victims, hereinafter RUV.

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3. Unit for Support and Comprehensive Redress of Victims (UARIV), September 2015.
 4. Redress through administrative proceedings is a component of comprehensive redress, with the objective of providing material compensation for damages incurred due to infringements of international humanitarian law or serious violations of human rights during the internal armed conflict. Such redress consists in a number of mainly economic measures, set as certain multiples of the legal monthly minimum wages in force (SMMLV).
 5. The issuing of Law 1448/11, which "passes measures to serve, assist, and provide comprehensive redress to victims of the internal armed conflict, as well as other provisions," establishes a set of individual and collective judicial, administrative, social, and economic measures that benefit victims of the armed conflict in the transitional justice framework, and at the same time seek to enable them to enjoy their rights to truth, justice, and redress with guarantees of non-repetition. Redress includes five measures: restitution, indemnification, rehabilitation, satisfaction, and guarantees of non-repetition. Redress measures may be individual, collective, material, non-economic, or symbolic. As established in Articles 151 and 152 of the aforementioned law, the following groups are entitled to collective redress: social and political groups and organizations; communities determined on the basis of legal, political, or social recognition, or based on their culture, the zone or territory where they live, or a shared purpose; and indigenous, Roma, black, Afro-Colombian, Raizal, and Palenquero communities and peoples that have experienced any of the following: a) damage resulting from the violation of their collective rights; b) the grave and clear violation of the individual rights of members of their collective; c) the collective impact of the violation of individual rights.
 6. Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD), September 2015 bulletin.
 7. Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD). Available at: <https://www.restituciondetierras.gov.co/historico-de-noticias/-/noticias/526235>
 8. The National System for Support and Comprehensive Redress of Victims of the internal armed conflict is formed by the national and territorial government and state public entities, as well as other public and private organizations, responsible for formulating or executing the plans, programs, projects, and specific actions aimed at supporting and providing full redress to victims.

The GS/OAS highlights Colombia's experience and the progress it has made towards building a coherent transitional justice system by applying various legal tools that have made it possible to consolidate a judicial and extrajudicial truth-building policy, a comprehensive victims' redress policy, and progress in prosecuting those responsible for crimes against humanity and grave violations of international humanitarian law. This system is reflected in the enforcement of the Justice and Peace Law (Law 975/05),⁹ the Demobilized Combatants Law (Law 1424/10),¹⁰ the Victims and Land Restitution Law (Law 1448/11),¹¹ and in the progress made in the debate towards reforming the Code of Criminal Procedure,¹² which would eventually permit collective negotiations for prosecutions and make it possible to move forward with collective allegations by streamlining the process; as well as other legal regulations like laws, decrees, and administrative resolutions that will help achieve the standards of justice established by national and international law.

The combination of judicial and extrajudicial truth and redress mechanisms must in turn not just take into account the lessons learned from the aforementioned mechanisms, but must also recover the existing capacity for investigating international crimes fostered by the Transitional Justice Division and the Analysis and Context Division of the Attorney General's Office, as well as what has been investigated out of court by the National Center for Historical Memory and the achievements on redress matters made by the Unit for Support and Comprehensive Redress of Victims, hereinafter UARIV, and the Special Administrative Unit for Managing the Restitution of Dispossessed Lands, hereinafter UAEGRTD.

It must also be underscored that these transitional justice mechanisms must be established with a view towards applying them differentially, in the interest of fostering harmony with special jurisdictions, such as the Special Indigenous Jurisdiction,¹³ and respect for the collective rights of Afro-Colombian—black, Palenquero, Raizal—communities.¹⁴ The implementation of transitional justice mechanisms shall in no way whatsoever contravene the particular law of the indigenous communities.

The GS/OAS also reiterates its grave concern over the continued threats against and assassinations of leaders, representatives, and victims in their fight for their rights to the restitution of

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9. Law 975/05. "Justice and Peace Law," published in Official Gazette No. 45,980 on July 25, 2005. This law sets forth provisions for reincorporating members of illegal organized armed groups who have effectively contributed to attaining peace in the nation. It also sets forth other provisions for humanitarian agreements. Amended by Law 1592/12.
 10. Law 1424/10. "Demobilized Combatants Law," published in Official Gazette No. 47,937 dated December 29, 2010. This law establishes transitional justice provisions that guarantee truth, justice, and redress for the victims of combatants who have demobilized from illegal organized groups. It awards legal benefits and also sets forth other provisions.
 11. Law 1448/11. "Victims and Land Restitution Law," published in Official Gazette 48,096 dated June 10, 2011 and regulated by Decree 1084/15. This law sets forth measures for supporting, assisting, and providing comprehensive redress to victims of the internal armed conflict and also issues other provisions.
 12. Law 906/2004, published in Official Gazette No. 45,658 on September 1, 2004.
 13. The 1991 Constitution grants indigenous peoples the autonomy to establish their own system of government with their traditional authorities, as well as their own regulations, and to have jurisdiction over their own territories.
 14. Article 330 of the Colombian Political Constitution recognizes the authorities and government of the indigenous communities and peoples (indigenous institutions, indigenous law, higher law, or natural law), and also applies to black and Afro-Colombian communities according to judgments T-955/03 and C-030/08 of the Honorable Constitutional Court.

lands and territories, in the understanding that impunity and the lack of guarantees of protection are primary factors leading to repeated and new and more serious offenses.¹⁵ Therefore, the institutions responsible for furthering the Public Policy of Prevention and Protection (including the Technical Subcommittee on Prevention, Protection, and Guarantees of Non-Repetition¹⁶) must ensure that victims effectively and truly participate in their meetings, and that their actions translate into tangible measures for improving the security of victims, leaders, and representatives in the territories.¹⁷ Likewise, differential approaches should be used, in the recognition that each individual or collective has unique protection needs. The IACHR has noted the impunity granted in the face of the grave human rights violations and infringements of international humanitarian law committed by all of the players in the conflict and the post-demobilization armed groups. This impunity is an obstacle to guaranteeing victims' rights.

Decisive and lasting international support

Lastly, it must be mentioned that since 2004, the institutional, political, and financial support of countries and cooperation agencies has enabled the MAPP/OAS accompaniment to become a useful reality contributing to peace in Colombia. Without those resources, neither the Mission's operations nor the activities demanded by its mandate would have been possible. The General Secretariat therefore reiterates its gratitude to the donors and friends of MAPP/OAS for the support and accompaniment they have provided over these eleven years, and, in particular, to:

Argentina, Germany, The Bahamas, Brazil, Canada, Chile, Colombia, Spain, the United States of America, France, Great Britain, Guatemala, Ireland, Japan, Norway, Mexico, the Netherlands, Peru, Portugal, the Republic of Korea, Sweden, Switzerland, Thailand, Turkey, and the European Union. The General Secretariat would also like to extend its thanks for the support provided by the Spanish Agency for International Cooperation Development (AECID), the International Organization for Migration (IOM), the German International Cooperation Agency (GIZ), the United States Agency for International Development (USAID), and the Presidential International Cooperation Agency of Colombia (APC).

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15. The neutralization of risk factors for the protection of victims and leaders claiming lands is closely tied to progress in the investigations of the events that lead to the violence. The IACHR has not yet obtained consistent information from the state on the measures put forth to establish investigation as a prevention measure as policy. The lack of investigation could lead to the constant increase in beneficiaries of the National Protection Unit (UNP) having a cumulative effect. In February 2016, the IACHR issued a press release condemning the 54 deaths of defenders reported in 2015, as well as the more recent threats and deaths. On January 16, 2016, the defender and community leader Nelly Amaya was assassinated, and on January 26, 2016, the Nariño Afro-descendant leader Johan Alexis Vargas was assassinated. He had previously informed the authorities of the death threats that he had been receiving.
 16. The objective of the Technical Subcommittee on Prevention, Protection, and Guarantees of Non-Repetition is to design a strategy that will make it possible to coordinate prevention actions (early, urgent, and guarantee of non-repetition actions) with territorial action plans, in order to address risk factors and their impact on the community.
 17. Like the General Secretariat, the IACHR has also received information on very risky situations faced by beneficiaries of the IACHR's precautionary measures and the protection programs, including journalists, human rights defenders, and members of Afro-descendant communities. The IACHR condemned the assassinations of the Afro-descendant leader Gilmer Genaro García Ramírez, mentioned in this report, and of the journalist Luis Peralta Cuéllar, both of whom were under state protection. The state subsequently reported that the four suspected perpetrators and the suspected instigator of the assassination of Mr. García Ramírez had been captured.

II. TRANSITIONAL JUSTICE

a. **Monitoring and accompaniment of the implementation of the Justice and Peace process and other transitional justice system tools**

Judicial monitoring: ten years after the Justice and Peace Law (Law 975/05)¹⁸ was issued, the General Secretariat considers this tool, and the precedents set down by courts and tribunals, to have been an important mechanism for attaining truth, justice, and redress towards building a robust, long-lasting peace. Despite the gaps in the law that were mostly closed with Law 1592/12,¹⁹ the institutional and judicial framework has served to help understand the situation and has made significant contributions to dismantling the military structures of the United Self-Defense Forces of Colombia (AUC), and to raising awareness of the thousands of victims. This mechanism has also been applied to hundreds of demobilized guerrilla soldiers.

The issuing of Law 1592/12, which amended Law 975/05, and the Attorney General's Office's application of investigative mechanisms based on establishing macrocrime classifications, have led to an exponential increase in the number of judgments handed down by the various Justice and Peace Chambers as of August of 2015, for a total of 34 judgments.²⁰ It should be emphasized that the most significant contribution is that these judgments incorporate macrocrime classifications and establish a historical context for each of the paramilitary and guerrilla structures based on investigations performed by the Transitional Justice Division of the Attorney General's Office.²¹

The foregoing is a qualitative step forward that will make it possible for applicants²² who were not commanding officers in the structures to, through these macrocrime judgments, have their cases resolved quickly through the vehicle known as "early termination."²³ Possibly the biggest challenge

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18. The IACHR has commented on Law 1592/12's elimination of the comprehensive redress proceedings, mainly to the effect that the enforcement of this law removes the redress incentives for victims to participate in those proceedings, since they could instead make direct recourse to the mechanisms set forth in the Victims Law and obtain the redress established therein. The Commission also noted that this law prevents the Justice and Peace Chamber from decreeing any redress measures other than that of including in the judgment the victims' version of the damages suffered.
 19. Law 1592/12, published in Official Gazette No. 48,633, regulated by Decree 3011/13. This law introduces modifications to Law 975/05, which set forth "provisions for reincorporating members of illegal organized armed groups who effectively contribute to attaining peace in the nation as well as other provisions for humanitarian agreements" and other provisions.
 20. Datum obtained from MAPP/OAS monitoring.
 21. The IACHR reported that it has received information on the actions of post-demobilization illegal armed groups that are identified as being associated with or having members who had belonged to paramilitary groups that in several cases allegedly continued to act with the protection or acquiescence of state agents. The IACHR is concerned about the relationship between what the state describes as "emerging criminal bands" and the former self-defense forces, and has therefore advised the state to perform specific tasks to dismantle the self-defense forces that did not participate in group demobilizations.
 22. Members of illegal armed groups who have decided to return to civilian life under Law 975/05, the "Justice and Peace Law" by guaranteeing victims their rights to truth, justice, and redress in exchange for receiving an alternative sentence of between 5 and 8 years for the criminal acts they committed during and as a result of their membership in those groups.
 23. Early termination is a vehicle through which one or several applicants can be sentenced after the indictment without having to participate in other hearings, provided that the crimes for which they are being prosecuted have already been described and detailed as macrocrimes in a prior judgment against someone serving as a commander.

for the judicial branch will be moving the special redress proceedings forward in order to fulfill the victims' rights to truth and full redress.²⁴

The General Secretariat highlights the progress made in prosecuting ex-guerrilla applicants during the implementation of the Justice and Peace Law²⁵ through the contextualization and indictment proceedings for former members of the FARC-EP, the National Liberation Army (ELN), and the *Ejército Revolucionario Guevarista* [Guevarista Revolutionary Army] (ERG). However, it also draws attention to the contextualization proceedings for members of the *Ejército Popular de Liberación* [People's Liberation Army] (EPL) and the *Ejército Revolucionario del Pueblo* [People's Revolutionary Army] (ERP): eight (8) years after becoming applicants, not a single ex-member of the ERP had been subject to a formal indictment proceeding, which is what would formally launch the criminal investigations.

