

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 7046(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L.111-117) (“FY 2010 SFOAA”), which incorporates by reference and amends in part subsections (b) and (c) of section 7046 of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, P.L.111-8) (“FY 2009 SFOAA”), establishes conditions under which assistance using funds appropriated under the FY 2010 SFOAA may be made available for the Colombian Armed Forces. In particular, section 7046(b)(1)(A) of the FY 2009 SFOAA 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 (b)(1)(B). Paragraph (b)(1)(B) 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 2010 SFOAA may be obligated after July 31, 2010, if the Secretary certifies before such funds are obligated that the conditions described in paragraph (b)(1)(B) are met and additionally, as laid out in paragraph (b)(2), certifies that the Colombian government is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.

This memorandum provides the justification for the Secretary’s certification for the purposes of FY 2010 that the criteria stated in section 7046(b)(1) and (2) of the FY 2009 SFOAA have been met, and meets the attendant reporting requirements in section 7046(b)(4) of the FY 2009 SFOAA. In general, it contains information covering the period from August 1, 2009, to August 17, 2010, though some information in the Executive Summary is current as of September 2, 2010.

EXECUTIVE OVERVIEW

Colombia’s security situation continues to improve, and years of reforms and training are leading to an increased respect for and understanding of human rights by most members of the Armed Forces. These reforms appear to have helped stem extrajudicial killings, with 14 reported in 2009 and six reported during the first half of 2010, compared to over 100 in 2008. In the past year, Colombia has extended invitations to four UN special rapporteurs, which provided important opportunities for government authorities, civil society, and victims to provide

information and testimonies about the human rights situation in the country. President Santos has vowed a “firm and unfailing commitment” to continued improvements in human rights. New Commander of the Armed Forces Admiral Cely has stressed that under him there will be “zero tolerance” for human rights violations. Vice President Garzón’s background as a labor leader is expected to bring renewed attention to labor issues in the country, and to further increase respect for labor rights. Garzón has met with many human rights NGOs and civil society groups, which is indicative of the Colombian government’s commitment to improving relations with these groups. In those meetings, he has promised increased and regular dialogue with Afro-Colombian and indigenous groups, increased condemnation of threats and violence against human rights defenders, and increased attention to human rights abuses and their prevention.

Since taking office August 7, 2010, the Santos Administration has also:

- Significantly improved relations with Colombia’s high courts;
- Proposed an overhaul of the judicial system in consultation with the high courts;
- Called on the Supreme Court to appoint a new Prosecutor General and thereby end a 13-month gap in permanent leadership at that institution;
- Established a roundtable on labor issues with organized labor;
- Proposed monumental legislation to reform land tenure and restore land to victims of forced displacement;
- Pushed a victim’s law worth \$22 billion that for the first time would cover victims of violence by state security forces;
- Introduced omnibus legislation to dismantle the Department of Administrative Security (DAS) and create separate ministries for justice, housing, environment, and labor; and,
- Signed into law a reform of the military justice system that includes moving to an accusatorial system and pledges that human rights abuses will be tried only in the civilian system.

At the same time, however, impunity remains a concern, despite years of improvements to Colombia’s justice system. Investigations into the Soacha murders continue to proceed, albeit slowly, and there are concerns about the transfer of cases from the military to civilian judicial system. The Prosecutor General’s Office needs to improve its structure and responsiveness in resolving cases. To do this, it needs leadership; improved case evaluation and decision making processes; to accept the concept of prosecutorial discretion; additional

resources and personnel; and improved resource management.

The Colombian Supreme Court's failure to select a Prosecutor General for over a year has complicated the management of the Prosecutor General's Office and the criminal justice system writ large. Tension between the Executive Branch and the Supreme Court has negatively affected the administration of justice. Moreover, the Supreme Court's order that the Prosecutor General's Office implement a constitutionally mandated but flawed entrance exam for the Office further complicated this situation. The exam was very theoretical in nature, and did not take into account, or provide any significant consideration for, prosecutorial experience or the new accusatory criminal justice system. It was open to applicants outside the Office, and a large number of prosecutors and prosecutorial assistants who took the exam did not pass. Following the results of the exam, the Supreme Court required the replacement, in less than one year, of over 3,000 experienced prosecutors and prosecutorial assistants, including those handling some of the most significant human rights cases. Despite these challenges, several advances were made in prominent cases during the certification period. The Colombian government reported a substantial number of preventative detentions, indictments, convictions, and sentencings during the certification period, including actions taken against several higher ranking officials.

Allegations of illegal wiretapping and surveillance by Colombia's Department of Administrative Security (DAS) continue to be troubling and unacceptable. The Uribe Administration introduced legislation to dismantle the DAS, but Congress has yet to act on it. During the certification period, additional information on the DAS' alleged criminal activities was brought to light, including allegations that the agency targeted human rights groups and operated a spy ring inside the Supreme Court. The Prosecutor General's Office is investigating these crimes, and has summoned senior-level officials of the Uribe Administration to testify. To deter similar crimes in the future, it is vital that the Prosecutor General's Office conduct a rigorous, thorough, and independent investigation in order to determine the extent of these abuses and to hold all perpetrators accountable.

During the certification period, NGOs reported several threats against human rights defenders and civil society groups in Colombia. The Colombian government condemned the threats, and introduced legislation to increase penalties to up to 57 years in prison for violence and threats against human rights defenders. The government asked the Prosecutor General's Office to investigate the threats, and the Office reports it is investigating 160 cases involving threats against human

rights defenders (though the government was not able to provide an update on the investigations for this report).

The U.S. government takes seriously all reports of human rights abuses and is committed to continued engagement with the Colombian government to achieve continued improvements in the Colombian government's and Colombian Armed Forces' respect for human rights.

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. In developing its examination and analysis of Colombia's human rights situation, the State Department carefully considers their views, observations, and experience, as well as information in reports from international organizations and groups such as the Office of the High Commissioner for Human Rights in Bogotá, the OAS, and the ICRC. The Department recognizes the commitment of these organizations and groups to the continued improvement of the human rights situation in Colombia and applauds their often dangerous work.

The Security Situation in Colombia

The security situation in Colombia continues to improve, but violence by illegal armed groups, the emergence of criminal groups, and continued displacement continue to be concerns. Overall, homicides and kidnappings have declined dramatically since peaking in 2002. Homicides have decreased 44 percent since 2002. According to the Colombian National Police, in 2009 there were 15,817 homicides in Colombia, a reduction of two percent compared to 2008 levels. The Colombian National Institute of Legal Medicine's (Medicina Legal) figures for homicides is slightly higher, at 17,565. Between January 1 and April 30, 2010,¹ the Colombian government reports that there were 4,824 homicides in Colombia, a reduction of five percent compared to the same period in 2009. Kidnappings have also decreased over 80 percent since 2002, and in 2009, the Ministry of Defense's Fondelibertad reported that there were 213 kidnappings in Colombia, a reduction of 51 percent compared to 2007 levels. Between January 1 and April 30, 2010,² it reported there were 86 kidnappings; a decrease of three percent compared to the same time period in 2009.

¹ Time period available as of August 17, 2010.

² Time period available as of August 17, 2010.

After significant decreases over the past decade in kidnappings, murders, terrorist attacks, and other security-related indicators, internal displacements only recently showed a sharp drop. In 2009, the Colombian government registered 142,299 newly displaced persons, a 54 percent decrease since 2008.³ Between January 1, 2010, and April 30, 2010, the Colombian government registered 13,791 newly displaced persons, a 79 percent decrease over the same period in 2009.⁴ Colombian NGO CODHES also reported a decrease in new IDPs in 2009 with 290,000 newly displaced persons, a 24 percent decrease from its own 2008 estimates.

Justice and Combating Impunity

The Colombian government continued to suspend, investigate, and prosecute those members of the Armed Forces credibly alleged to have committed violations of internationally recognized human rights, including extrajudicial killings, or to have aided, abetted or benefited from paramilitary organizations or successor armed groups. Nonetheless, over 1,300 cases of alleged extrajudicial killings await resolution. Among the steps necessary to achieve quicker prosecutions and conviction rates is for the independent Prosecutor General's Office (Fiscalia) to take more leadership with respect to the evaluation and resolution of cases by more aggressively investigating and prosecuting cases; dismissing cases that lack merit and identifying those cases that lack significant potential and the ability to move forward. This requires not only improved structure and methodology within the Prosecutor General's Office, but also a broader acceptance of the concept of prosecutorial discretion. Colombia's courts must also be more responsive in placing cases on court calendars, and more efficient and effective in the processing and resolution of cases. More resources for the justice sector are needed, including a significant increase in criminal investigators. Though progress was made in several key cases during the certification period, and by comparison case resolution has compared substantially over the last several years, more significant progress in the investigation and prosecution of human rights cases is still needed. For more information on investigations and prosecutions by the Prosecutor General's Office, see below under Section 7046(b)(1)(B)(i).

The Colombian government significantly increased the budget and personnel levels of the Prosecutor General's Office in 2008, but additional budget increases and more criminal investigators, prosecutors, forensic experts, and protection

³ In 2008 the Colombian government reported 307,223 newly displaced persons.

⁴ In 2009 the Colombian government reported 65,626 newly displaced persons during the same period.

personnel are needed to address the overwhelming case loads and resolve criminal cases. The implementation of a constitutionally mandated, but flawed, entrance exam and the Supreme Court's order to immediately replace over 3,000 prosecutors and prosecutorial assistants has resulted in the loss of thousands of experienced prosecutors and the introduction of inexperienced personnel. This has hindered progress on cases, and will likely continue to impede progress into the future.

Despite the challenges it faces, the Prosecutor General's Office made several important advances in human rights cases during the certification period, including:

- Sentencing a retired Army general to 30 years in the Palace of Justice case;
- Sentencing a retired Army captain to 20 years for his role in the 2005 San José de Apartadó massacre;
- Convicting six members of the Army in the 2008 murder of José Edwin Legarda Vasquez, husband of indigenous leader Aida Quilcué;
- Sentencing retired Army General Uscategui to 40 years and a fine of 10 million pesos for his role in the 1997 Mapiripán massacre;
- Sentencing 12 members of the Army for the torture of soldiers in Tolima during a 2006 training session;
- Sentencing two Air Force lieutenants to 31 years and eight months, and another member of the Air Force to six years, for their role in the 1998 Santo Domingo bombing;
- Sentencing five members of the Army to between 12 and 25 years for the 2005 murder of a father and son in Antioquia;
- Sentencing five members of the Army to 35 years for their involvement in five homicides in Cajamarca on April 10, 2004;
- Sentencing an Army major and three other soldiers to between 36 and 40 years for the murder of four people in Potosi between November 2-5, 2003; and
- Opening an investigation into the role of a former deputy director of the DAS for his alleged involvement in the 1994 murder of Senator Manuel Cepeda.

Investigations into the Soacha murders remain slow, and during the certification period the Prosecutor General's Office did not report any convictions in these cases. The Office did report that, during the certification period, one

member of the Armed Forces was preventatively detained in connection with the murders, 11 were indicted, and case proceedings continued against at least 16. For a list of these cases and the progress reported during the certification period, see Annex H.

NGOs have criticized the slow pace of prosecutions in these cases, and allege that 52 of the 62 military personnel implicated in the murders were released from detention because preventative detention time limits expired. While 17 defendants in the Soacha case were released from preventative detention on January 7, 2010, and seven others were released on January 12 because the legal limit on their pre-trial detainment had been reached, the Department could not confirm that other defendants in the case were released. The 17 that were released were immediately restricted to the 13th Artillery Battalion's base in Bogotá until the completion of their trial.

In general, human rights cases were prosecuted in the civilian judicial system, though NGOs and the UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions raised concerns over delays in transferring cases from the Military Penal Justice System (JPM) to the civilian system. The Ministry of Defense reported that in 2009 the Military Criminal Justice system voluntarily transferred 266 cases to the civilian judicial system. Between January 1, 2010, and July 31, 2010,⁵ the Military Criminal Justice system had only transferred five cases. This is down significantly from an average of 34 cases transferred per month in 2008. Additionally, defense attorneys repeatedly used tactics such as requesting jurisdictional review by the Superior Council of the Judiciary (CSJ) to delay trial start dates, and such tactics frequently resulted in delays that then required defendants to be released from detention.

Preventing Collusion with Illegal Armed Groups

The Colombian Armed Forces have continued to make substantial progress in severing links between military personnel and paramilitary members who did not demobilize, and has taken steps to prevent links between military personnel and criminal groups. Details on progress made against these groups is included below in Section 7046(b)1(B)(iii). 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 these illegal armed groups. In turn, the Prosecutor General's Office and the Inspector General's Office investigated and

⁵ Time period available as of August 17, 2010.

prosecuted members of the Armed Forces alleged to have colluded with paramilitary members that did not demobilize and members of criminal groups. For information on these efforts, see below under Section 7046(b)(1)(B)(i).

Combating Criminal Groups

As several international organizations and NGOs have reported, some members of paramilitary organizations who refused to demobilize, as well as some previously demobilized paramilitaries, have joined narcotraffickers to form new criminal bands. Then-UN Special Rapporteur Alston voiced concern over the high rate of killings by illegal armed groups. He criticized the government's failure to confront the "resurgence" of former paramilitaries in illegal groups, arguing that the phenomenon should not be addressed simply as criminal activity.

The Colombian government has undertaken a concerted effort to combat these criminal organizations, which it refers to as "bandas criminales" (BACRIM). Though these groups include members of former paramilitary members who refused to demobilize, these bands are criminal in nature and lack the leadership and political structure/goals of the now-demobilized paramilitary groups. Nonetheless, they are a threat to Colombia's civilian population. According to the Colombian government, there are currently six major criminal bands in Colombia, with 3,749 members. Other organizations' estimates are much higher. For example, the Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS) estimated in 2009 that there were between 7,000 and 8,000 members, and Colombian NGO Nuevo Arco Iris estimated in 2008 that these groups had at least 10,200 members.⁶

Between August 1, 2009, and May 17, 2010, the Colombian government captured 1,617 members of these groups. The government has two mechanisms for the coordination, execution, and verification of efforts against illegal armed groups, the Integrated Center of Intelligence Against Criminal Groups (CI2), run under the leadership of the National Police, and the Inter-institutional Committee to Combat Criminal Bands and Networks, which operates under the direction of the Vice President's Office. In addition, with U.S. government support, the Colombian government has set up mobile police squadrons known as "Carabineros," that are trained and equipped to ease the transition to enhanced police coverage in rural areas. The Carabineros have had some success against

⁶ "Paramilitary Heirs: The New Face of Violence in Colombia." Human Rights Watch. February 2010.

new criminal groups, but the number of Carabinero units throughout the country is not sufficient to address the totality of the threats.

The Prosecutor General's Office has created an Emerging Criminal Bands Sub-Unit to handle cases involving emerging criminal groups. However, some NGOs say the sub-unit is "understaffed and is able to focus only on some of the successor groups" and that the Colombian government has failed "to invest adequate resources to ensure that members of successor groups and their accomplices are held accountable for their crimes."⁷ With U.S. support, the Prosecutor General's Office is expanding this Unit to include new regional offices and additional support to critical Sectional Prosecutor Offices in Medellín, Antioquia, Monteria, Sincelejo, Cartagena, Santa Marta, Rio Hacha, Barranquilla, Cali, Pasto, and Villavicencio. The Prosecutor General's Office has installed 25 mobile prosecutors throughout the country to handle such crimes: 10 in Bogotá, five in Medellín, five in Cali, and five in Montería. Additionally, on July 15, 2010, the Colombian government issued Resolution 1478 to create additional sub-units to counter criminal groups in the departments of Antioquia and Chocó, and five specialized prosecutors will be assigned to those areas. For more information on the government's efforts to combat and prosecute criminal groups, see below under Section 7046(b)(1)(B)(iii).

Dismantling Paramilitary Networks

The Colombian government continued to dismantle criminal networks, including by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted, or benefited from (now demobilized) paramilitary organizations or other criminal groups. Since 2002, 31,668 former paramilitary members have demobilized. Of these, 3,994 former AUC paramilitary members (along with 352 former members of guerrilla groups) have been identified as eligible to the alternative sentencing provided under the Justice and Peace Law (JPL) (Law 975). Of those, the Prosecutor General's Office reports that 2,431 have given voluntary confessions ("versiones libres"), including extradited paramilitary members in the United States, involving over 7,600 sessions. In sum, 1,514 sessions have been completed and 917 are still in process.

Some NGOs have expressed concern that the extradition of paramilitary leaders has disrupted their participation in the JPL process. However, the Justice

⁷ "Paramilitary Heirs: The New Face of Violence in Colombia." Human Rights Watch. February 2010.

Department and Colombian judicial authorities have cooperated to accomplish over 120 interviews and video proceedings in the United States, with transmissions to Colombia. These have enabled the participation of over 3,000 victims through video hook-ups, permitting victims to participate directly by asking questions of the defendants. In addition, Justice has developed and presented to the Colombian government a comprehensive plan to centrally locate extradited AUC paramilitary defendants who are participating in the JPL process. Under this plan, these defendants who have already been sentenced in U.S. criminal proceedings will be housed in a Bureau of Prisons facility in Miami, Florida. Those defendants who are pending sentencing will be housed in a Bureau of Prisons facility in Northern Neck, Virginia. Weekly sessions with the Colombian Prosecutor General's Office, Supreme Court, and other Colombian courts will also be arranged under this plan.

Some organizations have expressed concern that institutional capacity and resource constraints limited progress under the JPL process. For example, in his March 2010 report, then-UN Special Rapporteur Alston, said, "the process as a whole has been plagued by a lack of resources, planning, and clarity, and by procedural problems."⁸ The Justice and Peace Unit needs more resources and personnel to complete the enormous tasks it faces. The Colombian government tripled the number of personnel in the unit in 2008, and has steadily increased its funding, but these numbers continue to fall short of what is needed.

However, despite the concerns raised above and the reality that the JPL process is very complicated and ambitiously designed, with U.S. assistance⁹ the Justice and Peace Unit has produced remarkable results. This effort has assisted the Justice and Peace Unit in conducting over 7,600 "version libres," or voluntary confessions, in which over 53,000 victims have participated. These sessions have been transmitted to over 96 municipalities. During these sessions, defendants have confessed to over 44,000 crimes, including over 42,000 murders, half of which were previously unsolved or unknown cases to the Prosecutor General's Office. These sessions have also enabled the Justice and Peace Unit to recover over 3,000 victim remains and the return of over 970 remains to victim's families. More than 16,700 charges have been filed against JPL defendants resulting in 6,196

⁸ "Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions." Submitted to the Human Rights Council of the UN General Assembly on March 31, 2010.

⁹ Since 2005, the U.S. Department of Justice (DOJ), through its office in the U.S. Embassy in Bogotá, has provided extensive assistance to the Colombian Prosecutor General's Office's Justice and Peace Unit to help it carry out its responsibilities in implementing the JPL. This assistance has involved over \$10 million in funding for the development of hearing rooms; forensic equipment and training; vehicles; training for data management and analysis; and technical assistance to Colombian prosecutors and investigators. DOJ has also provided funds for the establishment of 23 of the 33 voluntary confession rooms in Colombia, and 24 of the 33 victim hearing rooms.

indictments.

In two firsts for the JPL process, in June 2010, one former paramilitary member was expelled from the JPL process, and two demobilized AUC commanders were convicted and sentenced to eight-year prison terms for homicide, forced disappearance, and kidnapping. The judge also ordered reparations totaling \$57.5 million. The two still face trial for approximately 6,000 additional crimes confessed to through the JPL process.

Demobilized paramilitary members have testified to the existence of, and to their participation in, paramilitary support networks. 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. Of Colombia's former 268 representatives to Colombia's 2006-2010 Congresses, 128 former Representatives had been accused of having paramilitary ties; 62 were implicated as a result of paramilitary testimony in the JPL process. For more information on the government's efforts to dismantle paramilitary networks, see below under Section 7046(b)(1)(B)(iii).

Reparations for Victims

The Colombian government has taken steps to return land and other assets acquired by former paramilitary members or their associates to their rightful owners or occupants, and to provide reparations to victims of paramilitary crimes. In accordance with Law 975 of 2005, demobilized paramilitary members taking part in the JPL process are required to turn over all illicitly-obtained assets, which are to be returned to their rightful owners or occupants, or used to provide judicial reparations to victims. As of June 15, 2010, 36 former paramilitary members had surrendered 390 plots of land or estates; 46 business establishments; 15 companies; 52 vehicles; six boats; 4,547 animals; 1.5 billion Colombian pesos (about \$750,000) of stocks and cash; and various merchandise to the Prosecutor General's Office as part of the JPL process. Though reparations of land and other assets turned over by demobilized paramilitary members have been delayed due to difficulties in developing procedures, the government continues to take steps to collect assets voluntarily turned over by demobilized paramilitary members as part of the JPL process, and to seize assets from those that did not demobilize.

With judicial reparations from these assets stalled, the government has begun to issue administrative reparations to victims and is offering counseling and

other needed services to them. Following the administrative reparations decree signed April 22, 2008, the Colombian government began providing individual reparations on July 5, 2009. In 2009, the government distributed \$100 million to 11,328 individuals, and \$150 million was requested in the 2010 budget. The Colombian government's High Commissioner of Peace reports 26,375 victims have received administrative reparations averaging \$3,800 to date. For more information on reparations to victims, see below under Section 7046(b)(1)(B)(iii).

Improving the Human Rights Performance of the Armed Forces

The Ministry of Defense has been working to create an integrated policy on human rights, with a specific focus on implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations. To this end, in 2010, the Colombian Armed Forces created both an Operational Law Manual and Rules of Engagement and Rules of Force. It is also working to bolster operational discipline by establishing stronger institutional controls and strengthening the role of operational legal advisors and inspector delegates. The Ministry of Defense continues to work with the International Committee of the Red Cross (ICRC) to incorporate respect for International Humanitarian Law (IHL) into the Colombian Armed Forces' operational doctrine in armed conflict. The Ministry of Defense also has an agreement with the Office of the UN High Commissioner for Human Rights (UNHCHR) to evaluate the application of training received by security forces in human rights and IHL.

The Ministry of Defense continues to implement the 15 measures that were created November 17, 2008, following the recommendations of a commission that analyzed allegations of violations of human rights, specifically the Soacha murders (For a listing of these 15 measures, see Annex J). New requirements requiring individuals to pass an internal human rights certification were instituted for promotions from major to lieutenant colonel and from colonel to brigadier general.

Ensuring a lasting culture of respect for human rights at all levels of the Armed Forces remains a challenge, particularly due to the resistance of some commanders to important reforms. Though reports of extrajudicial killings have diminished dramatically in 2009 and 2010, the Colombian government will need to strengthen adherence to its policies and implementation of its rules to ensure that progress is irreversible. For more information on improving the human rights performance of the Armed Forces and distinguishing between civilians and combatants, see below under Section 7046(b)(1)(B)(iv).

Respect for the Rights of Vulnerable Groups

Overall, the Colombian government is respecting the rights of Colombia's human rights defenders, journalists, trade unionists, political opposition members and religious leaders, and members of indigenous and Afro-Colombian communities. However, substantial concerns remain. The Colombian government has continued to take steps to improve the security situation for these groups, as well as to improve respect for and treatment of them by the government, including the Armed Forces. The Ministry of Defense continued to implement its "Integrated Policy of Human Rights and International Humanitarian Law," which requires the military to provide special treatment to indigenous, Afro-Colombians, internally displaced persons (IDPs), and other vulnerable groups such as human rights defenders and trade unionists. These are welcome advances, but more needs to be done, and international organizations, such as the UN, have recommended further action by the Colombian government.

The Colombian government recognizes its legal requirements to consult with indigenous and Afro-Colombian groups about actions that affect them. However, some NGOs report consultations are either not taking place or are not being carried out properly. On March 26, 2010, then-President Uribe signed Presidential Directive Number One of 2010 entitled "Guarantee of the Fundamental Right to Prior Consultation of National Ethnic Groups," which reiterates the requirement for prior consultation, delineates when such consultations are required, enumerates the specific actions that must be taken as part of the process, and identifies the Ministry of Interior and Justice as the implementing agency. Some NGOs and Afro-Colombian and indigenous leaders have raised concerns that the directive was not done in prior consultation with them. NGOs argue that the Ministry of Interior and Justice (MOIJ) has mismanaged prior consultations, and some community leaders have attempted to build direct relationships with the Ministries of Health, Housing, and Education in order to bypass the MOIJ.

The government continues to take steps to protect at-risk individuals and groups, including members of human rights groups, labor union members, and victims of abuses. As of June 15, 2010,¹⁰ the MOIJ's Protection Program had provided protection to 10,716 people seeking protection due to threats and/or violence against them by illegal armed groups. To enhance the protections provided and to expand the services to more citizens, in 2009, the Colombian government increased the budget for the protection program to \$48 million, an

¹⁰Time frame available as of August 17, 2010.

increase of 36 percent over 2008 funding levels. The program's projected budget for 2010 is \$57 million. Additionally, the U.S. government has invested \$500,000 toward prevention activities.

Human rights defenders (HRDs) continued to raise concerns regarding the government's respect for their rights and response to threats to their safety. The government took several steps to address these concerns, including condemning threats against HRDs and NGOs by criminal groups; calling on the Prosecutor General's Office to investigate these threats; providing protection for HRDs; introducing legislation to increase penalties for violence against HRDs; and launching an awareness campaign among government officials on the rights and importance of HRDs. Nonetheless, the government needs to increase its public recognition of HRDs and NGOs, improve protection for these groups, and take swifter action to investigate threats and crimes against them.

The Colombian government has taken significant steps to improve the protection of labor rights and to combat violence against trade unionists. The government of Colombia has ratified all eight of the core International Labor Organization conventions, and has worked to comply with international labor standards. The government establishes a uniform minimum wage every year through tripartite negotiations among representatives of business, organized labor, and the government. The government implemented a 3.6 percent increase in the minimum wage for 2010. In recognition of concerns over violence against trade unionists, the MOIJ dedicates the most resources in its protection program to trade unionists (32 percent), and increased funding for unionists by 34 percent in 2009.

Homicides of labor unionists have declined by over 80 percent since 2002. In 2009, the government reported that there were 28 homicides of labor unionists in Colombia. Between January 1 and May 15, 2010,¹¹ the Colombian government reported that there were 15 homicides of labor unionists in Colombia, eight of whom were teachers. The National Labor School (ENS), a Colombian labor rights NGO, initially reported 39 homicides for 2009, but then revised its figure upward to 47 for the year. According to ENS, there have been 33 homicides of unionists between January 1 and June 30, 2010.¹²

For more information on actions taken to improve respect for vulnerable

¹¹ Time period available as of August 17, 2010.

¹² Figures from Colombian government's Ministry of Social Protection. ENS and government figures differ because of methodological concepts of trade union membership.

groups, see below under Section 7046(b)(1)(B)(iv).

Strengthening Civilian Institutions

The Colombian government continued to take steps to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of illegal armed groups. Increased security over the last decade has led to greater economic growth, substantial poverty reduction, better protection of human rights, and renewed confidence in the government. Illegal armed groups continue to exploit the lack of sustained Colombian government presence in many areas by continuously adapting their tactics, shifting their operations to new regions, working in smaller groups, and collaborating with other international criminal groups. In turn, Colombia is constantly refining its strategies to address the evolving nature of the threats posed by illegal armed groups.

The Colombian government has adjusted its approach to place a stronger focus on creating sustainable government presence and strengthening institutions. In early 2007, the Colombian Ministry of Defense created the policy of the “Consolidation of Democratic Security,” which outlined the need to consolidate state authority beyond a mere military presence in the areas taken from the insurgents, bringing other state resources to bear in the consolidation process. The policy called for a doctrine of “integrated action,” which prioritizes an increase in state presence in areas affected by violence to satisfy the population’s basic needs, like health, education and public services, as well as justice, culture, recreation, and infrastructure projects. To carry out the integrated action policy, then-President Uribe issued Presidential Directive 001 to officially make the National Consolidation Plan (PNC) government policy, direct all civilian ministries to prioritize programs in PNC zones, and establish the Center for Coordination of Integrated Action (CCAI), formed in 2004, as the Colombian government’s PNC coordinating mechanism.

For more information on actions taken to improve respect for vulnerable groups, see below under Section 7046(b)(2).

SECTION 7046(b)(1)(B)(i)

Section 7046(b)(1)(B)(i) of the FY 2009 SFOAA requires a determination that:

“The Government of Colombia is suspending and 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 violations of internationally recognized human rights, including extra-judicial killings, or to have aided, abetted or benefitted from paramilitary organizations or successor armed groups, and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities in such cases.”

The Colombian government continued to suspend, investigate, and prosecute – in the civilian judicial system – those members of the Armed Forces credibly alleged to have committed violations of internationally recognized human rights, including extrajudicial killings, or to have aided, abetted, or benefited from paramilitary organizations or successor armed groups. In general, human rights cases were prosecuted in the civilian judicial system, though the UN and NGOs and then-UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions Philip Alston raised concerns over delays in the transfer of cases by the Military Penal Justice (JPM) system to the civilian system. Additionally, defense attorneys repeatedly used tactics such as requesting jurisdictional review by the Superior Council of the Judiciary (CSJ) to delay trial start dates, and such tactics frequently allowed defendants to be released from detention because pre-trial detention periods expired. The Armed Forces continued to provide support to and cooperate with civilian prosecutors and judicial authorities when requested.

With the implementation of the new oral accusatory criminal justice system in the civilian criminal justice system, conviction rates on new cases have soared from less than three percent to over 60 percent, and the delays and secrecy that encumbered the old system have declined significantly. Nonetheless, over 1,300 cases of alleged extrajudicial killings await resolution. Among the steps necessary to achieve quicker prosecutions and conviction rates is for the independent Prosecutor General’s Office (Fiscalia) to take more leadership with respect to the evaluation and resolution of cases by more aggressively investigating and prosecuting cases; dismissing cases that lack merit; and identifying those cases that lack significant potential and the ability to move forward. This requires not only improved structure and methodology within the Prosecutor General’s Office, but also a broader acceptance of the concept of prosecutorial discretion. Colombia’s

courts must also be more responsive in placing cases on court calendars and more efficient and effective in the processing and resolution of cases. More resources for the justice sector are needed, including a significant increase in criminal investigators. Though progress was made in several key cases during the certification period, and by comparison case resolution has improved substantially over the last several years, more significant progress in the investigation and prosecution of human rights cases is still needed.

NGOs have criticized the impunity that results from the backlog of cases and worry that the lack of a permanent replacement for former Prosecutor General Mario Iguaran is causing further delays. The Supreme Court's failure to select a Prosecutor General by the Colombian Supreme Court for over a year has complicated the management of the Prosecutor General's Office, and the criminal justice system writ large. Tension between the Executive Branch and the Supreme Court has negatively affected the administration of justice. Moreover, the Supreme Court's order that the Prosecutor General's Office implement a constitutionally mandated but flawed entrance exam further complicated this situation. The exam was very theoretical in nature, and did not take into account or provide any significant consideration for prosecutorial experience or the new accusatory criminal justice system. It was open to applicants outside the Office, and a large number of prosecutors and prosecutorial assistants who took the exam did not pass. Following the results of the exam, the Supreme Court required the replacement, in less than one year, of over 3,000 experienced prosecutors and prosecutorial assistants, including those familiar with human rights cases. This has hindered progress on cases, and will likely continue to impede progress into the future. While the Colombian government significantly increased the budget and personnel levels of the Prosecutor General's Office in 2008, additional budget increases and more criminal investigators, prosecutors, forensic experts, and protection personnel are needed to address the Office's overwhelming caseloads, and the need to resolve criminal cases.

Investigating and Prosecuting Human Rights Violations

The civilian Prosecutor General's Office (Fiscalía), which is part of the Judiciary Branch, is responsible for prosecuting military personnel who have allegedly committed human rights violations or colluded with illegal armed groups and where a determination is made that the case should be handled by the civilian criminal justice system. The Inspector General's Office (Procuraduría) is responsible for conducting disciplinary proceedings against members of the Armed Forces who have allegedly committed crimes or other infractions.

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 (Law 906), similar to U.S. procedures, the prosecutor must request an arrest warrant from a judge in order to detain someone. Once a person is arrested, they must be presented before a judge within 36 hours of the arrest. At that hearing, the judge makes a determination of the lawfulness of the arrest, whether the prosecutor's charges are supported by, in essence, probable cause, and if sufficient evidence has been presented to justify the prosecutor's request for preventative detention 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 that jurisdiction on the date of the crime. In either case, if the suspect is a member of the Armed Forces, once the detention order is issued, the Prosecutor General's Office requests that the suspect be suspended from the Armed Forces. The Inspector General's Office then begins disciplinary action. While the case is adjudicated, the Armed Forces either hold that individual in custody at a military facility or turn him over to civilian authorities.

In 2008, the Colombian government increased the budget and personnel levels for the Prosecutor General's Office, which is a step in the right direction and an indicator of the government's commitment to ending impunity, but more trained investigators and prosecutors are needed to address its overwhelming case loads. In 2009, the Office hired 93 new people, and its budget increased to \$676 million, a 13 percent increase over 2008 levels. In 2010, the Office hired 14 new people, and its budget increased to \$700 million.

As required under Article 147 of Law 1151 of 2007, the Prosecutor General's Office conducted a technical study of its staffing needs, and is revising its staffing patterns accordingly. For example, the Justice and Peace Unit currently employs 923 people, but as a result of the technical study, the Prosecutor General's Office has allocated 1,643 positions to work on the implementation of the Justice and Peace Law (JPL, Law 975 of 2005). In addition, the Office created 753 transitional positions to fill staffing gaps for the next 12 years.

As reported in past certifications, the Prosecutor General's Office has significantly expanded its efforts to investigate and prosecute human rights-related cases. The Office's Human Rights Unit is responsible for the investigation and prosecution of designated human rights-related crimes. The Unit consists of 102

prosecutors, 92 prosecutorial assistants, and 110 investigators. The majority of the prosecutors (47) are assigned to the main office in Bogotá. The rest are assigned to 15 regional offices throughout the country. The Unit is also divided into a number of sub-units: extrajudicial killings, labor, indigenous, Patriotic Union, press, forced disappearances, trafficking in persons and sex crimes, and cases before the Inter-American Commission on Human Rights (the work of the Extrajudicial Killings Sub-Unit is described below, and the Labor Sub-Unit is described below in Section 7046(b)(1)(B)(iv)). As of June 15, 2010, the Human Rights Unit was handling 5,473 active cases, 4,741 under the old inquisitorial system (Law 600) and 732 under the new accusatorial system (Law 906). The Unit's budget for 2010 was \$4.65 million.

As a result of the increased attention by the international community on human rights cases, and the fact that many cases later identified as human rights cases originate not with prosecutors in the Human Rights Unit, but with local prosecutors in the 29 Sectional Prosecutor's Offices around the country, in 2008 the National Director of Prosecutors within the Prosecutor General's Office created a support system for the Human Rights Unit and the management of cases involving human rights concerns. This support system involved the designation of prosecutors throughout the 29 Sectional Prosecutor's Offices as Humanitarian Affairs prosecutors to handle and coordinate with the Human Rights Unit those human rights cases that were not assigned to the Human Rights Unit. These Humanitarian Affairs prosecutors totaled 44, and were designated in March 2009 in Sectional Prosecutor's Offices in Cucuta, Bucaramanga, and Santa Rosa de Viterbo, which handle cases from the departments of Norte de Santander, Arauca, Santander, Boyaca, and Casanare. Additional prosecutors were designated on May 18, 2009, in Cartagena, Quibdó, Santa Maria, and Monteria, which handle cases from the departments of Bolívar, the San Andres Islands, Magdalena, Atlántico, César, Guajira, Córdoba, Sucre, and Chocó. The last group of prosecutors were designated on July 13, 2009, in the Sectional Prosecutor's Offices in Florencia, Ibagué, Pasto, and Pereira. The current National Director of Prosecutors and the Acting Prosecutor General, however, have determined that the designation of these prosecutors has not been an effective use of resources and the prosecutors are no longer designated as Humanitarian Affairs prosecutors, but continue to handle specialized case loads, which do include human rights-related cases.

Personnel Challenges Facing the Prosecutor General's Office

Though advances have been made in budgeting and structure, the Prosecutor

General's Office could improve its structure by becoming more agile and responsive, and to introduce mechanisms to review cases and evaluate prosecutors. The Supreme Court's failure to select a Prosecutor General by the Colombian Supreme Court for over a year has frustrated the management of the Prosecutor General's Office, and the criminal justice system writ large. In addition, the office is facing a major personnel upheaval. To comply with Colombia's Constitution, which requires a public competitive exam for public servants, a career exam was funded by the European Union, and developed and administered by Colombia's National University in November 2007. The exam was very theoretical in nature, and did not take into account or provide any significant consideration for prosecutorial experience or the new accusatory criminal justice system. It was open to applicants outside the Office, and a large number of prosecutors and prosecutorial assistants who took the exam did not pass.

The Prosecutor General began a somewhat measured approach to replace experienced prosecutors with outside applicants who passed the exam, some of whom had no prosecutorial experience. However, in February 2010, the Supreme Court ordered the Prosecutor General to replace within two weeks over 3,000 experienced prosecutors and prosecutorial assistants. The Prosecutor General requested an extension and was given two additional months to comply. This order forced an accelerated removal of personnel, in a way that did not permit a reasonable transition or training time period. An additional Supreme Court order (which only two magistrates signed) instructed the Prosecutor General to continue replacing personnel beyond those positions affected by the exam results. Prosecutors have filed petitions to halt the process, but to date these have not been granted. As a result, more than one-third of the prosecutors and prosecutorial assistants at the Prosecutor General's Office, all trained and experienced and familiar with the cases under their jurisdiction, have been replaced in the last year.

Investigations and Prosecutions by Prosecutor General's Office

Despite the challenges facing the Prosecutor General's Office, during the certification period, both the Prosecutor General's Office and Inspector General's Office continued to take action on alleged cases of human rights violations and collusion with criminal groups. In the past, NGOs have noted that while low-ranking officers may be held accountable in cases of human rights violations, high-ranking officers (which for the purposes of this section we define as major and above) were rarely prosecuted. As listed in Annexes A through D, between August

1, 2009, and June 15, 2010,¹³ the Colombian government reported that among those detained for alleged human rights violations by the Prosecutor General's Office were one retired general and three majors. The Prosecutor General's Office also indicted at least one colonel, three lieutenant colonels (one retired), and four majors in human rights-related cases. In addition, the Prosecutor General's Office continued case proceedings in human rights-related cases against at least two generals (one retired), two colonels (one retired), two lieutenant colonels, and eight majors. During the certification period, 47 members of the Armed Forces were sentenced for human rights-related crimes, including two retired generals and one major.¹⁴

In sum, between August 1, 2009, to June 15, 2010,¹⁵ the Prosecutor General's Office detained at least 167 individuals involved in at least 43 cases where military personnel allegedly committed human rights violations or collaborated with paramilitary groups. During the certification period, the Office indicted at least 270 military personnel (resoluciones de acusación) involved in 64 cases of alleged human rights violations, and continued judicial proceedings against 106 members of the Armed Forces involved in at least 10 cases where military personnel allegedly committed human rights violations or collaborated with paramilitary groups. The Office also concluded case proceedings against at least 64 members of the Armed Forces in at least 17 cases for violations of human rights and for collaborating with paramilitary groups. (For detailed lists of cases, see Annexes A through D.)

Investigations and Proceedings by Inspector General's Office

For its part, as listed in Annexes E through G, the Colombian government reported that between August 1, 2009 and April 30, 2010, the Inspector General's Office opened disciplinary proceedings against at least three colonels, four majors, and one retired major for allegedly committing violations of human rights or collaborating with paramilitary groups.¹⁶ In terms of actions taken against individuals at or above the rank of major, the Inspector General also continued case proceedings against one colonel, two retired colonels, five lieutenant colonels, and six majors. During the certification period, the Inspector General's Office did not remove from duty any members of the Armed Forces at or above the rank of major for human rights violations.

¹³ Time frame available as of June 15, 2010.

¹⁴ Counts and assertions based on information received from the Prosecutor General's Office as of June 15, 2010.

¹⁵ Time frame available as of June 15, 2010.

¹⁶ Counts and assertions based on information received from the Inspector General's Office as of June 15, 2010.

In sum, between August 1, 2009 to April 15, 2010,¹⁷ the Inspector General's Office opened disciplinary processes against 126 members of the Armed Forces for their alleged involvement in at least 32 cases of violations of human rights and collaboration with paramilitary groups. During the certification period, the Office continued disciplinary proceedings against at least 192 members of the Armed Forces involved in at least 31 cases listed in previous certifications for violations of human rights and collaborating with paramilitary groups, and concluded case proceedings against at least 41 members of the Armed Forces involved in at least nine cases of violations of human rights and/or collaborating with paramilitary groups. In concluding these cases, the Inspector General's Office removed 41 from duty and barred them from public service for a period of time. (For detailed lists of cases, see Annexes E through G.)

Investigations into Alleged Extrajudicial Killings

Although numbers differ, international and non-governmental organizations agree that the numbers of extrajudicial killings have fallen substantially since October 2008. The Prosecutor General's Office reports that the number of extrajudicial killings dropped dramatically beginning in 2008, and continued to fall substantially in 2009 and 2010, tracking a similar decline in cases reported by the Office of the UN High Commissioner for Human Rights (UNHCHR). The Colombian government reports 14 allegations of extrajudicial killings in 2009 and six during the first half of 2010, compared to over 100 in 2008. Whereas the Human Rights Unit is investigating 161 cases from 2008, it is handling only nine cases of extrajudicial killings committed in 2009. For its part, between August 1, 2009 and April 15, 2010, the Ombudsman's Office (Defensoria) received six reports of alleged extrajudicial killings by the Army (involving seven victims), which it reported to the Prosecutor General's Office and the Inspector General's Office for investigation. Below is a list of those six cases.

- 1) Jesús Rivera was killed on August 8, 2009, in Apartadó (Antioquia)
- 2) Braulio Barrera was killed on October 4, 2009, in Sabanalarga, Agua Clara (Casanare)
- 3) Manuel Valencia was killed on November 18, 2009, in the district of Coello, municipality of Ibagué (Tolima)
- 4) Ronal Albeiro Hernández (17 years old) and Manuel Antonio Hernández (15 years old) were killed on February 17, 2010, in Pacoa (Vaupés)

¹⁷ Time frame available as of June 15, 2010.

- 5) Rafael Eduardo Calle was killed on March 13, 2010, in Montería (Córdoba)
- 6) Carlos Alberto García Suárez was killed on April 1, 2010, in Bajo Cauca, (Antioquia)

In 2009, for their involvement in extrajudicial killings, the Armed Forces dismissed one individual due to a disciplinary ruling by the Inspector General's Office (Procuraduría) and four were dismissed following criminal convictions. In 2010, for their involvement in extrajudicial killings, the Armed Forces dismissed four individuals following criminal convictions.

Investigations into cases of extrajudicial killings are proceeding slowly. While some advances have been made in more recent cases, older cases continue to languish. As of April 2010,¹⁸ the Extrajudicial Killings Sub-Unit within the Prosecutor General's Office had been assigned 1,368 cases (involving 2,358 victims), all of them extrajudicial killings allegedly committed by members of the Armed Forces between 1985 and 2009. This caseload is an increase of 312 cases (involving 650 victims) over the 1,056 cases (involving 1,708 victims) reported in the last certification that the Sub-Unit was handling as of June 15, 2009. This increase represents delayed reporting of the alleged crimes or indicates that the case was recently assigned to the Extrajudicial Killings Sub-Unit. Of the 1,368 cases that the Sub-Unit is handling, convictions were reached in 48 cases ("con condena") and 200 people were sentenced.¹⁹ Overall, the Sub-Unit had opened investigations into 305 cases ("aperturas de instrucción"), issued 757 arrest warrants ("ordenes de captura"), issued 345 preventative detention orders ("medidas de aseguramiento") involving 1,010 people, and issued 166 indictments ("resoluciones de acusación") against 636 people involved in 115 cases. In total, the caseload of the Extrajudicial Killings Sub-Unit involved 3,700 individuals implicated in extrajudicial killings ("vinculaciones").

Findings of the UN Special Rapporteur on Extrajudicial Executions

¹⁸ Time frame available as of June 15, 2010.

¹⁹ Of the 1,368 cases that the Sub-Unit is handling, 854 are being processed under the old, written inquisitorial system (Law 600), and 514 are being processed under the new, oral accusatorial system (Law 906). Under the old, written inquisitorial system, 388 cases were in the pre-trial stage ("etapa previa"), 360 were in the preliminary investigation stage ("etapa de instrucción"), 58 were on trial ("en juicio"), convictions were reached in 48 cases ("con condena"), sentences were issued in 41 cases ("sentencia condenatorias"), 12 sentences were handed down after the defendant accepted a plea bargain ("condenatorias por aceptación de cargos para sentencia anticipada"), and 200 people were convicted. Under the new, oral accusatorial system, 499 investigations were ongoing ("indagación"), in two cases the responsible party had been identified ("imputación"), four cases had charging documents ("con escrito acusación"), and 9 cases were on trial ("en juicio").

Following his June 8-18, 2009, visit to Colombia, in his March 31, 2010 report, then-UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Philip Alston, credited the Colombian government's efforts to address extrajudicial killings. Still, Alston found that "significant elements within the military" had engaged in extrajudicial killings in a "systematic way." In these cases, similar to the Soacha murders, victims are lured to a distant location, generally under the pretext of an employment opportunity, murdered, and then reported as killed in combat. Alston rejected the assertion that cases of extrajudicial killings were isolated incidents committed by a few "bad apples," but also said they did not reflect Colombian government policy. Still, he called for the military to eliminate "all forms" of incentives for combat kills and for prompt and thorough investigation into the crimes.

He noted that, from as early as 2007, the Colombian government began to take a number of steps to stem extrajudicial killings, and allegations of extrajudicial killings had fallen sharply over the six to nine months prior to his visit to Colombia. Alston applauded in particular disciplinary sanctions, the Suárez Commission's investigation into the Soacha murders, and policy reforms aimed at eliminating the use of "body count" as a measure for evaluating performance. He described these actions as encouraging, but stressed that impunity for past cases must be addressed. Alston called on the Colombian government to dedicate additional resources to the Prosecutor General's Office and the Inspector General's Office to increase their capacity to investigate past cases. He condemned military judges who obstruct the transfer of human rights cases to the civilian justice system and said in many extrajudicial killing investigations witnesses and their families are often threatened or harassed.

Military Cooperation with Judicial Authorities

The Colombian Armed Forces have continued to make progress in cooperating with civilian prosecutors and judicial authorities. Since August 1, 2009, the Ministry of Defense has created designated points of contact within each service to facilitate investigations by both the Prosecutor General's Office and the Inspector General's Office. 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. Between March and June 2010, the Ministry conducted training for over 68 prosecutors, as well as other personnel, from the Prosecutor General's Office's Human Rights Unit on these points of contact and how to access them.

It is the Colombian military's position that the initial responsibility for investigating wrongdoing, including human rights violations, lies with the Inspector General (IG) of the Armed Forces. The IG has regional inspectors within each Army Division responsible for ensuring human rights compliance and reporting suspected violations. However, the Prosecutor General's Office's position is that, pursuant to an informal agreement between the Office's Human Rights Unit and the Armed Forces that has been in effect for two years, whenever there is a combat death, the Prosecutor General's Technical Investigative Unit (CTI) are supposed to be called to the scene. Once there, the police make a preliminary determination of the circumstances of the death and whether it appears to be a combat death. If it is determined that the death does not appear to be combat-related, the civilian justice system assumes the investigation. If the death appears to be combat-related, the case remains with the JPM. In cases where no such preliminary determination is made, and evidence suggests the death was extrajudicial, the JPM judge must forward the case to the civilian justice system.

Per the 2006 Memorandum of Understanding (MOU) between the Prosecutor General's Office and the Ministry of Defense, the civilian judicial system investigates and handles all questionable combat death situations involving civilians. However, the Council of State (Consejo del Estado) is reviewing this MOU, and has not yet reached a determination on its constitutionality. As such, the MOU remains provisionally suspended as it is reviewed. The Ministry of Defense and the Inspector General's Office (Procuraduria) issued challenges to the suspension, and the Prosecutor General's Office also objected.

Assistance to Civilian Investigators

During the certification period, the Prosecutor General's Office reports that the Armed Forces provided civilian judicial authorities access to the locations of combat deaths, ensured transport to remote locations, and assisted investigators in other ways. The military also continued to provide transportation to CTI officials for their investigations, and CTI reported that the military did not interfere with the scene prior to its arrival, except in cases where it would have taken CTI considerable time to arrive or because of ongoing combat conditions requiring the military to act as first responders to move bodies and other evidence to a safe location pending CTI's arrival. Below are a few of the examples provided by the Prosecutor General's Office (dates given where provided):

- The Army's First Division, Human Rights Office, and Cartagena Battalion

provided prosecutor number 32 with security and helicopter assistance in connection with case number 1450.

- The Army's Human Rights Office provided prosecutor number 32 with assistance in locating and detaining suspects in connection with case number 4134. In the same case, the Army's La Popa, Rondón, Matamoros, and Cartagena Battalions (from the 10th Armored Brigade) provided security and logistics for evidence collection.
- The Army's Cacique Nutibara Battalion helped prosecutor number 8 with judicial inspections and the recreation of events in the Urrao municipality of Antioquia in connection with case number 3484.
- On August 19, 2009, the Army's 27th Infantry Battalion ("Magdalena de Pitalito") provided security for prosecutor number 39 in order to allow officials from the VEREDA Betenia jurisdiction of the municipality of Palestina to travel to a location for the controlled detonation of explosives in connection with case number 1808.
- On December 22, 2009, with the support of the Director of the Human Rights Office at the Ministry of Defense, the Division Commander and Commander of the Army's 17th Brigade, provided food and accommodations at the 17th Brigade's base in Carepa (Antioquia) to three investigators from the Prosecutor General's Office's Investigative Technical Body (CTI) and prosecutor number 85 in connection with case number 7951. The Army also made available two private helicopters and a Black Hawk to allow the officials to travel to and from Carmen del Darién (Chocó), and coordinated logistics for the team.
- The Seventh Division, 4th Brigade, and Western Antioquia Rural GAULA helped prosecutor number 26 with the logistics required to recreate crime scenes in connection with case number 7174.

For its part, the Ministry of Defense reports that 1,419 military personnel provided assistance to the Prosecutor General's Office in 366 cases during the certification period for the following activities: statements (544 military personnel assisted in 112 cases), reconstruction of crime scenes (53 military personnel assisted in 41 cases), arrest warrants (148 military personnel assisted in 37 cases), and other requirements (674 military personnel assisted in 176 cases). The Ministry of Defense also reports that 835 personnel provided assistance to the Inspector General's Office in 308 cases during the certification period for the following activities: voluntary confessions (122 military personnel assisted in 87 cases), sworn declarations (215 military personnel assisted in 72 cases), reconstruction of crime scenes (31 military personnel assisted in 5 cases), and other

requirements (467 military personnel assisted in 136 cases).

Transfer of Cases from Military to Civilian Judicial Systems

Despite the commitment of the Ministry of Defense's leadership that human rights cases would be handled by the Prosecutor General's Office, inter-institutional rivalry and distrust have frequently led to dual investigations and a lack of coordination and cooperation between the two systems. Then-UN Special Rapporteur Alston noted in his March 31, 2010 report that some military judges have obstructed the transfer of cases from the military to the civilian system. Alston also criticized the government for the slow pace at which these cases have been transferred and investigated. Many NGOs concur. The Ministry of Defense reported that in 2009 the Military Criminal Justice system voluntarily transferred 266 cases to the civilian judicial system. Between January 1, 2010, and July 31, 2010,²⁰ the Military Criminal Justice system had only transferred five cases. This is down significantly from an average of 34 cases transferred per month in 2008. The Colombian government contends that cases are transferred as merited, and that a reduction in the number of cases transferred is indicative of a decrease in the opening of human rights cases by the military system, not a blockage within that system. Critics charge that the dramatic decrease in transferred cases indicates the military's refusal to cede authority over these cases to the civilian judicial system. The Colombian government reports that it is looking into the concerns raised by Alston and NGOs on case transfers.

In addition to concerns over the voluntary transfer of cases from the military to civilian judicial systems, there are concerns that increased requests for jurisdictional review are slowing case transfers. The JPM system has increasingly asked the CSJ to review jurisdiction on cases to determine whether cases involve crimes committed while "in service" and therefore should be retained by the JPM system, or are human rights violations and should therefore be transferred to the Prosecutor General's Office for prosecution under the civilian judicial system. The Prosecutor General's Office's Human Rights Unit contested 54 cases before the Superior Judicial Council in 2009, and 26 of these cases are still pending decision. Of those contested by the Military Criminal Justice System in 2009 and 2010, 38 cases are still pending. Of the 54 cases presented to it, in 2009, the Superior Judicial Council determined that jurisdiction belonged in the civilian system 25 times.

²⁰ Time period available as of August 17, 2010.

NGOs have raised concerns that comments by then-President Uribe hindered the pursuit of justice, and could lead to increased threats or violence against human rights groups. Following the June 9, 2010 sentencing of retired Army General Alfonso Plazas Vega for his role in the forced disappearance of 11 people during the recapture of the Palace of Justice in 1985, then-President Uribe told the press that while the terrorists had received amnesty, it was “painful” and “sad” to see a member of the Colombian Armed Forces convicted for “simply trying to do his duty.” The next day, Uribe proposed a law to protect Armed Forces commanders from prosecution for human rights crimes committed by their subordinates. Citing concern that a member of the Armed Forces, and not a member of then illegal armed group M-19, was convicted in the Palace of Justice case, in a press conference with the military high command on June 10, 2010, Uribe demanded “impartial and opportune justice” for members of the Armed Forces, adding that “they cannot be the object of mistreatment that distracts from crimes of terrorism in our history.”

President Santos has vowed to ease tension between Colombia’s executive and judicial branches. Santos’ Minister of Interior and Justice Vargas Lleras underscored the commitment of the administration to the independence of the judicial branch in Colombia, and told Colombia’s top court judges during their meeting on August 9, 2010, “never again will you hear a government official contesting the jurisdictional decisions beyond the lawful process; never again will the same things happen that happened in these months and that is the national government’s intention.”

Status of Selected Human Rights Cases/Issues

Despite the challenges facing the Prosecutor General's Office, between August 1, 2009, and July 15, 2010, there were advances in several prominent human rights cases, some resulting in the conviction and sentencing of military personnel. In others, however, there was little progress. Below is a listing of several human rights cases, allegedly involving members of the Armed Forces, that were under investigation during the certification time period.

Palace of Justice Case

On June 9, 2010, retired Army General Alfonso Plazas Vega was sentenced to 30 years in prison for his role in the forced disappearance of 11 people during the recapture of the Palace of Justice on November 7, 1985. At the time a colonel, Plazas Vega commanded the operation that retook the Palace from terrorist group M-19. Retired Army General Ivan Ramírez Quintero and two other retired members of the Armed Forces have also been indicted in the case.

Soacha Murders

Investigations continue into the January 2008 extrajudicial killings known as the "Soacha murders," in which members of the Armed Forces lured as many as 23 victims away from their homes with the promise of employment, killed them and then presented them as "killed in combat." Initial reports indicated that there were 13 victims, but according to then-UN Special Rapporteur Alston this count has risen to 23. As reported in the previous certification, following the revelation of these crimes, the Prosecutor General's Office mounted an investigation into the murders, and at least 75 members of the Armed Forces were implicated in seven cases for the murders of 13 of the individuals. Five of those implicated – three colonels, a lieutenant, and a master sergeant – were among the 27 officials that then-Minister of Defense Santos publicly dismissed in October 2008. The Prosecutor General's Office found during its investigations that contact with the victims frequently took place in two commercial stores known as "Los Costeños" and "La Fonda Paisa." The victims were contacted by recruiters who used liquor, hallucinogens, promises of employment to lure young people to the locations, and sometimes exchanged them for payments (up to 10 million pesos in some cases, about \$5,000). For the current certification period, the Prosecutor General's Office reported that one member of the Armed Forces was preventatively detained in connection with 13 of the Soacha cases, 11 were indicted, and case proceedings continued against 16. The Prosecutor General's Office did not provide updates on

the status of the cases opened into alleged criminal activity by the remainder of the officials listed as connected to the Soacha murders in the previous certification. The status of the 13 cases originally reported as linked to the Soacha murders is listed in Annex H, and these cases are also included in Annexes A through D, as appropriate.

NGOs have criticized the slow pace of prosecutions in these cases, and allege that 52 of the 62 military personnel implicated in the murders were released from detention because preventative detention time limits expired. While 17 defendants in the Soacha case were released from preventative detention on January 7, 2010 and seven others were released on January 12 because the legal limit on their pre-trial detainment had been reached, the Department could not confirm that other defendants in the case were released. The 17 that were released were immediately restricted to the 13th Artillery Battalion's base in Bogotá until the completion of their trial.

