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DEPARTMENT OF STATE

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**DETERMINATION AND CERTIFICATION RELATED TO COLOMBIAN
ARMED FORCES UNDER SECTION 7045 (a) OF THE DEPARTMENT OF
STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS
APPROPRIATIONS ACT, 2012 (Div. I, P.L. 112-74), AS CARRIED
FORWARD BY THE FURTHER CONTINUING APPROPRIATIONS ACT,
2013 (Div. F, P.L. 113-6)**

Pursuant to the authority vested in the Secretary of State, including under section 7045(a) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (Div. I, P.L. 112-74), as carried forward by the Further Continuing Appropriations Act, 2013 (Div. F, P.L. 113-6), I hereby certify and report that the Colombian Armed Forces and the Government of Colombia are

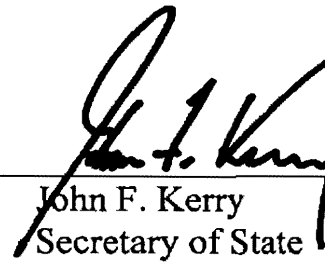
meeting the conditions contained in section 7045 of the Joint Explanatory Statement that accompanied P.L. 112-74.

Pursuant to section 7045(a) of the FY 2013 SFOAA, the Department of State has consulted with Colombian and internationally recognized human rights organizations regarding Colombia's progress in meeting the above-mentioned conditions.

This Certification shall be published in the Federal Register, and copies shall be transmitted to the appropriate committees of Congress.

9/11/13

Date


John F. Kerry
Secretary of State

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 7045(a)(2) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012 (SFOAA) (Div. I, P.L. 112-74), as carried forward by the Further Continuing Appropriations Act, 2013 (CR) (Div. F, P.L. 113-6), provides that 25 percent of funds appropriated by the CR for assistance for the Colombian Armed forces may be obligated only after the Secretary of State consults with and subsequently certifies and submits a report to the Committees on Appropriations that the Government of Colombia and the Colombian Armed Forces are meeting conditions specified in the Joint Explanatory Statement (H.Rept. 112-331) accompanying the SFOAA. In particular, section 7045 of the Joint Explanatory Statement provides four conditions with respect to human rights and paramilitary groups which the Secretary of State or his designee must certify have been met before such funds can be obligated.

This memorandum provides the justification for the Secretary of State's certification that the criteria referenced above have been met and provides the report called for by section 7045(a)(2). It contains information covering the period from July 1, 2012, to July 31, 2013.

EXECUTIVE OVERVIEW

Since July 2012, the beginning of the period covered in this review, the Colombian government has taken a series of important steps to improve human rights, both within the Armed Forces and in Colombia at large. Between July 2012 and July 2013, the Superior Judicial Council, as Colombia's current judicial authority for deciding jurisdictional disputes between the civilian and military systems, resolved 168 conflicts of jurisdiction between the military and civilian justice systems in cases where voluntary agreement could not be reached. Of these, the Superior Judicial Council assigned 111 cases to civilian courts.

The government enacted reforms to the military justice system – effected through a Constitutional amendment and new implementing legislation – in December 2012 and June 2013 respectively, both of which are currently being reviewed by the Constitutional Court. Critics of the Constitutional amendment and implementing legislation argue that the reforms, once fully enacted, could permit the military justice system to assume jurisdiction over some human rights violations, impeding the investigation and prosecution of offenses, and promoting impunity within Colombia's security forces. However, the Colombian government argues that the reform, along with previous Constitutional Court jurisprudence, guarantees that human rights cases will remain under civilian jurisdiction. Since effective implementation of the Constitutional amendment and implementing legislation have not yet taken place, the real effect of these changes remains unknown.

The Government of Colombia continues to take the necessary steps to sever links with former paramilitary organizations and illegal armed groups, including continuing to investigate and prosecute “parapolitical” cases. The Supreme Court is making major efforts to identify in their investigations any alleged links between former paramilitary groups, state officials, or political leaders. The Colombian government has dismantled former paramilitary networks through the Justice and Peace Law (JPL) process, including 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) former paramilitary organizations or other illegal armed groups. While prosecutions of member of Congress continue, in some regions there are reports that security forces have either cooperated or turned a blind eye to the activities of illegal armed groups.

As of July 2013, the organized criminal group unit (BACRIM Unit) of the Prosecutor General's Office has prosecuted 3,788 cases with 1,253 sentences of BACRIM organization members. Sentences in those cases have ranged upwards of 25 years as prosecutors have implemented an increasingly broad charging strategy that includes more serious crimes beyond the former practice of charging simple conspiracy. The BACRIM Unit continues to enhance the extent and complexity of its prosecutions to more effectively dismantle the criminal organization rather than merely prosecuting individual crimes and members.

The Colombian government continued to provide assistance and reparations to victims under the 2011 Victims' and Land Restitution Law, intended to provide land restitution to more than five million victims, including over four million internally displaced persons over a 10-year period. The Land Restitution Unit established 17 regional offices, and as of July 2013, the Superior Judicial Council had appointed 54 total judges and magistrates, 39 restitution judges, and 15 magistrates, to work with the unit and try land restitution cases. Two more magistrates are planned for Cartagena and more judges will be added based on demand. As of July 2013, there have been over 42,000 land restitution claims covering over 2 million hectares, and the Court has issued 120 decisions on 350 cases with over 13,000 hectares. According to a report by the United Nations' Office of the High Commissioner for Human Rights (OHCHR), the first decision handed down was by the Second Civil Court of the Specialized Circuit for Land Restitution in Carmen de Bolívar October 16, 2012. Despite government advances, security remains a serious obstacle to land restitution efforts. Weak state governance and the continued presence of illegal armed groups in many parts of the country, as well as continued threats and violence against land restitution claimants, have impeded the process.

Recognizing challenges with the confessions, victim participation, truth and crimes presentations, as well as the judicial process of accepting charges and alternative sentencing have presented numerous unanticipated difficulties, and challenges under the JPL, the Colombian government and Prosecutor General's Office introduced a reform bill to address these challenges, and it was passed into law in December 2012.

The Government of Colombia's peace process with the Revolutionary Armed Forces of Colombia (FARC) was officially launched in November 2012 in Havana, Cuba. Anticipating public skepticism, the Colombian

government insisted that the FARC agree to a tight, five-point agenda aimed at ending the armed conflict, which includes: agriculture and rural development, political participation, victims, drugs, and implementation of the agreement.

Colombian government officials, including at the highest levels, continued to make public statements praising the work of human rights defenders and criticizing threats and attacks against them. In February 2013, the Government of Colombia condemned the attack against the president of Colombia's Confederation of Workers. The Colombian government also worked to gather views from NGOs in order to inform policymaking. NGOs generally continued to recognize the government's positive tone and inclusive approach; however, they argue that many improvements have not materialized at the departmental and local levels. Despite the government's laudable efforts to enhance dialogue and protective services for human rights defenders, NGOs reported that threats and attacks against defenders continued and worsened in some cases.

The Colombian government continues to make progress in improving the human rights performance of the armed forces by implementing and enhancing procedures to distinguish between civilians and combatants, along with training and other programs. The Ministry, through its Armed Forces Education System, continues to provide and enhance training in human rights and international humanitarian law across the armed forces through curricular and extracurricular programs. In 2012, a total of 330,679 members of the armed forces received human rights and international humanitarian law training.

SECTION 7045 (1)

Section 7045 (1) of the Joint Explanatory Statement accompanying the FY 2012 SFOAA requires a certification that:

“The Colombian Armed Forces are suspending those members, of whatever rank, who have been credibly alleged to have violated human rights, or to have aided, abetted or benefitted from paramilitary organizations or other illegal armed groups; all such cases are promptly referred to civilian jurisdiction for investigation and prosecution, and the Colombian Armed Forces are not opposing civilian jurisdiction in such cases; and the Colombian Armed Forces are cooperating fully with civilian prosecutors and judicial authorities.”

Suspension of Members of the Armed Forces

The Colombian Ministry of Defense reported that the armed forces continued to suspend or remove those members credibly alleged to have violated human rights, or to have aided, abetted, or benefited from illegal armed groups. A number of cases are discussed in subsequent sections that address investigations and prosecutions by the Prosecutor General’s Office and the Inspector General’s Office.

The Ministry of Defense reported that it suspended a total of 333 military personnel, including seven officials and four sub-officials between July 2012 and July 2013. A total of 70 military personnel were removed during this period, including eight officers and 20 noncommissioned officers. Of these separate totals, 313 military personnel were suspended and 61 removed for crimes of aggravated homicide or homicide of a protected person. Other offenses for suspension or removal included torture, sexual violence, extortion, forced disappearance, kidnapping, and conspiracy to commit a crime. All those suspended or removed were from the Army.

Transfer of Human Rights Cases to Civilian Courts

Human rights cases were generally prosecuted in the civilian justice system, although some cases remain in the Military Penal Justice (JPM) system. At the end of this certification period, the civilian justice system and JPM system were reviewing some 30,000 cases in an effort to reach agreements on the proper jurisdiction of cases. In cases in which they were

not able to reach an agreement, the Superior Judicial Council, as Colombia's current judicial authority for deciding jurisdictional disputes between the civilian and military systems, acted as arbiter. Nearly 90 percent of such disputes are resolved in favor of civilian jurisdiction. In some cases, after reviewing the evidence and arguments by representatives of both justice systems, the Superior Judicial Council ruled that cases originally classified as human rights abuses had been misclassified and should have been designated from the beginning as crimes that fall under the jurisdiction of the JPM system. For example, in some cases, the Superior Judicial Council reviewed the evidence in an alleged extrajudicial execution (EJE) case and determined that the alleged victim was actually an enemy combatant and that the killing took place within the context of a legitimate military operation.

The government enacted reforms to the military justice system – effected through a Constitutional amendment and new implementing legislation – in December 2012 and June 2013 respectively, both of which are currently being reviewed by the Constitutional Court. Critics of the constitutional amendment and implementing legislation argue that the reforms, once fully enacted, could permit the military justice system to assume jurisdiction over some human rights violations, and use that jurisdiction to impede the investigation and prosecution of offenses, and promote impunity within Colombia's security forces. However, the Colombian government argues that the reforms, to be implemented consistent with previous Constitutional Court jurisprudence, will ensure that violations of human rights will remain under civilian jurisdiction.

The Colombian government reported that between January 2012 and July 2013, 62 cases were voluntarily transferred to the civilian justice system from the JPM system. Between July 2012 and July 2013, the Superior Judicial Council resolved 168 conflicts of jurisdiction between the military and civilian justice systems in cases where voluntary agreement could not be reached. Of these, the Superior Judicial Council assigned 111 cases to civilian courts, and 57 cases to the JPM system, after finding that the alleged crimes did not meet the definition or burden of proof to be classified as human rights violations in those 57 cases. The Superior Judicial Council noted in a press statement that between 2008 and May 2013, 871 jurisdictional disputes were decided by the Council, of which 745 or 86 percent were sent to civilian courts, and 126 or 14 percent were sent to the JPM system.

According to the Human Rights Watch's (HRW) 2013 World Report, the Human Rights Unit of the Prosecutor General's Office was investigating 1,727 cases of alleged extrajudicial executions (EJE) as of August 2012. HRW also reported that the Prosecutor General's Office had obtained successful convictions for less than 10 percent of the 1,727 cases, convicting 539 members of the armed forces, of whom 77 were officers, including two lieutenant colonels and two colonels. HRW stated that while investigations into alleged extrajudicial executions continue to advance, the vast majority of cases have not been resolved.

In March 2013, NGOs submitted a petition before the Inter-American Commission for Human Rights, alleging that Colombia's Supreme Judicial Council had sent a large number of EJE cases to military courts based on unclear and arbitrary criteria. The petition cites as examples three cases that it argues involved EJEs, where the Superior Judicial Council ruled that the killings were carried out by security force members while on active duty and in relation to military service, thereby invoking military jurisdiction.

New Military Justice Law

Constitutional Amendment and Implementing Legislation

In December 2012, Colombia's Congress approved an amendment to the Constitution regarding military justice jurisdiction, which went into effect when it was signed by the President that same month. The amendment regulates military and civilian court jurisdiction over cases, depending on the charges. The amendment explicitly states that cases involving "crimes against humanity, genocide, forced disappearance, torture, extrajudicial executions, sexual violence and forced displacement" must be prosecuted in the civilian judicial system, while all other crimes related to acts of service will be addressed in the JPM system. Additionally, Colombia's Constitutional Court is reviewing the constitutionality of the amendment, and a decision is pending.

Under the constitutional amendment, the Prosecutor General's Office and the JPM system have one year to come to an agreement on which cases to transfer between the civilian and military justice systems. For cases in which they cannot agree, the implementing legislation creates a Tribunal of Guarantees to rule on the proper jurisdiction, effectively replacing the role of the Superior Judicial Council, which has been the deciding body for

jurisdictional disputes. The Tribunal of Guarantees will be comprised of four retired military officials, who are accredited in the legal profession, and four civilian magistrates; all eight will be elected by the high courts, and will rule by majority. The amendment also creates a technical coordination commission composed of representatives from both judicial systems to serve as an advisor on potential jurisdictional disputes at the early stages of an investigation. When requested by the military justice system, the civilian justice system, or the Inspector General's office, the technical coordination commission, which is composed of both military and civilian personnel, will prepare a technical report about the alleged crime for the Tribunal of Guarantees to use as it makes its jurisdictional decision. As of the drafting of this report, no cases have been transferred under the Tribunal of Guarantees mechanism, as it has not been established. Pending the implementation of the new bodies, the Superior Judicial Council has continued to resolve jurisdictional disputes.

In June 2013, Colombia's Congress approved legislation to implement the Constitutional amendment on military justice reform. The implementing legislation establishes jurisdictional rules, sets out the terms for certain crimes involving international humanitarian law, provides definitions and criteria for applicable offenses that must be handled in the civilian courts, defines the functions and attributes of the Tribunal of Guarantees and the Technical Coordination Committee, and makes reference to the availability of the extraordinary remedy of appeal to the Supreme Court of Justice. While the constitutional amendment became law upon signature (December 2012), many of the articles cannot go into effect until the implementing legislation goes into effect. In turn, the implementing legislation will not go into effect until it has been reviewed by the Constitutional Court, which may take up to an additional year.

Criticism of Constitutional Amendment and New Legislation

Critics of the constitutional amendment and its implementing legislation have alleged that the laws, once fully implemented, may allow for the possibility of some human rights violations to be transferred to the JPM system. HRW and the United Nations' Office of the High Commissioner for Human Rights (OHCHR) expressed concerns that the scope of EJE as a crime defined in the statutory legislation is too narrow; that the possibility that pending EJE cases would not be covered retroactively by the new definition and would therefore revert to JPM courts; and, that the parameters

of the statutory definition of “legitimate military target,” is too wide. NGO critics argue these issues could result in providing military court jurisdiction over what could be considered human rights violations against civilian victims. The OHCHR in Colombia expressed its preference for a civilian-led process to decide jurisdictional disputes. An additional concern expressed by civil society groups is that the law would give exclusive investigatory jurisdiction to the first investigators on the scene, so that if military investigators arrive first to make an initial determination on the nature and legality of the conduct involved, civilian authorities would be unable to gather evidence in a parallel process. Another concern, as stated by NGOs, is the related absence of a fully civilian judicial body with the authority to hear appeals from decisions that assign jurisdiction to the military justice system.