Along the same lines, the General Secretariat also expresses its concern over the continual reduction in the number of prosecutors and investigators assigned to the Transitional Justice Division. Although such reductions may help restructure the Attorney General's Office, the transfer of many of these professionals to the Analysis and Context Division and the appointment of new prosecutors to cases involving illegal structures both cause undesired delays in the proceedings, which lead to discontent among the applicants, victims, and affected communities.²⁶ The GS/OAS applauds the reopening of the Justice and Peace office in Chocó department and reiterates the need to reopen the offices in Bajo Cauca, Urabá Antioqueño, and Putumayo department.

Prior reports have mentioned that legal security is an essential element of all transitional justice tools, and the General Secretariat is now more convinced than ever of the need to further consolidate the implementation and enforcement of the Justice and Peace Law, not just in the name of ensuring successful results, but mainly so that this law can serve as a solid foundation that will generate trust for the application of the new tools with the guerrillas. The IACHR thus notes that during the hearing held in March 2015 on monitoring the implementation of the Justice and Peace Law, social organizations stated that very little has been achieved on truth, justice, and redress, and that there is a serious lack of victim participation as well as delays in the proceedings envisioned in the law. They also felt that the state lacks a plan to fix this situation.

Monitoring victim access to these mechanisms: The General Secretariat is concerned about victims' widespread lack of knowledge of the amendments to the Justice and Peace Law (Law 975/05). Three (3) years after the amendment (Law 1592/12) was instituted, no mass awareness-raising campaigns have been carried out for the half-million (500,000) victims who have committed to and decided to take part in this process. Furthermore, the GS/OAS, through the MAPP/OAS, has observed that victims who are highly knowledgeable of the aforementioned amendment feel that their rights, for example, to participate in court hearings, have been undermined. Despite the logistical arrangements made to support victims in the prioritized cases, thousands of victims who actively

24. The IACHR notes that the state reported that the prioritization of cases led to 28 more judgments, which entailed convicting 117 applicants, documenting 3,623 acts against 20,614 victims, finding 4,519 graves, and exhuming 5,817 bodies. The state also indicated that judgments were passed on 700 acts of gender violence, through which 33 applicants were sentenced.

25. Currently more than 400 demobilized former guerrilla combatants from the FARC-EP, ELN, EPL, and ERP are seeking to avail themselves of the Justice and Peace Law, as are 7 collectively demobilized combatants from the Guevarista Revolutionary Army (ERG).

26. For example, communities like Luis Vero, in the municipality of Sardinata, and Filogringo, in the municipality of El Tarra, department of Norte de Santander.

participated in legal proceedings have been overlooked, and these victims are surprised and frustrated to see that their cases were not included in the redress proceedings.²⁷

Prior reports have positively evaluated the Attorney General's Office's efforts to gather information on gender-based crimes, which have led to progress with the register of victims. However, the number of victims is still clearly underreported, mainly due to victims' fear of being retaliated against and stigmatized for having reported acts of gender violence in municipalities like Samaniego (Nariño), as well as in the Catatumbo region²⁸ in Norte de Santander department. With regard to this matter, the GS/OAS considers it essential to foster specific actions that will create trustworthy environments to preserve intimacy and privacy and ensure victims' confidentiality. Likewise, during the process victims must be guaranteed freedom from discrimination based on their pasts, behavior, gender expression and identity, or sexual orientation, as well as the right "to not be brought face to face with the aggressor, to not be subjected to repeated tests, and to request judicial authorities to abstain from ordering tests or to exclude already-performed tests that entail an unnecessary or disproportionate invasion of their right to privacy."²⁹

The General Secretariat recommends that applicants' knowledge of the victimizing acts be verified in the voluntary statement hearings held in the framework of the Justice and Peace Law. This is due to the fact that in the hearing organized by the Attorney General's Office for applicant Salvatore Mancuso's voluntary statement, held in March 2015, around thirty (30) participating victims of sexual violence in Magdalena department were re-victimized: they were transferred to the site of the voluntary statement hearing and their claims to truth were left unsatisfied, since the applicant stated that he was not explicitly aware of the acts. The General Secretariat thus encourages the Colombian state to use a gender-equality- and women's-rights-based approach to establish criteria

27. In this context, the IACHR has been monitoring the legal and constitutional reforms that have been implemented. In March 2015 a hearing was held about what civil society representatives presented as setbacks in the legislation on military criminal justice in Colombia, and at which further information was received about legislative initiatives that would seek to broaden the scope of military and police criminal justice. The organizations continued to be concerned about the then bill on restructuring the military and police criminal justice system. This bill is now in force as Legislative Act 01 of 2015. At the hearing held in October 2015 on human rights and legal reforms on security forces in Colombia, the petitioners reiterated their concerns about this Legislative Act and about Law 1765/15, which restructured the military and police criminal justice system. They stated that the Legislative Act excludes international human rights law as a regulatory framework applicable to the prosecution of crimes committed in the armed conflict; that it sets down rules that do not recognize legal autonomy and independence; and that it violates the right to equality before the law by treating law enforcement officers differently. In this respect, the IACHR reiterates that many situations that are to be regulated by this Legislative Act, such as, for example, military operations involving the civilian population, despite taking place in the context of the conflict, may call for the simultaneous application of international human rights law and international humanitarian law. In turn, the state reported that this amendment "has been advanced in full knowledge of and respect for the coexistence of the applicable legal frameworks of international human rights law and international humanitarian law, and the Government shares the international position that these regulatory frameworks have a common core of rights that cannot be suspended at any time, because they share the same purpose of protecting the physical integrity and dignity of human beings, with the only difference being that international humanitarian law is only applied in situations of armed conflict, since it is a special law."

28. This region in Colombia is located in the northeastern part of Norte de Santander department and is made up of 11 municipalities: Ábrego, Convención, El Carmen, El Tarra, Hacará, La Playa, Ocaña, San Calixto, Sardinata, Teorama, and Tibú.

29. Law 1719/14, published in Official Gazette No. 49,186 on June 18, 2014. This law amends certain articles of Laws 599/00 and 906/04, adopts measures to guarantee access to justice for victims of sexual violence, in particular sexual violence associated with the armed conflict, and sets forth other provisions.

for the participation of victims of sexual violence in the aforementioned hearings. It also recommends that mechanisms be established to make it possible for male victims of sexual violence to access the Justice and Peace processes. This would involve strategies for raising awareness of and publicizing the law with special interest population groups, like ex-combatants, in the interest of ensuring full redress for all those affected by such acts. These mechanisms must address the socio-cultural barriers that limit access to full redress for these sectors of the population.

Furthermore, it has also been noted that while victims may intend to attend judicial proceedings and the voluntary statement hearings, they do not receive psychological or legal support.

Prison monitoring: Through the MAPP/OAS, the GS/OAS has made more than 300 monitoring visits to different prison facilities, to oversee the special imprisonment conditions established under the Justice and Peace Law. Moreover, in conjunction with the Prison School, it is working to put together an academic unit on transitional justice and peace for future prison guards, so as to raise their awareness of resocialization issues and the special imprisonment conditions established in the peace agreements.

With regard to resocialization within the wards, the GS/OAS applauds the progress made by the Ministry of Justice and the Law through the special resocialization units for applicants in several of the country's prisons, emphasizing how the psychological care provided at the Barranquilla (Atlántico) Central Courtyard has been positively received. The General Secretariat recommends a more effective thematic coordination of this initiative with the reintegration process established by the Colombian Agency for Reintegration, hereinafter ACR.

It is still worrisome that the training sessions offered to inmates, beyond serving as educational programs, do not fully focus on potential trades in which these inmates could be employed after their release, as it is important to take employability into account as a factor that favors reintegration. In addition, health services remain inferior and the announcement of the liquidation of the prison healthcare provider company³⁰ may lead to even larger deficiencies in services. Therefore, the measures necessary in order for inmates to receive effective treatment should be taken.

The GS/OAS is also concerned that six (6) months after the gradual transfer of ex-guerrilla applicants from the Chiquinquirá (Boyacá) prison to various Justice and Peace prison facilities, the territorial jurisdiction criteria were not fully respected and the inmates were transferred to prisons located even further away from the law offices familiar with their cases. The GS/OAS finds it troubling that several months after having been transferred to the Itagüí prison, 19 of the 23 inmates still do not have cells in which to spend the night and have to sleep outside. Also worrisome are the increased problems with inmates getting along in the Bucaramanga (Santander) Modelo Prison due to the overcrowding resulting from the arrival of applicants from Chiquinquirá and the delays in the infrastructure projects in the El Espinal (Tolima) prison facility.³¹

30. Communications Social Security Fund (CAPRECOM).

31. In a similar vein as to what the GS/OAS has observed through the MAPP/OAS prison monitoring, the IACHR is concerned about detention conditions in Colombian prisons, and about the overcrowding, overpopulation, lack of health and education services, and unfulfilled basic needs. Therefore, and due to the Attorney General's Office's findings on the alleged disappearance and dismemberment of at least 100 people between 1999 and 2001 in the La Modelo prison, the Commission indicated that the state must take the essential measures of guaranteeing and maintaining the internal security of prison facilities and controlling the entry of weapons and illegal substances, as well as the circulation of money inside the prisons; it must also seek mechanisms to reduce prison overcrowding and overpopulation.

Monitoring/accompaniment of the return, reintegration, and socialization of released ex-members of illegal armed groups: As noted in the Twentieth Half-Yearly Report, the GS/OAS is working through the MAPP/OAS to comprehensively monitor the release of applicants under the Justice and Peace Law. As part of this work, and taking into account the reintegration, legal, public order, personal security, coexistence, reconciliation, and prison dynamics, nine zones have been prioritized for special observation,³² meaning that special interest has been taken in the places to which applicants and guerrilla soldiers will possibly return in the post-conflict period. In particular, these areas must receive support on the issue of security, as well as through comprehensive state actions that promote pacific coexistence and reconciliation. For the IACHR, the organizations feel that the state should establish public policies of containment in the five zones identified as those to which the majority of the released individuals will return (Medellín, Córdoba and Bajo Cauca, Urabá, Magdalena Medio, and Cesar). They are also concerned about the guarantees of non-repetition, noting that the Attorney General's Office had allegedly not assumed responsibility for dismantling the economic structures that supported paramilitary activity.