Allegations of Mass Grave in Macarena

NGOs have reported that a clandestine mass grave exists in La Macarena, Meta, which allegedly contains the bodies of 2,000 victims of forced disappearance by the military since 2005. Some reports indicated the gravesite was discovered when children became ill after drinking from a stream contaminated by runoff from the graves. Other reports have linked the killing of human rights activist Jhonny Hurtado to the discovery of the gravesite. The Department has verified the existence of a 20-year old official municipal cemetery that contains hundreds of unidentified bodies of persons reported as killed in combat that were buried in individual plots since 2002 in the town of La Macarena. The government reports it has files on all the unidentified bodies in the cemetery and nearby neighbors have disavowed the claim that a nearby stream was contaminated. The investigation into the death of Jhonny Hurtado is ongoing.

As of July 21, 2010, the Colombian government had successfully identified 41 of the unidentified bodies buried in the cemetery, an additional 40 could not be identified through the fingerprints on file since they had never registered for the government's obligatory national identification card. Of those identified, three had been reported in the country's missing persons database at the time of their disappearance, and those reports included the families' suspicion that they had been forcibly recruited by the FARC. In July the Prosecutor General's Office's Justice and Peace Unit, through one of its forensics teams, estimated the cemetery to contain 449 unidentified bodies in single graves, properly registered as unknown persons, not a mass grave, much less one containing over 2,000 bodies. The Rapid

Deployment Force (FUDRA) military base was built on a hillside adjacent the cemetery in 2004, years after the establishment of the town gravesite.

San José de Apartadó: La Resbalosa Massacre

On March 16, 2010, retired Army Captain Guillermo Armando Gordillo Sanchez was sentenced to 20 years in prison, and investigations continue into the involvement of other members of the Armed Forces and former paramilitary members in the February 20-21, 2005 massacre of eight people from the peace community in San José de Apartadó (Antioquia). Gordillo served as a cooperating witness and formally accepted the charges against him of criminal conspiracy, homicide of a protected person, and barbaric acts for his participation in the massacre.

Gordillo Sanchez' testimony was the first official admission by military personnel that elements of that 17th Brigade participated in the murders, in collusion with the Don Berna's Héroes de Tolová Bloc of the AUC. Following his November 15, 2007 arrest, Gordillo Sanchez testified that 100 members of the military (including members of the Bolívar and Anzoategui Companies of the Vélez Infantry Battalion and the Alacrán Company of the 33rd Battalion) and 50 members of the AUC's Heroes de Tolová Bloc were patrolling together. Gordillo stated that General Hector Jaime Fandino (former commander of the 17th Brigade), Lieutenant Colonel Orlando 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. On July 30, 2008, the Prosecutor General's Office issued a processal break in the case (ruptura procesal) so that the Office could continue its investigation against Army General Héctor Fandino who commanded the troops at the time. Fandino publicly said he is ready to cooperate with the justice system and has nothing to hide.

Seperately, on January 26, 2009, the Prosecutor General's Office formally charged 10 soldiers from the Army's 47th Infantry Battalion ("General Francisco de Paula Vélez") of the 17th Brigade in the same massacre. The 10 soldiers are: Army Colonel Orlando Espinosa Beltrán, Army Major José Fernando Castaño López, Army Sergeant Edgar García Estupiñán, Army Sergeant Darío José Branco Agamez, Army Lieutenant Alejandro Jaramillo, Army Sergeant Angel María Padilla Petro, Army Captain Sabarain Cruz Reina, Army Sergeant Jorge Humberto Milanez, Army Sergeant Herny Agudelo, and Army Captain Ricardo Bastidas. The Second Specialized Court of Antioquia began public hearings against these

soldiers on December 13-15, 2009. On August 4, 2010, the judge in the case absolved these 10 soldiers from responsibility in the case, deeming Gordillo's testimony insufficient to convict them. Victims' lawyers plan to appeal this decision, arguing that it does not follow national or international precedent.

On March 12, 2010, former paramilitary members Edison Galindo Martínez and Francisco Javier Galindo Martínez, who are in preventative detention, were charged following a plea bargain agreement. On the same date, three paramilitaries were placed in preventative detention, while the criminal investigation was partially closed against three others. On April 27, 2010, Humberto Antonio Aguilar Allian entered into a plea bargain agreement and accepted charges of aggravated multiple homicide, aggravated extortive kidnapping, terrorism, and conspiracy, in addition to being charged with promoting and organizing illegally armed groups. He was banned from holding public office and exercising political rights for 10 years and 8 months.

The Prosecutor General's Office has found in its investigations that members of the Army's 47th Infantry Battalion colluded with former AUC leader Diego Murillo Bejarano's (Don Berna) "Héroes de Tolová" bloc to combat the FARC in the area. Confessions by Don Berna, who was extradited to the United States in May 2008, and other former AUC members facilitated the prosecution. Don Berna accepted responsibility for the murders on May 7, 2008, in testimony given as part of the JPL Process. Paramilitary leader Éver Veloza García (alias "HH") also gave a declaration on the case on June 20, 2008. At least 10 other paramilitary members from the AUC's Héroes de Tolová Bloc have also been linked to the case and proceedings continue against those individuals. The Prosecutor General's Office noted that refusal by the peace community to cooperate in the investigation had slowed progress in the case. Threats against witnesses, and attempted violence against members of the Prosecutor General's Office working on the case have also hindered the investigation.

Homicide of José Edwin Legarda Vazquez

On June 11, 2010, six members of the Army's José Hilario López Battalion were convicted and one was acquitted in the murder of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger, Liliana Valdes Penna, says she never saw a roadblock or stop

sign. Quilcué, who mobilized thousands of followers in fall 2008 as part of the indigenous protests against the Colombian government, has received multiple threats and believes the shots were meant for her. The Prosecutor General's Office opened its case December 16, 2008, the case was assigned to a prosecutor on January 14, 2009, and seven members of the battalion were arrested on April 28, 2009.

La Rochela Massacre

Progress remains slow in the investigation into the murder of 12 investigators from the Prosecutor General's Office who were killed on January 18, 1989, in Simacota (Santander) while investigating the October 1987 murders of 19 merchants, reportedly by the "Los Masetos" paramilitary forces of Magdalena Medio. Following six complaints by the IACHR, on May 11, 2007, the Prosecutor General's Office reopened its case into murders, which are known as the La Rochela massacre. In reopening the case, the Office called in three retired generals for questioning: Army General (retired) Farouk Yanine Díaz (on June 6, 2008); Army General (retired) Juan Salcedo Lora (on June 9, 2009); and Army General (retired) Alfonso Vacca Perilla (on June 9, 2009). Retired General Yanine is now deceased.

On January 29, 2009, 10 members of the Army's 33rd counterguerrilla battalion, assigned to the 17th Brigade, were indicted in the case. Six of these had been preventatively detained on April 9, 2008, and the remaining four were preventatively detained on August 29, 2008. This followed the February 2007 linkage of 69 members of the battalion to the case. Previously, on July 30, 2008, Army Captain Guillermo Armando Gordillo Sánchez pled guilty to homicide of a protected person, terrorism, and criminal conspiracy in the case.

Twelve paramilitary members have been linked to the case and proceedings continue against those individuals. Paramilitary leader Alonso de Jesús Baquero Agudelo, alias "Vladimir," was convicted in 1990 for the killings which took place under his command. He was sentenced to 30 years in prison and is participating in the JPL process, providing key testimony concerning the criminal acts related to La Rochela.

Though former Santander Congressman Tiberio Villarreal Ramos denies any involvement in the murders, in early June 2009, the Prosecutor General's Office called him back in for questioning. In 1996 and 1997, the Prosecutor General's Office had opened an investigation into and then dismissed charges against

Villarreal. The case file on Villareal Ramos and the retired generals was transferred to the Supreme Court of Justice on October 22, 2009.

La Gabarra Massacre

Some developments occurred in the investigation into the August 21, 1999, murders of 26 people in La Gabarra (Norte de Santander). On August 19, 2008, Army Colonel Víctor Hugo Matamoros Rodríguez was detained for his alleged involvement in the crimes. Three other members of the Army have also been linked to the crime, and preventative detention orders have been issued for two; one indicted in 2000. The one that was indicted, Army Major Luís Hernando Campuzano, was sentenced to 40 years in prison on September 15, 2007. 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 murders, which the Office pursued despite a previous acquittal of the charges. Fifteen former paramilitaries have been linked to the crime and are under investigation, including Salvatore Mancuso Gómez.

On December 15, 2009, the Prosecutor General's Office withdrew charges against Retired Colonel Victor Hugo Matamoros Rodriguez and maintained charges against Luis Alexander Gutierrez Castro. José Antonio Hernandez Villamizar accepted a plea bargain agreement and a paramilitary was called again for questioning on January 4, 2010. A preventative detention order was issued March 10, 2010 against a paramilitary based on the charges of aggravated multiple homicide and aggravated conspiracy. An order was issued March 12, 2010 to call a paramilitary for questioning and an investigation against a paramilitary was closed March 18, 2010. A safety measure was issued April 5, 2010 against a paramilitary based on the charges of aggravated multiple homicide and aggravated conspiracy. A paramilitary was called for questioning on April 14, 2010. On April 15, 2010, Edilfredo Esquivel Ruiz accepted a plea bargain agreement based on the charges of aggravated multiple homicide and aggravated conspiracy.

General Rito Alejo del Río and "Operation Genesis"

Army General (retired) Rito Alejo del Río's case was transferred to the Superior Tribunal in April 2010. Del Río has been detained at the Infantry School in Bogotá since a September 12, 2008, preventative detention order was issued for his role in the homicide of Marino Lopez Mena. The Prosecutor General's office indicted him on December 26, 2008, as the material author in the homicide of Marino Lopez Mena, who was allegedly beheaded on February 24, 1997. The "Elmer Cardenas" paramilitary bloc allegedly entered the town of Bijao, municipality of Riosucio (Department of Chocó), and – with military collusion – intimidated and attacked the residents in what came to be known as "Operation

Genesis.”

In March 2009, the Supreme Court reopened its case into del Río’s alleged collaboration with paramilitaries in the Uraba region of Antioquia from 1995-1997. This followed former paramilitary leaders Salvatore Mancuso, Ever Velosa (H.H.), and Diego Rivera naming him as collaborating with paramilitary forces in their testimonies under the JPL process. 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. In early 2009, two former paramilitary members – Luis Muentes Mendoza (alias, “Vicente” or “El Calvo”) and Diego Luis Hinestrosa Moreno (alias, “El Abuelo”) – pled guilty for their involvement in “Operation Genesis.” At least four other paramilitary members allegedly involved in the incident are still under investigation.

Generals Investigated for Collusion with Paramilitary Groups

In 2008, the Prosecutor General’s Office authorized the opening of investigations into former Army generals for alleged collusion with the now demobilized United Self-Defense Forces of Colombia (AUC). Carlos Alberto Ospina (former commander of the Armed Forces) and Julio Eduardo Charry (former Army commander in the Uraba region) were all accused of having connections to the AUC and reportedly named in testimony (“versiones libres”) by former AUC leaders, including Salvatore Mancuso and Francisco Villalba. Mancuso claimed that Freddy Rendon (El Aleman) and he met with Ivan Ramírez and Julio Charry. Villalba testified that Ospina provided support from the 4th Brigade in the October 1997 murders of 19 people at El Aro. The Prosecutor General’s Office did not provide any further information on the status of these investigations.

Mapiripán Massacre

The investigation into the July 15, 1997, murder of at least 36 civilians in Mapiripán (Meta) remains active. On that date, a group consisting of 20 men from the ACCU (Autodefensas Campesinas de Córdoba y Urabá) arrived in the town of Mapiripán (Meta) where they committed violent acts against residents and blocked transportation and communication.

On November 25, 2009, Bogotá criminal tribunal reversed its initial decision to acquit Army General (retired) Jaime Humberto Uscátegui Ramírez, and instead sentenced him to 40 years in prison and a fine of 10 million pesos. Uscátegui, who was commander of the 7th Brigade in Villavicencio, was found guilty of

aggravated homicide, aggravated kidnapping, and falsification of information in public documents. Initially, a judge found him guilty of only falsifying information and had absolved him of the other charges. The Prosecutor General's Office asked for reconsideration, noting that troops from the Joaquín París Infantry Battalion, located in San José del Guaviare, were under his jurisdiction, and that paramilitaries used the site to land airplanes. Furthermore, the tribunal argued that Mapiripán's population was not sufficiently protected by regular troops, and were therefore left "at the complete mercy of the AUC." The judge in the case previously convicted Lieutenant Colonel Orozco Castro for his involvement in the massacre, who was the one to reveal the military's ties to the murders.

On September 9, 2009, the Prosecutor General's Office began the questioning of 18 former paramilitary members, one of whom it decided, on October 13, 2009, to investigate based on a witness' testimony. On April 27, 2010, Humberto Antonio Aguilar Allian accepted a plea bargain agreement on the charges of aggravated multiple homicide (coauthor), aggravated extorsive kidnapping, terrorism, and conspiracy with intent to commit these crimes and also to promote and organize illegally armed groups.

Prior to this, on October 23, 2007, three AUC members (Leonardo Montoya Pubiano, Francisco Enrique Gómez Vergaño, and Arnolando Vergara Trespalacios) were sentenced to 40 years each for their involvement in the case.

Operation Dragon

Progress remains slow in the investigation into "Operation Dragon" ("Operación Dragón"). On December 16, 2009, the Prosecutor General's Office sent a letter to the Swiss government asking for assistance to obtain evidence from a witness. On October 8, 2008, the Prosecutor General's Office opened a hearing for two lieutenant colonels, a major, and three civilians (no names given), on charges of alleged aggravated criminal conspiracy and violation of the rights of assembly and association for their involvement in "Operation Dragon." The inquiry process began November 19, 2008 and is ongoing. "Operation Dragon" involved an alleged plot in 2004 to assassinate leftist politicians and labor leaders in Cali. Berenice Celeyta Alayón, a labor union leader, and Colombian Senator Alexander Lopez Maya, former president of SINTRAEMCALI, allege that they were targeted for their work in support of SINTRAEMCALI, a local labor union's campaign against the privatization of the Cali Municipal Corporation (EMCALI), Colombia's third largest public utility company.

Homicide of Orlando Valencia

There was no movement during the certification period in the investigations of two policemen for their alleged role in the October 15, 2005 disappearance and homicide of Afro-Colombian leader Orlando Valencia. Valencia was killed in Belén de Bajirá (Chocó) by paramilitary forces, allegedly with collusion by the Colombian National Police. The trial of the two members of the police, a captain (Edwin Harbey Arroyo Cuervo) and a now retired sub-lieutenant (no name provided), for their alleged involvement in the homicide and links to paramilitary groups began on February 27, 2007 (investigation opened October 9, 2006). The Prosecutor General's Office reported that in 2007, José Montalvo Cuitive, a palm oil farmer, was sentenced to 22 years in prison for his alleged role in the homicide.

As was reported in previous certifications, witnesses, including community leader Enrique Petro, testified in the case May 15-17, 2007, in Medellín, 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 paramilitary AUC Bloque Elmer Cardenas to the case and shortly thereafter, the Colombian National Police arrested one of them (Horacio Restrepo Urrego). On September 18, 2007, two witnesses in the case, Miguel and Uco Alberto Hoyos, were wounded by gunfire outside their homes. They were put under police protection at a hospital in Apartadó. On October 14, 2008, unknown assailants killed Uco Alberto Hoyos, who was in the Ministry of Interior and Justice's (MOIJ) protection program at the time. Miguel Hoyos remains in the witness protection program. The government has committed to improve police presence in Belén de Bajirá.

On October 13, 2006, the First Penal Court of Antioquia's Specialized Circuit sentenced former paramilitary member Alvaro Padilla Medina to 14 years and three months on the charges of aggravated homicide (coauthor) and conspiracy. On October 23, 2006, the Prosecutor General's Office charged former paramilitary member Hermes José Muñoz González, alias "Diomedes," for his alleged role in the aggravated homicide of Valencia. In January 2008, he was sentenced to 28 years and nine months in prison for aggravated homicide and criminal conspiracy. Gonzalez remains in detention in Bellavista prison in Medellín and lost the appeal of his conviction. After reviewing new evidence, the Prosecutor General's Office arrested former paramilitary member Julio César Silva Borja, aliases "El Enano" and "El Indio," on September 6, 2006. He was detained after a September 15, 2006 preventative detention order and remains in custody at

Itaguí prison. On June 26, 2009, Horacio Restrepo Urrego, alias “Hildebrando,” was sentenced to six years on the charges of conspiracy with the intent to commit a crime. He remains under house arrest.

The following defendants are currently in custody and are awaiting sentencing: 1) Police Captain Edwin Harbey Arroyo Cuervo, 2) former paramilitary Julio Cesar Silva Borja , 3) former paramilitary Pablo José Montalvo Cuitiva (paramilitary former or current?), 4) former paramilitary Fredy Rendon Herrera (accepted plea bargain agreement), and 5) former paramilitary Elkin Jorge Castañeda (accepted plea bargain agreement).

Torture of Soldiers During Training in Tolima

On August 20 and 24, 2009, the First Penal Court of the Ibagué Specialized Circuit sentenced 12 members of the Army’s Patriotas Battalion for their roles in the torture and sexual assault of 21 lower level soldiers from the Scorpion Battalion during a training session on January 25, 2006, at the Center of Instruction and Training for the Army’s Sixth Brigade in Piedras, Tolima. Five were sentenced to 16 years in prison for aggravated torture, fined 1,600 legal monthly minimum salaries, and prohibited from holding public office or exercising their political rights for 16 years. Five were sentenced to 15 years in prison for aggravated torture, fined 1,500 legal monthly minimum salaries, and prohibited from holding public office or exercising their political rights for 16 years. One was sentenced to four months and 24 days in prison for purposefully inflicting injury and fined 6.3 times the legal monthly minimum salary, and the remaining soldier was sentenced to 442 months in prison for aggravated torture and sexual assault and fined 750 legal monthly minimum salaries. In addition, another member of the Battalion was absolved in the case.

Santo Domingo Bombing

On September 24, 2009, the 12th Penal Court of Bogotá’s Circuit sentenced Air Force Lieutenants Cesar Romero Padilla and Johan Jimenez Valencia to 31 years and eight months in prison and Air Force Aeronautical Engineer Hector Mario Hernandez Acosta to six years in prison for their role in the December 13, 1998 killing of 17 people in an aerial bombing in Santo Domingo, Arauca Department. The Prosecutor General’s Office is also investigating the alleged participation of Air Force officers Germán David Lamilla Santos, Sergio Garzón

Vélez, and César Augusto Gómez Márquez.

Criminal Activity by Members of the La Popa Battalion

Investigations are ongoing into wrongdoing by members of the Army's 2nd Artillery "La Popa" Battalion (10th Armored Brigade in the department of César). On April 14, 2009, five members of the "La Popa" Battalion, including its commander, Army Colonel Hernán Mejía Gutiérrez, were indicted for colluding with paramilitaries in the homicide of 20 individuals in June and October 2002. Between January 2002 and December 2003, Mejía Gutiérrez and Army Lieutenant Colonel Ruiz Mahecha met with heads of the AUC forces, including Rodrigo Tovar Pupo (alias "Jorge 40") and David Hernandez (alias "Jorge 39"). On June 22, 2002, Carlos Alberto Pumarejo Lopesiera and Edwar Caceres Prado were killed and reported as combat deaths. Additionally, on October 26, 2002, 18 AUC members were killed in El Socorro in the municipality of Bosconia (César) by their own men as part of an internal purge and later reported by Colonel Mejía's battalion as FARC members killed in combat.

Between September and November 2009, preventative detention orders were issued for five soldiers, and three civilians were detained and charged with the murder of a protected person. On January 12, 2010, Army Colonel Heber Hernan Gomez Naranjo and Army Major Oscar Enrique Ramos Avila were charged with conspiracy with intent to commit an aggravated crime. A public hearing was held April 16, 2010, on the cases against Publio Hernán Mejía Gutiérrez, José Partos Ruiz Mahecha, Nelson Javier Llanos Quiñonez, Aureliano Quejada, and Efraín Andrade Perea. They were charged with aggravated conspiracy (no information on ranks provided).

An investigation into the actions of La Popa Battalion was initiated after retired military officer Eduin Manuel Guzman Cardenas claimed to a military court on January 19, 2007, that Colonel Hernán Mejía Gutiérrez had ties to the paramilitary commanders. He also alleged that while he held the position as commander, he witnessed several combat deaths of supposed subversives. Based on the manner in which they had been killed, it appears they were executions of civilians, rather than deaths attributed to crossfire between hostile parties. Criminal proceedings were begun in 2007.

On January 22, 2009, the Ministry of Defense forcibly retired 11 members of the La Popa Battalion of the 10th Armored Brigade from the César Department, citing command and control problems. These problems were identified in an

investigation by Army Inspector General Carlos Arturo Suárez, the results of which were then turned over to the Prosecutor General's Office. Suárez headed the special commission that investigated the Soacha murders and led to the dismissal of 27 military personnel. Throughout 2007 and 2008, the Prosecutor General's Office opened 25 investigations into 150 possible extrajudicial killings in César.

Homicide of Dairo Torres

The Prosecutor General's Office provisionally archived the murder case of Dairo Torres due to insufficient evidence. Torres, a leader from the San José de Apartadó Peace Community was killed July 13, 2007, by paramilitaries, allegedly with collusion from Colombian National Police. No further information on this case was provided.

Homicide of Father and Son in San Luis

On February 10, 2010, the Penal Court of Santuario Circuit sentenced five members of the Army for the April 14 and 15, 2005, murder of Idelfonso Cifuentes Velásquez and his son (minor) Luis Alfonso Flórez Toro in San Luis (Antioquia). The two were shot at while walking home, and Cifuentes was killed immediately. Flórez survived his wounds, but was murdered the next day by Army members who he consulted for help. Army Lieutenant Josué Mersusarud Hernández Puentes was sentenced to 25 years and 10 months of prison for the murder. The Court also found Army Soldier Elkin Mauricio Pamplona Ciro guilty in the case and sentenced him to 12 years and 6 months in prison. Sentencing information on the other three soldiers was not available.

Homicide of Yolanda Izquierdo

Proceedings continue in the investigation into the January 31, 2007 murder of Yolanda Izquierdo, a victims' representative. Police captured Alvaro Augusto Murillo Montes, alias "El Muchacho," a paramilitary who demobilized from the AUC's Heroes de Tolova Bloc. On May 19, 2009, the First Penal Court of Cundinamarca found Murillo guilty on conspiracy charges, but acquitted him on the charges of aggravated homicide. The prosecutors appealed the acquittal decision before the Superior Court of Bogotá.

Homicides in Tierralta

Six soldiers were acquitted in connection with the murder of two civilians on October 12, 2005, in Tierralta (Córdoba). Troops from the Junín Battalion of the Army's Eleventh Brigade reported Mario Miguel Pineda Pérez (the brother of former member of Congress), Eleonoro Pineda, and Luiz Orozco Hernández as killed in combat, but witnesses allege it was an extrajudicial execution. On November 3, 2009, the Second Penal Court of Montería Circuit acquitted Army Lieutenant Ramiro Jairo Ramírez Ortega, Vice Sergeant Flavio César Sánchez Martínez, First Corporal Albeiro Vargas Gaitan, and professional soldiers Roberto Carlos Posada Díaz, Luis Miguel Solano Ramos, and Dairo Yeneris Silva. The Prosecutor General's Office has appealed this decision.

Homicides in Cajamarca

On September 1, 2009, the Third Penal Court of the Ibagué Circuit sentenced professional soldiers Albeiro Perez Duque, Noé Bridnez Pérez, John Jairo Vizcaya Rodríguez, Luis Fernando Ramos Martínez, and John Jairo Guzmán Gallego to 35 years of prison for their involvement in the April 10, 2004 murder of five people in Cajamarca, allegedly by members of the Army's Sixth Brigade. Army Corporal José Alejandro Gómez and professional soldier Jairo Sebastián Quintero Riaño were acquitted of all charges. The trial in the case began on November 22, 2006, where seven soldiers from the Sixth Brigade were accused of homicide and other crimes, and in January 2007, one of the soldiers confessed his participation in the crime.

Homicide of Campesinos in Potosí

On November 26, 2009, the Penal Court of the Bogotá Specialized Circuit found guilty Army Major Juan Carlos Rodríguez Agudelo, Army Corporal Wilson Casallas Suescun, and Army Soldier Albeiro Pérez Duque and sentenced them to 40 years of prison based on the charges of homicide of a protected person, aggravated kidnapping, forced disappearance, conspiracy, perjury, and procedural fraud. On March 9, 2010, the same court found guilty Army Soldier Rodrigo Molina Prieto and sentenced him to 36 years and 6 months of prison based on the same charges. Between November 2-5, 2003, members of the Counterinsurgency Pijaos Battalion, who identified themselves as AUC paramilitary members,

allegedly kidnapped Jhon Jairo Iglesias Salazar and tortured and killed Ricardo Espejo Galindo, Marco Antonio Rodriguez, and German Baquero Bernal in Potosi (Tolima). They also allegedly looted their homes, stole their cattle, and threatened their relatives that they would be killed for being guerilla collaborators.

Homicide of Senator Cepeda

On May 26, 2009, the Inter-American Court on Human Rights found the Colombian government culpable for the August 9, 1994 murder of Patriotic Union Senator Manuel Cepeda. The Court ordered a public apology from the government, reparations to Cepeda's family, a monument, and a government-funded university scholarship in his honor. Cepeda's son, current Colombian Congressman Ivan Cepeda, has rejected the government's offer to accept responsibility as closure in the case, insisting that the intellectual authors of the crime have not been brought to justice (including former AUC paramilitary leader Vicente Castaño). On October 14, 2009, the Prosecutor General's Office announced that it was opening an investigation into former DAS Deputy Director José Miguel Narváez Martínez for his alleged involvement in the crime. Other former paramilitary members are also under investigation.

SECTION 7046(b)(1)(B)(ii)

Section 7046(b)(1)(B)(ii) of the FY 2009 SFOAA requires a determination that:

“The Government of Colombia has taken all necessary steps to sever links with paramilitary organizations or successor armed groups.”

The Colombian Armed Forces have continued to make substantial progress in severing links between military personnel and paramilitary members that did not demobilize, and has taken steps to prevent links between military personnel and criminal groups. Details on progress made against these groups is included below in Section 7046(b)(1)(B)(iii). The Armed Forces specifically directed units and commanders to sever any such links and cooperated with civilian judicial authorities to ensure the arrest, detention, and suspension of members of the Armed Forces alleged to have ties to these illegal armed groups. 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 members that did not demobilize and members of criminal groups. For discussion on these efforts, see above under Section 7046(b)(1)(B)(i). In addition, Annexes A through D contain listings of members of the Armed Forces who have been detained, indicted, or sentenced by the Prosecutor General’s Office, some for crimes involving links to such groups. Annexes E through G contain listings of members of the Armed Forces who are being investigated or were removed from duty by the Inspector General’s Office for such crimes.

Orders on Severing Links with and Combating Illegal Groups

Between August 1, 2009 and July 15, 2010, the Commander of the Armed Forces issued one order related to severing links between military personnel and criminal groups:

- Directive Number 216 – Issued on November 13, 2009: Contains instructions on conducting operations against criminal groups in support of the Colombian National Police (CNP).

Combatting Corruption

The Colombian government is adhering to the UN Convention Against Corruption, and underwent a corruption analysis in March 2009. It is awaiting a

report from the UN on Colombia's application of anti-corruption measures. To prevent corruption, several government entities have implemented selection processes to ensure that hiring is based on merit, and the government launched an on-line contracting website to publicize opportunities and train potential bidders. Through Law 1367 of December 2009, the government increased the number of personnel within the Inspector General's Office (Procuraduria) in order to strengthen its ability to monitor the government compliance with the law. In 2009, the Inspector General's Office hosted trainings for 10,402 government employees on preventing corruption in contracting, human resources, and budgeting.

SECTION 7046(b)(1)(B)(iii)

Section 7046(b)(1)(B)(iii) of the FY 2009 SFOAA requires a determination that:

“The Government of Colombia is dismantling paramilitary networks, including by arresting and prosecuting under civilian criminal law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefited from paramilitary organizations or successor armed groups; and by returning land and other assets illegally acquired by such organizations or their associates to their rightful occupants or owners.”

The Colombian government continued to dismantle criminal networks, including by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefited from (now demobilized) paramilitary organizations or other criminal groups.

Since 2002, 31,668 former paramilitary members have collectively demobilized. Of these, 3,899 former AUC paramilitary members have been identified as potentially eligible to receive reduced sentencing under the JPL process, provided they fully confess their crimes, cease criminal activity, and turn over illegally obtained assets. Of those, the Colombian government reports that 2,431 have given voluntary confessions (“versions libres”) involving over 7,600 sessions as part of the JPL process, including extradited paramilitaries in the United States, and 1,514 of these confessions have been completed. As described in the sections below, in June 2010, one former paramilitary member was expelled from the JPL process, and two were partially convicted and sentenced. Some organizations have expressed concern that institutional capacity and resource constraints limited progress under the JPL process.

As former paramilitary members give statements about their criminal activities, allegations of criminal activity by members of the Colombian government have been revealed. 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.

The Colombian government has taken steps to return land and other assets

acquired by these organizations or their associates to their rightful owners, occupants, or to victims of paramilitary crimes. Though reparations of land and other assets turned over by demobilized paramilitary members have been delayed due to difficulties in developing procedures for the reparations, the government continues to take steps to collect assets voluntarily turned over by demobilized paramilitary members as part of the Justice and Peace Law (JPL) process, and to seize assets from those that did not demobilize. Though judicial reparations from these assets have been stalled, the government has begun to issue administrative reparations to victims.

The Colombian government also continued its efforts to dismantle new criminal groups, which continued to commit violence against civilians in Colombia. Unlike the paramilitary groups that demobilized, these new groups do not have a central structure or objective and are focused exclusively on narcotrafficking and other criminal objectives. New criminal groups are comprised of common criminals and, according to Colombian National Police figures, only 12 percent are former paramilitary members. NGOs believe this percentage is much higher, and believe these new criminal groups are actually paramilitary successor groups. NGOs have reported concerns regarding criminal activity undertaken by these groups, including threats and violence against human rights groups. For more information on threats and violence against human rights groups, see below under Section 7046(b)(1)(B)(iv).

Capture and Detention of Former Paramilitary Leaders

The Colombian government continues to take actions to ensure that former AUC paramilitary leaders are detained and adhere to their obligations under the JPL process. After former President Uribe's August 14, 2006 order for demobilized AUC leaders to surrender or lose benefits afforded under the JPL and face extradition, the majority of AUC leaders²¹ surrendered.

²¹ 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) Luís 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 "Botolón"); (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) Luís 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

Since 2002, 31,668 former paramilitary members have collectively demobilized. Of these, 4,162 have been identified as potentially eligible to receive benefits under the JPL process. Of the paramilitaries who collectively demobilized, 2,431 have given voluntary statements (“versions libres”) as part of the JPL process, involving over 7,600 sessions, with 900 still currently underway, including by extradited paramilitaries in the United States. At the time of demobilization, only three of those who collectively demobilized were incarcerated; today, 3,272 are incarcerated. Of the 35 high-ranking AUC leaders, 26 are now incarcerated, one is deceased, two are presumed deceased, and four have active arrest warrants against them.

Investigations Under the Justice and Peace Law Process

The Colombian government 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. As of March 2010, a total of 2,431 confessions involving over 7,600 sessions have taken place in both Colombia and the United States, during which 53,979 victims have participated. During these sessions, victims observing the proceedings live via closed circuit transmissions are offered the opportunity to ask the defendants questions directly.

The Prosecutor General’s Office’s Justice and Peace Unit is working to uncover paramilitary criminal activity, prosecute those involved, and dismantle their structures and networks. As was reported in previous certifications, in March 2006, the Prosecutor General created the Justice and Peace Unit to implement the JPL. The Unit’s responsibilities include advancing criminal process, which requires investigating thousands of crimes; finding the “historical truth” through the taking of confessions of demobilized persons; taking victim’s statements; uncovering grave sites; exhuming victims remains, identifying them, and returning them to their families; determining reparations amounts; and facilitating those reparations. As of March 2010, the Unit had 121 prosecutors assigned to offices in Bogotá, Medellín, and Barranquilla, with satellite judicial police units in 20 other cities throughout the country, and only 36 victims assistance psychologists to

(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”).

handle the crushing workload of more than 300,000 registered victims.

Recognizing that the Unit needed more staff, as was reported in the last certification, the Colombian government introduced a decree in spring 2008 that authorized the Unit to triple its total size to 1,048 people. This tripling included 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 Prosecutor General's Office reports that the Justice and Peace Unit employs 923 people, 104 fewer than it reported in mid-2009. This total continues to fall short of the decree's goal and remains insufficient to perform all of the tasks facing the Unit.

Likewise, Colombian funding for the Unit remains insufficient to respond to the workload. Though funding levels have steadily increased in recent years, (10.2 billion pesos or \$5.1 million in 2007, 15 billion pesos or \$7.5 million in 2008, 12.9 billion pesos or \$6.5 million in 2009, and 26 billion pesos or \$13.7 million in 2010), with an increasing portion earmarked for exhumations, the Unit's staffing and operating budget has not increased at the same pace.

While U.S. assistance does not provide direct support for salaries or the hiring of new prosecutors and investigators, the United States continues to fund training and technical assistance to help build the capacity of the Justice and Peace Unit. The United States, through the Justice Department, has provided \$10 million in assistance to the Unit, which has improved its ability to carry out its responsibilities in implementing the Justice and Peace Law. This assistance has provided for the development of hearing rooms that allow for proceedings to be recorded and transmitted, enhanced office space and equipment, forensic equipment, training and development of 11 exhumation teams, improved DNA processing, vehicles, database development and data analysis, and training and technical assistance for prosecutors and investigators. This assistance has supported the Unit's ability to conduct over 7,600 voluntary confessions, in which over 53,000 Colombian victims have participated. These voluntary confessions have been transmitted to over 96 municipalities, during which over 44,000 crimes have been confessed, including over 42,000 murders, half of which were previously unknown or unresolved cases. More than 20,000 charges have been filed against JPL defendants. Over 3,000 victims' remains have been recovered, and over 970 of these remains have been returned to victims' families. Almost 300,000 victims have been registered by the Unit, and their statements have been taken. In addition, over 450 meetings have taken place throughout the country

with over 100,000 victims.

In its 14th quarterly report, the Organization of American States Mission to Support the Peace Process in Colombia (MAPP/OAS) noted that the JPL's achievements "have been of significance for thousands of people who suffered paramilitary violence." In monitoring the enforcement of the JPL, MAPP/OAS describes these achievements, particularly the constant increase in registered victims, and the results with exhumations, land restitutions, and legal proceedings. That said, MAPP/OAS states that despite great efforts made by the agencies responsible for enforcing JPL, their human, physical, and financial resources are still lacking.²²

The Justice and Peace 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. The MAPP/OAS recognizes that Colombia has "advanced significantly in acknowledging victims as primary actors" in the application of the JPL.²³ The MAPP/OAS said the Colombian government needs to clean up the database of applicants under the JPL at a more rapid pace, but applauds the government for its inter-institutional coordination.²⁴ In addition, with U.S. assistance through DOJ, the Unit has developed a database to categorize information on its cases and to facilitate cross-referencing and search capabilities.

In his March 2010 report, then-UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, said, "the process as a whole has been plagued by a lack of resources, planning, and clarity, and by procedural problems."²⁵ While it acknowledges that the process is far from perfect, the government maintains that its progress is better than other demobilization processes considering the number of cases moving through the Colombian justice system.

Exclusion from Justice and Peace Law Process

²² Organization of American States Mission to Support the Peace Process in Colombia. Fourteenth Quarterly Report. April 26, 2010.

²³ Organization of American States Mission to Support the Peace Process in Colombia. Thirteenth Quarterly Report. October 19, 2009.

²⁴ Organization of American States Mission to Support the Peace Process in Colombia. Fourteenth Quarterly Report. April 26, 2010.

²⁵ "Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions." Submitted to the Human Rights Council of the UN General Assembly on March 31, 2010.

Demobilized paramilitary members participating in the JPL process that do not cooperate fully in the process by providing testimony, confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity can be expelled from the JPL process. However, the process for exclusion is not simple. If the Prosecutor General's Office's Justice and Peace Unit believes a person should be expelled from the process, the prosecutors must request the expulsion and present the case to the Justice and Peace magistrates. Conflicting interpretations of the concepts of a truth commission and a judicial process by the Colombian government and NGOs have complicated this process.

However, on June 11, 2010, the Bogotá Tribunal accepted the petition from the Prosecutor General's Office to exclude former paramilitary leader Iván Roberto Duque (alias "Ernesto Baez") from the JPL Process due to his lack of compliance with the requirements. Victim's groups supported the Office's request for expulsion. The decision follows Duque's refusal to accept responsibility for acts perpetrated by the AUC's Cacique Piptintá bloc, which operated under his control. This is the first time that a demobilized paramilitary member has been excluded from the process for non-compliance, and therefore denied the reduced sentencing given in exchange for participating in the process. Duque is appealing the decision to the Supreme Court.

First Convictions in Justice and Peace Law Process

In a first for the Colombian JPL Process, two demobilized AUC commanders were convicted and sentenced to eight-year prison terms on June 29, 2010. Edward Cobos Tellez, alias Diego Vecino (former AUC commander of Montes de María bloc), and Uber Banquez, alias Juancho Dique (former AUC commander of Canal del Dique Bloc), were both convicted of homicide, forced disappearance, and kidnapping. Banquez was also convicted for the April 2000 kidnapping of nine individuals in San Bernardo, Bolivar department. Both demobilized in 2006 and have already served four years of their sentence, making their release date 2014. The ruling magistrate applied the alternative JPL penalty of eight years in lieu of the 39- and 38-year sentences that the demobilized received under the regular criminal justice system. They still face trial for approximately 6,000 additional confessed crimes, but once convicted their release date will not change given the maximum JPL eight-year penalty. The sentence imposes a fine of \$375,000 for the forced disappearance and kidnappings of 1,194 victims in Mampujan and the massacre of 11 individuals in Las Brisas, Bolivar department, in March 2000. The judge also ordered reparations totaling \$57.5 million. Victims' lawyers, defense attorneys, the Inspector General, and the

Prosecutor General have all appealed the decision and the case now moves to the Supreme Court, which could take several months to review the case.

The judge in this case also ordered several Colombian government agencies to take steps to facilitate reparations, including the following:

- A separate division within the Justice and Peace Unit at the Prosecutor General's Office should be established dedicated to the collection of assets surrendered by members of illegal groups.
- Authorities who convict officials for parapolitics should order asset forfeiture for the purpose of reparations in their rulings.
- A special tax should be levied on businesses that collaborated with or financed paramilitary groups; the Colombian government is prohibited from approving exemptions.
- Within 60 days, paramilitary assets under the control of the National Directorate for Illegal Drugs (DNE) must shift to Acción Social.
- Administrative reparations should precede judicial reparations; judicial reparations can be "discounted" by the amount of administrative reparations ordered.
- The Colombian government must design and implement a reconstruction plan for the communities of Mampujan and San Cayetano and ensure the return of those displaced to their communities.
- The Ministry of Defense must offer human rights training materials to soldiers assigned to Bolivar Department.

Ministry of the Interior and Justice (MOIJ) Inter-institutional Coordinating Committee on Justice and Peace

In addition to the work undertaken by the Justice and Peace Unit, to improve coordination between government agencies on victims participating in the JPL process, in October 2006, the MOIJ created the Inter-institutional Coordinating Committee on Justice and Peace. The Committee serves as the collection point for data from 40 entities on the participation of victims in this process.

Extradition of Paramilitary Leaders

Following the May 2008 extradition of 15 former paramilitary leaders to the United States, NGOs raised concerns that the former paramilitaries would not be able to fulfill their obligations under the JPL process and victims would not be able to participate in the process. Some of these NGOs, however, had previously

expressed concerns in 2005 when the JPL was enacted that the law would complicate possible extradition of former AUC paramilitary members to the United States. However, Colombian authorities concluded that while these individuals were purportedly cooperating in the JPL process, they were revealing very little and were turning over almost no assets for reparations to victims, points echoed by NGOs. In addition, evidence demonstrated that these former AUC paramilitary leaders were continuing to operate their criminal organizations and had continual contact with their criminal organizations.

In February 2010, the University of California at Berkeley released a report detailing similar concerns. The report concluded that extraditions have substantively diminished the cooperation of extradited paramilitaries in ongoing human rights and corruption investigations in Colombia; severely curtailed access to remedies for Colombian victims; and undermined U.S. counternarcotics efforts by prompting a ruling by Colombia's Supreme Court to block future extraditions of demobilized paramilitaries to the United States. The report recommends that the United States and the Colombian government (1) create an effective and efficient procedure for judicial cooperation; (2) incentivize extradited paramilitary leaders to disclose details about all their crimes and the identities of their accomplices in the military, government, and businesses; and (3) initiate investigations for torture committed by extradited paramilitary leaders.²⁶

Starting in May 2010, the Colombian Supreme Court denied the extradition of certain paramilitary leaders due to victim's rights concerns. In response to these extradition denials, the Colombian government issued a decree on June 24, 2010, which allowed for the extradition of persons being tried under the JPL process to be postponed for a year (or more) in order to allow the defendant to participate in the process.

A rigorous, ongoing cooperative effort between the United States and Colombia has been in place since the May 2008 extraditions took place. This cooperative effort, which involves close collaboration between the governments, has evolved into an access plan that will concentrate and accelerate interviews, confession sessions, and proceedings of extradited former AUC paramilitary members. In addition, due to this close cooperation, efforts by Colombian prosecutors in both the Justice and Peace and Human Rights Units have been more effectively coordinated to process their parallel prosecutions.

²⁶ "Truth Behind Bars: Colombian Paramilitary Leaders in U.S. Custody." International Human Rights Law Clinic, School of Law. University of California, Berkeley. February 2010.

U.S. processes can and do take into account cooperative efforts by sentenced defendants. However, the former AUC paramilitary members participating in the JPL process continue to have obligations under Colombian law, and the JPL does provide for incentives to their cooperation. Colombian prosecutors are responsible for pressing the AUC defendants on their obligation to cooperate under the JPL process, and U.S. prosecutors are facilitating their efforts to do so. With respect to reparations for victims, as previously mentioned, the AUC defendants were providing little if any assets prior to their extradition. While in the United States, Colombian prosecutors continue to urge them to reveal illicitly obtained assets in Colombia, which may be subject to seizure and forfeiture.

As of June 15, 2010, all 15 of the paramilitary leaders extradited in May 2008 had elected to resume participation in the JPL process. Other extradited former paramilitary members have also elected to participate in this process. As of February 2010, on approximately 36 occasions, the U.S. Department of Justice has facilitated the transmittal of voluntary confessions from extradited paramilitary leaders, and conducted interviews with approximately 20, in cooperation with the relevant Colombian authority (the Supreme Court or the Prosecutor General's Office, depending on the case). The extradited paramilitaries facing U.S. criminal proceedings cannot, under protections enshrined in the U.S. Constitution, be obligated to give testimony or otherwise participate in the JPL process. The question of creating incentives to overcome the reluctance of some of the extradited paramilitaries to participate is a complex one that requires the Department of Justice and Colombia to balance sensitive policy, law enforcement, and prosecution interests.

The confessions of former paramilitaries have occurred both in person and via video links between the United States and Colombia. Thanks to technological support and facilitation from Justice, victims are able to view the voluntary statements ("versiones libres"). Victims receive a letter with the date, time, and location where the voluntary statements will take place. This information is also distributed to the public using the media and the Prosecutor General's Office's website. Conference rooms are set up specifically for victims with direct video conferencing (DVC) technology for them to participate in the proceedings. So far, four of the extradited paramilitaries have participated in these televised voluntary statements. The four have confessed to 576 crimes, and 1,636 victims participated in the voluntary confession process. These four are:

- Salvatore Mancuso Gomez: Nine voluntary statements were given in the

Federal District Court for Washington D.C. During these, he has confessed to 404 crimes, including homicide, conspiracy to commit aggravated crime, forced disappearance, forced displacement, recruitment of minors, kidnapping, and attempted homicide. Some of these crimes were related to the La Granja, El Aro, Pichilin, and La Gabarra massacres, which took place in 1999. Victims of these crimes include members of the Patriotic Union, unionists, teachers, minors, peasants, and merchants.

- **Ramiro Vanoy Murillo:** Two voluntary statements were given in the Federal District Court for the Southern District of Florida in Miami. During these, he confessed to 28 crimes, including conspiracy to commit aggravated crime, creation, trafficking, or transport of firearms and personal munitions, forced disappearance, aggravated homicide with terrorist ends, homicide of a protected person, kidnapping, and the recruitment of 34 minors. Among these crimes were the massacre of Chorillos between Medellín and Briceño; the homicide of Abraham Miguel Vides, a council member of Tarazá (Antioquia) and John Jairo Monsalve Pérez, an Inspector of Puerto Valdivia (Antioquia); threats directed toward members of the Tarazá union; and the forced displacement of José Bernardo Cano Carvajal, a professor in Cauca. Victims of these crimes included unionists and public servants.
- **Guillermo Pérez Alzate:** Nine voluntary statements were given in the Federal District Court for the Southern District of Florida in Miami and the United States Attorney's Office for the Middle District of Florida in Tampa. During these, he confessed to 126 crimes, including homicide and homicide of a protected person. Among these crimes were the homicide of religious protected person Yolanda Cerón Delgado; the massacre of Llorente, which took place in August 2001; the homicide of union member Tito Libio Hernández; the massacre on the highway between Tumaco and Pasto; and the homicide of protected person José Miguel Ortiz, a representative of the Awá tribe.
- **Miguel Ángel Melchor Mejía Munera:** Four voluntary statements were given in the Federal District Court for Washington, D.C. During these, he confessed to 18 crimes.

As written, the 2005 JPL includes an incentive to participation in the process, even for those who have been extradited. The law provides for defendants who have been extradited to serve their reduced sentences concurrently while imprisoned in another country. As a result, those extradited paramilitary leaders

who fully comply with the JPL process will satisfy their Justice and Peace sentence while incarcerated in the United States and will not face additional criminal proceedings or additional sentences when they return to Colombia.

Over the last five years, the Justice Department has worked closely with the Prosecutor General's Office's Justice and Peace Unit to facilitate access to extradited JPL defendants and U.S. prosecutors handling their cases. This cooperation has further evolved recently, and procedures have been established that should further facilitate these efforts. On July 19, 2010, Justice sent the Ministry of Interior and Justice a detailed plan for increasing Colombian judicial officials' access to extradited former paramilitaries in the United States, and asked the Colombian government to appoint a liaison to coordinate the plans. The plan's two-pronged approach focuses initially on defendants who have been convicted and sentenced in the United States, as well as on a specific number of defendants whose sentencing is pending. This can later be expanded to include the remaining defendants, once sentenced. Those extraditees who have been convicted and sentenced (Guillermo Perez Alzate, Diego Ruiz Arroyave, Ramiro Vanoy Murillo, Diego Fernando Murillo Bejarano, and Francisco Javier Zuluaga Lindo) will be transferred to the Bureau of Prisons facility in Miami, Florida. If these defendants express a willingness to participate in the JPL process, under the "Miami Access Plan," Colombian authorities will have 21 hours of weekly access to conduct interviews and video depositions.

The second part of the plan is known as the "Northern Neck Virginia Access Plan," after the Northern Neck Detention Center in Virginia, which houses several paramilitary leaders who are pending sentencing (Salvatore Mancuso Gomez, Hernan Giraldo-Serna, Juan Carlos Sierra Ramirez, Miguel Mejia-Munera, José Gregorio Teran-Vasquez, and Norberto Quiroga-Poveda). This access plan provides Colombian judicial authorities access five days a week, eight hours a day, to complete interviews and video depositions for defendants who are willing to participate. Other defendants that are also pending sentencing and housed in other facilities will be incorporated into this plan when feasible.

Both parts of the plan are in line with the May 2010 agreement between Justice and the Colombian government's Ministry of Justice, Supreme Court, and Prosecutor General's Office. Under that agreement, the Colombian government committed to prioritizing the cases of these former paramilitaries and providing the United States with specific deadlines for completing the interviews and video depositions.

Reintegration of Demobilized Paramilitary Members

Demobilized paramilitary AUC members, FARC, and ELN – as well as members of other illegal armed groups – are eligible to take part in the government’s reintegration programs. In total, 21,031 FARC and ELN members and 31,000 AUC members have demobilized. Currently, 34,500 demobilized combatants are actively participating in the government’s reintegration program, which provides services at the local and national level to help the demobilized become productive members of Colombian society. Of the program’s active participants in 2009, 22,235 were demobilized paramilitary members.

Once they enter the process, the demobilized are given a psychological profile, civic profile, and employment profile before a reintegration plan is developed for them. Reintegration plans include psychosocial attention, education, job training, and courses on civic responsibilities. The program also offers specially tailored programs covering special needs, including gender (87 percent of the program’s participants are men), physical or mental handicaps, substance abuse issues, mid-level commanders, youth, and the elderly. In 2009, 11,396 participants took technical training classes to assist in their employment. From 2008 to 2009, the drop-out rate for technical training reduced from nine to two percent.

According to the MAPP/OAS, the High Council for Reintegration (ACR) has achieved significant progress, allowing demobilized fighters to return to civilian life. Yet in several parts of the country, violence from emerging criminal groups has not ceased, specifically violence targeting community and social leaders. Personal security challenges faced by victims, applicants, and public officials involved in the JPL process remain a concern. This violence also hinders efforts to provide former combatants with services, leaving them stigmatized by officials and communities, and vulnerable to harassment from emerging structures. The MAPP/OAS notes that reintegration demands the commitment of society as a whole to create venues for coexistence and the restoration of peace. It recommends the Colombian government increase the presence of the public forces to reduce the occurrence of violent acts.²⁷

“Parapolitical” Investigations

Demobilized paramilitary members have testified to the existence of, and

²⁷ Organization of American States Mission to Support the Peace Process in Colombia. Thirteenth and Fourteenth Quarterly Reports. October 19, 2009 and April 26, 2010, respectively.

participation in, paramilitary support networks, including those who provided political and/or financial support. Of Colombia's former 268 representatives to Colombia's 2006-2010 Congresses, 102 former Senators and 166 former Representatives had been accused of having paramilitary ties; 62 were implicated as a result of paramilitary testimony in the JPL process. As of July 20, 2010,²⁸ 27 former Senators and 11 former Representatives had resigned for parapolitical ties, and 33 former Members of Congress were in jail for ties to paramilitary groups (11 were convicted and 22 are in preventative detention).

Fifteen former governors have also been implicated: five have been convicted and are serving sentences in jail, six are in preventative detention, two are currently under investigation, and two are alleged to have ties to paramilitaries but an investigation is not yet active. One former mayor has been convicted for links to paramilitary groups. An additional 23 former mayors and five current mayors are in preventative detention. Eight former mayors are alleged to have ties but are not yet under investigation. In addition, several former members of the executive branch are under investigation for alleged links to paramilitary groups. For a list of these individuals, see Annex I.

Reparations to Victims

In accordance with Law 975 of 2005, demobilized paramilitary members taking part in the JPL process are required to turn over all illicitly-obtained assets, which will be used to provide judicial reparations to victims. In addition, the Colombian government has begun providing administrative reparations to victims in the JPL process and is offering counseling and other needed services to them. The law also includes other forms of holistic reparation, including the search for the disappeared, rehabilitation, and assurances of non-repetition. The Colombian government has offered psychosocial and other rehabilitation assistance to 28,321 victims. Assurances of non-repetition have been offered to victims by former paramilitaries making public declarations on victims' dignity (done on 115 occasions), former paramilitaries asking for pardon (done on 476 occasions), former paramilitaries publicly expressing regrets (done on 360 occasions), and former paramilitaries promising not to repeat their crimes (done on 333 occasions).

The National Commission for Reparation and Reconciliation

²⁸ Time period available as of August 17, 2010.

The National Commission for Reparation and Reconciliation (CNRR) was created through the JPL and given an eight-year mandate to monitor reintegration progress and the work of local and national authorities in order to ensure a full demobilization and evaluate the reparation and restitution to the victims. The CNRR is composed of five representatives of civil society, two representatives of victims' organizations, and one representative each from the Vice President's Office, the Prosecutor General's Office, the Ministry of the Interior and Justice, the Ministry of Finance, the Ombudsman's Office, and Acción Social (who carries out the functions of technical secretary).

The CNRR also includes an investigative arm known as Historical Memory (MH), which is charged with producing an account of the origins and evolution of Colombia's internal armed conflict, giving special attention to the perspectives of victims. MH's work posits an essential link between the reconstruction of memory and democratic strengthening. In addition to producing a general narrative of violence – taking into account themes of gender, ethnicity, political, and social identities – MH is investigating several “emblematic cases,” including the Trujillo massacre of 1990.

The U.S. Agency for International Development continues to work with the National Commission for Reparation and Reconciliation (CNRR) to develop procedures for identifying victims for the Victims' Reparations Fund so that they can receive reparations once the illegal assets of paramilitary members are consolidated. The CNRR has increased its presence, and to date, has 10 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 an interagency database for victims and to develop a strategy to register victims that includes mechanisms to collect victims' information that helps accelerate the process of reparation.

Judicial Reparations

Some NGOs and international organizations have noted with concern that the Colombian government has been slow in identifying and confiscating paramilitaries' illegally acquired assets. The voluntary delivery of assets by demobilized paramilitary members has not been significant, and the Prosecutor General's Office has been slow to determine how to address this matter, both with respect to compliance with the JPL and asset seizure. In reports over the past year, international organizations such as the OAS and the UN stated that there has been insufficient attention to restitution and reparation for victims. MAPP/OAS

believes progress has been slow and isolated on victims' compensation. Additionally, inhabitants of some regions are still unaware of the content and purpose of the collective redress pilot projects intended for their benefit.²⁹

Some progress, however, was made during the certification period. As of June 15, 2010, 36 former paramilitary members had surrendered 390 plots of land or estates; 46 business establishments; 15 companies; 52 vehicles; six boats; 4,547 animals; 1.5 billion in Colombian pesos (about \$750,000³⁰) of stocks and cash; and various merchandise to the Prosecutor General's Office as part of the JPL process. Specific surrenders that took place since the last certification are: four former paramilitary members voluntarily surrendered 55 plots of land or estates; 3 business establishments; and 7 vehicles, for a total value of approximately 1.4 billion in Colombian pesos (about \$752,000), to the Prosecutor General's Office as part of the JPL process.

On November 30, 2009, demobilized paramilitary leader Daniel Rendon Herrera, alias "Don Mario," arrived at a judicial hearing with \$100,000 in reparations for his victims. Arrested in April 2009, Rendon also announced he will surrender a clinic and three ranches in Guaviare. This is in addition to the more than \$100 million in assets seized by the government several months earlier. On April 26, 2010, the ruling magistrate ordered the first judicial reparations in the JPL process in the cases of Edwar Cobos Tellez (alias "Diego Vecino") and Uber Enrique Banquez Martinez (alias "Juancho Dique"). The reparations will be paid to victims in Cordoba. The judge ordered approximately \$57.5 million to be paid to nearly 1,200 victims. This amount represents over three times the amount (\$16 million) that has been collected by the government's National Reparations Fund.

Seizure of Paramilitary Assets

The reparations described above have been turned over voluntarily by demobilized paramilitary members participating in the JPL process. There are many other paramilitary assets that have yet to be turned over to the government, but there are encouraging signs that the Prosecutor General's Office is working to resolve obstacles to seizing assets in cases where they are not turned over voluntarily. The Prosecutor General's Asset Forfeiture and Money Laundering Unit continues to work to improve its efforts to seize and forfeit properties from

²⁹ Organization of American States Mission to Support the Peace Process in Colombia. Fourteenth Quarterly Report. April 26, 2010.

some of the demobilized paramilitary leaders and other terrorist and criminal leaders, who are not part of the JPL 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. Asset seizure is often complicated by (a) difficulty in reaching some areas where the assets are located and (b) the fact that the majority of the assets belonging to participants in the JPL process are bogged down in embargoes, utility debts, and taxes, which, in most cases, exceed the value of the asset.

With regard to land restitution, the Colombian government has established regional commissions (CRRBs or Comisiones Regionales de Restitución de Bienes) in Antioquia, Bolivar, Bucaramanga, Sucre, Cali, Barranquilla, and Villavicencio as a joint effort between the MOIJ and the CNRR. Additionally, three pilot projects have been launched in Turbó, Mampujan, and Chengue to return land to the rightful small landowners. Conflicting claims among different groups of displaced persons and the lack of land titling has complicated the return of land illegally acquired by demobilized paramilitary members.

