

**MEMORANDUM OF JUSTIFICATION**  
**CONCERNING HUMAN RIGHTS CONDITIONS WITH RESPECT TO**  
**ASSISTANCE FOR THE COLOMBIAN ARMED FORCES**

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**LEGISLATIVE CONTEXT AND SCOPE OF REPORT**

Section 556 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (P.L. 109-102) ("FY 2006 FOAA") as carried forward in the Continuing Appropriations Resolution, 2007 (P.L. 110-5) ("FY 2007 CR") establishes conditions under which assistance using funds appropriated under the FY 2007 CR may be made available for the Colombian Armed Forces. In particular, Section 556(a)(1) of the FY 2006 FOAA allows that up to 75 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (a)(2). Paragraph (a)(2) provides that up to 12.5 percent of such funds may be obligated after the Secretary of State makes a certification with respect to certain conditions related to human rights and paramilitary groups. The balance of funds appropriated under the FY 2007 CR may be obligated after July 31, 2007, if the Secretary of State certifies that the conditions described in paragraph (a)(2) are met and additionally, as laid out in paragraph (a)(3), certifies that the Colombian Armed Forces are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerilla organizations.

Section 649 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Div. J, P.L. 110-161) ("FY 2008 SFOAA") establishes conditions under which assistance using funds appropriated under the FY 2008 SFOAA may be made available for the Colombian Armed Forces. In particular, Section 649(c)(1) allows that up to 70 percent of funds may be obligated prior to a determination and certification by the Secretary of State pursuant to paragraph (c)(2). Paragraph (c)(2) provides that up to 15 percent of such funds may be obligated after the Secretary of State makes a certification with respect to certain conditions related to human rights and paramilitary groups. The balance of funds appropriated under the FY 2008 SFOAA may be obligated after July 31, 2008, if the Secretary of State certifies before this date that the conditions described in paragraph (c)(2) are met and additionally, as laid out in paragraph (c)(3), certifies that the Colombian Armed Forces are conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups and guerilla organizations.

This memorandum provides the justification for the Secretary of State's determination that the criteria stated in both Section 556(a)(2) and (3) of the FY 2006 FOAA, as carried forward in the FY 2007 CR, and Section 649(c)(2) and (3) of the FY 2008 SFOAA have been met and meets the attendant reporting requirements in those sections. It contains information available as of June 15, 2008. In a departure from previous years, the FY 2008 SFOAA included a deadline of July 31, 2008, for the certification and determination for that fiscal year. Consequently, some information for

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FY 2008 was not yet available from the Government of Colombia and other sources.

**EXECUTIVE OVERVIEW**

Colombia is a country undergoing a remarkable transformation. While just a decade ago the country was at risk of becoming a failed state, due to the activities of narco-traffickers and terrorist movements, the country now has good reason to hope for a better future. The United States has been a critical ally to the Colombian people in their effort to regain control of their country and strengthen democratic institutions and respect for human rights. The United States takes seriously the need to promote and defend human rights related to its assistance programs, as is demonstrated in this report.

The Colombian government has undertaken profound changes to its justice system; military doctrine and practices; and government institutions in response to the needs of its citizens. While the Government of Colombia needs to do more to address serious human rights problems that persist, we see encouraging signs, including concrete examples of progress: the suspension, arrest, or conviction of military violators of human rights, including several general officers; greater civilian access and handling of human rights cases involving the military; and credible investigations of dozens of politicians who allegedly collaborated with the paramilitaries. Some critical examples underline these observations:

- The government added \$40 million to the Prosecutor General's Office budget, enabling the hiring of 400 prosecutors and 500 criminal investigators during the reporting period. The Units on Human Rights and Justice and Peace Process will receive the bulk of these new resources.
- On September 21, 2007, three military officials – two pilots and a technician – were sentenced to six years of house arrest for manslaughter in the December 13, 1998, Colombian Air Force bombing attack that killed 17 people in Santo Domingo (Arauca).
- As of May 2008, 64 congressmen, 16 mayors and eight governors were under investigation and/or under arrest in relation to their alleged collaboration with paramilitaries.
- On March 14, 2008, the Prosecutor General's Office ordered the arrest of 15 members of the 47<sup>th</sup> Infantry Battalion of the 17<sup>th</sup> Brigade in connection with the February 2005 massacre of eight people at San José de Apartadó (Antioquia). A Colombian army captain was detained in November 2007 for his alleged

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participation in those killings.

- On May 6, 2008, Colonel Hernán Mejía, commander of the Army's 2<sup>nd</sup> Artillery "La Popa" Battalion, was preventatively detained along with three other soldiers from the battalion for allegedly colluding with paramilitaries and the homicide of 20 individuals in June and October 2002.
- On September 15, 2007, the Army Major Luís Hernando Campuzano was sentenced to 40 years in prison for his participation in the August 21, 1999, massacre of 26 people in La Gabarra (Norte de Santander).
- In May 2008, the Prosecutor General's Office reopened the case against retired Army General Farouk Yanine Díaz for his alleged role in the January 18, 1989 La Rochela massacre of 12 investigators, who were in Magdalena Medio to investigate the massacre of 19 people at the hands of paramilitary forces in 1987.
- On May 28, 2008, the Prosecutor General's Office detained retired Army General Iván Ramírez for his alleged role in the disappearance of 11 people in 1985 during the Army's assault of the Palace of Justice in order to retake it from leftist rebels. Ramírez headed an intelligence unit at the time of those events.
- In early May 2008, the Prosecutor General's Office re-opened its case against retired Army General Rito Alejo de Río after he was named as collaborating with paramilitary forces in the Justice and Peace testimonies of Salvatore Mancuso, H.H.<sup>1</sup>, and Diego Rivera.
- In February 2007, the Prosecutor General's Office charged retired Colonel Norman León Arango, former head of the Colombian National Police in Sucre, for his alleged participation in the January 17, 2001, massacre of 27 civilians by paramilitary forces in Chengue, Ovejas (Sucre).
- On October 23, 2007, three United Self Defense Forces of Colombia (AUC) members were sentenced to 40 years for the death of 36 civilians in the 1997 Mapiripán massacre (Meta). General Uscategui Ramirez was tried in this case, but acquitted of most charges in the case; the Prosecutor General is appealing those acquittals.

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<sup>1</sup> Ever Velosa García, also known as "Don Hernán," "Hernán Hernández," or "H.H."

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- On August 23, 2007, four soldiers and their civilian guide were convicted of aggravated homicide and sentenced to 40 years in prison for their involvement in the August 5, 2004, homicide of three trade union leaders in Arauca.
- In early 2008, the Colombian Armed Forces took down the leaders of the illegal armed group “Los Mellizos” (the Twins). Victor Mejía Muñera was killed during an arrest operation by the Colombian National Police (CNP) in Antioquia in April. His brother, Miguel Ángel Mejía, was arrested in rural Tolima in May.
- As of June 15, 2008, Colombian prosecutors had seized a wide variety of assets from demobilized paramilitary members, including almost \$900,000 in stocks and cash; 326 plots of land or estates; 43 business establishments; 15 companies; 41 vehicles; 4,547 animals; and six boats. These seizures stemmed from information developed in the Justice and Peace Process.

*The Security Situation in Colombia*

The Government of Colombia’s focus on improving security has resulted in an overall drop in violence, which has led to expanded social, political, and economic opportunities for Colombians. The homicide rate in Colombia has declined sharply in recent years. The Government of Colombia reported 17,198 homicides in 2007, slightly fewer than reported in 2006, but 40 percent fewer than in 2002. As of April 30, 2008, the government had registered 5,410 homicides for the year, a 7.3 percent drop compared to the same time period in 2007. The total number of kidnappings reported to the Colombian government also steadily declined. The Government of Colombia reports that there were 486 kidnappings in 2007 – a marked drop from the 2,882 reported by the government in 2002 – and 179 kidnappings had been reported to the government in 2008 as of April. The International Committee of the Red Cross (ICRC) estimates that there were slightly fewer reports of missing persons in 2007 than the previous year (379 in 2007 and 390 in 2006).

Though rates of internally displaced persons (IDPs) increased during the reporting period (over 305,000 displaced in 2007 versus 260,000 displaced in 2006), the Government of Colombia and leading NGO figures show an overall decrease in IDPs since 2002 when over 420,000 were displaced. The ICRC reported that in the first three months of 2008, it assisted 21,764 IDPs (6,681 from mass displacement and 15,083 individual applicants) – a three percent decrease from the number of IDPs that it assisted during the same time period in 2007.

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Defense Reform

The Ministry of Defense continued its efforts to develop and implement military reforms, especially with respect to human rights. Defense Minister Santos released in January 2008 the "Integrated Policy of Human Rights and International Humanitarian Law," a comprehensive policy that directs the integration of human rights/international humanitarian law (HR/IHL) into all military instruction; stronger HR/IHL compliance and control; legal defense of military personnel; specialized treatment of vulnerable groups; better integration with the civilian judiciary; and closer consultation with civil society and international groups on human rights issues. The UN High Commissioner for Human Rights (UNHCHR) in Colombia called this a key step in promoting respect for human rights in the military.

Minister Santos assigned seven colonels as inspector delegates, one for each division of the Army, with the authority to oversee investigations of human rights abuses committed by military personnel in their divisions, including the commanders. In addition, the Colombian Army has now installed judicial coordination offices, as well as operational legal advisors, in all units to advise commanders on human rights and international humanitarian law, coordinate with civilian judicial authorities, and receive national and international organizations about ongoing cases. In addition, the Armed Forces have designated human rights officers in all batallions, to support human rights training and instruction within military units and commands.

Dr. Luz Marina Gil, the first civilian head of the military penal justice system worked closely with the civilian Prosecutor General's Office to reform the military justice system by improving cooperation between the civilian and military systems to speed investigations; ending jurisdictional disputes between military and civilian prosecutors; and stopping the practice of military judges conducting parallel investigations of alleged human rights violations. Additional information on these efforts is included in the discussion concerning Sections 556(a)(2)(C) and 649(c)(2)(C).

Throughout the reporting period, the Ministry of Defense worked with the International Committee of the Red Cross to incorporate respect for international humanitarian law into the Colombian Armed Forces' armed conflict operational doctrine. In 2007 and 2008, the International Committee of the Red Cross worked with the Ministry on the creation of operational rules of engagement on a strategic level. During the year, they conducted several seminars with the purpose of creating practical exercises to properly train on rules of engagement, and worked to advance ministry understanding of international humanitarian law.

*Paramilitary Demobilization*

Since August 2002, 31,671 paramilitary members of the United Self-Defense Forces of Colombia (AUC) have collectively demobilized. Of these, more than 3,000 have been identified by the Government of Colombia as eligible to receive benefits under the Justice and Peace Law. Under the Justice and Peace Law, former paramilitary leaders have been jailed, and many are confessing participation in violent crimes. The government has taken steps to punish those paramilitary leaders who violated the terms of the Justice and Peace Law by failing to cease criminal activity, surrender illicitly-obtained assets, or disclose fully the details of their crimes. In an extraordinary measure, in May 2008, the Government of Colombia extradited to the United States 15 paramilitary leaders who had violated these terms. During the reporting period, the Government of Colombia continued efforts to investigate and prosecute paramilitary members believed guilty of crimes, dismantle paramilitary networks, seek reparations for victims, and peacefully reintegrate demobilized paramilitary members into society. Additional information on the demobilization process and efforts to dismantle paramilitary structures is included in the discussion concerning Sections 556(a)(2)(E) and 649(c)(2)(E).

*Combating New Illegal Groups*

Various NGOs and international organizations have raised concerns that, despite the successes of the demobilization process, all paramilitary organizations have not fully demobilized, and new groups have cropped up.<sup>2</sup> The Organization of American States (OAS) estimates, however, that only a small portion of demobilized combatants have returned to crime, a better rate of recidivism compared to other historic conflicts. Moreover, many observers—including the UN<sup>3</sup>—note that the new criminal groups starkly differ in their structures, interests and modus operandi from the old paramilitary organizations. Rather than working as a national front with a political agenda, as did the United Self Defense Forces of Colombia (AUC), these groups exist to exploit drug corridors and conduct other criminal activities, and depend on ad hoc alliances with other groups. Nonetheless, these new criminal groups represent a threat to the civilian population. Human rights advocates have received threats from groups claiming affiliation to the old AUC. The Government of Colombia is taking steps to investigate these cases and combat the spread of these criminal gangs. Additional information on

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<sup>2</sup> “Colombia’s New Armed Groups,” International Crisis Group, May 2007; “2007 Annual Report for Colombia”, Amnesty International; “Captive States: Organized Crime and Human Rights in Latin America,” Washington Office on Latin America, October 2007; “Findings of Recent Trip to Colombia,” U.S. Office on Colombia, Washington Office on Latin America, and Latin America Working Group, September 12, 2007.

<sup>3</sup> “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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efforts to dismantle paramilitary structures and combat illegal groups is included in the discussion concerning Sections 556(a)(2)(E) and 649(c)(2)(E).

Judicial Reform

The Colombian government took several steps toward ending impunity in cases of human rights violations during the certification period. On January 1, 2008, Colombia—with support from the U.S. government—completed its four-year overhaul of the criminal justice system, transitioning from an overworked and inefficient written inquisitorial system to an oral accusatory system through the introduction of a new criminal procedure code. Early results of the transition show that cases are resolved in a matter of months as opposed to three to five years under the old system, with conviction rates greater than 60 percent as compared to less than 3 percent in the old system. Under the new criminal procedure code, the time for resolving criminal cases has decreased by over 75 percent. A good example of this new efficiency is the prosecution and conviction in less than six months of seven members of the military GAULA (an anti-kidnapping unit) from Antioquia on charges of illegal detention for kidnapping a wealthy businessperson in Medellín and requesting ransom. In this case, the Prosecutor General's Office brought the charges in 2006 and obtained the convictions in 2007. This was one of the first “complex” trials under the new system.

As security continues to improve, the government is expanding the presence of state institutions throughout Colombia and increasing access to judicial services. On November 28, 2007, the Colombian government inaugurated its second “Regional Justice House” in the town of Segovia in North-Eastern Antioquia. Justice Houses offer convenient access to formal and informal justice services in one location, with police, Prosecutor General's office, public defenders, community mediators, social workers, pro-bono legal clinics, and family counselors on-site. With the support of USAID, the Government of Colombia is planning to build eight additional Regional Justice Houses in rural, post-conflict areas of Colombia by the end of 2009. The Government of Colombia will invest approximately \$4 million in construction, while USAID will invest a comparable amount in designing, planning, training, and equipping these houses. From 1995-2006 the Colombian government, with the assistance of USAID, constructed 44 urban Justice Houses across Colombia.

On the labor front, the Prosecutor General's Office special labor sub-unit has made progress in prosecuting cases of violence against trade unionists. It has resolved 50 cases resulting in the conviction of 79 perpetrators since its inception in late 2006. Since 2001, the Prosecutor General has resolved 87 of the 1,280 ILO cases, leading to the conviction of 178 perpetrators.

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Extrajudicial Killings

Extrajudicial killings by the Colombian Armed Forces continue to be a cause of concern and action. An NGO coalition, “The International Observer Mission on Extrajudicial Executions and Impunity in Colombia,” said in October 2007 it had identified at least 955 killings and 235 forced disappearances allegedly committed by Colombian security forces between June 2002 and July 2007.<sup>4</sup> The Center for Investigation and Popular Education (CINEP), a Jesuit-run Colombian think tank, identified a total of 132 allegations of extrajudicial killings in 2007, with 85 cases (150 victims) occurring in the first half of the year, and a significant decrease in the second half of the year with 47 cases (87 victims).<sup>5</sup> In addition, in its 2008 annual report,<sup>6</sup> UNHCHR reiterated its concern over these killings but noted strong political will on the part of the Colombian government to prevent, investigate, punish, and expose extrajudicial killings. UNHCHR also acknowledged efforts made by the Ministry of Defense to confront this phenomenon.

The decline in extrajudicial killings in late 2007 can be attributed to these key efforts by the Government of Colombia:

- The Prosecutor General’s Office established in October 2007 a special sub-unit to investigate extrajudicial killings. As of May 31, 2008, the sub-unit is investigating 509 such cases.
- The Inspector General’s Office (Procuraduría) is investigating 706 cases of alleged extrajudicial killings—some of which overlap with the Prosecutor General’s investigations—that occurred between March 2002 and August 2007.
- The Minister of Defense issued two orders—Directives 10 and 19—to establish exclusive civilian jurisdiction in cases of alleged extrajudicial killings and to ensure that civilian investigators were able to reach the scene of combat deaths. Since implementation, over 50 investigations have been transferred from the Military Penal Justice System to the Prosecutor General’s Office.

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<sup>4</sup> “Preliminary Report of the International Observer Mission on Extrajudicial Executions and Impunity in Colombia,” October 2007.

<sup>5</sup> “Falsos Positivos,” Centro de Investigación y Educación Popular (CINEP), June 9, 2008.

<sup>6</sup> “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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- The Minister of Defense also issued Directive 300-28, prioritizing the capture or demobilization of members of illegal armed groups over their death in combat in terms of measuring operational success.

In addition to these actions, the UNHCHR report detailed lists of suspensions and legal proceedings carried out by Colombian authorities against alleged perpetrators of extrajudicial killings. Further information on Colombian government efforts to address extrajudicial killings is included in the discussion concerning Sections 556(a)(2)(C) and 649(c)(2)(C).

USG Consultation with NGOs

The United States takes seriously all reports of human rights abuses and is committed to continue engaging the Government of Colombia to achieve further progress in improving the human rights performance of its armed forces, severing military-paramilitary ties, and ensuring effective investigation and prosecution of human rights violations. To this end the State Department, both in Washington and through the U.S. Embassy in Bogotá, consults regularly with NGOs and civil society groups regarding Colombia's human rights performance. The State Department carefully considers their views, observations, and experience, as well as information in reports from the Office of the High Commissioner for Human Rights in Bogotá, as an important part of the certification decision process.

The following is a discussion of the Colombian government and armed forces' compliance with each of the conditions for certification contained in the discussion regarding Sections 556(a)(2) and (3) and 649(c)(2) and (3). We appreciate the many offices of the Government of Colombia, and NGO and international organizations' reports that contributed information for this report.

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**SECTIONS 556(a)(2)(A) and 649(c)(2)(A)**

Section 556(a)(2)(A) of the FY 2006 FOAA , as carried forward under the FY 2007 CR requires a determination that:

**The Commander General of the Colombian Armed Forces is suspending from the armed forces those members, of whatever rank who, according to the Minister of Defense or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations.**

Section 649(c)(2)(A) of the FY 2008 SFOAA requires a determination that:

**The Commander General of the Colombian Armed Forces is suspending or placing on administrative duty, if required by the prosecutor, those members, of whatever rank who, according to the Minister of Defense, the Attorney General or the Procuraduría General de la Nación, have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.**

The commander of the Colombian Armed Forces uses his discretionary authority to remove from the Armed Forces individuals suspected of corruption, believed to have committed human rights violations, believed to be operationally ineffective, or to have engaged in unethical behavior. This authority does not replace judicial investigative mechanisms. It does permit the Ministry of Defense to remove individuals in cases where there may not be sufficient evidence to allow for prosecution. In 2007,<sup>7</sup> the commander of the Colombian Armed Forces used his discretionary authority to remove (separate from service) 282 members of the military (59 officers and 223 non-commissioned officers). In the first four months of 2008,<sup>8</sup> the commander used his discretionary authority to remove 55 members of the military (8 officers and 47 non-commissioned officers).

The civilian Inspector General's Office (Procuraduría) conducts disciplinary investigations and can impose administrative sanctions, including suspension or dismissal, on military personnel. To this end, the Inspector General has the authority to

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<sup>7</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>8</sup> This is the time frame for which information was available as of June 15, 2008.

order the provisional suspension of military personnel from the armed forces during investigations of offenses; this authority can be used to prevent the accused from interfering in the investigation or continuing to commit gross human rights violations.

**Suspensions by the Inspector General's Office (Procuraduría)**

From January 2007 to June 15, 2008,<sup>9</sup> the Inspector General's Office suspended 70 members of the Colombian Armed Forces for alleged human rights violations or collaborating or colluding with paramilitaries. In two of these cases, the suspension was reduced or suspended upon appeal:

1. **Army Major Alejandro Robayo Rodríguez** was suspended on January 27, 2007, for allegedly conspiring with the United Self-Defense Forces of Casanare between March and May 2003 in Viota (Cundinamarca) in the homicide of civilians that the paramilitary group deemed to be guerrilla sympathizers (Case Number 1765).
2. **Army Soldier José Antonio Burbano Molina** was suspended for 90 days on February 28, 2007, for alleged irregularities in his involvement in the shooting of an individual on a military base.
3. **Navy Major Mario Escobar Echeverri** was suspended for 60 days on March 12, 2007, for freeing Jorge Gómez and Daniel Velilla Majarres without authorization from the Prosecutor General's Office. His suspension was subsequently suspended upon appeal.
4. **Army Lieutenant Omar Eduardo Vaquiro Benitez** was suspended on March 23, 2007, for his alleged involvement in the murder of Noemi Esther Pacheco Zabata and Hermes Enrique Montero Arias, members of the Kankuamo indigenous community, in the rural zone of Atanques (César) on February 9, 2005 (Case Number 2282).
5. **Army Lieutenant Alexander Prada García** was suspended on March 23, 2007, for his alleged involvement in the death of an individual, allegedly attributed to members of the Army's 18<sup>th</sup> Battalion ("Reviez Pizarro Saravena") in Saravena (Arauca) on August 20, 2006 (Case Number 3828).
6. **Army Lieutenant Carlos Humberto Bautista Martínez**, was suspended for 30 days on April 27, 2007, for his alleged involvement in the death of a soldier, José

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<sup>9</sup> Information listed in this section is what was available the time period as of June 15, 2008.

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Luís Lambrano Estrada of the “Battalon Fifies de Caucasia.” Upon appeal, the suspension was reduced to five days.

7. **Army Second Corporal Jairo Hernán Arenas Valencia** was suspended for 15 days on August 15, 2007, for alleged abuse, aggressions, and threats against members of the National Police.
8. **Army Lieutenant Colonel Ricardo Martínez Bernal** was suspended for 90 days on August 23, 2007, for irregular confrontations in Los en Brisas de Yanacue, in the municipality of Cantagallo (Bolívar) on September 23, 2002.
9. **Army Major Oscar Oviedo Aranda** was suspended for 15 days on September 28, 2007, for irregular intelligence report 476 of June 2 and August 3, 2004, which charged a person with rebellion.
10. **Army Professional Soldier Francisco Luís Escobar Calderón** was suspended on October 2, 2007, for his alleged role in the detention and death of an individual in Chita (Boyacá) (date of crime unavailable).
11. **Army Non-Commissioned Officer Jhony Carvajal Cuellar** was suspended on October 2, 2007, for his alleged role in the detention and death of an individual in Chita (Boyacá) (date of crime unavailable).
12. **Army Professional Soldier Giovanny Antonio González** was suspended on October 2, 2007, for his alleged role in the detention and death of an individual in Chita (Boyacá) (date of crime unavailable).
13. **Army Professional Soldier Luís Alberto Velándia** was suspended on October 2, 2007, for his alleged role in the detention and death of an individual in Chita (Boyacá) (date of crime unavailable).
14. **Army Professional Soldier Carlos Adrian Mazo Marín** was suspended on October 2, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003 (Case Number 3231).
15. **Army Professional Soldier Jairo Blandón Valencia** was suspended on October 2, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003 (Case Number 3231).

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16. **Army Professional Soldier Elkin Edison Orrego Palacio** was suspended on October 2, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003. (Case Number 3231).
17. **Army Professional Soldier Fred Alexander Canaveral Ramírez** was suspended on October 2, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003 (Case Number 3231).
18. **Army Professional Soldier Jhon Zapta Escobar** was suspended on October 8, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003 (Case Number 3231).
19. **Army Vice First Sergeant Marco Manuel Torres Camacho** was suspended for 30 days on October 11, 2007, for allegedly causing personal injury with an official arm.
20. **Army Professional Soldier Carlos Alberto Villa Cañon** was suspended on October 30, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
21. **Army Professional Soldier Joaquin Ferney Higaldo Higuita** was suspended on November 1, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
22. **Army Professional Soldier Juan Javier Gallego Varelas** was suspended on November 1, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
23. **Army Professional Soldier Roman Elbeiro Gutierrez Jaramillo** was suspended on November 1, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).

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24. **Army Professional Soldier Ismael Enrique Romero Martínez** was suspended on November 1, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
25. **Army First Sergeant Sergio Ezequiel Rojas Ochoa** was suspended on November 6, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
26. **Army Professional Soldier Dairo de Jesús Henao Posso** was suspended on November 6, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
27. **Army Second Sergeant Celver Eduardo Muñoz Mantilla** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
28. **Army Professional Soldier Sergio Alonso Pérez Restrepo** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
29. **Army Professional Soldier José Heriberto Hernández Zapata** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
30. **Army Professional Soldier Gildaro Antonio Montoya López** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
31. **Army First Corporal Felipe César Castillo** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).

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32. **Army Professional Soldier Hugo Albeiro Zuluaica Gaviria** was suspended on November 7, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
33. **Army Second Sergeant José Evaristo Mosquera Delgado** was suspended on November 9, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
34. **Army Professional Soldier Alberto Elias Pérez Arango** was suspended on November 9, 2007, for his alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
35. **Army Major Gustavo Enrique Soto Bracamonte** was suspended on November 14, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the anti kidnapping unit, "GAULA Casanare," from Villavicencio to Casanare where he was found dead (Case Number 4044).
36. **Army Professional Soldier Carlos Alfredo Bello Bolívar** was suspended on November 14, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the anti-kidnapping unit, "GAULA Casanare," from Villavicencio to Casanare where he was found dead (Case Number 4044).
37. **Army Professional Soldier Abdon Guanaro Guevara** was suspended on November 14, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the anti-kidnapping unit, "GAULA Casanare," from Villavicencio to Casanare where he was found dead (Case Number 4044).
38. **Army Professional Soldier Elio Ernesto Celis Bedoya** was suspended on November 14, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the anti kidnapping unit, "GAULA

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Casanare,” from Villavicencio to Casanare where he was found dead. (Case Number 4044)

39. **Army Professional Soldier Jhony Higuera Moreno** was suspended on November 14, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the anti kidnapping unit, “GAULA Casanare,” from Villavicencio to Casanare where he was found dead (Case Number 4044).
40. **Army Professional Soldier Oscar Berrio Correa** was suspended on November 22, 2007, for his alleged involvement in the death of two day laborers who were en route to a farm in Montería (Córdoba) from Cauca (Antioquia); (Case Number 3256).
41. **Army Professional Soldier Jorge Luís Rivera Blanco** was suspended on November 22, 2007, for his alleged involvement in the death of two day laborers who were en route to a farm in Montería (Córdoba) from Cauca (Antioquia) (Case Number 3256).
42. **Army Professional Soldier Henry Manuel Seroa Neiro** was suspended on November 22, 2007, for his alleged involvement in the death of two day laborers who were en route to a farm in Montería (Córdoba) from Cauca (Antioquia) (Case Number 3256).
43. **Army Professional Soldier Juvenal Carvajal Cruz** was suspended on November 22, 2007, for his alleged involvement in the death of two day laborers who were en route to a farm in Montería (Córdoba) from Cauca (Antioquia); (Case Number 3256).
44. **Army Professional Soldier Gustavo Adolfo García Hernández** was suspended on November 22, 2007, for his alleged involvement in the death of two day laborers who were en route to a farm in Montería (Córdoba) from Cauca (Antioquia); (Case Number 3256).
45. **Army Second Corporal Gélver Pérez García** was suspended on November 26, 2007, for his alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the GAULA Casanare from Villavicencio to Casanare where he was found dead; (Case Number 4044).

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46. **Army Second Sergeant Oscar Danilo Garzón Acuna** was suspended on November 28, 2007, for his alleged involvement in the deaths of Juan de Dios Hernández Escobar and Adrian Lara Villamizar, who were taken from their home in Laguna de Ortices, San Andrés (Santander) on September 12, 2006 (Case Number 3789).
47. **Army Second Sergeant John Carlos Ortíz Naranjo** was suspended for 60 days on December 5, 2007, for his alleged role in the death a minor in a mining field in San Pablo (Bolívar).
48. **Army Soldier Fabian Delgado Alape** was suspended on December 7, 2007, for his alleged involvement in the detention and harassment of Jesús Elias López Motta in Florencia (Caquetá) on December 16, 2005 (Case Number 3133).
49. **Army First Sergeant Alexander Guerrero Castellanos** was suspended on December 7, 2007, for his alleged involvement in the death of two individuals on August 9, 2006, in Barbacoa (Nariño), reportedly by Army Mechanized Group Battalion ("Gral José María Cabal"). The two were reported as guerrillas killed in combat (Case Number 3851, 3495).
50. **Army Third Corporal Esneider Nieto Duarte** was suspended on December 12, 2007, for his alleged involvement in the deaths of Nelson Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat, in Granada (Antioquia) on July 13, 2003 (Case Number 3231).
51. **Army Third Corporal Indelfonso Chavarro Parra** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
52. **Army Professional Soldier Juan Pablo Bravo** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).

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53. **Army Professional Soldier Juan Pablo Gómez Gómez** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
54. **Army Professional Soldier José Ignacio Gaitán Zambrano** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
55. **Army Professional Soldier Wilington Usma Arenas** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
56. **Army Professional Soldier José Celimo Montaña Reina** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
57. **Army Professional Soldier José Ricardo Tabares** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
58. **Army Professional Soldier Julio César Arteaga Velázquez** was suspended on December 13, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).

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available).

59. **Army Professional Soldier Jairo Ezequiel Gómez Martínez** was suspended on December 14, 2007, for his alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base (no case number available).
60. **Army Professional Soldier Carlos Andrés Agudelo Zapata** was suspended on December 14, 2007, for his alleged involvement in the death of Fabio Nelson Rodríguez on March 18, 2005, in Los Llanos de Urraco Buriticá, Urrao (Antioquia) during a confrontation between the Army and a guerrilla forces (Case Number 3479).
61. **Army Captain Iván Andrés González Villafane** was suspended on December 14, 2007, for his alleged role in the death of Fabio Nelson Rodríguez on March 18, 2005, in Los Llanos de Urraco Buriticá, Urrao (Antioquia) during a confrontation between the Army and guerrilla forces (Case Number 3479).
62. **Army Voluntary Soldier Luís Germán Solarte Mora** was suspended on December 14, 2007, for his alleged role in the death of Fabio Nelson Rodríguez on March 18, 2005, in Los Llanos de Urraco Buriticá, Urrao (Antioquia) during a confrontation between the Army and guerrilla forces (Case Number 3479).
63. **Army Professional Soldier Jeimy Valoyes Murillo** was suspended on December 14, 2007, for his alleged role in the death of Fabio Nelson Rodríguez on March 18, 2005, in Los Llanos de Urraco Buriticá, Urrao (Antioquia) during a confrontation between the Army and guerrilla forces (Case Number 3479).
64. **Army Professional Soldier Luis Carlos Moreno Mosquera** was suspended for 70 days on December 18, 2007, for his alleged role in the death of Efrén Mosquera Martínez on March 4, 2004, in Quibdó, Chocó (Case Number 88-8645/2004).
65. **Army Second Sergeant Nelson Mora Fulano** was suspended on December 28, 2007, for his alleged involvement in the death of five people who were taken from their home in La Cabuya (between Arauca and Casanare) and killed during the night of November 19 and the morning of November 20, 1998 (Case Number 428).

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66. **Navy Sailor Felix Alberto Heredia Pérez** was suspended and relieved of duty and eligibility for public service for 10 years on January 23, 2008, for the murder of Yenny Ellis and abuse of Jorge García in Providencia on February 8, 2003 (Case Number 8-85586/203).
67. **Army Captain Edgar Mauricio Arbelaez Sánchez** was suspended on February 18, 2008, and relieved of duty on March 26, 2008, for omission in connection with AUC violations of human rights on May 20, 2003, in Tolima (Case Number 155-86192/2003).
68. **Army Professional Soldier Gonzalo Lamus Torres** was suspended on February 21, 2008, for his alleged involvement in the death of an individual during combat operations in San José (Guaviare) on April 5, 2006 (Case Number 3755).
69. **Army Sergeant Querubin Herrera Mendoza** was suspended on February 26, 2008, for his alleged involvement in the deaths of Jairo Ocampo and Álvaro Villamizar—who were alleged to be members of the FARC—on December 4, 2005 and April 12, 2005, in Pajonal, Roble (Sucre) (Case Number 406).
70. **Army Sub-Lieutenant Luís Fernando Rondón Barrios** was suspended on April 21, 2008, for two months for aggression against a police unit in the Antonio Nariño neighborhood of Bogotá on May 8, 2004 (Case Number 25-103236/2004).