This work has shown that the dynamics surrounding the release of applicants must be addressed in the territories. For that reason, support was provided for establishing and consolidating regional forums in Antioquia, Santander, and Cesar departments, and in the municipalities of Aguachica (Cesar), Barrancabermeja (Santander), Barranquilla (Atlántico), and Santa Marta (Magdalena). Of note is the initiative of the Human Rights Division of the Ministry of the Interior to help strengthen, from the institutions, the Prevention Committees that comprehensively address the dynamics of the releases, with a regional perspective. The GS/OAS will collaborate through the MAPP/OAS by prioritizing zones and supporting these forums, which were already held in August 2015 in Magdalena and Cesar departments and for which there are established roadmaps.

Through the MAPP/OAS, the GS/OAS has been accompanying the National Panel on Guarantees for human rights defenders and social and community leaders,³³ in order to establish an action plan to effectively protect this population that works on Justice and Peace issues, reporting acts that the applicants did not confess and providing support in applicant confessions involving third parties. The GS/OAS emphasizes that the level of risk facing these defenders, as well as judicial officers, prosecutors, private defense attorneys, and government employees, will increase as the prosecutions advance.³⁴

32 Magdalena Medio, Magdalena Centro, Urabá-Bajo Atrato, southern Córdoba-Bajo Cauca, southern Cesar, central Cesar, Meta, Valle de Aburrá, Chocó. Certain municipalities were also prioritized for special observation: Cúcuta, Villa del Rosario, Puerto Santander, Barranquilla, Santa Marta, Fundación, Zona Bananera, and Tumaco.

33 The Panel was held as part of the National Process for Guarantees for the work of human rights defenders and social and community leaders, which was started in the month of April 2009 as an agreement among state institutions and human rights organizations with the support of the international community. The purpose of this process is to further an analysis of the human rights situation and the commitment to foster prevention, protection, and investigation actions.

34 The IACHR has continued to receive information on continued assassinations, threats, and harassment against human rights defenders, who still face attacks made in an effort to silence their reports, mainly of human rights violations that took place in the context of the armed conflict. The lack of substantial progress in clarifying, investigating, and punishing the parties responsible for human rights violations perpetrated against defenders is an obstacle for the free exercise of the right to defend human rights. In 72% of the cases of attacks documented between January and June of 2015, paramilitary groups were identified as the alleged perpetrators; 22% were made by unknown parties and 5% by state agents. The paramilitary groups include the "Águilas Negras [Black Eagles]," who allegedly threatened 167 defenders

As of August 31, 2015, 54 applicants had been released. Of these, 52 are registered in the Special Reintegration Program for Justice and Peace applicants, as disclosed by the ACR. Another 34 applicants have legally recovered their freedom, but are still waiting for the consolidation of actions or an ordinary notice from the court to make it effective. The General Secretariat has called attention to many ordinary judicial officers' lack of knowledge about the mechanism for substituting the preventive detention measure.³⁵ It is these officers who are responsible for sending cases heard by the ordinary justice system to the special Justice and Peace criminal jurisdiction. The institutions with Justice and Peace functions in Atlántico department have fostered actions with MAPP/OAS support to overcome this difficulty by raising awareness among judicial officers in the ordinary justice system, having detected that none of the 17 releases granted as of August 2015 was made effective due to delays in consolidating actions.

The GS/OAS recommends that the Technical Committee for Evaluating Justice and Peace Prison Measures be responsible for assigning occupants to the cells left by released applicants, taking into account jurisdiction criteria and the inmates' profiles in order to prevent the sale of cells by the inmates themselves, among other undesired effects.

The work of the ACR Justice and Peace group on reintegrating individuals who have already effectively been released should be highlighted and applauded. This group works with assigned psychologists to stabilize the participants; two (2) applicants have fully completed the process. Note that the monitoring performed by the reintegration officers is an effective instrument for maintaining legality and a fundamental pillar of non-recurrence.

The GS/OAS condemns the attack against a special Justice and Peace reintegration officer that took place in the city of Itagüí (Antioquia) on July 6, 2015, as well as the homicide of José de Jesús Pérez, aka "Sancocho," who was the military commander of the Calima Bloc of the AUC, committed on June 6, 2015, a few days after he had been released. Legal security is necessarily closely associated with the personal security of all of the parties involved in the case, and the Mission is always concerned about to what degree such security has been achieved.

The applicants are put into a situation of imminent risk upon their release insofar when they had confessed acts involving other individuals or revealed connections between illegal armed groups and the political class, law enforcement personnel, or private entrepreneurs. Therefore, the GS/OAS calls for accelerating the mechanisms that could provide a different program for applicant protection. Such a program must also promote non-recurrence, as applicants who consider themselves protected by state frameworks will not eventually recur to potential plans for self-protection that could in fact lead to even greater dangers to their own selves or to the communities.

The General Secretariat highlights the ACR-led initiative aimed having a decree issued to establish fast and relevant protection measures for applicants who need special measures in the face of imminent risks. Although this decree is still being processed as of the close of this report, the good offices of the ACR have helped the National Protection Unit provide security for fourteen (14)

between January and June of 2015; the "*Rastrojos*" [named for one of the founders], who threatened 47; the "*Urabeños* [Those from Urabá]" (also known as "*El Clan Úsuga* [the Usugá Clan]"), who threatened 9, and other groups, who threatened 59.

35. Mechanism through which applicants who fulfill the objective and subjective requirements established in Law 1592/12 and Decree 3011/13 can request that the preventive detention measure be substituted for a measure that does not deprive them of their freedom.

applicants whose level of risk was classified as “extraordinary” after the corresponding risk evaluation.³⁶

Another issue that affects released applicants is their level of access to the job market. Conditions for obtaining formal employment are negatively impacted by stigmatization, as well as by the dynamics of the Justice and Peace process, which forces the applicants to participate in hearings that often last for weeks, making it difficult for them to obtain or keep a job due to their prolonged absences. In other cases, courthouses are not located in the places to which the applicants have returned, and so they must travel to other cities and take on all of the associated risks and costs. Because of this, the use of technological tools is being recommended in order to ensure that applicants will attend each and every hearing to which they are summoned.

Through the MAPP/OAS, the GS/OAS has been making progress on performing analyses and diagnostics to prepare the territories for the applicants’ return. To that end, the region of Magdalena Medio was initially prioritized. This region is the epicenter of the criminal activities of the now-defunct *Autodefensas Campesinas de Puerto Boyacá* [Campesino Self-Defense Forces of Puerto Boyacá] and *Autodefensas Campesinas del Magdalena Medio* [Campesino Self-Defense Forces of Magdalena Medio]. Despite these being areas that applicants see as safe and suitable for coexistence, many victims have not received appropriate psychological support to enable them to handle the arrival of the perpetrators of the crimes against them. This has caused not only problems with coexistence in the territories but also situations in which victims feel re-victimized. In this regard, of note is the potential polarization of the population due to the release of former self-defense force leaders and their return to the areas where they operated, in particular Meta department, the southern part of Cesar department, Córdoba department, the northern part of Urabá Antioqueño, and the municipality of Tumaco, Nariño.

Monitoring and accompaniment of prosecutions of members of illegal groups: The MAPP/OAS is tasked with accompanying and monitoring potential prosecutions of criminal organizations. It has therefore been working together with the Specialized Organized Crime Division of the Attorney General’s Office to explore possibilities and arenas for prosecuting these organizations, which currently engage in criminal activities in Colombia.

The prosecution framework must offer legal stability and certainty to those submitted to it, thereby serve as a legitimate, effective, and efficient option for the criminal organizations operating in the country. While prosecution is understood to differ from demobilization, it still constitutes a mechanism for bringing peace to the territories. Through the MAPP/OAS, the GS/OAS been accompanying the debate over the reform of the Code of Criminal Procedure³⁷ that would potentially allow for collective negotiations for prosecutions and enable progress on collective indictments by streamlining the process.

Since early 2015, the MAPP/OAS has been accompanying the partial prosecutions of 18- to 35-year-old members of the so-called “*Alianza Paz del Valle* [Valle Peace Alliance]” organization (APV) who turned in their weapons and submitted to justice in the municipality of Rol dañillo (Valle del Cauca), on February 11, 2015.³⁸ These individuals expected to have access to education within the prison facility, but the ones being prosecuted have not yet been able to start their basic studies,

36. Monitoring under the special Justice and Peace criminal procedure (Law 975/05).

37. Law 906/04, published in Official Gazette No. 45,658 on September 1, 2004.

38. According to information provided by the organization’s commander Gustavo Palomino, aka “Camilo,” after verifying compliance with the agreements entered into with the Attorney General’s Office, he would hand over the rest of the group, amounting to 70 members.

since according to prison rules, only convicted persons have the right to study. These legal barriers may lead to a loss of trust in the Colombian state, discouraging not only other members of the APV but also members of other illegal armed groups. The discrepancy between expectations and reality leads to frustration among the prosecuted ex-combatants and reveals two points to be respected in the future: the right to an informed, effective defense from the start of the process; and the right for any commitment made to be precisely documented in order to prevent false expectations from arising.

III. MONITORING AND ACCOMPANIMENT OF COMPREHENSIVE REDRESS FOR VICTIMS

a. Victims' participation and comprehensive collective and social redress

With the end of the term established in Law 1448/11³⁹ for all individuals who had been victims of acts that took place before June 10, 2011 to present their statements to the Public Ministry [which is in charge of enforcing constitutional rights and overseeing the performance of public officials in Colombia] and be included in the Single Register of Victims (RUV), the UARIV, Office of the Inspector General, and the Senate of the Republic have made significant progress towards extending it.⁴⁰

The Office of the Inspector General submitted Draft Law No. 140/14 to the Senate of the Republic of Colombia. This bill requested a one-year extension of the deadline for individuals who had been victims in the context of the internal armed conflict before June 10, 2011, to present their statements and be included in the RUV. Subsequently, the Presiding Officers of the First Committee of the Senate of the Republic decided to join Draft Laws 140 and 157 of 2014, as they have the same principal purpose. As of this report, this bill had been passed in the first debate and the second debate discussion paper had been published.

Despite these valuable efforts made by the Colombian state, the GS/OAS continues to note through the MAPP/OAS regional offices that victims are unaware of the deadlines established in Law 1448/11 for presenting their statements. Furthermore, it is clear that the contents of Draft Law No. 157 of 2014 on statements, the RUV, and other provisions have hardly been publicized, and that the information provided on the process and periods for the debates of this bill in the Senate of the Republic of Colombia has been incomplete and ill-timed. There is a clear lack of awareness of the term extension for presenting statements that has been granted to victims abroad and members of the military.

In addition, it is extremely important to pay attention to communications with, and the accompaniment and personalized monitoring of, women who have not presented their statements due to acts affecting their sexual integrity, as well as to cases of child and adolescent victims of forced recruitment. These cases call for Colombian state institutions to build trust with the communities, with an emphasis on their relationships with the directly affected victims and families.⁴¹

39. Article 155. Victims' request for registration: victims must submit a statement to the Public Ministry by four (4) years after the promulgation of this law for individuals who were victimized prior thereto, or by two (2) years after the act occurred for those who were victimized after this law went into effect.

40. With regard to redress, the IACHR indicated that the Colombian state reported that by June of 2015, 7,438,034 victims had been recognized.