Administrative Reparations

Given delays in JPL convictions that would have resulted in judicial reparations to victims, in 2008 the Colombian government began to make arrangement to provide administrative reparations to victims participating in the JPL process. These reparations are a supplement to judicial reparations provided from the illegal assets of demobilized paramilitary members. Following the administrative reparations decree signed April 22, 2008, the Colombian government began providing individual reparations on July 5, 2009.

CNRR oversees the administrative reparations fund to provide monetary compensation to victims of paramilitary violence. The fund allows for \$4,550 to \$8,550 in compensation, depending on the crime that was committed. CNRR takes applications for reparations from victims, investigates the legitimacy of the request, and then makes a determination on the disbursement of administrative reparations.

During 2010, 287,570 victims applied for administrative reparations. The Colombian government adopted a phased approach for distributing these funds, with victims who were injured by landmines and children forcibly recruited being among the first group of recipients. CNRR distributed \$100 million to 11,328 individuals in 2009, and \$150 million was requested in the 2010 budget. The High

Commissioner of Peace reports 26,375 victims have received administrative reparations averaging \$3,800 to date. The payout to victims of homicide is closer to \$10,000.

In 2009, a separate Victims' Law to accelerate reparations did not pass in Congress due to concerns over its total cost.

Emergence of New Criminal Groups

MAPP/OAS has noted progress in demobilizing and disarming the AUC paramilitary organization, but continues to urge that events following this – such as the appearance of new criminal groups – require 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. However, these groups lack the political motivations and national structure of the previous paramilitary groups. Nonetheless, according to the MAPP/OAS, the forging of ties between emergent structures and urban crime gangs leads to the creation of complex, sophisticated, and dynamic networks responsible for widespread violence. This hinders the security forces' ability to identify and capture the guilty and bring them to justice.³¹ During the certification, several threats, allegedly by these new groups, were reported. Information on these threats and government actions to investigate them and protect recipients is included below in Section 7046(b)(1)(B)(iv).

In October 2009, three church-based humanitarian and conflict resolution groups³² sent a delegation to the department of Córdoba to evaluate the security situation there. According to the group's report, violence is increasing in the department because criminal groups are "fighting each other for control of territory, legal economic investment projects, and illegal drug trafficking routes" and "the civilian population is being victimized and requires far more attention."³³ Human Rights Watch seconds the need for more attention and protection for victims of violence by emerging criminal groups. In December 2009, after the killing of Medellín community leader Alexander Pulgarín, Human Rights Watch called on the Colombian government to "investigate attacks on witnesses and to bolster law enforcement efforts to stem the rapidly rising violence." To improve

³¹ Organization of American States Mission to Support the Peace Process in Colombia. Fourteenth Quarterly Report. April 26, 2010.

³² The Christian Center for Justice, Peace, and Nonviolent Action (Justapaz); Lutheran World Relief (LWR); and the Peace Commission of the Evangelical Council of Colombia (CODECOL).

³³ Center for International Policy, Colombia Program. "Grim update from Colombia." February 16, 2010.

the situation for the future, Human Rights Watch recommends the government take the following measures: expand and adequately fund the witness protection program, ensure that requests for protection are processed rapidly, and establish procedures to protect victims who may not meet the requirements of the program but are at risk. For information on the government's efforts to protect victims and members of vulnerable groups, see below under Section 7046 (b)(1)(B)(iv).

In February 2010, Human Rights Watch released a report analyzing the emergence of criminal groups. In addition to reiterating the concerns noted above, the organization said the Colombian government "has failed to invest adequate resources in the police units charged with combating the groups, or in the group of prosecutors charged with investigating them." Stating the demobilization process "suffered from serious flaws," Human Rights Watch reports that the Colombian government failed to thoroughly investigate the complex criminal operations, financing sources, and networks of support for paramilitary organizations, in order to better take them apart. The organization says that this situation has made it easier for criminal groups to take over since networks remain in place.³⁴

In his final report, released March 31, 2010, then-UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, criticized the government's failure to confront the "resurgence" of former paramilitaries in illegal groups, arguing that the phenomenon should not simply be addressed as criminal activity. He censured the "alarming level of impunity" for former paramilitaries and called for swift investigation and prosecution of extrajudicial killings and other human rights violations by new criminal groups. The UN observed that illegal armed groups are very economically powerful and have infiltrated the military and political establishment who help them by providing cover.³⁵

Efforts to Combat New Criminal Groups

The Colombian government has undertaken a concerted effort to capture leaders and members of illegal armed groups, some of whom are paramilitary members who refused to demobilize. As noted by Alston, despite the progress made thus far, institutional barriers and difficulty in coordinating and cooperation can sometimes compromise the government's ability to target new criminal groups and prosecute their leaders.³⁶ The Colombian government continues to take steps

³⁴ "Paramilitary Heirs: The New Face of Violence in Colombia." Human Rights Watch. February 2010.

³⁵ "Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions." Submitted to the Human Rights Council of the UN General Assembly on March 31, 2010.

³⁶ "Report of the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions." Submitted to the Human

to improve coordination in order to improve its ability to go after these groups.

The Colombian National Police reports there are currently six major criminal bands in Colombia, with a total of 3,749 members, according to the Colombian government. They are:

1. Los Rastrojos (Nariño, Cauca, Valle, Cesar, Norte de Santander, Bolivar, Santander, Chocó, and Antioquia) with 1,257 members
2. Los Paisas (La Guajira, Atlántico, Bolivar, Sucre, Córdoba, and Antioquia) with 350 members
3. BACRIM de Urabá (Cesar, Córdoba, Antioquia, La Guajira, Chocó, Magdalena, Bolivar, and Sucre) with 1,351 members
4. Los Machos (Valle) with 64 members
5. ERPAC (Meta, Guainía, Vichada, and Guaviare) with 637 members
6. Renacer (Chocó) with 90 members

Other organizations' estimates are much higher. For example, the MAPP/OAS estimated in 2009 that there were between 7,000 and 8,000 members, and Colombian NGO Nuevo Arco Iris estimated in 2008 that these groups had at least 10,200 members.³⁷

Between August 1, 2009 and April 15, 2010, the Colombian Armed Forces and Colombian National Police conducted 353 operations against members of criminal bands (BACRIM) and paramilitary members that refused to demobilize. Covering the certification period, from August 1, 2009 to May 17, 2010, the Colombian government captured 1,617 members of BACRIM, of which 237 had previously demobilized. During the year 2009 and the first half of 2010, 1,647 weapons and 78,985 rounds of ammunition were seized by the National Police. Through these operations, the following criminal bands were dismantled by the Colombian government in 2009: Los Nevados (24 members were demobilized); Autodefensas Campesinas del Casanare (4 demobilized); Magdalena Medio (4 demobilized); Nueva Generación (16 demobilized); Bacrim de Caquetá (1 demobilized).

During the certification period, the Colombian Armed Forces captured 17 high-profile leaders of new criminal groups:

Rights Council of the UN General Assembly on March 31, 2010.

³⁷ "Paramilitary Heirs: The New Face of Violence in Colombia." Human Rights Watch. February 2010.

- 1. Victor Alfonso Rojas Valencia (alias “Jawi”)**
 - Captured on August 15, 2009
 - Military Chief of BACRIM de Urabá in Urabá department
- 2. Beatriz Elena Henao (alias “La Reina de las Anfetaminas”)**
 - Captured on September 16, 2009
 - Commander for narcotrafficking routes of Los Rastrojos in Risaralda department
- 3. Donaldo Verbel García (alias “Gato”)**
 - Captured on September 16, 2009
 - Leader of Los Paisas in Sucre department
- 4. Omar Grannoble Muñoz (alias “El Tigre”)**
 - Captured on September 17, 2009
 - Leader of Nueva Generación in Nariño department
- 5. Marco Fidel Barba Galarcio (alias “Mateo”)**
 - Captured on October 4, 2009
 - Leader of BACRIM de Urabá in Antioquia department
- 6. Luis Eduardo Almeida Diaz (alias “Santa Rosa”)**
 - Captured on October 4, 2009
 - Leader of Nueva Generación in Nariño department
- 7. Leonardo Rosero (alias “Cifuentes”)**
 - Captured on October 4, 2009
 - Leader of the Armed Branch of Nueva Generación in Nariño department
- 8. Rubén Arturo Ruidiaz Ramos (alias “El Santa” or “Santander”)**
 - Captured on November 1, 2009
 - Leader of BACRIM de Urabá in Magdalena department
- 9. Martín Farfán Diaz Gonzalez (alias “Pijarbey” or “Yaner”)**
 - Captured on November 12, 2009
 - Military Head of BACRIM ERPAC in Guaviare department
- 10. Uriel Enrique Verbel García (alias “El Surti”)**
 - Captured on January 26, 2010
 - Leader of Los Paisas in Atlántico department
- 11. Jairo Javier Martinez Urango (alias “Chichi”)**
 - Captured on February 8, 2010
 - Leader of Los Paisas in Córdoba department
- 12. José Ramón Bello Louis (alias “Ramón Bello”)**
 - Captured on March 9, 2010
 - Finance Chief of Los Paisas in Sucre department

13. Daniel Alejandro Serna (alias “Kener” or “El Señor K” or “El Cabo”)

- Captured on March 9, 2010
- Head of Los Paisas in Antioquia, Córdoba, and Bolívar departments

14. Leónidas Moreno Vargas (alias “El Zarco”)

- Captured on March 17, 2010
- Head of Los Rastrojos in Cauca department

15. Julián Orozco Sánchez (alias “Torero”)

- Captured on March 18, 2010
- Commission Chief of Los Rastrojos in Cauca department

16. Oscar Andrés Porras Rosero (alias “Peludo”)

- Captured on March 19, 2010
- Finance Chief Los Rastrojos in Cauca department

17. Luis Deiber Durán Caicedo (alias “Morcilla”)

- Captured on March 20, 2010
- Narcotrafficking Chief of BACRIM de Urabá in Córdoba department

Integrated Center of Intelligence Against Criminal Groups

The Colombian government has two mechanisms for the coordination, execution, and verification of efforts against illegal armed groups, one through the Colombian National Police, and the other through the Vice President's Office. The first mechanism, called the Integrated Center of Intelligence Against Criminal Groups (CI2), is run under the leadership of the National Police and has two tasks: developing both national and regional strategies for combating illegal armed groups. The CI2 is an interagency group that coordinates the exchange and evaluation of information on criminal groups with the goal of identifying the heads of their organizations, orienting actions against their structures, and taking steps to thwart the growth of these groups. The CI2 is made up of the Armed Forces, the Ministry of Defense, the Administrative Department of Security (DAS), the National Prisons and Penitentiary Institute (INPEC), the High Commissioner for Reintegration, Acción Social, Financial Analysis Unit of the Ministry of Treasury (UIAF), the Prosecutor General's Office, the Joint Intelligence Agency, and the following units within the National Police: Carabineros Division, Criminal Investigative Division, the Intelligence Division, and the Anti-Kidnapping and Anti-Extortion Division. The CI2 also has technical, anticorruption, and judicial working groups.

There have been 44 CI2 meetings on the national level since August 1, 2009. On the regional level, there have been 243 interagency meetings during the same timeframe, led by the Colombian National Police, with a purpose of forwarding information to the national body. MAPP/OAS and the UN also participate as international observers at these meetings.

The CI2's regional and national strategies fall under the framework of the government's National Consolidation Plan as well as the Strategic Leap (for more information on both, see below under Section 7046(b)(2)). The Police have jurisdiction over combating these groups, and the Armed Forces only intervene when the Police formally request assistance, or in situations where the military happens to encounter the groups and must use force to protect the civilian population.

Inter-institutional Committee to Combat Criminal Bands and Networks

The second mechanism that the Colombian government uses to confront illegal armed groups is the Inter-institutional Committee to Combat Criminal

Bands and Networks, which operates under the direction of the Vice President's Office. Formed originally in Cauca in the Bajo Cauca region in 2007, the Colombian government formally established the committee by presidential decree in July 2010. The following agencies participate in the Inter-institutional Committees: the Prosecutor General's Office, the Ministry of Defense, the Ministry of Interior and Justice (MOIJ), the Inspector General's Office, the DAS, the Ombudsman's Office, the President of the Administrative Chamber of the High Council of the Judiciary, and top levels of the National Police and Armed Forces.

The primary functions of the Committee are: to coordinate and define efforts between the government agencies responsible for the administration of justice and maintaining public order in order to capture and bring members of criminal groups to justice; create mechanisms that allow for the quick exchange of information between agencies; find ways to optimize processes under the penal accusatory system; and work to better inform the Colombian Institute for Family Well-being (Bienestar Familiar) of cases in which minors are recruited and linked to criminal groups. Every two months, the Committee presents a progress report to the Vice President's Office on its activities.

The Committee also has a Technical Operations Committee, which plays a facilitator role and meets five times a year, as well as a Technical Secretariat that is led by the Colombian National Police through its Criminal Bands Group in the Directorate of Criminal Investigation and Interpol. The Technical Secretariat prepares documents and reports to be considered before the Committee, convenes the Committee, and prepares and monitors the Committee's acts.

After the success of the first committee, the government installed a Regional Inter-institutional Committee to Combat Criminal Bands and Networks and opened a second Regional Technical Operations Committee in Medellín.

Mobile Police Squadrons (“Carabineros”)

With U.S. government support, the Colombian government has set up mobile police squadrons known as “Carabineros,” that are to be trained and equipped to ease the transition to enhance police coverage in rural areas. The Carabineros have had some success against new criminal groups, but the biggest problem they face is the number of requirements versus the number of units. There are currently 71 squadrons. Thirty of these conduct manual eradication and others are assigned to securing critical lines of communication and towns that are under threat, which leaves few to pursue new criminal groups full time.

In its February 2010 report, Human Rights Watch noted concerns on the effectiveness of the Carabineros, saying that they “appear to lack the capacity and resources to effectively pursue successor groups,” and there are areas where the groups are operating but the police has no presence and the military has not stepped in. To better confront criminal groups, Human Rights Watch recommends that the Colombian government ensure the Carabineros are adequately funded and staffed. It also suggests clearer lines of communication between the army, the police, and the judicial authorities in cases where jurisdiction is in question.³⁸

The Carabineros have been trying to take steps to address these concerns. Between August 1, 2009 and April 15, 2010, the government set up 23 new Carabineros squadrons. To fill shortages in the units due to rotating personnel and other losses, there are 500 new recruits in training for the squadrons, and 400 more will start in September 2010. In 2009, the Carabineros Directorate (DICAR) formed a Rural Special Operations Group (GOER), which is specifically designed to pursue new criminal groups. This group completed training in February 2010. The GOER currently has 50 personnel, with plans to form another group of 50 with U.S. support for equipment and training funds.

To improve coordination, DICAR plans to place lieutenant colonels and majors in each police region with Carabineros Coordinators to oversee operations and insure that the units are used for their intended purpose. This was implemented as a test case in Medellín, and has produced improved results in that area.

Prosecuting Crimes by New Criminal Groups

The Prosecutor General’s Office initially created a specialized group of prosecutors in 2008 to handle cases involving emerging criminal groups, and later turned this group into an Emerging Criminal Bands Sub-Unit. Human Rights Watch says that the sub-unit is “understaffed and is able to focus only on some of the successor groups” and that the Colombian government has failed “to invest adequate resources to ensure that members of successor groups and their accomplices are held accountable for their crimes.”³⁹ To improve its ability to investigate and prosecute crimes by these new criminal groups, the Prosecutor General’s Office installed 25 mobile prosecutors throughout the country to handle

³⁸ “Paramilitary Heirs: The New Face of Violence in Colombia.” Human Rights Watch. February 2010.

³⁹ “Paramilitary Heirs: The New Face of Violence in Colombia.” Human Rights Watch. February 2010.

such crimes: 10 in Bogotá, five in Medellín, five in Cali, and five in Montería. Additionally, on July 15, 2010, the Colombian government issued Resolution 1478 to create additional sub-units to counter BACRIM in the departments of Antioquia and Chocó, and five specialized prosecutors will be assigned to those areas. The prosecutors will be able to travel anywhere in the country where their services are needed, at least until the second phase, when more prosecutors will establish a presence in other parts of the country, including in Cartagena, Barranquilla, Santa Marta, Pasto, and Villavicencio.

SECTION 7046(b)(1)(B)(iv)

Section 7046(b)(1)(B)(iv) of the FY 2009 SFOAA, as amended, requires a determination that:

“The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities, and the Colombian Armed Forces are implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations.”

Overall, the Colombian government is respecting the rights of Colombia’s human rights defenders, journalists, trade unionists, political opposition and religious leaders, and indigenous and Afro-Colombian communities. However, there continue to be substantial concerns with regard to recognition and security of these groups. The Colombian government has continued to take steps to improve the security situation for these groups, as well as to improve respect for and recognition of them by the government, including the Armed Forces. These are welcome advances, but more needs to be done, and international organizations and agencies, such as the UN, have identified further actions that the Colombian government should take in this area.

The Armed Forces have implemented procedures to distinguish between civilians, including displaced persons, and illegal armed groups during military operations. To this end, rules of engagement (ROEs) are in place to ensure that international humanitarian law is followed in combat situations. The Ministry of Defense continued to implement its “Integrated Policy of Human Rights and International Humanitarian Law,” which requires the military to provide special treatment to indigenous, Afro-Colombians, internally displaced persons (IDPs), and other vulnerable groups, such as human rights defenders and trade unionists. With regard to indigenous groups, the policy includes dedicated liaison officers to respond quickly to complaints, increase respect for sacred places through careful mapping of these sites, and to provide compensation for any damages. 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 requires the military to take preventative measures to avoid displacement in the course of military operations, facilitate processes of return to their homes, and protect displaced persons and their property. Nonetheless, civilians continue to be negatively affected by fighting between illegal armed

groups and the Armed Forces, and Afro-Colombians and indigenous groups in particular continue to be disproportionately affected by the violence.

Below is a discussion of several thematic issues that affect the groups listed in this certification criteria, followed by a discussion of the Colombian government's efforts to respect the rights of each of these groups.

DAS Investigation

The Prosecutor General's Office continues to investigate allegations of illegal wiretapping of politicians, judges, human rights activists, and journalists by the Administrative Department of Security (DAS), the Colombian civilian intelligence service, which operates as a dependency of the Office of the President. The Office of the President has issued several press releases reiterating its denial of involvement in any illegal monitoring. However, NGOs and media report high-level government involvement in illegal surveillance targeting the Supreme Court, journalists, political opposition, trade unionists, human rights defenders, and others. NGOs assert that the DAS' illegal activities constituted a "campaign of political warfare against those deemed to be in opposition to the government."⁴⁰

In June 2010, five NGOs released a report on the DAS investigation entitled "Far Worse Than Watergate," which claimed that documents released by the Prosecutor General's Office showed that the DAS's illegal activities went beyond wiretapping and were carried out with orders from top presidential advisors.⁴¹ When asked about the report, then-President Uribe told W Radio that there are "political NGOs" that "like terrorism," "hope the terrorists win," and are getting "sad and bored because Colombia's democratic security policy is succeeding." NGOs have raised substantial concerns regarding these comments, especially the possibility that they could lead to threats or attacks on not just the authors of the report, but also affiliated NGOs in Colombia. These concerns were heightened by the fact that reports released by the DAS seem to indicate some culpability on the part of the agency in threats to human rights groups, which fits with assessments made by the UN High Commissioner for Human Rights in Colombia on this subject. For more information on human rights defenders and the government's relationship with NGOs, see the section below entitled "Human Rights Defenders."

⁴⁰ Memo to State Department from the US Office on Colombia, the Latin America Working Group, the Center for International Policy, Human Rights First, the Washington Office on Latin America, and Lutheran World Relief, dated April 27, 2010.

⁴¹ "Far Worse Than Watergate." Latin America Working Group, U.S. Office on Colombia, Center for International Policy, Washington Office on Latin America. June 2010.

In October 2009, then-President Uribe announced the government's intent to replace the DAS with a smaller organization and to assign many of its responsibilities to other agencies. Congress has yet to consider the legislation Uribe introduced for this purpose. The government has dismissed over 116 officials in connection with alleged crimes, over 38 of whom have been indicted, and investigations are ongoing against the remaining individuals. The Prosecutor General's Office estimates that the DAS illegally recorded at least 330 people, including nearly every member of the Supreme Court. In May 2010, the Prosecutor General's Office formally charged five former top DAS officials who headed the intelligence, counterintelligence, and operations divisions at DAS and summoned Bernardo Moreno, Secretary of the Presidency and one of Uribe's top advisors, to testify as a witness.

As of June 2010, 18 current and former DAS officials were under investigation in connection with the illegal spying, which also allegedly targeted prominent foreigners such as the 2003 winner of the Nobel Peace Prize, Iran's Shirin Ebadi, and Human Rights Watch's Director for the Americas, José Miguel Vivanco. DAS officials also face allegations of participation in illegal operations aimed to discredit Colombian government opponents.

As they relate to the groups described in this criteria, some additional information on investigations into criminal activity by the DAS investigation is included in the sections below.

Ministry of Interior and Justice Protection Program

As of June 15, 2010,⁴² the Ministry of Interior and Justice's (MOIJ) Protection Program had provided protection to 10,716 people seeking protection due to threats and/or violence against them by illegal armed groups. This protection can include communications equipment, bodyguards, armored cars, reinforced doors or windows, relocation assistance, etc., depending on the needs of that person or group. The type and scope of protection provided through the program varies according to the individual or group's threat level as assessed by the DAS and the Colombian National Police. For individuals with very high threat levels, individual protection assets are provided and accompany them when they

⁴²Time frame available as of August 17, 2010.

travel. Those with lower assessed threat levels may only receive protection at their place of work as a part of a collective protective scheme.

NGOs and international organizations have expressed concern that the resources dedicated to protecting and supporting victims are insufficient. Cognizant of the need to better protect victims who have denounced paramilitary crimes, as was reported in the past certifications, the MOIJ created an integrated protection program in Decree 3570 on September 18, 2007, which defines the roles of the police (first responders to threats); the MOIJ (protection to victims' advocates and other vulnerable individuals); and the Prosecutor General's Office (security for witnesses).

To enhance the protections provided and to expand the services to more citizens, in 2009, the Colombian government increased the budget for the protection program to \$48 million, an increase of 36 percent over 2008 funding levels. The program's projected budget for 2010 is \$57 million; additionally the U.S. government has invested \$500,000 toward the program's prevention activities. One-third (\$15.4 million) of the program's funding goes to provide protection for trade unionists, who comprise 1,550 of the program's participants. The next highest funding level within the program (\$7 million) goes to protect 1,621 members of political opposition parties, and the third highest funding level (\$5.7 million) goes to protect human rights defenders in NGOs. The MOIJ provided protection to 173 journalists in 2009 and 153 journalists as of April 2010. The MOIJ provides protection to 283 members of indigenous communities, and through a joint agreement between the MOIJ and the Regional Indigenous Council of Cauca (CRIC), the government has trained twenty indigenous persons to serve as bodyguards for the CRIC leadership. The MOIJ provided 464 protective measures to members of Afro-Colombian communities.

In an effort to improve the program, in 2009, the MOIJ privatized the protection program and contracted VISE, a local security firm, to manage bodyguards and protection in order to cope with the program's rapid expansion and to satisfy a blue-ribbon panel's recommendation to eliminate the role of the DAS in protection, as advocated by NGOs and labor organizations. Currently, VISE operates 60 mobile protection schemes with armored cars and 150 mobile protection schemes with normal cars, to which 590 guards are assigned. The DAS continued to operate 292 mobile protection schemes, for which it contracted bodyguards. DAS protection schemes were gradually being reduced through summer 2010, in compliance with Article 1 of Decree 1030 of 2010. The government's goal is to eliminate DAS-contracted protection schemes.

Despite these efforts, several NGOs have raised concerns regarding the privatization of the protection program. These groups argue that the Colombian government is shirking its responsibility to protect its citizens by hiring a private company to provide protection, which they fear could be subject to corruption by illegal armed groups, and that demobilized paramilitaries may be used to provide protection for participants. The Colombian government reports that it has not ceded control of the program to VISE, and it has adopted strict hiring and training requirements for bodyguards. The MOIJ retains control and oversight, including determining who receives protection and what measures are necessary to safeguard program participants. In addition, responding to requests from protection recipients, participants are able to retain bodyguards with whom they have an established relationship with and, in fact, those bodyguards receive priority in the hiring process for staffing up the private firm.

In accordance with Decree 1030 of 2010, which requires VISE to give priority treatment to DAS-contracted bodyguards, the majority of the 590 bodyguards contracted by VISE were formerly contracted by DAS. Contractors hired by VISE receive a salary three times the minimum wage (more than they earned through their direct contracts with the DAS), in addition to a daily food allowance. New educational requirements should improve their capabilities. The MOIJ reports that approximately half of the participants in the protection program have accepted reassignment to VISE, and the other half (mainly human rights defenders and trade unionists) have refused on the grounds that protection should remain “a state responsibility” and should not be carried out by a private company. According to the Colombian government, no beneficiary of the protection program has requested to be removed from the program due to the privatization of the program because transferring has been voluntary up to now. Once full privatization has taken place, all those receiving protection will be required to decide whether they wish to participate in the protection program with VISE.

Regarding the hiring of demobilized paramilitaries, there is no information to suggest that this is taking place. Safeguards are in place to prevent this from occurring. VISE has a contractual obligation to consider the following when contracting bodyguards: a) two years of bodyguard experience; b) six months of experience driving vehicles; c) a driver’s license of the 5th category; and d) completion of 100 hours of bodyguard training. Additionally, VISE must maintain an updated “judicial certificate” (report of criminal activities maintained by the Colombian government) on each contracted employee, and the MOIJ’s contracting

agreement with VISE makes clear that contracted bodyguards may not have prior criminal or disciplinary records.

Concerns have also been raised that under the privatized program, protection is provided only locally; if participants travel, their protection measures do not go with them. As was the case before the program was privatized, the type and scope of protection continues to depend on the assessed threat, and therefore, the need for protection measures to accompany them while traveling also depends on their assessed threat level. In many cases, those receiving protection cannot travel with their bodyguards, but are provided protection by the Colombian National Police at their destination.

Since July 2009, the MOIJ has met with union leaders and opposition party leaders to describe the privatization of the program, and the Ministry has also explained the process at national and regional meetings with civil society organizations and the Colombian Regulation and Risk Assessment Committee (CRER), which includes representatives of the program recipients. CRER was established by the Colombian government in 2002 in order to approve or deny threat protection requests based on the threat assessment. CRER membership includes Colombian government agencies, UNHCHR, and four representatives from protection recipients. The MOIJ also provides information on the protection program through its Project for Preventative Security, which provides training nation-wide on self-protection strategies. Since 2004, the project has offered 95 trainings to 3,623 human rights defenders, civil society leaders, small landowners, politicians, unionists, displaced persons, indigenous, Afro-Colombians, journalists, mayors, council members, human rights ombudsmen, medical personnel, teachers, civil servants, victims, and witnesses taking part in the JPL process. The MOIJ has created a joint database with city halls, the Inspector General's Office (Procuraduría), National Police, DAS, and Acción Social, to centralize and register requests for protection.

Displacement Trends

Though the Colombian government continues to take steps to stem displacement, civilians continue to be displaced due to threats and violence by illegal armed groups, clashes between the Colombian military and illegal armed groups, and forced recruitment of children by illegal armed groups. In recent years, the conflict has moved away from urban centers towards remote, less populated areas, such as lowlands, jungles, and border regions. The areas most affected include the Pacific Coast (Cauca, Chocó, and Nariño), as well as Arauca,

Antioquia, Guaviare, Putumayo, and Sur de Bolívar. In addition to persons displaced internally, there are an estimated 350,000 Colombian refugees and persons of concern in neighboring and nearby countries, including Costa Rica, Ecuador, Panama, and Venezuela.

Estimates of the total number of displaced in Colombia, as well as the size and scope of new internally displaced persons (IDPs), continue to be contentious. Overall, according to the Colombian government's Acción Social, there is a cumulative total of 3.3 million IDPs in Colombia. Colombian NGO Consultancy for Human Rights and Displacement (CODHES) puts this total at over five million.⁴³ In 2009, UNHCR helped the Colombian government's Registrar General provide civil documentation to 100,000 persons, bringing the cumulative total of persons provided documentation to over 800,000 in the past five years. Demonstrating UNHCR's strategy to "Colombianize" its activities, UNHCR provided 80 percent of the resources for documentation campaigns in 2005, while the Colombian government provided almost 90 percent of the funding in 2009.

Colombia's Constitutional Court has issued several decrees on the obligations of the government to protect several vulnerable groups against displacement: indigenous people (Decree 004 of 2009), Afro-Colombians (Decree 005 of 2009), women (Decree 092 of 2008), youth (Decree 251 of 2008), and the disabled (Decree 006 of 2009). To comply, the government must provide comprehensive assistance to IDPs and report on the measures taken to address the problem.

Acción Social, the Colombian government's agency charged with coordinating IDP assistance, has made a great effort to comply with the numerous court decrees requiring the government to dedicate more resources and attention to addressing the problem of displacement. In addition to the designation of a new Acción Social Director, Acción Social also named a new IDP Programs Director, Juan Pablo Franco. The Colombian government's National Plan for Attention to the Displaced Population outlines the government's strategy to combat and respond to displacement. This single national-level policy document incorporates the National System for the Integral Attention to the Displaced Population

⁴³ One reason CODHES and government figures differ is the different methodologies used by CODHES and the government's Social Action agency (Acción Social). CODHES creates its estimates using data collected from the press; reports by the government, NGOs, international organizations, academics, the Catholic Church; and field visits. These figures include persons fleeing drug eradication efforts and poor economic conditions resulting from the conflict. Acción Social data includes only those displaced by the Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN), paramilitaries, armed groups, and by some new criminal groups.

(SNAIPD), which was created under Law 387 of 1997 and has the participation of 18 government agencies. The plan outlines a comprehensive response to internal displacement, including prevention, humanitarian support, and post-conflict integration, to be implemented by a complex network of national and local bodies.

Municipal and departmental governments are responsible for implementing the contents of the plan through ad-hoc Territorial Committees for the Attention to the Displaced Population (CTAIPD). They are also responsible for drawing up local plans of attention known as Unified Integrated Plans (*Planes Integrales Únicos*, or PIU). These PIUs offer regional authorities a tool to plan, coordinate, articulate, and monitor the different activities related to the prevention and attention to the displaced population.

The following departments have PIUs: Amazonas, Antioquia, Boyaca, Córdoba, Cundinamarca, Magdalena, Meta, Nariño, Norte de Santander, Putumayo, Sucre, and Santander. The CTAIPD has the authority to provide protection of property rights within collective and individual territories of ethnic community members. So far 20 requests for protection of this fundamental right have been submitted by indigenous and Afro-Colombian community councils to the Colombian government. Between August and December 2009, 70 government officials from SNAIPD from Caquetá, Antioquia, Arauca, Norte de Santander, and Putumayo received training on the Colombian government's "Guidelines on Attention to Indigenous Populations with a Differential Focus." The training helped officials to identify criteria, propose ideas, and articulate actions with a differential, ethnic focus on programs for displaced and at-risk indigenous communities.

A 2004 ruling by the Colombian Constitutional Court that the widespread violation of IDPs' rights amounted to an "unconstitutional state of affairs" led to significant improvements in SNAIPD. The government's financial allocation for IDP assistance has increased steadily from approximately \$67 million in 2003 to a planned \$750 million in 2010. This increased funding supports new policies for integrated attention to IDPs, including additional support for emergency humanitarian assistance, health, education, housing, land, and income generation. It also supports prevention and protection activities, as well as the implementation of differentiated assistance and protection programs for vulnerable IDP populations, such as women, children, disabled, indigenous, and Afro-Colombians.

After significant decreases over the past decade in kidnappings, murders, terrorist attacks, and other security-related indicators, internal displacements only recently showed a sharp drop. In 2009, the Colombian government registered

142,299 newly displaced persons, a 54 percent decrease compared to 2008.⁴⁴ Between January 1, 2010, and April 30, 2010, the Colombian government registered 13,791 newly displaced persons, a 79 percent decrease over the same period in 2009.⁴⁵ Colombian NGO CODHES also reported a decrease in new IDPs in 2009 with 290,000 newly displaced persons, a 24 percent decrease from its own 2008 estimates.

In addition to improved security indicators, the government attributes the decline in IDPs to consolidated state presence and better IDP verification systems. International organizations and NGOs agree that security, land, and socio-economic integration are key in addressing displacement. International Committee of the Red Cross (ICRC) also experienced declines in individual requests for assistance from displaced persons in 2009 and early 2010, which it attributed to “changes in the dynamic of the armed conflict, but also by inhabitants deciding not to leave in spite of the risks,”⁴⁶ the closing of three of its emergency humanitarian assistance projects, and strengthened selection criteria for beneficiaries. The Colombian government’s response to IDPs has improved over the past couple of years, but implementation gaps remain in providing assistance and guaranteeing rights, especially at the local level. Prevention of displacement and reestablishment of IDPs rights are still the top challenges for the Colombian government, UNHCR, and the international community. In recent years, the Colombian government has also opened interagency IDP attention centers (Unidades de Asistencia y Orientación, UAOs) in 39 locations throughout Colombia. The IDP attention centers provide access in a single location to information about rights and government services for IDPs. These centers are established primarily in regions that receive a high number of IDPs, usually in departmental capitals and medium sized municipality centers.

As a result of an agreement between Acción Social, the National Police, and the Prosecutor General's Office for the creation of a special unit dedicated to the issue of displacement and forced disappearances, on June 15, 2010, the Colombian government announced the creation of the Special Displacement Unit within the Prosecutor General's Office. The Unit is part of the Colombian government’s comprehensive response to provide truth, justice, and reparation for victims, with a specific aim to foster actions targeting those responsible for forced displacement and disappearances.

⁴⁴ In 2008 the Colombian government reported 307,223 newly displaced persons.

⁴⁵ In 2009 the Colombian government reported 65,626 newly displaced persons during the same period.

⁴⁶ The International Committee of the Red Cross: Report 2009 Colombia; pg. 51

The Colombian government and NGOs agree that rural communities, women, children, and Afro-Colombian and indigenous communities continue to be disproportionately affected by displacement. Though displacement overall has declined, the rate of displacement of ethnic minorities has increased in recent years as the conflict has shifted to the more remote, rural areas that they inhabit. In 2009, the government registered 4,308 new IDPs who identified themselves as indigenous and 17,844 new IDPs who identified themselves as Afro-Colombian.

The Colombian government is adjusting policies to strengthen the prevention and protection components in assisting the displaced population. To increase prevention efforts in the short-term, the Colombian government created an information system in 2000 through Decree 2569. This decree outlines the municipalities most at-risk for displacement, and improving the government's ability to provide a coordinated and effective response to the risk of displacement. In the past year, Colombia has extended invitations to four UN special rapporteurs, which provided important opportunities for government authorities, civil society, and victims to provide information and testimonies about the human rights situation in the country. The Colombian government has also made commitments under the UN Human Rights Council's Universal Periodic Review (UPR) and agreed to report back on implementation.

The Colombian government is implementing several projects and programs to prevent forced displacement:

- **Security and territorial control:** In 2009, the Colombian government launched the National Plan of Consolidation (PNC) to improve security conditions and increase state presence in strategic areas, by coordinating efforts among the military, police, and economic and social development ministries and agencies, such as Ministries of Interior and Justice, Social Protection, Agriculture, and Education, as well as Acción Social. The issue of internally displaced persons is a fundamental theme under the Colombian government's PNC. The number of IDPs in consolidation zones was one of the central indicators the government tracks. (For more information on PNC, see below under Section 7046(b)(2).)
- **Decentralization and strengthening of local authorities:** The Colombian government strengthened the Prevention and Protection Roundtables within the Regional Committees for Integral Attention to IDPs, and promoted local

human rights joint action plans (*Planes Integrales Únicos* or PIUs) at the departmental and municipal levels.

- **Early Warning System:** The National Ombudsman's Office (Defensoria) runs an Early Warning System (*Sistema de Alerta Temprana*, or SAT) to monitor and issue warnings on potential human rights violations, including forced displacement. An Inter-institutional Early Warning Committee (CIAT) Program for Community Defense determines which SAT reports to publish. NGOs have raised concerns about the effectiveness of the SAT and CIAT, and, with support from USAID, the Colombian government is working to improve its performance.
- **Communications and Education Strategy in Human Rights and International Humanitarian Law:** Public institutions such as the Ministry of Defense (MOD), the Presidential Program for Human Rights, and the School of Public Administration (ESAP) have implemented programs to strengthen, promote, and sensitize public sector employees, military, and police members on human rights, international humanitarian law, and IDP rights. (For more information on human rights reforms and training undertaken by the Colombian government, including the Armed Forces, see sub-section below entitled "Relations Between the Armed Forces and Vulnerable Communities.")
- **Guarantees and Rights:** The Colombian government, specifically Acción Social, the Colombian Institute for Rural Development (INCODER), the National Registrar's Office, the Ministry of Agriculture, the Ministry of Interior and Justice, the National Ombudsman's Office, as well as local governments, is working on land titling programs for displaced families. It is also supporting plans for IDPs who want to return to the areas from which they were displaced through the "Return is to Live" Plan.

Improving the Human Rights Performance of the Armed Forces

The Ministry of Defense has been working to create an integrated policy on human rights, with a specific focus on implementing procedures to distinguish between civilians, including displaced persons, and combatants in their operations. The Ministry of Defense continues to implement the 15 measures that were promulgated November 17, 2008, following the recommendations of the commission that was put in place to analyze allegations of violations of human rights, specifically the Soacha murders (For a listing of these 15 measures, see

Annex J.). New requirements requiring individuals to pass an internal human rights certification were instituted for promotions from major to lieutenant colonel and for promotion from colonel to brigadier general.

Improving Human Rights Training

The Colombian government continues to make progress on expanding education and training for the Armed Forces in human rights and international humanitarian law (IHL). The government's comprehensive human rights and IHL policy for the public security forces emphasizes designing better instruction processes and practical training in human rights. It also requires increased and improved controls for strict compliance, generates better systems for legal consulting, and provides differentiated mechanisms for protecting especially vulnerable population groups.

Colombia is developing specialized curricula and materials to better train members of the Armed Forces through a "Strategic Plan for the Educational System." The plan transmits institutional values and principles and promotes military ethics and discipline to encourage complete assimilation and internalization of human rights and compliance with IHL by security force members. There are four phases of the Colombian government's plan to create an integrated policy on human rights:

- Phase I (April 2008 – March 2010): Initial support of assistance (doctrine, materials, and instructions)
- Phase II (April 2010 – September 2010): Strengthening of training, widespread distribution of training materials, and initial focus on the professional corps, formal institutions, and technical support.
- Phase III (October 2010 – March 2011): Focus on augmenting the professional corps, continue training, and refine technical support.
- Phase IV (April 2011 – September 2011): Assistance, technical support (modifications and improvements) and transition, and cooperation for sustaining a strategic relationship.

Since August 1, 2009, the Ministry of Defense has made additions to its Single Teaching Model (MUP) on human rights and international humanitarian law for the Armed Forces Training and Education Schools and Instruction and Training Battalions. To reinforce this training, a contract was signed between the Armed Forces General Command and Universidad Javeriana to develop human rights and IHL manuals and instructor guides, including a guide on how to train with greater impact and how to measure that impact. The School of Public

Administration (ESAP) developed this guide in the framework of an agreement with the Ministry of National Defense. The Ministry also unified the format for recording lessons learned after military operations, and the International Committee of the Red Cross organized two lessons learned groups for the Second and Seventh Army Divisions in Santander and Antioquia.

During 2009, Colombian Armed Forces Instruction and Training Centers and Schools trained 215,406 officers, NCOs, soldiers, and civilians. With the Single Educational Model, the educational program is structured in six levels to adjust the training to operational needs and levels of responsibility. The Armed Forces has 25 Battalions of Tactical Instruction, Training, and Retraining (BITERs). Additionally, there are 49 human rights training fields to integrate theoretical knowledge of human rights with practical training, located in BITER schools at air, naval, and river bases. These were created in order to strengthen instruction and training on a regional level to give the troops better tools for facing situations that involve a risk of human rights violations or IHL infractions.

Between August 1, 2009, and May 31, 2010, 113,893 members of the Armed Forces received training on human rights: 6,962 officers, 23,984 non-commissioned officers, 74,590 soldiers, 5,870 students, and 2,487 civilians. During the same time period, the Commander of the Armed Forces issued the following orders and directives:

- Directive 186 on strengthening prevention and protection policies for indigenous communities (Issued October 6, 2009);
- Order 3-41 issuing the aforementioned Operational Law Manual (Issued December 7, 2009); and
- Directive 44 on distributing the Operational Law Manual and carrying out training on the new Rules of Engagement (Issued March 26, 2010).

The Colombian government has been pushing for stronger situational training to provide training scenarios that imitate reality and combine tactical training with instruction in human rights and IHL. From 2006 to 2009, the amount of situational training increased by more than 200 percent. During 2009, situational training was given to 122,507 officers, NCOs, soldiers, and civilians. The results of human rights and IHL instruction are evaluated, in order to identify positive examples and failures, and later to implement corrective measures. In 2009, two lessons-learned workshops were held for the Second and Seventh Army divisions with the accompaniment of the ICRC.

Distinguishing Between Civilians and Combatants

The Colombian Armed Forces has taken steps to distinguish between civilians and combatants in operations by creating both an Operational Law Manual, and Rules of Engagement and Rules of Force. It is also working to strengthen operational discipline through proper legal advising on operational procedures and establishing stronger institutional controls, and has strengthened the role of operational legal advisors and inspector delegates to do so.

The Colombian government's Defense Institutional Reform Initiative (DIRI) aims to establish an effective, transparent, and legitimate legal system, which should encompass the tenets of operational law and military justice and also be able to efficiently prevent, investigate, and adjudicate all allegations against Colombian military forces. DIRI also seeks to support and train the Armed Forces to help them promote respect for human rights. The DIRI seeks to prevent human rights violations by establishing Operational Law through a new doctrine, Rules of Engagement, and increasing the role of Operational Legal Advisors and Inspector Delegates.

Operational Law Manual and Rules of Engagement/Force

In December 2009, the Ministry of Defense (MOD) published its first Operational Law Manual for all military operations. The Manual lays out the domestic and international norms in military operations and provides tools to ensure military operations are conducted in a legal manner. The manual offers legal tools to help members of the Armed Forces to ensure the legality of their operations and to facilitate access to a compendium that presents national and international standards and operational doctrine in an orderly manner as applicable to the conduct of military operations.

On March 10, 2010, Minister of Defense Silva publicly unveiled the MOD's new Rules of Engagement/Rules of Force (ROEs/ROFs), in accordance with Permanent Directive 17 of 2009. Subsequently, Permanent Directive 32 of 2009, clarified and specified some of the definitions for these ROEs. The ROEs/ROFs govern the use of force in both combat and in law enforcement situations and are based on human rights and international humanitarian law (IHL) standards. They will guarantee the legitimacy of military ground operations and serve to prevent excessive use of force. All military personnel participating in training in the Army, Air Force, and Navy battalions must receive training on ROEs, to comply with

Directive 44 of 2010, which mandates an Immediate Dissemination Plan for ROE Training. To date, 60 officers of the Instruction and Training Battalions (commanders and instructors) have received train-the-trainer training on ROEs.

The two sets of rules are outlined on red and blue pocket-sized cards. Red represents combat (ROE) and defines when it is acceptable to use force in combat situations. The ROEs stress the preference of demobilization or capture over combat kills. Blue represents law enforcement (ROFs) and underscores that force should be used as a last resort. The ROFs require officers to identify themselves, and requires officials make clear their intentions regarding the use of their weapons. Both regulations permit the use of force for self-defense purposes. On February 19, 2010, the Armed Forces distributed 400,000 blue and red cards to foot soldiers and 5,000 pocket guides were given to commanders. In addition, 250 educational banners and 700 billboards have been created depicting scenarios that recreate operational situations taken from reality to which the rules can be applied. The Army's Human Rights School has also begun training in line with these new guidelines.

Operational Legal Advisors and Inspector Delegates

In compliance with Regulation 33 of August 2009, the Colombian Armed Forces created an Office of Operational Legal Advice, which reports to the General Command of the Armed Forces. The Colombian government is also strengthening the role of the Operational Legal Advisor (AJO). Giving AJOs more independence is intended to guarantee their impartiality. These attorneys advise on human rights, IHL, and operational law issues during the process of planning, executing, and evaluating operations. AJOs were created in 2002, initially only within the Army, and later expanded to all services. There are currently 154 AJOs in the military forces: 126 in the Army, 13 in the Navy, and 15 in the Air Force. AJOs have participated in international conferences, professional seminars, courses in the United States, mobile training team courses, and specialized exchanges, to improve their capabilities. The Armed Forces also launched a new three-month training course for these advisors. To assist the advisors, the Ministry of Defense placed judicial sector workers in the civilian and military systems.

The Colombian government is also working to enhance investigations of human rights abuses by augmenting the role of the Inspector General of the Armed Forces, improving investigative training, and strengthening administrative discipline. Beginning in 2009, the Colombian government placed Inspector

Delegates in each service. Eleven colonels have been assigned as Inspector Delegates, one in each of the Army's eight divisions, two to the Navy, and one to the Air Force. These Inspector Delegates report directly to the Inspector General of the Armed Forces and are responsible for monitoring and evaluating the effectiveness of controls implemented within the Armed Forces to ensure compliance with human rights and IHL norms, and to document when violations occur. They conduct on site inspections when a violation is suspected, and coordinate with Operational Legal Advisors to verify the information they receive. Inspector Delegates also maintain statistics on reports of human rights violations, and conduct training.

Complaints System and Accountability Hearings

In April 2010, the Ministry of Defense created a complaint reception system to process complaints of alleged human rights violations. Operated with support from the UN High Commissioner on Human Rights (UNHCHR), the system is made up of three channels for receiving complaints: (1) human rights offices in military and police units; (2) free phone lines; and (3) special links on Armed Forces and National Police websites. All complaints received are reported in televised accountability hearings. Since its creation, the Colombian government has broadcast eight such hearings.

Cooperation with International Organizations

Implementing the strategies of the comprehensive human rights and IHL policy requires close cooperation with various international organizations. The Ministry of Defense cooperates closely with the International Committee of the Red Cross (ICRC) so that the ICRC can verify compliance with IHL standards by the security forces and supervise conditions at military sites. The ICRC continues to participate as a permanent guest in the meetings of the MOD's Extrajudicial Killings Committee, created under Directive 10 on June 6, 2007, to follow-up on complaints of alleged homicides of protected persons. The Ministry of Defense and the ICRC have scheduled 10 train-the-trainer workshops on IHL for military trainers, AJOs, prosecutors, and members of the Prosecutor General's Corps of Technical Investigators (CTI). Training sessions started in late April and will take place once a month through the end of November. Also, three courses on operational lessons learned are scheduled through the summer of 2010.

The Ministry of Defense has an agreement with the Office of the UN High

Commissioner for Human Rights (UNHCHR) to evaluate the application of training received by security forces in human rights and IHL. The UNHCHR also participates as a permanent guest in the meetings of the Committee to follow-up on accusations of alleged homicides of protected persons. This office also presents reports to the Ministry of Defense to orient actions and review cases that have been documented in the field. In December of 2009, the Ministry of Defense and the UNHCHR agreed to establish a mechanism for the UN to help evaluate some of the strategies of the Colombian government's human rights and IHL policy. Work is currently underway to develop a working plan to implement the mechanism.

Relations Between the Armed Forces and Vulnerable Communities

The Armed Forces continue to take measures to improve their communication with indigenous and Afro-Colombian 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 Ministry of Defense has issued a number of directives – most notably the Permanent Directive of 2006 – related to prevention and protection during displacements, including the need for special protection for vulnerable groups such as the indigenous. The ICRC continues to offer the Armed Forces advice on incorporating international humanitarian law into its theoretical and practical training programs. The UN High Commissioner for Refugees (UNHCR) also works with the Armed Forces to improve knowledge of rights of the displaced, with a special focus on the adverse impact displacement has on indigenous groups.

Special Training on Vulnerable Groups

In compliance with Directive 25 of 2008, the Ministry of Defense is implementing policies to protect and guarantee the rights of members of vulnerable populations such as indigenous communities and Afro-descendants, displaced persons, communities with victims of anti-personnel mines, women and children, human rights defenders, union workers, and journalists. The Ministry of Defense created and is distributing manuals for working with indigenous and Afro-Colombian communities, such as the “Directory of Indigenous Issues” that has been distributed to 14,484 members of the Armed Forces. The government also put liaison officers in place to act as a go-between with special groups. Liaison officers tighten the ties between the community and the troops, facilitating harmonious and respectful cooperation toward human rights.

The Colombian government sets up public meetings with organizations of special groups and holds workshops and training both for the groups that require differential attention and for security forces. From August 2009 to April 2010, the Ministry of Defense held 26 Indigenous Security Council meetings, including in: Riohacha, Valledupar, Cúcuta, Ipiales, Neiva, Santa Marta, Puerto Berrio, Urabá, Neiva, Villavicencio, Barranquilla, Cali, Caucasia, Itagui, Buenaventura, Andes, San Gil, and Sumapaz. Two Security Councils were held in each of the following locations: Montería, Arauca, Popayán, and Cartagena. Between August 2009 and April 2010, the Ministry of Defense held six interagency meetings to address concerns regarding the following indigenous communities: Nukak Makú, Sáliva and Guahibo, Nasa or Paeces, and Cubeos. With regard to meetings held with Afro-Colombian communities, the Ministry of Defense, between August 2009 and April 2010, held 26 Security Council meetings, including in: Riohacha, Valledupar, Cúcuta, Ipiales, Neiva, Santa Marta, Puerto Berrio, Urabá, Neiva, Villavicencio, Barranquilla, Cali, Caucasia, Itagui, Buenaventura, Andes, San Gil, and Sumapaz. Two Security Councils were held in each of the following locations: Montería, Arauca, Popayán, and Cartagena.

From August 1, 2009, to April 2010,⁴⁷ the Ministry of Defense has held eight workshops for the military forces and the police to train on laws related to ethnic minorities, race, and language for indigenous communities. The following are training sessions the Ministry of Defense has participated in to receive training on indigenous issues:

- August 10, 2009: Major Course at the Superior War School in Bogotá (260 students trained)
- September 8, 2009: Military Aerial 1st Command Combat Instruction Center in Palanquero (30 students trained)
- September 28 to October 2, 2009: School of Languages and Dialects in Bogotá (50 students trained)
- October 22-23, 2009: Chiefs of Integrated Action Fourth Division in Villavicencio (20 students trained)
- December 9-11, 2009: Officers, Subofficers, and Soldiers of the 8th Infantry Battalion “Pichincha Battalion” in Santander de Quilichao, Cauca (69 students trained)
- February 8-9, 2010: Professional Soldiers of the Decisive Joint Action Force in Tolomaida (1,000 students trained)

⁴⁷ Time period available as of August 17, 2010.

- February 11-12, 2010: Joint Task Force Nudo de Paramillo and 11th Brigade in Monteria and Tierra Alta, Córdoba (230 students trained)
- February 23, 2010: Professional Soldiers of the 4th and 12th Mobile Brigades in Cubarral, Meta (600 students trained)
- March 12, 2010: Integrated Action Joint Task Force in Bogotá (76 students trained)
- March 19, 2010: Operational Legal Advisors and Human Rights Chiefs of the 4th Division in Villavicencia, Meta (20 students trained)
- March 26, 2010: 1st Integrated Action Joint Command “Carbe” Seminar in Bogotá (94 students trained)
- March 27, 2010: Officers, Subofficers, and Infantry of the Professional Marine Hidoprado Riverine Force in Prado, Tolima (52 students trained)
- April 15, 2010: Aerial Command Commandos and Combat Groups, Chiefs of Intelligence and Human Rights, Air Force Units in Bogotá (40 students trained)
- April 16, 2010: Integrated Action “Pacífico” 2nd Joint Command in Bogotá (45 students trained)

Between August 1, 2009 and December 31, 2009,⁴⁸ the Ministry of Defense has participated in the following training on indigenous legislation:

- August 3, 2009: Officers and Subofficers of the 31st “Selva” Brigade in Melgar, Tolima.
- August 15, 2009: Officers, Subofficers, Professional Soliders, and Police of the Engineering Battalion “Liborio Mejía” of the 12th Brigade in Florencia, Caquetá.
- September 5, 2009: Officers, Subofficers, and Professional Soliders, and Soldiers of the 12th Brigade in Araracuara, Amazonas.
- September 8, 2009: Officers, Subofficers, and Professional Soliders of the Tolima Anti-Kidnapping Unit of the 6th Brigade in Ibagué, Tolima.
- November 4-6, 2009: Subofficials and Soldiers of the “Alta Montaña” 7th Battalion of the 10th Brigade in Valledupar, Cesar.
- November 15, 2009: Officers, Subofficers, and Professional Soliders of the Energy and Infrastructure 9th Battalion of the 27th Brigade in La Hormiga, Putumayo.
- November 24-28, 2009: Officers and Subofficers of the Southern Naval Command in Puerto Leguizamo, Putumayo.

⁴⁸ Time period available as of August 17, 2010.

- December 14-18, 2009: Officers and Subofficers of the Southern Naval Command in Puerto Leguizamo, Putumayo.

From August 1, 2009, to December 2009,⁴⁹ the Ministry of Defense held 14 human rights workshops for the military forces and the police to train on laws related to ethnic minorities, race, and language for Afro-Colombian communities. The following units within the Armed Forces participated in training sessions on Afro-Colombian issues:

- “José Hilario Lopez” 7th Infantry Battalion, Popayán, Cauca.
- “Néstor Ospina Melo” 26th ASPC Battalion, Leticia, Amazonas.
- 2nd Marine Infantry Battalion of the Riverine Brigade, Buenaventura, Valle del Cauca.
- 8th Engineering Battalion, Pueblo Tapao, Quindio.
- Caribbean Naval Force, Cartagena, Bolívar.
- 3rd Artillery Battalion, Buga, Valle del Cauca.
- 70th Marine Infantry Battalion of the Riverine Brigade, Tumaco, Nariño.
- Magdalena Anti-Kidnapping Unit “Cordova” Battalion, Santa Marta, Magdalena.
- Pacific Naval Force, Bahía Malaga, Valle del Cauca.
- 18th Aerotransport Cavalry Group, Saravena, Arauca.
- Specific Command, San Andrés y Providencia.
- Subofficer Naval Academy, Barranquilla, Atlántico.
- Southern Naval Force, puerto Leguizamo, Putumayo.
- Amazonas Coast Guard, Leticia, Amazonas.

Human Rights Defenders

Human rights defenders (HRDs) continued to raise concerns regarding the government’s respect for their rights and response to threats to their safety. The government took several steps to address these concerns, including condemning threats against HRDs and NGOs by criminal groups, which the Colombian government refers to as BACRIM; calling on the Prosecutor General’s Office to investigate these threats; providing protection for HRDs; introducing legislation to increase penalties for violence against HRDs; and launching an awareness campaign among government officials on the rights and importance of HRDs. Nonetheless, the government needs to increase its public recognition of HRDs and NGOs, improve protection for these groups, and take swifter action to investigate

⁴⁹ Time period available as of August 17, 2010.

threats and crimes against them.

Threats Against Human Rights Defenders

Threats against HRDs by illegal armed groups remain a growing problem.⁵⁰ In 2009, Colombian NGO Somos Defensores registered 125 cases of threats against human rights defenders and reported that 32 of these defenders were subsequently murdered. NGOs reported dozens of threats against HRDs in 2010, and in June 2010, Somos Defensores reported that over 100 organizations had received threats in 2010. In particular, the groups raised concerns over the March 20, 2010 threat by criminal group the Black Eagles (“Aguilas Negras”) against Judith Maldonado, director of the Luis Carlos Perez Lawyers’ Collective; the April 10, 2010 threats by criminal group Los Rastrojos-Comando Urbanos against more than 60 Colombian human rights organizations and individuals; the May 2010 threats against NGOs in the United States and Colombia by the Black Eagles; and more than five threats in 2010 against Berenice Celeyta, President of the Association NOMADESC and a 1998 RFK Human Rights Laureate.

NGOs are concerned that the Colombian government has not done enough to deter these threats or to investigate and prosecute them. The Colombian government notes that the responsibility to investigate and prosecute the threats lies with the independent Prosecutor General’s Office, and that the government has formally requested that the Prosecutor General’s Office open investigations into all threats against HRDs. According to the National Directorate of the Prosecutor General’s Office (Fiscalia), the Prosecutor General is investigating 160 cases involving threats against human rights defenders. The Prosecutor General’s Office did not provide information on the status of these investigations.