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**SECTIONS 556(a)(2)(B) and 649(c)(2)(B)**

Section 556(a)(2)(B) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**The Colombian government is vigorously investigating and prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is promptly punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations.**

Section 649(c)(2)(B) of the FY 2008 SFOAA requires a determination that:

**The Colombian government is investigating and prosecuting, in the civilian justice system, those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations or successor armed groups.**

The civilian Prosecutor General's Office (Fiscalía), which is independent of the Colombian executive branch and part of the judicial branch, is responsible for investigating and prosecuting military personnel who have allegedly committed human rights violations or colluded with illegal armed groups. The unit in the Prosecutor General's Office with primary responsibility for these investigations is the Human Rights Unit, although it is important to note that prosecutors amongst the 27 Sectional Prosecutor Offices throughout the country work on these cases. The Human Rights Unit, in close collaboration with the National Director for the Prosecutors, is working to bring the coordination with and oversight of the prosecutors outside the Unit handling these cases. The Human Rights Unit, with a significant increase in personnel in 2008, now includes 117 prosecutors located in Bogota and offices in seven regional capitals, with offices in six additional cities to be added in 2008. Twenty of these prosecutors have been assigned to focus on cases of alleged extrajudicial killings.

The transition to the accusatory judicial system and the introduction of the new criminal procedure code should result in significant improvements in the effectiveness and speed in handling alledged extrajudicial killings and investigations. The new criminal justice system has already resulted in greater efficiency and responsiveness in resolution of criminal cases. Resolution of these cases in the past has been extremely

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slow with significant backlog. This has been, in part, because of the inefficiency of the older criminal justice system—partly due to the lack of proper attention by the Prosecutor General's Office, and partly the tension between the military and civilian investigators and prosecutors. As stated above, with the transition to the accusatory system and the significant restructuring and enhancement of the Human Rights Unit, cases should move more effectively.

In the past, NGOs have noted that while low-ranking officers may be held accountable in cases of human rights violations, commanding officers are rarely prosecuted. The Prosecutor General's office is taking steps to address this. In its 2008 annual report,<sup>10</sup> the UN High Commissioner for Human Rights in Colombia noted that during 2007 "some progress was made in opening up channels to combat impunity," citing in particular investigations against high-level civilian and military officials for alleged links with paramilitary groups and corruption. As listed in the sections below, between January 2007 and June 15, 2008, among those detained by the Prosecutor General's Office were two generals, three colonels, two lieutenant colonels, and six majors. The Prosecutor General's Office also indicted two colonels and three majors. One lieutenant colonel and one major were also sentenced during the time period.

**Increased Funding and Personnel for Prosecutor General's Office**

As part of its commitment to combat impunity, the GOC increased the budget and personnel for the Prosecutor General's Office, adding \$40 million to its budget and over 400 prosecutors and 500 criminal investigators. The majority of these new personnel and the increased budget are designated for the Prosecutor General's Justice and Peace Unit, but as stated above, the Human Rights Unit received an increase of 72 prosecutors raising its numbers from 45 in 2007 to 117. The Unit will also increase its number of investigators by an additional 110.

The additional 72 prosecutors have been selected. Twenty have been assigned and are being trained, with the support of the U.S. government, in the investigation and prosecution of cases of extrajudicial killings. The additional 110 investigators are still being identified and assigned. Increased training for the new, as well as existing, prosecutors and investigators, is taking place with assistance from the U.S. government, in topics such as crime scene management, witness interviews, forensic and other physical evidence, and investigation and prosecution strategy.

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<sup>10</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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**Investigating Alleged Extrajudicial Killings**

On October 19, 2007, the Prosecutor General's Office established a sub-unit within the Human Rights Unit with a specific focus on the investigation of extrajudicial killings. With the additional prosecutor and staff added to the Human Rights Unit, the extrajudicial killings sub-unit, which began with eight prosecutors, has increased to 20. Members of the sub-unit are receiving intensive training provided by the U.S. government on forensics and evidentiary issues, investigation and prosecution strategy, charging decisions, crime scene management, witness interviews, military law and operational procedures, international human rights, and humanitarian law. Procedures for handling cases more effectively are being developed, as well as a memorandum of understanding with the Ministry of Defense to improve communication, security, and logistics necessary to effectively investigate cases.

As of the end of 2007,<sup>11</sup> the sub-unit was investigating 243 cases of alleged extrajudicial killings with 516 victims, and had identified 308 suspects with those cases. Of the 243 cases, 128 are in the preliminary stage (etapa preliminar); 27 are in the inquiry phase (etapa de indagación; under the new criminal justice system); 75 are in the hearing phase (etapa de instrucción); five are in the trial phase (etapa de juicio); five cases are being examined on appeal (investigación previa); and in three, the judge in the case is reviewing the evidence that has been presented thus far to determine who will be charged (sumario). These investigations have resulted in the opening of 45 new cases, the issuance of 71 preventative detention orders and 51 arrest orders, 70 arrests, and 18 indictments. Of the 308 suspects that the sub-unit has indentified, 49 have been indicted and 12 have been convicted. Several human rights groups acknowledge more cases have been transferred to civilian courts, but remain concerned that few convictions have been achieved so far, and new cases of extrajudicial killings continue to occur.<sup>12</sup>

Of the 243 cases of alleged extrajudicial killings that the Prosecutor General's Office is handling, it has found that almost half of these cases allegedly occurred in 2005 and 2006. The 243 cases are spread over the last decade as follows: 1981 – 1; 1992 – 2; 1993 – 2; 1995 – 1; 1997 – 4; 1998 – 3; 1999 – 3; 2000 – 1; 2002 – 7; 2003 – 14; 2004 – 37; 2005 – 54; 2006 – 63; 2007 – 38. The Office has yet to determine the time period of 20 cases.

As part of its increased focus on extrajudicial killings by the Colombian military, in November 2007, the Human Rights Unit sent commissions (special investigative units of prosecutors and investigators) to Medellín and Villavicencio. In Medellín, the

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<sup>11</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

<sup>12</sup> "So Far to Go: Human Rights in Colombia" Latin American Working Group, April, 2008

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commission opened 176 investigations and issued 109 arrest warrants, resulting in 64 actual arrests involving 14 officers, 40 soldiers, and three civilians. In Villavicencio, the commission also opened 154 investigations and issued 47 arrest warrants, resulting in 30 arrests. The two commissions interviewed a total of 1,670 witnesses and exhumed 45 grave sites.

In these investigations, the commissions are working closely with the Armed Forces, including the 7<sup>th</sup> and 16<sup>th</sup> Brigades; the 4<sup>th</sup>, 12<sup>th</sup>, and 7<sup>th</sup> Mobile Brigades; and the Meta and Casanare GAULAs. (See discussion of MOD cooperation with civilian judicial authorities on extrajudicial killings in Sections 556(a)(2)(C) and 649(c)(2)(C)).

**Status of Major Human Rights Cases/Issues**<sup>13</sup>

In 2007 and 2008, there were many important advances in prominent human rights cases, some resulting in the conviction and sentencing of military personnel. Several prominent cases have yet to be resolved, and the Prosecutor General's Office continues to investigate these cases. On average, cases that are being processed under the new criminal code (oral accusatory system) are moving much more rapidly than cases that continue to proceed under the old code (written inquisitorial system).

**Jamundí**

On February 18, 2008, Lieutenant Colonel Byron Carvajal and 14 Army soldiers under his command from the 3<sup>rd</sup> Brigade's High Mountain Battalion were convicted of murder in the May 22, 2006 attack on a ten-man Counternarcotics Police Unit and its civilian informant in Jamundí (Valle de Cauca). On May 7, 2008, the judge in the case sentenced Carvajal to the maximum sentence possible —54 years. The judge also sentenced the Battalion's second in command, Lieutenant Harrison Castro, to 52 years, and the other 13 soldiers to sentences of 50 years.

This trial is the first major complex trial under the new criminal accusatory system, involving 15 defendants, over 100 witnesses, and hundreds of evidentiary exhibits. The case reached trial in just over six months. The trial lasted 13 months, beginning December 18, 2006, and ended with guilty convictions of all defendants on January 29, 2008. The trial was open to the public and press coverage of the proceedings enabled the Colombian public to be informed of the progress of the case and the actions taken by the prosecutors, defense attorneys, and judge. This case not only demonstrated the benefits of the new accusatory system in handling complex trials effectively and quickly, but also showed the ability of civilian authorities to effectively investigate and prosecute crimes committed by military units. Under the old system this

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<sup>13</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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case would undoubtedly have taken many years, and few if any of the sessions would have been public.

*San José de Apartadó: La Resbalosa*

On March 14, 2008, the Prosecutor General's Office ordered the arrest of 15 members of the 47<sup>th</sup> Infantry Battalion of the 17<sup>th</sup> Brigade's 47 ("General Francisco de Paula Vélez," also known as the Vélez Battalion) in connection with the February 20-21, 2005 massacre of eight people at San José de Apartadó (Antioquia). The 15—three sub-lieutenants, four sergeants, and eight corporals—were implicated in testimony provided by demobilized paramilitary Jorje Luís Salgado David through the Justice and Peace Process. All but two were taken into custody (one is stationed in the Sinai and the other is retired and at large).

This is the second round of arrests in this case. On November 21, 2007, the Prosecutor General's Office ordered the detention of another suspect, Captain Guillermo Gordillo, for his alleged participation in the massacre. On May 17, 2008, Gordillo reportedly confessed to participating in the massacre. He said that 100 members of the military (including members of the Bolívar and Anzoategui Companies of the Vélez Infantry Battalion, and members of the Alacrán Company of the 33<sup>rd</sup> Battalion) and 50 members of the United Self Defense Forces of Colombia's Toliva Bloc, were patrolling together. Gordillo stated that General Héctor Jaime Fandino (former commander of the 17<sup>th</sup> Brigade), Colonel Eduardo Espinosa Beltran (Commander of the Vélez Battalion), and Major José Fernando Castaño (second in operational command of the Battalion) "must have known" about the military's joint patrols with the paramilitary group. His was the first official admission by military personnel that elements of the 17<sup>th</sup> Brigade participated in the murders in collusion with the Heroes de Tolova Bloc of the AUC, led by Diego Fernando Murillo Bejarano (alias "Don Berna"). Don Berna accepted responsibility for the murders on May 7, 2008, in testimony given as part of the Justice and Peace Process. Other paramilitary members have also testified about military complicity in the massacre.

These developments also follow the Prosecutor General's February 2007 announcement that it was calling in for questioning 69 members of the 17<sup>th</sup> Brigade. The Prosecutor General's Office continues to take statements from those 69, plus members of the 33<sup>rd</sup> Counter-Guerrilla Battalion ("Cacique Lutaima"), a process that it began in May 2006.

*Extrajudicial Killings*

On May 6, 2008, Colonel Hernán Mejía, commander of the Army's 2<sup>nd</sup> Artillery Battalion ("La Popa"), was preventatively detained along with three other soldiers from

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the battalion (Lieutenant Colonel José Pastor Ruíz Mahecha, First Sergeant Aureliano Quejada Quejada, and NCO (retired) Efraín Andrade Perea) for allegedly colluding with paramilitaries and the homicide of 20 individuals in June and October 2002. The arrest followed testimony by demobilized paramilitary (now deceased) David Hernández (alias “Jorge 39”) that Mejía presented 18 supposed guerrillas as killed in combat, who witnesses recognized as paramilitary members killed by their own men. According to press reports based on the testimony, AUC leaders allegedly killed members of their own group as part of an internal purge and called Colonel Mejía’s battalion to collect the bodies. In at least one case, the media reported that the bodies were adorned with ELN armbands, but underclothes revealed AUC insignia. Minister of Defense Santos had publicly announced an investigation of Mejía in January 2007, and demoted him to a desk job while the Prosecutor General’s Office pursued its leads.

The detention of these four followed the April 28, 2008 preventative detention of 15 additional members of the battalion, for their alleged participation in the May 15, 2005 murder of Frank Martínez Cavieres and Claudio Manuel Olmero Arlante—two civilians who were presented as guerrillas from the FARC’s 41<sup>st</sup> front.

The detention of personnel from the La Popa Battalion is part of the Prosecutor General’s work to investigate and prosecute extrajudicial killings. The Prosecutor General’s Office has linked 713 members of the Armed Forces, including four Colonels, to the 251 cases (with 525 victims) that it is investigating. As it gathers evidence to request detentions, additional arrests of armed forces members are possible.

La Rochela

In May 2008, the Prosecutor General’s Office reopened the case against retired Army General Farouk Yanine Díaz for his alleged role in the January 18, 1989 La Rochela massacre of 12 investigators, who were in Magdalena Medio to investigate the massacre of 19 people who died at the hands of paramilitary forces in 1987. The Inter-American Court of Human Rights had sent six condemnations to the Colombian government regarding this case, the most recent of which required a payment of over \$5 million to the families of the victims.

La Gabarra

According to the Prosecutor General’s Office, on September 15, 2007, Army Major Luís Hernándo Campuzano was sentenced to 40 years in prison for his participation in the August 21, 1999, massacre of 26 people in La Gabarra (Norte de Santander). This was the culmination of a six year investigation by the Prosecutor General’s Office into Campuzano’s connection with one of Colombia’s most notorious massacres, which the office pursued despite a previous acquittal of the charges.

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Chengue

In February 2007, the Prosecutor General's Office charged retired Colonel Norman León Arango, former head of the Colombian National Police in Sucre, for his alleged participation in the January 17, 2001, massacre of 27 civilians by paramilitary forces in Chengue, Ovejas (Sucre). The Inspector General's Office has linked additional members of the police and armed forces to the massacre, though to date the Prosecutor General's Office has not found sufficient evidence to bring criminal charges against them.

Palace of Justice

On May 28, 2008, the Prosecutor General's Office detained retired Army General Iván Ramírez for the disappearance of 11 people in 1985 during the Army's assault of the Palace of Justice in order to retake it from leftist rebels. Ramírez headed an intelligence unit at the time of these disappearances. At least 100 people were killed in the clash with the rebel group, including nine judges, and dozens disappeared. Prosecutors allege that soldiers under Ramírez' command escorted the 11 before their disappearance, and witnesses claim the 11 were tortured and killed. On February 9, 2007, the Prosecutor General's Office detained retired Army Vice First Sergeant Luís Fernando Nieto Velándia, formerly of the B2 Military Intelligence Group, and Major Oscar William Vásquez Rodríguez for the forced and aggravated disappearance of three hostages who were last seen alive when the Palace was retaken.

General Rito Alejo del Río

In early May 2008, the Prosecutor General's Office re-opened its case against retired Army General Rito Alejo de Río after he was named as collaborating with paramilitary forces in the Justice and Peace testimonies of Salvatore Mancuso, Ever Velosa (H.H.), and Diego Rivera. According to media reporting, there have been over 150 allegations that he was responsible for murders and disappearances in Urabá (Antioquia), his former area of command.

Santo Domingo

On September 21, 2007, the two pilots, Captain César Romero Padilla and Pilot Héctor Mario Hernández, and a technician, Lieutenant Johan Jimenez Valencia, were sentenced to six years of house arrest for manslaughter in the December 13, 1998, aerial bombing that killed 17 people in Santo Domingo (Arauca). The judge ordered that the three be placed under house arrest rather than in prison as he ruled that the bombing was unintentional. The soldiers have the right to appeal, but have not expressed a desire to do so. The trial in the case concluded on May 22, 2007, and the case was given to the judge for sentencing.

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Following this, on April 10, 2008, the Department of State lifted its ban on assistance to Germán Olano Air Base (known as Palanquero). Palanquero hosts the Colombian Air Force's Air Combat Command-1 (CACOM-1), which the Department suspended from receiving U.S. security assistance in January 2003 following the Colombian Air Force's failure to provide a credible account of CACOM-1's 1998 bombing of the village of Santo Domingo.

Mapiripán

On November 28, 2007, the judge handling the case of the July 1997 massacre of at least 36 civilians in Mapiripán (Meta) acquitted General Jaime Humberto Uscátegui Ramírez of all charges except falsifying documents, for which he was sentenced to 41 months time served. The Prosecutor General's office is appealing this decision. The judge in the case convicted Lieutenant Colonel Hernán Orozco Castro for his involvement in the massacre. Orozco, who is viewed by many as the whistleblower in the case, is not serving his sentence since he now resides in the United States. On October 23, 2007, three AUC members (Leonardo Montoya Pubiano, Francisco Enrique Gómez Vergaño, and Arnoldo Vergara Trespalcacios) were sentenced to 40 years each for their involvement in the case.

Buenaventura

The trial continues in the case of the April 19, 2005, homicide and torture of 12 young adults—all relatives of leaders of the Yurumangui community—in Buenaventura (Valle de Cauca), allegedly by paramilitary forces with collusion by the Colombian National Police. As reported in the last certification, on April 28, 2005, the Office detained nine alleged paramilitary members in connection with the case and on March 17, 2006, authorities indicted them on homicide charges in connection with the case. On May 18, 2006, all of the cases were transferred to the Special Penal Circuit Court of Buga. The nine are currently detained and the preparatory trial began on March 6, 2007, and continued March 30, 2007. The last session of the public audience was heard on May 3, 2007.

Arauca

On August 23, 2007, four soldiers and their civilian guide were convicted of aggravated homicide and sentenced to 40 years in prison for their involvement in the August 5, 2004, homicide of three trade union leaders in Arauca, allegedly by the 18<sup>th</sup> Brigade's Mechanized Calvary Group Number 18 ("Revéz Pizarro"). The four soldiers (Lieutenant Juan Carlos Ordoñez Cañon, and Professional Soldiers Jhon Alejandro Hernández Suárez, Walter Loaiza Culma, and Oscar Saul Cuta Hernández) had been detained on September 6, 2004, by the Prosecutor General's Office in connection with

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the case, along with one civilian (Daniel Cabellero Rozo). Their trial began March 19, 2006, and the public hearing for the case concluded on November 21, 2006.

Orlando Valencia

The Prosecutor General's Office reported that in 2007, José Montalvo Cuitive, a palm oil farmer, was sentenced<sup>14</sup> to 22 years in prison for his alleged role in the October 15, 2005, disappearance and homicide of Afro-Colombian leader Orlando Valencia in Belén de Bajirá (Chocó) by paramilitary forces, allegedly with collusion by the Colombian National Police. The trial of two members of the police, a captain and a retired sub-lieutenant, began on February 27, 2007, for their alleged involvement in the homicide and links to paramilitary groups. The Office had opened its investigation into the alleged involvement of the two in the case on October 9, 2006. Witnesses, including community leader Enrique Petro, testified in Medellín on May 15-17, 2007, and asked the Prosecutor General's Office for increased security, including armored cars, cell phones, horses, and police protection. The government provided police protection and phones, but Petro has stated he needs additional security. On July 12, 2007, the Prosecutor General's Office linked two members of the AUC Bloque Elmer Cardenas to the case and the following day, the Colombian National Police arrested one of them (Horacio Restrepo Urrego). On September 18, 2007 two witnesses in the case, Miguel and Ualberto Hoyos, were wounded by gunfire outside their houses. They were moved under police protection to a hospital in Apartadó, and remain in witness protection. The government has resolved to improve police presence Belén de Bajirá.

As was reported in the previous certification, on October 23, 2006, the Prosecutor General's Office charged United Self-Defense Forces of Colombia (AUC) member Herman de Jesús Muñoz González, alias "Diomedes," for his alleged role in the aggravated homicide of Valencia; he remains in detention in Bellavista prison in Medellín (appealing his conviction). Leading up to this, on May 25, 2006, AUC member Álvaro Padilla Medina, alias "El Boxeador," pled guilty to charges of aggravated homicide and criminal conspiracy for his involvement in the case, and on May 26, 2008, his case was sent to the Special Circuit Court of Antioquia for decision. He is being held in Apartadó (Antioquia) on orders of the Circuit Court. After reviewing new evidence, the Prosecutor General's Office arrested AUC member Julio César Silva Borja, alias "El Enano" or "El Indio," on September 6, 2006. He was detained after a September 15, 2006, preventative detention order and remains in custody at Itagüí prison.

**Preventative Detentions by the Prosecutor General's Office (Fiscalía)**

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<sup>14</sup> Date unknown.

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Under the old criminal procedure code (Law 600), the Colombian prosecutor has judicial authority to detain persons suspected of committing a crime in order to investigate whether the person is actually responsible for the crime. Under the new criminal procedure code, the prosecutor, similar to a prosecutor in the United States, must request an arrest warrant from a judge. If the suspect is arrested in the act of committing the crime, the prosecutor must present the person detained before a judge within 36 hours. In that hearing, the prosecutor must articulate a basis to keep the person detained pending trial. The determining factors with respect to which code applies are the date and location of the alleged offense, and whether the new code was in effect in the jurisdiction on the date of the crime. In either case, once the preventative detention order is issued, if the suspect is a member of the armed forces, the Prosecutor General's Office requests that the suspect be suspended (See Sections 556(a)(2)(B) and 649(c)(2)(B) for information on suspensions of members of the Armed Forces). Following this, the Armed Forces either hold that individual in custody at a military facility or turn him over to civilian authorities.

From January 2007 to June 15, 2008,<sup>15</sup> 252 detention orders were issued for military personnel credibly alleged to have committed gross human rights violations or to have collaborated with paramilitary groups in 56 cases (information on suspension or separation from the armed forces is included where known):

- A. The Prosecutor General detained **(1) Army Lieutenant Omar Eduardo Vaquiro Benitez** of the Army's 67<sup>th</sup> Counterguerrilla Battalion (*suspended from the Armed Forces on March 23, 2007*), upon an order of preventative detention issued February 12, 2007, for his alleged involvement in the murder of Noemi Esther Pacheco Zabata and Hermes Enrique Montero Arias, members of the Kankuamo indigenous community, in the rural zone of Atanques (César) on February 9, 2005 (Case Number 2282).
- B. The Prosecutor General detained **(2) Army Soldier Fabian Delgado Alape** of the Army's 12<sup>th</sup> Urban Anti-terrorism Special Forces Group (*suspended from the Armed Forces on December 7, 2007*), upon an order of preventative detention issued March 8, 2007, for his alleged involvement in the homicide and kidnapping of Jesús Elias López Motta in Florencia (Caquetá) on December 16, 2005 (Case Number 3133).
- C. The Prosecutor General detained two members of the Army, upon an order of preventative detention issued March 26, 2007, for their alleged involvement in the

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<sup>15</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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forced disappearance and forced displacement of 11 civilians, and the death of four of them, on January 3, 2006. On this date, members of the Army's 12<sup>th</sup> Mobile Brigade and 17<sup>th</sup> Counterguerrilla Battalion were allegedly accompanied by a representative from the Department of Administrative Security (DAS) and two members of the Prosecutor General's Office in Villavicencio as they allegedly conducted investigations that led to the disappearance and displacement of the 11 civilians. On August 24, 2006, the bodies of three of the four of those who disappeared were exhumed. On April 3, 2008, one of the two (Army Captain Milton Guillermo Corso Ussa) was released by the 13<sup>th</sup> Prosecutor General before the Superior Court in Bogotá (Case Number 3226).

(3) **Army Colonel Carlos Hugo Ramírez Zuluaga**

*(discretionarily retired from the Armed Forces on March 15, 2006)*

(4) **Army Captain Milton Guillermo Corso Ussa**

D. The Prosecutor General detained (5) **Army Subofficial Freymi Sinisterra Payan** of the Army's 1<sup>st</sup> Counternarcotics Battalion upon an order of preventative detention issued March 30, 2007, for his alleged involvement in the death of Ildefonso Cifuentes Velasques and Luis Alfonso Florez Toro during "Operation Sovereignty" in Montenegro (Quindío) on April 14, 2005. Sinisterra was released on February 29, 2008, following the closing of the public phase of trial (Case Number 3160).

E. The Prosecutor General detained two members of the Army upon two orders of preventative detention issued April 30 and December 8, 2007, for their alleged involvement in the death of a man in the hamlet of La Chapa in El Penol (Antioquia) on April 10, 2004 (Case Number 2231).

(6) **Army Soldier Diego Leon Botero Murillo**

*(detained April 30, 2007, retired from the Armed Forces on March 30, 2004)*

(7) **Army Soldier Onofre Andrés Marín Arbelaez**

*(detained December 8, 2007, retired from the Armed Forces on March 30, 2004)*

F. The Prosecutor General detained three members of the Army's 4<sup>th</sup> Mechanized Infantry Group ("Juan de Corral"), upon an order of preventative detention issued May 10, 2007, for their alleged role in the detention and death of Gabriel Valencia who was subsequently reported as killed in combat in the town of El Zancudo, Argelia (Antioquia) on October 5, 2005. The case is in the hearing phase (instrucción) (Case Number 3168).

(8) **Army Soldier Lewis Américo Palacios Copete**

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- (9) Army Soldier Wilson Antonio Garcés George**  
*(retired from the Armed Forces, date unknown)*
- (10) Army Soldier Wilson Andrés Bonilla Blandón**
- (11) Army Lieutenant Ramiro Jairo Ramírez Ortega**  
*(retired from the Armed Forces on March 1, 2006)*

G. The Prosecutor General detained two members of the Army, upon an order of preventative detention issued May 11, 2007, for their alleged involvement in the death of an individual during a confrontation between the Army and members of the ACCU paramilitary group in Nunchía (Casanare) on December 21, 2004 (Case Number 3455).

- (12) Army Professional Soldier Genaro Vega Medina**
- (13) Army Professional Soldier Yovany Murillo Criollo**

H. The Prosecutor General detained ten members of the Army's 14<sup>th</sup> Battalion ("Antonio Ricaurte"), 5<sup>th</sup> Brigade, upon an order of preventative detention issued June 6, 2007, for their alleged involvement in deaths of Edison Alberto Martínez Pacheco and Edit Salcedo Vergen on May 31, 2005, in Los Planes, municipality La Esperanza (Norte de Santander) (Case Number 2256). For its part, the Inspector General ruled on October 16, 2007, that the officers should all be removed from their positions and deemed inadmissible for public service for 20 years.

- (14) Army Captain William Ovidio Lara Ramírez**  
*(separated from service as of June 19, 2007)*
- (15) Army Professional Soldier Cristian Santos Rey**  
*(separated from service as of March 25, 2008)*
- (16) Army Professional Soldier Edgar Araque Pérez**  
*(separated from service as of March, 25, 2008)*
- (17) Army Professional Soldier Mauricio Araque Quintero**  
*(separated from service as of March 25, 2008)*
- (18) Army Professional Soldier Jaime Caballero Gualtero**  
*(separated from service as of June 14, 2007)*
- (19) Army Professional Soldier Cristian Duran Arguello**  
*(separated from service as of March 25, 2008)*
- (20) Army Professional Soldier Enrique Mez Gómez**  
*(separated from service as of March 25, 2008)*
- (21) Army Professional Soldier Nelson Ortíz Casanova**  
*(separated from service as of March 25, 2008)*
- (22) Army Professional Soldier William Efren Plata Prada**  
*(separated from service as of March 25, 2008)*

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**(23) Army Professional Soldier Cristian Santos Rey**  
*(separated from service as of March 25, 2008)*

- I. The Prosecutor General detained **(24) Army Lieutenant José Fernando Berrio Velásquez**, upon an order of preventative detention issued June 14, 2007, for his alleged involvement in the death and torture of various people in the municipality of Trujillo (Valle) (Case Number 40).
- J. The Prosecutor General detained 16 members of the Army 5<sup>th</sup> Urban Anti-Terrorist Special Forces Group, upon an order of preventative detention issued June 29, 2007, for aggravated homicide for their alleged involvement in the death of Arley de Jesús and Yon Fredy, two brothers who were last seen in Vallejuelos on their way to see their mother on May 25, 2004 (Case Number 3161).
- (25) Army First Sergeant Sergio Ezequiel Rojas Ochoa**  
*(preventatively detained for murder; suspended from the Armed Forces on November 6, 2007)*
  - (26) Army Second Sergeant Celver Eduardo Muñoz Mantilla**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 7, 2007)*
  - (27) Army Second Sergeant José Evaristo Mosquera Delgado**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 9, 2007)*
  - (28) Army Professional Soldier Sergio Alonso Pérez Restrepo**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 7, 2007)*
  - (29) Army Professional Soldier Alberto Elias Pérez Arango**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 9, 2007)*
  - (30) Army Professional Soldier José Heriberto Hernández Zapata**  
*(preventatively detained for withholding evidence; from the Armed Forces on November 7, 2007)*
  - (31) Army Professional Soldier Dairo de Jesús Henao Posso**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 6, 2007)*
  - (32) Army Professional Soldier Juan Javier Gallego Varelas**  
*(preventatively detained for murder; suspended from the Armed Forces on November 1, 2007)*
  - (33) Army Professional Soldier Joaquin Ferney Higaldo Higuaita**  
*(preventatively detained for murder; suspended from the Armed Forces on November 1, 2007)*

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- (34) **Army Professional Soldier Carlos Alberto Villa Cañon**  
*(preventatively detained for murder; suspended from the Armed Forces on October 30, 2007)*
- (35) **Army Professional Soldier Roman Elbeiro Gutierrez Jaramillo**  
*(preventatively detained for murder; suspended from the Armed Forces on November 1, 2007)*
- (36) **Army Professional Soldier Gildaro Antonio Montoya López**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 7, 2007)*
- (37) **Army Professional Soldier Ismael Enrique Romero Martínez**  
*(preventatively detained for murder; suspended from the Armed Forces on November 1, 2007)*
- (38) **Army First Corporal Felipe César Castillo**  
*(preventatively detained for murder; suspended from the Armed Forces on November 7, 2007)*
- (39) **Army Captain Robinson Jhon Edgar Lozano Garnica**  
*(preventatively detained for murder; discretionarily retired from the Armed Forces on June 11, 2004)*
- (40) **Army Professional Soldier Hugo Albeiro Zuluaga Gaviria**  
*(preventatively detained for withholding evidence; suspended from the Armed Forces on November 7, 2007)*

K. The Prosecutor General detained four members of the Army's 2<sup>nd</sup> High Mountain Battalion ("Gral. Santos Gutierrez"), upon an order of preventative detention issued August 18, 2007, for their alleged role in the detention and death of an individual in Chita (Boyacá) (date of crime unavailable). The case is in the inquiry phase (indagación). (no case number available)

- (41) **Army Professional Soldier Francisco Luís Escobar Calderón**  
*(suspended from the Armed Forces on October 2, 2007)*
- (42) **Army Non-Commissioned Officer Jhony Carvajal Cuellar**  
*(suspended from the Armed Forces on October 2, 2007)*
- (43) **Army Professional Soldier Giovanny Antonio González**  
*(suspended from the Armed Forces on October 2, 2007)*
- (44) **Army Professional Soldier Luís Alberto Velándia**  
*(suspended from the Armed Forces on October 2, 2007)*

L. The Prosecutor General detained six members of the Army 4<sup>th</sup> Engineering Battalion, upon an order of preventative detention issued August 24, 2007, and three additional members of the Army who were detained on September 7 and 27, and December 12, 2007, for their alleged involvement in the deaths of Nelson

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Abad Ceballos and Yesica Quintero, who were then presented as guerrillas killed in combat in Granada (Antioquia), on July 13, 2003 (Case Number 3231).

- (45) **Army Professional Soldier Jhon Goez Escobar**  
*(retired from the Armed Forces on September 1, 2003)*
- (46) **Army Professional Soldier Jhon Zapta Escobar**  
*(suspended from the Armed Forces on October 8, 2007)*
- (47) **Army Professional Soldier Carlos Adrian Mazo Marín**  
*(suspended from the Armed Forces on October 2, 2007)*
- (48) **Army Professional Soldier Jairo Blandón Valencia**  
*(suspended from the Armed Forces on October 2, 2007)*
- (49) **Army Professional Soldier Elkin Edison Orrego Palacio**  
*(suspended from the Armed Forces on October 2, 2007)*
- (50) **Army Professional Soldier Fred Alexander Canaveral Ramírez**  
*(suspended from the Armed Forces on October 2, 2007)*
- (51) **Army Lieutenant Rafael Orduz Naranjo**  
*(detained September 7, 2007; discretionally retired from the Armed Forces on July 19, 2004)*
- (52) **Army Voluntary Soldier Manuel Santo Ibarguen Valderrama**  
*(detained September 27, 2007; retired from the Armed Forces on March 10, 2005)*
- (53) **Army Third Corporal Esneider Nieto Duarte**  
*(detained December 12, 2007; suspended from the Armed Forces on December 12, 2007)*

M. The Prosecutor General detained three members of the Army's 17<sup>th</sup> Engineering Battalion, upon three orders of preventative detention issued August 30, November 14, and December 7, 2007, for their alleged involvement in the death of José Ángel Higueta, who was last seen on November 13, 2005. His family later identified his body at a hospital morgue in Dadeiba (Antioquia) (date of crime unavailable) (Case Number 3958).

- (54) **Army Third Corporal Yon Andrey Rincón Salgado**  
*(detained August 30, 2007)*
- (55) **Army Soldier Adrian Ramiro Puentes Arrieta**  
*(detained November 14, 2007; retired from the Armed Forces on March 15, 2006)*
- (56) **Army Second Sergeant Jorge Andrés Estupinan Chamorro**  
*(detained December 7, 2007)*

N. The Prosecutor General detained (57) **Army Sergeant Querubin Herrera Mendoza** *(suspended from the Armed Forces on February 26, 2008)*, upon two

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orders of preventative detention issued September 10, and October 9, 2007, for his alleged involvement in the deaths of Jairo Ocampo and Álvaro Villamizar—who were alleged to be members of the FARC—on December 4, 2005, and April 12, 2005, in Pajonal, Roble (Sucre) (Case Number 406).