41. Despite the measures that the state has been adopting in recent years, the IACHR has noted that among the challenges with the redress policy facing victims, the need for the following has been reported: (i) a fast,

The GS/OAS hopes that if Draft Law 157/14, joined with Draft Law 140/11, is passed, all of the changes to strengthen the public policy of full redress for victims will be applicable to ethnic groups, communities, and members. This aspect should be consolidated in the agreements reached on victims in the national government's negotiations with the FARC-EP and the ELN. It is also noteworthy that the Government of Colombia has deemed that if the number of victims increases significantly, the Development Plan will be adjusted accordingly in order to guarantee victims the effective enjoyment of their rights to assistance, attention, redress, restitution, and guarantees of non-repetition, stipulated in Law 1448/11, during the term thereof.⁴²

The GS/OAS highlights the progress made by the Colombian government on identifying 303 parties to collective reparations cases, on formulating 91 redress plans, and on implementing 72 of them.⁴³ It further highlights the UARIV's work towards building trust by identifying the damages and formulating and approving comprehensive plans for collective redress (PIRC) with collective parties from national political and social organizations, like unionists, journalists, the *Instituto Popular de Capacitación* [People's Training Institute] (IPC), the *Red de Iniciativas Ciudadanas por la Paz y contra la Guerra* [Network of Citizen Initiatives for Peace and against War] (Redepaz), the *Asociación Nacional de Usuarios Campesinos* [National Association of Campesino Users] (ANUC), and agencies for community action and the association of councilmen and representatives.

Through the MAPP/OAS, the GS/OAS has identified major challenges to formulating and implementing the aforementioned plans for collective redress, one of which is overcoming delays and slowness in the assessment of the statements made by parties to collective redress cases by petition.⁴⁴ In the period covered by this report, progress has continued to be inchoate, in particular on collective redress cases involving ethnic communities and groups. And although the UARIV has done substantial work to build trust with parties to collective redress cases, the lack of trust in community cases, particularly in the moments prior to establishing or engaging in any type of action to move forward with the collective redress process, is worrisome. In conflict zones, ethnic territories, and extremely poor campesino settlements, it is more of a challenge to get the communities to be willing to move forward with these types of cases. The GS/OAS thus considers it important to scale up the contents and reach of all the measures using a transformative approach, thereby empowering

effective response to their demands; (ii) adequate housing for beneficiaries of restitution judgments in order to return; and (iii) better coordination among the institutions. Also worrisome is the lack of an effective prevention policy aimed at punishing those responsible for dispossessing lands and dismantling their organizations. This has influenced the number of requests for land restitution submitted up until January 2015 (72,000); the Government of Colombia had projected that there would be 360,000 in this decade. It has been reported that the reparations awarded by the UARIV and the more than 900 land restitution judgments handed down have faced serious obstacles in terms of leading to transformative redress, and that even when magistrates and judges have tried to accompany the measures for restitution and formalization with orders to ensure victims' access to social rights, compliance has been slow and complicated.

42. Law 1448/11 is valid for ten (10) years, that is, until 2021.

43. Unit for Support and Comprehensive Redress of Victims, Collective Redress Subdepartment, September 2015. Available at: www.unidadvictimas.gov.co

44. According to the provisions of Law 1448/11 and Decree 1084/15, parties to collective redress can be registered in two ways, namely: by offer, through which the Unit for the Victims will identify the victimized groups, notify them of the state's willingness for them to participate in the Collective Redress Program, and should they accept the invitation, help them with the application for registration; and, by petition, through which the parties to collective redress that were not included in the state's offer will register with the Public Ministry.

territorial authorities to coordinate on implementing redress plans and the land restitution process in the territories.⁴⁵

Furthermore, the collective redress plan must be broadly and sufficiently publicized in a straightforward way among all members of the party to collective redress,⁴⁶ and the Promotional Committees must be truly empowered. In this regard, it becomes even more important to overcome national/territorial tensions over the inaction of territorial bodies, and in general, of the entities in the National System for Support and Comprehensive Redress of Victims of the Conflict (SNARIV) when it comes to ensuring that the collective redress plans are included and efficiently implemented in the territories.

The UARIV's group on national cases is clearly willing to work to make progress on providing redress for national political and social organizations party to collective cases. However, the organizations have detected shortcomings in compliance with the plan, mainly because their demands may exceed the UARIV's capacities and responsibilities. For example, the IPC presented a "*Balance crítico en cuanto al enfoque, contenidos y formas adoptadas por la UARIV, para llevar adelante el proceso y cumplir con el deber y la responsabilidad política que el Estado tiene* [Critical assessment of the focus, content, and methods adopted by the UARIV to move forward with the process and fulfill the state's duty and political responsibility]."⁴⁷ The approach behind these demands goes beyond addressing the violent events and damage directly suffered by each organization and calls for certain state political and structural conditions. ANUC and Redepaz have also broadened their petitions, rethinking the purposes thereof, namely: Colombian campesinos' effective enjoyment of their right to land, and the political empowerment of human rights defenders. In view of this situation, the General Secretariat advises performing a technical and political review of these cases before moving forward with them, in order to avoid a complex and difficult-to-solve political situation with the IPC and other parties to national cases that may speak out against the collective redress proceedings and approaches. Furthermore, it is important to encourage the participation of these parties, not just nationally but also from the territories.

With regard to victim participation in the forums established by Law 1448/11, the GS/OAS has registered 990 municipal committees, of which 16 are local committees in Bogotá and 33 are departmental committees, including a committee for Bogotá D.C, in addition to the National Participation Committee, made up of 44 victims at the national level, for a total of 1,023 committees⁴⁸ in the country overall, with notable representation of differential-focus victims in managerial positions. The process of consolidating the participation mechanism was representative and valuable for victims' and social organizations; however, the overriding challenge is ensuring the

45. Emphasis should be placed on territories where the Targeted Comprehensive Redress Strategy is being implemented.

46. Collective parties, groups, social and political organizations that are also included in this paragraph: *Narrar para vivir* [Tell to live] (800 women from 15 municipalities of Montes de María); *Asociación Nacional de Mujeres Campesinas, Negras, e Indígenas de Colombia* [Colombia National Association of Campesino, Black, and Indigenous Women] (ANMUCIC) (114 women and their families, in El Zulia, Santander, and throughout the country); *Organización Femenina Popular* [People's Women's Organization] (1,600 women in seven municipalities of Magdalena Medio); *Liga de Mujeres Desplazadas* [Displaced Women's League] (250 women in four municipalities of Bolívar); *Fedecomunal Cúcuta* [Cúcuta Community Federation]; *Asociación del Trabajadores Campesinos del Carare* [Carare Association of Campesino Workers] (ATCC) (various municipalities in the Carare region).

47. Letter from the IPC to Dr. Paula Gaviria, Director of the UARIV. Subject: Critical assessment of the case of IPC as a party to collective redress. Medellín, October 8, 2015. Copy sent to MAPP/OAS.

48. Report of the UARIV and the Office of the Ombudsman, cutoff June 2015.

successful execution of the tasks geared towards continuing with the debate on and due diligence in implementing the Effective Participation Protocol (emphasizing Resolution 0828⁴⁹ of 2014 and the differential protocol for boys, girls, adolescents, and young people). For the GS/OAS, there are lingering challenges to the effective participation of victims, namely in terms of their self-organization and empowerment, and the degree to which they influence public policies for victims of the armed conflict.

In the context of the 2015 elections and changing departmental and municipal authorities early in the year, the GS/OAS called for the Colombian state to guarantee support for the participation committees, thereby obtaining adjustments to the Territorial Action Plans and ensuring that they would be taken into account by the new local authorities elected in October 2015 in their planning. Furthermore, victims from more vulnerable zones are still not adequately represented on the participation committees. Cited as causes are the lack of timely information, poorly empowered grassroots organizations, and the lack of a budget for transferring the claims on issues they face in their regions. The GS/OAS urges the Government to persuade local authorities to allocate specific budget lines to the departmental and municipal victims' committees, and thereby facilitate their operation, empowerment, and level of influence.

b. Protective measures for victim representatives and leaders

Despite Law 1448/11 (Article 31) and Decree 1066 of May 26, 2015,⁵⁰ on protective measures for victims of human rights violations and infringements of international humanitarian law, the measures granted have not been sufficient to guarantee victims the free exercise of their rights to collective redress, land restitution, and effective participation, in view of the constant threats against and infringements on the lives, liberty, and integrity of leaders and representatives of organizations of displaced populations or land claimants in legal and administrative comprehensive redress cases, and in particular, in the context of land restitution. This also occurs with leaders and representatives of, and activists in, organizations that defend human, social, civic, community, or campesino rights, and leaders, representatives, and members of ethnic groups; through the Mission to Support the Peace Process, the GS/OAS has repeatedly presented and raised awareness of this situation.⁵¹

49. Resolution of the UARIV dated December 26, 2014, amending Resolutions 0388 of May 2013, 0588 of June 2013, and 01448 of December 2013.

50. Sole Regulatory Decree of the Administrative Sector of the Interior, which on pages 124 to 167 of Chapter 2, Articles 2.4.1.2.1 and 2.4.3.13, compiles and adds Decree 4912 of 2011 and the amending decree, 1225/2012, on the protective measures granted to victims of human rights violations and infringements of international humanitarian law, including leaders of organizations of displaced populations or land claimants; leaders and representatives of and activists in organizations that defend human, victims', social, civic, community, or campesino rights; leaders, representatives, or members of ethnic groups, among others, that due to their condition as such or their positions are at extraordinary or extreme risk.

51. The legal and institutional difficulties in applying Law 1448/11 to enforce restitution were reported at the IACHR hearing on land restitution in October 2015. According to official information, an estimated 6,638,195 hectares are reported to have been abandoned by the displaced population. By the end of April 2015, only 97,478 hectares had been returned. The organizations maintained that the micro-targeting process has become an obstacle to restitution, since 84% of the 360,000 cases in which a micro-targeting ruling was handed down, have been held up. Of particular note: except for in one single case, no collective lands have been returned; in many cases, civil servants are unaware of agreements made by the government with certain NGOs for the enforcement of the law; and according to an analysis of one thousand cases, judgments that ordered other measures to guarantee comprehensive redress, such as access to healthcare systems and education, have not been respected.