The Colombian National Police (CNP) has offered awards of 10 million pesos (approximately \$5,000) for information leading to the arrest of individuals issuing threats. Thus far, the CNP has arrested 19 individuals for distributing pamphlet threats. The CNP has begun taking fingerprints off the pamphlets and conducting studies of the inks and graphics on the pamphlets. In addition, as in the case of Claudio Esterilla Montano, a leader of the Council of Black Communities of the Western Cordillera of Nariño (COPDICONC), who received threats from Los Rastrojos on April 28, 2010, the MOIJ has provided threatened HRDs with security, special services, and home surveillance for their protection.

⁵⁰ “Focos de Interes,” PBI Colombia, 2010

The Colombian government has also issued public statements of support for the work and safety of HRDs, and condemned threats by illegal armed groups. For example, on May 21, 2010, the MOIJ issued a condemnation of the May 2010 threats against NGOs and civil society groups in Colombia and the United States. The government is concerned that HRDs under-report threats to the Prosecutor General's Office and has asked for NGO help in ensuring that threats are reported through proper channels so that the cases can be investigated. HRDs continue to be cautious about reporting threats made against them because of fear of collusion between security forces and the illegal armed groups that make the threats.

Allegations of Baseless Prosecutions Against Human Rights Defenders

NGOs allege that the Colombian government has opened “baseless prosecutions”⁵¹ against HRDs in an effort to discredit them and their work, and that these prosecutions are fueled by the misuse of military intelligence reports, which are sometimes politically-driven. The Colombian government responded that investigations are opened and carried out by the independent Prosecutor General's Office, and that cases that have been found to lack evidence have been closed out by the Office in due course. However, organizations such as Human Rights First have highlighted the case of Carmelo Agamez, detained in Sincelejo for over a year and allegedly denied due process rights. The prosecutor in the case, Rodolfo Martinez Mendoza, is also under investigation for alleged corruption in connection with his accusation of Agamez. Human Rights First and other NGOs have raised concerns over investigations into HRD Principe Gabriel Gonzalez Arango, who they say was unjustly convicted in an attempt to silence and intimidate opposition and human rights groups in Colombia. Several NGOs reported that Alfredo Molano, another HRD, was acquitted of criminal defamation charges, but only after years of harassment and facing multiple charges. Given that Prosecutor Martinez is being investigated for corruption and HRD Molano was acquitted, NGOs question the legitimacy of all investigations into HRDs.

Both the Prosecutor General's Office and the government maintain that the right to due process in these cases – regardless of whether the case resulted in acquittal or conviction, or is still pending – was ensured. The government maintains criminal prosecution cannot be considered a violation of the rights of the person under investigation if the individual's legal rights are protected. The

⁵¹ “Baseless Prosecutions of Human Rights Defenders in Colombia: In the Dock and Under the Gun,” Human Rights First, 2009

government has quoted the Inter-American Human Rights Court that “a judicial process does not constitute in itself an illegitimate damage to the honor or the dignity of a person.” In the case of Agamez, the Colombian government has said that the Prosecutor General’s Office found sufficient evidence of criminal liability to launch the case and that no irregularities or illegalities occurred during the execution of the detention order. Molano was accused by a private individual, which the government has argued is an appropriate use of Colombia’s legal mechanisms. The government has said the investigation against Molano was carried out by a competent, independent, and autonomous judicial authority and that his rights to due process were respected throughout. The criminal case against Gonzalez was supported by two independent government entities, the Prosecutor General’s Office and the Inspector General’s Office. Although the judge in the first trial acquitted Gonzalez, the independent Inspector General’s Office appealed the acquittal (as is legal in Colombia), and the three-person Superior Tribunal of Bucaramanga found him guilty. The Supreme Court refused to consider his appeal, and he remains convicted.

Report by the UN Special Rapporteur on the Situation of Human Rights Defenders

The UN Special Rapporteur on the Situation of Human Rights Defenders (UNSR), Margaret Sekaggya, visited Colombia from September 7 to 18, 2009, to assess the situation of HRDs in Colombia. During her visit she met with senior Colombian government officials and human rights defenders. In her report,⁵² Sekaggya cited several challenges faced by HRDs in Colombia, including “the persistent insecurity faced by several categories of defenders; stigmatization by public officials and non-State actors; illegal surveillance by State intelligence services; arbitrary arrest and detention, and judicial harassment; and raids of NGOs’ premises and theft of information.”

Sekaggya cited the “difficulties faced by the government in adopting a national human rights action plan owing to a derailed dialogue with civil society; recent encouraging statements by the highest authorities in the country in recognizing the legitimate work of defenders; the imperfect protective measures taken by the government for defenders; the deficiencies in the early warning system; the insufficient response to the prevailing impunity; and the preliminary action taken against the illegal intelligence activities.” She also acknowledged the

⁵² “Promotion and Protection of All Human Rights, Civil, Political, Economic, Social, and Cultural Rights, Including the Right to Development.” Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya’s Mission to Colombia (7-18 September 2009). U.N. General Assembly, A/HRC/13/22/Add.3, March 4, 2010.

“positive efforts of the government to improve the situation of human rights defenders, notably through the implementation of the protection program and a series of human rights policies,” and she noted “the willingness of the government of Colombia to hold a frank dialogue with human rights defenders.”

Improving Respect for and Recognition of HRDs

The Colombian government has worked to address violence against HRDs through improved protection, government pronouncements in support of HRDs, an educational campaign on the work of HRDs, increased penalties for crimes against HRDs, and other initiatives. Some NGOs and UN special rapporteurs say that the Colombian government has fostered a “climate of hostility” and attempted to “stigmatize” human rights defenders. The Colombian government notes that it has undertaken many activities to prevent and investigate threats and attacks against HRDs, as well as protect HRDs and civil society leaders through security training and protection through the MOIJ protection program. The Uribe administration also issued statements in support of the work of HRDs. In his inauguration speech, President Santos pledged his government’s firm and unfailing commitment to human rights, and the advocacy of those rights.

Following his meeting with UN Special Rapporteur Sekaggya during her September 2009 visit to Colombia, then-President Uribe stated publicly “the defense of human rights is a necessary and legitimate action in a democracy, in a country like Colombia that takes pride in being open and disposed to international scrutiny in this matter.” On September 9, 2009, on National Human Rights Day, then-Vice President Santos reinforced the government’s support for HRDs, saying that putting aside differences in opinion and vision, the work undertaken by these groups and the government allows for the construction of a more tolerant and inclusive society that respects human rights.

The government of Colombia has made an effort to reach out to civil society, increase funding for the protection of HRDs, increase awareness for their work and value to society, and create fora for NGOs to share their concerns and recommendations with the government. On April 30, 2009, the Colombian government and civil society groups established the National Guarantees Roundtable to discuss ways to protect and promote the work of human rights defenders and civil society leaders. Government representatives to the Roundtable include the Ministries of Interior and Justice, Defense, Foreign Affairs, and Social Protection; the National Police and the DAS; the independent Offices of the Inspector General and Prosecutor General; the Human Rights Ombudsman; and the

Presidential Program for Human Rights. In addition, representatives from the UN Office of the High Commissioner for Human Rights and the UN's Development Program have permanent seats at the Roundtable.

Drawing an average of 120 participants from NGOs and the Colombian government, the Colombian government invites civil society organizations to choose their own representatives for the community. Since it was established on April 30, 2009, the roundtable has hosted 66 meetings overall, including four on the national level and 13 at the regional level. National level meetings took place on April 30, 2009, July 30, 2009, September 17, 2009, (with the participation of UN Special Rapporteur Sekaggya), and June 25, 2010 (with the participation of then-Vice President-elect Garzón). In each meeting, civil society representatives are invited to introduce issues of concern.

As a result of the National Guaranties Roundtable discussions with NGOs, the government and civil society have agreed the government must focus on prevention, protection, and judicial issues. The government has committed to 233 separate agreements with civil society, including 15 at the national level meetings and 18 in meetings at the regional level. However, NGOs say that the Colombian government has yet to implement the agreements.

In addition to participating in the four national-level Roundtable meetings, the Minister of Interior and Justice has undertaken several activities to ensure the rights of and respect for HRDs:

- Issued Circular Number CIR09-259-DMI-0100 on September 3, 2009, (directed toward Colombia's governors and mayors) guaranteeing the rights of human rights defenders and social and community leaders, and the work they perform;
- Issued a notice on September 3, 2009, directing the public to recognize the importance of the work of human rights defenders;
- Issued a notice on September 3, 2009, reiterating his recognition of and respect for civil society organizations;
- Issued a notice on February 16, 2010, reiterating his recognition of and support for journalists in Colombian and their work; and
- Issued a notice on May 21, 2010, reiterating his recognition of human rights defenders and the legitimacy of their work.

In June 2010, the government's Presidential Program for Human Rights

launched an information campaign to educate government functionaries, throughout all regions and departments, on the role and rights of HRDs. The program specifically instructs government workers to recognize the work of HRDs, create spaces of dialogue with them, answer their questions and solicitations, protect them, and examine their observations and criticisms. The “Human Rights Defender’s Program” consists of eight interactive e-mail presentations on human rights defenders that are being circulated weekly to more than 4,000 national and state government elected officials and staff, including to governors, mayors, ombudsmen, police officials, and the army. The program educates government officials on: who HRDs are; the government’s responsibilities to HRDs; protection mechanisms; how to assist HRDs who seek protection assistance from the government; the most common issues of concern for HRDs; HRD perspectives; and outreach to HRDs. On each topic, the Human Rights Defenders Program includes information on the issue; resources for officials to refer to if they want to learn more about the topic; and suggested activities for officials to improve their work with HRDs. The government is also providing training to government personnel on the role and rights of HRDs. Twelve training workshops have been scheduled for the summer 2010, all of which will be completed by August 7, 2010. As of July 15, 2010,⁵³ three had taken place in Barranquilla, Medellín, and Popayán.

On May 28, 2010, the MOIJ submitted a bill to the Colombian Congress to increase penalties for crimes, including threats, against HRDs. The bill amends the Colombian penal code in order to increase the penalty to up to 56 years in prison for the homicide or kidnapping of, or threats against HRDs. In its press release announcing submission of the bill, the government affirmed that HRDs carry out “invaluable work” and “aid the government to comply with its obligations.”⁵⁴ The Colombian House of Representatives’ First Committee passed the measure on June 15, 2010. The bill must still be debated in the House plenary, and in the Senate First Committee and plenary. An ad hoc joint committee would resolve any discrepancies between the two versions of the bill.

Journalists

The Colombian constitution guarantees the right to free press, and the government is respecting the rights of journalists. The Colombian government recognizes that journalists have been the targets of threats and violence, and in

⁵³ Time period available as of August 17, 2010.

⁵⁴ Government of Colombia: Press Release, May 28, 2010.

2009, the government increased funding by 28 percent for the protection of journalists through the MOIJ's protection program (to \$2 million). In 2009, 171 journalists received protection through the program. Between January and April 2010,⁵⁵ 153 journalists received protection through the program. The Colombian government reported two homicides of journalists between August 2009 and April 2010,⁵⁶ as well as 74 threats against 97 journalists in Colombia in 2009. Between January 1, 2010, and April 30, 2010,⁵⁷ the government reported 14 threats against as many journalists. The National Directorate reported that there are 65 active investigations of threats against journalists. As of May 3, 2010, the Prosecutor General's Office has achieved three convictions and eight additional cases are on trial.

In addition to threats from illegal armed groups, NGOs such as Reporters Without Borders claimed that sixteen journalists were targets of illegal phone-tapping, intimidation, or acts of sabotage by the DAS, and vilification by the government.⁵⁸ As discussed above in the section entitled "DAS Investigation," these allegations of wrongdoing are being investigated, and the Colombian government is taking action to dismantle the DAS and to prevent future wrongdoing. The government has also publicly supported the role of the press and journalists in Colombian society. For example, on February 16, 2010, then-President Uribe's office released a press statement recognizing the importance of the work of journalists and the free press, and affirmed that journalists "function as a fundamental pillar in a democratic society."

Political Opposition

The Colombian government is respecting the rights of members of the political opposition and providing protection, through the MOIJ's protection program, to mayors, ex-mayors, representatives and council-members from opposition parties, and party members of the Patriotic Union (UP) and the Colombian Communist Party (PCC). Members of the UP and PCC comprise the group receiving the second largest distribution of funds, after trade unionists, for the protection program. In 2009, the MOIJ spent \$7 million to provide protection to 1,621 UP and PCC members. As of April 2010,⁵⁹ 823 such members of the political opposition are receiving protection. In addition, in 2009, the MOIJ provided protection to 3,565 council-members, 233 mayors, 29 ex-mayors, and

⁵⁵ Time period available as of August 17, 2010.

⁵⁶ Time period available as of August 17, 2010.

⁵⁷ Time period available as of August 17, 2010.

⁵⁸ "Chuzadas: Colombian Media Targeted by Intelligence Services," Reporters Without Borders, May 27, 2010."

⁵⁹ Time period available as of August 17, 2010.

115 representatives from a variety of political parties. As of April 2010, the MOIJ provided protection to 3,189 council-members, 287 mayors, and 105 representatives from a variety of political parties.

The Colombian government reported that attacks against political opposition parties and individuals decreased 65 percent from 2002 to 2009. In 2002, there were 332 such crimes (144 homicides, 125 kidnappings, and 63 attacks) and in 2009 there were 116 (78 homicides, 9 kidnappings, and 29 attacks). In 2010, an election year, there were 37 incidents (20 homicides, 1 kidnapping, and 16 attacks). In addition to protection administered through the MOIJ protection program, the Colombian National Police provides security to former public officials including governors, council-members, deputies, mayors, and others; 775 police officers are dedicated to this task. The government reported that threats were received by Conservative presidential candidate Noemi Sanin and Conservative party member Juan Gabriel Uribe in February 2010. The culprits are unknown, but the authorities continue to investigate.

In May 2010, Green Party presidential candidate Antanas Mockus also received numerous death threats via telephone and internet. The Colombian government publicly denounced these threats and increased security for Mockus. Then-President Uribe directed security forces to “find and jail” the authors of the threats, and Minister of Defense Silva ordered 30 security agents to accompany Mockus while he campaigned.

As was the case of other civil society groups, members of the political opposition were allegedly targeted by the DAS. The Colombian government continues to investigate the extent of DAS crimes.

Religious Leaders

The Colombian government respects the rights of religious leaders and protects freedom of religion. Since 2008, the MOIJ has approved 719 applications for special public recognition of a religious entity; an estimated 90 percent of the approvals were for evangelical churches. According to the MOIJ, 827 applications failed to meet constitutionally established requirements and thus were not approved.

Religious leaders have been victims of violence by illegal armed groups such as the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), former United Self-Defense Forces (AUC) paramilitary

members that refused to demobilize, and new criminal groups, such as the Black Eagles (“Aguilas Negras”), Los Rastrojos, and others. In general, the motive for crimes against religious leaders is not their religious beliefs, but rather their involvement in human rights work, advocacy on behalf of the displaced or other vulnerable groups, and involvement in land claims by these vulnerable groups.

The Colombian government has taken steps to provide protection to qualifying religious leaders. Violence against religious leaders has decreased sharply over the past ten years, as has overall violence in Colombia. The Colombian government reported four homicides of religious leaders in Colombia in 2009. Between January 1, 2010, and April 30, 2010, the government reported threats against religious leaders Rafael Marin Florez and Luis Fernando Ceron Marin, on March 27, 2010, in Cali.

One of the most public recent threats against a religious leader took place on April 16, 2010, against Father Javier Giraldo, in the form of spray-painted graffiti threats at the headquarters of his organization, the Center for Investigation and Popular Education (CINEP), a well-known Jesuit think tank, and other buildings throughout Bogotá. In response to these threats, then-Vice President Francisco Santos publicly condemned the threats and issued a statement of support for Father Giraldo and other human rights defenders.

Trade Unionists

The Colombian government has taken steps to improve the enforcement of labor rights and to combat violence against trade unionists. Vice President Garzón’s background as a labor leader is expected to bring renewed attention to labor issues in the country, and to further increase respect for labor rights. The government of Colombia has ratified all eight of the core International Labor Organization conventions, and has worked to comply with international labor standards. The government establishes a uniform minimum wage every year through tripartite negotiations among representatives of business, organized labor, and the government. The government implemented a 3.6 percent increase in the minimum wage for 2010. In recognition concerns over violence against trade unionists, the MOIJ dedicates the most resources in its protection program to trade unionists (32 percent), and increased funding for unionists by 34 percent in 2009. Though violence against trade unionists remains a problem, homicides of trade unionists have declined over eighty percent in the last decade.

Respect for Labor Rights

The Colombian Constitution provides for the right to organize, bargain collectively, and strike, and workers exercise these rights in practice. However, members of the Armed Forces, Police, and persons executing “essential public services” are not permitted to strike. Before staging a strike, public sector unions must negotiate directly with management. Confederations and federations are also prohibited from striking. The law prohibits the use of strikebreakers. Colombian law (Labor Code Article 450) allows companies to dismiss workers who have actively promoted and participated in an illegal strike. Forced or compulsory labor is prohibited by law. The minimum age of employment is 18 but with parental consent 15, in accordance with ILO Convention 138.

The number of unionized workers as a percentage of the workforce has steadily declined from a peak of 13 percent in 1965. Today, according to the three major labor confederations, approximately 820,000 workers, or 4.4 percent of the workforce, are union members. Teachers comprise the largest segment of union members. Almost 60 percent of the total workforce is employed in the informal sector where labor law enforcement is limited.

Unions are free to affiliate with international labor confederations. The labor code provides for automatic recognition of unions that obtain 25 signatures from potential members and comply with a registration process. There are penalties for interfering with workers’ freedom of association, and the labor code prohibits the dissolution or suspension of trade unions by administrative fiat. In July 2008, Colombia’s Constitutional Court ruled that the act of filing documents with the Ministry of Social Protection (MSP) establishes a union’s legal standing, and this action seems to have resolved longstanding concerns that the process was slow and used to block union formation.

Specific concerns remain about the consistency of Colombia’s labor laws with core labor standards, especially reports that employers use temporary contracts and associated workers’ cooperatives (CTA), both of which are legal, to reduce costs and block unionization. Unionists advocate revising the labor code, which currently does not cover workers in cooperatives. The law prohibits the use of CTAs in certain circumstances, but evidence suggests that many cooperatives engage in illegal forms of subcontracting. The government has the authority to fine labor rights violators but seldom shuts down repeat offenders.

Labor groups claim that cooperatives remain largely unregulated and continue to be used by employers to deny basic worker rights. The ILO has also noted concerns with the Colombian law that allows employers and non-union workers to conclude a “collective pact” when a union represents less than one-third of the employees in a workplace. Under ILO interpretations of Convention 98 on Collective Bargaining, which Colombia has ratified, “direct negotiations with workers should only be possible in the absence of trade union organizations.”

The ILO sent a high-level mission to Colombia in October 2009 to review labor issues. The mission met with government officials, trade union leaders and business representatives, and reported some progress on violence issues as well as certain labor code reforms. In a 2010 report, the ILO Committee of Experts recognized Colombia’s efforts to combat violence in general and noted a decrease in violent acts against trade unionists. The ILO also commended Colombia for strengthening criminal penalties and prison sentences for perpetrators of violence against union members.

On June 5, 2010, the ILO announced its list of countries under observation by the Committee on the Application of Standards, and for only the third time since 1989, Colombia was not included. With the exception of 2006 to 2007, Colombia has been examined by the Committee on the Application of Standards since 1989. Although Colombia was excluded from the ILO’s cases this year, the ILO reports that Colombia remains one of the key countries that the Committee of Experts is observing for alleged violations of Conventions 87 (freedom of association) and 98 (collective bargaining). Although the Committee of Experts noted progress by Colombia this year, they also noted continuing violations of labor standards. The ILO encouraged the Colombian government to address violence against union members and prosecute those responsible. The ILO plans to send a high-level tripartite delegation in late 2010 to closely review Colombian government measures to protect and promote labor rights.

Violence Against Trade Unionists

More funding is allocated through the MOIJ protection program for trade unionists (32 percent) than to protect any other group under the program. The Colombian government increased funding for unionists in the program by 34 percent in 2009, bringing the total spent that year to \$15.4 million in 2009, to provide protection to 1,550 trade unionists. From January 1 to June 17, 2010, the MOIJ protection program has provided protection to 1,358 unionists (14.6 percent

of the 9,253 individuals receiving protection as part of the program).

In 2004, the Ministry of Interior and Justice (MOIJ) created the Preventive Security Program to train unionists in self-protection and risk reduction. From August 2009 to May 2010, 291 labor unionist members received USAID-funded training in preventive security and self-protection in the departments of Antioquia, Atlantico, Caquetá, Cundinamarca, Chocó, Huila, Norte de Santander, Risaralda, and Valle del Cauca. Each participant received a copy of the training manual on self-protection “He Who Controls His Information, Controls His Risk.”

Due to the improving security situation in Colombia and the government’s successful efforts to address violence against trade unionists, homicides of trade unionists have declined over 80 percent in the last decade. The government reported 28 homicides of labor unionists in Colombia in 2009 and 15 homicides, of which eight were teachers, from January 1, 2010, to May 15, 2010.⁶⁰ The National Labor School (ENS) initially reported 39 homicides for 2009, but then revised the figure upward to 47 for the year. According to ENS, there have been 33 homicides of unionists from January 1, 2010, to June 30, 2010.

ENS and unions have acknowledged the downward trend in murders, but argue other forms of anti-union violence - death threats, assaults, forced disappearances, and displacements - are on the rise. The government reported that, in 2009, it received reports on 14 threats against trade unionists in Colombia. Between January 1, 2010, and April 2010, there were 12 threats reported against trade unionists.

Improving Prosecutions in Cases of Violence Against Union Members

The Colombian government continues to take seriously crimes of violence and threats against labor union members. The government has proposed a new strategy of offering rewards for information leading to the capture of the perpetrators of homicides of trade unionists, and is taking steps to combat impunity and address a backlog of cases of crimes against trade unionists and other vulnerable groups.

The Colombian Prosecutor General’s Office (Fiscalia) expanded its Human

⁶⁰ The government reported that of the 28 homicides in 2009, 25 were committed by unknown actors, two were attributed to the FARC, and one assailant is known, but his membership in an illegal armed group has not been established.

Rights Unit in 2006 to include a Labor Sub-Unit to investigate and prosecute cases involving crimes against union members. The Sub-Unit currently employs 19 prosecutors, 19 assistant lawyers, and 76 investigators, who work closely with local prosecutors from around the country.

Since 2000, the Prosecutor General's Office has obtained 283 convictions involving 388 individuals in crimes against unionists, with 233 of these convictions (81.5 percent of total convictions) having been achieved since the initiation of the Labor Sub-Unit. The Sub-Unit has 23 convictions thus far in 2010.⁶¹ The Prosecutor General's Office's Regional Offices are currently investigating five active cases regarding threats against unionists under Law 600 (the previous inquisitorial system), and 172 cases under investigation under Law 906 (the new accusatory system). As of June 15, 2010, 1,344 cases have been registered with the civilian judicial system. In addition, since 2008, the Colombian judiciary has assigned three specialized judges to hear exclusively cases involving violence against unionists and in 2009, the Colombian Congress passed a law to increase prison sentences and the statute of limitations for homicides against union members.

As of June 15, 2010,⁶² the Labor Sub-Unit is handling 1,344 cases of violence involving over 1,546 members of labor unions. Of the 1,344 cases, 555 are in the preliminary investigation stage (suspect unknown), 312 have an identified suspect but no charges have been levied, 175 cases where charges have been brought against a suspect, 235 are awaiting sentencing, and 47 cases are "non-suit," meaning that the Prosecutor General's office has not been able to bring a case, and 20 cases have not yet been assigned for investigation. Since it began its work in October 2007, the Sub-Unit has convicted 388 individuals in 191 such cases (73 in 2008, 83 in 2009, and 35 in 2010). The Prosecutor General's Office reports that the convicted individuals fall into the following categories: (now demobilized) AUC paramilitary members (261 convicted), common criminals (69), FARC (14), current members of the Army (13), ELN (10), EPL (8), current members of the National Police (4), Black Eagles (2), retired Army captains (2), retired Army non-commissioned officers (2), civilians (1), and other trade union members (1).

Per the Colombian government's Tripartite Agreement with the ILO, the

⁶¹ Number of convictions: 2006 (10); 2007 (43); 2008 (73); and 2009 (83).

⁶² Time period available as of August 17, 2010.

Labor Sub-Unit is currently focusing on 185 priority cases. As of June 15, 2010,⁶³ the Sub-Unit had achieved 83 convictions in 56 of those cases, convicting a total of 100 individuals, 28 of whom were participants in the JPL Process.

In 2009, the Colombian Congress passed a law to increase prison sentences and the statute of limitations for homicides of unionists. The press reported government action against suspects, such as the June 2010 high profile arrest of two DAS agents in connection with the September 11, 2005, murder of former head of Sinaltrainal Union, Luciano Enrique Romero, in the city of Valledupar. The media also reported the conviction of Oscar José Ospino for the murders of Valmore Locarno Rodriguez and Victor Hugo Orcasita Amaya, the former president and vice president of a union in La Loma on March 12, 2001. Ospino was convicted of first-degree murder and sentenced to 30 years in prison.

Prior Consultation (Consulta Previa)

The Colombian government recognizes the legal requirement to consult with indigenous and Afro-Colombian groups about actions that affect them, and has taken steps to improve its compliance with this requirement. The 1991 Constitution generally requires the government to engage with any citizen affected by its decisions and specifically requires consultations where the exploitation of natural resources has an impact on indigenous groups. Article 7 of the 1991 Constitution states that “the State recognizes and protects the ethnic and cultural diversity of the Colombian Nation.” Article 330 states that “the exploitation of natural resources in indigenous territories will be carried out without negatively impacting the cultural, social, and economic integrity of indigenous communities. In the decisions adopted with respect to said exploitation, the government will provide for the participation of the representatives of the respective communities.”

Under the Constitution, the Colombian government owns all subsurface resources, including those under indigenous reserves, and can either directly exploit those resources or contract a private developer to do so. However, this is a contentious subject with indigenous groups, who believe the government should not have this right.

Law 21 of 1991 says, “the government should support, whenever possible, studies, in cooperation with the interested communities, in order to evaluate the social, spiritual, cultural, and environmental impact that proposed development

⁶³ Time period available as of August 17, 2010.

activities could have on these communities. The results of those studies should be considered as fundamental criteria in the execution of the aforementioned activities.” Further, “the government should establish or maintain procedures to consult with interested communities in order to determine if the interests of those communities would be harmed, and to what extent, before undertaking or authorizing any prospecting or exploitation activities regarding subsurface resources.”

The Colombian government issued Presidential Decree 1320 in 1998 to regulate the prior consultation process with indigenous and Afro-descendant communities regarding the use of natural resources within their territories. The Decree requires that a project's social, economic, environmental, and cultural impact be discussed with the affected indigenous community prior to exploitation.

The government has consulted with and provided “Plans to Safeguard” the Totoroez, Coconuco, Yanacona, Nasa, Siona, Eperara Siapidaara, Chimila, Yukpa, and indigenous communities of the Betoyes. However, indigenous and Afro-Colombian groups say that the government is not adequately consulting them. Since 1998, the government reports that, under the direction of the MOIJ, it has carried out an average of 60 prior consults with indigenous groups per year. Roughly 70 percent of these consultations were on projects involving the use of natural resources. Another 20 percent usually involve road projects and military base construction projects near indigenous lands. The remaining 10 percent of these consultations are on eradication of illicit crops within indigenous reserves.

In 2003, the Constitutional Court ruled that the government must consult with indigenous communities before eradicating illicit crops within indigenous reserves. Communities are given the opportunity to voluntarily eradicate these crops, and effectively have veto power over proposed actions since eradication cannot proceed if they refuse to collaborate in the consultation process.

Though permitted under Colombian law, the presence of military personnel and/or equipment on indigenous lands continues to cause friction between the Armed Forces and indigenous groups. Some groups, like the Arhuaco of the Sierra Nevada, welcome the presence of the Army because it deters the FARC; however, the Arhuaco previously asked the Police to withdraw from its territory, which it did. Ministry of Defense (MOD) Directive 16 of 2006 requires the Armed Forces to contact indigenous authorities before entering their reserves, unless security concerns prevent such notification. The Directive further requires public forces to preserve the integrity of territorial communities and respect the human rights of the

inhabitants. However, indigenous groups say that the Armed Forces frequently fails to comply with the spirit of this Directive and abuse the security concerns exception. The Armed Forces states it cannot provide notice for most military operations due to security considerations, but consults with leaders of indigenous communities when possible before entering land held by communities.

On March 26, 2010, then-President Uribe signed Presidential Directive Number One of 2010 entitled “Guarantee of the Fundamental Right to Prior Consultation of National Ethnic Groups.” Referring to the Constitution, ILO Convention No. 169 of 1989 on Indigenous Peoples, and National Law 21 of 1991 (which approves the ILO Convention), the Directive reiterates the requirement for prior consultation, delineates when such consultations are required and when they are not, and enumerates the specific actions that must be taken as part of the process. The Ministry of Interior and Justice is identified as the implementing agency, but all ministers and agency heads are charged with fully supporting the process.

Some NGOs and Afro-Colombian and indigenous leaders have raised concerns that the directive was issued without prior consultation with them, and does not take steps to address their distrust of the MOIJ’s offices of indigenous and Afro-Colombian affairs. NGOs argue that the MOIJ has mismanaged prior consults in the past, and some community leaders had been attempting to build direct relationships with the Ministries of Health, Housing, and Education in order to bypass the MOIJ. The Directive reiterated that the MOIJ is the primary point of contact for the communities. NGOs have also raised concerns over the Directive’s statement that the right to prior consult is not synonymous with veto power over the development of projects. Though communities have not technically had veto power in the past, because of ambiguity on this point, they have in effect managed to stop projects by refusing to consult. The explicit wording in the Directive removes this ambiguity. In the last year of the Uribe administration, the Ministry of Interior and Justice announced that the government was in the process of developing a national law on prior consultation and that, per its legal obligations, it would duly consult with Afro-Colombian and Indigenous community representatives in the law’s development.

Indigenous groups, including the National Indigenous Organization of Colombia (ONIC), have complained about the consultation process, and they object to several recurring issues, including concerns that experts who evaluate project impacts are paid for by project developers and are not disinterested parties; there is a lack of due diligence in impact studies; the MOIJ’s role as an advocate

for the communities is questioned, since the government is often an interested party in the projects; guidelines regulating the prior consult process are still too vague; under-educated and uninformed communities are often duped by corporations and the government into making agreements and concessions; developers often bribe community leaders; and the military fails to notify indigenous communities before entering their territories.

Some indigenous and Afro-Colombian communities have also raised concerns about the selection of those groups and leaders with whom the government consults, saying that the proper groups and officials are not always consulted. For example, ONIC representatives argued that in one instance, the Colombian government conducted an emergency evaluation study to determine whether certain indigenous groups were entitled to participate in the consultation process, which determined that some of the communities in the “impact zone” should have been included in the initial consultation. In August 2009, an inter-institutional committee visited the area to view the “impact zone” and to continue discussions with the communities in the area.

In March 2010, the Constitutional Court ordered Muriel Mining, a Medellín-based affiliate of a U.S.-based mining company, to cease and desist its prospecting and mining activities in the departments of Chocó and Antioquia, in the Uraba region near Panama. The company had been granted a 30-year concession by the government of Colombia to mine for copper, gold, and molybdenum, but the Court found that it, along with the Colombian government, had not engaged in adequate prior consultation with 12 indigenous (Embera) communities and two Afro-Colombian communities.

Land Disputes

The Colombian government continues to work to address the interrelated issues of displacement and land disputes. According to the Database on Displaced Persons (RUPD), in 2009 there were 16,370 individual Afro-Colombians displaced and 2,661 massive displacements, for a total of 19,031 Afro-Colombian's displaced. As of March 31, 2010, there were a total of 279,639 (63,193 families) Afro-Colombians who were in the displaced registry. With Colombian government assistance, approximately 200 families have returned to their homes. According to the Acción Social, 5,314 indigenous were displaced in 2009. From January through April 2010, 690 indigenous were displaced.

The government provides protection for land activists and is working to

resolve land disputes, but more needs to be done. Despite the government's efforts to provide protection, human rights defenders and activists who advocated for land rights on behalf of displaced populations were threatened and killed. For example, NGOs reported that on May 10, 2010, Albeiro Valdes, a proponent of land restitution who had been working to secure the return of 105 hectares of land taken in 1993 by paramilitaries under the leadership of Carlos Ardila Hoyos. Other land rights activists such as Rogelio Martinez, who represented 52 families seeking land restitution in Sucre and Alexander Quintero, president of the Association of Communal Action Committees of the Alta Naya, were murdered on May 18, 2010, and May 23, 2010, respectively.

The Colombian government is mediating land disputes, including between Guambianos and Paeces in Caldono, Cauca; Colonos and indigenous in Puerto Gaitan, Meta; Camino Verde issues of representation in Uribia, La Guajira; and several Afro-Colombian community groups, which are described below.

Curvaradó and Jiguamiandó

The most publicized land disputes in Colombia are those involving Afro-Colombian communities in Jiguamiandó and Curvaradó in the Department of Chocó. The Colombian government has worked to resolve land disputes between local Afro-Colombian communities and palm oil companies that are alleged to be illegally occupying the Afro-Colombian communities' lands. Jiguamiandó comprises 128,174 acres (51,870 hectares) and Curvaradó comprises 105,741 acres (42,792 hectares).

The Colombian government is working to void the illegal occupiers' titles, implement the legal process to remove the current occupiers, and return land to the original, rightful owners. The controversy lies in that palm oil companies hold title to lands, which were purchased after the Afro-Colombian owners were displaced. The government's Directorate for Black, Afro-Colombian, Raizal, and Palenquera Affairs led efforts to conduct a census to identify who would receive the property comprising the collective territory adjudicated to the Jiguamiandó and Curvaradó communities. After the Colombian government began its efforts on land restitution, the first parcel of land to be returned was transferred on February 16, 2009, to the community council of Cuenca del Rio, Curvaradó. Since then, additional parcels of land have also been returned to Afro-Colombian communities. The Colombian government has resolved many of the legal issues surrounding the return of lands to Afro-Colombian communal territories, but many community members have not returned to their lands due to security concerns.

The Inter-institutional Early Warning Committee (CIAT) issued an early warning on January 19, 2010, regarding the safety of the civilian populations in Curvaradó and Jiguamiandó. Plans to return additional land to displaced communities are moving forward, and the government has provided training to public servants and the communities on the rights associated with collective territories under the law. The government is developing a document on collective territories to serve as a baseline of information.

On May 18, 2010, the Constitutional Court blocked the delivery of collective territories in Curvarado, Chocó, that the MOIJ had planned to carry out the following day. The Court expressed doubts on the legality of the group appointed to receive the lands on behalf of the affected community. On May 19, 2010, the Prosecutor General's Office ordered the preventative detention of 24 palm farmers and their associates for the forced displacement between 1997 and 2001 of Afro-Colombians in the river valleys of Curvarado and Jiguamiando, Choco.

La Toma

The Colombian government continues to review a land dispute involving the Afro-Colombian community of La Toma, Cauca, over the issuance of a mining title for the use of a gold mine on alleged Afro-Colombian communal lands. A private investor applied for and was granted a mining title for the years 2007 to 2017, but has not been able to mine in the area because the land is occupied by members of the Afro-Colombian Community Council of La Toma. The Council argues that the Colombian government issued the title without prior consultation with it. The government reports that La Toma is an Afro-Colombian traditional mining community, is not governed by a community council, and does not have a collective land title. Because no community council was established on the mine premises, the Colombian government maintains that it was not required to engage in prior consultation with the Council.

The Colombian government reports that under the old mining code, traditional miners had three years to request title, but the community did not submit such a request. Under a new mining code passed in February 2010, traditional miners may retain title to lands historically mined by traditional methods even if a permit was subsequently issued to individuals in error. On May 29, 2010, the Afro-Colombian Community Council of La Toma petitioned the Colombian government's Geology and Mining Institute (INGEOMINAS) to review the status of their collective title, and to revoke the private investor's

mining title.

NGOs maintain that the land belongs to the members of the Afro-Colombian Community Council of La Toma and report that in late 2009 Colombia agreed before the Inter-American Commission on Human Rights (IACHR) that it would review 35 mining titles granted to third parties for the use of the land in question. However, the Colombian government maintains that there was one mining title issued for the area, not 35. NGOs have also raised concerns that eight miners were killed, allegedly in the area, in April 2010, and several other murders have also allegedly taken place in the area since that time, allegedly by criminal groups seeking to displace local residents from the mining area.

The private investor holding the mining title to the land brought civil action against the Afro-Colombian Community Council of La Toma, and an administrative court in Popayan, Cauca, entered a decision to evict the community on May 21, 2010. However, on August 17, 2010, the regional Public Ombudsman of Cauca suspended the eviction order due to allegations that the government had not complied with Constitutional Court ruling 005 (which ordered the protection of internally displaced Afro-Colombians). On August 17, 2010, the Mayor of Suarez, Cuaca, issued resolution 648/17, by which the eviction was indefinitely suspended until the validity of the mining title issued to the private investor is established.

Indigenous Groups

The Colombian government respects the rights of members of indigenous communities, and, in consultation with the communities, is gradually developing tailored programs to address unique indigenous concerns. The government recognizes 87 indigenous communities and estimates the indigenous population at 1.4 million, which is 3.4 percent of the total Colombian population. Indigenous groups and NGOs estimate the indigenous population at approximately five to eight percent of the population. The Colombian government recognizes collective land ownership (reserves) for the distinct indigenous communities and has established 735 reserves that cover approximately 31 million hectares (29.84 percent of the Colombian national territory). These reserves are non-transferrable and are found in 27 of the 32 Colombian departments. The departments with the highest indigenous populations are Vaupés (66 percent), Guainía (65 percent), La Guajira (45 percent), Vichada (44 percent), Amazonas (43 percent), Cauca (21 percent), and Putumayo (21 percent).

Indigenous groups face difficulties regarding land tenure and displacement resulting from the negative impact of encroachment, without adequate previous

consultation, by multi-national and national energy, mining, and lumber companies as well as government infrastructure projects. These communities are also very vulnerable to the growing violence of illegal armed groups. The FARC, ELN, and other illegal armed groups use many areas on or near indigenous reserves for criminal purposes, which, in turn, endanger the indigenous population in the area, requiring the Armed Forces to maintain a presence. Though displacements or accidents do occur at times, the Armed Forces has rules of engagement and other operational guidelines in place to prevent affecting civilians during armed conflict with illegal armed groups.

In a January 2009 ruling, the Constitutional Court stated that indigenous peoples in Colombia “are at risk of cultural or physical extermination by the armed conflict, and have been the victims of extremely grave violations of their individual and collective fundamental rights and international humanitarian law.” The Court declared that 34 of the country’s 102 indigenous groups are facing a humanitarian emergency, and ordered the government to adopt safeguards to protect them, and to provide guarantees for all indigenous communities. Some indigenous communities, particularly in Chocó and Nariño are confined on their lands due to illegal armed group activity. In response, the Colombian government has facilitated the access of indigenous groups to waterways and food supply routes by improving interagency coordination to gather information and provide humanitarian assistance; facilitate military recovery of the territory; and ensure secure, sustainable access. The Armed Forces supervises the transport of food and humanitarian assistance to the populations in areas where illegal armed groups are active, and Acción Social has designed and distributed food kits specifically for indigenous populations. The Armed Forces also continues to provide protection for the recipient communities, as well as donor government agencies and international organizations.

Violence Against Members of Indigenous Groups

Indigenous communities continue to be disproportionately affected by violence, displacement, and poverty. The government recognizes the unique situation facing indigenous populations and has prioritized outreach, dialogue, and protection with indigenous populations. The FARC and emerging criminal groups continued to commit acts of violence against indigenous groups, including homicides, planting anti-personnel mines in indigenous territories, threatening communities, causing displacement, and forcibly recruiting indigenous children.⁶⁴

⁶⁴ From 2002 to 2010, the government’s numbers of homicides of indigenous persons has fluctuated from a high of

On March 4, 2010, the U.N. Special Rapporteur on the Situation of Human Rights Defenders, Margaret Sekaggya, reported that indigenous leaders are the most vulnerable group of human rights defenders in Colombia because the internal conflict has moved to their areas.

The government reported 14 homicides of indigenous persons between January 1, 2010 and April 30, 2010, a 67 percent decrease over the same period in 2009 (which was 42). The government also reported 106 homicides of indigenous persons in Colombia in 2009, a 49 percent increase over 2008 (2008 figure was 71).⁶⁵ According to the National Indigenous Organization of Colombia (ONIC), 114 indigenous people were killed in 2009, a 15 percent increase from 2008, when ONIC reported 99 killings, and 6,201 indigenous people were displaced in 2009.⁶⁶ ONIC reported that cases of multiple homicides of Awa indigenous accounted for more than half of all murders of indigenous people during 2009. According to the Director of the Office in Colombia of the UN High Commissioner for Human Rights, the FARC was responsible for most indigenous killings.⁶⁷

The Colombian government has established programs to combat violence against members of indigenous communities, and in consultation with various indigenous communities, it has created “Plans to Safeguard” the Totoroez, Coconuco, Yanacona, Nasa, Siona, Eperara Siapidaara, Chimila, Yukpa, and indigenous communities of the Betoyes. Indigenous communities have a seat on the Colombian Regulation and Risk Assessment Committee (CRER), which provides recommendations on protection measures for those who have requested protection through the MOIJ.

The MOIJ provides protection to 283 members of indigenous communities, and through a joint agreement between the MOIJ and the Regional Indigenous Council of Cauca (CRIC), the government has trained twenty indigenous members to serve as bodyguards for CRIC leadership. Protection provided through the MOIJ helped to save the life of Daniel Piñacue, former governor of the Calderas reservation and indigenous candidate for the Colombian Congress, when he was attacked by five armed men on January 6, 2010. Five gunshots hit his vehicle, but he was unharmed because he was traveling in an armored SUV that had been

196 in 2002 to 163 in 2003, 85 in 2004, 49 in 2005, 45 in 2006, 40 in 2007, 71 in 2008, and 106 in 2009.

⁶⁵ Of the 106 homicides reported for 2009, 68 were carried out by unknown assailants, 13 by illegal armed groups, and 19 by the FARC. Of the 14 homicides reported up to April 30, 2010, 13 were carried out by unknown assailants. The government received reports on eight threats against indigenous persons, of which seven were carried out by unknown assailants, and one was received threats from the Rastrojos and the Black Eagles.

⁶⁶ National Indigenous Organization of Colombia (ONIC). 2010.

⁶⁷ “The Struggle for Survival and Dignity. Human Rights Abuses Against Indigenous Peoples in Colombia.” Amnesty International. February 2010

assigned to him by the MOIJ.

The Awa

Several significant acts of violence perpetrated against the Awa were reported during the time span covered for this certification. On August 26, 2009, twelve Awa members were murdered in Gran Rosario reservation in Tumaco, Nariño. The government has arrested and is currently trying five members of a criminal group for these murders. Following these murders, 300 Awa fled their lands. According to the Colombian government, several displaced families have returned to Tortugana, and all families displaced from La Guayacana, Tumaco, returned voluntarily despite the government informing them that the security situation remained troublesome. Four Awa members were murdered on October 28, 2009, during a funeral of another Awa member who had been murdered. The Prosecutor General's Office is currently investigating and taking statements in this case.

As a result of the particular dangers faced by the Awa, the Colombian government has launched several activities with relevant interagency bodies including the "Plan to Safeguard the Awa," which began in February 2009, and the "Guarantee Program for the Awa People." These activities were begun under the auspices of the Inter-administrative Agreement Number 140 of July 9, 2009, between the MOIJ, the Awa Indigenous People's Unity Association (UNIPA), and the Indigenous Leaders of the Awa People's Association (ACIPAP). Accion Social has signed an administrative agreement with the Association of Traditional Authorities of the Awa-CAMAWARI Indigenous community to allocate 128.5 million pesos (approximately \$64,000) to guarantee the participation of the legitimate Awa authorities in the process and to develop an analysis of the violence, vulnerability, and forced displacement impacting the community. The MOIJ signed an agreement in the same amount with UNIPA.

The Colombian government estimates that 999 Awa (234 families) have been displaced. Under the Project to Protect the Lands and Patrimony of Displaced Population (PPTP), the government has provided training to the Awa community on the scope, implications, and effects of the various regional resolutions that impact the community. Additionally, 33 members of the Awa community receive MOIJ protection. The Colombian government has provided community housing and training to Awas in Barbacoas and Ricaurte.

The Nukak Maku

The Colombian government's MOIJ Office of Indigenous Affairs and the Presidential Program for Human Rights, with financial assistance from the UN, created in 2009 a working group and the "Integrated Plan for Specialized Services for the Nukak" to develop inter-cultural and interagency activities for the medium and long-term to ensure the political participation of the Nukak Maku people. The government hosted 18 local and national-level working groups to build strategies for participation, activities, resources, and to identify possible institutional reforms.

Principally located in the Department of Guaviare, out of a total remaining population of 600 Nukak, approximately 112 Nukak are internally displaced. Estimates of the size of the Nukak population have risen from 400 to 600 in the last three years. In October 2009, Acción Social completed the construction of one health center, and upgraded four others, in the corridor utilized by the nomadic Nukak in Guaviare. Health centers are now located in Mocuare, Arawato, Charras, Tomachipin, Caño Maku, Capricho, and Caracol. Additionally, the government offers health brigades to locations where the Nukak are living. All members of the Nukak have been provided access to psychosocial treatment through Acción Social's Colombian Family Wellbeing Institute's ("Instituto Colombiano de Bienestar Familiar," or ICBF) mobile indigenous unit. Through the Red de Seguridad Alimentaria (ReSA) project managed by Acción Social, the government has worked with 100 families to prevent displacement. Acción Social and the ICBF provide foodstuffs to the Nukak, which include chicken or fish and vegetables, special meals for children, and supplementary nutrition to nursing mothers. Approximately 21 Nukak children attend public school in Tomachipán (Guaviare). The Nukak have made clear they only want their children to learn enough reading and writing to communicate with non-indigenous, and teachers are making arrangements to comply with this request.

The Municipal Roundtable on the indigenous has met every other month since March 2008 to analyze the issues relating to Guaviare's indigenous populations. The Presidential Program for Human Rights works regularly with the Roundtable and has worked with the MOIJ's Office on Indigenous and Rom (DIMR) to contract three experts in indigenous issues - two who specialize in the Nukak - to develop an action plan for services to the Nukak population. This plan was approved by the Vice Minister of Interior on April 9, 2010, and by the Municipal Indigenous Roundtable on April 28, 2010.

The Colombian government has three strategies to assist the displaced Nukak. The first strategy entails emergency humanitarian assistance to the two Nukak groups (Wayarimuno and Meomuno) in Aguabonita and Villa Leonor; the second deals with assisting and accompanying the voluntary movements of the Nukak; and the third strategy seeks to create the necessary law enforcement conditions to permit the return of the Nukak to their ancestral territories. The government completed its proposals for two groups of Nukak, identified as Wayari Muno (People of Guaviare) and Mue Muno (People of Coronilla), located in the settlements of Agua Bonita and Villa Leonor. The proposals were presented to the Office of the Vice Minister of the Interior on April 6, 2010.

Cofán

The Cofán region is in northeastern Ecuador and a small portion of southern Colombia, in Putumayo. Controversy has arisen because of the planned construction of a military installation with the capacity of up to 1,000 personnel, which the Colombian government sought to locate on a site called “Finca Maravales,” three kilometers from La Hormiga, Valle del Guamuez, in Putumayo. The Cofán claim that the land is part of its territory, and, therefore, the government must consult with it prior to any action on the site. After speaking with the Ministry of Defense (MOD), the Cofán leadership sent a letter to the Inter-American Commission on Human Rights (IACHR) in November 2006, asking the IACHR to require the Colombian government to consult with the Cofán prior to construction. The military, however, believes it acquired the land from a legitimate private owner, and, therefore, consultation with the Cofán, before construction, was not required. The Cofán argue that the seller of the land held the title, but did not have legal rights to the land since it was ancestral, sacred Cofán land. The MOD says the military facility is critical for combating narcotrafficking and terrorist groups in the area. The MOD also says that only a fraction of the property could have been ancestral burial ground, and has agreed not to build on that portion of the site, and to allow the Cofán free access to that portion of the property. Cofán legal representatives reported on May 21, 2010, that construction on the military installation has been suspended since March 2009 as agreed to by the MOD, but small improvements to existing installations are occasionally conducted.

The MOD continues its consultations with the Cofán in order to maintain a military unit near their reserve. The negotiation process is centered on environmental engineering and social, cultural, and economic impact studies. On April 15, 2010, Cofán legal representatives met with then-Vice Minister of

Defense Eastman and representatives from the Colombian military human rights office, the army corps of engineers, and local battalion commanders to discuss a way forward. The two sides have been unable to come to an agreement on what consultations and studies are required and whether third-party arbitration on any findings from the studies is necessary. The MOD contends that it has received one environmental permit from CORPOAMAZONIA, the responsible environmental authority, and is in the process of securing several others. The Cofán argue that CORPOAMAZONIA has not provided adequate review and oversight on the application, and wants an engineering team from the Javeriana University to review the environmental and other impact studies.

The Cofán are also concerned with military patrols entering its territory without prior notification. The MOD contends that given the need to combat and deter illegal armed groups and narco-traffickers, the presence of the Army in the area is essential for security in the indigenous territory and the wider community in general. The military also says that a community liaison has been designated to facilitate communication, when the nature of the operation permits, between battalion military authorities and Cofán leaders. On July 3, 2010, Cofán leaders and legal representatives attended a meeting at the battalion headquarters in Putumayo to further discuss concerns about recent encounters between the military and community members.

The Cofán and the Colombian government are also discussing ongoing improvements by the National Highway Authority (Instituto Nacional de Vías – INVIAS) to an existing unpaved stretch of road that passes through Cofán territory. Improving the road is part of a larger INVIAS project on the “Puente San Miguel” road linking rural communities to major cities and towns in Putumayo. According to Directive Number 01, prior consultation with indigenous communities is not required for maintenance activities on existing roads or when there is a legislative or administrative ruling that ethnic groups will not be affected. Moreover, when consultation is required, the communities do not have veto power over project development. On June 25, 2010, the State Administrative Court (Estado de Consejo), the nation’s highest administrative court, responded to an appeal filed by the Cofán seeking stoppage of work while consultations are completed. The Court issued an order providing the Interior Ministry 30 days to determine if the project requires consultation with indigenous communities in the area but did not issue a work stoppage order. The U.S. Embassy in Bogotá continues to work with Cofán legal representatives and the Ministry of Defense to improve dialogue and seek an equitable solution.

The MOIJ signed a \$75,000 agreement with the Cofán Permanent Roundtable to guarantee the development of a “Plan to Safeguard the Cofán” with the participation of the Cofán. On November 27, 2009, the government implemented the plan of prior consultation and the application of Order 004. Later, the Cofán, working with its nine communities on December 18-19, 2009, met with government entities on the national and local levels to present its analysis. The Cofán sent their proposals to the Colombian government on March 3, 2010. On March 19-20, 2010, the government met again with the Cofán to determine how to implement the Plan. At the conclusion of the meeting, the parties agreed the next step would be to define the specific programs with the end goal of implementing the Plan.

Government Outreach to Indigenous Groups

The Colombian government has created several mechanisms to increase its outreach efforts to indigenous communities, including the Permanent Committee for Consultation with Indigenous Peoples and Organizations (Decree 1397 of 1996); the National Commission for Human Rights of Indigenous Peoples (Decree 1396 of 1996); and the Amazon Region Committee for the Indigenous Peoples of Colombian Amazonia (Constitutional Court, judgment SU-383 of 2003; Decree 3012 of 2005).⁶⁸ It has also continued to implement existing plans, such as the “Integrated Plan to Support Indigenous Communities with High Vulnerability and Risk for Disappearance” and the “Program to Guarantee the Rights of Indigenous Peoples Affected by Displacement.”

In January 2009, the Constitutional Court signed Order 004, which recognized 34 indigenous communities as being in danger of extinction, and ordered the Colombian government to design and implement a “Program of Guarantees of the Rights of Indigenous Peoples,” along with 34 specific plans to safeguard the communities identified as most endangered. As ordered, the Colombian government submitted progress reports to the Court on October 31, 2009, and January 31, 2010, describing its compliance with Order 004.

On the basis of these two reports, the Program on Global Justice and Human Rights (PGJ) at the Universidad de los Andes, evaluated the level of implementation and compliance with the decision by the government entities responsible for discharging the obligations, in particular the Ministry of the Interior

⁶⁸ “Human Rights: Implementation of the United Nations Declaration on the Rights of Indigenous Peoples.” United Nations Economic and Social Council. , April 30, 2010

and Justice (MOIJ) and Acción Social. In its analysis, PGJ concluded that the government did not design and implement the measures ordered within the timeframes set out by the Constitutional Court. According to the government, the failure to meet the Court's deadlines was due to a mutual decision with national indigenous leaders to spend more time implementing the methodology for designing the Program and Plans. The PGJ further found that the implementation of the methodology has been slow and inefficient.

In accordance with decisions by the Constitutional Court (Sentence T025 and Order 004 of 2009), the Colombian government has designed a National Guarantees Program for indigenous people that is currently in the prior consultation process with indigenous communities for its further implementation. The government continues to host regional and national meetings with indigenous populations in order to develop action plans to address indigenous needs. The Colombian government developed and implemented action plans for indigenous communities in Arauca, Valle, Casanare, Cesar, Risaralda, Guaviare, Córdoba, Guajira, Chocó, Guainia, Meta, Vichada, and Vaupés. The government hosted two follow-up meetings on the regional level on November 23, 2009, and one on the national level on April 13-14, 2010.

In December 2009, the Colombian government hosted 14 preparatory meetings in order to provide information on Order 004 and the specific cultural differences of each indigenous group; define the scope of Auto 004, especially in relation to the Guarantees Program; and identify the necessary components for a departmental diagnostic on violence and displacement and how it impacts indigenous populations. Between August 2009 to April 15, 2010,⁶⁹ the Colombian government hosted a roundtable with indigenous organizations and on November 12-13, 2009, and held a regional Amazonian roundtable for indigenous peoples of the Colombian Amazon on December 3-4.

Through the National Commission for Human Rights of Indigenous Populations, the MOIJ created mechanisms for indigenous organizations to deal with issues like internal jurisdiction on November 30, 2009, and December 1-2, 2009. Through the "Projects for Communities at Risk" program, the MOIJ and the Presidential Program for Human Rights work with indigenous communities to identify and address risks faced by the communities. The Colombian government also continued to distribute and implement the "Guidelines on Attention to Indigenous Populations with a Differential Focus" through meetings of

⁶⁹ Time period available as of August 17, 2010.

representatives of the National System for Attention to and the Prevention of Displacement (SNAIPD), both at the regional and national level. Additionally, the government's Protection Program of Land and Patrimony of the Displaced (PPTP) requires a specialized treatment of indigenous and Afro-Colombian populations. These representatives developed Departmental Unique Integral Plans (PIUs) focused on ethnic displacement.⁷⁰

The UN Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Professor S. James Anaya, acknowledged the "significant level of attention from the State of Colombia to indigenous issues," but reported that the government must do more to protect and promote human rights and fundamental freedoms of indigenous people.⁷¹ In order to expand resources to indigenous communities, the Colombian government plans to open five indigenous justice houses in 2010 where indigenous jurisdiction is to be applied. The government has already commenced construction on one for the Wayuu people in Uribia, Guajira.

The government, through the Colombian Family Welfare Institute (ICBF), provides nutritional supplements to indigenous children in programs that prevent school dropout and promote regular attendance. With the Ministry of Social Protection, the government plans to enhance medical care with a differential approach for indigenous communities through six indigenous health providers. In addition, the government has developed a program for the empowerment and safety of indigenous women, with a projected first phase completion in 2010 and a second phase completion in 2011.

Religious Freedom Within Indigenous Groups

Indigenous Christians reported they were prevented from practicing their faith while on indigenous reserves. On October 27, 2009, approximately 28 Kogui Christians (including two nursing mothers) were detained for nearly two months by the Gonawindua Tayrona Organization (OGT), the governing body of the Sierra Nevada reserve, for practicing their faith. The OGT denied any individuals were held against their will and cited recent high court decisions that protect indigenous

⁷⁰ Displacement of indigenous communities is discussed in more detail in the section on displacements.