- O. The Prosecutor General detained **(58) Army Professional Soldier Gilmer Silva Oropeza** (*administratively retired from the Armed Forces on September 20, 2007*) of the Army's 16<sup>th</sup> Mechanized Infantry ("Guías de Casanare"), upon an order of preventative detention issued October 24, 2007, for his alleged involvement in the kidnapping of civilians, one of whom was later found dead (date of crime unavailable). The judge in the case is reviewing the evidence that has been presented thus far to determine who will be charged (sumario) (no case number available).
- P. The Prosecutor General detained seven members of the Army's GAULA Casanare Unit, upon an order of preventative detention issued November 2, 2007, for their alleged involvement in the kidnapping and subsequent homicide of a civilian in Villavicencio (Meta) on July 27, 2007. The civilian was reportedly taken by members of the GAULA Casanare from Villavicencio to Casanare where he was found dead (Case Number 4044).
- (59) Army Major Gustavo Enrique Soto Bracamonte**  
(*suspended from the Armed Forces on November 14, 2007*)
  - (60) Army Lieutenant Jhon Alexander Suancha Florián**  
(*discretionarily retired from the Armed Forces on October 9, 2007*)
  - (61) Army Second Corporal Gelfer Pérez García**  
(*suspended from the Armed Forces on November 26, 2007*)
  - (62) Army Professional Soldier Jhony Higuera Moreno**  
(*suspended from the Armed Forces on November 14, 2007*)
  - (63) Army Professional Soldier Elio Ernesto Celis Bedoya**  
(*suspended from the Armed Forces on November 14, 2007*)
  - (64) Army Professional Soldier Abdón Guanaro Guevara**  
(*suspended from the Armed Forces on November 14, 2007*)
  - (65) Army Professional Soldier Carlos Alfredo Bello Bolívar**  
(*suspended from the Armed Forces on November 14, 2007*)
- Q. The Prosecutor General detained nine members of the Army upon an order of preventative detention issued November 5, 2007, for their alleged involvement in the death of a minor in Nunchía (Casanare) on December 21, 2004, and the temporary detainment of several of her family members, thereby denying them access to the victim to treat her wounds. The judge in the case is reviewing the

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evidence presented thus far (sumario) (Case Number 3455).

- (66) Army Professional Soldier Genaro Vega Medina**
- (67) Army Professional Soldier Yovany Murillo Criollo**
- (68) Army Lieutenant Jhon Alexander León Torres**
- (69) Army First Corporal Carlos Andrés Rodríguez**
- (70) Army Professional Soldier José Alirio Camargo Pérez**
- (71) Army Professional Soldier Silvio Humberto Caballero García**
- (72) Army Professional Soldier William Pinto Grajales**
- (73) Army Professional Soldier Ángelmiro Ávila Celis**
- (74) Army Professional Soldier Jairo Sánchez Ospina**

R. The Prosecutor General detained ten members of the Army's 42<sup>nd</sup> Counterguerrilla Battalion ("Heroes de Barbacoa"), upon orders of preventative detention issued November 9 and December 5, 2007, for their alleged role in the detainment and death of several individuals in La Uribe (Meta) on November 11, 2003. The case is in the trial phase (juicio) (Case Number 2114).

- (75) Army Professional Soldier Yoiber José Reyes Castillo**
- (76) Army Professional Soldier Elkin de Jesús Pulgarín Pulgarín**
- (77) Army Professional Soldier Francisco Javier Figueroa**
- (78) Army Professional Soldier Álvaro Alberto Quintero Quintero**
- (79) Army Professional Soldier José Roel Saavedra Triviño**
- (80) Army Professional Soldier Segundo Bernardo Cabrera Hernández**
- (81) Army Professional Soldier Jhon Hamilton Rivera Mena**
- (82) Army Professional Soldier Oscar Alberto Vásquez Agudelo**
- (83) Army Professional Soldier Hernán Antonio Hernández Rodas**
- (84) Army Professional Soldier Alberto Villaconcha**

S. The Prosecutor General detained two members of the Army, upon an order of preventative detention issued October 12, 2007, for aggravated murder during a confrontation between the Army and illegal armed groups involved in narcotrafficking in Paz De Ariporo (Casanare) on January 4, 2007 (Case Number 4107).

- (85) Army Professional Soldier Amilcar Betancourt Cuibay**
- (86) Army Professional Soldier Jhon Kennedy Rabelo Meche**

T. The Prosecutor General detained ten members of the army, upon two orders of preventative detention issued October 26, and November 15, 2007, for their alleged involvement in the death of a man in El Alto de Chocó of San Carlos, near Buenos Aires de Granada in Granada (Antioquia), during a clash with

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guerrilla forces on July 16, 2004. The man was presented as a narcoterrorist and member of the FARC (Case Number 2252).

- (87) **Army Lieutenant Carlos Enrique Riano Triana**
- (88) **Army Third Corporal Oscar Alfonso Verdecia Maestre**
- (89) **Army Professional Soldier Francisco Javier Vanegas Céspedes**
- (90) **Army Professional Soldier Álvaro Suaza González**
- (91) **Army Second Corporal Andrés Felipe Rivera Pérez**
- (92) **Army Second Corporal Carlos Alzate Silva**
- (93) **Army Professional Soldier Wilson Bedoya Bedoya**
- (94) **Army Professional Soldier Damar Obied García Quinonez**
- (95) **Army Professional Soldier Bernavides Palacios Mosquera**
- (96) **Army Professional Soldier Edgar Vilades González**

U. The Prosecutor General detained seven members of the Army 33<sup>rd</sup> Infantry Battalion, upon an order of preventative detention issued October 31, 2007, for their alleged involvement in the death of two day laborers who were enroute to a farm in Montería (Córdoba) from Cauca (Antioquia) (Case Number 3256).

- (97) **Army Lieutenant Diego Beltran Vega**
- (98) **Army Sergeant Oscar Orlando Camargo Ortiz**
- (99) **Army Professional Soldier Oscar Berrio Correa**  
*(suspended from the Armed Forces on November 22, 2007)*
- (100) **Army Professional Soldier Jorge Luís Rivera Blanco**  
*(suspended from the Armed Forces on November 22, 2007)*
- (101) **Army Professional Soldier Henry Manuel Seroa Neiro**  
*(suspended from the Armed Forces on November 22, 2007)*
- (102) **Army Professional Soldier Juvenal Carvajal Cruz**  
*(suspended from the Armed Forces on November 22, 2007)*
- (103) **Army Professional Soldier Gustavo Adolfo García Hernández**  
*(suspended from the Armed Forces on November 22, 2007)*

V. The Prosecutor General detained (104) **Army First Sergeant Alexander Guerrero Castellanos** *(suspended from the Armed Forces on December 7, 2007)*, of the Army's 3<sup>rd</sup> Mechanized Infantry Group, upon an order of preventative detention issued November 4, 2007, for aggravated homicide and conspiracy for his alleged involvement in the death of two individuals on August 9, 2006, in Barbacoa (Nariño), reportedly by Army Mechanized Group Battalion ("Gral. José María Cabal"). The two were reported as guerrillas killed in combat. (Case Number 3851, 3495)

W. The Prosecutor General detained (105) **Army Second Sergeant Nelson Mora**

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**Fulano** (*suspended from the Armed Forces on December 28, 2007*), upon an order of preventative detention issued November 9, 2007, for his alleged involvement in the death of five people who were taken from their home in La Cabuya (between Arauca and Casanare) and killed during the night of November 19 and the morning of November 20, 1998 (Case Number 428).

- X. The Prosecutor General detained **(106) Army Second Sergeant Oscar Danilo Garzon Acuna** (*suspended from the Armed Forces on November 28, 2007*), upon an order of preventative detention issued November 9, 2007, for his alleged involvement in the deaths of Juan de Dios Hernández Escobar and Adrian Lara Villamizar, who were taken from their home in Laguna de Ortices, San Andrés (Santander) on September 12, 2006 (Case Number 3789).
- Y. The Prosecutor General detained **(107) Army Lieutenant Alexander Prada Garcia** (*suspended from the Armed Forces on March 23, 2007*), upon an order of preventative detention issued November 14, 2007, for his alleged involvement in the death of an individual, allegedly attributed to members of the Army's 18<sup>th</sup> Battalion ("Reviez Pizarro Saravena") in Saravena (Arauca) on August 20, 2006 (Case Number 3828).
- Z. The Prosecutor General detained **(108) Army Professional Soldier Gonzalo Lamus Torres** (*retired from the Armed Forces on February 21, 2008*), upon an order of preventative detention issued November 14, 2007, for his alleged involvement in the death of an individual during combat operations in San José (Guaviare) on April 5, 2006 (Case Number 3755).
- AA. The Prosecutor General detained **(109) Army Professional Soldier Armando Javier Bonilla** upon an order of preventative detention issued November 14, 2007, for his alleged involvement in the death of an individual during a military confrontation at the border of Punto Gallinas (La Guajira) (date of crime not available) (Case Number 1E+05).
- BB. The Prosecutor General detained the commander of the Bolívar Company of the Army's 17<sup>th</sup> Brigade, and 13 members of the Vélez Battalion of the Army's 17<sup>th</sup> Brigade upon an orders of preventative detention issued on November 21, 2007, and March 14, 2008, for their alleged role in the homicide of civilians and acts of terrorism in the San José de Apartadó massacre (Antioquia) on February 21, 2005, which was allegedly carried out as part of the anti-subversive operation "Fenix." Eight people were killed: Alfonso Bolívar Tuberquia, children Natalia and Santiago Bolívar Muñoz, Alejandro Pérez Castaño, and Sandra Milena

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Muñoz were killed in La Resbalosa (in Tierralta (Córdoba)—their bodies were discovered in two graves—and Luís Eduardo Guerra Guerra, Beyanira Areiza Guzman, and minor Deyner Andrés Guerra Tuberquia (in Mulatos Alto, within San José de Apartadó (Antioquia)).

- (110) **Captain Guillermo Armando Gordillo Sánchez**  
*(commander of the Bolívar Company of the Army's 17<sup>th</sup> Brigade; detained November 21, 2007)*
- (111) **Army Lieutenant Alejandro Jaramillo Giraldo**  
*(Vélez Battalion; detained March 14, 2008)*
- (112) **Army Retired Second Lieutenant Jorge Humberto Milanes Vega**  
*(Vélez Battalion; detained March 14, 2008)*
- (113) **Army Non-Commissioned Officer Henry Audelo Cuasmayan Ortega**  
*(Vélez Battalion; detained March 14, 2008)*
- (114) **Army Second Corporal Ricardo Bastidas Candia**  
*(Vélez Battalion; detained March 14, 2008)*
- (115) **Army Second Sergeant Ángel Padilla Petro**  
*(Vélez Battalion; detained March 14, 2008)*
- (116) **Army Second Sergeant Sabarain Cruz Reina**  
*(Vélez Battalion; detained March 14, 2008)*
- (117) **Army Sergeant Oscar Jaime González**  
*(Vélez Battalion; detained March 14, 2008)*
- (118) **Army Corporal Héctor Lodoño Ramírez**  
*(Vélez Battalion; detained March 14, 2008)*
- (119) **Army Corporal Luís Gutierrez Echeverri**  
*(Vélez Battalion; detained March 14, 2008)*
- (120) **Army Corporal Jesús David Cardona Casas**  
*(Vélez Battalion; detained March 14, 2008)*
- (121) **Army Corporal Yuber Carranza Rodríguez**  
*(Vélez Battalion; detained March 14, 2008)*
- (122) **Army Corporal Ramón Mican Guativa**  
*(Vélez Battalion; detained March 14, 2008)*
- (123) **Army Corporal José Carmona**  
*(Vélez Battalion; detained March 14, 2008)*

CC. The Prosecutor General detained (124) **Army Professional Soldier Gonzalo Arnoldo Lamus Torres** *(administratively retired from the Armed Forces on February 21, 2008)* of the Army's 65<sup>th</sup> Counterguerrilla Battalion ("Ct. Álvaro Ruíz Holguín"), upon an order of preventative detention issued November 23, 2007, for his alleged role in the disappearance and subsequent death of Eliécer

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Borrero in San José (Guaviare) on April, 5, 2006. The judge in the case is reviewing the evidence presented thus far (sumario) (Case Number 3755).

DD. The Prosecutor General detained five members of the Army, upon an order of preventative detention issued November 27, 2007, for their alleged involvement in the death of a demobilized man named Edgar David Carvajal Arango in Brisas de San José, San Andrés de Cuerquia (Antioquia) on July 9, 2005, reportedly by members of the 4<sup>th</sup> Support and Services Combat Battalion of Yariguies. (Case Number 3480)

- (125) Army Captain Henry Becerra Torres**
- (126) Army Professional Soldier Henry Díaz Fabra**
- (127) Army Soldier Obed Oviedo Yopez Buitrago**
- (128) Army Third Corporal Omar Adrian Solder Pardo**
- (129) Army Soldier Martín López Carvajal**
- (130) Army Soldier Julio Anibal Jaramillo Avila**
- (131) Army Soldier Brahian Jaramillo Sánchez**
- (132) Army Soldier Duverney Holguin**
- (133) Army Soldier Rene Vargas Ramírez**

EE. The Prosecutor General detained 12 members of the Army's 65<sup>th</sup> Counterguerrilla Battalion ("Batalla de Cachiri"), upon an order of preventative detention issued November 30, 2007, for their alleged involvement in the death of an individual who reportedly went out to meet a medical brigade and heard shots when passing by a military post (location unavailable) on November 1, 2007. The individual's wife later retrieved her husband's body from a nearby military base. The case is in the hearing phase (instrucción) (no case number available).

- (134) Army Third Corporal Indelfonso Chavarro Parra**  
*(suspended from the Armed Forces on December 13, 2007)*
- (135) Army Professional Soldier Walter Alberto Largo**
- (136) Army Professional Soldier Daniel Celedón Osorio Mejía**
- (137) Army Professional Soldier Sydney Antonio Acevado Giraldo**
- (138) Army Professional Soldier Juan Pablo Bravo**  
*(suspended from the Armed Forces on December 13, 2007)*
- (139) Army Professional Soldier Juan Pablo Gómez Gómez**  
*(suspended from the Armed Forces on December 13, 2007)*
- (140) Army Professional Soldier José Ignacio Gaitán Zambrano**  
*(suspended from the Armed Forces on December 13, 2007)*
- (141) Army Professional Soldier Wilington Usma Arenas**  
*(suspended from the Armed Forces on December 13, 2007)*
- (142) Army Professional Soldier José Celimo Montaña Reina**

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*(suspended from the Armed Forces on December 13, 2007)*

**(143) Army Professional Soldier Jairo Ezequiel Gómez Martínez**

*(suspended from the Armed Forces on December 14, 2007)*

**(144) Army Professional Soldier José Ricardo Tabares**

*(suspended from the Armed Forces on December 13, 2007)*

**(145) Army Professional Soldier Julio César Arteaga Velázquez**

*(suspended from the Armed Forces on December 13, 2007)*

FF. The Prosecutor General detained **(146) Army Soldier Valencia Martínez** of the Army's 2<sup>nd</sup> Mobile Brigade, upon an order of preventative detention issued December 5, 2007, for his alleged involvement in the death of two individuals during combat with FARC's 55<sup>th</sup> Front (date of crime unavailable). The two individuals were unidentified males (no identification on their person). "War materials" were allegedly found with them. The case is in the preliminary phase (preliminar) (no case number available).

GG. The Prosecutor General detained two members of the Army, upon an order of preventative detention issued December 5, 2007, for aggravated murder during a confrontation between the Army and members of the FARC in La Uribe (Meta) on November 11, 2003 (Case Number 2114).

**(147) Army Professional Soldier Elkin de Jesús Pulgarin Pulgarin**

**(148) Army Professional Soldier Francisco Javier Figueroa**

HH. The Prosecutor General detained **(149) Army Third Corporal Domingo Barajas Camargo**, upon an order of preventative detention issued December 10, 2007, for his alleged involvement in the death of Mario Alberto Camargo Barahona, José Enrique Gutierrez Arias, and Yeiner Alfredo Pérez Arias who were reported as killed in combat on July 3, 2006, in the city of Santa Marta, in La Jagua del Pilar (La Guajira) (Case Number 3758).

II. The Prosecutor General detained three members of the Army's GAULA Casanare Unit, upon an order of preventative detention issued December 10, 2007, for their alleged involvement in the death of an individual in Paz de Aripuro (Casanare) on January 4, 2007. According to his father, the individual was removed from his vehicle by the three after departing his farm, and the next day was killed by the Armed Forces during a confrontation. The judge in the case is reviewing the evidence presented thus far (sumario) (Case Number 4107).

**(150) Army Soldier Jhon Kennedy Revelo Mechi**

**(151) Army Soldier Amilcar Betancourtte Yibay**

**(152) Army Soldier Abraham Sánchez Arteaga**

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- JJ. The Prosecutor General detained four members of the Army, upon an order of preventative detention issued December 10, 2007, for their alleged involvement in the deaths of Gonzalo Correa Roldan and Marucio Enrique Mazo Zapata on December 18, 2006 in Yarumal (Antioquia) (Case Number 3965).
- (153) Army Professional Soldier Diomedes Rafael Carey Tobar**
  - (154) Army Professional Soldier Santiago de Jesús Escudero Uribe**
  - (155) Army Professional Soldier Luís Fernando Betancur Londono**
  - (156) Army Professional Soldier Carlos Enrique Zabala Zapata**
- KK. The Prosecutor General detained seven members of the Army, upon an order of preventative detention issued December 20, 2007, for their alleged involvement in the death of a man in Mesetas (Meta) (date of incident not available). Another Army soldier claims he saw Corporal González declare his troops to be members of the Army and the man was killed when he attacked those troops with a grenade attached to his waist (Case Number 13022).
- (157) Army Professional Soldier José Alfredo Jaimes Meneses**
  - (158) Army Soldier Yineth Gongora Olaya**
  - (159) Army Professional Soldier Eduar Iván Arias Escorcía**
  - (160) Army Sub-lieutenant Luís Ángel Monsalve Monsalve**
  - (161) Army Professional Soldier José Alber Nuscue Tumina**
  - (162) Army Professional Soldier Richard Alfonso Bsyona**
  - (163) Army Professional Third Corporal Luís González Puentes**
- LL. The Prosecutor General detained nine members of the Bajes Battalion of the Army's 4<sup>th</sup> Brigade, upon an order of preventative detention issued January 14, 2008, for their alleged involvement in the kidnapping and homicide of Norbey de Jesús Ceballos Santamaría in Granada (Antioquia) on July 16, 2004. Ceballos was reported as a combat death and a member of the FARC's 9<sup>th</sup> front. He was found with a revolver with three cartridges. However, his relatives claim that he was removed from his house and then killed by uniformed men from the Bajes Battalion.
- (164) Army Lieutenant Carlos Enrique Riaño Tirana**
  - (165) Army Corporal Oscar Alfonso Verdecía Maestra**
  - (166) Army Corporal Andrés Felipe Rivera Pérez**
  - (167) Army Corporal Carlos Enrique Alzate Silva**
  - (168) Army Soldier Francisco Javier Vanegas Céspedes**
  - (169) Army Soldier Benavides Palacio Mosquera**
  - (170) Army Soldier Wilson Hernándo Bedoya Bedoya**
  - (171) Army Soldier Damar Obeid García Quiñónez**

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**(172) Army Soldier Edgar Vidales González**

MM. The Prosecutor General detained seven members of the Army's 11<sup>th</sup> Brigade, upon an order of preventative detention issued on January 21, 2008, for their alleged involvement in the homicide of Edison de Jesús Alzate and brothers Héctor and Hernán Dario Espinosa Rodríguez, who were reported as combat deaths, in Juan José, Puerto Libertador (Córdoba) on June 20, 2007. Investigators report the victims were tricked into leaving a hotel and were later found dead and dressed in camouflage garb.

**(173) Army Second Lieutenant Jhonatan Polanco Botello**

**(174) Army Third Corporal Raúl Cardenas Carvajal**

**(175) Army Professional Soldier Jorge Díaz Alarcon**

**(176) Army Professional Soldier Guido Alberto Vilorio Velaider**

**(177) Army Professional Soldier Oscar Madera Hoyos**

**(178) Army Professional Soldier Luís Espejo Barrios Nuevo**

**(179) Army Professional Soldier Nader Hernández Hoyos**

NN. The Prosecutor General detained five members of the Army's 4<sup>th</sup> Engineering Battalion, upon an order of preventative detention issued on January 21, 2008, for their alleged participation in the homicide of Diego Silver García Suaza in San José, Santa Barbara (Antioquia) on May 30, 2006.

**(180) Army General Pedro Nel Ospina**

**(181) Army Second Sergeant Juan Carlos Oviedo Reynoso**

**(182) Army Professional Soldier Diego Alejandro Echeverri Quiroz**

**(183) Army Professional Soldier Millar Arbey Moreno Tuberquia**

**(184) Army Professional Soldier Jhonifer Bolívar Echeverri**

OO. The Prosecutor General detained **(185) Retired Army Sergeant Denis Elkin Quintero Duran**, upon an order of preventative detention issued on January 29, 2008, for allegedly sexually abusing and raping nine women between December 2007 and January 2008 in Cúcuta (Norte de Santander). He is being held in Modelo Prison while he awaits a hearing.

PP. The Prosecutor General detained seven members of the Army's 8<sup>th</sup> Mobile Brigade, including the former commander, upon orders of preventative detention issued on February 4, March 4, and April 3, 2008, for the alleged kidnapping, torture, and aggravated first-degree theft of residents of Tres Esquinas, Cunday (Tolima) on April 23, 2004. In his position as commander of the brigade, Sánchez Mejía allegedly ordered an ambush against a rural family, and members of the family were allegedly tortured so they would reveal the location of a

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hidden stash of \$100 million, apparently guerrilla property. The five detained on February 4, 2008, are being held at Picalena National Penitentiary in Ibagué, as is Sánchez Mejía; the one detained March 4 is being held in the circuit prison in Boyacá.

- (186) Army Retired Army Captain Lessie Bornarg Sánchez Mejía**  
*(detained April 3, 2008)*
- (187) Army Second Sergeant Juan Carlos Bonilla Betancourt**  
*(detained February 4, 2008)*
- (188) Army Second Corporal Anthony Asprilla Ordóñez**  
*(detained February 4, 2008)*
- (189) Army Professional Soldier William Rodríguez Cardenas**  
*(detained February 4, 2008)*
- (190) Army Professional Soldier Milton César Mendoza Mora**  
*(detained February 4, 2008)*
- (191) Army Professional Soldier Jhon Jairo Abonia Florez**  
*(detained February 4, 2008)*
- (192) Army Retired Army First Corporal Arley de Jesús Ortiz Trejos**  
*(detained March 4, 2008)*

QQ. The Prosecutor General detained six members of the Army GAULA in Tolima, upon an order of preventative detention issued on February 7, 2008, for their alleged participation in the homicide of a person in Malabar, Venadillo (Tolima) on May 31, 2003 while working with an informant to capture Fidel Matiz Bohorquez, alias "Ancizar Trujillo Vargas" or "El Pollo," supposed leader of the FARC's Tulio Varon front.

- (193) Army Major Francisco Alfonso Jiménez León**
- (194) Army Captain Juan Pablo Velándia Pachon**
- (195) Army Deputy First Sergeant Evelio Hernández Yara**
- (196) Army Deputy First Sergeant Fabio Toloza Pérez**
- (197) Army Professional Soldier Luís Antonio Silva**
- (198) Army Volunteer Soldier José Never González**

RR. The Prosecutor General detained six members of the Army GAULA in Montería, upon an order of preventative detention issued on February 29, 2008, for their alleged role in the homicides of Daladier Herrera Osorio and Omar Alfredo Osorio Almanza, who were reported as combat deaths, in Montería (Córdoba) on March 5, 2006.

- (199) Army Major Oscar Alberto Acuna Arroyo**
- (200) Army Captain Álvaro Camargo Camargo**
- (201) Army Professional Soldier Fabio Arturo Medina Torreglosa**

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- (202) Army Professional Soldier Luís Alfredo Colume Salgado**
- (203) Army Professional Soldier Ángel Manuel Jiménez Oviedo**
- (204) Army Professional Soldier Federman Cura Jaramillo**

- SS. The Prosecutor General detained two members of the Army – the former commander of the Army's 12<sup>th</sup> Mobile Brigade of Villavicencio and the head of the Urban Special Forces Anti-Terrorism Unit (AFEUR) – on March 19, 2008, for the alleged disappearance of four people (Henry Cubides, Carlos Hernández Vargas, Freddy Manuel Caussi Noriega, and Marilyn Montana Rincón) in Santodomingo, Vistahermosa (Meta) on January 3, 2006. Troops allegedly removed eleven people from a house in Santodomingo, and all but the four returned the next day. At the end of 2006, the bodies of Caussi, Hernández, and Cubides were discovered in a grave in Campoalegre, Vistahermosa (Meta).
- (205) Retired Army Colonel Carlos Hugo Ramírez Zuluaga**  
*(former commander of the 12<sup>th</sup> Mobile Brigade of Villavicencio)*
  - (206) Army Captain Milton Guillermo Corzo Usa**  
*(former head of the Urban Special Forces Antiterrorism Unit (AFEUR))*
- TT. The Prosecutor General detained **(207) Retired Army Second Sergeant Albeiro Otálvaro**, upon an order of preventative detention issued on April 1, 2008, for alleged aggravated homicide. According to medical reports, the victim was drugged at a Bogotá hotel and later transported to a motel in Villavicencio (Meta), where he was assassinated with a machete on June 14, 2007. Otálvaro is being held in the Villavicencio Penitentiary prison. Otálvaro was previously detained (in June 2007) for the homicide of journalist Garrit Muñoz Tello, founder of station La Voz del Cinaruco; these are separate charges.
- UU. The Prosecutor General detained seven members of the Army's 11<sup>th</sup> Brigade on April 16, 2008, for alleged ties to criminal groups (Los Paisas and Los Traquetos), and their alleged involvement in homicides and drug trafficking.
- (208) Army Lieutenant Colonel Álvaro Zambrano**  
*(commander of the Junin Battalion)*
  - (209) Army Major Julio Parga**  
*(commander of the Córdoba GAULA, attached to the 11<sup>th</sup> Brigade)*
  - (210) Army Soldier Jhonys Calderón**
  - (211) Army Soldier Harold Castañez**
  - (212) Army Soldier Elkin Vergara Federman**
  - (213) Army Soldier José Sierra**
  - (214) Additional Unnamed Member of the Army**

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- VV. The Prosecutor General detained nine members of the Army's 4<sup>th</sup> Brigade, upon an order of preventative detention issued on April 24, 2008, for their alleged role in the homicide of David Alfonso Ortiz Muñoz in La Sierra de Medellín (Antioquia) on June 4, 2005, during a search and control operation.
- (215) Army Second Sergeant Hernán Dario Duarto Buitrago**
  - (216) Army Professional Soldier Jorge Alberto Díez Silva**
  - (217) Army Professional Soldier Juvenal de Jesús Higuaita Suarez**
  - (218) Army Professional Soldier Dibier de Jesús Quiroz Tobon**
  - (219) Army Professional Soldier Carlos Andrés Sánchez Ibarguen**
  - (220) Army Professional Soldier Fabio León Torres Quintero**
  - (221) Army Professional Soldier Diego Fernando Hidalgo Padierna**
  - (222) Army Professional Soldier Delio Antonio Valencia Zea**
  - (223) Army Professional Soldier Heriberto Martínez Muñoz**
- WW. The Prosecutor General detained **(224) Army Major Gustavo Enrique Soto Bracamonte**, former commander of the GAULA of Casanare, upon an order of preventative detention issued on April 28, 2008, for his alleged role in the kidnapping of Javier Estevez, SIJIN (Judicial Police and Investigation Precinct) informant, on August 23, 2007 in Yopal (Casanare). Soto Bracamonte, who is detained in the Batallón de Apiay (Meta) jail, is also under investigation for the kidnapping and subsequent homicide of Eduardo Pérez Vega on July 27, 2007, in an internet café in the Ciudad Porfia neighborhood in Villavicencio.
- XX. The Prosecutor General detained fifteen members of the Army's 2<sup>nd</sup> Artillery Battalion ("La Popa") on April 28, 2008, for their alleged participation in the May 15, 2005, murder of Franz Enrique Martínez Cavieres and Claudino Manuel Olmedo Arlante, two civilians who were presented as guerrillas from the FARC's 41<sup>st</sup> front. (Case Number 2257)
- (225) Army Soldier Diógenes Guerra Beleños**
  - (226) Army Soldier Harold Fernando Simanca**
  - (227) Army Soldier Jorge Luís Laeh**
  - (228) Army Soldier Javier Alberto Pineda**
  - (229) Army Soldier Juan Carlos Pérez Arrieta**
  - (230) Army Soldier Arturo Javier Ariza de la Hoz**
  - (231) Army Soldier Argenis José García**
  - (232) Army Soldier Francisco Pérez Márquez**
  - (233) Army Soldier Jean Javier Carrillo**
  - (234) Army Soldier Ivo Alberto Baquero**
  - (235) Army Soldier Said Gutiérrez Díaz**
  - (236) Army Soldier Eneido Martínez**

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- (237) Army Soldier Augusto José Peña**
- (238) Army Soldier Dimas Oliveros González**
- (239) Army Soldier Jhonny Eduar Mejía**

YY. The Prosecutor General detained four members of the Army's 2<sup>nd</sup> Artillery Battalion ("La Popa"), upon an order of preventative detention issued on May 6, 2008, including the commander of the battalion at the time, for allegedly colluding with paramilitaries and the homicide of 20 individuals in June and October 2002. According to press reports based on AUC testimony, AUC leaders allegedly killed members of their own group as part of an internal purge and called Colonel Mejía's battalion to collect the bodies. The battalion then presented the bodies as guerrillas killed in combat. According to the investigation, between January 2002 and December 2003, Mejía, in his position as commander of the La Popa de Valledupar Battalion, and Ruíz supposedly met with leaders of the self-defense forces such as Rodrigo Tovar Pupo, alias "Jorge 40," and alias "39," chief of the Martires del Cacique del Valle de Upar front. (Case Number 3834)

- (240) Army Colonel Hernán Mejía**  
*(suspended May 6, 2008)*
- (241) Army Lieutenant Colonel José Pastor Ruíz Mahecha**
- (242) Army First Sergeant Aureliano Quejada Quejada**
- (243) Army Non-Commissioned Officer Efraín Andrade Perea**  
*(retired)*

ZZ. The Prosecutor General detained **(244) Retired Army Sergeant Luís Eduardo Mahecha Hernández**, chief of intelligence for the Army's Third High Mountain Battalion, upon an order of preventative detention issued on May 16, 2008, for his alleged participation in the homicide of José Orlando Giraldo Becerra, a farmer in Apartadó (Antioquia), in a country house in Golondrina (Cali) on March 11, 2006. An officer, four non-commissioned officers, and six professional soldiers from the Third High Mountain Battalion allegedly fired on Giraldo Barrera while out on patrol. CTI's criminal analysis shows that the trajectory of the bullets do not coincide with the military's version of the story or the battalions' operational records. Rather, it appears that Giraldo Becerra's body was moved and the shootings were done at varying times, leading the Prosecutor General's Office to believe it was a planned assassination. Mahecha is being held in Villa de Las Palmas de Palmira prison (Valle).

AAA. The Prosecutor General detained **(245) Retired Army Non-Commissioned**

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**Officer Edgar Paz Morales**, upon an order of preventative detention issued on May 22, 2008, for allegedly holding several people hostage in a downtown building under the threat of activating a grenade (date and location of incident unknown). According to the prosecutor investigating the case, the defendant kidnapped several people with the intention of reading a communiqué in the presence of the press and the Commander of the Military Forces.

BBB. The Prosecutor General detained three members of the Army (including retired Army General Iván Ramírez, who headed an intelligence unit at the time) on May 28, 2008, for their alleged involvement in the disappearance of 11 people in 1985 during the Army's assault of the Palace of Justice in order to retake it from leftist rebels. At least 100 people were killed in the clash with the rebel group, including nine judges, and dozens disappeared. Prosecutors allege that soldiers under Ramírez' command escorted the 11 before their disappearance; witnesses claim the 11 were tortured and killed.

**(246) Retired Army General Iván Ramírez**

*(intelligence unit commander)*

**(247) Retired Army Vice First Sergeant Luís Fernando Nieto Velándia**

*(formerly of the B2 Military Intelligence Group)*

**(248) Army Major Oscar William Vásquez Rodríguez**

CCC. The Prosecutor General's Office detained **(249) Army Soldier Anderson Alberto López**, a soldier from the Army's Serviez Battalion on June 3, 2008, for his alleged role in sexually abusing a 14-year-old girl on May 29, 2008, in Ciudad Porfia, Villavicencio (Meta). López is being held in a penitentiary prison in Villavicencio.

DDD. The Prosecutor General's Office detained three members of the Army's Second Counterguerrilla Battalion from the 4<sup>th</sup> Brigade, upon an order of preventative detention issued on June 6, 2008, for their alleged role in the homicide, torture and aggravated kidnapping of María Graciela Santamaría Galeano, who was then reported as killed in combat, on May 28, 2005, in Los Medios, Granada (Antioquia). The three are being held in military garrisons.

**(250) Army Non-Commissioned Officer Carlos Edilson Jacome Alvarez**

**(251) Army Professional Soldier Horacio Fernando Misas Echavarri**

**(252) Army Professional Soldier Robinson Alexander Giraldo Manco**

At least 113 military personnel identified in previous memorandums of justification as having been detained by the Armed Forces for their alleged involvement in human rights violations and/or ties to paramilitary groups remain in preventative

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detention<sup>16</sup> as of June 15, 2008, pending further investigation. In each case, the Armed Forces complied with the order for the preventative detention of the individual when notified, and suspended the military personnel involved when asked to do so.