Critics also raise concerns regarding a June 2013 decision of the Disciplinary Board of the Superior Judiciary Council, which stated that under the December 2012 Constitutional amendment there is a high standard of proof for transferring human rights cases to the civilian justice system when there is a question of jurisdiction, particularly for higher level military officials accused of ordering EJE.

President Santos’s administration has repeatedly stated that no cases involving “false positives” will be processed under military jurisdiction. “False positive” is a specific type of EJE in which the victims were civilians who were killed and then falsely presented as enemy combatants. The government has also stressed that the reforms will not result in impunity for members of the security forces. Furthermore, it argues that previous Constitutional Court decisions guarantee that crimes unrelated to acts of military/police service will be tried in civilian courts. The OHCHR in Colombia, however, expressed concern that if the law is adopted, it could lead to cases of human rights violations that are currently being investigated under the civilian system being transferred for investigation by the JPM system. Since the passage of the constitutional amendment, some NGOs and civil society organizations have reported that military justice officials and defense counsel have invoked the constitutional amendment in raising conflict of jurisdiction claims. They also report that between four and 18 cases that they consider to be EJEs have been sent to the JPM jurisdiction, after the Superior Judicial Council reviewed the evidence and determined that there was insufficient evidence to classify the crime as a human rights abuse. In four cases of jurisdictional disputes over alleged EJE cases, the

Prosecutor General's Office argued that the cases should remain in civilian jurisdiction, but was overruled by the Superior Judicial Council. The Superior Judicial Council has historically favored keeping cases originally classified as human rights abuses in the civilian justice system – some Superior Judicial Council decisions granting jurisdiction to the military justice system have cited the “new constitutional reality” introduced by the military justice reform.

Constitutional Court Review Pending

As of this report, the Constitutional Court was reviewing petitions challenging the constitutionality of the constitutional amendment, including a challenge brought by several members of Colombia's House of Representatives in February 2013. As noted previously, the Constitutional Court is also reviewing the implementing legislation, which must be approved by the Court before it goes into effect, a process that typically takes between six and fifteen months. The final effect of the constitutional amendment on human rights cases will, of course, depend on the outcome of this and related litigations, the interpretation of the courts, and the rules, policies and practices developed by the new institutions called for in the amendment and implementing legislation.

Military Cooperation with Judicial Authorities

The Colombian Armed Forces have continued to cooperate with civilian prosecutors and judicial authorities. As previously reported, in June 2011, the Prosecutor General's Office, Inspector General's Office, and Ministry of Defense signed an agreement under the *Plan de Impulso*, aimed at enhancing communication between the civilian and military judicial systems over jurisdictional issues, and ensuring that cases are investigated expeditiously by the appropriate judicial authorities. Constitutional and legislative reforms to the military justice system regulate military and civilian jurisdiction over human rights and international humanitarian law violations. The reforms call for greater cooperation between the Prosecutor General's Office, the Inspector General's Office, the Ministry of Defense, and the military judiciary, in facilitating judicial proceedings.

The Ministry of Defense and the Prosecutor General's Office have also worked closely with the OHCHR in Colombia and other UN bodies to

strengthen military and civilian judicial mechanisms, as well as promote collaboration with other government, NGO, and judicial institutions.

Assistance to Civilian Investigators

The Colombian military continued to work with the Prosecutor General's Office and the Inspector General's Office to facilitate judicial proceedings and investigations, including implementation of the *Plan de Impulso*. The armed forces designated special liaison officials to facilitate civilian investigations and proceedings involving military personnel. The Colombian government reported that between January 2012 and July 2013, 62 cases were voluntarily transferred to the civilian justice system.

However, there are continuing reports of military interference and lack of cooperation with the civilian justice system. Active-duty and former military personnel who testified against senior military officers reported being subjected to threats and intimidation. In some cases, military witnesses reported hostility and lack of support from their superiors and colleagues including having to pay their own travel and other expenses to testify at trial. An OHCHR report released in January 2013 reported that in some cases military leaders attempted to pressure the civilian judiciary to prosecute human rights defenders and indigenous leaders as members of illegal armed groups.

There are also reports that civilian representatives continued to be recipients of targeted threats. For example, the Inter-Faith Commission for Justice and Peace reported that a human rights defender and community representative has received constant threats since February 2013 for reporting military abuses committed against rural communities in La Perla Amazonica (Putumayo). Also, in May 2013, the Interdisciplinary Group for Human Rights (GIDH), a non-profit advocacy group, closed its Medellín office indefinitely, reportedly due to threats against its members. GIDH previously successfully brought cases before the Inter-American Court of Human Rights, including cases involving former paramilitary groups. Because protection continues to be of concern, the Colombian government has made significant efforts to provide protection to human rights defenders, as described later in this report.

Privileges for convicted military officers

As noted in previous certifications, some members of the military convicted of crimes – including serious human rights violations – have allegedly enjoyed special privileges in military detention facilities. An April 2011 report in the publication *Semana* detailed the prisoner conditions at the Tolemaida Military Reclusion Center, claiming that convicted soldiers received salaries, left the facility at will, ran businesses, and lived in private cabins equipped with internet and satellite television. In response to the report, a verification commission was created, the director of the Tolemaida center was replaced, and steps were taken to ensure compliance with National Penitentiary and Prison Institute (INPEC) regulations.

In April 2013 *Semana* published a follow-up investigation that found some conditions had tightened at Tolemaida, but also reported a number of privileges remained in place. These included convicted soldiers receiving salaries, leaving the detention center for days at a time for shopping trips and vacations, and enjoying unrestricted access to cellular phones. The reporting also alleged that the detention center was run by the military with almost no meaningful oversight by the civilian prison authority INPEC, despite many of the soldiers having been convicted in civilian courts of serious crimes such as EJE. Shortly before the *Semana* report was published, the director of the center was relieved of his duties. *Semana* also reported that in the days following the publication an attempt was made to transfer two of the soldiers featured in the reporting from Tolemaida to another facility, but that nearly 50 other soldiers emerged from their “cells” and prevented the transfer from taking place.

Investigations and Prosecutions by Prosecutor General’s Office

The Prosecutor General’s Office continued to lead investigations and prosecutions of criminal offenses.

According to a January 2013 OHCHR report, the Prosecutor General’s Office, including sectional offices and the National Human Rights Unit, have processed complaints pertaining to 4,716 victims of extrajudicial executions and homicides allegedly committed by Colombian security forces over several years. According to the report, 30 percent of all investigations remained active in 2012, 40 percent of which had moved beyond the preliminary exploration stage. As of August 2012, 294 of these homicide

cases had reached the trial/sentencing phase. The report also stated that as of January 2013, there were 27,382 active investigations of forced disappearance pending with the Prosecutor General's Office.

Between January and November 2012, the Prosecutor General's Office, which includes the National Human Rights Unit and Sectional Prosecutor Offices, obtained convictions in 192 cases of extrajudicial executions committed since 2000, involving 589 military members and police personnel. During this period, the Prosecutor General's Office charged eight military personnel with torture, of whom three were convicted.

As of May 2013, the National Human Rights Unit had advanced 2,279 cases, including formal investigations and preliminary inquiries, involving 3,894 victims of alleged homicide committed by or involving 4,438 security force members. During the certification period, 1,728 security personnel were formally charged, including eight colonels, 18 lieutenant colonels, and 43 majors. Of these security force members, 319 were convicted, including three majors, 13 captains, and 22 lieutenants.

As of June 2013, Sectional Prosecutor Offices were advancing 826 cases involving 899 victims of alleged human rights violations committed by Colombian security forces. These included 740 cases of aggravated homicide, homicide of a protected person, forced displacement, and sexual violence, involving 839 victims. The Prosecutor Offices indicted 162 security personnel in 144 cases.

The following are examples of cases advanced by the Prosecutor General's Office during the certification period:

The Prosecutor General's Office charged two police sub-lieutenants, two police colonels, a patrol officer, an attorney adviser for the police force, and several civilians for various crimes including manipulation of evidence, fraud, and perjury, in the alleged "false positive" killing of graffiti artist, Diego Felipe Becerra Lizarazo (the Becerra case). Becerra was shot by patrol officer Wilmer Antonio Alarcon Vargas in Bogota in August 2011, and later presented as an armed criminal killed during the attempted robbery of a bus. In July 2013, the Prosecutor General opened an investigation into the alleged involvement of the former Bogota police commander General Francisco Patino in the Becerra case. During a judicial hearing on July 25, General Patino admitted he gave gifts (bonuses with a commercial value) to

the driver of the bus that allegedly had been robbed and to the driver's wife. But Patino claimed the gifts were a spontaneous act and did not carry the intention of interfering with the investigation.

Also in July 2013, the preliminary hearing judge released Colonels Jose Javier Vivas and Nelson Arevalo from pre-trial detention in the Becerra case. The judge found the prosecutor's evidence insufficient to show that the colonels had manipulated evidence of Becerra's death because the evidence of the killing was manipulated prior to their arrival at the crime scene. The Prosecutor General's Office stated that it will submit new evidence to the court, including police recordings of radio conversations, ballistics reports, and crime scene photographs. Colonels Arevalo and Vivas continue in active service.

At the same time the Prosecutor General's Office was moving forward on its investigation, in June 2013, the Inspector General's Office ordered the suspension of police officer Wilmer Antonio Alarcon Vargas for 10 years for the alleged "false positive" killing of graffiti artist, Diego Felipe Becerra Lizarazo in Bogota in August 2011. At the time of this report, the Inspector General's Office was investigating the involvement of other police officers in the crime. Simultaneously, the Inspector General also initiated a disciplinary investigation against Colonels Arevalo and Vivas to establish if there was a manipulation of the crime scene.

In July 2013, the 21st Criminal Circuit Judge of Medellin sentenced military Captain Jhon Alexander Sandobal Diaz, Sublieutenant Edwin Leonardo Tora Ramirez, and non-commissioned officer Carlos Medardo Cuesta Pizarro to 32 years in prison for homicide of a civilian. The convictions stem from the May 2004 murder of Jose Neftali Posada Usuga and Fabio de Jesus Piedrahita Betancur who were later presented as FARC guerillas killed in combat.

In June 2013, the First Specialized Criminal Circuit Court of Valledupar convicted five military members, Sergeant Raul Patarroyo Vargas and the professional soldiers Balmer Antonio Granados Rodriguez, Wilson Bolaños Garcia, Edward Francisco Moreno Ninco and Yair Isaac Fernandez Estrada, on charges of homicide of a protected person, for the June 2008 murders of Nixa Marbelis Martinez Caceres and Giovanny Zapata Jimenez in the department of Cesar. According to an investigation by the

Prosecutor General's Office, the perpetrators presented the civilian victims as armed insurgents killed in combat.

In June 2013, the Human Rights Unit of the Prosecutor General's Office charged retired army Lieutenant Rolando Ayala Molina with homicide of a protected person and other offenses, for the 2008 killing of Darbey Mosquera Castillo and Alex Hernando Ramirez Hurtado in the municipality of Anserma (Caldas). At the time the army claimed the victims were armed insurgents killed in combat.

In response to a May 2013 petition from the Prosecutor General's Office, the Superior Court of Cucuta overruled an acquittal issued by a lower court and sentenced three members of the military, Lieutenant Alexander Obregon Hernandez and soldiers Juan Isidro Caicedo Medrano and Noel Antonio Caicedo Guerrero, to 28 years in prison for aggravated homicide. Sanin Alvarez was killed in January 2007 in La Playa de Belen (Norte de Santander) and was presented by members of the military as a member of the National Liberation Army (ELN) killed in combat.

In April 2013, the State Council ordered the Colombian government to pay reparations to family members of a civilian killed by four police officers in 1994. The killing was part of a larger "social cleansing" campaign against suspected drug traffickers and criminals, allegedly carried out by members of the Judicial and Investigative Branch of the Colombian Police (SIJIN) in Urrao (Antioquia) between 1993 and 1995. In 1999, a court in Antioquia sentenced the accused officers to 11 years in prison for the killings and disappearances. In 2001 and 2003, the officers were absolved of their criminal convictions and disciplinary offenses by the Superior Court of Antioquia and the Inspector General's Office, due to lack of credible evidence. Despite the acquittals, the State Council determined in its 2013 decision that the 1994 killing was committed by police force members, thus invoking the responsibility of the State.

In March 2013, the Human Rights Unit of the Prosecutor General's Office concluded an investigation into the alleged "false positive" killing of Carlos Eduardo Arias Godoy. The Unit determined that the victim was a taxi driver from Bogota, who was kidnapped, killed, and presented as a guerilla combatant by members of the armed forces. The five soldiers implicated in the murder agreed to a plea bargain. As of this report, the soldiers have not yet been sentenced.

Investigations and Prosecutions by Inspector General's Office

The Inspector General's Office continued to investigate allegations of misconduct by public employees, including members of the state security forces. Between July 2012 and June 2013, the Inspector General's Office initiated 32 preliminary inquiries and 21 disciplinary investigations against security force personnel for alleged human rights abuses. Additionally, the Inspector General's Office issued disciplinary sanctions against 49 individuals in 15 separate cases, and absolved 51 individuals in 10 cases. The Inspector General's Office dismissed 24 cases during the preliminary inquiry stage, and 35 cases during the disciplinary investigation stage.

The following are examples of cases advanced by the Inspector General's Office during the certification period.

In July 2013, the Inspector General's Office dismissed military officer Jaider Ariza Peña, barring him from military service for 20 years. The disciplinary order was made pursuant to a lower court decision finding Ariza Peña responsible for the killing of two civilians in Pela Huevo (Antioquia).

In July 2013, the Inspector General's Office filed disciplinary charges against five members of the Counter-Guerilla "General Rafael Uribe" Battalion No. 10 for the killing of two civilians in Cordoba in May 2007. The victims were allegedly transported from their homes under the false promise of employment, shot by military personnel, and presented as criminals killed in combat.

In June 2013, the Inspector General's Office brought disciplinary charges against five members of the armed forces for the killing of two civilians in Villacaro (Norte de Santander). The soldiers claimed the victims were ELN combatants who had attacked their military unit. However, according to witnesses, the victims were civilian laborers with no prior criminal background. Initial investigations indicated that military personnel manipulated the victims' bodies and other physical evidence at the scene of the crime.

In June 2013, the Inspector General's Office filed disciplinary charges against four members of the military for their role in the alleged "false positive" killing of a civilian in San Andres de Cuerquia (Antioquia) in February 2008. The killing occurred during military operations against rebel

groups and criminal bands (BACRIM for criminal bands). The Inspector General's Office determined that the victim was not a member of an illegal armed group, nor was he engaged in combat at the time of his death.

In October 2012, the Superior Judiciary Council revoked defense attorney Hilda Lorena Leal Castaño's credentials to practice law based on unethical practices. While serving as an attorney for military officers in the Soacha murders case, Leal Castaño was accused of pressuring witnesses not to testify through intimidation. She was also accused of pressuring military officials to make false accusations against the public prosecutor, Lindon Jose Piracon Puerto, in an attempt to have him removed from the case, and sanctioned for the use of frequent delay tactics.

Status of Selected Human Rights Cases

Between July 2012 and July 2013, there were advances in several prominent human rights cases, including the conviction and sentencing of military personnel. However, in other cases, investigations and prosecutions have progressed slowly due to a variety of factors. The following are examples of human rights cases under investigation during the certification period:

Palace of Justice Case

Last year's certification reported that in January 2012, the Superior Tribunal of Bogota upheld the conviction of Colonel Luis Alfonso Plazas Vega, who was sentenced to 30 years in prison in 2010 for the forced disappearance of cafeteria administrator Carlos Augusto Rodriguez and M-19 guerilla Irma Franco. The Tribunal overturned Plazas Vega's convictions for nine other disappeared victims in the case, ordering the Prosecutor General's Office to conduct a new investigation into the disappearances.