⁷¹ Report of the United Nations Special Rapporteur on the Situation of Human Rights and Fundamental Freedoms of Indigenous People, Professor S. James Anaya, on His Visit to Colombia. United Nations, January 8, 2010.

autonomy and the right of indigenous governments to deny public practice of religions different from traditional indigenous rites on reserves.

NGOs report that, in February 2010, a Colombian judge ruled that, while religious freedom is guaranteed under the Colombian Constitution, Kogui leaders have the right to “protect” native practices. In March 2010, the Kogui Christians’ appeal was rejected by Colombian courts. Both sides rely on a 2008 legal decision (T-349/08) which acknowledges the right to practice Christianity in private on indigenous territory, but upholds the indigenous government’s right to determine if the public practice of Christianity is a threat to indigenous traditions. This issue was of concern to many NGOs, members of Congress, and American citizens. The Colombian government has tried to balance respect for the rights of indigenous communities and individual religious freedoms.

Afro-Colombian Communities

The Colombian government is respecting the rights of Afro-Colombians and working to improve security, access, and inclusion for Afro-Colombian communities. Afro-Colombians are one of the most vulnerable populations in Colombia. Many live in rural, poverty stricken areas, and have historically been marginalized. The exact population of Afro-Colombians is unknown, but estimates range between 11 and 25 percent⁷² of Colombia’s population. According to the 2005 census, 10.5 percent of the population identified itself as Afro-Colombian, Palenqueras, and Raizales. According to the Colombian Institute for Rural Development (INCODER), Afro-Colombians have 161 community councils, which serve to govern Afro-Colombian communities.

The departments with the highest population of Afro-Colombians are Chocó (82 percent Afro-Colombian), San Andrés and Providencia (57 percent Afro-Colombian), Bolívar (27 percent Afro-Colombian), and Valle de Cauca (27 percent Afro-Colombian). The 1991 Colombian Constitution and Law 70 (1993) granted Afro-Colombians collective ownership of five million hectares (approximately two million acres), which comprises five percent of Colombia’s total land territory (note: Indigenous groups, though smaller, have collective ownership of 30 percent.). The government is developing a land policy for Afro-Colombian collective territories and is training government functionaries on their legal responsibilities to the Afro-Colombian population.

⁷² 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.

On February 15, 2010, the UN Independent Expert on Minority Issues, Gay McDougall, called on the Colombian government to concentrate efforts in improving the situation of Afro-Colombians, especially in key issues related to displacement, dispossession, poverty, and violence against individuals and communities, in both rural and urban environments. McDougall acknowledged that “Colombia has an impressive and commendable legislative framework that recognizes many rights of Afro-Colombians, starting with the Constitution of 1991, which recognizes not only the right to non-discrimination but also the right to equality for all citizens,” but she argued that government implementation of its legislation on Afro-Colombian communities was “inadequate, limited and sporadic.”⁷³ McDougall, along with many NGOs, called on the Colombian government to recognize and respond to the “extreme impact of violence and displacement on Afro-Colombian women” and create conditions of security, dignity, and justice.

Violence Against Afro-Colombians

As is the case in areas populated by indigenous communities, illegal armed groups have attempted to exploit for criminal purposes many of the areas with high Afro-Colombian populations, which in turn endangers the local population. In order to combat this activity, the Armed Forces maintain a presence in some of these areas. Resulting conflicts between the Armed Forces and the illegal armed groups have also threatened the local population. This is a major factor contributing to the high rate of Afro-Colombian displacement.

Members of Afro-Colombian communities reported receiving threats and being the victims of violence. Like indigenous groups, some Afro-Colombian communities are wary of the Armed Forces, believing their presence on or near their land invites violence. During the certification period, 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 the strengthening of land rights for those groups.

In response to threats against Afro-Colombians and prior concerns raised by

⁷³ Statement by the United Nations Independent Expert on minority issues, Ms Gay McDougall, on the conclusion of her official visit to Colombia, 1 to 12 February 2010.

the Inter-Church Commission of Justice and Peace (CIJP), beginning in February 2008, the Vice President's Office directed the commander of the Army's 15th Brigade and the police commander in Urabá to take steps to ensure that these individuals were protected from harm. The Vice President's Office also asked the Prosecutor General's Office to initiate investigations into the threats. Those investigations are on-going. Protective measures have been implemented for CIJP and related organizations.

The "Julio Londoño Londoño" Battalion of the Army's 15th Brigade has increased its efforts to protect the communities of Curvaradó and Jiguamiendó. This includes:

- Reaching out to individuals who consider themselves to be at risk or who have been threatened in order to gain familiarity with their cases and to establish a relationship so that the individual knows who to contact should any irregularity arise;
- Investigating all information regarding activity that could put members of the communities at risk;
- Working closely with the Ombudsman's Office, both at the local and national levels;
- Increasing patrols and controls of roads, highways, and waterways to prevent access by illegal armed actors;
- Stepping up operations against illegal armed groups; and
- Redoubling efforts to ensure that soldiers operating in the areas near the communities understand the security measures they are implementing and that those measures are implemented in strict accordance with the law.

According to information provided by the Prosecutor General's Office, in 2009, eight cases of homicides of Afro-Colombians were assigned to the Human Rights Unit, compared to three cases assigned to the Unit in 2008. No cases were assigned between January 1, 2010, and April 15, 2010. As of March 25, 2010, the government reported it had received 40 threats against Afro-Colombians. Of these 40 cases, the Prosecutor General's Office has identified assailants in 33, with seven yet to be determined. Investigations, however, have shown that several threats are clearly not related to the victims' ethnic group or human rights activities, such as in cases where spouses, neighbors, and co-workers have issued threats.

That said, Afro-Colombians continue to experience violence and threats, such as the homicide of Afro-Colombian community leader Benjamin Gomez, an Afro-Colombian community leader of the Caño Manso Humanitarian Zone in

Curvaradó, Chocó, on August 28, 2009. Gomez had been a beneficiary of provisional measures of protection from the Inter-American Court of Human Rights. Also, on October 22, 2009, criminal group the Black Eagles (“Aguilas Negras”) sent a written death threat to leaders from the labor union “Central Unitaria de Trabajadores de Colombia” (CUT), the Proceso de Comunidades Negras (PCN), and other human rights defenders, trade unionists, and Afro-Colombian leaders.

Seventeen Afro-Colombian organizations were included in a May 14, 2010 threat by the Black Eagles, including Afro-Colombian IDP leader Jair Murillo, a member of the Fundación Integral Pacífico Nariñese (FIPAN). In July 2010, Murillo was killed in Buenaventura, just days before the planned July 18, 2010 march of IDPs from Buenaventura to Bogotá that he had organized was scheduled to take place. The National Association of Displaced Afro-Colombians (AFRODES), along with several other organizations, decried the murder and called on the Colombian government to condemn publicly the threats against Afro-Colombian organizations, to adopt special measures to investigate the threats and Murillo’s murder, and to strengthen protection measures for these groups.

Outreach to Afro-Colombian Communities

To address the needs of the Afro-Colombian population and take steps to end racism and discrimination against members of this group, in 2007, the Colombian government issued Decree 4181, creating the Intersectoral Commission for the Advancement of Afro-Colombian, Raizal and Palenquera Populations” (“Comisión Intersectorial para el avance de la población Afrocolombiana, Raizal y Palenquera”). Comprised of relevant cabinet ministers and Afro-Colombian congressional representatives, the Commission was established on May 19, 2008. It is charged with evaluating the living conditions of the Afro-Colombian, Raizal, and Palenquera populations, and presenting recommendations to the Colombian government on ways to eliminate the barriers that impede the economic and social advancement of the populations, particularly women and children, and to more effectively guard their civil rights.

To fulfill this mission, the government held 18 regional meetings of the Commission and its Technical Committee. In addition, three studies were done, one each by Valle and Los Andes Universities, which focused on socioeconomic conditions of Afro-Colombians, and one by the Department of National Planning, which focused on government policies on and resources for Afro-Colombians. From November 2009 to April 2010, the government hosted four national

consultations with Afro-Colombian communities as well as numerous regional and local meetings, in which 600 Afro-Colombians participated. The government has also created a program called “Protection of the Rights of Displaced Women of African Descent” to respond to Order 092 and to meet the special needs of Afro-Colombian women in prior consultation, legal services, and specialized services for displaced Afro-Colombian women.

All government institutions have policies and programs for specialized attention to the Afro-Colombian population, but to continue to build a legislative framework for inclusion, in July 2009, a bill aimed at furthering the inclusion of Afro-Colombians was submitted to Congress by Liberal Party Senator Piedad Cordoba. The first Senate debate took place on October 14, 2009, and the First Committee approved the measure on April 13, 2010. In addition, the government submitted a bill to Congress on July 20, 2010, that creates incentives for public and private institutions to benefit the Afro-Colombian population.

The government reported that the inclusion of Afro-Colombian students in higher education has increased due to quota requirements and scholarships. New decrees are in process to allocate 10.6 billion pesos (\$5.3 million) in scholarships to Afro-Colombian students. Law 70 of 1993 established the subject of Afro-Colombian history for schools, and Decree 1122 of 1998 made it obligatory in both public and private primary schools. The government continues to fund 32 centers in Colombia that promote Afro-Colombian cultural memory.

Efforts to Eliminate Racism

On January 12, 2010, the Colombian and U.S. governments signed the U.S.-Colombia Action Plan on Racial and Ethnic Equality. Under this plan, the U.S. and Colombian governments commit to sharing best practices and implementing cultural programming to address racial discrimination and related issues affecting under-represented racial and ethnic minority communities, particularly the Afro-Colombians and indigenous. The Action Plan aligns closely with the recommendations of the Intersectorial Commission for the Advancement of Afro-Colombians, Raizales, and Palenqueros. The Commission is a high-level, inter-disciplinary committee, led by then-Vice President Santos, to examine the living conditions of these Afro-Colombians and recommend ways to overcome the barriers that hinder their advancement. The Commission identified “invisible barriers,” including a lack of continuity, quality, access, and participation in education; low participation and representation in democratic institutions; limited equal opportunities in the labor market; and racism and discrimination. The

Colombian government has established priority areas for Action Plan programs targeting Afro-Colombian and Indigenous communities, which include: (1) greater access to education, employment, housing, and democratic institutions; (2) increased recognition of their culture, traditional knowledge, and contributions to Colombian society; and (3) integration of the history of these communities as part of the national education curriculum. The U.S. government supported this process and will provide assistance to the Colombian government in the development and implementation of the various recommendations.

As was reported in the last certification, at a May 29, 2009, ceremony at Cartagena's Palace of the Inquisition, the Commission presented to then-Vice President Santos the findings of its meetings with over 4,000 representatives of Afro-Colombian communities over the last year and a half, and several recommendations to address the concerns it found. The Commission's principal recommendations were to increase political representation by encouraging political parties to select Afro-Colombian candidates; create incentives to improve access to public and private education including through affirmative action; seek participation of Afro-Colombians in the labor market; require inclusion of minority-owned businesses in government procurement; foster entrepreneurship amongst the Afro-Colombian population; and create tax incentives for private-sector companies that develop diversity policies; and increase inclusion of Afro-Colombians in government and the Armed Forces.

The government did not previously keep records on the number of Afro-Colombians in the Colombian cabinet, high courts, political parties, or Armed Forces. Since February 2009, the MOIJ's office on Black Communities, Afro-Colombians, Raizales, and Palenqueros has promoted the introduction of a decree to require the collection and reporting of such data for all public employees and government contractors. The proposal was sent to the National Department of Planning in April 2009.

Regarding the participation of Afro-Colombians in the national legislature, under Law 649 of 2001, two Afro-Colombian representatives were elected in the last congressional election. The current Senate has 102 senators, two of whom are Afro-Colombian. The Congress has 166 representatives, eight of whom are Afro-Colombian (including the two that hold the seats designated for Afro-Colombians).

The government has also begun a nationwide campaign to end racism. In 2005, the government established May 21 as National Afro-Colombia Day to be celebrated annually. The government held events throughout Colombia as well as

at its diplomatic and consular missions internationally.

In addition, the MOIJ's Directorate of Black, Afro-Colombian, Raizal, and Palenquera Communities has adopted the proposal by the Association of Displaced Afro-Colombians (AFRODES) to create a National Working Group on Forced Displacement and Confinement Among the Afro-Colombian Population ("Mesa Nacional Temática de Población Afrocolombiana en Situaciones de Desplazamiento Forzado y Confinamiento"). This proposal contains a plan for dialogue with Afro-Colombian communities and organizations regarding Constitutional Court decisions 200 from 2007 (which ordered special protection for displaced leaders), 092 from 2008 (which ordered the creation of programs to bring attention to the plight of displaced women and to strengthen their constitutional rights and granted protective orders to more than 600 displaced women), and 005 from 2009 (which ordered the protection of internally displaced Afro-Colombians).

The government continues to implement nine plans, begun in 2006, to benefit Afro-Colombians in Chocó and Cauca. In Cauca, the government is executing two plans in Bolívar and Mercedes, and on La Sierra and El Tambo, which are focused on strengthening protection and prevention mechanisms with respect to human rights, and increasing citizen participation, including by strengthening Afro-Colombian organizations in the region. One additional plan in Cauca, developed in 2009, is being executed in Balboa and Patía, focused on implementing measures to strengthen the social fabric of Afro-Colombian communities and mitigating the impact of violence on those communities. In the department of Nariño, six plans in Olaya Herrera, Santa Bárbara de Iscuandé, La Tola, El Charco, Francisco Pizarro, and Tumaco are focused on strengthening prevention and protection mechanisms for public authorities, family structures, and community psycho-social assistance, and alternative development opportunities.

SECTION 7046(b)(2)

Section 7046(b)(2) of the FY 2009 SFOAA requires a determination that:

“[T]he Government of Colombia . . . is conducting vigorous operations to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of paramilitary organizations or successor armed groups and guerrilla organizations.”

The Colombian government continued to take steps to strengthen civilian institutions and respect for internationally recognized human rights in areas under the influence of illegal armed groups. Increased security over the last decade has led to greater economic growth, substantial poverty reduction, better protection of human rights, and renewed confidence in the government. In a September 2009 report, the Center for Strategic and International Studies (CSIS) acknowledged that “Colombia has made extraordinary progress during the years of the Uribe presidency in reducing levels of violence and crime while improving the overall human rights situation. These variables are organically linked to the exercise of legitimate state authority, including control over national territory, and the rule of law.”⁷⁴ Illegal armed groups continue to exploit the lack of sustained Colombian government presence in many areas by continuously adapting their tactics, shifting their operations to new regions, working in smaller groups, and collaborating with other international criminal groups. In turn, Colombia is constantly refining its strategies to address the evolving nature of the threats posed by illegal armed groups.

Colombia has been remarkably successful in its strategy to “clear” illegal armed groups from areas throughout the country, but recognized the need to complement this strategy with “hold” and “build” tactics, by introducing and establishing non-military institutions to the recovered territory. The Colombian government has adjusted its approach to place a stronger focus on creating sustainable government presence and strengthening institutions. In early 2007, the Colombian Ministry of Defense created the policy of the “Consolidation of Democratic Security,” which outlined the need to consolidate state authority beyond a mere military presence in the areas taken from the insurgents, bringing other state resources to bear in the consolidation process. The policy called for a doctrine of “integrated action,” which prescribes combining the legitimate use of

⁷⁴ “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia.” Center for Strategic and International Studies. September 2009.

force with state and community social action. It envisions a coordinated effort to improve citizen security, eliminate the illicit economy, replace it with legitimate economic activity, and consolidate rule of law. The integrated action policy prioritizes an increase in state presence in areas affected by violence to satisfy the population's basic needs, like health, education and public services, as well as justice, culture, recreation, and infrastructure projects. To carry out the integrated action policy, then-President Uribe issued Presidential Directive 001 to officially make the National Consolidation Plan (PNC) government policy, direct all civilian ministries to prioritize programs in PNC zones, and establish the Center for Coordination of Integrated Action (CCAI), formed in 2004, as the Colombian government's PNC coordinating mechanism.

The Center for Coordination of Integrated Action (CCAI)

Over the last several years, the Colombian government has revamped inter-agency coordination to increase state presence throughout the country and to restore citizens' confidence in the state. In 2004, the Colombian government established a national coordinating body called the Center for Coordination of Integrated Action (CCAI). CCAI harmonizes the activities of civilian Colombian government agencies in PNC zones and promotes short-term social and economic development in priority areas where Colombian security forces have established a security presence, but penetration by civilian institutions has been weak or non-existent. The purpose of CCAI was not to create a new institution but to create greater synergy through a collaborative and sequenced interagency strategy. CCAI's first such priority area was in six municipalities of La Macarena (Southwest Meta). In this area, CCAI developed the Integrated Consolidation Plan for La Macarena (PCIM) to coordinate all military and civilian operations in the area, secure the former FARC stronghold, and increase state presence in the region. The PCIM was the government's first sequenced framework for stabilizing conflict zones and ensuring the provision of social services by the government

National Consolidation Plan (PNC)

Building on the CCAI approach, and using a successful U.S.-supported pilot project in La Macarena as proof of concept, in March 2009, the Colombian government announced the National Consolidation Plan (PNC). The PNC is a coordinated process to consolidate government efforts and guarantee a sustainable environment of peace and security, allowing for the strengthening of democratic institutions. It focuses on increasing territorial control in under-governed areas of the country to provide security for communities, make lasting gains in coca

eradication, achieve permanent eradication, transfer security responsibility to the police, and provide a wide range of socio-economic services. PNC generates the necessary conditions for development in Colombia and provides Colombian citizens with the freedom to exercise their individual rights. Human development is a fundamental principle of PNC and the central objective is the protection and well-being of citizens, not only as subjects of improved human rights, but as active participants in the consolidation process. CSIS states, “unless Colombians living in these former conflictive zones see that the government is concerned with their security and well-being, progress in advancing any type of development will not be sustainable.”⁷⁵ The Colombian government has identified fifteen “consolidation zones,” where agencies will concentrate their efforts to establish a continuing government presence. Colombia’s end goal is to integrate these priority regions - a major source of instability, violence, and narcotics trafficking when dominated by illegal armed groups - into Colombia’s broader political, economic, and institutional fabric.

PNC aims to increase the willingness and capacity of communities to cooperate and interact with the government, while expanding the government’s capacity to exercise timely, credible, and responsive civil functions. Once the military and police have provided permanent security in an area and coca has been eradicated, the government aims to deliver small, quick-impact, community-prioritized, social infrastructure projects. These projects are frequently the first concrete demonstration of government support for historically marginalized communities and serve to build trust between communities and local government. Typical projects include community centers, electricity, roads, and schools. The government provides economic opportunities for groups making the transition from the illicit coca-based economy to the legal economy. Projects, like agricultural inputs, planting material, small machinery, and technical assistance, build on what people already know how to do and are directed at the local market.

Regional Coordination Centers

The Colombian government established Regional Coordination Centers (RCCs) to replicate at the local level the interagency coordination effort that occurs at the national level with the CCAI. There are a total of 14 RCCs, found locally amongst the consolidation zones, which co-locate civilian and military entities involved in security, stabilization, and civilian development efforts (army, police,

⁷⁵ “Countering Threats to Security and Stability in a Failing State: Lessons from Colombia.” Center for Strategic and International Studies. September 2009.

civilian coordinators, judiciary, prosecutors, and coca eradication teams). RCCs are responsible for implementing programs and coordinating responses to local concerns and emergencies. The RCC is led by a Civilian Coordinator who works closely with Military and Police Coordinators assigned directly to each RCC. Additional key staff members include a permanent liaison to the governor's office, and advisors in the areas of economic development, land titling and restitution, social reactivation, and justice sector strengthening. Officials in the RCCs are public servants at the national, departmental, and local levels.

Every RCC has a Regional Action Plan, a Mobilization Project, and an ensuing Operational Plan that are all based upon the principles under the PNC. Regional Action Plans are constructed by the RCC, with participation from local authorities and the community, and with feedback from PNC agencies and the National Planning Department (DNP). The Mobilization Projects give each zone a clear and concrete focus area, specific to that zone, which serves as a high-impact catalyst for the process of integral recovery for consolidation. The detailed Operational Plan serves as the road map to measure success, to outline the required resources per Colombian government entity and timeframes for delivery, and to define the exit strategy. Once these plans are in place, the RCC staff is responsible for coordinating the efforts of local, regional, and national actors to re-establish government presence and services within those areas with permissive security.

A Phased Approach to Increased State Presence

Under the PNC, CCAI carries out a sequenced and phased strategy that starts with military operations, moves onto quick social and economic assistance efforts, and ends with the presence of a functioning, civilian government and the withdrawal of most military forces. As government presence and security in each consolidation zone improves, the zone moves from the Readiness phase (pre-planning stage), to the Recovery phase (military expels illegal armed groups and gains territorial control, mitigates effects of armed conflict, and promotes confidence in the state), to the Transition phase (military presence replaced by police and judicial services, institutional recovery and stabilization, substitution of illicit economic activity with licit options), and finally to the Stabilization phase (establish state institutions and public services and create conditions for the social and economic well-being of residents). As of April 2010, of the total 2,590 districts under the PNC, there were 145 in the Readiness phase, 1,395 in the Recovery phase, 942 in the Transition phase, and 108 in the Stabilization phase. To generate the necessary conditions to accomplish the goals set forth under the PNC, the Colombian government focuses on enhancing justice and security,

providing emergency humanitarian attention (including addressing the needs of displaced persons), clarifying land titling and property rights issues, increasing social development (especially the quality and coverage of education and health services), increasing economic development as residents move from an illicit to a licit economy, and strengthening local governance and citizen participation.

Improving CCAI's Civilian Leadership

CCAI is run by Acción Social, the agency responsible for the Colombian government's social assistance programs. At the start of PNC, Acción Social had a slow start in taking full charge of consolidation efforts, leaving the appearance that the Ministry of Defense was in the lead. The President's Office issued Presidential Directive 01 (March 2009) to order Colombian government agencies to prioritize the PNC, designate CCAI as the PNC coordinating mechanism, and reinforce Acción Social's leadership role. The Directive placed CCAI under the leadership of a Directive Council whose members include Acción Social, the DAS, the Prosecutor General's Office, and the Armed Forces. Under Acción Social's leadership, the Directive Council is responsible for guiding policy for the National Consolidation Plan. The Directive also created a CCAI Executive Committee that meets twice monthly to ensure regular involvement of government representatives from the pertinent ministries to focus on and synchronize PNC efforts. Acción Social is the Technical Secretariat for the CCAI Executive Committee, with an operational role and responsibility to channel the needs for development, do the necessary follow-up, and monitor progress. CCAI is composed of a total of 110 government officials. In addition to personnel at headquarters in Bogotá, Acción Social has established 11 permanent RCCs based throughout Colombian territory to work on PNC coordination activities with plans to establish three more.

On September 17, 2009, Diego Molano was sworn in as Director General of Acción Social, filling a significant role on the civilian side of PNC. Early on, Molano decided to tackle the major challenges under the new and evolving CCAI entity. To attend to the first challenge of securing participation from key Colombian civilian government ministries in PNC, Molano led an effort to better integrate civilian ministries and agencies into the strategic planning process aimed to produce a coordinated, flexible, and integrated approach. Molano asked agencies to define inter-agency roles and study how to better manage coordination and follow-up. Director Molano also ordered the interagency to review ministry compliance with the March 2009 Directive and determine priority municipalities where quick and lasting results could be achieved. By January 2010, CCAI had further defined the PNC's geographic area, mapping out 101 priority municipalities

and identifying family and population numbers in each, allowing CCAI to identify key population centers, develop security plans for territorial control, and create comprehensive operational plans.

Another major CCAI undertaking this past year was the process of socializing the PNC and organizing a comprehensive strategy for public outreach. Director Molano requested government agencies organize a strategy in order to address two major NGO concerns: civil society's lack of understanding on PNC's structure, its objectives, and implementation; and insufficient NGO participation in discussions on PNC. NGOs recommended that communities be consulted, to effectively take into consideration concerns or ideas of the communities affected when designing programs. NGOs have also expressed their belief that more emphasis is needed on building an active, organized citizenry, to reconstruct the social fabric and develop citizens' abilities to oversee and denounce government excesses.⁷⁶ The Colombian government affirms that local coordination activities are in concert with local organizations and vulnerable communities. Regional planning is constructed based upon local development plans, including the outcomes of citizen participation processes. In fact, in some PNC programs, civil society organizations are the primary players. For example, Transition Plans in La Macarena are based on agreements chartered with local organizations; in the Sierra Nevada de Santa Marta, indigenous communities are developing an initiative to construct cultural and traditional towns, while protecting the environment. The Montes de María Foundation is a significant civil society organization that brings public and private sector actors together at the local, regional, and national level to help strengthen community, institutional, and land-related conditions to improve the quality of life and bring peace to Montes de María.

Colombian public forces are receiving training in strategic communications, public relations, and community outreach to support this effort. Securing a concrete commitment of budget allocations for the PNC is another challenge, as CCAI was not devised as a body with its own budgetary resources but rather relies on support, funding, and personnel from other ministries. Ministries have not received budget increases, due to the international economic crisis, which has put some strain on resources. The Colombian government is working on a budget proposal for 2011, which will, for the first time, include specific PNC line items by government entity. Acción Social itself carved out \$779,445 in 2009 and \$1,452,151 in 2010 to support the operational functions of CCAI.

⁷⁶ "After Plan Colombia – Evaluating 'Integrated Action,' the next phase of U.S. assistance." Center for International Policy. December 2009.

Molano is also dealing with the challenge of transitioning to the next administration with a strong and institutionalized PNC structure. Then-President Uribe's March 2009 Directive was designed to expire at the end of his presidency, a fact that alarmed the NGO community, which questioned the long-term sustainability of CCAI. The Colombian government intensified consolidation efforts to ensure all the Regional Coordination Centers (RCCs) that manage PNC efforts at the local level were functional before the August 7, 2010 presidential inauguration. In addition, the government moved forward with the development, approval, and signature of two new presidential decrees. The first formally established CCAI as an inter-agency coordinating system, to which all ministries must legally respond. The second decree formally places CCAI within Acción Social as a semi-autonomous entity, with financial and administrative independence. Acción Social has also fully documented PNC's major achievements and challenges, as well as concise descriptions of subjects like RCC mechanics, to prepare for a thorough handover to the incoming administration.

CCAI Priority Zones

CCAI manages activities in fifteen consolidation zones marked as priority regions for focusing PNC efforts. The zones were selected based on the areas where the convergence of weak state presence, high occurrence of human rights violations, existence of illicit crops, narcotrafficking, and terrorist activity were the strongest. The 15 priority zones managed by CCAI are: La Macarena Region; Montes de María; Nariño; Río Caguan; Sur de Córdoba; Bajo Cauca Antioquia; Buenaventura; Catatumbo; Sierra Nevada de Santa Marta; Cordillera Central; Putumayo; Arauca; Cauca; Sur del Chocó; and Oriente Antioqueño. Each consolidation zone is in a different phase of development, since they have each been launched at different points in time. Some consolidation zones are in the initial stages; others, such as the pilot project in La Macarena, have been models of success. A short description of the work undertaken in each zone is included in Annex K.

Overall PNC Results

PNC activity has brought about significant developments in the consolidation zones. In terms of territorial coverage, the PNC went from covering 39 municipalities in 2004, to 69 in 2008, to 100 in 2010. As of May 2010, CCAI achieved 65.3 percent of its total goals for PNC set forth for 2010, a remarkable achievement considering this is a only mid-year assessment. The Colombian

government is making a concerted effort to bring down the illicit crops industry, realizing it is a principle threat and vulnerability for communities and the environment. Already, between 2004 and 2008 the Colombian government reports that manual eradication has rid Colombian territory of 28,798 hectares of coca. In terms of security, victims of massacres have been reduced 50 percent and kidnappings decreased 65 percent in the consolidated zones between 2004 and 2008. Increased control over more areas of national territory has strengthened Colombia's political system and allowed increasing numbers of citizens to participate in elections. In La Macarena, average voter turnout increased from 22.8 percent to 35.5 percent, which corroborated frequent reports from communities that consolidation has created more space for citizen participation and more freedom of expression. In Montes de Maria, average voter turnout increased from 36.2 percent in 2006 to 45.1 percent in 2010. In Tumaco, average voter turnout increased to 33 percent, up approximately seven points from 2006. The Colombian government is also providing support to maintain the Montes de María program to strengthen local government (CIMIENTOS) and offer technical training to planning teams in mayors' offices in Nariño. Giving attention to social and medical needs, the government provided more than 195 medical consultations and 14,000 surgeries. Subsidized healthcare coverage has increased from 74 percent in 2006 to 90.1 percent in 2010.

The government is determined to enhance the coverage and capacity of the judicial system in Colombia by increasing the presence of prosecutors, judges, judicial support structures, and other mechanisms. To achieve this goal of generating confidence in the judicial system, the government has assigned two prosecutors to investigate the purchase of land in Montes de María and installed two judicial support structures (EDAs) in Mudo de Paramillo, Macarena.

Development and sustainability are key for improving the local economy, mobility, and security. New investments for social development were budgeted through the CCAI mechanism, totaling more than \$102 million to support 575 social development projects. A total of 76 productive projects were supported, worth a total of \$21.6 million, as were 136 economic development projects valued at \$116 million. The Colombian government has completed 186 social infrastructure projects at a cost of \$60 million. Through PNC, the government continues to seek mechanisms to augment institutional capacity and budgets for greater investment in rural, tertiary roads. Colombia is enhancing capacity and efficiency in the processes to deal with property and land titling issues. Property laws now protect 3,290 new properties, equaling 248,958 hectares. The Colombian government is currently reviewing major land issues in Montes de

María and initiated the consultation process to recover territory in Nariño and Montes de María.

Future Challenges for PNC

Though PNC has had some success, several challenges remain to ensuring its viability into the future.

Strong PNC Leadership

In March 2009, Presidential Directive 001 required all government ministries to prioritize support to consolidation. The directive was instrumental in establishing the PNC's legal authority, Acción Social's leadership, and national structures to implement the PNC. Still, the Directive lacked budgetary authority and put Acción Social in the position of leading without the ability to direct resources. Consequently, some ministries have been more active than others.

Budgetary and Resource Commitments

Transforming the PNC to state policy, with significant civilian ministry participation, will require distinct resource commitments to ensure agencies comply with Directive 001. The whole-of-government approach requires that all agencies must play a meaningful role.

Tertiary Roads

Communities and local authorities consistently cite roads as a pressing need for economic and social development. By law, municipal governments are responsible for constructing and maintaining tertiary roads but lack administrative, technical, and financial capacity in most consolidation zones to fulfill their mandate. The Colombian government has worked to improve many kilometers of roadways but structural reform is required for comprehensive progress on tertiary roads, which are vital components of enhanced security and development.

Increased Police Capacity

Despite a demonstrated commitment, the police have been slow to take responsibility from the military in zones that are in transition from military control to civilian-led rule of law due to a lack of personnel and resources. As a result, the military is continuing to provide security in those areas, raising resource and legal

concerns. Similarly, police that are deployed are forced to cover vast swaths of difficult territory.

Justice Sector Presence

Rule of law and an end to impunity requires that police are supported by an effective justice sector. If communities cannot be assured that the legal system will punish illegality, incentive for individuals to participate actively in the culture of legality promoted by the PNC is lessened. The justice sector – prosecutors, judges, and criminal investigators – lack presence or are not adequately functioning in consolidation zones. In some rural areas, there have been attempts at utilizing alternative justice mechanisms but experience has shown that the lack of a formal justice system eventually undermines these alternative systems because there is no penalty for non-compliance. The judicial authorities have been hamstrung by a lack of personnel and resources to provide the basic elements of rule of law in these consolidation zones and internal upheaval within the Prosecutor General's Office due to a court ruling requiring the dismissal of thousands of experienced prosecutors. (See 7046(b)(1)(B)(i) for more information on the personnel challenges facing the Prosecutor General's Office.)

Land Tenure/Titling Issues

Land ownership is a fundamental building block of citizenship. The determination and safeguarding of land ownership is a responsibility belonging to the Colombian government. Without legal ownership of land, residents of rural areas lack the basic contract with their government that underpins the culture of legality, a sense of place, and a long-term relationship with their community and local governments. Moreover, land tenure is fundamental to the investment in medium to long term, and legal income generating activities, and is a key factor to obtain credit. However, deficiencies in rural land titling are particularly acute in consolidation zones. Without serious efforts to improve land titling, the lack of progress in this issue threatens to undermine confidence in the government in these consolidation zones.

In addition to the lack of land titles, an unexpected result of the dramatic security improvements in consolidation regions has been skyrocketing property values, exposing farmers without land title to conflict and competition for land. In some consolidation zones, concentration of land in the hands of large tenants threatens to create a new cycle of displacement for residents forced off their land not by violence but by pressure to sell their land.

Micro-Eradication Mechanism to Support Consolidation

Current manual eradication mechanisms are driven by year-end hectares eradicated goals and thus focus on areas of high-density coca cultivation. However, in some zones in transition, such as the Macarena, the remaining small, dispersed coca plots threaten consolidation and the institution of a culture of legality. Some regional models are being tested to tackle this problem.

Annex A: Arrests/Detentions by the Prosecutor General's Office

Between August 1, 2009 and June 15, 2010,⁷⁷ the Colombian government reported that the Prosecutor General's Office detained at least 167 members of the Armed Forces (including one retired General and three Majors) under Law 600 (inquisitorial system) and Law 906 (accusatorial system) in at least 43 cases where military personnel allegedly committed gross human rights violations or collaborated with paramilitary groups (the count of the list below varies from the total number of individuals detained as two individuals are listed under multiple cases):

- A. On August 5, 2009, seven members of the Army's 3rd High Mountain Battalion were preventatively detained by DAS agents in Cali for their alleged responsibility in the aggravated homicide of farm worker José Orlando Giraldo Becerra on a farm in the Golondrinas Precinct, the rural area of the Valle del Cauca capital. Investigations revealed the victim's body had been moved, discrediting the story of the accused. Sergeant Luis Eduardo Mahecha, Chief of Intelligence of the battalion, was previously detained and is currently in legal proceedings for the same incident. The case number is unknown. (Prosecutor General's Office Case Number Unknown)
- (1) Army Soldier Manuel Arturo Pabón Jaimes
 - (2) Army Soldier Jhon Jaimes Quiroga Sánchez
 - (3) Army Soldier Luis Francisco Gálviz Sepúlveda
 - (4) Army Soldier Christian Daniel Delgado Cuasquer
 - (5) Army Soldier Carlos Enrique Martín Díaz
 - (6) Army Soldier William Fabián Mosquera Delgado
 - (7) Army Soldier Eduardo Fidel Angarita Santiago
- B. On August 5, 2009, (8) Army Soldier Diego De Jesús Gomez Hernandez was preventatively detained (arrest date unknown) in connection with Prosecutor General's Office case number 4774. He was indicted in this case on November 4, 2009.
- C. On August 8, 2009, (9) Army Professional Soldier Jorge Armando Tovar Narvaéz was arrested in connection with Prosecutor General's Office case number 1859. He was indicted in this case on October 12, 2009.
- D. On August 10, and October 20, 2009, four members of the Navy were

⁷⁷ Time frame available as of July 31, 2010.

preventatively detained in connection with Prosecutor General's Office case number 4000. They were indicted in this case on March 12, 2009.

(10) Navy Infantryman Jefferson Ballesteros Cuello
(preventatively detained October 20, 2009)

(11) Navy Infantryman Luis Miguel Fadul Atencio
(preventatively detained August 10, 2009)

(12) Navy Infantryman Yovani Ortiz Guardo
(preventatively detained October 20, 2009)

(13) Navy Infantryman Armando Osorio Urrego
(preventatively detained October 20, 2009)

E. On August 10, 2009, seven soldiers from one of the Army's Gaula Groups were preventatively detained for their alleged responsibility in the January 14, 2009, death of four individuals in the La Reforma sector of the Santiago de Cali jurisdiction. Investigations established that the soldiers fired upon four individuals outside a coal mine, later claiming that the victims were members of a criminal gang. The victims have been identified as Edinson Yimel Villanueva Santa, Nelson Antonio Mosquera, Fabio Andrés Carmona Burbano, and Edwin Antonio Alvarán Patiño. The defendants are being held at the Villahermosa prison in Cali. (Prosecutor General's Office Case Number Unknown)

(14) Army Sergeant Gildardo Ruiz Rivera

(15) Army Captain Oswar Javier Arias Martínez

(16) Army Lieutenant Carlos Alberto Galeano Galeano

(17) Army Professional Soldier Juan Antonio Quintero López

(18) Army Professional Soldier Aris Arboleda Ordóñez

(19) Army Professional Soldier Sergio Armando Melecio Giles

(20) Army Professional Soldier Dioneider Mina Mina

(21) Army Professional Soldier José Eliseo Vega Viáfara

F. On August 11, 2009, (22) Army (retired) Sergeant Jorge Armando Bernal Cruz was preventatively detained for unlawful favoritism and bribery in connection with the November 24, 2003, murder of livestock traders Jorge Eliécer Villamil Hurtado, Libardo Villamil Hurtado, Holman Orlando Isairias Hernández. Soldiers detailed to the Serviez General Battalion on an operation in the La Calandria jurisdiction of the San Martín (Meta) municipality allegedly killed the men and another unidentified individual after finding 150 million pesos hidden in the tires of the victims' vehicle. According to the investigation, the money was divided among the soldiers. Bernal Cruz is currently imprisoned in Villavicencio. (Prosecutor General's Office Case Number Unknown)

G. On August 18, 2009, the Prosecutor General preventatively detained (23) Army (retired) General Miguel Alfredo Maza Márquez, a former DAS Director, for his alleged responsibility as a co-conspirator in the aggravated homicide of presidential pre-candidate Luis Carlos Galán Sarmiento 20 years ago in the plaza of the Soacha municipality (Cundinamarca). On April 19, 2010, Maza Márquez was released from preventative detention. The family of Luis Carlos Galan issued a press release noting their expectation that the Supreme Court would hear the case. (Prosecutor General's Office Case Number Unknown)

H. On August 19, 2009, five Army professional soldiers detailed to the Army's Popa de Valledupar Battalion were preventatively detained for aggravated homicide, forced disappearance and forgery of public documents in connection with the April 2, 2006, murder of Douglas Alberto Tavera Díaz, Danny Díaz and two others during a clash with the Army in the Guamachal neighborhood of the San Juan del Cesar municipality (Guajira). In addition to the detainees named on this occasion, twelve soldiers, an official, a corporal and 10 professional soldiers are also being detained separately for this incident.

(Prosecutor General's Office Case Number Unknown)

(24) Army Professional Soldier Jorge García Supelano

(25) Army Professional Soldier José Antonio Henao Agudelo

(26) Army Professional Soldier Manuel de la Hoz Rojas

(27) Army Professional Soldier Duvergel Gómez Bermeo

(28) Army Professional Soldier Jelsin Guarguatin Pinzón

I. On August 21 and November 17, 2009, six members of the Army were preventatively detained in connection with Prosecutor General's Office case number 3758. They were indicted in this case on February 3, 2010.

(29) Army Soldier Xaider Aldeger Barrios Herrera

(preventatively detained November 1, 2009)

(30) Army Soldier Adalberto Garcia Guerrero

(preventatively detained November 17, 2009)

(31) Army Soldier Dilmer Maestre Villazon

(preventatively detained August 21, 2009)

(32) Army Soldier Luis Javier Quinero De La Hoz

(preventatively detained August 21, 2009)

(33) Army Soldier Javier Henrique Quintero Sanchez

(preventatively detained August 21, 2009)

(34) Army Soldier Oscar Eduardo Rangel Diaz

(preventatively detained August 21, 2009)

- J. On August 28, 2009, six members of the Army were preventatively detained in connection with Prosecutor General's Office case number 3486. They were indicted in this case on February 26, 2010.
- (35) Army Third Corporal Julian Andres Alvarez Guerrero
 - (36) Army Third Sublieutenant Gerson Castillo Galvis
 - (37) Army Soldier Ivan Herrera Tapias
 - (38) Army Soldier Wilder Alonso Higueta Valle
 - (39) Army Soldier Andres Hurtado Gonzalez
 - (40) Army Soldier Jhon Freddy Molina Monsalve
- K. On August 31, 2009, (41) Navy (retired) Infantryman Darío Eduardo Camacho Zambrano, a former member of the Army's 3rd Battalion of Malagana (Bolívar), was preventatively detained for alleged crimes of aggravated homicide, forced disappearance and forgery of public documents in connection with the March 10, 2005, murder of Miguel Ángel Martínez Yepes and Félix Antonio Rico Martínez in the Las Palmas, district of the San Jacinto municipality (Bolívar), supposedly killed during combat. He is being held at the Judicial Jail in Valledupar. (Prosecutor General's Office Case Number Unknown)
- L. On September 4, 2009, (42) Army Voluntary Soldier Neiro Alfonso Melo Cano was preventatively detained in connection with Prosecutor General's Office case number 599A. He was indicted in this case on June 11, 2009.
- M. On September 10, 2009, (43) National Police Sergeant Bolmar Orlando Bastos Tenorio was preventatively detained in Ibagué for his alleged involvement in the August 6, 2006, aggravated torture and illegal detainment of farm worker Jerónimo Guerrero Guarnizo by members of the Army at the police station in Ataco (Tolima). According to investigations by the Prosecutor General's Office, Bastos Tenorio who was in charge of the police station at the time, failed to stop the occurrence of these events. Guerrero Guarnizo, who had been accused of FARC affiliations, was released by the José Domingo Caicedo Battalion in Chaparral (Tolima) on August 7, 2006. (Prosecutor General's Office Case Number Unknown)
- N. On September 21, 2009, two members of the Army were preventatively detained in connection with Prosecutor General's Office case number 7039. They were indicted in this case on January 15, 2010.
- (44) Army (rank unknown) Heber De Jesús Alvarez Ospina
(arrested September 15, 2009)

(45) Army Professional Soldier John Fredy Martinez
(arrested September 17, 2009)

O. On September 23, 2009, three members of the Army were preventatively detained in connection with Prosecutor General's Office case number 4984. They were indicted in this case on October 13, 2009.

(46) Army Professional Soldier Raul Fernandez Mendivelso

(47) Army Professional Soldier Wilson Garavito Pulido

(48) Army Professional Soldier José Eufrazio Herrera Roa

P. On September 28, 2009, two members of the Army were preventatively detained (arrested October 2, 2009) in connection with Prosecutor General's Office case number 3168. They were indicted in this case on April 6, 2010.

(49) Army Professional Soldier William Manuel Carvajal Carvajal

(50) Army Soldier Daniel Sanchez Alzate

Q. On September 30, 2009, (51) Army Second Sargeant José Alirio Ahumada Ahumada was preventatively detained (arrested September 10, 2009) in connection with Prosecutor General's Office case number 4503. He was indicted in this case on January 29, 2010.

R. On October 1, 2009, (52) Policeman Hernando Durán Trilleras was preventatively detained for his alleged role in crimes of aggravated torture and illegal detainment of farm worker Jerónimo Guerrero Guarnizo (see case of Bolmar Orlando Bastos Tenorio above). He is being charged of a crime of omission for failure to prevent the occurrence of these events. (Prosecutor General's Office Case Number Unknown)

S. On October 5 and November 27, 2009, two members of the Army were preventatively detained in connection with Prosecutor General's Office case number 5720. They were indicted on this case on April 9, 2006.

(53) Army Professional Soldier Luis Geovanny Meza Montoya

(preventatively detained on November 27, 2009, arrested November 27, 2009)

(54) Army Professional Soldier Fabian Dario Gutierrez

(preventatively detained on October 5, 2009, arrest date unknown)

T. On October 7, 2009, one officer, two non-commissioned officers and three soldiers were preventatively detained by the Prosecutor General's Office in Bogota for their alleged responsibility in crimes of aggravated kidnapping and

homicide of a protected person on March 21, 2005 in the La Loma district of the Currulao jurisdiction (Antioquia). Members of the Army's 11th Battalion ("Cacique Nutibara") forcibly removed mother and son Fanny Ramírez Flórez and Víctor Raúl Flórez from their home. They were later reported dead due to clashes with the Army. (Prosecutor General's Office Case Number Unknown)

(55) Army Major Omar Javier Juyo Macías

(56) Army First Corporal Oscar Eduardo Forero Meneses

(57) Army First Corporal Arley Antonio Patiño Garcés

(58) Army Professional Soldier Augusto de Jesús Ospina Valencia

(59) Army Professional Soldier Norbey de Jesús Tirado Mesa

(60) Army (retired) Professional Soldier Santiago Alberto Tangarife
Puerta

U. On October 8, 2009, four soldiers were preventatively detained in Medellín for their alleged responsibility in the homicide of protected person Aicardo Antonio Ortiz Tobón on July 8, 2008, in the Puerto Matilde district of Yondó (Antioquia). The Cajibío Battalion reported the death in combat of Ortiz Tobón, father of a soldier and an alleged member of an illegal armed group. They were indicted in this case on January 22, 2010. (Prosecutor General's Office case number 680816000135200800363)

(61) Army Professional Soldier Ever Luis Mendoza Ruiz

(62) Army Professional Soldier Luciano Alfredo Rojas Jaramillo

(63) Army Soldier Luis Antonio Luque Acosta

(64) Army Soldier Cristofer Quezada Gonzalez

V. On October 13, 2009, three members of the Army were preventatively detained (date of arrest unknown) in connection with Prosecutor General's Office case number 4985. They were indicted in this case on October 30, 2009.

(65) Army Professional Soldier William Garces Mercado

(66) Army Sublieutenant Edwin Leonardo Toro Ramirez

(67) Army Professional Soldier Edward Vega Fuentes

W. On October 14, 2009, (68) Army Lieutenant Alberto Williams Echeverry was preventatively detained in Bogota without possibility of release for his alleged responsibility in the death of five members of the Awá indigenous community during a supposed clash between regular troops and the FARC. The incident occurred on August 9, 2006, in the rural zone of the Ricaurte municipality (Nariño), where the following individuals were reported killed in combat: Blanca Adelaida Ortiz, Marleni Pai Burbano, Segundo Jairo Ortiz Taicus, Juan Donaldo Moran and Jesús Mauricio Ortiz. Army Sergeant

Alexander Guerrero Castellanos is also linked to this case. (Prosecutor General's Office Case Number Unknown)

X. On October 14, 2009, three members of the Army were preventatively detained in connection with Prosecutor General's Office case number 4924. They were indicted in this case on April 9, 2010.

(69) Army Major Rafael Humberto Moreno Vargas
(arrested October 21, 2009)

(70) Army Professional Soldier Juan David Echavarria Muñoz
(arrested October 8, 2009)

(71) Army Third Corporal Edgar Alexander Correa Patiño
(arrested October 20, 2009)

Z. On October 15, 2009, (72) Army Professional Soldier Jaider Enrique Angarita Torrado from the Córdoba Battalion in Santa Marta turned himself in to the Prosecutor General's Office in Magdalena for his alleged responsibility in the aggravated homicide and kidnapping of four individuals in La Jagua del Pilar (Guajira) on August 10, 2006. Reports submitted by the military unit claimed the victims died in combat; however, investigations revealed that no clashes took place in the area on that date. The following individuals are already in custody for the same incident: Army professional soldiers Jean Luis Cervantes Melo, Felipe Antonio Barriosnuevo Gutiérrez, Nando Miguel Padilla Quintero, Yesid Javier Mosquera and Andis Miguel Pacheco Lozano, Second Sergeant Gabriel Gómez Trujillo and First Corporal Emerson Yovani Carvajal Layton. (Prosecutor General's Office Case Number Unknown)

AA. On October 16, 2009, (73) Army Soldier Raul Arcesio Astudillo Alegria was arrested in connection with Prosecutor General's Office case number 5732. He was indicted in this case on December 18, 2009.

BB. On October 19, 2009, four officers, a non-commissioned officer and 10 professional soldiers from the Army's Calibío Battalion were preventatively detained for their alleged responsibility in crimes of homicide and plotting to break the law in connection with the January 30, 2008, murder of Javier Leonardo Franco Carvajalino and Robinson Antonio Trujillo Márquez in La Laguna de Miedo jurisdiction of the Yondó municipality (Antioquia), which the Army reported as killed in combat. They were indicted in this case on December 22, 2009. (Prosecutor General's Office case number 680816000135200800065)

(74) Army Lieutenant Colonel Wilson Ramirez Cedeño

- (75) Army Major Carlos Eduardo Rodriguez Avila
- (76) Army Captain Javier Enrique Alarcon Avila
- (77) Army Lieutenant Javier Danilo Paez Herrera
- (78) Army First Corporal Silvio Sanchez Ocoro
- (79) Army Professional Soldier Julio Jaime Gonzalez Basilio
- (80) Army Professional Soldier Carlos Enrique Vega Arrieta
- (81) Army Professional Soldier Edier Daniel Vega Arrieta
- (82) Army Professional Soldier Deivis De Jesús Caicedo
- (83) Army Professional Soldier Leonel Gomez Mosquera
- (84) Army Professional Soldier Eduardo Ruiz Tovar
- (85) Army Professional Soldier William Najera Better
- (86) Army Professional Soldier Jader Palacio Murrillo
- (87) Army Professional Soldier Hernan Dario Mosquera Rivas
- (88) Army Professional Soldier José Miguel Gonzalez Estrada

CC. On October 19, 2009, (89) Army Professional Soldier Dorian Campo Vergara was preventatively detained in connection with Prosecutor General's Office case number 4705. He was indicted in this case on March 30, 2010.

DD. On October 20, 2009, (90) National Police Intendant Duberly Bocanegra Pérez was preventatively detained without possibility of release for his alleged responsibility in the death of a 12-year-old girl on August 9, 2003 in the 12th neighborhood of Medellín, where two occupants of a private vehicle fired shots into the air. The vehicle was subsequently followed by a police patrol car that fired upon the vehicle, killing minor Nancy Milena Zapata, one of the vehicle's seven occupants. (Prosecutor General's Office Case Number Unknown)

EE. On October 20, 2009, (91) Army Lieutenant Duberney Vargas Parra was preventatively detained for his alleged responsibility in the aggravated homicide of farmer Francisco Luis Lopera Arboleda on December 4, 2005, in the Quebradota district of the Santa Rita subdivision of the Ituango municipality (Antioquia). The victim was allegedly killed by members of the Army's 11th Mobile Brigade, under the command of then Lieutenant Parra Vargas, which presented the victim as a member of FARC's 18th Front. According to gathered testimony, the victim was traveling to the market that day and his only weapon was a machete. The military unit's report claimed, however, that Lopera Arboleda was killed when he brandished a revolver. The victim was found clothed in new camouflage pants without bullet holes despite bullet wounds in his left leg. (Prosecutor General's Office Case Number Unknown)

FF. On October 23, 2009, in Villavicencio, retired Army Captain Jaime Alberto Rivera Machado and Professional Soldier Daniel Viazus from the Army's 16th Brigade in Yopal were preventatively detained for their alleged responsibility in the homicide of two youths, one of them a minor, reported as guerillas killed in combat. The incident occurred on February 19, 2007, in Yopal (Casanare), where an informant contacted the victims, who were in a videogame establishment, promising them a job offer in Villanueva (Casanare). When the youths traveled the next day to the municipality, they were gunned down by the Army. The suspects face charges of aggravated homicide, forced disappearance, falsity in official documents, fraud, false representation, illegal possession of arms and plotting to commit a crime. The Prosecutor General also preventatively detained Professional Soldiers Uriel Ospina García and Germán Gutiérrez Mariño for their alleged participation, as well as retired Sergeant Gustavo Montaña, who must answer to charges of falsification, fraud, false representation and plotting to commit a crime. The suspects are being held military detention centers in Casanare and Cundinamarca. (Prosecutor General's Office Case Number Unknown)

(92) Army Captain Jaime Alberto Rivera Machado

(93) Army Professional Soldier Daniel Viazus

(94) Army Professional Soldier Uriel Ospina García

(95) Army Professional Soldier Germán Gutiérrez Mariño

(96) Army Sergeant Gustavo Montaña

HH. On October 23, 2009, 16 members of the Army were preventatively detained in connection with Prosecutor General's Office case number 7355. They were indicted in this case on February 22, 2010.

(97) Army Professional Soldier Carlos Augusto Acevedo Ramirez

(98) Army Professional Soldier Elder Antonio Barreto Sapa

(99) Army First Corporal Albeiro Buitrago Murcia

(100) Army Captain José Wilson Camargo Camargo

(101) Army Professional Soldier Gregorio Capera Conde

(102) Army Professional Soldier José Never Gonzalez

(103) Army Professional Soldier Hugo Lopez Melo

(104) Army Lieutenant William Eduardo Lopez Pico

(105) Army Professional Soldier Renet Max Devia

(106) Army First Corporal Darwin Humberto Medina Quiroga

(107) Army Professional Soldier José Luis Perez Otalvaro

(108) Army Professional Soldier Mario Pirazan Vanegas

(109) Army Professional Soldier Henry Rangel

(110) Army Professional Soldier Luis Antonio Silva

(111) Army Professional Soldier José Enrique Vaquiro Moreno

II. On October 26, 2009, in Ibagué, three officers and 11 professional soldiers from the Army's Guala Tolima were preventatively detained for their alleged responsibility in the December 20, 2006, aggravated homicide of Armel Ramírez Lozano, Alexander Jaramillo, Yeison Méndez, Rubín Fernando Sánchez and Doricé Enciso along the highway from Ibagué to Totumo. According to reports, the soldiers were conducting operations to neutralize supposed extortion gangs committing crimes in the rural zone of Tolima.

(Prosecutor General's Office Case Number Unknown)

(112) Army Lieutenant William Eduardo López Pico

(113) Army Noncommissioned Officer Darwin Humberto Medina Quiroga

(114) Army Noncommissioned Officer William Albeiro Buitrago Murcia

(115) Army Professional Soldier Carlos Augusto Acevedo Ramírez

(116) Army Professional Soldier Elder Antonio Barreto Sapa

(117) Army Professional Soldier Gregorio Capera Conde

(118) Army Professional Soldier Silverio Camargo Camargo

(119) Army Professional Soldier Hugo López Melo

(120) Army Professional Soldier Renet Max Devia

(121) Army Professional Soldier Mario Pirazán Vanegas

(122) Army Professional Soldier Luis Antonio Silva

(123) Army Professional Soldier Henry Rangel

(124) Army Professional Soldier José Enrique Vaquiro Moreno

(125) Army Professional Soldier José Never González

JJ. On November 17, 20, 25 and 30, 2009, 10 members of the Army were preventatively detained for their alleged involvement in the December 4, 2005, murder of a farm worker in the Quebradota district of the Santa Rita subdivision of the Ituango municipality (Antioquia). They were indicted in this case on April 10, 2010. (Prosecutor General's Office case number 3478).

(126) Army Lieutenant Duberney Vargas Parra

(preventatively detained November 17, 2009, arrested November 20, 2009)

(127) Army Soldier Jaime Ariel Rivera Guerrero

(preventatively detained November 25, 2009, arrested December 2, 2009)

(128) Army Soldier Hilder Genir Remicio Pachon

(preventatively detained November 25, 2009, arrested December 2, 2009)

(129) Army Soldier Jesús Ferney Ramirez Clavijo

(preventatively detained November 30, 2009, arrested December 16, 2009)

- (130) Army Soldier Haiden Daniel Quintero Cardenas
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (131) Army Soldier John Pachichana Pasichana
(preventatively detained November 20, 2009, arrested December 12, 2009)
- (132) Army Second Corporal Carlos A. Osorio Buritica
(preventatively detained November 20, 2009, arrested November 26, 2009)
- (133) Army Soldier Eduar Emilio Mosquera Perea
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (134) Army Soldier Mauricio Leal Remolina
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (135) Army Soldier Gustavo Barrera Rivera
(preventatively detained November 25, 2009, arrested December 2, 2009)

KK. On January 7, 2010, seven members of the military were preventatively detained for their alleged role in the aggravated homicide of three civilians on April 6, 2007, in the Las Tapias district of Hato Corozal (Casanare). During the incident, members of the Army alleged that they killed Yolmar Pichechi Barbosa, Clodomiro Coba León y Bayer Ignacio Pérez Hernández during combat. (Prosecutor General's Office Case Number Unknown)

- (136) Army Soldier Zamir Humberto Casallas
- (137) Army Soldier José Nicolás Siabato Bohórquez
- (138) Army Soldier Darío Sigua Leal
- (139) Army Soldier Manuel Sandoval Durán
- (140) Army Soldier Alfonso Miranda
- (141) Army Soldier Juan Leonidas Amaya Maldonado
- (142) Army Soldier Rafael Núñez Mejía

LL. On January 19, 2010, in Yopal, two former Army soldiers were preventatively detained for alleged homicide, kidnapping, home invasion, illegal carrying of arms, fraud and falsifications in official documents for their alleged involvement in the April 22, 2007, murder of Ernesto Cruz Guevara, who was reported as killed in combat. DAS Intelligence Section Chief Jaime Alexander Romero Vargas was also preventatively detained in connection with the case. The Prosecutor General's Office determined that Cruz Guevara was surrounded at his home located in the El Retiro district of the Aguazul municipality (Casanare) by soldiers from the Army's 16th Mounted Calvary and DAS detectives from the municipality. He was later driven to a nearby location where he was killed. (Prosecutor General's Office Case Number Unknown)

- (143) Army Soldier Salomón Chaparro Reyes
- (144) Army Soldier Fabián de Dios Malpica

MM. On January 25, 2010, five members of the Army were arrested in connection with Prosecutor General's Office case number 4418. They were indicted in this case on January 15, 2010.