The failure to adopt comprehensive measures has led to illegal armed groups committing acts of harassment against these leaders. The most recent case involves the violent death of Genaro García,⁵² leader of the Alto Mira and Frontera Community Council of the municipality of Tumaco, Nariño. This act was acknowledged by the FARC-EP negotiating team in Havana, Cuba. There have also been homicides of and attacks against members of the Nasa indigenous people, including traditional doctors. Furthermore, more than 150 threats against leaders and victims, and more than 5 homicides, have been identified as committed by criminal bands and illegal armed groups. All of these took place between February and August of 2015, in the departments of Bolívar, Cesar, Córdoba, Meta, Nariño, Sucre, Cauca, Antioquia, and the Urabá-Darién region. This has led to a lack of trust and has undermined proceedings for collective redress (national, community, and ethnic group cases), effective participation, and land restitution, evincing the Colombian state's challenge to urgently and efficiently adopt mechanisms for the non-recurrence of violent acts, the true protection of leaders, and the prosecution of perpetrators, as well as to support and implement departmental and municipal prevention and protection plans that would help establish security conditions under which victims could exercise and claim their rights.

c. Monitoring and accompaniment of the restitution of lands and territories

The GS/OAS reiterates the concern set forth in the prior report on finding an urgent solution to the vulnerability of second occupant families. Through the MAPP/OAS, the GS/OAS has been observing that in extensive regions of rural Colombia, groups of victims of forced abandonment and dispossession, seeking to meet their unmet basic needs, have returned to the properties from where they were dispossessed and have established their effective presence—sometimes peacefully and other times not—on those properties before a decision has been reached in the legal proceedings over the ownership thereof, whether through ordinary proceedings or through the land restitution process established in Law 1448/11. Examples of this include the cases of “Las Pavas” in southern Bolívar and of several villages in the Urabá Antioqueño region, where contested access to lands has pitted various populations against each other, as a result of the state having awarded rights to and the expectation of rights to the same property to various individuals and groups, through different ownership proceedings.⁵³

The GS/OAS through the MAPP/OAS considers this dynamic to be one of the emerging social conflicts derived from the land restitution policy. The competent institutions have condemned the actions of these returnees, classifying them as unlawful occupations, invasions, and patently illegal, while the communities themselves have declared that they are victims of dispossession and that their actions are not illegal. In view of this, the GS/OAS urges judicial and government bodies to act swiftly in cases that seek to address the complaints made by victims of forced abandonment and dispossession, since a fast response on the ownership of the dispossessed lands will prevent new trouble spots from appearing and help avoid the use of violence as a means of addressing the issue.

52. In his capacity as a leader, he had been promoting the restitution of black communities' territorial rights, confronting such issues as monocultures/agro-industry, indiscriminate timber logging, mining, the spraying of glyphosate on basic food crops, the loss of identifying and cultural elements due to environmental damage to their territories, and the appropriation thereof by communities responding to the interests of insurgent groups operating in their collective territories.

53. The IACHR has indicated that there are multiple challenges facing the land restitution process, including the return and continued presence of the communities whose lands have been restituted in those places. This affects the effective enjoyment of the right to restitution, as the Mission notes in its section on protection measures for victim representatives and leaders. The lack of security guarantees for individuals involved in these processes continues to be reported.

Likewise, victims will be able to access redress, and the authorities will handle the relevant proceedings.

Along these lines, the GS/OAS is concerned about the situation of parties with other ethnicities, like indigenous reservations and community councils, whose collective territories have been settled and repopulated by campesino communities, who often join their ancestral organizations and thereby directly interfere with the continued existence thereof.⁵⁴ Through the MAPP/OAS, the GS/OAS, in its monitoring activities in Chocó department, in Darién Chocoano, and in the Catatumbo region in Norte de Santander department, has identified a strategy for intervention in the collective territories of ethnic communities that is conducive to modifying the traditional relationships with the land and with the ancestral authorities. An example of this modification is the breakdown of the socio-cultural fabric of the ethnic collectives around the proliferation of agro-industrial monoculture, mining, the wrongful use of timber, and the exploitation of preservation zones inside the collective territories, among other issues.

The GS/OAS highlights the progress made on the restitution of territorial rights in Chocó department with the claim for land restitution for 43 communities, made up of 12,116 people and 2,316 families of the *Consejo Comunitario Mayor de la Organización Popular Campesina del Alto Atrato* [Greater Community Council of the People's Campesino Organization of Alto Atrato] (COCOMOPOCA), as well as with the claim submitted by the Awá people for 3,799 Awá indigenous persons, representing 625 families that live on more than 48,000 hectares located between the municipalities of Samaniego and Barbacoas in Nariño department.⁵⁵

The IACHR is especially concerned about the information it received on the alarming situation reported in the months of March and April 2015 in the Algo Anágueda (Bagadó - Chocó) zone. This situation resulted from military operations against the ELN and the actions of the ELN that affected approximately 1,000 Afro-Colombian and indigenous persons, restricting their free movement and causing them to have to suspend their subsistence activities, leading to their confinement. The IACHR also condemned the assassinations of Fernando Salazar Calvo, Embera Chamí defender and union leader, and Carlos Eduardo Barreto Carcamo of the Yukpa people, in April and June 2015, respectively. The latter was allegedly committed by the National Police. In addition, the IACHR received worrisome information about indigenous Embera individuals who have been displaced due to the antipersonnel landmines that were allegedly laid in 2015 in the municipalities of Urrao, Ituango, Taraz, and Segovia. The Zenú indigenous people in the reservations located in Cáceres, Caucasia, Segovia, Zaragoza, and El Bagre, are affected and victimized by antipersonnel landmines in their territories, illegal recruitment, and confinement.

On the other hand, the GS/OAS applauds the recognition given by the Colombian state in the judgment handed down in favor of the *Consejo Comunitario Renacer Negro* [Black Rebirth Community Council] of Timbiquí,⁵⁶ which guarantees the rights of peoples with different ethnicities and, in particular, of black communities at the beginning of the Decade for People of African

54. The IACHR has identified that, since Ethnic Decrees 4633 and 4635 of 2011 went into force, there has been very little progress made in terms of ethnic groups' effective enjoyment of their rights.

55. Special Administrative Unit for Managing the Restitution of Dispossessed Lands (UAEGRTD), Friday, June 26, 2015.

56. Judgment No. 071 of July 1, 2015 of the First Civil Court of the specialized land restitution circuit in Popayán. Black Rebirth Community Council, Timbiquí, Cauca.

Descent.⁵⁷ This judgment returns more than 70,100 hectares to some 800 families who form the Community Council and acknowledges the impacts of the indiscriminate aerial spraying of glyphosate to eradicate coca crops. Such spraying has affected water sources and the health of the communities. The ruling likewise acknowledges the adverse effects of mechanized mining on the environment, its symbiotic relationship with the community, and its consequent effects on water sources, farming land, preservation and even recreational zones, thus directly affecting the worldview, culture, and continued existence of ethnically differentiated peoples. The ruling also establishes a mining zone for the black community, in recognition of this ancestral practice in the black communities, and suspends the titles and mining concessions involving the territory of the Black Rebirth Community Council that had been granted.⁵⁸

d. Support and accompaniment for local initiatives to build truth and historical memory

The GS/OAS highlights the significant progress made on satisfaction measures during the monitoring period discussed herein. These measures are typically geared towards building historical memory and disseminating it. For the GS/OAS, the 18 reports published by the National Center for Historical Memory play a major role in the public, community, and national debates on peace building, which include criticisms of the products designed.⁵⁹ The book “*Con licencia para desplazar* [With license to displace]” stands out among these reports. It is the result of an investigation on the more than one hundred twenty thousand (120,000) victims who were displaced due to the sixty-six (66) massacres that occurred in the region of Catatumbo, Norte de Santander, during the armed conflict. Also notable is the publication of the book “*Pueblos Arrasados* [Razed Villages],” which discusses displacement in the El Castillo municipality (Meta), and highlights the human rights violations suffered by the *Unión Patriótica* [Patriotic Union] and the *Partido Comunista Colombiano* [Colombian Communist Party], among other acts. These publications were part of the “*Una nación desplazada* [A displaced nation]” series.⁶⁰

The National Center for Historical Memory’s memory-building efforts have not only been aimed at publishing reports, but also at implementing pedagogy and participative memory-building

57. Resolution 68/237 of the United Nations General Assembly, which proclaimed the International Decade for People of African Descent, which began on January 1, 2015, and will conclude on December 31, 2024, with the theme “People of African descent: recognition, justice and development.”

58. At the March 2015 IACHR hearing on human rights and resettlement processes in Colombia, the social organizations indicated that in the absence of state guarantees in the resettlement of the displaced population, social conflicts would occur in the emerging communities. It was allegedly difficult for Law 1448/11 and Decree 4829/11 to answer the question of how to enter the restitution process, and in addition, the decisions of the land restitution judges were not fully complied with and relocation was also abandoned as a way to resolve victims’ problems. The IACHR also pointed out that 30% of displaced campesinos expressed interest in returning to the country, thus calling for the state to guarantee the minimum conditions for them to return with security and dignity. Despite the existence of Decree 250/05 (National Plan for Comprehensive Support of the Population Displaced by Violence), which includes a component to address basic housing needs, it continues to be demonstrated that homes do not meet the minimum structural requirements and would be inadequate to respond to the needs of the people who use them.

59. In several of the cases documented the communities have questioned the failure to include stories they consider relevant, and have disagreed with “the truth set forth in these documents.” On the other hand, cases like that of the municipality of La Jagua de Ibirico reveal that a large number of stories have not moved beyond the communities, since conditions for “telling them officially” do not exist.

60. The IACHR expressed its appreciation of the fact that 40 collective historical-memory-building processes had been supported, which met the goal budgeted for the four-year period.

through illustrative training primers, for example the primer “*Caminos para la memoria* [Paths towards memory]” which provides information on pathways and mechanisms for victims and communities to access the processes and projects of, and calls made by, the Colombian state. The Center also plans to continue with its actions to protect memory archives that have been compiled by social and victims’ organizations, through a toolbox for human rights file managers. In addition to this historical-memory-building work with communities and victims, the GS/OAS also applauds the significant progress made by all departments of the National Center for Historical Memory. Of particular note is the project to build the National Memory Museum, which will inclusively help clarify human rights violations and contribute to pedagogy for a culture of peace and non-violence. A significant advancement in the territories is the accompaniment of the National Center for Historical Memory’s Memory Museum Division⁶¹ support for the construction of memory sites in municipalities like: Apartadó, Liborina, Floridablanca, Bucaramanga, Bojayá, Villavicencio, San Martín, El Castillo, and Trujillo. The GS/OAS also welcomes the start of the strategy to develop a memory process regionally focused on Catatumbo, Norte de Santander.

The Truth Agreements Department is moving forward with writing the reports on the Cacique Nutibara, Calima, and Tolima Self-Defense Forces blocs, the most notable of which is the sexual violence report. That said, in terms of historical memory, the GS/OAS is concerned that not all of the territorial memory initiatives that could pave the way for a culture of territorial peace are being adopted by other Colombian state institutions, meaning that there is a risk that they will not be repeated as good practices in future post-conflict zones.

III. SECURITY CONDITIONS, IMPACTS AND CONTEXTS

a. Monitoring of the contexts of armed conflict

The GS/OAS has taken note of the community perception in some regions of the country as regards the changes in the political and social discourse and actions of the FARC-EP and ELN guerrilla groups based on the potential scenarios that could stem from the negotiation and talks currently underway with the national government. It has also perceived high levels of pessimism surrounding post-agreement scenarios, notably the possible realignment and reshuffling of illegal structures in Colombia creating new scenarios of violence.

In this regard, the GS/OAS has remarked that the communities located in the areas that have experienced the most intense armed conflict have not seen significant transformation in their realities following the implementation of measures that both the Colombian government and FARC-EP have approved to de-escalate confrontation as part of the dialogue process between the parties. The presence of elements that continue to affect the security of communities serves to deepen their pessimism about the real impact that these de-escalation measures have on their daily lives. For example, extortion remains a daily reality, even having increased over this period; communities are forced to attend meetings on the orders of guerrilla members to learn about their socio-economic and political guidelines; and social control is an undisguisable reality, even though no one reports these activities.