In April 2013, the Superior Tribunal of Bogota sentenced military judge Major Mauricio Cujar Gutierrez to four years of house arrest for illegally claiming military jurisdiction in the forced disappearance case against Plazas Vega. In May 2013, the Superior Court of Bogota confirmed the decision of a lower criminal court denying Plazas Vega's petition for probation. The Court found that Plazas Vega's due process rights had not been violated and that his continued detention is necessary for the adjudication of his case. The court explained that Plazas Vegas's freedom

will be granted only if the Supreme Court overturns his 2010 conviction. In June 2013, the Sixth Revision Chamber of the Constitutional Court rejected a petition from family members of victims, requesting that Plazas Vega be transferred from the military facility where he is currently detained to a civilian jail, due to reports that he received preferential treatment at the military facility. The Court cited that it did not have competency to decide the issue. As noted in previous certifications, NGOs and the press have reported that high-level military officers including Plazas Vega are held at a large military base in Bogota. NGOs and the press allege that these officers live in apartments, enjoy freedom of movement within the base, eat in the officers' dining room, and interact with active duty officers.

In April 2013, the Supreme Judicial Council did not renew an order that allows certain judges to focus exclusively on the ongoing case against Colonel Edilberto Sanchez Rubiano, Major Oscar William Vasquez, Luis Fernando Nieto Velandia, and Antonio Rubay Jimenez for their alleged role in the Palace of Justice case. This may hinder the court's ability to quickly address this case.

There were several ongoing appeals during the certification period. Retired General Jesus Armando Arias Cabrales, who was sentenced to 35 years in prison in 2011 for forced disappearances, is currently appealing his conviction before the Superior Tribunal of Bogota. He is detained at a military base in Bogota.

Plazas Vega is appealing to the Supreme Court of Justice to overturn his 30-year sentence for the forced disappearance of cafeteria administrator Carlos Augusto Rodriguez and M-19 guerilla Irma Franco. In January 2012, the Superior Tribunal of Bogota had upheld his conviction in those two cases while overturning his convictions and ordering a new investigation into nine other disappearances.

The Prosecutor General's Office is appealing a 2011 decision by a Bogota circuit judge to acquit General Ivan Ramirez Quintero, retired Colonel Fernando Blanco Gomez, and retired Sergeant Gustavo Arevalo Moreno of the forced disappearance of M-19 guerilla Irma Franco based on inadequate evidence.

In early 2013, the Inter-American Court of Human Rights heard arguments from the Government of Colombia and petitioners as part of its

ongoing investigation into the Palace of Justice case. The Inter-American Court began an investigation in 2012 and a decision is expected later in 2013.

La Rochela Massacre

Investigations continued in the January 1989 murder of 12 officials from the Prosecutor General's Office. The victims were killed in Simacota (Santander) while examining the October 1987 murders of 19 merchants in Magdalena Medio. As reported in previous certifications, in May 2007, the Inter-American Court of Human Rights found Colombia responsible for the massacre, and ordered the government to pay \$6 million in reparations to victims and their families. The court also ordered the government to take all measures necessary to investigate the officials' murders; including providing enhanced security for justice sector employees. Former paramilitary leader Alfonso de Jesus Baquero Agudelo, alias "Vladimir," was sentenced to 30 years in prison in 1990 for ordering the killings. He is currently providing testimony in the ongoing investigation of military officers. Only one other former paramilitary member has been convicted in the La Rochela case. Investigations continue against additional former paramilitary members who are linked to the case.

As of July 2013, retired Generals Alfonso Vacca Perilla and Juan Salcedo Lora, as well as ex-Congress member Tiberio Villareal, are under investigation for the murders.

In May 2013, Arturo Salgado, one of the three surviving investigators from the 1989 massacre, died from illness. The three survivors have served as key witnesses in the ongoing investigations, including the investigation that led to the 2007 decision of the Inter-American Court of Human Rights.

General Rito Alejo del Rio and "Operation Genesis"

In August 2012, retired general Rito Alejo del Rio was convicted and sentenced to 25 years in prison for homicide in relation to the 1997 murder of Marino Lopez Mena in Bijao (Choco) by members of the former paramilitary group United Self-Defense Forces of Colombia (AUC) with the alleged permission of the Colombian army, who were reportedly stationed near the town. Del Rio, former commander of the Army's 17th Brigade, was convicted of having collaborated with the AUC in the attack, as part of

“Operation Genesis,” as well as other counter-insurgent operations throughout Uraba. Former paramilitary leaders, Salvatore Mancuso, Freddy Rendon Herrera, Ever Velosa, and Diego Rivera have stated that del Rio was a close friend of AUC leader Carlos Castaño Gil, with whom he planned multiple joint military-paramilitary operations.

At the end of the certification period del Rio’s appeal of the conviction to the Superior Tribunal of Bogota remains pending. Del Rio is currently being held at the Puente Aranda military facility in Bogota. He is also under investigation for other offenses, including conspiracy to commit a crime.

In February 2013, the Inter-American Court of Human Rights heard testimony from victims and expert witnesses in the case *Marino Lopez et al (Operation Genesis)*. The Inter-American Commission for Human Rights sent the case to the Court in July 2011, and the Court is expected to issue a ruling in August 2013.

The Communities for Self-Determination, Life and Dignity of Cacarica (CAVIDA) and the Inter-Faith Commission of Justice and Peace (CIJP) reported that witnesses in the Operation Genesis case have been subjected to threats and intimidation. On February 13, 2013, a CIJP member’s vehicle was shot at while parked outside his home, and other CIJP members reported being followed and surveyed near their office and residences. The Protection Unit investigated the incident.

Mapiripan Massacre

In July 1997, civilians in the town of Mapiripan (Meta) were killed by members of the AUC with the complicity of the Colombian armed forces. During the massacre, paramilitaries dismembered bodies and threw them into the Guaviare River, thus making it impossible to locate and identify all of the victims’ remains. The exact number of victims varies among sources, with estimates between 10 and 49.

In June 2013, the Third Specialized Criminal Circuit Court of Villavicencio sentenced former AUC leaders Salvatore Mancuso and Raul Emilio Hazbun Mendoza, alias “Pedro Bonito,” to 26 years in prison for crimes of aggravated homicide, kidnapping, and terrorism in connection with the Mapiripan Massacre. Mancuso and Hazbun were leaders of the

AUC's Bloque Catatumbo and Arlex Hurtado units. As previously reported, in November 2011, the Supreme Court sentenced retired Army General Jaime Humberto Uscategui Ramirez to 37 years in prison for failing to take action to prevent the massacre.

There were several developments during the certification period regarding false victims' claims for compensation after the attacks. In 2005, the Inter-American Court of Human Rights ordered the Colombian government to pay reparations to the families of victims, the amount of which was to be determined by the State. In October 2011, Mariela Contreras Cruz, the wife and mother of three alleged victims, recanted her testimony that her family members were killed in this attack, for which she had received \$900,000 in reparations from the Government of Colombia. Since then, the Jose Alvear Restrepo Lawyers Collective (CAJAR) returned approximately \$400,000 in damages it received for representing Contreras Cruz. Following the revelation, the Prosecutor General's Office opened investigations into 13 potential false victims, and initially identified six of those cases to forward to the Court. In November 2012, the Court reversed its decision in the cases of the six false victims initially identified by the Prosecutor General's Office. In May 2013, the Human Rights Unit of the Prosecutor General's Office discovered five additional false victims previously thought to have been killed in the massacre. As of July 2013, the Court had not taken action in the other five false victim cases.

In July 2013, a Prosecutor from the National Anti-Corruption Unit brought procedural and aggravated fraud charges against Mariela Contreras Cruz, Zuly Herrera Contreras, and Algemiرو Arevalo Romero, who allegedly provided false testimony regarding the alleged victims. The Anti-Corruption Unit reported that the State wrongly awarded \$3.7 million in reparations. Hearings are set to begin in August 2013 before a preliminary hearing judge in Bogota.

Santo Domingo Bombing

As previously reported, in 2007, Air Force Lieutenants Cesar Romero Padilla and Johan Jimenez Valencia were sentenced by a Colombian court to 31 years and eight months in prison, while Air Force aeronautical engineer Hector Mario Hernandez was sentenced to six years in prison, for their involvement in 1998 bombing of civilians in the village of Santo Domingo (Arauca), in which 17 individuals were killed and 27 injured. In November

2011, Air Force Captain Sergio Andres Garzon Velez and Major German David Lamilla Santos were arrested for their role in the bombing. Both suspects were released from pre-trial custody in November 2011 when the statute of limitations for their alleged crimes expired.

In November 2012, the Inter-American Court of Human Rights found the Colombian government responsible for violations of human rights law and international humanitarian law in the bombing. Despite the previous convictions of Padilla and Valencia, Colombia argued before the court that the attack was caused by a car bomb detonated by the FARC. In its ruling, the Court determined that the explosives were fired from Colombian Air Force helicopters, and ordered the government to publicly acknowledge its responsibility for the attack, publish the Court's decision, and provide reparations, health treatment, and rehabilitation for victims and their families. Colombia was also ordered to report on all government measures taken to implement the Court's orders.

Chengue Massacre

As of July 2013, Admiral Rodrigo Alfonso Quiñones was under investigation by the Human Rights Unit of the Prosecutor General's Office for his alleged role in the 2001 Chengue Massacre, in which members of the AUC killed 27 civilians in Chengue (Sucre), with the alleged complicity of the Colombian police and navy. The case was reopened in 2009, after criminal charges were initially dropped by ex-Prosecutor General Luis Camilo Osorio. In March 2011 the Prosecutor General's Office declared the massacre to be a crime against humanity.

In October 2012, the Superior Judiciary Council rejected Admiral Quiñones' petitions to nullify the disciplinary sanctions imposed on him by the Inspector General's Office and to receive 1,600 million pesos in reparations. The inspector general found that Quiñones and other Navy and police officials failed to prevent the massacre and ordered that Quiñones be removed from command and suspended from holding a public position for five years. Quiñones argued that the administrative decision constituted an abuse of power and that the sanctions to which he was subjected do not exist under the disciplinary regime of the armed forces.

As previously reported, in September 2011, the Prosecutor General's Office ordered the arrest of retired marine Captain Camilo Martinez Moreno

on charges of forced displacement and aggravated homicide. The Prosecutor's office accused Martinez Moreno of refusing to allow his troops to support the police in responding to the massacre. In March 2012, the Prosecutor General's Office ordered the arrest of retired police Colonel Norman Leon Arango Franco, who was the commander of police in Sucre at the time of the massacre. The Prosecutor charged Arango Franco with omission, aggravated homicide, and forced displacement.

Operation Dragon

As previously reported, the Prosecutor General's Office filed charges in September 2011 against the four accused military officials, as well as former Lieutenants Cabrera and Victoria, for conspiracy to commit a crime. As of July 2012, the case was still pending as the accused petitioned for a change in prosecutor and witnesses did not attend scheduled hearings.

In June 2013, the Prosecutor General's Office charged retired Lieutenant Colonel Julian Villate Leal, retired majors Marco Fidel Rivera Jaimes and Hugo Alfonso del Milagro Abondano Mikan, and former director of the company Consultora Integral Latinoamericana (CIL) Hubert de Jesus Botello Duarte with conducting illegal surveillance and conspiring to assassinate leftist politicians and labor leaders in Cali in 2004 as part of Operation Dragon. The Prosecutor ordered the accused individuals to remain under house arrest during the proceedings. Charges were not filed against retired Lieutenant Colonel German Hernando Huertas Cabrera and former CIL Director Carlos Alfonso Potes Victoria due to lack of evidence.

The alleged targets of Operation Dragon included members of the Cali Municipal Service Workers Trade Union (SINTRAEMCALI), Senator and former SINTRAEMCALI leader Alexander Lopez Amaya, and human rights defender Berenice Celyta Alayon, as well as other labor leaders, social rights activists, and congressmen. According to the investigation, the former military officials, who worked as employees of a private security firm hired by the City of Cali, used databases maintained by the former Administrative Department of Security's security program to follow Lopez and other directors of SINTRAEMCALI. The accused claimed that they were authorized to use the information in order to assess the sociopolitical risk presented by SINTRAEMCALI and other labor unions.

San Jose de Apartado: La Resbalosa Massacre

In February 2005, members of the “Heroes of Tolova Block” of the AUC attacked the residents of the Peace Community of San Jose de Apartado (Antioquia) in what is now referred to as the Resbalosa and Altos Mulato Massacre. Eight civilians died, including three children. According to the testimony of former AUC members, the Colombian army’s 17th Brigade accompanied the paramilitaries in the area. Former paramilitary leader Diego Fernando Murillo (alias “Don Berna”) stated that the “Heroes of Tolova Block” committed the massacre with the help of the military. As of April 2013, six members of the military and 18 members of the AUC were convicted for their involvement. One of the convicted military members, retired Captain Guillermo Armando Gordillo, had confessed to his involvement and in 2010 was sentenced to 20 years in prison by the Superior Tribunal of Antioquia.

In April 2013 the Human Rights Unit of the Prosecutor General’s Office questioned two retired commanders of the Army’s 17th Brigade, General Luis Alfonso Zapata Uribe and General Hector Jaime Fandiño Rincon, for their alleged role in the planning and execution of the massacre. At least ten former paramilitaries, as well as former military captain Guillermo Armando Gordillo, have testified that military commanders collaborated with the AUC and attempted to cover up evidence of the attack.

In December 2012, the Constitutional Court published a writ of protection ordering the Colombian government to implement six measures to protect the rights of the Peace Community of San Jose de Apartado. The first measure is that the State issue an official apology for defamatory statements made in 2004 and 2005 that accused the San Jose de Apartado community of providing refuge to terrorists. In May 2013, Minister of Interior Fernando Carillo Florez apologized on behalf of the government. However, the community rejected the apology because it was not made by President Santos. As a second measure, the Constitutional Court also required the Ministry of Interior, the National Protection Unit, the Human Rights Ombudsman, and the community to develop a collective prevention and protection plan. Third, the Court required that the Prosecutor General’s Office work with the Human Rights Ombudsman, the National Protection Unit, the Inspector General’s Office, and the community to establish a local mechanism to process requests and complaints from the community. The fourth measure requires the Prosecutor General’s Office, the Ministry of

Justice, the Human Rights Ombudsman, and the community to establish a Justice Evaluation Commission, to evaluate issues of impunity relating to aggressions committed against the community. The fifth measure requires the Ministry of Interior, the Ministry of Defense, the Prosecutor General's Office and the Inspector General's Office oversee the application of international humanitarian law in the region.

In February 2013, the Administrative Tribunal of Antioquia found the state "administratively responsible" for the military's failure to protect the victims and for its participation in the crime. It ordered the army to hold a ceremony to publically apologize and condemn the massacre, and to take measures to ensure that such acts are not repeated. As of July 2013 no public ceremony had taken place.

Civil society organizations reported that the Peace Community of San Jose de Apartado has received threats, including an anonymous phone call in February 2013, following the February 2013 ruling of the Administrative Tribunal of Antioquia. Community members also reported the presence of trucks carrying alleged illegal armed actors in the area.