- (145) Army Master Sergeant Hernan Gamboa Padilla
- (146) Army Soldier Juan José Ortiz Zapata
- (147) Army Soldier Manuel Peñuela Lazo
- (148) Army Soldier Cristofer Quezada Gonzalez
- (149) Army Soldier Lucio Quinchucua Martinez

NN. On February 15, 2010, three member of the Army's 15th Infantry Battalion in Ocaña (Norte de Santander) were preventatively detained for the December 6, 2007, aggravated forced disappearance and aggravated homicide of Daniel Suárez Martínez, an alleged member of the ELN, and the killing of Camilo Andrés Valencia, an alleged gang member, on December 7, 2007. According to investigations, there was no armed clash in either case and it was proven that Valencia was taken from the Soacha municipality (Cundinamarca), while Suárez Martínez, recently arrived from Venezuela, was seen for the last time in the park of Ocaña. The detained were members of the GRULOC (Grupo Localizador de Cabecillas Boyacá 22) of their battalion. (Prosecutor General's Office Case Number Unknown)

- (150) Army Professional Soldier Lorenzo Aguas Robles
- (151) Army Professional Soldier Evert Jaime Garzón
- (152) Army Professional Soldier Alexander Suárez Roza

OO. On February 22, 2010, five members of the Army were preventatively detained for their alleged responsibility in crimes against a civilian presented as a guerilla who died in combat on June 7, 2007, in the La Estrella district of the El Carmen municipality (Norte de Santander). During the incident, Gerardo Quintero Jaimes was killed by troops from the Army's 98th Counter-guerilla Battalion of the 15th Mobile Brigade in Ocaña. According to investigations, Quintero Jaimes spent the morning of June 7 at the funeral of his neighbor Arturo Pabón, and was subsequently detained by Army soldiers. (Prosecutor General's Office Case Number Unknown)

- (153) Army Third Corporal Mauricio Moncada Torres
- (154) Army Professional Soldier Robinson Valenzuela Gutiérrez
- (155) Army Professional Soldier Alexander Rodríguez Nieto
- (156) Army Professional Soldier John Jairo Zapata Rojas

(157) Army Second Lieutenant Carlos Andrés Forero Medina

PP. On March 25, 2010, four noncommissioned officers from Arauca's 18th Army Brigade were preventatively detained for their role in the death on November 26, 2007, of John Carlos Nocua Rueda and Samuel Navia Moreno, who captured in the El Silencio district between Royota y Cubará (Boyacá) and presented as ELN members killed in combat. (Prosecutor General's Office Case Number Unknown)

(158) Army Sargeant Elías Enrique Guerra Martínez

(159) Army Corporal John Walter Ortiz Ríos

(160) Army Corporal John Albeiro Chaqueza Calderón

(161) Army Corporal Adalberto Bello Pacheco.

QQ. On April 19, 2010, eight soldiers from the Army's 4th Brigade were preventatively detained for the March 13, 2005, homicide of Sandro Alberto Montoya Mejía in the Guarne municipality (Antioquia), who was reported as killed in combat. (Prosecutor General's Office Case Number Unknown)

(162) Army Soldier Edgar Andrés Torres Hurtado

(163) Army Soldier Andrés Cervantes Blanco

(164) Army Soldier César Felipe Castillo

(165) Army Soldier Carlos Alberto Villa Cañón

(166) Army Soldier Henry Alberto Herrera Pereira

(167) Army Soldier Joaquín Ferney Hidalgo Higueta

(168) Army Soldier John Jairo Posada Arroyave

(169) Army Soldier Darío Blandón Ruiz

Annex B: Indictments by the Prosecutor General's Office

Between August 1, 2009 and June 15, 2009,⁷⁸ the Colombian government reported that the Prosecutor General's Office indicted (resoluciones de acusación) at least 270 members of the Armed Forces (including one Colonel, two Lieutenant Colonels, one retired Lieutenant Colonel, and four Majors), who were involved in at least 64 cases of alleged human rights violations, and initiated trial proceedings against them in civilian courts (the count of the list below varies from the total number of individuals detained as five individuals are listed under multiple cases):

- A. On August 5, October 16, and November 16, 2009, three members of the Army were indicted in connection with Prosecutor General's Office case number 3150.
- (1) Army Soldier Milton Arley Chala
(indicted August 5, 2009, preventatively detained May 22, 2009, arrested May 18, 2009)
 - (2) Army Soldier Jaime Alberto Mejia Seguro
(indicted October 16, 2009, preventatively detained July 26, 2009, arrest date unknown)
 - (3) Army Soldier Rodrigo Antonio Hernandez Suceruqia
(indicted November 16, 2009, preventatively detained July 10, 2009, arrested July 13, 2009)
- B. On August 6, 2009, three members of the Army were indicted in connection with Prosecutor General's Office case number 4974.
- (4) Army Professional Soldier Jesús Hernandez Muñoz
(preventatively detained May 26, 2009, arrest date unknown)
 - (5) Army Professional Soldier Berley Hurtado Herrero
(preventatively detained May 26, 2009, arrest date unknown)
 - (6) Army First Corporal Carlos Andres Suárez Hernandez
(preventatively detained February 2, 2009, arrested February 13, 2009)
- C. On August 12, 2009, the former commander of the Army's Gaula Group in Casanare, Gustavo Enrique Soto Bracamonte, was indicted along with 11 other members of the Army for homicide, misrepresentation in official documents and forgery. On April 16, 2007, in the Hato Corozal Municipality (Casanare), members of the Gaula unit allegedly stopped brothers Luis Guillermo Robayo

⁷⁸ Time frame available as of August 17, 2010.

Mora and Rubén Darío Avendaño Mora at an anti-extortion highway checkpoint on the road from Sácama to Paz de Ariporo. The brothers, who were carrying 10 million pesos for a livestock business deal, were allegedly forced to exit their vehicle, and their bodies were later presented as members of the FARC's 28th Front, killed in combat. (Prosecutor General's Office case number 4191)

(7) Army Professional Soldier Carlos Alfredo Bello Bolivar
(preventatively detained January 29, 2009)

(8) Army Soldier Gilberto Blanco Aguilar
(preventatively detained January 29, 2009)

(9) Army Professional Soldier Oscar Blanco Avellaneda
(preventatively detained January 29, 2009)

(10) Army Soldier Campo Elias Correa Malatesta
(preventatively detained January 29, 2009)

(11) Army Soldier Dario Gonzalez
(preventatively detained January 29, 2009)

(12) Army Soldier Alexander Gonzalez Almario
(preventatively detained January 29, 2009)

(13) Army Professional Soldier Julio Cesar Gutierrez Mariño
(preventatively detained January 29, 2009)

(14) Army Master Sergeant Carlos Gustavo Letrado
(preventatively detained August 12, 2009)

(15) Army Second Corporal Luis Eduardo Pereira Aviles
(preventatively detained January 29, 2009)

(16) Army Captain Jaime Alberto Rivera Mahecha
(preventatively detained March 19, 2009)

(17) Army Major Gustavo Enrique Soto Bracamonte
(preventatively detained January 29, 2009)

D. On August 13 and 25, 2009, two Army soldiers were indicted for their role in the death of José Ángel Higuita Pruebas. On November 13, 2005, Higuita, a resident of Dabeiba (Antioquia), left Godó, where he worked as a pothole repairman. Higuita did not return home that day, and his tools and bicycle were found abandoned. On November 14, Higuita was identified by family members in the Chigorodó morgue, where his body was left after being reported as killed in combat. It appears that the soldiers took Higuita to Chichiridó, where they exchanged his civilian clothes for a new camouflaged uniform, and subsequently assassinated him. The soldiers later planted a radio and a 7.65 pistol and reported him as a member of the FARC killed in combat. Several other members of the Army, all assigned to the XVII Army Brigade in Carepa

(Antioquia), are also being investigated in connection with this case: Second Sergeant Jorge Andrés Estupiñán Chamorro, Third Corporal Jhon Audrey Rincón Salgado, and Soldier Adrian Ramiro Puentes Arrieta. (Prosecutor General's Office case number 3958)

(18) Army Soldier Alonso de Jesús Rivero Díaz

(indicted August 13, 2009, preventatively detained May 26, 2009, arrested May 20, 2009)

(19) Army Second Lieutenant Juan Esteban Muñoz Montoya

(indicted August 25, 2009)

E. On August 13, 2009, (20) Army Second Sergeant Ruberney Matiz Perez was indicted for his alleged involvement in the aggravated homicide of Heriberto Arcila Loaiza on April 17, 2006. Arcila Loaiza was allegedly approached by various armed members of the Army Gaula Group who handcuffed him and forced him into the trunk of his own SUV. His body was found the following day in the Bodoquero River. (Prosecutor General's Office case number 5176).

F. On August 18, 2009, three professional soldiers from the Army's 2nd Mechanized Calvary were indicted for their alleged responsibility in the death of Mario Alberto Camargo Barahona, Yeiner Pérez Arias and José Enrique Gutiérrez Arias, allegedly during combat on July 4, 2006, at the La Bonanza ranch in the Jagua del Pilar municipality (Guajira). (Prosecutor General's Office Case Number Unknown)

(21) Army Professional Soldier Yeison Mario Zárate Ramírez

(22) Army Professional Soldier Enrique Vangrieken Arposhima

(23) Army Professional Soldier Miguel Ángel Beleño Cuenta

G. On August 20, 2009, 10 members of the Army were indicted in connection with Prosecutor General's Office case number 4969.

(24) Army Professional Soldier Noriel Alzate Jimenez

(preventatively detained October 6, 2008, arrested October 16, 2008)

(25) Army Professional Soldier Elquimedes Amaya Avendaño

(preventatively detained February 27, 2009, arrested March 13, 2009)

(26) Army Sublieutenant Wilson Ricardo Cardozo Montaña

(preventatively detained January February 27, 2009, arrested March 13, 2009)

(27) Army Professional Soldier Javier Alejandro Cruz Sanchez

(preventatively detained October 6, 2008, arrested October 16, 2008)

(28) Army Professional Soldier Juan Carlos Garzon Moreno

(preventatively detained October 6, 2008, arrested October 16, 2008)

- (29) Army Professional Soldier Aldemar Wilfredo Jimenez Bermudez
(preventatively detained October 6, 2008, arrested October 16, 2008)
- (30) Army Professional Soldier Fabio José Larios Gomez
(preventatively detained October 29, 2008, arrested October 6, 2008)
- (31) Army Professional Soldier Cesar Augusto Martinez Arias
(preventatively detained February 2, 2009, arrested March 13, 2009)
- (32) Army Second Corporal Henry Alexander Peña Martinez
(preventatively detained April 23, 2009, arrested May 16, 2009)
- (33) Army Professional Soldier Alexander Quintero Baron
(preventatively detained October 6, 2008, arrested October 16, 2008)

H. On August 24, 2009, two members of the Army were indicted (preventatively detained October 19, 2009, arrested May 4, 2009) in connection with Prosecutor General's Office case number 6820.

- (34) Army (rank unknown) José Transto Lucumi Paz
- (35) Army (rank unknown) Victoria Eugenia Montenegro Sandoval

I. On August 26, 2009, five members of the Army were indicted (date of preventative detention unknown, arrest date unknown) in connection with Prosecutor General's Office case number 3143.

- (36) Army Soldier Luis Alberto Jaimes Bolaños
- (37) Army Soldier Carlos Alfredo Montesino Gonzalez
- (38) Army Soldier Jhon Heriberto Mora Cangrejo
- (39) Army Soldier Wilson Antonio Pardo Castro
- (40) Army Soldier William Manuel Suárez Castaño

J. On August 28, 2009, 10 members of the Army were indicted in connection with Prosecutor General's Office case number 4959.

- (41) Army Captain Roman Dario Arcos Arteaga
(preventatively detained March 9, 2009, arrested March 12, 2009)
- (42) Army Professional Libardo Rafael Arroyo Martinez
(date of preventative detention unknown, arrested January 26, 2009)
- (43) Army Second Sergeant Yair Enrique Blanco Pardo
(date of preventative detention unknown, arrested February 24, 2009)
- (44) Army Professional Soldier Ricardo Leon Builes Martinez
(date of preventative detention unknown, date of arrest unknown)
- (45) Army Professional Soldier Marcos Ernesto Castillo Florez
(preventatively detained February 2, 2009, arrested February 2, 2009)
- (46) Army Professional Soldier Silvio Manuel Florez Sierra
(preventatively detained March 24, 2009, arrest date unknown)

- (47) Army Professional Soldier Luis Carlos Gonzalez Londoño
(preventatively detained February 17, 2009, arrested February 18, 2009)
- (48) Army Professional Soldier Ariel Mauricio Nocua Sanchez
(preventatively detained March 9, 2009, arrested March 12)
- (49) Army Professional Soldier Samir Saucedo Donado
(preventatively detained February 2, 2009, arrested February 13, 2009)
- (50) Army Professional Soldier Inocencio Sereno Martinez
(preventatively detained February 9, arrested February 9)
- (51) Army Professional Soldier Berley Hurtado Herrero
(preventatively detained March 9, 2009, arrested March 24, 2009)

K. On September 4, 2009, three members of the Army were indicted (preventatively detained September 9, 2008, date of arrest unknown) in connection with Prosecutor General's Office case number 4670.

- (52) Army Soldier José Evert Cerquera Cordoba
- (53) Army Third Corporal Israel Espejo Cruz
- (54) Army Soldier Nilvio Ivito Sancho

L. On October 5, 2009, three members of the Army were indicted (arrest date unknown) in connection with Prosecutor General's Office case number 3156.

- (55) Army Second Corporal Luis Francisco Aragon Buelvas
(preventatively detained April 6, 2009)
- (56) Army Lieutenant Carlos Andres Lora Cabrales
(preventatively detained May 4, 2009)
- (57) Army Third Corporal Jairo Antonio Rodriguez Castro
(preventatively detained May 8, 2009)

M. On October 12, 2009, (58) Army Professional Soldier Jorge Armando Tovar Narvaez was indicted (arrested August 8, 2009) in connection with Prosecutor General's Office case number 1859.

N. On October 13, 2009, three members of the Army were indicted (preventatively detained on September 23, 2009, date of arrest unknown) in connection with Prosecutor General's Office case number 4984.

- (59) Army Professional Soldier Raul Fernandez Mendivelso
- (60) Army Professional Soldier Wilson Garavito Pulido
- (61) Army Professional Soldier José Eufracio Herrera Roa

O. On October 15, 2009, 15 members of the Army were indicted (preventatively detained April 22, arrest date unknown) in connection with Prosecutor

General's Office case number 4955.

- (62) Army Third Corporal Wilfredo Segundo Acuña Valle
- (63) Army Professional Soldier Marino Alberto Carvajal Lopez
- (64) Army Professional Soldier Jhony Alberto David Taborda
- (65) Army Professional Soldier Willinton De Jesús Duarte Durango
- (66) Army Soldier Elixander Antonio Florez
- (67) Army Third Corporal Juan Guillermo Gutierrez
- (68) Army Third Corporal Gerardo Hernandez Hernandez
- (69) Army Soldier Jesús Antonio Perez Perez
- (70) Army Soldier Abelardo De Jesús Rivera Garces
- (71) Army First Corporal Hiram Bettonny Lopez Gonzalez

P. On October 19, 2009, (72) Army Professional Soldier Julio Cesar Arteaga Vasquez was indicted (date of preventative detention unknown, arrested October 20, 2008) in connection with Prosecutor General's Office case number 4934.

Q. On October 26, 2009, 10 members of the Army were indicted (preventatively detained June 10, 2009, arrest date unknown) for their role in the homicides of Elkin Gustavo Verano Hernández and Joaquín Catro Vásquez. Elkin Gustavo Verano Hernández (welder), a resident in the municipality of Soacha, disappeared on January 13, 2008, and was found dead January 15, 2008, in the district of Capitan Largo in the municipality of Abrego (Norte de Santander). Joaquín Castro Vásquez (welder), a resident of the neighborhood of Villa Sofia in the municipality of Soacha, disappeared on January 13, 2008, and was found dead on January 15, 2008, in the district of Captain Largo in the municipality of Abrego (Norte de Santander). Eleven members of the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña were preventatively detained on June 10, 2009. (Prosecutor General's Office Case Number 110016000099200800032)

- (73) Army Professional Soldier Obdulio Medina Jouro
- (74) Army Professional Soldier Medardo Rios Diaz
- (75) Army Professional Soldier Ever Jaime Garzon
- (76) Army Professional Soldier Elibardo Portillo Zambrano
- (77) Army Professional Soldier Inocencio Abelino Gil Gonzalez
- (78) Army Professional Soldier Tomas Contreras Duarte
- (79) Army Professional Soldier Alexander Suárez Roza
- (80) Army Professional Soldier Lorenzo Aguas Robles
- (81) Army Professional Soldier Yilver Alfonso Ovalle Pineda
- (82) Army Professional Soldier Rolando Rafael Consuegra Estupiñan

- R. On October 29, 2009, (83) Army Second Sergeant Rafael Antonio Urba Muñoz was indicted (preventatively detained June 30, 2009, arrest date unknown) for his role in the homicides of Julio Cesar Mesa and Jonathan Orlando Soto Bermudez. Julio Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Jonathan Orlando Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). (Prosecutor General's Case Number 4925)
- S. On October 30, 2009, three members of the Army were indicted (preventatively detained October 30, 2009, date of arrest unknown) in connection with Prosecutor General's Office case number 4985.
(84) Army Professional Soldier William Garces Mercado
(85) Army Sublieutenant Edwin Leonardo Toro Ramirez
(86) Army Professional Soldier Edward Vega Fuentes
- T. On November 4, 2009, (87) Army (rank unknown) Diego De Jesús Gomez Hernandez was indicted (preventatively detained August 5, 2009, arrest date unknown) in connection with Prosecutor General's Office case number 4774.
- U. On November 5, 2009, eight members of the Army were indicted (preventatively detained on May 14, 2009) in connection with Prosecutor General's Office case number 7177.
(88) Army (rank unknown) William Agudelo Soto
(89) Army (rank unknown) Wilmar Alexander Carmona Zuñiga
(90) Army (rank unknown) Wiilfrdio Antonio Diaz Ayala
(91) Army (rank unknown) Fausto Alejandro Lozada Rojas
(92) Army (rank unknown) Ricardo Samuel Perez Saya
(93) Army (rank unknown) Julio Cesar Serna Cordoba
(94) Army (rank unknown) Luis Fernando Serna Cortes
(95) Army (rank unknown) Edwin Antonio Tapia Martinez
- V. On November 6, 2009, five members of the Army were indicted in connection with Prosecutor General's Office case number 599A.
(96) Army Volunteer Soldier David Bernal Castro
(preventatively detained June 6, 2009, arrested June 1, 2009)
(97) Army Volunteer Soldier Arturo Hernandez

- (preventatively detained May 14, 2009, arrested May 20, 2009)*
(98) Army Volunteer Soldier Neiro Alfonso Melo Cano
(preventatively detained September 4, 2009, arrested August 29, 2009)
(99) Army Volunteer Soldier Ferney Piedrahita Loaiza
(preventatively detained May 20, 2009, arrested May 14, 2009)
(100) Army Volunteer Soldier Jesús Albeiro Villada Giraldo
(preventatively detained May 20, 2009, arrested November 6, 2009)

W. On November 12, 2009, two members of the Army were indicted
(preventatively detained February 29, 2009, arrest date unknown) in connection
with Prosecutor General's Office case number 4955.
(101) Army First Corporal Wilson Alexander Arroyave
(102) Army Second Sergeant Mario Fernando Betancourt Lobation

X. On December 18, 2009, (103) Army Soldier Raul Arcesio Astudillo Alegria
was indicted (arrested October 16, 2009) in connection with Prosecutor
General's Office case number 5732.

Y. On December 18, 2009, (104) Army (rank unknown) Manuel Jimenez
Audor was indicted (date of preventative detention unknown, arrest date
unknown) in connection with Prosecutor General's Office case number 5723.

Z. On December 18, 2009, two members of the Army were indicted (arrest date
unknown) in connection with Prosecutor General's Office case number 5720.
(105) Army Second Corporal Carlos Aldo Fernandez Calderon
(preventatively detained July 6, 2009)
(106) Army Professional Soldier Luis Alexander Ortega Lopez
(preventatively detained July 16, 2009)

AA. On December 18, 2009, (107) Army Intelligence Agent Luis Berto Diaz
Molano was indicted for his alleged involvement in the aggravated homicides
of Ivan de Jesús Castro, Edwin Leonardo Lopez, Jimmy Chaparro Cardenas,
Oscar Eliecer Moreno Moreno, Ricardo Rosales Orozco, Rusmira Celis Garcia,
Didier Alexander Leon Suárez and Juan Pablo Castro Aguilar, which all took
place in the city of Tunja between January and March, 2003 (Prosecutor
General's Office case number 1850).

BB. On December 24, 2009, six members of the Navy were indicted
(preventatively detained June 18, 2009, arrest date unknown) in connection
with Prosecutor General's Office case number 4328.

- (108) Navy (rank unknown) Oscar De Jesús Acosta Gonzalez
- (109) Navy (rank unknown) Julio José Baldovino Mercado
- (110) Navy (rank unknown) Jorge Elicer Barrera Chica
- (111) Navy (rank unknown) Dorian Graser Cuevas Diaz
- (112) Navy (rank unknown) Oscar Javier Marrugo Lopez
- (113) Navy (rank unknown) Carlos Martinez Acosta

CC. On December 28, 2009, (114) Army Soldier José Edwin Arevalo Gualaco was indicted (preventatively detained April 30, 2009, arrest date unknown) in connection with Prosecutor General's Office case number 4670.

DD. On December 22, 2009, 15 members of the Army were indicted (preventatively detained October 19, 2009, arrest date unknown) in connection with Prosecutor General's Office case number 680816000135200800065.

- (115) Army Lieutenant Colonel Wilson Ramirez Cedeño
- (116) Major Carlos Eduardo Rodriguez Avila
- (117) Army Captain Javier Enrique Alarcon Avila
- (118) Army Lieutenant Javier Danilo Paez Herrera
- (119) Army First Corporal Silvio Sanchez Ocoro
- (120) Army Professional Soldier Julio Jaime Gonzalez Basilio
- (121) Army Professional Soldier Carlos Enrique Vega Arrieta
- (122) Army Professional Soldier Edier Daniel Vega Arrieta
- (123) Army Professional Soldier Deivis De Jesús Caicedo
- (124) Army Professional Soldier Leonel Gomez Mosquera
- (125) Army Professional Soldier Eduardo Ruiz Tovar
- (126) Army Professional Soldier William Najera Better
- (127) Army Professional Soldier Jader Palacio Murrillo
- (128) Army Professional Soldier Hernan Dario Mosquera Rivas
- (129) Army Professional Soldier José Miguel Gonzalez Estrada

EE. On December 29, 2009, two members of the Army were indicted for their alleged responsibility in the homicide of a young farm worker in the Las Garzas district of the Támara jurisdiction (Casanare) on December 15, 2005. Rigoberto Achagua Páez was transporting snacks supplied by the mayor for poor children when he was allegedly detained by members of the 29th Counterguerilla Battalion of Yopal's XVI Brigade. He was subsequently beaten to death and then presented as a member of the FARC's 28th Front killed in combat. The defendants face charges of aggravated homicide, forced disappearance and illegal carrying of weapons. Casas Montilla is also being accused of fraud and

false representation of events in public documents. (Prosecutor General's Office Case Number Unknown)

(130) Army Major Ambrosio Casas Montilla

(131) Army First Corporal Andrés Porras Rodríguez

FF. On December 30, 2009, nine members of the Army were indicted (preventatively detained June 16, 2009, arrest date unknown) in connection with Prosecutor General's Office case number 4363.

(132) Army Soldier Hernan José Alvarez Coronel

(133) Army Soldier Javier Enrique Arrieta Martinez

(134) Army Captain Alfonso Enrique Bello Puello

(135) Army Soldier Juan Caro Guzman

(136) Army Soldier Jhon Alberto Caro Hernandez

(137) Army Soldier José Carlos Guerra Vergara

(138) Army Soldier Walfran Miranda Carranza

(139) Army Soldier Wilder Fabian Mojica Castro

(140) Army Soldier Henry Rios Abril

GG. On January 4, 2010, (141) Army Lieutenant Colonel Luis Alberto Cuellar Rojas was indicted for allegedly conspiring on crimes connected to the AUC's efforts to establish territorial domination over the department of Nariño towards the end of 2000 (Prosecutor General's Office case number 1593).

HH. On January 6, 2010, one member of the Army and one member of the Navy were indicted (date of preventative detention, date of arrest unknown) for torture in connection with Prosecutor General's Office case number 135848.

(142) Navy Sub First Official Julio Cesar Ramirez Sanchez

(143) Army Captain Jhonny Armando Buitrago Ramirez

II. On January 5, 2010, (144) Army Soldier José Magdaleno Vallecilla Hurtado was indicted for his alleged responsibility in the aggravated homicide of Miguel Ángel Ruiz Ruano in the La Victoria district of the Ipiales municipality (Nariño) on April 23, 2006. The victim, a field laborer, was shot by a military patrol when he was riding a motorcycle. (Prosecutor General's Office Case Number Unknown)

JJ. On January 15, 2010, five members of the Army were indicted (arrested January 25, 2010) in connection with Prosecutor General's Office case number 4418.

(145) Army Master Sergeant Hernan Gamboa Padilla

(146) Army Soldier Juan José Ortiz Zapata

- (147) Army Soldier Manuel Peñuela Lazo
- (148) Army Soldier Cristofer Quezada Gonzalez
- (149) Army Soldier Lucio Quinchucua Martinez

KK. On January 15, 2010, two members of the Army were indicted (preventatively detained September 21, 2009) in connection with Prosecutor General's Office case number 7039.

- (150) Army (rank unknown) Heber De Jesús Alvarez Ospina
(arrested September 15, 2009)
- (151) Army Professional Soldier John Fredy Martinez
(arrested September 17, 2009)

LL. On January 12, 2010, two members of the Army were indicted (date of preventative detention unknown, arrest date unknown) in connection with Prosecutor General's Office case number 3834.

- (152) Army Soldier Hernan José Alvarez Coronel
- (153) Army Soldier Javier Enrique Arrieta Martinez

MM. On January 12, 2010, (154) Army Soldier Nelson Andres Cardenas Collazos was indicted (preventatively detained April 30, 2009, arrest date unknown) in connection with Prosecutor General's Office case number 4670.

NN. On January 20, 2010, three members of the Army were indicted (preventatively detained December 26, 2008, arrested December 26, 2008) in connection with Prosecutor General's Office case number 4937.

- (155) Army Professional Soldier Vayardo Carrillo Rodriguez
- (156) Army Professional Soldier Luis Alexander Gualdron Albarracin
- (157) Army Professional Soldier Nolberto Pineda Lancheros

OO. On January 21, 2010, 12 members of the Army were indicted in connection with Prosecutor General's Office case number 5030.

- (158) Army Professional Soldier José Alfonso Angel Ortega
(preventatively detained May 29, 2009, arrested January 26, 2009)
- (159) Army Professional Soldier Carlos Alfredo Bello Bolivar
(date of preventative detention unknown, date of arrest unknown)
- (160) Army Professional Soldier Weibmar De Jesús Cardona Garcia
(preventatively detained December 26, 2009, arrested January 26, 2009)
- (161) Army Professional Soldier Ricaurte Cataño Cachay
(preventatively detained December 26, 2008, date of arrest unknown)
- (162) Army Professional Soldier Elio Celis Bedoya

- (date of preventative detention unknown, arrested January 26, 2009)*
(163) Army Professional Soldier Alexander Gonzalez Almario
(preventatively detained December 26, 2008, date of arrest unknown)
(164) Army Professional Soldier José Ruben Mendivelso Ravelo
(preventatively detained May 29, 2009, arrested June 24, 2009)
(165) Army Professional Soldier Giovanny Andres Murillo Criollo
(preventatively detained December 26, 2009, arrested January 26, 2009)
(166) Army First Corporal Soldier Gelfer Perez Garcia
(preventatively detained July 29, 2009, date of arrest unknown)
(167) Army Lieutenant Soldier Fabio Arturo Puentes Porras
(preventatively detained May 29, 2009, date of arrest unknown)
(168) Army Major Gustavo Enrique Soto Bracamonte
(preventatively detained May 29, 2009, date of arrest unknown)
(169) Army Second Corporal Julio Cesar Tegue Medina
(preventatively detained May 29, 2009, date of arrest unknown)

PP. On January 22, 2010, four members of the Army were indicted (preventatively detained October 8, 2009, arrest date unknown) connection with Prosecutor General's Office case number 680816000135200800363.

- (170) Army Soldier Ever Luis Mendoza Ruiz
(171) Army Soldier Luciano Alfredo Rojas Jaramillo
(172) Army Soldier Luis Antonio Luque Acosta
(173) Army Soldier Cristofer Quezada Gonzalez

QQ. On January 29, 2010, (174) Army Second Sergeant José Alirio Ahumada Ahumada was indicted (preventatively detained September 30, 2009, arrested September 10, 2009) in connection with Prosecutor General's Office case number 4503.

RR. On January 29, 2010, six members of the Army were indicted in connection with Prosecutor General's Office case number 4973.

- (175) Army (rank unknown) Armando Javier Bonilla
(preventatively detained December 18, 2007, date of arrest unknown)
(176) Army Professional Soldier Leonardo Fabio Castro Perez
(preventatively detained March 14, 2008, arrested March 3, 2008)
(177) Army Second Corporal Javier Angel Gonzalez Rojas
(preventatively detained March 14, 2008, arrested March 3, 2008)
(178) Army Professional Soldier Argemiro Nomelin Rodriguez
(preventatively detained March 14, 2008, arrested March 3, 2008)
(179) Army Professional Rodolfo Sanchez Camargo

(preventatively detained March 14, 2008, arrested March 3, 2008)
(180) Army Captain Alexander Valencia Rodriguez
(preventatively detained August 8, 2008, arrested August 12, 2008)

SS. On February 3, 2010, six members of the Army were indicted in connection with Prosecutor General's Office case number 3758.

(181) Army Soldier Xaider Aldeger Barrios Herrera
(182) *(preventatively detained November 17)*
(183) Army Soldier Adalberto Garcia Guerrero
(184) *(preventatively detained November 17)*
(185) Army Soldier Dilmer Maestre Villazon
(186) *(preventatively detained August 21)*
(187) Army Soldier Luis Javier Quinero De La Hoz
(188) *(preventatively detained August 21)*
(189) Army Soldier Javier Henrique Quintero Sanchez
(190) *(preventatively detained August 21)*
(191) Army Soldier Oscar Eduardo Rangel Diaz
(192) *(preventatively detained August 21)*

TT. On February 5, 2010, six members of the Army were indicted (preventatively detained February 3, 2009, arrested February 19, 2009) in connection with Prosecutor General's Office case number 4107.

(187) Army Professional Soldier Gildardo Coba Humo
(188) Army Professional Soldier Santos Abraham Eregua Peraza
(189) Army Professional Soldier Carlos Alexis Forero Alvarez
(190) Army Professional Soldier Efrain Guevara Guanaro
(191) Army Lieutenant Oscar Humberto Silva Monroy
(192) Army Professional Soldier José Dermin Tarache Florez

UU. On February 22, 2010, 16 members of the Army were indicted (preventatively detained on October 23, 2009, arrested October 23, 2009) in connection with Prosecutor General's Office case number 7355.

(193) Army Professional Soldier Carlos Augusto Acevedo Ramirez
(194) Army Professional Soldier Elder Antonio Barreto Sapa
(195) Army First Corporal Albeiro Buitrago Murcia
(196) Army Captain José Wilson Camargo Camargo
(197) Army Professional Soldier Gregorio Capera Conde
(198) Army Professional Soldier José Never Gonzalez
(arrest date unknown)
(199) Army Professional Soldier Hugo Lopez Melo

- (200) Army Lieutenant William Eduardo Lopez Pico
- (201) Army Professional Soldier Renet Max Devia
- (202) Army First Corporal Darwin Humberto Medina Quiroga
- (203) Army Professional Soldier José Luis Perez Otalvaro
- (204) Army Professional Soldier Mario Pirazan Vanegas
- (205) Army Professional Soldier Henry Rangel
- (206) Army Professional Soldier Luis Antonio Silva
- (207) Army Professional Soldier José Enrique Vaquiro Moreno

VV. On February 26, 2010, six members of the Army were indicted (preventatively detained on February 26, 2010, arrested August 28, 2009, or arrest date unknown) in connection with Prosecutor General's Office case number 3486.

- (208) Army Third Corporal Julian Andres Alvarez Guerrero
(*arrest date unknown*)
- (209) Army Third Sublieutenant Gerson Castillo Galvis
(*arrest date unknown*)
- (210) Army Soldier Ivan Herrera Tapias
- (211) Army Soldier Wilder Alonso Higueta Valle
- (212) Army Soldier Andres Hurtado Gonzalez
- (213) Army Soldier Jhon Freddy Molina Monsalve

WW. On March 3, 2010, six members of the Army were indicted (date of preventative detention unknown, date of arrest unknown) in connection with Prosecutor General's Office case number 1874.

- (214) Army Soldier Jhoyber Yecith Avila Alquerque
- (215) Army Soldier Mario José Fuentes Montaña
- (216) Army Soldier Hugo Alberto Martinez Delgado
- (217) Army Lieutenant José Emiliano Moreno Trigos
- (218) Army Third Corporal Carmelo Antonio Pacheco Ramirez
- (219) Army Soldier Juan Carlos Soto Sepulveda

XX. On March 8, 2010, (220) Army Soldier Rubert Morales Marriaga was indicted (date of preventative detention unknown, arrest date unknown) in connection with Prosecutor General's Office case number 4529.

YY. On March 8, 2010, (221) Army Professional Soldier William Isauro Parada Vergara was indicted (date of preventative detention unknown, arrest date unknown) in connection with Prosecutor General's Office case number 4984.

ZZ. On March 12, 2010, (222) Army Captain Luis Ramon Osorio Roa was indicted (preventatively detained July 17, 2009, arrested July 10, 2009) in connection with Prosecutor General's Office case number 6672.

AAA. On March 23, 2010, three members of the Army were indicted (preventatively detained June 26, 2009, arrested July 3, 2009) in connection with Prosecutor General's Office case number 2009.

(223) Army Captain Hiznardo Alberto Bravo Zambrano

(224) Army Colonel Luis Eduardo Castillo Arbelaez

(225) Army Lieutenant Luis Francisco Medina Corredor

BBB. On March 26, 2010, 17 members of the Army were indicted for their role in the homicides of Diego Alberto Tamayo Garcera and Víctor Fernando Gómez Tomero. Diego Alberto Tamayo Garcera, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Víctor Fernando Gómez Romero (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Jader Andrés Palacio Bustamante (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Seventeen members of the Army's 15th Infantry Battalion "Cabecillas Espada Uno" were charged with aggravated forced disappearance, aggravated homicide, and aggravated criminal conspiracy, and were preventatively detained on May 21, 2009. (Prosecutor General's Office Case Number 110016000099200800028)

(226) Army Second Sergeant Janer Ediel Duque Marin

(227) Army Second Corporal Richard Armando Jojoa Bastidas

(228) Army Soldier Nixon Arturo Cubides Cuesta

(229) Army Soldier Mauricio Cuniche Delgadillo

(230) Army Soldier José Orlando Gonzales Ceballos

(231) Army Soldier José Adolfo Fernandez Ramirez

(232) Army First Corporal Manuel Zorrilla Agamez

(233) Army Third Corporal Ricardo Coronado Martinez

(234) Army Soldier Jhon Anderson Diaz Ortega

(235) Army Soldier Eluid Gonzalez Gomez

(236) Army Soldier Ferney Grijalba Flor

- (237) Army Soldier Eider Andres Guerrero Andrade
- (238) Army Soldier Geiner Fuertes Billermo
- (239) Army Soldier Pedro Johan Hernandez Malagon
- (240) Army Soldier Kevis Alberto Jimenez Escalante
- (241) Army Soldier Luis Alirio Lopez
- (242) Army Soldier Juan Ramon Marin Ramirez

CCC. On March 30, 2010, two members of the Army were indicted in connection with Prosecutor General's Office case number 4705.

- (243) Army Professional Soldier Dorian Campo Vergara
(preventatively detained October 18, 2009, arrested May 11, 2009)
- (244) Army Lieutenant Fabier Alberto Amaya Ruiz
(preventatively detained June 9, 2009, date of arrest unknown)

DDD. On March 30, 2010, the Prosecutor General's Office indicted (245) Army Captain Oscar Fernando Lopez Wuanumen for allegedly arranging and participating in the May 1, 2004, aggravated homicide of Henry Rogelio Tellez in the jurisdiction of La Belleza, which was carried out by members of the AUC. (Prosecutor General's Office case number 2338).

EEE. On April 6, 2010, two members of the Army were indicted (preventatively detained September 28, 2009, arrested October 2, 2009) in connection with Prosecutor General's Office case number 3168.

- (246) Army Professional Soldier William Manuel Carvajal Carvajal
- (247) Army Soldier Daniel Sanchez Alzate

FFF. On April 6, 2010, two members of the Army were indicted for their alleged responsibility in the January 25, 2006 homicide of Manuel Santiago Angarita Sánchez in the Chucuní district of Ibagué. The troops reported him as killed in combat, but it was later determined, that he had been lured to the site under false pretenses and then killed. (Prosecutor General's Office Case Number Unknown)

- (248) Army Sergeant Jesús Ildefonso Paredes Rodríguez
- (249) Army Professional Soldier Albeiro Carmona Triana

GGG. On April 9, 2010, three members of the Army were indicted (preventatively detained October 14, 2009) in connection with Prosecutor General's Office case number 4924.

- (250) Army Major Rafael Humberto Moreno Vargas
(arrested October 21, 2009)

- (251) Army Professional Soldier Juan David Echavarria Muñoz
(arrested October 8, 2009)
- (252) Army Third Corporal Edgar Alexander Correa Patiño
(arrested October 20, 2009)

HHH. On April 10, 2010, 10 members of the Army's 11th Mobile Brigade located in Carepa (Antioquia) were indicted for their alleged responsibility in the December 4, 2005, aggravated homicide of Francisco Luis Lopera in the Quebradota district of the Santa Rita jurisdiction of Ituango (Antioquia). Lopera, a local farm worker, was killed while making a weekly trip to the Santa Rita market. However, military reports listed him as a FARC combatant killed in action, claiming he had fired on troops with a 38 revolver. Proceedings also continue against Army soldier Jesús Giovanni Leudo Jordá in this case. (Prosecutor General's Office case number 3478).

- (253) Army Lieutenant Duberney Vargas Parra
(preventatively detained November 17, 2009, arrested November 20, 2009)
- (254) Army Soldier Jaime Ariel Rivera Guerrero
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (255) Army Soldier Hilder Genir Remicio Pachon
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (256) Army Soldier Jesús Ferney Ramirez Clavijo
(preventatively detained November 30, 2009, arrested December 16, 2009)
- (257) Army Soldier Haiden Daniel Quintero Cardenas
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (258) Army Soldier John Pachichana Pasichana
(preventatively detained November 20, 2009, arrested December 12, 2009)
- (259) Army Second Corporal Carlos A. Osorio Buritica
(preventatively detained November 20, 2009, arrested November 26, 2009)
- (260) Army Soldier Eduar Emilio Mosquera Perea
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (261) Army Soldier Mauricio Leal Remolina
(preventatively detained November 25, 2009, arrested December 2, 2009)
- (262) Army Soldier Gustavo Barrera Rivera
(preventatively detained November 25, 2009, arrested December 2, 2009)

III. On April 13, 2010, eight professional soldiers from the Army's La Popa Battalion of Valledupar were indicted for their alleged responsibility in the August 17, 2003, murders of Juan Carlos Galvis Solano and Tania Solano Tristanco in the San Diego municipality of César. The victims were traveling by motorcycle on a rural road between Los Encantos and Media Luna when they were shot. (Prosecutor General's Office Case Number Unknown)

- (263) Army Professional Soldier Nivaldo de Jesús Maestre Guerra
- (264) Army Professional Soldier Gabriel Eduardo Ortiz Díaz
- (265) Army Professional Soldier Andrés Manuel González Medina
- (266) Army Professional Soldier Eliécer de Jesús López
- (267) Army Professional Soldier Felix Martínez Correa
- (268) Army Professional Soldier Abel Domingo Salcedo Jiménez
- (269) Army Professional Soldier Luis Hernán Salgado Flórez
- (270) Army Professional Soldier Ademar Tarazona Ríos

JJJ. On April 19, 2010, two members of the Army (and two supposed recruiters) were indicted for their alleged responsibility in the disappearance and death of Camilo Andrés Valencia in Soacha (Cundinamarca) on December 7, 2007, and Daniel Suárez Martínez in Ocaña on December 6, 2007. Valencia was reported as killed in combat with troops from the Francisco Battalion in Ábrego (Norte de Santander). Suárez Martínez, recently arrived from Venezuela, was also reported as killed in combat. Proceedings also continue against Alexander Carretero Díaz and Víctor Manuel López Manosalva in this case. (Prosecutor General's Office Case Number Unknown)

- (271) Army Lieutenant Colonel (retired) Álvaro Diego Tamayo Hoyos
- (272) Army Second Lieutenant Luis Francisco Ríos García

KKK. On April 22, 2010, two members of the Army's 4th Artillery Battalion, Fabián Darío Gutiérrez Oquendo and Luis Geovanny Meza Montoya, were indicted for the deaths of five individuals, including two minors. On March 9, 2002, Viviana Castañeda López and Johana Carmona Usme (13 and 14 years old, respectively), boarded a vehicle to San Rafael to attend a party in El Silencio. Nelson Alfredo López Hernández, Giovanni Uribe Noreña and John Jairo Hincapié Ciro also boarded the vehicle during its route. All were killed when the vehicle was shot at by members of the Army between San Rafael and San Carlos (Antioquia). Military reports listed the victims as FARC members killed in action as they tried to evade a military checkpoint. The defendants will be tried in Marinilla (Antioquia). (Prosecutor General's Office Case Number Unknown)

- (273) Army Soldier Fabián Darío Gutiérrez Oquendo

(274) Army Soldier Luis Geovanny Meza Montoya

LLL. On April 26, 2010, (275) Army Lieutenant Colonel Álvaro Villarreal Neira, former Commander of Junin's 3rd Mounted Infantry Battalion, was indicted for the deaths of John Fredy Camargo Herrera (a minor) and Darwin Rivera, residents of Cauca (Antioquia) on February 16, 2006. The two were traveling to work on a ranch near Córdoba's capital and were later identified in the Army morgue. Military reports listed them as killed in combat in Canalete (Córdoba). Villarreal is being held in a military prison in Bogotá. A commissioned officer and noncommissioned officer have already been sentenced to 38 years in prison for the same case. (Prosecutor General's Office Case Number Unknown)

Annex C: Continuation of Proceedings by the Prosecutor General's Office

Between August 1, 2009, and June 15, 2010,⁷⁹ the Colombian government reported that the Prosecutor General's Office continued judicial proceedings against at least 106 members of the Armed Forces (including one General, one retired General, one Colonel, one retired Colonel, two Lieutenant Colonels, and eight Majors) in at least 10 cases for violations of human rights and collaboration with paramilitary groups (case number and status listed where known, the count of the list below varies from the total number of individuals detained as three individuals are listed under multiple cases):

- A. On August 5, 2009, (1) Army (retired) General Rito Alejo del Río Rojas, former Commander of Brigade 17 in Carepa (Antioquia), faced a preliminary hearing for his presumed responsibility in the homicide of farm worker Marino López Mena on February 27, 1997, in Bijao (Chocó) during an incursion by members of self defense groups. He was captured in Bogotá by CTI agents on September 4, 2008. Case Number Unknown.
- B. On August 6, 2009, the public hearing of three helicopter crew members who supported the Colombian Air Force's 10th Brigade and the Anti-Guerilla Battalion began in Bogotá. They were tried for their role in the anti-guerilla operation near Santo Domingo (Arauca) on December 13, 1998, in which an air-deployed cluster bomb resulted in the death of 17 villagers and injury of 21 others. The case number is unknown.
 - (2) Air Force Pilot César Romero Pradilla
 - (3) Air Force Co-pilot Jhoan Jiménez Valencia
 - (4) Air Force Technician Héctor Mario Hernández Acosta
- C. On December 11, 2009, three professional soldiers accepted charges of aggravated homicide for their responsibility in the deaths of three youths presented as killed in combat. The incident occurred on July 4, 2006, on the La Bonanza ranch in the Jagua del Pilar jurisdiction (Guajira), where troops from Rondón's 2nd Mechanized Battalion supposedly entered into combat with Mario Alberto Camargo Barahona, Yeiner Pérez Arias and José Enrique Gutiérrez Arias, who travelled to Santa Marta after a soldier promised them work in Valledupar. Third Corporal Domingo Barajas Camargo has already been sentenced to 26 years and 10 months in prison for this incident.

⁷⁹ Time period available as of August 17, 2010.

- (5) Army Professional Soldier Jonathan José Esquima Hernández
- (6) Army Professional Soldier Eder Antonio Ortega Salinas
- (7) Army Professional Soldier Leonardo Fabio Suárez Medina

- D. On January 8, 2010, a judge in Cali refused (8) Army Major Manuel Arturo **Pabón Jaimes'** appeal for release. The defendant had requested release after being held without trial for more than 90 days. The judge noted that the complexity of the process and provided just and reasonable cause for the delay of the oral trial. Pabón Jaimes is being tried for his alleged responsibility in the aggravated homicide of Golondrinas ranch foreman José Orlando Giraldo Barrera by members of the Army's 4th High Mountain Battalion in the Gualanday district of Cali on March 11, 2006.
- E. On January 29, 2010, a judge in Bucaramanga refused the appeal for release of eight soldiers from the Army's 5th "Caldas" Battalion from Bucaramanga. The defendants had requested release after being held without trial for more than 90 days. The judge noted that the complexity of the case, which has required significant gathering of evidence on both sides, including nearly 50 testimonies, provided just and reasonable cause for the delay of the trial. The incident being investigated occurred on March 4, 2008, when Soacha (Cundinamarca) natives Daniel Andrés Pesca and Eduardo Garzón Paez were reported missing by their families. In August 2008, their bodies were identified with nine others in Ocaña (Norte de Santander). Defendants will be tried for aggravated forced disappearance, aggravated homicide, misrepresentation and falsifying of public documents. (Prosecutor General's Case Number Unknown – Soacha Case)
- (9) Army Colonel (retired) Wilson Javier Castro Pinto
 - (10) Army Lieutenant (retired) Eduardo Antonio Villany Realpe
 - (11) Army Vice First Sergeant (retired) Jesús Eduardo Niampara Benavide
 - (12) Army Professional Soldier (Rafael Reyes Infantry Battalion)
 - (13) Army Professional Soldier (Rafael Reyes Infantry Battalion)
 - (14) Army Professional Soldier (Rafael Reyes Infantry Battalion)
 - (15) Army Professional Soldier (Rafael Reyes Infantry Battalion)
 - (16) Army Professional Soldier (Rafael Reyes Infantry Battalion)
- F. Following their January 21, 2009, indictment, proceedings continue against two members of the Army's 33rd Counterguerrilla Battalion assigned to the 17th Brigade. The two remain in preventative detention for their alleged role in the January 18, 1989, La Rochela massacre, in which 12 investigators were killed in Simacota (Santander). The investigators had been sent to Simacota to investigate the massacre of 19 merchants who had died in October 1987 at the

hands of the “Los Masetos” paramilitary forces of Magdalena Medio.
(Prosecutor General’s Case Number 2138)

(17) Army Lieutenant Colonel Orlando Espinosa Beltrán

(18) Army Major José Fernando Castaño López

- G. Proceedings continue against two members of the Army’s 15th Infantry Battalion “Francisco de Paula Santander” of Boyacá for their alleged involvement in the disappearance and homicide of two people, who were later reported as killed in combat. Daniel Suárez Martínez (construction worker), a resident of the state of Merida in Venezuela, left on December 5, 2007, at 2:00 p.m. for Ocaña (Norte de Santander), where he was going to meet with the mother of his daughters. On December 6, 2007, he was found dead and reported as a combat death in the district of El Paramo in Otaré (Norte de Santander). Camilo Andres Valencia (construction worker), a resident of the municipality of Soacha (Cundinamarca), disappeared in Soacha on December 5, 2007, and was found dead and reported as a combat death on December 7, 2007, in the district of Pavez in the municipality of Abrego. The two are no longer detained. (Prosecutor General’s Case Numbers 4860 and 4936 – Soacha Cases)

(19) Army Second Sergeant Merardo Rios Diaz

(detained and charged on April 24, 2009, indicted May 15, 2009, case number 4860, case is in the preliminary investigation stage)

(20) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras

(detained and charged on April 24, 2009, case number 4936)

- H. Proceedings continue against (21) Army Professional Soldier Ciro Alfonso Gutierrez Silva (indicted June 2, 2009) from the Army’s 15th Infantry Battalion “General Francisco de Paula Santander” of Ocaña for his role in the disappearance and homicide of Julian Oviedo Monroy, who was then presented as killed in combat. Julian Oviedo Monroy (construction worker), a resident of the neighborhood of Villa Juliana in the municipality of Soacha, disappeared on March 2, 2008, and was found dead on March 3, 2008, in the district of Aguas Blancas in the municipality of Ocaña (Norte de Santander). The case is in the preliminary investigation stage and he is no longer detained. (Prosecutor General’s Case Number 4860 – Soacha Case)

- I. Proceedings continue against two members of the Army’s 15th Infantry Battalion “General Francisco de Paula of Santander” of Ocaña were detained for their alleged role in the disappearance and homicide of Julio César Mesa and

Johathan Orlando Soto Bermudez. Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead – presented as killed in combat – on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead – presented as killed in combat – on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). (Prosecutor General’s Case Number 4925 – Soacha Case)

(22) Army Professional Soldier Juan Gabriel Espinosa Restrepo
(detained on May 15, 2009, no longer detained – awaiting resolution of legal situation)

(23) Army Lieutenant Colonel (retired) Gabriel de Jesús Rincon Amado
(detained on May 15, 2009, remains in detention)

J. Proceedings continue against four members of the Army’s 15th Infantry Battalion “Cabecillas Espada Uno” for their alleged role in the disappearance and homicide of three people, who were presented as killed in combat. Diego Alberto Tamayo Garcera, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Víctor Fernando Gómez Romero (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Jader Andrés Palacio Bustamante (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). The four are awaiting resolution of their legal situation and are no longer detained. (Prosecutor General’s Case Number 110016000099200800028)

(24) Army Professional Soldier Nixon Arturo Cubides Cuesta

(25) Army Professional Soldier José Adolfo Fernandez Ramirez

(26) Army Professional Soldier Ferney Grijalba Flor

(27) Army Professional Soldier Eider Andres Guerrero Andrade

The Colombian Government also reports that judicial proceedings continue against the following members of the Armed Forces, though it did not provide information on criminal charges or case studies. Rank for each individual is listed where provided by the Colombian government.

- (28) Army Soldier Arnoldo Rafael Olivera Gonzalez (rank not provided)
- (29) Army Sergeant Lenin Alexander Ledesma Cardona
- (30) Army Soldier Roberto Conde (rank not provided)
- (31) Army Soldier Bayron Gabriel Carvajal Osorio (rank not provided)
- (32) Army (retired) General Rito Alejo Del Rio
- (33) Army Major Mario Hernan Duarte Mendez
- (34) Army Lieutenant Colonel Cesar Martin Guauta Gonzalez
- (35) Army Member Cabo Rosao Araujo (rank not provided)
- (36) Army Sergeant Major Andres Portilla
- (37) Public Force Admiral Nohora Elena Caghuana Burgos
- (38) Luz Mary Soto Montes from (service and rank not provided)
- (39) Nelson Enrique Acosta San Juan from (service and rank not provided)
- (40) Mario de Jesús Bojaca Gonzalez (service and rank not provided)
- (41) Army Captain Camilo Rodriguez Agudelo
- (42) Army Lieutenant Alvaro Vicente Perez Duran
- (43) Army member Alfredo Espitia Villa (rank not provided)
- (44) Army Mayor Alfonso Manosalva Florez
- (45) Army General José Leonardo Gallego Castrillon
- (46) Elver Fonseca Mosquera (service and rank not provided)
- (47) Wilmer Munoz Galvis (service and rank not provided)
- (48) Oscar Herrera Suárez (service and rank not provided)
- (49) Juan Carlos Araque (service and rank not provided)
- (50) Alexander Cordero Carrillo (service and rank not provided)
- (51) Hector Perea Asprilla (service and rank not provided)
- (52) Dario Pinzon Pineda (service and rank not provided)
- (53) Edgar Vargas Silva (service and rank not provided)
- (54) Army Second Sergeant Gilberto Morales Zorro
- (55) Army Lieutenant Hector Mauricio Nieto Palencia
- (56) Army Soldier Oscar Contreras Monares
- (57) Army Soldier Carmen Enrique Jimenez Arias
- (58) Army Lieutenant Wilmar Ferney Duran Caselles
- (59) Army Sublieutenant Luis Francisco Rios Garcia
- (60) Army Soldier Juan Pablo Ramirez Cruz (rank not provided)
- (61) Army Lieutenant Elierth Realpe Calvache
- (62) Army Soldier José Antonio Aguilar Cortes
- (63) Army Lieutenant Alexander Obregon Hernandez
- (64) Army Soldier Juan Isidro Caicedo Medrano
- (65) Army First Sergeant Jorge Orlando Celis Bustos
- (66) Army First Sergeant Gabriel Enrique Cadena Manchay

- (67) Army First Sergeant Fabio Palacios Paternina
- (68) Army Major Ricardo Adolfo Rodriguez Ramon
- (69) Army Major German Eduardo Ferro Nunez
- (70) Army First Sergeant Ruben Dario Rodriguez Bustos
- (71) Army Captain Julio Alberto Del Valle Barrera
- (72) Army Second Sergeant Felio Fernando Adrada Araujo
- (73) Army Second Corporal Edwin Ferney Bedoya Conde
- (74) Army Soldier Edwin Alfonso Pacheco
- (75) Army Lieutenant José David Restrepo Solarte
- (76) Army Captain Wilson Diaz Bermeo
- (77) Army Vice-First Sergeant Alexander Caballero Contreras
- (78) Army Lieutenant Jorge Orlando Celis Bustos
- (79) Army First Sergeant Jesús Antonio Vega Sepulveda
- (80) Army Sublieutenant Fredy Carreño Portilla
- (81) Army Army Captain Nelson Rodriguez Avellaneda
- (82) Army Second Sergeant Jaime Marin Murillo
- (83) Army First Corporal José Edgar Palacios Suárez
- (84) Army Second Corporal Alejandro Marin Bartolo
- (85) Army First Sergeant Jesús Antonio Bartolo Rios
- (86) Army First Corporal Carlos Andres Copete Grisales
- (87) Army Second Sergeant Pedro Enrique Unda Fiaga
- (88) Army First Corporal Edgar Mora Trujillo
- (89) Army Colonel Jorge Eduardo Rojas Rojas
- (90) Army Soldier Cristo Antonio Lesmes
- (91) Army Lieutenant Granados (first name not provided)
- (92) Army Soldier John Darwin Ruiz Estrada
- (93) Army Third Corporal William Jonnatan Vasquez
- (94) Army Soldier Gustavo Alonso Quintero Garcia
- (95) Army Soldier John Fredy Gil Vergara
- (96) Army Second Corporal Cristian Fernando Mojica Rodriguez
- (97) Army Second Corporal Edwin Gutierrez Tovar
- (98) Army Sublieutenant Mauricio Posada Murillo
- (99) Army Major Jorge Armando Riano Ospina
- (100) Army Lieutenant Juan Ignacio Acosta Ubaque
- (101) Public Force General Farid Yanine Diaz
- (102) Army Captain German Alfredo Pabon Contreras
- (103) Army Major Mario Hernan Duarte Mendez
- (104) Pedro Castillo Pereira (service and rank not provided)
- (105) Army Colonel Gamboa (first name not provided)
- (106) Army Soldier Cristian Efren Guevara Sotelo

- (107) Army Vice First Sergeant Alvaro Juan Osorio Laguna
- (108) Army Soldier Elberth Mauricio Avendaño Velandia
- (109) Army Captain Camilo Ernesto Gomez Ariza

Annex D: Resolution of Cases by the Prosecutor General's Office

Between August 1, 2009, and June 15, 2010,⁸⁰ the Colombian government reported that the Prosecutor General's Office concluded case proceedings against at least 64 members of the Armed Forces (including two retired Generals, one Colonel, and one Major) in at least 17 cases for violations of human rights and for collaborating with paramilitary groups. In these cases, the Prosecutor General's Office sentenced 47 soldiers, absolved 11, and convicted six more, with sentencing pending:

- A. On August 20 and 24, 2009, 12 members of the Army's Patriotas Battalion were sentenced and one was absolved for their roles in the torture and sexual assault of 21 lower level soldiers of the Scorpion Battalion as they performed a training session in the Piedras Municipality, Tolima on January 25, 2006 (Prosecutor General's Office Case Number 1608).
- (1) Army First Corporal José Rafael Tarazona Villamizar
(sentenced on August 20, 2009, to 16 years in prison and fined 1600 minimum monthly salaries for aggravated torture)
 - (2) Army Third Corporal Edwin Alberto Avila Mesa
(sentenced on August 20, 2009, to 16 years in prison and fined 1600 minimum monthly salaries for aggravated torture)
 - (3) Army Third Corporal Hugo Alberto Mestra Agudelo
(sentenced on August 20, 2009, to 16 years in prison and fined 1600 minimum monthly salaries for aggravated torture)
 - (4) Army Third Corporal Sergio Andres Muriel Quiroga
(sentenced on August 20, 2009, to 16 years in prison and fined 1600 minimum monthly salaries for aggravated torture)
 - (5) Army Soldier Alvaro Yeison Acosta Sanchez
(sentenced on August 20, 2009, to 16 years in prison and fined 1600 minimum monthly salaries for aggravated torture)
 - (6) Army Third Corporal Juan Pablo Rodriguez Bermudez
(sentenced on August 24, 2009, to 15 years in prison and fined 1500 minimum monthly salaries for aggravated torture)
 - (7) Army Third Corporal (No Name Given)
(sentenced on August 24, 2009, to 15 years in prison and fined 1500 minimum monthly salaries for aggravated torture)
 - (8) Army Soldier Ewin Daniel Roza Gutierrez

⁸⁰ Time frame available as of August 17, 2010.