As regards the guerrilla groups’ territorial control, communities perceive that the FARC-EP has reduced its armed activities against law enforcement and economic, electric, and road

61. Second Report of the Commission to Track and Monitor Compliance with Law 1448/11 to the Congress of the Republic. August 2015. Page 155.

infrastructure, while the ELN has increased its fighting. The FARC-EP has also ceded, permitted, or approved the ELN's occupation of some geographic regions that had historically been under FARC control and hegemony, leading to the reorganization of factions and illegal actors in certain areas. These regions are characterized as being a strategic, high potential corridor for mobilizing and conducting illegal economic activities. This has led to some confrontations between the ELN and BACRIM (criminal bands).

Similarly, the GS/OAS has observed in Colombia that the phenomenon of post-demobilization structures, better known as criminal bands (BACRIM),⁶² is increasingly more fragmented due to law enforcement activities. Although it is clear that the armed and criminal coordination, growth, and expansion of these structures have been limited by the authorities, some of their main leaders continue to operate from hiding, thereby continuing to impact communities. During this period, in addition to the captures, seizures, and forfeitures, the Ministry of Defense reported the death—during armed conflict with law enforcement in the department of Vichada—of Martín Farfán Díaz, alias “Pijarvey,” considered the most important leader of the criminal band “Libertadores de Vichada.” Similarly, in the Catatumbo region in the department of Norte de Santander, Víctor Ramón Navarro Serrano, alias “Megateo,” was killed on October 2, 2015. Although he was not recognized by the Colombian government as a member of a criminal band, he was considered a strategic high-value target for his involvement in illegal activities, especially those related to drug trafficking in that border region of the country, and his possible relationship with other illegal armed groups.

As regards Colombian government efforts to manage security conditions, the GS/OAS recognizes the capture and prosecution of and military operations against some of the leaders of criminal bands in the departments of Atlántico, Magdalena, Norte de Santander, Sucre, Córdoba, Valle del Cauca, and Cesar.⁶³ During this period, the Attorney General's Office has prosecuted 1,800 alleged members of criminal bands and has issued 900 sentences to persons involved with organized criminal groups in Colombia.⁶⁴

However, in regions like Bajo Cauca Antioqueño and southern Chocó, among others, this phenomenon persists due to the prevailing illegal activities, like smuggling, micro-drug trafficking, illegal mining, and extortion. The worst manifestation is observed in rural areas where the so-called “*Clan Úsuga*” or “*Los Urabeños*” or “*Autodefensas Gaitanistas de Colombia*” (Gaitanista Self-Defense Forces of Colombia) have armed, uniformed, and organized structures capable of confronting other illegal armed groups over territorial control to take over the economic resources of the region.

In addition to these contexts mentioned above, other illegal armed structures have been identified in some regions. These are groups that, although they may not be recognized by the Colombian government as criminal bands, are identified by the communities as having direct links

62. Name given by the Colombian government.

63. Some significant events that demonstrate this progress occurred as part of Operation Nemesis, which, in addition to bringing down alias ‘Pijarvey’ and alias ‘Megateo’, was also a strike against criminality, given the capture of alleged members of organized criminal gangs, of which 148 belonged to the *Clan Usuga*, 29 to the *Rastrojos*, and the remaining to other groups. The crimes for which they will answer are: criminal association, aggravated homicide, terrorist financing, illegal possession of weapons, forced displacement, kidnapping for extortion, drug trafficking, and the use of minors for committing crimes. Source: Press conference of the Attorney General, Eduardo Montealegre, October 2015.

64. Press conference of the Attorney General, Eduardo Montealegre, October 2015.

to the post-demobilization phenomenon, typically because they are used by the criminal bands or they conduct the same illegal activities.⁶⁵

In the Catatumbo region, department of Norte de Santander, the presence of EPL has been identified. EPL is considered a criminal holdout of the 90s demobilization, which has expanded its presence in recent months in several municipalities of the Catatumbo region, primarily by controlling the drug trafficking economy. It has done so without entering into an open conflict with the guerrilla groups in the area; there have even been alliances observed with post-demobilization structures.

The GS/OAS has recognized on various occasions the positive impact that the process of disarming and demobilizing the AUC has had on communities and their territories. Nonetheless, some communities, opinion makers, political leaders, and even national and international authorities have been observed as making persistent reference to the phenomenon of “paramilitarism” to refer to post-mobilization groups or criminal bands. The indistinct use of terms illustrates the ambiguities that exist when conceptualizing or interpreting whether it is the same phenomenon of the past, whether they are two separate phenomena, or whether it is a phenomenon of organized crime linked to paramilitarism, without necessarily having all the characteristics of the latter. This is a challenge for the Colombian government and society as a whole as they address an issue that greatly affects rule of law, the economy, institutions, and the security of communities, leaders, and ex-combatants. It also poses a challenge to potentially bringing these illegal armed groups to justice.

Against this backdrop, the Attorney General’s Office drafted a bill that is currently being debated in the Colombian congress, which aims to enact legislation to facilitate the collective prosecution of members of criminal organization.⁶⁶

As regards impacts to the communities, it bears noting the instruments imposed by post-demobilized structures, including social regulations and other issues. They do so, for example, by establishing rules of conduct, restrictions on mobility, curfews, and social sanctions in strategic areas of interest. These are the main measures employed by these groups to keep order and guarantee security in the area, and in so doing, limit and violate the fundamental rights of these communities.

As pertains to this issue, the GS/OAS has received information that in regions like northern Urabá-western Antioquia, southern Córdoba, Bajo Cauca, and northeastern Antioquia, the criminal band *Clan Úsuga* or *Los Urabeños* is the main group that has established “guidelines for co-existence,” through which it grants itself the authority to resolve disputes in the community, implementing punishments to set an example, like payment of fines, street cleaning, returning stolen goods, or the forced displacement of one or several persons in the community, in order to keep order in the territory. In some cases, the group intervenes and establishes itself as the “competent authority” or a parallel authority, and in other cases the residents themselves appeal to the group, requesting mediation of conflicts.

65. Generally, this association depends on the relationship that these structures have with the BACRIM (alliance/confrontation), given that the latter are present in areas where these structures also operate and/or they have the same modus operandi or work in the same illegal activities. A few notable examples are: *El Clan Giraldo* in Magdalena and La Guajira, *La Oficina de Envigado* in Antioquia, and *Los Botalones* in Boyacá.

66. Colombia is looking to establish a criminal procedure to bring criminal organizations to justice, through a series of incentives that would either fully or partially dismantle these organizations and put an end to their criminal activities. See: Draft Law No. 102/14.

Another phenomenon studied by the GS/OAS is the recruitment and use of children, adolescents, and young adults in the Colombian armed conflict. The GS/OAS is concerned by the paltry number of official reports against this crime, despite the continued practice by post-demobilization groups. Even more alarming is the fact that, in some places in Colombia, the situation is perceived as an alternative or life choice for youth who decide to join criminal groups, claiming a lack of opportunities and economic incentives to support their families. This often manifests itself through gangs or groups of youth, mostly male, who are used by criminal bands to carry out micro-trafficking.⁶⁷ This phenomenon has been identified in the municipalities of the Banana Axis, in the Urabá Antioqueño region.⁶⁸ The IACHR has expressed its concern surrounding the levels of sexual violence against children and adolescents occurring as part of the armed conflict. According to the Office of the Ombudsman, there were 163,216 child victims of sexual crimes between 2004 and 2015.

Specifically regarding girls, there have been cases identified of girls being recruited, who often end up with unwanted pregnancies and even subjected to sexual violence. This situation has been noted in places like southern Córdoba, Norte de Santander (Villa del Rosario y Cúcuta), Valle del Cauca (Pradera), Bajo Cauca Antioqueño, and Antioquia (Medellín), where *Los Urabeños/Úsuga/Gaitanistas* have a presence.

The GS/OAS, through the MAPP/OAS, has identified a considerable increase in illegal migration, in which people—primarily from Africa, Asia, and other Latin American countries—are transiting through Colombian territory on their way to the United States. These people typically enter Colombia illegally with the assistance of transnational organizations working in human smuggling. They transport foreigners to regions like Urabá-Darién, where activities are heavily regulated by the *Clan Úsuga/Urabeños/Gaitanistas*, in search of economic benefit from charging for the use of the routes.

Based on this context, the migrant population illegally in Colombia is especially vulnerable to human rights violations, given that they fear being arrested if they report any violations. Even more concerning is that authorities are not clear as to their responsibility to protect and provide guarantees to these people, since, in most cases, they claim that there are no guidelines from the central government to address the complexities of this phenomenon.

67. According to the IACHR, the Constitutional Court has ruled on the time constraints of the law in terms of demobilization and on the possibility of the victims of illegal armed post-mobilization groups and the so-called “BACRIM” gaining access to the reparation mechanisms of Law 1448/11, but there are persistent administrative barriers and obstacles to recognizing children and adolescents as victims. It is concerning that some adolescents that are used by these criminal structures could be subject to the juvenile system for criminal liability and would not be treated as victims, given that administrative authorities, in some cases, make restrictive interpretations of the Constitutional Court resolutions.

68. According to the Constitutional Court, the Colombian government has noted a reduction in three of the main registries that report the recruitment of children and adolescents between 2004 and 2015: the ICBF [Colombian Institute of Family Wellbeing] database of children separated from the groups, the RUV database of the UARIV, and the municipalities in which there had been a noted risk of recruitment reported in the risk reports and follow-up notes of the early-warning system of the Office of the Ombudsman. Without prejudice to the government’s efforts, the IACHR remains concerned about the effectiveness of current policies to disassociate children and adolescents tied to illegal armed groups to reach all children and adolescents affected and provide comprehensive care. Structural weaknesses have been identified, which prevent this type of measure from having a greater impact on protecting children and adolescents, as indicated by the Committee for Follow-up and Monitoring of Law 1448/11.

b. Monitoring of the social conflict

The GS/OAS observes that for the communities and authorities that have been affected by illegal armed groups and those that were witness to the various DDR processes in Colombia—as long as there are territories with a weak state presence and resources that lend themselves to illicit activities—there will continue to be situations marked by criminality (drug trafficking and micro-trafficking, illegal mining, and extortion) or informal activities (small-scale mining, motorcycle taxis) that will be used by illegal armed actors to extract revenue, thereby perpetuating a vicious cycle of the restructuring of violence and insecurity.

The GS/OAS draws attention to the possibility that new socio-environmental and socio-economic conflicts related to the use of natural resources, lands, and territories may emerge in some regions of the country, as an outgrowth of the coexistence of diverse interests and the demands of some sectors that have historically been neglected. Cases like the lack of land formalization, appropriation of water sources like marshes and bodies of water, the expropriation of land for mineral and hydrocarbon exploration, tensions between land restitution and mining permits granted by the Colombian government, among others, may become flashpoints of socio-environmental conflict that could bring indigenous persons, Afro-descendants, peasants, businesses and business owners, and even the Colombian state into confrontation over lands with indigenous reservations, community councils in black communities, environmentally-protected areas, and peasant reservation areas (either established and/or requested).

c. State actions

The GS/OAS underscores “Operation Agamenón” as the main strategy of the Colombian government to combat the post-mobilization groups that continue to develop in the Urabá Antioqueño, southern Córdoba, and Darién Chocoano regions, specifically the main leaders of the *Clan Úsuga/Urabeños/Gaitanistas* groups.

The operation that began in February and involves a substantial number of members of the National Police has borne significant results that translate into captures, forfeitures, the destruction of laboratories and camps, which demonstrate the coordination efforts among the National Police, Attorney General’s Office, and the National Army. Against this backdrop, humanitarian situations have been reported, like mass displacements stemming from operations conducted in rural areas in the municipalities of Turbo (Antioquia) and Unguía (Chocó). This reflects the need to prevent this type of scenario to guarantee the rights of the people.