- (1) Army Lieutenant Jorge Alexander Sánchez Castro (Case # 122)
- (2) Navy Captain Jorge Javier Muñoz Suarez (Case #150)
- (3) Army Major Carlos Alberto Guzman Lombana (Case #233)
- (4) Army Vice First Sergeant Juan Carlos Gamarra Polo (Cases #341 & #784)
- (5) Army Lieutenant Daniel Edilson Amaya Díaz (Case #428)
- (6) Army Lieutenant Leonardo Jairo Torres Castillo (Case #428)
- (7) Army Captain Carlos Martínez de la Ossa (Case #428)
- (8) Army Lieutenant Sandro Quintero Carreño (Case #428)
- (9) Army Lieutenant Javier Augusto Vásquez Medina (Case #428)
- (10) Army Major Orlando Hernando Pulido Rojas (Case #428)
- (11) Army First Corporal Pedro Barrera Cipaguata (Case #428)
- (12) Army Soldier Juan Carlos Vásquez (Case #428)
- (13) Army Soldier Luís Salomón Puerto Acero (Case #428)
- (14) Army Soldier Raúl Emilio Lizcano Ortiz (Case #428)
- (15) Army Soldier Domingo Calderón Adán (Case #428)
- (16) Army Soldier Marco Tulio Calderón Cegua (Case #428)
- (17) Jairo Humberto González Cuellar (Case #428)
- (18) Army Soldier Everardo Bolaños Galindo (Case #525)
- (19) Army Soldier Germán Antonio Alzare Cardona (Case #525)
- (20) Army Major Lauricio Llorente Chavez (Case #536)
- (21) Army Lieutenant Víctor Hugo Matamoros Rodríguez (Case #536)
- (22) Navy Captain Héctor Martín Pita Vásquez (Case #721)
- (23) Navy Colonel Carlos Alberto Sánchez García (Case #721)
- (24) Army Sergeant José Miller Urueña Díaz (Case #784)
- (25) Air Force Captain Juan Manuel Ortiz Matamoros (Case #784)
- (26) Air Force Captain Helio Ernesto Buitrago León (Case #784)
- (27) Air Force Captain Jorge Luís Almeida Quiroz (Case #784)
- (28) Army Corporal Leonardo Montoya Rubiano (Case #784)
- (29) Army Colonel Roberto Charry Solano (Case #875)
- (30) Army Soldier Albeiro de Jesús García Rendón (Case #875)
- (31) Army Soldier Ramiro Antonio Alarcón Guerra (Case #875)
- (32) Army Vice First Sergeant Sergio Salazar Soto (Case #875)
- (33) Army Major César Alonso Maldonado Vidales (Case #943)

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<sup>16</sup> Numbers 1 through 101 are presumed to still be in detention; but could not be confirmed in time for this report. Numbers 102 through 145 are confirmed to still be in detention.

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- (34) Army Vice First Sergeant Pedro José Ovalle Guarnizo (Case #950)
- (35) Army Colonel Gabriel Ramón Díaz Ortiz (Case #993)
- (36) Army Lieutenant Fredy Alexis Rivera Díaz (Case #993)
- (37) Army Captain Ruben Brian Blanco Bonilla (Case #1015)
- (38) Army Soldier Luís Humberto Ortega García (Case #1526)
- (39) Army Soldier Juan Carlos Aragón Vidal (Case #1526)
- (40) Army Lieutenant Luís Enrique Andrade Ortiz (Case #1450)
- (41) Army Sub-Lieutenant Jairo Fidel Velándia Botia (Case #1560)
- (42) Army Lieutenant Colonel Héctor Alejandro Cabuya de León (Case #1578)
- (43) Army Second Sergeant José Ruben Cebellos Ríos (Case #1593)
- (44) Army Captain Gehison Moreno González (Case #1593)
- (45) Army Captain Captain Juan Carlos Valderrama Angarita (Case #1593)
- (46) Army Lieutenant Frank Yamir Bonilla Restrepo (Case #1695)
- (47) Army Sergeant José Fernando Martínez Bautista (Case #1695)
- (48) Army Captain Edgar Mauricio Arbelaez Sánchez (Case #1703 & 1765)
- (49) Army First Corporal Eduardo Enrique Márquez Martínez (Case #1703)
- (50) Army Professional Soldier Ezequiel Martínez García (Case #1703)
- (51) Army Soldier Dayro Antonio Castaño González (Case #1789)
- (52) Army Colonel Jorge Alberto Amor Pelaez (Case #1789)
- (53) Army Major Cristian Alonso Mejía Chaparro (Case #1789)
- (54) Army Second Sergeant Roiber Humberto Gutierrez Montero (Case #1820)
- (55) Army Vice First Sergeant Luís Fernando Hurtado Castillo (Case #1859)
- (56) Army Professional Soldier Jorge Armando Tovar Narvaez (Case #1859)
- (57) Army Sergeant Albeiro Pérez Duque (Case #1893)
- (58) Army Soldier Juan Carlos Rodríguez Agudelo (Case #1893)
- (59) Army Soldier Wilson Hernándo Casallas Suecun (Case #1893)
- (60) Army Soldier Francisco Blanco Esteban (Case #1893)
- (61) Army Soldier Oscar Javier Ángel González (Case #1893)
- (62) Army Soldier Omar Beltran Blanco (Case #1893)
- (63) Army Professional Soldier Freddy Alexander Galindo (Case #1893)
- (64) Army Professional Soldier Marco Tulio Gueche Pérez (Case #1893)
- (65) Army Professional Soldier José Wilson Lievano Gutierrez (Case #1893)
- (66) Army Soldier Edilberto Marín Malatesta (Case #1893)
- (67) Army Professional Soldier Alenpifen Rodríguez Bermudez (Case #1893)
- (68) Army Professional Soldier Jacid Rodríguez Hernández (Case #1893)
- (69) Army Second Sergeant Lenin Alexander Ledesma Cardona (Case #1958)
- (70) Army Soldier Jair Hurtado Cuesta (Case #2280)
- (71) Army Soldier Yailer Arce Rios (Case #2280)
- (72) Army Soldier Zamir Córdoba Rodríguez (Case #2280)
- (73) Army Soldier Francisco Arturo Caicedo Mosquera (Case #2280)

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- (74) Army Soldier Jarinson García Chaverra (Case #2280)
- (75) Army Soldier Wilmer Antonio Córdoba Mena (Case #2280)
- (76) Army Soldier Bayson David Díaz Gil (Case #2280)
- (77) Army Vice First Sergeant Octavio de Jesús Palacio Taborda (Case #2280)
- (78) Army Captain Juan Carlos Rodríguez Agudelo (Case #1893)
- (79) Army First Corporal Francisco Blanco Estéban (Case #1893)
- (80) Army Subofficial Pedro José Guarnizo (Case #950)
- (81) Army Third Corporal César Augusto Mosquera Guerrier  
(Case #3139/165633)
- (82) Army Second Sergeant Alexander Ledezma Carona Lenin  
(Case # unknown)
- (83) Army Soldier Carlos Alberto Heredia Botello (Case # unknown)
- (84) Army Lieutenant Colonel Jorge Eliécer Plazas Acevedo (Case # unknown)
- (85) Army Sergeant Guillermo Lozano Guerrero (Case # unknown)
- (86) Army Soldier Marco Antonio Gueche Pérez (Case # unknown)
- (87) Army Soldier Omar Beltrán Blanco (Case # unknown)
- (88) Army Third Corporal Oscar Javier Ángel González (Case # unknown)
- (89) Army Second Sergeant Suescun Wilson Casallas (Case # unknown)
- (90) Army First Corporal José Rafael Tarazona Villamizar (Case #3155)
- (91) Army Third Corporal Edwin Alberto Ávila Mesa (Case #3155)
- (92) Army Third Corporal Hugo Alberto Mestra Agudelo (Case #3155)
- (93) Army Third Corporal Jairo Alonso Lora Fuentes (Case #3155)
- (94) Army Professional Soldier Álvaro Yeison Acosta Sánchez (Case #3155)
- (95) Army Third Corporal Sergio Andrés Muriel Quiroga (Case #3155)
- (96) Army Third Corporal Carlos Antonio Pacheco Ramírez (Case #1874)
- (97) Army Professional Soldier Hugo Alberto Martínez Delgado (Case #1874)
- (98) Army Professional Soldier Juan Carlos Soto Sepúlveda (Case #1874)
- (99) Army Professional Soldier Javier Yesid de Ávila Alquerque (Case #1874)
- (100) Army Sub-Lieutenant José Moreno Trigos (Case #1874)
- (101) Army Lieutenant Carlos Andrés Lora Cabrales (Case #3139/165633)
- (102) Army Professional Soldier Rodolfo Martínez Ríos (Case #3139/165633)
- (103) Army Professional Soldier Adair Tarazona Ríos (Case #3139/165633)
- (104) Army Professional Soldier Abel Salcedo Jiménez (Case #3139/165633)
- (105) Army Professional Soldier Everaldo Antonio Martínez  
(Case #3139/165633)
- (106) Army Professional Soldier Luís Hernando Salgado Flórez  
(Case #3139/165633)
- (107) Army Professional Soldier Edgar David Ramos Medina  
(Case #3139/165633)
- (108) Vice First Sergeant Flavio César Sánchez Rivera (Case # unknown)

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- (109) First Corporal Albeiro Vargas Gaitan (Case # unknown)
- (110) Lieutenant Edwin Alberto Fugerdo Mesa (Case # unknown)
- (111) Professional Soldier Roberto Carlos Posada Díaz (Case # unknown)
- (112) Professional Soldier Luís Miguel Solano Ramos  
(Case # unknown)
- (113) Professional Soldier Dairo Yeneris Silva  
(Case # unknown)

**Indictments by the Prosecutor General's Office (Fiscalía)**

Between January 2007 and June 15, 2008,<sup>17</sup> the Prosecutor General's Office indicted 96 military personnel (resoluciones de acusación), who were involved in 20 cases of alleged human rights violations, and initiated trial proceedings against them in civilian courts (information on suspensions from the military provided where available).

- A. On January 5, 2007, the Prosecutor General's Office indicted five soldiers from the 28th Air Transport Infantry Battalion, for conspiracy to commit homicide between March and May 2003, in Viota (Cundinamarca). The soldiers allegedly collaborated with the United Self-Defense Forces of Casanare in the homicide of civilians that the paramilitary group deemed to be guerrilla sympathizers. (Case Number 1765)
  - (1) **Army Captain Edgar Mauricio Alexander Arbelaez Sánchez Lizarazo Parra**
  - (2) **Army Sergeant Harol William Pejendino**
  - (3) **Army Colonel Rodrigo Alfonso González Medina**  
*(retired from the Armed Forces on February 1, 2006)*
  - (4) **Army Major Alexander Lizarazo Parra**
  - (5) **Army Major Alejandro Robayo Rodríguez**  
*(suspended from the Armed Forces on January 27, 2007)*
- B. On January 11, 2007, the Prosecutor General's Office indicted five soldiers from the Army's 4<sup>th</sup> Engineering Battalion for the homicide and torture of civilians on April 23, 2004, in the hamlet of Arenillal in Sonsón (Antioquia). The soldiers allegedly killed Juan de Jesús Rendón and threatened his 13-year-old daughter with death. (Case Number 2050)
  - (6) **Army Professional Soldier Fred Alexander Cañaveral Ramírez**
  - (7) **Army Professional Soldier Elkin Edilson Orrego Palacio**
  - (8) **Army Professional Soldier Carlos Andrés Ladino Monroy**
  - (9) **Army Professional Soldier Geovanni Presiga Tangarife**

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<sup>17</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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**(10) Army Second Sergeant Elmer Torres Rodríguez**

- C. On January 31, 2007, the Prosecutor General's Office indicted seven members of the Army for their alleged role in the disappearance and homicide of Edilberto Vásquez Cardona, a member of the San José de Apartadó Peace Community, on January 12, 2006.
- (11) Army Second Sergeant Fredy Torres Botero**
  - (12) Army First Corporal Regino Ceren Paz**
  - (13) Army Soldier César Duvan Ciro Martínez**
  - (14) Army Soldier Fernando Hinestroza**
  - (15) Army Soldier Nelson Vilorio Avendano**
  - (16) Army Soldier Germán Martínez Gómez**
  - (17) Army Adelson Padilla Ramos**
- D. On February 15 and June 12, 2007, the Prosecutor General's Office indicted three soldiers from the Army's 1<sup>st</sup> Counternarcotics Battalion for aggravated homicide on March 30, 2007, for their alleged involvement in the death of Ildefonso Cifuentes Velasques and Luís Alfonso Florez Toro during "Operation Sovereignty" in Montenegro (Quindío) on April 14, 2005. (Case Number 3160)
- (18) Army Soldier Juan Guillermo Londoño Mazo**  
*(indicted February 15, 2007)*
  - (19) Army Soldier Jhon Alveiro Vargas Morales**  
*(indicted February 15, 2007)*
  - (20) Army Sub-official Freymi Sinisterra Payan**  
*(indicted June 12, 2007)*
- E. On February 20, 2007, the Prosecutor General's Office indicted three members of the Army for their alleged involvement in the death of a man in the hamlet of La Chapa in El Peñol (Antioquia) on April 10, 2004. (Case Number 2231)
- (21) Army Soldier Jhonatan Ortiz Suaza**  
*(retired from the Armed Forces on March 30, 2004)*
  - (22) Army Soldier Jhon Jairo Cuervo Rodríguez**  
*(retired from the Armed Forces on March 30, 2004)*
  - (23) Army Second Corporal Dairo Francisco Mendoza Torres**
- F. On March 13, 2007, the Prosecutor General's Office indicted **(24) Army Professional Soldier Adolfo Guerrero Camacho** for aggravated murder on July 3, 2006, in the city of Santa Marta (Magdalena). The soldiers were allegedly involved in the killing of Mario Alberto Camargo Barahona, José Enrique Gutierrez Arias, and Yeiner Alfredo Pérez Arias, who were reported as killed in

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combat on July 3, 2006, in the city of Santa Marta, in La Jagua del Pilar (La Guajira). (Case Number 3758)

- G. On May 2 and August 27, 2007, the Prosecutor General's Office indicted two soldiers from the Army's 12<sup>th</sup> Urban Anti-terrorism Special Forces Group for their alleged involvement in the detention and harassment of Jesús Elias López Motta in Florencia (Caquetá) on December 16, 2005. (Case Number 3133)
- (25) **Army Sub-Lieutenant Camilo Javier Romero Abril**  
*(indicted May 2, 2007)*
  - (26) **Army Professional Soldier Ruberney Matiz**  
*(indicted August 27, 2007)*
- H. On June 6, 2007, the Prosecutor General's Office indicted nine soldiers from the Army's 14<sup>th</sup> Battalion ("Antonio Ricaurte"), 5<sup>th</sup> Brigade on charges of aggravated homicide for their alleged involvement in the deaths of Edison Alberto Martínez Pacheco and Edit Salcedo Vergen on May 31, 2005, in Los Planes, municipality La Esperanza (Norte de Santander). (Case Number 2256)
- (27) **Army Captain William Ovidio Lara Ramírez**  
*(separated from service June, 19, 2007)*
  - (28) **Army Professional Soldier Cristian Santos Rey**  
*(separated from service March 25, 2008)*
  - (29) **Army Professional Soldier Edgar Araque Pérez**  
*(separated from service March 25, 2008)*
  - (30) **Army Professional Soldier Mauricio Araque Quintero**  
*(separated from service March 25, 2008)*
  - (31) **Army Professional Soldier Jaime Caballero Gualtero**  
*(separated from service June 14, 2007)*
  - (32) **Army Professional Soldier Cristian Duran Arguello**  
*(separated from service March 25, 2008)*
  - (33) **Army Professional Soldier Enrique Meza Gómez**  
*(separated from service March 25, 2008)*
  - (34) **Army Professional Soldier Nelson Ortiz Casanova**  
*(separated from service March 25, 2008)*
  - (35) **Army Professional Soldier Wiliam Efren Plata Prada**  
*(separated from service March 25, 2008)*
- I. On October 25, 2007, the Prosecutor General's Office indicted two soldiers from the Army for their alleged involvement in the forced disappearance and forced displacement of 11 civilians, and the death of four of them, on January 3, 2006, in Vista Hermosa (Meta). On this date, members of the Army's 12<sup>th</sup> Mobile Brigade

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and 17<sup>th</sup> Counterguerrilla Battalion were allegedly accompanied by a representative from the Department of Administrative Security (DAS) and two members of the Prosecutor General's Office in Villavicencio as they allegedly conducted investigations, which led to the disappearance and displacement of the 11 civilians. On August 24, 2006, the bodies of three of the four of those who disappeared were exhumed. On April 3, 2008, one of the two (Army Captain Milton Guillermo Corso Ussa) was released by the 13<sup>th</sup> Prosecutor General before the Superior Court in Bogotá. (Case Number 3226)

**(36) Army Colonel Carlos Hugo Ramírez Zuluaga**

*(discretionarily retired from the Armed Forces on March 15, 2006)*

**(37) Army Captain Milton Guillermo Corso Ussa**

J. On October 31, 2007, the Prosecutor General's Office indicted four soldiers from the Army's 4<sup>th</sup> Mechanized Infantry Group ("Juan de Corral"), for their alleged role in the detention and death of Gabriel Valencia, who was subsequently reported as killed in combat in the town of El Zancudo, Argelia (Antioquia) on October 5, 2005. The case is in the hearing phase (instrucción). (Case Number 3168)

**(38) Army Soldier Lewis Americo Palacios Copete**

**(39) Army Soldier Wilson Antonio Garces George**

*(retired from the Armed Forces, date unknown)*

**(40) Army Soldier Wilson Andrés Bonilla Blandón**

**(41) Army Lieutenant Ramiro Jairo Ramírez Ortega**

*(retired from the Armed Forces on March 1, 2006)*

K. On November 14, 2007, the Prosecutor General's Office indicted **(42) Army Lieutenant Alexander Prada García** *(suspended from the Armed Forces on March 23, 2007)* for aggravated murder and theft for his alleged involvement in the death of an individual, allegedly attributed to members of the Army's 18<sup>th</sup> Battalion ("Reviez Pizarro Saravena") in Saravena (Arauca) on August 20, 2006. (Case Number 3828)

L. On November 16, 2007, the Prosecutor General's Office indicted **(43) Army Professional Soldier Rodrigo Antonio Hernández Sucerquia** for aggravated murder for his alleged role in the death of Romulo Gómez Rengifo on May 21, 2005, in Almaguer (Cauca), who was later reported as killed in combat. (Case Number 3150)

M. On November 26, 2007, the Prosecutor General's Office indicted six soldiers from the Army for aggravated murder for their alleged role in the death of Fabio

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Nelson Rodríguez on March 18, 2005 in Los Llanos de Urraco Buriticá, municipality Urrao (Antioquia) during a confrontation between the Army and guerrilla forces. (Case Number 3479)

- (44) **Army Captain Iván Andrés González Villafane**  
*(suspended from the Armed Forces on December 14, 2007)*
- (45) **Army Voluntary Soldier Luís Germán Solarte Mora**  
*(suspended from the Armed Forces on December 14, 2007)*
- (46) **Army Professional Soldier Jeimin Valoyes Murillo**  
*(suspended from the Armed Forces on December 14, 2007)*
- (47) **Army Professional Soldier Juan Santiago Guerra Álvarez**  
*(retired from the Armed Forces on June 15, 2005)*
- (48) **Army Professional Soldier Oscar García Taborda**  
*(retired from the Armed Forces on May 30, 2005)*

N. On November 29, 2007, the Prosecutor General's Office indicted seven soldiers from the Army for their alleged involvement in the kidnapping and subsequent homicide of Eduardo Pérez Vega in the Ciudad Porfia neighborhood of Villavicencio (Meta) on July 27, 2007. Pérez was allegedly kidnapped from an internet café and forced to board a truck assigned to the GAULA of Casanare. The next day, Pérez's body was discovered in the municipality of Hato Corozal (Casanare). (Case Number 4044)

- (49) **Army Major Gustavo Enrique Soto Bracamonte**  
*(suspended from the Armed Forces on November 14, 2007)*
- (50) **Army Lieutenant Jhon Alexander Suancha Florian**  
*(Discretionarily retired October 9, 2007)*
- (51) **Army Second Corporal Gelter Pérez García**  
*(suspended from the Armed Forces on November 26, 2007)*
- (52) **Army Professional Soldier Carlos Alfredo Bello Bolívar**  
*(suspended from the Armed Forces on November 14, 2007)*
- (53) **Army Professional Soldier Abdón Guanaro Guevara**  
*(suspended from the Armed Forces on November 14, 2007)*
- (54) **Army Professional Soldier Elio Ernesto Celis Bedoya**  
*(suspended from the Armed Forces on November 14, 2007)*
- (55) **Army Professional Soldier Jhony Higuera Moreno**  
*(suspended from the Armed Forces on November 14, 2007)*

O. On December 5, 2007, the Prosecutor General's Office indicted (56) **Army Second Sergeant Oscar Danilo Garzon Acuna** *(suspended from the Armed Forces on November 28, 2007)* for aggravated homicide for his alleged involvement in the deaths of Juan de Dios Hernández Escobar and Adrian Lara

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Villamizar, who were taken from their home in Laguna de Ortices, San Andrés (Santander) on September 12, 2006. (Case Number 3789)

- P. On January 17, 2008, the Prosecutor General's Office indicted 16 members of the Army's 4<sup>th</sup> Brigade for their alleged involvement in the homicide of Arley de Jesús Vallejo Cardona and Jhon Fredy García Cardona in Comuna 13, San Cristobal, Medellín (Antioquia) on May 26, 2004. Witnesses and relatives of the victims told investigators the two youths were detained by paramilitaries while selling arepas in the area. A military patrol consisting of men from the Pedro Justo Berrio Battalion and AFEUR (Association of Uranas Special Forces) later reported them as guerrilla combat deaths.

- (57) **Army Captain Robinsón Jhon Edgar Lozano Garnica**
- (58) **Army Sergeant Sergio Ezequiel Rojas Ochoa**
- (59) **Army Sergeant Gelver Eduardo Muñoz Mantilla**
- (60) **Army Sergeant Ismael Enrique Romero Martínez**
- (61) **Army Corporal César Felipe Castilla**
- (62) **Army Professional Soldier José Mosquera Delgado**
- (63) **Army Professional Soldier Sergio Pérez Restrepo**
- (64) **Army Professional Soldier Alberto Pérez Arango**
- (65) **Army Professional Soldier Hugo Zulaica Gaviria**
- (66) **Army Professional Soldier José Hernández Parra**
- (67) **Army Professional Soldier Darío Henao Posso**
- (68) **Army Professional Soldier Juan Gallego Várelas**
- (69) **Army Professional Soldier Joaquín Hidalgo Higueta**
- (70) **Army Professional Soldier Carlos Villa Cañon**
- (71) **Army Professional Soldier Román Gutiérrez Jaramillo**
- (72) **Army Professional Soldier Gildardo Montoya López**

- Q. On February 22, 2008, the Prosecutor General's Office indicted three members of the Army's 4<sup>th</sup> Artillery Battalion and seven members of the Army's 4<sup>th</sup> Engineering Battalion for their alleged involvement in the homicide of Jessica Marcela Quintero Giraldo and Nelson Abad Ceballos on July 13, 2003, in La Merced, Granada (Antioquia). According to the Armed Forces, the three died in a clash with troops, however the investigation revealed they died outside of combat. (Case Number 3131)

- (73) **Army Third Corporal Esneider Nieto Duarte**  
*(Army's 4<sup>th</sup> Artillery Battalion)*
- (74) **Army Professional Soldier Jhon Goez Escobar**  
*(Army's 4<sup>th</sup> Artillery Battalion)*
- (75) **Army Professional Soldier Jhon Zapata Escobar**

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*(Army's 4<sup>th</sup> Artillery Battalion)*

- (76) Army Lieutenant Rafael Alberto Orduz Naranjo**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (77) Army Professional Soldier Carlos Adrian Mazo Marín**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (78) Army Volunteer Soldier Jairo Blandón Valencia**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (79) Army Volunteer Soldier Elkin Edison Orrego Palacio**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (80) Army Professional Soldier Carlos Edilson Osorio Cardenas**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (81) Army Professional Soldier Fred Alexander Cañaveral Ramírez**  
*(Army's 4<sup>th</sup> Engineering Battalion)*
- (82) Army Volunteer Soldier Manuel Santo Ibarguen Valderrama**  
*(Army's 4<sup>th</sup> Engineering Battalion)*

R. On March 25, 2008, the Prosecutor General's Office indicted three members of the Army for their alleged role in the torture and personal injury of soldiers at the Army Instruction and Training Center in Piedras (Tolima) on January 25, 2006. This brings the total number of members of the Armed Forces indicted in this case to 20.

- (83) Army Second Lieutenant Javier Arturo Pachon Reina**
- (84) Army Second Lieutenant Hair Alexander Monroy González**
- (85) Army Second Lieutenant Cristian Camilo Barrera Echeverri**

S. On March 31, 2008, the Prosecutor General's Office indicted three members of the Administrative Service and Support Company of the Army's 17<sup>th</sup> Brigade for their alleged involvement in the homicide of José Ángel Hugueta in Chichirido (Antioquia) on November 13, 2005. On that day, Higueta left his house for Godo, where he earned a living filling potholes, and never returned, though his bicycle and tools were later found. On November 14, 2005, Higueta was identified by his relatives in the Chigorodó morgue, where he was identified as killed in combat. The Armed Forces allegedly brought Higueta to Chichirido, where they changed his civilian clothing for military camouflage and later assassinated him. Afterwards, they allegedly placed a communications radio and a 7.65 pistol near him to make him appear as a FARC subversive. (Case Number 3958)

- (86) Army Third Corporal Jhon Andrey Rincón Salgado**
- (87) Army Soldier Adrián Ramiro Puentes Arrieta**
- (88) Army Second Sergeant Jorge Andrés Estupiñan Chamorro**

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- T. On May 2, 2008, the Prosecutor General's Office indicted eight members of the Army's 10<sup>th</sup> Infantry Battalion ("Atanacio Girardot") for their alleged involvement in the homicide of Daniel Enrique Piedrahita, Jhon Edison Galeano, Jesús Alberto Londoño, and Juan Dario Arroyave on March 14, 2006, in Yaramal (Antioquia). (Case Number 3781)
- (89) **Army Soldier Carlos Augusto Jaramillo Rojas**
  - (90) **Army Third Corporal Yeison Fernando Jaime Martínez**
  - (91) **Army Third Corporal Carlos Andrés Torrado Contreras**
  - (92) **Army Soldier César Augusto Álvarez Díaz**
  - (93) **Army Soldier Germán Darío Grajales Calderón**
  - (94) **Army Lieutenant Luís Gabriel Rueda Acevedo**
  - (95) **Army Soldier Wilfredo Eliécer Díaz Ciro**
  - (96) **Army Soldier Oscar Darío Zea Ospina**

**Continuation of Proceedings by the Prosecutor General's Office**

During 2007 and 2008,<sup>18</sup> the Prosecutor General's Office continued judicial proceedings against 74 members of the Armed Forces whose cases were listed in previous memorandums of justification for violations of human rights and collaboration with paramilitary groups (case number and status listed where known).

1. **Army Professional Soldier Manuel Vence Cibis** (Case #3138)  
*(case in resolution of indictment)*
2. **Army Second Sergeant Alexander Ledezma Cardona Lenin** (Case #2102)
3. **Army Professional Soldier Jhon Jairo Guzmán Gallego** (Case #2102)  
*(executing resolution of indictment)*
4. **Army Professional Soldier Albeiro Pérez Duque** (Case #2102)  
*(executing resolution of indictment.)*
5. **Army Professional Soldier Noel Briñez Pérez** (Case #2102)  
*(executing resolution of indictment)*
6. **Army Professional Soldier Jairo Sebastián Quintero Riaño** (Case #2102)  
*(executing resolution of indictment)*
7. **Army Professional Soldier Jhon Jairo Vizcaya Rodríguez** (Case #2102)  
*(executing resolution of indictment)*
8. **Army Professional Soldier Luís Fernando Ramos Martínez** (Case #2102)  
*(executing resolution of indictment)*
9. **Army Sergeant Octavio de Jesús Palacio Taborda** (Case #2280)  
*(executing resolution of indictment)*
10. **Army Soldier Yeiler Arce Ríos** (Case #2280)

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<sup>18</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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- (executing resolution of indictment)*
11. **Army Soldier Zamir Córdoba Rodríguez** (Case #2280)  
*(executing resolution of indictment)*
  12. **Army Soldier Jarinson García Chaverra** (Case #2280)  
*(executing resolution of indictment)*
  13. **Army Soldier Wilmar Antonio Córdoba Mena** (Case #2280)  
*(executing resolution of indictment)*
  14. **Army Soldier David Díaz Gil Bairson** (Case #2280)  
*(executing resolution of indictment)*
  15. **Army Soldier Jerson Amado Córdoba Mosquera** (Case #2280)  
*(executing resolution of indictment)*
  16. **Army First Vice Sergeant Sergio Salazar Soto** (Case #935)  
*(executing resolution of indictment)*
  17. **Army Professional Soldier Ramiro Antonio Alarcón Guerra** (Case #935)  
*(executing resolution of indictment)*
  18. **Army Professional Soldier Albeiro de Jesús García Rendón** (Case #935)  
*(executing resolution of indictment)*
  19. **Army Lieutenant Elkin Leonardo Burgos Suárez** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  20. **Army Third Corporal Pedro Andrés Cubillos Bolívar** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  21. **Army then-Third Corporal Elkin Rojas** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  22. **Army Soldier Leuder Jarman Castillo Sánchez** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  23. **Army Soldier Luís Carlos Maestre Montero** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  24. **Army Soldier Luís Carlos Pachaco Bolaños** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  25. **Army Soldier Willinton Verav** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  26. **Army Soldier Juan Manuel Mejía Rodríguez** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  27. **Army Soldier Albert David Pertuz Plata** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  28. **Army Soldier Heber de Jesús Peralta González** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  29. **Army Soldier Fernando José Rodríguez González** (Case #2036)  
*(case forwarded to specialized judges of Valledupar)*
  30. **Colonel William Roberto de Valle** (Case #987)

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- (case forwarded to specialized judges of Cucuta)*
31. **Army Subofficial César Alfonso Maldonado Vidales** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
32. **Army Subofficial Efraín Niño Plazas** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
33. **Army Subofficial Edilberto Goyes Buitrón** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
34. **Army Subofficial Jairo Granja Hurtado** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
35. **Army Subofficial Jesús Hernando Laguado Suárez** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
36. **Army Subofficial José Gregorio Hernández Hernández** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
37. **Army Subofficial José Misael Valero Santana** (Case #987)  
*(case forwarded to specialized judges of Cucuta)*
38. **Lieutenant Colonel Jorge Alberto Navarro Devia** (Case #1479)  
*(executing resolution of indictment)*
39. **First Sergeant Roberto Camacho Riaño** (Case #1479)  
*(executing resolution of indictment)*
40. **Vice First Sergeant Ever Ospina** (Case #1479)  
*(executing resolution of indictment)*
41. **Army First Corporal José Rafael Tarazona Villamizar** (Case #3155)  
*(executing resolution of indictment)*
42. **Army Third Corporal Edwin Alberto Ávila Mesa** (Case #3155)  
*(executing resolution of indictment)*
43. **Army Third Corporal Hugo Alberto Mestra Agudelo** (Case #3155)  
*(executing resolution of indictment)*
44. **Army Third Corporal Jairo Alonso Lora Fuentes** (Case #3155)  
*(executing resolution of indictment)*
45. **Army Professional Soldier Álvaro Yeison Acosta Sánchez** (Case #3155)  
*(executing resolution of indictment)*
46. **Army Third Corporal Sergio Andrés Muriel Quiroga** (Case #3155)  
*(executing resolution of indictment)*
47. **Army Professional Soldier José Alirio Angulo González** (Case #2006-00107-00)  
*(trial ongoing)*
48. **Army Third Corporal Wilson Ortiz García** (Case #2005-0108)  
*(trial ongoing)*
49. **Army Subquartermaster General L. Ballestas Arevalo** (Case #05-028)  
*(trial ongoing)*

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50. **Army Soldier Jairo Humberto González Cuellar** (Case #2005-0056)  
(trial ongoing)
51. **Army Second Sergeant Victor Manuel Sánchez Sánchez** (Case # unknown)  
(trial ongoing)
52. **Army First Corporal Andrés David Castro Olaya** (Case # unknown)  
(trial ongoing)
53. **Army Second Corporal Luís Alejandro Barrera Fuentes** (Case # unknown)  
(trial ongoing)
54. **Army Soldier Luís Salomón Puerto Acero** (Case # unknown)  
(trial ongoing)
55. **Army Soldier Juan Carlos Vásquez** (Case # unknown)  
(trial ongoing)
56. **Army Soldier Raúl Emilio Lizcano Ortiz** (Case # unknown)
57. **Army Soldier Carlos Alberto Pérez Pallares** (Case # unknown)  
(trial ongoing)
58. **Army Corporal Rodrigo Estéban Benavides Ospina** (Case # unknown)  
(trial ongoing)
59. **Army Corporal Arturo Alexander Pinedo Rivadeneira** (Case # unknown)  
(trial ongoing)
60. **Army Captain Gustavo Rengifo Moreno** (Case # unknown)  
(trial ongoing)
61. **Army Second Sergeant Arquimedes Vargas Coca** (Case # unknown)  
(trial ongoing)
62. **Army Sergeant Garzon Edgar García Walteros** (Case # unknown)  
(trial ongoing)
63. **Army Lieutenant Gustavo Adolfo Gutiérrez Barragán** (Case # unknown)  
(trial ongoing)
64. **Army Soldier Orbien Giraldo Sanabria** (Case # unknown)  
(trial ongoing)
65. **Army Soldier Juan de Jesús García Walteros** (Case # unknown)  
(trial ongoing)
66. **Army Soldier Sergio Fernández Romero** (Case # unknown)  
(trial ongoing)
67. **Army Soldier Carlos Alberto Buila Bolaños** (Case # unknown)  
(trial ongoing)
68. **Army Second Corporal Jorge Bedoya Ayala** (Case # unknown)  
(trial ongoing; judge considering appeal)
69. **Army Second Corporal Wilson Caviedes Sáenz** (Case # unknown)  
(trial ongoing; judge considering appeal)
70. **Army Solider Arnoldo Gutiérrez Barrios** (Case # unknown)

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- (trial ongoing)*
71. **Army Captain Jaime Quintero Valencia** (Case # unknown)  
*(trial ongoing; judge considering appeal)*
72. **Army Professional Soldier Fary Zúñiga Otero** (Case # unknown)  
*(trial ongoing)*
73. **Army Sergeant Hugo Moreno Peña** (Case # unknown)  
*(trial ongoing)*
74. **Army Second Corporal Pedro Barrera Cipagauta** (Case # unknown)  
*(trial ongoing)*

**Resolution of Cases by the Prosecutor General's Office**

Between January 2007 and June 15, 2008,<sup>19</sup> the Prosecutor General's Office concluded case proceedings against 53 members of the Armed Forces in 11 cases for violations of human rights and for collaborating with paramilitary groups. In all of these cases, the Prosecutor General's Office handed down sentences (prison information is included where known).