(sentenced on August 24, 2009, to 15 years in prison and fined 1500 minimum monthly salaries for aggravated torture)

(9) Army Soldier Hamilton Oviedo Ramirez

(sentenced on August 24, 2009, to 15 years in prison and fined 1500 minimum monthly salaries for aggravated torture)

(10) Army Third Corporal Jhon Lenin Ramirez Cruz

(sentenced on August 24, 2009, to 15 years in prison and fined 1500 minimum monthly salaries for aggravated torture)

(11) Army Soldier Yovany Arevalo Ballen

(sentenced on August 24, 2009, to four months and 24 days and fined 6.3 minimum monthly salaries for purposely inflicting injury)

(12) Army Second Corporal Jairo Lora Fuentes

(sentenced on April 21, 2010, to 442 months in prison and fined 750 minimum monthly salaries for aggravated torture and sexual assault)

(13) Army Soldier Jhon Mauricio Cadena Gutierrez

(absolved)

- B. On September 1, 2009, the Third Penal Court of the Ibagué Circuit sentenced five soldiers to 35 and 40 years in jail and two were acquitted for the murder of five people in the Potosí district of Cajamarca (Tolima) on April 10, 2004. During the incident, seven members of the Counter-guerilla Battalion of Pijao from the Army's Sixth Brigade allegedly opened indiscriminate fire on five individuals, thinking they were members of an illegal armed group. They later realized the victims were civilians belonging to the Mendoza Reyes family, including two minors of 14 years and six months. The victims were: Albeiro Mendoza Reyes, Yamile Urueña Arango, Julio César Santana Gutiérrez (minor), Cristian Albeiro Mendoza Urueña (infant) and Norberto Mendoza Reyes, who was first wounded and subsequently fatally shot to prevent him from relating events. (Prosecutor General's Case Number Unknown) The soldiers sentenced to 35 years in prison and a fine of two million minimum monthly salaries are:

(14) Army Professional Soldier Noel Briñez Pérez

(15) Army Professional Soldier Jhon Jairo Vizcaya Rodríguez

(16) Army Professional Soldier Albeiro Pérez Duque

(17) Army Professional Soldier Luis Fernando Ramos Martínez

The following individual was sentenced to 40 years in prison for killing the only survivor of the massacre:

(18) Army Professional Soldier Jhon Jairo Guzmán Gallego

The judge absolved the following two soldiers of responsibility after determining that they were not present during the incident.

(19) Army Third Corporal José Alejandro Gómez Acevedo

(20) Army Soldier Jairo Sebastián Quintero Riaño.

- C. On September 24, 2009, the 12th Penal Court of Bogotá's Circuit sentenced two Air Force Lieutenants to 31 years and eight months of prison for their role in the December 13, 1998, killing of 17 people in an aerial bombing in Santo Domingo, Arauca Department. (Prosecutor General's Case Number Unknown)

(21) Air Force Lieutenants Cesar Romero Padilla

(22) Air Force Lieutenants Johan Jimenez Valencia

- D. On September 28, 2009, (23) Army Professional Soldier Rodrigo Antonio Hernández Sucerquía was sentenced to 27.5 years by a Judge in Bolívar (Cauca) for his responsibility in the aggravated homicide of farm worker Rómulo Gómez on May 21, 2005, in the Yacuanas district of the Almaguer municipality (Cauca). The farm worker was feeding livestock when he was gunned down by troops from the 4th High Mountain Battalion in a presumed armed confrontation. (Prosecutor General's Case Number Unknown)

- E. On October 6, 2009, two members of the Army's 32nd Infantry Battalion ("Pedro Justo Berrio") were sentenced to 84 months in prison their roles in the kidnapping and torture of Paula Andrea Betancur and Mauricio Andres Arroyave Marulanda. The crime was committed on September 11, 2001, when the two underage persons were abducted by three soldiers by a military base in Medellín. The two victims were then raped or forced by higher-ranking officers to perform various sexual acts at gun point. (Prosecutor General's Office Case Number 1608)

(24) Army Soldier Jorge Ivan Ortiz

(25) Army Soldier Luis Andrey Morales Buritica

- F. On November 3, 2009, the Second Penal Court of Montería Circuit acquitted six Army soldiers in connection with the murder of two civilians on October 12, 2005, in Tierralta (Córdoba). Troops from the Junín Battalion of the Army's Eleventh Brigade reported Mario Miguel Pineda Pérez (the brother of former member of Congress), Eleonoro Pineda, and Luiz Orozco Hernández as killed in combat, but witnesses allege it was an extrajudicial execution. The Prosecutor General's Office has appealed this decision. (Prosecutor General's Case Number Unknown)

(26) Army Lieutenant Ramiro Jairo Ramírez Ortega

- (27) Army Vice Sergeant Flavio César Sánchez Martínez
- (28) Army First Corporal Albeiro Vargas Gaitan
- (29) Army Professional Soldier Roberto Carlos Posada Díaz
- (30) Army Professional Soldier Luis Miguel Solano Ramos
- (31) Army Professional Soldier Dairo Yeneris Silva.

G. On November 11, 2009, (32) Army Noncommissioned Officer Jorge Andrés Estupiñán Chamorro was sentenced to 30 years in prison by a judge in Dabeiba (Antioquia) for his responsibility in the homicide of José Ángel Higueta. On November 13, 2005, Higueta, a resident of Dabeiba (Antioquia), left Godó, where he worked as a pothole repairman. Higueta did not return home that day, and his tools and bicycle were found abandoned. On November 14, Higueta was identified by family members in the Chigorodó morgue, where his body was left after supposed combat with the military. Soldiers took Higueta to Chichiridó, where they exchanged his civilian clothes for a new camouflaged uniform, and subsequently assassinated him. The soldiers later planted a radio and a 7.65 pistol and called him a FARC subversive. Rivero Díaz, responsible for the communications of the patrol involved in the incident, must answer before for a judge for the crime of homicide. Noncommissioned Officer Alonso de Jesús Rivero Díaz has also been indicted for the crime. (Prosecutor General's Case Number Unknown)

H. On November 25, 2009, Bogotá's Superior Court reversed its initial decision to acquit retired (33) Army General (retired) Jaime Humberto Uscátegui Ramírez, instead sentencing him to 40 years in prison and a fine of 10 million pesos for the July 15, 1997, murder of at least 36 civilians in Mapiripán (Meta) at the hands of the ACCU (Autodefensas Campesinas de Córdoba y Urabá) in Mapiripán (Meta). Uscátegui Ramírez, who was the commander of the 7th Brigade in Villavicencio, was found guilty of aggravated homicide, aggravated kidnapping and falsification of information in public documents. Initially, a judge found him guilty of only the latter charge and absolved him of other charges. The Prosecutor General's office, however, asked for reconsideration of the decision, noting that troops from the Joaquín París Infantry Battalion, located in San José del Guaviare were under his jurisdiction, and that paramilitaries used the site to land airplanes. Furthermore, the tribunal argued that Mapiripán's population was not sufficiently protected by regular troops and left "at the complete mercy of the AUC." (Prosecutor General's Case Number Unknown)

- I. On November 26, 2009, and March 9, 2010, the Penal Court of the Bogota Specialized Circuit found sentenced three Army soldiers to 40 years of prison and another soldier to 36 years and six months in prison for homicide of a protected person, aggravated kidnapping, forced disappearance, conspiracy, perjury, and procedural fraud. Between November 2 to 5, 2003, members of the Counterinsurgency Pijaos Battalion, who identified themselves as AUC paramilitary members, allegedly kidnapped Jhon Jairo Iglesias Salazar and tortured and killed Ricardo Espejo Galindo, Marco Antonio Rodriguez, and German Baquero Bernal in Potosi (Tolima). They also allegedly looted their home, stole their cattle, and threatened their relatives that they would be killed for being guerilla collaborators. (Prosecutor General's Case Number Unknown)
- (34) Army Major Juan Carlos Rodríguez Agudelo
(sentenced to 40 years on November 26, 2009)
- (35) Army Corporal Wilson Casallas Suescun
(sentenced to 40 years on November 26, 2009)
- (36) Army Soldier Albeiro Pérez Duque
(sentenced to 40 years on November 26, 2009)
- (37) Army Soldier Rodrigo Molina Prieto
(sentenced to 36 years and six months years on March 9, 2010)
- J. On November 30, 2009, two Army officers were sentenced by a judge in Montería to 38 years in prison for the aggravated homicide of two youths. During the investigation, it was established that Jhon Fredy Camargo Herrera and Darwin Antonio Rivera Clímaco were lured from Caucasia (Antioquia) on February 16, 2006, with false promises of work on ranches in nearby Montería. The following day in Canalete (Córdoba), troops from the 33rd Infantry Battalion in Junín gunned down the youths. Those found guilty were commanding the troops during the incident. (Prosecutor General's Case Number Unknown)
- (38) Army Lieutenant Diego Beltrán Vega
- (39) Army Second Sergeant Oscar Orlando Camargo Ortiz
- J. On December 15, 2009, the judge in the case withdrew the charges against (39) Army Colonel Víctor Hugo Matamoros Rodríguez, for his alleged involvement in the August 21, 1999, massacre of 26 people in La Gabarra (Norte de Santander) ("resolución de preclusión al sindicato señalado"). He is no longer detained. (Prosecutor General's Office case number 536)
- K. On February 10, 2010, the Penal Court of Santuario Circuit sentenced five

members of the Army for their roles in the April 14 and 15, 2005, aggravated homicides of Idelfonso Cifuentes Velásquez and his son (minor) Luis Alfonso Flórez Toro in San Luia (Antioquia). Army members shot at the two as they headed home and Cifuentes was killed immediately. Flórez survived his wounds but was murdered the next day by Army members who Flórez consulted for help. (Prosecutor General's Office Case Number Unknown).

(40) Army Soldier Elkin Mauricio Pamplona Ciro
(sentenced to 12 years and six months in prison)

(41) Army Lieutenant Josué Mersarud Hernández Puentes
(sentenced to 25 years and 10 months in prison)

(42) Army member Luis Oscar Montoya Gil
(sentence not provided)

(43) Army member Davison Andres Gil
(sentence not provided)

(44) Army member José Arley Marín Sierra
(sentence not provided)

L. On February 25, 2010, nine members of the Army's 4th Brigade were sentenced to 27 years in prison for their role in the aggravated homicide of Diego Alfonso Ortiz Muñoz. The homicide occurred on June 4, 2005 in La Sierra de Medellin when the Army's 4th Brigade was performing an operation following reports that four men had fired shots. (Prosecutor General's Case Number Unknown)

(45) Army Second Sergeant Hernán Darío Duarte Buitrago

(46) Army Professional Soldier Jorge Alberto Diez Silva

(47) Army Professional Soldier Juvenal de Jesús Higuita Suárez

(48) Army Professional Soldier Diber de Jesús Quiroz Tobón

(49) Army Professional Soldier Carlos Andrés Sánchez Ibarguen

(50) Army Professional Soldier Fabio León Torres Quintero

(51) Army Professional Soldier Diego Fernando Hidalgo Padierna

(52) Army Professional Soldier Delio Antonio Valencia Zea

(53) Army Professional Soldier Heriberto Martínez Muñoz

M. On March 16, 2010, (54) Army Captain Guillermo Armando Gordillo Sánchez of the 17th Brigade was sentenced to 20 years in prison for his involvement in the San José de Apartadó massacre. The crimes occurred on February 21, 2005, when Luis Eduardo Guerra Guerra, Beyanira Areiza, Deyner Andrés Guerra Tuberquia, Alfonso Bolívar Tuberquia Graciano, Sandra Milena Muñoz Pozo and her two sons, Natalia and Satiago, and Alejandro Perez were murdered. (Prosecutor General's Case Number Unknown)

- N. On April 21, 2010, (55) Army Second Sergeant Ruberney Matiz Perez was sentenced to 442 months in prison and fined of 750 monthly minimum salaries for his role in the kidnapping and murder of Heriberto Arcila Loaiza. Arcila Loaiza was abducted at a store in the city of Florencia, Caqueta on April 17, 2006. His body was found handcuffed in the Bodoquero River of the same province on April 23 (Prosecutor General's Office Case Number 7156).
- O. On June 9, 2010, (56) Army (retired) General Alfonso Plazas Vega was sentenced to 30 years in prison his role in the forced disappearance of 11 people during the recapture of the Palace of Justice on November 7, 1985. At the time a Colonel, Plazas Vega commanded the operation that retook the Palace from terrorist group M-19. (Prosecutor General's Case Number Unknown)
- P. On June 11, 2010, six members of the Army's José Hilario López Battalion were convicted and one was absolved for the murder of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger, Liliana Valdes Penna, says she never saw a roadblock or stop sign. Quilcué, who mobilized thousands of followers this past fall as part of the Indigenous protests against the Colombian, has received multiple threats and believes the shots were meant for her. The Prosecutor General's Office opened its case December 16, 2008, the case was assigned to a prosecutor on January 14, 2009, and seven members of the battalion were arrested on April 28, 2009. (Prosecutor General's Office Case Number 7000/Inspector General's Office Case Number 115-2710-08)
- The following individuals were convicted and sentenced:
- (57) Army Vice First Sergeant Alexis Ramirez Vivas
 - (58) Army Third Corporal Javier Adolfo Osorio Díaz
 - (59) Army Soldier Numar Armido Buitron Cabezas
 - (60) Army Soldier Lisandro Caicedo Obando
 - (61) Army Soldier Javier Francisco Belalcazar Trochez
 - (62) Army Soldier William Weimar Lemeche Hurtado

The individual below was absolved of wrongdoing in the case:

(63) Army Soldier Andrea Casso Chate

- Q. The Circuit Court of Valledupar sentenced (64) Army Lieutenant Carlos Andrés Lora Cabrales to 30 years in prison for the homicide of a protected

person. He remains in detention. (Date of sentencing and date and location of the crime not available) (Prosecutor General's Office Case Number 3139)

Annex E: Proceedings by the Inspector General's Office

Between August 1, 2009, and April 30, 2010,⁸¹ the Colombian government reported that the Inspector General's Office opened disciplinary processes against at least 126 members of the Armed Forces (including three Colonels, four Majors and one retired Major) involved in at least 32 cases of alleged violations of human rights and collaboration with paramilitary groups (case number and status listed where known, the count of the list below varies from the total number of individuals detained as one individual are listed under multiple cases):

- A. On August 13, 2009, the Inspector General's Office brought disciplinary charges against two members of the Army for their alleged role in the death of Amín Antonio Arroyo on September 22, 2005. The death occurred in "El Doce" district in Tarazá (Antioquia), and the soldiers allegedly presented him as killed in combat. (Inspector General's Office Case Number 008-135171/2006)
- (1) Army (retired) Major Eduardo Heraclio Cortes Ariza
 - (2) Army (retired) Captain Luis Fernando Chamorro Gonzalez
- Status: Disciplinary investigation ongoing.*
- B. On August 13, 2009, the Inspector General's Office brought disciplinary charges against three members of the Army's 29th Counter-insurgency Battalion for their alleged role in the death of José Albeiro Joya Rodríguez on March 15, 2007, in the village of Chaguaza in Labranzagrande (Boyaca). (Inspector General's Office Case Number 008-144500/2006)
- (3) Army Lieutenant Manuel Guillermo Ramírez Torres
 - (4) Army Professional Soldier Luís Enrique Pérez Soler
 - (5) Army Professional Soldier Holman Cuevas Arenas
- Status: Disciplinary investigation ongoing.*
- C. On August 13, 2009, the Inspector General's Office brought disciplinary charges against six members of the Army's 17th Infantry Battalion for their alleged role in the death of Elkin Ducuara Velásquez on March 15, 2007, in the village of Alto Cielo in Ortega (Tolima). (Inspector General's Office Case Number 008-157963/2007)
- (6) Army First Sergeant Divan Hernando Coral Guamanga
 - (7) Army Professional Soldier Raúl Giovanni Aroca Ortíz

⁸¹ Time frame available as of August 17, 2010.

(8) Army Professional Soldier Wilmar Ferney Ciprian Duzan

(9) Army Professional Soldier José Amado Gómez Yara

(10) Army Professional Soldier Deivi Guzmán

(11) Army Professional Soldier Eder Triana López

Status: Disciplinary investigation ongoing.

D. On August 24, 2009, the Inspector General's Office brought disciplinary charges against eight Army members for their alleged role in the death for Carlos A. Pineda on the Capri farm in Montería (Córdoba) (date of incident not available). (Inspector General's Office Case Number 022-171264/2008)

(12) Army Major Julio Cesar Parga Rivas

(13) Army Colonel Alvaro Zambrano Gómez

(14) Army Sergeant Major Yones Hobanes Calderón Varilla

(15) Army Professional Soldier Maury Elver Manuel

(16) Army Professional Soldier Federman Cura Jaramillo

(17) Army Professional Soldier Sixto José Sierra Bertel

(18) Army Professional Soldier Harold José Castañez Chamorro

Status: Disciplinary investigation ongoing.

E. On August 28, 2009, the Inspector General's Office brought disciplinary charges against (19) Army Major Silvio Edgar Rosero Belarcazar from the Army's 42nd Battalion for his alleged role in the death of Germán de Jesús Raigosa Osorio sometime between April-May 2005 in the Mesetas (Meta). (Inspector General's Office Case Number 008-118600/2005)

Status: Disciplinary investigation ongoing.

F. On August 28, 2009, the Inspector General's Office brought disciplinary charges against six members of the Army's 3rd Mountain Battalion for their alleged role in the death of José Vicente Dagua Cruz on May 24, 2007, in the village of El Alba in La Meseta, Jaimundí Municipality (Valle del Cauca). (Inspector General's Office Case Number 008-167463/2007)

(20) Army Lieutenant Carlos Humberto Alzate Quintero

(20) Army Professional Soldier James Medina Camacho

(21) Army Professional Soldier Kelvis Ismael López Castillo

(22) Army Professional Soldier José Fernando León Castañeda

(23) Army Professional Soldier Carlos Edison Grisales González

(24) Army Professional Soldier Yeiser Andrés Montaña

Status: Disciplinary investigation ongoing.

G. On August 28, 2009, the Inspector General's Office brought disciplinary

charges against three members of the Army's 2nd Artillery Battalion for their alleged role in the death of Ramón Enrique Cárdenas on November 9, 2003, in the village of Media Luna in Sandiego (Cesar). (Inspector General's Office Case Number 008-100869/2004)

(25) Army Captain Martín Martínez Aldana

(26) Army Lieutenant Angel Mauricio Suaza Lozada

(27) Army First Corporal Guido Antonio Ramírez Chala

Status: Disciplinary investigation ongoing.

H. On August 31, 2009, the Inspector General's Office brought disciplinary charges against three Army members for their alleged role in the detention and murder of Luis Evelio Angarita on July 19, 2006, on El Limón road in Teorama (Norte de Santander). (Inspector General's Office Case Number 155-164283/2006)

(28) Army Sub Lieutenant Diego Alexander Jiménez Castilblanco

(29) Army Third Corporal Jhony Ferney Nuñez Ramírez

(30) Army Soldier Ronaldo Antonio Acosta Molina

Status: Disciplinary investigation ongoing.

I. On September 4, 2009, the Inspector General's Office brought disciplinary charges against two members of the Army's 4th Infantry Battalion for their alleged role in the death of an unidentified person on April 5, 2005, in the village of Vallejuelo in San Carlos (Antioquia). The soldiers allegedly presented the unidentified person as killed in combat. (Inspector General's Office Case Number 008-171471/2008)

(31) Army Rural Soldier Daladier de Jesús Ochoa Ramírez

(32) Army Rural Soldier Jhon Jairo Guarín Giraldo

Status: Disciplinary investigation ongoing.

J. On September 4, 2009, the Inspector General's Office brought disciplinary charges against three members of the Army's 3rd Infantry Battalion for their alleged role in the death of Fabián Darío Suárez Viana and the torture of Leonel Albeiro Montoya on May 16, 2006, in the village of Horna in Caracolí (Antioquia). (Inspector General's Office Case Number 008-166073/2007)

(33) Army First Corporal Miguel Angel Jaramillo Pulgarín

(34) Army Professional Soldier Jhon Jairo Olarte Villanueva

(35) Army Professional Soldier Juan Guillermo Muñoz Zuleta

Status: Disciplinary investigation ongoing.

K. On September 4, 2009, the Inspector General's Office brought disciplinary

charges against two members of the Army's 34th Infantry Battalion for their alleged role in the death of Albeiro Aldana Ruiz on October 12, 2004, in the village of La Y in Albania (Caquetá). (Inspector General's Office Case Number 008-141700/2006)

(36) Army Sergeant Paulo Mahecha Conde

(37) Army Professional Soldier Dairo Vargas Narvaez

Status: Disciplinary investigation ongoing.

L. On September 11, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army's 18th Cavalry Group for their alleged role in the death of an alleged member of an illegal group on November 13, 2005, in the village of Primavera in Saravena (Arauca). (Inspector General's Office Case Number 008-138278/2007)

(38) Army Third Corporal Darwin Lombana Robles

(39) Army Professional Soldier Alexander Roa Acosta

(40) Army Professional^s Soldier Alexander Zambrano Segovia

(41) Army Professional Soldier Leonardo Reina Herrera

(42) Army Professional Soldier Alexander Montoya Correa

Status: Disciplinary investigation ongoing.

M. On September 15, 2009, the Inspector General's Office brought disciplinary charges against five Army members for their alleged role in the death Remberto de Jesús Herrera Cartagena in Urrao Municipality (Antioquia). (Inspector General's Office Case Number 076-3527/2007)

(43) Army Soldier Carlos Eduardo Aguilar Gelvis

(44) Army Soldier Juan Guillermo Villarino Peña

(45) Army Soldier Luis Francisco Rios Garcia

(46) Army Soldier Jhon Alvarado Rendón

Status: Disciplinary investigation ongoing.

N. On September 21, 2009, the Inspector General's Office brought disciplinary charges against four members of the Army's 39th Infantry Battalion for their alleged role in the death of Erasmo López López on August 15, 2003, in the village of El Uval (San Jorge farm) in Sylvania (Cundinamarca). (Inspector General's Office Case Number 008-177768/2005)

(47) Army Third Corporal^wilmar Bedoya Arias

(48) Army Professional Soldier Juan Manuel Crane Paez

(49) Army Professional Soldier Alexander Sánchez Cacaís

(50) Army Professional Soldier Jhon Jaime Beltrán García

Status: Disciplinary investigation ongoing.

- O. On September 30, 2009, the Inspector General's Office brought disciplinary charges against three members of the Army's 10th Battalion from the Fourth Brigade for their alleged role in the death of Euclides de Jesús (AKA "El Pichón") on February 24, 2010, in the village of La Estrella in Yarumal (Antioquia). (Inspector General's Office Case Number 008-126944/2005)
(51) Army Regular Soldier Jhonny Alexander Chaverra Rodas
(52) Army Regular Soldier Francisco Rivera Solano
(53) Army Regular Soldier Fernando Gómez Gaspar
Status: Disciplinary investigation ongoing.
- P. On September 30, 2009, the Inspector General's Office brought disciplinary charges against six members of the Army's 5th Mechanized Infantry Battalion for their alleged role in the death of Martín de Jesús Miranda Dippe and Julio Cesar Villero Perea on June 16, 2005, in the rural district of Plato (Magdalena). (Inspector General's Office Case Number 008-126944/2005)
(54) Army Second Sergeant Edilfre Salinas Maya
(55) Army Professional Soldier Henry Bohorquez Pabón
(56) Army Professional Soldier Robín Alfonso Bayuelo Guerra
(57) Army Professional Soldier Oscar Alfonso Jhonson Villareal
(58) Army Professional Soldier Juan Ramón Sierra Meriño
(59) Army Professional Soldier Ketter David Ibarguen Lorza
Status: Disciplinary investigation ongoing.
- Q. On October 7, 2009, the Inspector General's Office brought disciplinary charges against two members of the Army's 11th Infantry Battalion for their alleged role in the death of Hernando de Jesús Flórez Holguín on January 8, 2006, in Urrao (Antioquia). (Inspector General's Office Case Number 008-168070/2007)
(60) Army Second Corporal Ary Antonio Romaña Mena
(61) Army Professional Soldier León Darío Guerra Vélez
Status: Disciplinary investigation ongoing.
- R. On November 9, 2009, the Inspector General's Office brought disciplinary charges against five members of the Army's 12th Infantry Battalion for their alleged role in the death of Jesús Aníbal Zapata Ortiz on January 7, 2004, in an area known as "El 20," "Kilometro 20," or "La Granja" of the Mangurri district in Tutunendo (Chocó). (Inspector General's Office Case Number 008-97916/2004)
(62) Army Second Lieutenant William Alford Silva

(63) Army Third Corporal Robert Erlinto Botina Puerres
(64) Army Regular Soldier Gilmar Jokir Machado Mena
(65) Army Regular Soldier Yorquin Horacio Mosquera Mosquera
(66) Army Regular Soldier Yusan Alberto Murillo Gamboa
Status: Disciplinary investigation ongoing.

S. On November 9, 2009, the Inspector General's Office brought disciplinary charges against two members of the Army's 24th Counterinsurgency Battalion for their alleged role in the death of a guerrilla fighter after his capture on December 5, 2003, in the village of Santa Clara in Panamá de Arauca (Arauca). (Inspector General's Office Case Number 008-113972/2004)
(67) Army Captain (Retired) Manuel Enrique Pinzón Garzón
(68) Army Lieutenant Víctor Hugo Peña Jiménez
Status: Disciplinary investigation ongoing.

T. On November 9, 2009, the Inspector General's Office brought disciplinary charges against three members of the Army's Intelligence Unit (Gaula Atlantic Unit) for their alleged role in the death of Fidel Antonio Hernández Rosario and Pedro Juan Hernández Torres on March 22, 2006, on Barano road in Usiacurí (Atlántico). (Inspector General's Office Case Number 008-143106/2006)
(69) Army Captain (Retired) Giovanni Pérez Delgado
(70) Army Sergeant First Class (Retired) Gerson Alberto Gavis Calderón
(71) Sergeant Second Class Pedro Vicente Ceballos Orozco
Status: Disciplinary investigation ongoing.

U. On November 18, 2009, the Inspector General's Office brought disciplinary charges against four Army members for their alleged role in the death of 29 soldiers from the Army's 12th Mobile Brigade in Vista Hermosa (Meta) (date of incident not available). (Inspector General's Office Case Number 022-145178/2006)
(72) Army Colonel Julio Alberto Novoa Ruíz
(73) Army Captain Milton Villarreal Gutierrez
(74) Army Colonel Carlos Hugo Ramírez Zuluaga
(75) Army Major Luis Eduardo Peña Peña
Status: Disciplinary investigation ongoing.

V. On November 30, 2009, the Inspector General's Office brought disciplinary charges against six Army members for their alleged role in the detention and murder of Albeiro Jurado Rojas on June 17, 2005, in Mocoa (Putumayo). (Inspector General's Office Case Number 155-14992/200)

(76) Army Second Sergeant Gerardo Enrique Prada
(77) Army Third Corporal Duvarn Herrera Plazas
(78) Army Soldier Carlos Parra Rubio
(79) Army Soldier José Antonio Mena
(80) Army Soldier Rubén Dario Vanegas Ceballos
(81) Army Soldier Leonel Quenguan Burbano
Status: Disciplinary investigation ongoing.

W. On December 30, 2009, the Inspector General's Office brought disciplinary charges against three Army members for their alleged role in the death of José Fair Ortiz on November 23, 2007, in Chaparral (Tolima). (Inspector General's Office Case Number 002-171359/2008)

(82) Army Sergeant Major Augusto Ramírez Morales
(83) Army Rural Soldier Remberto Oviedo Villanueva
(84) Army Rural Soldier Teodoro Ricaurte Venegas
Status: Disciplinary investigation ongoing.

X. On January 12, 2010, the Inspector General's Office brought disciplinary charges against five members of the Army's 36th Infantry Battalion for their alleged role in the death of Sixto Guzmán Lozada on September 13, 2007, in the village of Monterrey in San Vicente del Caguán (Caquetá). (Inspector General's Office Case Number 008-169019/2008)

(85) Army Sub Lieutenant Jhon Fredy Sotelo Villamil
(86) Army Professional Soldier Jhon Elver Cuchimba Achipiz
(87) Army Professional Soldier José Gustavo Quiñonez Aldana
(88) Army Professional Soldier Aldemar Aguinonga
(89) Army Professional Soldier Alexis Fernando Vargas Ñañez
Status: Disciplinary investigation ongoing.

Y. On January 12, 2010, the Inspector General's Office brought disciplinary charges against 10 members of the Army's 32nd Infantry Battalion for their alleged role in the death of Mario de Jesús, Juvenal Guzmán Sepúlveda and Reinel Antonio Escobar Guzmán on May 8, 2005, in the Cruces de Termales road in Dabeiba (Antioquia). (Inspector General's Office Case Number 008-126815/2005)

(90) Army Captain Alexis Fernando Vargas Ñañez
(91) Army Sergeant First Class Iván Andrés González
(92) Army Third Corporal Jhon Alexander Varón Franco
(93) Army Professional Soldier David Aleyxer Tapias Arias
(94) Army Professional Soldier Yeimin Valoyes Murillo

- (95) Army Professional Soldier Héctor Andrés López
 - (96) Army Professional Soldier Heriberto de Jesús Granda Valle
 - (97) Army Professional Soldier Omar Albeiro Cano Tabares
 - (98) Army Professional Soldier Jhon Soto Velásquez
 - (99) Army Professional Soldier Juan Carlos Padierna Puerta
- Status: Disciplinary investigation ongoing.*

Z. On February 3, 2010, the Inspector General's Office brought disciplinary charges against five members of the Army's 36th Infantry Battalion for their alleged role in the death of Marco Muñoz Avila on December 10, 2006, between the districts of San Vicente del Caguán and Puerto Rico (Caquetá). (Inspector General's Office Case Number 008-169145/2007)

- (100) Army Lieutenant Carlos Alberto Vanegas Gómez
 - (101) Army Second Corporal Carlos Alberto Pamplina Oviedo
 - (102) Army Professional Soldier Duberney Hernández Díaz
 - (103) Army Professional Soldier Ruber Nel Borrero Arroyo
 - (104) Army Professional Soldier Vladimir Muñoz Yepez
- Status: Disciplinary investigation ongoing.*

AA. On March 9, 2010, the Inspector General's Office brought disciplinary charges against five members of the Army's 4th Cavalry Group for their alleged role in the death of Jaime Alberto Ramírez Arias and an unidentified person on March 28, 2004, in the district of Cocorná (Antioquia). (Inspector General's Office Case Number 008-121350/2005)

- (105) Army Lieutenant Alexander Cardona Gutierrez
 - (106) Army First Corporal Edwin Encizar Cabezas Linares
 - (107) Army Professional Soldier Geovanny Elkin Bharlot
 - (108) Army Professional Soldier Deiby Geovanny Ospina Sierra
 - (109) Army Professional Soldier Ublado Pamplina Suaza
- Status: Disciplinary investigation ongoing.*

BB. On March 28, 2010, the Inspector General's Office brought disciplinary charges against seven members of the Army's Girardot Battalion for their alleged role in the death of Gabriel Danilson Ospina on December 25, 2005, on Aguacatal road in Yarumal (Antioquia). (Inspector General's Office Case Number 008-152120/2006)

- (110) Army Second Lieutenant José Contreras Manosalva
- (111) Army Third Corporal Yeison Jaimes Martínez
- (112) Army Professional Soldier Diego Alejandro Carmona Rico
- (113) Army Professional Soldier Jhon Usuga Montoya

(114) Army Professional Soldier Luís Hernández Gallego
(115) Army Professional Soldier Oscar Darío Zea Ospina
(116) Army Professional Soldier Dilson Pérez Hernández
Status: Disciplinary investigation ongoing.

CC. On March 28, 2010, the Inspector General's Office brought disciplinary charges against a member of the Army's 46th Counterinsurgency Battalion for his alleged role in the death of Felix Antonio Sandobal on May 29, 2005, in Gabarra (Norte de Santander). (Inspector General's Office Case Number 008-132698/2005)

(117) Army Professional Soldier Algédis Díaz Sánchez
Status: Disciplinary investigation ongoing.

DD. On March 28, 2010, the Inspector General's Office brought disciplinary charges against eight members of the Army's 4th Cavalry Group for their alleged role in the death of Fray Marcial Restrepo Noreña on September 20, 2005, in the Caña Honda road in San Francisco (Antioquia). (Inspector General's Office Case Number 008-140227/2006)

(118) Army Lieutenant Yefer Sánchez Triana
(119) Army Third Corporal Elkin José Martínez Reyes
(120) Army Professional Soldier José Angel Buritica Bedoya
(121) Army Professional Soldier Gonzalo de Jesús Posada Ramírez
(122) Army Professional Soldier Geovanny Graciano Graciano
(123) Army Professional Soldier Aisnel Loaiza
(124) Army Professional Soldier Jhon Raúl Cano Galeano
(125) Army Professional Soldier José de Jesús Domínguez Domínguez
Status: Disciplinary investigation ongoing.

EE. On March 28, 2010, the Inspector General's Office brought disciplinary charges against (126) Marine Lieutenant Cristián Castro Cano from the Marine's 2nd Counterinsurgency Battalion for his alleged role in the torture of Heriberto Chamorro, Víctor Paternina and Carmelo Arias (date of incident not available) in the district of El Salado in El Carmen de Bolívar (Bolívar).

(Inspector General's Office Case Number IUC 653-67096)
Status: Disciplinary investigation ongoing.

FF. On March 28, 2010, the Inspector General's Office brought disciplinary charges against (127) Army Major Jhon Henry Paredes Céspedes from the Army's 18th Engineering Battalion for his alleged role in the torture of Natanael and Miguel Darío Arias Mauje on September 22, 2002, in Tame

(Arauca). (Inspector General's Office Case Number 008-139444/2006)
Status: Disciplinary investigation ongoing.

Annex F: Continuation of Proceedings by Inspector General's Office

Between August 1, 2009, and April 30, 2010,⁸² the Colombian government reported that the Inspector General's Office continued disciplinary proceedings against 192 members of the Armed Forces (including one Colonel, two retired Colonels, five Lieutenant Colonels, and six Majors), involved in 31 cases listed in previous certifications for violations of human rights and collaborating with paramilitary groups. Where known, the date disciplinary charges were originally brought against each individual is:

- A. The Inspector's General Office continued disciplinary proceedings against five members of the Army (charges originally brought July 31, 2008) for allegedly entering the Totarco indigenous community (Tolima) and allegedly threatening and torturing two of its members: Jhon Oswaldo Moreno Alzate and Oliverio Prada. The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-112559-2004)
- (1) Army Second Lieutenant Ramon Canaveral Cañon
 - (2) Army Captain Danilo Arboleda Martínez
 - (3) Army Lieutenant Diego Fajardo Pineda
 - (4) Army Second Lieutenant Hugo Victor Peña Jimenza
 - (5) Army Captain Manuel Enrique Pinzon Garzón
- Status: In docket of exculpatory evidence and waiting for additional evidence.*
- B. The Inspector General's Office continued disciplinary proceedings against seven members of the Army (charges originally brought August 5, 2008) for their alleged involvement in the homicide of four people (names not available), and then presenting their dead bodies clothed like, and carrying weapons like those used by, members of illegal armed groups. The Prosecutor General's Office has also opened an investigation. (Date and location of incident not available) (Inspector General's Office Case Number 008-106984-2004)
- (6) Army Lieutenant Fredy Zapata Duarte
 - (7) Army Vice First Sergeant Jamie Orlando Piragua Millán
 - (8) Army Soldier Nelson Eduardo Ayala Bautista
 - (9) Army Soldier Melkis Loiza Loaiza
 - (10) Army Soldier Jorge Arturo Zambrano
 - (11) Army Soldier Fabio Nelson Vargas Alarcon

⁸² Time frame available as of August 17, 2010.

(12) Army Soldier Omel Rangel Santamaría
Status: In docket of exculpatory evidence.

- C. The Inspector General's Office continued disciplinary proceedings against five members of the Army (charges originally brought August 14, 2008) for their alleged involvement in the homicides of Willinton Paz and Benavides Valencia in Santa Teresa (Bolívar). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-163886-2007)

(13) Army Soldier Aldemar Uresti Narvaez

(14) Army Soldier Jesús Ubeimar Melendez Zemanate

(15) Army Soldier Edwin Guzman Trujillo

(16) Army Second Corporal Manuel José Molina Pérez

(17) Army Soldier Walmer Dominguez Rodriguez

(18) Army Soldier José Andres Manquillo Agredo

Status: In docket of exculpatory evidence. An appellate decision confirmed there is a lack of evidence, but still waiting for the results of a technical test from the Prosecutor General's Office Division of Investigations.

- D. The Inspector General's Office continued disciplinary proceedings against seven members of the Army (charges originally brought September 15, 2008) for their alleged involvement in the homicide of Juan Andres Vera Munera in Cedro (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-117613-2005)

(19) Army (Rank listed as Commander) Bill Frank Arroyo Bunz

(20) Army Professional Soldier Fabio Albarracin

(21) Army Professional Soldier José Gregorio Laverde Londoño

(22) Army Professional Soldier Eyder Lemeche Chasqui

(23) Army Professional Soldier Andres Latorre Carreño

(24) Army Professional Soldier Guillermo Lara Caviedes

(25) Army Professional Soldier César Valentín Leyva Manjares

Status: In docket of exculpatory evidence, but pending determination on request to dismiss charges.

- E. The Inspector General's Office continued disciplinary proceedings against four members of the Army (charges originally brought September 18, 2008) for their alleged involvement in the homicide of Jesús Antonio Carvajal Girsales on July 1, 2007, in Genova (Quindío). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 008-

107504-2004)

(26) Army Third Corporal Fabian Hernandez Rodriguez

(27) Army Soldier Edeyvis Miranda Barba

(28) Army Soldier Juvenal Lopez Rodriguez

(29) Army Second Lieutenant Alvaro Giovanny Moreno Galindo

Status: In docket of exculpatory evidence.

- F. The Inspector General's Office continued disciplinary proceedings against (30) Army First Sergeant David Sierra (charges originally brought September 18, 2008) for his alleged role in the homicide of Rosa Benavides, Gloria Sanchez, and minor Juan Guillermo. The Prosecutor General's Office has also opened an investigation. (Date and location of incident not available) (Inspector General's Office Case Number 008-115801-2005)

Status: In docket of exculpatory evidence.

- G. The Inspector General's Office continued disciplinary proceedings against five members of the Army (charges originally brought October 18, 2008) for their alleged role in the homicide of Gustavo de Jesús Zuleta Caño in the district of El Davio and Roldanillo (Valle de Cauca) on July 24, 2006. The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 008-146321-2006)

(31) Army Captain Carlos Onofre Baez Suárezecer

(32) Army Second Lieutenant Ivan Giovanni Pachón Jimenez

(33) Army Soldier Werley Vidal Diaz

(34) Army Soldier Guillermo Sandoval Rojas

(35) Army Soldier Luis Andres Redondo Diaz

Status: In docket of exculpatory evidence.

- H. The Inspector General's Office continued disciplinary proceedings against three members of the Army (charges originally brought October 22, 2008) for their alleged involvement in the homicide of Ovidio de Jesús Florez Gaviria in the district of Narciso in Urrao (Antioquia). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number 008-126425-2005)

(36) Army Soldier Freddy Agudelo Saldarriaga

(37) Army Second Corporal Samuel Ayala Diaz

(38) Army Soldier Juan Carlos Ochoa Orozco

Status: Case transfered for closing arguments.

- I. The Inspector General's Office continued disciplinary proceedings against

seven members of the Army (charges originally brought October 22, 2008) for their alleged involvement in the homicide of Juan Guillermo Baena Palacio in the district of Quebrada Negra (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Date of incident not available)

(Inspector General's Office Case Number 008-155295-2007)

(39) Army Second Sergeant Schell Aurelio Victorecer

(40) Army Soldier Luis Arias Manco

(41) Army Soldier José Osorio Osorio

(42) Army Soldier Jaime Vargas Sanchez

(43) Army Soldier Ricardo Higueta Suárez

(44) Army Soldier Wilson Chaverra Diaz

(45) Army Soldier David Urrego Hernandez

Status: In docket of exculpatory evidence.

- J. The Inspector General's Office continued disciplinary proceedings against two members of the Army (charges originally brought October 31, 2008) for their alleged role in the illegal detention of various people in the district of Santo Domingo in Vista Hermosa (Meta). The Prosecutor General's Office has also opened an investigation. (Date of incident not available) (Inspector General's Office Case Number: 155-141191-2006)

(46) Army Colonel Carlos Hugo Ramírez Zuluaga

(47) Army Captain Miltón Guillermo

Status: In docket of exculpatory evidence and referred to the Armed Forces delegate.

- K. The Inspector General's Office continued disciplinary proceedings against five members of the Army (charges originally brought January 13, 2009) for their alleged role in the homicide of Fabio Nelsón Rodríguez on March 18, 2005, in the district of Llanos de Urraco in the municipality of Buriticá (Antioquia). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-142987-2006).

(48) Army Captain Iván Andrés González Villafane

(49) Army Vice First Sergeant Luis Germán Solarte Mora

(50) Army Professional Soldier Juan Santiago Guerra Álvarez

(51) Army Professional Soldier Carlos Andrés Agudelo Zapata

(52) Army Soldier Jeimin Valoyes Murillo

Status: Notification of charges and exculpatory evidence is under review.

- L. The Inspector General's Office continued disciplinary proceedings against 10 members of the Army (charges originally brought March 30, 2009) for their

alleged role in the arbitrary detention and subsequent death of a man from the Nasa indigenous community, Douglas Antonio Pérez Silvaja, on August 6, 2006, in the district of Villa de Leyva in Las Caramelitas de Puerto Asís (Putumayo). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-149991-2006)

(53) Army Second Lieutenant Oscar Fernando Murcia Peña

(54) Army Second Corporal Ronald Andrés Cárdenas Fajardo

(55) Army Professional Soldier Nilvio Ivito Sancho

(56) Army Professional Soldier Jarol Mauricio García Perdomo

(57) Army Second Lieutenant José Yesid Chaparro Quintero

(58) Army Second Lieutenant Abisaid Serrano Rincón

(59) Army Second Sergeant Oscar Hernán Briñas Espitia

(60) Army Second Corporal Carlos Alberto Beltrán Sarmiento

(61) Army Second Corporal Robín Francisco Bustos Castrañeda

(62) Army Professional Soldier Bleyner Salazar Quisicue

Status: Notification of charges and request to rule on the exculpatory evidence is in the Secretariat.

M. The Inspector General's Office continued disciplinary proceedings against (63) Army Vice First Sergeant Claudio Verú Gómez (charges originally brought April 20, 2009) for his alleged involvement in the homicide of Kennides Enrique Pedrozo Vanega and María Elena Pertuz on February 9, 2007, in the district of El Limón in Caracolí in the rural zone of San Juan del César (La Guajira). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 155-161418-2007).

Status: Notification of charges and in docket of exculpatory evidence .

N. The Inspector General's Office continued disciplinary proceedings against seven members of the Army's José Hilario López Battalion (date of charges unknown) for their role in the death of José Edwin Legarda Vasquez, husband of Aida Quilcué (leader of the Regional Indigenous Council of Cauca, or CRIC) on December 16, 2008. Vázquez was driving in a CRIC-marked SUV near an indigenous reserve in Totoro (Cauca) when the soldiers allegedly opened fire, which the police say was for his refusal to stop at a roadblock. Legarda's passenger, Liliana Valdes Penna, says she never saw a roadblock or stop sign. Quilcué, who mobilized thousands of followers this past fall as part of the Indigenous protests against the Colombian government, has received multiple threats and believes the shots were meant for her. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 7000/Inspector General's Office Case Number 115-2710-08)

- (64) Army Sergeant First Class Alexis Ramirez Vivas
- (65) Army Third Corporal Javier Adolfo Osorio Díaz
- (66) Army Soldier Numar Armido Buitron Cabezas
- (67) Army Soldier Lisandro Caicedo Obando
- (68) Army Soldier Javier Francisco Belalcazar Trochez
- (69) Army Soldier William Weimar Lemeche Hurtado
- (70) Army Soldier Andrea Casso Chate

Status: In docket of exculpatory evidence.

- O. The Inspector General's Office continued disciplinary proceedings against four soldiers from the Army's 28th Air Transport Infantry Battalion (date of charges unknown). The four, and one other soldier from their unit (Army Sergeant Harold William Pejendino, who was convicted and sentenced to 20 years in prison on March 31, 2008), allegedly collaborated with the United Self-Defense forces in Casanare in Viota (Cundinamarca) between March and May 2003 in the homicide of civilians that the paramilitary group deemed to be guerilla sympathizers. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 1765/Inspector General's Office Case Number 155-173269-2008)

- (71) Army Sergeant Harold William Pejendino

(Prosecutor General's Office convicted him and sentenced him to 20 years in prison on March 31, 2008)

- (72) Army Colonel (retired) Rodrigo Alfonso Gonzales Medina
- (73) Army Major Alexander Lizarazo Parra
- (74) Army Major Alejandro Robayo Rodriguez

Status: In docket of exculpatory evidence.

- P. The Inspector General's Office continued disciplinary proceedings against five soldiers (charges originally brought November 28, 2007) from the Army's 4th Engineering Battalion for their involvement in the murder of Juan de Jesús Rendón and threatening with death of his 13-year-old daughter on April 23, 2004, in the hamlet of Arenillal in Sonsón (Antioquia). The Prosecutor General's Office also conducted an investigation, in which the five were sentenced to 34 years in prison. (Prosecutor General's Case Number 2050/Inspector General's Office Case Number 008-112357-2004)

- (75) Army Professional Soldier Fred Alexander Cañaveral Ramírez
- (76) Army Professional Soldier Elkin Edilson Orrego Palacio
- (77) Army Professional Soldier Carlos Andrés Ladino Monroy
- (78) Army Professional Soldier Yovanni Presiga Tangarife
- (79) Army Second Sergeant Elmer Torres Rodríguez

Status: In docket of exculpatory evidence.

- Q. The Inspector General's Office continued disciplinary proceedings against 11 Army soldiers (charges originally brought March 16, 2007) for their alleged responsibility in the homicide of a civilian during combat on January 25, 2003, in San Carlos (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-108363-2004)

(80) Army Lieutenant Nelson Enrique Carvajal Chico
(81) Army Second Lieutenant Jaime Humberto Arteaga Villegas
(82) Army Second Lieutenant Carlos César Cabrera Vásquez
(83) Army Soldier Francisco Javier Bautista Payares
(84) Army Soldier Eder Luís Contreras Torres
(85) Army Soldier Walter Antonio Duque Giraldo
(86) Army Soldier Ely de Jesús López Giraldo
(87) Army Soldier Willinton Aldemar Marín Arias
(88) Army Soldier Luís Anibal Marín Giraldo
(89) Army Soldier José Raúl Ocampo Vélez
(90) Army Soldier Jhon Edison Rentarí Palacios

Status: In docket of exculpatory evidence.

- R. The Inspector General's Office continued disciplinary proceedings against three Army soldiers (charges originally brought March 26, 2007) for their alleged role in the disappearance and homicide of Jhon Jairo Sepúlveda on November 19, 2003, in Urrao (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-143276-2006)

(91) Army (rank listed as Commander) Ali Garay Saleg
(retired on January 24, 2008)
(92) Army (rank listed as Commander) Edinson Duarte Osma
(93) Second Lieutenant Roelfi Quevado Murcia

Status: In docket of exculpatory evidence.

- S. The Inspector General's Office continued disciplinary proceedings against 12 members of the Army's 6th Brigade (charges originally brought March 28, 2007) for allegedly colluding with paramilitaries in the disappearance of civilians in November 2003 in Cajamarca (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number 1893/Inspector General's Office Case Number 008-96248-2003)

(94) Army Second Sergeant Wilson Hernando Casallas Suescun
(95) Army Captain Esteban Francisco Blanco

- (96) Army Lieutenant Juan Carlos Rodríguez Agudelo
 - (97) Army Third Corporal (retired) Oscar Javier Ángel González
(retired on April 16, 2007)
 - (98) Army Soldier Freddy Alexander Galindo
 - (99) Army Soldier Marco Tulio Gueche Pérez
 - (100) Army Soldier José Wilson Lievano Gutierrez
 - (101) Army Soldier Alempifén Rodríguez Bermudez
 - (102) Army Edilberto Marín Malesta
 - (103) Army Soldier Albeiro Pérez Duque
 - (104) Army Soldier Jacid Rodríguez Hernández
 - (105) Army Soldier Omar Beltrán Blanco
- Status: In docket of exculpatory evidence.*

T. The Inspector General's Office continued disciplinary proceedings against five Army soldiers (charges originally brought March 30, 2007) for their alleged responsibility for irregular operations that led to the death of José Rubiel Caicedo on March 21, 2004, in El Limón, Chaparral (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-107693-2004)

- (106) Army Vice-First Sergeant William Cuervo Ruíz
 - (107) Army Soldier Rafael González Barreto
 - (108) Army Soldier Edier Mendoza García
 - (109) Army Soldier Rubén Darío Vélez Serna
 - (110) Army Soldier Jhon Jairo Totena Ducuara
- Status: In docket of exculpatory evidence*

U. The Inspector General's Office continued disciplinary proceedings against 17 Army soldiers (charges originally brought July 27, 2007) for their alleged responsibility in the homicide of Gildardo de Jesús Martínez and forced disappearance in Santa Rosa (Nariño) on August 3, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-162020-2007)

- (111) Army Lieutenant Colonel Trino Ríos Sanabria
- (112) Army Lieutenant Colonel Juan Carlos Piza Gaviria
- (113) Army Second Lieutenant Wilson Antonio García Silva
- (114) Army Second Corporal Luía E. Yunda Carranza
- (115) Army Second Corporal José Ángel Cano González
- (116) Army Soldier Eliuth Rosales Suárez

(117) Army Soldier Ramiro de Jesús Carvajal
(118) Army Soldier Julián Garcés García
(119) Army Soldier Oswaldo Patino Ospina
(120) Army Soldier Henry Uriel Chávez Mosquera
(121) Army Soldier Alfredo Segundo Díaz Oquendo
(122) Army Soldier Andrés Alexander Lodoño Chavarria
(123) Army Soldier Oscar Alberto Nuño Palacio
(124) Army Soldier Jorge Enrique Parra Chavez
(125) Army Soldier Marlon Tapasco
(126) Army Soldier Jhon Jairo Taborda García
(127) Army Soldier Jhonny Daniel Sánchez Viloria
Status: In docket of exculpatory evidence.

V. The Inspector General's Office continued disciplinary proceedings against three Army soldiers (charges originally brought October 30, 2007) for their alleged responsibility for the extrajudicial killing of Marco Tulio Moreno Torres on July 14, 2005, in Valdivia (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-142047-2006)
(128) Army Second Sergeant Willian Pinta Vásquez
(129) Army Soldier Elidor Valoyes Córdoba
(130) Army Soldier Giovanny Rafael Salgado Hoyos
Status: Reviewing draft ruling.

W. The Inspector General's Office continued disciplinary proceedings against five Army soldiers (charges originally brought November 19, 2007) for their alleged responsibility in the detention and forced displacement of Saul Lamfrey Manco Jaramillo on June 1, 2006, in Bello (Antioquia). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-143397-2006)
(131) Army Major Luís Carlos Martínez Cristancho
(removed through discretionary authority on August 15, 2006)
(132) Army Captain Eduardo Andrés Delgado Villalba
(removed through discretionary authority on August 15, 2006)
(133) Army Second Lieutenant Oscar Fabian Vargas Barrera
(removed through discretionary authority on June 9, 2006)
(134) Army Soldier Luís Edison Marín Trujillo
(removed through discretionary authority on June 9, 2006)
(135) Army Soldier Davinson Mosquera Berrio
Status: In docket of exculpatory evidence.

X. The Inspector General's Office continued disciplinary proceedings against four Army soldiers (charges originally brought December 10, 2007) for their alleged role in the forced disappearance of Arnoldo Naranjo Ramírez near the Picudo River in Pradera, Puerto Caicedo (Putumayo) on January 23, 2005. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-136642-2005)

(136) Army Second Lieutenant Andrés Augusto Ayala Corredor

(137) Army Soldier Giovanny Cardenas Giron

(138) Army Soldier Jairo Peña Guetio

(139) Army Soldier Ledwin Mina Larrahondo

Status: In docket of exculpatory evidence.

Y. The Inspector General's Office continued disciplinary proceedings against four Army soldiers (charges originally brought December 14, 2007) for their alleged responsibility for the irregular capture of, and possible false testimony against, Pedro Antonio Henao Rincón on May 5, 2004, in Planadas (Tolima). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 022-148685-2006)

(140) Army Lieutenant Colonel José Dumar Giraldo Hernández

(141) Army Major William Fernando Rubio Moreno

(142) Army Captain Berardo Siachoque Celys

(143) Army Soldier (retired) Adolfo Osorio Sarmiento

Status: In docket of exculpatory evidence.

Z. The Inspector General's Office continued disciplinary proceedings against three Army soldiers (charges originally brought December 18, 2007) for alleged irregularities in expediting the transportation of fuels and paramilitary collusion in Caquetá between 2002 and 2003. The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 009-98722-2004)

(144) Army Colonel (retired) Ángel Sierra Santos

(145) Army Lieutenant Colonel José Fernando Mejía Araujo

(146) Army Major Javier Alberto Carreño Vargas

(147) Army Soldier Luís Fernando Cadavid Florez

Status: In docket of exculpatory evidence.

AA. The Inspector General's Office continued disciplinary proceedings against 17

Army soldiers (charges originally brought September 7, 2007) for the illegal detention and homicide of civilians, as well as embezzlement, during Operation Feroz on November 24, 2003, in Bogotá (Cundinamarca). The Prosecutor General's Office has also opened an investigation, which is being handled by the 1st Penal Circuit Court in Villavicencio. (Prosecutor General's Office Case Number 2005-0062-00/Inspector General's Office Case Number 009-129388-2005)

- (148) Army Captain Dario Clemente Fajardo Barco
- (149) Army Second Sergeant Jorge Armando Bernal Cruz
- (150) Army Second Sergeant Fabio Orlando Vargas Higueta
- (151) Army First Corporal José Antonio Mena Mosquera
- (152) Army Professional Soldier Humberto Alexis Sánchez González
- (153) Army Professional Soldier Carlos Alberto Moreno Ortiz
- (154) Army Professional Soldier Nolberto Martínez Aguilera
- (155) Army Professional Soldier Giovanni León Méndez
- (156) Army Professional Soldier Marco Enrique Moreno Abril
- (157) **Army Professional Soldier Francisco Forero García (alias "Patacón")**
- (158) Army Professional Soldier Jesús Albarraín Galvis
- (159) **Army Professional Soldier Luís Moreno Parra (alias "Cachetes")**
- (160) Army Professional Soldier Bayron Rodríguez Salinas
- (161) Army Professional Soldier Geovanny Martínez Mateus
- (162) Army Professional Soldier Iván Grajales Rendón
- (163) Army Professional Soldier Jhon Zapata Duarte
- (164) Army Professional Soldier Javier León Barreto

Status: In docket of exculpatory evidence.