Soacha Murders

In April 2012, the Second Specialized Court in Cundinamarca initiated criminal proceedings against 29 military members in connection to the Soacha murders. The military members, including former commander of the General Infantry Battalion of Santander Colonel Alvaro Diego Tamayo Hoyos, are accused of aggravated forced disappearance, aggravated homicide, conspiracy to commit a crime, and other offenses related to the "false positive" killings of Elkin Gustavo Bejarano, Jose Joaquin Castro and Julian Oviedo Monroy in January and March 2008. The victims were allegedly transported from Soacha (Cundinamarca) to Ocaña (Norte de Santander) under false promises of employment, where they were allegedly shot by military personnel, and presented as guerillas killed in combat.

In March 2013, the government announced that the judge in the case would be replaced. Provisional Magistrate Antonio Lozano Hoyos, who presided over the case of victim Julian Oviedo Monroy, will be replaced by a new magistrate, unless the First Specialized Circuit Court of Cundinamarca approves a request to allow Magistrate Lozano to remain on the case. If the court denies the request, the defense could request that all

prior proceedings under Lozano be invalidated. The Prosecutor General has warned the Superior Judiciary Council that changing the judge would seriously delay the trial. In June 2013, the court rejected the defendants' request to reintroduce evidence at trial following the eventual appointment of a new judge. The court also denied a petition to call witnesses to testify again in court if the current judge expressed doubt about their previous testimony. The defense argued that the previous judge had improperly made an assessment of the evidence prior to the final decision, and that it was a procedural violation not to allow a re-examination of the evidence. The court, however, determined that the preceding judge did not violate the defendants' due process rights, and that denying the re-examination of evidence did not constitute a violation of procedure. The defendants have appealed the decision before the Superior Tribunal of Bogota.

In October 2012, the Superior Judiciary Council banned defense attorney Hilda Lorena Leal Castaño from practicing law, based on findings that Leal Castaño intimidated witnesses in the Soacha case to dissuade them from testifying against military officials, and slandered public prosecutor Jose Piracon Puerto through a series of false testimonies and suits. Leal Castaño represented Corporal Carlos Eduardo Mora and Colonel Gabriel de Jesus Rincon of the Army's 15th Mobile Brigade, who are charged with homicide, forced disappearance, conspiracy to commit crimes, and falsifying public documents in connection with the Soacha murders.

In June 2012, six members of the army's 15th Mobile Brigade were sentenced to between 35 and 52 years in prison for the murder of Fair Leonardo Porras Bernal, who was mentally and physically disabled. The judge acquitted the six soldiers of the crimes of forced disappearance and conspiracy to commit a crime. The Prosecutor General's Office filed an appeal against the acquittals, while the defendants appealed their other remaining convictions. Of the six convicted military members, retired Major Marco Wilson Quijano Marino is still at large.

Mothers of the Soacha victims said they petitioned the International Criminal Court (ICC) to intervene in cases against 33 military members. The mothers argued that criminal proceedings have progressed slowly, with convictions obtained in 5 percent of all cases. They also argued that criminal investigations are primarily directed at low level military personnel rather than high level officials. The case of Fair Leonardo Porras has now

been declared a crime against humanity by the Superior Tribunal of Cundinamarca.

As of July 2013, 18 colonels were alleged to have links to the killings, and two of those 18 had been convicted of crimes. Charges were dropped against 48 military members originally indicted in the killings due to expiration of the statute of limitations. A total of 27 military members, including three generals and 11 colonels, have been dishonorably discharged from their positions in administrative proceedings related to the Soacha killings.

Murder of Children in Tame

In October 2010, members of the Army's 5th Mobile Brigade murdered three children in the municipality of Tame (Arauca). The eldest victim, a 14-year-old girl, was also raped. In November 2010, seven members of the military were suspended from service for their role in the crimes. The Prosecutor General's Office also brought charges against Lieutenant Muñoz Linares for the rape and murders, as well as for another rape committed at the time. During Muñoz's trial, a forensic expert testified that the victims had been subjected to torture and cruel and unusual punishment prior to their deaths.

In September 2012, the Circuit Court of Bogota sentenced Lieutenant Raul Muñoz Linares to 60 years in prison for aggravated homicide and rape. The Circuit Court also ordered an investigation of the defense's witnesses for possible false testimony and procedural fraud, as well as a disciplinary investigation against General Javier Fernandez Leal and other officials for not responding to complaints from community members following the victims' disappearances. In addition, the Court ordered the Prosecutor General's Office and the Inspector General's Office to open criminal and disciplinary investigations against the legal advisor for the 18th Brigade for ethical violations, including the alleged leaking of information. The Court also ordered the Colombian Institute of Family Welfare (ICBF) to design and execute a comprehensive rehabilitation plan for the surviving victims and victims' families. In February 2013, the Superior Tribunal of Bogota upheld the Circuit Court's decisions, including Lieutenant Muñoz's conviction and sentence. The other investigations in the case are ongoing.

Homicides of Jose Fernando Ramirez Castillo and Bamer Renteria Mosquera

In May 2007, members of the 3rd Police Battalion's Scorpion Company allegedly shot and killed Bamer Mosquera Renteria and Jose Fernando Ramirez Castillo in Cali. Major Hernando Enrique Peña Ponce, Major Aramis Yunion Rico Freile, Lieutenant Fredy Alexander Cogua Amaya, Colonel Jeremias Dussan Caceres, Captain Sebastian Villegas Alvarez, and Robinson Gustavo Cossio Rivera allegedly took the victims from their homes under false pretenses. The six officers were arrested and charged with homicide, and in April 2012 a trial had begun against four of them. As of July 2013, the trial was still ongoing.

Killing of Indigenous Leader in Arauca

Members of the Hitnu ethnic group allege that in June 2011, soldiers from the 18th Brigade shot and killed indigenous leader Humberto Peroza Wampiare and presented him as killed in combat in rural Arauca. Peroza was a member of the Hitnu ethnic group and lived in the indigenous reserve La Voragine. Immediately following the killing, the Military Justice System opened an investigation together with the Inspector General's Office. The case was later reassigned to the civil justice system, where investigations are ongoing at the conclusion of the certification period.

SECTION 7045 (2)

Section 7045 (2) of the Joint Explanatory Statement accompanying the FY 2012 SFOAA requires a certification that:

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

The Government of Colombia made progress in, and continues to take the necessary steps to, sever links with former paramilitary organizations and illegal armed groups. The Prosecutor General's Office and the Inspector General's Office have taken action against government officials and members of the security forces who colluded with former paramilitary members and illegal armed groups.

The Government of Colombia continued to investigate and prosecute “parapolitical” cases. The Supreme Court is making major efforts to identify in their investigations any alleged links between former paramilitary groups, state officials, or political leaders. Prosecutions of members of Congress continue, including with respect to reports that security forces have either cooperated or turned a blind eye to the activities of illegal armed groups. For example, two police officers, two retired police officers, and an army lieutenant were arrested in La Guajira for their alleged links with the BACRIM group Los Rastrojos. They were charged by the Prosecutor General's Office with conspiracy for their support to this criminal organization in committing selective killings, extortions, forced displacement, and drug trafficking activities in Riohacha, Maicao, and Dibulla.

Severing Links

The Government of Colombia has taken steps to prevent the influence of illegal armed groups in electoral politics. In July 2011, a political reform law entered into force and further clarified rules for political parties and electoral campaigns, including penalties for parties that abet candidates for office who have collaborated with illegal armed groups.

The Ministry of Interior is responsible for coordinating electoral processes. In advance of congressional and presidential elections in 2013

and 2014, the Ministry is implementing an “Electoral Risk Mitigation Strategy” to prevent illegal armed groups from influencing the outcome of the elections. Authorities will act jointly to prevent the presence of illegal organizations in political life, the violation of campaign finance rules, undue political intervention, or the use of state funds or illegal finances for campaign purposes. The strategy includes, among others, the following actions:

- **Reactivation of the National Commission for Coordination and Monitoring of Electoral Processes.** The commission will operate at the national, regional, and local levels through five technical sub-commissions focusing on preventing improper conduct by public employees, preventing the use of illicit funds for campaign financing, preventing electoral fraud, maintaining public order, and protecting candidates and electoral actors. The commission submitted a self-diagnosis of past electoral processes in February to the Immediate Reaction Unit for Electoral Transparency (URIEL) in order to improve and ensure electoral transparency.
- **Reactivation of the Electoral Transparency Unit (URIEL).** The unit (composed of representatives from the Ministry of Interior, the Prosecutor General’s Office, the Inspector General’s Office, the National Electoral Council, the Registrar’s Office, the armed forces and police, and the Presidential Program to Combat Corruption) will process reports received in real-time from the public via a toll-free telephone line and an email address.
- **Reactivation of the “One-Stop Shop” for Candidate Background Checks.** The government reinstituted its “one-stop shop” to receive and transmit information about candidate backgrounds. This is currently available to all parties in anticipation of their consultations in September to select their representative candidates.

“Parapolitical” Investigations

Demobilized former paramilitary members have testified to the former existence of, and participation in, paramilitary support networks, including those who provided political and/or financial support. These networks sometimes encompassed government officials, including members of

congress, governors, and mayors. The Colombian government continues to vigorously investigate and prosecute “parapolitical” cases.

According to March 2013 statistics from the National Counter-Terrorism Unit of the Prosecutor General's Office, a total of 563 public servants had been involved in para-politics. The unit has issued 400 detention orders, achieved 74 convictions, and seen eight acquittals. Additionally, the unit has issued 48 judgments against members of the ELN and 251 judgments against FARC members for crimes of aggravated homicide, forced disappearance, rebellion, and terrorism, among others.

Investigations of Members of the Colombian Congress

According to the NGO Corporacion Nuevo Arco Iris, a total of 139 former and current senators and representatives from the 2002-2006 and 2006-2010 legislative periods have been prosecuted for ties with former paramilitary members.

A June report by VerdadAbierta.com notes that the Supreme Court has convicted 53 former and current senators and representatives and that 27 cases are in preliminary proceedings, 35 in preliminary investigation, and five currently in trial. The same report claims that four out of the last 13 presidents of the Colombian Senate have been convicted.

Since July 2012, 11 members of congress have been formally investigated for ties to illegal armed groups according to the Colombian government.

In July 2013, the Supreme Court sentenced former congressmen Oscar Suarez Mira and Fuad Rapag to nine years in prison for links with former paramilitaries. The two congressmen are currently being investigated for ties to BACRIM.

In March 2013, former House Representative Jaime Cervantes accepted charges against him, and in April 2013, the Supreme Court sentenced him to 45 months in jail and a fine of 10 thousand minimum wage payments for links with former paramilitaries.

In April 2013, the Supreme Court sentenced former Representative Etanislao Ortiz from Antioquia to eight years in prison for links with former paramilitaries in Uraba.

The plenary of the Senate authorized in April 2013, the “empty seat” provision related with the case of former Senator Piedad Zuccardi. Zuccardi was captured in March 2013 and is being investigated by the Supreme Court for links with paramilitaries. Under the provision, a representative’s party loses the seat temporarily during an investigation and permanently in the event of a conviction. Previously, this provision has been applied to Senators Javier Caceres and Dilian Francisco Toro.

Investigations of Other Government Officials

The Supreme Court of Justice has advanced the investigation against Colombian Ambassador to Peru and former Senator Jorge Visbal Martelo for links with former paramilitaries. The Criminal Board of the Court has indicated that Visbal’s trial will start at the end of August 2013.

Efforts to Fight Corruption

In March, President Santos appointed Rafael Merchan to replace Carlos Fernando Galan as the new Transparency Secretary. Merchan’s role is to advise the President in the formulation and implementation of policies that promote transparency and fight corruption. The commission, created under the Anticorruption Statute approved in 2012, had its first meeting in March 2013.

In the National Development Plan (PND), President Santos defined the fight against corruption as one of the supporting elements of his Democratic Prosperity platform. The PND ordered the development of a comprehensive policy to combat corruption, including defining a clear strategy for the prevention, investigation, and punishment of corruption. Recognizing the role that the private sector and civil society play in effectively combating corruption, the PND noted the need to equally include these sectors in the development and implementation of the policy.

The following are the actions by the Secretariat of the Administrative Department of the Presidency of the Republic (DAPRE) in 2012 and 2013:

Building a Comprehensive Public Policy Against Corruption

(PPIA): The Transparency Secretary signed an agreement in June 2012 with the United Nations Program for Development (UNDP) and the Presidential Agency for Cooperation (APC) to build a comprehensive and participatory public policy to combat corruption in consultation with social actors in 13 departments. The PPIA defines strategies for the prevention, control and investigation and punishment of corruption. In order to ensure the dissemination, monitoring, implementation, and evaluation of the PPIA, the Secretary of Transparency designed a project, "Strengthening the Strategic Lines of a Comprehensive Policy on Transparency and Anti-Corruption," to be carried out between 2013 to 2018. The project will monitor the implementation of international commitments to combat corruption; promote a culture of control in public institutions; facilitate the coordination of citizens; and promote transparency and access to public information.

Improving access and quality of public information for the prevention of corruption: To fulfill commitments made through United Nations Conventions, the Convention against Corruption, and the Convention of the Organization for Economic Cooperation and Development (OECD), Colombia has made advances to combat bribery of foreign public officials in international business transactions. To support implementation of Chapters III and IV of the United Nations Convention against Corruption, the Transparency Secretary led a site visit to Honduras and Slovenia in February 2013.

During the 20th Committee of Experts Meeting of the Follow-Up Mechanism for the Implementation of the Inter-American Convention against Corruption (MESICIC), held in Washington in September 2012, the Secretary of Transparency was elected to preside over the work of this committee. Colombia increased its opportunities for participation and discussion with civil society organizations through its role as President, and with the support of the General Secretariat of the Organization of American States (OAS).

With support of the EuroSocial II Program, the United Nations Development Program (UNDP), the Inter-American Development Bank, and the OECD, the Secretary of Transparency organized the "Regional Meeting on Private Sector Responsibility in the Fight against Corruption" in Bogota

in March 2013. The meeting hosted delegates from 17 countries, MESICIC, and experts from 13 countries in the Western Hemisphere and Europe.

After reviewing the Colombian Criminal Code on the criminalization of transnational bribery and other items, the OECD working group agreed that Colombia meets the basic requirements for implementing the Convention, but should work on issues such as strengthening the provisions of liability of legal persons and their application. With this in mind, Colombia initiated a review of the Anti-Corruption Statute to conform to OECD standards. At the time of this certification, the Secretary of Transparency was coordinating with the Ministry of Justice on a draft reform bill. Also with the OECD, Colombia proposed a pilot program in October 2012 in Paris, to develop a reporting mechanism to alert the government of possible requests for bribes. The pilot was officially released by the President in April 2013, with the participation of more than 200 entrepreneurs, and experts from the OECD, the World Bank, and the Basel Institute on Governance (Switzerland).

Improve public management tools to prevent corruption:

Colombia utilizes anti-corruption plans, which utilizes a corruption risk map and provides standards to improve accountability, as a public management tool to prevent corruption. Once completed, the plan is sent to all the mayors and governors of the country and posted on the websites of the Administrative Department of Public Service and the Ministry of Transparency. In 2012, the Secretary of Transparency initiated a process to assist and guide institutions in the development of anti-corruption plans. The Secretary began providing support to the Mayor of Cartagena in October 2012, at the request of the Mayor of Cartagena and the Minister of Interior. The Secretary also began providing support to the National Prison Institute (INPEC) and Correctional Services and Prison Unit, at the request of the Minister of Justice in December 2012. The Superintendent of Health has also asked for guidance from the Secretary of Transparency.

In the first half of 2013, the following developments have been carried out:

- About 20 training programs related to the development and implementation of anti-corruption plans were held for institutions such as the Ministries of International Relations, Defense, and Trade, the Legal Defense Agency of the National Police, the Colombian Agency for Reintegration (ACR), and local authorities, among others.