- A. On February 20, 2007, the 3<sup>rd</sup> Specialized Court in Buga, sentenced **(1) Army Soldier Miguel Ángel Molina Delgado** (*incarcerated at Villahermosa Prison in Cali*) to 65 years and 8 months in prison for illicit aggravated homicide, as well as aggravated homicide with intent and fabrication, trafficking, and transport of illegal arms. However, upon appeal, his sentence was reduced by a third (to 43 years and nine months in prison). Molina launched a grenade into a house on September 14, 2005, which caused the death of a minor and injuries to three people. (Case #76233600172200600418)
- B. On August 23, 2007, four soldiers were convicted of aggravated homicide and sentenced to 40 years in prison for their involvement in the August 5, 2004, homicide of three trade union leaders in Arauca, by the 18<sup>th</sup> Brigade's Mechanized Calvary Group Number 18 ("Revéz Pizarro").
- (2) **Army Lieutenant Juan Carlos Ordóñez Cañón**
  - (3) **Army Professional Soldier Jhon Alejandro Hernández Suárez**
  - (4) **Army Soldier Walter Loaiza Culma**
  - (5) **Army Soldier Oscar Saul Cuta Hernández**
- C. On September 3, 2007, the Circuit Penal judge in Marinilla (Antioquia) sentenced four soldiers from the Army's Bajes Battalion to sentences ranging from 12 to 20 years in prison for the April 10, 2004, homicide of a civilian in the hamlet of La

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<sup>19</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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Chapa in El Peñal (Antioquia). (Case Number 2231)

- (6) **Army Soldier Jhonathan Ortíz Suaza**  
*(incarcerated at Itagüí Maximum Security Penitentiary;  
sentenced to 16 years and 8 months)*
- (7) **Army Soldier Jhon Jairo Rodríguez Cuervo**  
*(incarcerated at Itagüí Maximum Security Penitentiary  
sentenced to 16 years and 8 months)*
- (8) **Army Second Corporal Dairo Francisco Mendoza Torres**  
*(incarcerated at Tolemaida; sentenced to 20 years)*
- (9) **Army Soldier Diego León Botero Murillo**  
*(incarcerated at Bellavista; sentenced to 12 years and 6 months)*

- D. On September 15, 2007, (10) **Army Major Luís Hernando Campuzano** was sentenced to 40 years in prison for his participation in the August 21, 1999, massacre of 26 people in La Gabarra (Norte de Santander).
- E. On September 21, 2007, two pilots and a technician were sentenced to 6 years of house arrest for manslaughter in the December 13, 1998, aerial bombing, which killed 17 people in Santo Domingo (Arauca). The judge ordered that the three be placed under house arrest rather than in prison as he ruled the bombing was unintentional.
- (11) **Air Force Captain César Romero Padilla**
  - (12) **Air Force Technician Héctor Mario Hernández**
  - (13) **Air Force Lieutenant Johan Jiménez Valencia**
- F. On March 14, 2008, the 2<sup>nd</sup> penal judge in Medellín sentenced five soldiers from the Army's 4<sup>th</sup> Engineering Battalion to 34 years in prison, fined them each \$2,300, and barred them from holding public positions for 19 years, for the homicide of Juan de Jesús Rendón Alzate and the torture of his two children on April 23, 2004 in the hamlet of Arenillal in Sonsón (Antioquia). Rendón Alzate was reported as killed in combat, but the investigation by the Prosecutor General's Office found no proof of combat with guerrillas. (Case Number 2050)
- (14) **Army Professional Soldier Fred Alexander Cañaveral Ramírez**  
*(being held at the 4th Brigade in Medellín)*
  - (15) **Army Professional Soldier Elkin Edilson Orrego Palacio**  
*(being held at the 4th Brigade in Medellín)*
  - (16) **Army Professional Soldier Carlos Andrés Ladino Monroy**  
*(being held at the 4th Brigade in Medellín)*
  - (17) **Army Professional Soldier Geovanni Presiga Tangarife**  
*(being held at the 4th Brigade in Medellín)*

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**(18) Army Second Sergeant Elmer Torres Rodríguez**  
*(being held at the 4th Brigade in Medellín)*

- G. On March 31, 2008, the Penal Circuit Court of Acacias (Meta) sentenced the commander of the Army's 13<sup>th</sup> Counterguerrilla Battalion to 40 years and eight months in prison, and an additional eight members of the Battalion for 35 years and three months of prison, for the aggravated homicide of three civilians (Javier and Wilder Cubillos Torres and Heriberto Delgado Morales), who were reported as killed in combat, in Capitolio, Sumapaz (Cundinamarca) on March 18, 2006.

**(19) Army Lieutenant Camilo Javier Romero Abril (commander)**

**(20) Army Second Corporal Elkin Darío Parra Sierra**

**(21) Army Professional Soldier Juan Basto Florez**

**(22) Army Professional Soldier Jairo Alonso Basto**

**(23) Army Professional Soldier Gabriel Santana Robayo**

**(24) Army Professional Soldier Jhon Alexander Londoño**

**(25) Army Professional Soldier Julio César Ayala Murallas**

**(26) Army Professional Soldier Guillermo Cifuentes Ortíz**

- H. On April 11, 2008, the Specialized Court of Santa Rosa de Viterbo (Boyacá) sentenced two members of the Army to 30 and 28 years in prison for aggravated homicide and fabrication, trafficking, and bearing of firearms and ammunition belonging to the Armed Forces. The investigation by the Prosecutor General's Office revealed the two took part in the assassinations of Aquilino Gómez Sánchez and Anselmo Chaparro Laverde on July 5, 2007, forcibly taking the victims to Sisvaca, in the municipality of Aquitania (Boyacá), where their bodies were found tied by the hands and with their throats cut.

**(27) Army Professional Soldier Jhon Jairo García Vargas**

*(sentenced to 30 years; incarcerated at El Barne prison)*

**(28) Army Professional Soldier Jhon Alexander Silva Bello**

*(sentenced to 28 years; incarcerated at Sogamoso prison)*

- I. On April 16, 2008, the High Court of Medellín (Antioquia) revoked a verdict absolving eight members of the Army's 4<sup>th</sup> Brigade, and sentenced them to between 34 and 35 years for the homicide of Reinel Antonio Escobar Guzman, and the brothers Juvenal and Mario de Jesús Guzman Sepúlveda in Dabeiba (Antioquia) on May 9, 2005. The three were reported as killed during combat with the FARC's 34<sup>th</sup> front by an officer of the Pedro Justo Berrio Battalion. However, the relatives of the three reported they were taken from their houses and later were found dead in Medellín. The investigation by the Prosecutor

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General's Office revealed the ballistics information did not show a skirmish between troops and subversives, and the High Court determined the transfer of the bodies to Medellín was irregular, as was the burning of items seized with them.

- (29) Army Captain Iván Andrés González Villafane**  
*(sentenced to 35 years)*
- (30) Army Professional Soldier Luís Germán Solarte Mora**  
*(sentenced to 34 years, 6 months)*
- (31) Army Professional Soldier Jhon Alexander Varón Franco**  
*(sentenced to 34 years, 6 months)*
- (32) Army Professional Soldier David Aleyser Tapias Arías**  
*(sentenced to 34 years, 6 months)*
- (33) Army Professional Soldier Jeimin Valoyes Murillo**  
*(sentenced to 34 years, 6 months)*
- (34) Army Professional Soldier Héctor Andrés López**  
*(sentenced to 34 years, 6 months)*
- (35) Army Professional Soldier Heriberto de Jesús Granda Valle**  
*(sentenced to 34 years, 6 months)*
- (36) Army Professional Soldier Omar Albeiro Cano Torres**  
*(sentenced to 34 years, 6 months)*

J. On May 7, 2008, Judge Edmundo López Guerrero of the Fourth Penal Circuit Court in Cali (Valle de Cauca) sentenced 15 former military officers of the Army's Third High Mountain Battalion, including the commander, to between 50 and 54 years for aggravated assault against 10 members of the Colombian National Police's Special Crimes Unit (DIJIN) and a civilian in Jamundí (Valle) on May 22, 2006. The investigation by the Prosecutor General's Office demonstrated, with 32 witnesses and 417 pieces of evidence, that the Lince Group of the Third High Mountain Battalion ambushed and massacred them while they were completing a judicial proceeding in the area.

- (37) Army Retired Lieutenant Colonel Byron Gabriel Carvajal Osorio**  
*(commander; sentenced to 54 years in prison)*
- (38) Army Officer Harrison Eladio Castro Aponte**  
*(sentenced to 52 years)*
- (39) Army Non-Commissioned Officer Jaime Humberto Montenegro**  
*(sentenced to 50 years)*
- (40) Army Non-Commissioned Officer José Aurelio Palacios**  
*(sentenced to 50 years)*
- (41) Army Non-Commissioned Officer Elver de Jesús Osorio González**

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- (sentenced to 50 years)*
- (42) **Army Professional Soldier José Alfredo Porras Mantilla**  
*(sentenced to 50 years)*
- (43) **Army Professional Soldier Luís Eduardo Carvajal Peralta**  
*(sentenced to 50 years)*
- (44) **Army Professional Soldier Wilson Rafael Pineda**  
*(sentenced to 50 years)*
- (45) **Army Professional Soldier Julian Andrés Pomeo Moreno**  
*(sentenced to 50 years)*
- (46) **Army Professional Soldier Mauricio AcÁngel Ramírez Gallego**  
*(sentenced to 50 years)*
- (47) **Army Professional Soldier Paulo Emilio Riano Caleno**  
*(sentenced to 50 years)*
- (48) **Army Professional Soldier Nelson Enrique David Posso**  
*(sentenced to 50 years)*
- (49) **Army Professional Soldier José Geiner Penaranda**  
*(sentenced to 50 years)*
- (50) **Army Professional Soldier Carlos Fernández Erazo Riascos**  
*(sentenced to 50 years)*
- (51) **Army Professional Soldier Julio César Rosero Mestizo**  
*(sentenced to 50 years)*

K. The Circuit Penal Court of Granada (Meta) sentenced two members of the Army to 24 months in prison (no date available) for their role in the death of Octavio Castaño Quintero on January 17, 2004, in “Caserio Aguas Claras” (Huila). (Case #2042

- (52) **Army Major Wilson Orlando Lizarazo Cárdenas**  
*(on conditional release)*
- (53) **Army Second Sergeant Antonio José García Caicedo**  
*(sentence waived by sentencing judge in Granada)*

**Proceedings by the Inspector General’s Office (Procuraduría)**

Between January and December 2007,<sup>20</sup> the Inspector General’s Office opened 35 disciplinary processes against 137 members of the Armed Forces for alleged violations of human rights and collaboration with paramilitary groups (suspension information is

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<sup>20</sup> This is the time frame for which information was available as of June 15, 2008.

listed where known):

- A. On February 14, 2007, the Inspector General's Office brought disciplinary charges against **(1) Navy Sub-Lieutenant Alfonso Iván Colmenares Jimenez** for his alleged role in the homicide of two civilians (Ladys Tatiana Blanco Jaraba and Leonardo de Jesús Blanco) on December 2, 2004, on the Western Troncal Highway, which connects Carmen de Bolívar and Ovejas (Sucre).

*Status: Formulating charges.*

- B. On March 12, 2007, the Inspector General's Office brought disciplinary charges against **(2) Army Professional Soldier César Nixon Herrera Loaiza** from the Army's Manosalva Florez Battalion for his alleged responsibility for the death of Leonardo Martínez Renteria on April 7, 2002, in Canchido, Lloró (Chocó).

*Status: Case closed.*

- C. On March 16, 2007, the Inspector General's Office brought disciplinary charges against 11 members of the Army for their alleged responsibility in the homicide of a civilian during combat on January 25, 2003, in San Carlos (Antioquia).

- (3) Army Lieutenant Nelson Enrique Carvajal Chico**
- (4) Army Sub-Lieutenant Jaime Humberto Arteaga Villegas**
- (5) Army Sub-Lieutenant Carlos César Cabrera Vásquez**
- (6) Army Soldier Francisco Javier Bautista Payares**
- (7) Army Soldier Eder Luís Contreras Torres**
- (8) Army Soldier Walter Antonio Duque Giraldo**
- (9) Army Soldier Ely De Jesús López Giraldo**
- (10) Army Soldier Willinton Aldemar Marín Arias**
- (11) Army Soldier Luís Anibal Marín Giraldo**
- (12) Army Soldier José Raúl Ocampo Vélez**
- (13) Army Soldier Jhon Edison Rentarías Palacios**

*Status: Formulating charges.*

- D. On March 26, 2007, the Inspector General's Office brought disciplinary charges against two members of the Army for allegedly colluding with paramilitary forces that committed human rights violations in Ocaima, Apulo on June 26, 2003.

- (14) Army Captain Edgar Mauricio Arbelaez Sánchez**
- (15) Army First Corporal Eduardo Enrique Marques Martínez –**

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*Status: In docket of exculpatory evidence.*

- E. On March 28, 2007, the Inspector General's Office brought disciplinary charges against three members of the Army for their alleged role in the disappearance and homicide of Jhon Jairo Sepúlveda on November 19, 2003, in Urrao (Antioquia).

- (16) **Army Commander Ali Garay Saleg**  
(retired on January 24, 2008)
- (17) **Army Commander Edinson Duarte Osma**
- (18) **Army Sub-Lieutenant Roelfi Quevedo Murcia**

*Status: Formulating charges.*

- F. On March 28, 2007, the Inspector General's Office brought disciplinary charges against 12 members of the Army's 6<sup>th</sup> Brigade for paramilitary collusion in the disappearance of civilians in November 2003 in Cajamarca (Tolima).

- (19) **Army Second Sergeant Wilson Casallas Suescun**
- (20) **Army Captain Esteban Francisco Blanco**
- (21) **Army Soldier Freddy Alexander Galindo**
- (22) **Army Soldier Marco Tulio Gueche Pérez**
- (23) **Army Soldier José Wilson Lievano Gutierrez**
- (24) **Army Soldier Alempifén Rodríguez Bermudez**
- (25) **Army Lieutenant Juan Carlos Rodríguez Agudelo**
- (26) **Army Third Corporal Oscar Javier Ángel González**  
(retired on April 16, 2007)
- (27) **Army Soldier Edilberto Marín Malesta**
- (28) **Army Soldier Albeiro Pérez Duque**
- (29) **Army Soldier Jacid Rodríguez Hernández**
- (30) **Army Lieutenant Colonel José Fernando Mejía Araujo**  
(acquitted in disciplinary hearing on December 19, 2007)

*Status: Notification of charges.*

- G. On March 30, 2007, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged responsibility for irregular operations that lead to the death of José Rubiel Caicedo on March 21, 2004, in El Limón, Chaparral (Tolima):

- (31) **Army Vice-First Sergeant William Cuervo Ruíz**
- (32) **Army Soldier Rafael González Barreto**
- (33) **Army Soldier Edier Mendoza García**
- (34) **Army Soldier Rubén Darío Vélez Serna**

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**(35) Army Soldier Jhon Jairo Totena Ducuara**

*Status: In docket of exculpatory evidence.*

- H. On April 30, 2007, the Inspector General's Office brought disciplinary charges against **(36) Army Lieutenant Rafael Fernando Cristancho Prada** for his alleged responsibility for depriving freedom to Luís Yogni Millan Montoya in Tame (Arauca) on March 21, 2002.

*Status: Case closed.*

- I. On July 24, 2007, the Inspector General's Office brought disciplinary charges against **(37) Army First Sergeant José Nolberto Díaz Cortes** for his alleged role in the homicide of two civilians (Sabarain Calvo Aricapa and Carlos Norberto Calvo Tapasco) in Bajosevilla, Supia (Caldas) on December 27, 2003.

*Status: Formulating charges.*

- J. On July 27, 2007, the Inspector General's Office brought disciplinary charges against two members of the Army for their alleged role in the death of Octavio Castano Quintero in "Caserio Aguas Claras," Granada (Meta) on January 17, 2004.

**(38) Army Major Wilson Orlando Lizarazo**

*(sentenced in the civilian judicial system – date unknown – to 24 months in prison)*

**(39) Army Second Sergeant Antonio García Caicedo**

*(sentenced in the civilian judicial system – date unknown – to 24 months in prison)*

*Status: In docket of exculpatory evidence.*

- K. On July 27, 2007, the Inspector General's Office brought disciplinary charges against 14 members of the Army for their alleged responsibility for the homicide of Gildardo de Jesús Martínez and forced displacement in Santa Rosa (Nariño) on August 3, 2005.

**(40) Army Lieutenant Colonel Trino Rios Sanabria**

**(41) Army Lieutenant Colonel Juan Carlos Piza Gaviria**

**(42) Army Sub-Lieutenant Wilson Antonio García Silva**

**(43) Army Second Corporal Luís E. Yunda Carranza**

**(44) Army Second Corporal José Ángel Cano González**

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- (45) **Army Soldier Eliuth Rosales Suárez**
- (46) **Army Soldier Ramiro de Jesús Carvajal**
- (47) **Army Soldier Julián Garcés García**
- (48) **Army Soldier Oswaldo Patino Ospina**
- (49) **Army Soldier Henry Uriel Chávez Mosquera**
- (50) **Army Soldier Alfredo Segundo Díaz Oquendo**
- (51) **Army Soldier Andrés Alexander Londoño Chavarria**
- (52) **Army Soldier Oscar Alberto Nuño Palacio**
- (53) **Army Soldier Jorge Enrique Parra Chavez**

*Status: Formulating charges.*

- L. On August 10, 2007, the Inspector General's Office brought disciplinary charges against two members of the Army for their alleged role in the homicide of an indigenous person (Antonio Chanique) of the "Resguardo Cusay La Colorada" on January 5, 2005.

(54) **Army Second Sergeant Fruccen Kennedy Casas Antonio**

(55) **Army Soldier Luís Parada Luna**

*(retired June 26, 2004)*

*Status: In docket of exculpatory evidence.*

- M. On August 15, 2007, the Inspector General's Office brought disciplinary charges against (56) **Army Soldier Hugo Ferney Cardenas Duque** for allegedly threatening and sexually abusing Corado Gómez and Ana Ciro Cardenas in San Francisco (Antioquia) on August 1, 2004.

*Status: Formulating charges.*

- N. On August 21, 2007, the Inspector General's Office brought disciplinary charges against eight members of the Army for their alleged role in the disappearance and homicide of Edilberto Vásquez Cardona, a member of the San José de Apartadó Peace Community, on January 12, 2006.

(57) **Army Second Sergeant Fredy Torres Botero**

(58) **Army First Corporal Regino Ceren Paz**

(59) **Army Soldier César Duvan Ciro Martínez**

(60) **Army Soldier Fernando Hinestroza**

(61) **Army Soldier Jorge William Quinto Mosquera**

(62) **Army Soldier Nelson Vilorio Avendano**

(63) **Army Soldier Germán Martínez Gómez**

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**(64) Army Adelson Padilla Ramos**

*Status: Defense is appealing the charges.*

- O. On August 24, 2007, the Inspector General's Office brought disciplinary charges against **(65) Army Sub-Lieutenant Carlos Eduardo Godoy Urrea** for his alleged role in the death of Carlos Alberto Gómez Ruíz between Apartadó, Pepe, and Jurado (Antioquia) on November 1, 2003.

*Status: In docket of evidence.*

- P. On September 3, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for allegedly illegally detaining, and physically and psychologically torturing, Eniel Estrada Ruíz, Estrada Alberto Cuesta, and Juliao Pallares Elvis on March 18, 2005, in Morales (Bolívar).
- (66) Army Second Sergeant Robinson Guarín Hernández**
  - (67) Army Third Corporal José Vicente Peña Sánchez**
  - (68) Army Third Corporal Wilson Sánchez Espinoza**
  - (69) Army Soldier Martín Rodríguez González**

*Status: Formulating charges.*

- Q. On September 18, 2007, the Inspector General's Office brought disciplinary charges against **(70) Army Soldier Wilfer Cardona García** for allegedly sexually abusing a woman in Fortul (Arauca) on March 3, 2003.

*Status: Notification of charges.*

- R. On September 28, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for their alleged responsibility for personal injuries and theft against Héctor José Camargo Mora in Saravena (Arauca) on February 20, 2007.
- (71) Army Soldier Miguel Ángel Roa Reyes**
  - (72) Army Soldier Wilmer Giovanni Prieto Mora**
  - (73) Army Soldier Oscar Andrés Delgado**

*Status: Notification of charges.*

- S. On October 10, 2007, the Inspector General's Office brought disciplinary charges against 14 members of the Army for the alleged arbitrary detention, torture, and

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execution of Misael Alvarez Guerrero, Yuber Armando Contreras Alvarez, Berney Guerrero Bohorquez, Nelson Enrique Arias Ramírez, and Hilda Blanco Cruz Montejo on May 25, 2005.

- (74) **Army Lieutenant Colonel Juan Enrique Martínez Puello**
- (75) **Army Sub-Lieutenant Hizer Etíel Melendez**
- (76) **Army Soldier José Humberto Barrera Lizarazo**
- (77) **Army Soldier Didier Calderón Rodríguez**
- (78) **Army Soldier Ricardo Pérez Garzón**
- (79) **Army Soldier Jairo Oros Morales**
- (80) **Army Soldier Luís Mancipe Peroza**
- (81) **Army Soldier César Augusto Martínez Arias**
- (82) **Army Soldier Rodrigo Osuna Rivera**
- (83) **Army Soldier Melquis Edilson Ortiz Bosa**
- (84) **Army Soldier Eider Manuel Vásquez Martínez**
- (85) **Army Soldier Juan Alberto Murillo**
- (86) **Army Soldier Tito Alexander González Avella**
- (87) **Army Soldier Jorge Eliecer Hernández Camargo**

*Status: In docket of exculpatory evidence.*

- T. On October 25, 2007, the Inspector General's Office brought disciplinary charges against two members of the Army for their alleged aggression against a police unit in Antonio Nariño de Bogotá on May 8, 2005.

- (88) **Army Sub-Lieutenant Luís Fernando Rondón Barrios**  
*(removed through discretionary authority on June 11, 2004)*
- (89) **Army Sub-Lieutenant José Javier Muñoz Morales**  
*(removed through discretionary authority on June 5, 2007)*

*Status: Suspended pending further investigation of the defense's appeal of the charges.*

- U. On October 30, 2007, the Inspector General's Office brought disciplinary charges against three members of the Army for their alleged responsibility for the extrajudicial execution of Marco Tulio Moreno Torres on July 14, 2005, in Valdivia (Antioquia).

- (90) **Army Second Sergeant William Pinta Vásquez**
- (91) **Army Soldier Elidor Valoyes Córdoba**
- (92) **Army Soldier Giovanni Rafael Salgado Hoyos**

*Status: In docket of exculpatory evidence.*

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- V. On October 30, 2007, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged role in homicides and displacements in Badillo-Patillal on August 30, 2003.

**(93) Army Third Corporal Carmelo Antonio Pacheco Ramírez**

*(suspended from the Armed Forces, but date unknown)*

**(94) Army Sub-Lieutenant José Emiliano Moreno Trigos**

*(suspended from the Armed Forces, but date unknown)*

**(95) Army Soldier Juan Carlos Sepúlveda Soto**

*(suspended from the Armed Forces, but date unknown)*

**(96) Army Soldier Hugo Alberto Martínez Delgado**

*(suspended from the Armed Forces, but date unknown)*

**(97) Joyber Yecith Alquerque Avila**

*(suspended from the Armed Forces, but date unknown)*

*Status: In docket of exculpatory evidence.*

- W. On November 13, 2007, the Inspector General's Office brought disciplinary charges against **(98) Army Lieutenant Colonel César Enrique de la Cruz Paez** for allegedly torturing and depriving of freedom a 12-year-old minor in Puerto Rico (Caquetá) on June 14, 2003.

*Status: Document of exculpatory evidence.*

- X. On November 14, 2007, the Inspector General's Office brought disciplinary charges against **(99) Army Captain Jhon Henry Paredes Cespedes** for allegedly depriving Miguel Dario and Natanael Arias Mauje of freedom and torturing them in Tame (Arauca) on September 26, 2002.

*Status: Formulating charges.*

- Y. On November 19, 2007, the Inspector General's Office brought disciplinary charges against one member of the Army and five former members of the Army for their alleged responsibility in the detention and forced displacement of Saul Lamfrey Manco Jaramillo on June 1, 2006, in Bello (Antioquia).

**(100) Army Captain Eduardo Andrés Delgado Villalba**

*(removed through discretionary authority on August 15, 2006)*

**(101) Army Sub-lieutenant Oscar Fabian Vargas Barrera**

*(removed through discretionary authority on August 15, 2006)*

**(102) Army Soldier Luís Edison Marín Trujillo**

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*(removed through discretionary authority on June 9, 2006)*

**(103) Army Soldier Davinson Mosquera Berrio**

*(removed through discretionary authority on June 9, 2006)*

**(104) Army Major Luís Carlos Martínez Cristancho**

*(awaiting disciplinary action)*

*Status: Formulating charges.*

- Z. On November 28, 2007, the Inspector General's Office brought disciplinary charges against **(105) Army Soldier Alex Alfonso Bernal Correa** for alleged torture, illegal deprivation of freedom and domestic violence on July 7, 2003, in Sabanalarga (Casanare).

*Status: Document of exculpatory evidence.*

- AA. On November 28, 2007, the Inspector General's Office brought disciplinary charges against five members of the Army for their alleged role in the homicide and torture of civilians on April 23, 2004, in the hamlet of Arenillal in Sonsón (Antioquia). The soldiers killed Juan de Jesús Rendón and threatened his 13-year-old daughter with death. (See Fiscalia Case Number 2050, on March 14, 2008, all five were sentenced to 34 years in jail and barred from holding public positions for 19 years)

**(106) Army Third Corporal Carlos Andrés Lainoo Monroy**

**(107) Army Soldier Elkin Edilson Orrego Palacio**

**(108) Army Soldier Fred Alexander Cañaveral Ramírez**

**(109) Army Soldier Elmer Torres Rodríguez**

**(110) Army Soldier Yovanny Presiga Tangarife**

*Status: Formulating charges.*

- BB. On December 7, 2007, the Inspector General's Office brought disciplinary charges against three members of the Army for allegedly intimidating voters in Saravena, while armed and wearing their official uniform/camouflage, on October 25, 2003.

**(111) Army Colonel Santiago Herrera Fajardo**

**(112) Army Captain Marco Aurelio Capacho Gómez**

**(113) Army Soldier Joséph May Rodríguez Cuervo**

*Status: Formulating charges.*

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- CC. On December 10, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for their alleged role in the forced disappearance of Arnolfo Naranjo Ramírez near the Picudo river in Pradera, Puerto Caicedo (Putumayo) on January 23, 2005.

**(114) Army Sub-Lieutenant Andrés Augusto Ayala Corredor**

**(115) Army Soldier Giovanni Cardenas Giron**

**(116) Army Soldier Jairo Pena Guetio**

**(117) Army Soldier Ledwin Mina Larrahondo**

*Status: Formulating charges.*

- DD. On December 10, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for not stopping a raid by a paramilitary group that caused the death of two people on December 1, 2003, in Llorente (Nariño).

**(118) Army Major José David Vásquez Acevedo**

*(disciplinary hearing held November 20, 2007)*

**(119) Army Captain Juan Carlos Dueas Mejía**

*(disciplinary hearing held November 20, 2007)*

**(120) Army First Corporal Edwin Rodrigo Soto Barrios**

*(disciplinary hearing held November 20, 2007)*

**(121) Army Lieutenant Colonel José David Vargas Escobar**

*(disciplinary hearing held November 20, 2007)*

*Status: Document of exculpatory evidence.*

- EE. On December 10, 2007, the Inspector General's Office brought disciplinary charges against **(122) Army Major José David Vásquez Acevedo** for his alleged irregularities in soliciting a modification to a report turned over by Captain Reyes Bottia on December 5, 2003, relating to actions that occurred on December 1-2, 2003, Bogotá (Cundinamarca).

*Status: Document of exculpatory evidence.*

- FF. On December 14, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for their alleged responsibility for irregular capture of, and possible false testimony against, Pedro Antonio Henao Rincón on May 5, 2004, in Planadas (Tolima).

**(123) Army Lieutenant Colonel José Dumar Giraldo Hernández**

**(124) Army Major William Fernando Rubio Moreno**

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**(125) Army Captain Bernardo Siachoque Celys**

**(126) Army Soldier Adolfo Osorio Sarmiento**

*(retired on July 30, 2004)*

*Status: Formulating charges.*

GG. On December 18, 2007, the Inspector General's Office brought disciplinary charges against six members of the Army for allegedly conducting a raid without a judicial order on December 23, 2003, in Bogotá (Cundinamarca).

**(127) Army Lieutenant Colonel Alfonso Otto Quinones Arboleda**

*(retired January 28, 2004)*

**(128) Army Major Armando Trivino Sierra**

*(retired January 28, 2004)*

**(129) Army Major Mauricio Llorente Chavez**

*(retired through discretionary authority March 11, 2004)*

**(130) Army Captain Jhon Jaiber Cardenas Osorio**

*(retired through discretionary authority March 3, 2004)*

**(131) Army Soldier Ismael Hernández Vera**

*(retired through discretionary authority January 3, 2004)*

**(132) Army Soldier José Mauricio Camacho Guarín**

*(retired through discretionary authority January 3, 2004)*

*Status: Formulating charges.*

HH. On December 18, 2007, the Inspector General's Office brought disciplinary charges against **(133) Army Second Corporal Elver Enrique Orozco Zabaleta** for allegedly sexually abusing a 14-year-old minor in Puerto Rondón (Arauca) on March 1, 2003.

*Status: Pending decision.*

II. On December 18, 2007, the Inspector General's Office brought disciplinary charges against four members of the Army for alleged irregularities in expediting the transportation of fuels and paramilitary collusion in Caquetá between 2002 and 2003.

**(134) Army Colonel Ángel Sierra Santos**

*(retired)*

**(135) Army Lieutenant Colonel José Fernando Mejía Araujo**

**(136) Army Major Javier Alberto Carreño Vargas**

**(137) Army Soldier Luís Fernando Cadavid Florez**

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*Status: Formulating charges.*

**Continuation of Proceedings by Inspector General's Office (Procuraduría)**

During 2007 and 2008,<sup>21</sup> the Inspector General's Office continued disciplinary proceedings against 42 members of the Armed Forces listed in previous certifications for violations of human rights and collaborating with paramilitary groups.