The GS/OAS highlights the deplorable event that occurred on August 4, 2015, in which a detachment of 16 members of the Colombian National Police lost their lives during the operation when one of the airplanes crashed.

In regions where law enforcement presence is not as strong, some of the factions of these post-mobilization groups have been perceived as developing an armed, military-like structure that has allowed them to confront other illegal armed groups, such as in the rural area of the municipality of Zaragoza (Antioquia), along the border with the municipality of Segovia, where the *Clan Úsuga* directly enters into conflict with the ELN group present in the region.

The GS/OAS is concerned that, based on community perceptions, there continue to be cases in which public servants, employees, and judicial employees or members of law enforcement have been involved in acts of corruption or omission in the carrying out of their duties, on occasion as a result of the intervention of post-demobilization groups. An example is what happened in the

department of Caquetá, with the arrest of the mayor of Florencia and eleven councilmembers for alleged acts of corruption and links to illegal armed groups. A positive aspect of this phenomenon is that the same authorities, due to internal oversight, have set into motion actions to correct these irregularities.

As regards the manual eradication of illicit crops, the GS/OAS recognizes that this activity is better received by peasant populations than aerial fumigation. However, manual eradication typically requires that workers be accompanied by law enforcement and, as a result, illegal armed actors threaten or thwart the efforts of the eradication crews by planting antipersonnel mines (APM), which has impacted both civilians and uniformed personnel. Thus, one of the government's priorities is to decontaminate the areas with APM and unexploded ordnance. The government also takes into consideration local proposals for voluntary eradication carried out by the affected communities that have a consensus and local development plan that promotes the sustainability of replacement crops, like the Pacelli Plan in the municipality of Tibú, Norte de Santander.

IV. DEMOBILIZATION, DISARMAMENT AND REINTEGRATION (DDR)

a. Support for reintegration policies, with an emphasis on the process for being received by communities

According to the figures of the Colombian Agency for Reintegration (ACR),⁶⁹ of the 48,358 people who began the reintegration process with the ACR, 9,259 completed the process and 21,003 are still in the process of completing it nationally. Encouragingly, in departments like Casanare, 100% of the participants are expected to graduate before April 2016.

In terms of health, 90.1% of the participants in the reintegration process are enrolled in the General Health Social Security System (SGSS); 44% fall under the contributor scheme and 46% under the subsidized regime. There were 24,020 people in the reintegration process that received care last year, of which 23,991, i.e. 99%, received psychosocial treatment.

It bears noting that the ACR has included at each of its service centers at least one staff member specializing in clinical psychology. This allows them to provide better care for the growing diagnosis of clinical pathologies among the demobilized combatants.

For the period covered by this report, the GS/OAS, through the MAPP/OAS, assisted and supported the interinstitutional coordination for the implementation of Law 1424/10 in Colombia. The project allowed for progress in the creation and formalization of forums for dialogue and interinstitutional agreements across Colombia. The project also served to enable participants of the reintegration process to identify advances, challenges, and obstacles surrounding the implementation of the law.⁷⁰ Despite the significant strides made, a lack of awareness and knowledge among judicial

69. The joint work was conducted with the Colombian Agency for Reintegration (ACR), National Center for Historical Memory (CNMH) and the Truth Agreements Department (DAV), the Attorney General's Office, Office of the Ombudsman, and judicial operators. It began in the first half of 2015 with resources from the International Organization for Migration (IOM).

70. Although it does not have a formal role set in national law, the Office of the Ombudsman in the various regions has shown great commitment to the process since the very beginning, actively participating in the meetings to discuss the issues and find solutions, in trainings on the process, and service or treatment fairs scheduled in some regions, in order to provide participants a one-stop-shop for information and treatment for each case.

operators was identified as pertains to matters of transitional justice, as well as the persistent insufficient communication among the institutions responsible for enforcing the law and verification of the legal requirements. These issues directly affect those in the reintegration process, who in many cases have been brought before the competent authority by way of a preventive detention measure to give their statement or are detained to serve out a sentence in which they have not been granted a conditional suspended sentence.

Beyond the efforts made by institutions and the commitment of the participants, it is concerning that a conviction with a suspended sentence still means demobilized persons cannot be hired by the State. There is a considerable number of demobilized persons who studied law and already received their professional card, but once the sentence is handed down, the card is suspended.⁷¹ The GS/OAS welcomes the efforts of the ACR to find a legal solution to this contradiction which creates legal instability for participants and sends a negative message to those who could possibly put down their arms.

Given the enormous challenges Colombia must face, the GS/OAS highlights the importance of the participation of the private sector in the various scenarios for building peace and reconciliation. One of the scenarios is the reintegration into the work force of ex-combatants. The ACR has a registry of 160 companies that have been associated with the reintegration process and provide employment to around 1,500 demobilized combatants. Some of the companies are Coltabaco, Éxito, Coca-Cola Femsa, Banco Caja Social, Sodexo, Jumbo, Eternit, Terpel, Bancolombia, Bavaria, Sociedad de Agricultores y Ganaderos del Valle, the Grajales Group in the Cauca valley, among others. Although these figures represent progress, they remain low when compared to the overall number of demobilized persons in the reintegration process.

Current figures in Colombia indicate that of the 58,000 demobilized persons, 48,000 have begun the reintegration process, of which 66% are committed to the process. Against this backdrop, only 24% have reoffended or are at risk of doing so. As things are, the enormous challenge will be creating the institutional responsiveness to prevent recidivism among demobilized combatants and ensuring that the process for bringing them back into the legal fold is sustainable. To this point, both society and the State as a whole must be fully committed.

The GS/OAS, through the MAPP/OAS, has assisted in 36 demobilizations of AUC members and one of the Guevarista Revolutionary Army (ERG). This support has made it possible to have lessons learned in terms of troop concentration, demobilization routes, and weapons registration, among other issues. These lessons must be considered for future DDR processes to mitigate risks and strengthen best practices. Furthermore, the GS/OAS, through the MAPP/OAS, has been supporting the initiative of some indigenous peoples to build care plans within communities, using an ethnic approach, for ex-combatants who belong to their indigenous communities and decide to return. To date, these exercises have been carried out in the departments of Cauca⁷², Putumayo,⁷³ and Nariño.⁷⁴

71. According to Article 29 of Law 1123/07, "Disciplinary Code for Attorneys," in Colombia, no person may practice law who has been "deprived of his liberty as a consequence of the imposition of a preventive detention measure or a conviction, except when to exercise in his own case, without prejudice to penitentiary and prison regulations."

72. This exercise was conducted in conjunction with the ACR to strengthen dialogues with indigenous reservations in the department and with organizations like the *Asociación de Cabildos Indígenas del Norte del Cauca* [North Cauca Association of Indigenous Councils] (ACIN) and the *Consejo Regional Indígena del Cauca* [Regional Indigenous Council of Cauca] (CRIC)

73. Exercise conducted in conjunction with the OZIP [Zonal Indigenous Organization of Putumayo] and the ACR.

Based on these initial exercises, future steps will be made in respect of the timeline set by each community to build a proposal for the departments of Putumayo, Nariño, Cauca, Valle, Chocó, and Caquetá.

V. PEACE BUILDING AND RECONCILIATION

The GS/OAS underscores the awareness activities the Colombian government has been implementing in some regions regarding the developments of the negotiation process with the FARC-EP in Havana. These actions should be more broadly disseminated and promoted to expand and enhance the impact on communities in a more pedagogical and participatory fashion.

The GS/OAS welcomes the advances made in the framework of the talks to put an end to the conflict and build a stable and lasting peace between the Colombian government and the FARC-EP. The parties have reaffirmed the centrality of the victims and their commitment to a comprehensive system of truth, justice, redress, and guarantees of non-repetition, in addition to the progress made in matters of agricultural development policy, political engagement, solving the illegal drug problem, victims, and ending the conflict. It bears noting that Colombia serves as an example for the world in terms of allowing victims to participate by bringing their proposals to the negotiation table. On June 7, 2014, in a joint press release between the negotiating team for the Colombian government and the FARC-EP, the “Declaration of Principles for the Discussion of Point 5 of the Negotiation Agenda: Victims” was announced.⁷⁵ The GS/OAS also highlights the progress made in the presentation of the report of the Historical Commission on the Conflict and its Victims (*Comisión Histórica del Conflicto y sus Víctimas*), as well as the two (2) press releases issued by women’s and LGBTI organizations that met with the subcommittee on gender;⁷⁶ the agreement on purging and decontaminating Colombia of antipersonnel mines, improvised explosive devices and unexploded ordnance or explosive remnants of war in general (March 7, press release No. 52); the agreement to create the Special Jurisdiction for Peace (September 23, 2015); and the most recent announcement on the immediate measures for confidence-building to enable the search, location, identification, and

74. In Putumayo, the *Organización Zonal Indígena de Putumayo* [Zonal Indigenous Organization of Putumayo] (OZIP) leads the efforts. With the support of the ACR and MAPP/OAS, several regional reflection exercises have been carried out in the communities. Initially, the exercise addressed what the concepts of land, culture, and authority mean to them. Nariño, which initially proposed the participation of institutions in these reflection exercises, underscored the importance of and commitment to working on the issue, but has reconsidered the methodology and proposes taking the forum to the communities in its region, with the active participation of its own authorities and agrees with Putumayo on the need for deep reflection on the meaning of land, culture, and authority, based on its worldview.

75. Ten principles were established to develop the point on victims: 1. Recognition of the victims; 2. Recognition of responsibility; 3. Fulfillment of victims’ rights; 4. Victim participation; 5. Clarification of the truth; 6. Reparation for victims; 7. Guarantees of protection and security; 8. Guarantee of non-repetition; 9. Principle of reconciliation; 10. Rights-based approach. It also called for the organization of regional forums to gather input and proposals from victims and agreed to the participation of delegations of victims at the negotiating table in Havana, represented by 27 victimizing events and the 32 departments in Colombia.

76. Office of the High Commissioner for Peace. Available at: <http://www.altocomisionadoparalapaz.gov.co/contruccion/Pages/default.aspx>. February 11 and March 6. The organizations for women victims, peasants, indigenous, Afro-descendant, ex-combatants, and lesbian, gay, bisexual, transsexual, and intersex (LGBTI), and human rights advocate leaders present in Havana, Cuba at the second meeting of the sub-committee on gender, with full presence at the negotiation table between the government and the FARC-EP.

dignified return of the remains of persons reported missing in the context of and due to the armed conflict (joint press release No. 62 of October 17, 2015).

The GS/OAS also welcomes the initiatives of social organizations that have partnered with national institutions to advance the discussion and identification of regional peace initiatives. An example is the Worker's Trade Union (*Unión Sindical Obrera*, USO) in the oil industry that holds more than fifty local assemblies, eleven regional assemblies, and one national assembly, with a view to using the mining and energy sector to enable the participatory and pluralistic building of a comprehensive, stable, and lasting peace, through regional initiatives in key areas of the country, founded on strengthening democracy and the ongoing promotion of a culture of peace.⁷⁷

However, despite this significant headway, the GS/OAS is concerned by the lacking awareness of the partial agreements reached in Havana, Cuba between local institutions and the communities that are still living through the armed conflict in Colombia. This makes the most vulnerable populations and regions most isolated from the municipal centers to be highly skeptical of the peace process. Even more worrisome is the weak regional institutional capacity to create stable and sustainable conditions to implement the agreements in the regions. Much is still needed to boost confidence and institutional and community capacity for dialogue, given that the perception in the regions is that, even after the signing of the accords, "nothing will happen" or "everything will stay the same." To this end, it will be important for citizen engagement to be incorporated from the outset in the planning and implementation of the agreements to take rapid response actions that are participatory and inclusive, in order to prepare for the post-agreement period.