- Six online chats with governors and mayors to discuss and address citizens' doubts and concerns related to the anti-corruption plan; more than 1,000 people participated.
- Distribution of more than 2,000 pamphlets titled, "Construction Tools: Anti-Corruption Plan and the Citizen," to mayors, governors, and public entities, informing them of their obligation to prepare an anti-corruption plan no later than April 30, 2013.
- Broadcasting of a national television program with the School of Public Administration and Radio Television on corruption risks, which included the participation of the Secretary of Transparency and the National Delegate for Local Authorities and District Oversight.

The Prosecutor General's Office is currently advancing six cases relating to the collusion of members of the armed forces and two cases related to the collusion of members of the National Police and BACRIM. Of these, there have been four convictions (involving four individuals).

Reports of collusion between security forces and BACRIM in some regions persist. There continue to be reports that BACRIM, such as the Rastrojos, corrupt local officials to obtain security along drug trafficking routes. For example:

- On May 17, 2012, in Riohacha, La Guajira, one military officer, three active police officers, and two retired police officers were ordered to precautionary imprisonment and indicted for links with Los Rastrojos.
- On July 12, 2013, in Medellin, Antioquia, eight police officers were arrested for links with the "Oficina de Envigado," one of the most powerful drug trafficking organizations in Colombia. The police officers provided sensitive information to members of this criminal organization and will face charges for conspiracy and corruption.
- On July 22, 2013, four police officers assigned to the Buenaventura police station were arrested for their links with the criminal organization called "La Empresa," these police officers are facing charges for drug trafficking, conspiracy, and corruption.

Separately, the Ministry of Defense reported no investigations, suspensions, or removals of military personnel for collusion with illegal armed groups. The Colombian National Police (CNP) reported the suspension of two members and removal of one.

SECTION 7045 (3)

Section 7045 (3) of the Joint Explanatory Statement accompanying the FY 2012 SFOAA requires a certification 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 benefitted from paramilitary organizations or other illegal 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 has dismantled former paramilitary networks through the Justice and Peace process, as well as by arresting and prosecuting under civilian law individuals who have provided financial, planning, or logistical support, or have otherwise aided, abetted or benefitted from (now demobilized) former paramilitary organizations or other illegal armed groups. The Colombian government has also continued to make progress with regard to land restitution and reparations for victims.

Dismantling Paramilitary Networks

The Justice and Peace Process

The Colombian government reports that 31,671 former United Self-Defense Forces of Colombia (AUC) paramilitary members have collectively demobilized as a result of negotiations with the government. In 2012, 24 new persons were presented as eligible for participation in the Justice and Peace process. If they comply with the requirements of the Justice and Peace Law, they are eligible for an alternative sentence of eight years. All of these were former paramilitary members.

Authorities took the testimony of more than 1,374 individuals, in which the Prosecutor General's Office identified 524 crimes and 5,578 victims. By August 2013, the Prosecutor General's Office had registered 441,819 victims, including 35,633 who registered between January and August. Between January and August 15, 2013, the government exhumed 126 mass graves containing the remains of 178 persons. During the certification year the government identified 121 remains, and by August 15

it returned 243, and by the end of October it returned 179 remains (including some found and identified in previous years) to family members. Testimony from voluntary confessions in the JPL process also triggered investigations of politicians, military members, major agricultural producers, and government officials' past ties to former paramilitary forces. Some of the investigations resulted in prosecutions and convictions.

As of July 2013, 4,151 former paramilitary and guerilla defendants (*postulados*) had participated in confessions hearings (*versiones libres*). During these sessions the *postulados* confessed to 42,309 crimes and information was obtained that resulted in the exhumation of 5,301 victims.

Postulados who do not fully comply by confessing crimes, turning over illegally acquired assets, and ceasing their criminal activity are nominated for expulsion from the JPL process by the Prosecutor General's Justice and Peace Unit. As of July 2013, Justice and Peace Unit prosecutors have filed for the expulsion of 88 *postulados* before the Justice and Peace courts. By May 2013, a total of 1,126 *postulados* have been initially charged, and of these 680 have been formally charged in presentation before the courts by the Prosecutor General's Office's Justice and Peace Unit.

A total of 14 sentences have been handed down under the JPL process, including five since last year's certification. However, these 14 sentences involve over 5,000 crimes. In 2012, two sentences were handed down against former AUC members Jose Barney Veloza Garcia and Orlando Villa Zapata.

As of July 2013, a total of 1,453 former paramilitary *postulados* were incarcerated.

The JPL has been in effect since July 2005. The confessions, victim participation, truth and crimes presentations, as well as the judicial process of accepting charges and alternative sentencing have presented numerous unanticipated difficulties and challenges under the law. Recognizing these challenges, the Colombian government and Prosecutor General's Office introduced a reform bill that was passed into law in December 2012. The reform bill includes five significant changes: (1) JPL prosecutors can prioritize the order in which they prosecute cases, handling the most egregious crimes first; (2) combines into one hearing the presentation of charges, acceptance of guilt by the defendant, formalizing of supporting

evidence, and court acceptance of defendant's guilty plea; (3) enhances the Prosecutor General's Office's ability to seize defendants' assets and accelerate victims' restitution prior to sentencing; (4) defines reasons for which a demobilized paramilitary could be excluded from the JPL process, including refusal to participate in truth sessions and relapse into criminal activity; (5) extends the validity of the law to those who demobilized after July 2005.

In June 2012, the Colombian Congress approved the Legal Framework for Peace, a constitutional reform that aims to lay the groundwork for an eventual peace process and could be applied to illegal armed groups and government forces, but not to members of BACRIM. The legislation establishes a four-year period from the date the implementing law goes into effect for the Colombian Congress to set up a transitional justice system to try crimes committed in the context of Colombia's internal armed conflict.

The Government of Colombia's peace process with the FARC was officially launched in November 2012 in Havana, Cuba. The Colombian government and the FARC agreed to a tight, five-point agenda aimed at ending the armed conflict, which includes: agriculture and rural development, political participation, victims, drugs, and implementation of the agreement. In May 2013, the Government of Colombia and FARC reached a preliminary agreement on the first agenda topic, rural development, but the content of the agreement has not been published in its entirety.

The Colombian Commission of Jurists (CCJ) filed a lawsuit seeking to declare some elements of the Legal Framework "unconstitutional." They claimed the law is unconstitutional because it replaces a fundamental pillar of the Constitution, and because it is the duty of the Colombian state to ensure human rights and investigate all serious violations of human rights and breaches of international humanitarian law, as well as prosecute those responsible for committing the offenses. As part of this review, the Constitutional Court convened a public hearing July 25 to discuss aspects related with the lawsuit against the Legal Framework for Peace. Several members of the Colombian government, international community, civil society, academia and others provided briefings, including: President Santos, High Commissioner for Peace Sergio Jaramillo, the Prosecutor General, the Director of the office of the High Commissioner United Nations

Human Rights in Colombia, Amnesty International, Human Rights Watch, and the UN Special Rapporteur for the promotion of Truth, Justice and Reparation. President Santos noted during his intervention that the Legal Framework for Peace is “part of a comprehensive peace policy” and that Colombia has a responsibility to ensure the peace process comes to fruition “within a framework of respect and guarantee for the principles and rights established in the Constitution.”

Human rights groups strongly questioned the framework bill, arguing it would open the door to impunity for international humanitarian law abuses by illegal armed groups and human rights abuses by members of the armed forces. A prosecutor for the International Criminal Court sent a letter in July to the chairman of the Colombian Constitutional Court opining that “given the goals of the Rome statute (the treaty that established the ICC), the suspension of penalties goes against its object and purpose because in practice it prevents the punishment of those who commit the most serious crimes.” The bill was approved by an overwhelming majority of Colombia’s Congress, although a small minority of Members opposed the bill, claiming it amounts to an amnesty for the FARC. Government proponents argue the measure will help prioritize cases in order to focus limited resources on prosecuting individuals responsible for the worst crimes. If the Constitutional Court finds the law to be constitutional, the impact of the Legal Framework for Peace will not be fully resolved until the Congress adopts implementing legislation.

The Prosecutor General’s Office’s Justice and Peace Unit

Investigators in the Prosecutor General’s Office’s Justice and Peace Unit are working to uncover and prosecute members of former paramilitary leadership and financial networks. Since 2008, the Unit had a staff of 1,048, including 184 prosecutors, 483 criminal investigators, 279 assistants and administrative personnel, and 27 drivers and bodyguards assigned to offices in Bogota, Medellin, Barranquilla, Cali, Bucaramanga, Monteria, Cucuta, Valledupar, Santa Marta, Cali, Ibague, and Villavicencio. Criminal investigators are located in 27 cities and towns throughout the country.

In 2011, the Justice and Peace Unit created the Victims’ Sub-unit (SAVJP) to provide assistance to victims of crimes committed during the armed conflict, including psychological, social, and legal services. The SAVJP assists with the receipt of criminal complaints, the collection of

investigative information, DNA samples for the identification of missing persons and the collection and transfer of information regarding land and other restitution. The SAVJP also provides victims with information regarding the status of their cases and provides referral services for the legal representation of victims through the Ombudsman's Office. Victim Assistance Centers to handle Justice and Peace victims have been established with DOJ assistance in Monteria, Medellin, and Barranquilla. As of July 2013, these centers have assisted over 21,100 victims (Medellin: 14,904; Monteria: 3,769; Barranquilla: 2,427).

The prosecutors, investigators, and students working at the SAVJPS also provide legal and psychological assistance to victims during the "versiones libres" of former paramilitaries. In addition, these same sorts of services are provided in preparation for and during the ceremonies where the Prosecutor General formally turns over the remains of missing persons to their families.

The SAVJP is also instrumental in the implementation of the Justice and Peace Unit strategy of prioritizing the cases against 16 high-ranking former paramilitary leaders. This assistance includes, but is not limited to, reviewing and updating the files of their victims and documenting the more complex crimes, e.g. sexual violence, the recruitment of minors, displacement, and forced disappearances.

Since 2008, the U.S. government has provided over \$18.5 million in assistance to the Unit, including training, technical assistance, vehicles, technical equipment for the majority of the confession rooms and victim hearing rooms, forensic assistance, office enhancement and equipment, contract data entry personnel, and database enhancement.

Extradition of Former Paramilitary Leaders

Cooperation between U.S. and Colombian authorities continued to facilitate extradited former paramilitary leaders' participation in the Justice and Peace Law Process. The access plan described in the previous certification, which consolidated defendants into two detention facilities in Miami, Florida, and Northern Neck, Virginia, allowing daily access by Colombian authorities, continues to operate with close coordination between the Colombian Prosecutor General's Office and the U.S. Department of Justice. Since the launch of the access plan in 2008, approximately 1,175

video depositions and interviews have been conducted by Colombian authorities from the Prosecutor General's Office, Supreme Court, and Ministry of Justice. In Miami, Florida, and Northern Neck, Virginia, where the majority of these defendants are housed, multiple defendant interviews are conducted simultaneously, thereby increasing efficiency.

Since May 2008, many of the former paramilitary leaders extradited to the United States have participated in the JPL process. Despite some doubts with respect to these defendants' sincerity, and starts and stops, the Prosecutor General's Justice and Peace Unit has confronted all with respect to their commitment.

- Since the beginning of the Access Program in Northern Neck in September 2010, **Salvatore Mancuso** (alias "Mancuso") has participated in a total of 280 interviews and videoconferences.
- Since the beginning of the Access Program in Miami in October 2010, **Vanoy Murillo** (alias "Cuco Vanoy") has participated in a total of 72 interviews and videoconferences.
- Since the beginning of the Access Program in Miami in October 2010, **Perez Alzate** (alias "Javier Montañez" or "Macaco") has participated in a total of 120 interviews and videoconferences.
- Since the beginning of the Access Program in Northern Neck in September 2010, **Mejia Munera** (alias "El Mellizo" or "Pablo Mejia") has participated in a total of 111 interviews and videoconferences.
- Since the beginning of the Access Program in Northern Neck in September 2010, **Hernan Giraldo Serna** (alias "El Patron") has participated in a total of 171 interviews and videoconferences.
- From a federal detention facility in New York City, **Hebert Veloza Garcia** (alias "HH") has participated in 93 interviews and videoconferences.

This access program continues. As the Department of Justice and the Justice and Peace Unit collaborate to ensure that the requirements of the

Justice and Peace process are met with respect to these extradited defendants.

Efforts to Combat Criminal Groups

The Colombian government has made significant progress in attacking organized criminal groups. These organized crime groups are the progeny of the major drug cartels, which have been dismantled; the AUC, which has demobilized; and former members of guerilla organizations and other criminal groups. Colombian authorities judge them to be the most significant law enforcement threat, aside from the FARC, and the major source of violence, drug trafficking, and major criminal activity, and human rights violations. The government's primary objective is to dismantle these criminal organizations and diminish, if not eliminate, their criminal activity, corrupt influence, and control over territory in the various departments.

The Presidential High Counselor for National Security, in coordination with members of the National Security Council, leads the government's policy approach to counter BACRIM. The government developed an integral strategy, coordinated by Colombia's National Security Council, that seeks to develop Special Forces and to strengthen intelligence, counter-intelligence, criminal investigation, and coordination with the judicial system.

While the BACRIM include former paramilitary members, it is unknown exactly how many former AUC members are currently active in BACRIM. Fundamentally, unlike paramilitaries, BACRIM have not displayed a political agenda, nor is there a national command structure, as had existed with the AUC. They are criminal organizations whose main source of income are drug trafficking, but are also involved in other violent crimes, including murder, kidnapping, extortion, displacement of persons, illegal mining, and corruption. In some cases the BACRIM have reportedly collaborated with guerilla organizations (FARC and ELN) as well as international criminal organizations, reportedly including Mexican drug cartels, on criminal activities. In other cases, BACRIM have been involved in direct competition and hostilities with guerilla organizations and other criminal organizations. BACRIM have reportedly more recently been targeting land rights activists, politicians, unionists, and human rights defenders who challenge their authority or pose a threat to profit-making. Amnesty International's Annual Report, released in March 2013, alleges that

some collusion between some BACRIM groups and security forces continues.

The Colombia government's investigative strategy to attack the BACRIM involves all of Colombia's law enforcement agencies including the Colombian National Police (CNP) and its specialized Anti-Narcotics, Judicial Investigative and Intelligence divisions. In addition, the Colombian Army, Navy, and Air Force play a key role in supporting this investigative strategy in the country's rural areas, which are strongholds for the BACRIM.

As previously reported, in 2010 the CNP created a specialized anti-BACRIM Unit to investigate and dismantle BACRIM leadership and structure. This police group, which forms a new section of the anti-narcotics police and targets major BACRIM groups, is known as the "Grupo NARTE" and has approximately 150 CNP investigators and intelligence professionals. The CNP, through efforts to focus on priority municipalities and in coordination with the military, reported an increase in the number of captured or killed BACRIM members in 2012 by 17.6 percent over 2011 numbers. In 2012, the CNP conducted 242 operations, which led to the capture of 22 first- and second-level BACRIM leaders, 3,340 BACRIM members, and 2,200 arms. As of July 2013, the CNP captured nine first-level BACRIM leaders, 2,960 BACRIM members, and 1,300 arms. The CNP reports that it has reduced the number of criminal gangs involved in narcotics trafficking activities from six to four and that 984 of Colombia's municipalities (89 percent) are now free of the influence of BACRIM.