1. **Army Captain Dairo Clemente Fajardo Barco**
2. **Army Second Sergeant Jorge Armando Bernal Cruz**
3. **Army Second Sergeant Fabio Orlando Vargas Higueta**
4. **Army First Corporal José Antonio Mena Mosquera**
5. **Army Professional Soldier Humberto Alexis Sánchez González**
6. **Army Professional Soldier Carlos Alberto Moreno Ortiz**
7. **Army Professional Soldier Nolberto Martínez Aguilera**
8. **Army Professional Soldier Giovanni León Méndez**
9. **Army Professional Soldier Marco Enrique Moreno Abril**
10. **Army Professional Soldier Francisco Forero García (alias "Patacón")**
11. **Army Professional Soldier Jesús Albarracín Galvis**
12. **Army Professional Soldier Luís Moreno Parra (alias "Cachetes")**
13. **Army Professional Soldier Bayron Rodríguez Salinas**
14. **Army Professional Soldier Geovanny Martínez Mateus**
15. **Army Professional Soldier Iván Grajales Rendón**
16. **Army Professional Soldier Jhon Zapata Duarte**
17. **Army Professional Soldier Javier León Barreto**

*(Status for Numbers 1-17: Following the February 17, 2007, order to bring disciplinary charges, these charges were made on September 7, 2007, after an appeal not to release evidence in the case was denied. The Prosecutor General's Office has also brought charges (being advanced by the 1<sup>st</sup> Penal Court of the Circuit of Villavicencio, case #2005-0062-00))*

18. **Army Colonel Luís Francisco Medina Corredor**
19. **Army Captain Hiznardo Alberto Bravo Zambrano**
20. **Army Captain Luís Eduardo Castillo Arbeláez**
21. **Army Second Lieutenant Juan Pablo Ordóñez Cañón**
22. **Army Soldier Oscar Saúl Cuta Hernández**
23. **Army Soldier Jhon Alejandro Hernández Suárez**
24. **Army Soldier Walter Loaiza Culma**

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<sup>21</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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*(Status for Numbers 18-24: Evidence is being reviewed. The Prosecutor General's Office is also investigating (Specialized Court 5 of Saravena – Arauca))*

- 25. Army Lieutenant Jesús Alfonso Rojas Quintero**
- 26. Army Professional Soldier Giovanni Arévalo Ballén**
- 27. Army Professional Soldier Edwin Daniel Roza Gutiérrez**
- 28. Army Professional Soldier Jhon Cadena Gutiérrez**
- 29. Army First Corporal José Rafael Tarazona**
- 30. Army Third Corporal Jairo Alonso Lora Fuentes**
- 31. Army Third Corporal Sergio Andrés Muriel Quiroga**
- 32. Army Third Corporal Hugo Alberto Mestra Agudelo**
- 33. Army Third Corporal Inalberto Avila Mesa**
- 34. Army Professional Soldier Álvaro Yeisson Acosta Sánchez**
- 35. Army Sub-Lieutenant Hair Alexander Monroy González**
- 36. Army Third Corporal Juan Pablo Rodríguez Bermudez**
- 37. Army Sub-Lieutenant Cristhian Camilo Barrera Echeverry**
- 38. Army Sub-Lieutenant Javier Arturo Pachon Reina**
- 39. Army Third Corporal Yeison Díaz Mosquera**
- 40. Army Third Corporal Deby de Jesús Restrepo Padilla**
- 41. Army Sub-Lieutenant José Ilber Bernal Pinilla**
- 42. Army Third Corporal and Javier Albeiro Cardona Graciano**

*(Status for Numbers 25-42: Hearing exculpatory evidence)*

**Resolution of Cases by Inspector General's Office (Procuraduría)**

Between January 2007 and March 2008,<sup>22</sup> the Inspector General's Office concluded case proceedings against 21 members of the Armed Forces involved in five cases of violations of human rights and/or collaborating with paramilitary groups.

- A. On March 22, 2007, the Inspector General fined **(1) Army Patrol Officer William Alonso Rivera Correa** for his alleged involvement in the detention, torture, and homicide of Wilson Duarte Ramón and Leonardo Buenahora Fuentes on March 26, 2002 in Saravena (Arauca). (Inspector General's Office Process Number 8-69595/2002)
- B. On October 16, 2007, the Inspector General removed ten members of the Army's 14<sup>th</sup> Battalion ("Antonio Ricaurte"), 5<sup>th</sup> Brigade, from their positions and deemed them inadmissible for public service for 20 years, for their alleged involvement in

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<sup>22</sup> This is the time frame for which information was available as of June 15, 2008.

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the deaths of Edison Alberto Martínez Pacheco and Edit Salcedo Vergen on May 31, 2005, in Los Planes, municipality La Esperanza (Norte de Santander). The Prosecutor General's Office has also opened an investigation (Prosecutor General's Office Case Number 2256).

- (2) **Army Captain William Ovidio Lara Ramírez**  
*(separated from service as of June 19, 2007)*
- (3) **Army Professional Soldier Cristian Santos Rey**  
*(separated from service as of March 25, 2008)*
- (4) **Army Professional Soldier Edgar Araque Pérez**  
*(separated from service as of March, 25, 2008)*
- (5) **Army Professional Soldier Mauricio Araque Quintero**  
*(separated from service as of March 25, 2008)*
- (6) **Army Professional Soldier Jaime Caballero Gualtero**  
*(separated from service as of June 14, 2007)*
- (7) **Army Professional Soldier Cristian Duran Arguello**  
*(separated from service as of March 25, 2008)*
- (8) **Army Professional Soldier Enrique Mez Gómez**  
*(separated from service as of March 25, 2008)*
- (9) **Army Professional Soldier Nelson Ortiz Casanova**  
*(separated from service as of March 25, 2008)*
- (10) **Army Professional Soldier William Efrén Plata Prada**  
*(separated from service as of March 25, 2008)*
- (11) **Army Professional Soldier Cristian Santos Rey**  
*(separated from service as of March 25, 2008)*

C. On October 16, 2007, the Inspector General's Office removed from duty eight members of the Army's 14<sup>th</sup> Infantry Battalion ("Antonio Ricaurte") and barred them from public service for 20 years, in accordance with Section 7 of Article 48 of Law 734 of 2002, for their alleged responsibility in the homicide of Edison Alberto Martínez Pacheco, Director of Municipal Unit for Technical Agricultural Assistance (UMATA) in Esperanza (Norte de Santander), and Edyt Salcedo Vergel (peasant), as well as misrepresenting the victims as paramilitaries killed in combat operations. The Prosecutor General's Office has opened an investigation into the matter. (Inspector General's Office Process Number 155-125322)

- (12) **Army Captain William Lara Ramírez**
- (13) **Army Professional Soldier Jaime Caballero Waltero**
- (14) **Army Professional Soldier Cristian Santos Rey**
- (15) **Army Professional Soldier William Efrén Plata Prada**
- (16) **Army Professional Soldier Marco Yesid Araque Quintero**
- (17) **Army Professional Soldier Cristian Durán Arguello**

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**(18) Army Professional Soldier Nelsón Ortíz Casanova**

**(19) Army Professional Soldier Edgar Araque Pérez**

- D. On January 23, 2008, the Inspector General's Office removed **(20) Navy Sailor Felix Alberto Heredia Pérez** from duty and barred him from public service for 10 years for the murder of Yenny Ellis and the abuse of Jorge García in Providencia on February 8, 2003. (Inspector General's Office Process Number 8-85586/2003)
- E. On March 26, 2008, the Inspector General's Office removed **(21) Army Captain Edgar Mauricio Arbelaez Sánchez** from duty for omission in connection with AUC violations of human rights on May 20, 2003, in Tolima. (Inspector General's Office Process Number 155-86192/2003)

In 2006, the Inspector General's Office concluded case proceedings against four additional members of the Armed Forces for violations of human rights and for collaborating with paramilitary groups. This information was not included in the April 4, 2007, certification as it was not made available at that time.

- A. On July 24, 2006, the Inspector General's Office closed the investigation against **(1) Army Soldier Patrick Jiménez Moreno** from the 18<sup>th</sup> Brigade's Mechanized Calvary Group Number 18 ("Revéiz Pizarro") for his alleged responsibility for the actions of members of the Army in the death of Víctor Manuel and José Ricardo Burgos on January 3, 2002, in Saravena (Arauca). Jiménez was fined 60 day's pay. The Inspector General's Office had opened this investigation on February 2, 2002, and brought disciplinary charges against him on February 14, 2006. (Inspector General's Office Process Number #155-666305)
- B. On October 20, 2006, the Inspector General's Office closed the investigation against three soldiers from the Army's Scorpion Company of the "Los Panches" Battalion for their alleged responsibility in the death of Alfonso Peña Peña, José Raúl Córdoba Figueroa, Rubén Enrique Perdomo González, María Nelsy Olave González and Raúl Sierra Rojas on November 16, 2001. The three soldiers were suspended from their positions without pay for 90 days and this suspension took effect on November 7, 2006. The Inspector General's Office had opened this case on January 30, 2006, and brought disciplinary charges against the soldiers on April 27, 2006. (Inspector General's Office Process Number #8-129110)
- (2) Army Soldier Geyser Pastrana Aldana**  
**(3) Army Soldier Noel Anaconda**  
**(4) Army Soldier Yeimer Polanía Ramírez**

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**SECTIONS 556(a)(2)(C) and 649(c)(2)(C)**

Section 556(a)(2)(C) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**The Colombian Armed Forces have made substantial progress in cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).**

Section 649(c)(2)(C) of the FY 2008 SFOAA requires a determination that:

**The Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses, relevant military documents, and other requested information).**

The Colombian Armed Forces have continued to make substantial progress in cooperating with civilian prosecutors and judicial authorities and currently are cooperating fully with civilian prosecutors and judicial authorities. The Minister of Defense continued to use the Coordinator of the Armed Forces' Group of Human Rights and International Humanitarian Law as its liaison with civilian authorities and the Armed Forces. The directors of the Human Rights Offices of the Armed Forces also liaised with representatives from the Inspector General's and Prosecutor General's Offices in their respective jurisdictions to ensure cooperation at regional and local levels.

**Establishing Civilian Jurisdiction in Human Rights Cases**

In an effort to ensure independent investigations of alleged human rights violations by the Colombian military, the Government of Colombia decided that the Prosecutor General's Office should have the lead responsibility in these cases. However, inter-institutional rivalry and distrust have frequently led to dual investigations and a lack of coordination and cooperation between the two systems.

As reported in the April 2007 certification, the Prosecutor General's Office signed a memorandum of understanding (MOU) with the Ministry of Defense on June 14, 2006, in which both parties agreed that the Prosecutor General's Office would have

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responsibility for all investigations of alleged human rights violations committed by the military, and would make the initial decision on whether the case should remain in civilian jurisdiction or be transferred to military justice. The MOU also reiterated the commitment of the Armed Forces to assisting the Prosecutor General's Office in securing evidence and protecting investigators. Per the MOU, the Ministry of Defense's civilian leadership and senior generals have taken steps to ensure investigations of alleged human rights violations are handled by civilian authorities. Beginning in mid-2007, the Prosecutor General's Office and the military criminal justice system to coordinate on cases of extrajudicial killings to ensure civilian control of such cases and eliminate dual investigations. Through dialogue and coordination facilitated by the U.S. Embassy, the Prosecutor General's Office has improved communications with the Military Criminal Justice System, leading to the transfer of over 500 cases – including 187 cases of alleged extrajudicial killings – from military to civilian jurisdiction in 2007, a marked increase from the 33 transferred in 2006. As of May 31, 2008, 18 cases were with the Superior Judicial Council pending a decision on jurisdiction.

The Prosecutor General's Office and the Ministry of Defense are also developing an additional operational MOU which would detail steps for handling incidents involving civilian deaths by the military. This MOU will detail communications, logistics, security, crime scene, and jurisdictional responsibilities. It is hoped that this MOU, complementing the 2007 MOU, will create more effective management, investigation, and resolution of these cases.

The civilian chief of the military criminal justice system, Dr. Luz Marina Gil, has introduced courses to improve military judges' understanding of what constitutes a human rights case, personally pushed military judges to transfer jurisdiction when appropriate, and designated an auditor to review alleged cases of extrajudicial killings to identify trends and problems and propose solutions. On May 28, the Constitutional Court clarified legislation amending the military criminal justice code to clarify that the military criminal justice system does not have jurisdiction over specific violations of international humanitarian law and human rights offenses.

Throughout 2007 and 2008, the Prosecutor General's Office, the Inspector General's Office, and the Ministry of Defense periodically met with each of the Army's seven divisions to discuss and follow-up on cases of alleged human violations and to develop strategies for speeding investigation in these cases. Below is a list of those meetings:<sup>23</sup>

- September 4-5, 2007 with the 7<sup>th</sup> Division in Medellín (Antioquia)

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<sup>23</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

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Ministry of Defense trained 120 operational legal advisors and transferred them to military units in January 2008. (For more information on these legal advisors, see Sections 556(a)(2)(F) and 649(c)(2)(F))

In its 2007 annual report, the UN High Commissioner for Human Rights (UNHCHR) in Colombia recognized that the Armed Forces continued to make “substantial efforts” to train members in human rights and international humanitarian law.<sup>25</sup> However, UNHCHR noted that these initiatives did not prevent some individual members of the Armed Forces from believing that some sectors of the rural civilian population were willing collaborators with subversive groups, and carrying out human rights abuses against them. UNHCHR reported strong cooperation from the Ministry of Defense during its visits to the seven divisions of the Army to review alleged extrajudicial killings and participate in the senior committee set up by the MOD to review the issue.

In its 2008 annual report,<sup>26</sup> UNHCHR noted strong political will on the part of the Colombian government to prevent, investigate, punish, and expose extrajudicial killings. UNHCHR also acknowledged efforts made by the Ministry of Defense to confront this phenomenon, including promptly turning over cases to civilian judicial authorities, issuing orders (described below), deploying operational legal advisors, strengthening internal controls, reinforcing human rights offices, and training on the application of guidelines for personnel who are responsible for preserving evidence for the Prosecutor General’s Office.

UNHCHR commended the expanded guidelines, initiatives, and directives on human rights and International Humanitarian Law, but noted that more remained to be done to ensure effective implementation of these principles within the security forces.

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<sup>25</sup> “*Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*,” United Nations High Commissioner for Human Rights, March 5, 2007.

<sup>26</sup> “*Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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**SECTIONS 556(a)(2)(D) and 649(c)(2)(D)**

Section 556(a)(2)(D) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**The Colombian Armed Forces have made substantial progress in severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at the command, battalion, and brigade levels, with paramilitary organizations, especially in regions where these organizations have a significant presence.**

Section 649(c)(2)(D) of the FY 2008 SFOAA requires a determination that:

**The Colombian Armed Forces have taken all necessary steps to sever links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation) at all levels, with paramilitary organizations or successor armed groups, especially in regions where such organizations have a significant presence.**

The Colombian Armed Forces have continued to make substantial progress in severing links between military personnel and paramilitary units that did not demobilize, as well as with respect to new criminal groups, at the command, battalion, and brigade levels. Some NGOs continued to allege collusion – or acquiescence to allow crimes to be carried out – between members of the Armed Forces and paramilitary units that did not demobilize.<sup>27</sup> However, as the UN recognizes,<sup>28</sup> these actions are explicitly and in practice rejected by military leadership, so such events, when they occur, are an individual phenomenon (i.e. activities carried out by individual or small groups of members of the Armed Forces without instruction to do so).

The Armed Forces continued to pursue illegal groups actively, including new criminal groups and paramilitary units that did not demobilize, and the military continued to suspend members of the Armed Forces suspected of paramilitary ties, and promptly to turn them over to civilian judicial authorities. (For more on suspensions,

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<sup>27</sup> “2007 Annual Report for Colombia,” Amnesty International; “Findings of Recent Trip to Colombia,” U.S. Office on Colombia, Washington Office on Latin America, and Latin America Working Group, September 12, 2007.

<sup>28</sup> “Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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see Sections 556(a)(2)(A) and 649(c)(2)(A)) In turn, the Prosecutor General's Office and the Inspector General's Office investigated and prosecuted members of the Armed Forces alleged to have colluded with paramilitary units that did not demobilize. (For more on this, see Sections 556(a)(2)(B) and 649(c)(2)(B))

**Arrests of Military Officials for Collusion with Illegal Groups**

The Armed Forces cooperated with civilian judicial authorities to ensure the arrest, detention, and suspension of members of the Armed Forces alleged to have ties to illegal armed groups. In Sections 556(a)(2)(B) and 649(c)(2)(B) there are lists of those members of the Armed Forces who have been suspended from the Armed Forces, or detained, indicted, or sentenced by the Prosecutor General's Office, for such acts. Minister of Defense Santos has publicly stated on numerous occasions that the Colombian Armed Forces has a zero-tolerance policy for military officials found guilty of criminal ties, and has pledged his full cooperation with the Prosecutor General's Office in investigating the cases.

**Orders on Severing Links with and Combating Illegal Groups**

In 2007,<sup>29</sup> the commander of the Armed Forces and the commanders of the military services issued 11 orders related to severing links between military personnel and paramilitary units and combating illegal groups:

- (1) Permanent Directive 300-06/2007 (issued February 22, 2007, by the Commander of the Armed Forces): Instructions on Combating Criminal Groups
- (2) Directive 013/2007 (issued February 22, 2007, by the Commander of the Armed Forces): Instructions on Combating Criminal Groups
- (3) Navagrama Number 150930R (issued August 15, 2007, by the Commander of the Tarea River Group): Instructions on preventing ties to Narco-Trafficking Organizations (ONT)
- (4) Permanent Directive 007/2007 (issued March 20, 2007, by the Commander of the Navy: Instructions on Combating Criminal Groups
- (5) Order Number 161800R (issued May 16, 2007, by the Commander of the River Battalion of Marine Infantry Number 70): Details anti-corruption measures

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<sup>29</sup> This is the time frame for which information was available as of June 15, 2008.

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- (6) Permanent Directive 020/2007 (issued by the Commander of the Navy, exact date unknown): Instructions on the use of polygraphs and voice stress analysis on Navy personnel
- (7) Order Number 251017R (issued May 26, 2007, by the Director of Naval Counterintelligence): Instructions for agencies on sending in counterintelligence information
- (8) Permanent Order Number CFNP 001 (issued April 8, 2007, by the Commander of the Pacific Naval Forces): Instructions on combating criminal groups
- (9) Counterintelligence Bulletin Number 001 (issued May 2007, by the Commander of the Pacific Naval Forces): Methods and characteristics of penetration by Narco-Trafficking Organizations (ONT)
- (10) Circular NR. 31688-CGFM-JEMC-JEOPC-JODOC-375 (issued May 11, 2007, by Commander General of the Armed Forces): Intensifying Military Operations and Neutralization of BACRIM (Criminal Bands)
- (11) Order Number 0044 (issued August 16, 2007, by the Commander of the Pacific Naval Forces): Details anti-corruption measures

In addition to these orders, an annex (issued June 25, 2007) to Ministry of Defense Directive 10 mandates that “under no circumstances will demobilized persons be used as part of cooperative (voluntary informant) networks.” The OAS<sup>30</sup> lauded this development as “a very important advance in delinking the former combatants from the government’s preventative security schemes and providing a more transparent process of reintegration into the communities.”

**Severing Ties by Combating Illegal Armed Groups**

Further evidence that the Colombian Armed Forces continue to make substantial progress in severing ties with paramilitary groups is that they actively targeted members of paramilitary groups that did not demobilize and new criminal groups. To improve these efforts, throughout the certification period, the Colombian Armed Forces continued to fortify military intelligence efforts, including coordinating intelligence among the interagency and conducting numerous military operations against paramilitary groups that refused to demobilize, and other illegal groups. During these operations, the Armed Forces captured or killed members of paramilitary groups and

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<sup>30</sup> OAS Mission to Support the Peace Process 10<sup>th</sup> Quarterly Report, October 31, 2007.

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confiscated weapons, ammunition, vehicles, and money. (See Sections 556(a)(2)(E) and 649(c)(2)(E) and Sections 556(a)(3) and 649(c)(3) for more information on paramilitaries captured or killed during these operations) In total, between January and December 2007,<sup>31</sup> the Armed Forces captured 4,646 short arms (revolvers and pistols); 2,464 long arms (rifles and shotguns); 1,149,418 rounds of munitions of various types; 7,942 grenades; 251 mortars; 80 grenade launchers; 22 rocket launchers; 71,239 explosives; and 326 landmines.

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<sup>31</sup> This is the time frame for which information was available as of June 15, 2008.

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**SECTIONS 556(a)(2)(E) and 649(c)(2)(E)**

Section 556(a)(2)(E) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**The Colombian government is dismantling paramilitary leadership and financial networks by arresting commanders and financial backers, especially in regions where these networks have a significant presence.**

Section 649(c)(2)(E) of the FY 2008 SFOAA requires a determination that:

**The Colombian government is dismantling paramilitary leadership and financial networks by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided or abetted paramilitary organizations or successor armed groups, by identifying and seizing land and other assets illegally acquired by such organizations or their associates and returning such land or assets to their rightful owners; by revoking reduced sentences for demobilized paramilitaries who engage in new criminal activity; and by arresting, prosecuting under civilian criminal law, and when requested, promptly extraditing to the United States members of successor groups.**

The Government of Colombia continued efforts to dismantle the paramilitary leadership and financial networks through the demobilization and reintegration process. Since 2002, 31,671 paramilitary members have collectively demobilized. Of these, more than 3,000 have been identified as potentially eligible to receive benefits under the Justice and Peace Process. The UNHCHR recognized that investigations under the Justice and Peace Law process, as well as by the Supreme Court, continue to generate information on links between paramilitaries, politicians, and security force personnel. Still, the UNHCHR<sup>32</sup> expressed concern that institutional capacity and resource constraints limited progress under the Justice and Peace process.

**Capture and Detention of Paramilitary Leaders**

The Government of Colombia took steps during these certification periods to ensure the detention of AUC leaders. After President Uribe's August 14, 2006, order

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<sup>32</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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for demobilized AUC leaders to surrender or lose benefits afforded under the Justice and Peace Law and face extradition, the majority of AUC leaders<sup>33</sup> surrendered. Following the May 2008 extradition of 15 paramilitary leaders (described below), 18 demobilized AUC leaders remain detained<sup>34</sup> at Itaguí maximum security penitentiary, Modelo de Barranquilla penitentiary, and La Picota maximum security penitentiary.

The Armed Forces continue to pursue paramilitary members that did not demobilize. For example, on April 13, 2007, the Armed Forces captured paramilitary leader Ever Velosa García (alias “Don Hernán,” “Hernán Hernández,” or “H.H.”). Velosa, the former leader of the AUC’s Bananero Bloc, who was allegedly working with still-at-large AUC leader Vicente Castaño to create new criminal groups. Some paramilitary members that refused to demobilize as part of the collective AUC demobilization between 2002 and 2006 are now demobilizing. For example, on September 28, 2007, Colombian security force pressure led 40 members of the former AUC’s “Cacique Pipinta” Bloc to surrender and turn in their weapons in rural La Quiebra, Salamina (Caldas).

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<sup>33</sup> The 30 AUC leaders incarcerated at La Ceja detention center as of September 30, 2006 were: (1) Salvatore Mancuso Gómez (alias “El Mono”); (2) Ramón María Isaza (alias “El Viejo”); (3) Carlos Mario Jiménez Naranjo (alias “Macaco”); (4) Rodrigo Pérez Alzate (alias “Julián Bolívar”); (5) Iván Roberto Duque Gaviria (alias “Ernesto Báez”); (6) Ramiro Vanoy Murillo (alias “Cuco Vanoy”); (7) Hernán Giraldo Serna (alias “Chamizo”); (8) Francisco Zuluaga Lindo (alias “Gordo Lindo”); (9) Luis Eduardo Cifuentes Galindo (alias “El Águila”); (10) Edward Cobo Téllez (alias “Diego Vecino”); (11) Guillermo Pérez Alzate (alias “Pablo Sevillano”); (12) Jorge Iván Laverde (alias “Pedro Frontera”); (13) José María Barrera Ortiz (alias “Chepe Barrera”); (14) Arnubio Triana Mahecha (alias “Botalón”); (15) Uber Enrique Banquet Martínez (alias “Juancho”); (16) Oliveiro Isaza Gómez (alias “Terror”); (17) José Baldomero Linares (alias “Guillermo Torres”); (18) Ovidio Isaza Gómez (alias “Roque”); (19) Luis Eduardo Zuluaga Arcila (alias “Mac Giver”); (20) Jhon Freddy Gallo Bedoya (alias “El Pájaro”); (21) Nodier Giraldo Giraldo (alias “El Cabezón”); (22) Juan Carlos Sierra Ramírez (alias “El Tuso”); (23) Daniel Alberto Mejía Ángel (alias “Danny”); (24) Jesús Ignacio Roldán Pérez (alias “Monoleche”); (25) Narciso Fajardo Marroquín (alias “Rasguño”); (26) Diego Alberto Ruíz Arroyave (alias “El Primo”); (27) Diego Martínez Goyeneche (alias “Daniel”); (28) Rodrigo Tovar Pupo (alias “Jorge 40”); (29) Freddy Rendón Herrera (alias “El Alemán”); and (30) Manuel de Jesús Pirabán (alias “Pirata”).

<sup>34</sup> The following 18 paramilitary leaders remain in detention in Colombia as of May 31, 2008: (1) Ramón María Isaza (alias “El Viejo”) held in La Picota; (2) Rodrigo Pérez Alzate (alias “Julián Bolívar”) held in Itaguí; (3) Iván Roberto Duque Gaviria (alias “Ernesto Báez”) held in Itaguí; (4) Luis Eduardo Cifuentes Galindo (alias “El Águila”) held in La Picota; (5) Edward Cobo Téllez (alias “Diego Vecino”) held in La Picota; (6) Jorge Iván Laverde (alias “Pedro Frontera”) held in Itaguí; (7) Arnubio Triana Mahecha (alias “Botalón”) held in Itaguí; (8) Uber Enrique Banquet Martínez (alias “Juancho”) held in Modelo de Barranquilla; (9) Oliveiro Isaza Gómez (alias “Terror”) held in La Picota; (10) José Baldomero Linares (alias “Guillermo Torres”) held in La Picota; (11) Luis Eduardo Zuluaga Arcila (alias “Mac Giver”) held in La Picota; (12) Jhon Freddy Gallo Bedoya (alias “El Pájaro”) held in La Picota; (13) Jesús Ignacio Roldán Pérez (alias “Monoleche”) held in Itaguí; (14) Narciso Fajardo Marroquín (alias “Rasguño”) held in La Picota; (15) Diego Alberto Ruíz Arroyave (alias “El Primo”) held in La Picota; (16) Freddy Rendón Herrera (alias “El Alemán”) held in Itaguí; (17) Manuel de Jesús Pirabán (alias “Pirata”) held in La Picota; and (18) Juan Francisco Prada Marquez (alias “Juancho Prada”) held in Modelo de Barranquilla. The following four paramilitary leaders are at large: (1) José María Barrera Ortiz (alias “Chepe Barrera”); (2) Ovidio Isaza Gómez (alias “Roque”); (3) Daniel Alberto Mejía Ángel (alias “Danny”); and (4) Vicente Cantano.

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**Dismantling Paramilitary Leadership and Financial Networks**

The Government of Colombia continued to implement its September 29, 2006 decree, in furtherance of the Constitutional Court's decision on the implementing regulations of the Justice and Peace Law (Law 975 of 2005), which provides for full disclosure of individual and group crimes and obligates the former paramilitary members to give up licit assets if illicit assets are not enough to fully compensate the victims.

Through investigations mounted by the Prosecutor General's Unit for Justice and Peace, the Government of Colombia is working to uncover and dismantle paramilitary leadership and financial networks. As of June 15, 2008, the government has identified more than 3,000 paramilitaries that would be eligible to participate in the Justice and Peace Process.

The Prosecutor General's Justice and Peace Unit began its work in early 2006 with 20 prosecutors and 150 criminal investigators. Recognizing that the Unit needed more staff, the Colombian government introduced a decree which, in spring 2008, authorized the unit to triple its total size to 1,048 people. This total includes 184 prosecutors (39 are senior members certified by the Superior Courts), 433 criminal investigators (283 of which are newly created positions), and 451 assistant criminal investigators and administrative personnel (341 of which are newly created positions). The Unit has offices in Bogotá, Barranquilla, and Medellín, as well as satellite judicial police units in 20 other cities throughout the country. As noted in Sections 556(a)(2)(B) and 649(c)(2)(B), the Prosecutor General's Office is in the process of hiring additional prosecutors and investigators for the Unit.

Since August 2002, 31,671 paramilitary members have collectively demobilized. Of these, 3,297<sup>35</sup> have been identified as eligible to receive benefits under the Justice and Peace Process. Of these individuals, 1,094 have requested to be allowed to rescind their application to the Justice and Peace Process. These are primarily rank and file paramilitary members who enrolled in the process at the instruction of their commanders and say they did so without a complete understanding of the law. Civilian judges are currently examining these requests to determine who may be removed from the process.

As reported in the April 4, 2007, certification, in March 2006, the Prosecutor General assigned the Justice and Peace Unit the responsibility for collecting voluntary

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<sup>35</sup> Of these, the Prosecutor General's Office has determined that some were erroneously identified as eligible, and it is reviewing the list to weed out these individuals.

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statements (“versiones libres”) from demobilized paramilitary members participating in the Justice and Peace Process. The Unit began collecting these statements on December 14, 2006 and, as of June 15, 2008, the Unit had begun collecting statements from 1,291 demobilized paramilitary members, 378 of whom are in prison. Five demobilized members who have finished their versiones libres are awaiting their hearings in which they will presumably plead guilty to charges defined by the prosecutors. At this point, 1,099 individuals have completed their statements and are awaiting their first hearing before the Justice and Peace Tribunals. There are 192 statements in process.

As former paramilitary members give statements about their criminal activities, the Prosecutor General’s Office and other appropriate investigatory bodies – such as the Supreme Court, in the case of serving legislators – are following up on these allegations. The Government has provided additional resources to the Supreme Court to strengthen its investigative capability.

To prepare for this process, and the ensuing investigation of the crimes confessed to by demobilized paramilitary members, the Unit is administering an interagency database that links information on the demobilized paramilitary members to information on victims’ claims and allegations against them or the groups to which they belonged. As of December 2007,<sup>36</sup> the Unit had catalogued approximately 130,000 allegations.

From the testimonies of demobilized paramilitary members, paramilitary support networks are being uncovered, including those who provided political and/or financial support. In February 2007, the Prosecutor General’s Office arrested former Director of the Department of Administrative Security (DAS), Jorge Noguera, for paramilitary collaboration and corruption. In November 2007, the Inspector General’s Office barred him from holding public office for 18 years. Due to a procedural error on the part of the Prosecutor General’s Office, Noguera’s attorney’s succeeded in getting Noguera released from detention on June 11, 2008. The charges against Noriega remain unaffected, and the Prosecutor General’s Office plans to refile the case against him.

Following their implication in paramilitary testimony or other evidence, as of May 31, 2008,<sup>37</sup> 64 Congressmen, 16 mayors and 8 governors were under investigation and/or under arrest for ties to illegal armed groups. In addition, the Prosecutor General’s Office reports that a total of 1,505 bodies have been found in mass graves since October 2006 as a result of information received through paramilitary testimony.

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<sup>36</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>37</sup> This is the time frame for which information was available as of June 15, 2008.

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The U.S. Department of Justice has been providing intensive training to forensic exhumation personnel delivering six Forensic Archeology Courses to 144 exhumation team members, focusing on proper crime scene exhumation techniques, managing and preserving evidence, and scene documentation through photographs, mapping, and surveying. US forensic experts have also been brought to Colombia to increase capabilities in performing exhumations, examinations in evidence and identification of victims. This program is complemented with technical support for DNA analysis, and work on the CODIS system DNA database.

Under Article 48 of the Justice and Peace Law, the Unit also has responsibility for compiling victim testimonies, setting reparations, and identifying and searching for disappeared persons. The information received in these testimonies helps the Unit to understand more fully the paramilitary leadership structure, so that the Colombian government can more effectively dismantle this network. It also assists the Unit in cross-referencing testimony from demobilized paramilitary members to determine if they have disclosed all their crimes. As of May 2008,<sup>38</sup> the Prosecutor General's Office had registered 137,803 victims and taken their statements.

In its tenth report,<sup>39</sup> the OAS Verification Mission cited concerns about reports of the continued existence of chains of command with regard to demobilized paramilitary groups. However, the Colombian government acted to break these links through the mid-May extradition of 15 senior paramilitary leaders. Following the May 7, 2008 extradition of paramilitary leader Carlos Mario Jimenez, alias "Macaco," on May 12, 2008, President Uribe took the unprecedented decision to extradite 14 additional demobilized paramilitary leaders to the United States:

1. Salvatore Mancuso-Gómez, alias "El Mono"
2. Diego Fernando Murillo-Bejarano, alias "Don Berna"
3. Rodrigo Tovar-Pupo, alias "Jorge 40"
4. Eduardo Enrique Vengoechea-Mola, alias "El Flaco"
5. Juan Carlos Sierra-Ramírez, alias "El Tusó"
6. Francisco Javier Zuluaga-Lindo, alias "Gordo Lindo"
7. Ramiro Vanoy-Murillo, alias "Cuco Vanoy"
8. Guillermo Pérez-Alzate, alias "Pablo Sevillano"
9. Nodier Giraldo-Giraldo, alias "El Cabezón"
10. Hernán Giraldo-Serna, alias "Chamizo"
11. Diego Alberto Ruíz-Arroyave, alias "El Primo"

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<sup>38</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>39</sup> OAS Mission to Support the Peace Process 10<sup>th</sup> Quarterly Report, October 31, 2007.

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12. Edwin Mauricio Gómez-Luna, alias “El Repetido” and “El Pobre Mello”
13. Martín Peñaranda-Osorio, alias “El Burro”
14. Manuel Enrique Torregrosa-Castro, alias “Chan”

President Uribe based his decision on his assessment that these 15 paramilitary leaders had violated the terms of the Justice and Peace Process, by not being sufficiently forthcoming with respect to confessing their crimes and providing assets for reparation of victims as well as continuing to engage in criminal activity. These 15 had already been found extraditable by the Colombian Supreme Court. President Uribe suspended their extradition pending their compliance with the Justice and Peace Process. They are now in custody in the United States and face a variety of charges related to drug trafficking, money laundering, and terrorism. As of June 15, 2008, the Colombian Government had extradited a total of 754 individuals to the United States since 1997, including 164 in 2007 alone, and 107 between January and May 2008. On June 17, “Don Berna” pleaded guilty in federal court to charges of smuggling tons of cocaine into the United States. He will be sentenced in December.