BB. The Inspector General's Office continued disciplinary proceedings against 18 Army soldiers (date of charges unknown) for cruel, inhumane, and degrading treatment and torture of 21 soldiers at the Army Instruction and Training Center in Piedras (Tolima) on January 25, 2006. The Prosecutor General's Office has also opened an investigation into the incident, which is being handled by 1st Specialized Judge in Ibagué (Tolima), and has indicted 20 soldiers. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 156-137341-2006)

- (165) Army Lieutenant Jesús Alfonso Rojas Quintero
- (166) Army Professional Soldier Giovanni Arévalo Ballén
- (167) Army Professional Soldier Edwin Daniel Roza Gutiérrez
- (168) Army Professional Soldier Jhon Cadena Gutiérrez
- (169) Army First Corporal José Rafael Tarazona
- (170) Army Third Corporal Jairo Alonso Lora Fuentes

(171) Army Third Corporal Sergio Andrés Muriel Quiroga
(172) Army Third Corporal Hugo Alberto Mestra Agudelo
(173) Army Third Corporal Inalberto Avila Mesa
(174) Army Professional Soldier Álvaro Yeisson Acosta Sánchez
(175) Army Second Lieutenant Hair Alexander Monroy González
(176) Army Third Corporal Juan Pablo Rodríguez Bermudez
(177) Army Second Lieutenant Cristian Camilo Barrera Echeverri
(178) Army Second Lieutenant Javier Arturo Pachon Reina
(179) Army Third Corporal Yeison Díaz Mosquera
(180) Army Third Corporal Deby de Jesús Restrepo Padilla
(181) Army Second Lieutenant José Ilber Bernal Pinilla
(182) Army Third Corporal Javier Albeiro Cardona Graciano
Status: Ruling is being prepared.

CC. The Inspector General's Office continued disciplinary proceedings against (183) Army Major José David Vásquez Acevado (charges originally brought December 14, 2007) for alleged irregularities in soliciting a modification to a report turned over by Army Captain Reyes Bottia on December 5, 2003, on actions that occurred on December 1-2, 2003, in Bogotá (Cundinamarca). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 009-166291-2007)
Status: In docket of exculpatory evidence.

DD. The Inspector General's Office continued disciplinary proceedings against (184) Army Lieutenant Colonel César Enrique de la Cruz Páez (charges originally brought November 13, 2007) for allegedly torturing and depriving of freedom a 12-year-old minor in Puerto Rico (Caquetá). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 008-91679-2003)
Status: In docket of exculpatory evidence.

GG. The Inspector General's office continued disciplinary proceedings against eight members of the Army (charges originally brought October 28, 2008) from the 26th Infantry Battalion ("Cacique Pigoanza"), 3rd Squadron of the "Bayoneta" Company, for their alleged responsibility in the homicide of Jhon Freddy Barco Gutierrez on January 10, 2005, in the district of La Danta in Algeciras (Huila). The soldiers allegedly presented him as killed in combat after a confrontation with the FARC, and labeled him as a no-name ("NN")

FARC member, alias “El Conejo.” The Inspector General’s Office has classified the incident as a grave violation of human rights. The Prosecutor General’s Office has also opened an investigation. (Inspector General’s Office Case Number 008-129056-2005)

(185) Army Captain César Augusto Gonzalez Caballero

(186) Army First Corporal Edwin Saldaña Pinzon

(187) Army Second Corporal Harold Corporal Gaitán Ospina

(188) Army Soldier Herlendy Trujillo Ordonez

(189) Army Soldier Pedro Guanarita Ortiz

(190) Army Soldier Carlos Campos Imbanchi

(191) Army Soldier Luis Garzon Bustos

(192) Army Soldier Yesid Olaya Rivera

Status: March 9, 2010 ruling resolved request to dismiss the charges.

Annex G: Resolution of Cases by Inspector General's Office

Between August 1, 2009, and April 30, 2010,⁸³ the Colombian government reported that the Inspector General's Office concluded case proceedings against 41 members of the Armed Forces involved in nine cases of violations of human rights and/or collaborating with paramilitary groups. In concluding these cases, the Inspector General's Office removed the 41 from duty and barred them from public service for a period of time.

- A. On August 28, 2009, the Inspector General's Office removed two members of the Army's 14th Infantry Battalion from duty and barred them from public service for 20 years for their involvement in the illegal detention and homicide of Joaquín Tarazona and Harold Yesid on May 22, 2003, allegedly for being ELN members (date and location of crime not available). (Unknown whether the Prosecutor General's Office has also opened an investigation/Inspector General's Office Case Number 008-109380/2004)
 - (1) Army Lieutenant Fabián Pérez Agustín
 - (2) Army Third Corporal Jhommier Gabriel León González
- B. On August 31, 2009, the Inspector General's Office removed (3) Army Second Sergeant Fruccen Kennedy Casas Antonio of the Army's National Energy Plan – Vial No. 1 – from duty and barred him from public service for 20 years for his involvement in the homicide of Antonio Chanique in the indigenous village of Cusay La Colorada (Arauca). (Unknown whether the Prosecutor General's Office has also opened an investigation/Inspector General's Office Case Number 155-122923/2005)
- C. On November 26, 2009, the Inspector General's Office removed 15 members of the Army's 44th Infantry Battalion from duty and barred them from public service for 20 years (charges originally brought October 10, 2007) for the arbitrary detention, torture, and execution of Misael Alvarez Guerrero, Yuber Armando Contreras Alvarez, Berney Guerero Bohorquez, Nelson Enrique Arias Ramírez, and Hilda Blanco Cruz Montejó on May 24, 2005, on Misael Alvarez's farm, located in the village of Guayabal in Monterrey (Casanare). The Prosecutor General's Office has also opened an investigation. (Prosecutor General's Office Case Number Unknown/Inspector General's Office Case Number 155-126297-2005)
 - (4) Army Lieutenant Haizer Etíel Meléndez Malagón

⁸³ Time frame available as of August 17, 2010.

- (5) Army Professional Soldier José Humberto Barrera Lizarazo
- (6) Army Professional Soldier Didier Calderón Rodríguez
- (7) Army Professional Soldier Ricardo Pérez Garzón
- (8) Army Professional Soldier Jairo Oros Morales
- (9) Army Professional Soldier Angel Mancipe Peroza
- (10) Army Professional Soldier Cesar Augusto Martínez Arias
- (11) Army Professional Soldier Rodrigo Osuna Rivera
- (12) Army Professional Soldier Melquis Edilson Ortiz Bosa
- (13) Army Professional Soldier Eider Manuel Martínez Vásquez
- (14) Army Professional Soldier Juan Alberto Murillo
- (15) Army Professional Soldier Tito Alexander González Avella
- (16) Army Professional Soldier Rutbel Chavita Tumay
- (17) Army Professional Soldier Jorge Eliécer Hernández Camargo

- D. On December 11, 2009, the Inspector General's Office removed (18) Second Corporal Fernando Mendoza Prada of the Army's Counterinsurgency Battalion from duty and barred him from public service for 20 years for his involvement in the homicide of Raúl Castro on November 27, 2004, allegedly for being a member of an irregular armed group (location of crime not available). (Unknown whether the Prosecutor General's Office has also opened an investigation/Inspector General's Office Case Number 008-117894/2005)
- E. On December 18, 2009, the Inspector General's Office removed seven soldiers from the Army's 46th Infantry Battalion ("Voltígeros") from duty and banned them from public office for 20 years (charges originally brought August 21, 2007) 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, in the village of Guineo Alto. The Prosecutor General's Office also conducted an investigation, and on March 26, 2009, sentenced the seven to 30 years in prison. (Prosecutor General's Office Case Number 3131/Inspector General's Office Case Number 155-135893-2006)
- (19) Army Second Sergeant Fredy Torres Botero
 - (20) Army First Corporal Regino Ceren Paz
 - (21) Army Soldier César Duvan Ciro Martínez
 - (22) Army Soldier Fernando Hinestroza
 - (23) Army Soldier Nelson Vilorio Avendaño
 - (24) Army Soldier Germán Manuel Martínez Gómez
 - (25) Army Soldier Adelson Padilla Ramos

F. On January 12, 2010, the Inspector General's Office removed two members of the Army's 15th Infantry Battalion from duty and barred them from public service for 20 years for killing José De La Cruz Alvernia Cárdenas on February 27, 2003, in the district of SanCalixto (Norte de Santander). (Unknown whether the Prosecutor General's Office has also opened an investigation/Inspector General's Office Case Number 008-127600/2005)
(26) Army Lieutenant Javier Alfonso Quiroga Villalobos
(27) Army Professional Soldier Jorge Hernando Pérez Campos

G. On March 26, 2010, the Inspector General's Office removed 10 members of the Army's 2nd Infantry Battalion from duty and barred them from public service for 15 years for their involvement in the October 14, 2004, homicide of indigenous community member Víctor Hugo Maestre on October 4, 2004. (Unknown whether the Prosecutor General's Office has also opened an investigation/Inspector General's Office Case Number 155-113446/2004)
(28) Army Lieutenant Elkin Leonardo Suárez Burgos
(29) Army Third Corporal Pedro Andrés Cubillos Bolívar
(30) Army Third Corporal Elkin Rojas
(31) Army Professional Soldier Luis Carlos Maestre Montero
(32) Army Professional Soldier Luis Carlos Pacheco Botaños
(33) Army Professional Soldier Fernando Rodríguez González
(34) Army Professional Soldier Juan Manuel Mejía Rodríguez
(35) Army Professional Soldier Ever de Jesús Peralta González
(36) Army Professional Soldier Albert David Pertúz Plata
(37) Army Professional Soldier Willington Vera

I. On April 22 and 26, 2010, the Inspector General's Office removed two members of the Army's 15th Infantry Battalion from duty and banned them from public office for 20 years for their alleged involvement in the May 19, 2005, homicide of Juan de Dios Garcia Julio in district of Hoyo Hondo Otare in Rio Oro (César). The Army initially reported him as an ELN member killed in combat when he allegedly escaped from the troop and later attacked the troop with a handgun in the village of Hoyo Hondo in Ocaña (Norte de Santander). The Prosecutor General's Office has also opened an investigation. (Inspector General's Office Case Number 008-135654-2006, charges brought October 22, 2008)
(38) Army Professional Soldier Iver Antonio Torres Celon
(removed from duty April 22, 2010)
(39) Army Lieutenant Ángel Garcia Ochoa
(removed from duty April 22, 2010)
(40) Army Lieutenant Angel Gracia Ochoa

(removed from duty April 26, 2010)

(41) Army Professional Soldier Iver Antonio Torres Celon
(removed from duty April 26, 2010)

Annex H: Status of Soacha Murder Cases

Initial reports indicated that there were 13 victims, but then-UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Philip Alston reports that the count may be as high as 23. Below is a list of the 13 victims originally reported in the Soacha murders, and the 75 members (ten of the individuals listed below are listed for multiple cases) of the Armed Forces that were reported to be linked to their murders in the previous certification. The Prosecutor General's Office provided updates in all but one of the original 13 cases, but did not provide updates on any additional cases linked to the Soacha murders. The status of these cases is listed below, and are also listed in Annexes A through D as appropriate.⁸⁴

Updates were provided for the following cases:

- A. On March 26, 2010, 17 members from the Army's 15th Infantry Battalion "Cabecillas Espada Uno" were indicted for the murders of Diego Alberto Tamayo Garcera and Víctor Gernando Gómez Romero. Diego Alberto Tamayo Garcera, (profession unknown) a resident of the Ducales neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Víctor Fernando Gómez Romero (profession unknown), a resident of the San Mateo neighborhood in the municipality of Soacha, disappeared on August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). Jader Andrés Palacio Bustamante (construction worker), a resident of the Ducales neighborhood in the municipality of Soacha, disappeared August 23, 2008, and was found dead on August 25, 2008, in the district of Papamito in the municipality of Ocaña (Norte de Santander). The seventeen soldiers were charged with aggravated forced disappearance, aggravated homicide, and aggravated criminal conspiracy, and were preventatively detained on May 21, 2009. (Prosecutor General's Office Case Number 110016000099200800028)
1. Army Second Sergeant Janer Ediel Duque Martinez
 2. Army Second Corporal Richard Armando JoJoa Bastidas
 3. Army Professional Soldier Nixon Arturo Cubides Cuesta
 4. Army Professional Soldier Maurico Cuniche Delgadillo
 5. Army Professional Soldier Jose Orlando Gonzales Ceballos
 6. Army Professional Soldier Jose Adolfo Fernandez Ramirez

⁸⁴ The status of these cases is based on information available as of August 17, 2010.

7. Army First Corporal Manuel Zorrilla Agamez
8. Army Third Corporal Ricardo Coronado Martinez
9. Army Professional Soldier John Anderson Diaz Ortega
10. Army Professional Soldier Ricardo Eluid Gonzales Gomez
11. Army Professional Soldier Ferney Grijalba Flor
12. Army Professional Soldier Eider Andres Guerrero Andrade
13. Army Professional Soldier Geiner Guertes Billermo
14. Army Professional Soldier Pedro Johan Hernandez Malagon
15. Army Professional Soldier Kevis Alberto Jimenez Escalante
16. Army Professional Soldier Luis Alirio Lopez
17. Army Professional Soldier Juan Ramon Marin Ramirez

For this certification period, the Prosecutor General's Office reported that case proceedings continue against four members of the Army's 15th Infantry Battalion "Cabecillas Espada Uno" for their alleged role in the disappearances and homicides, and that the four are awaiting resolution of their legal situation and are no longer detained:

- (110) Army Professional Soldier Nixon Arturo Cubides Cuesta
- (111) Army Professional Soldier Jose Adolfo Fernandez Ramirez
- (112) Army Professional Soldier Ferney Grijalba Flor
- (113) Army Professional Soldier Eider Andres Guerrero Andrade

No further update was given on case or detention status of the remaining 13 soldiers who were reported in the last certification as indicted on March 26, 2010.

B. Julio Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Jonathan Orlando Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). Nine members of the Army's 15th Infantry Battalion "General Francisco de Paula of Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy in connection with their murders, and were preventatively detained on May 15, 2009 (Prosecutor General's Case Number 4925)

18. Army Major Henry Mauricio Blanco Barbosa (also charged with false presentation of public documents)
19. Army First Corporal Manuel Zorrilla Agamez (also charged with false

presentation of public documents)

- 20. Army Professional Soldier Jose Orlando Gonzales Ceballos Army Professional Soldier Juan Gabriel Espinosa Restrepo
- 21. Army Professional Soldier Kevis Alberto Jimenez Escalante
- 22. Army Professional Soldier Luis Alirio Lopez
- 23. Army Professional Soldier Merardo Rios Diaz
- 24. Army Lieutenant Colonel (retired) Gabriel de Jesús Rincon Amado
- 25. Army Second Sergeant (retired) Sandro Mauricio Perez Contreras

For this certification period, the Prosecutor General's Office reported that on October 29, 2009, Army Second Sergeant Rafael Antonio Urba Muñoz was indicted (preventatively detained June 30, 2009, arrest date unknown) for his role in the homicides of Julio Cesar Mesa and Jonathan Orlando Soto Bermudez. Julio Cesar Mesa, a construction worker and resident of the San Nicolás de Soacha neighborhood, disappeared on January 26, 2008, and was found dead on January 27, 2008, in the district of El Espejo in the municipality of San Calixto (Norte de Santander). Jonathan Orlando Soto Bermudez, a minor and student, disappeared on January 26, 2008, in the San Nicholas de Soacha neighborhood and was found dead on January 27, 2008, in the district of Chircas in Ocaña municipality (Norte de Santander). (Prosecutor General's Case Number 4925)

The Prosecutor General's Office also reported that proceedings continue against two members of the Army's 15th Infantry Battalion "General Francisco de Paula of Santander" of Ocaña for their alleged role in the disappearances and homicides.

(114) Army Professional Soldier Juan Gabriel Espinosa Restrepo
(no longer detained – awaiting resolution of legal situation)

(115) Army Lieutenant Colonel (retired) Gabriel de Jesus Rincon Amado
(remains in detention)

No further update was given on case or detention status of the remaining seven soldiers who were reported in the last certification as charged and detained on May 15, 2010.

- C. Daniel Suarez Martinez (construction worker), a resident of the state of Merida in Venezuela, left on December 5, 2007, at 2:00 p.m. for Ocaña (Norte de Santander), where he was going to meet with the mother of his daughters. On December 6, 2007, he was found dead and reported as a combat death in the district of El Paramo in Otaré (Norte de Santander). Camilo Andres Valencia

(construction worker), a resident of the municipality of Soacha (Cundinamarca), disappeared in Soacha on December 5, 2007, and was found dead and reported as a combat death on December 7, 2007, in the district of Pavez in the municipality of Abrego. Eleven members of the Army's 15th Infantry Battalion "Francisco

de Paula Santander" of Boyacá were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy, and were preventatively detained. (Prosecutor General's Case Number 4936)

26. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos (also charged with false presentation of public documents), May 7, 2009

27. Army Professional Soldier Oscar Franco Valderrama, April 24, 2009

28. Army Professional Soldier Robinson Alvarez Pava, April 24, 2009

29. Army Professional Soldier Olinto Ochoa Gelvez, April 24, 2009

30. Army Professional Soldier Tomas Contreras Duarte, April 24, 2009

31. Army Second Sergeant Merardo Rios Diaz, April 24, 2009

32. Army Professional Soldier Inocencio Abelino Gil Gonzales, April 24, 2009

33. Army Professional Soldier Daniel Coloma, April 24, 2009

34. Army Second Sergeant (retired) Sandro Mauricio Perez Contreras, April 24, 2009

35. Army Professional Soldier Alexander Arroyo, April 24, 2009

36. Army Civilian Victor Manuel Lopez Manosalva, April 29, 2009

The two members of the Army's 15th Infantry Battalion "Francisco de Paula Santander" of Boyacá listed below were preventatively detained on May 11, 2009:

37. Army Civilian Alexander Carretero Diaz

38. Army Civilian Edith del Carmen Palomino

An order for capture for the two members of the Army's 15th Infantry Battalion "Francisco de Paula Santander" of Boyacá listed below was issued on April 14, 2009:

39. Army Second Sergeant (retired) Sandro Mauricio Perez Contreras

40. Army Professional Soldier Dairo Palomino

For this certification period, the Prosecutor General's Office reported that proceedings continued against two members of the Army's 15th Infantry Battalion "Francisco de Paula Santander" of Boyacá for their alleged involvement in the disappearances and homicides, and the two are no longer detained.

- (21) Army Second Sergeant Merardo Rios Diaz
(detained on April 24, 2009, case number 4860, case is in the preliminary investigation stage)
- (22) Army Second Sergeant (retired) Sandro Mauricio Perez Contreras
(detained on April 24, 2009, case number 4936)

No further update was given on case or detention status of the remaining 13 soldiers who were listed in the previous certification as charged and detained between April 14, 2009, and May 11, 2009.

D. Elkin Gustavo Verano Hernández (welder), a resident in the municipality of Soacha, disappeared on January 13, 2008, and was found dead January 15, 2008, in the district of Capitan Largo in the municipality of Abrego (Norte de Santander). Joaquín Castro Vásquez (welder), a resident of the neighborhood of Villa Sofia in the municipality of Soacha, disappeared on January 13, 2008, and was found dead on January 15, 2008, in the district of Captain Largo in the municipality of Abrego (Norte de Santander). Eleven members of the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña were preventatively detained on June 10, 2009. (Prosecutor General's Case Number 110016000099200800032)

- 41. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos
- 42. Army Second Sergeant Rolando Rafael Consuegra Estupinan
- 43. Army First Corporal Yilver Alfonso Ovalle Pineda
- 44. Army Professional Soldier Lorenzo Aguas Robles
- 45. Army Professional Soldier Alexander Suarez Roza
- 46. Army Professional Soldier Tomas Contreras Duarte
- 47. Army Professional Soldier Inocencio Abelino Gil Gonzales
- 48. Army Professional Soldier Elibardo Portillo Zambrano
- 49. Army Professional Soldier Ever Jaime Garzon
- 50. Army Professional Soldier Medardo Rios Diaz
- 51. Army Professional Soldier Obdulio Medina Jouro.

For this certification period, the Prosecutor General's Office reported that, on October 26, 2009, 10 members of the Army were indicted (preventatively detained June 10, 2009, arrest date unknown) in connection with the case.

- (83) Army Professional Soldier Obdulio Medina Jouro
- (84) Army Professional Soldier Medardo Rios Diaz
- (85) Army Professional Soldier Ever Jaime Garzon
- (86) Army Professional Soldier Elibardo Portillo Zambrano
- (87) Army Professional Soldier Inocencio Abelino Gil Gonzalez

- (88) Army Professional Soldier Tomas Contreras Duarte
- (89) Army Professional Soldier Alexander Suarez Roza
- (90) Army Professional Soldier Lorenzo Aguas Robles
- (91) Army Professional Soldier Yilver Alfonso Ovalle Pineda
- (92) Army Professional Soldier Rolando Rafael Consuegra Estupiñan

No further update was given on case or detention status of Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos who was listed in the previous certification as preventatively detained on June 10, 2009.

- E. Julian Oviedo Monroy (construction worker), a resident of the neighborhood of Villa Juliana in the municipality of Soacha, disappeared on March 2, 2008, and was found dead on March 3, 2008, in the district of Aguas Blancas in the municipality of Ocaña (Norte de Santander). Nineteen members of the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and aggravated criminal conspiracy, and the majority were preventatively detained on June 2, 2009. (Prosecutor General's Case Number 4860)
- 52. Army Lieutenant Colonel (retired) Alvaro Diego Tamayo Hoyos (also charged with false presentation of public documents)
 - 53. Army Second Sergeant Nestor Jaime Mosquera Blanco (also charged with false presentation of public documents)
 - 54. Army First Corporal Edward Vera Zapata (also charged with false presentation of public documents)
 - 55. Army Second Corporal Wilson Virgilio Suarez Gaitan (also charged with false presentation of public documents)
 - 56. Army Third Corporal Jhon Jairo Castillo Cruz
 - 57. Army Professional Soldier Miguel Antonio Jerez Plata
 - 58. Army Professional Soldier Uvaldo Ronderos Poveda
 - 59. Army Professional Soldier Salvador Renoga Osorio
 - 60. Army Professional Soldier Juan de Dios Suarez
 - 61. Army Professional Soldier Moises Barbosa Carrascal
 - 62. Army Professional Soldier Ciro Alfonso Gutierrez Silva
 - 63. Army Professional Soldier Jose Gregario Mendoza Pinzon
 - 64. Army Professional Soldier Jesus Enrique Dominguez Caballero (a preventative detention was not issued)
 - 65. Army Professional Soldier Fernando San Juan San Juan (a preventative detention was not issued)
 - 66. Army Professional Soldier Jose Eliseo Toscano

- 67. Army Professional Soldier Orlando Antonio Pallares Uribe
- 68. Army Professional Soldier Maurico Delgado Zayas
- 69. Army Professional Soldier Rodriguez Duarte Libaner
- 70. Army Second Sergeant Jader Alvarado Sequea.

For this certification period, the Prosecutor General's Office reported that proceedings continued against Army Professional Soldier **Ciro Alfonso Gutierrez Silva** from the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña were detained for his role in the disappearance and homicide. The case is in the preliminary investigation stage and he is no longer detained.

No further update was given on case or detention status of the remaining 18 soldiers who were listed in the previous certification as charged and detained on June 2, 2009.

- F. **Eduardo Garzon Paez**, a resident of Bogotá (Cundinamarca), disappeared on March 4, 2008, and was found dead on March 5, 2008, in the El Brasil neighborhood in the municipality of Cimitarra (Norte de Santander). **Daniel Andres Pesca Olaya**, a resident of the Santa Lucia neighborhood in the municipality of Bogotá (Cundinamarca), disappeared in the municipality of Soacha on March 2, 2008, and was found dead on March 5, 2008, in the neighborhood of El Brasil in the municipality of Cimitarra (Norte de Santander). Two members of the Army's 5th Battalion "Caldas" of Bucaramanga were charged on April 30, 2009, with aggravated homicide, aggravated forced disappearance, and embezzlement. (Prosecutor General's Office Case Number Unknown)

- 71. Army Colonel (retired) **Wilson Javier Castro Pinto**
- 72. Army Lieutenant (retired) **Eduardo Antonio Vilany Realpe**

Four members of the Army's 5th Battalion "Caldas" of Bucaramanga were charged on April 30, 2009, with aggravated homicide and aggravated forced disappearance:

- 73. Army Professional Soldier **German Augusto Oliveros Tabares**
- 74. Army Professional Soldier **Juan Carlos Alvarez**
- 75. Army Professional Soldier **Benancio Puentes Guapacha**
- 76. Army Professional Soldier **Nelson Ospina Puentes Tabares**

On May 8, 2009, two members of the Army's 5th Battalion "Caldas" were charged with aggravated homicide, aggravated forced disappearance,

embezzlement, and false presentation of public documents:

77. Army Vice First Sergeant (retired) Jesus Eduardo Niampira Benavide

78. Army Professional Soldier Guillermo Pacheco Anzola

On May 28, 2009, the charges pressed against the members of the Army listed above were outlined in a written document, which was presented to the Colombian Judicial Services Center.

For this certification period, the Prosecutor General's Office reported that on January 29, 2010, a judge in Bucaramanga refused the appeal for release of eight soldiers being processed in the case. The defendants had requested release after being held without trial for more than 90 days. The judge noted that the complexity of the case, which has required significant gathering of evidence on both sides, including nearly 50 testimonies, provided just and reasonable cause for the delay of the trial.

(17) Army Colonel (retired) Wilson Javier Castro

(18) Army Lieutenant (retired) Eduardo Antonio Villany Realpe

(19) Army Vice First Sergeant (retired) Jesús Eduardo Niampira Benavide

(20) Army Professional Soldier (Rafael Reyes Infantry Battalion)

(21) Army Professional Soldier (Rafael Reyes Infantry Battalion)

(22) Army Professional Soldier (Rafael Reyes Infantry Battalion)

(23) Army Professional Soldier (Rafael Reyes Infantry Battalion)

(24) Army Professional Soldier (Rafael Reyes Infantry Battalion)

No further update was given on case or detention status of the remaining three soldiers who were listed in the previous certification as charged on April 30, 2009, and May 8, 2009.

No update was provided for the following case, which is listed below as they were reported in the previous certification:

G. Fair Leonardo Porras Bernal, a mentally challenged resident of the San Nicolas de Soacha neighborhood, disappeared from the area on January 8, 2008, and appeared dead on January 12, 2008, in the district of La Esperanza in the municipality of Abrego (Norte de Santander). Six members from the Army's 15th Infantry Battalion "General Francisco de Paula Santander" of Ocaña were charged with aggravated homicide, aggravated forced disappearance, and criminal conspiracy in connection with his murder, and were preventatively detained on May 14, 2009:

79. Army Major General Marco Wilson Quihano (also charged with false

presentation of public documents)

80. Army Lieutenant Sergeant Diego Adail Vargas Cortes (also charged with false presentation of public documents)

81. Army Second Corporal Carlos Manuel Gonzales Alfonso

82. Army Professional Soldier Richard Contreras Aguilar

83. Army Professional Soldier Garcia Corzo Ricardo

84. Army Professional Soldier Zapata Roldan Carlos Antonio

Annex I: Colombian Government Officials Investigated for Paramilitary Links

Arrested

1. Gladys Elena BEDOYA Ramírez, functionary of the Mayor of Apartadó's Office (Antioquia) (arrested March 12, 2010)
2. Jairo Alberto BANQUET Páez, former Councilor of Turbo (Antioquia) (arrested March 12, 2010)
3. Obelio Andrés CARDENAS Alvarez, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
4. Guillermo CEREN, Notario Turbo (Antioquia) (arrested March 12, 2010)
5. Duverley GARAY Mendoza, Councilor of Coveñas 2008-2011, Sucre (home arrested October 8, 2008)
6. Romualdo de Jesús MACIAS Sobrino, Councilor of Santa Marta (arrested on February 20, 2009)
7. Eladio Antonio MUENTES, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
8. Carlos Alberto OLIVERA García, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
9. Bertilio OROZCO Romero, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
10. Roger PADILLA Paternina, former manager of the Social Enterprise of the State of San Onofre (arrested on January 14, 2009)
11. Saleme PETRO, former Deputy of Antioquia (arrested March 12, 2010)
12. Manuel Francisco RIOS Revuelta, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
13. Alcides RUIZ Mantilla, Councilor of Rionegro, Santander 2008-2011 (arrested March 23, 2010)
14. Francisco Ferney TAPASCO González, former Deputy of Caldas (arrested March 8, 2010)
15. Yair José TENORIO Martínez, former police agent (arrested on January 14, 2009)
16. Abel Antonio TOSCANO Benitez, Councilor of Coveñas 2008-2011, Sucre (arrested October 8, 2008)
17. Etelminson VASQUEZ, Councilor of Rionegro, Santander 2008-2011 (arrested March 23, 2010)

Investigation at Preliminary Stage (not detained)

1. Francisco SANTOS, Vice President of Colombia (2002-2010)

Sentenced

1. Nelson BERRIO, former deputy of the Assembly of the Department of Sucre (sentenced on August 4, 2007, to three years in prison and a fine of \$215,000 after admitting his connections with paramilitaries of the AUC)

Sentence Precluded

1. Álvaro ARAUJO Noguera, former Minister and father of former Senator Alvaro Araújo Castro (captured in Maracaibo, Venezuela on September 4, 2008 and turned over to Colombian authorities on September 9, 2008, after a year as a fugitive. (Case precluded by the Prosecutor General)
2. Alvaro Antonio CABRALES Hodeg, former deputy of Montería (investigation on Cabrales closed – March 11, 2008)
3. Luis Carlos ORDOSGOITIA, former manager of the Institute of Concessions of the Ministry of Transport (investigation on him closed on September 3, 2008 – Case precluded by the Vice Prosecutor General Guillermo Mendoza)

Sentenced and in Jail

1. Fernando José BARRIOS, alias Iván, former Councilor and pre-candidate to Mayor of San Antonio de Palmito (Sucre) (arrested May 25, 2007)
2. Euclides GOMEZ Forero, former Councilor of Santa Marta (arrested on February 20, 2009)
3. Walberto ESTRADA Padilla, former Deputy of Sucre
4. Jhonny Guillermo VILLA, former Deputy of Sucre
5. Daniel VILLARREAL, former Deputy of Sucre

In Jail and Awaiting Resolution of their Legal Situations

1. Otoniel ISAZA Gutiérrez, former Councilor of Rionegro, Santander (arrested on March 23, 2010)
2. Henry MANTILLA Sandoval, former Councilor of Rionegro, Santander (arrested on March 23, 2010)
3. Mayvis MONTES, former Councilor of Rionegro, Santander (arrested on March 23, 2010)

4. Alfred Deivis MONTERROSA Márquez, Representative of San Antonio de Palmito (Sucre) 2004-2007 (arrested May 25, 2007)
5. Jorge NOGUERA, former Director of the DAS (arrested on July 6 by arrest warrant issued by the Fiscalía – July 6, 2007) (Supreme Court annulled trial against Noguera and requested the Fiscalía to release him immediately – June 11, 2008) (On December 12, 2008, Noguera was arrested again by order of the Fiscalía)
6. Guillermo RUEDA Vesga, former Councilor de Santa Marta (arrested on February 20, 2009)

Investigations Pending/Possible Ties (not detained)

1. Henry RINCON, Secretary of the Government of Guaviare (2008-2011)
2. Augusto Arias HERNANDEZ, former Peace Consultant of the Government of de Tolima
3. José Manuel “Yuyo” DAES, former functionary of the Mayor of Barranquilla’s Office
4. Giancarlo DUQUE, former Subdirector of the DAS
5. Antonio FERNANDEZ, Chief of Assets of Narcotics
6. Ana María Flórez, former Director of the Fiscalesías of Cúcuta
7. Rafael GARCIA, former chief of computation of the DAS
8. Luis ORTIZ, former manager of INCODER
9. José PEREZ, Secretary of Infrastructure of Barranquilla
10. Fernando SEGURA, former Superintendent of Surveillance
11. Roger TABOADA, former Director of FINAGRO
12. Juan Carlos VIVES, former Director of Narcotics

Annex J: Ministry of Defense 15 Measures

On November 17, 2008, then-Minister of Defense Santos and then Commander of the Armed Forces Padilla announced 15 measures aimed at improving the human rights performance of the Armed Forces. On November 20, 2008, the General Command of the Armed Forces issued Permanent Directive Number 208 giving special instructions to the military on implementing the 15 measures. The 15 measures are as follows:

1. Identify faults in the intelligence, operations, and logistics procedures (controls for weapons and ammunition use and storage);
2. Review the application of the intelligence doctrine;
3. Revise human rights training to establish and implement a Single Teaching Model (MUP) on human rights and International humanitarian law;
4. Establish a human rights learning evaluation system;
5. Organize command responsibility workshops in all military divisions and strengthen this subject in the training and instruction schools;
6. Create an Immediate Inspection Commission (IIC) that will travel to different locations where complaints or accusations have been made about possible serious violations of human rights or breaches of International humanitarian law;
7. Carry out the necessary coordination so that the Delegated Inspectors report directly to the Inspector General of the Armed Forces and deal exclusively with human rights and International humanitarian law issues;
8. Organize a hierarchical structure for the Operational Legal Advisors;
9. Ensure that Operational Legal Advisors report directly to the Directorate of Operational Legal Advice in each service;
10. Ensure that the General Command of the Armed Forces decides which illegal armed organizations may be confronted by the Armed Forces using lethal force;
11. Refine the system of evaluating military units to ensure that they are evaluated

in accordance with meeting planned objectives for the different types of operations and the different levels of hostility of the threats in each jurisdiction;

12. Put in place a differentiated ROE system;
13. Establish a human rights certification system for all officers seeking promotion to Lieutenant Colonel or Brigadier General, based on a rigorous review of their records;
14. Strengthen the legal accompaniment of operations by the Prosecutor General's Office and the Technical Investigation Unit (CTI), in accordance with Directives 10 and 19 of 2007; and
15. Establish, down to the tactical level, a human rights complaint reception system, and create a system of public and periodic accountability, ensuring an open dialogue with civil society.

Annex K: CCAI Priority Zones

The Center for Coordination of Integrated Action (CCAI) manages activities in fifteen consolidation zones marked as priority regions for focusing PNC efforts. The zones were selected based on the areas where the convergence of weak state presence, high occurrence of human rights violations, existence of illicit crops, narcotrafficking, and terrorist activity were the strongest. Each is in a different phase of development, since they have each been launched at different points in time. Some consolidation zones are in the initial stages; others, such as the pilot project in La Macarena, have been the model of success.

La Macarena (Meta Department)

Mobilization Project: Zero illicit crops; region free of illicit cultivation

In 2007, the Integrated Consolidation Plan for La Macarena (PCIM) became the first consolidation zone. The Colombian government endeavored to establish its first sequenced framework for stabilizing conflict zones and ensuring the provision of social services by the government through the PCIM pilot project. Civil-military operations take place in six municipalities in Meta Department: La Macarena, Mesetas, Puerto Rico, San Juan de Arama, La Uribe, and Vistahermosa (operations are coordinated through the RCC in Vistahermosa). Since the security situation in La Macarena is relatively advanced, the primary need is for social and economic development, particularly the expansion and reinforcement of infrastructure.

The Colombian government's strategy for La Macarena is to align the different instruments of public policy to combat illicit crops in such a way that eradication is permanent and displacement is avoided. The La Macarena region has long been a major coca growing region and a territory largely governed by the FARC and other illegal armed groups; in fact, Vistahermosa was located in the original FARC demilitarized zone from 1998 to 2001. PCIM seeks to lay out strategies to eradicate illicit crops, create legal industries, and recover national parks and reserves. NGOs recommend that coca only be eradicated when immediate delivery of food security and development assistance can be assured.⁸⁵ The Colombian government has taken this into account and therefore has established a Transition Plan program, to facilitate and accelerate the transition for

⁸⁵ "After Plan Colombia – Evaluating 'Integrated Action,' the next phase of U.S. assistance." Center for International Policy. December 2009.

communities affected by the presence of illegal armed groups or previously involved in illicit cultivation to move toward a sustainable recovery of security and the development of licit economies.

As of May 2010, a total of 2,577 families are participating in a Transition Plan program. The government provides direct, emergency assistance, food security assistance, and opportunities for short-term productive projects to generate income and support licit production to those who are affected by eradication. The government also focuses on the consolidation of economic activity in the longer-term. It provides citizens with practical training and opportunities for alternative development, and generates conditions for improved access to financial resources, technical and commercial management assistance, and greater infrastructure for improved market connectivity (roads, telecommunications).

PCIM has completed a variety of social projects, including the refurbishment of a bridge, a cable-operated ferry, the La Macarena Transversal highway, 42 tertiary road projects, 9 rural electricity projects, and 517 small infrastructure projects relating to education, health, recreation, and community development. The government has initiated a program known as “Colombia Responde,” or Colombia Responds, acts as a framework to support citizen participation in quick-return investments on programs for municipal and community development, education, health, infrastructure, and technical training. More than 90 percent of investment is currently allocated to investments in education, one of the community’s top priorities. Together with “Progreso,” or Progress, the Colombian program which supports agricultural, economic development projects for small and medium producers, the community and the local government co-financed 146 economic productive projects, benefitting 5,706 families. The government established a methodology for the transfer of credits in the Agrarian Bank in La Macarena and created 48 cooperative productive associations.

The Colombian government approved an Executive Order on Alternative Development to institutionalize the sequencing of alternative development with eradication. Voluntary manual eradication is also a key component of PCIM. In exchange for eradicating their coca, farmers receive a stipend for food and technical and financial assistance to transition to licit crops. According to CCAI, coca cultivation is nearly eliminated in the six PCIM municipalities, with 4,694 hectares of illicit crops eradicated. In fact, it is estimated that only 500 hectares of coca, in dispersed fields, remain in the six PCIM priority municipalities. More than 44,700 hectares of legal crops have been planted in the PCIM during the 2007 to 2009 period to replace eradicated coca and help transition communities to the

licit economy (primarily palm and rice).

NGOs report that relations between the Colombian government and the population in La Macarena are strained because locals have grown weary of mass arrests from judicial authorities who arrive with the idea that virtually all residents are guerrilla supporters. Overcoming this sense of distrust is one of the most difficult challenges faced when establishing a government presence where none has existed.⁸⁶ The Colombian police force is making a concerted effort to improve relations, providing officers with training on how to develop constructive relationships with the local residents to help to ease their introduction to the community and better gather information on threats and criminal groups. Police presence has been established in six stations and two police inspection stations. Judges are now found in all six municipal capitals and local prosecutors are present in two, beginning to address the historical lack of justice sector presence.

Montes de María (Bolívar and Sucre Departments)

Mobilization Project: Strengthen conditions for return of IDPs and restitution of their rights

The second consolidation zone, based on the successes of the La Macarena model, was opened in February 2009. The Colombian government identified four priority municipalities: El Carmen de Bolívar, San Jacinto, Ovejas, and San Onofre. The RCC for Montes de María is in Cartagena, with a satellite office in Sincelejo. Montes de María suffered from violence and forced mass displacements by illegal armed groups and narcotics trafficking; therefore, the Colombian government places a high priority on supporting the generation of conditions for the return of displaced communities and guaranteeing them the enjoyment of their rights. Montes de María has a rugged terrain strategically oriented between coca-producing zones and the Caribbean sea, providing a location that is conducive to these activities.

Security gains in Montes de María are real (29 out of 52 wanted leaders of illegal armed groups have been captured) and the zone has moved into the final phase of consolidation: establishing governance and civilian institutions. Citizens receive consultation on income-generating projects and local authorities are provided technical assistance and support. Targeted communities have participated in eleven town hall meetings to select projects, including health posts,

⁸⁶ Center for International Policy Report: After Plan Colombia – Evaluating “Integrated Action,” the next phase of U.S. assistance. December 2009.

school classrooms, and community soccer fields. Municipal governments are improving accounting and good governance practices and enabling local government to better use resources received from the national government. There has been progress in strengthening civil society and the community has accepted and gained confidence in the government's consolidation efforts; citizens are not just beneficiaries, but are interlocutors in the process. Progress has been made, but issues like returning displaced populations, land tenure, governance, and justice need to be addressed.

The Montes de María consolidation zone supports the return of the internally displaced persons (IDPs) by increasing access to civilian services, including education, healthcare, and governance. The situation for IDPs is complicated because some do not want to return, some want to return but cannot afford to, and some returned and are struggling to cope. The government established "Return Committees" where local committees are encouraged to coordinate activity programs for the displaced. The committees exist at the municipal and departmental levels and consist of working groups assigned to different phases of displacement: prevention, emergency humanitarian assistance, reestablishment, and strengthening displaced populations and organizations. Thus far, 851 families have returned to their homes located within the consolidation zone and 581 are involved in licit, productive activities. The Montes de María RCC has nearly completed an operational plan to create legally mandated conditions for the return of displaced people to their home communities.

Land distribution and titling is another complicated issue for citizens living in the Montes de María region. Many who were displaced and return home are being forced or tempted to sell their land to large landowners at a low price. NGOs say the government should reassure populations that they will not be victims of a "land grab" and recommend significantly speeding up the land tenure process. Through PNC, a campaign is being conducted to address land distribution and titling issues and convince residents to not sell their land. The Colombian government plans to fund a range of land-tenure activities, including cadastral surveys, adjudication of disputes, compensation, certifying possession, legal protection for small landholders, debt freezes, freezing land sales, and the investigation of suspicious transactions.⁸⁷

⁸⁷ "Afer Plan Colombia – Evaluating 'Integrated Action,' the next phase of U.S. assistance." Centern for Internatonal Policy. December 2009.

Nariño (Nariño Department)

Mobilization Project: “Yes You Can,” Voluntary substitution of illicit cultivation

The Nariño consolidation zone, a predominantly Afro-Colombian region of Colombia, includes the municipalities of El Rosario, Leiva, Policarpa, Ricuarte, Samaniego, Tumaco, Olaya Herrera, and Barbacoas. The third RCC was established there in Tumaco in the second half of 2009. The focus in this zone is to create a sustainable, licit economy, taking into consideration the ethno-cultural visions of the Indigenous, rural farmer, and Afro-Colombian communities; the government is also increasing police-based security and strengthening the justice sector in this zone.

The government of Colombia is committed to advancing a sustainable, realistic, and fully participatory process to provide opportunities for the citizens of Nariño to abandon their illicit livelihoods; reconstruct social, environmental, and cultural projects; and develop a licit economy to provide for the wellbeing of their families and communities in the next generation. Nariño Governor Antonio Navarro-Wolff, once skeptical of the PNC implementation strategy, has become a leading force behind consolidation efforts. He has been actively lobbying for tertiary roads, a rotating fund for small-scale credit, and land titling. Navarro-Wolff also initiated a flagship counternarcotics and development program “Yes, You Can” for an Afro-Colombian community in Tumaco. The program is designed to guarantee voluntary but comprehensive manual eradication through the provision of short, medium, and long-term economic support and technical assistance to an entire community at once. At the launch, community leaders signed a voluntary eradication pact with the Governor’s office. According to the Colombian government’s CCAI, Nariño has seen 19,799 hectares of illicit crops eradicated and 7,000 households linked to productive projects.

An additional special prosecutor for narcotics was assigned to this zone and six of the seven other local prosecutors have been replaced due to ineffectiveness or corruption concerns. The Prosecutor General’s Office is addressing challenges relating to the activities under the judicial branch in Tumaco concerning both prosecutors and judges. In September 2009, a police scholarship program was launched with the U.S. Embassy in Bogotá sponsored 130 Afro-Colombian and 20 indigenous police recruit candidates from Tumaco. Recruits normally have to pay their own tuition, an impassible barrier to entry for marginalized communities. The program is designed to increase representation from and police links to underrepresented populations. The new recruits entered Colombian National

Police academies in January and are said to be doing well.

Río Caguán (Caquetá Department)

Mobilization Project: Strengthen governance through Regional Governance Councils

In the Rio Caguán consolidation zone the government of Colombia is strengthening governance through Regional Governance Councils, assisting to promote economic development and livelihoods, and fortifying social programs and education. The zone includes the municipalities of San Vicente del Caguán and Cartagena del Chairá, previously part of the demilitarized zone provided to the FARC as a safe haven. Programs here are geared toward bolstering the presence of state institutions at the regional and local level. As of May 2010, the Colombian government through PNC has organized and held seven governance events, with 61 entities participating. The government is promoting opportunities for citizens to participate in community planning and for the local government to exercise its responsibilities in rural areas.

A CCAI Directive Committee assessment trip in May 2010, led by Director Molano, reported significant security and development gains under the PNC and increased coordination of programs between Colombian government inter-agency and departmental programs. Although the security situation is still tenuous, local mayors and citizens in the area repeatedly praise efforts by the Colombian government to reinsert the state and are requesting additional assistance.

Improved state control of the Caguán river has fundamentally changed San Vicente del Caguán and Cartagena del Chairá, cutting travel time down from twelve hours to six. In 2009, the Colombian government eradicated 2,227 hectares of coca in these two municipalities. Officials cited advances in providing basic services such as water, electricity, and sewer infrastructure, expanding them to include a new IDP housing project near the town center. In addition, Acción Social has a food security program that will support 2,221 families (11,105 persons) in 2010 by providing poor, vulnerable families in rural areas an opportunity to seek licit alternatives to growing coca. Together with the Ministry of Agriculture, Acción Social is also supporting a local association dedicated to cultivating and harvesting rubber and helping to improve local production markets for other agricultural products such as dairy, cattle, and chocolate. These efforts also include reforestation and environment management training for the local communities to build sustainable development capacity.

Sur de Córdoba (Córdoba Department)

Mobilization Project: Productivity for peace; region free of illicit crops

Within the municipalities of Tierralta, Puerto Libertador, Montelíbano, and Valencia, PNC activity in Sur de Córdoba is creating a zone that is free of illicit crops, paving the way for social and institutional development and creating an environment where legality, justice, and progress can thrive. Principal components of the plan include food assistance and security, productive projects, clarification of property rights and land titling, and the strengthening of public institutions. The Colombian government has eradicated 2,831 hectares of illicit crops in Sur de Córdoba, making a total of 11 districts that are free of illicit crops. Productive projects have benefitted 715 families and 763 families are involved in alternative development projects. Food security programs cover 1,838 families and 2,854 have signed up for the Forest Ranger Families program. In addition, more than 2,000 residents will be receiving training in labor skills. Education has improved a great deal in Sur de Córdoba as well; educational coverage reaches 68,532 children (a 95 percent increase) and an additional 364 teachers will be contracted. The Colombian government is also boosting infrastructure, with plans to build two bridges, aqueducts, and tertiary roads.

Bajo Cauca Antioquia (Antioquia Department)

Mobilization Project: Alternative Development; region free of illicit crops

The consolidation zone of Bajo Cauca Antioquia covers the municipalities of Caucaia, Tarazá, Cáceres, Valdivia, Zaragoza, Anorí, Briceño, El Bagre, Ituango, and Nechí. This zone is also creating a region that is free of illicit crops, paving the way for social and institutional development to create an environment where legality, justice, and progress can thrive. Principal components include food assistance and security, productive projects, clarification of property rights and land titling, and the strengthening of public institutions. 9,300 hectares of illicit crops have been eradicated and 1,736 families are involved in productive projects; in total, 19 districts are free of illicit crops. In addition, the government has titled and legalized 1,021 hectares of land in this consolidation zone. Bajo Cauca Antioquia has Justice Houses in seven out of the 10 municipalities, offering services for justice, training, and capacity-building. The consolidation zone has a Support Unit of the Prosecutor General's Office and has also created a Mobile Human Rights Unit, complete with a psychologist and a social worker.

Buenaventura (Valle del Cauca Department)

Mobilization Project: Social development and relocation of Baja Mar families

Buenaventura's RCC coordinator reports there has been progress in the three lines of action – economic development, social development, and governability. The consolidation zone in Buenaventura is concentrating on a social development process in relocating families within communes 3 and 4 of the Baja Mar slums on the Island of Cascajal. The Colombian government wants to improve the quality of life for the individuals that reside there, by providing social and economic services, security, and social protection, especially during their transition to a new location. The goal is to allow the 3,400 families (17,000 individuals) to find solid roots in their new habitat through a process that also builds community. The Colombian government is providing training, income-generating projects, and social organization skills to residents. The RCC coordinator is determined to have 550 homes finished by November 20, 2010, a massive project that involves the residents themselves. According to CCAI, 328 people have received training in labor competencies and 147 jobs have been created from this relocation project. The project itself fulfills one of the mandates of CONPES 3476 of July 2007. The Buenaventura zone has also developed a number of public projects, including an orphanage, a school, and a community dining room.

Catatumbo (Norte de Santander Department)

Mobilization Project: Regional, rural, electrical infrastructure

Catatumbo's consolidation zone includes the municipalities of Abrego, Convención, El Carmen, El Tarra, Hacari, La Playa, Ocaña, San Calixto, Teorama, and Tibu. Here, the Colombian government is supporting the management and viability of a major project to provide electricity to rural parts of Catatumbo, with the ultimate aim of providing 90 percent coverage throughout the 10 municipalities in Catatumbo. Electricity is the biggest necessity for the population and will likely have a positive impact in reactivating Catatumbo's economic and security situation. In addition to electricity, the government is bringing social services to this area. It has implemented 65 social projects associated with the electricity initiative to provide economic and educational opportunities for residents. Medical assistance for 12,500 people have taken place and the government has constructed 69 educational facilities in six municipalities. The government has built three orphanages, four community centers, and two parks. Plans to improve a roadway from Tibu to La Mata are underway and the government is seeking to amplify

radio and television coverage for border municipalities.

Sierra Nevada de Santa Marta (Cesar, La Guajira, and Magdalena Departments)

Mobilization Project: Environmental and Traditional Cordon

The consolidation zone in Sierra Nevada de Santa Marta includes the municipalities of El Copey, Pueblo Bello, Valledupar, Dibulla, San Juan del Cesar, Aracataca, Ciénaga, Fundación, and Santa Marta. The government is building confidence and protection for indigenous communities and environmental sustainability, specifically to further the initiative known as the Environmental and Traditional Cordon of the Sierra Nevada de Santa Marta. This initiative seeks to environmentally and culturally preserve, conserve, and defend 10 indigenous communities. It has three fundamental components: construction and sustainability of the indigenous communities, the promotion of self-sufficiency, and the increase and establishment of indigenous reserves. The project strengthens advances made in protection and security for the communities over the past years and it fortifies trust, dialogue, and compromise with indigenous and the Colombian government. So far, the government has protected 4,061 hectares and has established territory for two traditional indigenous communities, the Kakawarwa and the Kantinurua. In addition, the Colombian state has provided the indigenous communities within this zone with 27 new social programs and services, including the construction of aqueducts in Santa Marta and Dibulla.

Cordillera Central (Tolima and Valle del Cauca Departments)

Mobilization Project: Improvement in communications and infrastructure.

The municipalities of Chaparral, Planadas, Rioblanco, Tolima, Pradera, and Florida are part of the Cordillera Central consolidation zone, which is improving roadway and communications infrastructure, particularly regional and national connectivity in Sur del Tolima. The Colombian government paved two major roads connecting Ataco to Planadas and Chaparral to Rio Blanco, a total of 37.27 kilometers, constructed 34.5 kilometers of secondary roads, and 305 kilometers of tertiary roads. Through PNC the government also constructed three bridges in Río Pata, El Aceituno, and Quebrada las Ventas, and repaired two bridges in Rioblanco. These undertakings will help with connectivity, as well as regional communications infrastructure, over the mountain ranges spreading across Tolima and Valle. The government is also installing six mobile telephone antennas in Sur

de Tolima and taking on a rural electricity project to benefit 3,800 families. The government has also completed 12 education and sports projects in the Cordillera Central zone. To boost economic activity, the Colombian government launched 10 small productive projects and is supporting the cacao and specialty coffee industries.

Putumayo (Putumayo Department)

Mobilization Project: Make the region free of illicit crops and build identity

In Putumayo, the municipalities of Puerto Asis, Valle del Guamuéz, San Miguel, and Puerto Leguizamo, are implementing a rural and border strategy to create territory that is free of illicit crops. This will strengthen Putumayo's economic and productive structure and enhance the role of the state in marginalized areas. PNC activity will diminish the amount of illicit crops and reactivate economic and commercial activities. The Colombian government is employing strategies for regional commerce and implementing cultural and community projects to strengthen cultural values and show a constant and effective institutional presence. The government has set up 17 social development projects, two agricultural missions, opportunities for women in small business enterprises, and technical and management training for mayors and community leaders.

Arauca (Arauca Department)

Mobilization Project: Strengthening regional governance

This consolidation zone, which includes the municipalities of Arauquita, Fortul, Saravena, and Tame, is strengthening regional governance to increase legitimacy, improve public management services, and enhance citizen organization. PNC is strengthening the technical capabilities and processes of local public entities to improve the delivery of basic social services through efficient public administration in Arauca. It is also bolstering social cohesion, community organization, citizen participation, and transparency. The four municipalities in this zone have achieved substantial security gains and two are equipped with police stations. The government has established 40 youth clubs to mitigate the threat of recruitment by illegal armed groups. Manual eradication has wiped out 28,798 hectares of illicit coca crop. Through PNC, the government carried out 888 social development projects and completed 11 infrastructure projects. To boost the licit economy in Arauca, the Colombian government set up six agricultural missions and 76 productive products. Two Penal Specialized

Circuit Courts have been created in Arauca and Saravena, to improve access to justice in this area.

Cauca (Cauca Department)

Mobilization Project: Strengthen residents' identification with the Colombian state and society.

The Cauca consolidation zone is one of the newer zones under PNC, for the municipalities of Argelia, Balboa, Caloto, Corinto, Guapi, El Tambo, Lopez de Micay, Jambaló, Timbiqui, Toribio, and Santander de Quilichao. PNC is still being socialized to municipal and regional authorities here, but the advances made in this zone so far include firm commitment from departmental and municipal authorities to synchronize inter-agency efforts. There will be three phases to the project, with each phase focusing on a handful of the municipalities at a time. The Regional Action Plan is still under construction. The government plans to have three lines of development: (1) Support for the return process to strengthen state presence and governance, (2) Food security to strengthen conditions for minimal subsistence and settlement of vulnerable communities, and (3) Strengthen productive projects as a viable alternative to illicit cultivation. Active coordination has already begun with the military and police forces in the department to determine ways ahead in establishing public order and security. The government has defined products for sustainable alternative development programs to support any illicit crop eradication activity. It has plans to construct and improve three roads in the Cauca consolidation zone.

Chocó (Chocó Department)

Mobilization Project: Under development.

The zone in Chocó is in the initial phases of consolidation. The Colombian government is focused on Southern Choco and the area along the border with Panama: the municipalities of Alto Baudó, Medio Baudó, Bajo Baudó, El Litoral del San Juan, Istmina, Medio San Juan, Novita, San José del Palmar, and Sipi in the south, and Carmen del Darien, Unguia, and RioSucio along the border. The government has received solid commitment from departmental and municipal authorities to synchronize inter-agency efforts in support of PNC. The Colombian government has initiated a project to repair and improve local hospital Juan Bautista Luna in Ríosucio. It is looking to construct two roadways (Sipi to Novita and Docordó to Malaguita) and achieve electrical interconnectivity in Bajo Baudó,

Medio Baudó, Medio San Juan, and Sipi.

Oriente Antioqueño (Antioquia Department)

Mobilization Project: Strengthen conditions for return of IDPs

The Colombian government places a high priority on supporting the generation of conditions for the return of displaced communities and guaranteeing them the enjoyment of their rights. The Oriente Antioqueño consolidation zone supports the return of the internally displaced persons (IDPs) by increasing access to civilian services, including education, healthcare, and governance. So far, 14,972 internally displaced persons have returned to their land and 206 families are involved in productive activities. The government has carried out demining programs in 13 neighborhoods within the Oriente Antioqueño zone.