During the certification period, the Colombian Security Forces captured or killed several high-profile leaders of criminal groups, including:

- October 21, 2012, the CNP captured Cesar Julian Orozco Sanchez, alias Torero o La Araña, alleged leader of the group Los Rastrojos.
- February 15, 2013, the CNP captured alias Sarley, alleged leader of the group Renacer.
- March 26, 2013, the CNP, with the support of Panamanian authorities, captured Alex Caballo, alleged leader of the Rastrojos gang in Tulua (Valle del Cauca).

- May 25, 2013, the CNP captured Heber Jhon Peña Torres, alias Guacharaco Cabecilla, alleged leader of the group Renacer in Choco. That same day, the CNP captured Jesus Antonio Murillo Moreno, alias Giovanni, alleged leader of the group Los Rastrojos in Norte de Santander.

The Prosecutor General's Office established its BACRIM Unit in 2009. Since that time, the Unit has received more resources and developed an increasingly effective strategy integrating investigation, judicial, and intelligence processes to attack the BACRIM in priority zones. The Unit has 73 dedicated prosecutors and intelligence and criminal investigation teams throughout the country. The Unit has grown from one national unit headquartered in Bogota to 12 regional offices in Medellin, Cali, Monteria, Barranquilla, Cucuta, Bucaramanga, Barrancabermeja, Pasto, Apartado, Cauca, Tumaco, and Villavicencio.

The Prosecutor General's Office's investigative and prosecution strategy has developed into an effective "proactive" strategy focusing on the criminal organization and its structure, criminal activity, and resources as opposed to isolated criminal acts. The objective of this strategy is to dismantle or cripple the organization rather than merely arresting and prosecuting individual members. The CNP continued to coordinate with the Prosecutor General's Office resulting in more effective investigations and prosecutions. This increased coordination has included designating several liaisons to the Prosecutor General's Office's BACRIM Unit.

The U.S. Embassy's International Narcotics and Law Enforcement Affairs (INL) Section and the Drug Enforcement Administration are supporting an elite military group in its efforts against BACRIM, FARC, and other illegal armed groups involved in narcotics production and trafficking. The Department of Justice has an extensive training and technical assistance project with the Prosecutor General's Office BACRIM Unit, involving equipment donation, secure office development, investigation and prosecution strategy and techniques, and protection initiatives for prosecutors, prosecutor assistants, investigators and criminal analysts. The core of Department of Justice's effort is strengthening the investigation and prosecution capabilities and effectiveness of the Unit in its efforts to dismantle the BACRIM.

With the support of the Department of Justice, the Unit has developed several specialized groups of prosecutors focusing on critical criminal areas such as gender violence, public corruption and asset forfeiture. For example, the BACRIM gender violence group is made up of two specialized prosecutors and two assistant prosecutors who work with an investigative team. To date, the Department of Justice has trained the core personnel in this unit as to gender violence investigation and prosecution techniques.

As of July 2013, the BACRIM Unit of the Prosecutor General's Office has prosecuted 3,788 cases with 1,253 sentences of BACRIM organization members. Sentences in those cases have ranged upwards of 25 years through an increasingly broader charging strategy with more serious crimes beyond the former practice of charging simple conspiracy. The BACRIM Unit continues to improve and enhance the extent and complexity of its prosecutions to more effectively dismantle the criminal organization rather than merely prosecuting individual crimes and members.

In February 2011, the Southern District of Florida announced the formation of a unit within its Narcotics Section specifically dedicated to dismantling BACRIM. This is the first such unit in the United States specifically designed to target the emerging narco-trafficking organizations and interacts extensively with the Colombian Prosecutor General's BACRIM Unit, as well as other national units and Colombian police and military. In addition, the Southern District of Florida is in continual close coordination with the Department of Justice and U.S. Law Enforcement Offices in the Embassy Bogota, such as the Judicial Attache's Office, Drug Enforcement Agency, Federal Bureau of Investigation, and Immigration and Customs Enforcement. Since the creation of the BACRIM Prosecution unit, the Southern District of Florida, with assistance from Colombian counterparts, has charged more than 150 defendants associated with the BACRIM.

Integrated Center of Intelligence against Criminal Groups

As previously reported, the Integrated Center of Intelligence against Criminal Groups (CI2) is an interagency group led by the CNP and tasked with developing both national and regional strategies for combating illegal armed groups.

The government reports that CI2 efforts have helped to reduce the number of BACRIM from 33 in 2006 to one in 2013. The Center attributes the success to the interagency methodology, which has enabled the government to succeed in capturing or killing leadership, increasing eradication, and eliminating trafficking routes. Since its establishment, the CI2 has held 61 national meetings and more than 470 regional meetings. The Colombian government reports several CI2 advances, including improved analysis of BACRIM membership and presence, which helps inform CNP operations, as well as increased coordination with the Prosecutor General's Office and other institutions.

Rural Mobile Police Units (“Carabineros”)

As previously reported, with U.S. government support, the CNP has rural mobile police units known as EMCARS within the Directorate of Carabineros. The carabineros are trained and equipped to enhance police coverage in rural and conflict areas. The primary aim of the carabineros is to “to improve and establish police presence in the Colombian countryside.” In addition to increasing security presence in areas traditionally lacking state presence, the carabineros are also charged with leading the Colombian National Police's efforts in supporting the Government's consolidation plan, combating criminal mining, supporting land restitution, infrastructure security, providing security for manual eradicators, and rural policing.

Reparations to Victims

The Victims' Law

The Colombian government continued to provide assistance and reparations to victims under the 2011 Victims' and Land Restitution Law (Victims' Law). The law is intended to provide land restitution to more than five million victims, including over four million internally displaced persons, over a period of 10 years.

The Administrative Department for Social Prosperity (DPS) handles issues related to victims, poverty, consolidation, historical memory, and protection of children and adolescents. The Victims' Unit under the DPS is the primary government body providing assistance to victims. The Land Restitution Unit, a newly established semiautonomous entity in the Ministry

of Agriculture, is responsible for restituting land to displaced victims of conflict.

In 2012, the Victims' Unit budgeted approximately \$317 million for victims' reparations. As previously reported, the Colombian government plans to invest more than \$30 billion for victims' assistance over the 10-year period from 2012 to 2022. Sixty percent will be budgeted for reparations and other costs specifically provided for victims. Forty percent will be budgeted for basic services such as health and education. Between January and June 2013, the government provided approximately \$26 million in reparations.

The Victims' Unit has worked closely with municipal and departmental governments to implement the Victims' Law through technical assistance, training programs, funding, resources, capacity building, and logistical support. Over 98 percent of municipalities have adopted some victims' assistance measures under the Victim's Law. Under the Victims' Law, Territorial Committees for Transitional Justice are responsible for leading, managing, and monitoring the provision of assistance, attention, and reparation to victims. As of May 2013, 1,022 Territorial Action Plans were adopted to implement assistance and reparation measures for victims under the Territorial Committees in approximately 1,018 municipalities and 32 departments. Many municipalities throughout the country report that they lack the resources, funding and capacity to assist the large number of victims under the Victims' Law.

Land Restitution

Under the Victims' Law, a victim may submit a restitution claim to the Land Restitution Unit, documenting his or her displacement. After the claim is submitted, government personnel will conduct a social cartography by talking with the victim and others in the area to verify the claim. The claim then is submitted to a court, which has four months to issue a decision. In the event there is a dispute with a present occupier over land ownership, the burden lies with the occupier to prove ownership of the land.

The Land Restitution Unit (LRU) established 17 regional offices, and, as of July 2013, the Superior Judicial Council had appointed 54 total judges and magistrates, 39 restitution judges, and 15 magistrates to work with the

LRU and try land restitution cases. Two more magistrates are planned for Cartagena and more judges will be added based on demand.

As of July 2013, there have been over 42,000 land restitution claims covering over 2 million hectares, and over 9,000 covering approximately 350,000 hectares that are currently in the administrative phase. The Court has issued decisions on 120 covering 350 cases with over 13,000 hectares. According to an OHCHR report, the first decision handed down was by the Second Civil Court of the Specialized Circuit for Land Restitution in Carmen de Bolívar October 16, 2012.

Between July 2012 and July 2013, the Victims' Unit registered 56,295 internally displaced persons (IDPs) who were displaced during the same period. Government agencies and human rights groups estimate that illegal groups, including guerrillas, seized between 1.1 and 4 million hectares of land from small landowners during the conflict. Former paramilitary groups and the FARC stole nearly 80 percent of the usurped land, only a small fraction of which the government reclaimed after the demobilization of the AUC in 2006.

Violence against Land Restitution Claimants

Despite government advances, security remains a serious obstacle to land restitution efforts. Weak state governance and the continued presence of illegal armed groups in many parts of the country and continued threats and violence against land restitution claimants have impeded the process.

In response to concerns, the government has taken a number of measures to enhance security for land restitution leaders and claimants. Between July 2012 and July 2013, the Colombian government received 436 requests for protection from land restitution leaders and IDPs, of which 215 were considered to face extraordinary risk of harm. A May 2013 report by the NGO Consultancy for Human Rights and Displacement (CODHES), noted that 56 land rights leaders have been killed since 2002, including two in 2012.

In December 2012, masked men killed Miller Angulo, an Afro-Colombian activist who was a leader of Association of Internally Displaced Afro-Colombians (AFRODES) and a leader of a community land claim process, in Tumaco (Nariño). Other leaders of AFRODES have said they

received threats similar to those Angulo received before his killing and believe they were also in danger. In response, the National Protection Unit undertook a pilot project with AFRODES in which officials visited eight at-risk communities of Afro-Colombian land claimants to design tailor-made community based protective schemes. At the time of this certification, the National Protection Unit was designing a decree that would allow it to implement those community-based protection measures. If the pilot is successful, the National Protection Unit has expressed plans to expand the program to other at-risk communities, including for land claimants.

The Inter-American Commission on Human Rights and the UN OHCHR argue that improved security for land restitution claimants is needed, as well as stronger regional and national institutions and prosecutions of those undermining the land restitution process.

President Santos announced in April that the government would intensify efforts to protect land restitution claimants, including offering rewards of \$110,000 for information leading to the capture of individuals responsible for killing or threatening claimants. The National Police have designated a general to design and implement a special scheme for protecting restitution leaders and targeting those who sabotage the reparation and restitution process.

Reparations under the Justice and Peace Process

As previously reported, the JPL requires demobilized paramilitaries to turn over all illicitly obtained assets, which will be used to provide reparations to victims. Those assets, along with assets seized by the Prosecutor General's Office, are placed in the Fund for Victim's Reparation, which is managed by the Victims' Unit.

From January 2010 to June 2013, the Colombian government issued \$817 million in victims' reparations under Law 418, Decree 1290. Between January 2012 and June 2013, the government provided approximately \$458 million, including \$26 million that was provided from January to June in 2013.

Observers have noted that demobilized paramilitaries have not been fully compliant in turning over assets to the Prosecutor General's Office; many are believed to be hiding assets, including abroad.

In October 2012, the Colombian Congress passed legislation to modify the Justice and Peace Law that includes three important changes designed to harmonize legal frameworks for restitution. First, under the current legislation, justice and peace magistrates lack some legal instruments that the Land and Victims' Law grants to restitution judges. The reform corrects this by granting both sets of judges the same legal faculties. Second, the Prosecutor General's Office, in its investigation of cases dealing with demobilized paramilitary groups, often collects confessions that could help restitution judges in proving that a victim has the right to claim land. The reform requires that this information be shared with the Land Restitution Unit (LRU) and restitution judges. Finally, the reform modifies the JPL to introduce the same principles in relation to the burden of proof (favoring victims) and to give "third parties free of guilt" the same treatment under both laws.

SECTION 7045 (4)

Section 7045 (4) of the Joint Explanatory Statement accompanying the FY 2012 SFOAA requires a certification that:

“The Government of Colombia is respecting the rights of human rights defenders, journalists, trade unionists, and other social activists, and the rights and territory of 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.”

Presidential Program for Human Rights

In November 2011, the Colombian government issued Decree 4100, creating the National System of Human Rights and International Humanitarian Law (IHL). This initiative brings together national and regional entities and coordinates their actions to promote respect for and the guarantee of Human Rights and IHL through the design, implementation, and evaluation of human rights policies.

The Presidential Program for Human Rights is spearheading an initiative to implement decree 4100. The program focuses on bringing together national and regional entities to coordinate actions to promote respect for human rights. The system has six subsystems: (1) Citizenship, Culture, and Human Rights Education; (2) Civil and Political Rights; (3) International Humanitarian Law (IHL) and the Armed Conflict; (4) Economic, Social, Cultural, and Environmental Rights; (5) Justice; and (6) Equality, Non-Discrimination, and Respect for Identity. Each of these areas is coordinated by a different entity. For example, the Citizenship subsystem is coordinated by the Ministries of Education and Culture, while the Civil and Political Rights and IHL subsystems are coordinated by the Ministries of Interior and Defense, respectively. Beginning in 2011, and throughout 2012 and 2013, the Presidential Program for Human Rights, which reports to the Vice President’s office, hosted public forums with civil society groups in 26 departments and the federal district of Bogota, and culminated the efforts with a National Human Rights Conference in Bogota in December. Program coordinators published the findings and recommendations from the first 26 forums and distributed a report on the findings and recommendations at

the national conference. Human rights forums were scheduled for the remaining six departments for later in 2013.

Social Dialogue

Colombian government officials, including at the highest levels, generally continued to make public statements praising the work of human rights defenders and criticizing threats and attacks against them. In February 2013, the Government of Colombia condemned the attack against the President of Colombia's Confederation of Workers (CTC). The Colombian government also worked to engage NGOs in policymaking. NGOs generally continued to recognize the government's positive tone and inclusive approach; however, they argue that many improvements have not materialized at the provincial and local levels.

Through the *Mesa Nacional de Garantías* (Guarantees Roundtable), a forum for ongoing dialogue since 2009, the Colombian government continued to meet with human rights defenders to discuss strategies, actions, and investigations in support of advocacy. The 2012 *Mesa*, led by the Vice President's office, included the Vice President, Prosecutor General, and the Ministers of Interior and Justice, Social Protection, and Defense. Numerous NGOs, representatives from the United Nations Development Program, the UN High Commissioner on Human Rights, the UN High Commissioner for Refugees, and representatives from the Swedish, Swiss, and Spanish embassies in Colombia participated. The government expanded participation in the 2012 *Mesa* to include local representation from 14 territories, including Bogota, Santander, Cauca, Nariño, Sucre, Choco, Putumayo, Arauca, Norte de Santander, Atlantico, Valle del Cauca, Barrancabermeja, Risaralda, and Antioquia.

National Protection Program

The National Protection Unit (UNP) is the government's semi-autonomous protection agency established in 2011 and housed within the Ministry of the Interior. The UNP, which consolidated all government protection entities' databases, became fully operational in 2012 and currently administers protection programs for over 3,000 of Colombia's most vulnerable individuals. The UNP is legally authorized to protect 19 specified groups, including political leaders and activists; leaders, representatives, and advocates of human rights organizations; union leaders

and activists; labor organization representatives; ethnic group members; medical mission members; whistleblowers; journalists and media workers; victims of human rights violations; individual members of guerilla groups involved in peace processes; opposition party leaders and members; attorneys and forensic professionals; family or friends of former presidents and vice presidents; public servants; accredited diplomats in Colombia, and religious authorities.