Following their extradition, the Colombian National Police’s Special Crimes Unit (DIJIN) continued to pursue operations against criminal associates of the 15 paramilitary leaders. (See the section below entitled “Efforts to Combat Criminal Groups” for more information)

**Seizure of Paramilitary Assets and Reparations to Victims**

Demobilized paramilitary members taking part in the Justice and Peace Process (in accordance with Law 975 of 2005), are required to turn over all illicitly-obtained assets, which will be used to provide reparations to victims. Still, some human rights groups complain that the Colombian government has been ineffective in identifying and confiscating paramilitaries’ illegally acquired assets.<sup>40</sup>

Voluntary delivery of assets by demobilized paramilitary members has not been significant. The Prosecutor General’s Office will need to determine how to address this matter, both with respect to compliance with the Justice and Peace Process and asset seizure. Since the extradition of the 15 paramilitary members mentioned above, the Prosecutor General’s Office has begun to take steps to seize assets (see below). The issue of seized land in particular is a highly charged political issue, and legislation is currently being debated in the Colombian Congress to facilitate forfeiture of land and expedite returning land to victims. As noted by the OAS Verification Mission,<sup>41</sup> asset

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<sup>40</sup> Memo from NGOs to Department of State, December 11, 2007 NGO Consultation

<sup>41</sup> OAS Mission to Support the Peace Process 10<sup>th</sup> Quarterly Report, October 31, 2007.

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seizure is complicated by (a) their location in difficult to access areas, and (b) the fact that the majority of the assets belonging to participants in the Justice and Peace Process are bogged down in embargoes, utility debts, and taxes, which, in most cases, exceed the value of the asset. Conflicting claims among different groups of displaced persons are also an issue, especially given the lack of land titling in some areas.

The Prosecutor General's Asset Forfeiture and Money Laundering Unit has increased its efforts to seize and forfeit properties from some of the demobilized paramilitary leaders and other terrorist and criminal leaders, who are not part of the Justice and Peace Process, as part of ongoing criminal investigations and asset forfeiture in criminal cases. In these cases, the Unit coordinates its efforts with the Justice and Peace Unit. As of June 15, 2008,<sup>42</sup> 21 former paramilitary members had surrendered 326 plots of land or estates; 43 business establishments; 15 companies; 41 vehicles; six boats; 4,547 animals; 1.48 billion in Colombian pesos (about \$898,652<sup>43</sup> in U.S. dollars) of stocks and cash; and various merchandise to the Prosecutor General's Office as part of the Justice and Peace Process. Specific seizures are:

**(1) Salvatore Mancuso (alias "el Mono") – Catatumbo Bloc**

- Numerous legal documents and titles to properties (seized in June 6, 2008 operation – description not yet available)
- 84 Estates
- Two Companies
- Two Business Establishments

**(2) Carlos Mario Jiménez Naranjo (alias "Macaco") – Central Bolívar Bloc**

- 49 Estates
- 29 Vehicles
- Six Companies
- 13 Business Establishments
- Two Boats
- 2,614 Heads of Cattle
- 26 Watches
- 14 Mont Blanc Pens
- \$10,000,000 Colombian Pesos in Cash (about \$6,049 in U.S. dollars)

**(3) Diego Fernando Murillo Bejarano (alias "Don Berna") – Cacique**

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<sup>42</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

<sup>43</sup> At \$1 USD = 1,653 Colombian Pesos, calculated June 17, 2008.

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Nutibara/Grana de Heroes Bloc

- Eight Estates

**(4) Jorge Tovar Pupo (alias “Jorge 40”) – North Bloc**

- 15 Estates
- One Vehicle

**(5) Fredy Rendón Herrera (alias “El Alemán”) – Elmer Cardenas Bloc**

- One Apartment (including garage and utility room)
- Three Vehicles
- 397 Animals (Cattle and Horses)
- Four Boats

**(6) Francisco Javier Zuluaga Lindo (alias “Gordo Lindo”) – Pacific Bloc**

- 23 Estates
- One Business Establishment
- One Piece of Furniture
- Ten Financial Products, Accounts and Term Deposits (CDT) valued at over \$418,269,421 Colombian Pesos) (about \$253,036 in U.S. dollars)

**(7) José Balomero Linares Moreno (alias “Guillermo Torres”) – Porra de León, El Colorado, Meta and Vichada Fronts**

- Two Properties

**(8) Manuel de Jesús Piraban (alias “Pirata”) – Heroes del Llano Bloc**

- Two Country Houses
- Three Plots of Land
- Three Vehicles
- 154 Heads of Cattle
- \$500,000,000 Colombian Pesos in Cash; in Bogotá (about \$302,480 in U.S. dollars)

**(9) Ramiro Vanoy Murillo (alias “Cuco Vanoy”) – Mineros Bloc**

- One Pasture
- One Clinic
- 982 Heads of Cattle

**(10) Nodier Giraldo Giraldo (alias “el Cabezón” or “Jota”) – Resistencia Tayrona Bloc**

- 19 Estates
- Six Business Establishments
- Four Companies

**(11) Hernán Giraldo Serna (alias “el Viejo” or “el Patron”) – Resistencia Tayrona Bloc**

- 55 Estates
- 12 Business Establishments
- Three Companies
- One Term Deposit (CDT) Valued at \$318,202,747 Colombian Pesos (about \$192,500 in U.S. dollars)
- One Vehicle

**(12) Luís Arlex Arango Cardenas (alias “Chatarro”) – Heroes del Llano Bloc**

- Two Vehicles
- \$32,000,000 Colombian Pesos in Cash, in Bogotá (about \$19,358 in U.S. dollars)
- Merchandise from a Sweets Shop

**(13) Juan Francisco Prada Márquez (alias “Juan Prada”) – Héctor Julio Peinado Becerra Front**

- Stocks Valued at \$80,000,000 Colombian Pesos, Caja Agraria Bank in Barranquilla (about \$48,396 in U.S. dollars)

**(14) Luís Eduardo Cifuentes Galindo (alias “El Aguila”) – Cundinamarca Bloc**

- Checks Valued at \$120,000,000 Colombian Pesos, BBVA bank in La Dorada (about \$72,595 in U.S. dollars)

**(15) José María Barrera (alias “Chepe Barrera”)**

- 45 Estates
- One Vehicles
- One Business Establishment

**(16) Juan Carlos Sierra (alias “El Tuso”)**

- 18 Estates
- One Vehicle
- Eight Business Establishments

**(17) Javier Domingo Guerrero - Heroes de los Llanos Bloc**

- \$4,000,000 Colombian Pesos in Cash, in Bogotá (about \$2,419 in U.S. dollars)

**(18) Francisco Antonio Arias – Heroes de los Llanos Bloc**

- \$3,000,000 Colombian Pesos in Cash, in Bogotá (about \$1,814 in U.S. dollars)

**(19) Miguel Ángel Mejía Múnera (alias “El Melazo” or “Pablo Arauca”) – Vencedores de Arauca Bloc**

- \$2,500,000,000 Colombian Pesos Worth of Goods (pledged in early May, exact items TBD) (valued at about \$6,049 in U.S. dollars)

**(20) Rodrigo 50% and (21) Guillermo Pérez Alzate 50% (alias “Julián Bolívar” and “Pablo Sevillano”) – Central Bolívar Bloc**

- One Country House
- 400 Head of Cattle

There remains a dispute regarding which Colombian government entity is responsible for the management of seized properties pending forfeiture. The Prosecutor General's Office had turned properties over to the Reparation Funds (“Fondos de Reparación”), which is monitored by the National Reconciliation and Reparations Commission (CNRR) as well as to the National Drug Directorate (Dirección Nacional de Estupafacientes” – DNE). Concerns remain about the management of these assets, expediting forfeiture, and reparation of victims. On June 2, 2008, Minister of Interior and Justice Holguin stated that, per an order issued by President Uribe, farms seized from paramilitary members would be given to victims of the May 2008 floods. Other assets are being considered for possible use in large-scale agricultural projects to be managed by victims of paramilitary violence. Since most seized paramilitary assets have to be consolidated into a suitable form for distribution, providing reparations to victims is taking longer than anticipated. The Department of Justice is working with the Prosecutor General's Office and the DNE to expedite seizures and improve management of assets. The U.S. Agency for International Development continues to work with the CNRR to develop procedures for identifying victims for the Victims' Reparations Fund so that they can receive reparations once the assets are consolidated.

The CNRR has increased its presence, and to date, has ten regional offices around Colombia. CNRR uses its regional offices to support victim outreach programs and consult with victims' organizations. CNRR is also working with the U.S. Government

to design and develop a interinstitutional database for victims, to allow for case follow-up and access to security measures.

**Efforts to Combat Criminal Groups and Protect Victims**

The Government of Colombia continued its efforts to dismantle criminal groups, which also commit violence against civilians in Colombia. Unlike the paramilitary groups that demobilized, these new groups do not have a central structure or political objective, except as it supports their narco-trafficking objectives. Nonetheless, these groups are a corrupting force, and NGOs reported concerns regarding criminal activity undertaken by these groups, including threats against human rights groups and crimes at several NGO offices. In January 2007, fire was set to the Bogotá office of the League of Displaced Women. In June 2007, there were break-ins at the Bogotá offices of three human rights groups: JustaPaz, Yiracastro, and the Fellowship of Reconciliation. The Prosecutor General's Office and local law enforcement continue to investigate these incidents, though the perpetrators have not been identified. On January 31, 2007, Yolanda Izquierdo, a legal representative for victims participating in the Justice and Peace Process, was killed in Montería (Córdoba), allegedly by two men linked to paramilitary groups. The Prosecutor General's Office began investigating the case immediately, and on February 14, one of the two – Álvaro Augusto Murillo Montes (alias "El Muchacho") – was arrested. On November 4, 2007, Yolanda Becerra, President of the Popular Women's Organization, was allegedly threatened in her home in Barrancabermeja (Santander) by two hooded armed men. Becerra has since then moved out of Barrancabermeja, and the incident is under investigation by the Colombian authorities.

Following the March 6, 2008, demonstration against impunity (organized by a coalition of human rights organizations, trade unions, indigenous groups, and others), some participants reported receiving threats on March 11, 2008, allegedly from the Metropolitan Front of the Black Eagles in Bogotá. The Colombian government publicly decried the threats, and, on March 12, 2008, the government called a special meeting with the human rights groups who claim to have received threats to discuss their safety. The police are investigating the threats. To date, the police have found no significant Black Eagles presence in Bogotá. Human rights groups criticized presidential advisor José Obdulio Gaviria's statements linking the March 6 event to the FARC, saying that these types of statements stigmatize the legitimate work of human rights activists and incite violence against them.

The Ministry of Interior and Justice administers a \$39.5 million program to provide personal security protection to 9,444 individuals in 2007, including 1,959 trade unionists. Almost one-third of this program's budget (\$13.1 million) goes to protect this

group. Still, NGOs and international organizations expressed concern that insufficient resources were being dedicated to protecting and supporting victims. Cognizant of the need to better protect the over 126,302 victims who have denounced paramilitary crimes, the Ministry of Interior and Justice created an integrated protection program in Decree 3570 on September 18, 2007, incorporating the Ministry's program, the Prosecutor General's protection program, and protection provided by the police. Under this arrangement, the police will serve as first responders to threats; the Ministry of Interior and Justice will protect victims' advocates and other vulnerable individuals; and the Prosecutor General's Office will provide security for witnesses. The U.S. Embassy, through the U.S. Department of Justice's United States Marshall service, is working to improve and enhance the Prosecutor General's witness protection program expanding and training its personnel, implementing more effective policies and procedures, and developing regional offices and secure witness intake locations.

The OAS Verification Mission<sup>44</sup> noted progress in demobilizing and disarming the AUC, but urged that events following this – such as the appearance of new illegal armed groups – required urgent government attention. According to the OAS, these groups appear to be comprised of mid-level paramilitary members that did not demobilize; demobilized individuals who have returned to a life of crime; and new recruits. In its 10<sup>th</sup> quarterly report, the OAS Verification Mission noted that it had observed the existence of over 22 illegal groups.

The UN High Commissioner for Human Rights in Colombia has also raised concerns about these new groups, calling them “an active factor in intensifying the armed conflict, with direct and serious consequences for the civilian population.”<sup>45</sup> However, it recognizes they do not represent a new rise of paramilitarism as their structure, organization, and modus operandi differ. NGOs have raised particular concern over “Black Eagles” (Aguilas Negras), which – as the UN recognizes<sup>46</sup> – is not a national organization, but, rather, various different criminal groups that have adopted the name. As of June 15, 2008, the Office of the Ombudsman (Defensoria) has identified 23 Black Eagles groups operating in 226 municipalities in 24 departments, including four Black Eagles groups operating in four departments.

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<sup>44</sup> OAS Mission to Support the Peace Process 9<sup>th</sup> Quarterly Report, July 3, 2007; OAS Mission to Support the Peace Process 10<sup>th</sup> Quarterly Report, October 31, 2007.

<sup>45</sup> “*Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

<sup>46</sup> “*Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia*,” Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

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The Colombian Armed Forces have assigned carabineros (rural police), established in 2002 under President Uribe's Democratic Security Plan, to fight criminal groups. These 120-person mobile squadrons can be deployed from the capital or field offices as needed to address issues related to new criminal groups. They provide daily reports on the status of criminal groups, as well as captures and kills, to the President and ministries, as well as the OAS and other non-governmental entities. Currently at a force strength of 8,160 carabineros, the government plans to reach 8,400 by the end of 2008.

These units have been achieving results. In 2007, the Armed Forces killed three times as many members of new criminal groups as in 2006 (636 in 2007 v. 198 in 2006).

The following are some examples of progress made against illegal armed groups (for more information on efforts to combat illegal armed groups, see Sections 556(a)(3) and 649(c)(3)):

- On March 30, 2007, the Prosecutor General's Ibagué Immediate Reaction Unit and the Colombian National Police worked together to capture Magdalena Black Eagles leader Miguel Adán Rojas Mendoza (alias "El Negro Rojas") in Tolima.<sup>47</sup>
- On August 31, 2007, the Colombian National Police arrested 50 alleged members of "Los 40," an emerging criminal gang operating in the Atlántico, Bolívar, and Magdalena departments. "Los 40" was allegedly affiliated with demobilized paramilitary leader "Jorge 40" and consisted of former members of his "Bloque Norte."<sup>48</sup>
- On January 3, 2008, the Army captured "Los Nevados" financial chief Sixto Manuel Acosta Moreno (alias "4.5") in Guachacha, Santa Marta (Magdalena). He was allegedly working with the head of the demobilized Tayrona Resistance Front, Hernán Giraldo. "Los Nevados" is reportedly part of the "Los Mellizos" structure.<sup>49</sup>
- On January 12, 2008, the Colombian authorities arrested one of the heads of the Black Eagles in Cúcuta, Rafael Gustavo Rojas Mora (alias "Richard").<sup>50</sup>

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<sup>47</sup> According to media reports (Bogotá's *El Tiempo*).

<sup>48</sup> According to media reports (Bogotá's *El Tiempo*).

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- On February 5, 2008, the Colombian authorities arrested Black Eagles leader Carmen Evelio Cantillo (alias “Muñeca”) in Santa Marta (Magdalena). He is one of the 20 most-wanted in Magdalena for drug trafficking in Sierra Nevada de Santa Marta.<sup>51</sup>
- On February 21, 2008, Counternarcotics Police destroyed a laboratory belonging to the Black Eagles in Paso del Río, in rural Cúcuta. Authorities say the laboratory could produce close to two tons of cocaine per month.<sup>52</sup>
- On February 28, 2008, the Colombian National Police arrested nine members of the Black Eagles in Cúcuta, including one of the groups’ leaders, Alberto Mocada (alias “El Cucho” or “Don Alberto”).<sup>53</sup>
- On March 3, 2008, the Colombian authorities arrested Alben Blanco (alias “Elvis”), one of the leaders of the Black Eagles in Cúcuta on charges of financing terrorism, criminal conspiracy, and aggravated homicide.<sup>54</sup>
- On April 1, 2008, Army Counterguerrilla troops captured six alleged members of illegal armed group New Generation Colombia in Policarpa (Nariño), including the security chief for the groups’ leader “Nene.”<sup>55</sup>
- In early 2008, the Colombian Armed Forces took down the leaders of the illegal armed group “Los Mellizos” (the Twins), over which the OAS had cited serious concerns about the influence of their criminal activity. On April 20, 2008, the Colombian National Police killed Victor Mejía Muñera in Tarazá (Antioquia), and on May 1, 2008, Army Special Forces captured Miguel Ángel Mejía and five of his bodyguards in an operation in the rural part of Honda (Tolima). The brothers (former members of the AUC) had initially demobilized, but then fled and abandoned the process when the government ordered that demobilizing paramilitary members be held in custody.<sup>56</sup>
- On May 25, an Army Counternarcotics Jungle Unit found and destroyed a

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<sup>51</sup> According to media reports (Santa Marta’s *Hoy Diario de Magdalena*).

<sup>52</sup> According to media reports (Cúcuta’s *La Opinión*).

<sup>53</sup> According to media reports (Cúcuta’s *La Opinión*).

<sup>54</sup> According to media reports (Bogotá’s *El Tiempo*).

<sup>55</sup> According to media reports (Bogotá’s *El Tiempo*).

<sup>56</sup> According to media reports (Bogotá’s *El Tiempo*).

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laboratory (nine buildings) belonging to the Black Eagles of Norte de Santander, which was capable of producing approximately two tons of cocaine each month. The Unit also destroyed the 215 kilograms of cocaine, 3,067 gallons of chemical precursors, and other materials found at the site.<sup>57</sup>

- On June 4, 2008, the Colombian authorities captured the head of extortions for the “Los Nevados” gang, Mario Alberto Hernández, in Bonda, on the northern outskirts of Santa Marta (Magdalena).<sup>58</sup>
- On June 8, 2008, the Colombian National Police destroyed a laboratory capable of producing a ton of cocaine per month that belonged to the “Los Nevados” gang on a farm in Sitionuevo (Magdalena).<sup>59</sup>
- From June 5-10, 2008, the Colombian National Police’s Special Crimes Unit (DIJIN) carried out an operation against the Black Eagles in Surce and Córdoba in which they arrested 16 members of this illegal armed group who had been operating under the direction of Carlos Mario Jimenez Naranjo (alias “Macaco”). Jimenez had been running this group of the Black Eagles through his lieutenants Héctor Duque Ceballos (alias “Mono Teto”) and Germán Cinfuentes (alias “Don Leo”), who frequently met with him at Itaguí prison in Medellín, where he was held until his extradition. Duque and Cinfuentes, who were arrested as part of this operation, had been running all of Jimenez’ cocaine trafficking and criminal activities in the Departments of Córdoba, Magdalena, and Sucre.

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<sup>57</sup> According to media reports (Cúcuta’s *La Opinión*).

<sup>58</sup> According to media reports (Santa Marta’s *Hoy Diario de Magdalena*).

<sup>59</sup> According to media reports (Santa Marta’s *Hoy Diario de Magdalena*).

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**SECTIONS 556(a)(2)(F) and 649(c)(2)(F)**

Section 556(a)(2)(F) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**The Colombian government is taking effective steps to ensure that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous communities.**

Section 649(c)(2)(F) of the FY 2008 SFOAA requires a determination that:

**The Government of Colombia is ensuring that the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities, and that the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.**

The Colombian government has taken effective steps to ensure the Colombian Armed Forces are not violating the land and property rights of Colombia's indigenous and Afro-Colombian communities. Similarly, the Colombian Armed Forces are taking action to distinguish between civilians and armed actors in their operations through the development and implementation of Rules of Engagement (ROEs) and operational law.

By law, Afro-Colombians have collective ownership of five percent of Colombia's land. Indigenous groups, though smaller, have collective ownership of 30 percent. NGOs allege armed groups have forced Afro-Colombian communities off their land, resulting in that ethnic group constituting an estimated one third of displaced persons in Colombia. These groups cite similar occurrences with regard to indigenous communities. They also allege that the Armed Forces fail to consult with indigenous and Afro-Colombian groups regarding projects that would affect them, and that security forces have committed extrajudicial killings, detained arbitrarily, and inaccurately identified individuals in these groups as guerillas. Still, the UN notes that indigenous and Afro-Colombian groups are particularly affected by the armed conflict because of their location in strategic areas, such as narcotrafficking corridors and coca cultivation areas, and holds illegal armed groups responsible for violence against these communities.<sup>60</sup> The Armed Forces are concerned about actions taken by illegal armed

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<sup>60</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

actors to infringe on the rights of these communities and the safety of their members and has taken steps to protect these groups, though these actions are not always welcomed by the communities.

The Ministry of Defense's "Integrated Policy of Human Rights and International Humanitarian Law," released on January 22, 2008, commits the military to provide special treatment to indigenous, Afro-Colombians, internally displaced persons, and other vulnerable groups such as human rights activists and trade unionists. With regard to indigenous groups, the policy includes dedicated liaison officers to respond quickly to complaints, respect for sacred places through careful mapping of these sites, and compensations. The policy also calls for the Armed Forces to establish similar permanent lines of communication with Afro-Colombian communities. With respect to displaced persons, the policy dictates that the military must take preventative measures to avoid displacement in the course of military operations, facilitate processes of return, and protect displaced persons and their property. (For more on this policy, see the Executive Overview)

For its part, the Ministry of Interior and Justice has created new offices for Afro-Colombian and indigenous issues to respond to concerns that these communities have.

Below is a discussion on the overall security situation for both indigenous groups and Afro-Colombians, followed by discussion on the relationship between the Armed Forces and the groups, including outreach and training where applicable. Following this is a discussion of efforts by the Armed Forces to distinguish between civilians and armed actors in combat operations.

### **Security Situation for Indigenous Groups**

Over one third of Colombia's territory (30 million hectares) is dedicated to indigenous reserves (land collectively titled to indigenous communities) for Colombia's 84 to 94 indigenous groups (between approximately three and seven percent of the population<sup>61</sup>). The departments with the highest indigenous population are Vaupés (66.65 percent), Guainía (64.9 percent), La Guajira (44.94 percent), Vichada (44.35 percent), Amazonas (43.43 percent), Cauca (21.55 percent) and Putumayo (20.94 percent). Unfortunately, illegal groups use many of these departments for criminal purposes, which in turn endangers the indigenous population in the area and thus requires the Armed Forces to maintain a presence. In doing so, the Armed Forces take action against the illegal groups that threaten the security, and therefore the land and property rights, of indigenous groups. (For more on actions taken against illegal groups,

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<sup>61</sup> Government and indigenous group counts differ.

see Sections 556(a)(3) and 649(c)(3))

In 2007,<sup>62</sup> the government reports a reduction in homicides (11 percent drop) and displacement (over 50 percent drop) of indigenous persons (over 2006 levels). Moreover, according to the Colombian government, the number of homicides of indigenous persons reported each year in Colombia has consistently decreased from a high of 196 in 2002 to 163 in 2003, 85 in 2004, 49 in 2005, 45 in 2006, and 40 in 2007. Though human rights groups estimate that indigenous persons make up 8 percent of Colombia's displaced population, forced displacement of indigenous persons has fallen from a peak of 18,854 indigenous persons displaced in 2005, to just over 6,000 in 2007.

The government reports that the FARC, in trying to avoid direct confrontation with the Armed Forces, adopted a tactic of planting anti-personnel mines in indigenous territories, essentially turning many of these areas into minefields. As noted by the UN in its 2008 annual report,<sup>63</sup> this practice has led to the displacement of communities such as the Awa as they to relocate to new, unmined areas. It has also led to the isolation of the Awa, Kiwe, and other groups, as their mobility is limited in mined areas.

The Armed Forces are taking action to assist these groups. For example, in response to the displacement of the Awa, the Armed Forces mounted operations in the mined areas to recover this territory for the indigenous communities. The Army's 19<sup>th</sup> Brigade and the Cabal Mechanized Group are in charge of this effort, which is headquartered in the city of Ipales. Still, in September 2007, approximately 1,000 Awa were displaced in Inda Sabaleta, near Tumaco (Nariño) by fighting between the FARC and the Army on September 18, and a FARC incursion into their villages on September 20. The Colombian government is developing new strategies that reflect the lessons learned from this incident to address future displacements in southern Colombia.

In its 2007 annual report on the human rights situation in Colombia,<sup>64</sup> UNHCHR noted that indigenous groups have been particularly affected by displacement in Colombia "partly due to the fact that they are located in territories that are strategic to the dynamics of the internal armed conflict," but also cites discrimination, marginalization, and large-scale productive products as contributing factors. UNHCHR also noted serious human rights abuses against indigenous groups have been attributed

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<sup>62</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>63</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

<sup>64</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," Annual Report of the United Nations High Commissioner for Human Rights and Reports of the Office of the High Commissioner and the Secretary-General, February 29, 2008.

to illegal armed groups, and called the extension of the government's plan to support vulnerable indigenous communities a positive step. In its report, UNHCHR did not mention concerns over the relationship between actions taken by the Armed Forces and the land and property rights of Colombia's indigenous communities.

### **Relations with Indigenous Communities**

Though permitted under Colombian law, the presence of military personnel and/or equipment on indigenous lands continues to be an irritant to the Colombian government's relationship with indigenous groups. Several Colombian and international NGOs have cited incidents where Colombian Armed Forces have allegedly failed to respect the land and property rights of indigenous peoples, but the Colombian Armed Forces continue to take measures to improve their communication with indigenous communities; increase their own understanding of the land and property rights of these groups; and raise awareness among military planners regarding the impact of military operations on indigenous communities. The Armed Forces states that it cannot provide notice for most military operations given security considerations, but that it consults with leaders of indigenous communities when possible before entering land held by communities.

Indigenous groups cite international norms<sup>65</sup>—accepted by the Colombian government—that require prior consultation with their communities if an action by the Armed Forces is going to affect the community. Some indigenous groups, like the Cofán, have appealed to the Inter-American Commission on Human Rights (IACHR) to require Colombian government compliance. The Santa Rosa Cofán indigenous community sent an official letter of protest to the IACHR in November 2006 asking the Commission to require the Colombian Government to consult with it prior to constructing a military facility<sup>66</sup> on a site called “Finca Maraveles,” three kilometers from La Hormiga, Valle del Guamuez (Putumayo), which the community claims as its land. However, the military believes it acquired the land from a legitimate private owner, and, therefore, consultation with the Cofán before construction is not required. The Cofán argue that the seller of the land held the title, but did not, in fact, have legal rights to the land since it was originally ancestral, sacred Cofán land. The Ministry of Defense says the military facility is critical for combating narcotics trafficking and terrorist groups in the area. The Ministry of Defense also says that only eight kilometers of the property could have been ancestral burial ground, and has agreed not to build on that site and to allow the Cofán free access to that portion of the property.

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<sup>65</sup> Through ILO Convention 169 and the Colombian Constitution.

<sup>66</sup> Not a base, but a military installation with a capacity for up to 1,000 personnel.

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On May 7, 2008, the Colombian Government sent a letter to the IACHR seeking an extension to the two month time-frame the Commission had given it to respond to the Cofán letter of protest. The Commission granted this request and the Colombian Ministry of Foreign Affairs contacted the Cofán the following week to seek a consultation time. However, the Cofán requested a meeting with the Ministry of Interior and the Ministry of Defense, since the Cofán views these as the entities with authority on the issue.

In response to this mid-May 2008 outreach by Minister of Foreign Affairs Araujo, the Cofán sent a letter to him on May 27, 2008 asking for:

- Plans for the construction of the facility, including details on construction methods (type of machinery, chemical agents to be used);
- An environmental impact study, including a study specifically on the impact of the construction on Cofán water sources; and
- A study of the political, cultural, social, and economic impact that the facility will have on the Cofán community.

The Cofán leadership thanked the Minister for his outreach on the subject, but noted that any consultation that took place at this point could not be considered “prior” as construction was already underway, and the Community had made its concerns known to the government in July 2006. As of June 15, 2008, the Ministry of Foreign Affairs had not yet responded to the letter.

Over the last two years, the Santa Rosa Cofán have occasionally met with local military commanders who have communicated with the group in an effort to build confidence between the community and the military in the area. Most recently, on February 20, 2008, Army Colonel Ricardo Marín, Commander of the 13<sup>th</sup> Mobile Brigade, met with the Cofán leaders to discuss their concerns and offered to hold a dialogue with the community, but the Cofán refused, saying they are fearful of the military pre-patrol that would be required before Marín could enter the area. Distrust remains high between the Cofán and the military due to Cofán claims that, in the past, the military has uprooted medicinal herbs and left trash on the Cofán’s land. The community is also concerned about pollution, both in terms of noise and to their water sources. It claims that waste from the facility is being discharged into the river that they use for fishing, drinking, and washing. The community fears that the military presence and checkpoints will increase unease within the community, and claims the presence of military personnel at the installation will lead to disorderly conduct and increased violence in the area.

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**Outreach to Indigenous Groups**

To improve its relationship with indigenous communities and build trust, the Armed Forces have created venues to dialogue with these groups. As discussed in the April 4, 2007, certification, one such venue is security councils with indigenous groups (created by the Ministry of Defense) and training workshops for the Armed Forces – through an agreement with the Ombudsman – on legislation related to indigenous groups. They have also held various inter-institutional meetings in which representatives from indigenous groups participated. From January to December 2007,<sup>67</sup> the Ministry of Defense – with the participation of the Ombudsman responsible for minorities – held 107 workshops; 36 seminars; nine national courses and three international courses; as well as a variety of academic conferences for the Armed Forces, National Police, and local indigenous authorities on laws relating to ethnic minorities, race, and language.

In accordance with Ministry of Defense Directive 16 (signed October 30, 2006; related to protecting indigenous rights), each military unit or police unit that serves in indigenous territory must designate a location where they will meet to maintain dialogue with local indigenous authorities. Through these efforts, throughout 2007 and 2008, there were constant talks between local actors and military units operating in their vicinity. For example, on February 16, 2008, indigenous governors from the Embera Chami communities and members of the Army's 8<sup>th</sup> Brigade and the Ayacucho Battalion met in Río Sucio (Caldas) to consult on various issues.

Each division of the Army also hosted events with indigenous communities. Each month, the 3<sup>rd</sup> Division hosted a 13-day series of lectures on "Indigenous Culture and Law" in the Municipality of Río Sucio-Supía. The 14<sup>th</sup> Mobile Brigade of the 3<sup>rd</sup> Division hosted a series of workshops for soldiers on international humanitarian law and its applicability to indigenous communities. The 14<sup>th</sup> Brigade of the 7<sup>th</sup> Division met with community leaders of the Karamandu community in August to work on specific community requests.

Throughout 2007, the Ministry of Defense held monthly security council meetings with indigenous groups to improve coordination and understanding between indigenous and government – including military – authorities in the Departments of Caldas; Cauca (in the municipalities of Caldosa, El Tambo and Silvia); and Nariño (in the municipalities of Ricaurte and Barbacoas).

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<sup>67</sup> This is the time frame for which information was available as of June 15, 2008. Information listed in this section is what was available for the time period as of June 15, 2008.

The Colombian government continued its outreach to indigenous communities identified as “high-risk” through its “Projects for Communities at Risk” program. Since 2004, with support from the U.S. Agency for International Development, the government has worked with these communities to develop 43 regional plans, which it began implementing in October 2006, to improve the security of these communities, especially protection of life and liberty. USAID, in close coordination with various agencies of the Government of Colombia, has worked with communities in Tolima, Urabá, Eje Cafetero, Córdoba and Bajo Putumayo. In each of these communities, a risk evaluation diagnostic has been conducted which details specific threats faced due to the armed conflict; vulnerabilities of each community; and strategies for addressing them. The program also developed action plans for response with municipal authorities to mitigate risks faced by each community.

### **Training on Rights of Indigenous Persons**

Throughout 2007 and 2008, the Government of Colombia continued to develop its Program on Human Rights and International Humanitarian Law, an intense training program for members of Armed Forces, National Police, and government officials from the 10 departments with the highest indigenous populations. Participants include officials and sub-officials from brigades and battalions located in following departments: Córdoba, Antioquia, Chocó, Cauca, Nariño, Magdalena, César, Guajira, Tolima, and Caldas. This training program is focused on human rights, international humanitarian law, and Colombian legislation as these relate to the country’s indigenous populations. It includes five modules: Colombia’s Indigenous Communities and Cultures; The State: Democracy and Responsibility; Judicial and Multicultural Pluralism; Human Rights and Indigenous Communities; and International Humanitarian Law and Indigenous Communities.

As part of this program, and with participation from the Ombudsman’s Delegate for Ethnic Minorities, from January to December 2007<sup>68</sup> the Ministry of Defense conducted 10 regional workshops for the Armed Forces and local indigenous authorities on fortifying respect for indigenous communities, implementing instructions on the treatment of these groups and how to handle operations on territory belonging to indigenous communities, and increasing awareness and use of communication mechanisms that exist between these groups and the Armed Forces. These workshops took place:

- (1) El Paso (César): July 11-13, 2007

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<sup>68</sup> This is the time frame for which information was available as of June 15, 2008.