In the framework of the special jurisdiction for peace, the GS/OAS is concerned about the weak clarity surrounding issues like the purview of the Special Tribunal for Peace, since institutional and social organization representatives hold different views on issues like the immediate transfer to the special tribunal for matters related to the armed conflict and, particularly, cases of false positives or all extrajudicial executions.⁷⁸ Additionally, there is substantive debate on whether or not there should be differential treatment of members of the FARC-EP, agents of the state, and third-parties who have financed or collaborated with illegal armed groups, among others. The IACHR shares the GS/OAS's concern, highlighting the lack of clarity surrounding the purview of the Special Jurisdiction for Peace and its components. It notes that it will provide further information at a later date when it issues its opinion on the matter, after having heard the perspectives of the state and civil society.

As regards the new institutional framework, the national government and the FARC-EP have announced that once the Final Agreement is signed, the work of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition will begin, with the aim of "contributing to clarifying what has happened and offering a broad explanation of the complexity of the conflict, in order to promote a shared understanding in society, particularly of the lesser-known aspects of the conflict."⁷⁹

77. Base document for the Second National USO (Worker's Trade Union) Assembly for Peace.

78. During the hearing held in March 2015 on reports of extrajudicial executions and impunity in Colombia, social organizations informed the IACHR that there were 230 documented cases of extrajudicial executions carried out by the current government. They claimed that, although these 230 cases indicated a decline in comparison to the previous period, the violations of the right to life attributed to agents of the state continued. The State indicated that this information was being verified and that some of the events were in self-defense and occurred as part of military operations and that in other cases the people are still alive or the event did not fall within the period being studied.

79. Office of the High Commissioner for Peace. Available at:

Against this backdrop, the Colombian government has made substantial strides in recovering the memory (documents, oral testimonies, among others), through the current Center for Historical Memory. As such, the GS/OAS urges the government to harness and coordinate all the experience of the Center, the methodology, participatory and academic processes for building memory, as part of the establishing of the Commission.

The GS/OAS also urges the Colombian government to carry out, prior to the signing of the Final Agreement, appropriate preparations for the implementation of the comprehensive system for truth, justice, redress, and guarantees of non-repetition. One of the lessons learned from the National System for Support and Comprehensive Redress of Victims (SNARIV) is that the Technical Secretariat of the executive committee does not have political or legal authority, meaning that government institutions forming part of this system outrank the Technical Secretariat held by the Unit for Support and Comprehensive Redress of Victims (UARIV). If this structural flaw is not accounted for, there could be a repetition of non-compliance on the part of institutions that fail to timely and effectively adapt their actions to the framework of truth, justice, reparation, and guarantees of non-repetition.

The GS/OAS is convinced that the true impact of the agreements will depend on how the regional proposals for peace are incorporated, taking into account diversity (ethnicity, rights of women, LGBTI, children and adolescents, among others), given that the implementation plan of the agreements will be region-specific. The GS/OAS, through the MAPP/OAS, is acting to support and monitor the institutional and community preparedness for territorial peace building, placing special emphasis on supporting peace initiatives (of institutions and social organizations), peace-centered pedagogy, and community engagement in developing plans for a possible post-agreement scenario in their regions.

VI. RECOMMENDATIONS

1. A significant part of the efforts of the Colombian government as a whole should be geared toward preventing violent acts and the re-victimization of the Colombian society. To this end, human rights should be effectively safeguarded and protected, particularly the following points:
 - 1.1 In cases of violations of human rights and international humanitarian law, land claimants, leaders and members of ethnic groups depend on the immediate action of urgent protection measures,⁸⁰ which take both individual and collective security and

<http://www.altocomisionadoparalapaz.gov.co/oacp/Pages/informes-especiales/jurisdiccion-especial-paz/index.html>

80. For cases of victims covered by Article 3 of Law 1448/11 and participating in land restitution processes, the Constitutional Presumption of Risk must be considered in their favor, in keeping with Ruling 200 of 2007. For cases of victims who are women leaders, the Constitutional Presumption of Gender-based Risk is considered, as established in Ruling 098 of 2013. For cases of women who have been victims of sexual violence, as established by Law 1719 of 2014, “there is the presumption that there is aggravated vulnerability of the victims of sexual violence occurring during the armed conflict, risk of suffering new aggressions impacting their personal security and physical integrity, and disproportionate risks of sexual violence against Colombian women in the armed conflict, as stated by Ruling 092 of 2008 of the Constitutional Court. As such, the adoption of provisional protection measures that may be necessary cannot be limited by risk studies conducted by any competent authority” (Art. 22). For cases involving

protection into consideration. This is a clear problem for the continuation and consolidation of the processes, especially those related to collective redress and land restitution.

- 1.2 For the investigation, sanctions, and reparations for threats, attacks, and homicides of social, indigenous, and peasant leaders and of demobilized combatants, as well as the investigation of the facts heard by Transitional Justice, it is vital that access to justice be rapid and effective, given that delays in the investigations and lack of results engender a climate of mistrust in the peace-building processes.
 - 1.3 In the areas where applicants (former paramilitaries suspected of crimes that are to benefit from the Justice and Peace Law) are being assigned security and protection and there is a concentration of victims, they—especially victims—should be made aware of the need for these applicants to have protection, thereby preventing the feeling that the applicants have access to the same measures as before demobilizing. There must also be an ongoing training and awareness process for the media, such that press releases do not exacerbate the unease and fear of populations when the applicants are released.
 - 1.4 For issues stemming from illegal migration, it is especially important to protect and respect the rights of migrants as they transit through Colombian territory.⁸¹
 - 1.5 It is essential to strengthen the communication, support, and targeted monitoring processes for women who have not reported acts that affected their sexual integrity and the cases of children and adolescents who were victims of forced recruitment. The trust relationship between communities and Colombian state institutions must be bolstered, placing particular emphasis on the relationship with directly-impacted victims and their families.
2. The increase in social, economic, cultural, environmental, and security demands are legitimate aspirations that must be addressed now. To this end, the following is recommended at a local level:
 - 2.1 Define State strategies that have transformative impacts on communities to allow for the recovery and cohesion of the social fabric; increase citizen engagement and community service; promote self-sustaining development and job-creation projects; and reduce the humanitarian impact of illegal actors in communities.
 - 2.2 In order to stem the problems associated with criminal band activities, make headway with comprehensive measures that address the impact of the strategy in the regions and communities and, in turn, continue pursuing the implementation of effective

indigenous peoples and communities and Afro-descendant communities, Rulings 004 and 005 of 2009 recognize the disproportionate impacts that internal displacement has on the individual and collective rights of these communities and peoples.

81. The IACHR has identified the need for the state to strengthen policies and legislation for migrants. The Commission identified the need for the Colombian government to adopt the necessary measures to guarantee access to effective international protection for migrants that so require it, primarily Venezuelans immigrating to Colombia.

legal solutions that enable the dismantling of these structures and other manifestations of violence; request legal clarity on the EPL holdout in the Catatumbo region, considering the potential obstacle it could be for implementing the accords in this region.

- 2.3 Regarding land occupants, encourage institutions to find a solution that meets the multi-faceted demands of landless, vulnerable campesinos who are victims of being made to forcibly abandon the land that they have been living on and which is subject to the request for land restitution. The Colombian government should urgently provide a solution to the situation of rural women, who, given the historic invisibility of their relationship with agricultural property, face enormous barriers in showing “good faith without culpability” for the land they currently occupy.⁸²
3. The Colombian government should promote the attainment of new consensuses on the agreements that recognize cultural diversity, including the various social dynamics and needs to solve concrete problems in communities. These agreements initiate a process in which participation is a key factor. As such, the following is recommended:
 - 3.1. Begin designing possible scenarios in which regions could see a convergence of the return of applicants and that of those laying down their arms in the post-agreement with the FARC-EP and ELN guerrilla groups. These scenarios should produce a coordinated policy including the strategic objective of peace building, peaceful coexistence, and reconciliation.
 - 3.2. Assess the progress made over the last 15 years in Colombia in the area of reintegration, including, among others, the consolidation of a coherent, long-term, responsible and humane model. This model has also enabled compiling important experience, challenges, achievement, and knowledge.
 - 3.3. Act to link and monitor the participation of the institutions of the National System for Support and Comprehensive Redress of Victims (SNARIV) nationally and regionally, in order to timely implement the approved Collective Redress Plans, particularly in cases involving ethnic communities.
 - 3.4. Ensure that the evaluation, verification, and decision making related to the statements made by beneficiaries of the collective reparation requesting registration in the Single Register of Victims meet the terms set forth in the law.
 - 3.5. Conduct a technical policy review of the procedures and approaches used in national collective reparation cases, to prevent any political conflict with the IPC and other beneficiaries of national cases.

82. The IACHR agrees with the GS/OAS that the Colombian government should urgently provide a solution to the situation of rural women, who, given the historic invisibility of their relationship with agricultural property, face enormous barriers in showing “good faith without culpability” for the land they currently occupy. In this regard, in 2014, the Commission took note of the claim of the state that the Land Restitution Unit “has actions” to secure recognition of women’s direct right to land, for example, “flexibility in proof recognizing rural informality and the little involvement that women have had in public spaces,” among other things.

- 3.6. Provide urgent technical support to the victims' participation committees to ensure the review of Territorial Action Plans and guarantee that the committees are included in the development plans of local authorities recently elected in October 2015.
- 3.7. Make a special appeal to the Colombian government to inform the victims of the armed conflict of the current situation of the communiqués and bills put forth to extend the registration period for registering with the Single Register of Victims.
- 3.8. Implement regional historical memory initiatives that contribute to a countrywide culture of peace and urge Colombian state institutions to take ownership of them and replicate best practices in future post-conflict zones.
- 3.9. Include a resocialization and reintegration element in legal instruments as part of prosecution to prevent recidivism. This should be accompanied by offers for job training and specialized treatment for those who were recruited as minors.
- 3.10. Guarantee legal certainty in the enforcement of transitional justice instruments, thereby deepening legitimate trust in the State.
- 3.11. Ensure that the mechanisms that are created in the framework of the post-agreement include special precepts for enforcing the rights of indigenous peoples, not only in the area of prosecution, but also redress and the reintegration of ex-combatants.
- 3.12. Harness and coordinate all the experience of the Center for Historical Memory, the methodology, participatory and academic processes for building memory, as part of the establishing of the Commission for the Clarification of Truth, Coexistence, and Non-Repetition.
- 3.13. Incorporate citizen engagement in the planning and implementation of the accords, with a view to taking rapid response actions that are participatory and inclusive, in order to prepare for the post-agreement period.
- 3.14. Make preparations in terms of resources, institutional capacity, and regulatory framework to implement future peace commitments and, specifically, the comprehensive system for truth, justice, redress, and guarantees of non-repetition.