The UNP has undertaken reforms to ensure that risk assessments are carried out consistently and with appropriately relevant political considerations. Risk assessments, conducted by UNP civilian and police employees and evaluated by an inter-agency committee, are used by the UNP's Committee of Risk Evaluation and Recommended Measures (CERREM) to determine if an individual is at extraordinary or extreme risk of suffering harm to their life, liberty, or personal security and in need of protective services and/or equipment. There are different CERREMs in order to ensure adequate understanding of the environment an applicant for protection faces.

According to the Colombian government, from July 2012 to July 2013, the UNP received 11,337 applications for protection. Of those applications; 366 elected officials, 325 human rights defenders, 294 union members, seven land owners, 205 leaders of ethnic groups, 65 journalists were deemed to have the appropriate risk level to receive protective services. The UNP found 3,529 individuals to be in extraordinary risk and 11 to be in extreme risk. NGOs report that while Colombia's UNP program is unique in the region, and largely effective, in providing protection to individual human rights defenders, defenders continue to report deficiencies in protection measures. USAID is supporting the UNP in the development of a decree to provide collective protection measures.

The average processing time for petitions for protection within the UNP was 55 days from the time a petition was submitted until a decision by a CERREM was issued. Immediately after receiving a petition, the UNP coordinates temporary protective measures allowing the petitioner to have regular communication with the CNP prior to receiving a decision on their petition.

The UNP has requested a 2013 budget of \$190 million, consistent with prior year commitments, and has asked for an additional \$60 million to

address the increase in demand for protection by victims of armed conflict and land claimants.

Status of Human Rights Defenders in Colombia

Despite the government's substantial efforts to enhance dialogue and protective services for human rights defenders, NGOs reported that threats and attacks against defenders continued and worsened in some cases. According to the association of NGOs *Somos Defensores* (We Are Defenders), 37 human rights activists were killed and 86 threatened during the first half of the year, which according to *Somos Defensores'* estimates, makes it the most violent six-month period on record for humanitarian workers in the country, according to national watchdog group. *Somos Defensores* reported that the departments most affected by these attacks were Cauca, Nariño, and Valle del Cauca along the Pacific coast and Santander (northeast). The UN High Commissioner for Human Rights (OHCHR), NGO Consultancy for Human Rights and Displacement (CODHES), and *Somos Defensores* reported a rising trend of threats and attacks during the certification period. NGOs evidenced increasing attacks against female leaders of the IDP population and activists seeking land restitution. Several NGO representatives reported receiving threats in the form of e-mails, mail, telephone calls, obituaries, and objects related to death, such as coffins and funeral bouquets. The government, previously criticized for not taking these trends seriously, condemned the threats and called on the Prosecutor General to open investigations. The Prosecutor General's Office investigated 42 cases of threats against human rights defenders in 2012. Of 42 cases investigated, 28 of which were investigated by the Human Rights Unit within the Prosecutor General's Office, none of the investigations had resulted in a conviction at the end of 2012.

The government continued to meet with representatives of the OHCHR, local NGOs, and the diplomatic corps to discuss steps it had taken to comply with OHCHR recommendations to improve human rights practices. While acknowledging progress on several recommendations, the OHCHR and local NGOs reported that the government had not fully implemented all of the recommendations that had been made in February 2013 at the time of this report.

Status of Vulnerable Populations

Journalists

The Colombian government acknowledges threats and violence against journalists and their need for protective services. Journalists reported harassment from a wide array of actors, such as political candidates, security forces, and illegally armed groups, including the FARC and criminal gangs. According to NGO Foundation for Freedom of the Press (FLIP), 77 journalists received threats in 2012, down from 118 in 2011, and 49 received threats up to July 31 in 2013. FLIP also reported that there were 158 direct aggressions against journalists in 2012, including seven who were allegedly arrested or detained illegally by security forces.

Recent high-profile examples of alleged human rights abuses against journalists and particular abuses during the certification period include:

- In May 2013, Ricardo Calderon, investigative editor at *Semana* magazine, was shot at while in his vehicle. Calderon had previously reported on illegal spying by the DAS, a domestic intelligence agency, which led to its dismantling and the incarceration of more than 20 agents. Calderon had previously reported on illegal spying by the DAS domestic intelligence agency that led to its dismantling and the jailing of more than 20 agents. At the time he was shot at, he was working on a story about comfortable conditions of detention for military officers convicted of human rights violations. The attack was denounced by both President Santos and Minister of Defense Pinzon. The case is currently under investigation by the Human Rights Unit of the Prosecutor General's Office.
- In May 2013, an informant told the National Protection Unit that two northern Colombian politicians planned to partner with members of the BACRIM to assassinate journalist Gonzalo Guillen, along with Leon Valencia and Ariel Avila, all of whom were associated with conflict-monitoring NGO *Fundacion Paz y Reconciliacion*.
- In April 2012, the FARC capture and detention of French reporter Romeo Langlois marked the first abduction of an international journalist in Colombia since 2003. Langlois was released in May 2013.
- In a 2012 televised interview, part-time journalist Guillermo Quiroz Delgado alleged he was arrested and beaten by security forces because

of his reporting on police brutality and the theft of cattle, which were later found on the property of a former local politician. Quiroz was hospitalized for his injuries and died several days later.

- The Committee to Protect Journalists (CPJ) reported three Colombian journalists were forced to flee their homes in 2012 after receiving threats from the FARC. Since 2007, nine Colombian journalists have reportedly been forced to flee their homes and only one has returned.

Government and/or civilian efforts to address and prosecute violators of the human rights of journalists.

As of July 2013, 65 journalists have received protection from the National Protection Unit. The Colombian government continues to identify and prosecute crimes against journalists, and reported identifying 18 threats against journalists and opening one case during the reporting period. The Prosecutor General's Office made progress investigating the 2000 abduction and rape of investigative journalist Jineth Bedoya. In addition, the chief prosecutor classified the case as a "crime against humanity" in September 2012, and thus the crime is no longer subject to the statute of limitation. The case is still ongoing.

Remaining challenges to improving human rights protections for journalists in Colombia.

Prosecuting cases in a timely manner remains a challenge. According to CPJ's 2012 report, *Attacks on the Press*, the statutes of limitation for the murders of journalists Jon Felix Tirado and Jose Domingo Cortes expired in 2012, and five more cases are at risk of expiring by the end of 2014.

Labor and Trade Union Members

During the certification period, the Colombian government took important steps to promote labor rights, protect union members, and prosecute perpetrators of anti-union violence. As part of its commitments under the 2011 Action Plan Related to Labor Rights (Labor Action Plan) jointly agreed to between the United States and Colombia, the government enhanced enforcement of labor laws and regulations, including those relating to freedom of association and collective bargaining. The Ministry of Labor has increased its inspectors force, assessed major fines, and begun

implementing a new law to increase formalization of workers. Homicides of trade unionists have declined significantly from 193 in 2001 to 20 in 2012, according to the National Union School (ENS). ENS also reported that 11 union members were murdered between January and July 2013. While murders of unionists have declined, threats against unionists continue.

The UNP continues to increase protection schemes and provide faster response times to applicants in accordance with their commitments in the Labor Action Plan. Between July 2012 and July 2013, the UNP received 630 petitions for protection from union leaders and members. Of these petitions, the CERREM deemed 213 to be under “extraordinary risk.” As of July 2013, the UNP provided protection to over 3,500 at-risk individuals, including 294 union leaders and members.

Recent high-profile examples of alleged human rights abuses and particular abuses against labor activists and trade union members during the certification period.

- ENS recorded 11 union members were murdered between January and July 2013.
- In 2012, there were increasing reports that illegitimate cooperatives, which lack financial and operational independence from end-users, were changing their legal status into simplified corporations (SAS) while continuing to undermine labor rights, violating certain contracting laws. Many unions alleged that SAS were simply another form of abusive subcontracting – i.e., that while in theory SAS workers can exercise their right to organize and bargain collectively with SAS management, it appeared that in many cases the SAS were “shell companies” that had little to no control over the terms and conditions of employment (much like illegitimate cooperatives).

Government and/or civilian efforts to address and prosecute violators of the human rights of labor activists and trade union members.

The Colombian government continues to investigate and prosecute crimes of violence against trade unionists. During the certification period, the National Human Rights Unit under the Prosecutor General’s Office reported obtaining convictions in 51 cases involving crimes against unionists and that 30 cases were open as of July 2013. As of late 2012, the Labor

Sub-Unit of the Prosecutor General's office had obtained 314 convictions of at least 599 individuals for crimes against unionists since the unit was founded in 2006. By the end of 2012, the Labor Sub-Unit had a total 991 active cases, including 61 new cases assigned in 2012 by the Prosecutor General's.

In May 2012, the government passed Decree 1092, which gives public sector employees the right to bargain collectively, and regulates associated workers' cooperatives (CTAs) and collective pacts. Under collective pacts, employers may negotiate accords on pay and labor conditions with groups of workers in workplaces where no union is present or where a union represents less than one-third of employees. The law places a number of restrictions on these collective bargaining rights, including prohibiting the misuse of CTAs and collective pacts, and requiring that CTAs register with the government, pay equal or above the minimum wage, and offer the same health and retirement benefits as those normally offered to directly-hired employees.

Between April 2012 and March 2013, the Ministry of Labor (MoL), re-established as a stand-alone Ministry in 2011, initiated 20,725 administrative investigations. From January 2012 until July 2013, the MoL imposed nearly \$36 million in sanctions for labor intermediation. Of these sanctions, approximately \$16 million were imposed on the palm oil sector, \$7 million on the health sector, and \$5 million on the port sector. In 2012, total fines on CTAs and pre-CTAs amounted to \$6.6 million. In 2012, the MoL announced plans to add 280 more inspectors (by 2014). There are 624 labor inspector positions, 512 of which were filled as of June.

In July 2012 the MoL created a Special Investigations Unit, composed of specialized inspectors, with the power to investigate and sanction in any jurisdiction. The MoL's Department of Investigation, Monitoring, Control, and Territorial Management decides on a case-by-case basis whether it will assign the Special Investigations Unit or the regional inspectors to investigate certain worksites.

In May 2012, the MoL created the Center for Labor Education and Assistance (COLabora), a national program to enhance both communication between the MoL and citizens and government responses to citizen complaints and petitions. As of July 2013, COLabora has provided services and advice to 71,337 citizens. The MoL continued to build its technical

capacity by finalizing inspection guidance for labor intermediation, implementing training programs for departmental Ministry directors, coordinators, and inspectors in select regions on issues such as enforcement of labor intermediation regulations, investigations, health inspections, and administrative processes.

In 2012, the Prosecutor General's Office created the National Unit of Analysis and Context (UNAC) and the Committee for Prioritization of Situations and Cases, specialized entities aimed at expanding the investigation capacity of the Prosecutor General's Office on human rights violations. These entities focus largely on cases of violence, including violence against union members. The Human Rights Unit of the Prosecutor General's Office undertook training with homicide units in Cali, Medellin, and Bogota on managing crime scenes of these labor cases to avoid losing valuable evidence. The Prosecutor General also issued guidance to prosecutors to accelerate cases involving labor violence, with a special emphasis on priority cases identified by Colombian unions.

Remaining challenges to improving human rights protections for labor activists and trade union members in Colombia.

The killing of trade unionists has declined over the last decade, due in large part to government efforts to improve the overall security climate. However, labor groups noted that in some regions non-lethal violence (e.g., threats, nonlethal attacks, etc.) was on the rise. Labor groups argued that greater measures needed to be taken to combat impunity for perpetrators of violence against trade unionists. They also said the overburdened justice system prevented prosecutors from tackling the large number of cases involving threats. The Prosecutor General's Office indicated that it prioritized cases in order of severity and acknowledged that it had a backlog of lower priority cases. Critics state that government-levied fines do little to dissuade violators, as the government system for labor fine collection is flawed. Further, in some cases, it can take several months to transfer violence and threats cases from regional field offices of the Prosecutor General's Office to the Human Rights Unit and the Labor Sub-Unit.

Union members, civil society groups, and international organizations continued to voice reservations about the strength of the law regarding CTAs and labor intermediation, as well as the government's ability to regulate adequately due to labor inspector shortages and lack of sufficient training for

labor inspectors at the local level. The ILO continued to raise concerns regarding collective pacts and labor intermediation, including noting that they should be possible only in the absence of trade union organizations. Labor groups reported that employers continue to use temporary contracts, service agencies, or outsourcing of jobs through simplified corporations (SAS) to limit worker rights and protections, lower costs, and engage in sub-contracting. Unions also cited multiple instances in which companies fired employees or cancelled contracts with those who formed or sought to form or join unions. Some labor organizations alleged that fines assessed by the government did little to dissuade violators because many companies chose to appeal rather than pay the fines. However, strengthened laws and penalties regarding CTAs, and other forms of illegal labor intermediation, successfully influenced a number of companies to contract CTA workers directly.

Political Opposition Leaders

The Colombian government is respectful of the rights of members of the political opposition, recognizes the danger posed to members of political parties, and provides protection to mayors, representatives, and council members from opposition parties.

Recent high-profile examples of alleged human rights abuses against political opposition leaders and particular abuses during the certification period.

- The Colombian government reported the murders of two mayors and one ex-mayor and 33 threats against mayors, three against governors, and five against ex-mayors.
- In May 2012, the FARC targeted former Interior Minister Fernando Londoño in a car bombing that injured 40, including Londoño, and killed two.

Religious Leaders

The Colombian government respects the rights of religious leaders and protects religious freedom. Religious leaders and practitioners have been killed, kidnapped, threatened, and extorted by illegally armed groups, including guerilla forces. In general, the motives for crimes against religious

leaders were not their religious beliefs, but rather their human rights work, advocacy on behalf of the displaced or other vulnerable groups, or involvement in helping vulnerable groups with their land claims. The Presidential Program for Human Rights reported that leftist guerrillas, particularly the FARC, were responsible for the majority of murders of priests.

Freedom of worship is provided in the 1991 Constitution, as is the separation of church and state. Churches, temples, mosques, and synagogues exist throughout Colombia. A chapter on discrimination in the penal code notes that religious discrimination is a punishable offense, with penalties of one to three years in prison or a fine of 5.3 million to 8 million Colombian pesos (\$2,700-4,100). In 2012, the MOI approved applications for 604 religious entities. While all recognized churches, seminaries, monasteries, and convents were exempt from national and local taxes and customs duties, the Colombian Council of Evangelical Churches (CEDECOL) asserted that in practice municipal governments required some non-Catholic religious groups to pay property and other local taxes on places of worship and schools.

Recent high-profile example of alleged human rights abuses against religious leaders and particular abuses during the certification period.

- In September 2012, an unknown assailant escaped on a motorcycle after fatally shooting Henry Rodriguez, a Christian pastor in Bogota. At year's end, the Prosecutor General's Office was still reportedly investigating this murder.

Government and/or civilian efforts to address and prosecute violators of the human rights of religious leaders.

The Human Rights Unit of the Prosecutor General's Office continued to investigate previous years' murders of clergy reportedly targeted as outspoken critics of terrorist organizations and illegal armed groups. The NGOs Justapaz and CEDECOL continued to report threats and forced displacement of clergy and church members who work closely with communities seeking land restitution. Illegal armed groups, especially the FARC, threatened or attacked religious officials for opposing the forced recruitment of minors, promoting human rights, assisting internally displaced persons, and discouraging coca cultivation.

Indigenous and Afro-Colombian Communities

Indigenous and Afro-Colombian communities – 3.4 and 20 percent of the population, respectively, according to government estimates – remain some of the country's most vulnerable populations and disproportionately suffer from discrimination and internal conflict. Due to geography, discrimination, and armed conflict, these communities experience higher rates of displacement, threats, poverty, and death. During the certification period, the Colombian government took steps to improve the security and well-being of both groups.