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- (2) Medellín (Antioquia): August 2-4, 2007
- (3) Guasimal (Antioquia): August 15-17, 2007
- (4) Tumaco (Nariño): September 3-5, 2007
- (5) Tierralta (Córdoba): September 12-14, 2007
- (6) Bahía Solano (Chocó): October 1-3, 2007
- (7) Los Alpes (Norte de Santander): October 10-12, 2007
- (8) La Plata (Huila): October 31-November 2, 2007
- (9) Puerto Carreno (Vichada): November 14-16, 2007
- (10) Ipiales (Nariño): November 9, 2007

Additionally, the Air Force, Navy and Army all conducted training programs on the implementation of international humanitarian law within indigenous communities. In 2008, through coordination by the Ministry of Defense's Human Rights Directorate, the Army and Navy held 11 inter-disciplinary workshops focusing on the laws relating to ethnic minorities, with a focus on protecting these rights as required by Directive 16. Each workshop was attended by 80 members of the Army, Navy, Air Force, and Police.

In addition to Ministry of Defense Directive 16, in 2007 and 2008,<sup>69</sup> the Armed Forces issued three orders related to protecting indigenous communities and regulating military interaction with these communities:

- (1) Order Number 30313 (issued February 2, 2007, by the Commander of the Armed Forces): Information on seminars and courses regarding indigenous rights, legislation, and customs
- (2) Order Number 0455 (issued February 21, 2007, by the Commander of the Air Force): Instructions on the Air Force's policy of protection of indigenous communities
- (3) Order Number 6657 (issued September 10, 2007, by the Commander of the Army): Instructions to members of the Army on the recognition, prevention, and protection of indigenous communities and other ethnic minorities

**Security Situation for Afro-Colombian Communities**

Five percent of Colombia's territory (4.7 million hectares) is collectively titled to Afro-Colombian communities. Afro-Colombians make up between 11 and 25 percent<sup>70</sup>

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<sup>69</sup> Information listed in this section is what was available for the time period as of June 15, 2008.

<sup>70</sup> Colombian census figures cite 11 percent while NGOs and Afro-Colombian groups contest this figure, saying it is too low and they really make up 25 percent of the population.

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of Colombia's population. The departments with the highest population of Afro-Colombians are Chocó (82.12 percent Afro-Colombian), San Andrés and Providencia (56.98 percent Afro-Colombian), Bolívar (27.61 percent Afro-Colombian), and Valle de Cauca (27.20 percent Afro-Colombian). As is the case in areas populated by indigenous communities, illegal groups attempt to exploit many of these departments for criminal purposes, which in turn endangers the local population living in the area. In order to combat this activity, the Armed Forces maintain a presence in some of these areas. In doing so, the Armed Forces continue to take action against the illegal groups that threaten the security, and therefore the land and property rights, of Afro-Colombians. (For more on actions taken against illegal groups, see Sections 556(a)(3) and 649(c)(3))

According to Afro-Colombian NGO AFRODES, which tracks displacement issues, 335,629 Afro-Colombians have been displaced since 1997 (including 32,353 in 2005; 30,451 in 2006; and 17,703 between January and September 2007). NGOs allege illegal armed groups have forced Afro-Colombian communities off their land, leading the group to make up estimated one third of displaced persons in Colombia. In some cases, others attest that individual Afro-Colombians have sold their land – be it legally or illegally – to various groups, leading to outcry by the communities at large. Since much of this land is located in areas where government institutions are weak or – in some cases – not present, legal enforcement of collective title is difficult.

### **Relations with and Outreach to Afro-Colombian Communities**

Like indigenous groups, some Afro-Colombian communities are wary of the Armed Forces, believing their presence on or near their land invites violence. In 2007 and 2008, the Armed Forces increased its outreach to these communities in order to build trust among all actors. Much of this outreach was mandated by Directive 7, issued May 16, 2007, by the Minister of Defense, which contains specific instructions to the Armed Forces regarding the protection of Afro-Colombian communities, and strengthening the land rights of those groups. It instructs the Armed Forces to:

- Establish a permanent dialogue with Community Councils and representatives of Afro-Colombian communities;
- Direct its activities toward preserving these communities and abstaining from any action that could threaten their safety;
- Direct its members to avoid making unfounded statements that could threaten the safety of members of these communities;
- Implement preventative measures to deter action by illegal armed groups in the collective territories of these communities, and to respond in a timely manner to requests from the communities for protection;
- Work in coordination with other government entities involved in preventing

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- the forced displacement of these communities;
- Designate a point of contact to liaise with the legal representatives of these communities and military and police authorities in the region in order to gather information on and attend to their needs, listen to their concerns, develop mutual trust; and
  - Develop training and instructional programs for members of the Armed Forces on human rights and international humanitarian law, with a component dedicated to the individual and collective rights of Afro-Colombian communities.

In an attempt to protect these communities, the Armed Forces have increased their presence in regions with large Afro-Colombian populations. For example, in Chocó, the Armed Forces have increased the number of personnel present in Carmen del Darien and Río Sucio; placed a command post for the 16<sup>th</sup> Brigade in Río Sucio – with access to Alipio, Quebrada, Taparal, Vista Hermosa, Quiparado; and established a command post for the 15<sup>th</sup> Brigade in Quibdó. These actions have increased the Army and Navy's control of the region, leading to improved navigation and control over the Atrato River, which has led Afro-Colombian communities to increase their use of the waterway by 85 percent. According to the Chamber of Commerce of Quibdó and the Corporation for Sustainable Development of Urabá (CORPOURABÁ), this increased river traffic has helped to stimulate the economy in the region, especially agricultural, fishing, and commerce sectors. The Armed Forces in Chocó continue to adopt new measures and carry out operations with the goal of protecting the local population from the FARC's 57<sup>th</sup> front, which has a presence in the region, and new illegal groups involved in narcotrafficking.

In the communities of Jiguamiando and Curvarado in the Department of Choco, the Colombian government has been working on resolve landdisputes between local Afro-Colombian communities and palm oil companies currently occupying the Afro-Colombian communities' land. Although the Colombian government has resolved most of the legal issues surrounding the return of lands to Afro-Colombian communal territories, security issues in the region have prevented most community members from returning to their land. In addition, the process to void the illegal occupiers' titles, as well as the legal process to remove the current occupiers, still needs to be addressed. Currently, the military provides security in the area. Due to lack of infrastructure, the local police presence is limited. The Colombian government is working to resolve the remaining legal issues and to provide security to the communities.

**Training on Rights of Afro-Colombians**

In 2007, the Armed Forces began focusing its training on the rights of Afro-

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Colombian communities. In 2008, as mentioned in the above section on training on the rights of indigenous groups, through coordination by the Ministry of Defense's Human Rights Directorate, the Army and Navy held 11 inter-disciplinary workshops to discuss ethnic minorities and the law, with a focus on protecting these rights as required by Directive 16. Each workshop was attended by 80 members of the Army, Navy, Air Force, and Police.

**Distinguishing Between Civilians and Armed Actors**

Displacement continues to be an unintended consequence of fighting between the Armed Forces and illegal armed groups, or between illegal armed groups themselves. For example, In April 2007, over 6,000 people were displaced in Nariño during fighting between the FARC and the Colombian Army.

Both the Inspector General's Office and the Ombudsman's Office have called on the Armed Forces to include in their planning measures to prevent displacement during their operations. In the 2007 report of the Representative of the UN Secretary General on Internally Displaced Persons on Colombia,<sup>71</sup> the Representative acknowledged that some civilians feel protected by the proximity of the Armed Forces, while others do not, believing that their danger of becoming a victim of the armed conflict is enhanced by the military's presence. The Representative noted concern that, in its planning for assistance to internally displaced persons, the Government of Colombia did not take the activities of the Armed Forces into account as a risk factor for displacement. On the other hand, the office of the UN High Commissioner for Human Rights noted in its 2007 annual report on Colombia that the Air Force and the Marines had undertaken "substantial efforts" to take into account risks to civilians in the planning and execution of military operations.<sup>72</sup>

The Ministry of Defense has taken steps to address the concerns raised by the Inspector General's Office, the Ombudsman's Office, and the UN. The Ministry reports that a noticeable increase in the use of civilian clothes by illegal armed groups has led to increased recognition of the importance of having clear Rules of Engagement (ROEs) and guidelines for the use of force to protect both soldiers and civilians from being the victim of these new tactics. As a result, the Colombian Armed Forces, through their comprehensive human rights and international humanitarian law policy, have created

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<sup>71</sup> "Report of the Representative of the Secretary-General on the human rights of internally displaced persons, Walter Kalin, Mission to Colombia," Implementation of the General Assembly Resolution 60/251 of 15 March 2006 entitled "Human Rights Council," January 24, 2007.

<sup>72</sup> "Report of the United Nations High Commissioner for Human Rights on the Situation of Human Rights in Colombia," United Nations High Commissioner for Human Rights, March 5, 2007.

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and begun implementing ROEs.<sup>73</sup> These rules give guidance to members of the Armed Forces on the use of force, including the circumstances under which soldiers may initiate an attack or respond to the enemy. In doing so, the ROEs provide soldiers with guidelines to ensure they conduct themselves in accordance with the law and humanitarian principles.

To ensure that commanders are adequately advised on operational law and the application of the ROEs, in January 2008, the Ministry of Defense assigned 120 operational legal advisors to military units. These advisors are military lawyers who are trained in areas such as international law of armed conflict, intelligence, operations, and logistics. Their primary role is to advise commanders on the planning, execution, and evaluation of operations, and analyze any political, social, and cultural factors that may affect operations in an area, in order to assess the total tactical impact each operation may have on human rights and international humanitarian law. The Ministry of Defense has likewise developed principles of operational law to provide guidance to members of the Armed Forces on international treaties, conventions, and jurisprudence with national regulations as they relate to the legal use of force. The Ministry of Defense's Human Rights Directorate has established a Legal Doctrine and Advisory Office to further develop these principles.

The Armed Forces have also been working closely with the International Committee of the Red Cross (ICRC) and the UN High Commissioner for Refugees (UNHCR) to improve its application of international humanitarian law, in particular with regard to the effect of military operations on the civilian population. In 2007,<sup>74</sup> the ICRC advised 170 military instructors on improving their training programs on this subject. The ICRC also helped these instructors with "lessons learned" exercises, which examined the planning and conduct of military operations.<sup>75</sup> Though UNHCR recognizes Colombia as a world role model in its IDP-related laws and policies, it notes there is room for improvement in the implementation of the law. The UNHCR has begun a series of workshops with the Colombian Armed Forces to educate them on their responsibility to protect internally displaced persons (IDPs) and to avert displacement. Another primary goal of these discussions is to avoid stigmatizing the population in areas of FARC concentration. The workshops include discussion of core principles of humanitarian law, followed by dialogue on how security forces should interact with civilians (e.g. executing operations so as to minimize collateral damage, pre-stocking supplies when displacement is foreseen, providing special attention to Afro-Colombian

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<sup>73</sup> ROEs introduced March 5, 2007 in Ministry of Defense General Order of Instruction 012.

<sup>74</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>75</sup> *"Informe Annual 2007: Colombia,"* International Committee of the Red Cross, March 2008.

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and indigenous groups, not involving civilians in the conflict, and not employing children as informants).

With the support of the Ministry of Defense and the Armed Service chiefs, three half-day seminars led by UNHCR took place in 2007 (in San José (Guaviare), and Granada and Villavicencio (Meta)), and 38 took place during the first half of 2008 in departments where violence and displacement exceed the national average, including Antioquia, Norte del Santander, Nariño, and Putumayo. By the end of 2008, UNHCR plans to carry out 60 workshops with at least 3,000 participants take part. The UNHCR has previously advised the Colombian government on policy related to IDPs, but this is the first time it has provided field training.

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**SECTIONS 556(a)(3) and 649(c)(3)**

Section 556(a)(3) of the FY 2006 FOAA , as carried forward under the FY 2007 CR, requires a determination that:

**[T]he Colombian Armed Forces . . . are conducting vigorous operations to restore government authority and respect for human rights in areas under the effective control of paramilitary and guerrilla organizations.**

Section 649(c)(3) of the FY 2008 SFOAA requires a determination that:

**[T]he Colombian Armed Forces . . . are conducting vigorous operations to restore civilian government authority and respect for human rights in areas under the effective control of paramilitary organizations or successor armed groups and guerrilla organizations.**

Government control of territory is the first and foremost defense policy objective of the Colombian Ministry of Defense. As such, the Armed Forces continued to work to restore government authority and respect for human rights in areas under effective paramilitary and guerrilla control through the demobilization process; vigorous operations undertaken by the Armed Forces; and by working with other government agencies to increase citizen access to government services throughout the country. The Colombian government's Democratic Security Policy – a broad and integrated strategy to restore security, democracy, and effective state control to all parts of Colombian territory – provided the framework for these efforts.

Most crimes of violence against civilians in Colombia are committed by members of illegal armed groups, principally the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), and other illegal groups. As described in Sections 556(a)(2)(E) and 649(c)(2)(E), over 31,000 paramilitary members have been collectively demobilized (as of December 31, 2007). To restore civilian government control to areas previously under paramilitary control, the government continued to dismantle paramilitary networks and conduct operations against those members that did not demobilize; take vigorous military actions against the FARC, ELN, and other groups; and pursue narcotics eradication and interdiction efforts aimed at depriving the FARC and other illegal armed groups of their primary source of funding.<sup>76</sup> This type of

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<sup>76</sup> With the ELN, the government held three more rounds of exploratory talks with the objective of reaching agreement on the basis for negotiations to achieve an end to ELN violence and the return of the ELN to legal participation in civil society.

pressure has contributed to the desertion/individual demobilization of almost 14,456 members of non-AUC illegal armed groups since August 2002, including over 8,500 FARC and 1,900 ELN.

### **Operations against Illegal Armed Groups**

Through the Plan Patriota campaign, the Armed Forces are retaking areas dominated by the FARC and other illegal armed groups. From January to December 2007,<sup>77</sup> the Armed Forces engaged in 2,639 battles with illegal groups, thereby neutralizing 1,633 potential terrorist actions that would have directly harmed Colombia's people and economy. The following examples demonstrate such vigorous operations against these organizations during 2007<sup>78</sup> (format is Date – Operation Name – Location – Organization: Results):

- June 6, 2007 – Operation 'Nebulosa' – Cajambre River, Buenaventura, Valle del Cauca, Special Forces of the Marine Infantry: FARC Urban Front leader Manuel Cepeda Vargas alias "JJ" died in combat.
- September 1, 2007 – Operation 'Universal' – Cumaribo Bunker site in the Department of Vichada, Colombian Air Force – FUTCO (Joint Task Force Omega): Thomas Medina Caracas alias "Negro Acacio" died in combat; he was the key logistics figure for the FARC's 16<sup>th</sup> Front, second level.
- September 13, 2007 – Operation 'Espartaco' – Arimena Inspection, Puerto Gaitan, Meta Department, – Division 4 – 28<sup>th</sup> Brigade – BIROJ: 1 combat death, 6 captures, seizure of 100 rifles, 6 launch grenades, 1 rocket launcher, 2 60mm mortars, 2 short-range weapons, 69 60mm grenades, 1 tractor truck, affecting the security of criminal bands in Meta and Vichada.
- October 7, 2007 – Operation 'Simeon' – El Pital property in Zarzal valley, Special Forces of the Army Infantry: Captured subject Diego Leon Montoya alias "Don Diego," Norte del Valle cartel, first level.
- October 24, 2007 – Operation 'Alcatraz' – Aceituno Sector, El Carmen de Bolívar, Bolívar Department, FUCAD (Joint Action Dissuasion Force) – Mobile Brigade 17: Subject Gustavo Rueda Díaz alias "Martín Caballero" died in combat; he was the leader of the FARC's 37<sup>th</sup> Front, second level.

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<sup>77</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>78</sup> Ibid.

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In 2007,<sup>79</sup> the Air Force flew 286 missions to provide aerial support to ground troops, thereby thwarting 166 attacks by terrorist groups on civilian populations throughout the country. The Air Force also conducted an additional 5,624 operations to locate members of terrorist groups. During this same period, the Navy conducted 1,200 missions to maintain control of Colombia's waterways. In total, the Army and Navy captured 71,444 kilos of cocaine, 7,261 kilos of marijuana, and 57 kilos of heroin in these operations. The following are examples of Air Force operations against illegal groups during 2007<sup>80</sup> (format is Date – Operation Name – Location – Organization: Results):

- January 12, 2007 – Operation “Crater I” – Meta, Guaviare – FARC Squads 7 and 44: 5 leaders killed (“Indio,” “Jeronimo,” “Edgar,” “Gringo,” “Chucho,” and “El Cura”) along with five terrorist private security guards and 16 terrorists undergoing military instruction; 12 terrorists wounded.
- March 31, 2007 – Operation “Emperador” – Guaviare – FARC 16<sup>th</sup> Squad José Antonio Paez Leon de Apure: Freddy Triana Beltran (alias “Cristian” or “Destroyer”) and Gonzalo Valencia Quiroga (alias “Quintana”), leader of the narcotrafficking structure for the FARC’s 16<sup>th</sup> Front were killed; 12 additional terrorists killed.
- April 7, 2007 – Operation “Captura” – Cundinamarca – Criminal bands: SIJIN (Judicial Police and Investigation Precinct) captured leader of criminal groups Fabian Antonio Gil Miranda, alias “Orlando.”
- May 8, 2007 – Operation “Plata” – Huila – FARC Mobile Column Teofilo Forero Castro: 36 killed, 15 wounded, among them alias “Romaña” (leader Ariari Interfront) and alias “Caliman” (leader Prias Alape Interfront).
- July 18, 2007 – Operation “Argos” – Meta – FARC 26<sup>th</sup> Squad: 10 terrorists confirmed dead, among them alias “Jimena,” alias “Patricia,” alias “Ruben,” alias “Derly,” alias “Jeison Machado.” The squad’s leader, “Hugo Sandoval,” was also killed.
- August 4, 2007 – Operation “Hercules II” – Meta – FARC High Command of the Eastern Bloc, Yari Front, Squad 7: 34 killed in the High Command of the Eastern Bloc (EMBO), among them alias “Andrés Paris” and an important FARC leader; 47 terrorists wounded.

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<sup>79</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>80</sup> Ibid.

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- August 20, 2007 – Operation “Escorpion” – Córdoba – FARC 18<sup>th</sup> Squad: 46 guerrillas confirmed dead, 36 captured, 3 escaped. Items seized include 19 long-range weapons, 40 short-range weapons, 2 laboratories and 2 kitchens used for narcotrafficking purposes.
- September 1, 2007 – Operation “Universal” – Guaviare – FARC 16<sup>th</sup> squad José Antonio Paez Leon de Apure: 24 terrorists confirmed dead, among them alias “Negro Acacio,” leader of 16<sup>th</sup> squad. Items seized include 10 rifles, 14 pistols, 46 grenades, 162 launchers, 3006 cartridges, and maintenance materials.
- October 24, 2007 – Operation “Alcatraz” – Bolívar – FARC 27<sup>th</sup> squad Benkos Bioho: Alias “Martín Caballero” killed; 22 other terrorists killed; 3 terrorists captured.

In 2007,<sup>81</sup> the Navy conducted 531 missions (2 maritime operations, 34 river operations, and 495 terrestrial operations) to maintain control of Colombia’s waterways. The Navy regained control of the river areas from narcoterrorists, captured 71,444 kilos of cocaine (71.4 tons of cocaine), and destroyed 444 cocaine production laboratories. It also captured 290 subversives, destroyed 66 camps, and detained 21 aquatic vehicles (5 maritime vessels and 16 river vessels). The following are examples of Navy operations against illegal groups in 2007<sup>82</sup> (format is Date – Operation Name – Location, Units Participating, and Operational Result):

- March 19, 2007 – Operation ‘Armageddon’ – Department of Chocó, ARC B/VENTURA (Navy Buenaventura): Items seized in rural area of the town of Villa María, Punta Catripe Sector include 5,786.5 kgs of cocaine, 1,712 cartridges of different caliber, five rifles, seven micro telephones, seven HF radios.
- April 30, 2007 – Operation ‘Armageddon III’ – Department of Chocó, ARC (Navy) BP 443 [Halley] – FA – ARC (Navy) CABO MANGLARES – ZD – AFEUR II (Urban Anti-Terrorist Special Forces Group Unit II): In a joint operation with GAPO (Pacific Coast Guard), AFUERII, and DAS (Administrative Department of Security), items seized near the town of Pabasa include 12,001 kls of cocaine, long-range and short-range weapons, ammunition, 14 motors, five go-fast type boats, communications equipment; 2

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<sup>81</sup> This is the time frame for which information was available as of June 15, 2008.

<sup>82</sup> Ibid.

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camps were also destroyed.

- June 27, 2007 – Operation ‘Jurel’ – Department of Chocó, GAPO (Pacific Coast Guard) – BFEIM (1<sup>st</sup> Marine Special Forces Battalion) – BRIFLIM2 (2<sup>nd</sup> Marine Riverine Brigade) – FSUPA (Pacific Surface Fleet) – RINPA (Pacific Naval Regional Intel Center): In the general area of Purricha and El Venado near Bajo Baudó, items seized include 7,002 kgs of cocaine, one camp, one laboratory, 980 kgs of liquid raw materials, 300 kls of solid raw materials, long-range and short range weapons, 3,002 cartridges of different caliber, GPS, and communications equipment.
- August 30, 2007 – Operation ‘Alferez’ – Department of Nariño, BAFLIM70 (Marine River Battalion 70) – SIJIN (Judicial Police and Investigation Precinct) – RINPA (Pacific Naval Regional Intelligence Center): In a joint operation in the city center of the Calle de Comercio sector in the municipality of Tumaco, 2 drug traffickers were captured, along with the 1,000,000,000 Colombian pesos they planned to use to buy cocaine from “Los Rastrojos.”
- October 28, 2007 – Operation ‘Odessa’ – Department of Valle Cauca, GAPO (Pacific Coast Guard): nine submersibles, three shipyards for producing submersibles.

Through operations such as these between January and December 2007,<sup>83</sup> the Armed Forces captured several members of illegal armed groups, including 1,339 FARC; 152 ELN; 12 EPL; 15 ERG; six ERP; and 999 members of new criminal groups. In the same period, the Armed Forces killed members of these groups, including 1,787 FARC; 243 ELN; three EPL; 11 ERP; and 629 members of new criminal groups.

### **Making Headway Against the FARC**

The Colombian Armed Forces have made important advances in dismantling FARC leadership networks, aided by factors such as FARC infighting and the health of the aging FARC leadership. On September 1, 2007, the Air Force killed the leader of the FARC’s 16<sup>th</sup> front, and the FARC’s principal liaison with Colombia’s drug cartels, Thomas Medina Caracas (alias “Negro Acacio”), in an air strike. On October 25, 2007, the Colombian Armed Forces killed the commander of the Caribbean Bloc of the FARC’s 37<sup>th</sup> Front, Gustavo Rueda Días (alias “Martín Caballero”) and 14 of his associates in an attack on his camp in the Montes de María region of Sucre in northwest Colombia. On November 1, 2007, in a coordinated attack the Army and Air Force

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<sup>83</sup> This is the time frame for which information was available as of June 15, 2008.

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killed Reynel Guzman Florez (alias “Rafael Gutierrez”), the main coordinator of the FARC’s 28<sup>th</sup>, 38<sup>th</sup>, 45<sup>th</sup>, and 56<sup>th</sup> Fronts operating in Arauca.

Perhaps the biggest blow to the FARC to date came on March 1, 2008, when FARC Secretariat Member and 48th Front Commander alias Raúl Reyes was killed in an air strike on his camp just south of Colombia’s Putumayo river. FARC Commander Julian Conrado also perished in the air strike, as did a total of 17 other FARC members. Five additional FARC members trying to escape the camp by boat were captured. From this strike, the Colombian Government recovered computer files belonging to Reyes that have been useful in uncovering FARC support networks.

Reyes’ death was followed by the March 3, 2008, death of FARC Secretariat Member alias Iván Rios, who was allegedly killed in a mutiny when his unit was surrounded by the Armed Forces. In an unexpected development, on May 24, 2008, the Colombian Government announced – and the FARC confirmed the next day – that FARC Supreme Leader alias Manuel Marulanda had died on March 26, 2008, allegedly due to a heart attack.

On May 19, 2008, Nelly Avila Moreno (alias “Karina”) surrendered to officials from Colombia’s FBI-equivalent, the Department of Administrative Security (DAS). Moreno had faced increased pressure following the death of Rios, her immediate boss, when she then became sole commander of the FARC’s 47<sup>th</sup> Front in Antioquia. Since his death, the media reports that the FARC’s Antioquia division has begun to disintegrate under the Army’s sustained offensive.

**Expanding Colombia’s Security Forces**

As part of the Government of Colombia’s commitment to reestablishing authority in areas controlled by illegal groups, the Armed Forces increased its numbers to 389,359 soldiers, 5,430 more than it had in 2006. To this end, between January and December 2007, the Armed Forces added 37 new structures:

- (1) Instruction and Training Center (CIE) Number 28 added to the Army’s Fourth Division on January 26, 2007
- (2) Instruction and Training Center (CIE) Number 30 added to the Army’s Second Division on January 26, 2007
- (3) Administrative and Support Battalion for the FUDRA (Rapid Deployment Force) (BASFUD) added to the Army in Tolemaida on February 19, 2007
- (4-9) 17<sup>th</sup> Mobile Brigade and its tactical units (Counter-Guerrilla Battalions 107, 108, 109, and 110; and Administrative and Support Company (Administrative and Support Company (CPS) -39) added to the Army’s on March 22, 2007

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- (10) Mobile Brigade Number 19 added to the Army's Third Division on April 3, 2007
- (11) Infantry Battalion Number 24 added to the Army's Fourth Division on April 18, 2007
- (12) Infantry Battalion Number 29 added to the Army's Fourth Division on April 18, 2007
- (13) Engineering Battalion Number 10 added to the Army's First Division on April 18, 2007
- (14) Engineering Battalion Number 15 added to the Army's Seventh Division on April 18, 2007
- (15) Administrative and Support Battalion (BAS) Number 29 added to the Army's Third Division on April 18, 2007
- (16) Explosives Ordnance Detachment (EXDE) Number 1 added to the Army's Fifth Division on April 18, 2007
- (17) Explosives Ordnance Detachment EXDE Number 2 added to the Army's Third Division on April 18, 2007
- (18) Mobile Engineering Company (CP. ING. MOV.) added to the Army's Second Division on April 18, 2007
- (19) Mobile Engineering Company (CP. ING. MOV.) added to the Army's Fourth Division on April 18, 2007
- (20) Explosive Ordnance Disposal Group (MARTE) Division 7 added to the Army's Seventh Division on June 8, 2007
- (21) Defense Technical Area Plan (DTAP) Number 15 added to the Army's Seventh Division on June 8, 2007
- (22) Defense Technical Area Plan (DTAP) Number 17 added to the Army's Seventh Division on June 8, 2007
- (23) Defense Technical Area Plan (DTAP) Number 18 added to the Army's Second Division on June 8, 2007
- (24) Defense Technical Area Plan (DTAP) Number 19 added to the Army's Third Division on June 8, 2007
- (25) 18<sup>th</sup> Mobile Brigade added to the Army on June 21, 2007
- (26) Joint Decisive Action Force (FUCAD) added to the Armed Forces on August 17, 2007
- (27) Second Marine Riverine Brigade added to the Navy on September 12, 2007
- (28) Fourth Marine Riverine Brigade added to the Navy on September 12, 2007
- (29) 29<sup>th</sup> Engineering Battalion added to the Army on September 14, 2007
- (30) 10<sup>th</sup> "Plan Meteoro" Company added to the Army's 3<sup>rd</sup> Division on November 30, 2007
- (31-36) 29<sup>th</sup> Mobile Brigade and its tactical units (Counter-Guerrilla Battalions 117, 188, 119, and 120; and Administrative and Support Company (CPS) 42 added

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to the Army's 4<sup>th</sup> Division on March 22, 2007  
(37) 22<sup>nd</sup> Jungle Brigade added to the Army's 4<sup>th</sup> Division on December 14, 2007

The Colombian Armed Forces also continued to implement Plan Coraza, begun in 2004, to build up the presence of Armed Forces in those areas where it had not had a permanent presence. Under this plan, over 20,000 citizens serve as members of the Citizens Soldiers in the organization's 564 squads. An additional 21,000 citizens serve as members of the Citizens' Marines (Infantes de Marina Campesinos; also known as "soldados de mi pueblo"), which protect 35 municipalities. The Citizen's Marines reached full strength (977 squads consisting of 21,528 soldiers) in 2004, and, in 2005, began rotating membership in these squads every two years. Between January and July 2007<sup>84</sup> the Colombian Armed Forces recruited 5,057 citizens to serve as Citizen's Marines on a rotating basis. The Citizen's Marines' 977 squads are divided as follows:

- Citizen's Marines in the Caribbean Region: 545
- Citizen's Marines in the Pacific Region: 141
- Citizen's Marines in Training: 291

The impact on security in the municipalities and the regions where Citizen's Marines are stationed is evident. Since the program began, these areas have seen:

- a) Recuperation of the formal and informal economy;
- b) Revitalized tourism;
- c) Return of persons displaced from violence; and
- d) Increased agriculture and livestock farming development programs initiated by the government.

Throughout the country, the government has expanded police presence in isolated rural areas. In 2007, the Ministry of Defense opened 18 new rural police stations in the departments of Amazonas, Caquetá, Cauca, Meta, Nariño, Putumayo, Santander, Huila, and Valle de Cauca. Today, the Colombian National Police's 2,495 units have a presence in 37 locations throughout the country: 32 departments and four major metropolitan centers. This increased presence is needed to counter attacks by illegal armed groups.

**Expanding State Presence and Assisting Civilians**

In addition to increasing its physical presence in the country and conducting operations against illegal armed groups, the Colombian Armed Forces conduct activities to restore government authority and respect for human rights in areas under effective control of paramilitary and guerrilla organizations.

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<sup>84</sup> This is the time frame for which information was available as of June 15, 2008.

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The Armed Forces' Integral Action Units ("Acción Integral") conduct community projects in areas in conflict, and those just emerging from it. Every branch and level of the military, from battalion to division, has an Integral Action Unit that does work roughly similar to that of U.S. Army Civil Affairs Officers and the U.S. Army Corps of Engineers. The focus is on practical projects that provide communities with tangible assistance to help them recover from violence. Integral Action Units carry out both quick impact projects – such as deploying medical teams to treat the infirm – and long-term development projects like building clinics, offering practical business training to communities, and building roads to connect isolated villages with larger urban centers. One example of such a long-term project is in Arauca, where Acción Integral is working with the Colombian inter-agency to rebuild the urban center of Saravena, to construct a cultural center and reconstruct the Banadias Bridge, connecting Fortul to Saravena. The project also includes the construction of a justice center, return of police to two populated areas, and establishing two new specialized judicial seats. Another objective of the program is to increase education in the region.

Additionally, the Armed Forces is a member of the Center for Coordinated Integral Action ("Centro de Coordinación de Acción Integral"), known by its acronym CCAI. CCAI is a civilian interagency body in the Office of the Presidency tasked with coordinating the re-establishment of civilian government presence in "priority" zones just emerging from conflict. CCAI is receiving support in these efforts from the U.S. government.

In 2007 and 2008, a main focus of the civil-military operation has been its work in the six municipalities in La Macarena (southwest Meta). In this new initiative, called the Coordination Plan for Macarena (PCIM), CCAI is working to coordinate all military and civilian operations in the area to secure the former FARC stronghold and increase state presence in the region. The PCIM is the Colombian government's first sequenced framework for stabilizing conflict zones and ensuring the provision of social services by the government. The actions of the military, the police, coca eradication, and the provision of social services—especially economic opportunities—must be sequenced in an intentional and coordinated way so that each builds on and supports long-term stability in these post-conflict zones. Monthly CCAI coordination meetings at the national level regarding the PCIM are co-chaired by the Ministry of Defense and the President's Office of Social Action (Acción Social). The agency responsible for Colombian government's social assistance programs is also the parent agency of CCAI. At the local level, representatives from both military and civilian agencies work together in the Fusion Center, based in Vista Hermosa, Meta. The current staff of the Fusion Center includes a civilian coordinator for the PCIM, specialized prosecutors from the

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office of the Attorney General, the National Police, and Colombian Military personnel. They are responsible for implementing programs in the area and coordinate through this office to respond to local concerns and emergencies.

All told, CCAI serves roughly two million people through its social and economic development projects, which are focused on 11 priority zones.<sup>85</sup> Although CCAI does not have an independent budget, it coordinates and prioritizes roughly \$80 million annually (almost \$42 million on the priority zones) in GOC spending on social services through various agencies.

The Armed Forces is committed to regular coordination with CCAI, providing planning, financial, and logistical support. Vice Minister of Defense Jaramillo and Commander of the Armed Forces General Padilla works closely with CCAI and participate directly in many of its activities. In 2007,<sup>86</sup> the Armed Forces conducted 46 humanitarian missions ("jornadas") in coordination with CCAI, 39 with Army cooperation, five with the Navy, and two with the Air Force. The U.S. Embassy has been instrumental in supporting civilian agencies to take a lead role in these coordination efforts between CCAI and the Armed Forces.

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<sup>85</sup> The 11 priority zones are Tierralta, Medio y Bajo Atrato, Buenaventura, Córdoba, Norte del Cauca, Tumaco, Sierra Nevada, Catatumbo, Arauca, Zona Sur (Caquetá, Guaviare y Meta), and Putumayo.

<sup>86</sup> This is the time frame for which information was available as of June 15, 2008.

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