While displacement affects Colombians of all races and ethnicities, it has affected Afro-Colombians and indigenous populations at higher rates. Factors contributing to the high rate of Afro-Colombian and indigenous IDPs include lack of land recognition and protection, sexual violence, mining, and other large-scale development projects, and the presence of armed groups and conflict on and near indigenous lands. The Colombian government reports that from July 2012 until June 2013, 9,213 individuals who self-identified as Afro-Colombian registered as an IDP and 423 self-identified as indigenous. According to a May 2013 report by the Consultancy for Human Rights and Displacement (CODHES), in 2012 approximately 36 percent of all new displacements took place along Colombia's primarily indigenous and Afro-descendant Pacific Coast.

Many indigenous communities have no legal title to lands they claimed, and illegal armed groups often violently contested indigenous land ownership. Some indigenous communities complained that the government failed to provide adequate security to protect them from encroachments upon their constitutionally-protected land by illegal armed groups or individuals. Indigenous leaders also complained of the occasional presence of government security forces on indigenous reservations. The government response to these complaints is that the 1991 constitution gives the Colombian military authority over the entire national territory and that they are not required to engage in prior consultation when in hot pursuit of enemy combatants. However, the Colombian government agreed to consult indigenous communities with respect to military operations whenever possible, given the exigencies of combat.

Living in conflict zones exposes Afro-Colombian and indigenous communities to additional perils of conflict, such as unexploded mines. According to NGO Landmine and Cluster Munition Monitor, the FARC plant more mines than any other rebel group in the world. The Colombian government is participating in various demining projects and, as a party to the 1997 Mine Ban Treaty, has agreed to clear the country of mines by 2021.

Recent high-profile examples of alleged human rights abuses against indigenous and afro-Colombian peoples and particular abuses during the certification period.

- On November 8, 2012, Rogelio Mejia Izquierda, leader of the Arhuaco people, survived an alleged assassination attempt.
- On December 12, 2012, Jesus Dalmiro Lopez Moreano, an elected governor from the Association of Town Halls of the Awa Indigenous Groups of Putumayo, was murdered in the municipality of Puerto Caicedo.
- In December 2012, Miller Angulo Rivera, an Afro-Colombian leader of AFRODES was murdered. Rivera was an active advocate in his community, and had received various death threats prior to his assassination.
- During the certification period, the government continued its efforts to implement a 2010 court order to rectify issues of legal representation and land in the high-profile Curvarado and Jiguamiando river basin case (in Choco). One of the most publicized land disputes in Colombia involves Afro-Colombian communities in the adjacent Jiguamiando and Curvarado river basins in Choco. In 2000, the Colombian land titling agency, now known as INCODER, adjudicated collective titles to the two communities, members of which were forced to flee without inhabiting the land. In a May 2010 order, the Constitutional Court ordered the return of collective lands to ancestral inhabitants and required a census of the communities prior to restitution. During the certification period, the Colombian government continued efforts to implement the court order. Members of the international community, including the U.S. Embassy, continued to participate in meetings with government entities,

community leaders, and NGOs to discuss government implementation of the court order.

Government and/or civilian efforts to address and prosecute violators of the human rights of indigenous and afro-Colombian peoples.

The UNP currently provides individual protection measures to 150 indigenous leaders. The UNP continued its hiring agreement with the Cauca Regional Indigenous Council (CRIC) for the contracting of indigenous guards to protect 34 indigenous leaders. The UNP has also strengthened the Indigenous Peoples' Guards for the Awa and Nasa communities and are implementing collective protection measures for the Wounaan community and others, including providing the People's Guard boots, batons, vests for identification, canteens, and tents, among other supplies. The UNP currently provides individual protection measures to 35 Afro-Colombian leaders. In addition, the UNP is working with AFRODES and the communities of Curvarado and Jiguamiando to provide collective protection measures.

In partnership with the U.S. Embassy since 2009, the CNP has provided scholarships to facilitate the entry of qualified indigenous and Afro-Colombian candidates into its academies. To date, there are 550 graduated policemen and 400 students in five academies. Five hundred more candidates will participate in 2013. Upon completion of their training, graduates must return to their department of origin for two years to help improve the diversity, responsiveness, and perception of the CNP in parts of the country where the state has long been absent. After this period of mandatory service, police personnel are eligible for reassignment elsewhere, but many have elected to stay in their home departments. Each academy follows the standard police training curriculum, but maintains a special focus on accommodating local communities.

On November 22, 2012, ONIC and the Regional Indigenous Council of Cauca (CRIC) outlined the "Indigenous and Popular Peace Proposal," demanding that it be taken into account during the peace talks between the FARC and the Colombian government in Havana. The proposal emphasizes issues of territorial and traditional autonomy and requested the opening of talks to popular participation. However, the indigenous communities' involvement in the peace process is yet to be determined. ONIC also reported that there has been an increase in confrontations between the armed groups on indigenous territories since the start of the reconciliatory talks.

Internally Displaced Persons

The internal armed conflict and related violence were the major causes of internal displacement in Colombia. The government, international organizations, and civil society identified various factors driving displacement, including threats and physical, psychological, and sexual violence by illegal armed groups against civilian populations; competition and armed confrontation between illegal armed groups for resources and territorial control; confrontations between security forces, guerrillas, and organized criminal gangs; and forced recruitment of children or threats of forced recruitment. Some NGOs and international organizations argue that counternarcotics efforts, illegal mining, and large-scale economic projects in rural areas also contributed to displacement.

By June 2013, the government registered a total of over 5.2 million IDPs who had been displaced since 1985. The Consultancy for Displacement and Human Rights (CODHES), a Colombian NGO, claims that almost 5.7 million persons have been displaced since 1985. In June 2013, the Victim's Unit reported that 127,714 persons have been registered as displaced in 2012. CODHES estimated that over 256,000 persons were displaced in 2012. The International Committee of the Red Cross (ICRC) and UN Refugee Agency (UNHCR) report that indigenous and Afro-Colombian communities remain some of the country's most vulnerable populations and disproportionately suffer from discrimination and internal conflict.

The government, international humanitarian assistance organizations, and civil society groups observed that mass displacements continued in 2013. Mass displacements are defined by the government as the displacement of more than ten families or more than 50 individuals. From July 2012 to June 2013, the government registered 20 such displacements. The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) reported over 46,000 persons displaced in mass events in 2012, and over 15,000 in the first six months of 2013. A CODHES report released in May 2013 reported 86 mass displacement events affecting more than 32,000 persons in 2012. According to the Victims' Unit, the departments with the highest numbers of IDPs from mass displacements in 2012 were Antioquia, Cauca, Caqueta, and Norte de Santander. IDPs involved during the first semester of 2013.

Displaced persons sought protection across international borders due to the internal armed conflict. The UNHCR stated in its 2012 *Global Trends* report released in June 2013, that Colombia was the country of origin for over 111,700 refugees, over 282,000 persons in refugee-like situations, and over 18,800 asylum seekers, the majority in Ecuador, Venezuela, Costa Rica, and Panama. The governments of Colombia and Ecuador continued to meet throughout the year regarding the situation of Colombian refugees in Ecuador.

Government and/or civilian efforts to address and prosecute violators of the human rights of IDPs.

The Victims' Unit, created under the 2011 Victims' and Land Restitution Law (Victims' Law), registered 66,634 IDPs between January and December 2012, of which 51,546 were related to displacements that occurred in 2012. Of this total, the Unit noted that 9,394 were women who identified themselves as heads of household. Victims' Unit statistics showed that new displacements primarily occurred in areas where narcotics cultivation and trafficking persisted, especially where guerrilla groups and organized criminal gangs were present.

In 2011, the Prosecutor General's Office created a specialized unit for investigating and prosecuting cases of forced displacement and disappearances. The unit received 98 new cases for investigation during the course of 2012.

Several international organizations, international NGOs, and domestic nonprofit groups, including the International Organization for Migration, World Food Program, ICRC, and Colombian Red Cross, coordinated with the government to provide emergency relief and long-term assistance to displaced populations. Despite improvements in IDP assistance, critics argue that mechanisms for implementation and enforcement of the Victims' Law and other government initiatives have been slow to develop, resulting in delays for delivery of humanitarian assistance and other mid- to long-term assistance, including shelter and income generation training.

Remaining challenges to improving human rights protections for IDPs in Colombia.

International organizations and NGOs have pointed out many challenges in implementation of assistance and other mechanisms for IDPs under the Victims' Law, including delays in registration of claims and in provision of both humanitarian and mid- to long-term assistance in housing and income generation. The Victims' Unit and other government entities worked throughout 2012 and 2013 to identify and resolve issues, including a major backlog in claims that build up between January and May 2012, before criteria for the adjudication of victims' claims were published. The backlog is now resolved, though delays continue in taking and processing declarations. International organizations and civil society expressed concern over urban displacement caused by violence stemming from territorial disputes between criminal gangs, some of which had links to larger criminal and narcotics trafficking groups. Between January and September 2012, the government registered 3,653 persons as intra-urban IDPs. Threats, recruitment by illegal armed groups, homicides, and physical and sexual violence were the primary causes of intra-urban displacement. CODHES reported over 9,000 intra-urban IDPs in 2012.

HRW and OHCHR stated that claimants and state authorities involved in the land restitution process continued to face threats and attacks. The Inter-American Commission on Human Rights and the UN OHCHR argued that improved security for land restitution claimants is needed, as well as stronger regional and national institutions and prosecutions of those undermining the land restitution process. According to a July 2013 report by the Historical Memory Group, land restitution judges have granted restitution in one percent of the 31,111 claims received under the Victims' Law. Of the 6.5 million hectares of land allegedly abandoned since 1958, 13,000 hectares have been provided as restitution for victims. In addition, OHCHR reported that 24 land restitution judges and 15 magistrates were appointed in 2012.

In a July 2012 report, HRW argued that displaced women and girls were at an increased risk of gender-based violence (GBV). Despite government laws, policies, and programs to address such violence, HRW argues that lack of training and poor implementation impedes IDP victims' access to medical assistance and other forms of care. IACHR also argues that displaced women faced difficulties to access land restitution because they often lack means to prove formal links to the land and land ownership.

UNHCR, ICRC, and NGOs reported that displaced persons continued to experience delays in registering displacement claims due to a lack of human resources and capacity at the local level. International organizations and civil society groups reported that a continuing lack of local capacity to accept registrations often delayed assistance to claimants by several weeks or months. Intense fighting and insecurity in conflict zones, including areas in the departments of Antioquia, Cauca, and Nariño, sometimes delayed national and international aid organizations from accessing newly displaced populations. CODHES cited the government's denial of many registrations, lack of access to the registration system in some areas, and fear of retaliation from illegal armed groups as obstacles to full registration. In June, the Constitutional Court ruled that persons displaced by generalized violence, which includes those who are displaced by threats and violence from BACRIM, must receive the full range of benefits under the Victims' Law. The Victims' Unit is working on the technical arrangements to accommodate the Court's ruling.

Distinguishing Between Civilians and Combatants

As reported in the previous certification, the Colombian Armed Forces have taken steps to distinguish between civilians and combatants in operations by developing and disseminating an Operational Law Manual and Rules of Engagement (ROE), and working to strengthen operational discipline through legal advising, training, and other measures.

During the certification period, the Strategic Review and Innovation Committee (CREI) modified the Operational Law Manual and ROEs to account for operational realities and needs, and to seek greater buy-in and application by all commanders at the operational and tactical levels. The CREI developed a new Practical Guide for the Use of Force, with glossaries and checklists to facilitate interpretation and application of the Operational Law Manual. In 2013, the CREI re-launched the Operational Law Handbook for Legal Advisors (second edition) and developed a broad training plan exclusively for Army, Navy, and Air Force Legal Advisors.

Operational Legal Advisors (AJOs) permanently advise commanders in the planning, implementation, and evaluation of operations to ensure the observance of human rights and international humanitarian law principles and norms. The Ministry of Defense reported continued efforts to strengthen the role of the AJOs. As of July 2013, there were 171 AJOs

currently serving in the armed forces, an increase from the 169 reported in 2012 and 124 reported in 2011. There are 140 AJOs in the Army, 14 in the Navy, and 18 in the Air Force.

The Ministry of Defense continues to build the capacity of AJOs through training, outreach, and career development opportunities. To date, the military has provided human rights training to 110 AJOs. Members of the armed forces, including AJOs, continued to receive training in the Human Rights Manual and ROEs.

The Ministry of Defense reports a continued effort to strengthen the role of inspector delegates. The Colombian security forces currently have 10 inspector delegates responsible for monitoring and evaluating the effectiveness of human rights law and international humanitarian law controls in the armed forces and documenting violations, assigned to the Armed Forces' Central Command. As previously reported, the Immediate Inspection Commission (CII) is operational and has been activated to follow up on special cases where serious violations of human rights or breaches of international humanitarian law may have occurred.

Relations between the Armed Forces and Vulnerable Communities

The armed forces continued to take steps to improve communication with and respect for the rights of members of vulnerable communities, particularly members of indigenous communities. However, relations remain tense in some areas, particularly where communities suspect or allege collusion between the armed forces and illegal armed groups.

The Ministry of Defense, in coordination with the Armed Forces General Command and the National Police and indigenous communities, developed the Policy for Indigenous Peoples to strengthen the military's ability to provide protection and maintain a positive relationship with this community. Members of distinct brigades and battalions have helped with construction projects, and also programmed and participated in day-long activities and medical services brigades in indigenous communities. The Navy reported it had 18 stations located in indigenous communities from which Navy officials conduct and report on monthly outreach with indigenous communities. As previously reported, there are four indigenous affairs offices in the armed forces: in the general command and the commands of the Army, Navy, and Air Force. At the regional level, there

are 73 liaisons to indigenous communities. These offices and liaison officers receive and process complaints as part of the human rights complaints processing system.

The armed forces continued to participate in high-level dialogue with human rights defenders and social and community leaders, including at the December National Social Dialogue in Bogota. The military participated in each of the six thematic discussion groups.

The military continued to collaborate with the National Protection Unit, supporting efforts to identify personal and geographic risks to vulnerable populations and coordinate routine patrols.

Improving Human Rights and International Humanitarian Law Performance

The Colombian government continues to make progress in improving the armed forces' compliance with international humanitarian law and human rights law by implementing and enhancing procedures to distinguish between civilians and combatants, along with training and other programs. The Ministry of Defense continued to include mandatory human rights and IHL training for all new members of the Armed Forces. The Ministry of Defense has a Comprehensive Human Rights and International Humanitarian Law Policy available on its website:

http://www.mindefensa.gov.co/irj/go/km/docs/Mindefensa/Documentos/descargas/Asuntos_de_Interes/Derechos_Humanos/docs_nweb/Politica_DDHH_MDN_ENG.pdf

Human Rights Training

The Ministry, through its Armed Forces Education System, continues to provide and enhance training in human rights and IHL across the armed forces through curricular and extracurricular programs. In 2012, a total of 330,679 members of the armed forces received human rights and IHL training. The armed forces also developed a radio program "Generation Human Rights," a daily hour of programming on the military radio station, and a theatre act "Mabru Applied IHL and Shone in the War." In the first quarter of 2013, the Ministry used these tools to train 43,597 members of the military.

The Colombian Vice President's Office continued to utilize cooperation agreements with U.S. SOUTHCOM and the U.S. Department of Justice's Office of Overseas Prosecutorial Development, Assistance and Training (OPDAT) to provide seminars and courses on human rights to representatives of the military justice sector, consistent with the appropriate jurisdictional scope of the military justice system under international human rights law.